

Laws
of the
State of Maryland

At the Session of the General Assembly Begun and Held in the
City of Annapolis on the Tenth Day of January 2018
and Ending on the Ninth Day of April 2018

Bills vetoed by the Governor appear after the Laws

VOLUME I

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Laws of Maryland

MARYLAND, Sct.:

At a Session of the General Assembly of Maryland, begun and held in the City of Annapolis on the Tenth Day of January 2018, and ending on the Ninth Day of April 2018, Lawrence J. Hogan, Jr., being Governor of the State, the following laws were enacted, to wit:

Chapter 1

(House Bill 1 of the 2017 Regular Session)

AN ACT concerning

Labor and Employment – Maryland Healthy Working Families Act

FOR the purpose of requiring certain employers to provide employees with certain earned sick and safe leave; providing that, except under certain circumstances, certain employees of a unit of State or local government are subject to certain provisions of the unit's laws, regulations, policies, and procedures under certain circumstances; prohibiting an employer from being required to pay a tipped employee more than a certain wage for earned sick and safe leave; providing for the method of determining whether an employer is required to provide paid or unpaid earned sick and safe leave; providing for the manner in which earned sick and safe leave is accrued by the employee and treated by the employer; authorizing an employer, under certain circumstances, to deduct the amount paid for earned sick and safe leave from the wages paid to an employee on the termination of employment under a certain provision of law; prohibiting an employer from being required to pay out on the termination of employment certain earned sick and safe leave; requiring an employer to allow an employee to use earned sick and safe leave for certain purposes; authorizing an employer to require an employee to provide certain notice under certain circumstances; requiring an employee, under certain circumstances, to provide certain notice to the employer; authorizing an employer to deny a request for leave under certain circumstances; prohibiting an employer from requiring that a certain employee search for or find an individual to work in the employee's stead during a certain period of time; authorizing an employee to work additional hours or trade shifts with another employee instead of taking earned sick and safe leave, under certain circumstances; providing that an employee is not required to accept a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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

Italics indicate opposite chamber / conference committee amendments.

certain offer; providing that an employer is not required to consent to a certain request under certain circumstances; prohibiting an employer, under certain circumstances, from being required to pay more than a certain rate ~~or allowing an employee to work certain hours or shifts~~; prohibiting an employer, under certain circumstances, from deducting a certain absence from a certain employee's earned sick and safe leave; requiring an employer to offer a certain employee employed in the restaurant industry the employee's base rate of pay for the employee's absence, except under certain circumstances; authorizing an employer, in lieu of offering to pay a certain employee the employee's base rate of pay, to offer an additional shift of the same number of hours within a certain time frame; authorizing an employer to deduct accrued earned sick and safe leave for leave taken under certain circumstances; authorizing an employee to take earned sick and safe leave in certain increments of time, subject to a certain limitation; authorizing an employer, under certain circumstances, to require an employee to provide certain verification; requiring an employer to notify the employees that the employees are entitled to certain earned sick and safe leave; specifying the information that must be included in the notice; requiring the Commissioner of Labor and Industry to create and make available a certain poster and notice; requiring the Commissioner to develop a certain model sick and safe leave policy for use by certain employers for certain purposes; requiring the Commissioner to provide technical assistance to certain employers under certain circumstances; requiring the Department of Labor, Licensing, and Regulation to post a certain notice and model on a certain Web site in a certain format; requiring an employer to keep certain records for a certain time period; authorizing the Commissioner to inspect certain records; establishing a rebuttable presumption that an employer has violated certain provisions of this Act under certain circumstances; ~~prohibiting an employer from being assessed a certain civil penalty under certain circumstances~~; ~~providing for the liability of certain payroll service providers~~ authorizing the Commissioner to waive a certain civil penalty under certain circumstances; requiring and authorizing the Commissioner to take certain acts when the Commissioner receives a certain written complaint; specifying the contents that are required to be included and may be included in a certain order issued by the Commissioner; subjecting certain acts to certain hearing and notice requirements; requiring an employer to comply with a certain order within a certain time period; authorizing an employee to bring a civil action in a certain court against an employer for a violation of certain provisions of this Act within a certain time period; ~~requiring~~ authorizing a court to award certain damages, fees, and injunctive relief under certain circumstances; establishing certain prohibited acts; providing for certain criminal penalties; providing that certain protections apply to certain employees; authorizing the Commissioner to adopt regulations to carry out certain provisions of this Act; authorizing the Commissioner to conduct an investigation, under certain circumstances, to determine whether certain provisions of this Act have been violated; requiring the Commissioner, except under certain circumstances, to keep certain information confidential; providing for the construction of certain provisions of this Act; providing that this Act preempts the authority of a local jurisdiction to enact a law on or after a certain date that provides for certain sick and safe leave provided by certain employers; authorizing certain jurisdictions to amend certain sick and safe leave laws enacted before a certain date; providing for the application of this Act; providing for

a delayed effective date; defining certain terms; and generally relating to earned sick and safe leave.

BY repealing and reenacting, with amendments,
 Article – Labor and Employment
 Section 2–106(b)
 Annotated Code of Maryland
 (2016 Replacement Volume)

BY adding to
 Article – Labor and Employment
 Section 3–103(k); and 3–1301 through 3–1311 to be under the new subtitle “Subtitle
 13. Healthy Working Families Act”
 Annotated Code of Maryland
 (2016 Replacement Volume)

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

Article – Labor and Employment

2–106.

(b) Except as provided in subsection (c) of this section, and in addition to authority to adopt regulations that is set forth elsewhere, the Commissioner may adopt regulations that are necessary to carry out:

- (1) Title 3, Subtitle 3 of this article;
- (2) Title 3, Subtitle 5 of this article;
- (3) TITLE 3, SUBTITLE 13 OF THIS ARTICLE;**
- ~~(3)~~ (4) Title 4, Subtitle 2, Parts I through III of this article;
- ~~(4)~~ (5) Title 5 of this article;
- ~~(5)~~ (6) Title 6 of this article; and
- ~~(6)~~ (7) Title 7 of this article.

3–103.

(K) (1) THE COMMISSIONER MAY CONDUCT AN INVESTIGATION TO DETERMINE WHETHER SUBTITLE 13 OF THIS TITLE HAS BEEN VIOLATED ON RECEIPT OF A WRITTEN COMPLAINT BY AN EMPLOYEE.

(2) TO THE EXTENT PRACTICABLE, THE COMMISSIONER SHALL KEEP CONFIDENTIAL THE IDENTITY OF AN EMPLOYEE WHO HAS FILED A WRITTEN COMPLAINT ALLEGING A VIOLATION OF SUBTITLE 13 OF THIS TITLE UNLESS THE EMPLOYEE WAIVES CONFIDENTIALITY.

SUBTITLE 13. HEALTHY WORKING FAMILIES ACT.

3-1301.

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

(B) “ABUSE” HAS THE MEANING STATED IN § 4-501 OF THE FAMILY LAW ARTICLE.

(C) “DOMESTIC VIOLENCE” MEANS ABUSE AGAINST AN INDIVIDUAL ELIGIBLE FOR RELIEF.

(D) “EARNED SICK AND SAFE LEAVE” MEANS ~~PAID~~ LEAVE AWAY FROM WORK THAT IS PROVIDED BY AN EMPLOYER UNDER § 3-1304 OF THIS SUBTITLE.

(E) “EMPLOYEE” DOES NOT INCLUDE AN INDIVIDUAL WHO:

(1) PERFORMS WORK UNDER A CONTRACT OF HIRE THAT IS DETERMINED NOT TO BE COVERED EMPLOYMENT UNDER § 8-205 OF THIS ARTICLE;

(2) IS NOT A COVERED EMPLOYEE UNDER § 9-222 OF THIS ARTICLE;

(3) IS UNDER THE AGE OF 18 YEARS BEFORE THE BEGINNING OF THE YEAR; ~~OR~~

(4) IS EMPLOYED IN THE AGRICULTURAL SECTOR ON AN AGRICULTURAL OPERATION UNDER § 5-403(A) OF THE COURTS ARTICLE;

(5) IS EMPLOYED BY A TEMPORARY SERVICES AGENCY TO PROVIDE TEMPORARY STAFFING SERVICES TO ANOTHER PERSON IF THE TEMPORARY SERVICES AGENCY DOES NOT HAVE DAY-TO-DAY CONTROL OVER THE WORK ASSIGNMENTS AND SUPERVISION OF THE INDIVIDUAL WHILE THE INDIVIDUAL IS PROVIDING THE TEMPORARY STAFFING SERVICES; OR

(6) IS DIRECTLY EMPLOYED BY AN EMPLOYMENT AGENCY TO PROVIDE PART-TIME OR TEMPORARY SERVICES TO ANOTHER PERSON.

(F) **“EMPLOYER” INCLUDES:**

- (1) A UNIT OF STATE OR LOCAL GOVERNMENT; AND
- (2) A PERSON THAT ACTS DIRECTLY OR INDIRECTLY IN THE INTEREST OF ANOTHER EMPLOYER WITH AN EMPLOYEE.

(G) **“FAMILY MEMBER” MEANS:**

- (1) A BIOLOGICAL CHILD, AN ADOPTED CHILD, A FOSTER CHILD, OR A STEPCHILD OF THE EMPLOYEE;
- (2) A CHILD FOR WHOM THE EMPLOYEE HAS LEGAL OR PHYSICAL CUSTODY OR GUARDIANSHIP;
- (3) A CHILD FOR WHOM THE EMPLOYEE STANDS IN LOCO PARENTIS, REGARDLESS OF THE CHILD’S AGE;
- (4) A BIOLOGICAL PARENT, AN ADOPTIVE PARENT, A FOSTER PARENT, OR A STEPPARENT OF THE EMPLOYEE OR OF THE EMPLOYEE’S SPOUSE;
- (5) THE LEGAL GUARDIAN OF THE EMPLOYEE;
- (6) AN INDIVIDUAL WHO ACTED AS A PARENT OR STOOD IN LOCO PARENTIS TO THE EMPLOYEE OR THE EMPLOYEE’S SPOUSE WHEN THE EMPLOYEE OR THE EMPLOYEE’S SPOUSE WAS A MINOR;
- (7) THE SPOUSE OF THE EMPLOYEE;
- (8) A BIOLOGICAL GRANDPARENT, AN ADOPTED GRANDPARENT, A FOSTER GRANDPARENT, OR A STEPGRANDPARENT OF THE EMPLOYEE;
- (9) A BIOLOGICAL GRANDCHILD, AN ADOPTED GRANDCHILD, A FOSTER GRANDCHILD, OR A STEPGRANDCHILD OF THE EMPLOYEE; OR
- (10) A BIOLOGICAL SIBLING, AN ADOPTED SIBLING, A FOSTER SIBLING, OR A STEPSIBLING OF THE EMPLOYEE.

(H) **“PERSON ELIGIBLE FOR RELIEF” HAS THE MEANING STATED IN § 4-501 OF THE FAMILY LAW ARTICLE.**

(I) **“RESTAURANT” MEANS AN ESTABLISHMENT THAT:**

- (1) **ACCOMMODATES THE PUBLIC;**

(2) IS EQUIPPED WITH A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS; AND

(3) HAS AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.

(J) “SEXUAL ASSAULT” MEANS:

(1) RAPE, SEXUAL OFFENSE, OR ANY OTHER ACT THAT IS A SEXUAL CRIME UNDER TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE;

(2) CHILD SEXUAL ABUSE UNDER § 3-602 OF THE CRIMINAL LAW ARTICLE; OR

(3) SEXUAL ABUSE OF A VULNERABLE ADULT UNDER § 3-604 OF THE CRIMINAL LAW ARTICLE.

~~(J)~~ (K) “STALKING” HAS THE MEANING STATED IN § 3-802 OF THE CRIMINAL LAW ARTICLE.

~~(K)~~ (L) UNLESS THE CONTEXT REQUIRES OTHERWISE, “YEAR” MEANS A REGULAR AND CONSECUTIVE 12-MONTH PERIOD AS DETERMINED BY THE EMPLOYER.

3-1302.

(A) IN THIS SECTION, “EXISTING PAID LEAVE” INCLUDES:

(1) VACATION DAYS;

(2) SICK DAYS;

(3) SHORT-TERM DISABILITY BENEFITS;

(4) FLOATING HOLIDAYS;

(5) PARENTAL LEAVE; AND

(6) OTHER PAID TIME OFF THAT MAY BE USED UNDER THE TERMS AND CONDITIONS AS PAID SICK AND SAFE LEAVE.

(B) THIS SUBTITLE MAY NOT BE CONSTRUED TO:

(1) REQUIRE AN EMPLOYER TO COMPENSATE AN EMPLOYEE FOR UNUSED EARNED SICK AND SAFE LEAVE WHEN THE EMPLOYEE LEAVES THE EMPLOYER'S EMPLOYMENT;

(2) REQUIRE AN EMPLOYER TO MODIFY AN EXISTING PAID LEAVE POLICY IF:

(I) THE POLICY PERMITS AN EMPLOYEE TO ACCRUE AND USE LEAVE UNDER TERMS AND CONDITIONS THAT ARE AT LEAST EQUIVALENT TO THE EARNED SICK AND SAFE LEAVE PROVIDED FOR UNDER THIS SUBTITLE; OR

(II) THE PAID LEAVE POLICY DOES NOT REDUCE EMPLOYEE COMPENSATION FOR AN ABSENCE DUE TO SICK OR SAFE LEAVE;

(3) EXCEPT AS PROVIDED IN SUBSECTION ~~(C)~~ (D) OF THIS SECTION, PREEMPT, LIMIT, OR OTHERWISE AFFECT ANY OTHER LAW THAT PROVIDES FOR SICK AND SAFE LEAVE BENEFITS THAT ARE MORE GENEROUS THAN REQUIRED UNDER THIS SUBTITLE;

(4) PREEMPT, LIMIT, OR OTHERWISE AFFECT ANY WORKERS' COMPENSATION BENEFITS THAT ARE AVAILABLE UNDER TITLE 9 OF THIS ARTICLE; OR

(5) PROHIBIT AN EMPLOYER FROM ADOPTING AND ENFORCING A POLICY THAT LIMITS AN EMPLOYEE TO USING EARNED SICK AND SAFE LEAVE ONLY FOR THE REASONS LISTED IN § 3-1305(A) OF THIS SUBTITLE PROHIBITS THE IMPROPER USE OF EARNED SICK AND SAFE LEAVE, INCLUDING PROHIBITING A PATTERN OF ABUSE OF EARNED SICK AND SAFE LEAVE.

~~(B)~~ (C) FOR THE PURPOSES OF SUBSECTION ~~(A)(2)~~ (B)(2) OF THIS SECTION, THE TERMS AND CONDITIONS OF A PAID LEAVE POLICY SHALL BE PRESUMED TO BE EQUIVALENT IF THE TERMS AND CONDITIONS ALLOW AN EMPLOYEE TO:

(1) ACCESS AND ACCRUE PAID LEAVE AT THE SAME RATE OR AT A GREATER RATE THAN PROVIDED FOR IN § 3-1304 OF THIS SUBTITLE; AND

(2) USE THE PAID LEAVE FOR THE PURPOSES LISTED IN § 3-1305 OF THIS SUBTITLE.

~~(C)~~ (D) (1) THIS EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS SUBTITLE PREEMPTS THE AUTHORITY OF A LOCAL JURISDICTION TO ENACT A LAW ON OR AFTER JANUARY 1, 2017, THAT REGULATES

SICK AND SAFE LEAVE PROVIDED BY AN EMPLOYER OTHER THAN THE LOCAL JURISDICTION.

(2) THIS SUBSECTION DOES NOT PREEMPT A LOCAL JURISDICTION FROM AMENDING A LAW THAT WAS ENACTED BEFORE JANUARY 1, 2017, AND REGULATES SICK AND SAFE LEAVE PROVIDED BY AN EMPLOYER.

3-1303.

(A) THIS SUBTITLE DOES NOT APPLY TO AN EMPLOYEE WHO:

(1) REGULARLY WORKS LESS THAN § 12 HOURS A WEEK FOR AN EMPLOYER; ~~OR~~

(2) (I) IS EMPLOYED IN THE CONSTRUCTION INDUSTRY; AND

(II) IS COVERED BY A BONA FIDE COLLECTIVE BARGAINING AGREEMENT IN WHICH THE REQUIREMENTS OF THIS SUBTITLE ARE EXPRESSLY WAIVED IN CLEAR AND UNAMBIGUOUS TERMS; OR

(3) (I) IS CALLED TO WORK BY THE EMPLOYER ON AN AS-NEEDED BASIS IN A HEALTH OR HUMAN SERVICES INDUSTRY;

(II) CAN REJECT OR ACCEPT THE SHIFT OFFERED BY THE EMPLOYER;

(III) IS NOT GUARANTEED TO BE CALLED ON TO WORK BY THE EMPLOYER; AND

(IV) IS NOT EMPLOYED BY A TEMPORARY STAFFING AGENCY.

(B) FOR THE PURPOSE OF SUBSECTION (A)(2)(I) OF THIS SECTION, AN EMPLOYEE WHO IS EMPLOYED IN THE CONSTRUCTION INDUSTRY DOES NOT INCLUDE AN EMPLOYEE EMPLOYED AS:

(1) A JANITOR;

(2) A BUILDING CLEANER;

(3) A BUILDING SECURITY OFFICER;

(4) A CONCIERGE;

(5) A DOORPERSON;

- (6) A HANDYPERSON; OR
- (7) A BUILDING SUPERINTENDENT.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF A UNIT OF STATE OR LOCAL GOVERNMENT'S SICK LEAVE ACCRUAL AND USE REQUIREMENTS MEET OR EXCEED THE SICK AND SAFE LEAVE PROVIDED FOR UNDER THIS SUBTITLE, EMPLOYEES OF THE UNIT OF STATE OR LOCAL GOVERNMENT WHO ARE PART OF THE UNIT'S PERSONNEL SYSTEM ARE SUBJECT TO THE UNIT'S LAWS, REGULATIONS, POLICIES, AND PROCEDURES PROVIDING FOR:

- (I) ACCRUAL AND USE OF SICK LEAVE;**
- (II) GRIEVANCES; AND**
- (III) DISCIPLINARY ACTIONS.**

(2) EMPLOYEES OF A UNIT OF STATE GOVERNMENT THAT ARE ENTITLED TO SICK AND SAFE LEAVE UNDER THIS SUBTITLE AND WHO ARE NOT COVERED BY THE UNIT'S SICK LEAVE AND ACCRUAL AND USE REQUIREMENTS ARE SUBJECT TO § 3-1308 OF THIS SUBTITLE.

3-1304.

(A) (1) ~~(I)~~ AN SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, AN EMPLOYER THAT EMPLOYS 15 OR MORE EMPLOYEES SHALL PROVIDE AN EMPLOYEE WITH EARNED SICK AND SAFE LEAVE THAT IS PAID AT THE SAME WAGE RATE AS THE EMPLOYEE NORMALLY EARNS.

~~(2)~~ (II) AN EMPLOYER THAT EMPLOYS 14 OR FEWER EMPLOYEES SHALL AT LEAST PROVIDE AN EMPLOYEE WITH UNPAID EARNED SICK AND SAFE LEAVE.

(III) AN EMPLOYER MAY NOT BE REQUIRED TO PAY A TIPPED EMPLOYEE MORE THAN THE APPLICABLE MINIMUM WAGE FOR EARNED SICK AND SAFE LEAVE.

~~(3)~~ (2) (I) FOR THE PURPOSE OF DETERMINING WHETHER AN EMPLOYER IS REQUIRED TO PROVIDE PAID OR UNPAID EARNED SICK AND SAFE LEAVE UNDER THIS SUBSECTION, THE NUMBER OF EMPLOYEES OF AN EMPLOYER SHALL BE DETERMINED BY CALCULATING THE AVERAGE MONTHLY NUMBER OF EMPLOYEES EMPLOYED BY THE EMPLOYER DURING THE IMMEDIATELY PRECEDING YEAR.

(II) EACH EMPLOYEE OF AN EMPLOYER SHALL BE INCLUDED IN THE CALCULATION MADE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH WITHOUT REGARD TO WHETHER THE EMPLOYEE IS A FULL-TIME, PART-TIME, TEMPORARY, OR SEASONAL EMPLOYEE OR WOULD BE ELIGIBLE FOR EARNED SICK AND SAFE LEAVE BENEFITS UNDER THIS SUBSECTION.

(B) THE EARNED SICK AND SAFE LEAVE PROVIDED UNDER SUBSECTION (A) OF THIS SECTION SHALL ACCRUE AT A RATE OF AT LEAST 1 HOUR FOR EVERY 30 HOURS AN EMPLOYEE WORKS.

(C) AN EMPLOYER MAY NOT BE REQUIRED TO ALLOW AN EMPLOYEE TO:

(1) EARN MORE THAN ~~56~~ 40 HOURS OF EARNED SICK AND SAFE LEAVE IN A YEAR;

(2) USE MORE THAN ~~80~~ 64 HOURS OF EARNED SICK AND SAFE LEAVE IN A YEAR;

(3) ACCRUE A TOTAL OF MORE THAN ~~80~~ 64 HOURS AT ANY TIME; ~~OR~~

(4) USE EARNED SICK AND SAFE LEAVE DURING THE FIRST ~~90~~ 106 CALENDAR DAYS THE EMPLOYEE WORKS FOR THE EMPLOYER ~~OR THE FIRST 480 HOURS WORKED, WHICHEVER IS SHORTER; OR~~

(5) ACCRUE EARNED SICK AND SAFE LEAVE DURING A:

(I) 2-WEEK PAY PERIOD IN WHICH THE EMPLOYEE WORKED FEWER THAN ~~16~~ 24 HOURS TOTAL;

(II) 1-WEEK PAY PERIOD IF THE EMPLOYEE WORKED FEWER THAN A COMBINED TOTAL OF ~~16~~ 24 HOURS IN THE CURRENT AND THE IMMEDIATELY PRECEDING PAY PERIOD; OR

(III) PAY PERIOD IN WHICH:

1. THE EMPLOYEE IS PAID TWICE A MONTH REGARDLESS OF THE NUMBER OF WEEKS IN A PAY PERIOD; AND

2. THE EMPLOYEE WORKED FEWER THAN ~~17.3~~ 26 HOURS IN THE PAY PERIOD.

(D) AT THE BEGINNING OF EACH YEAR, AN EMPLOYER MAY AWARD TO AN EMPLOYEE THE FULL AMOUNT OF EARNED SICK AND SAFE LEAVE THAT AN

EMPLOYEE WOULD EARN OVER THE COURSE OF THE YEAR RATHER THAN AWARDING THE LEAVE AS THE LEAVE ACCRUES DURING THE YEAR.

(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, FOR THE PURPOSES OF CALCULATING THE ACCRUAL OF EARNED SICK AND SAFE LEAVE, AN EMPLOYEE WHO IS EXEMPT FROM OVERTIME WAGE REQUIREMENTS UNDER THE FEDERAL FAIR LABOR STANDARDS ACT IS ASSUMED TO WORK 40 HOURS EACH WORKWEEK.

(2) IF THE EMPLOYEE'S NORMAL WORKWEEK IS LESS THAN 40 HOURS, THE NUMBER OF HOURS IN THE NORMAL WORKWEEK SHALL BE USED.

(F) EARNED SICK AND SAFE LEAVE SHALL BEGIN TO ACCRUE:

(1) JANUARY 1, 2018; OR

(2) IF THE EMPLOYEE IS HIRED AFTER JANUARY 1, 2018, THE DATE ON WHICH THE EMPLOYEE BEGINS EMPLOYMENT WITH THE EMPLOYER.

(G) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, IF AN EMPLOYEE HAS UNUSED EARNED SICK AND SAFE LEAVE AT THE END OF EACH YEAR, THE EMPLOYEE MAY CARRY OVER THE BALANCE OF THE EARNED SICK AND SAFE LEAVE TO THE FOLLOWING YEAR.

(2) AN EMPLOYER MAY NOT BE REQUIRED TO ALLOW AN EMPLOYEE TO CARRY OVER MORE THAN ~~56~~ 40 HOURS OF EARNED SICK AND SAFE LEAVE UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) AN EMPLOYER MAY NOT BE REQUIRED TO ALLOW AN EMPLOYEE TO CARRY OVER UNUSED EARNED SICK AND SAFE LEAVE UNDER PARAGRAPH (1) OF THIS SUBSECTION IF:

(I) THE EMPLOYER AWARDS THE EMPLOYEE THE FULL AMOUNT OF EARNED SICK AND SAFE LEAVE AT THE BEGINNING OF EACH YEAR UNDER SUBSECTION (D) OF THIS SECTION; OR

(II) ~~THE EMPLOYMENT OF THE EMPLOYEE IS CONTINGENT ON THE EMPLOYER RECEIVING A GRANT~~ EMPLOYEE IS EMPLOYED BY A NONPROFIT ENTITY OR A GOVERNMENTAL UNIT IN ACCORDANCE WITH A GRANT, THE DURATION OF WHICH IS LIMITED TO 1 YEAR AND IS NOT SUBJECT TO RENEWAL.

(H) IF AN EMPLOYEE IS REHIRED BY THE EMPLOYER WITHIN ~~9 MONTHS~~ 37 WEEKS AFTER LEAVING THE EMPLOYMENT OF THE EMPLOYER, THE EMPLOYER SHALL REINSTATE ANY UNUSED EARNED SICK AND SAFE LEAVE THAT THE

EMPLOYEE HAD WHEN THE EMPLOYEE LEFT THE EMPLOYMENT OF THE EMPLOYER UNLESS THE EMPLOYER VOLUNTARILY PAID OUT THE UNUSED EARNED SICK AND SAFE LEAVE ON THE TERMINATION OF EMPLOYMENT.

(I) (1) AN EMPLOYER MAY ALLOW AN EMPLOYEE TO USE EARNED SICK AND SAFE LEAVE BEFORE THE EMPLOYEE ACCRUES THE AMOUNT NEEDED.

(2) IF AN EMPLOYEE IS ALLOWED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO USE EARNED SICK AND SAFE LEAVE BEFORE IT HAS ACCRUED, THE EMPLOYER MAY DEDUCT THE AMOUNT PAID FOR THE EARNED SICK AND SAFE LEAVE FROM THE WAGES PAID TO THE EMPLOYEE ON THE TERMINATION OF EMPLOYMENT UNDER § 3-505 OF THIS TITLE IF:

(I) THE EMPLOYER AND EMPLOYEE MUTUALLY CONSENTED TO THE DEDUCTION AS EVIDENCED BY A DOCUMENT SIGNED BY THE EMPLOYEE; AND

(II) THE EMPLOYEE LEAVES THE EMPLOYMENT OF THE EMPLOYER BEFORE THE EMPLOYEE HAS ACCRUED THE AMOUNT OF EARNED SICK AND SAFE LEAVE THAT WAS USED.

(J) AN EMPLOYER MAY NOT BE REQUIRED TO PAY OUT ON THE TERMINATION OF EMPLOYMENT UNUSED EARNED SICK AND SAFE LEAVE ACCRUED BY AN EMPLOYEE.

(K) AN EMPLOYER WHO ACQUIRES, BY SALE OR OTHERWISE, ANOTHER EMPLOYER SHALL ALLOW ALL EMPLOYEES OF THE ORIGINAL EMPLOYER WHO REMAIN EMPLOYED BY THE SUCCESSOR EMPLOYER TO RETAIN ALL UNUSED EARNED SICK AND SAFE LEAVE ACCRUED DURING EMPLOYMENT WITH THE ORIGINAL EMPLOYER.

3-1305.

(A) AN EMPLOYER SHALL ALLOW AN EMPLOYEE TO USE EARNED SICK AND SAFE LEAVE:

(1) TO CARE FOR OR TREAT THE EMPLOYEE'S MENTAL OR PHYSICAL ILLNESS, INJURY, OR CONDITION;

(2) TO OBTAIN PREVENTIVE MEDICAL CARE FOR THE EMPLOYEE OR EMPLOYEE'S FAMILY MEMBER;

(3) TO CARE FOR A FAMILY MEMBER WITH A MENTAL OR PHYSICAL ILLNESS, INJURY, OR CONDITION; ~~OR~~

(4) FOR MATERNITY OR PATERNITY LEAVE; OR

~~(4)~~ (5) IF:

(I) THE ABSENCE FROM WORK IS NECESSARY DUE TO DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING COMMITTED AGAINST THE EMPLOYEE OR THE EMPLOYEE'S FAMILY MEMBER; AND

(II) THE LEAVE IS BEING USED:

1. BY THE EMPLOYEE TO OBTAIN FOR THE EMPLOYEE OR THE EMPLOYEE'S FAMILY MEMBER:

A. MEDICAL OR MENTAL HEALTH ATTENTION THAT IS RELATED TO THE DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING;

B. SERVICES FROM A VICTIM SERVICES ORGANIZATION RELATED TO THE DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING; OR

C. LEGAL SERVICES OR PROCEEDINGS RELATED TO OR RESULTING FROM THE DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING; OR

2. DURING THE TIME THAT THE EMPLOYEE HAS TEMPORARILY RELOCATED DUE TO THE DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING.

(B) (1) IF THE NEED TO USE EARNED SICK AND SAFE LEAVE IS FORESEEABLE, AN EMPLOYER MAY REQUIRE AN EMPLOYEE TO PROVIDE REASONABLE ADVANCE NOTICE OF NOT MORE THAN 7 DAYS BEFORE THE DATE THE EARNED SICK AND SAFE LEAVE WOULD BEGIN.

(2) IF THE NEED TO USE EARNED SICK AND SAFE LEAVE IS NOT FORESEEABLE, AN EMPLOYEE SHALL:

(I) PROVIDE NOTICE TO AN EMPLOYER AS SOON AS PRACTICABLE; AND

(II) GENERALLY COMPLY WITH THE EMPLOYER'S NOTICE OR PROCEDURAL REQUIREMENTS FOR REQUESTING OR REPORTING OTHER LEAVE, IF THOSE REQUIREMENTS DO NOT INTERFERE WITH THE EMPLOYEE'S ABILITY TO USE EARNED SICK AND SAFE LEAVE.

(3) AN EMPLOYER MAY DENY A REQUEST TO TAKE EARNED SICK AND SAFE LEAVE IF:

(I) 1. AN EMPLOYEE FAILS TO PROVIDE THE NOTICE REQUIRED UNDER PARAGRAPHS (1) OR (2) OF THIS SUBSECTION; AND

~~(H)~~ 2. THE EMPLOYEE'S ABSENCE WILL CAUSE A DISRUPTION TO THE EMPLOYER; OR

(II) 1. THE EMPLOYER IS A PRIVATE EMPLOYER LICENSED UNDER TITLE 7 OR TITLE 10 OF THE HEALTH – GENERAL ARTICLE TO PROVIDE SERVICES TO DEVELOPMENTALLY DISABLED OR MENTALLY ILL INDIVIDUALS;

2. THE NEED TO USE EARNED SICK AND SAFE LEAVE IS FORESEEABLE;

3. AFTER EXERCISING REASONABLE EFFORTS, THE EMPLOYER IS UNABLE TO PROVIDE A SUITABLE REPLACEMENT EMPLOYEE; AND

4. THE EMPLOYEE'S ABSENCE WILL CAUSE A DISRUPTION OF SERVICE TO AT LEAST ONE INDIVIDUAL WITH A DEVELOPMENTAL DISABILITY OR MENTAL ILLNESS.

(C) AN EMPLOYER MAY NOT REQUIRE THAT AN EMPLOYEE WHO IS REQUESTING EARNED SICK AND SAFE LEAVE SEARCH FOR OR FIND AN INDIVIDUAL TO WORK IN THE EMPLOYEE'S STEAD DURING THE TIME THE EMPLOYEE IS TAKING THE LEAVE.

(D) (1) (I) INSTEAD OF TAKING EARNED SICK AND SAFE LEAVE UNDER THIS SECTION, BY MUTUAL CONSENT OF THE EMPLOYER AND EMPLOYEE, AN EMPLOYEE MAY WORK ADDITIONAL HOURS OR TRADE SHIFTS WITH ANOTHER EMPLOYEE DURING A PAY PERIOD, OR THE FOLLOWING PAY PERIOD, TO MAKE UP WORK HOURS THAT THE EMPLOYEE TOOK OFF FOR WHICH THE EMPLOYEE COULD HAVE TAKEN EARNED SICK AND SAFE LEAVE.

~~(2)~~ (II) AN EMPLOYEE IS NOT REQUIRED TO OFFER OR TO ACCEPT AN OFFER OF ADDITIONAL WORK HOURS OR A TRADE IN SHIFTS.

~~(3)~~ (III) IF AN EMPLOYEE WORKS ADDITIONAL HOURS OR TRADES SHIFTS UNDER ~~PARAGRAPH (1) OF THIS SUBSECTION~~ SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE EMPLOYER MAY NOT:

~~(I) BE REQUIRED TO PAY THE EMPLOYEE MORE THAN THE EMPLOYEE'S BASE RATE OF PAY FOR THE EMPLOYEE'S ABSENCE;~~

~~(H) BE REQUIRED TO ALLOW AN EMPLOYEE TO WORK ADDITIONAL HOURS OR SHIFTS THAT WOULD RESULT IN THE EMPLOYER BEING REQUIRED TO PAY OVERTIME TO THE EMPLOYEE; OR~~

~~(HH) DEDUCT THE ABSENCE FROM THE EMPLOYEE'S ACCRUED EARNED SICK AND SAFE LEAVE.~~

(2) (I) THIS PARAGRAPH APPLIES ONLY TO AN EMPLOYEE EMPLOYED IN THE RESTAURANT INDUSTRY WHO IS COMPENSATED AS A TIPPED EMPLOYEE UNDER § 3-419 OF THIS TITLE AND WHO WOULD BE ENTITLED TO PAID LEAVE UNDER § 3-1304 OF THIS SUBTITLE IF THE EMPLOYEE:

1. NEEDS TO TAKE EARNED SICK AND SAFE LEAVE;
2. PREFERS AND IS ABLE TO WORK ADDITIONAL HOURS OR TRADE SHIFTS WITH ANOTHER EMPLOYEE IN THE SAME PAY PERIOD OR THE FOLLOWING PAY PERIOD; AND
3. REQUIRES THE EMPLOYER TO ARRANGE COVERAGE OF THE SHIFT.

(II) IF THE EMPLOYER IS CONTACTED TO ARRANGE THE COVERAGE OF A SHIFT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE EMPLOYER SHALL HAVE THE DISCRETION TO OFFER THE EMPLOYEE A CHOICE OF:

1. BEING PAID THE MINIMUM WAGE REQUIRED UNDER § 3-413 OF THIS TITLE FOR THE EMPLOYEE'S ABSENCE; OR
2. WORKING AN EQUIVALENT SHIFT OF THE SAME NUMBER OF HOURS IN THE SAME PAY PERIOD OR THE FOLLOWING PAY PERIOD.

(III) AN EMPLOYER THAT DOES NOT OFFER THE TIPPED EMPLOYEE THE CHOICE UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL PAY TO THE EMPLOYEE THE MINIMUM WAGE REQUIRED UNDER § 3-413 OF THIS TITLE FOR THE USE OF THE EARNED SICK AND SAFE LEAVE.

(IV) AN EMPLOYER MAY DEDUCT AN ABSENCE TAKEN UNDER THIS PARAGRAPH FROM THE EMPLOYEE'S ACCRUED EARNED SICK AND SAFE LEAVE.

(3) AN EMPLOYER IS NOT REQUIRED TO CONSENT TO AN EMPLOYEE'S REQUEST TO WORK ADDITIONAL HOURS OR TRADE SHIFTS IF THE ADDITIONAL HOURS OR TRADE IN SHIFTS WOULD RESULT IN THE EMPLOYER BEING REQUIRED TO PAY OVERTIME TO THE EMPLOYEE.

(E) (1) ~~AN~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN EMPLOYEE MAY TAKE EARNED SICK AND SAFE LEAVE IN THE SMALLEST INCREMENT THAT THE EMPLOYER'S PAYROLL SYSTEM USES TO ACCOUNT FOR ABSENCES OR USE OF THE EMPLOYEE'S WORK TIME.

(2) ~~AN EMPLOYEE EMPLOYER MAY NOT BE REQUIRED~~ REQUIRE AN EMPLOYEE TO TAKE EARNED SICK AND SAFE LEAVE IN AN INCREMENT ~~OF MORE THAN~~ NOT EXCEEDING 4 HOURS.

(F) (1) WHEN WAGES ARE PAID TO AN EMPLOYEE, THE EMPLOYER SHALL PROVIDE IN WRITING BY ANY REASONABLE METHOD A STATEMENT REGARDING THE AMOUNT OF EARNED SICK AND SAFE LEAVE THAT IS AVAILABLE FOR USE BY THE EMPLOYEE.

(2) AN EMPLOYER MAY SATISFY THE REQUIREMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION BY PROVIDING AN ONLINE SYSTEM THROUGH WHICH AN EMPLOYEE MAY ASCERTAIN THE BALANCE OF THE EMPLOYEE'S AVAILABLE EARNED SICK AND SAFE LEAVE.

(G) (1) AN EMPLOYER MAY REQUIRE AN EMPLOYEE WHO USES EARNED SICK AND SAFE LEAVE ~~FOR MORE THAN TWO CONSECUTIVE SCHEDULED SHIFTS~~ TO PROVIDE VERIFICATION THAT THE LEAVE WAS USED APPROPRIATELY UNDER SUBSECTION (A) OF THIS SECTION IF:

(I) THE LEAVE WAS USED FOR MORE THAN TWO CONSECUTIVE SCHEDULED SHIFTS; OR

(II) 1. THE EMPLOYEE USED THE LEAVE DURING THE PERIOD BETWEEN THE FIRST 107 AND 120 CALENDAR DAYS, BOTH INCLUSIVE, THAT THE EMPLOYEE WAS EMPLOYED BY THE EMPLOYER; AND

2. THE EMPLOYEE AGREED TO PROVIDE VERIFICATION UNDER TERMS MUTUALLY AGREED TO BY THE EMPLOYER AND THE EMPLOYEE AT THE TIME THE EMPLOYEE WAS HIRED BY THE EMPLOYER.

(2) IF AN EMPLOYEE FAILS OR REFUSES TO PROVIDE VERIFICATION AS REQUIRED BY AN EMPLOYER UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE EMPLOYER MAY DENY A SUBSEQUENT REQUEST TO TAKE EARNED SICK AND SAFE LEAVE FOR THE SAME REASON.

(A) AN EMPLOYER SHALL NOTIFY THE EMPLOYER'S EMPLOYEES THAT THE EMPLOYEES ARE ENTITLED TO EARNED SICK AND SAFE LEAVE UNDER THIS SUBTITLE.

(B) THE NOTICE PROVIDED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:

(1) A STATEMENT OF HOW EARNED SICK AND SAFE LEAVE IS ACCRUED UNDER § 3-1304 OF THIS SUBTITLE;

(2) THE PURPOSES FOR WHICH THE EMPLOYER IS REQUIRED TO ALLOW AN EMPLOYEE TO USE EARNED SICK AND SAFE LEAVE UNDER § 3-1305 OF THIS SUBTITLE;

(3) A STATEMENT REGARDING THE PROHIBITION:

(I) IN § 3-1309 OF THIS SUBTITLE AGAINST THE EMPLOYER TAKING ADVERSE ACTION AGAINST AN EMPLOYEE WHO EXERCISES A RIGHT UNDER THIS SUBTITLE; AND

(II) IN § 3-1310 OF THIS SUBTITLE AGAINST AN EMPLOYEE MAKING A COMPLAINT, BRINGING AN ACTION, OR TESTIFYING IN AN ACTION IN BAD FAITH; AND

(4) INFORMATION REGARDING THE RIGHT OF AN EMPLOYEE TO REPORT AN ALLEGED VIOLATION OF THIS SUBTITLE BY THE EMPLOYER TO THE COMMISSIONER OR TO BRING A CIVIL ACTION UNDER § 3-1308(C) OF THIS SUBTITLE.

(C) THE COMMISSIONER SHALL:

(1) CREATE AND MAKE AVAILABLE A POSTER AND A MODEL NOTICE AT NO CHARGE TO THE EMPLOYER THAT MAY BE USED BY AN EMPLOYER TO COMPLY WITH SUBSECTION (A) OF THIS SECTION;

(2) DEVELOP A MODEL SICK AND SAFE LEAVE POLICY THAT AN EMPLOYER MAY USE AS A SICK AND SAFE LEAVE POLICY IN AN EMPLOYEE HANDBOOK OR OTHER WRITTEN GUIDANCE TO EMPLOYEES CONCERNING EMPLOYEE BENEFITS OR LEAVE PROVIDED BY THE EMPLOYER; AND

(3) PROVIDE TECHNICAL ASSISTANCE TO AN EMPLOYER, IF AN EMPLOYER REQUESTS ASSISTANCE REGARDING IMPLEMENTING THE PROVISIONS OF THIS SUBTITLE.

(D) THE DEPARTMENT SHALL POST THE NOTICE AND MODEL SICK AND SAFE LEAVE POLICY CREATED AND DEVELOPED UNDER SUBSECTION (C)(1) AND (2) OF THIS SECTION ON THE DEPARTMENT’S WEB SITE IN A DOWNLOADABLE FORMAT.

3-1307.

(A) AN EMPLOYER SHALL KEEP FOR AT LEAST 3 YEARS A RECORD OF:

(1) EARNED SICK AND SAFE LEAVE ACCRUED BY EACH EMPLOYEE;
AND

(2) EARNED SICK AND SAFE LEAVE USED BY EACH EMPLOYEE.

(B) THE COMMISSIONER MAY INSPECT A RECORD KEPT UNDER SUBSECTION (A) OF THIS SECTION FOR THE PURPOSE OF DETERMINING WHETHER THE EMPLOYER IS COMPLYING WITH THE PROVISIONS OF THIS SUBTITLE.

(C) ~~(1) AN EMPLOYER THAT FAILS TO KEEP ACCURATE RECORDS OR REFUSES TO ALLOW THE COMMISSIONER TO INSPECT A RECORD KEPT UNDER SUBSECTION (A) OF THIS SECTION SHALL BE PRESUMED TO HAVE~~ CREATES A REBUTTABLE PRESUMPTION THAT THE EMPLOYER VIOLATED THIS SUBTITLE.

(2) THE COMMISSIONER MAY WAIVE A CIVIL PENALTY ASSESSED UNDER THIS SUBTITLE IF THE PENALTY WAS ASSESSED FOR A VIOLATION THAT WAS DUE TO AN ERROR CAUSED BY A THIRD-PARTY PAYROLL SERVICE PROVIDER WITH WHOM THE EMPLOYER IN GOOD FAITH CONTRACTED FOR SERVICES.

~~(I) AN EMPLOYER MAY NOT BE ASSESSED A CIVIL PENALTY BY THE COMMISSIONER UNDER THIS SUBTITLE DUE TO AN UNINTENTIONAL PAYROLL ERROR OR WRITTEN NOTICE ERROR CAUSED BY A THIRD-PARTY PAYROLL SERVICE PROVIDER WITH WHOM THE EMPLOYER CONTRACTED FOR SERVICES.~~

~~(II) IF AN EMPLOYER CONTRACTS WITH A THIRD-PARTY PAYROLL SERVICE PROVIDER AND THE EMPLOYER IS FOUND IN VIOLATION OF THIS SUBTITLE AS A RESULT OF THE PAYROLL SERVICE PROVIDER’S ACTIONS, THE PAYROLL SERVICE PROVIDER IS LIABLE FOR ANY PENALTIES AND COSTS INCURRED BY THE EMPLOYER.~~

3-1308.

(A) IF AN EMPLOYEE BELIEVES THAT AN EMPLOYER HAS VIOLATED THIS SUBTITLE, THE EMPLOYEE MAY FILE A WRITTEN COMPLAINT WITH THE COMMISSIONER.

(B) (1) WITHIN 90 DAYS AFTER THE RECEIPT OF A WRITTEN COMPLAINT, THE COMMISSIONER SHALL CONDUCT AN INVESTIGATION AND ATTEMPT TO RESOLVE THE ISSUE INFORMALLY THROUGH MEDIATION.

(2) (I) IF THE COMMISSIONER IS UNABLE TO RESOLVE AN ISSUE THROUGH MEDIATION DURING THE PERIOD STATED IN PARAGRAPH (1) OF THIS SUBSECTION AND THE COMMISSIONER DETERMINES THAT AN EMPLOYER HAS VIOLATED THIS SUBTITLE, THE COMMISSIONER SHALL ISSUE AN ORDER.

(II) AN ORDER ISSUED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH:

1. SHALL DESCRIBE THE VIOLATION;

2. SHALL DIRECT THE PAYMENT OF THE FULL MONETARY VALUE OF ANY UNPAID EARNED SICK AND SAFE LEAVE AND ANY ACTUAL ECONOMIC DAMAGES;

3. MAY, IN THE COMMISSIONER'S DISCRETION, DIRECT THE PAYMENT OF AN ADDITIONAL AMOUNT UP TO THREE TIMES THE VALUE OF THE EMPLOYEE'S HOURLY WAGE FOR EACH VIOLATION; AND

4. MAY, IN THE COMMISSIONER'S DISCRETION, ASSESS A CIVIL PENALTY OF UP TO \$1,000 FOR EACH EMPLOYEE FOR WHOM THE EMPLOYER IS NOT IN COMPLIANCE WITH THIS SUBTITLE.

(3) THE ACTIONS TAKEN UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION ARE SUBJECT TO THE HEARING AND NOTICE REQUIREMENTS OF TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(C) (1) WITHIN 30 DAYS AFTER THE COMMISSIONER ISSUES AN ORDER, AN EMPLOYER SHALL COMPLY WITH THE ORDER.

(2) IF AN EMPLOYER DOES NOT COMPLY WITH AN ORDER WITHIN THE TIME PERIOD STATED IN PARAGRAPH (1) OF THIS SUBSECTION:

(I) THE COMMISSIONER MAY:

1. WITH THE WRITTEN CONSENT OF THE EMPLOYEE, ASK THE ATTORNEY GENERAL TO BRING AN ACTION ON BEHALF OF THE EMPLOYEE IN THE COUNTY WHERE THE EMPLOYER IS LOCATED; OR

2. BRING AN ACTION TO ENFORCE THE ORDER FOR THE CIVIL PENALTY IN THE COUNTY WHERE THE EMPLOYER IS LOCATED; AND

(II) WITHIN 3 YEARS AFTER THE DATE OF THE ORDER, AN EMPLOYEE MAY BRING A CIVIL ACTION TO ENFORCE THE ORDER IN THE COUNTY WHERE THE EMPLOYER IS LOCATED.

(3) IF AN EMPLOYEE PREVAILS IN AN ACTION BROUGHT UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION TO ENFORCE AN ORDER, THE COURT ~~SHALL~~ MAY AWARD:

(I) THREE TIMES THE VALUE OF THE EMPLOYEE'S UNPAID EARNED SICK AND SAFE LEAVE;

(II) PUNITIVE DAMAGES IN AN AMOUNT TO BE DETERMINED BY THE COURT;

(III) REASONABLE COUNSEL FEES AND OTHER COSTS;

(IV) INJUNCTIVE RELIEF, IF APPROPRIATE; AND

(V) ANY OTHER RELIEF THAT THE COURT DEEMS APPROPRIATE.

3-1309.

(A) IN THIS SECTION, "ADVERSE ACTION" INCLUDES:

(1) DISCHARGE;

(2) DEMOTION;

(3) THREATENING THE EMPLOYEE WITH DISCHARGE OR DEMOTION;

AND

(4) ANY OTHER RETALIATORY ACTION THAT RESULTS IN A CHANGE TO THE TERMS OR CONDITIONS OF EMPLOYMENT THAT WOULD DISSUADE A REASONABLE EMPLOYEE FROM EXERCISING A RIGHT UNDER THIS SUBTITLE.

(B) A PERSON MAY NOT INTERFERE WITH THE EXERCISE OF OR THE ATTEMPT TO EXERCISE ANY RIGHT GIVEN UNDER THIS SUBTITLE.

(C) AN EMPLOYER MAY NOT:

(1) TAKE ADVERSE ACTION OR DISCRIMINATE AGAINST AN EMPLOYEE BECAUSE THE EMPLOYEE EXERCISES IN GOOD FAITH THE RIGHTS PROTECTED UNDER THIS SUBTITLE;

(2) INTERFERE WITH, RESTRAIN, OR DENY THE EXERCISE BY AN EMPLOYEE OF ANY RIGHT PROVIDED FOR UNDER THIS SUBTITLE; OR

(3) APPLY AN ABSENCE CONTROL POLICY THAT INCLUDES EARNED SICK AND SAFE LEAVE ABSENCES AS AN ABSENCE THAT MAY LEAD TO OR RESULT IN AN ADVERSE ACTION BEING TAKEN AGAINST AN EMPLOYEE.

(D) THE PROTECTIONS AFFORDED UNDER THIS SUBTITLE SHALL APPLY TO AN EMPLOYEE WHO MISTAKENLY, BUT IN GOOD FAITH, ALLEGES A VIOLATION OF THIS SUBTITLE.

3-1310.

(A) AN EMPLOYEE MAY NOT IN BAD FAITH:

(1) FILE A COMPLAINT WITH THE COMMISSIONER ALLEGING A VIOLATION OF THIS SUBTITLE;

(2) BRING AN ACTION UNDER § 3-1308 OF THIS SUBTITLE; OR

(3) TESTIFY IN AN ACTION UNDER § 3-1308 OF THIS SUBTITLE.

(B) AN EMPLOYEE WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

3-1311.

THIS SUBTITLE MAY BE CITED AS THE MARYLAND HEALTHY WORKING FAMILIES ACT.

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 bona fide collective bargaining agreement entered into before June 1, 2017, for the duration of the contract term, excluding any extensions, options to extend, or renewals of the term of the original agreement.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be construed to preempt any federal law or regulation governing employees subject to federal law or regulations.

SECTION ~~3~~ 4 AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2018.

Gubernatorial Veto Override, January 12, 2018.

Chapter 2

(House Bill 694 of the 2017 Regular Session)

AN ACT concerning

Higher Education – Admissions Process – Criminal History (Maryland Fair Access to Education Act of 2017)

FOR the purpose of prohibiting certain institutions of higher education from ~~inquiring into or considering~~ using information about the criminal history of applicants on certain admissions applications; providing for ~~a certain exception~~ exceptions to the ban on ~~inquiring into or considering~~ using certain criminal history information; allowing certain institutions of higher education to inquire into or consider the criminal history of students for purposes of admission and access to campus residency, residency or offering certain counseling or ~~services, and deciding whether students may participate in certain activities or aspects of campus life~~ services; prohibiting certain institutions of higher education from ~~using information on a student's criminal history to rescind admission or unreasonably restrict a student's admission and access to certain activities or aspects of campus life~~; requiring certain institutions of higher education to adopt ~~an individualized~~ a process when denying or limiting certain students' access to campus residency or a ~~particular activity, academic program, or aspect of campus life~~ certain academic program; requiring ~~an individualized~~ the process to be set forth in writing and include certain considerations; ~~requiring that certain negatively affected students have the right to appeal a denial or limitation of access to campus residency or a particular activity or aspect of campus life~~; requiring ~~certain institutions of higher education to inform accepted students of their individualized processes and the students' right to present certain evidence in writing~~; requiring certain institutions of higher education to consider the State's policy of promoting the admission of students with criminal records; providing for the application of this Act; defining certain terms; providing for a delayed effective date; and generally relating to the ~~prohibition against institutions of higher education considering criminal history during the admissions process~~ consideration of criminal history in the admissions process.

BY adding to

Article – Education

Section 26–501 through 26–506 to be under the new subtitle “Subtitle 5. ~~Prohibition on Considering~~ Consideration of Criminal History During in the Admissions Process”

Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

Preamble

~~WHEREAS, Higher education plays a critical role in developing good citizenship, creating economic and social opportunities, and enhancing public safety; and~~

~~WHEREAS, Barriers to education increase recidivism rates for individuals with criminal histories and national crime statistics demonstrate that higher education institutions that have eliminated pre-admission inquiry into criminal history have not experienced an increase in campus crime rates; and~~

~~WHEREAS, It is the policy of the State to encourage the continuing education of individuals with a criminal record and remove barriers to their ability to meaningfully recenter society and transition into the workforce; now, therefore,~~

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

Article – Education

~~SUBTITLE 5. PROHIBITION ON CONSIDERING CRIMINAL HISTORY DURING THE ADMISSIONS PROCESS~~ CONSIDERATION OF CRIMINAL HISTORY IN THE ADMISSIONS PROCESS.

26–501.

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

(B) ~~(1) “ADMISSIONS PROCESS” MEANS THE PROCESS BY WHICH INSTITUTIONS OF HIGHER EDUCATION SELECT STUDENTS FOR ENROLLMENT.~~

~~(2) “ADMISSIONS PROCESS” INCLUDES THE SUBMISSION OF AN APPLICATION TO ATTEND AN INSTITUTION OF HIGHER EDUCATION, ALL DECISIONS MADE DURING THE REVIEW OF APPLICATIONS, AND THE SELECTION OF APPLICANTS TO MATRICULATE~~ “ADMISSIONS APPLICATION” MEANS AN INDIVIDUAL APPLICATION TO ENROLL AS AN UNDERGRADUATE STUDENT AT AN INSTITUTION OF HIGHER EDUCATION.

(C) ~~“CRIMINAL HISTORY” MEANS AN ARREST, A CRIMINAL ACCUSATION, OR A CRIMINAL CONVICTION.~~

~~(D) “DIRECT RELATIONSHIP” MEANS A CONNECTION BETWEEN THE NATURE OF THE CRIMINAL HISTORY OF AN ACCEPTED STUDENT AND AN ACTIVITY OR ASPECT OF CAMPUS LIFE THAT WOULD CREATE AN UNREASONABLE RISK TO THE SAFETY OR WELFARE OF THE ACCEPTED STUDENT, OTHER INDIVIDUALS ON CAMPUS, OR CAMPUS PROPERTY IF THE ACCEPTED STUDENT WERE AUTHORIZED TO PARTICIPATE WITHOUT CONDITION.~~

~~(E) (D) “THIRD-PARTY ADMISSIONS APPLICATION” MEANS AN ADMISSIONS APPLICATION NOT CONTROLLED BY THE INSTITUTION.~~

26-502.

THIS SUBTITLE APPLIES TO INSTITUTIONS OF HIGHER EDUCATION THAT RECEIVE STATE FUNDS.

26-503.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN INSTITUTION OF HIGHER EDUCATION MAY NOT ~~INQUIRE INTO OR CONSIDER INFORMATION ABOUT THE CRIMINAL HISTORY OF AN INDIVIDUAL DURING THE ADMISSIONS PROCESS~~ USE AN ADMISSIONS APPLICATION THAT CONTAINS QUESTIONS ABOUT THE CRIMINAL HISTORY OF THE APPLICANT.

(B) AN INSTITUTION OF HIGHER EDUCATION MAY ~~CONSIDER INFORMATION ABOUT A CRIME COMMITTED BY AN APPLICANT IF THE INSTITUTION KNOWS OR SHOULD KNOW THAT THE CRIME IS ONGOING~~ USE A THIRD-PARTY ADMISSIONS APPLICATION THAT CONTAINS QUESTIONS ABOUT THE CRIMINAL HISTORY OF THE APPLICANT IF THE INSTITUTION POSTS A NOTICE ON ITS WEB SITE STATING THAT A CRIMINAL HISTORY DOES NOT DISQUALIFY AN APPLICANT FROM ADMISSION.

26-504.

(A) SUBJECT TO § 26-505 OF THIS SUBTITLE, AN INSTITUTION OF HIGHER EDUCATION MAY MAKE INQUIRIES INTO AND CONSIDER INFORMATION ABOUT A STUDENT’S CRIMINAL HISTORY FOR THE PURPOSE OF:

(1) MAKING DECISIONS REGARDING ADMISSION AND ACCESS TO CAMPUS RESIDENCY; OR

(2) OFFERING SUPPORTIVE COUNSELING OR SERVICES TO HELP REHABILITATE AND EDUCATE THE STUDENT ON BARRIERS A CRIMINAL RECORD MAY ~~PRESENT; OR~~

~~(3) DECIDING WHETHER THE STUDENT MAY PARTICIPATE IN ACTIVITIES AND ASPECTS OF CAMPUS LIFE USUALLY OPEN TO STUDENTS PRESENT.~~

(B) IN MAKING INQUIRIES OR CONSIDERING INFORMATION UNDER THIS SECTION, AN INSTITUTION OF HIGHER EDUCATION MAY NOT:

~~(1) USE ANY INFORMATION ABOUT A STUDENT'S CRIMINAL HISTORY TO RESCIND AN OFFER OF ADMISSION; OR~~

~~(2) AUTOMATICALLY AUTOMATICALLY OR UNREASONABLY RESTRICT A STUDENT'S ADMISSION, ACTIVITIES, OR ASPECTS OF CAMPUS LIFE BASED ON THAT STUDENT'S CRIMINAL HISTORY. AUTOMATICALLY OR UNREASONABLY RESTRICT A STUDENT'S ADMISSION BASED ON THAT STUDENT'S CRIMINAL HISTORY.~~

26-505.

~~(A) IN DECIDING TO DENY OR LIMIT A STUDENT'S ADMISSION OR ACCESS TO CAMPUS RESIDENCY OR PARTICIPATION IN A PARTICULAR ACTIVITY OR ASPECT OF CAMPUS LIFE UNDER § 26-504 OF THIS SUBTITLE, AN INSTITUTION OF HIGHER EDUCATION SHALL DEVELOP AN INDIVIDUALIZED A PROCESS FOR DETERMINING WHETHER THERE IS A DIRECT RELATIONSHIP BETWEEN A STUDENT'S CRIMINAL HISTORY AND CAMPUS RESIDENCY, A SPECIFIC ACADEMIC PROGRAM, OR A PARTICULAR ACTIVITY OR ASPECT OF CAMPUS LIFE.~~

(A) *IN DECIDING TO DENY OR LIMIT A STUDENT'S ADMISSION OR ACCESS TO CAMPUS RESIDENCY UNDER § 26-504 OF THIS SUBTITLE, AN INSTITUTION OF HIGHER EDUCATION SHALL DEVELOP A PROCESS FOR DETERMINING WHETHER THERE IS A RELATIONSHIP BETWEEN A STUDENT'S CRIMINAL HISTORY AND CAMPUS RESIDENCY OR A SPECIFIC ACADEMIC PROGRAM.*

(B) ~~AN INDIVIDUALIZED~~ THE PROCESS DEVELOPED UNDER THIS SECTION SHALL BE SET FORTH IN WRITING AND SHALL INCLUDE CONSIDERATION OF:

(1) THE AGE OF THE STUDENT AT THE TIME ANY ASPECT OF THE STUDENT'S CRIMINAL HISTORY OCCURRED;

(2) THE TIME THAT HAS ELAPSED SINCE ANY ASPECT OF THE STUDENT'S CRIMINAL HISTORY OCCURRED;

~~(3) THE NATURE OF THE CRIMINAL HISTORY AND WHETHER IT BEARS A DIRECT RELATIONSHIP TO CAMPUS RESIDENCY, THE ACTIVITY, OR THE ASPECT OF CAMPUS LIFE AT ISSUE; AND~~

(4) ANY EVIDENCE OF REHABILITATION OR GOOD CONDUCT PRODUCED BY THE STUDENT.

~~(C) AN INDIVIDUALIZED PROCESS DEVELOPED UNDER THIS SECTION SHALL PROVIDE AN AFFECTED STUDENT WITH REASONABLE NOTICE AND AN OPPORTUNITY TO APPEAL A DENIAL OR LIMITATION OF CAMPUS RESIDENCY, AN ACTIVITY, OR AN ASPECT OF CAMPUS LIFE.~~

~~(D) INSTITUTIONS OF HIGHER EDUCATION SHALL INFORM ACCEPTED STUDENTS IN WRITING OF THE INDIVIDUALIZED PROCESS DEVELOPED UNDER THIS SECTION AND THE RIGHT STUDENTS HAVE TO PROVIDE EVIDENCE OF REHABILITATION AND GOOD CONDUCT.~~

26-506.

AN INSTITUTION OF HIGHER EDUCATION THAT INQUIRES INTO OR CONSIDERS INFORMATION ABOUT A STUDENT'S CRIMINAL HISTORY, IN A MANNER CONSISTENT WITH THIS SUBTITLE, SHALL CONSIDER THE STATE'S POLICY TO PROMOTE THE ADMISSION OF STUDENTS WITH CRIMINAL RECORDS, INCLUDING FORMERLY INCARCERATED INDIVIDUALS, TO PROVIDE THESE STUDENTS WITH THE OPPORTUNITY TO OBTAIN THE KNOWLEDGE AND SKILLS NEEDED TO CONTRIBUTE TO THE STATE'S ECONOMY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ December 1, 2017.

Gubernatorial Veto Override, January 12, 2018.

Chapter 3

(Senate Bill 2)

AN ACT concerning

**Family Law – Child Conceived Without Consent – Termination of Parental Rights
(Rape Survivor Family Protection Act)**

FOR the purpose of authorizing a court, under certain circumstances, to terminate the parental rights of an individual convicted of or found by clear and convincing evidence to have committed an act of nonconsensual sexual conduct against the other parent that resulted in the conception of a child; prohibiting the court from terminating parental rights under certain circumstances; specifying that a

termination of parental rights under this Act terminates completely certain rights and responsibilities of a parent; specifying certain procedures for an action for termination of parental rights under this Act; authorizing the court to order certain means of service under certain circumstances; requiring the court to rule on a certain motion within a certain period of time; prohibiting the court from requiring publication of the name or personally identifying information of certain individuals; specifying that the failure of the court to advise the respondent of certain matters at a certain scheduling conference is not grounds to overturn a finding under this Act; requiring the court to hold a trial on termination of parental rights within a certain period of time after an answer to the complaint is filed; authorizing the court to stay further proceedings in a termination of parental rights action until a certain criminal proceeding is resolved under certain circumstances; authorizing a respondent in a termination of parental rights action to refuse to testify or to offer evidence that may incriminate the respondent; specifying that no adverse inference may be drawn from the respondent's refusal to testify or to offer evidence; specifying that a parent's testimony and certain other information in a termination of parental rights proceeding are inadmissible as evidence in a criminal proceeding against that parent under certain circumstances; authorizing the court, under certain circumstances, to order that court records of a proceeding under this Act be sealed or to require that filings be submitted and maintained in a form that protects the privacy of the parents and the child; establishing that a parent in a termination of parental rights proceeding is entitled to the assistance of counsel; requiring the court to refer ~~certain unrepresented parents to certain legal services organizations for assignment of counsel; requiring the court to appoint counsel for a parent under certain circumstances~~ an unrepresented parent to a certain legal services organization for assignment of counsel or to appoint counsel for an unrepresented parent; establishing that a parent is not entitled to the assistance of counsel at the expense of the Maryland Legal Services Corporation or to appointed counsel unless the parent is indigent; defining certain terms; making this Act an emergency measure; and generally relating to children conceived without consent and termination of parental rights.

BY adding to

Article – Family Law

Section 5–1401 through 5–1405 to be under the new subtitle “Subtitle 14. Child Conceived Without Consent”

Annotated Code of Maryland

(2012 Replacement Volume and 2017 Supplement)

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

Article – Family Law

SUBTITLE 14. CHILD CONCEIVED WITHOUT CONSENT.

5–1401.

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

(B) “NONCONSENSUAL SEXUAL CONDUCT” MEANS AN ACT COMMITTED BY A RESPONDENT AGAINST THE OTHER PARENT THAT IS PROHIBITED UNDER:

(1) § 3–303 OR § 3–304(A)(1) OR (2) OF THE CRIMINAL LAW ARTICLE;
OR

(2) § 3–323 OF THE CRIMINAL LAW ARTICLE, IF THE OTHER PARENT IS A MINOR AND THE RESPONDENT WAS AT LEAST 4 YEARS OLDER THAN THE OTHER PARENT AT THE TIME OF THE ACT.

(C) “RESPONDENT” MEANS THE PARENT AGAINST WHOM AN ACTION FOR TERMINATION OF PARENTAL RIGHTS IS FILED UNDER THIS SUBTITLE.

5–1402.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AFTER A TRIAL, A COURT MAY TERMINATE THE PARENTAL RIGHTS OF A RESPONDENT UNDER THIS SUBTITLE IF THE COURT:

(1) DETERMINES THAT THE RESPONDENT HAS BEEN SERVED IN ACCORDANCE WITH THE MARYLAND RULES;

(2) (I) FINDS THAT THE RESPONDENT HAS BEEN CONVICTED OF AN ACT OF NONCONSENSUAL SEXUAL CONDUCT AGAINST THE OTHER PARENT THAT RESULTED IN THE CONCEPTION OF THE CHILD AT ISSUE IN AN ACTION UNDER THIS SUBTITLE; OR

(II) FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THE RESPONDENT COMMITTED AN ACT OF NONCONSENSUAL SEXUAL CONDUCT AGAINST THE OTHER PARENT THAT RESULTED IN THE CONCEPTION OF THE CHILD AT ISSUE IN AN ACTION UNDER THIS SUBTITLE; AND

(3) FINDS BY CLEAR AND CONVINCING EVIDENCE THAT IT IS IN THE BEST INTEREST OF THE CHILD TO TERMINATE THE PARENTAL RIGHTS OF THE RESPONDENT.

(B) THE COURT MAY NOT TERMINATE PARENTAL RIGHTS UNDER SUBSECTION (A) OF THIS SECTION IF THE PARENTS WERE MARRIED AT THE TIME OF THE CONCEPTION OF THE CHILD AT ISSUE UNLESS:

(1) THE RESPONDENT HAS BEEN CONVICTED OF AN ACT OF NONCONSENSUAL SEXUAL CONDUCT AGAINST THE OTHER PARENT THAT RESULTED IN THE CONCEPTION OF THE CHILD; OR

(2) THE PARENTS WERE SEPARATED IN ACCORDANCE WITH A PROTECTIVE ORDER DURING THE TIME OF THE CONCEPTION OF THE CHILD AND HAVE REMAINED SEPARATE AND APART SINCE THE TIME OF CONCEPTION.

(C) A TERMINATION OF PARENTAL RIGHTS UNDER THIS SECTION TERMINATES COMPLETELY:

(1) A PARENT'S RIGHT TO CUSTODY OF, GUARDIANSHIP OF, ACCESS TO, VISITATION WITH, AND INHERITANCE FROM THE CHILD; AND

(2) A PARENT'S RESPONSIBILITY TO SUPPORT THE CHILD, INCLUDING THE RESPONSIBILITY TO PAY CHILD SUPPORT.

5-1403.

(A) AN ACTION FOR TERMINATION OF PARENTAL RIGHTS UNDER THIS SUBTITLE MAY BE FILED BY EITHER PARENT OF THE CHILD, THE CHILD'S COURT-APPOINTED GUARDIAN, OR THE CHILD'S COURT-APPOINTED ATTORNEY.

(B) (1) AN ACTION FOR TERMINATION OF PARENTAL RIGHTS FILED BY A PARENT UNDER THIS SUBTITLE SHALL BE FILED WITHIN 7 YEARS AFTER THE LATER OF:

(I) THE DATE OF THE BIRTH OF THE CHILD CONCEIVED AS A RESULT OF THE NONCONSENSUAL SEXUAL CONDUCT; OR

(II) THE DATE ON WHICH THE PARENT KNEW OR SHOULD HAVE KNOWN THE OTHER PARENT'S IDENTITY.

(2) AN ACTION FOR TERMINATION OF PARENTAL RIGHTS FILED BY A CHILD'S COURT-APPOINTED GUARDIAN OR ATTORNEY UNDER THIS SUBTITLE SHALL BE FILED BEFORE THE CHILD BECOMES AN ADULT.

(C) IN AN ACTION FOR TERMINATION OF PARENTAL RIGHTS FILED AGAINST A RESPONDENT BY A CHILD'S COURT-APPOINTED GUARDIAN OR ATTORNEY UNDER THIS SUBTITLE:

(1) THE OTHER PARENT SHALL BE JOINED AS A PARTY TO THE ACTION; AND

(2) THE ACTION MAY NOT PROCEED IF THE OTHER PARENT OBJECTS BEFORE THE COMMENCEMENT OF A TRIAL UNDER THIS SUBTITLE.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, WHEN PROOF IS MADE BY AFFIDAVIT THAT GOOD FAITH EFFORTS TO SERVE THE RESPONDENT HAVE NOT SUCCEEDED OR THAT THE RESPONDENT HAS ACTED TO EVADE SERVICE, THE COURT MAY ORDER ANY OTHER MEANS OF SERVICE THAT THE COURT CONSIDERS APPROPRIATE UNDER THE CIRCUMSTANCES AND THAT IS REASONABLY CALCULATED TO GIVE ACTUAL NOTICE OF THE PROCEEDING TO THE RESPONDENT.

(2) THE COURT SHALL RULE ON ANY MOTION FOR ALTERNATIVE SERVICE UNDER THIS SUBSECTION WITHIN 15 DAYS AFTER THE FILING OF THE MOTION.

(3) THE COURT MAY NOT REQUIRE PUBLICATION OF THE NAME OR PERSONALLY IDENTIFYING INFORMATION OF THE OTHER PARENT OR THE CHILD.

(E) (1) A SCHEDULING CONFERENCE SHALL BE HELD WITHIN 60 DAYS AFTER SERVICE OF THE COMPLAINT.

(2) AT THE SCHEDULING CONFERENCE, THE COURT:

(I) SHALL ISSUE A SCHEDULING ORDER, TAKING INTO CONSIDERATION THE BEST INTEREST OF THE CHILD, THE TIME NEEDED FOR DISCOVERY, AND THE INTEREST OF JUSTICE;

(II) AFTER PROVIDING THE PARENTS WITH AN OPPORTUNITY TO BE HEARD, MAY DETERMINE TEMPORARY CUSTODY OF THE MINOR CHILD; AND

(III) SHALL ADVISE THE RESPONDENT THAT:

1. THE RESPONDENT MAY REFUSE TO TESTIFY OR TO OFFER EVIDENCE; AND

2. NO ADVERSE INFERENCE MAY BE DRAWN FROM THE RESPONDENT'S REFUSAL TO TESTIFY OR TO OFFER EVIDENCE.

(3) FAILURE OF THE COURT TO ADVISE A RESPONDENT UNDER PARAGRAPH (2)(III) OF THIS SUBSECTION IS NOT GROUNDS TO OVERTURN A FINDING UNDER THIS SUBTITLE.

(4) A COMPLAINT FILED UNDER THIS SUBTITLE SHALL INCLUDE A NOTICE TO THE RESPONDENT THAT A SCHEDULING CONFERENCE WILL BE HELD WITHIN 60 DAYS AFTER SERVICE OF THE COMPLAINT.

5-1404.

(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE COURT SHALL HOLD A TRIAL ON TERMINATION OF PARENTAL RIGHTS NOT LATER THAN 180 DAYS AFTER AN ANSWER TO THE COMPLAINT IS FILED.

(2) UNLESS BOTH PARENTS AGREE OTHERWISE OR THE COURT FINDS THAT IT IS IN THE BEST INTEREST OF THE CHILD TO PROCEED, IF A CRIMINAL PROCEEDING INVOLVING THE SAME UNDERLYING FACTS IS PENDING AT THE TIME AN ACTION TO TERMINATE PARENTAL RIGHTS UNDER THIS SUBTITLE IS FILED, OR IF A CRIMINAL PROCEEDING INVOLVING THE SAME UNDERLYING FACTS IS COMMENCED AFTER AN ACTION TO TERMINATE PARENTAL RIGHTS UNDER THIS SUBTITLE IS FILED, THE COURT MAY STAY ALL FURTHER PROCEEDINGS IN THE ACTION TO TERMINATE PARENTAL RIGHTS UNTIL THE CRIMINAL PROCEEDING IS RESOLVED.

(B) IN AN ACTION TO TERMINATE PARENTAL RIGHTS UNDER THIS SUBTITLE:

(1) THE RESPONDENT MAY REFUSE TO TESTIFY OR TO OFFER EVIDENCE; AND

(2) NO ADVERSE INFERENCE MAY BE DRAWN FROM THE RESPONDENT'S REFUSAL TO TESTIFY OR TO OFFER EVIDENCE.

(C) A PARENT'S TESTIMONY AND ANY OTHER INFORMATION OBTAINED FROM THE PARENT IN A PROCEEDING UNDER THIS SUBTITLE AND ANY INFORMATION DIRECTLY OR INDIRECTLY DERIVED FROM THE PARENT'S TESTIMONY OR THE OTHER INFORMATION ARE INADMISSIBLE AS EVIDENCE IN A CRIMINAL PROCEEDING AGAINST THAT PARENT IF:

(1) THE CRIMINAL PROCEEDING INVOLVES THE SAME UNDERLYING FACTS; AND

(2) THE EVIDENCE IS OFFERED FOR A PURPOSE OTHER THAN IMPEACHMENT.

(D) THE COURT, ON ITS OWN MOTION OR ON PETITION, AND FOR GOOD CAUSE SHOWN, MAY ORDER THAT COURT RECORDS OF A PROCEEDING UNDER THIS SUBTITLE BE SEALED OR MAY REQUIRE THAT FILINGS BE SUBMITTED AND

MAINTAINED IN A FORM THAT PROTECTS THE PRIVACY OF THE PARENTS AND THE CHILD.

5-1405.

(A) A PARENT IN A PROCEEDING UNDER THIS SUBTITLE IS ENTITLED TO THE ASSISTANCE OF COUNSEL.

(B) (1) ~~(I) THE COURT SHALL REFER AN UNREPRESENTED PETITIONER PARENT TO THE SEXUAL ASSAULT LEGAL INSTITUTE FOR ASSIGNMENT OF COUNSEL.~~

~~(II) THE COURT SHALL REFER AN UNREPRESENTED RESPONDENT TO ANOTHER QUALIFIED GRANTEE OF THE MARYLAND LEGAL SERVICES CORPORATION FOR ASSIGNMENT OF COUNSEL.~~

~~(III) IF COUNSEL FROM A DESIGNATED LEGAL SERVICES ORGANIZATION IS NOT AVAILABLE, THE COURT SHALL APPOINT COUNSEL FOR THE PARENT:~~

(I) REFER AN UNREPRESENTED PARENT TO A QUALIFIED GRANTEE OF THE MARYLAND LEGAL SERVICES CORPORATION FOR ASSIGNMENT OF COUNSEL; OR

(II) APPOINT COUNSEL FOR AN UNREPRESENTED PARENT.

(2) A PARENT IS NOT ENTITLED TO THE ASSISTANCE OF COUNSEL AT THE EXPENSE OF THE MARYLAND LEGAL SERVICES CORPORATION OR TO APPOINTED COUNSEL UNLESS THE PARENT IS INDIGENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect October 1, 2018~~ 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, February 13, 2018.

Chapter 4

(House Bill 1)

AN ACT concerning

**Family Law – Child Conceived Without Consent – Termination of Parental
Rights
(Rape Survivor Family Protection Act)**

FOR the purpose of authorizing a court, under certain circumstances, to terminate the parental rights of an individual convicted of or found by clear and convincing evidence to have committed an act of nonconsensual sexual conduct against the other parent that resulted in the conception of a child; prohibiting the court from terminating parental rights under certain circumstances; specifying that a termination of parental rights under this Act terminates completely certain rights and responsibilities of a parent; specifying certain procedures for an action for termination of parental rights under this Act; authorizing the court to order certain means of service under certain circumstances; requiring the court to rule on a certain motion within a certain period of time; prohibiting the court from requiring publication of the name or personally identifying information of certain individuals; specifying that the failure of the court to advise the respondent of certain matters at a certain scheduling conference is not grounds to overturn a finding under this Act; requiring the court to hold a trial on termination of parental rights within a certain period of time after an answer to the complaint is filed; authorizing the court to stay further proceedings in a termination of parental rights action until a certain criminal proceeding is resolved under certain circumstances; authorizing a respondent in a termination of parental rights action to refuse to testify or to offer evidence that may incriminate the respondent; specifying that no adverse inference may be drawn from the respondent's refusal to testify or to offer evidence; specifying that a parent's testimony and certain other information in a termination of parental rights proceeding are inadmissible as evidence in a criminal proceeding against that parent under certain circumstances; authorizing the court, under certain circumstances, to order that court records of a proceeding under this Act be sealed or to require that filings be submitted and maintained in a form that protects the privacy of the parents and the child; establishing that a parent in a termination of parental rights proceeding is entitled to the assistance of counsel; ~~requiring the court to refer certain unrepresented parents to certain legal services organizations for assignment of counsel; requiring the court to appoint counsel for a parent under certain circumstances~~ an unrepresented parent to a certain legal services organization for assignment of counsel or to appoint counsel for an unrepresented parent; establishing that a parent is not entitled to the assistance of counsel at the expense of the Maryland Legal Services Corporation or to appointed counsel unless the parent is indigent; defining certain terms; making this Act an emergency measure; and generally relating to children conceived without consent and termination of parental rights.

BY adding to

Article – Family Law

Section 5–1401 through 5–1405 to be under the new subtitle “Subtitle 14. Child
Conceived Without Consent”

Annotated Code of Maryland

(2012 Replacement Volume and 2017 Supplement)

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

Article – Family Law

SUBTITLE 14. CHILD CONCEIVED WITHOUT CONSENT.

5–1401.

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

(B) “NONCONSENSUAL SEXUAL CONDUCT” MEANS AN ACT COMMITTED BY A RESPONDENT AGAINST THE OTHER PARENT THAT IS PROHIBITED UNDER:

(1) § 3–303 OR § 3–304(A)(1) OR (2) OF THE CRIMINAL LAW ARTICLE;
OR

(2) § 3–323 OF THE CRIMINAL LAW ARTICLE, IF THE OTHER PARENT IS A MINOR AND THE RESPONDENT WAS AT LEAST 4 YEARS OLDER THAN THE OTHER PARENT AT THE TIME OF THE ACT.

(C) “RESPONDENT” MEANS THE PARENT AGAINST WHOM AN ACTION FOR TERMINATION OF PARENTAL RIGHTS IS FILED UNDER THIS SUBTITLE.

5–1402.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AFTER A TRIAL, A COURT MAY TERMINATE THE PARENTAL RIGHTS OF A RESPONDENT UNDER THIS SUBTITLE IF THE COURT:

(1) DETERMINES THAT THE RESPONDENT HAS BEEN SERVED IN ACCORDANCE WITH THE MARYLAND RULES;

(2) (I) FINDS THAT THE RESPONDENT HAS BEEN CONVICTED OF AN ACT OF NONCONSENSUAL SEXUAL CONDUCT AGAINST THE OTHER PARENT THAT RESULTED IN THE CONCEPTION OF THE CHILD AT ISSUE IN AN ACTION UNDER THIS SUBTITLE; OR

(II) FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THE RESPONDENT COMMITTED AN ACT OF NONCONSENSUAL SEXUAL CONDUCT AGAINST THE OTHER PARENT THAT RESULTED IN THE CONCEPTION OF THE CHILD AT ISSUE IN AN ACTION UNDER THIS SUBTITLE; AND

(3) FINDS BY CLEAR AND CONVINCING EVIDENCE THAT IT IS IN THE BEST INTEREST OF THE CHILD TO TERMINATE THE PARENTAL RIGHTS OF THE RESPONDENT.

(B) THE COURT MAY NOT TERMINATE PARENTAL RIGHTS UNDER SUBSECTION (A) OF THIS SECTION IF THE PARENTS WERE MARRIED AT THE TIME OF THE CONCEPTION OF THE CHILD AT ISSUE UNLESS:

(1) THE RESPONDENT HAS BEEN CONVICTED OF AN ACT OF NONCONSENSUAL SEXUAL CONDUCT AGAINST THE OTHER PARENT THAT RESULTED IN THE CONCEPTION OF THE CHILD; OR

(2) THE PARENTS WERE SEPARATED IN ACCORDANCE WITH A PROTECTIVE ORDER DURING THE TIME OF THE CONCEPTION OF THE CHILD AND HAVE REMAINED SEPARATE AND APART SINCE THE TIME OF CONCEPTION.

(C) A TERMINATION OF PARENTAL RIGHTS UNDER THIS SECTION TERMINATES COMPLETELY:

(1) A PARENT'S RIGHT TO CUSTODY OF, GUARDIANSHIP OF, ACCESS TO, VISITATION WITH, AND INHERITANCE FROM THE CHILD; AND

(2) A PARENT'S RESPONSIBILITY TO SUPPORT THE CHILD, INCLUDING THE RESPONSIBILITY TO PAY CHILD SUPPORT.

5-1403.

(A) AN ACTION FOR TERMINATION OF PARENTAL RIGHTS UNDER THIS SUBTITLE MAY BE FILED BY EITHER PARENT OF THE CHILD, THE CHILD'S COURT-APPOINTED GUARDIAN, OR THE CHILD'S COURT-APPOINTED ATTORNEY.

(B) (1) AN ACTION FOR TERMINATION OF PARENTAL RIGHTS FILED BY A PARENT UNDER THIS SUBTITLE SHALL BE FILED WITHIN 7 YEARS AFTER THE LATER OF:

(I) THE DATE OF THE BIRTH OF THE CHILD CONCEIVED AS A RESULT OF THE NONCONSENSUAL SEXUAL CONDUCT; OR

(II) THE DATE ON WHICH THE PARENT KNEW OR SHOULD HAVE KNOWN THE OTHER PARENT'S IDENTITY.

(2) AN ACTION FOR TERMINATION OF PARENTAL RIGHTS FILED BY A CHILD’S COURT–APPOINTED GUARDIAN OR ATTORNEY UNDER THIS SUBTITLE SHALL BE FILED BEFORE THE CHILD BECOMES AN ADULT.

(C) IN AN ACTION FOR TERMINATION OF PARENTAL RIGHTS FILED AGAINST A RESPONDENT BY A CHILD’S COURT–APPOINTED GUARDIAN OR ATTORNEY UNDER THIS SUBTITLE:

(1) THE OTHER PARENT SHALL BE JOINED AS A PARTY TO THE ACTION; AND

(2) THE ACTION MAY NOT PROCEED IF THE OTHER PARENT OBJECTS BEFORE THE COMMENCEMENT OF A TRIAL UNDER THIS SUBTITLE.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, WHEN PROOF IS MADE BY AFFIDAVIT THAT GOOD FAITH EFFORTS TO SERVE THE RESPONDENT HAVE NOT SUCCEEDED OR THAT THE RESPONDENT HAS ACTED TO EVADE SERVICE, THE COURT MAY ORDER ANY OTHER MEANS OF SERVICE THAT THE COURT CONSIDERS APPROPRIATE UNDER THE CIRCUMSTANCES AND THAT IS REASONABLY CALCULATED TO GIVE ACTUAL NOTICE OF THE PROCEEDING TO THE RESPONDENT.

(2) THE COURT SHALL RULE ON ANY MOTION FOR ALTERNATIVE SERVICE UNDER THIS SUBSECTION WITHIN 15 DAYS AFTER THE FILING OF THE MOTION.

(3) THE COURT MAY NOT REQUIRE PUBLICATION OF THE NAME OR PERSONALLY IDENTIFYING INFORMATION OF THE OTHER PARENT OR THE CHILD.

(E) (1) A SCHEDULING CONFERENCE SHALL BE HELD WITHIN 60 DAYS AFTER SERVICE OF THE COMPLAINT.

(2) AT THE SCHEDULING CONFERENCE, THE COURT:

(I) SHALL ISSUE A SCHEDULING ORDER, TAKING INTO CONSIDERATION THE BEST INTEREST OF THE CHILD, THE TIME NEEDED FOR DISCOVERY, AND THE INTEREST OF JUSTICE;

(II) AFTER PROVIDING THE PARENTS WITH AN OPPORTUNITY TO BE HEARD, MAY DETERMINE TEMPORARY CUSTODY OF THE MINOR CHILD; AND

(III) SHALL ADVISE THE RESPONDENT THAT:

1. THE RESPONDENT MAY REFUSE TO TESTIFY OR TO OFFER EVIDENCE; AND

2. NO ADVERSE INFERENCE MAY BE DRAWN FROM THE RESPONDENT'S REFUSAL TO TESTIFY OR TO OFFER EVIDENCE.

(3) FAILURE OF THE COURT TO ADVISE A RESPONDENT UNDER PARAGRAPH (2)(III) OF THIS SUBSECTION IS NOT GROUNDS TO OVERTURN A FINDING UNDER THIS SUBTITLE.

(4) A COMPLAINT FILED UNDER THIS SUBTITLE SHALL INCLUDE A NOTICE TO THE RESPONDENT THAT A SCHEDULING CONFERENCE WILL BE HELD WITHIN 60 DAYS AFTER SERVICE OF THE COMPLAINT.

5-1404.

(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE COURT SHALL HOLD A TRIAL ON TERMINATION OF PARENTAL RIGHTS NOT LATER THAN 180 DAYS AFTER AN ANSWER TO THE COMPLAINT IS FILED.

(2) UNLESS BOTH PARENTS AGREE OTHERWISE OR THE COURT FINDS THAT IT IS IN THE BEST INTEREST OF THE CHILD TO PROCEED, IF A CRIMINAL PROCEEDING INVOLVING THE SAME UNDERLYING FACTS IS PENDING AT THE TIME AN ACTION TO TERMINATE PARENTAL RIGHTS UNDER THIS SUBTITLE IS FILED, OR IF A CRIMINAL PROCEEDING INVOLVING THE SAME UNDERLYING FACTS IS COMMENCED AFTER AN ACTION TO TERMINATE PARENTAL RIGHTS UNDER THIS SUBTITLE IS FILED, THE COURT MAY STAY ALL FURTHER PROCEEDINGS IN THE ACTION TO TERMINATE PARENTAL RIGHTS UNTIL THE CRIMINAL PROCEEDING IS RESOLVED.

(B) IN AN ACTION TO TERMINATE PARENTAL RIGHTS UNDER THIS SUBTITLE:

(1) THE RESPONDENT MAY REFUSE TO TESTIFY OR TO OFFER EVIDENCE; AND

(2) NO ADVERSE INFERENCE MAY BE DRAWN FROM THE RESPONDENT'S REFUSAL TO TESTIFY OR TO OFFER EVIDENCE.

(C) A PARENT'S TESTIMONY AND ANY OTHER INFORMATION OBTAINED FROM THE PARENT IN A PROCEEDING UNDER THIS SUBTITLE AND ANY INFORMATION DIRECTLY OR INDIRECTLY DERIVED FROM THE PARENT'S TESTIMONY OR THE OTHER INFORMATION ARE INADMISSIBLE AS EVIDENCE IN A CRIMINAL PROCEEDING AGAINST THAT PARENT IF:

(1) THE CRIMINAL PROCEEDING INVOLVES THE SAME UNDERLYING FACTS; AND

(2) THE EVIDENCE IS OFFERED FOR A PURPOSE OTHER THAN IMPEACHMENT.

(D) THE COURT, ON ITS OWN MOTION OR ON PETITION, AND FOR GOOD CAUSE SHOWN, MAY ORDER THAT COURT RECORDS OF A PROCEEDING UNDER THIS SUBTITLE BE SEALED OR MAY REQUIRE THAT FILINGS BE SUBMITTED AND MAINTAINED IN A FORM THAT PROTECTS THE PRIVACY OF THE PARENTS AND THE CHILD.

5-1405.

(A) A PARENT IN A PROCEEDING UNDER THIS SUBTITLE IS ENTITLED TO THE ASSISTANCE OF COUNSEL.

(B) (1) ~~(I) THE COURT SHALL REFER AN UNREPRESENTED PETITIONER PARENT TO THE SEXUAL ASSAULT LEGAL INSTITUTE FOR ASSIGNMENT OF COUNSEL.~~

~~(II) THE COURT SHALL REFER AN UNREPRESENTED RESPONDENT TO ANOTHER QUALIFIED GRANTEE OF THE MARYLAND LEGAL SERVICES CORPORATION FOR ASSIGNMENT OF COUNSEL.~~

~~(III) IF COUNSEL FROM A DESIGNATED LEGAL SERVICES ORGANIZATION IS NOT AVAILABLE, THE COURT SHALL APPOINT COUNSEL FOR THE PARENT:~~

(I) REFER AN UNREPRESENTED PARENT TO A QUALIFIED GRANTEE OF THE MARYLAND LEGAL SERVICES CORPORATION FOR ASSIGNMENT OF COUNSEL; OR

(II) APPOINT COUNSEL FOR AN UNREPRESENTED PARENT.

(2) A PARENT IS NOT ENTITLED TO THE ASSISTANCE OF COUNSEL AT THE EXPENSE OF THE MARYLAND LEGAL SERVICES CORPORATION OR TO APPOINTED COUNSEL UNLESS THE PARENT IS INDIGENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect October 1, 2018~~ 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, February 13, 2018.

Chapter 5

Executive Order 01.01.2018.04

Reorganization of State Government – Office of Small Business Regulatory Assistance

Submitted to the President of the Senate and the Speaker of the House of Delegates of Maryland

Date: January 15, 2018

AN EXECUTIVE ORDER PURSUANT TO ARTICLE II, SECTION 24 OF THE CONSTITUTION OF MARYLAND

AN EXECUTIVE ORDER concerning

Reorganization of State Government –
Office of Small Business Regulatory Assistance

FOR the purpose of establishing an Office of Small Business Regulatory Assistance in the Department of Labor, Licensing, and Regulation and assigning the duties formerly exercised by the Office of the Business Ombudsman in the Office of the Governor to the Office of Small Business Regulatory Assistance; requiring the Office of Small Business Regulatory Assistance to perform certain new duties; and generally relating to reorganization of State government.

BY adding to

Article – Business Regulation
Section 2–103.1
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing

Article – Economic Development
Section 14–201 through 14–205 and the subtitle “Office of the Business Ombudsman”
Annotated Code of Maryland
(2008 Volume and 2017 Supplement)

Preamble

WHEREAS, House Bill 1 of the 2017 Session of the Maryland General Assembly (“Maryland Healthy Working Families Act”) was vetoed on May 25, 2017, the veto was subsequently overridden by the Maryland General Assembly, and the bill became Chapter 1 of the Acts of 2018;

WHEREAS, a strong and healthy workforce benefits all Marylanders and the State of Maryland has a commitment to expand access to paid leave in the workforce in a manner that does not burden job creators;

WHEREAS, the Committee on Paid Leave Policy submitted its findings in a final report after six months conducting in-person interviews with impacted organizations, individuals, employees, and employers from across the entire state;

WHEREAS, the findings of the report reveal that the Maryland Healthy Working Families Act contains potentially unintended consequences that negatively impact small businesses and workers;

WHEREAS, small businesses are concerned about fully complying with the prescriptive and complicated provisions of the Maryland Healthy Working Families Act in order to minimize the risk of being found in violation of the law with the presumption of guilt, which carries with it severe civil penalties;

WHEREAS, the Maryland Healthy Working Families Act creates unnecessary hardships and lacks clarity regarding verification for leave used between the 107 and 120 calendar days for employers in the tourism and hospitality industries, especially in places around the state that have a high demand for seasonal workers during peak seasons;

WHEREAS, working Marylanders have expressed concern about revealing intimate personal details to their employers in order to access sick leave;

WHEREAS, Maryland workers should not be unnecessarily laid off and small businesses should not be forced to shut their doors in order to comply with overly strict, burdensome, and costly regulations;

WHEREAS, small-businesses job creators who desire to remain in compliance with sick leave and other labor laws may need additional resources;

WHEREAS, personal employee information and required employer documentation must be handled with sensitivity; and

WHEREAS, the Business Ombudsman serves as a liaison between businesses, economic development organizations, communities, and federal, State, and local units and agencies; now, therefore,

SECTION 1. BE IT ORDERED BY THE GOVERNOR OF MARYLAND,

PURSUANT TO ARTICLE II, SECTION 24, OF THE CONSTITUTION OF MARYLAND, That Sections 14-201 through 14-205 of the Economic Development Article and the subtitle "Office of the Business Ombudsman" be repealed.

SECTION 2. AND BE IT FURTHER ORDERED, That:

Article – Business Regulation

2-103.1.

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

(2) "OFFICE" MEANS THE OFFICE OF SMALL BUSINESS REGULATORY ASSISTANCE.

(3) "EXECUTIVE DIRECTOR" MEANS AN INDIVIDUAL APPOINTED BY THE GOVERNOR WHO DIRECTS THE ACTIVITIES OF THE OFFICE OF SMALL BUSINESS REGULATORY ASSISTANCE AND SERVES AS A LIAISON BETWEEN BUSINESSES, ECONOMIC DEVELOPMENT ORGANIZATIONS, COMMUNITIES, AND FEDERAL, STATE, AND LOCAL UNITS AND AGENCIES.

(B) (1) THERE IS AN OFFICE OF SMALL BUSINESS REGULATORY ASSISTANCE IN THE DEPARTMENT.

(2) THE PURPOSE OF THE OFFICE IS TO:

(I) ASSIST BUSINESSES WITH THE IMPLEMENTATION OF THE MARYLAND HEALTHY WORKING FAMILIES ACT AND OTHER LABOR AND LICENSING LAWS AND REGULATIONS;

(II) RESOLVE PROBLEMS ENCOUNTERED BY BUSINESSES INTERACTING WITH STATE AGENCIES;

(III) FACILITATE RESPONSIVENESS OF STATE GOVERNMENT TO BUSINESS NEEDS;

(IV) SERVE AS A CENTRAL CLEARINGHOUSE OF INFORMATION FOR BUSINESS ASSISTANCE PROGRAMS AND SERVICES AVAILABLE IN THE STATE;

(V) ASSIST BUSINESSES BY REFERRING BUSINESSES AND INDIVIDUALS TO RESOURCES THAT PROVIDE THE BUSINESS SERVICES OR ASSISTANCE REQUESTED;

(VI) PROVIDE COMPREHENSIVE PERMIT INFORMATION AND ASSISTANCE;

(VII) ESTABLISH AND MAINTAIN METRICS IN ORDER TO MONITOR THE PROGRESS OF THE OFFICE AND REPORT THE DATA TO THE GOVERNOR AND THE GENERAL ASSEMBLY; AND

(VIII) REPORT AND MAKE RECOMMENDATIONS TO THE GOVERNOR AND THE GENERAL ASSEMBLY REGARDING BREAKDOWNS IN THE DELIVERY OF ECONOMIC DEVELOPMENT RESOURCES AND PROGRAMS, INCLUDING PROBLEMS ENCOUNTERED BY BUSINESSES INTERACTING WITH STATE AGENCIES.

(C) THE OFFICE SHALL:

(1) ASSIST IN THE ADOPTION OF REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THE MARYLAND HEALTHY WORKING FAMILIES ACT;

(2) ESTABLISH, MAINTAIN, AND UPDATE EACH YEAR A LIST OF THE BUSINESS ASSISTANCE PROGRAMS AND SERVICES IN THE STATE, INCLUDING THE NAMES, LOCATIONS, WEB SITE ADDRESSES, AND TELEPHONE NUMBERS OF THE ENTITIES PROVIDING THE PROGRAMS AND SERVICES;

(3) IMPLEMENT A BUSINESS FAIRNESS AND RESPONSIVENESS SERVICE THAT:

(I) RESOLVES PROBLEMS ENCOUNTERED BY BUSINESSES WITH OTHER STATE AGENCIES AND REGIONAL AND LOCAL ECONOMIC DEVELOPMENT ORGANIZATIONS;

(II) COORDINATES PROGRAMS AND SERVICES IMPLEMENTED BY FEDERAL, STATE, AND LOCAL AGENCIES;

(III) FACILITATES RESPONSIVENESS OF STATE GOVERNMENT TO BUSINESS NEEDS; AND

(IV) REPORTS TO THE GOVERNOR AND THE GENERAL ASSEMBLY REGARDING ANY BREAKDOWNS IN THE DELIVERY OF ECONOMIC DEVELOPMENT RESOURCES AND PROGRAMS;

(4) DEVELOP AND MAINTAIN A PROGRAM TO PROVIDE COMPREHENSIVE INFORMATION TO THE PUBLIC REGARDING PERMITS REQUIRED FOR BUSINESS INITIATIVES, PROJECTS, AND ACTIVITIES;

(5) ESTABLISH AND IMPLEMENT PROCEDURES TO ASSIST PERMIT APPLICANTS WHO HAVE ENCOUNTERED DIFFICULTIES IN OBTAINING TIMELY AND EFFICIENT PERMIT REVIEW; AND

(6) ADMINISTER AND OVERSEE THE STATE CUSTOMER SERVICE AND BUSINESS DEVELOPMENT EFFORTS TRAINING PROGRAM UNDER SUBSECTION (D) OF THIS SECTION.

(D) (1) THERE IS A STATE CUSTOMER SERVICE AND BUSINESS DEVELOPMENT EFFORTS TRAINING PROGRAM.

(2) THE PURPOSE OF THE PROGRAM IS TO INCREASE THE RESPONSIVENESS OF AND IMPROVE CUSTOMER SERVICE PROVIDED BY STATE AGENCIES TO BUSINESSES AND CUSTOMERS IN THE STATE.

(3) THE OFFICE SHALL DEVELOP STATE CUSTOMER SERVICE STANDARDS THAT INCORPORATE BEST PRACTICES FOR PROVIDING EXCELLENT CUSTOMER SERVICE.

(4) EACH AGENCY SHALL:

(I) CREATE A CUSTOMER SERVICE IMPROVEMENT PLAN;

(II) REVIEW AND INCORPORATE THE OFFICE'S STATE CUSTOMER SERVICE STANDARDS IN THE AGENCY'S CUSTOMER SERVICE IMPROVEMENT PLAN;

(III) DEVELOP AND CONDUCT CUSTOMER SERVICE TRAINING FOR EACH EMPLOYEE WHO INTERACTS WITH BUSINESSES AND MEMBERS OF THE PUBLIC ON A REGULAR BASIS;

(IV) ADOPT AND DISTRIBUTE A STANDARD CUSTOMER SERVICE SATISFACTION SURVEY FOR EACH PERSON THE AGENCY SERVES;

(V) ESTABLISH AN INCENTIVE OR RECOGNITION PROGRAM FOR EMPLOYEES WHO PROVIDE EXCELLENT CUSTOMER SERVICE; AND

(VI) REPORT EACH YEAR ON:

1. THE TRAINING PROVIDED TO EMPLOYEES, INCLUDING:

A. THE NUMBER OF TRAININGS;

B. THE FREQUENCY OF TRAININGS; AND

C. THE SPECIFIC SUBJECT OF EACH TRAINING;

2. THE RESPONSES RECEIVED FROM CUSTOMER SERVICE SATISFACTION SURVEYS DISTRIBUTED UNDER PARAGRAPH (IV) OF THIS SUBSECTION;

3. THE PROGRESS OF THE AGENCY'S CUSTOMER SERVICE, INCLUDING THE METRICS THE AGENCY USES TO ASSESS THE CUSTOMER SERVICE OF THE AGENCY; AND

4. THE AGENCY'S MEASURABLE GOALS FOR CONTINUING TO IMPROVE CUSTOMER SERVICE FOR THE UPCOMING YEAR.

(5) EACH YEAR THE OFFICE SHALL EVALUATE THE STATE CUSTOMER SERVICE AND BUSINESS DEVELOPMENT EFFORTS TRAINING PROGRAM AND MAKE RECOMMENDATIONS REGARDING THE PROGRAM.

(E) (1) EACH YEAR, THE OFFICE SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE STANDING COMMITTEES OF THE GENERAL ASSEMBLY HAVING JURISDICTION OVER ECONOMIC DEVELOPMENT MATTERS.

(2) THE REPORT SHALL CONTAIN:

(I) INFORMATION REGARDING THE PERFORMANCE OF THE OFFICE, INCLUDING DATA INDICATING THE EFFECTIVENESS OF PROGRAMS AND PROCEDURES REGARDING PERMITTING;

(II) DATA SPECIFYING THE NUMBER OF BUSINESSES AND INDIVIDUALS THAT HAVE CONTACTED THE OFFICE OR USED THE SERVICES OF THE OFFICE; AND

(III) RECOMMENDATIONS REGARDING IMPROVEMENTS TO EXISTING LAWS RELATING TO ECONOMIC DEVELOPMENT.

(3) THE REPORT SHALL INCLUDE INFORMATION AND RECOMMENDATIONS DEVELOPED FOR THE STATE CUSTOMER SERVICE AND BUSINESS DEVELOPMENT EFFORTS TRAINING PROGRAM UNDER SUBSECTION (D) OF THIS SECTION.

(F) THE GOVERNOR SHALL INCLUDE FUNDS IN THE STATE BUDGET TO IMPLEMENT THIS SUBTITLE, INCLUDING FUNDS TO:

- (1) EMPLOY A FULL-TIME EXECUTIVE DIRECTOR; AND**
- (2) OPERATE AND MAINTAIN AN OFFICE.**

SECTION 3. AND BE IT FURTHER ORDERED, That all persons who, as of the effective date of this Order, are employed in the Office of Business Ombudsman in the Office of the Governor are hereby transferred to the Office of Small Business Regulatory Assistance in the Department of Labor, Licensing and Regulation without any change or loss of rights or status, and shall retain their merit system and retirement system status.

SECTION 4. AND BE IT FURTHER ORDERED, That any transaction affected by or arising from any statute here amended, repealed, or transferred, and validly entered into before the effective date of this Order and every right, duty, or interest flowing from it remains valid after the effective date and may be terminated, completed, consummated, or enforced pursuant to law.

SECTION 5. AND BE IT FURTHER ORDERED, That all rules and regulations, proposed rules and regulations, standards and guidelines, proposed standards and guidelines, orders and other directives, forms, plans, memberships, special funds, appropriations, grants, applications for grants, contracts, property, investigations, administrative and judicial proceedings, rights to sue and be sued, and all other duties and responsibilities associated with those functions transferred by this Order shall continue in effect under the Office of Small Business Regulatory Assistance upon transfer to the Department of Labor, Licensing and Regulation.

SECTION 6. AND BE IT FURTHER ORDERED, That any unexpended appropriation for the purpose of financing the Office of the Business Ombudsman shall be transferred by approved budget amendment to the Department of Labor, Licensing and Regulation.

SECTION 7. AND BE IT FURTHER ORDERED, That this executive order shall become effective and have the force of law on this 15th day of January, 2018, unless specifically disapproved within 50 days after submission, by a resolution of disapproval concurred in by a majority vote of all members of either House of the General Assembly.

GIVEN Under my Hand and the Great Seal of Maryland, in the City of Annapolis, this 15th day of January, 2018.

LAWRENCE J. HOGAN, JR.
Governor of Maryland

ATTEST:

JOHN C. WOBENSMITH
Secretary of State

**Executive Order effective March 6, 2018, in accordance with Article II, Section 24
of the Maryland Constitution**

Chapter 6

(House Bill 1795)

AN ACT concerning

Maryland Health Benefit Exchange – Establishment of a Reinsurance Program

FOR the purpose of repealing the requirement that the Maryland Health Benefit Exchange implement or oversee the implementation of state-specific requirements for transitional reinsurance and risk adjustment under the Affordable Care Act; repealing the prohibition on the Exchange's assuming responsibility for the program corridors for health benefit plans in certain exchanges established under certain provisions of the Affordable Care Act; repealing the requirement that the Exchange operate or oversee the operation of a transitional reinsurance program in accordance with certain regulations for certain coverage years; repealing the requirement that the Exchange operate or oversee the operation of a certain risk adjustment program; repealing the requirement that the Exchange, beginning in a certain year, strongly consider using a certain model for a certain purpose; altering the purposes of the Maryland Health Benefit Exchange Fund; altering the contents of the Maryland Health Benefit Exchange Fund; providing that certain funds may be used only for the purposes of the State Reinsurance Program; requiring, rather than authorizing, the Exchange, in consultation with the Maryland Insurance Commission and as approved by the Maryland Health Benefit Exchange Board, to establish and implement a State Reinsurance Program to provide reinsurance to certain carriers and that meets certain requirements and is consistent with certain laws; requiring that the Program be designed to mitigate the impact of certain individuals on certain rates; requiring the Exchange, in consultation with the Commissioner and as approved by the Board and based on available funds, to establish certain parameters for reinsurance in certain years; authorizing the Exchange, in consultation with the Commissioner and as approved by the Board, to alter the parameters under certain circumstances; providing that, beginning on a certain date, funding for reinsurance in the individual health insurance market through the Program may be made from certain sources by using certain funds; requiring that, beginning on a certain date and under certain circumstances, certain State funding the implementation of the Program for the reinsurance of the individual market through the Program be

contingent on the ~~Centers for Medicare and Medicaid Services'~~ U.S. Secretary of Health and Human Services and the U.S. Secretary of the Treasury approving a waiver application under a certain provision of federal law; requiring the Exchange to adopt certain regulations on or before a certain date; ~~authorizing~~ requiring the Exchange ~~and the Maryland Insurance~~, in consultation with the Commissioner and as approved by the Board, to submit a waiver and seek certain funding under certain provisions of federal law as soon as practicable but not later than a certain date; authorizing, on or before a certain date, the Commissioner to waive certain statutory requirements under certain circumstances; making this Act an emergency measure; and generally relating to the establishment of a reinsurance program by the Maryland Health Benefit Exchange.

BY repealing

Article – Insurance
Section 31–117
Annotated Code of Maryland
(2017 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Insurance
Section 31–107
Annotated Code of Maryland
(2017 Replacement Volume)

BY adding to

Article – Insurance
Section 31–117 and 31–117.1
Annotated Code of Maryland
(2017 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 31–117 of Article – Insurance of the Annotated Code of Maryland be repealed.

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

Article – Insurance

31–107.

(a) There is a Maryland Health Benefit Exchange Fund.

(b) (1) The purpose of the Fund is to:

(i) provide funding for the operation and administration of the Exchange in carrying out the purposes of the Exchange under this title; and

(ii) provide funding for the establishment and operation of the State Reinsurance Program authorized under ~~§ 31-117~~ of this title.

(2) The operation and administration of the Exchange and the State Reinsurance Program may include functions delegated by the Exchange to a third party under law or by contract.

(c) The Exchange shall administer the Fund.

(d) (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.

(e) The Fund consists of:

(1) any user fees or other assessments collected by the Exchange;

(2) all revenue deposited into the Fund that is received from the distribution of the premium tax under § 6-103.2 of this article;

[(3) all revenue transferred to the Fund before July 1, 2016, from the Maryland Health Insurance Plan Fund;]

[(4) (3) income from investments made on behalf of the Fund;

[(5) (4) interest on deposits or investments of money in the Fund;

[(6) (5) money collected by the Board as a result of legal or other actions taken by the Board on behalf of the Exchange or the Fund;

[(7) (6) money donated to the Fund;

[(8) (7) money awarded to the Fund through grants; [and]

(8) ANY PASS-THROUGH FUNDS RECEIVED FROM THE FEDERAL GOVERNMENT UNDER A WAIVER APPROVED UNDER § 1332 OF THE AFFORDABLE CARE ACT;

(9) ANY FUNDS DESIGNATED BY THE FEDERAL GOVERNMENT TO PROVIDE REINSURANCE TO CARRIERS THAT OFFER INDIVIDUAL HEALTH BENEFIT PLANS IN THE STATE;

(10) ANY FUNDS DESIGNATED BY THE STATE TO PROVIDE REINSURANCE TO CARRIERS THAT OFFER INDIVIDUAL HEALTH BENEFIT PLANS IN THE STATE; AND

[(9) (11) any other money from any other source accepted for the benefit of the Fund.

(f) The Fund may be used only:

(1) for the operation and administration of the Exchange in carrying out the purposes authorized under this title; and

(2) for the establishment and operation of the State Reinsurance Program [authorized under § 31–117 of this title].

(g) (1) The Board shall maintain separate accounts within the Fund for Exchange operations and for the State Reinsurance Program.

(2) Accounts within the Fund shall contain the money that is intended to support the purpose for which each account is designated.

(3) Funds received from the distribution of the premium tax under § 6–103.2 of this article shall be placed in the account for Exchange operations and may be used only for the purpose of funding the operation and administration of the Exchange.

[(4) Funds transferred from the Maryland Health Insurance Plan Fund before July 1, 2016, shall be placed in the account for the State Reinsurance Program and may be used only for the purpose of funding the State Reinsurance Program.]

(4) THE FOLLOWING FUNDS MAY BE USED ONLY FOR THE PURPOSES OF FUNDING THE STATE REINSURANCE PROGRAM:

(I) ANY PASS–THROUGH FUNDS RECEIVED FROM THE FEDERAL GOVERNMENT UNDER A WAIVER APPROVED UNDER § 1332 OF THE AFFORDABLE CARE ACT;

(II) ANY FUNDS DESIGNATED BY THE FEDERAL GOVERNMENT TO PROVIDE REINSURANCE TO CARRIERS THAT OFFER INDIVIDUAL HEALTH BENEFIT PLANS IN THE STATE; AND

(III) ANY FUNDS DESIGNATED BY THE STATE TO PROVIDE REINSURANCE TO CARRIERS THAT OFFER INDIVIDUAL HEALTH BENEFIT PLANS IN THE STATE.

(h) (1) Expenditures from the Fund for the purposes authorized by this subtitle may be made only:

(i) with an appropriation from the Fund approved by the General Assembly in the State budget; or

(ii) by the budget amendment procedure provided for in Title 7, Subtitle 2 of the State Finance and Procurement Article.

(2) Notwithstanding § 7–304 of the State Finance and Procurement Article, if the amount of the distribution from the premium tax under § 6–103.2 of this article exceeds in any State fiscal year the actual expenditures incurred for the operation and administration of the Exchange, funds in the Exchange operations account from the premium tax that remain unspent at the end of the State fiscal year shall revert to the General Fund of the State.

(3) If operating expenses of the Exchange may be charged to either State or non–State fund sources, the non–State funds shall be charged before State funds are charged.

(i) (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 Fund.

(3) Except as provided in subsection (h)(2) of this section, no part of the Fund may revert or be credited to the General Fund or any special fund of the State.

(j) A debt or an obligation of the Fund is not a debt of the State or a pledge of credit of the State.

31–117.

(A) THE EXCHANGE, IN CONSULTATION WITH THE COMMISSIONER AND AS APPROVED BY THE BOARD, SHALL ESTABLISH AND IMPLEMENT A STATE REINSURANCE PROGRAM:

(1) TO PROVIDE REINSURANCE TO CARRIERS THAT OFFER INDIVIDUAL HEALTH BENEFIT PLANS IN THE STATE;

(2) THAT MEETS THE REQUIREMENTS OF A WAIVER APPROVED UNDER § 1332 OF THE AFFORDABLE CARE ACT; AND

(3) THAT IS CONSISTENT WITH STATE AND FEDERAL LAW.

(B) THE STATE REINSURANCE PROGRAM SHALL BE DESIGNED TO MITIGATE THE IMPACT OF HIGH-RISK INDIVIDUALS ON RATES IN THE INDIVIDUAL INSURANCE MARKET INSIDE AND OUTSIDE THE EXCHANGE.

(C) (1) BASED ON AVAILABLE FUNDS, THE EXCHANGE, IN CONSULTATION WITH THE COMMISSIONER AND AS APPROVED BY THE BOARD, SHALL ESTABLISH REINSURANCE PAYMENT PARAMETERS FOR CALENDAR YEAR 2019 AND EACH SUBSEQUENT CALENDAR YEAR THAT INCLUDE:

- (I) AN ATTACHMENT POINT;
- (II) A COINSURANCE RATE; AND
- (III) A COINSURANCE CAP.

(2) THE EXCHANGE, IN CONSULTATION WITH THE COMMISSIONER AND AS APPROVED BY THE BOARD, MAY ALTER THE PARAMETERS ESTABLISHED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION AS NECESSARY TO SECURE FEDERAL APPROVAL FOR A WAIVER SUBMITTED IN ACCORDANCE WITH § 31-117.1(A) OF THIS TITLE.

~~(C)~~ (D) BEGINNING JANUARY 1, 2019, FUNDING FOR REINSURANCE IN THE INDIVIDUAL MARKET THROUGH THE STATE REINSURANCE PROGRAM MAY BE MADE FROM BY USING:

- ~~(1) ANY AVAILABLE STATE FUNDING SOURCE; AND~~
- ~~(2) ANY AVAILABLE FEDERAL FUNDING SOURCE.~~

(1) ANY PASS-THROUGH FUNDS RECEIVED FROM THE FEDERAL GOVERNMENT UNDER A WAIVER APPROVED UNDER § 1332 OF THE AFFORDABLE CARE ACT;

(2) ANY FUNDS DESIGNATED BY THE FEDERAL GOVERNMENT TO PROVIDE REINSURANCE TO CARRIERS THAT OFFER INDIVIDUAL HEALTH BENEFIT PLANS IN THE STATE; AND

(3) ANY FUNDS DESIGNATED BY THE STATE TO PROVIDE REINSURANCE TO CARRIERS THAT OFFER INDIVIDUAL HEALTH BENEFIT PLANS IN THE STATE.

~~(D)~~ (E) BEGINNING JANUARY 1, 2019, IF REQUIRED UNDER THE TERMS AND CONDITIONS OF RECEIVING FEDERAL FUNDS, STATE FUNDING THE IMPLEMENTATION OF A STATE REINSURANCE PROGRAM FOR REINSURANCE IN THE

~~INDIVIDUAL MARKET THROUGH THE STATE REINSURANCE PROGRAM SHALL BE CONTINGENT ON THE CENTERS FOR MEDICARE AND MEDICAID SERVICES' APPROVING A WAIVER APPROVAL FROM THE U.S. SECRETARY OF HEALTH AND HUMAN SERVICES AND THE U.S. SECRETARY OF THE TREASURY OF A STATE INNOVATION WAIVER APPLICATION UNDER § 1332 OF THE AFFORDABLE CARE ACT.~~

~~(E) (F) THE ON OR BEFORE JANUARY 1, 2019, THE EXCHANGE SHALL ADOPT REGULATIONS IMPLEMENTING THE PROVISIONS OF THIS SECTION.~~

31-117.1.

(A) ~~THE AS SOON AS PRACTICABLE BUT NOT LATER THAN JULY 1, 2018, THE EXCHANGE AND THE COMMISSIONER MAY, IN CONSULTATION WITH THE COMMISSIONER AND AS APPROVED BY THE BOARD, SHALL SUBMIT A WAIVER STATE INNOVATION WAIVER APPLICATION UNDER § 1332 OF THE AFFORDABLE CARE ACT TO ESTABLISH A PROGRAM FOR REINSURANCE AND SEEK FEDERAL PASS-THROUGH FUNDING UNDER § 26B OF THE INTERNAL REVENUE CODE AND § 1402 OF THE AFFORDABLE CARE ACT.~~

(B) ON OR BEFORE DECEMBER 31, 2018, THE COMMISSIONER MAY WAIVE ANY NOTIFICATION OR OTHER REQUIREMENTS THAT APPLY TO A CARRIER UNDER THIS ARTICLE IN CALENDAR YEAR 2018 DUE TO THE IMPLEMENTATION OF A WAIVER APPROVED UNDER § 1332 OF THE AFFORDABLE CARE ACT.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 5, 2018.

Chapter 7

(Senate Bill 1267)

AN ACT concerning

Maryland Health Benefit Exchange – Establishment of a Reinsurance Program

FOR the purpose of repealing the requirement that the Maryland Health Benefit Exchange implement or oversee the implementation of state-specific requirements for transitional reinsurance and risk adjustment under the Affordable Care Act;

repealing the prohibition on the Exchange's assuming responsibility for the program corridors for health benefit plans in certain exchanges established under certain provisions of the Affordable Care Act; repealing the requirement that the Exchange operate or oversee the operation of a transitional reinsurance program in accordance with certain regulations for certain coverage years; repealing the requirement that the Exchange operate or oversee the operation of a certain risk adjustment program; repealing the requirement that the Exchange, beginning in a certain year, strongly consider using a certain model for a certain purpose; altering the purposes of the Maryland Health Benefit Exchange Fund; altering the contents of the Fund; providing that certain funds may be used only for the purposes of the State Reinsurance Program; requiring, rather than authorizing, the Exchange, in consultation with the Maryland Insurance Commission and as approved by the Maryland Health Benefit Exchange Board, to establish and implement a State Reinsurance Program to provide reinsurance to certain carriers and that meets certain requirements and is consistent with certain laws; requiring that the Program be designed to mitigate the impact of certain individuals on certain rates; requiring the Exchange, in consultation with the Commissioner and as approved by the Board and based on available funds, to establish certain parameters for reinsurance in certain years; authorizing the Exchange, in consultation with the Commissioner and as approved by the Board, to alter the parameters under certain circumstances; providing that, beginning on a certain date, funding for reinsurance in the individual health insurance market through the Program may be made by using certain funds; requiring that the implementation of the Program for the reinsurance of the individual market be contingent on the U.S. Secretary of Health and Human Services and the U.S. Secretary of the Treasury approving a waiver application under a certain provision of federal law; requiring the Exchange to adopt certain regulations on or before a certain date; requiring the Exchange, in consultation with the Commissioner and as approved by the Board, to submit a waiver and seek certain funding under certain provisions of federal law as soon as practicable but not later than a certain date; authorizing, on or before a certain date, the Commissioner to waive certain statutory requirements under certain circumstances; making this Act an emergency measure; and generally relating to the establishment of a reinsurance program by the Maryland Health Benefit Exchange.

BY repealing

Article – Insurance

Section 31–117

Annotated Code of Maryland

(2017 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 31–107

Annotated Code of Maryland

(2017 Replacement Volume)

BY adding to

Article – Insurance
Section 31–117 and 31–117.1
Annotated Code of Maryland
(2017 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 31–117 of Article – Insurance of the Annotated Code of Maryland be repealed.

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

Article – Insurance

31–107.

(a) There is a Maryland Health Benefit Exchange Fund.

(b) (1) The purpose of the Fund is to:

(i) provide funding for the operation and administration of the Exchange in carrying out the purposes of the Exchange under this title; and

(ii) provide funding for the establishment and operation of the State Reinsurance Program authorized under [§ 31–117 of] this title.

(2) The operation and administration of the Exchange and the State Reinsurance Program may include functions delegated by the Exchange to a third party under law or by contract.

(c) The Exchange shall administer the Fund.

(d) (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.

(e) The Fund consists of:

(1) any user fees or other assessments collected by the Exchange;

(2) all revenue deposited into the Fund that is received from the distribution of the premium tax under § 6–103.2 of this article;

[(3) all revenue transferred to the Fund before July 1, 2016, from the Maryland Health Insurance Plan Fund;]

[(4)] (3) income from investments made on behalf of the Fund;

[(5)] (4) interest on deposits or investments of money in the Fund;

[(6)] (5) money collected by the Board as a result of legal or other actions taken by the Board on behalf of the Exchange or the Fund;

[(7)] (6) money donated to the Fund;

[(8)] (7) money awarded to the Fund through grants; [and]

(8) ANY PASS-THROUGH FUNDS RECEIVED FROM THE FEDERAL GOVERNMENT UNDER A WAIVER APPROVED UNDER § 1332 OF THE AFFORDABLE CARE ACT;

(9) ANY FUNDS DESIGNATED BY THE FEDERAL GOVERNMENT TO PROVIDE REINSURANCE TO CARRIERS THAT OFFER INDIVIDUAL HEALTH BENEFIT PLANS IN THE STATE;

(10) ANY FUNDS DESIGNATED BY THE STATE TO PROVIDE REINSURANCE TO CARRIERS THAT OFFER INDIVIDUAL HEALTH BENEFIT PLANS IN THE STATE; AND

[(9)] (11) any other money from any other source accepted for the benefit of the Fund.

(f) The Fund may be used only:

(1) for the operation and administration of the Exchange in carrying out the purposes authorized under this title; and

(2) for the establishment and operation of the State Reinsurance Program [authorized under § 31-117 of this title].

(g) (1) The Board shall maintain separate accounts within the Fund for Exchange operations and for the State Reinsurance Program.

(2) Accounts within the Fund shall contain the money that is intended to support the purpose for which each account is designated.

(3) Funds received from the distribution of the premium tax under § 6-103.2 of this article shall be placed in the account for Exchange operations and may be used only for the purpose of funding the operation and administration of the Exchange.

[(4) Funds transferred from the Maryland Health Insurance Plan Fund before July 1, 2016, shall be placed in the account for the State Reinsurance Program and may be used only for the purpose of funding the State Reinsurance Program.]

(4) THE FOLLOWING FUNDS MAY BE USED ONLY FOR THE PURPOSES OF FUNDING THE STATE REINSURANCE PROGRAM:

(I) ANY PASS–THROUGH FUNDS RECEIVED FROM THE FEDERAL GOVERNMENT UNDER A WAIVER APPROVED UNDER § 1332 OF THE AFFORDABLE CARE ACT;

(II) ANY FUNDS DESIGNATED BY THE FEDERAL GOVERNMENT TO PROVIDE REINSURANCE TO CARRIERS THAT OFFER INDIVIDUAL HEALTH BENEFIT PLANS IN THE STATE; AND

(III) ANY FUNDS DESIGNATED BY THE STATE TO PROVIDE REINSURANCE TO CARRIERS THAT OFFER INDIVIDUAL HEALTH BENEFIT PLANS IN THE STATE.

(h) (1) Expenditures from the Fund for the purposes authorized by this subtitle may be made only:

(i) with an appropriation from the Fund approved by the General Assembly in the State budget; or

(ii) by the budget amendment procedure provided for in Title 7, Subtitle 2 of the State Finance and Procurement Article.

(2) Notwithstanding § 7–304 of the State Finance and Procurement Article, if the amount of the distribution from the premium tax under § 6–103.2 of this article exceeds in any State fiscal year the actual expenditures incurred for the operation and administration of the Exchange, funds in the Exchange operations account from the premium tax that remain unspent at the end of the State fiscal year shall revert to the General Fund of the State.

(3) If operating expenses of the Exchange may be charged to either State or non–State fund sources, the non–State funds shall be charged before State funds are charged.

(i) (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 Fund.

(3) Except as provided in subsection (h)(2) of this section, no part of the Fund may revert or be credited to the General Fund or any special fund of the State.

(j) A debt or an obligation of the Fund is not a debt of the State or a pledge of credit of the State.

31-117.

(A) THE EXCHANGE, IN CONSULTATION WITH THE COMMISSIONER AND AS APPROVED BY THE BOARD, SHALL ESTABLISH AND IMPLEMENT A STATE REINSURANCE PROGRAM:

(1) TO PROVIDE REINSURANCE TO CARRIERS THAT OFFER INDIVIDUAL HEALTH BENEFIT PLANS IN THE STATE;

(2) THAT MEETS THE REQUIREMENTS OF A WAIVER APPROVED UNDER § 1332 OF THE AFFORDABLE CARE ACT; AND

(3) THAT IS CONSISTENT WITH STATE AND FEDERAL LAW.

(B) THE STATE REINSURANCE PROGRAM SHALL BE DESIGNED TO MITIGATE THE IMPACT OF HIGH-RISK INDIVIDUALS ON RATES IN THE INDIVIDUAL INSURANCE MARKET INSIDE AND OUTSIDE THE EXCHANGE.

(C) (1) BASED ON AVAILABLE FUNDS, THE EXCHANGE, IN CONSULTATION WITH THE COMMISSIONER AND AS APPROVED BY THE BOARD, SHALL ESTABLISH REINSURANCE PAYMENT PARAMETERS FOR CALENDAR YEAR 2019 AND EACH SUBSEQUENT CALENDAR YEAR THAT INCLUDE:

(I) AN ATTACHMENT POINT;

(II) A COINSURANCE RATE; AND

(III) A COINSURANCE CAP.

(2) THE EXCHANGE, IN CONSULTATION WITH THE COMMISSIONER AND AS APPROVED BY THE BOARD, MAY ALTER THE PARAMETERS ESTABLISHED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION AS NECESSARY TO SECURE FEDERAL APPROVAL FOR A WAIVER SUBMITTED IN ACCORDANCE WITH § 31-117.1(A) OF THIS TITLE.

(D) BEGINNING JANUARY 1, 2019, FUNDING FOR REINSURANCE IN THE INDIVIDUAL MARKET THROUGH THE STATE REINSURANCE PROGRAM MAY BE MADE BY USING:

(1) ANY PASS-THROUGH FUNDS RECEIVED FROM THE FEDERAL GOVERNMENT UNDER A WAIVER APPROVED UNDER § 1332 OF THE AFFORDABLE CARE ACT;

(2) ANY FUNDS DESIGNATED BY THE FEDERAL GOVERNMENT TO PROVIDE REINSURANCE TO CARRIERS THAT OFFER INDIVIDUAL HEALTH BENEFIT PLANS IN THE STATE; AND

(3) ANY FUNDS DESIGNATED BY THE STATE TO PROVIDE REINSURANCE TO CARRIERS THAT OFFER INDIVIDUAL HEALTH BENEFIT PLANS IN THE STATE.

(E) THE IMPLEMENTATION OF A STATE REINSURANCE PROGRAM FOR REINSURANCE IN THE INDIVIDUAL MARKET SHALL BE CONTINGENT ON APPROVAL FROM THE U.S. SECRETARY OF HEALTH AND HUMAN SERVICES AND THE U.S. SECRETARY OF THE TREASURY OF A STATE INNOVATION WAIVER APPLICATION UNDER § 1332 OF THE AFFORDABLE CARE ACT.

(F) ON OR BEFORE JANUARY 1, 2019, THE EXCHANGE SHALL ADOPT REGULATIONS IMPLEMENTING THE PROVISIONS OF THIS SECTION.

31-117.1.

(A) AS SOON AS PRACTICABLE BUT NOT LATER THAN JULY 1, 2018, THE EXCHANGE, IN CONSULTATION WITH THE COMMISSIONER AND AS APPROVED BY THE BOARD, SHALL SUBMIT A STATE INNOVATION WAIVER APPLICATION UNDER § 1332 OF THE AFFORDABLE CARE ACT TO ESTABLISH A PROGRAM FOR REINSURANCE AND SEEK FEDERAL PASS-THROUGH FUNDING.

(B) ON OR BEFORE DECEMBER 31, 2018, THE COMMISSIONER MAY WAIVE ANY NOTIFICATION OR OTHER REQUIREMENTS THAT APPLY TO A CARRIER UNDER THIS ARTICLE IN CALENDAR YEAR 2018 DUE TO THE IMPLEMENTATION OF A WAIVER APPROVED UNDER § 1332 OF THE AFFORDABLE CARE ACT.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 5, 2018.

Chapter 8**(Senate Bill 290)**

AN ACT concerning

**Regional Greenhouse Gas Initiative – Withdrawal – Legislative Approval
Required
(Regional Greenhouse Gas Initiative Extension Act)**

FOR the purpose of altering the circumstances under which the State may withdraw from the Regional Greenhouse Gas Initiative by requiring the General Assembly to enact a law approving the withdrawal; and generally relating to the Regional Greenhouse Gas Initiative.

BY repealing and reenacting, with amendments,
Article – Environment
Section 2–1002(g)
Annotated Code of Maryland
(2013 Replacement Volume and 2017 Supplement)

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

Article – Environment

2–1002.

(g) (1) In this subsection, “allowance” means one ton of carbon dioxide that may be bought, sold, traded, or banked for use under the Regional Greenhouse Gas Initiative.

(2) Not later than June 30, 2007, the Governor shall include the State as a full participant in the Regional Greenhouse Gas Initiative among Mid–Atlantic and Northeast states.

(3) The State may withdraw from the Initiative, as provided in the December 20, 2005 memorandum of understanding of the Initiative, at any time after January 1, 2009, **IF THE GENERAL ASSEMBLY ENACTS A LAW TO APPROVE THE WITHDRAWAL.**

(4) If the Regional Greenhouse Gas Initiative expires and there is a successor organization with the same purposes and goals, the Governor is encouraged to join the State in the successor organization.

(5) Notwithstanding § 2–107 of this title, all of the proceeds from the sale of Maryland allowances under the Regional Greenhouse Gas Initiative shall be deposited

in the Maryland Strategic Energy Investment Fund under § 9–20B–05 of the State Government Article.

(6) If the State’s participation in the Regional Greenhouse Gas Initiative ceases for any reason, the Governor shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, regarding:

(i) Why participation ceased; and

(ii) A plan to reduce carbon dioxide emissions from power plants in the State that considers the use of Maryland grown, native, warm season grasses as a possible method of reducing carbon emissions.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 5, 2018.

Chapter 9

(Senate Bill 186)

AN ACT concerning

Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2018, and the Maryland Consolidated Capital Bond Loans of 2007, 2010, 2011, 2012, 2013, 2014, 2015, 2016, and 2017

FOR the purpose of authorizing the creation of a State Debt in the amount of ~~One Billion, One Hundred and Seventy Nine Thousand Dollars (\$1,000,179,000)~~ ~~One Billion, Eighty Million, One Hundred and Seventy Nine Thousand Dollars (\$1,080,179,000)~~ One Billion, Ninety-One Million, One Hundred and Seventy-Nine Thousand Dollars (\$1,091,179,000), the proceeds to be used for certain necessary building, construction, demolition, planning, renovation, conversion, replacement, and capital equipment purchases of the State, for acquiring certain real estate in connection therewith, and for grants to certain subdivisions and other organizations for certain development and improvement purposes, subject to certain requirements that certain matching funds be provided and expended by certain dates; providing generally for the issuance and sale of bonds evidencing the loan; authorizing the creation of State Debt in certain years to be used for certain purposes; imposing a certain tax on all assessable property in the State; requiring that certain grantees convey certain easements under certain circumstances to the Maryland Historical Trust; providing that the proceeds of certain loans must be expended or encumbered by a certain date; authorizing the Board of Public Works, under certain circumstances, to approve certain appropriations, notwithstanding certain technical

differences; authorizing certain unexpended appropriations in certain prior capital budgets and bond loans to be expended for other public projects; altering certain requirements for certain programs in certain prior capital budgets and bond loans; providing that the authorizations of State Debt in certain prior capital budgets and bond loans be reduced by certain amounts; requiring that certain projects be constructed at certain locations; repealing certain requirements for certain appropriations; requiring the Comptroller to make certain transfers, adjustments, and reconciliations; repealing certain Maryland Consolidated Capital Bond Loan Preauthorization acts; specifying the use of certain project funds; altering the authorized uses of certain grants; altering the authorized purpose of certain grants; altering the authorized scope of certain grants; altering the names of certain grantees; altering the matching fund requirements of certain grants; extending the deadline for certain grantees to present evidence of certain matching funds; extending the termination date of certain grants; requiring that, notwithstanding certain provisions of law, a certain percentage of certain funds be allocated in a certain fiscal year; authorizing premiums from the sale of State bonds in a certain fiscal year to remain in or be transferred to a certain fund and to be used for certain capital projects under certain circumstances; authorizing the Comptroller to make certain transfers, adjustments, and reconciliations; providing that certain allocations are not subject to approval by the Board of Public Works; providing that certain allocations shall be deemed approved under certain provisions of law; providing that a certain authorization be reduced by a certain amount and allocated only from certain funding; making certain technical corrections; providing for a delayed effective date for certain provisions of this Act; and generally relating to the financing of certain capital projects.

BY repealing and reenacting, with amendments,

Chapter 488 of the Acts of the General Assembly of 2007, as amended by Chapter 463 of the Acts of the General Assembly of 2014 and Chapter 27 of the Acts of the General Assembly of 2016
Section 1(3) Item ZA03(D)

BY repealing and reenacting, with amendments,

Chapter 483 of the Acts of the General Assembly of 2010
Section 1(3) Item UA04(B)

BY repealing and reenacting, with amendments,

Chapter 483 of the Acts of the General Assembly of 2010, as amended by Chapter 396 of the Acts of the General Assembly of 2011, Chapter 444 of the Acts of the General Assembly of 2012, Chapter 424 of the Acts of the General Assembly of 2013, Chapter 463 of the Acts of the General Assembly of 2014, and Chapter 495 of the Acts of the General Assembly of 2015
Section 1(1)

BY repealing and reenacting, with amendments,

Chapter 396 of the Acts of the General Assembly of 2011, as amended by Chapter 444 of the Acts of the General Assembly of 2012

Section 1(3) Item ZA00(N)

BY repealing and reenacting, with amendments,

Chapter 396 of the Acts of the General Assembly of 2011, as amended by Chapter 430 of the Acts of the General Assembly of 2013, Chapter 463 of the Acts of the General Assembly of 2014, Chapter 495 of the Acts of the General Assembly of 2015, and Chapter 27 of the Acts of the General Assembly of 2016
Section 1(3) Item ZA02(BJ) and ZA03(AW)

BY repealing and reenacting, with amendments,

Chapter 396 of the Acts of the General Assembly of 2011, as amended by Chapter 463 of the Acts of the General Assembly of 2014 and Chapter 27 of the Acts of the General Assembly of 2016
Section 1(3) Item ZA02(BO) and ZA03(BE)

BY repealing and reenacting, with amendments,

Chapter 444 of the Acts of the General Assembly of 2012, as amended by Chapter 424 of the Acts of the General Assembly of 2013
Section 1(3) Item ZA00(P)

BY repealing and reenacting, with amendments,

Chapter 444 of the Acts of the General Assembly of 2012, as amended by Chapter 27 of the Acts of the General Assembly of 2016
Section 1(3) Item RB31(A), ZA02(AL), and ZA03(AS)

BY repealing and reenacting, with amendments,

Chapter 444 of the Acts of the General Assembly of 2012, as amended by Chapter 463 of the Acts of the General Assembly of 2014, Chapter 495 of the Acts of the General Assembly of 2015, Chapter 27 of the Acts of the General Assembly of 2016, and Chapter 22 of the Acts of the General Assembly of 2017
Section 1(1)

BY repealing and reenacting, with amendments,

Chapter 424 of the Acts of the General Assembly of 2013
Section 1(3) Item ML01(A), RB27(B), RB31(A), ~~and ZA00(Z)~~ ZA00(Z), ZA02(BS), and ZA03(BH)

BY repealing and reenacting, with amendments,

Chapter 424 of the Acts of the General Assembly of 2013, as amended by Chapter 463 of the Acts of the General Assembly of 2014, Chapter 495 of the Acts of the General Assembly of 2015, Chapter 27 of the Acts of the General Assembly of 2016, and Chapter 22 of the Acts of the General Assembly of 2017
Section 1(1)

BY repealing and reenacting, with amendments,

Chapter 424 of the Acts of the General Assembly of 2013, as amended by Chapter 22 of the Acts of the General Assembly of 2017

Section 1(3) Item ZA00(Y)

BY repealing and reenacting, with amendments,
Chapter 463 of the Acts of the General Assembly of 2014
Section 1(3) Item RD00(A) and ZA00(I) and (AB)

BY repealing and reenacting, with amendments,
Chapter 463 of the Acts of the General Assembly of 2014, as amended by Chapter
495 of the Acts of the General Assembly of 2015, Chapter 27 of the Acts of the
General Assembly of 2016, and Chapter 22 of the Acts of the General Assembly
of 2017
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 463 of the Acts of the General Assembly of 2014, as amended by Chapter 27
of the Acts of the General Assembly of 2016 and Chapter 22 of the Acts of the
General Assembly of 2017
Section 1(3) Item ZA02(AS)

BY repealing and reenacting, with amendments,
Chapter 463 of the Acts of the General Assembly of 2014, as amended by Chapter 22
of the Acts of the General Assembly of 2017
Section 1(3) Item RB27(A) and ZA00(AD)

BY repealing and reenacting, with amendments,
Chapter 495 of the Acts of the General Assembly of 2015
Section 1(3) Item RB31(A), RD00(A), ~~and ZA00(O)~~ ZA00(O), ZA01(A), and ZA02(Y)

BY repealing and reenacting, with amendments,
Chapter 495 of the Acts of the General Assembly of 2015, as amended by Chapter 27
of the Acts of the General Assembly of 2016
Section 1(3) Item ZA00(H)

BY repealing and reenacting, with amendments,
Chapter 495 of the Acts of the General Assembly of 2015, as amended by Chapter 27
of the Acts of the General Assembly of 2016 and Chapter 22 of the Acts of the
General Assembly of 2017
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 27 of the Acts of the General Assembly of 2016
Section 1(3) Item RB31(A), ~~ZA00(L) and (N), and ZA01(D)~~ VE01(A), ZA00(L), (N),
and (AS), ZA01(D), ZA02(D), (L), (P), (Q), (AG), (AL), (AP), (AY), (BD), (BF),
and (BS), and ZA03(O), (Q), (W), (AH), (AN), (AU), and (BA)

BY repealing and reenacting, with amendments,
Chapter 27 of the Acts of the General Assembly of 2016, as amended by Chapter 22

of the Acts of the General Assembly of 2017
Section 1(1) and 1(3) Item ZA00(AR)

BY repealing and reenacting, with amendments,
Chapter 22 of the Acts of the General Assembly of 2017
Section 1(3) Item ~~ZA00(P)~~ ZA00(F), (R), (AU), and (AX), ZA02(C), (T), (V), (AA), and
~~(AH)~~ (AH), and (BB), and ZA03(X), (Z), and (BG)

BY repealing
Chapter 22 of the Acts of the General Assembly of 2017
Section 12 and 13

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2018 in the total principal amount of ~~\$1,000,179,000~~ ~~\$1,080,179,000~~ \$1,091,179,000. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 and 8–131.2 of the State Finance and Procurement Article.

(2) The bonds to evidence this loan or installments of this loan may be sold as a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended except as otherwise provided in this Act, on approval by the Board of Public Works, for the following public purposes, including any applicable architects’ and engineers’ fees:

B75A01

GENERAL ASSEMBLY OF MARYLAND

<u>(A)</u>	<u>Department of Legislative Services Building Renovation. Provide funds to start the design of renovations to the Department of Legislative Services Building, provided that it is the intent of the General Assembly that the Department of General Services and the Department of Budget and Management expedite the development and review and approval of the Part I Program Plan for the project to facilitate the commencement of design in fiscal 2019.....</u>	<u>2,000,000</u>
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EXECUTIVE DEPARTMENT – GOVERNOR

(Statewide)

(A) Senior Centers Capital Grant Program. Provide grants to acquire property and to design, construct, renovate, and equip senior citizen activities centers. The funds appropriated for this purpose shall be administered in accordance with §§ 10–501 through 10–510 of the Human Services Article..... 1,600,000

DB01 HISTORIC ST. MARY’S CITY COMMISSION
(St. Mary’s County)

(A) Leonard Calvert House Exhibit. Provide funds to begin archeology on the site of the Leonard Calvert House Exhibit... ~~350,000~~
0

(B) Pavilion. Provide funds to construct a wooden pavilion at Historic St. Mary’s City..... 277,000

(C) Maryland Dove. Provide funds for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a replica of the vessel, the Maryland Dove, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to the appropriation of all funds necessary to complete this project 2,000,000

(D) Maryland Heritage Interpretive Center. Provide funds to design, construct, and conduct archeology on the site of the Maryland Heritage Interpretive Center..... 1,000,000

(E) Dove Pier. Provide funds for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Dove Pier 550,000

DE02.01 BOARD OF PUBLIC WORKS

GENERAL STATE FACILITIES
(Statewide)

(A) Facilities Renewal Fund. Provide funds for the repair and rehabilitation of State-owned capital facilities ~~20,540,000~~
~~44,506,000~~
~~23,086,000~~
20,586,000

STATE GOVERNMENT CENTER – ANNAPOLIS
(Anne Arundel County)

- (B) Annapolis Post Office. Provide funds to complete planning, construction, and equipping of renovations to the Annapolis Post Office 8,209,000
- (C) Lawyer’s Mall. Provide funds to begin planning and construction of the replacement of underground infrastructure and utilities, as well as associated site work, in and near Lawyer’s Mall, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to the appropriation of all funds necessary to complete this project ... ~~2,000,000~~
5,000,000
- (D) Department of Legislative Services Building. Provide funds to start the design of renovations to the Department of Legislative Services Building, provided that it is the intent of the General Assembly that the Department of General Services and the Department of Budget and Management expedite the development and review and approval of the Part I Program Plan for the project to facilitate the commencement of design in fiscal 2019 ~~2,000,000~~
0
- (E) Harriet Tubman and Frederick Douglass Statues. Provide funds to design, construct, and erect memorial statues of Harriet Tubman and Frederick Douglass in or near the State House in Annapolis 500,000

JUDICIARY/MULTISERVICE CENTERS

- (D) New Catonsville District Court. Provide funds to complete construction of a new district court/multiservice center building in Catonsville and an on-site parking garage (Baltimore County)..... 12,019,000
- (E) Shillman Building Conversion. Provide funds to begin planning the renovation of the Shillman Building located at 500 North Calvert Street in Baltimore City for the Baltimore City District Court (Baltimore City) 985,000

DE02.02 PUBLIC SCHOOL CONSTRUCTION
(Statewide)

- (A) Aging Schools Program. 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 § 5-206 of the Education Article. ~~Provided that \$1,500,000 of~~

~~this authorization shall be used for a grant to Baltimore City Public Schools for heating and air conditioning improvements in the Dr. Roland N. Patterson Building at the KIPP Public Charter School in Baltimore City~~ ~~7,609,000~~
6,109,000

(B) Public School Construction Program. Provide funds to construct public school buildings and public school capital improvements, including providing grants to local boards of education for federal E-rate-eligible special construction such as fiber and broadband infrastructure projects for E-rate-eligible applicants in accordance with ~~§§ 5-301 through 5-303~~ Title 5, Subtitle 3 of the Education Article. Further provided that, notwithstanding any provision of Title 5, Subtitle 3 of the Education Article or any other provision of law, the Interagency Committee on School Construction (IAC) shall allocate 100% of the funds available for public school construction projects in fiscal 2019, including available contingent funds. The allocations made for fiscal 2019 by IAC or any successor to IAC are final and shall not be subject to approval by the Board of Public Works and shall be deemed approved under Title 5, Subtitle 3 of the Education Article ~~309,000,000~~
313,900,000

(C) Senator James E. "Ed" DeGrange Nonpublic Aging Schools Program. Provide funds to be distributed as grants to nonpublic schools in Maryland for expenditures eligible under the Aging Schools Program established in § 5-206 of the Education Article, including school security improvements. Provided that grants may be provided only to nonpublic schools eligible to receive Aid to Non-Public Schools R00A03.04 (for the purchase of textbooks or computer hardware and software for loans to students in eligible nonpublic schools), excluding preschools in fiscal 2019, with a maximum amount of \$100,000 and a minimum amount of \$5,000 per eligible school.

Further provided that:

- (a) An eligible school may apply and qualify for a grant as specified below based on the following criteria:
 - (1) At least 20% of the school's students are eligible for free or reduced price meal programs;
 - (2) Tuition charged to students

is less than the statewide average per pupil expenditure for public schools as calculated by the Maryland State Department of Education; and

- (3) The school has a facility with an average age of 50 years or more; and

(b) If a school meets:

- (1) All three of the criteria specified above, the school may receive up to \$100,000;
- (2) Two of the three criteria specified above, the school may receive up to \$75,000; and
- (3) One of the three criteria specified above, the school may receive up to \$25,000.

Further provided that if more eligible schools apply and qualify for grants than the total authorizations, the Maryland State Department of Education shall prorate the grants based on the total authorization amount. Further provided that the funds shall be administered by the Maryland State Department of Education and the Interagency Committee on School Construction

3,500,000

(D) Supplemental Capital Grant Program for Local School Systems. Provide funds to local school systems with enrollment growth that over the last 5 years exceeds 150% of the statewide average or with 300 or more relocatable classrooms. These funds shall be administered in accordance with § 5–313 of the Education Article and can be used for grants to local boards of education for federal E–rate–eligible special construction such as fiber and broadband infrastructure projects for E–rate–eligible applicants, provided that notwithstanding § 5–313 of the Education Article, ~~\$20,000,000~~ \$28,200,000 of this authorization shall be distributed as follows:

- (1) Anne Arundel County ~~1,319,000~~

work may commence on this project prior to the appropriation of all funds necessary to complete this project 3,887,000

DW01.11 DIVISION OF HISTORICAL AND CULTURAL PROGRAMS
(Statewide)

(A) Maryland Historical Trust. Provide funds for the African American Heritage Preservation Grant Program to assist in the protection of properties with cultural and historic significance to the African American community. The funds appropriated for this purpose shall be administered in accordance with § 5A–330 of the State Finance and Procurement Article 1,000,000

(B) Maryland Historical Trust. Provide funds to be credited to the Maryland Historical Trust Capital Grant Fund for historical preservation and museum assistance. The funds appropriated for this purpose shall be administered in accordance with §§ 5A–328 and 5A–353 through 5A–359 of the State Finance and Procurement Article 600,000

FB04 DEPARTMENT OF INFORMATION TECHNOLOGY
(Statewide)

(A) Public Safety Communications System. Provide funds to continue construction of a statewide unified public safety radio communications system, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project 10,500,000

DEPARTMENT OF NATURAL RESOURCES

KA05 CAPITAL GRANTS AND LOANS ADMINISTRATION
(Statewide)

(A) Community Parks and Playgrounds. Provide funds for grants to local governments to design and construct capital-eligible park and playground improvement projects 2,500,000

(B) Rural Legacy Program. Provide funds for the purchase of conservation easements and the acquisition of land. The funds appropriated for this purpose shall be administered in accordance with §§ 5–9A–01 through 5–9A–09 of the Natural Resources Article 5,000,000

KA14.02 CHESAPEAKE AND COASTAL SERVICE
(Statewide)

(A) Coastal Resiliency Program. Provide funds for the acquisition, design, and construction of shoreline restoration and other projects to protect coastal infrastructure, and for post implementation monitoring and adaptive management 4,725,000

KA17.01 FISHING AND BOATING SERVICES
(Statewide)

(A) Oyster Restoration Program. Provide funds to design and construct oyster habitat restoration projects 270,000

DEPARTMENT OF AGRICULTURE

LA12.05 OFFICE OF MARKETING, ANIMAL INDUSTRIES
AND CONSUMER SERVICES
(Wicomico County)

(A) Salisbury Animal Health Laboratory Replacement. Provide funds to continue design and begin the construction and equipping of a replacement animal health laboratory in Salisbury, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to the appropriation of all funds necessary to complete this project 4,975,000

LA15 OFFICE OF RESOURCE CONSERVATION
(Statewide)

(A) Maryland Agricultural Cost–Share Program. 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 §§ 8–701 through 8–705 of the Agriculture Article 8,500,000

DEPARTMENT OF HEALTH

MA01 OFFICE OF THE SECRETARY

(A) Community Health Facilities Grant Program. Provide grants to acquire, design, construct, renovate, and equip community mental health, addiction treatment, and developmental disabilities facilities. The funds appropriated for this purpose shall be administered in accordance with §§ 24–601 through 24–607 of the Health – General Article (Statewide)..... 5,529,000

(B) Federally Qualified Health Centers Grant Program. Provide

grants to acquire, design, construct, renovate, and equip buildings to be used as Federally Qualified Health Centers (Statewide) 2,500,000

ML10 CLIFTON T. PERKINS HOSPITAL CENTER
(Howard County)

(A) Clifton T. Perkins Hospital. Provide funds to begin planning renovations to the North Wing of Clifton T. Perkins Hospital Center 375,000

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

QS01.01 DEPARTMENT OF CORRECTIONS
(Anne Arundel County)

(A) Jessup Region Electrical Infrastructure Upgrade. Provide funds to continue design of upgrades to the electrical infrastructure servicing correctional facilities, support buildings, and offices in the Jessup region..... 229,000

QT04 DIVISION OF PRETRIAL DETENTION
(Baltimore City)

(A) Demolition of Buildings at the Baltimore City Correctional Complex. Provide funds to continue design and begin demolition of the buildings at the Baltimore City Correctional Complex, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to the appropriation of all funds necessary to complete this project..... 4,980,000

RA11 MARYLAND STATE LIBRARY AGENCY

(A) Public Library Capital Grant Program. Provide grants to acquire land, design, construct, and equip public library facilities, provided that any reallocation of this authorization or prior authorized funds for previously authorized or new projects shall require notification to the General Assembly. The funds appropriated for this purpose shall be administered in accordance with § 23–509 of the Education Article (Statewide) 5,000,000

(B) State Library Resource Center. Provide funds to complete construction of renovations and equip the Central Branch of Baltimore City’s Enoch Pratt Free Library System (Baltimore City) 4,831,000

UNIVERSITY SYSTEM OF MARYLAND

RB21	UNIVERSITY OF MARYLAND, BALTIMORE (Baltimore City)	
(A)	Central Electric Substation and Electrical Infrastructure Upgrades. Provide funds to begin construction of an electric substation, recycling center, and electrical infrastructure upgrades for the University of Maryland, Baltimore, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project	8,564,000
(B)	<u>Maryland Center for Advanced Molecular Analysis. Provide funds to design, construct, and equip the Maryland Institute for Advanced Molecular Analysis</u>	<u>2,500,000</u>
RB22	UNIVERSITY OF MARYLAND, COLLEGE PARK (Prince George's County)	
(A)	A. James Clark Hall – New Bioengineering Building. Provide funds to complete construction and equipping of the new bioengineering building	3,608,000
(B)	Brendan Iribe Center for Computer Science and Innovation. Provide funds to complete construction and equipping of a new computer science building	3,900,000
(C)	New Cole Field House. Provide funds to continue design and construction of a human performance and academic research facility, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project	7,289,000 <u>22,289,000</u>
(D)	School of Public Policy Building. Provide funds to continue design and construction of the School of Public Policy Building, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project	2,000,000
(E)	<u>Chemistry Building Wing 1 Replacement. Provide funds to design the Chemistry Building Wing 1 Replacement. It is the intent of the General Assembly that funds be provided in fiscal 2021 and 2022 to construct the facility</u>	<u>2,700,000</u>

RB23	<u>BOWIE STATE UNIVERSITY</u> (Prince George's County)	
(A)	<u>Campuswide Boiler and Chiller Replacement. Provide funds to design, construct, and equip the campuswide boiler and chiller replacement</u>	<u>1,500,000</u>
RB24	TOWSON UNIVERSITY (Baltimore County)	
(A)	Science Facility. Provide funds to continue construction of a new Science Facility, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to the appropriation of all funds necessary to complete this project	58,744,000 <u>45,764,000</u>
(B)	<u>Athletic Fields. Provide funds to design, construct, and equip improvements to athletic fields</u>	<u>3,000,000</u>
RB26	FROSTBURG STATE UNIVERSITY (Allegany County)	
(A)	Education Professions and Health Sciences Center. Provide funds to continue design of a new Education Professions and Health Sciences Center	2,000,000
RB27	COPPIN STATE UNIVERSITY (Baltimore City)	
(A)	Percy Julian Building Renovation for College of Business. Provide funds to continue design of renovations and an addition to the Percy Julian Building to house the School of Business and School of Graduate Studies programs	1,634,000
RB31	UNIVERSITY OF MARYLAND BALTIMORE COUNTY (Baltimore County)	
(A)	Interdisciplinary Life Sciences Building. Provide funds to complete construction and equipping a new academic facility for interdisciplinary life sciences at the University of Maryland Baltimore County	57,799,000
(B)	Utility Upgrades and Site Improvements. Provide funds to begin design to replace, repair, and upgrade utility systems and campus infrastructure	1,360,000
(C)	<u>Stadium and Athletic Facility Improvements. Provide funds to</u>	

design, construct, and capital equip various athletic facility
improvements 4,000,000

RB36	UNIVERSITY SYSTEM OF MARYLAND OFFICE	
(A)	Shady Grove Educational Center – Biomedical Sciences and Engineering Education Building. Provide funds to complete construction and equipping of an academic facility at Shady Grove Educational Center (Montgomery County).....	23,114,000
(B)	Southern Maryland Regional Higher Education Center. Provide funds to begin construction and equipping of a third building on the Southern Maryland Regional Higher Education Center Campus to provide academic and research laboratory space, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to the appropriation of all funds necessary to complete this project (St. Mary's County)	28,365,000 <u>0</u>
RC00	BALTIMORE CITY COMMUNITY COLLEGE (Baltimore City)	
(A)	Liberty Campus: Loop Road, Inner Loop and Entrance Improvements. Provide funds to continue design of loop road and entrance improvements at Baltimore City Community College's Liberty Campus	365,000
RD00	ST. MARY'S COLLEGE OF MARYLAND (St. Mary's County)	
(A)	Academic Building and Auditorium. Provide funds to continue design of and begin to construct and equip the relocation of the existing athletic field, and to continue design of a new academic building and auditorium	3,600,000
(B)	Campus Infrastructure Improvements. Provide funds to design and construct various campus infrastructure improvement projects	2,405,000
RE01	MARYLAND SCHOOL FOR THE DEAF (Frederick County)	
(A)	Veditz Building Renovation. Provide funds to begin designing the renovation of and infrastructure upgrades to the Veditz Building on the Frederick Campus	586,000

RI00

MARYLAND HIGHER EDUCATION COMMISSION
(Statewide)

- (A) Community College Facilities Grant Program. Provide funds to assist the subdivisions in the acquisition of property and in the design, construction, renovation, and equipping of local and regional community college buildings, site improvements, and facilities. The funds appropriated for this purpose shall be administered in accordance with § 11–105(j) of the Education Article, provided that notwithstanding Section 6 of this Act, work may continue on each of these projects prior to the appropriation of all funds necessary to complete the project..... 60,095,000
- (1) Allegany College – Technology Building Renovation, Phase 1 (Allegany County)
 - (2) Allegany College – Technology Building Renovation, Phase 2 (Allegany County)
 - (3) Anne Arundel Community College – Health Sciences and Biology Building (Anne Arundel County)
 - (4) Carroll Community College – Carroll Community College Systemic Renovation (Carroll County)
 - (5) College of Southern Maryland – New Health Sciences Center – Hughesville Regional Campus (Regional)
 - (6) Community College of Baltimore County – Catonsville – Medium Voltage Switchgear Replacement (Baltimore County)
 - (7) Community College of Baltimore County – Essex – Health Careers and Technology Building Renovation and Expansion Project (Baltimore County)
 - (8) Frederick Community College –

Building E Renovation and Addition (Frederick County)

- (9) Hagerstown Community College – Center for Business and Entrepreneurial Studies (Washington County)
- (10) Harford Community College – Fallston Hall Renovation (Harford County)
- (11) Howard Community College – Renovations to N and ST Buildings (Howard County)
- (12) Montgomery College – Rockville – New Student Services Center (Montgomery County)
- (13) Montgomery College – Takoma Park/Silver Spring – Math and Science Center (Montgomery County)
- (14) Prince George’s Community College – Marlboro Hall Renovation and Addition (Prince George’s County)
- (15) Prince George’s Community College – Queen Anne Academic Center Renovation and Addition (Prince George’s County)

RM00

MORGAN STATE UNIVERSITY (Baltimore City)

- (A) New Health and Human Services Building Phase I. Provide funds to design the demolition of Turner’s Armory and the Vehicle Maintenance Facility, as well as the renovations to the Portage Avenue warehouse building and associated site work 461,000
- (B) New Student Services Support Building. Provide funds to continue design and construction of a new Student Services Support Building to house student services functions, provided that notwithstanding Section 6 of this Act, work may continue

on this project prior to the appropriation of all funds necessary to complete the project 46,060,000

RP00 MARYLAND PUBLIC BROADCASTING COMMISSION

(A) Maryland Public Television Transmission Systems Replacement. Provide funds to replace digital transmission and other broadcast equipment (Statewide) 1,156,000

(B) Studio A Renovation and Addition. Provide funds to continue design of the renovation and expansion of Studio A (Baltimore County)..... 100,000

RQ00 UNIVERSITY OF MARYLAND MEDICAL SYSTEM

(A) Capital Region Medical Center. Provide a grant to the University of Maryland Medical System to assist in the continued construction of a new Regional Medical Center in Prince George’s County (Prince George’s County) 19,000,000

(B) Neonatal Intensive Care Unit (NICU), Labor and Delivery Units, Capital Infrastructure Improvements, and Outpatient Center Building. Provide a grant to the University of Maryland Medical System to assist in the continued renovation and equipping of the NICU, Labor and Delivery Units, and infrastructure improvements at the University of Maryland Medical Center; and to assist in the construction and equipping of an Outpatient Center at University of Maryland Medical Center – Midtown Campus (Baltimore City) 10,000,000

(C) R Adams Cowley Shock Trauma Center – Phase II. Provide a grant to the University of Maryland Medical System to assist in completing construction of Phase II of renovations and upgrades to the R Adams Cowley Shock Trauma Center (Baltimore City) 2,000,000

(D) Comprehensive Cancer and Organ Transplant Treatment Center. Provide a grant to the University of Maryland Medical System to design, construct, and capital equip facilities to expand clinical programs of the Marlene and Stewart Greenbaum Comprehensive Cancer and Organ Transplant Treatment Center. Provided that it is the intent of the General Assembly that State support for this project total \$175,000,000 beginning in fiscal 2019 (Baltimore City) 2,500,000

SA24	<p>DIVISION OF NEIGHBORHOOD REVITALIZATION (Statewide)</p>	
(A)	<p>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.....</p>	3,000,000
(B)	<p>Community Legacy Program. Provide funds to assist neighborhoods with revitalization efforts. The funds shall be administered in accordance with §§ 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 § 8–301 of the State Finance and Procurement Article.....</p>	<p>6,000,000 <u>8,000,000</u></p>
(C)	<p>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 §§ 6–301 through 6–311 of the Housing and Community Development Article.....</p>	3,300,000
(D)	<p>Strategic Demolition and Smart Growth Impact Fund. Provide funds for grants and loans to government agencies and community development organizations for demolition, land assembly, architecture and engineering, and site development in designated Sustainable Communities. The funds shall be administered in accordance with § 4–508 of the Housing and Community Development Article. Provided that any financial assistance awarded under this program is not subject to § 8–301 of the State Finance and Procurement Article.....</p>	28,500,000
<u>(E)</u>	<p><u>National Capital Strategic Economic Development Fund. Provide funds to assist government agencies and nonprofit community development organizations to assist in predevelopment activities for commercial and residential development including site acquisition, land assembly, architecture and engineering, and site development for revitalization in areas designated as sustainable communities.</u></p>	<u>1,000,000</u>
SA25	<p>DIVISION OF DEVELOPMENT FINANCE (Statewide)</p>	

- (A) Homeownership Programs. Provide funds for below–market interest rate mortgages with minimum down payments to low– and moderate–income homebuyers. At least \$3,000,000 shall be allocated to the Community Development Administration’s Smart Buy program to be administered in accordance with §§ 4–235 through 4–241 of the Housing and Community Development Article. The remaining funds shall be administered in accordance with §§ 4–501, 4–502, 4–801 through 4–810, and 4–814 through 4–816 of the Housing and Community Development Article. Provided that any financial assistance awarded under this program is not subject to § 8–301 of the State Finance and Procurement Article 12,000,000

- (B) 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 installation of equipment and materials for single–family and rental–housing properties to be administered in accordance with § 4–218 of the Housing and Community Development Article 1,000,000

- (C) Partnership Rental Housing Program. Provide funds to be credited to the Partnership Rental Housing Fund to be administered in accordance with §§ 4–501, 4–503, and 4–1201 through 4–1209 of the Housing and Community Development Article 6,000,000

- (D) Rental Housing Program. Provide funds for rental housing developments that serve low– and moderate–income households. The funds shall be administered in accordance with §§ 4–401 through 4–411, 4–501, and 4–504 of the Housing and Community Development Article..... ~~20,000,000~~
0

- (E) Shelter and Transitional Housing Facilities Grant Program. Provide grants to acquire, design, construct, renovate, and equip emergency shelters, transitional housing, and other facilities for homeless individuals and families. The funds shall be administered in accordance with the Code of Maryland Regulations (COMAR) 05.05.09..... 3,000,000

- (F) 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 §§ 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. Provided that any financial assistance awarded under this program is not subject to § 8-301 of the State Finance and Procurement Article..... 4,000,000

DEPARTMENT OF THE ENVIRONMENT

UA01 OFFICE OF THE SECRETARY
(Statewide)

- (A) Maryland Drinking Water Revolving Loan Fund. Provide funds to finance drinking water projects. The funds shall be administered in accordance with § 9-1605.1 of the Environment Article..... 5,650,000
- (B) Maryland Water Quality Revolving Loan Fund. Provide funds to finance water quality improvement projects. The funds shall be administered in accordance with § 9-1605 of the Environment Article..... 13,200,000
- (C) Mining Remediation Program. Provide funds to design, construct, and equip active and passive measures to remediate damage to water quality related to abandoned mining operations 500,000
- (D) Water Supply Financial Assistance Program. Provide funds for assistance to State and local government entities to acquire, design, construct, rehabilitate, equip, and improve water supply facilities. The funds shall be administered in accordance with §§ 9-420 through 9-426 of the Environment Article and any regulation adopted in accordance with those sections 3,303,000

UB00 MARYLAND ENVIRONMENTAL SERVICE
(Statewide)

- (A) Infrastructure Improvement Fund. Provide funds to design, construct, and equip water and wastewater facility improvements for State institutions, provided that notwithstanding Section 6 of this Act, work may commence on a project prior to the appropriation of all funds necessary to complete the project. Expenditures for a project detailed in the Fiscal Year 2019 Capital Budget Volume under this program may not exceed the amount listed therein by more than 7.5% without notification to the General Assembly. Funds may be

spent only on the projects listed under this program in the Fiscal Year 2019 Capital Budget Volume or on prior or future authorized projects. Expenditure of any part of this appropriation for a prior or future authorized project shall also require notification to the General Assembly 9,590,000

WA01 DEPARTMENT OF STATE POLICE
(Allegany County)

(A) New Cumberland Barrack and Garage. Provide funds to continue design and begin construction of a new Cumberland Barrack and Garage 2,300,000

ZA00 MISCELLANEOUS GRANT PROGRAMS

(A) Annapolis Flood Mitigation. Provide a grant to the Mayor and City Council of the City of Annapolis for the planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of flood mitigation projects in and near City Dock in Annapolis (Anne Arundel County)..... ~~750,000~~
2,000,000

(B) Arthur Perdue Stadium Improvements. Provide a grant to the County Executive and County Council of Wicomico County for the planning, design, construction, repair, reconstruction, renovation, site improvements, and capital equipping of various infrastructure improvements to Arthur Perdue Stadium (Wicomico County) 580,000

(C) A Wider Circle Community Services Center. Provide a grant to the Board of Directors of A Wider Circle, Inc. for the acquisition, planning, design, construction, and capital equipping of renovations, upgrades, expansion, and site improvements to A Wider Circle Community Services Center (Montgomery County) ~~500,000~~
750,000

(D) Baltimore Museum of Art. Provide a grant to the governing board of The Baltimore Museum of Art, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Baltimore Museum of Art facility (Baltimore City) ~~250,000~~
2,000,000

(E) Baltimore Recreation Centers Renovations. Provide a grant to the Mayor and City Council of the City of Baltimore for the planning, design, construction, repair, renovation,

	reconstruction, site improvements, and capital equipping of recreation centers located in Baltimore (Baltimore City)	400,000
(F)	Center Stage. Provide a grant to the Board of Trustees of the Center Stage Associates, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Center Stage (Baltimore City)	<u>250,000</u>
		<u>1,250,000</u>
		<u>1,000,000</u>
(G)	Charles E. Smith Life Communities Facility Improvements. Provide a grant to the Board of Governors of the Hebrew Home of Greater Washington, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of facilities at Ring House, a Charles E. Smith Life Communities facility <u>improvements at Charles E. Smith Life Communities facilities</u> (Montgomery County)	250,000
(H)	Chesapeake Grove – Senior Housing and Intergenerational Center. Provide a grant to the Board of Directors of Delmarva Community Services, Inc. for the planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Harry and Jeanette Weinberg Center at Chesapeake Grove (Dorchester County) ...	1,000,000
(I)	Compass Regional Hospice. Provide a grant to the Board of Directors of Compass Regional Hospice, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, expansion, site improvement, and capital equipping of Compass Regional Hospice to provide additional beds (Queen Anne’s County)	<u>250,000</u>
		<u>1,000,000</u>
(J)	Cumberland Plaza Redevelopment and Perkins Building. Provide a grant to the Cumberland Economic Development Corporation for the acquisition, planning, design, construction, repair, renovation, redevelopment, rehabilitation, and capital equipping of Cumberland Plaza and the Perkins Building in Cumberland (Allegany County) <u>Cumberland Investment Plan. Provide a grant to the Board of Directors of the Cumberland Economic Development Corporation for the acquisition, planning, design, construction, repair, renovation, redevelopment, rehabilitation, site improvement, and capital equipping of the Downtown Redevelopment Plan for Cumberland (Allegany County)</u>	420,000

(K)	Downtown Columbia Cultural Arts Center. Provide a grant to the governing board of the Orchard Development Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a mixed use cultural arts center called the Downtown Columbia Cultural Arts Center (Howard County) <u>New Cultural Center. Provide a grant to the Howard County Housing Commission for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a mixed use cultural arts center in downtown Columbia (Howard County)</u>	500,000
(L)	Downtown Partnership of Baltimore – McKeldin Plaza. Provide a grant to the Board of Directors of the Downtown Partnership of Baltimore, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of McKeldin Plaza (Baltimore City)	500,000
(M)	Dulaney High School – Athletic Fields. Provide a grant to the County Executive and County Council of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the athletic fields at Dulaney High School (Baltimore County)	150,000
(N)	East Baltimore Biotechnology Park. Provide a grant to the Mayor and City Council of the City of Baltimore to assist in funding property acquisition, demolition, and site improvements in the East Baltimore Biotechnology Park (Baltimore City)	250,000 <u>2,500,000</u>
(O)	Ellicott City Flood Mitigation. Provide a grant to the County Executive and County Council of Howard County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of flood mitigation projects in Ellicott City (Howard County)	750,000
(P)	Hagerstown Revitalization. Provide a grant to the Mayor and City Council of the City of Hagerstown <u>Board of County Commissioners of Washington County</u> for the planning, design, construction, and capital equipping of the renovation and expansion of the Maryland Theatre and the Barbara Ingram School for the Arts (<u>Urban Educational Campus</u>) and for the University System of Maryland at Hagerstown (Washington	

	County)	750,000
(Q)	Helping Up Mission. Provide a grant to the Board of Directors of the Helping Up Mission, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a Women and Children Center (Baltimore City)	500,000
(R)	Hillel Student Center. Provide a grant to the Board of Directors of Ben and Esther Rosenbloom Hillel Center for Jewish Life at University of Maryland, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new Hillel Center for Social Justice at the University of Maryland, College Park (Prince George’s County)	1,000,000
(S)	Hippodrome Foundation. Provide a grant to the Board of Directors of Hippodrome Foundation Inc. for the construction, repair, renovation, reconstruction, and capital equipping of the France–Merrick Performing Arts Center (Baltimore City)	250,000 2,000,000
(T)	Historic Annapolis. Provide a grant to the Board of Trustees of Historic Annapolis, Inc. for the acquisition, planning, design, construction, repair, renovation, and capital equipping of infrastructure improvements to historic properties leased to Historic Annapolis, Inc. (Anne Arundel County)	1,000,000
(U)	Johns Hopkins University – Maryland Center for Cell Therapy Manufacturing. Provide a grant to the Board of Trustees of Johns Hopkins University for the acquisition, planning, design, construction, repair, renovation, site improvement, and capital equipping of the Maryland Center for Cell Therapy Manufacturing (Baltimore City)	5,000,000
(V)	Kennedy Krieger Institute – Comprehensive Autism Center. Provide a grant to the Board of Directors of the Kennedy Krieger Institute, Inc. for the planning, design, construction, repair, renovation, and capital equipping of The Harry and Jeanette Weinberg Autism and Rehabilitation Center at Kennedy Krieger’s East Baltimore Campus (Baltimore City) ..	750,000 1,000,000
(W)	Lexington Market. Provide a grant to the Board of Directors of Lexington Market, Inc. for the acquisition, planning, design, construction, repair, renovation, and capital equipping of Lexington Market (Baltimore City)	500,000

- (X) Maryland Independent College and University Association – Johns Hopkins University. Provide a grant equal to the lesser of (i) ~~\$2,667,000~~ \$4,000,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Johns Hopkins University for the design, construction, and equipping of renovations to the Pinkard Building at 525 North Wolfe Street, demolition of the School of Nursing House, and construction of an addition to the Pinkard Building for the School of Nursing, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City).....

~~2,667,000~~
4,000,000
- (Y) Maryland Independent College and University Association – Loyola University Maryland. Provide a grant equal to the lesser of (i) ~~\$2,667,000~~ \$4,000,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Loyola University Maryland for the design, construction, and equipping of a new academic building adjacent to Beatty Hall, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City)

~~2,667,000~~
4,000,000
- (Z) Maryland Independent College and University Association – Washington College. Provide a grant equal to the lesser of (i) ~~\$2,667,000~~ \$4,000,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Washington College for the design, construction, and equipping of a new academic building adjacent to the Barbara and George Cromwell Hall, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Kent County) .

~~2,667,000~~
4,000,000
- (AA) Maryland State Fairgrounds. Provide a grant to the Board of Directors of the Maryland State Fair and Agricultural Society, Inc. for the planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Cow Palace and exterior property fencing at the Maryland State Fairgrounds in Timonium (Baltimore County)

~~750,000~~

1,000,000

(AB) Maryland Zoo in Baltimore. Provide a grant to the Board of Trustees of the Maryland Zoological Society, Inc. to assist in funding the design, construction, and equipping of infrastructure improvements for the exhibits and operations of the Maryland Zoo in Baltimore (Baltimore City) ~~3,500,000~~
4,000,000

(AC) MedStar Franklin Square Hospital. Provide a grant to the Board of Trustees of Franklin Square Hospital Center, Inc. d.b.a. MedStar Franklin for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of infrastructure improvements (Baltimore County) ~~1,000,000~~
4,000,000

(AD) Melvin J. Berman Hebrew Academy. Provide a grant to the Board of Directors of the Melvin J. Berman Hebrew Academy for the planning, design, construction, repair, replacement, renovation, reconstruction, site improvement, and capital equipping of roofs at Melvin J. Berman Hebrew Academy (Montgomery County) 150,000

(AE) Merriweather Post Pavilion. Provide a grant to the Downtown Columbia Arts and Cultural Commission c/o Merriweather Post Pavilion to assist in funding the design, construction, reconstruction, renovation, repair, and capital equipping of infrastructure improvements at the Merriweather Post Pavilion (Howard County) ~~1,000,000~~
8,000,000

(AF) National Aquarium in Baltimore. Provide a grant to the Board of Directors of the National Aquarium in Baltimore, Inc. to assist in the design, construction, renovation, and equipping of the Animal Care and Rescue Center at the National Aquarium in Baltimore (Baltimore City) ~~1,000,000~~
2,000,000

(AG) New Professional Soccer Stadium. Provide a grant to the Mayor and City Council of Baltimore City for the acquisition, planning, design, construction, site improvement, and capital equipping of a new United Soccer League stadium in Baltimore (Baltimore City) ~~250,000~~
0

(AH) New Spire Arts. Provide a grant to the Performing Arts

	Statutory Trust for the acquisition, planning, design, construction, site improvement, and capital equipping of renovations to 15 West Patrick Street in downtown Frederick (Frederick County)	250,000
(AI)	NorthBay Environmental Education Center. Provide a grant to the Board of Directors of NorthBay Education, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new education building on NorthBay’s campus in Elk Neck State Park (Cecil County)	200,000
(AJ)	Roberta’s House. Provide a grant to the Board of Directors of Roberta’s House, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Roberta’s House (Baltimore City)	250,000
		1,000,000
		<u>2,000,000</u>
(AK)	Ronald McDonald House. Provide a grant to the Board of Directors of the Ronald McDonald House Charities of Baltimore, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new Ronald McDonald House in Baltimore (Baltimore City)	500,000
(AL)	Salisbury Revitalization. Provide a grant to the Mayor and City Council of the City of Salisbury for the planning, design, construction, repair, renovation, and capital equipping of infrastructure upgrades, including new Main Street streetscapes, water, sewer and stormwater system upgrades, and installation of broadband fiber optic cable in Salisbury (Wicomico County)	500,000
(AM)	Sheppard Pratt Hospital. Provide a grant to the Board of Directors of the Sheppard Pratt Health System, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Sheppard Pratt at Elkrigde facility (Howard County)	750,000
		<u>4,000,000</u>
(AN)	Stevenson University – Rosewood Property Environmental Abatement. Provide a grant to the Board of Trustees of Stevenson University to design and construct the environmental abatement and demolition of buildings on the Rosewood property, including any appropriate site surveys and	

	investigation and design and construct site development and utility improvements including, but not limited to, roads, sidewalks, parking, stormwater management, and utility connections and disconnections on the Rosewood property (Baltimore County)	5,000,000
(AO)	Thomas Kennedy Memorial Park. Provide a grant to the Mayor and City Council of the City of Hagerstown <u>Thomas Kennedy Center, Inc.</u> for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital planning of the Thomas Kennedy Memorial Park in Hagerstown (Washington County)	100,000 <u>300,000</u>
(AP)	Westminster Rescue Mission. Provide a grant to the Board of Directors of Westminster Rescue Mission Inc. for the planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of transitional housing and residential treatment housing buildings on the Westminster Rescue Mission campus (Carroll County)	250,000
(AQ)	Woodbourne Center Vocational Program. Provide a grant to the Board of Directors of the Woodbourne Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Woodbourne Center Vocational Program (Baltimore City)	380,000
(AR)	YMCA Senior Center in St. Michael's. Provide a grant to the Board of Directors of the Young Men's Christian Association of Chesapeake, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, expansion, site improvement, and capital equipping of a new intergenerational YMCA/Senior Center in St. Michael's (Talbot County)	500,000
(AS)	<u>Dr. Roland N. Patterson Building at the KIPP Public Charter School. Provide a grant to Baltimore City Public Schools for the planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of heating and air conditioning improvements in the Dr. Roland N. Patterson Building at the KIPP Public Charter School (Baltimore City).....</u>	1,500,000 <u>0</u>
(AT)	<u>Strathmore Hall. Provide a grant to the Board of Directors of Strathmore Hall Foundation, Inc. for the planning, design, construction, and capital equipping of renovations and</u>	

	<u>improvements to the Bou Terrace, the Concert Hall, and the Mansion (Montgomery County)</u>	<u>3,000,000</u>
(AU)	<u>National Cryptologic Museum – Cyber Center of Education and Innovation. Provide a grant to the Board of Directors of The National Cryptologic Museum Foundation, Inc. for the design, construction, and capital equipping of the new Cyber Center of Education and Innovation (Anne Arundel County)</u>	<u>250,000</u>
(AV)	<u>Revitalization of Chestertown Marina. Provide a grant to the Mayor and Town Council of Chestertown for the planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Chestertown Marina (Kent County)</u>	<u>500,000</u>
(AW)	<u>Glen Burnie High School Field House and Concession Stand. Provide a grant to the Board of Education of Anne Arundel County for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the athletic field house and concession stand at Glen Burnie High School (Anne Arundel County)</u>	<u>1,500,000</u>
(AX)	<u>Olney Theatre Center. Provide a grant to the Board of Directors of the Olney Theatre Center for the Arts, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Olney Theatre Center (Montgomery County)</u>	<u>2,000,000</u>
(AY)	<u>Resiliency and Education Center at Kuhn Hall. Provide a grant to the Board of Directors of the Fort Meade Alliance Foundation, Inc. and the Department of the Army for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Resiliency and Education Center at Kuhn Hall on Fort Meade (Anne Arundel County)</u>	<u>250,000</u>
(AZ)	<u>Pratt Street and Howard Street Plaza. Provide a grant to the Board of Directors of Bromo Tower Arts and Entertainment, Inc. and the Mayor and City Council of Baltimore for the acquisition, planning, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Pratt Street and Howard Street Plaza (Baltimore City)</u>	<u>250,000</u> <u>350,000</u>
(BA)	<u>Federal Hill Streetscape Improvements. Provide a grant to the Board of Directors of Federal Hill Main Street, Inc. and the Mayor and City Council of Baltimore for the acquisition,</u>	

	<u>planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the streetscape along Cross Street, Light Street, and Charles Street in Federal Hill (Baltimore City)</u>	<u>250,000</u>
(BB)	<u>Hoehn Lithograph Building Renovation. Provide a grant to the 2101 East Biddle, LLC for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Hoehn Lithograph Building (Baltimore City)</u>	<u>1,000,000</u>
(BC)	<u>Liberty Sports Park. Provide a grant to the Board of Directors of the Green Branch Management Group, Corp. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Liberty Sports Park (Prince George’s County).....</u>	<u>2,500,000</u>
(BD)	<u>Poolesville Grape Crushing Economic Development Facility. Provide a grant to the Montgomery County Revenue Authority for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Poolesville Grape Crushing Economic Development Facility (Montgomery County)</u>	<u>1,000,000</u>
(BE)	<u>Coastal Hospice at the Ocean. Provide a grant to the Board of Directors of Coastal Hospice, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Macky and Pam Stansell House of Coastal Hospice at the Ocean (Worcester County)</u>	<u>500,000</u>
(BF)	<u>Northwood Commons Project. Provide a grant to MLR Partners and MCB Real Estate for the acquisition, planning, design, construction, repair, renovation, reconstruction, and site improvement of various capital infrastructure improvements associated with the Northwood Commons Project (Baltimore City)</u>	<u>2,000,000</u>
(BG)	<u><i>Innovative Center for Autonomous Systems. Provide a grant to the Southern Maryland Navy Alliance to assist in the acquisition, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of office and meeting space for the Innovative Center for Autonomous Systems (St. Mary’s County)</i></u>	<u>750,000</u>
(BH)	<u><i>Maryland Hall for the Creative Arts. Provide a grant to the Board of Directors of the Maryland Hall for the Creative Arts,</i></u>	

	<u>Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Creative Arts facility, including the gallery and theater spaces (Anne Arundel County).....</u>	<u>1,500,000</u>
(BI)	<u>YWCA Domestic Violence and Trafficking Shelters. Provide a grant to the Board of Directors of The Young Women’s Christian Association of Annapolis and Anne Arundel County, Maryland, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the YWCA Domestic Violence and Trafficking Shelters (Anne Arundel County)</u>	<u>1,000,000</u>
(BJ)	<u>The Arc of the Central Chesapeake Region. Provide a grant to the Board of Directors of The Arc of the Central Chesapeake Region, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of The Arc of the Central Chesapeake Region Donald Avenue building (Anne Arundel County).....</u>	<u>350,000</u>
(BK)	<u>UpCounty Nonprofit Hub. Provide a grant to the Board of Directors of Family Services, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a nonprofit shared office space (Montgomery County)</u>	<u>1,000,000</u>
(BL)	<u>Harriet Tubman Community Center and Museum. Provide a grant to the County Executive and County Council of Howard County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Harriet Tubman Community Center and Museum (Howard County).....</u>	<u>500,000</u>
(BM)	<u>Port Discovery Children’s Museum. Provide a grant to the Board of Directors of The Baltimore Children’s Museum, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of The Port Discovery Children’s Museum (Baltimore City).....</u>	<u>750,000</u>
(BN)	<u>Camp Woodlands Restoration Project. Provide a grant to the Board of Directors of the Girl Scouts of Central Maryland, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of buildings and facilities at Camp Woodlands (Anne Arundel County)</u>	<u>250,000</u>

<u>(BO)</u>	<u>Chesapeake High School Turf Field. Provide a grant to the County Executive and County Council of Anne Arundel County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a turf field at Chesapeake High School (Anne Arundel County).....</u>	<u>600,000</u>
<u>(BP)</u>	<u>Historic Annapolis Museum. Provide a grant to the Board of Trustees of Historic Annapolis, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the historic building serving as the Historic Annapolis Museum (Anne Arundel County).....</u>	<u>125,000</u>
<u>(BQ)</u>	<u>Randallstown High School Infrastructure Improvements. Provide a grant to the Baltimore County Board of Education for the design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of general infrastructure enhancements to Randallstown High School (Baltimore County).....</u>	<u>30,000</u>
<u>(BR)</u>	<u>Franklin High School Infrastructure Improvements. Provide a grant to the Baltimore County Board of Education for the design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of infrastructure improvements to Franklin High School (Baltimore County).....</u>	<u>750,000</u>
<u>(BS)</u>	<u>Frederick Road Improvements. Provide a grant to the County Executive and County Council of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of improvements to Frederick Road (Baltimore County).....</u>	<u>250,000</u>
<u>(BT)</u>	<u>Allegany Museum. Provide a grant to the Board of Directors of the Allegany Museum, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvements, and capital equipping of the Allegany Museum (Allegany County).....</u>	<u>300,000</u>
<u>(BU)</u>	<u>American Visionary Art Museum. Provide a grant to the Board of Directors of The American Visionary Art Museum, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Jim Rouse Visionary Center at the American Visionary Art Museum (Baltimore City).....</u>	<u>250,000</u>
<u>(BV)</u>	<u>Baltimore Museum of Industry. Provide a grant to the Board of</u>	

	<u>Trustees of the Baltimore Museum of Industry, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the whirley crane at the Baltimore Museum of Industry (Baltimore City).....</u>	<u>225,000</u>
(BW)	<u>City of District Heights Senior Day Facility Expansion. Provide a grant to the Mayor and City Commissioners of the City of District Heights for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the City of District Heights Senior Day Facility (Prince George's County).....</u>	<u>500,000</u>
(BX)	<u>Road and Intersection Improvements for the Intersection of MD 30 and Mount Gilead Road. Provide a grant to the County Executive and County Council of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of road and intersection improvements for the intersection of MD 30 and Mount Gilead Road (Baltimore County).....</u>	950,000 <u>1,400,000</u>
(BY)	<u>Hot Sox Park. Provide a grant to the County Executive and County Council of Anne Arundel County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the historic Hot Sox Park, including improvements to the baseball field, picnic area, parking area, landscaping, and signage (Anne Arundel County)</u>	<u>500,000</u>
(BZ)	<u>Sound Walls Baltimore County. Provide a grant to the County Executive and County Council of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a sound wall along the property line of the Baltimore County Animal Services facility (Baltimore County)</u>	<u>300,000</u>
(CA)	<u>Maryland Science Center. Provide a grant to the Board of Trustees of the Maryland Science Center for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of infrastructure improvements at the Maryland Science Center (Baltimore City).....</u>	<u>890,000</u>
(CB)	<u>Sellers Mansion. Provide a grant to the Board of Directors of St. James' Terrace Apartments, Incorporated for the acquisition, planning, design, construction, repair, renovation,</u>	

	<u>reconstruction, site improvement, and capital equipping of the Sellers Mansion building (Baltimore City).....</u>	<u>250,000</u>
(CC)	<u>Patriot Point. Provide a grant to the Board of Directors of the Patriot Point LLC for the acquisition, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Patriot Point retreat facility (Dorchester County).....</u>	<u>200,000</u>
(CD)	<u>Maryland Equine Education Center. Provide a grant to the Board of Trustees of Goucher College for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Maryland Equine Education Center (Baltimore County)</u>	<u>250,000</u>
(CE)	<u>Baltimore Regional Employment and Education Center. Provide a grant to the Board of Directors of CASA de Maryland, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Baltimore Regional Employment and Education Center (Baltimore City)</u>	<u>750,000</u>
(CF)	<u>J. Van Story Branch Apartment Building. Provide a grant to the Board of Directors of the Community Housing Partners Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the J. Van Story Branch apartment building (Baltimore City).....</u>	<u>250,000</u>
(CG)	<u>Hagerstown Paper and Plastic Plant. Provide a grant to the Board of Trustees of the Blind Industries and Services of Maryland for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a paper and plastic manufacturing facility (Washington County).....</u>	<u>1,000,000</u>
(CH)	<u>The Compound. Provide a grant to the Board of Directors of The Compound for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of an arts complex (Baltimore City).....</u>	<u>250,000</u>
(CI)	<u>William Brown House. Provide a grant to the Board of Trustees of the London Town Foundation, Inc. and the County Executive and County Council of Anne Arundel County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the William Brown House at Historic London Town (Anne Arundel</u>	

	<u>County).....</u>	<u>150,000</u>
(CJ)	<u>Bnos Yisroel of Baltimore. Provide a grant to the Board of Directors of Bnos Yisroel of Baltimore, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a gymnasium at the Bnos Yisroel of Baltimore School (Baltimore City).....</u>	<u>250,000</u>
(CK)	<u>Echo Hill Outdoor School. Provide a grant to the Board of Directors of Echo Hill Outdoor School, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of infrastructure improvements at the Echo Hill Outdoor School (Kent County).....</u>	<u>30,000</u>
(CL)	<u>BARCO Playhouse Theater. Provide a grant to The Voxel LLC for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the BARCO Playhouse Theater (Baltimore City) ...</u>	<u>50,000</u>
(CM)	<u>Bon Secours Youth Development Center. Provide a grant to the Board of Directors of the Bon Secours of Maryland Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Bon Secours Youth Development Center (Baltimore City).....</u>	<u>1,000,000</u>
(CN)	<u>West Arlington Water Tower. Provide a grant to the Board of Directors of the West Arlington Improvement Association of Baltimore City, Inc. and the Mayor and City Council of the City of Baltimore for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the West Arlington Water Tower structure and grounds (Baltimore City).....</u>	<u>250,000</u>
(CO)	<u>Armory Plaza. Provide a grant to the Board of Directors of the Hyattsville Community Development Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Armory Plaza (Prince George’s County).....</u>	<u>100,000</u>

ZA01

MARYLAND HOSPITAL ASSOCIATION

(A) Atlantic General Hospital Corporation. Provide a grant to the Board of Trustees of Atlantic General Hospital Corporation to design, construct, and equip renovations to the inpatient care

	areas at Atlantic General Hospital, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Worcester County)	1,303,000
(B)	Calvert Health System, Inc. Provide a grant to the Board of Directors of Calvert Health System, Inc. to design, construct, and equip renovations to Calvert Memorial Hospital’s behavioral health unit, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Calvert County)	1,727,000
(C)	Holy Cross Health, Inc. Provide a grant to the Board of Directors of Holy Cross Health, Inc. to design, construct, and equip a senior health center in the Elizabeth House III, a senior residence in Silver Spring, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Montgomery County)	500,000
(D)	Howard County General Hospital, Inc. Provide a grant to the Board of Trustees of the Howard County General Hospital, Inc. for the acquisition, design, construction, and equipping of renovations to the diagnostic imaging space and cardiac catheterization lab at Howard County General Hospital, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Howard County)	220,000
(E)	MedStar Good Samaritan Hospital. Provide a grant to the Board of Directors of The Good Samaritan Hospital of Maryland, Inc. to design, construct, and equip an outpatient Center for Chronic Disease Management at the MedStar Good Samaritan Hospital, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City)	1,000,000
(F)	Mt. Washington Pediatric Hospital, Inc. Provide a grant to the Board of Directors of Mt. Washington Pediatric Hospital, Inc.	

for the design, construction, and capital equipping of the renovation and expansion of the Rosenberg Outpatient Building at Mt. Washington Hospital, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City) 750,000

ZA02 LOCAL SENATE INITIATIVES

(A) Baltimore Police Mounted Unit Stables. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the First Mile Stable Charitable Foundation, LLC for the Baltimore Police Mounted Unit, located in Baltimore City (Statewide) 250,000

(B) Port Discovery Children’s Museum. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Baltimore Children’s Museum, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Port Discovery Children’s Museum, including design, fabrication, and installation of exhibits, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Statewide) 250,000

(C) Talisman Therapeutic Riding Farm. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Talisman Therapeutic Riding, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Talisman Therapeutic Riding Farm. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Statewide)..... 250,000

(D) Vehicles for Change. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Vehicle’s for Change, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Full Circle Auto Repair and Training Center facility. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Statewide) 250,000

- (E) Camp Potomac. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Laurel Highlands Council, Inc., Boy Scouts of America for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new shower house facility at Camp Potomac (Allegany County)..... 25,000
- (F) Frostburg Museum Relocation Project. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Frostburg Museum Association for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Frostburg Museum, including the installation of an elevator system. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Allegany County)..... 75,000
- (G) Annapolis Maritime Museum and Park. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Annapolis Maritime Museum, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Back Creek Campus of the Annapolis Maritime Museum and Park. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Anne Arundel County) 50,000
- (H) Hancock’s Resolution Visitor Center and Barn. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Anne Arundel County and the Board of Directors of the Friends of Hancock’s Resolution, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a visitor center and barn at Hancock’s Resolution Historic Park (Anne Arundel County)..... 125,000
- (I) Light House Bistro and Culinary Training Center. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Light House Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Light House Bistro and Culinary

	<u>Training Center. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Anne Arundel County)</u>	<u>150,000</u>
(J)	<u>Samaritan House. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Samaritan Houses, Inc. for the Samaritan House project. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act (Anne Arundel County)</u>	<u>50,000</u>
(K)	<u>St. Philip Neri Community Hall. Provide a grant of \$75,000 to the Board of Directors of the St. Philip Neri School, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the St. Philip Neri Community Hall, including the installation of a new public address, sound, and electrical system (Anne Arundel County).....</u>	<u>75,000</u>
(L)	<u>The Arc of the Central Chesapeake Region. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Arc of the Central Chesapeake Region, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of The Arc of the Central Chesapeake Region Donald Avenue building (Anne Arundel County)</u>	<u>125,000</u>
(M)	<u>40 West Assistance and Referral Center. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the 40 West Assistance and Referral Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the 40 West Assistance and Referral Center facility (Baltimore City)</u>	<u>125,000</u>
(N)	<u>Carmel Community Reaching Out Center. Provide a grant equal to the lesser of (i) \$90,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the First Mount Carmel Christian Community Church, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Carmel Community Reaching Out Center. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Baltimore City).....</u>	<u>90,000</u>

- (O) Chesapeake Shakespeare Company. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Chesapeake Shakespeare Company for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a pedestrian bridge between the Chesapeake Shakespeare Company Theater and Studio buildings (Baltimore City)..... 25,000
- (P) Creative Alliance. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Creative Alliance, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Creative Alliance facility. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore City)..... 25,000
- (Q) Epiphany House Project. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Govans Ecumenical Development Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Epiphany House, including repairs to the building’s roof. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore City)..... 100,000
- (R) Habitat for Humanity of the Chesapeake. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Habitat for Humanity of the Chesapeake, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Habitat for Humanity of the Chesapeake homes. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore City) 50,000
- (S) HARBEL Community Building. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the HARBEL Community Organization, Inc. for the acquisition, planning, design,

	<u>construction, repair, renovation, reconstruction, site improvement, and capital equipping of the HARBEL Community Building, including improvements to the building's parking lots (Baltimore City).....</u>	<u>100,000</u>
(T)	<u>Harford House Project. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Govans Ecumenical Development Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Harford House. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore City).....</u>	<u>25,000</u>
(U)	<u>Kappa Alpha Psi Youth and Community Center. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Kappa Alpha Psi Foundation of Metropolitan Baltimore, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Kappa Alpha Psi Youth and Community Center. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act (Baltimore City).....</u>	<u>50,000</u>
(V)	<u>Liberty Ship S.S. John W. Brown. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Project Liberty Ship, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the World War II Liberty Ship S.S. John W. Brown. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore City).....</u>	<u>50,000</u>
(W)	<u>Malone Children Memorial Playground and Community Park. Provide a grant equal to the lesser of (i) \$100,000 \$0 or (ii) the amount of the matching fund provided, to the Board of Directors of the City Neighbors Charter School, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Malone Children Memorial Playground and Community Park, including landscaping and the installation of playground equipment. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind</u>	

	<u>contributions (Baltimore City).....</u>	<u>100,000</u>
		<u>0</u>

(X)	<u>Paul’s Place. Provide a grant equal to the lesser of (i) \$35,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Paul’s Place, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a community kitchen facility. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore City)</u>	<u>35,000</u>
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(Y)	<u>St. Elizabeth School. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the St. Elizabeth School, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the St. Elizabeth School building. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore City).....</u>	<u>50,000</u>
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(Z)	<u>Village Learning Place. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Village Learning Place, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Village Learning Place building, including repairs to the building’s roof. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore City).....</u>	<u>50,000</u>
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(AA)	<u>Westport Community Land Trust. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Westport Community Economic Development Corporation for the Westport Community Land Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore City).....</u>	<u>25,000</u>
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(AB)	<u>Hatzalah of Baltimore. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Alvin S Mintzes Hatzalah of Baltimore, Inc. for the Hatzalah of Baltimore volunteer ambulance service (Baltimore County)</u>	<u>125,000</u>
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(AC)	<u>Lansdowne Volunteer Fire Department. Provide a grant equal</u>	
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- to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Lansdowne Volunteer Fire Association No. 1 Inc. for the Lansdowne Volunteer Fire Department (Baltimore County) 100,000
- (AD) Mayes–Burton Barn at Hereford High School. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Baltimore County Historical Trust, Inc. and the Board of Education of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Mayes–Burton Barn on the grounds of Hereford High School. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Baltimore County)..... 100,000
- (AE) National Center on Institutions and Alternatives Expansion. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the National Center on Institutions and Alternatives, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the National Center on Institutions and Alternatives facility (Baltimore County) 125,000
- (AF) Natural History Society of Maryland. Provide a grant equal to the lesser of (i) \$175,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of The Natural History Society of Maryland, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the collections and learning center at the Natural History Society of Maryland facility. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore County)..... 175,000
- (AG) New Town High School Stadium. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the New Town High School Stadium (Baltimore County)..... 75,000
- (AH) Penn–Mar Human Services Day Learning Center. Provide a

grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Penn-Mar Organization, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Penn-Mar Human Services Day Learning Center. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore County)..... 100,000

(AI) The Glenn L. Martin Maryland Aviation Museum. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Glenn L. Martin Maryland Aviation Museum, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of The Glenn L. Martin Maryland Aviation Museum, including the acquisition of historic artifacts. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Baltimore County) 50,000

(AJ) East-John Youth Center Pools. Provide a grant of \$50,000 to the Board of Directors of the East-John Youth Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the pools at the East-John Youth Center, including improvements to the pools' decking and fencing, subject to a requirement that the grantee provide and expend a matching fund of \$25,000 (Calvert County)..... 50,000

(AK) North Beach Volunteer Fire Department. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the North Beach Volunteer Fire Department, Inc. for the North Beach Volunteer Fire Department, including any facilities necessary to maintain the boat (Calvert County) 100,000

(AL) Boys and Girls Club of Westminster. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Boys & Girls Club of Westminster, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Boys and Girls Club facility (Carroll County) 75,000

(AM) Carroll County Veterans Independence Project. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Carroll

	<u>County Veterans Independence Project, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Carroll County Veterans Independence Project facility. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Carroll County)</u>	<u>50,000</u>
(AN)	<u>Farming 4 Hunger Community Agricultural Facility. Provide a grant of \$100,000 to the Board of Directors of Farming 4 Hunger, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a community agricultural facility at the Thomas L. Hance Life Share Building, subject to a requirement that the grantee provide and expend a matching fund of \$50,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Charles County)</u>	<u>100,000</u>
(AO)	<u>Maryland Veterans Memorial Museum. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Maryland Veterans Memorial Museum, Inc. at Charles County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Maryland Veterans Memorial Museum. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Charles County)</u>	<u>125,000</u>
(AP)	<u>Velocity Center. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the College of Southern Maryland for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Velocity Center. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Charles County)</u>	<u>75,000</u>
(AQ)	<u>Patriot Point. Provide a grant equal to the lesser of (i) \$175,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Patriot Point LLC for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Patriot Point retreat facility. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Dorchester County)</u>	<u>175,000</u>

- (AR) Boys and Girls Club of Frederick County. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Boys & Girls Club of Frederick County, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Boys and Girls Club facility. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Frederick County)..... 50,000
- (AS) Brunswick Junior Railroaders. Provide a grant equal to the lesser of (i) \$20,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Brunswick Junior Railroaders Boosters, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Brunswick Junior Railroaders youth sports facility. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Frederick County) 20,000
- (AT) CrossRoads Freedom Center Recovery Housing. Provide a grant equal to the lesser of (i) \$55,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the CR Freedom Center Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the CrossRoads Freedom Center Recovery Housing building. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Frederick County) 55,000
- (AU) Helen Smith Studio. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Luce Fund for Children, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Helen Smith Studio project, including the relocation of the studio of Helen Smith to the Lucy School. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Frederick County) 25,000
- (AV) Heritage Frederick Capital Improvements. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Historical Society of Frederick County, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the

	<u>museum and library for Heritage Frederick (Frederick County)</u>	<u>25,000</u>
(AW)	<u>Northwest Trek Conservation and Education Center. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Global Wildlife Trust, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Northwest Trek Conservation and Education Center (Frederick County)</u>	<u>50,000</u>
(AX)	<u>Bloomington Water Distribution System. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of County Commissioners of Garrett County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of storage tanks at the Bloomington Water Distribution System facility (Garrett County)</u>	<u>100,000</u>
(AX-1)	<u>Grantville Volunteer Fire Company. Provide a grant of \$25,000 to the Board of Directors of the Grantville Volunteer Fire Company for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvements including utility connections, and capital equipping of various capital improvements including a new firehouse station (Garrett County).....</u>	<u>25,000</u>
(AY)	<u>Sexual Assault/Spouse Abuse Resource Center. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Sexual Assault/Spouse Abuse Resource Center, Inc. for the Sexual Assault/Spouse Abuse Resource Center. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Harford County)</u>	<u>125,000</u>
(AZ)	<u>PHILLIPS School Commercial Kitchen. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of PHILLIPS Programs Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a commercial kitchen at PHILLIPS School, located in Howard County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Howard County)</u>	<u>150,000</u>

- (BA) Ellicott City Public Arts Project. Provide a grant of \$100,000 to the Board of Directors of The Fund for Art in Ellicott City, Inc. for the Ellicott City Public Arts Project, subject to a requirement that the grantee provide and expend a matching fund of \$25,000 (Howard County)..... 100,000
- (BB) Lisbon Volunteer Fire Department. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Lisbon Volunteer Fire Company, Inc. for the Lisbon Volunteer Fire Department, including a sprinkler system, fire alarm, and exhaust ejection system. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Howard County) 125,000
- (BB-1) Howard County Youth Program. Provide a grant of \$100,000 to the Board of Directors of the Howard County Youth Program for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of various facility improvements for HCYP athletic facilities (Howard County)..... 100,000
- (BC) Camp Fairlee. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Easter Seals Delaware & Maryland's Eastern Shore, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Camp Fairlee facility (Kent County)..... 150,000
- (BD) Arts on the Block Studio Expansion. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Artpreneurs, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Arts on the Block studio expansion. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Montgomery County) 50,000
- (BE) Bender Jewish Community Center of Greater Washington. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Bender JCC of Greater Washington, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Bender Jewish Community Center, including improvements to the building's entryway and security

	<u>(Montgomery County)</u>	<u>50,000</u>
<u>(BF)</u>	<u>Dream Catcher Meadows. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the 7th Generation Foundation, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Dream Catcher Meadows, including fencing and farm-related outbuildings (Montgomery County)</u>	<u>50,000</u>
<u>(BG)</u>	<u>Gandhi Brigade Youth Media. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Gandhi Brigade Incorporated for the Gandhi Brigade Youth Media program. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Montgomery County)</u>	<u>75,000</u>
<u>(BH)</u>	<u>National Center for Children and Families. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of The National Center for Children and Families, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the National Center for Children and Families campus, including the installation of emergency generators and resurfacing of the driveway (Montgomery County)</u>	<u>75,000</u>
<u>(BI)</u>	<u>Nonprofit Village Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Nonprofit Village Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a facility to house nonprofit organizations (Montgomery County)</u>	<u>100,000</u>
<u>(BJ)</u>	<u>Noyes Children’s Library Renovation. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Noyes Children’s Library Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Noyes Children’s Library (Montgomery County)</u>	<u>100,000</u>
<u>(BK)</u>	<u>Our House Youth Home. Provide a grant equal to the lesser of (i) \$95,000 or (ii) the amount of the matching fund provided, to</u>	

the Board of Directors of Our House Youth Home, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new dormitory at Our House Youth Home. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act (Montgomery County)..... 95,000

(BL) RCI Group Home Renovations. Provide a grant equal to the lesser of (i) \$175,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Residential Continuum, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of RCI group homes (Montgomery County) 175,000

(BM) Rockville Senior Center. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Rockville for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Rockville Senior Center (Montgomery County) 125,000

(BM-1) Round House Theatre. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Round House Theatre, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Round House Theatre facility (Montgomery County)..... 100,000

(BN) TLC’s Katherine Thomas School. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of TLC – The Treatment and Learning Centers, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of TLC’s Katherine Thomas School, including repairs to the school’s roof and the installation of playground equipment (Montgomery County)... 75,000

(BO) Winter Growth. Provide a grant equal to the lesser of (i) \$30,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Winter Growth, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Winter Growth facility, including repairs to the building’s roof and HVAC system. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Montgomery County)..... 30,000

- (BP) Armory Plaza. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Hyattsville Community Development Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Armory Plaza. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George’s County)..... 100,000
- (BQ) Bishop McNamara High School Gymnasium. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Bishop McNamara High School, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the gymnasium at Bishop McNamara High School. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Prince George’s County)..... 50,000
- (BR) Bowie Senior Center. Provide a grant of \$50,000 to the Mayor and City Council of the City of Bowie for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Bowie Senior Center (Prince George’s County)..... 50,000
- (BS) Bowie Volunteer Fire Department. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Bowie Volunteer Fire Department and Rescue Squad, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Bowie Volunteer Fire Department facility (Prince George’s County) 75,000
- (BT) Boys and Girls Club Sports Park. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Prince George’s County Boys & Girls Club, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Boys and Girls Club Sports Park, including improvements to the sports fields and parking lot. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George’s County) 50,000

- (BU) Broad Creek Recreation and Wellness Project. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of St. John’s Broad Creek Episcopal Church for the Broad Creek Recreation and Wellness Project. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Prince George’s County)..... 25,000
- (BV) Calvary Breath of Life Community Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Calvary Community Development Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Calvary Breath of Life Community Center. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Prince George’s County)..... 100,000
- (BW) Camp Springs Elks Lodge No. 2332. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Camp Springs Elks Lodge No. 2332, Benevolent and Protective Order of Elks of the United States of America, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Camp Springs Elks Lodge No. 2332. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Prince George’s County) 25,000
- (BX) College Park Early Learning Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Children’s Guild, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the College Park Early Learning Center building (Prince George’s County)..... 100,000
- (BY) Eagle Harbor Town Office. Provide a grant of \$100,000 to the Mayor and Board of Town Commissioners for the Town of Eagle Harbor for the Town of Eagle Harbor (Prince George’s County) 100,000
- (BZ) Greenbelt Station Hiker and Biker Trail. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of

	<u>Greenbelt for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Greenbelt Station Hiker and Biker Trail (Prince George’s County)</u>	<u>75,000</u>
(CA)	<u>Maryland Intergenerational Family Life Center. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Judah Temple A.M.E. Zion Church for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Maryland Intergenerational Family Life Center (Prince George’s County)</u>	<u>50,000</u>
(CB)	<u>Mount Rainier Civic Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Mount Rainier for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Mount Rainier Civic Center building. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Prince George’s County)</u>	<u>100,000</u>
(CC)	<u>Prince George’s County Volunteer Marine, Fire and Rescue Department. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Prince George’s County Volunteer Marine, Fire and Rescue Department, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the facilities for Station 57. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George’s County).....</u>	<u>50,000</u>
(CD)	<u>Public Plaza and Community Overlook. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Love Never Fails International Church, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a public plaza and a community overlook (Prince George’s County)</u>	<u>25,000</u>
(CE)	<u>Riverfront Park Hiker and Biker Path. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Laurel for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and</u>	

	<u>capital equipping of the Riverfront Park Hiker and Biker Path (Prince George’s County).....</u>	<u>50,000</u>
(CF)	<u>St. Thomas Methodist Church Restoration. Provide a grant of \$25,000 to the Board of Trustees of Christ United Methodist Church for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of St. Thomas Methodist Church (Prince George’s County)</u>	<u>25,000</u>
(CG)	<u>The Arc of Prince George’s County. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Arc of Prince George’s County, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of The Arc of Prince George’s County building, including site development of the parking lot. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George’s County).....</u>	<u>100,000</u>
(CH)	<u>St. Mary’s Nursing Center. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the St. Mary’s Nursing Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the St. Mary’s Nursing Center building (St. Mary’s County)</u>	<u>75,000</u>
(CI)	<u>Avalon Theatre. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of The Avalon Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Avalon Theatre (Talbot County).....</u>	<u>150,000</u>
(CJ)	<u>The Maryland Theatre. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Maryland Theatre Association, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Maryland Theatre (Washington County)</u>	<u>200,000</u>
(CK)	<u>Rotary Labyrinth. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Rotary Club of Salisbury Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site</u>	

improvement, and capital equipping of the Rotary Labyrinth project. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Wicomico County)..... 100,000

(CL) ~~Pocomoke Little League. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, of \$50,000 to the Board of Directors of the Pocomoke Little League, Inc. for the Pocomoke Little League baseball field. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Worcester County)~~ 50,000

ZA03 LOCAL HOUSE OF DELEGATES INITIATIVES

~~(A)~~ ~~8,000,000~~

(A) *Bay Community Support Services Group Homes. Provide a grant equal to the lesser of (i) \$26,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Bay Community Support Services, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of various group homes for Bay Community Support Services, including repairs to the buildings’ roofs and the replacement of sewage line connections (Statewide)* 26,000

(B) *Camp Potomac. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Laurel Highlands Council, Inc., Boy Scouts of America for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new shower house facility at Camp Potomac (Allegany County)* 25,000

(C) *Frostburg Museum Relocation Project. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Frostburg Museum Association for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Frostburg Museum, including the installation of an elevator system. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Allegany County)* 75,000

(D) *Annapolis Maritime Museum and Park. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Annapolis*

- Maritime Museum, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Back Creek Campus of the Annapolis Maritime Museum and Park. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Anne Arundel County)..... 75,000
- (E) Annapolis Masonic Lodge No. 89. Provide a grant of \$80,000 to the Board of Trustees of the Annapolis Masonic Lodge No. 89 for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Annapolis Masonic Lodge No. 89 at the historic “Mann’s Tavern” building (Anne Arundel County) 80,000
- (F) Hancock’s Resolution Visitor Center and Barn. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Anne Arundel County and the Board of Directors of the Friends of Hancock’s Resolution, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a visitor center and barn at Hancock’s Resolution Historic Park (Anne Arundel County)..... 125,000
- (G) Light House Bistro and Culinary Training Center. Provide a grant equal to the lesser of (i) \$160,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Light House Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Light House Bistro and Culinary Training Center. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Anne Arundel County)..... 160,000
- (H) Lloyd Keaser Community Center. Provide a grant equal to the lesser of (i) \$35,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Taxpayers Improvement Association of Patapsco Park, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Lloyd Keaser Community Center, including repairs to the building’s roof, bathrooms, and HVAC system. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Anne Arundel County) 35,000
- (I) Samaritan House. Provide a grant equal to the lesser of (i)

- \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Samaritan Houses, Inc. for the Samaritan House project. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act (Anne Arundel County)..... 50,000
- (J) Severn Danza Park. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Anne Arundel County and the Board of Directors of the Severn Athletic Club, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of field lights at the Severn Danza Park (Anne Arundel County) 200,000
- (K) The Bernie House. Provide a grant equal to the lesser of (i) \$130,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Bernie House, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a transitional housing facility for The Bernie House. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Anne Arundel County) ... 130,000
- (L) EMAGE Center. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of CityWide Youth Development Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the EMAGE Center facility. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City) . 125,000
- (M) Garrett–Jacobs Mansion. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Garrett–Jacobs Mansion Endowment Fund, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Garrett–Jacobs Mansion. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Baltimore City) 200,000
- (N) Harford House Project. Provide a grant of \$200,000 to the Board of Directors of the Govans Ecumenical Development Corporation for the acquisition, planning, design, construction,

- repair, renovation, reconstruction, site improvement, and capital equipping of the Harford House (Baltimore City) 200,000
- (O) Harvey Johnson Community Center. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Beloved Community Services Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Harvey Johnson Community Center. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore City)..... 200,000
- (P) Hollins Market. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the War Horse Cities Community Development Corporation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Hollins Market (Baltimore City) 250,000
- (Q) Kappa Alpha Psi Youth and Community Center. Provide a grant equal to the lesser of (i) \$52,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Kappa Alpha Psi Foundation of Metropolitan Baltimore, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Kappa Alpha Psi Youth and Community Center. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act (Baltimore City) 52,000
- (R) Langston Hughes Community, Business and Resource Center. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Youth Educational Services Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Langston Hughes Community, Business and Resource Center. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Baltimore City) 250,000
- (S) Maryland Art Place. Provide a grant of \$125,000 to the Board of Trustees of Maryland Art Place, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the

	<u>Maryland Art Place building, including the installation of HVAC systems, subject to a requirement that the grantee provide and expend a matching fund of \$70,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City)</u>	<u>125,000</u>
(T)	<u>Village Learning Place. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Village Learning Place, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of The Village Learning Place building, including repairs to the building's roof. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore City).....</u>	<u>50,000</u>
(U)	<u>Morning Star Family Life Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the MSBC Five Star Program, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Morning Star Family Life Center. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore County)</u>	<u>100,000</u>
(V)	<u>National Center on Institutions and Alternatives Expansion. Provide a grant equal to the lesser of (i) \$225,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the National Center on Institutions and Alternatives, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the National Center on Institutions and Alternatives facility (Baltimore County).....</u>	<u>225,000</u>
(W)	<u>Natural History Society of Maryland. Provide a grant equal to the lesser of (i) \$215,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of The Natural History Society of Maryland, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the collections and learning center at the Natural History Society of Maryland facility. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore</u>	

County)..... 215,000

(X) New Town High School Stadium. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the New Town High School Stadium (Baltimore County)..... 100,000

(Y) Penn-Mar Human Services Day Learning Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Penn-Mar Organization, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Penn-Mar Human Services Day Learning Center, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore County) 100,000

(Z) Windsor Mill Community Outreach Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Trustees for The Redeemed Christian Church of God, Jesus House, Baltimore for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Windsor Mill Community Outreach Center. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore County)..... 100,000

(AA) Boys and Girls Club of Westminster. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Boys & Girls Club of Westminster, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Boys and Girls Club facility (Carroll County) 75,000

(AB) Carroll County Veterans Independence Project. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Carroll County Veterans Independence Project, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Carroll County Veterans Independence Project facility.

	<u>Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Carroll County).....</u>	<u>50,000</u>
<u>(AC)</u>	<u>Gamber and Community Fire Company Carnival Grounds. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Gamber and Community Fire Company for the Gamber and Community Fire Company, including upgrades to and burial of the electric service (Carroll County).....</u>	<u>25,000</u>
<u>(AD)</u>	<u>Perryville Railroad Monument Sign. Provide a grant of \$25,000 to the Mayor and Town Commissioners of the Town of Perryville for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a railroad monument sign (Cecil County).....</u>	<u>25,000</u>
<u>(AE)</u>	<u>Indian Head Center for the Arts. Provide a grant equal to the lesser of (i) \$60,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Indian Head Center for the Arts, Inc. and the Mayor and Town Council of the Town of Indian Head for the Arts Black Box Theatre. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Charles County)</u>	<u>60,000</u>
<u>(AF)</u>	<u>Indian Head Recreation Center. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of Indian Head for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a community recreation center. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Charles County)</u>	<u>200,000</u>
<u>(AG)</u>	<u>Maces Lane Community Center. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Good Shepherd Association for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Maces Lane Community Center. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Dorchester County).....</u>	<u>200,000</u>
<u>(AH)</u>	<u>Boys and Girls Club of Frederick County. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Boys & Girls</u>	

- Club of Frederick County, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Boys and Girls Club facility. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Frederick County) 150,000
- (AI) Culler Lake Revitalization. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Mayor and Board of Aldermen of the City of Frederick for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of projects at Culler Lake. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Frederick County) 150,000
- (AJ) Bloomington Water Distribution System. Provide a grant equal to the lesser of (i) \$64,000 or (ii) the amount of the matching fund provided, to the Board of County Commissioners of Garrett County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of storage tanks at the Bloomington Water Distribution System facility (Garrett County) 64,000
- (AK) Aberdeen Proving Ground Discovery Preview Center. Provide a grant of \$250,000 to the Board of Directors of the Aberdeen Proving Ground Centennial Celebration Association, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Aberdeen Proving Ground Discovery Preview Center, subject to a requirement that the grantee provide and expend a matching fund of \$50,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Harford County) 250,000
- (AL) Historic Colored School. Provide a grant of \$96,000 to the Board of Directors of Community Projects of Havre de Grace, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Historic Colored School (Harford County) 96,000
- (AM) Ellicott City Public Arts Project. Provide a grant of \$75,000 to the Board of Directors of The Fund for Art in Ellicott City, Inc. for the Ellicott City Public Arts Project (Howard County) 75,000
- (AN) Camp Fairlee. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Easter Seals Delaware & Maryland's Eastern

- Shore, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Camp Fairlee facility (Kent County) ... 50,000
- (AO) Arts on the Block Studio Expansion. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Artpreneurs, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Arts on the Block studio expansion. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Montgomery County) 50,000
- (AP) Bender Jewish Community Center of Greater Washington. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Bender JCC of Greater Washington, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Bender Jewish Community Center, including improvements to the building's entryway and security (Montgomery County)..... 25,000
- (AQ) Easter Seals Inter-Generational Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Easter Seals Serving DC/MD/VA, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Inter-Generational Center (Montgomery County) 100,000
- (AR) Gandhi Brigade Youth Media. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Gandhi Brigade Incorporated for the Gandhi Brigade Youth Media program. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Montgomery County) 75,000
- (AS) Ivymount School. Provide a grant equal to the lesser of (i) \$65,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Ivymount School, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of HVAC rooftop units at the Ivymount School. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Montgomery County)..... 65,000

	<u>expended prior to the effective date of this Act (Montgomery County).....</u>	<u>100,000</u>
(AY)	<u>Round House Theatre. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Round House Theatre, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Round House Theatre facility (Montgomery County)</u>	<u>250,000</u>
(AZ)	<u>Sandy Spring Odd Fellows Lodge. Provide a grant of \$15,000 to the Board of Directors of the Grand United Order of Oddfellows Sandy Spring Lodge #6430, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Sandy Spring Odd Fellows Lodge, including the installation of bathroom facilities (Montgomery County)</u>	<u>15,000</u>
(BA)	<u>TLC's Katherine Thomas School. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of TLC – The Treatment and Learning Centers, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of TLC's Katherine Thomas School, including repairs to the school's roof and the installation of playground equipment (Montgomery County) ...</u>	<u>125,000</u>
(BB)	<u>Armory Plaza. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Hyattsville Community Development Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Armory Plaza. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George's County)</u>	<u>100,000</u>
(BC)	<u>Bowie Emergency Operations Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Bowie for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Bowie Emergency Operations Center. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George's County)</u>	<u>100,000</u>
(BD)	<u>Bowie Senior Center. Provide a grant of \$150,000 to the Mayor and City Council of the City of Bowie for the acquisition,</u>	

	<u>planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Bowie Senior Center (Prince George’s County).....</u>	<u>150,000</u>
<u>(BE)</u>	<u>Boys and Girls Club Sports Park. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Prince George’s County Boys & Girls Club, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Boys and Girls Club Sports Park, including improvements to the sports fields and parking lot. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George’s County).....</u>	<u>50,000</u>
<u>(BF)</u>	<u>College Park Early Learning Center. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Children’s Guild, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the College Park Early Learning Center building (Prince George’s County)</u>	<u>150,000</u>
<u>(BG)</u>	<u>Eagle Harbor Town Office. Provide a grant of \$30,000 to the Mayor and Board of Town Commissioners for the Town of Eagle Harbor for the Town of Eagle Harbor (Prince George’s County).....</u>	<u>30,000</u>
<u>(BH)</u>	<u>Fort Washington Baptist Church. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Fort Washington Baptist Church for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Fort Washington Baptist Church facility. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Prince George’s County)</u>	<u>200,000</u>
<u>(BI)</u>	<u>Lanham Boys and Girls Club Sports Park Renovation. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Lanham Boys and Girls Club, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Lanham Boys and Girls Club Sports Park, including the installation of new field lights. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince</u>	

	<u>George’s County).....</u>	<u>75,000</u>
<u>(BJ)</u>	<u>Potomac Watershed Study Center. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Alice Ferguson Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Potomac Watershed Study Center. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George’s County).....</u>	<u>150,000</u>
<u>(BK)</u>	<u>Riverfront Park Hiker and Biker Path. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Laurel for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Riverfront Park Hiker and Biker Path (Prince George’s County).....</u>	<u>50,000</u>
<u>(BL)</u>	<u>South County Dog Park. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Maryland–National Capital Park and Planning Commission for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a South County Dog Park (Prince George’s County).....</u>	<u>250,000</u>
<u>(BM)</u>	<u>The Ivy Village Incubator for Nonprofit Excellence. Provide a grant equal to the lesser of (i) \$180,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Ivy Community Charities of Prince George’s County, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of The Ivy Village Incubator for Nonprofit Excellence facility. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Prince George’s County).....</u>	<u>180,000</u>
<u>(BN)</u>	<u>The Training Source. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Training Source, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of The Training Source facility. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act (Prince George’s</u>	

County)..... 250,000

(BO) Teackle Mansion and the Sarah Martin Done House. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Somerset County Historical Society Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Teackle Mansion and the Sarah Martin Done House. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Somerset County)..... 100,000

(BP) Avalon Theatre. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of The Avalon Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Avalon Theatre (Talbot County)..... 50,000

(BQ) National Road Museum. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the National Road Heritage Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the National Road Museum (Washington County)..... 50,000

(BR) Smithsburg Town Hall Tower. Provide a grant equal to the lesser of (i) \$12,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Smithsburg Historical Society, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Smithsburg Town Hall Tower (Washington County) 12,000

(BS) Pocomoke Little League. Provide a grant of \$25,000 to the Board of Directors of the Pocomoke Little League, Inc. for the Pocomoke Little League baseball field (Worcester County)..... 25,000

ZB02 LOCAL JAILS AND DETENTION CENTERS

(A) Anne Arundel County Central Holding and Processing Center. Provide a grant to the County Executive and County Council of Anne Arundel County to construct a new Central Holding and Processing Center at the Anne Arundel County Detention

	Center on Jennifer Road, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Anne Arundel County)	2,035,000
(B)	Calvert County Detention Center Inmate Program Space Addition. Provide a grant to the County Commissioners of Calvert County to design and construct a new prefabrication classroom addition, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Calvert County)	500,000
(C)	Montgomery County Pre–Release Center. Provide a grant to the County Executive and County Council of Montgomery County to construct and equip renovations to the Pre–Release Center’s Dietary Center, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Montgomery County)	1,618,000
(D)	Prince George’s County Correctional Center. Provide a grant to the County Executive and County Council of Prince George’s County to construct and equip the renovation and expansion of the Correctional Center’s Medical Unit, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Prince George’s County).....	2,448,000
(E)	St. Mary’s County Adult Detention Center Upgrades. Provide a grant to the Board of Commissioners of St. Mary’s County to design the renovation and expansion of the St. Mary’s County Adult Detention Center, subject to the requirement that the grantee provide an equal and matching fund for this purpose (St. Mary’s County)	731,000

(4) An annual tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal of and interest on the bonds, as and when due and until paid in full. The principal shall be discharged within 15 years after the date of issue of the bonds.

(5) (a) Prior to the payment of any matching grant funds under the provisions of Section 1(3), Items ZA00 through ZB02 of this Act, grantees shall provide and expend matching funds as specified. No part of a grantee’s matching fund may be provided, either directly or indirectly, from funds of the State, whether appropriated or unappropriated. Except as otherwise provided, no part of the fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act. In case of any dispute as to what money or assets may qualify as matching funds, the Board of Public Works shall determine the matter, and the Board’s decision is final. Grantees have until June 1, 2020, to present evidence satisfactory to the Board of Public Works that the matching fund will be provided. If satisfactory evidence is presented, the Board shall certify this fact to the

State Treasurer and the proceeds of the loan shall be expended for the purposes provided in this Act. If this evidence is not presented by June 1, 2020, the proceeds of the loan shall be applied to the purposes authorized in § 8–129 of the State Finance and Procurement Article.

(b) It is further provided that when an equal and matching fund is specified in Section 1(3), Items ZA00 through ZB02 of this Act, grantees shall provide a matching fund equal to the lesser of (i) the authorized amount of the State grant or (ii) the amount of the matching fund certified by the Board of Public Works. If satisfactory evidence is presented, the Board shall certify this fact and the amount of the matching fund to the State Treasurer and the proceeds of the loan equal to the amount of the matching fund shall be expended for the purposes provided in this Act. If this evidence is not presented by June 1, 2020, the proceeds of the loan shall be applied to the purposes authorized in § 8–129 of the State Finance and Procurement Article. The proceeds of any amount of the loan in excess of the matching fund certified by the Board of Public Works shall also be applied to the purposes authorized in § 8–129 of the State Finance and Procurement Article.

(6) (a) Prior to approval by the Board of Public Works of an expenditure of bond proceeds authorized under Section 1(3), Items ZA00 through ZB02 of this Act, the grantee shall grant and convey to the Maryland Historical Trust a perpetual historic preservation easement on the property where the capital project assisted by the bond proceeds is located if the Director of the Trust determines that the capital project impacts historic property, as defined by § 5A–301(e) of the State Finance and Procurement Article, unless the Director of the Trust also determines that the historic property:

(i) Is significant only as a contributing property to a historic district listed in the Maryland Register of Historic Properties;

(ii) Is a type that is already adequately represented among the Trust's existing easement properties;

(iii) Is already subject to adequate protections of historic preservation law or instrument; or

(iv) Has conditions peculiar to it that make requiring an easement impractical.

(b) If the grantee holds a lease on the property, the Trust may accept an easement on the leasehold interest.

(c) The easement must be in form and substance acceptable to the Director of the Trust.

(d) (i) A recipient may administratively appeal to the Maryland Historical Trust Board of Trustees a determination made by the Director of the Trust under subparagraph (a) of this paragraph.

(ii) The decision made by the Maryland Historical Trust Board of

Trustees on an appeal is final and is not subject to further administrative appeal or judicial review.

(7) The proceeds of the loan must be expended or encumbered by the Board of Public Works for the purposes provided in this Act no later than June 1, 2025. If any funds authorized by this Act remain unexpended or unencumbered after June 1, 2025, the amount of the unexpended or unencumbered authorization shall be canceled and be of no further force and effect. If bonds have been issued for the loan, the amount of unexpended or unencumbered bond proceeds shall be disposed of as provided in § 8–129 of the State Finance and Procurement Article.

(8) Multiple grants provided to the same organization in this Section are in addition to one another. Unless otherwise provided, any matching fund requirements apply to each individual grant.

(9) (a) Subject to subparagraphs (b) and (c) of this paragraph, the Board of Public Works may approve an appropriation in Section 1(3), Items ZA00 through ZB02 of this Act notwithstanding technical differences in:

(i) The name of the grantee or the description of the project, provided that the proposed use of funds is consistent with the public purpose of the original appropriation; or

(ii) The location of the project, provided that the proposed location is within the county specified in the original appropriation.

(b) The Department of Budget and Management shall notify the Office of Policy Analysis within the Department of Legislative Services in writing of:

(i) The technical differences between an appropriation in Section 1(3), Items ZA00 through ZB02 of this Act and the proposed use of the funds; and

(ii) The justification that the proposed use of the funds is consistent with the public purpose of the appropriation.

(c) (i) The Office of Policy Analysis shall have 45 days to review and comment on the proposed use of the funds.

(ii) If the Office of Policy Analysis does not submit written objections within 45 days, the Department of Budget and Management shall provide certification in writing to the Board of Public Works that the proposed use of funds may be approved notwithstanding technical differences in the appropriation in Section 1(3), Items ZA00 through ZB02 of this Act.

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

Chapter 488 of the Acts of 2007, as amended by Chapter 463 of the Acts of 2014 and Chapter 27 of the Acts of 2016

Section 1(3)

ZA03

MARYLAND HOSPITAL ASSOCIATION

- (D) Fort Washington Medical Center. Provide a grant equal to the lesser of (i) \$560,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Fort Washington Medical Center, Inc. for the planning, design, renovation, expansion, repair, construction, and capital equipping of the emergency department **AND OPERATION ROOM THEATER** at Fort Washington Medical Center, located in Fort Washington. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act and notwithstanding Section 1(7) of this Act, the proceeds of this loan must be expended or encumbered by the Board of Public Works for the purposes provided in this Act no later than June 1, [2018] **2020** (Prince George’s County)..... 560,000

Chapter 483 of the Acts of 2010

Section 1(3)

DEPARTMENT OF THE ENVIRONMENT

UA04

WATER MANAGEMENT ADMINISTRATION
(Statewide)

- (B) Water Supply Financial Assistance Program. Provide funds for assistance to State and local government entities to acquire, design, construct, rehabilitate, equip, and improve water supply facilities. Except as provided below, the funds shall be administered in accordance with §§ 9–420 through 9–426 of the Environment Article and in accordance with the Code of Maryland Regulations (COMAR) 26.03.09 [3,500,000]
3,150,000
- (1) Charles County Water Supply System. Notwithstanding §§ 9–420 through 9–426 of the Environment Article and any regulations issued in accordance with the specified Sections, [\$1,000,000] **\$650,000** of these funds shall be used to provide a grant to Charles County for the purpose of construction, development, and testing of a well or wells that currently relies on the Lower Patapsco

Aquifer. The construction, development, and testing of the wells and use of the water shall conform to requirements and be subject to the approval of the Maryland Department of the Environment (MDE). The water shall be for users located in a Priority Funding Area approved by the Department of Planning and included in the Charles County water and sewer plan approved by MDE (Charles County)

Chapter 483 of the Acts of 2010, as amended by Chapter 396 of the Acts of 2011, Chapter 444 of the Acts of 2012, Chapter 424 of the Acts of 2013, Chapter 463 of the Acts of 2014, and Chapter 495 of the Acts of 2015

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2010 in the total principal amount of ~~[\$1,003,466,896]~~ **\$1,003,116,896**. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

Chapter 396 of the Acts of 2011, as amended by Chapter 444 of the Acts of 2012

Section 1(3)

ZA00

MISCELLANEOUS GRANT PROGRAMS

(N) Prince George's Hospital System. Provide a grant to the [County Executive and County Council of Prince George's County] **UNIVERSITY OF MARYLAND MEDICAL SYSTEM** for the acquisition of property, and the design, construction and renovation, and capital equipping of infrastructure improvements for facilities within the Prince George's Hospital System, [provided that this authorization may not be encumbered or expended until the Department of Health and Mental Hygiene, Prince George's County, and Dimensions Health Care Corporation submit a report to the budget committees on the proposed use of funds to improve the system. The report shall be submitted by September 30, 2012, and the budget committees shall have 45 days to review and comment. If the report has not been submitted by September 30, 2012,

this authorization shall be restricted for the purposes of funding the State’s share of costs for the acquisition, design, and construction of a new regional hospital center in Prince George’s County] ~~AND FOR THE ACQUISITION, DESIGN, CONSTRUCTION, AND EQUIPPING OF A NEW CAPITAL REGION MEDICAL CENTER~~ (Prince George’s County) 4,000,000

Chapter 396 of the Acts of 2011, as amended by Chapter 430 of the Acts of 2013, Chapter 463 of the Acts of 2014, Chapter 495 of the Acts of 2015, and Chapter 27 of the Acts of 2016

Section 1(3)

ZA02 LOCAL SENATE INITIATIVES

(BJ) Capitol Heights Seat Pleasant Boys and Girls Club Initiative. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Capitol Heights Seat Pleasant Boys and Girls Club, Inc. and the Maryland–National Capital Park and Planning Commission for the acquisition, planning, design, construction, renovation, and capital equipping of various facilities for the use of the Capitol Heights Seat Pleasant Boys and Girls Club, Inc., including the purchase and installation of indoor and outdoor sports equipment, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act. Notwithstanding Section 1(5) of this Act, the grantee has until June 1, [2018] 2020, to present evidence that a matching fund will be provided. Notwithstanding Section 1(7) of this Act, this grant may not terminate before June 1, [2019] 2021 (Prince George’s County)..... 25,000

ZA03 LOCAL HOUSE OF DELEGATES INITIATIVES

(AW) Capitol Heights Seat Pleasant Boys and Girls Club Initiative. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Capitol Heights Seat Pleasant Boys and Girls Club, Inc., the Board of Education of Prince George’s County, and the Maryland–National Capital Park and Planning Commission for the acquisition, planning, design, construction, renovation, and capital equipping of various facilities for the use of the Capitol Heights Seat Pleasant Boys and Girls Club, Inc., including the purchase and installation of indoor and

outdoor sports equipment, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act. Notwithstanding Section 1(5) of this Act, the grantee has until June 1, [2018] 2020, to present evidence that a matching fund will be provided. Notwithstanding Section 1(7) of this Act, this grant may not terminate before June 1, [2019] 2021 (Prince George’s County) 75,000

Chapter 396 of the Acts of 2011, as amended by Chapter 463 of the Acts of 2014 and Chapter 27 of the Acts of 2016

Section 1(3)

ZA02 LOCAL SENATE INITIATIVES

(BO) Riverdale Park [Town Hall Expansion] MUNICIPAL CENTER. Provide a grant equal to the lesser of (i) \$175,000 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of Riverdale Park for the design, construction, and renovation of the Riverdale Park [Town Hall] MUNICIPAL CENTER AND ADJACENT GROUNDS, located in Riverdale Park. Notwithstanding Section 1(5) of this Act, the grantee has until June 1, [2018] 2020, to present evidence that a matching fund will be provided. Notwithstanding Section 1(7) of this Act, this grant may not terminate before June 1, [2019] 2021 (Prince George’s County)..... 175,000

ZA03 LOCAL HOUSE OF DELEGATES INITIATIVES

(BE) Riverdale Park [Town Hall Expansion] MUNICIPAL CENTER. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of Riverdale Park for the design, construction, and renovation of the Riverdale Park [Town Hall] MUNICIPAL CENTER AND ADJACENT GROUNDS, located in Riverdale Park. Notwithstanding Section 1(5) of this Act, the grantee has until June 1, [2018] 2020, to present evidence that a matching fund will be provided. Notwithstanding Section 1(7) of this Act, this grant may not terminate before June 1, [2019] 2021 (Prince George’s County)..... 100,000

Chapter 444 of the Acts of 2012, as amended by Chapter 424 of the Acts of 2013

Section 1(3)

ZA00 MISCELLANEOUS GRANT PROGRAMS

(P) Prince George’s Hospital System. Provide a grant to the [County Executive and County Council of Prince George’s County] **UNIVERSITY OF MARYLAND MEDICAL SYSTEM** for the design, construction and equipping of the renovation of infrastructure improvements for facilities within the Prince George’s Hospital System[, provided that this authorization may not be encumbered or expended until the Department of Health and Mental Hygiene, Dimensions Healthcare System, and Prince George’s County submit a report to the budget committees on the proposed use of funds to improve the system. The report shall be submitted by December 31, 2012, and the budget committees shall have 45 days to review and comment. If a report has not been submitted by December 31, 2012, this authorization shall be restricted for the purposes of funding the State’s share of costs for the acquisition, design, and construction of a new regional hospital center in Prince George’s County] (Prince George’s County) 10,000,000

Chapter 444 of the Acts of 2012, as amended by Chapter 27 of the Acts of 2016

Section 1(3)

RB31 UNIVERSITY OF MARYLAND BALTIMORE COUNTY (Baltimore County)

(A) New Performing Arts and Humanities Facility. Provide funds to design and construct Phase II of the New Performing Arts and Humanities Facility, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to appropriation of all the funds necessary to complete this project [32,225,000]
31,225,000

ZA02 LOCAL SENATE INITIATIVES (Statewide)

(AL) Southern Maryland Carousel Project. Provide a grant [equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided,] OF \$25,000 to the Board of Directors of the Southern Maryland Carousel Group, Inc. for the planning and

design and renovate existing structures in order to consolidate patient activity at the Spring Grove Hospital Center. Notwithstanding the provisions of § 10–306 of the State Finance and Procurement Article and § 10–208 of the Health – General Article, any proceeds from the sale of an existing parcel of the Spring Grove Hospital Center campus made for the purpose of this consolidation shall be:

- (1) applied to the renovation of existing structures in order to consolidate patient activity on the campus; and
 - (2) any funds remaining after the completion of renovations shall be distributed according to § 10–208 of the Health – General Article [400,000]
- 0**

UNIVERSITY SYSTEM OF MARYLAND

RB27 COPPIN STATE UNIVERSITY
(Baltimore City)

- (B) Pedestrian Bridge – ADA Improvements. Provide funds to design, construct, and equip an ADA-compliant stair tower connected to the Health and Human Services Building pedestrian bridge across North Avenue [1,786,000]
- 1,134,000**

RB31 UNIVERSITY OF MARYLAND BALTIMORE COUNTY
(Baltimore County)

- (A) New Performing Arts and Humanities Facility. Provide funds to construct and equip Phase II of the New Performing Arts and Humanities Facility [36,106,000]
- 35,991,109**

ZA00 MISCELLANEOUS GRANT PROGRAMS

- (Z) Prince George’s Hospital System. Provide a grant to the [County Executive and County Council of Prince George’s County] **UNIVERSITY OF MARYLAND MEDICAL SYSTEM** to make capital improvements to existing health facilities within the Prince George’s Hospital System (Prince George’s County) 10,000,000

ZA02 LOCAL SENATE INITIATIVES

(BS) Riverdale Park [Town Hall Youth and Community Wing] MUNICIPAL CENTER. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of Riverdale Park for the design, construction, and capital equipping of the [Youth and Community Wing of the] Riverdale Park [Town Hall] MUNICIPAL CENTER AND ADJACENT GROUNDS (Prince George’s County) 150,000

ZA03 LOCAL HOUSE OF DELEGATES INITIATIVES

(BH) Riverdale Park [Town Hall Youth and Community Wing] MUNICIPAL CENTER. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of Riverdale Park for the design, construction, and capital equipping of the [Youth and Community Wing of the] Riverdale Park [Town Hall] MUNICIPAL CENTER AND ADJACENT GROUNDS (Prince George’s County) 100,000

Chapter 424 of the Acts of 2013, as amended by Chapter 463 of the Acts of 2014, Chapter 495 of the Acts of 2015, Chapter 27 of the Acts of 2016, and Chapter 22 of the Acts of 2017

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2013 in the total principal amount of ~~[\$1,101,415,762]~~ **\$1,100,248,871**. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

Chapter 424 of the Acts of 2013, as amended by Chapter 22 of the Acts of 2017

Section 1(3)

ZA00 MISCELLANEOUS GRANT PROGRAMS

(Y) Prince George’s Hospital System. [Provide funds to the Department of Health and Mental Hygiene for the purpose of providing a grant to begin site acquisition, design, construction, and equipping of a new Regional Medical Center in Prince George’s County] **PROVIDE A GRANT TO THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM TO ASSIST IN THE SITE ACQUISITION, DESIGN, CONSTRUCTION, AND EQUIPPING OF A NEW CAPITAL REGION MEDICAL CENTER** (Prince George’s County) 20,000,000

Chapter 463 of the Acts of 2014

Section 1(3)

RD00 **ST. MARY’S COLLEGE OF MARYLAND**
(St. Mary’s County)

(A) Anne Arundel Hall Reconstruction. Provide funds to conduct archeological field work, design and construct the Anne Arundel Hall Reconstruction Project, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to the appropriation of all funds necessary to complete this project [17,850,000]
17,570,875

ZA00 **MISCELLANEOUS GRANT PROGRAMS**

(I) Eastern Shore Food Hub. Provide a grant to the Board of Directors of Real Food Productions L3C for the design, construction, and capital equipping for a facility to serve as the Eastern Shore Food Hub, subject to the requirement that the grantee provide an equal and matching fund for this purpose, provided that \$500,000 of this authorization may not be expended until the Real Food Productions L3C, in conjunction with the Department of Housing and Community Development (DHCD), submits a report to the budget committees on how the Eastern Shore Food Hub will be coordinated with the DHCD food desert initiative, the Maryland Food Center Authority, and other Maryland food hubs, including the Baltimore Food Hub and the Regional Food Hub in Southern Maryland. The report shall be submitted by September 15, 2014, and the budget committees shall have 45 days to review and comment (Talbot County) [500,000]
0

(AB) National Sailing Hall of Fame. Provide a grant to the Board of

Directors of the National Sailing Hall of Fame and Museum, Inc. to design, construct, and equip a new facility for the National Sailing Hall of Fame, subject to the requirement that the grantee provide an equal and matching fund for this purpose, provided that \$250,000 of this authorization made for the purpose of the National Sailing Hall of Fame may not be expended until the Board of Directors of the National Sailing Hall of Fame and Museum, Inc. submits an amended lease that has been approved by the Board of Public Works, provides information on the amount of State funding expected to be requested for the project, and completes all of the trigger events for the agreement-to-lease to go into effect. The budget committees shall have 45 days to review and comment before the release of funds (Anne Arundel County).....

[250,000]
0

Chapter 463 of the Acts of 2014, as amended by Chapter 495 of the Acts of 2015, Chapter 27 of the Acts of 2016, and Chapter 22 of the Acts of 2017

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2014 in the total principal amount of ~~[\$1,176,428,377]~~ **\$1,175,175,528**. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 and 8–131.2 of the State Finance and Procurement Article.

Chapter 463 of the Acts of 2014, as amended by Chapter 27 of the Acts of 2016 and Chapter 22 of the Acts of 2017

Section 1(3)

ZA02

LOCAL SENATE INITIATIVES

(AS) New Spire Stages. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the [Performing Arts Statutory Trust] **PERFORMING ARTS CENTER STATUTORY TRUST** for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the [Barbara Hauer Fritchie Foundation Facility] **NEW SPIRE STAGES.** Notwithstanding Section 1(5) of this Act, the grantee has until

June 1, 2019, to present evidence that a matching fund will be provided. Notwithstanding Section 1(7) of this Act, this grant may not terminate before June 1, 2020 (Frederick County) 50,000

**Chapter 463 of the Acts of 2014, as amended by
Chapter 22 of the Acts of 2017**

Section 1(3)

UNIVERSITY SYSTEM OF MARYLAND

RB27 COPPIN STATE UNIVERSITY
(Baltimore City)

(A) New Science and Technology Center. Provide funds to construct and equip the new Science and Technology Center **[9,700,000]**
9,476,276

ZA00 MISCELLANEOUS GRANT PROGRAMS

(AD) Prince George’s Hospital System. [Provide funds to the Department of Health and Mental Hygiene for the purpose of providing a grant for site acquisition, design, construction, and capital equipping of a new Regional Medical Center in Prince George’s County. Further provided that it is the intent of the General Assembly that the University of Maryland Medical System initiate the design process for the new Regional Medical Center in Prince George’s County in fiscal 2015 utilizing general obligation bond authorizations made in the Maryland Consolidated Capital Bond Loan of 2013 and this Act.] **PROVIDE A GRANT TO THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM TO ASSIST IN THE SITE ACQUISITION, DESIGN, CONSTRUCTION, AND EQUIPPING OF A NEW CAPITAL REGION MEDICAL CENTER (Prince George’s County)** 15,000,000

Chapter 495 of the Acts of 2015

Section 1(3)

UNIVERSITY SYSTEM OF MARYLAND

RB31 UNIVERSITY OF MARYLAND BALTIMORE COUNTY
(Baltimore County)

(A) Interdisciplinary Life Sciences Building. Provide funds to

continue design [of] AND CONSTRUCT a new academic facility for interdisciplinary life sciences 6,000,000

RD00 ST. MARY'S COLLEGE OF MARYLAND
(St. Mary's County)

(A) Anne Arundel Hall Reconstruction. Provide funds to conduct archeological field work, complete design and construction, and equip the new Anne Arundel Hall [10,482,000]
10,072,740

ZA00 MISCELLANEOUS GRANT PROGRAMS

(O) Prince George's Hospital System. [Provide funds to the Department of Health and Mental Hygiene for the purpose of providing a grant for site acquisition, design, construction, and capital equipping of a new Regional Medical Center in Prince George's County. The Department will provide a grant to the owner/operator of the Regional Medical Center] **PROVIDE A GRANT TO THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM TO ASSIST IN THE SITE ACQUISITION, DESIGN, CONSTRUCTION, AND EQUIPPING OF A NEW CAPITAL REGION MEDICAL CENTER (Prince George's County)** 30,000,000

ZA01 MARYLAND HOSPITAL ASSOCIATION

(A) Adventist Behavioral Health. Provide a grant to the Board of Trustees of Adventist HealthCare, Inc., d.b.a., Adventist Behavioral Health to assist with renovations to the Potomac Unit, subject to the requirement that the grantee provide an equal and matching fund for this purpose, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to the appropriation of all funds necessary to complete this project. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2020, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED (Montgomery County)..... 334,000

ZA02 LOCAL HOUSE OF DELEGATES INITIATIVES
(Statewide)

(Y) Southern Maryland Carousel. Provide a grant [equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided,] OF \$150,000 to the Board of Directors of the Southern Maryland Carousel Group, Inc. for the acquisition, planning, design, construction, repair, renovation,

reconstruction, and capital equipping of the Southern Maryland Carousel project, located in Charles County]. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property] (Charles County)..... 150,000

Chapter 495 of the Acts of 2015, as amended by Chapter 27 of the Acts of 2016

Section 1(3)

ZA00

MISCELLANEOUS GRANT PROGRAMS

(H) Maryland Food Bank. Provide a grant OF \$3,500,000 to the Board of Directors of the Maryland Food Bank, Inc. to assist in funding the acquisition, design, construction, and equipping of two new food bank branches in [Cecil County and the City of Salisbury, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act] BALTIMORE COUNTY AND WICOMICO COUNTY (Statewide)..... 3,500,000

Chapter 495 of the Acts of 2015, as amended by Chapter 27 of the Acts of 2016 and Chapter 22 of the Acts of 2017

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2015 in the total principal amount of **[\$1,063,222,134] \$1,062,812,874**. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 and 8–131.2 of the State Finance and Procurement Article.

Chapter 27 of the Acts of 2016

Section 1(3)

UNIVERSITY SYSTEM OF MARYLAND

RB31

UNIVERSITY OF MARYLAND BALTIMORE COUNTY (Baltimore County)

- (A) Interdisciplinary Life Sciences Building. Provide funds to continue design [of] **AND CONSTRUCT** a new academic facility for interdisciplinary life sciences at the University of Maryland Baltimore County, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to the appropriation of all funds necessary to complete this project ... 7,640,000

DEPARTMENT OF JUVENILE SERVICES

VE01

RESIDENTIAL SERVICES

- (A) New Female Detention Center. Provide funds to continue design, continue acquiring easements for utility connections, and begin construction for a replacement detention facility for female youths on the grounds of the Thomas O’Farrell Youth Center, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project (Carroll County)..... [15,168,000]
4,168,000

ZA00

MISCELLANEOUS GRANT PROGRAMS

- (L) National Sailing Hall of Fame. Provide a grant to the Board of Directors of the National Sailing Hall of Fame and Museum, Inc. to design, construct, and equip a new facility for the National Sailing Hall of Fame (Anne Arundel County) [1,000,000]
0

- (N) Prince George’s Hospital System. [Provide funds to the Department of Health and Mental Hygiene for the purpose of providing a grant for site acquisition, design, construction, and capital equipping of a new Regional Medical Center in Prince George’s County. The Department will provide a grant to the owner/operator of the Regional Medical Center] **PROVIDE A GRANT TO THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM TO ASSIST IN THE SITE ACQUISITION, DESIGN, CONSTRUCTION, AND EQUIPPING OF A NEW CAPITAL REGION MEDICAL CENTER (Prince George’s County)** 27,500,000

- (AS) Damascus High School ~~Turf Field~~ **ATHLETIC FACILITIES.** Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Damascus High School Athletic Booster Club Inc. and the County Executive and County Council of Montgomery County for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital

equipping of a turf field ATHLETIC FACILITIES for Damascus High School, including site improvements, located in Montgomery County. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2020, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED (Montgomery County) 75,000

ZA01 MARYLAND HOSPITAL ASSOCIATION

(D) Edward W. McCready Hospital. Provide a grant to the Board of Directors of the McCready Foundation, Inc. to assist with renovations to convert a [currently unused geriatric psychiatric unit] **SPACE IN THE ORIGINAL HOSPITAL BUILDING** into usable space for inpatient and outpatient behavioral health services, subject to the requirement that the grantee provide an equal and matching fund for this purpose, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to the appropriation of all funds necessary to complete this project (Somerset County) 239,000

ZA02 LOCAL SENATE INITIATIVES

(D) Belvoir–Scott’s Plantation Historic Manor House. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Belvoir–Scott’s Plantation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Belvoir–Scott’s Plantation Historic Manor House, located in Anne Arundel County. Notwithstanding Section 1(5) of this Act, THE GRANTEE HAS UNTIL JUNE 1, 2020, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND the matching fund may consist of in kind contributions (Anne Arundel County) 75,000

(L) Dr. Christina Phillips Community Center. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, OF \$150,000 to the Board of Directors of Community Initiatives, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Dr. Christina Phillips Community Center, located in Baltimore City. Notwithstanding Section 1(5) of this Act, THE GRANTEE HAS UNTIL JUNE 1, 2020, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND the matching

	fund may consist of real property or funds expended prior to the effective date of this Act (Baltimore City)	<u>150,000</u>
(P)	<u>International Black Fire Fighters Museum. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the African American Fire Fighters Historical Society, Inc. and the Mayor and City Council of Baltimore City for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the International Black Fire Fighters Museum, located in Baltimore City. Notwithstanding Section 1(5) of this Act, THE GRANTEE HAS UNTIL JUNE 1, 2020, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Baltimore City)</u>	<u>50,000</u>
(Q)	<u>James Mosher Baseball League Field Enhancement. Provide a grant equal to the lesser of (i) \$45,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The James Mosher Associates, Inc. and the Baltimore City Board of School Commissioners for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the James Mosher Baseball League, including site improvements, located in Baltimore City. Notwithstanding Section 1(5) of this Act, THE GRANTEE HAS UNTIL JUNE 1, 2020, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City)</u>	<u>45,000</u>
(AG)	<u>YMCA of Cecil County Outdoor Pool. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Young Men's Christian Association of Cecil County, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the YMCA of Cecil County, including site improvements, located in Cecil County. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2020, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND THE MATCHING FUND MAY CONSIST OF REAL PROPERTY, IN KIND CONTRIBUTIONS, OR FUNDS EXPENDED PRIOR TO THE EFFECTIVE DATE OF THIS ACT (Cecil County)</u>	<u>75,000</u>

- (AL) Brunswick Heritage Museum Building. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Brunswick for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Brunswick Heritage Museum Building, located in Frederick County. **NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2020, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Frederick County) 100,000
- (AP) Friendsville Veterans Memorial. Provide a grant equal to the lesser of (i) \$80,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Garrett Memorial Veterans of Foreign Wars, Post 10,077, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Friendsville Veterans Memorial, located in Garrett County. Notwithstanding Section 1(5) of this Act, **THE GRANTEE HAS UNTIL JUNE 1, 2020, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND** the matching fund may consist of in kind contributions (Garrett County) 80,000
- (AY) Damascus High School ~~Turf Field~~ **ATHLETIC FACILITIES**. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Damascus High School Athletic Booster Club Inc. and the County Executive and County Council of Montgomery County for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of ~~a turf field~~ **ATHLETIC FACILITIES** for Damascus High School, including site improvements, located in Montgomery County. **NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2020, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Montgomery County) 75,000
- (BD) Martin Luther King Jr. Recreational Park Improvements. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Maryland–National Capital Park and Planning Commission [and the County Executive and County Council of Montgomery County] for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of Martin Luther King Jr. Recreational Park, including site improvements to the park’s grounds, parking lots, walkways,

exercise equipment, and sports fields, located in Montgomery County. Notwithstanding Section 1(5) of this Act, **THE GRANTEE HAS UNTIL JUNE 1, 2020, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** AND the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Montgomery County)

100,000

(BF) Maydale Nature Center. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Maryland–National Capital Park and Planning Commission [and the County Executive and County Council of Montgomery County] for the acquisition, planning, design, construction, repair, renovation, reconstruction, demolition, and capital equipping of the Maydale Nature Center, located in Montgomery County. Notwithstanding Section 1(5) of this Act, **THE GRANTEE HAS UNTIL JUNE 1, 2020, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** AND the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Montgomery County)

50,000

(BS) Mt. Ephraim [Multipurpose Room] **DAYCARE CENTER**. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Mt. Ephraim Community Non–Profit Development Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Mt. Ephraim [Multipurpose Room] **DAYCARE CENTER**, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, **THE GRANTEE HAS UNTIL JUNE 1, 2020, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** AND the matching fund may consist of real property (Prince George’s County)

100,000

ZA03 LOCAL HOUSE OF DELEGATES INITIATIVES

(O) Cylburn Arboretum Carriage House and Nature Museum. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Cylburn Arboretum Association, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Cylburn Arboretum Carriage House and Nature Museum, located in Baltimore City. Notwithstanding Section 1(5) of this

Act, THE GRANTEE HAS UNTIL JUNE 1, 2020, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore City)..... 150,000

(Q) International Black Fire Fighters Museum. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the African American Fire Fighters Historical Society, Inc. and the Mayor and City Council of Baltimore City for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the International Black Fire Fighters Museum, located in Baltimore City. Notwithstanding Section 1(5) of this Act, THE GRANTEE HAS UNTIL JUNE 1, 2020, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Baltimore City) 200,000

(W) [Desert Storm, Operation Enduring Freedom, and Operation Iraqi Freedom Memorial] WAYSIDE CROSS PROJECT. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Baltimore County Monument Commission, Inc. and the County Executive and County Council of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the [Desert Storm, Operation Enduring Freedom, and Operation Iraqi Freedom Memorial] WAYSIDE CROSS PROJECT, located in Baltimore County. Notwithstanding Section 1(5) of this Act, THE GRANTEE HAS UNTIL JUNE 1, 2020, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore County)..... 25,000

(AH) YMCA of Cecil County Outdoor Pool. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Young Men’s Christian Association of Cecil County, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the YMCA of Cecil County, including site improvements, located in Cecil County. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2020, TO PRESENT

EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND THE MATCHING FUND MAY CONSIST OF REAL PROPERTY, IN KIND CONTRIBUTIONS, OR FUNDS EXPENDED PRIOR TO THE EFFECTIVE DATE OF THIS ACT (Cecil County)..... 25,000

(AN) Friendsville Veterans Memorial. Provide a grant equal to the lesser of (i) \$20,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Garrett Memorial Veterans of Foreign Wars, Post 10,077, Inc. and the Mayor and Town Council of the Town of Friendsville for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Friendsville Veterans Memorial, located in Garrett County. Notwithstanding Section 1(5) of this Act, **THE GRANTEE HAS UNTIL JUNE 1, 2020, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** and the matching fund may consist of in kind contributions (Garrett County)..... 20,000

(AU) Damascus High School ~~Turf Field~~ **ATHLETIC FACILITIES**. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Damascus High School Athletic Booster Club Inc. and the County Executive and County Council of Montgomery County for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of ~~a turf field~~ **ATHLETIC FACILITIES** for Damascus High School, including site improvements, located in Montgomery County. **NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2020, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Montgomery County)..... 50,000

(BA) Maydale Nature Center. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Maryland–National Capital Park and Planning Commission [and the County Executive and County Council of Montgomery County] for the acquisition, planning, design, construction, repair, renovation, reconstruction, demolition, and capital equipping of the Maydale Nature Center, located in Montgomery County. Notwithstanding Section 1(5) of this Act, **THE GRANTEE HAS UNTIL JUNE 1, 2020, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** AND the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act

(Montgomery County) 25,000

Chapter 27 of the Acts of 2016, as amended by Chapter 22 of the Acts of 2017

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2016 in the total principal amount of [\$988,030,199] ~~\$987,030,199~~ \$976,030,199. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8-117 through 8-124 and 8-131.2 of the State Finance and Procurement Article.

Section 1(3)

ZA00

MISCELLANEOUS GRANT PROGRAMS

(AR) Downtown Frederick Hotel and Conference Center. Provide a grant of \$1,000,000 to the Mayor and Board of Aldermen of the City of Frederick for the acquisition, planning, design, construction, repair, renovation, and reconstruction of the Downtown Frederick Hotel and Conference Center, located in Frederick County. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THIS GRANT IS NOT SUBJECT TO REVIEW BY THE MARYLAND HISTORICAL TRUST (Frederick County)..... 1,000,000

Chapter 22 of the Acts of 2017

Section 1(3)

ZA00

MISCELLANEOUS GRANT PROGRAMS

(F) Cumberland Investment Plan. Provide a grant to the Board of Directors of the Cumberland Economic Development Corporation for the ACQUISITION, planning, design, construction, repair, renovation, and capital equipping of the Comprehensive Downtown Redevelopment Plan for Cumberland, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Allegany County)..... 500,000

(R) Prince George’s Hospital System. [Provide funds to the

Department of Health and Mental Hygiene for the purpose of providing a grant for site acquisition, design, construction, and capital equipping of a new Regional Medical Center and Outpatient Pavilion in Prince George’s County. The Department will provide a grant to the owner/operator of the Regional Medical Center] **PROVIDE A GRANT TO THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM TO ASSIST IN THE SITE ACQUISITION, DESIGN, CONSTRUCTION, AND EQUIPPING OF A NEW CAPITAL REGION MEDICAL CENTER (Prince George’s County)** 11,300,000

(AU) Downtown Frederick Hotel and Conference Center. Provide a grant of \$4,000,000 to the Mayor and Board of Aldermen of the City of Frederick for the acquisition, planning, design, construction, repair, renovation, and reconstruction, of the Downtown Frederick Hotel and Conference Center, located in Frederick County. **NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THIS GRANT IS NOT SUBJECT TO REVIEW BY THE MARYLAND HISTORICAL TRUST (Frederick County)** 4,000,000

(AX) Cross Street Market. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the [Mayor and City Council of Baltimore City] **BALTIMORE PUBLIC MARKETS CORPORATION** for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Cross Street Market, including tenant improvements, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Baltimore City)..... 200,000

ZA02 LOCAL HOUSE OF DELEGATES INITIATIVES

(C) Harambee House Community Outreach Center. Provide a grant ~~equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided,~~ **OF \$50,000** to the Board of Directors of the Mount Olive Community Development Corporation **AND THE BOARD OF TRUSTEES OF THE MOUNT OLIVE AFRICAN METHODIST EPISCOPAL CHURCH, ANNAPOLIS, MD** for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Harambee House Community Outreach Center, located in Anne Arundel County. ~~Notwithstanding Section 1(5) of this Act, the matching fund may consist of real~~

	<u>property (Anne Arundel County).....</u>	<u>50,000</u>
(T)	<u>Perry Hall High School Stadium Turf Project. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the [Board of Directors of the Perry Hall High School Athletic Booster Club, Inc.] COUNTY EXECUTIVE AND COUNTY COUNCIL OF BALTIMORE COUNTY for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of an artificial turf field at the Perry Hall High School Stadium, located in Baltimore County (Baltimore County)</u>	<u>75,000</u>
(V)	<u>Project Genesis: New Beginnings, Inc. Community Center. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Project Genesis: New Beginnings, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Project Genesis: New Beginnings, Inc. Community Center, located in Baltimore County. Notwithstanding Section 1(5) of this Act OR ANY OTHER PROVISION OF LAW, the matching fund may consist of funds expended [prior to the effective date of this Act] ON OR AFTER JUNE 1, 2013 (Baltimore County) .</u>	<u>75,000</u>
(AA)	<u>Southern Maryland Carousel. Provide a grant [equal to the lesser of (i) \$180,000 or (ii) the amount of the matching fund provided,] OF \$180,000 to the Board of Directors of the Southern Maryland Carousel Group, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Southern Maryland Carousel project, located in Charles County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Charles County).....</u>	<u>180,000</u>
(AH)	<u>ManneqART [Museum and Maryland Fashion Institute] FACILITY. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of ManneqART, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the ManneqART [Museum and Maryland Fashion Institute] FACILITY, located in [Howard County] BALTIMORE CITY. Notwithstanding Section 1(5) of this Act, THE GRANTEE HAS UNTIL JUNE 1, 2020, TO PRESENT EVIDENCE THAT A MATCHING FUND</u>	

- WILL BE PROVIDED AND the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act [(Howard County)] (BALTIMORE CITY) 50,000
- (BB) Alpha [House] AND BETA HOUSES. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the St. Matthews Housing Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of [the Alpha House] transitional housing [facility] FACILITIES, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George’s County) 75,000
- ZA03 LOCAL SENATE INITIATIVES
- (X) Perry Hall High School Stadium Turf Project. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the [Board of Directors of the Perry Hall High School Athletic Booster Club, Inc.] COUNTY EXECUTIVE AND COUNTY COUNCIL OF BALTIMORE COUNTY for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of an artificial turf field at the Perry Hall High School Stadium, located in Baltimore County (Baltimore County) 75,000
- (Z) Project Genesis: New Beginnings, Inc. Community Center. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Project Genesis: New Beginnings, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Project Genesis: New Beginnings, Inc. Community Center, located in Baltimore County. Notwithstanding Section 1(5) of this Act OR ANY OTHER PROVISION OF LAW, the matching fund may consist of funds expended [prior to the effective date of this Act] ON OR AFTER JUNE 1, 2013 (Baltimore County) . 125,000
- (BG) Collington Station Safety and Surveillance Systems. Provide a grant equal to the lesser of (i) \$24,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Collington Station Homeowners Association, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of

community safety and surveillance systems, located in Prince George’s County. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE GRANTEE MAY BE REIMBURSED FOR EXPENSES INCURRED ON OR AFTER JANUARY 1, 2013 (Prince George’s County)..... 24,000

[SECTION 12. AND BE IT FURTHER ENACTED, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan Preauthorization Act of 2018 in total principal amount of \$335,787,000. These loans shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 and 8–131.2 of the State Finance and Procurement Article of the Annotated Code of Maryland.

(2) The bonds to evidence these loans or installments of these loans may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects’ and engineers’ fees:

DE02.01 BOARD OF PUBLIC WORKS

JUDICIARY/MULTISERVICE CENTERS

(A) New Catonsville District Court. Provide funds to continue construction of a new district court/multiservice center building in Catonsville and on-site parking garage (Baltimore County) 12,000,000

STATE GOVERNMENT CENTER – ANNAPOLIS (Anne Arundel County)

(B) Annapolis Post Office. Provide funds to continue construction of renovations and equip the Annapolis Post Office 1,500,000

DH01.04 MILITARY DEPARTMENT

(A) Freedom Readiness Center. Provide funds to continue construction of a new Army National Guard Readiness Center in Sykesville, provided that notwithstanding Section 6 of this

Act, work may commence on this project prior to the appropriation of all funds necessary to complete this project (Carroll County) 3,975,000

RA01 STATE DEPARTMENT OF EDUCATION
(Baltimore City)

(A) State Library Resource Center. Provide funds to continue construction of renovations to the Central Branch of Baltimore City's Enoch Pratt Free Library System 3,512,000

UNIVERSITY SYSTEM OF MARYLAND

RB22 UNIVERSITY OF MARYLAND, COLLEGE PARK
(Prince George's County)

(A) A. James Clark Hall – New Bioengineering Building. Provide funds to complete construction of the new bioengineering building 3,533,000

(B) Brendan Iribe Center for Computer Science and Innovation. Provide funds to complete construction of a new computer science building 500,000

(C) New Cole Field House. Provide funds to complete construction of a human performance and academic research facility, provided it is the intent of the General Assembly that the additional \$7,500,000 in funding provided in fiscal 2019 is in addition to the \$25,000,000 in general obligations bonds funding 16,879,000

(D) School of Public Policy Building. Provide funds to continue construction of the School of Public Policy Building, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project 9,000,000

RB24 TOWSON UNIVERSITY
(Baltimore County)

(A) Science Facility. Provide funds to continue construction of a new Science Facility, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project 61,650,000

RB31 UNIVERSITY OF MARYLAND BALTIMORE COUNTY
(Baltimore County)

(A)	Interdisciplinary Life Sciences Building. Provide funds to continue construction of a new academic facility for interdisciplinary life sciences at the University of Maryland Baltimore County	56,855,000
RB36	UNIVERSITY SYSTEM OF MARYLAND OFFICE (Montgomery County)	
(A)	Shady Grove Educational Center – Biomedical Sciences and Engineering Education Building. Provide funds to complete construction of an academic facility at Shady Grove Educational Center	14,765,000
RI00	MARYLAND HIGHER EDUCATION COMMISSION (Statewide)	
(A)	Community College Facilities Grant Program. Provide funds to assist the subdivisions in the continued construction of local and regional community college buildings, site improvements, and facilities. The funds appropriated for this purpose shall be administered in accordance with § 11–105(j) of the Education Article, provided that notwithstanding Section 6 of this Act, work may continue on each of these projects prior to the appropriation of all funds necessary to complete the project	41,919,000
	(1) Community College of Baltimore County – Essex – Health Careers And Technology Building Renovation and Expansion Project (Baltimore County)	9,300,000
	(2) Howard Community College – Science and Nursing Building Renovation (Howard County)	9,560,000
	(3) Montgomery College – Rockville – New Student Center (Montgomery County)	9,897,000
	(4) Montgomery College – Takoma Park/Silver Spring – Math and Science Center (Montgomery County)	2,097,000
	(5) Prince George’s Community College – Marlboro Hall (Prince George’s	

County) 2,065,000

(6) Prince George’s Community College
 – Queen Anne Academic Center
 Renovation and Addition Project
 (Prince George’s County) 9,000,000

RM00 MORGAN STATE UNIVERSITY
 (Baltimore City)

(A) New Student Services Support Building. Provide funds to continue construction of a new Student Services Support Building to house student services functions, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete the project..... 45,720,000

UB00 MARYLAND ENVIRONMENTAL SERVICE

(A) Infrastructure Improvement Fund. Provide funds to design, construct and equip water and wastewater facility improvements for State institutions. Expenditures for any of the following projects may not exceed the amount listed below by more than 7.5% without notification to the General Assembly. Funds may only be spent on the projects listed below or on prior or future authorized projects. Expenditure of any part of this appropriation for a prior or future authorized project shall also require notification to the General Assembly 11,870,000

(1) Cheltenham Youth Center –
 Wastewater Treatment Plant
 (Prince George’s County) 3,210,000

(2) Eastern Correctional Institution –
 Co-Generation Plant Upgrades
 (Somerset County) 758,000

(3) Eastern Correctional Institution –
 Wastewater Treatment Plant
 Upgrade (Somerset County)..... 4,587,000

(4) Eastern Pre-Release – Wastewater
 Treatment Plant (Queen Anne’s
 County)..... 132,000

(5) Fair Hill NRMA – Water Treatment

Plant and Distribution System Upgrade (Cecil County)	1,583,000
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(6) New Department of Juvenile Services Female Detention Center – Water and Sewer Utilities (Carroll County)	1,600,000
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DEPARTMENT OF JUVENILE SERVICES

VE01 RESIDENTIAL SERVICES

(A) New Female Detention Center. Provide funds to continue construction for a replacement detention facility for female youths on the grounds of the Thomas O’Farrell Youth Center (Carroll County)	22,649,000
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ZA00 MISCELLANEOUS GRANT PROGRAMS

(A) Rosewood Property Environmental Abatement. Provide a grant to the Board of Trustees of Stevenson University to design and construct the environmental abatement and demolition of buildings and design and construct site development and utility improvements including but not limited to roads, sidewalks, parking, stormwater management, and utility connections and disconnections on the Rosewood property, including any appropriate site surveys and investigation (Baltimore County)	5,000,000
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(B) Merriweather Post Pavilion. Provide a grant to the Downtown Columbia Arts and Cultural Commission c/o Merriweather Post Pavilion to assist in funding the design, construction, reconstruction, renovation, repair, and capital equipping of infrastructure improvements at the Merriweather Post Pavilion, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Howard County)	8,000,000
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(C) Strathmore Hall. Provide a grant to the Board of Directors of Strathmore Hall Foundation, Inc. for the planning, design, construction, and capital equipping of renovations and improvements to the Bou Terrace, the Concert Hall, and Mansion, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Montgomery County)	3,000,000
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(D) Downtown Frederick Hotel and Conference Center. Provide a	
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- grant of \$7,500,000 to the Mayor and Board of Aldermen of the City of Frederick for the acquisition, planning, design, construction, repair, renovation, and reconstruction of the Downtown Frederick Hotel and Conference Center, located in Frederick County (Frederick County) 7,500,000
- (E) Ocean City Convention Center Phase 3. Provide a grant of \$835,000 to the Mayor and City Council of the Town of Ocean City for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Ocean City Convention Center project (Worcester County) 835,000
- (F) Sheppard Pratt at Elkridge. Provide a grant to the Board of Directors of the Sheppard Pratt Health System, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Sheppard Pratt at Elkridge facility (Howard County) 5,125,000

(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal and interest on the bonds as and when due and until paid in full. The principal shall be discharged within 15 years after the date of the issuance of the bonds.

(5) The proceeds of these loans must be expended or encumbered by the Board of Public Works for the purposes provided in this Act no later than June 1, 2025. If any funds authorized by this Act remain unexpended or unencumbered after June 1, 2025, the amount of the unencumbered or unexpended authorization shall be canceled and be of no further effect. If bonds have been issued for these loans, the amount of unexpended or unencumbered bond proceeds shall be disposed of as provided in § 8–129 of the State Finance and Procurement Article.]

[SECTION 13. AND BE IT FURTHER ENACTED, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan Preauthorization Act of 2019 in total principal amount of \$162,563,000. These loans shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 and 8–131.2 of the State Finance and Procurement Article of the Annotated Code of Maryland.

(2) The bonds to evidence these loans or installments of these loans may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and

(A) New Student Services Support Building. Provide funds to complete construction of a new Student Services Support Building to house student services functions 20,036,000

UB00 MARYLAND ENVIRONMENTAL SERVICE

(A) Infrastructure Improvement Fund. Provide funds to design, construct and equip water and wastewater facility improvements for State institutions. Expenditures for any of the following projects may not exceed the amount listed below by more than 7.5% without notification to the General Assembly. Funds may only be spent on the projects listed below or on prior or future authorized projects. Expenditure of any part of this appropriation for a prior or future authorized project shall also require notification to the General Assembly 5,000,000

(1) Eastern Correctional Institution –
Wastewater Treatment Plant
Upgrade (Somerset County) 5,000,000

DEPARTMENT OF JUVENILE SERVICES

VE01 RESIDENTIAL SERVICES

(A) New Female Detention Center. Provide funds to continue construction for a replacement detention facility for female youths on the grounds of the Thomas O’Farrell Youth Center (Carroll County) 21,178,000

ZA00 MISCELLANEOUS GRANT PROGRAMS

(A) Rosewood Property Environmental Abatement. Provide a grant to the Board of Trustees of Stevenson University to design and construct the environmental abatement and demolition of buildings and design and construct site development and utility improvements including but not limited to roads, sidewalks, parking, stormwater management, and utility connections and disconnections on the Rosewood property, including any appropriate site surveys and investigation (Baltimore County) 6,000,000

(B) Downtown Frederick Hotel and Conference Center. Provide a grant of \$3,500,000 to the Mayor and Board of Aldermen of the City of Frederick for the acquisition, planning, design, construction, repair, renovation, and reconstruction of the Downtown Frederick Hotel and Conference Center, located in

	Frederick County (Frederick County)	3,500,000
(C)	Ocean City Convention Center Phase 3. Provide a grant of \$18,665,000 to the Mayor and City Council and the Town of Ocean City of the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvements, and capital equipping of the Ocean City Convention Center project (Worcester County)	18,665,000
(D)	Sheppard Pratt at Elkridge. Provide a grant to the Board of Directors of the Sheppard Pratt Health System, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Sheppard Pratt at Elkridge facility (Howard County)	4,750,000

(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal and interest on the bonds as and when due and until paid in full. The principal shall be discharged within 15 years after the date of the issuance of the bonds.

(5) The proceeds of these loans must be expended or encumbered by the Board of Public Works for the purposes provided in this Act no later than June 1, 2026. If any funds authorized by this Act remain unexpended or unencumbered after June 1, 2026, the amount of the unencumbered or unexpended authorization shall be canceled and be of no further effect. If bonds have been issued for these loans, the amount of unexpended or unencumbered bond proceeds shall be disposed of as provided in § 8–129 of the State Finance and Procurement Article.]

SECTION 3. AND BE IT FURTHER ENACTED, That the General Assembly declares that it is the public policy of this State to manage State general obligation bond debt in a manner that will maintain Maryland’s AAA bond rating. The General Assembly further declares that legislative oversight, control, and review of all forms of State obligations are essential to maintenance of the State’s existing bond rating and protection of the fiscal integrity of the State.

SECTION 4. AND BE IT FURTHER ENACTED, That, before work may commence pursuant to any supplement to any appropriation contained in this Act, satisfactory evidence must be given to the Board of Public Works that the project can be completed with the aggregate of the funds in this Act and previously appropriated for the stated purpose.

SECTION 5. AND BE IT FURTHER ENACTED, That:

(1) with the approval of the Department of Budget and Management, any appropriation for design provided in this Act may be used to fund construction if the amount of the appropriation exceeds the amount required for design expenses, including allowances for contingencies; and

(2) with the approval of the Department of Budget and Management, any appropriation for construction provided in this Act may be used to purchase capital equipment if the amount of the appropriation exceeds the amount required for construction expenses, including allowances for contingencies.

SECTION 6. AND BE IT FURTHER ENACTED, That, except as otherwise provided in this Act, before a State agency or institution named in this Act as responsible for an individual item may begin work with funds appropriated by this Act, the agency or institution shall provide satisfactory evidence to the Board of Public Works that the work described in the individual item can be completed with the funds specified for that item.

SECTION 7. AND BE IT FURTHER ENACTED, That, with the approval of the Department of Budget and Management, any appropriation under the provisions of this Act that is in excess of the amount needed for a project may be credited to the Construction Contingency Fund under § 3–609 of the State Finance and Procurement Article.

SECTION 8. AND BE IT FURTHER ENACTED, That, if federal funds are available to help accomplish any project identified in this Act, the State agency or institution responsible for the project shall make efforts through proper administrative procedures to obtain these federal funds. Before spending any funds appropriated by this Act, the agency or institution shall certify its efforts to the Board of Public Works and state the reason for any failure to obtain federal funds. If federal funds are obtained, they shall be used to defray the costs of the project described in this Act and not to expand its scope.

SECTION 9. AND BE IT FURTHER ENACTED, That:

(1) for any appropriation for the planning of a State-owned project provided in this Act, if a program required by § 3–602(d) of the State Finance and Procurement Article has not been submitted, the State agency or institution responsible for the project shall submit a program to the Department of Budget and Management for approval before funds may be expended from the appropriation; and

(2) for any appropriation for the construction of a State-owned project provided in this Act, if preliminary plans and outline specifications required by § 3–602(f)(2)(i) of the State Finance and Procurement Article have not been prepared, the State agency or institution responsible for the project shall submit preliminary plans and outline specifications to the Department of Budget and Management for approval before funds may be expended from the appropriation.

SECTION 10. AND BE IT FURTHER ENACTED, That no portion of the proceeds of a loan or any of the matching funds provided for a project funded under this Act may be used for the furtherance of ~~sectarian religious instruction, or in connection with the design, acquisition, construction, or equipping of any building used or to be used as a place of sectarian religious worship or instruction, or in connection with any program or department of divinity for any religious denomination~~ *an essentially religious endeavor*. Upon the request of the Board of Public Works, a recipient of the proceeds of a loan under this Act shall submit evidence satisfactory to the Board that none of the proceeds of the loan or any

notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project	18,816,000
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UNIVERSITY SYSTEM OF MARYLAND

RB21	UNIVERSITY OF MARYLAND, BALTIMORE (Baltimore City)
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(A)	Central Electric Substation and Electrical Infrastructure Upgrades. Provide funds to continue construction of an electric substation, recycling center, and electrical infrastructure upgrades for the University of Maryland, Baltimore	13,721,000
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RB22	UNIVERSITY OF MARYLAND, COLLEGE PARK (Prince George’s County)
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(A)	New Cole Field House. Provide funds to complete construction of a human performance and academic research facility	3,941,000
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(B)	School of Public Policy Building. Provide funds to continue construction of the School of Public Policy Building, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project	12,500,000
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<u>RB23</u>	<u>BOWIE STATE UNIVERSITY</u> <u>(Prince George’s County)</u>
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(A)	<u>Communication Arts and Humanities Building. Provide funds to begin design for a new Communication Arts and Humanities Building, including the demolition of the existing Martin Luther King, Jr. Building</u>	<u>5,000,000</u>
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RB24	TOWSON UNIVERSITY (Baltimore County)
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(A)	Science Facility. Provide funds to complete construction of a new Science Facility	66,225,000
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RB36	UNIVERSITY SYSTEM OF MARYLAND OFFICE (St. Mary’s County)
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(A)	Southern Maryland Regional Higher Education Center. Provide funds to complete construction of a third building on the Southern Maryland Regional Higher Education Center Campus to provide academic and research laboratory space.....	40,757,000
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RI00 MARYLAND HIGHER EDUCATION COMMISSION
(Statewide)

(A) Community College Facilities Grant Program. Provide funds to assist the subdivisions in the acquisition of property and in the design, construction, renovation, and equipping of local and regional community college buildings, site improvements, and facilities. The funds appropriated for this purpose shall be administered in accordance with § 11–105(j) of the Education Article, provided that notwithstanding Section 6 of this Act, work may continue on each of these projects prior to the appropriation of all funds necessary to complete the project 50,844,000

(1) Anne Arundel Community College – Health Sciences and Biology Building (Anne Arundel County) ... 27,500,000

(2) College of Southern Maryland – New Health Sciences Center – Hughesville Regional Campus (Regional) 9,979,000

(3) Community College of Baltimore County – Essex – Health Careers and Technology Building Renovation and Expansion Project (Baltimore County) 13,365,000

RM00 MORGAN STATE UNIVERSITY
(Baltimore City)

(A) New Student Services Support Building. Provide funds to complete construction of a new Student Services Support Building to house student services functions 20,385,000

UB00 MARYLAND ENVIRONMENTAL SERVICE

(A) Infrastructure Improvement Fund. Provide funds to design, construct, and equip water and wastewater facility improvements for State institutions, provided that notwithstanding Section 6 of this Act, work may commence on a project prior to the appropriation of all funds necessary to complete the project. Expenditures for any of the following projects may not exceed the amount listed therein by more than 7.5% without notification to the General Assembly. Funds may

be spent only on the projects listed below or on prior or future authorized projects. Expenditure of any part of this appropriation for a prior or future authorized project shall also require notification to the General Assembly 2,228,000

(1) Eastern Correctional Institution – Co-Generation Plant Upgrades (Somerset County) 1,193,000

(2) Eastern Pre-Release – Wastewater Treatment Plant (Queen’s Anne County) 881,000

(3) Fair Hill Natural Resources Management Area – Water Treatment Plant and Distribution System Upgrade (Cecil County) 154,000

DEPARTMENT OF JUVENILE SERVICES

VE01

RESIDENTIAL SERVICES
(Carroll County)

(A) New Female Detention Center. Provide funds to continue construction of a replacement detention facility for female youth on the grounds of the Thomas O’Farrell Youth Center 36,272,000

WA01

DEPARTMENT OF STATE POLICE
(Allegany County)

(A) New Cumberland Barrack and Garage. Provide funds to continue construction of a new Cumberland Barrack and Garage, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete the project 7,030,000

ZA00

MISCELLANEOUS GRANT PROGRAMS

(A) Ocean City Convention Center Phase 3. Provide a grant of \$18,665,000 to the Mayor and City Council of the Town of Ocean City for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Ocean City Convention Center project (Worcester County)..... 18,665,000

(B) Sheppard Pratt Hospital. Provide a grant to the Board of Directors of the Sheppard Pratt Health System, Inc. for the

acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Sheppard Pratt at Elkridge facility (Howard County) 4,000,000

(C) MedStar Franklin Square Hospital. Provide a grant to the Board of Trustees of Franklin Square Hospital Center, Inc. d.b.a. MedStar Franklin for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of infrastructure improvements (Baltimore County)..... 5,000,000

SECTION 13. AND BE IT FURTHER ENACTED, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan Preauthorization Act of 2020 in total principal amount of ~~\$23,678,000~~ ~~\$28,678,000~~ \$48,353,000. These loans shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 and 8–131.2 of the State Finance and Procurement Article of the Annotated Code of Maryland.

(2) The bonds to evidence these loans or installments of these loans may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects’ and engineers’ fees:

DB01 HISTORIC ST. MARY’S CITY COMMISSION
(St. Mary’s County)

(A) Maryland Heritage Interpretive Center. Provide funds to design, construct, and capital equip the Maryland Heritage Interpretive Center 5,000,000

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

QT04 DIVISION OF PRETRIAL DETENTION
(Baltimore City)

(A) Demolition of Buildings at the Baltimore City Correctional

Complex. Provide funds to complete the demolition of buildings at the Baltimore City Correctional Complex.....	4,703,000
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UNIVERSITY SYSTEM OF MARYLAND

RB22	UNIVERSITY OF MARYLAND, COLLEGE PARK (Prince George’s County)
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(A)	School of Public Policy Building. Provide funds to complete construction of the School of Public Policy Building	2,100,000
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RI00	MARYLAND HIGHER EDUCATION COMMISSION (Statewide)
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(A)	Community College Facilities Grant Program. Provide funds to assist the subdivisions in the acquisition of property and in the design, construction, renovation, and equipping of local and regional community college buildings, site improvements, and facilities. The funds appropriated for this purpose shall be administered in accordance with § 11–105(j) of the Education Article, provided that notwithstanding Section 6 of this Act, work may continue on each of these projects prior to the appropriation of all funds necessary to complete the project	15,152,000
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(1)	Anne Arundel Community College – Health Sciences and Biology Building (Anne Arundel County)	15,152,000
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UB00	MARYLAND ENVIRONMENTAL SERVICE
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(A)	Infrastructure Improvement Fund. Provide funds to design, construct, and equip water and wastewater facility improvements for State institutions, provided that notwithstanding Section 6 of this Act, work may commence on a project prior to the appropriation of all funds necessary to complete the project. Expenditures for any of the following projects may not exceed the amount listed therein by more than 7.5% without notification to the General Assembly. Funds may be spent only on the projects listed below or on prior or future authorized projects. Expenditure of any part of this appropriation for a prior or future authorized project shall also require notification to the General Assembly	273,000
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(1)	Eastern Correctional Institution – Co-Generation Plant Upgrades (Somerset County)	273,000
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DEPARTMENT OF JUVENILE SERVICES

VE01

RESIDENTIAL SERVICES

(Carroll County)

(A) New Female Detention Center. Provide funds to continue construction of a replacement detention facility for female youth on the grounds of the Thomas O'Farrell Youth Center 19,675,000

WA01

DEPARTMENT OF STATE POLICE

(Allegany County)

(A) New Cumberland Barrack and Garage. Provide funds to complete construction of a new Cumberland Barrack and Garage 1,450,000

SECTION 14. AND BE IT FURTHER ENACTED, That:

(1) Notwithstanding §§ 8–125(e) and 8–132 of the State Finance and Procurement Article, the first ~~\$23,500,000~~ \$55,000,000 in premiums from the sale of State bonds in fiscal year 2019 shall remain in the State and Local Facilities Loan Fund or Annuity Bond Fund and, on approval by the Board of Public Works (BPW), may be expended by the Comptroller only for the following purposes. In the event that less than \$55,000,000 in premiums from the sale of State bonds in fiscal year 2019 are received, the amount of premiums available shall be used in the following order of priority:

BOARD OF PUBLIC WORKS

DE02.02

PUBLIC SCHOOL CONSTRUCTION

(A) Public School Safety Improvements. Provide funds for the design, construction, and capital equipping of safety improvements at public school buildings in accordance with ~~§§ 5–301 through 5–303~~ Title 5, Subtitle 3 of the Education Article. Further provided that, notwithstanding any provision of Title 5, Subtitle 3 of the Education Article or any other provision of law, the allocations made for fiscal 2019 by the Interagency Committee on School Construction (IAC) or any successor to IAC are final and shall not be subject to approval by BPW and shall be deemed approved under Title 5, Subtitle 3 of the Education Article.

Further provided that these funds may be used only for capital expenses that improve the safety and security of public school facilities. Funds should be distributed to local education agencies by IAC for school security improvements based on deficiencies identified through facility risk assessments. These

improvements may include but are not limited to secure and lockable classroom doors, areas of safe refuge within classrooms, and surveillance and other security technology for school monitoring purposes (Statewide) 10,000,000

(B) Heating, Ventilation, and Air Conditioning Improvements. Provide funds to design, construct, and capital equip heating, ventilation, and air conditioning improvements at Baltimore City public school buildings in accordance with ~~§§ 5-301 through 5-303~~ Title 5, Subtitle 3 of the Education Article. Further provided that, notwithstanding any provision of Title 5, Subtitle 3 of the Education Article or any other provision of law, the allocations made for fiscal 2019 by IAC or any successor to IAC are final and shall not be subject to approval by BPW and shall be deemed approved under Title 5, Subtitle 3 of the Education Article (Baltimore City) ~~10,000,000~~
15,000,000

(C) Nonpublic Aging Schools Program Safety Improvements. Provide funds to be distributed as grants to nonpublic schools in Maryland for school safety improvements. Provided that grants may be provided only to nonpublic schools currently eligible to receive Aid to Non-Public Schools R00A03.04 (for the purchase of textbooks or computer hardware and software for loans to students in eligible nonpublic schools), with a maximum amount of \$65 per eligible nonpublic school student for participating schools, except that at schools where at least 20% of the students are eligible for free or reduced price meal program there shall be a distribution of \$85 per student and no individual school may receive less than \$5,000. Further provided that the funds shall be administered by ~~the Maryland State Department of Education and the Interagency Committee on School Construction~~ IAC 3,500,000

DEPARTMENT OF NATURAL RESOURCES

KA05 CAPITAL GRANTS AND LOANS ADMINISTRATION (Statewide)

(A) Rural Legacy Program. Provide funds for the purchase of conservation easements and the acquisition of land. The funds appropriated for this purpose shall be administered in accordance with ~~§§ 5-9A-01 through 5-9A-09~~ of the Natural Resources Article ~~5,000,000~~

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

DIVISION OF DEVELOPMENT FINANCE
(Statewide)

(A) Rental Housing Programs. Provide funds for rental housing developments that serve low- and moderate-income households. The funds shall be administered in accordance with §§ 4-401 through 4-411, 4-501, and 4-504 of the Housing and Community Development Article ~~20,000,000~~
25,000,000

MISCELLANEOUS GRANT PROGRAMS

~~(A) Broadneck High School Stadium. Provide a grant to the Board of Education of Anne Arundel County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Broadneck High School Stadium (Anne Arundel County) 1,500,000~~

RB24 TOWSON UNIVERSITY
(Baltimore County)

(A) Science Facility. Provide funds to continue construction of a new Science Facility, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to the appropriation of all funds necessary to complete this project 1,500,000

(2) The Comptroller shall make any transfers or accounting adjustments and reconciliations necessary to implement the provisions of this section.

SECTION 15. AND BE IT FURTHER ENACTED, That:

(1) Notwithstanding §§ 8-125(e) and 8-132 of the State Finance and Procurement Article, \$12,980,000 in premiums from the sale of State bonds in fiscal year 2018 shall remain in the State and Local Facilities Loan Fund or Annuity Bond Fund and, on approval by the Board of Public Works, may be expended by the Comptroller only for the following purposes:

RB24 TOWSON UNIVERSITY
(Baltimore County)

(A) Science Facility. Provide funds to continue construction of a new Science Facility, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to the appropriation of all funds necessary to complete this project 11,480,000

ZA00 MISCELLANEOUS GRANT PROGRAMS

(A) Broadneck High School Stadium. Provide a grant to the Board of Education of Anne Arundel County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Broadneck High School Stadium (Anne Arundel County)..... 1,500,000

(2) The Comptroller shall make any transfers or accounting adjustments and reconciliations necessary to implement the provisions of this section.

SECTION ~~14~~, ~~15~~, 16. AND BE IT FURTHER ENACTED, That the net new debt to be authorized by legislation in fiscal year 2019 may not exceed ~~\$995,000,000~~ \$1,075,000,000 as evidenced by the following:

FY 2019 debt to be authorized by this Act	1,000,179,000
	<u>1,080,179,000</u>
	<u>1,091,179,000</u>
Subtotal	1,000,179,000
	<u>1,080,179,000</u>
	<u>1,091,179,000</u>
Reductions in previously authorized State Debt made in this bill	5,179,000
	<u>16,179,000</u>
New debt to be authorized in FY 2019	995,000,000
	<u>1,075,000,000</u>

SECTION ~~15~~, ~~16~~, 17. AND BE IT FURTHER ENACTED, That Section 12 of this Act shall take effect June 1, 2019.

SECTION ~~16~~, ~~17~~, 18. AND BE IT FURTHER ENACTED, That Section 13 of this Act shall take effect June 1, 2020.

SECTION ~~17~~, ~~18~~, 19. AND BE IT FURTHER ENACTED, That, except as provided in Sections ~~15~~ ~~16~~ 17 and ~~16~~ ~~17~~ 18 of this Act, this Act shall take effect June 1, 2018.

Approved by the Governor, April 5, 2018.

Chapter 10

(Senate Bill 187)

Budget Reconciliation and Financing Act of 2018

FOR the purpose of authorizing or altering the distribution of certain revenue; altering or repealing certain required appropriations; authorizing the use of certain funds for certain purposes; ~~repealing a requirement that the Comptroller pay certain amounts from a certain Special Fund for a certain purpose;~~ requiring that any increase in judicial salary be included in the portion of the budget bill relating to the judiciary department; establishing the Commission on Innovation and Excellence in Education Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the State Department of Education 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 interest earnings of the Fund to be credited to the Fund; exempting the Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State; requiring a certain amount of certain revenue to be distributed to a certain Fund on or before a certain date; ~~reducing the maximum amount of certain teacher or school employee stipends; providing a certain amount of funding to a certain community college; providing a certain amount of aid to certain institutions of higher education in accordance with a certain action by the Board of Public Works;~~ providing a certain amount of funding for certain local health services; clarifying the calculation for certain local health services funding; altering certain data sources used in the calculation for certain local health services funding; altering the purpose of a certain Fund; altering certain rate increases for community service providers; altering the definition of an “interagency agreement” for the purposes of the Department of Budget and Management’s review of those agreements; repealing the provision of law requiring a certain report to include a certain review; requiring an itemized statement of certain estimated revenues to be included in a certain report of the Bureau of Revenue Estimates; requiring the Maryland Insurance Administration to submit certain data to the Bureau of Revenue Estimates in a certain format to be included in a certain report; altering the cap on a certain adjustment to a certain revenue estimate relating to nonwithholding income tax revenues; requiring a certain period for review and comment, rather than approval, by a certain committee before certain funds may be transferred from certain accounts; altering a certain date by which the State is required to discontinue a certain prescription drug benefit for certain retirees, spouses, and dependent children; authorizing certain retirees who participate in a certain prescription drug benefit plan with a certain spouse or dependent child to elect to have the spouse or dependent child covered under a certain State prescription drug benefit plan under certain circumstances; authorizing certain surviving spouses and surviving dependent children to elect to enroll in a certain State prescription drug benefit plan under certain circumstances; requiring the Secretary of Budget and Management to provide a certain notice to certain individuals of certain changes no later than a certain date; requiring that a certain notice include information concerning certain coverage options in certain prescription drug plans and the potential for certain penalties under certain circumstances; requiring that the Maryland Historical

*Society receive a certain distribution from certain funds distributed to the Maryland State Arts Council from certain revenue distributed from the State admissions and amusement tax on electronic bingo and electronic tip jars; requiring that a certain distribution to the Local Reserve Account continue after a certain fiscal year; ~~altering a certain reimbursement by each county and Baltimore City to the State for certain costs incurred by the State Department of Assessments and Taxation;~~ altering the deadline for the submission of a certain financial forecast; *requiring a certain financial forecast for a certain period to increase operating expenses each year by a certain minimum amount, subject to a certain limitation;* requiring the Governor to include in the budget bill for certain fiscal years a certain appropriation for the Maryland Agricultural and Resource-Based Industry Development Corporation to be used for certain purposes; repealing certain provisions allocating certain work zone speed control system revenues to fund certain activities; altering, for a certain fiscal year, a certain budgeted Medicaid Deficit Assessment; authorizing the transfer of certain funds; *requiring certain funds appropriated for certain fiscal years to revert to the General Fund or the Cigarette Restitution Fund;* providing that, for a certain fiscal year, payment to certain providers with rates set by the Interagency Rates Committee may not increase by more than a certain percentage; providing that, for a certain fiscal year, the amount of federal funds spent for a certain program may not exceed a certain amount; authorizing a certain agency to retain the balance of a certain fund for certain fiscal years; ~~providing that certain mandated appropriations may not increase by more than a certain amount; prohibiting the General Assembly from enacting certain legislation unless it contains a certain provision;~~ requiring that certain money received by the State as a result of the approval of a certain merger be expended only in a certain manner; requiring the Maryland Department of Health and the Health Services Cost Review Commission to develop certain cost savings targets; requiring certain cost savings targets to be in addition to certain goals; requiring the Department and the Commission to report to the Governor and the General Assembly on or before certain dates certain information on certain cost savings targets; *requiring certain departments to jointly determine a certain Consumer Price Index to be used in certain formula calculations for a certain fiscal year; requiring the Commission on Innovation and Excellence in Education to make certain recommendations in its final report on or before a certain date regarding certain inflationary indices to be used in certain formulas; requiring the Department of Legislative Services to review and identify certain statutory provisions that reference a certain Consumer Price Index and to make certain recommendations on or before a certain date regarding certain inflationary measures to be used in certain instances; stating the intent of the General Assembly that certain entities licensed in accordance with certain provisions of law to operate games of instant bingo using electronic machines be authorized to operate any electronic machine approved by the State Lottery and Gaming Control Commission for use by any other entity authorized to operate games of instant bingo using electronic machines;* defining a certain term; repealing certain obsolete provisions; and generally relating to the financing of State and local government.*

~~Section 11-403(a)(9)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 1-704
Annotated Code of Maryland
(2013 Replacement Volume and 2017 Supplement)

BY adding to
Article – Education
Section 5-219
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
~~Section 6-117.1(a)(1) and (3), 7-123(a)(1), 7-1702(a), 12-306(a)(1), and 6-117.1(a)(1)
and (3) and 18-303.1(a)(1) and (3)~~
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
~~Section 6-117.1(e)(1), 6-306(b) and (c), 7-1704, 12-306(d), 16-512(a), 17-104(a)(1),
6-306(c), 18-303.1(h), and 18-19A-04.1(d)(1)~~
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing
Article – Education
~~Section 7-123(e) and 18-303.1(g)~~
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

~~BY adding to
Article – Education
Section 7-123(e) and 17-104(a)(5)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)~~

BY repealing and reenacting, without amendments,
Article – Health – General
~~Section 2-302(a), 5-626(a), 13-3003(a), 16-201.3(a), and 19-2201(a) and (c)(1)
2-302(a) and (b)(4)~~
Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

~~Section 2-302(b)(4) and (5), 5-626(g), 7-307(d)(4), 13-3003(g), 16-201.3(d)(1),
19-2201(e)(2)(iv), and 19-2401(d)~~ Section 2-302(b)(5)

Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)

~~BY adding to~~

~~Article – Health – General~~

~~Section 19-2201(e)(2)(v)~~

~~Annotated Code of Maryland~~

~~(2015 Replacement Volume and 2017 Supplement)~~

BY repealing and reenacting, without amendments,

Article – Housing and Community Development

~~Section 4-509(a)(1) and (4) and 4-508(a), 4-509(a)(1) and (4), and 6-510(a)~~

Annotated Code of Maryland

(2006 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Housing and Community Development

~~Section 4-509(j) and 4-508(c) and (g)(1), 4-509(j), and 6-510(j)~~

Annotated Code of Maryland

(2006 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources

~~Section 5-903(a)(1)~~ 5-903(a)

Annotated Code of Maryland

(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

~~Section 3-207, 6-104(e), 6-104(b) and (e), 6-226(a)(2)(ii)101. and 102., 7-310(d),
7-311(j), and 7-324(d)~~

Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

~~Section 6-104(a)(1), 6-226(a)(2)(i), 7-310(a), 7-311(a), and 7-324(a)~~

Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)

BY adding to

Article – State Finance and Procurement
Section 6–226(a)(2)(ii)103.
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 2–509.1
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–202(c) and 2–606(a) and (h)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY adding to
Article – Tax – General
Section 2–605.1
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section ~~2–106(b) and (c)~~ and ~~13–209(g)(2)~~ 13–209(g)(1) and (2)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

~~BY repealing and reenacting, without amendments,~~
~~Article – Tax – Property~~
~~Section 2–106(d) and (e)~~
~~Annotated Code of Maryland~~
~~(2012 Replacement Volume and 2017 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Transportation
Section 2–103.1(m)(2) and 4–210(b)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 4–210(a)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation

Section 12-118(c)(2)

Annotated Code of Maryland

(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 12-118(e)

Annotated Code of Maryland

(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Chapter 397 of the Acts of the General Assembly of 2011, as amended by Chapter 425 of the Acts of the General Assembly of 2013, Chapter 464 of the Acts of the General Assembly of 2014, Chapter 489 of the Acts of the General Assembly of 2015, and Chapter 23 of the Acts of the General Assembly of 2017
Section 16(c)

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

~~Chapter 25 of the Acts of the General Assembly of 2016~~

~~Section 4~~

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

~~Chapter 145 of the Acts of the General Assembly of 2016, as amended by Chapter 23 of the Acts of the General Assembly of 2017~~

~~Section 2~~

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

~~**Article – Business Regulation**~~

~~11-403.~~

~~(a) The Comptroller shall pay from the Special Fund an annual grant of:~~

~~(9) beginning July 1, 2017, from the money distributed under § 9-120(b) of the State Government Article;~~

~~(i) \$500,000 to a purse for the Maryland International thoroughbred race under § 11-522.1 of this title; AND~~

~~(ii) [\$350,000 to the Maryland Office of Sports Marketing in the Maryland Stadium Authority for incentive grants for youth and amateur sporting events; and~~

~~(iii)] \$150,000 to the Maryland Humanities Council for Maryland History Day and other programming.~~

Article – Courts and Judicial Proceedings

1-704.

Any increase in judicial salary shall be included in the portion of the budget bill relating to the [executive department, and not the portion relating to the] judiciary department. Any proposed increase in judicial salary is subject to legislative review and approval.

Article – Education

5-219.

(A) IN THIS SECTION, “FUND” MEANS THE COMMISSION ON INNOVATION AND EXCELLENCE IN EDUCATION FUND.

(B) THERE IS A COMMISSION ON INNOVATION AND EXCELLENCE IN EDUCATION FUND.

(C) THE PURPOSE OF THE FUND IS TO ASSIST IN PROVIDING ADEQUATE FUNDING FOR EARLY CHILDHOOD EDUCATION AND PRIMARY AND SECONDARY EDUCATION TO PROVIDE A WORLD-CLASS EDUCATION TO STUDENTS SO THEY ARE PREPARED FOR COLLEGE AND A CAREER IN THE GLOBAL ECONOMY OF THE 21ST CENTURY, BASED ON THE FINAL RECOMMENDATIONS OF THE COMMISSION ON INNOVATION AND EXCELLENCE IN EDUCATION.

(D) THE DEPARTMENT 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 § 2-605.1 OF THE TAX – GENERAL ARTICLE;

(2) MONEY APPROPRIATED IN THE STATE BUDGET FOR 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 ASSIST IN PROVIDING ADEQUATE FUNDING FOR EARLY CHILDHOOD EDUCATION AND PRIMARY AND SECONDARY EDUCATION THROUGH REVISED EDUCATION FUNDING FORMULAS BASED ON THE FINAL RECOMMENDATIONS OF THE COMMISSION ON INNOVATION AND EXCELLENCE IN EDUCATION.

(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

6-117.1.

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

(3) “Program” means the Teacher Induction, Retention, and Advancement Pilot Program.

(e) (1) (i) For fiscal year 2018, the Governor shall include in the annual budget bill an appropriation of \$2,100,000 to the Program.

[(ii) For fiscal year 2019 and each fiscal year thereafter, the Governor shall include in the annual budget bill an appropriation of \$5,000,000 to the Program.]

(II) FOR FISCAL YEAR 2019, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$3,000,000 FOR THE PROGRAM.

(III) FOR FISCAL YEAR ~~2019~~ 2020 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR ~~MAY INCLUDE FUNDING~~ SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$5,000,000 FOR THE PROGRAM.

6-306.

~~(b) (1) For fiscal year 2000 and each subsequent fiscal year, the Governor shall include in each year’s operating budget funding for the stipends and bonuses provided in this subsection.~~

~~(2) A classroom teacher or other nonadministrative school-based employee in a public school identified by the State Board as having comprehensive needs who holds a standard professional certificate or an advanced professional certificate who is employed by a county board and who holds a certificate issued by the National Board for Professional Teaching Standards [shall] MAY receive a stipend from the State in an amount equal to the county grant for national certification, up to a maximum of:~~

~~(i) For fiscal year 2018,] \$2,000 per qualified individual]; and~~

~~(ii) For fiscal year 2019 and each fiscal year thereafter, \$4,000 per qualified individual].~~

~~(3) A classroom teacher or other nonadministrative school-based employee in a school not identified by the State Board as having comprehensive needs who holds a standard professional certificate or an advanced professional certificate who is employed by a county board and who holds a certificate issued by the National Board for Professional Teaching Standards [shall] MAY receive a stipend from the State in an amount equal to the county grant for national certification, up to a maximum of \$1,000 per qualified individual.~~

~~(4) To the maximum extent practicable, each public school shall utilize teachers who have obtained National Board Certification in leadership roles within the school.~~

~~(5) (i) 1. The State Board shall establish a program to support locally negotiated incentives, governed under Subtitles 4 and 5 of this title, for highly effective classroom teachers and principals to work in public schools that are:~~

~~A. In improvement, corrective action, or restructuring;~~

~~B. Categorized by the local school system as a Title I school;~~

~~or~~

~~C. In the highest 25% of schools in the State based on a ranking of the percentage of students who receive free and reduced priced meals.~~

~~2. The program established under subparagraph 1 of this subparagraph may include financial incentives, leadership changes, or other incentives.~~

~~(ii) 1. The State Board shall adopt guidelines to implement this paragraph.~~

~~2. Nothing in this paragraph shall be construed to prohibit a local school system from employing more stringent standards than the guidelines adopted under this subparagraph.~~

(c) (1) This subsection applies only in Anne Arundel County.

(2) In this subsection, “county grant for teaching in an economically disadvantaged school” means an annual grant distributed to a teacher who teaches in an economically disadvantaged school established:

(i) Outside of the collective bargaining process; or

(ii) As part of a collective bargaining agreement with the local employee representative.

(3) For fiscal years 2017 [through 2019] **AND 2018**, the Governor shall include in the State operating budget funding for the stipends provided in this subsection.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, a classroom teacher shall receive a stipend from the State in an amount equal to the county grant for teaching in an economically disadvantaged school, up to a maximum of \$1,500 if the teacher:

1. Teaches in a public middle or high school in which at least 30% of the students as a percentage of full-time equivalent students as defined in § 5–202 of this article qualify for free and reduced price meals under the National School Lunch Program;

2. Holds a standard or advanced professional certificate; and

3. Is employed by the county board.

(ii) For fiscal year 2018, the maximum stipend a teacher may receive under subparagraph (i) of this paragraph is \$750.

~~7-123.~~

~~(a) (1) There is a Robotics Grant Program in the State.~~

~~[(c) The Governor shall include in the State budget an annual appropriation of at least \$250,000 to the Program.]~~

~~**(C) THE GOVERNOR MAY INCLUDE FUNDING IN THE ANNUAL STATE BUDGET FOR THE PROGRAM.**~~

~~7-1702.~~

~~(a) There is a Public School Opportunities Enhancement Program.~~

~~7-1704.~~

~~(a) For fiscal year 2018, the Governor shall include in the annual budget bill an appropriation of \$2,500,000 to the Program.~~

~~(b) FOR FISCAL YEAR 2019, THE GOVERNOR MAY INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$2,500,000 TO THE PROGRAM.~~

~~(c) For fiscal years [2019 through] 2020 AND 2021, [the Governor shall include in the annual budget bill an appropriation of \$7,500,000 to the Program.] FUNDING FOR THE PROGRAM SHALL BE AS PROVIDED IN THE STATE BUDGET.~~

~~12-306.~~

~~(a) (1) There is a University of Maryland Center for Economic and Entrepreneurship Development (UMCEED).~~

~~(d) (1) The Governor [shall] MAY appropriate [at least] the following amounts in general funds to UMCEED for the following fiscal years:~~

~~[(1)] (I) \$2,000,000 for fiscal year 2018; AND~~

~~[(2)] (II) [\$4,000,000] \$2,000,000 for fiscal year 2019]; and~~

~~(3) \$6,000,000 for fiscal year 2020 and each fiscal year thereafter].~~

~~(2) FOR FISCAL YEAR 2020 AND EACH FISCAL YEAR THEREAFTER, FUNDING FOR UMCEED SHALL BE AS PROVIDED IN THE STATE BUDGET.~~

~~16-512.~~

~~(a) (1) The total State operating fund per full-time equivalent student appropriated to Baltimore City Community College for each fiscal year other than fiscal year 2013, as requested by the Governor shall be:~~

~~(i) In fiscal year 2009, not less than an amount equal to 67.25% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the previous fiscal year;~~

~~(ii) In fiscal year 2010, not less than an amount equal to 65.1% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;~~

~~(iii) In fiscal year 2011, not less than an amount equal to 65.5% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;~~

~~(iv) In fiscal year 2012, not less than an amount equal to 63% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;~~

~~(v) In fiscal year 2014, an amount that is the greater of 61% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year or \$5,695.63 per full-time equivalent student;~~

~~(vi) In fiscal year 2015, an amount that is the greater of 61% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year or \$5,695.63 per full-time equivalent student;~~

~~(vii) In fiscal year 2016, an amount that is the greater of 58% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year or \$5,695.63 per full-time equivalent student;~~

~~(viii) In fiscal year 2017, an amount that is the greater of 58% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year or \$5,695.63 per full-time equivalent student;~~

~~(ix) In fiscal year 2018, not less than an amount equal to 60% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;~~

~~(x) In fiscal year 2019, not less than an amount equal to 61% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;~~

~~(xi) In fiscal year 2020, not less than an amount equal to 62.5% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;~~

~~(xii) In fiscal year 2021, not less than an amount equal to 64.5% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;~~

~~(xiii) In fiscal year 2022, not less than an amount equal to 66.5% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year; and~~

~~(xiv) In fiscal year 2023 and each fiscal year thereafter, not less than an amount equal to 68.5% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year.~~

~~(2) For purposes of this subsection, the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State for a fiscal year shall include noncapital appropriations from the Higher Education Investment Fund.~~

~~(3) Notwithstanding the provisions of paragraph (1) of this subsection, the total State operating fund appropriated to Baltimore City Community College under this section for each of fiscal years 2011 and 2012 shall be \$40,187,695.~~

~~(4) In fiscal year 2013, the total State operating funds appropriated to Baltimore City Community College under this section shall be \$39,863,729.~~

~~**(5) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION, OR ANY OTHER PROVISION OF LAW, THE TOTAL STATE OPERATING FUNDS APPROPRIATED TO BALTIMORE CITY COMMUNITY COLLEGE UNDER THIS SECTION FOR FISCAL YEAR 2019 SHALL BE \$38,946,307.**~~

~~17-104.~~

~~(a) (1) Except as provided in paragraphs (2), (3), [and] (4), AND (5) of this subsection, the Maryland Higher Education Commission shall compute the amount of the~~

~~annual apportionment for each institution that qualifies under this subtitle by multiplying the number of full-time equivalent students enrolled at the institution during the fall semester of the fiscal year preceding the fiscal year for which the aid apportionment is made, as determined by the Maryland Higher Education Commission by:~~

~~(i) In fiscal year 2009, an amount not less than 16% of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the preceding fiscal year;~~

~~(ii) In fiscal year 2010, an amount not less than 12.85% of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in the State for the same fiscal year;~~

~~(iii) In fiscal year 2011, an amount not less than 9.8% of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year;~~

~~(iv) In fiscal year 2012, an amount not less than 9.2% of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year;~~

~~(v) In fiscal year 2014, an amount that is the greater of 9.4% of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year or \$875.53 per full-time equivalent student;~~

~~(vi) In fiscal year 2015, an amount that is the greater of 9.4% of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year or \$875.53 per full-time equivalent student;~~

~~(vii) In fiscal year 2017, an amount not less than 10.1% of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year;~~

~~(viii) In fiscal year 2018, an amount not less than 10.5% of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year;~~

~~[(ix) In fiscal year 2019, an amount not less than 10.8% of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year;]~~

~~[(x)] (IX) In fiscal year 2020, an amount not less than 11.1% of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year; and~~

~~[(xi)] (x) In fiscal year 2021 and each fiscal year thereafter, an amount not less than 15.5% of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year.~~

~~(5) IN FISCAL YEAR 2019, THE TOTAL AMOUNT OF AID PROVIDED UNDER THIS SUBTITLE SHALL BE \$48,908,667, TO BE ALLOCATED AMONG THE INSTITUTIONS THAT QUALIFY UNDER THIS SUBTITLE IN THE SAME AMOUNT AS THE ALLOCATION FOR FISCAL YEAR 2018 AFTER THE SEPTEMBER 6, 2017, BOARD OF PUBLIC WORKS ACTION.~~

18-303.1.

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

(3) "Program" means the Next Generation Scholars of Maryland Program.

[(g) Except as provided in subsection (h) of this section, funds for the Program shall be as provided in the State budget.]

[(h) For fiscal years 2018 through 2023:

(1) The Governor shall annually include \$5,000,000 in general funds in the State budget for the Program; and]

(G) (1) FOR FISCAL YEAR 2018, FUNDING FOR THE PROGRAM SHALL BE \$5,000,000.

(2) FOR FISCAL YEAR 2019, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$4,700,000 FOR THE PROGRAM.

(3) FOR FISCAL YEAR 2019 AND EACH FISCAL YEAR THEREAFTER YEARS 2020 THROUGH 2023, FUNDS FOR THE PROGRAM SHALL BE AS PROVIDED IN THE STATE BUDGET. THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$5,000,000 TO THE PROGRAM.

[(2)] ~~(3)~~ **(4)** The Department shall distribute grants to nonprofit organizations that:

(i) Are selected in accordance with subsection (d) of this section; and

(ii) Will administer the Program in local school systems in which at least 50% of the students as a percentage of full-time equivalent students as defined in § 5-202 of this article are eligible to receive a free lunch under the National School Lunch Program in the 2015-2016 school year.

18-19A-04.1.

(d) (1) The Governor shall appropriate in the budget bill at least the following amounts for State contributions:

- (i) \$5,000,000 in fiscal year 2018; AND
- (ii) ~~[\$7,000,000]~~ ~~\$2,000,000~~ \$3,000,000 in fiscal year 2019[; and
- (iii) \$10,000,000 in fiscal year 2020] and each fiscal year thereafter.

Article – Health – General

2-302.

(a) The funding required in the State budget for local health services, exclusive of special fund and federal appropriations, shall be at least the amount set forth in subsection (b) of this section.

(b) The funding shall be:

(4) For fiscal ~~[year]~~ ~~YEARS~~ 2018 ~~AND 2019~~, \$49,488,474 to be distributed to each municipality or subdivision in the same amount as the municipality or subdivision received in fiscal year 2017; and

(5) For fiscal year ~~[2019]~~ ~~2020~~ and each subsequent fiscal year, the amount of funding PROVIDED THROUGH THE FORMULA for the preceding fiscal year adjusted for:

(i) Inflation, as measured by the Consumer Price Index (All Urban Consumers), ~~for~~ ON JUNE 30 OF the second preceding fiscal year, calculated by the ~~U.S. Department of Commerce~~ BUREAU OF LABOR STATISTICS OF THE U.S. DEPARTMENT OF LABOR; and

(ii) Population growth, as measured by the growth in the total population of the State ~~for~~ ON JUNE 30 OF the second preceding fiscal year, according to the most recent statistics available through the ~~Maryland Department of Health~~ U.S. DEPARTMENT OF COMMERCE.

~~5-626.~~

~~(a) In this section, "Fund" means the Advance Directive Program Fund.~~

~~(g) (1) FOR FISCAL YEAR 2019, MONEY IN THE FUND MAY BE USED FOR MATERNAL AND CHILD HEALTH QUALITY INITIATIVES.~~

~~(2) [Money] FOR FISCAL YEAR 2020 AND EACH FISCAL YEAR THEREAFTER, MONEY in the Fund may be used [only] to carry out the purposes of the Advance Directive Program established under § 5-620 of this subtitle OR FOR MATERNAL AND CHILD HEALTH QUALITY INITIATIVES.~~

~~7-307.~~

~~(d) (4) The Governor's proposed budget for fiscal year 2019 shall include a [3.5%] 1.0% rate increase for community service providers over the funding provided in the legislative appropriation for Object 08 Contractual Services in Program M00M01.02 Community Services for fiscal year 2018.~~

~~13-3003.~~

~~(a) There is a Cord Blood Transplant Center Support Fund.~~

~~(g) The Fund may be used [only] for [the].~~

~~(1) THE establishment of or support for a cord blood transplant center at a qualified medical institution; OR~~

~~(2) MATERNAL AND CHILD HEALTH SURVEILLANCE.~~

~~16-201.3.~~

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

~~(2) "Community provider" means a community-based agency or program funded by the Behavioral Health Administration or the Medical Care Programs Administration to serve individuals with mental disorders, substance-related disorders, or a combination of these disorders.~~

~~(3) "Rate" means the reimbursement rate paid by the Department to a community provider from the State General Fund, Maryland Medical Assistance Program funds, other State or federal funds, or a combination of these funds.~~

~~(d) (1) The Governor's proposed budget for fiscal year 2019 SHALL INCLUDE A 2.0% RATE INCREASE and FOR fiscal year 2020 shall include a 3.5% rate increase for community providers over the funding provided in the legislative appropriation for the immediately preceding fiscal year for each of the following:~~

~~(i) Object 08 Contractual Services in Program M00Q01.10 Medicaid Behavioral Health Provider Reimbursement—Medical Care Programs Administration;~~

~~(ii) Object 08 Contractual Services in Program M00L01.02 Community Services—Behavioral Health Administration; and~~

~~(iii) Object 08 Contractual Services in Program M00L01.03 Community Services for Medicaid State Fund Recipients—Behavioral Health Administration.~~

~~19-2201.~~

~~(a) In this section, “Fund” means the Community Health Resources Commission Fund.~~

~~(c) (1) Subject to paragraph (2) of this subsection, the Fund may be used only to:~~

~~(i) Cover the administrative costs of the Commission;~~

~~(ii) Cover the actual documented direct costs of fulfilling the statutory and regulatory duties of the Commission in accordance with the provisions of this subtitle;~~

~~(iii) Provide operating grants to qualifying community health resources; and~~

~~(iv) Provide funding for the development, support, and monitoring of a unified data information system among primary and specialty care providers, hospitals, and other providers of services to community health resource members.~~

~~(2) (iv) For fiscal year 2019 [and each fiscal year thereafter], the Fund may be used for any project or initiative authorized under Title 10, Subtitle 2 and Title 13, Subtitle 3 of this article and approved by the Commission if no less than [\$8,000,000] \$5,000,000 of the subsidy required under § 14-106(d)(2)(ii)2 of the Insurance Article is used in each fiscal year for the purposes under paragraph (1) of this subsection.~~

~~(v) FOR FISCAL YEAR 2020 AND EACH FISCAL YEAR THEREAFTER, THE FUND MAY BE USED FOR ANY PROJECT OR INITIATIVE AUTHORIZED UNDER TITLE 10, SUBTITLE 2 AND TITLE 13, SUBTITLE 3 OF THIS ARTICLE AND APPROVED BY THE COMMISSION IF NO LESS THAN \$4,000,000 OF THE SUBSIDY REQUIRED UNDER § 14-106(D)(2)(H)2 OF THE INSURANCE ARTICLE IS USED IN EACH FISCAL YEAR FOR THE PURPOSES UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

~~19-2401.~~

~~(d) (1) The Governor shall include in the capital or operating budget bill the following amounts that are equal to the capital funds committed by Prince George's County to be used for the construction of the Prince George's County Regional Medical Center:~~

- ~~(i) \$11,300,000 for fiscal year 2018;~~
- ~~(ii) ~~[\$48,000,000] \$19,000,000~~ for fiscal year 2019; ~~[and]~~~~
- ~~(iii) \$56,200,000 for fiscal year 2020; AND~~
- ~~(iv) \$29,000,000 FOR FISCAL YEAR 2021.~~

~~(2) Prince George's County shall provide matching funds of \$208,000,000 for the capital construction of the Prince George's County Regional Medical Center.~~

Article – Housing and Community Development

4-508.

(a) In this section, "Fund" means the Strategic Demolition and Smart Growth Impact Fund.

(c) The purpose of the Fund is to provide grants and loans to assist in predevelopment activities, including INTERIOR AND EXTERIOR demolition, land assembly, architecture and engineering, and site development for revitalization projects in designated areas of the State.

(g) (1) The Fund may be used only to provide grants and loans to government agencies and community development organizations for INTERIOR AND EXTERIOR demolition, land assembly, architecture and engineering, and site development for revitalization projects in an area designated as a Sustainable Community.

4-509.

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

(4) "Fund" means the Seed Community Development Anchor Institution Fund.

(j) **(1)** For fiscal ~~years~~ **YEAR [2018] 2019 through 2022**, the Governor ~~[shall]~~ **MAY** include in the annual budget bill or the capital budget bill an appropriation ~~of~~ **\$5,000,000 \$4,000,000** to the Fund.

(2) FOR FISCAL YEARS 2020 THROUGH 2022, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL OR THE CAPITAL BUDGET BILL AN APPROPRIATION OF \$5,000,000 FOR THE FUND.

6-510.

(a) In this section, "Fund" means the Baltimore Regional Neighborhood Initiative Program Fund.

(j) **(1)** For fiscal ~~years~~ **YEAR** [2018] **2019** ~~through 2022~~, the Governor ~~shall~~ **MAY** include in the budget bill or the capital budget bill an appropriation to the Fund ~~in~~ the amount of ~~\$12,000,000~~ **\$8,000,000**.

(2) FOR FISCAL YEARS 2020 THROUGH 2022, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL OR THE CAPITAL BUDGET BILL AN APPROPRIATION FOR THE FUND IN THE AMOUNT OF \$12,000,000.

Article – Natural Resources

5-903.

(a) (1) (i) ~~Subject to subparagraph (ii) of this paragraph, of~~ **OF** the funds distributed to Program Open Space under § 13-209 of the Tax – Property Article, up to ~~\$6,000,000~~ **\$3,000,000** may be transferred by an appropriation in the State budget, or by an amendment to the State budget under Title 7, Subtitle 2 of the State Finance and Procurement Article, to the Maryland Heritage Areas Authority Financing Fund established under Title 13, Subtitle 11 of the Financial Institutions Article to be used for the purposes provided in that subtitle.

~~(ii) If the amount transferred in accordance with subparagraph (i) of this paragraph exceeds \$3,000,000, the amount exceeding \$3,000,000 shall be provided from the State's share of funds.~~

~~(iii)~~ **(II) OF THE AMOUNT TRANSFERRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, UP TO \$300,000 MAY BE DISTRIBUTED TO THE MARYLAND HISTORICAL TRUST WITHIN THE DEPARTMENT OF PLANNING TO BE AWARDED AS NONCAPITAL HISTORIC PRESERVATION GRANTS.**

(2) (i) 1. Of the remaining funds not appropriated under paragraph (1) of this subsection:

A. One half of the funds shall be used for recreation and open space purposes by the Department and the Historic St. Mary's City Commission; and

B. 20% of the funds or \$21,000,000, whichever is greater, shall be appropriated to the Forest and Park Service in the Department to operate State forests and parks.

2. Except as otherwise provided in this section, any funds the General Assembly appropriates to the State under this subsection shall be used only for land acquisition projects.

(ii) 1. As specified in subsubparagraph 2 of this subparagraph, a portion of the State's share of funds available under subparagraph (i)1A of this paragraph for this program shall be utilized to make grants to Baltimore City for projects which meet park purposes. The grants shall be in addition to any funds Baltimore City is eligible to receive under subsection (b) of this section, and may be used for acquisition or development. In order for Baltimore City to be eligible for a State grant, the Department shall review projects or land to be acquired within Baltimore City, and upon the Department's recommendation, the Board of Public Works may approve projects and land including the cost. Title to the land shall be in the name of the Mayor and City Council of Baltimore City. The State is not responsible for costs involved in the development or maintenance of the land.

2. The grants to Baltimore City under subsubparagraph 1 of this subparagraph shall be made in the following amounts:

A. For fiscal year 2017, \$1,500,000;

B. For fiscal year 2018, \$3,500,000;

C. For fiscal year 2019, \$5,500,000; and

D. For fiscal year 2020, and for each subsequent fiscal year, \$6,000,000.

3. The grants made under this subparagraph supplement rather than supplant any other funding for park purposes in Baltimore City, no matter the source.

4. For fiscal year 2018, the grant funds to Baltimore City in excess of \$1,500,000 under subsubparagraph 1 of this subparagraph may only be used for capital purposes related to the following projects in the amounts specified:

A. \$400,000 for Herring Run Park;

B. \$500,000 for Clifton Park;

C. \$300,000 for Druid Hill Park Trail Head;

D. \$300,000 for athletic field renovations at Gwynns Falls Park;

E. \$300,000 for Patterson Park; and

F. \$200,000 for field lights and other improvements at Frederic B. Leidig Recreation Center.

5. For fiscal year 2019, a portion of the grant funds to Baltimore City in excess of \$1,500,000 under subparagraph 1 of this subparagraph may only be used for capital purposes related to the following projects in the amounts specified:

A. \$100,000 for Herring Run Park;

B. \$100,000 for Clifton Park; and

C. \$100,000 for field lights and other improvements at Frederic B. Leidig Recreation Center.

(iii) 1. A portion of the State's share of funds available under subparagraph (i)1A of this paragraph for this program not to exceed \$8,000,000 for each fiscal year may be transferred by an appropriation in the State budget to the Rural Legacy Program under Subtitle 9A of this title.

2. In each fiscal year, up to \$2 million of the funds transferred under this subparagraph to the Rural Legacy Program may be used to purchase zero coupon bonds for easements.

3. Sums allocated to the Rural Legacy Program may not revert to the General Fund of the State.

(IV) IN ADDITION TO THE \$3,000,000 UNDER SUBSECTION (A)(1)(I) OF THIS SECTION THAT MAY BE TRANSFERRED TO THE MARYLAND HERITAGE AREAS AUTHORITY FINANCING FUND, UP TO \$3,000,000 OF THE STATE'S SHARE OF FUNDS AVAILABLE UNDER SUBPARAGRAPH (I)1A OF THIS PARAGRAPH MAY BE TRANSFERRED BY AN APPROPRIATION IN THE STATE BUDGET OR BY AN AMENDMENT TO THE STATE BUDGET UNDER TITLE 7, SUBTITLE 2 OF THE STATE FINANCE AND PROCUREMENT ARTICLE TO THE MARYLAND HERITAGE AREAS AUTHORITY FINANCING FUND ESTABLISHED UNDER TITLE 13, SUBTITLE 11 OF THE FINANCIAL INSTITUTIONS ARTICLE TO BE USED FOR THE PURPOSES PROVIDED IN THAT SUBTITLE.

[(iv)] (v) The Department may acquire real property under subparagraph (i)1A of this paragraph based on an offer by the State that is less than the lowest approved appraisal for the property.

[(v)] (vi) For each of fiscal years 2010 through 2015, \$1,217,000 of the State's share of funds available under subparagraph (i)1A of this paragraph may be appropriated in the budgets of the Department, the Department of General Services, and the Department of Planning for expenses necessary to administer this Program.

Article – State Finance and Procurement

3–207.

(a) In this section, “interagency agreement” means an agreement between an agency or unit of the Executive Branch of State government and a public institution of higher education that:

(1) has [been in place for] A DURATION OF 3 years or more; [and]

(2) WAS IN PLACE DURING ANY PART OF THE IMMEDIATELY PRECEDING FISCAL YEAR; AND

[(2)] (3) has a total VALUE of more than \$750,000 [in actual expenditures in the last 3 fiscal years].

(b) At least once every 3 years, the Department shall review each interagency agreement to determine:

(1) whether the agreement is necessary and should continue;

(2) whether the services can be provided more cost effectively by the agency or unit or through a competitive procurement; and

(3) whether the agreement is being utilized due to the agency’s or unit’s inability to recruit or retain positions and, if so, whether an annual salary review should be conducted to address recruitment or retention issues.

(c) The Department shall establish a cycle to review one-third of the interagency agreements each year.

(d) (1) Subject to paragraphs (2) and (3) of this subsection, on or before December 1 each year, the Department shall report a summary of the findings of the review required under subsection (b) of this section to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the Department of Legislative Services, in accordance with § 2–1246 of the State Government Article.

(2) [The report due on or before December 1, 2017, shall include a review of interagency agreements that have a total of more than \$750,000 in actual expenditures in fiscal years 2015 through 2017.

(3) In each report required under paragraph (1) of this subsection, the Department shall provide the following information:

(i) the interagency agreements that will continue;

- (ii) services that will be competitively procured;
- (iii) services that will be provided by the agency or unit as a result of the review;
- (iv) services that have been or will be canceled as a result of the review; and
- (v) actions taken to address recruitment or retention issues identified as a result of the review.

6-104.

(a) (1) In this section, “nonwithholding income tax revenues” means the State share of income tax quarterly estimated and final payments with returns made by individuals, as defined in § 10-101 of the Tax – General Article.

(b) (1) After the end of each fiscal year, the Bureau shall submit to the Board a report that:

(i) contains an itemized statement of the State revenues from all sources for that fiscal year; and

(ii) includes any recommendations of the Bureau.

(2) In December, March, and September of each year, the Bureau shall submit to the Board a report that contains an itemized statement of the estimated State revenues from all sources for the fiscal year following the fiscal year in which the report is made.

(3) The Bureau shall provide to the Board any other information that the Board requests.

(4) Notwithstanding any other provision of law, the reports required under paragraphs (1) and (2) of this subsection shall include an itemized statement of:

(i) revenues or estimated revenues distributed to the Transportation Trust Fund, including the motor fuel taxes imposed under Title 9, Subtitle 3 of the Tax – General Article and motor vehicle titling taxes imposed under Title 13, Subtitle 8 of the Transportation Article;

(ii) revenues from the State transfer tax imposed under Title 13, Subtitle 2 of the Tax – Property Article; [and]

(iii) estimated revenues from nonwithholding income taxes calculated in accordance with subsection (e) of this section; AND

(IV) ESTIMATED REVENUES FROM ANY PREMIUM TAXES COLLECTED BY THE MARYLAND INSURANCE ADMINISTRATION.

(5) (I) IN ORDER FOR THE BUREAU TO INCLUDE IN THE REPORTS REQUIRED UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION ESTIMATED REVENUES FROM ANY PREMIUM TAXES COLLECTED BY THE MARYLAND INSURANCE ADMINISTRATION, THE MARYLAND INSURANCE ADMINISTRATION SHALL SUBMIT TO THE BUREAU:

1. WITHIN 1 MONTH AFTER THE END OF THE PRECEDING FISCAL QUARTER, QUARTERLY PREMIUM TAX DATA ON A CASH BASIS AND BY FUND SOURCE, INCLUDING PAYMENTS, REFUNDS, OTHER FINANCIAL TRANSACTIONS, AND TOTAL NET CASH IMPACT;

2. A FISCAL YEAR-END CLOSE-OUT REPORT RECONCILING THE QUARTERLY DATA;

3. AN ANNUAL REPORT TABULATING DATA FROM SUBMITTED TAX FORMS FOR EACH INSURER, INCLUDING TOTAL PREMIUMS, TOTAL DEDUCTIONS, TOTAL TAXABLE PREMIUMS, GROSS TAX OWED, AND LIABILITY INFORMATION; AND

4. ANY OTHER DATA REQUESTED BY THE BUREAU.

(II) THE MARYLAND INSURANCE ADMINISTRATION SHALL SUBMIT THE DATA REQUIRED UNDER THIS PARAGRAPH IN A FORMAT DETERMINED BY THE BUREAU.

(e) (1) Beginning with the revenue estimate for fiscal year 2020, the Bureau shall calculate the share of General Fund revenues represented by nonwithholding income tax revenues in accordance with this subsection.

(2) (i) For each fiscal year, the Bureau shall calculate the 10-year average share of General Fund revenues represented by nonwithholding income tax revenues.

(ii) 1. For each fiscal year, the 10-year average shall use the 10 most recently completed fiscal years for which data are available when the estimate is prepared in the September before the beginning of the fiscal year.

2. The same 10-year average shall be used in all subsequent revisions to the revenue estimate for that fiscal year.

(3) (i) Subject to subparagraph (ii) of this paragraph, for each fiscal year, if the Bureau's estimate of the share of General Fund revenues from nonwithholding

income tax revenues is above the 10-year average share, the Bureau shall adjust the revenue estimate by reducing General Fund revenues from nonwithholding income tax revenues by an amount sufficient to align the estimated share of General Fund revenues from nonwithholding income tax revenues with the 10-year average share of General Fund revenues from nonwithholding income taxes.

(ii) The adjustment made under subparagraph (i) of this paragraph may not exceed [2%] THE FOLLOWING PERCENTAGE of total General Fund revenues:

1. 0.5% FOR FISCAL YEAR 2020;
2. 1% FOR FISCAL YEAR 2021; AND
3. 2% FOR FISCAL YEAR 2022 AND EACH FISCAL YEAR

THEREAFTER.

(iii) The capped estimate calculated under this paragraph shall be incorporated in the revenue estimate the Bureau shall report to the Board in the report required under subsection (b)(2) of this section.

~~7-311.~~

~~6-226.~~

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

101. the Advance Directive Program Fund; [and]
102. the Make Office Vacancies Extinct Matching Fund; AND
103. THE COMMISSION ON INNOVATION AND EXCELLENCE

IN EDUCATION FUND.

~~7-310.~~

(a) In this section, "Account" means the Dedicated Purpose Account.

(d) For each appropriation to the Account, 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 Account to the expenditure account of the appropriate unit of State government only after the proposed budget amendment has been:

(i) submitted to the Senate Budget and Taxation Committee and the House Appropriations Committee of the General Assembly; and

(ii) [approved] SUBJECT TO A 45-DAY REVIEW AND COMMENT PERIOD by the Legislative Policy Committee.

7-311.

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

(2) “Account” means the Revenue Stabilization Account.

(3) “Estimated General Fund revenues” means the estimated General Fund revenues for a fiscal year stated in the report of the Board of Revenue Estimates submitted to the Governor under § 6-106 of this article in December preceding the fiscal year.

(4) “Unappropriated General Fund surplus” does not include the amount of nonwithholding income tax revenues that exceed the capped estimate determined under § 6-104(e) of this article.

(j) (1) Except as provided in paragraph (2) of this subsection, for fiscal year 2007 and for each subsequent fiscal year, the Governor shall include in the budget bill an appropriation:

(i) for [each of] fiscal [years] **YEAR** 2017 [and 2019], to the accumulation funds of the State Retirement and Pension System an amount, up to a maximum of \$50,000,000, that is equal to one-half of the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds \$10,000,000;

(ii) for fiscal year 2020:

1. to the accumulation funds of the State Retirement and Pension System an amount, up to a maximum of \$50,000,000, that is equal to one-half of the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds \$10,000,000; and

2. to the Account equal to the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds \$10,000,000, less the amount of the appropriation under item 1 of this item; and

(iii) for fiscal year 2021 and each fiscal year thereafter:

1. to the accumulation funds of the State Retirement and Pension System an amount, up to a maximum of \$25,000,000, that is equal to one-quarter of the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds \$10,000,000;

2. to the Postretirement Health Benefits Trust Fund established under § 34-101 of the State Personnel and Pensions Article an amount, up to a maximum of \$25,000,000, that is equal to one-quarter of the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds \$10,000,000; and

3. to the Account equal to the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds \$10,000,000, less the amount of the appropriations under items 1 and 2 of this item.

(2) The appropriation required under this subsection for any fiscal year may be reduced by the amount of any appropriation to the Account required to be included for that fiscal year under subsection (e) of this section.

7-324.

(a) In this section, "Account" means the Catastrophic Event Account.

(d) After [notice to and approval] A 15-DAY REVIEW AND COMMENT PERIOD by the Legislative Policy Committee, the Governor may transfer funds by budget amendment from the Account to the expenditure accounts of the appropriate unit of State government.

Article – State Personnel and Pensions

2-509.1.

(a) Except as provided in subsection (b) of this section, the State shall continue to include a prescription drug benefit plan in the health insurance benefit options established under the Program and available to retirees under §§ 2-508 and 2-509 of this subtitle notwithstanding the enactment of the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003 or any other federal law permitting states to discontinue prescription drug benefit plans to retirees of a state.

(b) [The] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, ON JANUARY 1, 2019, THE State shall discontinue prescription drug benefits for:

(1) A Medicare–eligible [retirees in fiscal year 2020] RETIREE;

(2) THE MEDICARE–ELIGIBLE SPOUSE OR SURVIVING SPOUSE OF A RETIREE; AND

(3) A MEDICARE–ELIGIBLE DEPENDENT CHILD OR SURVIVING DEPENDENT CHILD OF A RETIREE.

(C) (1) IF A RETIREE IS ELIGIBLE TO PARTICIPATE IN THE PRESCRIPTION DRUG BENEFIT PLAN UNDER MEDICARE, BUT THE RETIREE’S SPOUSE OR DEPENDENT CHILD IS NOT ELIGIBLE TO PARTICIPATE IN A MEDICARE PRESCRIPTION DRUG BENEFIT PLAN, THE RETIREE MAY ELECT TO COVER THE RETIREE’S SPOUSE OR DEPENDENT CHILD UNDER THE STATE PRESCRIPTION DRUG BENEFIT PLAN.

(2) IF THE SURVIVING SPOUSE OR SURVIVING DEPENDENT CHILD OF A RETIREE IS ELIGIBLE TO ENROLL IN THE STATE PRESCRIPTION DRUG BENEFIT PLAN UNDER § 2–509 OF THIS SUBTITLE, BUT IS NOT ELIGIBLE TO PARTICIPATE IN THE PRESCRIPTION DRUG BENEFIT PLAN UNDER MEDICARE, THE SURVIVING SPOUSE OR SURVIVING DEPENDENT CHILD MAY ELECT TO ENROLL IN THE STATE PRESCRIPTION DRUG BENEFIT PLAN.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, NOT LATER THAN ~~OCTOBER~~ JULY 1, 2018, THE SECRETARY SHALL PROVIDE WRITTEN CERTIFIED NOTICE TO THE INDIVIDUALS LISTED IN SUBSECTION (B) OF THIS SECTION OF THE CHANGE IN THE STATE PRESCRIPTION DRUG BENEFIT PLAN UNDER THIS SECTION.

(2) THE NOTICE SHALL INCLUDE INFORMATION REGARDING:

(I) COVERAGE OPTIONS AVAILABLE IN THE MEDICARE PRESCRIPTION DRUG BENEFIT PLAN; AND

(II) THE POTENTIAL FOR SIGNIFICANT PENALTIES IF AN INDIVIDUAL DOES NOT PROMPTLY CHOOSE A MEDICARE PRESCRIPTION DRUG BENEFIT PLAN IMMEDIATELY ON TERMINATION OF THE INDIVIDUAL’S PARTICIPATION IN THE STATE PRESCRIPTION DRUG BENEFIT PLAN.

~~Article – Tax – Property~~

Article – Tax – General

(c) From the revenue attributable to a tax rate of 5% to be distributed to the Special Fund for Preservation of Cultural Arts in Maryland or the Maryland State Arts Council under subsection (a)(1)(ii) of this section, the Comptroller shall distribute[.]:

(1) for fiscal year 2019 and each fiscal year thereafter, \$250,000 to the Arts Council of Anne Arundel County; AND

(2) FOR FISCAL YEAR 2020 AND EACH FISCAL YEAR THEREAFTER, \$250,000 TO THE MARYLAND HISTORICAL SOCIETY.

2-605.1.

AFTER MAKING THE DISTRIBUTIONS REQUIRED UNDER §§ 2-604 AND 2-605 OF THIS SUBTITLE, ON OR BEFORE JUNE 30, 2019, THE COMPTROLLER SHALL DISTRIBUTE \$200,000,000 OF THE INCOME TAX REVENUE FROM INDIVIDUALS TO THE COMMISSION ON INNOVATION AND EXCELLENCE IN EDUCATION FUND ESTABLISHED UNDER § 5-219 OF THE EDUCATION ARTICLE.

2-606.

(a) After making the distributions required under [§§ 2-604 and 2-605] §§ 2-604, 2-605, AND 2-605.1 of this subtitle, from the remaining income tax revenue from individuals, the Comptroller shall distribute to an unallocated individual revenue account the income tax revenue:

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

(2) that is attributable to:

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

(ii) estimated income tax payments by individuals.

~~2-106.~~

(h) [(1) On or before June 30, 2015, the Comptroller shall distribute \$100,000,000 from the Local Reserve Account established to comply with this section to the General Fund of the State.

(2) In each of fiscal years 2017 through 2025,] FOR FISCAL YEAR 2017 AND EACH FISCAL YEAR THEREAFTER, in addition to the amounts distributed under subsection (b) of this section, the Comptroller shall distribute \$10,000,000 of the remaining income tax revenue from individuals to the Local Reserve Account [to repay the

\$100,000,000 transfer to the General Fund required under paragraph (1) of this subsection]
ESTABLISHED TO COMPLY WITH THIS SECTION.

Article – Tax – Property

(b) ~~[(1) Except as provided in paragraph (2) of this subsection, each] EACH~~ county and Baltimore City shall be responsible for reimbursing the State for the costs of administering the Department as follows:

~~[(i) (1) 50%] 90%~~ of the costs of real property valuation;

~~[(ii) (2) 50%] 90%~~ of the costs of business personal property valuation; ~~[and]~~

~~[(iii) (3) 50%] 90%~~ of the costs of the Office of Information Technology within the Department, including any funding for departmental projects in the Major Information Technology Development Project Fund established under § 3A-309 of the State Finance and Procurement Article; ~~AND~~

~~(4) 90% OF THE COSTS OF THE OFFICE OF THE DIRECTOR.~~

~~[(2) For each of fiscal years 2012 and 2013, each county and Baltimore City shall be responsible for reimbursing the State 90% instead of 50% of the costs of administering the Department described in paragraph (1) of this subsection.]~~

(c) ~~Costs under subsection (b) of this section shall be allocated among the counties and Baltimore City as follows:~~

~~(1) costs under subsection (b)(1)(i) [and], (iii), AND (IV) of this section will be allocated based on the number of real property accounts of a county or Baltimore City as a percentage of the total number of real property accounts statewide as of July 1 of the preceding fiscal year; and~~

~~(2) costs under subsection (b)(1)(ii) of this section will be allocated based on the business personal property assessable base of a county or Baltimore City as a percentage of the total business personal property assessable bases statewide as of July 1 of the preceding fiscal year.~~

(d) ~~Each county and Baltimore City shall remit a quarterly payment to the Comptroller for 25% of the jurisdiction's share of costs on the following dates:~~

~~(1) July 1;~~

~~(2) October 1;~~

~~(3) January 1; and~~

~~(4) April 1.~~

~~(c) The Comptroller may withhold a portion of a local income tax distribution of a county or Baltimore City that fails to make timely payment in accordance with this section.~~

13-209.

(g) (1) (i) For each of fiscal years 2018 [and], 2019, 2020, 2021, AND 2022, the Governor shall include in the budget bill a General Fund appropriation in the amount of \$2,500,000 to the Maryland Agricultural and Resource-Based Industry Development Corporation [to provide grants for the use of] FOR the Next Generation Farmland Acquisition Program authorized under § 10-523(a)(3)(ii) of the Economic Development Article.

(ii) The appropriation required under subparagraph (i) of this paragraph:

1. represents reimbursement for [5.6%] 13.9% of the cumulative amount appropriated or transferred from the special fund to the General Fund for fiscal year 2006; and

2. is not subject to the provisions of subsections (a) through (f) of this section.

(2) (i) The Governor shall include in each of the annual budget bills for fiscal years [2019,] 2020, [and] 2021, AND 2022 a General Fund appropriation to the special fund in the amount of ~~\$15,000,000~~ \$12,500,000.

(ii) The appropriations required under subparagraph (i) of this paragraph:

1. cumulatively represent reimbursement for 50% of the cumulative amount of any appropriation or transfer from the special fund to the General Fund for fiscal year 2006;

2. are not subject to the provisions of subsections (a), (b), (c), and (f) of this section;

3. shall be allocated as provided in subsection (d) of this section and § 5-903 of the Natural Resources Article; and

4. shall be reduced by the amount of any appropriation from the General Fund to the special fund that:

- and
- A. exceeds the required appropriation under this paragraph;
- B. is identified as an appropriation for reimbursement under this paragraph.

Article – Transportation

2-103.1.

(m) (2) (i) The financial forecast supporting the Consolidated Transportation Program to be submitted to the General Assembly under paragraph (1) of this subsection shall include the following components:

1. A schedule of operating expenses for each specific modal administration;

2. A schedule of revenues, including tax and fee revenues, deductions from revenues for other agencies, Department program and fees, Motor Vehicle Administration cost recovery, deductions for highway user revenues, operating revenues by modal administration, and miscellaneous revenues; and

3. A summary schedule for the Transportation Trust Fund that includes the opening and closing Fund balance, revenues, transfers, bond sales, bond premiums, any other revenues, expenditures for debt service, operating expenses, amounts available for capital expenses, bond interest rates, bond coverage ratios, total bonds outstanding, federal capital aid, and the total amount for the Transportation Capital Program.

(ii) The financial forecast shall include, for each of the components specified in subparagraph (i) of this paragraph:

1. Actual information for the last full fiscal year; and

2. Forecasts of the information for each of the six subsequent fiscal years, including the current fiscal year, the fiscal year for the proposed budget, and the next four subsequent fiscal years.

(iii) 1. For the period beyond the budget request year, the financial forecast:

[1.] A. Shall maximize the use of funds for the capital program; [and]

[2.] B. Except as authorized by law, may not withhold or reserve funds for capital transportation grants to counties or municipal corporations; AND

C. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, SHALL INCREASE THE OPERATING EXPENSES, NET OF AVAILABILITY PAYMENTS PAID TO PUBLIC-PRIVATE PARTNERSHIP CONCESSIONAIRES, EACH YEAR BY AT LEAST THE 5-YEAR AVERAGE ANNUAL RATE OF CHANGE IN THE OPERATING EXPENSES OF THE DEPARTMENT, ENDING WITH THE MOST RECENTLY COMPLETED FISCAL YEAR.

2. THE ASSUMED RATE OF FUTURE OPERATING BUDGET GROWTH UNDER SUBSUBPARAGRAPH 1C OF THIS SUBPARAGRAPH MAY NOT INCREASE OR DECREASE BY MORE THAN 0.5 PERCENTAGE POINTS FROM THE GROWTH RATE ASSUMED IN THE PREVIOUS FORECAST.

(iv) The Department shall incorporate in the financial forecast the most recent estimates by the Board of Revenue Estimates of the revenues from:

1. The corporate income tax and the sales and use tax for each of the six subsequent years, including the current fiscal year and the fiscal year for the proposed budget; and

2. Motor fuel taxes and motor vehicle titling taxes for the current fiscal year and the fiscal year for the proposed budget.

4-210.

(a) Each year, the Authority shall develop and adopt a 6-year financial forecast for the operations of the Authority.

(b) In accordance with § 2-1246 of the State Government Article, the Authority shall submit to the General Assembly:

(1) A draft of the financial forecast on submission of the budget bill to the presiding officers of the General Assembly; and

(2) The financial forecast as approved by the Authority on or before [July] SEPTEMBER 1 of each year.

12-118.

(c) (2) The Comptroller shall distribute revenue from the civil fines collected through use of a work zone speed control system under § 21-810 of this article to a special fund, to be used only as provided in subsection (e) of this section.

(e) [(1) Subject to paragraph (2) of this subsection, money] MONEY in the special fund established under subsection (c)(2) of this section:

[(i)] (1) Shall be distributed first to the Department of State Police and the State Highway Administration to cover the costs of implementing and administering work zone speed control systems; and

[(ii)] (2) After the distribution under item [(i)] (1) of this [paragraph:

1. For each of fiscal years 2013 through 2015 only, \$3,000,000] SUBSECTION, shall be distributed to the Department of State Police to be used only for the purchase of replacement vehicles and related motor vehicle equipment used to outfit police vehicles[; and

2. For each of fiscal years 2016 through 2018 only, at least \$7,000,000 shall be distributed to the Department of State Police to be used only for the purchase of replacement vehicles and related motor vehicle equipment used to outfit police vehicles.

(2) The balance of the money in the special fund shall be distributed to the Department of State Police to fund roadside enforcement activities].

Chapter 397 of the Acts of 2011, as amended by Chapter 425 of the Acts of 2013, Chapter 464 of the Acts of 2014, Chapter 489 of the Acts of 2015, and Chapter 23 of the Acts of 2017

SECTION 16. AND BE IT FURTHER ENACTED, That, in addition to any other revenue generated under § 19–214 of the Health – General Article, as amended by this Act:

(c) (1) For fiscal year 2015 and 2016, the Commission and the Department of Health and Mental Hygiene shall adopt policies that will provide up to \$389,825,000 in special fund revenues from hospital assessment and remittance revenue.

(2) For fiscal year 2017, the Governor shall reduce the budgeted Medicaid Deficit Assessment by \$25,000,000 over the assessment level for the prior year.

(3) For fiscal year 2018, the budgeted Medicaid Deficit Assessment shall be \$364,825,000.

(4) For fiscal year 2019, the budgeted Medicaid Deficit Assessment shall be ~~[\$329,825,000]~~ ~~\$339,825,000~~ \$334,825,000.

(5) For fiscal year 2020, the budgeted Medicaid Deficit Assessment shall be \$294,825,000.

(6) Beginning with the State budget submission for fiscal year 2021, the Governor shall reduce the budgeted Medicaid Deficit Assessment annually by \$25,000,000 over the assessment level for the prior fiscal year.

(7) To the extent that the Commission takes other actions that reduce Medicaid costs, those savings shall also be used to reduce the budgeted Medicaid Deficit Assessment.

(8) To the maximum extent possible, the Commission and the Department of Health and Mental Hygiene shall adopt policies that preserve the State's Medicare waiver.

~~Chapter 25 of the Acts of 2016~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That, for [each of fiscal years 2018 through] FISCAL YEARS 2020 AND 2021, the Governor [shall] MAY appropriate in the annual budget [at least] an additional \$4,000,000 to the University System of Maryland Office for the purpose of increasing the estimated funding guideline attainment levels of the primarily residential institutions in the System with the lowest estimated funding guideline attainment levels in fiscal year 2016. The University System of Maryland shall allocate the funds each year in a manner that brings the primarily residential institutions with the lowest estimated funding guideline attainment levels in fiscal year 2016 as close as possible to a 64% estimated funding guideline attainment level by fiscal year 2021. The general funds distributed under this section each year are in addition to the annual appropriation for each institution, and shall be included in each institution's base budget for all fiscal years after the distribution.~~

~~Chapter 145 of the Acts of 2016, as amended by Chapter 23 of the Acts of 2017~~

~~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] MAY NOT be included in the Maryland State Arts Council's prior fiscal year appropriation [in addition to the amount of the General Fund appropriation for the prior fiscal year and the sum shall be used] for purposes of calculating the required appropriation under § 7-325 of the State Finance and Procurement Article.~~

SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the fiscal year 2019 appropriation for the Revenue Stabilization Account established under § 7-311 of the State Finance and Procurement Article is reduced by ~~\$193,000,000~~ \$150,329,000 \$148,519,000.

SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2018, the University System of Maryland shall transfer \$9,000,000 in State-supported fund balance to the General Fund as required by the September 6, 2017, Board of Public Works action.

SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2018, the Governor may transfer \$1,820,520 from the Tuition Stabilization Trust established under § 15-106.6 of the Education Article to the

Need-based Student Financial Assistance Fund established under § 18-107 of the Education Article.

SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That, for fiscal year 2019, payments to providers with rates set by the Interagency Rates Committee under § 8-417 of the Education Article may not increase by more than ~~1%~~ 3% over the rates in effect on June 30, 2018.

SECTION ~~5~~ 6. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the federal fund spending in fiscal year 2018 for Temporary Assistance for Needy Families may ~~exceed \$249,874,106~~ not exceed \$256,324,264.

SECTION 7. AND BE IT FURTHER ENACTED, That the unexpended appropriation for a monthly benefit increase for the Temporary Disability Assistance Program under the Assistance Payments Program (N00G00.08) within the Department of Human Services that was restricted in the fiscal year 2018 operating budget (Chapter 150 of the Acts of 2017) is reduced by \$1,423,240 in general funds, which shall revert to the General Fund.

SECTION 8. AND BE IT FURTHER ENACTED, That the unexpended appropriation for a utilization review audit contract in Community Services (M00M01.02) within the Department of Health Developmental Disabilities Administration, that was included in the fiscal year 2018 operating budget (Chapter 150 of the Acts of 2017) is reduced by \$2,389,562 in federal funds and \$3,232,937 in general funds, which shall revert to the General Fund.

SECTION 9. AND BE IT FURTHER ENACTED, That the unexpended appropriation for a financial management services contract for self-directed services in Community Services (M00M01.02) within the Department of Health Developmental Disabilities Administration that was included in the fiscal year 2018 operating budget (Chapter 150 of the Acts of 2017) is reduced by \$602,758 in federal funds and \$815,496 in general funds, which shall revert to the General Fund.

SECTION 10. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the unexpended allocations for local area agencies on aging made from the appropriation in Community Services (D26A07.03) within the Department of Aging that were included in the fiscal year 2018 operating budget (Chapter 150 of the Acts of 2017) may be encumbered and may not revert to the Department of Aging or to the General Fund or cancel at the close of fiscal year 2018, but instead may be spent in fiscal year 2019. Any encumbered fiscal year 2018 funds remaining unspent at the close of fiscal year 2019 shall revert to the General Fund or cancel at the close of fiscal year 2019.

SECTION 11. AND BE IT FURTHER ENACTED, That the unexpended appropriation for the purchase of textbooks, computer hardware, computer software, and other electronically delivered learning materials in the Aid to Non-Public Schools Program (R00A03.04) within the Maryland State Department of Education that was included in the fiscal year 2018 operating budget (Chapter 150 of the Acts of 2017) is reduced by \$100,000

in special funds, which shall revert to the Cigarette Restitution Fund established under § 7-317 of the State Finance and Procurement Article so that a nonpublic school that was found to be in violation of the nondiscrimination requirements in the Broadening Options and Opportunities for Students Today (BOOST) Program does not receive funding under this program in fiscal year 2018.

SECTION ~~6-10~~ 12. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal years 2018 and 2019 only, the Maryland Department of the Environment may retain a balance of up to \$6,000,000 in the Maryland Clean Air Fund under § 2-107 of the Environment Article.

SECTION ~~7-11~~ 13. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal year 2019 only, \$8,000,000 from the Maryland Trauma Physician Services Fund under § 19-130 of the Health – General Article may be used for Medicaid provider reimbursements.

~~SECTION 12. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2019, the Governor may transfer the appropriation for the Major Information Technology Development Project Fund (F50A01.01) within the Department of Information Technology to the Help America Vote Act Program (D38I01.02) within the State Board of Elections to be used for election support services.~~

SECTION 14. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, \$650,000 of the unexpended appropriation in Major Information Technology Development Projects (D38I01.03) within the State Board of Elections that was included in the fiscal year 2018 operating budget (Chapter 150 of the Acts of 2017) or transferred to Major Information Technology Development Projects (D38I01.03) by budget amendment 18R-001 may be encumbered and may not revert to the General Fund or cancel at the close of fiscal year 2018, but instead may be spent in fiscal year 2019 for election-related purposes. Any encumbered fiscal year 2018 funds remaining unspent at the close of fiscal year 2019 shall revert to the General Fund or cancel at the close of fiscal year 2019.

SECTION ~~13~~ 15. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2019, the Governor may appropriate by budget amendment up to \$450,000 of the unappropriated revenue deposited in the Special Fund for Preservation of Cultural Arts in fiscal year 2018 for the Maryland Academy of Sciences.

SECTION 16. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2019, the Governor may transfer by budget amendment from the revenue distributed to the Special Fund for Preservation of Cultural Arts in Maryland or the Maryland State Arts Council under § 2-202(a)(1)(ii) of the Tax – General Article that is in excess of the budgeted amount in fiscal year 2018 or is available in the balance of the Special Fund an amount up to \$650,000 as a one-time supplemental grant to the Baltimore Symphony Orchestra.

SECTION 17. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2019, the Governor may transfer from the revenue distributed to the Special Fund for Preservation of Cultural Arts in Maryland or the Maryland State Arts Council under § 2-202(a)(1)(ii) of the Tax – General Article:

(1) \$200,000 as a grant to the Voxell LLC for the BARCO Playhouse Theater project;

(2) \$100,000 as a grant to PACT: Helping Children with Special Needs;

(3) \$100,000 as a grant to the Board of Directors of the Habitat for Humanity of the Chesapeake, Inc. for the Habitat for Humanity of the Chesapeake homes;

(4) \$75,000 as a grant to the Board of Trustees of the Chesapeake Shakespeare Company for a pedestrian bridge between the Chesapeake Shakespeare Company Theater and Studio buildings;

(5) \$75,000 as a grant to Community Services for Autistic Adults and Children for the RCI Group Home Renovations;

(6) \$50,000 as a grant to the Board of Directors of the Maryland Theatre Association, Inc.; and

(7) \$50,000 as a grant to Delmarva Community Services.

SECTION 18. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the unexpended allocations for school safety made from the appropriations in the Public School Capital Appropriation (D06E02.02) within the Board of Public Works and in the Aid to Education Innovative Programs (R00A02.13) within the Maryland State Department of Education that were included in the fiscal year 2019 operating budget (S.B. 185/Chapter _____ of the Acts of 2018) may be encumbered and may not revert to the Board of Public Works or the Maryland State Department of Education or to the General Fund or cancel at the close of fiscal year 2019, but instead may be spent in fiscal year 2020. Any encumbered fiscal year 2019 funds remaining unspent at the close of fiscal year 2020 shall revert to the General Fund or cancel at the close of fiscal year 2020.

~~SECTION 8. AND BE IT FURTHER ENACTED, That:~~

~~(a) Notwithstanding any provision of law that requires the Governor to include a certain level of funding in the annual budget bill for a specific program or item, and notwithstanding any other provision of law, and except as provided in subsection (b) of this section, beginning in fiscal year 2020 any appropriation that would increase by operation of law shall have its mandated level of spending increased by the lesser of:~~

~~(1) the amount of the existing formula calculation; or~~

~~(2) an amount equal to 1% less than the reported amount of General Fund revenue growth in the report submitted by the Board of Revenue Estimates to the Governor under § 6-106(b) of the State Finance and Procurement Article for December.~~

~~(b) Subsection (a) of this section does not apply to:~~

~~(1) funding required for State aid to public elementary and secondary education as provided under Title 5, Subtitle 2 or § 4-121, § 4-122, § 6-306, § 8-313, § 8-3A-09, or § 8-415 of the Education Article;~~

~~(2) any appropriation required to be made to the Revenue Stabilization Account under § 7-311 of the State Finance and Procurement Article;~~

~~(3) any appropriation required for the payment of principal or interest on State debt; or~~

~~(4) any appropriation required for the State's employer contribution to the State Retirement and Pension System required under § 21-308 of the State Personnel and Pensions Article.~~

~~SECTION 9. AND BE IT FURTHER ENACTED, That the General Assembly may not enact legislation that creates a new required level of funding in the annual budget bill for a future fiscal year for a specific program or item or increases a required level of funding in the annual budget bill for a future fiscal year for a specific program or item unless it also enacts legislation at that same session that reduces or repeals an equivalent amount of required funding for the same fiscal year.~~

SECTION 14. 19. AND BE IT FURTHER ENACTED, That any money received by the State as a result of conditions of an approved merger between AltaGas Ltd. and WGL Holdings, Inc. shall be expended only as specifically authorized in the annual budget bill or other legislation as enacted and not subject to transfer by budget amendment.

SECTION 15. 20. AND BE IT FURTHER ENACTED, That:

(a) (1) The Maryland Department of Health and the Health Services Cost Review Commission shall develop 5-year and 10-year Medicaid-specific cost savings targets, which shall include a reduction in total hospital costs, total cost-of-care, and quality measures.

(2) The Medicaid-specific cost savings targets developed under paragraph (1) of this subsection shall be established in addition to, and apart from, any Medicaid-related or Medicaid-specific goals included in the successor all-payer model contract.

(b) On or before December 15, 2018, the Department and the Commission shall report to the Governor and, in accordance with § 2-1246 of the State Government Article,

the General Assembly on the Medicaid–specific targets developed and an implementation plan to achieve the targets.

(c) On or before December 15, 2019, the Department and the Commission shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on its progress in meeting the Medicaid–specific targets that have been developed.

SECTION 21. AND BE IT FURTHER ENACTED, That:

(a) Notwithstanding §§ 5–202 and 5–205 of the Education Article, for fiscal year 2020 only, the Department of Legislative Services, the Department of Budget and Management, and the Maryland State Department of Education shall jointly determine the appropriate regional Consumer Price Index to use in place of the Washington–Baltimore metropolitan area, which has been discontinued by the U.S. Bureau of Labor Statistics, in order to calculate the State Foundation Formula and the student transportation formula.

(b) The Commission on Innovation and Excellence in Education shall make recommendations in its final report to the Governor and General Assembly on or before December 31, 2018, on the appropriate inflationary indices that should be used in the State education aid formulas.

SECTION 22. AND BE IT FURTHER ENACTED, That the Department of Legislative Services shall:

(1) review and identify statutory provisions in the Annotated Code of Maryland that reference the discontinued Consumer Price Index Washington–Baltimore metropolitan area; and

(2) make recommendations, in accordance with § 2–1246 of the State Government Article, to the General Assembly on or before November 1, 2018, regarding the appropriate inflationary measure to use in each instance in which the index is contained in statute other than those identified in Section 21 of this Act.

SECTION 23. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, it is the intent of the General Assembly that an entity licensed in accordance with Chapter 603 of the Acts of 2012 to operate a game of instant bingo using electronic machines be authorized to operate any electronic machine approved by the State Lottery and Gaming Control Commission for use by any other entity authorized under those provisions of law to operate a game of instant bingo using electronic machines.

SECTION ~~10-16~~ 24. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, April 5, 2018.

Chapter 11

(Senate Bill 811)

AN ACT concerning

Annual Curative Bill

FOR the purpose of generally curing previous Acts of the General Assembly with possible title defects; requiring the Montgomery County Department of Liquor Control to establish criteria for contracting with retail outlets; requiring the Governing Board of the Maryland Education Development Collaborative to establish an Advisory Council, made up of certain persons, to advise in certain matters; providing for the effect and construction of certain provisions of this Act; making this Act an emergency measure; and generally repealing and reenacting without amendments certain Acts of the General Assembly that may be subject to possible title defects in order to validate those Acts.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages
Section 25–310(c)(3)
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – Business Occupations and Professions
Section 16–5A–04(b)(3)
Annotated Code of Maryland
(2010 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – Economic Development
Section 1–101(e)
Annotated Code of Maryland
(2008 Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – Education
Section 9.8–103(j)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – Environment
Section 9–1605.2(i)(3)
Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 8–202(c)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 7–703(b)(15)
Annotated Code of Maryland
(2010 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Chapter 336 of the Acts of the General Assembly of 2008, as amended by Chapter
396 of the Acts of the General Assembly of 2011, Chapter 424 of the Acts of
the General Assembly of 2013, Chapter 463 of the Acts of the General
Assembly of 2014, and Chapter 22 of the Acts of the General Assembly of 2017
Section 1(3) Item MF05(A)

BY repealing and reenacting, without amendments,
Chapter 463 of the Acts of the General Assembly of 2014, as amended by Chapter
495 of the Acts of the General Assembly of 2015 and Chapter 22 of the Acts of
the General Assembly of 2017
Section 1(3) Item ZA00(J)

BY repealing and reenacting, without amendments,
Chapter 27 of the Acts of the General Assembly of 2016, as amended by Chapter 22
of the Acts of the General Assembly of 2017
Section 1(3) Item ZA00(AU)

BY repealing and reenacting, without amendments,
Chapter 315 of the Acts of the General Assembly of 2017
Section 1

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

Article – Alcoholic Beverages

25–310.

(c) (3) The Department shall establish criteria for contracting with retail outlets.

DRAFTER'S NOTE:

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 442 (House Bill 315) of the Acts of 2017.

Article – Business Occupations and Professions

16–5A–04.

(b) (3) If an electronic transmission under paragraph (2) of this subsection is returned to the Commission as undeliverable, the Commission shall mail to the licensee, at the last known address of the licensee, the materials required under paragraph (2) of this subsection within 10 business days of the date the Commission received the notice that the electronic transmission was undeliverable.

DRAFTER’S NOTE:

Error: Function paragraphs of bills being cured incorrectly indicated that § 16–15A–04(b)(3), rather than § 16–5A–04(b)(3), of the Business Occupations and Professions Article was being added.

Occurred: Chapters 246 and 247 (Senate Bill 6/House Bill 138) of the Acts of 2017.

Article – Economic Development

1–101.

(e) (1) “Qualified distressed county” means a county with:

(i) an average rate of unemployment for the most recent 24–month period for which data are available that exceeds 150% of the average rate of unemployment for the State during that period;

(ii) an average rate of unemployment for the most recent 24–month period for which data are available that exceeds the average rate of unemployment in the State by at least 2 percentage points; or

(iii) an average per capita personal income for the most recent 24–month period for which data are available that is equal to or less than 67% of the average per capita personal income for the State during that period.

(2) “Qualified distressed county” includes a county that:

(i) no longer meets either criterion stated in paragraph (1) of this subsection; but

(ii) has met at least one of the criteria at some time during the preceding 24-month period.

DRAFTER'S NOTE:

Error: Function paragraph of bill being cured failed to indicate that § 1–101(e) of the Economic Development Article was being amended.

Occurred: Chapter 149 (Senate Bill 317) of the Acts of 2017.

Article – Education

9.8–103.

(j) (1) The Governing Board shall establish an Advisory Council to provide advice on matters relating to 21st-century learning, data collection and sharing, and any other issues related to the Collaborative's work.

(2) The Advisory Council shall be made up of educators and representatives of the business community, nonprofit organizations, and other stakeholders with whom the Collaborative works.

DRAFTER'S NOTE:

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 849 (Senate Bill 908) of the Acts of 2017.

Article – Environment

9–1605.2.

(i) (3) The nitrogen, phosphorus, and sediment load reductions purchased under paragraph (2)(xiii) of this subsection:

(i) Cannot be from the agricultural sector; and

(ii) Must be created on or after July 1, 2017.

DRAFTER'S NOTE:

Error: Function paragraphs of bills being cured failed to indicate that § 9–1605.2(i)(3) of the Environment Article was being added.

Occurred: Chapters 366 and 367 (House Bill 417/Senate Bill 314) of the Acts of 2017.

Article – Health Occupations

8–202.

- (c) Each member of the Board shall be:
 - (1) A citizen of the United States; and
 - (2) A resident of this State.

DRAFTER’S NOTE:

Error: Function paragraphs of bills being cured incorrectly indicated that § 8–202(c) of the Health Occupations Article was being amended.

Occurred: Chapters 515 and 516 (House Bill 482/Senate Bill 385) of the Acts of 2017.

Article – Public Utilities

7–703.

- (b) The renewable energy portfolio standard shall be as follows:
 - (15) in 2020 and later, 25% from Tier 1 renewable sources, including:
 - (i) at least 2.5% derived from solar energy; and
 - (ii) an amount set by the Commission under § 7–704.2(a) of this subtitle, not to exceed 2.5%, derived from offshore wind energy.

DRAFTER’S NOTE:

Error: Function paragraphs of bills being cured incorrectly indicated that § 7–703(b)(16) and (17) of the Public Utilities Article were being amended, rather than repealed.

Occurred: Chapters 1 and 2 (House Bill 1106 of 2016/Senate Bill 921 of 2016) of the Acts of 2017.

Chapter 336 of the Acts of 2008, as amended by Chapter 396 of the Acts of 2011, Chapter 424 of the Acts of 2013, Chapter 463 of the Acts of 2014, and Chapter 22 of the Acts of 2017

Section 1(3)

MF05

OFFICE OF THE CHIEF MEDICAL EXAMINER
(Baltimore City)

- (A) New Forensic Medical Center. Provide funds to construct the new Forensic Medical Center 43,467,184

DRAFTER’S NOTE:

Error: Function paragraph of bill being cured incorrectly indicated that Chapter 336 of the Acts of the General Assembly of 2008, as amended by Chapter 396 of the Acts of the General Assembly of 2011, Chapter 424 of the Acts of the General Assembly of 2013, and Chapter 463 of the Acts of the General Assembly of 2014, Section 1(3) MF05(A), rather than Section 1(3) Item MF05(A), was being amended.

Occurred: Chapter 22 (House Bill 151) of the Acts of 2017.

Chapter 463 of the Acts of 2014, as amended by Chapter 495 of the Acts of 2015 and Chapter 22 of the Acts of 2017

Section 1(3)

ZA00 MISCELLANEOUS GRANT PROGRAMS

- (J) Green Branch Athletic Complex. Provide a grant to the Board of Directors of the Green Branch Management Group Corp. for the acquisition, planning, design, site development, construction, repair, renovation, reconstruction, and capital equipping of the Green Branch Athletic Complex, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to appropriation of all of the funds necessary to complete this project 3,000,000

DRAFTER’S NOTE:

Error: Function paragraph of bill being cured incorrectly indicated that Chapter 463 of the Acts of the General Assembly of 2014, as amended by Chapter 495 of the Acts of the General Assembly of 2015, Section 1(3) ZA00(J), rather than Section 1(3) Item ZA00(J), was being amended.

Occurred: Chapter 22 (House Bill 151) of the Acts of 2017.

Chapter 27 of the Acts of 2016, as amended by Chapter 22 of the Acts of 2017

Section 1(3)

ZA00 MISCELLANEOUS GRANT PROGRAMS

(AU)	Rosewood Property Environmental Abatement. Provide a grant to the Board of Trustees of Stevenson University to design and construct the environmental abatement and demolition of buildings on the Rosewood property, including any appropriate site surveys and investigation (Baltimore County)	700,000
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DRAFTER’S NOTE:

Error: Function paragraph of bill being cured incorrectly indicated that Section 1(3) Item ZA01(AU), rather than Section 1(3) Item ZA00(AU), was being added to Chapter 27 of the Acts of the General Assembly of 2016.

Occurred: Chapter 22 (House Bill 151) of the Acts of 2017.

Chapter 315 of the Acts of 2017

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 1–101(p) through (dd), 13–801 through 13–804, 15–801 through 15–805, 16–801 through 16–804, 17–801 through 17–804, 19–801 through 19–804, 20–801 through 20–804, 21–801 through 21–805, 22–801 through 22–807, 22–807.1, and 22–808, 24–801 through 24–804, 25–801 through 25–805, 27–801 through 27–804, 28–801 through 28–804, 29–801 through 29–804, 30–801 through 30–804, 32–801 through 32–804, and 33–801 through 33–804, respectively, of Article – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 1–101(q) through (ee), 13–802 through 13–805, 15–802 through 15–806, 16–802 through 16–805, 17–802 through 17–805, 19–802 through 19–805, 20–802 through 20–805, 21–802 through 21–806, 22–802 through 22–810, 24–802 through 24–805, 25–802 through 25–806, 27–802 through 27–805, 28–802 through 28–805, 29–802 through 29–805, 30–802 through 30–805, 32–802 through 32–805, and 33–802 through 33–805, respectively.

DRAFTER’S NOTE:

Error: Function paragraph of bill being cured incorrectly indicated that §§ 24–801 through 25–801 through 25–804, rather than §§ 24–801 through 24–804 and §§ 25–801 through 25–804, of the Alcoholic Beverages Article were being renumbered.

Occurred: Chapter 315 (House Bill 252) of the Acts of 2017.

SECTION 2. AND BE IT FURTHER ENACTED, That the Drafter’s Notes contained in this Act are not law and may not be considered to have been enacted as part of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 5, 2018.

Chapter 12

(Senate Bill 812)

AN ACT concerning

Annual Corrective Bill

FOR the purpose of correcting certain errors or omissions in certain articles of the Annotated Code and in certain uncodified laws; clarifying language; correcting certain obsolete references; reorganizing certain sections of the Annotated Code; ratifying certain corrections made by the publishers of the Annotated Code; providing that this Act is not intended to affect any law other than to correct technical errors; providing for the correction of certain errors and obsolete provisions by the publishers of the Annotated Code; providing for the effect and construction of certain provisions of this Act; and making this Act an emergency measure.

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 2–313.1(b)

Annotated Code of Maryland

(2016 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 2–203(d)(4), 2–217(b)(1), 4–204, 6–311(b)(2), 18–1101(a), 18–1605(c),
20–2002(b)(1)(ii), 22–805(c), 25–903(i)(1)(iv), 26–1601(a)(1)(xxii),
31–701(c)(1), 31–1306(c)(2), 32–501(b), and 33–902(c)

Annotated Code of Maryland

(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Occupations and Professions

Section 4–304(f)(1)(ii) and 5–311(f)(2)

Annotated Code of Maryland

(2010 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 5–503(e)(2) and 16.7–204(a)(1)(iv)2.

Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Correctional Services

Section 2–113.1(a), 4–203(d)(2)(ii) and (x), 7–206(5), 7–309(e)(4)(iii),
7–401(d)(4)(iv), 8–102, 8–604(a)(4), 9–201(a)(2)(i)2., and 10–801(a)(1)(ii)

Annotated Code of Maryland

(2017 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 3–8A–03(d)(4)

Annotated Code of Maryland

(2013 Replacement Volume and 2017 Supplement)

(As enacted by Chapter 213 of the Acts of the General Assembly of 2002)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 11–504(a)

Annotated Code of Maryland

(2013 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 10–107(e)(2)

Annotated Code of Maryland

(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 1–203.1(c)(1)(i) and (2), 6–223(d), 6–224(c)(2)(iv), 10–110(a)(19),
11–912(a)(2)(v), and 16–210(d)(5)

Annotated Code of Maryland

(2008 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Economic Development

Section 5–301(j), 6–801(j), and 12–605(d)(1)

Annotated Code of Maryland

(2008 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 3–2A–05(a)(2), 3–1004(b)(1)(ii), 4–201(c)(1), 4–318(e)(1), 9.5–803(c)(5) and
(d), 11–105(c)(3), 16–310(e)(3), 18–407(a); the subtitle designation “Subtitle
19. Maryland 529 Program” immediately preceding Section 18–1901;
18–19A–01(c), 18–19B–01(c), and 23–109(b)(2), (5)(i), and (7)(iii) and (v)

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – Education

Section 18–1901(a)

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Election Law

Section 4–203(c)(2)(i), 5–305(c)(2), 5–701(3), 6–103(b)(1)(ii), 10–303(a)(2),
12–103(b)(1), 13–247(1)(ii)2., 13–307(e)(4), 13–309.1(c), and 13–336

Annotated Code of Maryland

(2017 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

Section 4–202.1(c)(2)(i)2.

Annotated Code of Maryland

(2013 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

Section 9–349(b)(1)(ii) and 9–1605.3(f)(2)(iv)

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 4–503(a)(1)(ii)2., 7–602(c), 10–103(b)(1)(i), 13–711(b)(3), 14–402(b)(3), and
14.5–105(7)

Annotated Code of Maryland

(2017 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Financial Institutions

Section 11–222

Annotated Code of Maryland

(2011 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – General Provisions

Section 5–209(c), 5–505(a)(2), and 5–514(b)(3)

Annotated Code of Maryland

(2014 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 5–621, 13–1007(b)(2)(ii), 13–1008(c)(8), 16–201.3(d)(2)(i) and (h)(3),
19–347(d)(1)(ii), 20–1004(21), and 24–307(c)(3)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 1–301(c)(2)(viii)3., 1–302(e), 2–202(c), and 4–101(h)(2)(xi)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Human Services
Section 3–101(f)(2)(iii), 9–312(c), 9–406(c)(2), 9–407(b)(2), 10–413(a)(2)(iv),
10–445(b), 10–507(b)(2), and 10–508(b)(2)
Annotated Code of Maryland
(2007 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 4–303(b), 5–306(e)(1)(iii)2., 8–419(a), 9–414(g)(3)(ii), 10–108(d)(1)(ii),
10–111(b), 10–118(i)(1)(ii), 15–121(a)(6)(ii)6., 15–123(a)(7)(ii)6.,
15–1212(b), 15–1309(b), 15–1402(b), 19–112(a), 19–804(c)(2), 24–211(a), and
31–113(q)(3)
Annotated Code of Maryland
(2017 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3–413(b)(2), 8–806(e)(1)(ii), 9–234(b), and 11–902(b)(2)(ii)4., (iii)2., and (iv)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 8–617(f)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)
(As enacted by Chapter 8 of the Acts of the General Assembly of 1991)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–701(k)(4)(i), 5–101(f), and 8–403(a)(1)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety
Section 3–511 and 3–512(a)(3)
Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11B–111.1(a)(3) and 14–125.1(d)(3)(iv)1.
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 7–311(e)(2) and 13–212.1(b)(3)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 2–706(b)(1), 2–709(b)(4)(ii), 6.5–101(i), 9–1A–04(d)(11), 9–1A–36(l),
9–957(e)(1)(i), and 9–3001(g)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 27–403(c)(3)(iv) and 31–102
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–107(a)(2)(ix), 10–205(h)(1), 11–411(d)(4)(i), and 13–203(c)(7)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–210(c)(2) and 9–258(a)(2)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 7–208(b–1)(1), (2)(i), (4), (5), and (6) and 8–402(b)(3)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 13–616(a)(3), 16–303(j)(2), 16–404.1(d)(1)(i)4. and (g), 21–406(b)(2)(ii), and 25–102(c)

Annotated Code of Maryland

(2012 Replacement Volume and 2017 Supplement)

BY repealing

Chapter 445 of the Acts of the General Assembly of 1999

Section 2

BY repealing and reenacting, with amendments,

Article – Business Occupations and Professions

Section 4–304(a)(2)

Annotated Code of Maryland

(2010 Replacement Volume and 2017 Supplement)

(As enacted by Chapter 256 of the Acts of the General Assembly of 2017)

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

Article – Agriculture

2–313.1.

(b) A veterinary practitioner who makes a report under subsection (a) of this section shall include in the report:

- (1) The name, age, and location of the animal;
- (2) The name and home address of the owner or custodian of the animal;
- (3) [The location of the animal;

(4)] The nature and extent of the suspected animal cruelty or animal fighting, including any evidence or information available to the veterinary practitioner concerning possible previous instances of animal cruelty or animal fighting; and

[(5)] (4) Any other information that would help determine:

- (i) The cause of the suspected animal cruelty or animal fighting; and
- (ii) The identity of any individual responsible for the suspected animal cruelty or animal fighting.

DRAFTER'S NOTE:

Error: Duplicative provision in § 2–313.1(b) of the Agriculture Article.

Occurred: Ch. 417, Acts of 2017.

Article – Alcoholic Beverages

2–203.

(d) A holder of the limited distillery license may not:

(4) sell at retail on the premises of the Class D or Class B license, for [on–sale or off–sale] **ON–PREMISES OR OFF–PREMISES** consumption, more than 15,500 gallons of the products manufactured under the license each calendar year; and

DRAFTER’S NOTE:

Error: Stylistic error in § 2–203(d)(4) of the Alcoholic Beverages Article.

Occurred: As a result of Ch. 41, § 2, Acts of 2016, which revised, restated, and recodified former Article 2B – Alcoholic Beverages.

2–217.

(b) (1) A licensed manufacturer, resident dealer, or nonresident winery permit holder may not discriminate directly or indirectly in price, discounts, or the quality of merchandise sold between:

(i) one dispensary and another dispensary; [or]

(II) ONE WHOLESALER AND ANOTHER WHOLESALER; OR

[(ii)] (III) one retailer and another retailer that purchases alcoholic beverages that bear the same brand and trade name, and are similar in age and quality.

DRAFTER’S NOTE:

Error: Omitted item in § 2–217(b)(1) of the Alcoholic Beverages Article.

Occurred: As a result of Ch. 41, § 2, Acts of 2016, which revised, restated, and recodified former Article 2B – Alcoholic Beverages. Correction suggested by the Director of the Field Enforcement Division, Comptroller of Maryland in an e–mail to the Department of Legislative Services dated May 17, 2017.

4–204.

(A) Except as otherwise provided in Division II of this article **AND SUBSECTION (B) OF THIS SECTION**, a local licensing board may not issue more than one license for use at the same premises.

(B) THE PROHIBITION IN SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO A LICENSE ISSUED IN ACCORDANCE WITH §§ 4-1201 THROUGH 4-1205 OF THIS TITLE.

DRAFTER'S NOTE:

Error: Omitted reference in § 4-204 of the Alcoholic Beverages Article.

Occurred: As a result of Ch. 41, § 2, Acts of 2016, which revised, restated, and recodified former Article 2B – Alcoholic Beverages. Correction suggested by the General Counsel to the Comptroller in a letter to the Department of Legislative Services dated October 16, 2017.

6-311.

(b) A retail dealer may not:

(2) sell any alcoholic beverage to any other retail dealer except the holder of a Class C **PER DIEM** beer, beer and wine, or beer, wine, and liquor license; or

DRAFTER'S NOTE:

Error: Omitted language in § 6-311(b)(2) of the Alcoholic Beverages Article.

Occurred: As a result of Ch. 41, § 2, Acts of 2016, which revised, restated, and recodified former Article 2B – Alcoholic Beverages.

18-1101.

(a) The following [section] **SECTIONS** of Title 4, Subtitle 11 (“Additional License Privileges”) of Division I of this article [applies] **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”).

DRAFTER'S NOTE:

Error: Grammatical error in § 18-1101(a) of the Alcoholic Beverages Article.

Occurred: As a result of Ch. 41, § 2, Acts of 2016, which revised, restated, and recodified former Article 2B – Alcoholic Beverages.

18–1605.

(c) A person may not have a direct or indirect interest **IN ANY COMBINATION** in more than six Class [B and Class BLX] **B–BLX** licenses [in any combination].

DRAFTER’S NOTE:

Error: Incorrect word usage in § 18–1605(c) of the Alcoholic Beverages Article.

Occurred: As a result of Ch. 41, § 2, Acts of 2016, which revised, restated, and recodified former Article 2B – Alcoholic Beverages.

20–2002.

(b) (1) A holder of a Class B beer license may sell beer:

(ii) on Sunday:

1. subject to paragraph (2) of this subsection, for on–premises consumption:

A. from 10 a.m. to 2 a.m. the following day; or

B. for a specific event that the Board has approved, the hours for the event that are set by the Board[.]; **AND**

2. for off–premises consumption, from 1 p.m. to 2 a.m. the following day.

DRAFTER’S NOTE:

Error: Incorrect punctuation and missing conjunction in § 20–2002(b)(1)(ii)1B of the Alcoholic Beverages Article.

Occurred: As a result of Ch. 41, § 2, Acts of 2016, which revised, restated, and recodified former Article 2B – Alcoholic Beverages.

22–805.

(c) The Board shall set the maximum number of cafe licenses that it may issue under this [paragraph] **SECTION**.

DRAFTER’S NOTE:

Error: Erroneous internal reference in § 22–805(c) of the Alcoholic Beverages Article.

Occurred: Ch. 41, § 2, Acts of 2016.

25–903.

(i) On 7 days of the week, the hours of sale are:

(1) for on–premises consumption:

(iv) from 10 a.m. to 2 a.m. the following day, on a Sunday that is not referenced in item (iii) of this [paragraph] ITEM; and

DRAFTER’S NOTE:

Error: Stylistic error in § 25–903(i)(1)(iv) of the Alcoholic Beverages Article.

Occurred: Ch. 641, Acts of 2016.

26–1601.

(a) (1) Except as otherwise provided in this title, the number of licenses in a class issued by the Board may not exceed:

(xxii) Class C beer, wine, and liquor:

1. under § 26–1002 of this title, [30] 1;
2. under § 26–1005 of this title, [25] 12;
3. under § 26–1011 of this title, [12] 25;
4. under § 26–1017 of this title, [1] 30; and
5. under § 26–1019 of this title, 4.

DRAFTER’S NOTE:

Error: Incorrect amounts in § 26–1601(a)(1)(xxii) of the Alcoholic Beverages Article.

Occurred: As a result of Ch. 41, § 2, Acts of 2016, which revised, restated, and recodified former Article 2B – Alcoholic Beverages.

31–701.

(c) (1) The license [authorized] **AUTHORIZES** the license holder to sell at retail at the place described in the license light wine produced at the winery.

DRAFTER’S NOTE:

Error: Incorrect word usage in § 31–701(c)(1) of the Alcoholic Beverages Article.

Occurred: As a result of Ch. 41, § 2, Acts of 2016, which revised, restated, and recodified former Article 2B – Alcoholic Beverages.

31–1306.

(c) (2) During the event for which the license is issued, an individual, within the approved event area and [in] **WITH** a designated container unique to the event, may:

(i) purchase beer or wine from the license holder, or purchase beer or wine from, and consume on the premises of, any other license holder with on–sale privileges within the Arts and Entertainment District;

(ii) transport the beer or wine in the designated container to the premises of another license holder with on–sale privileges in the Arts and Entertainment District and within the approved event area; and

(iii) consume the beer or wine within the Arts and Entertainment District event area as approved by the Mayor and City Council, including the premises of any license holder with on–sale privileges.

DRAFTER’S NOTE:

Error: Incorrect word usage in § 31–1306(c)(2) of the Alcoholic Beverages Article.

Occurred: As a result of Ch. 41, § 2, Acts of 2016, which revised, restated, and recodified former Article 2B – Alcoholic Beverages.

32–501.

(b) The following sections of Title 2, Subtitle 3 (“Wholesaler’s [licenses] **LICENSES**”) of Division I of this article apply in the county, subject to § 32–504 of this subtitle:

(1) § 2–302 (“Class 1 beer, wine, and liquor wholesaler’s license”); and

(2) § 2–303 (“Class 2 wine and liquor wholesaler’s license”).

DRAFTER’S NOTE:

Error: Capitalization error in § 32–501(b) of the Alcoholic Beverages Article.

Occurred: As a result of Ch. 41, § 2, Acts of 2016, which revised, restated, and recodified former Article 2B – Alcoholic Beverages.

33–902.

(c) 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 OR** on– and off–premises consumption.

DRAFTER’S NOTE:

Error: Omitted language in § 33–902(c) of the Alcoholic Beverages Article.

Occurred: Ch. 41, § 2, Acts of 2016. Correction suggested by the counsel to the Board of License Commissioners for Worcester County in an e–mail to the Department of Legislative Services dated October 16, 2017.

Article – Business Occupations and Professions

4–304.

(f) Subject to § 2–110 of the Business Regulation Article, in the case of an applicant who demonstrates dyslexia or other reading impairment to the Board:

(1) the Board may grant 1 or both of the following:

(ii) oral examination for all or part of the written part of the examination[.]; **AND**

DRAFTER’S NOTE:

Error: Incorrect punctuation and missing conjunction in § 4–304(f)(1)(ii) of the Business Occupations and Professions Article.

Occurred: Ch. 612, Acts of 1989.

5–311.

(f) (2) If an individual who, on or before September 30, 1999, holds a limited license to provide manicuring services files an application to renew the license, the Board shall grant a waiver of the requirement for completion of hours of instruction under **[§ 5–305(d)(3)(ii)] § 5–305(B)(3)(II)** of this subtitle that are in addition to the hours of instruction required on or before that date.

DRAFTER’S NOTE:

Error: Erroneous cross-reference in § 5–311(f)(2) of the Business Occupations and Professions Article.

Occurred: Ch. 455, Acts of 1999.

Article – Business Regulation

5–503.

(e) (2) Nothing [is] IN this section may be construed to prohibit a party responsible for a cemetery from maintaining or repairing a damaged memorial or monument.

DRAFTER’S NOTE:

Error: Incorrect word usage in § 5–503(e)(2) of the Business Regulation Article.

Occurred: Ch. 477, Acts of 2017. Correction suggested by the Attorney General in the Bill Review Letter for S.B. 50 (Ch. 477), dated April 10, 2017.

16.7–204.

(a) An electronic nicotine delivery systems manufacturer license authorizes the licensee to:

(1) sell electronic nicotine delivery systems to:

(iv) a consumer if:

2. the consumer purchases or orders the systems through the mail, a computer network, a telephonic network, or another electronic network; [and]

DRAFTER’S NOTE:

Error: Extraneous conjunction in § 16.7–204(a)(1)(iv)2 of the Business Regulation Article.

Occurred: Ch. 814, Acts of 2017.

Article – Correctional Services

2–113.1.

(a) The Secretary may subpoena, administer an oath to, and examine under [oath,] OATH any person if the Secretary considers it necessary for the effective administration of the Secretary’s duties.

DRAFTER'S NOTE:

Error: Extraneous comma in § 2–113.1(a) of the Correctional Services Article.

Occurred: Ch. 89, Acts of 2013.

4–203.

(d) (2) The annual report shall state:

(ii) the number of inmates and each inmate's age, sex, race, place of [birth and] **BIRTH, PLACE OF** conviction, crime, and term of confinement;

(x) a summary of the reasons underlying [an] **EACH** individual's transfer to the Division of Correction as described in item (ix) of this paragraph;

DRAFTER'S NOTE:

Error: Incorrect word usage in § 4–203(d)(2)(ii) and (x) of the Correctional Services Article.

Occurred: Ch. 54, § 2, Acts of 1999; Ch. 269, Acts of 2002.

7–206.

The Commission shall:

(5) arrange for psychiatric or psychological examination of applicants for parole whenever the Commission believes that an examination will better enable it to decide on the advisability of [parole] **PAROLE**, and include the expense for the examination in its annual budget.

DRAFTER'S NOTE:

Error: Omitted comma in § 7–206(5) of the Correctional Services Article.

Occurred: Ch. 54, § 2, Acts of 1999.

7–309.

(e) The information to be considered by the Commission before granting medical parole shall, at a minimum, include:

(4) case management information, including:

(iii) pending charges, sentences [and] **IN** other jurisdictions, and any

other detainees; and

DRAFTER'S NOTE:

Error: Incorrect word usage in § 7–309(e)(4)(iii) of the Correctional Services Article.

Occurred: Ch. 299, Acts of 2008.

7–401.

(d) (4) (iv) A finding under subparagraph (ii) of this paragraph or an action under subparagraph (iii) of this paragraph is subject to appeal under Title 12, Subtitle 3 or [Title 12,] Subtitle 4 of the Courts Article.

DRAFTER'S NOTE:

Error: Stylistic error in § 7–401(d)(4)(iv) of the Correctional Services Article.

Occurred: Ch. 515, § 2, Acts of 2016.

8–102.

The General Assembly finds that there is a need to improve the method of establishing standards for correctional facilities and programs and of [insuring] **ENSURING** compliance with these standards to better protect the health, safety, and welfare of the public by reducing incidents of crime.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 8–102 of the Correctional Services Article.

Occurred: Ch. 54, § 2, Acts of 1999.

8–604.

(a) Each party state may make one or more contracts with any one or more of the other party states for the confinement of inmates on behalf of a sending state in institutions situated within receiving states. Any such contract shall provide for:

(4) delivery and retaking of inmates; **AND**

DRAFTER'S NOTE:

Error: Omitted conjunction in § 8–604(a)(4) of the Correctional Services Article.

Occurred: Ch. 54, § 2, Acts of 1999.

9–201.

(a) (2) “Sexual offense” means:

(i) a violation of:

2. § 3–307, § 3–308, § 3–309, **OR** § 3–310[, § 3–311, or § 3–312] of the Criminal Law Article **OR THE FORMER § 3–311 OR § 3–312 OF THE CRIMINAL LAW ARTICLE AS THE SECTIONS EXISTED ON SEPTEMBER 30, 2017**; or

DRAFTER’S NOTE:

Error: Obsolete cross–references in § 9–201(a)(2)(i)2 of the Correctional Services Article.

Occurred: Chs. 161 and 162, Acts of 2017, which repealed sexual offense and attempted sexual offense in the first degree and sexual offense and attempted sexual offense in the second degree and re–categorized the offenses as elements of rape and attempted rape in the first degree and rape and attempted rape in the second degree, respectively.

10–801.

(a) In this section:

(1) “contraband” means any item, material, substance, or other thing of value that:

(ii) is brought into a State correctional facility in a manner prohibited by the Commissioner of Correction, the Director of Patuxent Institution, the Commissioner of Pretrial Detention and Services, or the warden of a State correctional [facility.] **FACILITY; AND**

DRAFTER’S NOTE:

Error: Omitted conjunction in § 10–801(a)(1)(ii) of the Correctional Services Article.

Occurred: Ch. 224, Acts of 2000.

Article – Courts and Judicial Proceedings

3–8A–03.

(d) The court does not have jurisdiction over:

(4) A child at least 16 years old alleged to have committed any of the

following crimes, as well as all other charges against the child arising out of the same incident, unless an order removing the proceeding to the court has been filed under § 4–202 of the Criminal Procedure Article:

- (i) Abduction;
- (ii) Kidnapping;
- (iii) Second degree murder;
- (iv) Manslaughter, except involuntary manslaughter;
- (v) Second degree rape;
- (vi) Robbery under § 3–403 of the Criminal Law Article;
- [(vii) Second degree sexual offense under § 3–306(a)(1) of the Criminal

Law Article;]

[(viii) (VII) Third degree sexual offense under § 3–307(a)(1) of the Criminal Law Article;

[(ix) (VIII) A crime in violation of § 5–133, § 5–134, § 5–138, or § 5–203 of the Public Safety Article;

[(x) (IX) Using, wearing, carrying, or transporting a firearm during and in relation to a drug trafficking crime under § 5–621 of the Criminal Law Article;

[(xi) (X) Use of a firearm under § 5–622 of the Criminal Law Article;

[(xii) (XI) Carjacking or armed carjacking under § 3–405 of the Criminal Law Article;

[(xiii) (XII) Assault in the first degree under § 3–202 of the Criminal Law Article;

[(xiv) (XIII) Attempted murder in the second degree under § 2–206 of the Criminal Law Article;

[(xv) (XIV) Attempted rape in the second degree under § 3–310 of the Criminal Law Article [or attempted sexual offense in the second degree under § 3–312 of the Criminal Law Article];

[(xvi) (XV) Attempted robbery under § 3–403 of the Criminal Law Article; or

[(xvii)] **(XVI)** A violation of § 4–203, § 4–204, § 4–404, or § 4–405 of the Criminal Law Article;

DRAFTER’S NOTE:

Error: Obsolete cross–reference in § 3–8A–03(d)(4)(vii) and § 3–8A–03(d)(4)(xv) of the Courts and Judicial Proceedings Article.

Occurred: As a result of Chs. 161 and 162, Acts of 2017, which repealed sexual offense and attempted sexual offense in the first degree and sexual offense and attempted sexual offense in the second degree and re–categorized the offenses as elements of rape and attempted rape in the first degree and rape and attempted rape in the second degree, respectively. Correction by the publisher of the Annotated Code to remove reference to “or attempted sexual offense in the second degree under § 3–312 of the Criminal Law Article” from § 3–8A–03(d)(4)(xv) in the 2017 Supplement of the Courts and Judicial Proceedings Article is ratified by this Act.

11–504.

(a) **[(1)]** In this [section the following terms have the meanings indicated.

(2) **“Value”] SECTION, “VALUE”** means fair market value as of the date upon which the execution or other judicial process becomes effective against the property of the debtor, or the date of filing the petition under the federal Bankruptcy Code.

DRAFTER’S NOTE:

Error: Stylistic error in § 11–504(a) of the Courts and Judicial Proceedings Article.

Occurred: Ch. 765, Acts of 1981.

Article – Criminal Law

10–107.

(e) (2) Enforcement of a civil penalty for a violation of this section precludes a prosecution for a violation of [this section] **§ 24–307 OF THE HEALTH – GENERAL ARTICLE** arising out of the same violation.

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 10–107(e)(2) of the Criminal Law Article.

Occurred: Ch. 773, Acts of 2017. Chapter 773 erroneously referenced “§ 10–107 of the Criminal Law Article” in § 10–107(e)(2) of the Criminal Law Article. Subsequently, the publisher erroneously changed that language to “this section” in the 2017 Supplement to the

Criminal Law Article.

Article – Criminal Procedure

1–203.1.

(c) (1) (i) The period of time during which location information may be obtained under the authority of an order under subsection (b) of this section may not exceed 30 days unless extended as provided in [subsection (c)(3) of this section] **PARAGRAPH (3) OF THIS SUBSECTION**.

(2) If neither of the events described in [subsection (c)(1)(ii) of this section] **PARAGRAPH (1)(II) OF THIS SUBSECTION** occurs within 10 calendar days of the issuance of the order, the order is void.

DRAFTER'S NOTE:

Error: Stylistic errors in § 1–203.1(c)(1)(i) and (2) of the Criminal Procedure Article.

Occurred: Ch. 191, Acts of 2014.

6–223.

(d) If, at the hearing, a circuit court or the District Court finds that the probationer or defendant has violated a condition of probation, the court may:

(1) revoke the probation granted or the suspension of sentence; and

(2) (i) subject to [paragraph (3) of this subsection] **SUBSECTION (E) OF THIS SECTION**, for a technical violation, impose a period of incarceration of:

1. not more than 15 days for a first technical violation;
2. not more than 30 days for a second technical violation; and
3. not more than 45 days for a third technical violation; and

(ii) for a fourth or subsequent technical violation or a violation that is not a technical violation, impose any sentence that might have originally been imposed for the crime of which the probationer or defendant was convicted or pleaded nolo contendere.

[(3)] (E) [(i)] (1) There is a rebuttable presumption that the limits on the period of incarceration that may be imposed for a technical violation established [in paragraph (2) of this subsection] **UNDER SUBSECTION (D)(2) OF THIS SECTION** are applicable.

[(ii)] (2) The presumption may be rebutted if the court finds and states on the record, after consideration of the following factors, that adhering to the limits on the period of incarceration established under [paragraph (2) of this subsection] **SUBSECTION (D)(2) OF THIS SECTION** would create a risk to public safety, a victim, or a witness:

[1.] (I) the nature of the probation violation;

[2.] (II) the facts and circumstances of the crime for which the probationer or defendant was convicted; and

[3.] (III) the probationer's or defendant's history.

[(iii)] (3) On finding that adhering to the limits would create a risk to public safety, a victim, or a witness under [subparagraph (ii) of this paragraph] **PARAGRAPH (2) OF THIS SUBSECTION**, the court may:

[1.] (I) direct imposition of a longer period of incarceration than provided [in paragraph (2) of this subsection] **UNDER SUBSECTION (D)(2) OF THIS SECTION**, but no more than the time remaining on the original sentence; or

[2.] (II) commit the probationer or defendant to the Maryland Department of Health for treatment under § 8–507 of the Health – General Article.

[(iv)] (4) A finding under [subparagraph (ii) of this paragraph] **PARAGRAPH (2) OF THIS SUBSECTION** or an action under [subparagraph (iii) of this paragraph] **PARAGRAPH (3) OF THIS SUBSECTION** is subject to appeal under Title 12, Subtitle 3 or [Title 12,] Subtitle 4 of the Courts Article.

DRAFTER'S NOTE:

Error: Stylistic and tabulation errors in § 6–223(d)(2)(i) and (3) of the Criminal Procedure Article.

Occurred: Ch. 515, § 2, Acts of 2016.

6–224.

(c) (2) (iv) A finding under subparagraph (ii) of this paragraph or an action under subparagraph (iii) of this paragraph is subject to appeal under Title 12, Subtitle 3 or [Title 12,] Subtitle 4 of the Courts Article.

DRAFTER'S NOTE:

Error: Stylistic error in § 6–224(c)(2)(iv) of the Criminal Procedure Article.

Occurred: Ch. 515, § 2, Acts of 2016.

10–110.

(a) A person may file a petition listing relevant facts for expungement of a police record, court record, or other record maintained by the State or a political subdivision of the State if the person is convicted of a misdemeanor that is a violation of:

(19) § 4–411 or § 4–2005 of the [Human Services] **HOUSING AND COMMUNITY DEVELOPMENT** Article;

DRAFTER’S NOTE:

Error: Incorrect cross–reference in § 10–110(a)(19) of the Criminal Procedure Article.

Occurred: Ch. 515, § 2, Acts of 2016.

11–912.

(a) The Board consists of the following 22 members:

(2) 14 persons appointed by the Governor as follows:

(v) one representative of the Maryland State [Sheriff’s] **SHERIFFS’** Association; and

DRAFTER’S NOTE:

Error: Misnomer in § 11–912(a)(2)(v) of the Criminal Procedure Article.

Occurred: Ch. 10, § 2, Acts of 2001.

16–210.

(d) (5) If the commissioner makes a final determination under [item] **PARAGRAPH** (4)(i) of this subsection, the commissioner shall notify the individual in writing of the determination.

DRAFTER’S NOTE:

Error: Stylistic error in § 16–210(d)(5) of the Criminal Procedure Article.

Occurred: Ch. 606, Acts of 2017.

Article – Economic Development

5–301.

(j) “Child care facility” means a facility that is required to be licensed as a child care center under [Title 5, Subtitle 5, Part VII of the Family Law Article] **TITLE 9.5, SUBTITLE 4 OF THE EDUCATION ARTICLE.**

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 5–301(j) of the Economic Development Article.

Occurred: As a result of Ch. 185, § 2, Acts of 2016, which transferred Title 5, Subtitle 5, Part VII of the Family Law Article to Title 9.5, Subtitle 4 of the Education Article.

6–801.

(j) “Tier I county” means:

(1) a qualified distressed county, as defined in § 1–101 of this article; or

(2) a county designated by the Department that is not a county described in [paragraph (1)] **ITEM (1)** of this subsection, not to exceed [3] **THREE** counties.

DRAFTER’S NOTE:

Error: Stylistic errors in § 6–801(j)(2) of the Economic Development Article.

Occurred: Ch. 149, Acts of 2017.

12–605.

(d) (1) A majority of the voting members of the board [are] **IS** a quorum.

DRAFTER’S NOTE:

Error: Grammatical error in § 12–605(d)(1) of the Economic Development Article.

Occurred: Ch. 444, Acts of 2017.

Article – Education

3–2A–05.

(a) The student member shall:

(2) Be selected in the student's junior year by a method selected by the Chesapeake Regional Association of Student Councils of Anne Arundel County; **AND**

DRAFTER'S NOTE:

Error: Omitted conjunction in § 3–2A–05(a)(2) of the Education Article.

Occurred: Ch. 596, Acts of 1993.

3–1004.

(b) Subject to the provisions of § 4–403 of this article, the affirmative vote of the members of the county board for the passage of a motion by the county board shall be:

(1) Except as otherwise provided in item (2) of this subsection:

(ii) Seven members when the student member is not [voting.]

VOTING; OR

DRAFTER'S NOTE:

Error: Omitted conjunction in § 3–1004(b)(1)(ii) of the Education Article.

Occurred: Ch. 147, Acts of 2013.

4–201.

(c) (1) An individual may not be appointed as county superintendent unless [he] **THE INDIVIDUAL:**

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

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

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

DRAFTER'S NOTE:

Error: Obsolete terminology in § 4–201(c)(1) of the Education Article.

Occurred: Ch. 22, Acts of 1978.

4–318.

(e) (1) In consultation with the Maryland Police Training AND STANDARDS Commission, the Civil Service Commission of Baltimore City shall adopt:

(i) Requirements for education, training, human and public relations skills, and moral character that an applicant must meet to qualify for employment as a Baltimore City school police officer; and

(ii) Standards for the performance of duties.

DRAFTER'S NOTE:

Error: Obsolete terminology in § 4–318(e)(1) of the Education Article.

Occurred: As a result of Ch. 519, Acts of 2016.

9.5–803.

(c) (5) Any member who leaves the position with the organization or State agency that the member represents on the Council shall automatically lose [their] **THE MEMBER'S** appointment to the Council and the State Superintendent shall promptly appoint a successor.

(d) From among the members of the Council, the State Superintendent shall appoint a [chairman] **CHAIR**.

DRAFTER'S NOTE:

Error: Grammatical error in § 9.5–803(c)(5) of the Education Article and obsolete terminology in § 9.5–803(d) of the Education Article.

Occurred: Ch. 394, Acts of 1991.

11–105.

(c) With respect to the community colleges, the Commission:

(3) Shall assist and represent the community colleges in seeking and administering federal [moneys] **MONEY** available to them;

DRAFTER'S NOTE:

Error: Incorrect word usage in § 11–105(c)(3) of the Education Article.

Occurred: Ch. 464, Acts of 1991.

16–310.

(e) (3) The Commission may make payments to effectuate the provisions of this [section] **SUBSECTION** from funds specifically appropriated for this purpose in the State budget or any supplemental budget request.

DRAFTER'S NOTE:

Error: Erroneous internal reference in § 16–310(e)(3) of the Education Article.

Occurred: Ch. 404, Acts of 1989.

18–407.

(a) Each Senator shall award all of **THE** Senator's senatorial scholarships on or before September 1 of each year.

DRAFTER'S NOTE:

Error: Omitted article in § 18–407(a) of the Education Article.

Occurred: As a result of a correction by the publisher of the Annotated Code made under Ch. 43, § 5, Acts of 2013. The term “his” was replaced with “Senator” but the necessary article was not included.

Subtitle 19. [College Savings Plans of Maryland] **MARYLAND 529 PROGRAM.**

18–1901.

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

DRAFTER'S NOTE:

Error: Obsolete language in the subtitle designation immediately preceding § 18–1901 of the Education Article.

Occurred: As a result of Ch. 39, Acts of 2016, which renamed the College Savings Plans of Maryland Program to be the Maryland 529 Program but failed to amend the subtitle designation to reflect the new name.

18–19A–01.

(c) “Board” means the [College Savings Plans of] Maryland **529** Board established under § 18–1904 of this title.

DRAFTER'S NOTE:

Error: Obsolete language in § 18–19A–01(c) of the Education Article.

Occurred: As a result of Ch. 39, Acts of 2016, which renamed the College Savings Plans of Maryland Board to be the Maryland 529 Board.

18–19B–01.

(c) “Board” means the [College Savings Plans of] Maryland **529** Board established under § 18–1904 of this title.

DRAFTER’S NOTE:

Error: Obsolete language in § 18–19B–01(c) of the Education Article.

Occurred: As a result of Ch. 39, Acts of 2016, which renamed the College Savings Plans of Maryland Board to be the Maryland 529 Board.

23–109.

(b) The Deaf Culture Digital Library shall:

(2) In coordination with the Governor’s Office of **THE** Deaf and Hard of Hearing, develop and provide sensitivity training for State and county library staff to help them better understand deaf patrons and their needs;

(5) Develop partnerships and strategic alliances with other entities, including:

(i) The Governor’s Office [for] **OF** the Deaf and Hard of Hearing;

(7) Form a Deaf Culture Digital Library Advisory Board to provide advice on initiatives that further advance the mission and goals of the Deaf Culture Digital Library and the majority of whose members are deaf or hard of hearing and selected from the following entities:

(iii) The Governor’s Office [for] **OF** the Deaf and Hard of Hearing;

(v) Other organizations as agreed on by the Governor’s Office [for] **OF** the Deaf and Hard of Hearing and the State Library Agency; and

DRAFTER’S NOTE:

Error: Omitted article in § 23–109(b)(2) of the Education Article; and misnomer in § 23–109(b)(5)(i) and (7)(iii) and (v) of the Education Article.

Occurred: Ch. 606, Acts of 2014.

Article – Election Law

4–203.

(c) (2) For the Baltimore County Democratic Party Central Committee:

(i) [twenty] **20** members, five from each district, shall be elected from legislative districts 6, 8, 10, and 11, each district being located wholly within Baltimore County;

DRAFTER'S NOTE:

Error: Stylistic error in § 4–203(c)(2)(i) of the Election Law Article.

Occurred: Ch. 691, Acts of 2013.

5–305.

(c) (2) Judicial review of any petition that is filed under subsection (b) of this section shall be expedited by the circuit court that hears the cause to the extent necessary in consideration of the deadlines established by law, and in no [case,] **CASE** longer than 7 days from the date the petition is filed.

DRAFTER'S NOTE:

Error: Extraneous comma in § 5–305(c)(2) of the Election Law Article.

Occurred: Ch. 338, Acts of 2004.

5–701.

Nominations for public offices that are filled by elections governed by this article shall be made:

(3) in accordance with the constitution and [by-laws] **BYLAWS** of the political party, for candidates of a political party that does not nominate by party primary.

DRAFTER'S NOTE:

Error: Extraneous hyphen in § 5–701(3) of the Election Law Article.

Occurred: Ch. 120, Acts of 2006.

6–103.

(b) (1) The State Board shall:

(ii) design and arrange to have sample forms available to the public conforming to this [subtitle] **TITLE** for each purpose for which a petition is authorized by law.

DRAFTER'S NOTE:

Error: Erroneous internal reference in § 6–103(b)(1)(ii) of the Election Law Article.

Occurred: Ch. 291, § 4, Acts of 2002.

10–303.

- (a) Under the supervision of a chief judge, an election judge shall:
- (2) take measures throughout election day to [assure] **ENSURE** that:
- (i) each voter's right to cast a ballot in privacy is maintained;
 - (ii) the integrity of the voting process is preserved;
 - (iii) the accuracy of the counting process is protected;
 - (iv) order in the polling place is maintained; and
 - (v) all election laws are observed.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 10–303(a)(2) of the Election Law Article.

Occurred: Ch. 291, § 4, Acts of 2002.

12–103.

- (b) The petition shall specify that the recount be conducted:
- (1) in all of the precincts in which the [office] **QUESTION** was on the ballot;

or

DRAFTER'S NOTE:

Error: Incorrect word in § 12–103(b)(1) of the Election Law Article.

Occurred: Ch. 291, § 4, Acts of 2002.

13–247.

After all campaign expenditures have been made and before filing a final campaign finance report under Subtitle 3 of this title, any remaining balance in the account of a campaign finance entity shall be returned pro rata to the contributors or paid to:

(1) if the campaign finance entity is a political committee formed to support a candidate or act for a political party:

(ii) the local central committee of the political party:

2. for which the political committee is acting; **OR**

DRAFTER'S NOTE:

Error: Omitted conjunction in § 13–247(1)(ii)2 of the Election Law Article.

Occurred: Ch. 291, § 4, Acts of 2002.

13–307.

(e) An electioneering communication report shall include the following information:

(4) the candidate or ballot issue to which the electioneering communications relate; **AND**

DRAFTER'S NOTE:

Error: Omitted conjunction in § 13–307(e)(4) of the Election Law Article.

Occurred: Ch. 575, Acts of 2011.

13–309.1.

(c) For purposes of this section, a political action committee shall be considered to have made an expenditure if the political **ACTION** committee has executed a contract to make an expenditure.

DRAFTER'S NOTE:

Error: Misnomer in § 13–309.1(c) of the Election Law Article.

Occurred: Ch. 419, Acts of 2013.

13–336.

Subject to § 13–337 of this subtitle, the provisions of [Part VI and this Part VII] **THIS**

PART AND PART VI of this subtitle and the provisions of this subtitle governing the filing of campaign finance reports are mandatory and not directory.

DRAFTER'S NOTE:

Error: Stylistic error in § 13–336 of the Election Law Article.

Occurred: Ch. 291, § 4, Acts of 2002.

Article – Environment

4–202.1.

(c) (2) (i) If a county or municipality established a stormwater remediation fee under this section on or before July 1, 2013, the county or municipality may repeal or reduce the fee before July 1, 2016, if:

2. Subject to [subparagraph (iii)] **ITEM 3** of this [paragraph] **SUBPARAGRAPH**, the county or municipality has filed with the Department a financial assurance plan in accordance with subsection (j) of this section; and

DRAFTER'S NOTE:

Error: Erroneous internal reference in § 4–202.1(c)(2)(i)2 of the Environment Article.

Occurred: Ch. 124, Acts of 2015.

9–349.

(b) Loan assistance may be awarded to a person under this section if:

(1) An agreement is executed by the person that:

(ii) Obligates the person to construct, install, and operate the pretreatment project in a manner [which insures] **THAT ENSURES** compliance with all pretreatment requirements and technical specifications, to maintain the project for its expected life span, and to bind any successor in title; and

DRAFTER'S NOTE:

Error: Grammatical error and incorrect word usage in § 9–349(b)(1)(ii) of the Environment Article.

Occurred: Ch. 795, Acts of 1984.

9–1605.3.

(f) (2) For financial assistance over \$500,000 awarded under the Fund, the grantee shall demonstrate, to the satisfaction of the Department, that steps were taken to include small businesses, certified minority business enterprises, and certified minority business enterprises classified as women-owned businesses by:

(iv) Establishing delivery schedules, where the requirement permits, that encourage participation by small businesses, certified minority business enterprises, **AND CERTIFIED MINORITY BUSINESS ENTERPRISES** classified as women-owned businesses; and

DRAFTER'S NOTE:

Error: Omitted words in § 9–1605.3(f)(2)(iv) of the Environment Article.

Occurred: Ch. 653, Acts of 2010.

Article – Estates and Trusts

4–503.

(a) Subject to § 4–506 of this subtitle, an anatomical gift may be made during the life of a donor for the purpose of transplantation, therapy, research, or education by:

(1) (ii) A donor who is a minor, if the minor is:

2. Authorized under [state] **STATE** law to apply for a driver's license because the donor is at least 15 years and 9 months old;

DRAFTER'S NOTE:

Error: Capitalization error in § 4–503(a)(1)(ii)2 of the Estates and Trusts Article.

Occurred: Ch. 541, § 2, Acts of 2011.

7–602.

(c) If the court shall allow a counsel fee to one or more attorneys, it shall take into consideration in making its [determination,] **DETERMINATION** what would be a fair and reasonable total charge for the cost of administering the estate under this article, and it shall not allow aggregate compensation in excess of that figure.

DRAFTER'S NOTE:

Error: Extraneous comma in § 7–602(c) of the Estates and Trusts Article.

Occurred: Ch. 11, § 2, Acts of 1974.

10–103.

(b) (1) Except as provided in § 10–102 of this subtitle and § 7–308 of the Tax – General Article, the right of a person seeking to recover property improperly distributed, or the value of it, from a person to whom property has been distributed is forever barred at the later of:

(i) Three years from the death of **THE** decedent; or

DRAFTER’S NOTE:

Error: Omitted article in § 10–103(b)(1)(i) of the Estates and Trusts Article.

Occurred: Ch. 11, § 2, Acts of 1974.

13–711.

(b) “Best interest” means that the benefits to the disabled person resulting from a treatment outweigh the burdens to the disabled person resulting from that treatment, taking into account:

(3) The degree to which the disabled person’s medical condition, the treatment, or the withholding or withdrawal of treatment[, result] **RESULTS** in a severe and continuing impairment of the dignity of the disabled person by subjecting the individual to a condition of extreme humiliation and dependency;

DRAFTER’S NOTE:

Error: Extraneous comma and grammatical error in § 13–711(b)(3) of the Estates and Trusts Article.

Occurred: Ch. 372, § 2, Acts of 1993.

14–402.

(b) (3) A trust may be used to [assure] **ENSURE** that trust property is available to provide for the needs of the beneficiary to the extent not provided for by other sources, including public and private benefit programs for which the beneficiary would or might be eligible if the trust did not exist.

DRAFTER’S NOTE:

Error: Incorrect word usage in § 14–402(b)(3) of the Estates and Trusts Article.

Occurred: Ch. 418, Acts of 1994.

14.5–105.

The terms of a trust prevail over a provision of this title, except:

(7) The power of the court under § 14.5–702 of this title to require, dispense with, [modify] **MODIFY**, or terminate a bond;

DRAFTER'S NOTE:

Error: Omitted comma in § 14.5–105(7) of the Estates and Trusts Article.

Occurred: Ch. 585, Acts of 2014.

Article – Financial Institutions

11–222.

Any person who violates any provision of [§ 11–204(a)] **§ 11–203.1(A)** of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 3 years or both.

DRAFTER'S NOTE:

Error: Obsolete cross-reference in § 11–222 of the Financial Institutions Article.

Occurred: As a result of Ch. 253, Acts of 2017.

Article – General Provisions

5–209.

(c) Notwithstanding any other provision of this title, the records of the Ethics Commission in any matter in which an exemption is granted under this [section] **TITLE** shall be available for public inspection.

DRAFTER'S NOTE:

Error: Erroneous reference in § 5–209(c) of the General Provisions Article.

Occurred: Ch. 94, § 2, Acts of 2014, which revised without substantive change the Maryland Public Ethics Law codified under Title 5 of the General Provisions Article (GP). GP, § 5–209 authorizes the State Ethics Commission to exempt from the Maryland Public Ethics Law a board, board member, or municipality after making specified findings. Other provisions of GP, Title 5 authorize the Commission to grant various other exemptions from the Public Ethics Law (see, e.g., GP, § 5–502(d), authorizing the Commission to grant public officials or employees of the Executive Branch an exemption from certain employment restrictions if it makes specified determinations).

Under GP, § 5–209(c), records of an exemption granted by the Commission to a board, board member, or municipality are subject to public inspection. This public inspection requirement does not expressly apply to other exemptions that the Commission may grant. Under the source law for GP, § 5–209(c) (former § 15–209 of the State Government Article), however, the public inspection requirement applied to “an exemption ... granted under this title [former Title 15 of the State Government Article, the Public Ethics Law]” and was interpreted by the Commission to apply to all exemptions granted by the Commission. Section 4 of Chapter 94 of 2014 stated expressly that “... 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”. As a result, the application of the public inspection requirement under GP, § 5–209(c) is amended to apply to all exemptions granted by the Commission under the Public Ethics Law, to be consistent with Commission interpretation of the Public Ethics Law before enactment of Chapter 94 of 2014 and to conform to current and past practice.

5–505.

(a) (2) An official may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist described in [§ 5–701(a)(1)] **§ 5–702(A)(1)** of this title.

DRAFTER’S NOTE:

Error: Erroneous cross-reference in § 5–505(a)(2) of the General Provisions Article.

Occurred: As a result of Ch. 94, § 2, Acts of 2014, which added a new § 5–701 to the General Provisions Article that resulted in the renumbering of the succeeding sections.

5–514.

(b) (3) The Joint Ethics Committee may adopt procedures to keep confidential the name of the person represented in a report filed under [subsection (b)(1)(i) of this section] **PARAGRAPH (1)(I) OF THIS SUBSECTION** if that information is privileged or confidential under any law governing proceedings before that State or local government agency.

DRAFTER’S NOTE:

Error: Stylistic error in § 5–514(b)(3) of the General Provisions Article.

Occurred: Ch. 94, § 2, Acts of 2014.

Article – Health – General

5–621.

The Secretary may adopt regulations to ensure the efficient operation of the

ADVANCE DIRECTIVE Program.

DRAFTER'S NOTE:

Error: Stylistic error in § 5–621 of the Health – General Article.

Occurred: Ch. 510, Acts of 2016.

13–1007.

(b) Subject to subsections (c) through (e) of this section and §§ 13–1008 through 13–1012 of this subtitle, the Department shall distribute a Local Public Health Tobacco Grant to each county that is equal to the sum of:

(2) The product of:

(ii) The number of individuals in the county [under the age of 18 years] **ATTENDING MIDDLE SCHOOL OR HIGH SCHOOL** who smoke or otherwise use tobacco products divided by the number of individuals in the State [under the age of 18 years] **ATTENDING MIDDLE SCHOOL OR HIGH SCHOOL** who smoke or otherwise use tobacco products; and

DRAFTER'S NOTE:

Error: Inconsistent language in § 13–1007(b)(2)(ii) of the Health – General Article.

Occurred: As a result of Ch. 139, Acts of 2017.

13–1008.

(c) A Comprehensive Plan for Tobacco Use Prevention and Cessation shall:

(8) Describe how the Plan will help to reduce tobacco use among women, minority individuals, and individuals [under the age of 18 years] **ATTENDING MIDDLE SCHOOL OR HIGH SCHOOL**, with particular emphasis on how the Plan seeks to address the relevant findings and recommendations of the Task Force Report;

DRAFTER'S NOTE:

Error: Inconsistent language in § 13–1008(c)(8) of the Health – General Article.

Occurred: As a result of Ch. 139, Acts of 2017.

16–201.3.

(d) (2) If the Behavioral Health Administration does not implement the

payment system required under subsection (e) of this section for use in fiscal year 2021, the Governor's proposed budget for fiscal year 2021 shall include a 3% rate increase for community providers over the funding provided in the legislative appropriation for the immediately preceding fiscal year for each of the following:

(i) Object 08 Contractual Services in Program [M00Q01.01] **M00Q01.10** Medicaid Behavioral Health Provider Reimbursement – Medical Care Programs Administration;

DRAFTER'S NOTE:

Error: Erroneous cross-reference in § 16–201.3(d)(2)(i) of the Health – General Article.

Occurred: Chs. 571 and 572, § 2, Acts of 2017.

(h) (3) The Department may require a community provider to submit, in the form and manner required by the Department, information that the Department considers necessary for completion of the report required under paragraph [(1)] **(2)** of this subsection.

DRAFTER'S NOTE:

Error: Erroneous internal reference in § 16–201.3(h)(3) of the Health – General Article.

Occurred: Chs. 571 and 572, § 2, Acts of 2017.

19–347.

(d) (1) Unless otherwise provided, the law enforcement agency, with the assistance of the Secretary, shall:

(ii) Attempt to [insure] **ENSURE** the protection of the alleged victim.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 19–347(d)(1)(ii) of the Health – General Article.

Occurred: Ch. 21, § 2, Acts of 1982.

20–1004.

The Office shall:

(21) Work collaboratively with the **GOVERNOR'S** Office of Small, Minority, and Women Business Affairs as the Office determines necessary; and

DRAFTER'S NOTE:

Error: Omitted word in § 20–1004(21) of the Health – General Article.

Occurred: Chs. 633 and 634, Acts of 2017.

24–307.

(c) (3) A conviction for a violation of this section precludes a proceeding for a civil penalty under [§ 24–307 of the Health – General Article] **§ 10–107 OF THE CRIMINAL LAW ARTICLE** arising out of the same violation.

DRAFTER'S NOTE:

Error: Erroneous cross–reference in § 24–307(c)(3) of the Health – General Article.

Occurred: Ch. 773, Acts of 2017.

Article – Health Occupations

1–301.

(c) (2) “Compensation arrangement” does not include:

(viii) Payments made for the sale of property or a health care practice if the payments are:

3. [The remuneration is provided] **PROVIDED** in accordance with an agreement that would be commercially reasonable even if no referrals were made.

DRAFTER'S NOTE:

Error: Extraneous language in § 1–301(c)(2)(viii)3 of the Health Occupations Article.

Occurred: Ch. 229, Acts of 2000.

1–302.

(e) A health care practitioner exempted from the provisions of this section in accordance with subsection (d) **OF THIS SECTION** shall be subject to the disclosure provisions of § 1–303 of this subtitle.

DRAFTER'S NOTE:

Error: Stylistic error in § 1–302(e) of the Health Occupations Article.

Occurred: Ch. 376, § 2, Acts of 1993.

2–202.

(c) [The] A consumer [members] **MEMBER** of the Board:

(1) Shall be a member of the general public;

(2) May not be or ever have been an audiologist, hearing aid dispenser, speech–language pathologist, or speech–language pathology assistant, or in training to become an audiologist, hearing aid dispenser, speech–language pathologist, or speech–language pathology assistant;

(3) May not have a household member who is an audiologist, hearing aid dispenser, or speech–language pathologist or in training to become an audiologist, hearing aid dispenser, or speech–language pathologist;

(4) May not participate or ever have participated in a commercial or professional field related to audiology, hearing aid dispensing, or speech–language pathology;

(5) May not have a household member who participates in a commercial or professional field related to audiology, hearing aid dispensing, or speech–language pathology; and

(6) May not have had within 2 years before appointment a substantial financial interest in a person regulated by the Board.

DRAFTER’S NOTE:

Error: Grammatical error in § 2–202(c) of the Health Occupations Article.

Occurred: Ch. 326, § 3, Acts of 1992.

4–101.

(h) (2) “License” includes, unless the context requires otherwise:

(xi) A temporary **VOLUNTEER** dental hygienist’s license to practice dental hygiene.

DRAFTER’S NOTE:

Error: Omitted word in § 4–101(h)(2)(xi) of the Health Occupations Article.

Occurred: Chs. 496 and 497, Acts of 2011.

Article – Human Services

3–101.

- (f) “Local governing authority” means:
- (2) in references to purely legislative authority:
- (iii) the City Council of Baltimore City; **OR**

DRAFTER’S NOTE:

Error: Omitted conjunction in § 3–101(f)(2)(iii) of the Human Services Article.

Occurred: Ch. 3, § 2, Acts of 2007.

9–312.

(c) The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its offices, to enforce compliance with the provisions of the Compact, its duly promulgated rules and bylaws, against any compacting state in default. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable [attorneys’] **ATTORNEY’S** fees.

DRAFTER’S NOTE:

Error: Grammatical error in § 9–312(c) of the Human Services Article.

Occurred: Ch. 500, § 2, Acts of 2007.

9–406.

(c) The State is entitled to recover the sum of:

(2) all costs and reasonable [attorneys’] **ATTORNEY’S** fees incurred in the recovery proceedings.

DRAFTER’S NOTE:

Error: Grammatical error in § 9–406(c)(2) of the Human Services Article.

Occurred: Ch. 3, § 2, Acts of 2007.

9–407.

(b) (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'] ATTORNEY'S fees incurred by the State, or another amount that the court determines is reasonable.

DRAFTER'S NOTE:

Error: Grammatical error in § 9–407(b)(2) of the Human Services Article.

Occurred: Ch. 3, § 2, Acts of 2007.

10–413.

(a) (2) A renewal application shall contain:

(iv) a cash flow projection for the current fiscal year and the next [two] 2 fiscal years;

DRAFTER'S NOTE:

Error: Stylistic error in § 10–413(a)(2)(iv) of the Human Services Article.

Occurred: Ch. 3, § 2, Acts of 2007.

10–445.

(b) The provider shall maintain the continuing care agreement at the facility and make it available for inspection by the Maryland Department of Health under Title 19, Subtitle 18[, of the Health – General Article] and Title 10, Subtitle 3 of the Health – General Article.

DRAFTER'S NOTE:

Error: Stylistic error in § 10–445(b) of the Human Services Article.

Occurred: Ch. 750, Acts of 2009.

10–507.

(b) The State is entitled to recover the sum of:

(2) costs, including reasonable [attorneys'] ATTORNEY'S fees that the State incurs in recovery proceedings.

DRAFTER'S NOTE:

Error: Grammatical error in § 10–507(b)(2) of the Human Services Article.

Occurred: Ch. 3, § 2, Acts of 2007.

10–508.

(b) (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’] **ATTORNEY’S** fees incurred by the State, or another amount that the court determines is reasonable.

DRAFTER’S NOTE:

Error: Grammatical error in § 10–508(b)(2) of the Human Services Article.

Occurred: Ch. 3, § 2, Acts of 2007.

Article – Insurance

4–303.

(b) If a domestic insurer files an RBC report that, in the judgment of the [Commissioner] **COMMISSIONER**, is inaccurate, the Commissioner shall:

(1) adjust the RBC report to correct the inaccuracy; and

(2) notify the insurer of the adjustment, including a statement of the reason for the adjustment.

DRAFTER’S NOTE:

Error: Omitted comma in § 4–303(b) of the Insurance Article.

Occurred: Ch. 339, Acts of 1995.

5–306.

(e) (1) (iii) “Plan Type B” means a plan type under which:

2. at the end of **THE** interest rate guarantee, the policyholder may withdraw funds without the adjustment required by item 1A of this subparagraph in a single sum or installments over less than 5 years.

DRAFTER’S NOTE:

Error: Omitted article in § 5–306(e)(1)(iii)2 of the Insurance Article.

Occurred: Ch. 36, Acts of 1995.

8–419.

(a) A society may amend **THE SOCIETY’S LAWS**, in accordance with [their] **THE provisions**[, its laws] **OF THOSE LAWS**, by:

(1) action of its supreme legislative or governing body at a regular or special meeting of the body; or

(2) referendum.

DRAFTER’S NOTE:

Error: Stylistic errors in § 8–419(a) of the Insurance Article.

Occurred: As result of Ch. 183, Acts of 1997.

9–414.

(g) (3) (ii) A person that was an affiliate that controlled the insurer when the distributions described under paragraph (1) of this subsection were [declared,] **DECLARED** is liable up to the amount of distributions the person would have received if [they] **THE DISTRIBUTIONS** had been paid immediately.

DRAFTER’S NOTE:

Error: Extraneous comma and stylistic error in § 9–414(g)(3)(ii) of the Insurance Article.

Occurred: Ch. 11, Acts of 1996.

10–108.

(d) Before taking a written examination, an individual applicant shall:

(1) (ii) submit to the Commissioner at the time of the examination an affidavit from the employer of the applicant stating facts that show compliance with the applicable requirements of [§ 10–104(f)(2) or (3)] **§ 10–104(H)(2) OR (3)** of this subtitle, if the applicant qualifies by meeting the experience requirements of [§ 10–104(f)(2) or (3)] **§ 10–104(H)(2) OR (3)** of this subtitle; and

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 10–108(d)(1)(ii) of the Insurance Article.

Occurred: As a result of Ch. 731, Acts of 2001, which renumbered § 10–104(e) of the Insurance Article to be § 10–104(h), and erroneous correction by the publisher in the 2017 Supplement to the Insurance Article under Ch. 62, § 6, Acts of 2017, in which the cross–reference was changed from § 10–104(e)(2) or (3) of the Insurance Article to § 10–104(f)(2) or (3).

10–111.

(b) An applicant who has experience in the armed forces of the United States and qualifies under [§ 10–104(f)(3)] **§ 10–104(H)(3)** of this subtitle must file an application within 1 year after the date of discharge from the armed forces.

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 10–111(b) of the Insurance Article.

Occurred: As a result of Ch. 731, Acts of 2001, which renumbered § 10–104(e) of the Insurance Article to § 10–104(h), and erroneous correction by the publisher in the 2017 Supplement to the Insurance Article under Ch. 62, § 6, Acts of 2017, in which the cross–reference was changed from § 10–104(e)(3) of the Insurance Article to § 10–104(f)(3).

10–118.

(i) (1) This subsection applies only to any document, material, or other information in the control or possession of the Insurance Administration that is:

(ii) otherwise obtained by the [Insurance] Commissioner in an investigation under this section.

DRAFTER’S NOTE:

Error: Extraneous language in § 10–118(i)(1)(ii) of the Insurance Article.

Occurred: Ch. 731, Acts of 2001.

15–121.

(a) (6) (ii) “Provider” includes:

6. a professional office; [or] **AND**

DRAFTER’S NOTE:

Error: Stylistic error in § 15–121(a)(6)(ii)6 of the Insurance Article.

Occurred: Ch. 145, Acts of 1997.

15–123.

(a) (7) (ii) “Provider” includes:

6. a professional office; [or] AND

DRAFTER’S NOTE:

Error: Stylistic error in § 15–123(a)(7)(ii)6 of the Insurance Article.

Occurred: Ch. 332, Acts of 1997.

15–1212.

(b) Changes in benefits made in accordance with federal or State requirements are not subject to the plus or minus 2 percentage points referenced in [subsection (a)(4)(ii)5 of this section] **45 C.F.R. § 147.106(E)(3)(v)**.

DRAFTER’S NOTE:

Error: Obsolete cross–reference in § 15–1212(b) of the Insurance Article.

Occurred: As a result of Ch. 720, Acts of 2017.

15–1309.

(b) Changes in benefits made to comply with federal or State requirements are not subject to the plus or minus 2 percentage points referenced in [subsection (a)(4)(ii)5 of this section] **45 C.F.R. § 147.106(E)(3)(v)**.

DRAFTER’S NOTE:

Error: Obsolete cross–reference in § 15–1309(b) of the Insurance Article.

Occurred: As a result of Ch. 720, Acts of 2017.

15–1402.

(b) [Except as provided in § 15–1403 of this subtitle, this] **THIS** subtitle does not apply to policies issued under Subtitle 12 of this title.

DRAFTER’S NOTE:

Error: Obsolete cross–reference in § 15–1402(b) of the Insurance Article.

Occurred: As a result of Ch. 363, Acts of 2015.

19–112.

(a) The Commissioner may request by bulletin from a property and casualty [insurer,] **INSURER** data that relates to policies written by the insurer.

DRAFTER'S NOTE:

Error: Extraneous comma in § 19–112(a) of the Insurance Article.

Occurred: Ch. 693, Acts of 2000.

19–804.

(c) (2) Any disbursements from the Rate Stabilization Account to a medical professional liability insurer that [is] **ARE** not used to provide a rate reduction, credit, or refund to a health care provider shall be returned to the State Treasurer for reversion to the Fund.

DRAFTER'S NOTE:

Error: Grammatical error in § 19–804(c)(2) of the Insurance Article.

Occurred: Ch. 1, Acts of 2005.

24–211.

(a) **(1)** Not later than June 30 of each year, the Society shall report to the Commissioner and to the General Assembly:

[(1)] **(I)** salaries and other compensation paid to officers, executives, and directors for the preceding calendar year;

[(2)] **(II)** A summary and detailed financial statement for the four preceding calendar years indicating amounts for and changes in:

[(i)] **1.** insurance reserves and losses;

[(ii)] **2.** assets and liabilities;

[(iii)] **3.** income and expenses; and

[(iv)] **4.** return on invested surplus; and

[(3)] **(III)** management's evaluation of the financial position of the Society [which].

(2) THE EVALUATION UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION shall include an analysis indicating whether sufficient resources exist to justify providing a dividend or similar distribution to members in the current year and, if not, how the current circumstances vary from prior years in which such distributions have been made.

DRAFTER'S NOTE:

Error: Tabulation error and omitted article in § 24–211(a) of the Insurance Article.

Occurred: Ch. 5, Acts of the Special Session of 2004.

31–113.

(q) Nothing in this section shall prohibit a community–based organization or a unit of State or local government from providing the consumer assistance services described in subsection (c) of this section that are not required to be provided by an Individual Exchange navigator, if the entity providing the services and its employees do not:

(3) identify themselves to the public as [an] Individual Exchange connector entities or Individual Exchange navigators.

DRAFTER'S NOTE:

Error: Extraneous article in § 31–113(q)(3) of the Insurance Article.

Occurred: Ch. 152, § 3, Acts of 2012.

Article – Labor and Employment

3–413.

(b) Except as provided in subsection (d) of this section and § 3–414 of this subtitle, each employer shall pay:

(2) **TO** each other employee who is subject to this subtitle, at least:

(i) the greater of:

1. the highest minimum wage under the federal Act; or

2. the State minimum wage rate set under subsection (c) of this section; or

(ii) a training wage under regulations that the Commissioner adopts

that include the conditions and limitations authorized under the federal Fair Labor Standards Amendments of 1989.

DRAFTER'S NOTE:

Error: Grammatical error in § 3–413(b)(2) of the Labor and Employment Article.

Occurred: Ch. 22, Acts of 1992.

8–617.

(f) [(1)] In accordance with regulations adopted to carry out this title, the Secretary shall notify each not for profit organization of any determination that the Secretary makes about:

[i] (1) its status as an employing unit; or

[ii] (2) the effective date of an election or termination of election.

DRAFTER'S NOTE:

Error: Stylistic error in § 8–617(f) of the Labor and Employment Article.

Occurred: Ch. 8, § 2, Acts of 1991. Correction by the publisher of the Annotated Code in the 2017 Supplement of the Labor and Employment Article is ratified by this Act.

8–806.

(e) (1) A determination is final as to a claimant and an employer who is entitled to notice of the determination unless:

(ii) after the time for an appeal on an initial determination has passed, the Secretary [may make] **MAKES** a redetermination under subsection (f) of this section.

DRAFTER'S NOTE:

Error: Grammatical error in § 8–806(e)(1)(ii) of the Labor and Employment Article.

Occurred: Ch. 8, § 2, Acts of 1991.

9–234.

(b) An individual who is a covered employee under subsection (h)(2), (k), (n), (o)(2), (p)(1)(ii), [(r)(3),] **(R)(2)**, (v), or (x)(1) of this section continues to be a covered employee while:

(1) accompanying an accident or fire victim who is being transported to a hospital in a helicopter; and

(2) returning to the home station of the individual after accompanying a victim under item (1) of this subsection.

DRAFTER'S NOTE:

Error: Obsolete cross-reference in § 9-234(b) of the Labor and Employment Article.

Occurred: As a result of Ch. 36, Acts of 2008. Correction suggested by the Office of the Attorney General, Counsel to the General Assembly in a memorandum dated September 15, 2017.

11-902.

(b) (2) The regulations adopted by the Council shall:

(ii) apply only to any inmate who:

4. does not possess a General Educational Development (GED) diploma or a verified high school diploma; **AND**

(iii) require any inmate who is not exempted under item (ii)3 of this paragraph to participate in:

2. a workforce skills training program[; and].

[(iv)] (3) [the] THE Division of Correction shall report to the Parole Commission the academic progress of an inmate in the mandatory education program.

DRAFTER'S NOTE:

Error: Incorrect tabulation in § 11-902(b)(2)(iv) of the Labor and Employment Article.

Occurred: Ch. 134, Acts of 2008.

Article – Natural Resources

4-701.

(k) (4) (i) On the death of a licensee, the Department shall review and may approve the permanent transfer of a license or authorization to the person indicated on the beneficiary form submitted by the deceased licensee at the time of issuance **[on] OF** the license.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 4–701(k)(4)(i) of the Natural Resources Article.

Occurred: Ch. 435, Acts of 2012.

5–101.

(f) “Forest stewardship plan” means a document written by a professional forester who is licensed under Title 7, Subtitle 3 of the Business Occupations and Professions Article, regarding a parcel of land [comprised of] **COMPRISING** not less than 5 contiguous forested acres that lists activities that enhance or improve forest resources, including soil, water, timber, recreation, and aesthetics over a 15–year period.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 5–101(f) of the Natural Resources Article.

Occurred: Ch. 175, Acts of 2009.

8–403.

(a) (1) There is a Scenic and Wild Rivers Review Board. The Board consists of the Secretaries of Natural Resources, Agriculture, [and] the [Environment] **ENVIRONMENT**, and [the Director of Planning] **PLANNING**, and a member of the Garrett County Commissioners, who shall be a voting member of the Board only on matters pertaining to the wild portion of the Youghiogheny River.

DRAFTER'S NOTE:

Error: Stylistic error and misnomer in § 8–403(a)(1) of the Natural Resources Article.

Occurred: As a result of Ch. 209, Acts of 2000, which renamed the Office of Planning to be the Department of Planning and specified that the head of the department is the Secretary of Planning.

Article – Public Safety

3–511.

On or before January 1, 2016, the Maryland Police Training **AND STANDARDS** Commission shall develop and publish online a policy for the issuance and use of a body–worn camera by a law enforcement officer that addresses:

- (1) the testing of body–worn cameras to ensure adequate functioning;

- (2) the procedure for the law enforcement officer to follow if the camera fails to properly operate at the beginning of or during the law enforcement officer's shift;
- (3) when recording is mandatory;
- (4) when recording is prohibited;
- (5) when recording is discretionary;
- (6) when recording may require consent of a subject being recorded;
- (7) when a recording may be ended;
- (8) providing notice of recording;
- (9) access to and confidentiality of recordings;
- (10) the secure storage of data from a body-worn camera;
- (11) review and use of recordings;
- (12) retention of recordings;
- (13) dissemination and release of recordings;
- (14) consequences for violations of the agency's body-worn camera policy;
- (15) notification requirements when another individual becomes a party to the communication following the initial notification;
- (16) specific protections for individuals when there is an expectation of privacy in private or public places; and
- (17) any additional issues determined to be relevant in the implementation and use of body-worn cameras by law enforcement officers.

DRAFTER'S NOTE:

Error: Misnomer in § 3-511 of the Public Safety Article.

Occurred: Chs. 128 and 129, Acts of 2015.

3-512.

(a) On or before February 1 of each year, the Police Commissioner of Baltimore City shall report the following information concerning the Baltimore Police Department to the Mayor and City Council of Baltimore and, in accordance with § 2-1246 of the State

Government Article, the members of the Baltimore City Delegation to the General Assembly for the previous calendar year:

- (3) the number of sworn female police officers in the Department; [and]

DRAFTER’S NOTE:

Error: Extraneous conjunction in § 3–512(a)(3) of the Public Safety Article.

Occurred: Ch. 599, Acts of 2017.

Article – Real Property

11B–111.1.

(a) (3) “Family child care home” means a unit registered under [Title 5, Subtitle 5 of the Family Law Article] **TITLE 9.5, SUBTITLE 3 OF THE EDUCATION ARTICLE.**

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 11B–111.1(a)(3) of the Real Property Article.

Occurred: As a result of Ch. 185, § 2, Acts of 2016, which transferred provisions relating to early childhood development from the Family Law Article to the Education Article.

14–125.1.

(d) (3) (iv) 1. In addition to any service of process required by the Maryland Rules, the plaintiff shall cause to be posted in a conspicuous place on the property no later than 48 hours before the hearing the notice required under [sub–subparagraph] **SUBSUBPARAGRAPH 2** of this subparagraph.

DRAFTER’S NOTE:

Error: Extraneous hyphen in § 14–125.1(d)(3)(iv)1 of the Real Property Article.

Occurred: Ch. 553, Acts of 2001.

Article – State Finance and Procurement

7–311.

(e) (2) At the end of fiscal year 2020 and each fiscal year thereafter, if the amount of nonwithholding income tax revenues exceeds the capped estimate determined

under § 6–104(e) of this article, the State Comptroller shall distribute funds as provided in § 7–329(c) and [(d)(1)] **(D)** of this subtitle.

DRAFTER’S NOTE:

Error: Incorrect cross–reference in § 7–311(e)(2) of the State Finance and Procurement Article.

Occurred: Chs. 4 and 550, Acts of 2017. Correction suggested by the Attorney General in the Bill Review Letter for H.B. 503 (Ch. 4) and H.B. 1109 (Ch. 5) of 2017 (footnote 1), dated March 31, 2017.

13–212.1.

(b) For purposes of subsection (a) of this section, assisting in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement does not include:

(3) providing specifications for a sole source procurement made in accordance with § 13–107 of this [article] **TITLE**;

DRAFTER’S NOTE:

Error: Stylistic error in § 13–212.1(b)(3) of the State Finance and Procurement Article.

Occurred: Ch. 271, Acts of 2015.

Article – State Government

2–706.

(b) (1) The Committee shall maintain the statements filed by members of the General Assembly under [Title 15, Subtitle 5 of this article] **TITLE 5, SUBTITLE 5 OF THE GENERAL PROVISIONS ARTICLE** and, during normal office hours, make the statements available to the public for examination and copying.

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 2–706(b)(1) of the State Government Article.

Occurred: As a result of Ch. 94, Acts of 2014, which repealed the title “Title 15. Public Ethics” of the State Government Article and enacted the new title “Title 5. Maryland Public Ethics Law” of the General Provisions Article.

2–709.

(b) The Counsel:

(4) shall meet individually with each member of the General Assembly each year to:

(ii) assist the member in preparing statements and reports required to be filed with the Committee under [Title 15, Subtitle 5, Part II of this article] **TITLE 5, SUBTITLE 5, PART II OF THE GENERAL PROVISIONS ARTICLE**; and

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 2–709(b)(4)(ii) of the State Government Article.

Occurred: As a result of Ch. 94, Acts of 2014, which repealed the title “Title 15. Public Ethics” of the State Government Article and enacted the new title “Title 5. Maryland Public Ethics Law” of the General Provisions Article.

6.5–101.

(i) “Public assets” [include] **INCLUDES**:

- (1) assets held for the benefit of the public or the community;
- (2) assets in which the public has an ownership interest; and
- (3) assets owned by a governmental entity.

DRAFTER’S NOTE:

Error: Incorrect word usage in § 6.5–101(i) of the State Government Article.

Occurred: Chs. 123 and 124, Acts of 1998.

9–1A–04.

(d) The Commission shall adopt regulations that include the following specific provisions in accordance with this subtitle:

(11) providing for minimum uniform standards of accountancy methods, procedures, and forms as are necessary to [assure] **ENSURE** consistency, comparability, and effective disclosure of all financial information, including percentages of profit for video lottery terminals and table games;

DRAFTER’S NOTE:

Error: Incorrect word usage in § 9–1A–04(d)(11) of the State Government Article.

Occurred: Ch. 4, Acts of the Special Session of 2007.

9–1A–36.

(1) (1) If an applicant is seeking investors in the entity applying for a video lottery operation license, it shall take the following steps before being awarded a license by the Video Lottery Facility Location Commission:

(i) make serious, good–faith efforts to solicit and interview a reasonable number of minority investors; **AND**

(ii) as part of the application, submit a statement that lists the names and addresses of all minority investors interviewed and whether or not any of those investors have purchased an equity share in the entity submitting an [application; and] **APPLICATION.**

[(iii)] **(2)** [if] **IF** an applicant is awarded a license by the Video Lottery Facility Location Commission, the applicant shall sign a memorandum of understanding with the Video Lottery Facility Location Commission that requires the awardee to again make serious, good–faith efforts to interview minority investors in any future attempts to raise venture capital or attract new investors to the entity awarded the license.

[(2)] (3) The Governor’s Office of Small, Minority, and Women Business Affairs, in consultation with the Office of the Attorney General, shall provide assistance to all potential applicants and potential minority investors to satisfy the requirements under [paragraph] **PARAGRAPHS (1)(i)** and **[(iii)] (2)** of this subsection.

DRAFTER’S NOTE:

Error: Tabulation error in § 9–1A–36(l) of the State Government Article.

Occurred: Ch. 1, Acts of the Second Special Session of 2012.

9–957.

(e) (1) A nonprofit training entity may disqualify a Program participant from participation in the Program if the nonprofit training entity determines that the Program participant’s involvement in the Program:

(i) presents a danger to the Program participant’s mental or physical [wellbeing] **WELL–BEING;**

DRAFTER’S NOTE:

Error: Omitted hyphen in § 9–957(e)(1)(i) of the State Government Article.

Occurred: Ch. 416, Acts of 2017.

9–3001.

(g) On or before December 31, 2014, and annually thereafter for the following 5 years, the Commission shall report its activities, findings, and recommendations to the Governor and, in accordance with § 2–1246 of [the State Government Article] **THIS ARTICLE**, the General Assembly.

DRAFTER’S NOTE:

Error: Incorrect internal reference in § 9–3001(g) of the State Government Article.

Occurred: Ch. 603, Acts of 2013.

Article – State Personnel and Pensions

27–403.

(c) (3) (iv) If more than one surviving child is disabled, as defined under § 72(m)(7) of the Internal Revenue Code, the allowance payable under subparagraph [(ii)] **(III)** of this paragraph shall be divided equally among the disabled children.

DRAFTER’S NOTE:

Error: Erroneous internal reference in § 27–403(c)(3)(iv) of the State Personnel and Pensions Article.

Occurred: Chs. 277 and 278, Acts of 2017.

31–102.

Subject to [§§ 22–202(b) and 31–109 of this article,] **§ 22–202(B) OF THIS ARTICLE AND § 31–109 OF THIS SUBTITLE**, the governmental units that are eligible to participate in the employees’ systems are:

- (1) a political subdivision of the State, including:
 - (i) a county;
 - (ii) a municipal corporation; and
 - (iii) a special taxing area; and

- (2) the following governmental units:
- (i) an agency on aging, as designated by the legislative body of the agency on aging;
 - (ii) the Allegany County Transit Authority;
 - (iii) subject to § 31–104 of this subtitle, the Baltimore Metropolitan Council;
 - (iv) a board or commission created by an Act of the General Assembly for public purpose and not for the profit of a private person;
 - (v) subject to § 31–105 of this subtitle, the Canal Place Preservation and Development Authority;
 - (vi) the Chesapeake Bay Commission;
 - (vii) a cooperative library commission;
 - (viii) subject to § 31–103 of this subtitle, a community action agency, as designated by the legislative body of the community action agency;
 - (ix) a fire department that receives any of its funds from or through a county, municipal corporation, special taxing area, or other political subdivision of the State;
 - (x) the Health Planning Council of Appalachia;
 - (xi) the Howard County Economic Development Authority;
 - (xii) the Interstate Commission on the Potomac River Basin;
 - (xiii) the Lower Shore Private Industry Council, Inc.;
 - (xiv) the Maryland Environmental Service;
 - (xv) subject to § 31–106 of this subtitle, the Maryland Stadium Authority;
 - (xvi) a public library association or organization;
 - (xvii) subject to § 31–106.2 of this subtitle, the St. Mary’s Nursing Center, Inc.;
 - (xviii) the Tri–County Council for Western Maryland, Inc.;

(xix) the Tri-County Council for Southern Maryland;

(xx) subject to § 31-107 of this subtitle, the University of Maryland Medical System Corporation;

(xxi) the Upper Potomac River Commission;

(xxii) subject to § 31-106.1 of this subtitle, the Maryland African American Museum Corporation;

(xxiii) the Garrett County Office for Children, Youth and Families;

(xxiv) the Somerset County Economic Development Commission; and

(xxv) the Dorchester County Sanitary Commission.

DRAFTER'S NOTE:

Error: Stylistic error in § 31-102 of the State Personnel and Pensions Article.

Occurred: Chs. 271 and 272, Acts of 2017.

Article – Tax – General

2-107.

(a) Authorized employees of the Field Enforcement Bureau of the Comptroller's Office:

(2) have all the powers, duties, and responsibilities of a peace officer for the purpose of enforcing the laws pertaining to:

(ix) transient vendors within the meaning of **TITLE 17**, Subtitle 20A [of Title 17] of the Business Regulation Article.

DRAFTER'S NOTE:

Error: Stylistic error in § 2-107(a)(2)(ix) of the Tax – General Article.

Occurred: Ch. 597, Acts of 1996.

10-205.

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

(ii) "Account holder" means an account holder as defined in §

18–1901, § 18–19A–01, or § 18–19B–01 of the Education Article.

[(iii) “Qualified designated beneficiary” means a qualified designated beneficiary as defined in § 18–19A–01 or § 18–19B–01 of the Education Article.]

[(iv)] **(III)** “Qualified beneficiary” has the meaning stated in § 18–1901 of the Education Article.

(IV) “QUALIFIED DESIGNATED BENEFICIARY” MEANS A QUALIFIED DESIGNATED BENEFICIARY AS DEFINED IN § 18–19A–01 OR § 18–19B–01 OF THE EDUCATION ARTICLE.

(v) “Qualified higher education expenses” has the meaning stated in § 529 of the Internal Revenue Code.

DRAFTER’S NOTE:

Error: Stylistic error (failure to codify definitions in alphabetical order) in § 10–205(h)(1) of the Tax – General Article.

Occurred: Ch. 5, Acts of 2007.

11–411.

(d) (4) (i) Except as otherwise provided in this [subparagraph] **PARAGRAPH**, for any fiscal year, the Department may not issue sales and use tax refunds in amounts in the aggregate totaling more than \$1,000,000 in a fiscal year.

DRAFTER’S NOTE:

Error: Erroneous internal reference in § 11–411(d)(4)(i) of the Tax – General Article.

Occurred: Ch. 149, Acts of 2017.

13–203.

(c) Tax information may be disclosed to:

(7) a federal official as defined in § 13–930 of this title to the extent necessary to administer **SUBTITLE 9**, Part VI of this [subtitle] **TITLE**;

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 13–203(c)(7) of the Tax – General Article.

Occurred: Ch. 577, Acts of 2006.

Article – Tax – Property

9–210.

(c) A county or municipal corporation may provide, by law, for:

(2) any additional limitation to the number of years the dwelling was acquired within the date of [being adjudged to be disabled or of death] **AN ADJUDICATION OF DISABILITY OR DEATH**; and

DRAFTER’S NOTE:

Error: Grammatical error in § 9–210(c)(2) of the Tax – Property Article.

Occurred: Chs. 173 and 174, Acts of 2017.

9–258.

(a) (2) “Dwelling” has the meaning stated in § 9–105 of this [title:] **TITLE**.

DRAFTER’S NOTE:

Error: Incorrect punctuation in § 9–258(a)(2) of the Tax – Property Article.

Occurred: Ch. 498, Acts of 2016.

Article – Transportation

7–208.

(b–1) Subject to § 7–506 of this title, the Administration:

(1) Subject to [paragraphs] **ITEMS** (2), (3), (4), (5), and (6) of this subsection, shall set the fare prices and collect other operating revenues in accordance with this section;

(2) Beginning in fiscal year 2015, shall:

(i) On a biennial basis, increase base fare prices and the cost of multiuse passes to the nearest 10 cents for all transit services except those services listed in [subparagraph] **ITEM** (ii) of this [paragraph] **ITEM** by the same percentage as the biennial increase in the Consumer Price Index for all urban consumers, as determined from January 1, 2012, to December 31, 2013, and each subsequent 2–year period for which the amount is being calculated;

(4) May not increase fares for all transit services except those services listed in [paragraph] ITEM (2)(ii) of this subsection by more than the amount required under [paragraph] ITEM (2)(i) of this subsection;

(5) May not increase fares under [paragraph] ITEM (2)(i) and (ii)1 of this subsection if there is a decline or no growth in the Consumer Price Index; and

(6) Shall include the amount of any increase in fares that would have occurred previously in the absence of rounding to the nearest 10 cents or nearest dollar when calculating fare increases for subsequent periods under [paragraph] ITEM (2)(i) and (ii)1 of this subsection.

DRAFTER'S NOTE:

Error: Stylistic errors in § 7–208(b–1) of the Transportation Article.

Occurred: Ch. 429, § 3, Acts of 2013.

8–402.

(b) All revenues collected from the following, after deductions provided by law, shall be credited to the Gasoline and Motor Vehicle Revenue Account:

(3) Except for revenues collected under [Parts III and IV of Title 13, Subtitle 9] **TITLE 13, SUBTITLE 9, PARTS III AND IV** of this article, vehicle registration fees;

DRAFTER'S NOTE:

Error: Stylistic error in § 8–402(b)(3) of the Transportation Article.

Occurred: Ch. 2, Acts of the First Special Session of 1991.

13–616.

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

DRAFTER'S NOTE:

Error: Obsolete language in § 13–616(a)(3) of the Transportation Article.

Occurred: As a result of Ch. 739, Acts of 2016, which established the State Board of Massage Therapy Examiners.

16–303.

(j) (2) Any individual who violates a provision of subsection (h) or [subsection] (i) of this section shall be assessed the points as provided for in § 16–402(a)(14) of this title.

DRAFTER'S NOTE:

Error: Extraneous language in § 16–303(j)(2) of the Transportation Article.

Occurred: Ch. 374, Acts of 1990.

16–404.1.

(d) (1) (i) Notwithstanding subsection (c) of this section, an individual shall be a participant if:

4. The individual's license is revoked under § 16–205(b) **OF THIS TITLE** or suspended or revoked for an accumulation of points under § 16–402(a)(36) of this [title] **SUBTITLE** for:

A. Homicide by motor vehicle while under the influence of alcohol or alcohol per se, homicide by motor vehicle while impaired by alcohol, or homicide by motor vehicle while impaired by a combination of one or more drugs and alcohol; or

B. Life-threatening injury by motor vehicle while under the influence of alcohol or alcohol per se, life-threatening injury by motor vehicle while impaired by alcohol, or life-threatening injury by motor vehicle while impaired by one or more drugs and alcohol; or

DRAFTER'S NOTE:

Error: Stylistic error in § 16–404.1(d)(1)(i)4 of the Transportation Article.

Occurred: Ch. 62, Acts of 2017.

(g) Subject to [§ 27–107(g)(2)] **§ 21–902.2(G)(2)** of this article, the Administration shall impose a restriction on the individual's license that prohibits the individual from driving a motor vehicle that is not equipped with an ignition interlock system for the period of time that the individual is required to participate in the Program under this section.

DRAFTER'S NOTE:

Error: Incorrect cross-reference in § 16–404.1(g) of the Transportation Article.

Occurred: As a result of Ch. 55, Acts of 2017, which transferred the provisions of former § 27–107 of the Transportation Article to the new § 21–902.2 of the Transportation Article.

21–406.

(b) (2) (ii) In accordance with Title 12, [Subtitle 12] **SUBTITLE 2** of this article, a licensee may request a hearing on a license suspension imposed under this paragraph.

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 21–406(b)(2)(ii) of the Transportation Article.

Occurred: Ch. 55, Acts of 2017. Correction suggested by the Attorney General in the Bill Review Letter for S.B. 165 (Ch. 55) of 2017 (footnote 2), dated April 10, 2017.

25–102.

(c) An ordinance or regulation adopted under [items (4),] **SUBSECTION (A)(4)**, (5), (6), (7), or (10) of [subsection (a) of] this section is not effective until a traffic control device giving notice of the local traffic regulations is placed on or at the entrances to the highway or its affected part.

DRAFTER’S NOTE:

Error: Stylistic error in § 25–102(c) of the Transportation Article.

Occurred: Ch. 14, § 2, Acts of 1977.

Chapter 445 of the Acts of 1999

[SECTION 2. AND BE IT FURTHER ENACTED, That on or before October 1 of each year, the Office of Crime Control and Prevention shall provide a report to the General Assembly, in accordance with § 2–1246 of the State Government Article, that lists and describes all programs receiving grants from the Maryland Drug and Alcohol Grants Program Fund during the preceding fiscal year.]

DRAFTER’S NOTE:

Error: Obsolete language in Ch. 445, § 2, Acts of 1999.

Occurred: As a result of Ch. 9, Acts of 2017, which repealed §§ 5–1001 and 5–1002 of the Criminal Law Article.

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

as follows:

Article – Business Occupations and Professions

4–304.

(a) Except as otherwise provided in § 4–304.1 of this subtitle, an applicant is entitled to be examined as provided in this section if the applicant:

(2) pays an examination fee established by the Board in accordance with § 4–303 of this [title] SUBTITLE to the Board or the Board’s designee.

DRAFTER’S NOTE:

Error: Stylistic error in § 4–304(a)(2) of the Business Occupations and Professions Article.

Occurred: As a result of Ch. 256, Acts of 2017.

SECTION 3. AND BE IT FURTHER ENACTED, That the Drafter’s Notes contained in this Act are not law and may not be considered to have been enacted as part of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That the provisions of this Act are intended solely to correct technical errors in the law and there is no intent to revive or otherwise affect law that is the subject of other acts, whether those acts were signed by the Governor prior to or after the signing of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the publishers of the Annotated Code of Maryland, subject to the approval of the Department of Legislative Services, shall make any changes in the text of the Annotated Code necessary to effectuate any termination provision that was enacted by the General Assembly and has taken effect or will take effect prior to October 1, 2018. Any enactment of the 2018 Session of the General Assembly that negates or extends the effect of a previously enacted termination provision shall prevail over the provisions of this section.

SECTION 6. AND BE IT FURTHER ENACTED, That the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall make nonsubstantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any reference rendered incorrect or obsolete by an Act of the General Assembly, with no further action required by the General Assembly. The publishers shall adequately describe any such correction in an editor’s note following the section affected.

SECTION 7. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect contingent on the taking effect of Chapter 256 of the Acts of the General Assembly of 2017, and if Chapter 256 does not take effect, Section 2 of this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION 8. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and, except as provided in Section 7 of this Act, shall take effect from the date it is enacted.

Approved by the Governor, April 5, 2018.

Chapter 13

(Senate Bill 639)

AN ACT concerning

Education – Public School Personnel – Disciplinary Hearing Procedures

FOR the purpose of altering certain procedures for suspending or dismissing certain public school personnel; authorizing certain public school personnel to request arbitration under certain circumstances; specifying the procedures for arbitration; assigning responsibility for certain costs; providing that an arbitrator's decision and award is final and binding on the parties, subject to review by a circuit court; making stylistic changes; and generally relating to procedures for suspending or dismissing certain public school personnel.

BY repealing and reenacting, with amendments,

Article – Education

Section 6–202

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

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

Article – Education

6–202.

(a) (1) On the recommendation of the county superintendent, a county board may suspend or dismiss a teacher, principal, supervisor, assistant superintendent, or other professional assistant for:

(i) Immorality;

(ii) Misconduct in office, including knowingly failing to report

suspected child abuse in violation of § 5–704 of the Family Law Article;

- (iii) Insubordination;
- (iv) Incompetency; or
- (v) Willful neglect of duty.

(2) (I) Before removing an individual, the county board shall send the individual a copy of the charges against [him] **THE INDIVIDUAL** and give [him] **THE INDIVIDUAL** an opportunity within 10 days to request [a]:

1. A hearing **BEFORE THE COUNTY BOARD; OR**
2. **A HEARING BEFORE AN ARBITRATOR IN ACCORDANCE WITH PARAGRAPH (5) OF THIS SUBSECTION.**

(II) **IF AN INDIVIDUAL’S REQUEST DOES NOT SPECIFY THAT THE HEARING BE BEFORE AN ARBITRATOR, THE REQUEST SHALL BE CONSIDERED A REQUEST FOR A HEARING BEFORE THE COUNTY BOARD.**

(3) If the individual requests a hearing **BEFORE THE COUNTY BOARD** within the 10–day period:

- (i) The county board promptly shall hold a hearing, but a hearing may not be set within 10 days after the county board sends the individual a notice of the hearing; and
- (ii) The individual shall have an opportunity to be heard before the county board, in person or by counsel, and to bring witnesses to the hearing.

(4) The individual may appeal from the decision of the county board to the State Board.

(5) (I) IF THE INDIVIDUAL OR THE INDIVIDUAL’S REPRESENTATIVE REQUESTS A HEARING BEFORE AN ARBITRATOR WITHIN THE 10–DAY PERIOD, THE HEARING SHALL BE CONDUCTED IN ACCORDANCE WITH THIS PARAGRAPH.

(II) 1. AN ARBITRATOR SHALL BE SELECTED AS PROVIDED IN THIS SUBPARAGRAPH.

2. IF THE SUPERINTENDENT AND THE INDIVIDUAL OR THE INDIVIDUAL’S REPRESENTATIVE AGREE ON AN ARBITRATOR, THE ARBITRATOR SHALL BE CHOSEN BY MUTUAL AGREEMENT OF THE PARTIES.

3. IF THE SUPERINTENDENT AND THE INDIVIDUAL OR THE INDIVIDUAL'S REPRESENTATIVE CANNOT AGREE ON AN ARBITRATOR:

A. THE COUNTY BOARD SHALL REQUEST FROM THE AMERICAN ARBITRATION ASSOCIATION A LIST OF THE ARBITRATORS THAT ARE AVAILABLE TO HEAR THIS TYPE OF DISPUTE AND MAKE A DECISION IN A TIMELY MANNER; AND

B. THE PARTIES SHALL ALTERNATELY STRIKE ARBITRATORS FROM THE LIST.

(III) THE RULES OF LABOR ARBITRATION SHALL APPLY.

(IV) A STENOGRAPHIC RECORD SHALL BE MADE OF THE PROCEEDINGS BEFORE THE ARBITRATOR.

(V) 1. THE ARBITRATOR SHALL DETERMINE WHETHER THE COUNTY BOARD HAS SUFFICIENT CAUSE FOR SUSPENSION OR DISMISSAL OF THE INDIVIDUAL.

2. A LESSER PENALTY THAN DISMISSAL MAY BE IMPOSED BY THE ARBITRATOR ONLY TO THE EXTENT THAT EITHER PARTY PROPOSES THE LESSER PENALTY IN THE PROCEEDING.

(VI) IN MAKING A DECISION, THE ARBITRATION PROCEEDING IS GOVERNED BY THIS SUBTITLE AND BY THE COLLECTIVE BARGAINING AGREEMENT APPLICABLE TO THE INDIVIDUAL.

(VII) EXCEPT AS PROVIDED IN SUBPARAGRAPH (VIII) OF THIS PARAGRAPH, THE COUNTY BOARD SHALL PAY THE FULL COST AND EXPENSES OF THE ARBITRATION, INCLUDING:

1. THE AMERICAN ARBITRATION ASSOCIATION'S ADMINISTRATIVE FEES;

2. THE FULL COST OF THE STENOGRAPHY AND TRANSCRIPTION SERVICES;

3. REASONABLE EXPENSES FOR REQUIRED TRAVEL;

4. REASONABLE FEES AND EXPENSES INCURRED OR CHARGED BY THE ARBITRATOR; AND

5. REASONABLE EXPENSES ASSOCIATED WITH ANY WITNESS OR EVIDENCE PRODUCED AT THE REQUEST OF THE ARBITRATOR.

(VIII) 1. THE SUPERINTENDENT AND THE INDIVIDUAL SHALL PAY THEIR OWN RESPECTIVE COSTS AND EXPENSES ASSOCIATED WITH ANY WITNESS OR EVIDENCE PRODUCED BY THEM.

2. IF THE ARBITRATOR DETERMINES THAT THE COUNTY BOARD HAD SUFFICIENT CAUSE TO SUSPEND OR DISMISS THE INDIVIDUAL, THEN THE INDIVIDUAL SHALL PAY 50% OF THE FEES AND EXPENSES INCURRED OR CHARGED BY THE ARBITRATOR AND THE ADMINISTRATIVE FEES, IF ANY, OF THE AMERICAN ARBITRATION ASSOCIATION.

(IX) 1. THE DECISION AND AWARD BY THE ARBITRATOR ARE FINAL AND BINDING ON THE PARTIES.

2. AN INDIVIDUAL MAY REQUEST JUDICIAL REVIEW BY A CIRCUIT COURT, WHICH SHALL BE GOVERNED BY THE MARYLAND UNIFORM ARBITRATION ACT.

[(5)] (6) Notwithstanding any provision of local law, in Baltimore City the suspension and removal of assistant superintendents and higher levels shall be as provided by the personnel system established by the Baltimore City Board of School Commissioners under § 4–311 of this article.

(b) (1) Except as provided in paragraph (3) of this subsection, the probationary period of employment of a certificated employee in a local school system shall cover a period of 3 years from the date of employment and shall consist of a 1–year employment contract that may be renewed by the county board.

(2) (i) A county board shall evaluate annually a nontenured certificated employee based on established performance evaluation criteria.

(ii) Subject to subparagraph (iii) of this paragraph, if the nontenured certificated employee is not on track to qualify for tenure at any formal evaluation point:

1. A mentor promptly shall be assigned to the employee to provide the employee comprehensive guidance and instruction; and

2. Additional professional development shall be provided to the employee, as appropriate.

(iii) Nothing in this paragraph shall be construed to prohibit a county board from assigning a mentor at any time during a nontenured certificated employee's employment.

(3) (i) Subject to subparagraph (ii) of this paragraph, if a certificated employee has achieved tenure in a local school system in the State and moves to another local school system in the State, that employee shall be tenured if the employee's contract is renewed after 1 year of probationary employment in the local school system to which the employee relocated if:

1. The employee's final evaluation in the local school system from which the employee departed is satisfactory or better; and

2. There has been no break in the employee's service between the two systems of longer than 1 year.

(ii) A local school system may extend the probationary period for a certificated employee subject to subparagraph (i) of this paragraph for a second year from the date of employment if:

1. The employee does not qualify for tenure at the end of the first year based on established performance evaluation criteria; and

2. The employee demonstrates a strong potential for improvement.

(4) (i) The State Board shall adopt regulations that implement the provisions of paragraphs (1) and (2) of this subsection and define the scope of a mentoring program and professional development that will be aligned with the 3-year probationary period.

(ii) The State Board shall adopt regulations to establish standards for effective mentoring, including provisions to ensure that mentors provide mentoring that:

1. Is focused;

2. Is systematic;

3. Is ongoing;

4. Is of high quality;

5. Is geared to the needs of each employee being mentored;

6. Includes observations; and

7. Includes feedback.

(c) (1) In this subsection, "student growth" means student progress assessed by multiple measures and from a clearly articulated baseline to one or more points in time.

(2) (i) Subject to subparagraph (iii) of this paragraph, the State Board shall adopt regulations that establish general standards for performance evaluations for certificated teachers and principals that include observations, clear standards, rigor, and claims and evidence of observed instruction.

(ii) The regulations adopted under subparagraph (i) of this paragraph shall include default model performance evaluation criteria.

(iii) Before the proposal of the regulations required under this paragraph, the State Board shall solicit information and recommendations from each local school system and convene a meeting wherein this information and these recommendations are discussed and considered.

(3) Subject to paragraph (6) of this subsection:

(i) A county board shall establish performance evaluation criteria for certificated teachers and principals in the local school system based on the general standards adopted under paragraph (2) of this subsection that are mutually agreed on by the local school system and the exclusive employee representative.

(ii) Nothing in this paragraph shall be construed to require mutual agreement under subparagraph (i) of this paragraph to be governed by Subtitles 4 and 5 of this title.

(4) Subject to paragraph (7) of this subsection, the performance evaluation criteria developed under paragraph (3) of this subsection:

(i) Shall include data on student growth as a significant component of the evaluation and as one of multiple measures; and

(ii) May not be based solely on an existing or newly created single examination or assessment.

(5) (i) An existing or newly created single examination or assessment may be used as one of the multiple measures.

(ii) No single criterion shall account for more than 35% of the total performance evaluation criteria.

(6) If a local school system and the exclusive employee representative fail to mutually agree under paragraph (3) of this subsection, the default model performance evaluation criteria adopted by the State Board under paragraph (2)(ii) of this subsection shall take effect in the local jurisdiction 6 months following the final adoption of the regulations.

(7) Any performance evaluation criteria developed under this subsection

may not require student growth data based on State assessments to be used to make personnel decisions before the 2016–2017 school year.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Gubernatorial Veto Override, April 5, 2018.

Chapter 14

(House Bill 1783)

AN ACT concerning

21st Century School Facilities Act

FOR the purpose of requiring a county board of education to submit the purchase of ground or a school site to the State Superintendent of Schools to approve or disapprove within a certain period of time; authorizing certain exceptions to the requirement that certain public school property must be held in trust by a county board; authorizing a county board to contract with a county revenue authority in a public–private partnership agreement; establishing a design–construct–operate–maintain–finance arrangement as an alternative financing method available for use by ~~a county or~~ a county board; authorizing a county board to solicit certain proposals and lease certain property; authorizing certain alternative financing methods to include certain reserves; repealing certain requirements relating to regulations for alternative financing methods; repealing the requirement for the use of certain standards and procedures for qualifying and approving certain alternative financing methods; providing that certain provisions of law and regulations do not apply to projects that use alternative financing methods; prohibiting a certain construction of certain provisions of this Act; requiring projects that use alternative financing methods and receive State funding to be submitted to the Interagency Commission on School Construction for review and to comply with certain requirements; requiring each county board to make a certain determination regarding the designation of a school as an emergency management shelter; altering the requirements for awarding contracts to bidders for school buildings, improvements, supplies, or equipment; encouraging and authorizing county boards to use certain procurement methods; exempting certain lease payments from a certain county funding requirement under certain circumstances; requiring the State Board of Education to approve a certain waiver request subject to certain limitations; authorizing the State Board to approve a certain waiver request subject to a certain limitation; requiring the State Board to determine the number of fiscal years that a certain waiver is applicable and the minimum requirement of certain funding for the fiscal year following the expiration of a certain waiver; renaming the Interagency Committee on School Construction to

be the Interagency Commission on School Construction; repealing the requirement that the Board of Public Works establish the Interagency Committee; providing that the Interagency Commission is an independent commission that functions within the State Department of Education; providing for the purpose, membership, and chair of the Interagency Commission; prohibiting a certain individual from being an appointed member of the Interagency Commission ~~from being a certain elected official or government employee~~; repealing a provision authorizing the Board of Public Works to delegate certain administrative and budgetary authority; prohibiting a member of the Interagency Commission from receiving compensation, but authorizing the reimbursement of certain expenses; authorizing the Interagency Commission to employ staff; repealing the requirement that the Board of Public Works approve the appointment of the Executive Director; requiring the Interagency Commission, rather than the Board of Public Works, to define by regulation certain eligible and ineligible public school construction or capital improvement costs; requiring certain systems or items to have a certain median useful life to be an eligible public school construction cost; requiring the Interagency Commission, rather than the Board of Public Works, to adopt certain regulations regarding modular construction and indoor air quality; requiring the State to pay certain costs of certain projects and improvements approved by the Interagency Commission, rather than by the Board of Public Works; authorizing the Interagency Commission, rather than the Board of Public Works, to adopt regulations for the administration of the Public School Construction Program; requiring the regulations that govern the Public School Construction Program to establish a process for appeal of Interagency Commission decisions, alter the agency authorized to withhold certain funds in certain circumstances, and contain requirements for preventative maintenance plans and the submission of long-range plans and certain annual plans that include plans for specific projects; exempting certain regulations and procedures of the Interagency Commission from certain restrictions on the use of certain bond sale proceeds; establishing that certain authority, responsibilities, powers, and duties of certain governmental entities are subject to the regulations adopted by the Interagency Commission for the Public School Construction Program; prohibiting the Interagency Commission from partially funding a certain school construction project unless the local education agency has requested partial funding; establishing that certain reserved funds may not supplant certain additional funding; requiring the Interagency Commission, rather than the Board of Public Works, to provide certain notice of a certain recommended allocation of school construction funds; requiring the Interagency Commission, rather than the Board of Public Works, to approve projects comprising a certain percent of a certain preliminary school construction allocation during a certain period of time each year; requiring the Interagency Commission to establish a certain appeal process for local jurisdictions; repealing the provision authorizing the Board of Public Works to allocate a certain remaining allocation; requiring the Interagency Commission, on or after a certain date each year, to approve a certain percent of the school construction allocation included in the capital budget bill as enacted; providing that certain decisions and project approvals by the Interagency Commission are final and not subject to additional appeals or approvals by certain other units; requiring the Interagency ~~Committee on School Construction~~ Commission to establish and provide certain

incentives after a certain review and comment period; requiring certain incentives to be supplemental to certain other funding; requiring the Interagency ~~Committee~~ Commission to allow electronic submission of any documents or data required by the Interagency ~~Committee~~ Commission; requiring the Interagency ~~Committee~~ Commission to be a central repository for certain information; requiring the Interagency ~~Committee~~ Commission to take certain actions in consultation with the ~~School Construction Technical and Innovative Assistance Office~~ Maryland Stadium Authority; requiring the Interagency ~~Committee~~ Commission to work with a local education agency with declining enrollment to take certain actions; altering the State agency responsible for conducting inspections of public school buildings; requiring the Interagency ~~Committee~~ Commission, in consultation with local education agencies, to develop and adopt certain standards and to create a certain index for educational facilities on or before a certain date; providing for the purpose of certain standards and requiring the standards to include certain categories; requiring the Interagency ~~Committee~~ Commission to periodically review and update certain standards; requiring the Interagency ~~Committee~~ Commission to conduct a certain facility assessment under certain conditions on or before a certain date and ~~annually thereafter~~ to develop standards and procedures for certain updates; requiring local education agencies to ~~follow certain standards~~ cooperate and contribute certain data annually to update a certain facility assessment; ~~requiring the Interagency Committee to compare certain data~~; requiring the Interagency ~~Committee~~ Commission to manage the Integrated Master Facility Asset Library and to enter certain data into the Library; requiring the Interagency ~~Committee~~ Commission to ~~establish rankings annually based on certain criteria~~ share the data results with the Workgroup on the Assessment and Funding of School Facilities and, with the Workgroup, consider certain matters; requiring the Interagency ~~Committee~~ Commission to adopt certain regulations based on the Workgroup's recommendations, and not before a certain date, for use in certain funding decisions; requiring each county board to develop and adopt certain preventative maintenance schedules, based on industry standards, for certain public school facilities; ~~requiring certain preventative maintenance schedules to be based on certain standards and to be subject to certain review and approval~~; requiring each county board to report annually on or before a certain date to the Interagency ~~Committee~~ Commission on the board's compliance with certain preventative maintenance schedules; requiring the Interagency ~~Committee~~ Commission to enter certain information into the Integrated Master Facility Asset Library; requiring the Interagency Commission, rather than the Board of Public Works, to establish a process to allow a school system to obtain a waiver from certain high performance building requirements and to adopt certain regulations; specifying the process for the review and approval of public school construction projects; requiring certain reviews and approvals of certain educational specifications and schematic designs for certain projects; prohibiting certain change orders for certain projects from being subject to certain reviews and approvals; prohibiting a certain percentage of a certain State allocation from being withheld; requiring certain reviews and approvals of certain design and construction documents for certain projects; exempting certain local education agencies from the requirements for certain reviews and approvals if certain conditions are met; requiring the Department of General Services to develop a certain certification process and requiring the certification process to be subject to

certain review and approval; exempting certain school construction projects from review by the Maryland State Department of Education; requiring certain provisions of law to prevail in the event of a conflict with certain regulations and procedures; establishing the Local Share of School Construction Costs Revolving Loan Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Interagency ~~Committee~~ 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 interest earnings of the Fund to be credited to the Fund; specifying that money expended from the Fund is supplemental to certain other funds; requiring the Interagency ~~Committee~~ Commission to establish application procedures and certain eligibility criteria for loans from the Fund; exempting the Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State; requiring the State Treasurer, as directed by the Interagency Commission, to supervise the distribution of any money that the General Assembly appropriates for certain public school construction; establishing the School Safety Grant Program; establishing the purpose of the Program; requiring the Interagency Commission on School Construction to implement and administer the Program, in consultation with the Maryland Center for School Safety; requiring the Interagency Commission to provide certain grants under the Program; requiring the Interagency Commission to develop certain application procedures and eligibility requirements for the Program; requiring the Governor to provide a certain amount of money in the annual operating or capital budget bill for the Program; specifying that funding provided under the Program is supplemental to public school construction funding from other sources; requiring the Interagency Commission to adopt certain regulations for the Program; repealing the requirement that the Board of Public Works approve a grant under the solar energy pilot program; requiring the Interagency Commission, rather than the Board of Public Works, to adopt regulations requiring certain school construction project documents to include an evaluation of the use of solar technologies and regulations for funding certain projects at the Maryland School for the Blind; requiring the Maryland Green Building Council to develop certain guidelines for certain public school buildings; ~~establishing the School Construction Technical and Innovative Assistance Office in the Maryland Stadium Authority; providing for the purpose of the Office; authorizing the Office to take certain actions;~~ altering the State agency responsible for approving the use of money credited to the Public School Construction Fund; providing that Board of Public Works approval is not required for a contract or other authorization to spend the proceeds of a general obligation loan for public school construction projects; exempting capital expenditures for certain public school construction from certain review and approval requirements; declaring the intent of the General Assembly regarding funding for public school construction; providing for the recalculation of a certain funding goal after certain conditions are met; establishing the Workgroup on Educational Development Specifications; establishing the Workgroup on the Assessment and Funding of School Facilities; providing for the composition, chair, and staffing of the workgroups; prohibiting a member of the workgroups from receiving certain compensation, but authorizing the

reimbursement of certain expenses; requiring the workgroups to study and make recommendations regarding certain matters; requiring the workgroups to report their findings and recommendations to the Governor and the General Assembly on or before certain dates; requiring the Interagency ~~Committee~~ Commission to take certain actions, review certain matters, and examine certain requirements and to provide certain reports to the Governor and the General Assembly on or before certain dates; requiring the Interagency ~~Committee~~ Commission to explore the feasibility and funding of certain regional school construction projects and to report to the Commission on Innovation and Excellence in Education on or before a certain date; providing that certain regulations regarding the Public School Construction Program continue to be in force and effect unless altered by the Interagency Commission; providing that the Interagency Commission on School Construction is the successor of the Interagency Committee on School Construction; providing that certain names and titles of a certain unit and officials in laws and other documents mean the names and titles of the successor unit and officials; providing for the continuity of certain matters and persons; requiring the publisher of the Annotated Code, in consultation with the Department of Legislative Services, to correct cross-references and terminology in the Code that are rendered incorrect by this Act; making certain conforming changes; making certain stylistic changes; defining certain terms; and generally relating to the funding and administration of public school construction.

BY repealing and reenacting, with amendments,

Article – Education

Section 2–303(f), 4–114, 4–126, 5–112(c) and (h), ~~5–202(d)(8) and (11) through (13), 5–301, 5–302, 5–309, and 5–310~~ 5–301.1, 5–301.2, 5–302, 5–303, 5–304, 5–307(a), 5–309, 5–310, 5–312, and 8–315

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

BY adding to

Article – Education

Section 4–134, 5–112(h), ~~5–301.3, 5–314, and 5–315~~ 5–202(d)(11), and 5–314 through 5–317

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – Education

Section 5–202(d)(2)

Annotated Code of Maryland

(2018 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section 4–809(a) ~~and 6–226(a)(2)(i)~~, 6–226(a)(2)(i), 7–326(a), and 12–202(g)

Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section ~~4–809(f) and 6–226(a)(2)(ii)101. and 102., 5–7B–07, 6–226(a)(2)(ii)101. and 102., 7–326(e), 8–301, and 12–202(a)~~

Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)

BY adding to

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)103.

Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)

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

Article – Economic Development

Section ~~10–610–1~~ 10–645(l) and 10–646(a), (d), and (e)

Annotated Code of Maryland

(2008 Volume and 2017 Supplement)

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

Article – Education

2–303.

(f) (1) Subject to the bylaws, rules, and regulations of the State Board, **AND EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION**, the State Superintendent shall approve or disapprove each:

(i) Proposal for the purchase or sale of any ground, school site, or building;

(ii) Plan or specification for the remodeling of a school building if the remodeling costs more than \$350,000;

(iii) Plan or specification for the construction of a new school building;
and

(iv) Change order that costs more than \$25,000 for the remodeling, restoration, or construction of a school building.

(2) If the State Superintendent disapproves any plan, specification, proposal, or change order, he shall state in writing the reasons for his disapproval.

(3) If the construction is to be done by a county board, the board may not begin until the plans and specifications are approved in writing by the State Superintendent.

(4) If the construction is to be done by contract, the contract is invalid without the written approval of the State Superintendent.

(5) FOR THE PURCHASE OF ANY GROUND OR SCHOOL SITE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COUNTY BOARD SHALL SUBMIT THE PURCHASE TO THE STATE SUPERINTENDENT FOR APPROVAL OR DISAPPROVAL NOT MORE THAN 3 YEARS BEFORE THE PROJECT IS SUBMITTED TO THE INTERAGENCY ~~COMMITTEE~~ COMMISSION ON SCHOOL CONSTRUCTION FOR LOCAL PLANNING APPROVAL.

4-114.

(a) All property granted, conveyed, devised, or bequeathed for the use of a particular public school or school system:

(1) Except as provided in [subsection] **SUBSECTIONS (c) THROUGH (E)** of this section, shall be held in trust for the benefit of the school or school system by the appropriate county board or, for real property in Baltimore City, by the Mayor and City Council of Baltimore; and

(2) Is exempt from all State and local taxes.

(b) Money invested in trust for the benefit of the public schools for any county or city is exempt from all State and local taxes.

(c) (1) A private entity **OR A COUNTY REVENUE AUTHORITY** may hold title to property used for a particular public school or local school system if the private entity **OR COUNTY REVENUE AUTHORITY** is contractually obligated to transfer title to the appropriate county board on a specified date.

(2) The conveyance of title of school property to a private entity **OR A COUNTY REVENUE AUTHORITY** for a specified term under this subsection may not be construed to prohibit the allocation of construction funds to an approved school construction project under the Public School Construction Program.

(3) A county or county board may convey or dispose of surplus land under the jurisdiction of the county or county board in exchange for public school construction or development services.

(D) (1) THIS SUBSECTION APPLIES ONLY TO A PROJECT THAT USES AN ALTERNATIVE FINANCING METHOD UNDER § 4-126 OF THIS SUBTITLE.

(2) A COUNTY BOARD MAY TRANSFER TITLE TO PROPERTY USED FOR A PARTICULAR PUBLIC SCHOOL OR LOCAL SCHOOL SYSTEM TO A ~~COUNTY~~, COUNTY REVENUE AUTHORITY, OR PRIVATE ENTITY IF THE ~~COUNTY~~, COUNTY REVENUE AUTHORITY, OR PRIVATE ENTITY IS CONTRACTUALLY OBLIGATED TO OPERATE AND MAINTAIN THE PROPERTY UNTIL:

(I) THE PROPERTY OUTLIVES ITS USEFUL LIFE;

(II) THE PROPERTY IS NO LONGER NEEDED FOR SCHOOL PURPOSES; OR

(III) AS OTHERWISE AGREED TO BY THE PARTIES.

(E) A ~~COUNTY~~, COUNTY REVENUE AUTHORITY, OR PRIVATE ENTITY MAY HOLD TITLE TO PROPERTY LEASED BY A COUNTY BOARD TO BE USED FOR A PARTICULAR PUBLIC SCHOOL OR LOCAL SCHOOL SYSTEM UNDER TERMS AGREED TO BY THE PARTIES.

4–126.

(a) (1) In this section[, “alternative] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “ALTERNATIVE financing methods” includes ONE OR MORE OF THE FOLLOWING METHODS:

[(1)] (I) Sale–leaseback arrangements, in which a county board agrees to transfer title to a property, including improvements, to a private entity that simultaneously agrees to lease the property back to the county board and, on a specified date, transfer title back to the county board;

[(2)] (II) Lease–leaseback arrangements, in which a county board leases a property to a private entity that improves the property and leases the property, with the improvements, back to the county board;

[(3)] (III) Public–private partnership agreements, in which a county board contracts with a COUNTY REVENUE AUTHORITY OR A private entity for the acquisition, design, construction, improvement, renovation, expansion, equipping, or financing of a public school, and may include provisions for cooperative use of the school or an adjacent property and generation of revenue to offset the cost of construction or use of the school;

[(4)] (IV) Performance–based contracting, in which a county board enters into an energy performance contract to obtain funding for a project with guaranteed energy savings over a specified time period;

[(5)] (V) Preference-based arrangements, by which a local governing body gives preference first to business entities located in the county and then to business entities located in other counties in the State for any construction that is not subject to prevailing wage rates under Title 17, Subtitle 2 of the State Finance and Procurement Article; [and]

[(6)] (VI) Design-build arrangements, that permit a county board to contract with a design-build business entity for the combined design and construction of qualified education facilities, including financing mechanisms where the business entity assists the local governing body in obtaining project financing; AND

(VII) DESIGN-CONSTRUCT-OPERATE-MAINTAIN-FINANCE ARRANGEMENTS THAT PERMIT A COUNTY BOARD TO CONTRACT WITH A COUNTY REVENUE AUTHORITY OR A PRIVATE ENTITY FOR THE DESIGN, CONSTRUCTION, OPERATION, AND MAINTENANCE OF A PUBLIC SCHOOL UNDER TERMS AGREED TO BY THE PARTIES.

~~(3) "COUNTY" INCLUDES, UNLESS THE CONTEXT REQUIRES OTHERWISE, A COUNTY REVENUE AUTHORITY.~~

(b) (1) Except when prohibited by local law, in order to finance or to speed delivery of, transfer risks of, or otherwise enhance the delivery of public school construction, a county **BOARD, WITH THE APPROVAL OF THE COUNTY GOVERNING BODY IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION,** may:

[(1)] (I) Use alternative financing methods;

[(2)] (II) Engage in competitive negotiation, rather than competitive bidding, in limited circumstances, including construction management at-risk arrangements and other alternative project delivery arrangements, as provided in regulations adopted by the ~~Board of Public Works~~ **INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION;**

[(3)] (III) Accept unsolicited proposals for the development of public schools in limited circumstances, as provided in regulations adopted by the ~~Board of Public Works~~ **INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION;** [and]

(IV) SOLICIT PROPOSALS FOR THE DEVELOPMENT OF PUBLIC SCHOOLS;

(V) LEASE PROPERTY FROM A COUNTY REVENUE AUTHORITY OR A PRIVATE ENTITY FOR USE AS A PUBLIC SCHOOL FACILITY; AND

[(4)] (VI) Use quality-based selection, in which selection is based on a combination of qualifications and cost factors, to select developers and builders, as provided

in regulations adopted by the ~~Board of Public Works~~ INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION.

(2) THE ALTERNATIVE FINANCING METHODS DESCRIBED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION MAY INCLUDE RESERVES SUFFICIENT TO COVER OPERATION, FACILITY RENEWAL, MAINTENANCE, AND ENERGY COSTS AS PART OF A CONTRACT.

~~(e) The Board of Public Works shall adopt regulations requiring a project that qualifies for alternative financing methods under this section to meet requirements regarding the advantages of the project to the public that include provisions addressing:~~

~~(1) The probable scope, complexity, or urgency of the project;~~

~~(2) Any risk sharing, added value, education enhancements, increase in funding, or economic benefit from the project that would not otherwise be available;~~

~~(3) The public need for the project; and~~

~~(4) The estimated cost or timeliness of executing the project.~~

~~(d) Projects that qualify for alternative financing methods under this subsection:~~

~~(1) Shall meet the educational standards, design standards, and procedural requirements under this article and under regulations adopted by the Board of Public Works; and~~

~~(2) Consistent with the requirements of this article, shall be approved by:~~

~~(i) The county governing body;~~

~~(ii) The State Superintendent of Schools; or~~

~~(iii) The Interagency Committee on School Construction and the Board of Public Works.~~

~~(e) (C)~~ Use of alternative financing methods under this section may not be construed to prohibit the allocation of State funds for public school construction to a project under the Public School Construction Program.

~~(e) (D)~~ A county board may not use alternative financing methods under this section without the approval of the county governing body.

~~(g) The Board of Public Works shall adopt regulations recommended by the Interagency Committee on School Construction to implement the provisions of this section, including:~~

~~(1) Guidelines for the content of proposals, for the acceptance and evaluation of unsolicited proposals, and for accepting competing unsolicited proposals;~~

~~(2) Requirements for the content and execution of a comprehensive agreement governing an arrangement authorized under this section;~~

~~(3) Guidelines for content and issuance of solicitations;~~

~~(4) Requirements for the prequalification of bidders or offerors;~~

~~(5) Requirements for public notice of solicited and unsolicited proposals and proposed execution of a comprehensive agreement;~~

~~(6) Regulations that require compliance with requirements applicable to qualified projects that would otherwise be in effect under the State procurement law if the procurement were competitively bid; and~~

~~(7) (i) Regulations that require that contracts and subcontracts adhere to the requirements of Title 17, Subtitle 2 and Title 14 of the State Finance and Procurement Article if the requirements would otherwise be applicable; and~~

~~(ii) Regulations that specify elements to be included in any preference based arrangement adopted by a local governing body that gives preference first to business entities located in the county and then to business entities located in other counties in the State for any construction that is not subject to prevailing wage rates under Title 17, Subtitle 2 of the State Finance and Procurement Article.~~

(E) (1) (I) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, § 2-303(F) AND TITLE 5, SUBTITLE 3 OF THIS ARTICLE AND THE REGULATIONS THAT GOVERN THE PUBLIC SCHOOL CONSTRUCTION PROGRAM DO NOT APPLY TO PROJECTS THAT USE ALTERNATIVE FINANCING METHODS UNDER THIS SECTION.

(II) NOTHING IN THIS SECTION MAY BE CONSTRUED TO AUTHORIZE OR REQUIRE STATE APPROVAL BEFORE AN ALTERNATIVE FINANCING METHOD MAY BE USED BY A LOCAL SCHOOL SYSTEM.

(2) IF A PROJECT THAT RECEIVES STATE FUNDING USES ALTERNATIVE FINANCING METHODS UNDER THIS SECTION, THE PROJECT SHALL BE SUBMITTED TO THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION FOR REVIEW.

(3) PROJECTS THAT USE ALTERNATIVE FINANCING METHODS UNDER THIS SECTION AND RECEIVE STATE FUNDING SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS:

(I) THE STATE AND LOCAL COST-SHARE ESTABLISHED FOR EACH COUNTY IN REGULATIONS;

(II) THE MAXIMUM STATE CONSTRUCTION ALLOCATION FOR EACH PROJECT APPROVED FOR STATE FUNDING;

(III) THE APPROVAL OF PROJECT FUNDING BY THE INTERAGENCY COMMISSION;

(IV) SMART GROWTH REQUIREMENTS;

(V) MINORITY BUSINESS ENTERPRISE REQUIREMENTS;

(VI) PREVAILING WAGE REQUIREMENTS;

(VII) ENVIRONMENTAL REQUIREMENTS; AND

(VIII) A REQUIREMENT FOR A PROCUREMENT PROCESS THAT INCLUDES PUBLIC NOTICE AND RESULTS IN THE MOST ADVANTAGEOUS PROPOSAL.

4-134.

(A) EACH COUNTY BOARD SHALL MAKE A DETERMINATION OF THE PUBLIC SCHOOLS WITHIN THE JURISDICTION OF THE COUNTY BOARD THAT SHOULD BE DESIGNATED AS EMERGENCY MANAGEMENT SHELTERS.

(B) THE DETERMINATION OF THE COUNTY BOARD SHALL BE BASED ON:

(1) CONSISTENCY WITH LOCAL EMERGENCY MANAGEMENT PLANS AND CRITERIA; AND

(2) THE AVAILABILITY OF FUNDING.

5-112.

(c) (1) A contract for the school building, improvements, supplies, or other equipment shall be awarded to the [lowest] responsible bidder who PROVIDES THE BEST VALUE AND conforms to specifications with consideration given to:

(i) The quantities involved;

(ii) The time required for delivery;

(iii) The purpose for which required;

- (iv) The competency and responsibility of the bidder;
- (v) The ability of the bidder to perform satisfactory service; [and]
- (vi) The plan for utilization of minority contractors; AND
- (VII) THE PRICE OFFERED BY THE BIDDER.**

(2) The county board may reject any and all bids and readvertise for other bids.

(H) (1) A COUNTY BOARD IS ENCOURAGED, CONSISTENT WITH COMPETITIVE BIDDING, TO USE BULK PURCHASING, BUNDLING, AND INTERGOVERNMENTAL PURCHASING.

(2) A COUNTY BOARD MAY BUNDLE, FOR APPROVAL AND PROCUREMENT PURPOSES:

(I) SIMILAR SYSTEMIC RENOVATION PROJECTS AT DIFFERENT SCHOOLS; AND

(II) INTERRELATED SYSTEMIC PROJECTS AT A SINGLE SCHOOL.

[(h)] (I) A contract entered into or purchase made in violation of this section is void.

5-202.

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

(8) (i) The maintenance of effort requirement in paragraph (1)(ii) of this subsection does not apply to a county if the county requests and is granted a waiver from the requirement by the State Board based on:

1. A determination under this paragraph that the county's fiscal condition significantly impedes the county's ability to fund the maintenance of effort requirement;

2. Subject to paragraph (9) of this subsection, an agreement between the county and the county board to reduce recurring costs; [or]

3. Subject to paragraph (10) of this subsection, a determination that a county's ability to meet the maintenance of effort requirement is permanently impeded; OR

4. SUBJECT TO PARAGRAPH (11) OF THIS SUBSECTION, A DETERMINATION THAT LEASE PAYMENTS MADE BY THE COUNTY BOARD TO A COUNTY OR PRIVATE ENTITY HOLDING TITLE TO PROPERTY USED AS A PUBLIC SCHOOL BY A COUNTY BOARD IN ACCORDANCE WITH § 4-114(C)(1) OR (D) OF THIS ARTICLE.

(ii) In order to qualify for a waiver for a fiscal year, a county shall make a request for a waiver to the State Board by the earlier of the seventh day following the end of the legislative regular session or April 20 of the prior fiscal year.

(iii) The State Superintendent shall provide a preliminary assessment of a waiver request to the State Board before a public hearing held in accordance with subparagraph (iv) of this paragraph.

(iv) Before acting on a request for a waiver, the State Board shall hold a public hearing in accordance with regulations adopted by the State Board.

(v) Except as provided in paragraph (9) of this subsection, when considering whether to grant a county's waiver request, the State Board shall consider the following factors:

1. External environmental factors such as a loss of a major employer or industry affecting a county or a broad economic downturn affecting more than one county;

2. A county's tax base;

3. Rate of inflation relative to growth of student population in a county;

4. Maintenance of effort requirement relative to a county's statutory ability to raise revenues;

5. A county's history of exceeding the required maintenance of effort amount under paragraph (1)(ii) of this subsection;

6. An agreement between a county and a county board that a waiver should be granted;

7. Significant reductions in State aid to a county and municipalities of the county for the fiscal year for which a waiver is requested;

8. The number of waivers a county has received in the past 5 years; and

9. The history of compensation adjustments for employees of the county board and county government.

(vi) The State Board shall inform the county whether the waiver for a fiscal year is approved or denied in whole or in part no later than 30 days after receipt of an application or May 20 of the prior fiscal year, whichever is earlier.

(vii) Except as provided in paragraphs (9) and (10) of this subsection, if a county is granted a waiver from the provisions of this subsection by either the State Board or the General Assembly for any fiscal year, the minimum appropriation of local funds required under this subsection for the next fiscal year shall be calculated based on the per pupil local appropriation for the prior fiscal year in which the county met the maintenance of effort requirement under paragraph (1)(ii) of this subsection.

(11) (I) THIS PARAGRAPH APPLIES TO A COUNTY THAT REQUESTS A WAIVER UNDER PARAGRAPH (8)(I)4 OF THIS SUBSECTION.

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

2. THE AMOUNT OF THE AGREED-ON WAIVER MAY BE LESS THAN THE ENTIRE AMOUNT OF THE LEASE PAYMENT.

3. THE AMOUNT OF THE AGREED-ON WAIVER MAY NOT:

A. EXCEED THE ENTIRE AMOUNT OF THE LEASE PAYMENT; OR

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

(III) IF THE COUNTY AND COUNTY BOARD HAVE NOT AGREED ON AN AMOUNT, THE STATE BOARD MAY GRANT A WAIVER ON A DETERMINATION THAT THE LEASE PAYMENTS ARE COMPARABLE TO THE AMOUNT OF DEBT SERVICE THAT WOULD OTHERWISE BE REQUIRED IF THE ALTERNATIVE FINANCING HAD NOT BEEN USED.

(IV) IF THE STATE BOARD GRANTS A WAIVER UNDER THIS PARAGRAPH, THE STATE BOARD SHALL DETERMINE THE NUMBER OF FISCAL YEARS FOR WHICH THE WAIVER IS APPLICABLE AND THE MINIMUM APPROPRIATION OF LOCAL FUNDS REQUIRED UNDER THIS SUBSECTION FOR THE FISCAL YEAR AFTER THE EXPIRATION OF THE WAIVER.

[(11)] (12) In making the calculations required under this subsection, the Department shall consult with the Department of Budget and Management and the Department of Legislative Services.

[(12)] (13) (i) A county shall submit to the Superintendent the county's approved budget no later than 7 days after approval of the budget or June 30, whichever is earlier.

(ii) No later than 15 days after receipt of the county's approved budget the Superintendent shall certify whether the county has met the funding requirements established under this subsection and shall notify the county and county board of that certification.

[(13)] (14) On or before December 31 of each year the Department shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly, on all waiver requests, maintenance of effort calculations made by the Department and the county, the Department's decisions regarding waiver requests, the Department's certification of whether a county has met the requirement, and any other information relating to a county's request for a waiver and the Department's maintenance of effort decisions.

5-301.

~~(a)~~ In this subtitle, "Interagency ~~Committee~~ **COMMISSION**" means the Interagency ~~Committee~~ **COMMISSION** on School Construction established under § 5-302 of this subtitle.

5-302.

(a) **[(1) The Board of Public Works shall establish the] THERE IS AN Interagency [Committee] COMMISSION on School Construction.**

(B) THE INTERAGENCY COMMISSION IS AN INDEPENDENT COMMISSION THAT FUNCTIONS [as a unit] within the Department [for administrative and budgetary purposes].

(C) THE PURPOSE OF THE INTERAGENCY COMMISSION IS TO DEVELOP AND APPROVE POLICIES, PROCEDURES, GUIDELINES, AND REGULATIONS ON STATE

SCHOOL CONSTRUCTION ALLOCATIONS TO LOCAL JURISDICTIONS IN AN INDEPENDENT AND MERIT-BASED MANNER.

[(2)] (D) The Interagency [Committee] COMMISSION consists of the following members:

[(i)] (1) The State Superintendent of Schools, or the Superintendent's designee;

(2) THE SECRETARY OF PLANNING, OR THE SECRETARY'S DESIGNEE;

(3) THE SECRETARY OF GENERAL SERVICES, OR THE SECRETARY'S DESIGNEE;

(4) TWO MEMBERS OF THE PUBLIC APPOINTED BY THE GOVERNOR;

[(ii)] (5) [A member] TWO MEMBERS of the public appointed by the President of the Senate; AND

[(iii)] (6) [A member] TWO MEMBERS of the public appointed by the Speaker of the House[;

(iv) The Secretary of the Department of Planning, or the Secretary's designee; and

(v) The Secretary of General Services, or the Secretary's designee].

[(3)] (E) The [State Superintendent of Schools, or the Superintendent's designee,] GOVERNOR, PRESIDENT OF THE SENATE, AND SPEAKER OF THE HOUSE JOINTLY shall [be the Chairman] SELECT THE CHAIR of the Interagency [Committee] COMMISSION.

[(4)] (F) [A] AN APPOINTED member of the Interagency [Committee on School Construction] COMMISSION may not be:

[(i)] (1) An individual who is a regulated lobbyist as described in § 5-702(a)(1), (2), (3), or (4) of the General Provisions Article;

[(ii)] (2) A [member of the General Assembly] FEDERAL, STATE, OR LOCAL ELECTED OFFICIAL; ~~OR~~

[(iii)] (3) An employee of [a] STATE OR county government or A COUNTY board of education; OR

(4) AN INDIVIDUAL WHO HAS A BUSINESS INTEREST IN, OR CONTRACTS RELATED TO, SCHOOL CONSTRUCTION IN ANY JURISDICTION IN THE STATE]; or

(iv) A local elected official].

[(5) The Board of Public Works may delegate the administrative and budgetary authority of the Board to the Interagency Committee as determined by the Board to be necessary and appropriate.]

(G) AN APPOINTED MEMBER OF THE INTERAGENCY COMMISSION:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COMMISSION; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

[(b) (1) The Department or any other State agency may lend its employees to serve as the staff for the Interagency Committee.

(2) These employees shall be paid by the agency that employs them.

(c) The Executive Director of the Interagency Committee shall be appointed by the Interagency Committee with the approval of the Board of Public Works.]

(H) (1) THE INTERAGENCY COMMISSION IS A PUBLIC BODY AND SUBJECT TO TITLE 3 OF THE GENERAL PROVISIONS ARTICLE.

(2) DELIBERATIONS AND DECISIONS REGARDING THE ELIGIBILITY OF PROJECTS AND ALLOCATION OF FUNDING SHALL BE CONSIDERED QUASI-LEGISLATIVE FUNCTIONS FOR THE PURPOSES OF THE OPEN MEETINGS ACT.

(I) (1) THE INTERAGENCY COMMISSION MAY EMPLOY STAFF, INCLUDING CONTRACTUAL STAFF, IN ACCORDANCE WITH THE STATE BUDGET.

(2) THE INTERAGENCY COMMISSION SHALL APPOINT AN EXECUTIVE DIRECTOR OF THE INTERAGENCY COMMISSION.

(3) (I) THE DEPARTMENT OR ANY OTHER STATE AGENCY MAY LEND ITS EMPLOYEES TO SERVE AS THE STAFF FOR THE INTERAGENCY COMMISSION.

(II) THESE EMPLOYEES SHALL BE PAID BY THE AGENCY THAT EMPLOYS THEM.

5-303.

~~(b) (A)~~ (1) (I) ~~For the purposes of this section other than subsection (c), the Board of Public Works~~ **THE INTERAGENCY COMMISSION** shall define by regulation what constitutes an eligible and ineligible public school construction or capital improvement cost.

(II) **IN ORDER FOR THE COST OF AN ITEM OR A SYSTEM FUNDED WITH THE PROCEEDS OF GENERAL OBLIGATION BONDS TO BE CONSIDERED AN ELIGIBLE COST, IT MUST HAVE A MEDIAN USEFUL LIFE OF AT LEAST 15 YEARS.**

(2) (i) ~~The Board of Public Works~~ **INTERAGENCY COMMISSION** shall include modular construction as an approved public school construction or capital cost.

(ii) ~~The Board of Public Works, at the recommendation of the Interagency Committee on School Construction~~ **INTERAGENCY COMMISSION**, shall adopt regulations that:

1. Define modular construction; and

2. Establish the minimum specifications required for approval of modular construction as a public school construction or capital improvement cost.

(3) The cost of acquiring land may not be considered a construction or capital improvement cost and may not be paid by the State.

~~(b-1)~~ (B) ~~The Board of Public Works~~ **INTERAGENCY COMMISSION**, in consultation with the Department of General Services and the Department of Housing and Community Development, shall adopt regulations establishing criteria designed to enhance indoor air quality for the occupants of relocatable classrooms constructed after July 1, 2014, that are purchased or leased using State or local funds, including specifications that:

(1) Require each unit to include appropriate air barriers to limit infiltration;

(2) Require that each unit be constructed in a manner that provides protection against water damage through the use of proper roofing materials, exterior sheathing, water drainage systems, and flashing;

(3) Require that each unit provide continuous forced ventilation when the unit is occupied;

(4) Require each unit to include a programmable thermostat;

(5) Require each unit to be outfitted with energy efficient lighting and heating and air-conditioning systems; and

(6) Mandate that each unit be constructed with building materials that contain low amounts of volatile organic compounds (VOC) in accordance with industry standards.

(c) The State shall pay the costs in excess of available federal funds of the State share of public school construction projects and public school capital improvements in each county if:

(1) The projects or improvements have been approved by the ~~Board of Public Works~~ INTERAGENCY COMMISSION; and

(2) Contracts have been executed on or after July 1, 1971 for the projects or improvements.

(d) (1) The ~~Board of Public Works~~ INTERAGENCY COMMISSION may adopt regulations for the administration of the programs provided for in this section.

(2) The regulations adopted by the ~~Board of Public Works~~ INTERAGENCY COMMISSION may contain requirements for:

(i) [The development and submission of long range plans;

(ii) The submission of annual plans and plans for specific projects;

(iii)] The submission of other data or information that is relevant to school construction or capital improvement;

[(iv)] (II) The approval of sites, plans, and specifications for the construction of new school buildings or the improvement of existing buildings;

[(v)] (III) Site improvements;

[(vi)] (IV) Competitive bidding;

[(vii)] (V) The hiring of personnel in connection with school construction or capital improvements;

[(viii)] (VI) The actual construction of school buildings or their improvements;

[(ix)] (VII) The relative roles of different State and local governmental agencies in the planning and construction of school buildings or school capital improvements;

[(x)] (VIII) School construction and capital improvements necessary or appropriate for the proper implementation of this section;

[(xi)] (IX) ~~At the recommendation of the Interagency Committee,~~ the establishment of priority public school construction programs;

[(xii)] (X) Development of cooperative arrangements that permit the sharing of facilities among two or more school systems;

[(xiii)] (XI) The selection of architects and engineers by school systems;

[(xiv)] (XII) The award of contracts by school systems; and

[(xv)] (XIII) Method of payments made by the State under the Public School Construction Program.

(3) The regulations adopted by the ~~Board of Public Works~~ **INTERAGENCY COMMISSION** shall contain provisions:

(i) Establishing a State and local cost-share formula for each county that identifies the factors used in establishing the formulas;

(ii) Requiring local education agencies to adopt educational facilities master plans and annual capital improvement programs;

(iii) Providing a method for establishing a maximum State construction allocation for each project approved for State funding;

(iv) Referencing the policies stated in § 5-7B-07 of the State Finance and Procurement Article;

(v) Requiring local school systems to adopt procedures consistent with the minority business enterprise policies of the State as required under the Code of Maryland Regulations;

(vi) Establishing a process for ~~the~~ appeal of **INTERAGENCY COMMISSION** decisions ~~by the Interagency Committee to the Board of Public Works;~~

(vii) Requiring local education agencies to adopt, implement, and periodically update comprehensive maintenance plans **AND PREVENTATIVE MAINTENANCE PLANS;** [and]

(viii) Authorizing the ~~Board of Public Works~~ INTERAGENCY COMMISSION to withhold State public school construction funds from a local education agency that fails to comply with the requirements of item (vii) of this paragraph;

(IX) REQUIRING THE DEVELOPMENT AND SUBMISSION OF LONG-RANGE PLANS, INCLUDING A REQUIREMENT FOR THE ANNUAL SUBMISSION OF A 10-YEAR EDUCATIONAL FACILITIES MASTER PLAN; AND

(X) REQUIRING THE SUBMISSION OF AN ANNUAL CAPITAL IMPROVEMENT ~~PLAN~~ PROGRAM, WHICH MAY ONLY BE REQUIRED TO INCLUDE PLANS FOR SPECIFIC PROJECTS AND REQUESTS FOR PLANNING AND CONSTRUCTION PROJECTS FOR THE UPCOMING FISCAL YEAR.

(4) In adopting any of these requirements, the State Board and the ~~Board of Public Works~~ INTERAGENCY COMMISSION shall provide for the maximum exercise of initiative by school personnel in each county to ensure that the school buildings and improvements meet both the needs of the local communities and the rules and regulations necessary to ensure the proper operation of this section and the prudent expenditure of State funds.

(e) The ~~Board of Public Works~~ INTERAGENCY COMMISSION shall develop the rules, regulations, and procedures authorized by this section in consultation with representatives of the county boards and the county governing bodies.

(f) The regulations and procedures of the ~~Board of Public Works~~ INTERAGENCY COMMISSION adopted under this section and their promulgation are exempt from § 8-127(b) of the State Finance and Procurement Article.

(g) (1) With respect to public school construction or public school capital improvements, including sites for school buildings, the authority, responsibilities, powers, and duties of the following are subject to the regulations adopted by the ~~Board of Public Works~~ INTERAGENCY COMMISSION under this section:

- (i) The State Board;
- (ii) The State Superintendent;
- (iii) The county governments;
- (iv) The county boards; and
- (v) All other State or local governmental agencies under this article.

(2) If, as to public school construction or public school capital improvements, there is any conflict between the regulations and procedures of the ~~Board of Public Works~~ INTERAGENCY COMMISSION and the authority, responsibilities, powers,

and duties of the individuals and agencies specified in paragraph (1) of this subsection, the regulations and procedures of the ~~Board of Public Works~~ **INTERAGENCY COMMISSION** shall prevail.

(h) **(1)** The obligation of the State to pay the costs of public school construction and public school capital improvements extends only to those projects or parts of projects that comply with the regulations and procedures of the ~~Board of Public Works~~ **INTERAGENCY COMMISSION**.

(2) THE INTERAGENCY COMMISSION MAY NOT PARTIALLY FUND AN ELIGIBLE SCHOOL CONSTRUCTION PROJECT FOR A SYSTEMIC RENOVATION UNLESS THE LOCAL EDUCATION AGENCY HAS REQUESTED PARTIAL FUNDING.

(i) (1) This subsection does not apply to the proceeds from the sale, lease, or disposition of public school buildings constructed under contracts executed before February 1, 1971.

(2) Consistent with § 4–115 of this article and regulations adopted by the ~~Board of Public Works~~ **INTERAGENCY COMMISSION** to implement § 4–126 of this article, the ~~Board of Public Works~~ **INTERAGENCY COMMISSION** may require by regulation that the portion of the proceeds received by a county from the sale, lease, or disposal of any public school building that represent State funds provided within 15 years prior to the date of the transaction shall be used solely as part of the State funding of the construction of future public school buildings in the county in which the sale, lease, or disposal occurred, if the public school building was constructed under a contract executed on or after February 1, 1971.

(3) The part of the proceeds from the sale, lease, or disposal of a public school building that fairly represents the appraised value of land and that part of the cost of the public school building that was funded by the county shall remain as the funds of the county.

(4) A transfer of interest in a public school building in connection with a financing of the cost of construction and improvements to such buildings is not a sale, lease, or disposal of the public school facility.

(j) (1) Whether by budget bill or supplementary appropriation bill, all money appropriated to carry out the purposes of this section is a separate fund that shall be administered by the State Comptroller in accordance with the regulations adopted by the ~~Board of Public Works~~ **INTERAGENCY COMMISSION**.

(2) Subject to paragraph (3) of this subsection, any unexpended allocations of funds for previously approved projects shall be transferred to the fund established under paragraph (1) of this subsection.

(3) (i) Any funds approved for a county for a project that has not been contracted for within 2 years of the approval of the project, shall be:

1. Available for another eligible project in the county in the current fiscal year; or

2. Reserved for eligible projects in the county in the next fiscal year, in addition to the new funds allocated for eligible projects in the county in the next fiscal year, AND MAY NOT SUPPLANT NEW FUNDS ALLOCATED IN THE NEXT FISCAL YEAR OR IN LATER FISCAL YEARS.

(ii) Any funds reserved under subparagraph (i)2 of this paragraph that have not been used to contract for a project within 2 years of the date the funds were reserved shall be available for allocation to an eligible project in any county.

(4) On or before March 30, June 30, September 30, and December 31 of each year, the Interagency ~~Committee~~ COMMISSION shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, and the Department of Legislative Services on the balance in the fund as of the reporting date as the result of transfers or reversions required under this subsection and any expenditures.

~~5-301.3.~~

~~(A) IN THIS SECTION, “NET ZERO” MEANS THAT THE TOTAL AMOUNT OF ENERGY USED BY A BUILDING ON AN ANNUAL BASIS IS EQUAL TO OR LESS THAN THE AMOUNT OF RENEWABLE ENERGY CREATED ON THE SITE.~~

~~(B) THE INTERAGENCY COMMITTEE SHALL ESTABLISH INCENTIVES FOR:~~

~~(1) THE CONSTRUCTION OF NET ZERO SCHOOL BUILDINGS; AND~~

~~(2) THE USE OF ENERGY EFFICIENT OR OTHER PREFERRED MATERIALS IN PUBLIC SCHOOL CONSTRUCTION.~~

~~(C) BEFORE THE INTERAGENCY COMMITTEE MAY PROVIDE ANY INCENTIVES ESTABLISHED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION, THE INTERAGENCY COMMITTEE SHALL:~~

~~(1) NOTIFY THE BUDGET COMMITTEES OF THE GENERAL ASSEMBLY IN WRITING OF THE PROPOSED INCENTIVES; AND~~

~~(2) ALLOW THE BUDGET COMMITTEES 30 DAYS TO REVIEW AND COMMENT ON THE PROPOSED INCENTIVES.~~

~~5-302.~~

~~(a) (1) The Board of Public Works shall establish the Interagency Committee on School Construction as a unit within the Department for administrative and budgetary purposes.~~

~~(2) The Interagency Committee consists of the following members:~~

~~(i) The State Superintendent of Schools, or the Superintendent's designee;~~

~~(ii) A member of the public appointed by the President of the Senate;~~

~~(iii) A member of the public appointed by the Speaker of the House;~~

~~(iv) The Secretary of the Department of Planning, or the Secretary's designee; and~~

~~(v) The Secretary of General Services, or the Secretary's designee.~~

~~(3) The State Superintendent of Schools, or the Superintendent's designee, shall be the Chairman of the Interagency Committee.~~

~~(4) A member of the Interagency Committee on School Construction may not be:~~

~~(i) An individual who is a regulated lobbyist as described in § 5-702(a)(1), (2), (3), or (4) of the General Provisions Article;~~

~~(ii) A member of the General Assembly;~~

~~(iii) An employee of a county government or board of education; or~~

~~(iv) A local elected official.~~

~~(5) The Board of Public Works may delegate the administrative and budgetary authority of the Board to the Interagency Committee as determined by the Board to be necessary and appropriate.~~

~~(b) (1) The Department or any other State agency may lend its employees to serve as the staff for the Interagency Committee.~~

~~(2) These employees shall be paid by the agency that employs them.~~

~~(c) The Executive Director of the Interagency Committee shall be appointed by the Interagency Committee with the approval of the Board of Public Works.~~

~~(d)~~ **(A)** (1) (i) The Interagency ~~Committee~~ **COMMISSION** shall prepare projections of school construction and capital improvement needs for submission to the Capital Debt Affordability Committee under § 8–112(c)(3) of the State Finance and Procurement Article.

(ii) The projections shall be prepared in accordance with the regulations adopted by the ~~Board~~ **INTERAGENCY COMMISSION** under ~~§ 5–301~~ **§ 5–303** of this subtitle.

(2) (i) The ~~Board of Public Works or the Interagency Committee~~ **INTERAGENCY COMMISSION** shall notify each county board and each local governing body of the annual allocation of school construction funds recommended ~~to the Board of Public Works~~ by the Governor under ~~the consolidated capital debt program~~ **§ 8–113** of the State Finance and Procurement Article.

(ii) The notification shall be made immediately after the Governor has recommended the allocations so that each county may structure its respective school construction and capital improvement priorities in accordance with the annual allocation and any amendments.

~~(e)~~ **(B)** (1) Before May 1 of each year, the ~~Board of Public Works~~ **INTERAGENCY COMMISSION** may not approve public school construction projects that comprise more than 75% of the preliminary school construction allocation, determined under § 8–113 of the State Finance and Procurement Article, for the following fiscal year.

(2) On or before December 31 of each year, the Interagency ~~Committee~~ **COMMISSION** shall ~~provide recommendations to the Board of Public Works for~~ **APPROVE** public school construction projects that comprise 75% of the preliminary school construction allocation, determined under § 8–113 of the State Finance and Procurement Article, for the following fiscal year.

(3) THE INTERAGENCY COMMISSION SHALL ESTABLISH AN APPEAL PROCESS TO ALLOW LOCAL JURISDICTIONS TO REQUEST FUNDING FOR PROJECTS THAT WERE NOT APPROVED BY THE INTERAGENCY COMMISSION UNDER PARAGRAPH (2) OF THIS SUBSECTION.

~~(3)~~ **(4)** On or before March 1 of each year, the Interagency ~~Committee~~ **COMMISSION** shall provide recommendations to ~~the Board of Public Works,~~ the presiding officers and the budget committees of the General Assembly, and the Department of Legislative Services for public school construction projects that comprise 90% of the school construction allocation included in the capital budget submitted by the Governor for the following fiscal year.

~~(4) The remaining public school construction allocation for the following fiscal year may be allocated by the Board of Public Works as provided in regulation.~~

~~(f) (1) The Interagency Committee on School Construction is a public body and subject to Title 3 of the General Provisions Article.~~

~~(2) Deliberations and decisions regarding the eligibility of projects and allocation of funding shall be considered quasi-legislative functions for the purposes of the Open Meetings Law.~~

(5) ON OR AFTER MAY 1 EACH YEAR, THE INTERAGENCY COMMISSION SHALL APPROVE 100% OF THE SCHOOL CONSTRUCTION ALLOCATION INCLUDED IN THE CAPITAL BUDGET BILL AS ENACTED.

(C) THE FOLLOWING ACTIONS BY THE INTERAGENCY COMMISSION ARE FINAL AND ARE NOT SUBJECT TO ADDITIONAL APPEALS OR APPROVALS BY ANOTHER UNIT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT:

(1) A DECISION MADE BY THE INTERAGENCY COMMISSION UNDER THE APPEAL PROCESS ESTABLISHED BY THE INTERAGENCY COMMISSION; AND

(2) THE APPROVAL OF PUBLIC SCHOOL CONSTRUCTION PROJECTS UNDER THIS SUBTITLE.

~~(c) (D)~~ **THE INTERAGENCY ~~COMMITTEE~~ COMMISSION SHALL ALLOW ANY DOCUMENTS OR DATA REQUIRED BY THE INTERAGENCY ~~COMMITTEE~~ COMMISSION FROM ANY SOURCE, INCLUDING LOCAL EDUCATION AGENCIES AND STATE AGENCIES, TO BE SUBMITTED ELECTRONICALLY TO THE INTERAGENCY ~~COMMITTEE~~ COMMISSION.**

~~(H) (E)~~ **THE INTERAGENCY ~~COMMITTEE~~ COMMISSION SHALL BE A CENTRAL REPOSITORY FOR INFORMATION ON:**

- (1) THE USE OF PRE-FAB AND BUILDING SYSTEM OPTIONS;**
- (2) PROCUREMENT METHODS;**
- (3) SCHOOL FACILITY DESIGN AND CONSTRUCTION; AND**
- (4) BEST PRACTICES IN SCHOOL CONSTRUCTION.**

~~(I) (F)~~ **IN CONSULTATION WITH ~~THE SCHOOL CONSTRUCTION TECHNICAL AND INNOVATIVE ASSISTANCE OFFICE IN THE MARYLAND STADIUM AUTHORITY,~~ THE INTERAGENCY ~~COMMITTEE~~ COMMISSION SHALL:**

(1) PROVIDE TECHNICAL ASSISTANCE AND SUPPORT TO LOCAL EDUCATION AGENCIES ON THE USE OF ALTERNATIVE FINANCING AND ALTERNATIVE PROJECT DELIVERY METHODS FOR SCHOOL CONSTRUCTION;

(2) DEVELOP A PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM THAT:

(I) PROVIDES FINANCIAL ASSISTANCE THAT SHALL BE SUPPLEMENTAL TO AND MAY NOT TAKE THE PLACE OF FUNDING THAT WOULD OTHERWISE BE APPROPRIATED FOR SCHOOL CONSTRUCTION TO ASSIST LOCAL EDUCATION AGENCIES INTERESTED IN PURSUING ALTERNATIVE FINANCING TO COVER THE COST OF ASSOCIATED RISKS; AND

(II) REQUIRES LOCAL EDUCATION AGENCIES THAT USE ALTERNATIVE FINANCING TO FULLY DOCUMENT THE PROCESS, EXPECTATIONS, AND RESULTS;

(3) PROVIDE TECHNICAL SUPPORT FOR AGREEMENTS BETWEEN AND AMONG LOCAL EDUCATION AGENCIES AND COUNTY GOVERNING BODIES, INCLUDING REGIONAL PARTNERSHIPS, TO PROMOTE EFFICIENCY;

(4) UTILIZE AND PROMOTE TECHNOLOGICAL ADVANCES TO MAKE SCHOOL BUILDING DESIGN MORE EFFICIENT AND INNOVATIVE; AND

(5) UTILIZE AND PROMOTE TECHNOLOGY TO STREAMLINE COMPLIANCE REVIEW AND PROJECT DELIVERIES.

~~(J)~~ (G) THE INTERAGENCY ~~COMMITTEE~~ COMMISSION SHALL WORK WITH A LOCAL EDUCATION AGENCY WITH DECLINING ENROLLMENT TO IDENTIFY BUILDINGS FOR CONSOLIDATION OR FIND ALTERNATIVE USES FOR UNDERUTILIZED SCHOOL BUILDINGS, SUBJECT TO THE APPROVAL OF THE COUNTY BOARD.

5-307.

(a) The Interagency [Committee on Public School Construction] COMMISSION shall assist the Prince George's County Board of Education in developing an education facility master plan that encourages and supports the neighborhood school concept to improve the quality of education for all students in Prince George's County.

5-309.

(A) It is the intent of the General Assembly that the Department and the Public School Construction Program encourage local education agencies to reuse recently used school designs, when educationally appropriate and cost effective over the useful life of the project, within each county and across local school system boundaries.

(B) (1) ~~THE INTERAGENCY COMMITTEE~~ COMMISSION ON SCHOOL CONSTRUCTION SHALL DEVELOP AND PROVIDE INCENTIVES FOR LOCAL EDUCATION AGENCIES TO USE PROTOTYPE SCHOOL DESIGNS.

(2) THE INCENTIVES TO USE PROTOTYPE SCHOOL DESIGNS MAY INCLUDE EXPEDITED STATE REVIEW OF PROJECTS.

(C) (1) IN THIS SUBSECTION, “NET-ZERO” MEANS THAT THE TOTAL AMOUNT OF ENERGY USED BY A BUILDING ON AN ANNUAL BASIS IS EQUAL TO OR LESS THAN THE AMOUNT OF RENEWABLE ENERGY CREATED ON THE SITE.

(2) THE INTERAGENCY COMMISSION SHALL ESTABLISH INCENTIVES FOR:

(I) THE CONSTRUCTION OF NET-ZERO SCHOOL BUILDINGS;
AND

(II) THE USE OF ENERGY EFFICIENT OR OTHER PREFERRED MATERIALS IN PUBLIC SCHOOL CONSTRUCTION.

(D) THE INCENTIVES ESTABLISHED UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION SHALL BE SUPPLEMENTAL TO AND ARE NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED TO LOCAL EDUCATION AGENCIES FOR SCHOOL CONSTRUCTION.

~~(C)~~ (E) BEFORE THE INTERAGENCY ~~COMMITTEE~~ COMMISSION MAY PROVIDE ANY INCENTIVES ESTABLISHED IN ACCORDANCE WITH ~~SUBSECTION (D)~~ SUBSECTION (B) OR (C) OF THIS SECTION, THE INTERAGENCY ~~COMMITTEE~~ COMMISSION SHALL:

(1) NOTIFY THE BUDGET COMMITTEES OF THE GENERAL ASSEMBLY IN WRITING OF THE PROPOSED INCENTIVES; AND

(2) ALLOW THE BUDGET COMMITTEES 30 DAYS TO REVIEW AND COMMENT ON THE PROPOSED INCENTIVES.

5-310.

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

(2) “EDUCATIONAL FACILITIES SUFFICIENCY STANDARDS” MEANS A UNIFORM SET OF CRITERIA AND MEASURES FOR EVALUATING THE PHYSICAL

~~CONDITION~~ ATTRIBUTES AND EDUCATIONAL SUITABILITY OF PUBLIC ELEMENTARY AND SECONDARY SCHOOL FACILITIES IN THE STATE.

(3) “FACILITY CONDITION INDEX” MEANS A CALCULATION TO DETERMINE THE RELATIVE PHYSICAL CONDITION OF PUBLIC SCHOOL FACILITIES BY DIVIDING THE TOTAL REPAIR COST OF A FACILITY BY THE TOTAL REPLACEMENT COST OF A FACILITY.

[(a)] (B) (1) Each fiscal year, the Interagency ~~Committee~~ COMMISSION shall survey the condition of school buildings identified by the Department.

[(b)] (2) The [Department of General Services] ~~INTERAGENCY COMMITTEE~~ COMMISSION shall conduct the inspections of individual school buildings that [the Interagency Committee requires] ARE NECESSARY to complete the survey required in PARAGRAPH (1) OF THIS subsection [(a) of this section].

[(c)] (3) The Interagency ~~Committee~~ COMMISSION shall report to the Governor and the General Assembly, on or before October 1 of each year, in accordance with § 2-1246 of the State Government Article, on the results of the survey for the prior fiscal year.

(C) ON OR BEFORE JULY 1, 2018, IN CONSULTATION WITH LOCAL EDUCATION AGENCIES, THE INTERAGENCY ~~COMMITTEE~~ COMMISSION ON SCHOOL CONSTRUCTION SHALL ADOPT EDUCATIONAL FACILITIES SUFFICIENCY STANDARDS AND, IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION, A MARYLAND SCHOOL FACILITY INDEX A FACILITY CONDITION INDEX FOR MARYLAND PUBLIC SCHOOLS.

~~(D) THE EDUCATIONAL FACILITIES SUFFICIENCY STANDARDS AND THE FACILITY CONDITION INDEX SHALL BE WEIGHTED TO ADDRESS THE FUNCTIONAL RELEVANCY OF SPECIFIC FACILITY DEFICIENCIES, AS DETERMINED BY THE INTERAGENCY COMMITTEE COMMISSION, TO CREATE THE MARYLAND SCHOOL FACILITY INDEX.~~

(D) (1) THE PURPOSE OF THE EDUCATIONAL FACILITIES SUFFICIENCY STANDARDS IS TO ESTABLISH UNIFORM STANDARDS FOR THE ASSESSMENT OF THE PHYSICAL ATTRIBUTES, CAPACITY, AND EDUCATIONAL SUITABILITY OF PUBLIC SCHOOL FACILITIES IN MARYLAND.

(2) THE STANDARDS SHALL INCLUDE AT LEAST THE FOLLOWING CATEGORIES:

(I) BUILDING CONDITION RELATED TO LIFE SAFETY AND HEALTH;

(II) BUILDING SYSTEMS;

(III) BUILDING CAPACITY AND UTILIZATION, INCLUDING THE ABILITY TO HOUSE STUDENTS IN PERMANENT SPACE;

(IV) ACADEMIC SPACE, INCLUDING SPECIALTY CLASSROOM SPACE; AND

(V) PHYSICAL EDUCATION AND OUTDOOR RECREATIONAL SPACE.

(3) THE INTERAGENCY COMMISSION SHALL PERIODICALLY REVIEW AND UPDATE THE EDUCATIONAL FACILITIES SUFFICIENCY STANDARDS.

(E) (1) ON OR BEFORE JULY 1, 2019, THE INTERAGENCY ~~COMMITTEE~~ COMMISSION SHALL COMPLETE AN INITIAL STATEWIDE FACILITIES ASSESSMENT USING THE EDUCATIONAL FACILITIES SUFFICIENCY STANDARDS ADOPTED UNDER ~~SUBSECTION (E)~~ SUBSECTIONS (C) AND (D) OF THIS SECTION.

(2) IN COMPLETING THE ASSESSMENT THE INTERAGENCY ~~COMMITTEE~~ COMMISSION SHALL:

(I) INCORPORATE THE ~~MARYLAND SCHOOL FACILITY INDEX ESTABLISHED IN~~ FACILITY CONDITION INDEX ADOPTED UNDER SUBSECTION (D) (C) OF THIS SECTION;

(II) CONTRACT WITH AN INDEPENDENT THIRD-PARTY VENDOR TO CONDUCT DATA COLLECTION AND ASSESSMENT;

(III) UTILIZE, TO THE EXTENT POSSIBLE, EXISTING DATA SOURCES, INCLUDING THE EDUCATIONAL FACILITIES MASTER PLAN AND THE MARYLAND ASSOCIATION OF BOARDS OF EDUCATION; AND

(IV) COORDINATE WITH LOCAL EDUCATION AGENCIES TO IDENTIFY DATA ELEMENTS TO BE USED IN THE FACILITY ASSESSMENT.

(F) (1) FOLLOWING THE COMPLETION OF THE INITIAL STATEWIDE FACILITIES ASSESSMENT, THE INTERAGENCY ~~COMMITTEE~~ COMMISSION SHALL DEVELOP STANDARDS AND PROCEDURES TO COMPREHENSIVELY UPDATE THE FACILITIES ASSESSMENT SUCH THAT FACILITY ASSESSMENT DATA IS NOT OLDER THAN 4 YEARS.

(2) LOCAL EDUCATION AGENCIES SHALL:

~~(I) FOLLOW THE STANDARDS DEVELOPED IN PARAGRAPH (1) OF THIS SUBSECTION~~ COOPERATE WITH THE INTERAGENCY COMMISSION TO UPDATE THE FACILITY ASSESSMENT; AND

~~(II) CONTRIBUTE DATA ANNUALLY AS REQUESTED TO REGULARLY AND COMPREHENSIVELY UPDATE THE ASSESSMENT.~~

~~(3) THE INTERAGENCY COMMITTEE SHALL COMPARE THE DATA FROM THE INITIAL STATEWIDE FACILITIES ASSESSMENT TO THE DATA SUBMITTED BY LOCAL EDUCATION AGENCIES UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION.~~

~~(4)~~ (3) (I) THE INTERAGENCY COMMISSION SHALL ENTER THE FACILITY ASSESSMENT DATA INTO AN INTEGRATED DATA SYSTEM, WHICH SHALL BE KNOWN AS THE INTEGRATED MASTER FACILITY ASSET LIBRARY.

(II) THE INTERAGENCY COMMISSION SHALL MANAGE THE INTEGRATED MASTER FACILITY ASSET LIBRARY AND SHALL PROVIDE ACCESS TO THE LIBRARY FOR ALL LOCAL EDUCATION AGENCIES USING A CLOUD-BASED SYSTEM.

(G) (1) AFTER COMPLETION OF THE INITIAL FACILITY ASSESSMENT, AND ANNUALLY THEREAFTER, THE INTERAGENCY COMMISSION SHALL DETERMINE A RANKING OF EACH PUBLIC ELEMENTARY AND SECONDARY SCHOOL FACILITY USING THE MARYLAND SCHOOL FACILITY INDEX ESTABLISHED IN SUBSECTION (D) OF THIS SECTION SHARE THE DATA RESULTS WITH THE WORKGROUP ON THE ASSESSMENT AND FUNDING OF SCHOOL FACILITIES AND, WITH THE WORKGROUP, SHALL CONSIDER:

(I) HOW THE RELATIVE CONDITION OF PUBLIC SCHOOL FACILITIES WITHIN THE EDUCATIONAL FACILITIES SUFFICIENCY STANDARDS AND THE FACILITY CONDITION INDEX SHOULD BE PRIORITIZED, TAKING INTO ACCOUNT LOCAL PRIORITIES AND IN CONSULTATION WITH LOCAL JURISDICTIONS; AND

(II) IF DETERMINED TO BE APPROPRIATE, USE OF THE ASSESSMENT RESULTS IN FUNDING DECISIONS.

(2) BASED ON THE RECOMMENDATIONS OF THE WORKGROUP ON THE ASSESSMENT AND FUNDING OF SCHOOL FACILITIES, AND NOT BEFORE MAY 1, 2020, FOR USE IN FUNDING DECISIONS BEGINNING NO SOONER THAN FISCAL YEAR 2021, THE INTERAGENCY COMMISSION SHALL ADOPT REGULATIONS ESTABLISHING THE USE OF THE FACILITY ASSESSMENT RESULTS IN ANNUAL SCHOOL CONSTRUCTION FUNDING DECISIONS.

(H) (1) ~~EACH EXCEPT AS PROVIDED IN § 5-314(E) OF THIS SUBTITLE, EACH COUNTY BOARD SHALL DEVELOP AND ADOPT PREVENTATIVE MAINTENANCE SCHEDULES BASED ON INDUSTRY STANDARDS FOR THE PUBLIC SCHOOL FACILITIES WITHIN THE JURISDICTION OF THE COUNTY BOARD.~~

~~(2) A COUNTY BOARD'S PREVENTATIVE MAINTENANCE SCHEDULE SHALL BE:~~

~~(I) BASED ON INDUSTRY STANDARDS; AND~~

~~(II) SUBJECT TO REVIEW AND APPROVAL BY THE INTERAGENCY COMMITTEE.~~

~~(3)~~ (2) ON OR BEFORE JULY 1 EACH YEAR, EACH COUNTY BOARD SHALL REPORT TO THE INTERAGENCY ~~COMMITTEE~~ COMMISSION ON THE BOARD'S COMPLIANCE WITH THE PREVENTATIVE MAINTENANCE SCHEDULES ADOPTED UNDER THIS SUBSECTION.

~~(4)~~ (3) THE INFORMATION REPORTED IN ACCORDANCE WITH PARAGRAPH ~~(3)~~ (2) OF THIS SUBSECTION SHALL BE ENTERED INTO THE INTEGRATED MASTER FACILITY ASSET LIBRARY.

5-312.

(a) In this section, "high performance building" has the meaning stated in § 3-602.1 of the State Finance and Procurement Article.

(b) This section applies to the construction of new schools that have not initiated a Request For Proposal for the selection of an architectural and engineering consultant on or before July 1, 2009.

(c) Except as provided in subsection (d) of this section, a new school that receives State public school construction funds shall be constructed to be a high performance building.

(d) (1) The [Board of Public Works] INTERAGENCY COMMISSION shall establish a process to allow a school system to obtain a waiver from complying with subsection (c) of this section.

(2) The waiver process shall:

(i) Include a review by the Interagency [Committee] COMMISSION to determine if the construction of a high performance building is not practicable; and

- (ii) Require the approval of a waiver by the Interagency [Committee]

COMMISSION.

(e) For fiscal years 2010 through 2014 only, the State shall pay 50% of the local share of the extra costs, identified and approved by the Interagency [Committee] COMMISSION, that are incurred in constructing a new school to meet the high performance building requirements of this section.

(f) The [Board of Public Works] INTERAGENCY COMMISSION shall adopt regulations to implement the requirements of this section.

5-314.

(A) ~~THE NOTWITHSTANDING § 2-303(F) OF THIS ARTICLE, THE~~ PROCESS FOR THE REVIEW AND APPROVAL OF PUBLIC SCHOOL CONSTRUCTION PROJECTS SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

(B) (1) ~~EDUCATIONAL~~ EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, EDUCATIONAL SPECIFICATIONS AND SCHEMATIC DESIGNS FOR MAJOR CONSTRUCTION PROJECTS ARE REQUIRED TO ~~BE~~:

(I) ~~REVIEWED~~ BE REVIEWED BY THE ~~DEPARTMENT~~ INTERAGENCY COMMISSION; AND

~~(II) APPROVED BY THE INTERAGENCY COMMITTEE~~ COMMISSION.

(II) PRIOR TO FINALIZATION BY A LOCAL EDUCATION AGENCY, HAVE ANY CONCERNS OR RECOMMENDATIONS OF THE INTERAGENCY COMMISSION SATISFACTORILY RESOLVED.

(2) TO PROVIDE EFFICIENCY WITHIN THE PROCESS, THE DEPARTMENT AND THE INTERAGENCY ~~COMMITTEE~~ COMMISSION SHALL CONSIDER ALTERING THE REVIEW AND APPROVAL PROCESS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, INCLUDING A ROLLING DEADLINE FOR SUBMISSION OF DOCUMENTS, WITH SCHEMATIC DESIGNS SUBMITTED FOLLOWING THE COMPLETION OF THE EDUCATIONAL SPECIFICATIONS REVIEW.

(C) (1) CHANGE ORDERS FOR MAJOR CONSTRUCTION PROJECTS AND SYSTEMIC RENOVATION PROJECTS MAY NOT BE:

(I) REVIEWED BY THE DEPARTMENT OF GENERAL SERVICES; AND

(II) APPROVED BY THE INTERAGENCY ~~COMMITTEE~~
COMMISSION.

(2) A PERCENTAGE OF THE STATE ALLOCATION RELATED TO CHANGE ORDERS MAY NOT BE WITHHELD.

(3) LOCAL EDUCATION AGENCIES SHALL MAINTAIN CONTINGENCY FUNDS FOR EACH APPROVED PROJECT TO ADDRESS UNANTICIPATED CONSTRUCTION COSTS ABOVE THE STATE ALLOCATION.

(D) (1) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, DESIGN AND CONSTRUCTION DOCUMENTS FOR MAJOR CONSTRUCTION PROJECTS AND SYSTEMIC RENOVATION PROJECTS ARE REQUIRED TO BE:

(I) REVIEWED BY THE DEPARTMENT OF GENERAL SERVICES;
AND

(II) APPROVED BY THE INTERAGENCY ~~COMMITTEE~~
COMMISSION.

(2) THE DEPARTMENT OF GENERAL SERVICES AND THE INTERAGENCY ~~COMMITTEE~~ COMMISSION, IN CONSULTATION WITH LOCAL EDUCATION AGENCIES, SHALL DEVELOP A TIMELINE FOR SUBMISSION, REVIEW, AND APPROVAL OF DESIGN AND CONSTRUCTION DOCUMENTS.

(E) (1) THE PROVISIONS OF ~~SUBSECTION (D)~~ SUBSECTIONS (B) AND (D) OF THIS SECTION AND § 5-310(H) OF THIS SUBTITLE DO NOT APPLY TO A LOCAL EDUCATION AGENCY THAT SUCCESSFULLY COMPLETES A CERTIFICATION PROCESS THAT MEETS THE REQUIREMENTS OF THIS SUBSECTION.

(2) SUBJECT TO THE REVIEW AND APPROVAL OF THE INTERAGENCY ~~COMMITTEE~~ COMMISSION, THE DEPARTMENT OF GENERAL SERVICES SHALL DEVELOP A CERTIFICATION PROCESS THROUGH WHICH A LOCAL EDUCATION AGENCY IS ABLE TO DEMONSTRATE THE EXPERTISE AND CAPACITY TO COMPLETE THE REVIEW OF EDUCATIONAL SPECIFICATIONS, SCHEMATIC DESIGNS, DESIGN AND CONSTRUCTION DOCUMENTS, OR PREVENTATIVE MAINTENANCE SCHEDULE COMPLIANCE WITHIN THE COUNTY.

(3) THE CERTIFICATION PROCESS DEVELOPED BY THE DEPARTMENT OF GENERAL SERVICES SHALL PROVIDE FOR A RENEWABLE, ~~MULTIYEAR~~ 5-YEAR CERTIFICATION FOR A LOCAL EDUCATION AGENCY THAT SUCCESSFULLY COMPLETES THE CERTIFICATION PROCESS.

(F) SCHOOL CONSTRUCTION PROJECTS THAT ARE FUNDED ENTIRELY WITH LOCAL FUNDS ARE NOT REQUIRED TO BE REVIEWED BY THE DEPARTMENT UNLESS THE PROJECT SUBSTANTIALLY ALTERS OR EXPANDS AN EXISTING SCHOOL BUILDING THAT WAS BUILT IN PART WITH STATE FUNDS.

(G) IF THERE IS ANY CONFLICT BETWEEN THE PROVISIONS OF THIS SECTION AND THE REGULATIONS AND PROCEDURES OF ~~THE BOARD OF PUBLIC WORKS~~, THE INTERAGENCY ~~COMMITTEE~~ COMMISSION, THE DEPARTMENT, OR THE DEPARTMENT OF GENERAL SERVICES, THE PROVISIONS OF THIS SECTION SHALL PREVAIL.

5-315.

(A) IN THIS SECTION, “FUND” MEANS THE LOCAL SHARE OF SCHOOL CONSTRUCTION COSTS REVOLVING LOAN FUND.

(B) THERE IS A LOCAL SHARE OF SCHOOL CONSTRUCTION COSTS REVOLVING LOAN FUND.

(C) THE PURPOSE OF THE FUND IS TO PROVIDE LOANS TO LOCAL GOVERNMENTS TO FORWARD FUND THE LOCAL SHARE OF SCHOOL CONSTRUCTION COSTS FOR LOCAL EDUCATION AGENCIES THAT RELY ON THE LOCAL SHARE TO BE FULLY FUNDED IN ORDER TO COMPLETE A PROJECT.

(D) THE INTERAGENCY ~~COMMITTEE~~ COMMISSION 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 THAT SHALL BE AVAILABLE IN PERPETUITY FOR THE PURPOSE OF PROVIDING LOANS IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(F) THE FUND CONSISTS OF:

(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(2) ANY INTEREST EARNINGS OF THE FUND;

(3) REPAYMENTS OF PRINCIPAL AND INTEREST FROM LOANS MADE FROM THE FUND; AND

(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(G) THE FUND MAY BE USED ONLY TO PROVIDE LOW- OR NO-INTEREST LOANS TO LOCAL GOVERNMENTS.

(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(I) MONEY EXPENDED FROM THE FUND IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED TO LOCAL GOVERNMENTS FOR SCHOOL CONSTRUCTION.

(J) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE INTERAGENCY ~~COMMITTEE~~ COMMISSION SHALL ESTABLISH APPLICATION PROCEDURES AND ELIGIBILITY CRITERIA FOR LOANS FROM THE FUND.

(2) THE ELIGIBILITY CRITERIA SHALL INCLUDE THAT A LOCAL GOVERNMENT IS:

(I) IN NEED OF A LOAN TO FORWARD FUND THE LOCAL SHARE OF SCHOOL CONSTRUCTION COSTS IN ORDER TO COMPLETE A PROJECT; AND

(II) ABLE TO DEMONSTRATE THE ABILITY TO REPAY THE LOAN IF REQUIRED AT A LATER DATE.

5-316.

AS DIRECTED BY THE INTERAGENCY COMMISSION, THE STATE TREASURER SHALL SUPERVISE THE DISTRIBUTION OF ANY MONEY THAT THE GENERAL ASSEMBLY APPROPRIATES FOR PUBLIC SCHOOL CONSTRUCTION FOR:

(1) BUILDINGS;

(2) EQUIPMENT;

(3) NEW CONSTRUCTION; OR

(4) ANY OTHER CAPITAL EXPENDITURE.

5-317.

(A) IN THIS SECTION, “PROGRAM” MEANS THE SCHOOL SAFETY GRANT PROGRAM.

(B) (1) THERE IS A SCHOOL SAFETY GRANT PROGRAM.

(2) THE PURPOSE OF THE PROGRAM IS TO PROVIDE GRANTS TO COUNTY BOARDS FOR SCHOOL SECURITY IMPROVEMENTS, INCLUDING:

(I) SECURE AND LOCKABLE CLASSROOM DOORS FOR EACH CLASSROOM IN THE SCHOOL;

(II) AN AREA OF SAFE REFUGE IN EACH CLASSROOM IN THE SCHOOL; AND

(III) SURVEILLANCE AND OTHER SECURITY TECHNOLOGY FOR SCHOOL MONITORING PURPOSES.

(C) THE PROGRAM SHALL BE IMPLEMENTED AND ADMINISTERED BY THE INTERAGENCY COMMISSION, IN CONSULTATION WITH THE MARYLAND CENTER FOR SCHOOL SAFETY.

(D) THE INTERAGENCY COMMISSION SHALL:

(1) PROVIDE GRANTS TO COUNTY BOARDS FOR PUBLIC SCHOOL SECURITY IMPROVEMENTS;

(2) DEVELOP A PROCEDURE FOR A COUNTY BOARD TO APPLY FOR A GRANT UNDER THE PROGRAM; AND

(3) DEVELOP ELIGIBILITY REQUIREMENTS FOR A COUNTY BOARD TO RECEIVE A GRANT UNDER THE PROGRAM.

(E) IN ADDITION TO THE ANNUAL AMOUNT OTHERWISE PROVIDED IN THE CAPITAL IMPROVEMENT PROGRAM OF THE PUBLIC SCHOOL CONSTRUCTION PROGRAM, THE GOVERNOR SHALL PROVIDE AN ADDITIONAL \$10,000,000 IN THE ANNUAL OPERATING OR CAPITAL BUDGET BILL THAT MAY BE USED ONLY TO AWARD GRANTS UNDER THE PROGRAM.

(F) THE STATE FUNDING PROVIDED UNDER THE PROGRAM IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT WOULD OTHERWISE BE APPROPRIATED FOR PUBLIC SCHOOL CONSTRUCTION PURPOSES TO A COUNTY BOARD FROM ANY OTHER SOURCE.

(G) THE INTERAGENCY COMMISSION SHALL ADOPT REGULATIONS NECESSARY TO IMPLEMENT THIS SECTION.

[5-301.1.] 5-318.

(a) (1) There is a solar energy pilot program to promote the use of solar energy systems to generate electricity in public school buildings in the State.

(2) The pilot program shall be implemented and administered by the Interagency [Committee on School Construction] COMMISSION and shall operate as provided in this section.

(b) The Interagency [Committee] COMMISSION shall:

(1) Encourage all local boards in the State to study, design, and construct or renovate school buildings that are energy efficient and use solar energy systems to generate electricity to meet some of the school building's electrical energy needs, electrical energy demand, or a combination of the electrical energy needs and electrical energy demand;

(2) Provide grants out of State funds dedicated for this program to local boards to assist in implementing the use of solar energy systems at existing public schools or in new or renovated school building projects; and

(3) Develop a procedure for a local board to apply for a grant in accordance with subsection (c) of this section.

(c) (1) A local board may apply to the Interagency [Committee] COMMISSION for a grant to cover 90% of the cost to purchase and install a solar energy system to generate a portion of the school building's electrical energy needs or electrical energy demand.

(2) A local board that receives a grant under this subsection shall pay:

(i) 10% of the cost to purchase and install the solar energy system;
and

(ii) All architectural or engineering fees for the design and supervision of the installation of the solar energy system.

(3) The Interagency [Committee] COMMISSION may award a grant under this section for a solar energy system project [with the approval of the Board of Public Works].

(d) Local school systems are encouraged to seek private funding to implement the pilot program.

(e) The total savings of electrical energy needs and electrical energy demand costs that result from the installation and use of solar energy systems under this section shall remain with the local school system.

(f) (1) The Interagency [Committee] COMMISSION and the Maryland Energy Administration shall cooperate with, assist, provide technical assistance to, and advise school systems to identify appropriate existing public school buildings and public school construction projects that would benefit from the installation of solar energy systems.

(2) The Interagency [Committee] COMMISSION shall adopt procedures necessary to implement this section.

[5-301.2.] 5-319.

(a) The [Board of Public Works] INTERAGENCY COMMISSION shall adopt regulations that require the design development documents for the construction or major renovation of school buildings submitted by a county board to the Interagency [Committee] COMMISSION to include:

(1) An evaluation of the use of solar technologies, including photovoltaic or solar water heating, based on life cycle costs; and

(2) If an evaluation determines that solar technologies are not appropriate for a construction or major renovation project, a report that explains why the use of the technology is not appropriate.

(b) On or before December 31 of each year, the Interagency [Committee] COMMISSION shall submit a report on the number of public school construction and major renovation projects in each jurisdiction that use solar technologies to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

[5-303.] 5-320.

(a) (1) For the purposes of this section, replacement cost shall be determined by the product of the area of a building that is over 40 years old times the current cost per square foot of building construction which may not include:

(i) Specialized costs of demolition;

(ii) Site development;

(iii) The fees of architects and engineers; or

(iv) Air conditioning.

(2) All existing area that is not at least 40 years old shall be excluded from this calculation.

(b) If a county board finds, after preparing feasibility and life cycle cost studies, that it is appropriate and economically beneficial to renovate an existing school building that, in whole or part, has been in continuous educational use for 40 years or more and the cost of the proposed renovation work is not more than the replacement cost of the building or part of a building of the same area and purpose, the Interagency [Committee on School Construction and the Board of Public Works] COMMISSION shall consider a request for State funding on the basis of these findings.

(c) Before it is considered for funding, the project shall be:

(1) Justified as to need and continued purpose; and

(2) Included in an annual capital improvement program that has been approved by the Interagency [Committee on School Construction and the Board of Public Works] COMMISSION.

[5-304.] 5-321.

(a) The indebtedness of a county may not be considered to be increased by the receipt of money by a county from participation in the General Public School Construction Loan of 1956 or any similar act.

(b) A county may not be required to levy ad valorem taxes on its taxable basis for the purpose of repaying to the State any money received by the county as a result of these acts during the calendar year 1958 or after or the interest or carrying charges with respect to this money.

(c) All money received by a county during the calendar year 1958 or after because of the participation of the county in the General Public School Construction Loan of 1956 or any similar act shall be deducted from the funds due the county under the applicable provisions of State law that relate to the:

(1) Income tax;

(2) Tax on racing;

(3) Recordation tax;

(4) Tax on amusements;

(5) License tax; and

(6) School building construction aid program under [§ 5–301(c)] § 5–303(C) of this subtitle, provided that money may not be deducted for any general public school construction loans that no longer require repayment by the county under [§ 5–301(c)] § 5–303(C) of this subtitle.

(d) All obligations in connection with funds received by a county from the General Public School Construction Loan of 1956 or any similar act are self-liquidating obligations, incurred for self-liquidating projects within the meaning of those terms as used in any charter or public general or public local law of this State.

(e) Any law that is inconsistent with the provisions of this section is repealed to the extent of the inconsistency.

8–315.

(a) Notwithstanding § 4–114 of this article and subject to regulations adopted by the [Board of Public Works] INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION, for fiscal years 2013 through 2028, the Maryland School for the Blind shall be eligible for funding under the Public School Construction Program in accordance with Title 5, Subtitle 3 of this article.

(b) The [Board of Public Works] INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION shall adopt regulations for funding school construction and school capital improvements at the Maryland School for the Blind in accordance with the requirements set forth in Title 5, Subtitle 3 of this article that apply to school construction and school capital improvement projects funded for county boards of education.

Article – State Finance and Procurement

4–809.

(a) There is a Maryland Green Building Council.

(f) The Maryland Green Building Council shall:

(1) evaluate current high performance building technologies;

(2) provide recommendations concerning the most cost-effective green building technologies that the State might consider requiring in the construction of State facilities, including consideration of the additional cost associated with the various technologies;

(3) provide recommendations concerning how to expand green building in the State;

(4) develop a list of building types for which green building technologies should not be applied, taking into consideration the operational aspects of facilities evaluated, and the utility of a waiver process where appropriate; [and]

(5) establish a process for receiving public input; AND

(6) DEVELOP GUIDELINES FOR NEW PUBLIC SCHOOL BUILDINGS TO ACHIEVE THE EQUIVALENT OF THE CURRENT VERSION OF THE U.S. GREEN BUILDING COUNCIL'S LEED (LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN) GREEN BUILDING RATING SYSTEM SILVER RATING OR A COMPARABLE RATING SYSTEM OR BUILDING CODE AS AUTHORIZED IN § 3-601.1 OF THIS ARTICLE WITHOUT REQUIRING ~~LEED CERTIFICATION OF THE SCHOOL BUILDINGS, INCLUDING~~ AN INDEPENDENT CERTIFICATION THAT THE BUILDINGS HAVE ACHIEVED THE REQUIRED STANDARDS.

5-7B-07.

(a) It shall be the policy of the State that the emphasis of funding for public school construction projects shall be to target the rehabilitation of existing schools to ensure that facilities in established neighborhoods are of equal quality to new schools.

(b) This section may not be construed to prohibit the provision of school construction funding outside a priority funding area.

(c) The [Public School Interagency Committee] **INTERAGENCY COMMISSION** on School Construction shall [continue to] review and [make recommendations on] **APPROVE** school funding projects [to the Board of Public Works].

6-226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

101. the Advance Directive Program Fund; [and]

102. the Make Office Vacancies Extinct Matching Fund; AND

103. THE LOCAL SHARE OF SCHOOL CONSTRUCTION COSTS REVOLVING LOAN FUND.

7-326.

(a) In this section, “Fund” means the Public School Construction Fund.

(e) Subject to the approval of the [Board of Public Works] **INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION**, money credited to the Fund shall be used only for public school construction projects and public school capital improvements consistent with the provisions of Title 5, Subtitle 3 of the Education Article.

8-301.

(a) Except as provided in subsection (b) of this section or in other law, a contract to spend the proceeds of a general obligation loan that has been authorized by any act of the General Assembly may not be executed until the Board of Public Works approves the contract.

(b) **(1)** Approval by the Board of Public Works is not required if the act merely authorizes a county or municipal corporation to borrow money and no State funds are involved.

(2) **APPROVAL BY THE BOARD OF PUBLIC WORKS IS NOT REQUIRED FOR A CONTRACT OR OTHER AUTHORIZATION TO SPEND THE PROCEEDS OF A GENERAL OBLIGATION LOAN FOR PUBLIC SCHOOL CONSTRUCTION PROJECTS.**

12-202.

(a) This section does not apply to capital expenditures:

(1) **FOR PUBLIC SCHOOL CONSTRUCTION UNDER TITLE 5, SUBTITLE 3 OF THE EDUCATION ARTICLE; OR**

(2) by the Department of Transportation or the Maryland Transportation Authority, in connection with State roads, bridges, or highways.

(g) The Board shall supervise the expenditure of any money that the General Assembly appropriates for:

(1) buildings;

(2) equipment;

(3) new construction; or

- (4) any other capital expenditure.

Article – Economic Development

10–645.

(l) On October 1, 2013, and each January 15 thereafter, the Authority, Baltimore City, the Baltimore City Board of School Commissioners, and the Interagency [Committee] COMMISSION on School Construction jointly shall report to the Governor, the Board of Public Works and, in accordance with § 2–1246 of the State Government Article, the fiscal committees of the General Assembly, on the progress of replacements, renovations, and maintenance of Baltimore City public school facilities, including actions:

- (1) taken during the previous fiscal year; and
(2) planned for the current fiscal year.

10–646.

(a) Before any bonds are issued to finance improvements to a Baltimore City public school facility:

(1) a four–party memorandum of understanding that meets the requirements of this section shall be entered into and signed by the Authority, Baltimore City, the Baltimore City Board of School Commissioners, and the Interagency [Committee] COMMISSION on School Construction; and

(2) the Baltimore City Board of School Commissioners shall submit a long–term educational facilities master plan to the Joint Audit Committee and the budget committees, in accordance with § 2–1246 of the State Government Article.

(d) (1) The memorandum of understanding shall authorize the Authority to design and improve, or contract for the design and improvement of, a Baltimore City public school facility.

(2) The authority granted to the Authority under paragraph (1) of this subsection is subject to the rights and responsibilities of the Interagency [Committee] COMMISSION on School Construction for the design and construction of a Baltimore City public school facility.

(e) The memorandum of understanding shall require:

(1) specific parameters regarding the roles, rights, and responsibilities of each party with respect to the process for and management of program development, scheduling, budgeting, procurement, design, construction administration, capital equipping, and maintenance of improvements to a Baltimore City public school facility;

(2) specific parameters regarding the authority of the Baltimore City Board of School Commissioners over educational programs and issues relating to the Baltimore City Public Schools' 10-Year Plan, including educational specifications, feasibility studies, and design elements of educational buildings, which shall provide that at the completion of schematic design, all parties shall agree to project scope, schedule, and budget;

(3) specific parameters for a review and comment period for any proposed amendments to the Baltimore City Public Schools' 10-Year Plan, as referenced in § 10-645(a) of this subtitle;

(4) specific procedures related to the role of the Interagency [Committee] COMMISSION on School Construction related to improvements to a Baltimore City public school facility financed under this subtitle, which shall provide for efficiencies in cost, schedules, and processes;

(5) a process for determining which planned projects for improvements to Baltimore City public school facilities will proceed as planned or will be postponed or canceled;

(6) a pledge by Baltimore City, subject to annual appropriation, to deposit the following into the Baltimore City Public School Construction Financing Fund:

(i) all revenues and receipts from the beverage container tax imposed by Baltimore City Ordinance No. 12-45, enacted June 26, 2012; and

(ii) 10% of the participation rent paid to Baltimore City by the operator of the video lottery facility located in Baltimore City;

(7) a partnership between the Baltimore City Board of School Commissioners, the Baltimore City Department of Planning, Housing, Recreation, and Parks, and the Mayor of Baltimore City to coordinate new investment in Baltimore City public school facilities with the community development goals of Baltimore City;

(8) a plan for any new or substantially renovated Baltimore City public school facilities to be available for recreational opportunities for the community;

(9) a plan to present all architectural plans for all major renovation and new public school construction buildings and sites to the Baltimore City Planning Department's Urban Design and Architectural Review Panel for schematic and final design review;

(10) a process developed and agreed to by Baltimore City and the Baltimore City Board of School Commissioners to expedite the closure of public school buildings as provided in the Baltimore City Public Schools' 10-Year Plan approved on January 8, 2013, and to arrange for the productive use of the closed buildings through the surplus process;

(11) a plan developed by the Baltimore City Board of School Commissioners and approved by the Interagency [Committee] COMMISSION on School Construction for preventative and ongoing maintenance for existing, new, and renovated Baltimore City public school facilities, including funding sufficient to implement the plan;

(12) a plan developed by the Baltimore City Board of School Commissioners and approved by the Interagency [Committee] COMMISSION on School Construction providing for minimum school utilization standards;

(13) the creation of a “Stat” program for the Baltimore City Public Schools’ 10–Year Plan;

(14) specific parameters for Baltimore City public school facilities financed under this subtitle regarding:

(i) property management, maintenance plans and standards, annual inspections, and property insurance; and

(ii) any claims, losses, or damages arising from the Authority’s improvement of any Baltimore City public school facility;

(15) a process to resolve disputes and revise the memorandum of understanding, if necessary; and

(16) an allocation of the public school improvements to be undertaken by the Authority and the Baltimore City Board of School Commissioners, respectively.

~~10-610.1.~~

~~(A) THERE IS A SCHOOL CONSTRUCTION TECHNICAL AND INNOVATIVE ASSISTANCE OFFICE IN THE AUTHORITY.~~

~~(B) THE PURPOSE OF THE OFFICE IS TO:~~

~~(1) PROVIDE TECHNICAL ASSISTANCE ON PUBLIC SCHOOL CONSTRUCTION PROJECTS, INCLUDING PROJECT SCOPE, PROJECT DELIVERY METHOD, AND RESEARCH-BASED BEST PRACTICES IN ALL AREAS OF SCHOOL DESIGN AND CONSTRUCTION; AND~~

~~(2) EXPLORE AND PROMOTE EFFICIENT, EFFECTIVE, ECONOMICAL, AND INNOVATIVE WAYS TO CONSTRUCT PUBLIC SCHOOL FACILITIES IN THE STATE.~~

~~(C) TO CARRY OUT THE PURPOSES OF THIS SECTION, IN CONSULTATION WITH THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION, THE OFFICE MAY:~~

~~(1) FACILITATE THE USE OF ALTERNATIVE FINANCING METHODS FOR SCHOOL CONSTRUCTION BY:~~

~~(I) PROVIDING TECHNICAL ASSISTANCE TO LOCAL EDUCATION AGENCIES THAT ARE INTERESTED IN PURSUING ALTERNATIVE FINANCING METHODS FOR SCHOOL CONSTRUCTION;~~

~~(II) DEVELOPING TEMPLATE LEASE AGREEMENTS BETWEEN DEVELOPERS AND LOCAL EDUCATION AGENCIES; AND~~

~~(III) EXPLORING THE FINANCIAL INCENTIVES THAT MAY ENCOURAGE LOCAL EDUCATION AGENCIES TO PURSUE ALTERNATIVE FINANCING METHODS FOR SCHOOL CONSTRUCTION; AND~~

~~(2) PERFORM ANY OTHER ACT NECESSARY.~~

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) It is the intent of the General Assembly that the State should provide at least \$345 million for public school construction in fiscal year 2019.

(b) (1) It is the intent of the General Assembly that, as soon as practicable and within the current debt affordability guidelines, the State should provide at least \$400 million each year for public school construction.

(2) The \$400 million annual goal may be phased in over several years if fiscal constraints prevent the State from fully funding the goal in one fiscal year.

(c) The annual goal established under subsection (b) of this section should be recalculated after the initial school facility assessment required by § 5–310(e) of the Education Article is completed and the Workgroup on the Assessment and Funding of School Facilities established under Section 3 of this Act reports its findings and recommendations.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) There is a Workgroup on the Assessment and Funding of School Facilities.

(b) The Workgroup consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

- (3) the State Superintendent of Schools;
 - (4) the State Treasurer, or the State Treasurer's designee;
 - (5) one representative of the Maryland Association of Counties, appointed by the Maryland Association of Counties;
 - (6) one representative of the Maryland Association of Boards of Education, appointed by the Executive Director of the Association; and
 - (7) one representative of the Public School Superintendents Association of Maryland, appointed by the Executive Director of the Association.
- (c) The State Superintendent of Schools shall chair the Workgroup.
 - (d) The Interagency ~~Committee~~ Commission on School Construction and the Department of Legislative Services shall provide staff for the Workgroup.
 - (e) 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.
 - (f) (1) After the initial school facility assessment required by § 5–310(e) of the Education Article is completed, the Workgroup shall:
 - (i) consider how the relative condition of public school facilities within the educational facilities sufficiency standards and the facility condition index should be prioritized, taking into account local priorities and in consultation with local jurisdictions, including whether the prioritization should be by category and by local jurisdiction or statewide;
 - (ii) determine whether the results should be incorporated into school construction funding decisions; and
 - ~~(2)~~ (iii) If if the Workgroup determines that the assessment results should be incorporated into school construction funding decisions, ~~the Workgroup shall~~ determine how the assessment results should be incorporated into school construction funding.
 - (2) The Workgroup shall also consider whether the State should provide funding incentives for local jurisdictions that reduce the total cost of ownership of public school facilities.

(g) On or before December 1, 2019, the Workgroup shall report its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION 4. AND BE IT FURTHER ENACTED, That the Interagency ~~Committee~~ Commission on School Construction shall:

- (1) update the State and local cost–share formula every 2 years; and
- (2) adopt a common definition of local pay–as–you–go funding so that all local jurisdictions are reporting comparable data to be included in the local debt calculation used to determine the State share.

SECTION 5. AND BE IT FURTHER ENACTED, That:

(a) (1) The Interagency ~~Committee~~ Commission on School Construction shall explore the feasibility of regional school construction projects, including regional public–private partnership zones and regional career and technical education high schools.

(2) Additionally, the Interagency ~~Committee~~ Commission on School Construction shall develop mechanisms and incentives to provide State funding for regional school construction projects.

(b) On or before July 1, 2018, the Interagency ~~Committee~~ Commission on School Construction shall report on the feasibility and financing of regional school construction projects to the Commission on Innovation and Excellence in Education.

~~SECTION 6. AND BE IT FURTHER ENACTED, That:~~

~~(a) The Interagency ~~Committee~~ Commission on School Construction shall review the public school construction and capital improvement costs that are eligible and ineligible for State funding, including:~~

- ~~(1) whether to make project design costs eligible for State funding;~~
- ~~(2) whether to reduce or eliminate State support for systemic renovations to focus available resources on major construction projects; and~~
- ~~(3) whether a system or an item that has not exceeded its median useful life may be eligible for State funding under certain circumstances, such as the system or item has failed despite a documented record of preventative maintenance or the system or item is no longer supported by the manufacturer.~~

~~(b) On or before July 1, 2019, the Interagency ~~Committee~~ Commission on School Construction shall report on its review of eligible and ineligible costs to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.~~

SECTION ~~7~~ 6. AND BE IT FURTHER ENACTED, That:

(a) There is a Workgroup on Educational Development Specifications.

(b) The Workgroup consists of relevant stakeholders selected by the Interagency ~~Committee~~ Commission on School Construction, which shall include:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) local education agency facility designers and planners; and

(4) other members with expertise in school design and construction.

(c) The Executive Director of the Interagency ~~Committee~~ Commission on School Construction shall chair the Workgroup.

(d) The Interagency ~~Committee~~ Commission on School Construction shall provide staff for the Workgroup.

(e) 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.

(f) The Workgroup shall:

(1) review the square footage allocations that are currently used to calculate the State maximum allowable square footage for a project to identify any overly restrictive requirements and to determine if alternative methodologies or allocation could result in more efficient use of space in school buildings;

(2) review the Maryland State Department of Education school design standards and guidelines to ensure that the standards and guidelines:

(i) are aligned with the space allowance for each type of space, such as health suites, classrooms, and community use areas; and

(ii) are not overly specific;

(3) examine the use of regional cost-per-square-foot figures in the State allowable cost-per-square-foot figures that are established annually, which would reflect the different construction and labor markets in regions of the State; ~~and~~

(4) review the State Rated Capacity process; and

(5) review the cost per student of school construction projects for new or replacement schools and major renovations of existing school facilities and examine the differences in cost per student by type of school across local jurisdictions.

(g) The Workgroup shall make recommendations regarding:

(1) the square footage allocations that should be used to calculate the State maximum allowable square footage allocations, including recommendations on community use space in schools, especially in community schools and in schools with a high proportion of students eligible for free and reduced-price meals;

(2) the Maryland State Department of Education school design standards and guidelines;

(3) the use of regional cost-per-square-foot figures in the State allowable cost-per-square-foot figures; ~~and~~

(4) updates to the State Rated Capacity process, including any updates necessary to address special programs and adjacent schools; and

(5) options for increasing the State share of eligible school construction costs for projects with lower than average cost per student for each type of school.

(h) On or before July 1, 2019, the Workgroup shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION ~~8~~ 7. AND BE IT FURTHER ENACTED, That:

(a) The Interagency ~~Committee~~ Commission on School Construction shall examine the effect of prevailing wage requirements on school construction costs, including in:

(1) different regions of the State; and

(2) counties with different State and local cost-share percentages.

(b) On or before July 1, 2020, the Interagency ~~Committee~~ Commission on School Construction shall report on its examination of the effect of prevailing wage requirements on school construction costs to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 8. AND BE IT FURTHER ENACTED, That the regulations regarding the Public School Construction Program that were adopted before June 1, 2018, by the Board of Public Works that do not conflict with the provisions of this Act continue to be in force and effect unless otherwise altered by the Interagency Commission on School Construction.

SECTION 9. AND BE IT FURTHER ENACTED, That, as provided in this Act:

(a) The Interagency Commission on School Construction is the successor of the Interagency Committee on School Construction.

(b) In every law, executive order, rule, regulation, policy, or document created by an official, an employee, or a unit of this State, the names and titles of those agencies and officials mean the names and titles of the successor agency or official.

SECTION 10. AND BE IT FURTHER ENACTED, That any transaction or employment status affected by or flowing from any change of nomenclature or any statute amended by this Act and validly entered into or existing before the effective date of this Act and every right, duty, or interest flowing from a statute amended 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 by this Act as though the amendment 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 11. AND BE IT FURTHER ENACTED, That:

(1) the continuity of every commission, office, department, agency, or other unit is retained; and

(2) 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 12. 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. The publisher shall adequately describe any such correction in an editor's note following the section affected.

SECTION ~~9~~ 13. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Gubernatorial Veto Override, April 5, 2018.

Chapter 15**(Senate Bill 646)**

AN ACT concerning

Maryland Estate Tax – Unified Credit

FOR the purpose of altering a certain limit on the unified credit used for determining the Maryland estate tax for decedents dying on or after a certain date; altering a certain limitation on the amount of the Maryland estate tax for decedents dying on or after a certain date; providing that, for the calculation of the Maryland estate tax in the case of a certain decedent spouse, the applicable exclusion amount includes the sum of a certain exclusion amount and a certain deceased spousal unused exclusion amount; providing that a certain deceased spousal unused exclusion amount may not be taken into account except under certain circumstances; defining a certain term; making a conforming change; and generally relating to the Maryland estate tax.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 7–309(a)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 7–309(b)(1), (2), and (3)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY adding to
Article – Tax – General
Section 7–309(b)(9)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

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

Article – Tax – General

7–309.

(a) Notwithstanding an Act of Congress that repeals or reduces the federal credit under § 2011 of the Internal Revenue Code, the provisions of this subtitle in effect before

the passage of the Act of Congress shall apply with respect to a decedent who dies after the effective date of the Act of Congress so as to continue the Maryland estate tax in force without reduction in the same manner as if the federal credit had not been repealed or reduced.

(b) (1) Except as provided in paragraphs (2) through ~~(8)~~ **(9)** of this subsection and subsection (c) of this section, after the effective date of an Act of Congress described in subsection (a) of this section, the Maryland estate tax shall be determined using:

(i) the federal credit allowable by § 2011 of the Internal Revenue Code as in effect before the reduction or repeal of the federal credit pursuant to the Act of Congress; and

(ii) other provisions of federal estate tax law[, including the applicable unified credit allowed against the federal estate tax,] as in effect on the date of the decedent's death.

(2) Except as provided in paragraphs (3) through ~~(8)~~ **(9)** of this subsection and subsection (c) of this section, if the federal estate tax is not in effect on the date of the decedent's death, the Maryland estate tax shall be determined using:

(i) the federal credit allowable by § 2011 of the Internal Revenue Code as in effect before the reduction or repeal of the federal credit pursuant to the Act of Congress; and

(ii) other provisions of federal estate tax law[, including the applicable unified credit allowed against the federal estate tax,] as in effect on the date immediately preceding the effective date of the repeal of the federal estate tax.

(3) (i) Notwithstanding any increase in the unified credit allowed against the federal estate tax for decedents dying after 2003, the unified credit used for determining the Maryland estate tax for a decedent [dying before January 1, 2019,] may not exceed the applicable credit amount corresponding to an applicable exclusion amount, within the meaning of § 2010(c) of the Internal Revenue Code, of:

1. \$1,000,000 for a decedent dying before January 1, 2015;
2. \$1,500,000 for a decedent dying on or after January 1, 2015, but before January 1, 2016;
3. \$2,000,000 for a decedent dying on or after January 1, 2016, but before January 1, 2017;
4. \$3,000,000 for a decedent dying on or after January 1, 2017, but before January 1, 2018; [and]

5. \$4,000,000 for a decedent dying on or after January 1, 2018, but before January 1, 2019; AND

6. \$5,000,000 FOR A DECEDENT DYING ON OR AFTER JANUARY 1, 2019, PLUS ANY DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT CALCULATED IN ACCORDANCE WITH PARAGRAPH (9) OF THIS SUBSECTION.

(ii) The Maryland estate tax shall be determined without regard to any deduction for State death taxes allowed under § 2058 of the Internal Revenue Code.

(iii) Unless the federal credit allowable by § 2011 of the Internal Revenue Code is in effect on the date of the decedent's death, the federal credit used to determine the Maryland estate tax may not exceed 16% of the amount by which the decedent's taxable estate, as defined in § 2051 of the Internal Revenue Code, exceeds:

1. \$1,000,000 for a decedent dying before January 1, 2015;
2. \$1,500,000 for a decedent dying on or after January 1, 2015, but before January 1, 2016;
3. \$2,000,000 for a decedent dying on or after January 1, 2016, but before January 1, 2017;
4. \$3,000,000 for a decedent dying on or after January 1, 2017, but before January 1, 2018;
5. \$4,000,000 for a decedent dying on or after January 1, 2018, but before January 1, 2019; and

6. [the applicable exclusion amount corresponding to the applicable unified credit under paragraph (1) or (2) of this subsection] **\$5,000,000** for a decedent dying on or after January 1, 2019, **PLUS ANY DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT CALCULATED IN ACCORDANCE WITH PARAGRAPH (9) OF THIS SUBSECTION.**

(9) (I) IN THIS PARAGRAPH, “DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT” MEANS THE APPLICABLE EXCLUSION AMOUNT IN EFFECT AT THE TIME OF THE DEATH OF THE LAST PREDECEASED SPOUSE OF THE DECEDENT UNDER PARAGRAPH (3) OF THIS SUBSECTION REDUCED BY THE TAXABLE ESTATE OF THE LAST PREDECEASED SPOUSE:

1. AS REPORTED ON A MARYLAND ESTATE TAX RETURN FILED WITH THE COMPTROLLER; OR

2. AS REPORTED ON A FEDERAL ESTATE TAX RETURN, IF THE LAST PREDECEASED SPOUSE WAS NOT A MARYLAND RESIDENT AND NO PROPERTY WITH A MARYLAND ESTATE TAX SITUS WAS INCLUDIBLE IN THE GROSS ESTATE OF THE LAST PREDECEASED SPOUSE.

(II) THE DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT MAY NOT BE TAKEN INTO ACCOUNT UNDER PARAGRAPH (3) OF THIS SUBSECTION UNLESS:

1. IF THE LAST PREDECEASED SPOUSE DIED ON OR AFTER JANUARY 1, 2019, A MARYLAND ESTATE TAX RETURN IS TIMELY FILED FOR THE LAST PREDECEASED SPOUSE, ON WHICH THE DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT IS CALCULATED AND AN IRREVOCABLE ELECTION IS MADE THAT THE DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT MAY BE TAKEN INTO ACCOUNT; OR

2. IF THE LAST PREDECEASED SPOUSE DIED BEFORE JANUARY 1, 2019, OR WAS NOT A MARYLAND RESIDENT AND NO PROPERTY WITH A MARYLAND ESTATE TAX SITUS WAS INCLUDIBLE IN THE GROSS ESTATE OF THE LAST PREDECEASED SPOUSE, AN ELECTION WAS MADE UNDER § 2010(C) OF THE INTERNAL REVENUE CODE ON THE FEDERAL ESTATE TAX RETURN OF THE LAST PREDECEASED SPOUSE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 5, 2018.

Chapter 16

(Senate Bill 687)

AN ACT concerning

State Vacancy Reform Act

FOR the purpose of altering a certain provision of law to clarify that the Appointments Office in the Office of the Governor is prohibited from taking any action regarding the decision of certain persons to appoint, promote, transfer, reassign, discipline, or terminate certain employees; providing that an individual who was appointed to fill a vacancy in an office during the recess of the Senate or who was nominated to fill a vacancy in an office during a regular session of the Senate ~~is not qualified to serve in the office and~~ is prohibited from being nominated for the same office at the same

session, unless requested by the Senate, being appointed to the same office during the recess of the Senate, and continuing to serve in the office or being designated to serve in an acting capacity for the same office after a certain time under certain circumstances; prohibiting an individual who is prohibited from continuing to serve in an office under a certain provision of this Act from carrying out the responsibilities of the office in any capacity and making certain representations; ~~providing that any action taken by an~~ prohibiting any votes cast by a certain individual who is prohibited from continuing to serve in the office under certain provisions of this Act ~~in violation of a certain provision of this Act is void under certain circumstances~~ from being counted; prohibiting the presence of a certain individual from being counted for a certain purpose; prohibiting an individual who is designated to serve in an acting capacity to fill a vacancy in a certain office from serving in the office for more than a certain number of days; prohibiting a certain individual from serving in an acting capacity after the adjournment of a regular session of the Senate under certain circumstances; prohibiting an individual who violates certain provisions of this Act from receiving any compensation related to serving in the office or carrying out the responsibilities of the office; providing for the application of certain provisions of this Act; making this Act an emergency measure; and generally relating to appointments in State government.

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–3A–01
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY adding to
Article – State Government
Section 17–109
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

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

Article – State Government

8–3A–01.

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

(2) “Appointing authority” has the meaning stated in § 1–101(b) of the State Personnel and Pensions Article.

(3) “Office” means the Appointments Office in the Office of the Governor that performs the function of recommending to the Governor the appointment or nomination of an individual to serve as a member of a State or local board, commission,

council, committee, authority, task force, or other entity that by law requires the membership to be appointed in whole or in part by the Governor, whether or not the appointment or nomination is with the advice and consent of the Senate or House of Delegates.

(b) The Office may not direct [or], overrule, **OR OTHERWISE TAKE ANY ACTION REGARDING THE DECISION OF** an appointing authority, the Secretary of Budget and Management, or any unit of the Department of Budget and Management[, on any decision] to appoint, promote, transfer, reassign, discipline, or terminate an employee under the jurisdiction of the appointing authority.

(c) Only an appointing authority may delegate in writing the authority to act on the appointing authority's behalf, but only to an employee or officer under the jurisdiction of the appointing authority.

(d) An appointing authority may not delegate the authority to make the final decision on the termination of an employee.

(e) An appointing authority shall notify the Secretary of Budget and Management of any delegation of authority authorized under this section by providing the Secretary a copy of the delegation.

17-109.

(A) THIS SECTION APPLIES:

(1) ONLY TO AN OFFICE FOR WHICH AN APPOINTMENT TO FILL A VACANCY IS REQUIRED TO BE MADE WITH THE ADVICE AND CONSENT OF THE SENATE; AND

(2) REGARDLESS OF WHETHER A SALARY OR ANY OTHER COMPENSATION IS PROVIDED TO THE HOLDER OF THE OFFICE.

(B) AN INDIVIDUAL WHO WAS APPOINTED TO FILL A VACANCY IN AN OFFICE DURING THE RECESS OF THE SENATE OR WHO WAS NOMINATED TO FILL A VACANCY IN AN OFFICE DURING A REGULAR SESSION OF THE SENATE ~~IS NOT QUALIFIED TO SERVE IN THE OFFICE AND~~ MAY NOT BE NOMINATED FOR THE SAME OFFICE AT THE SAME SESSION, UNLESS REQUESTED BY THE SENATE, BE APPOINTED TO THE SAME OFFICE DURING THE RECESS OF THE SENATE, OR CONTINUE TO SERVE IN THE OFFICE OR BE DESIGNATED TO SERVE IN AN ACTING CAPACITY FOR THE SAME OFFICE AFTER THE ADJOURNMENT OF THE REGULAR SESSION OF THE SENATE AT WHICH THE NOMINATION WAS MADE, IF:

(1) THE GOVERNOR WITHDREW THE NOMINATION DURING THE REGULAR SESSION OF THE SENATE AT WHICH THE NOMINATION WAS MADE;

(2) THE SENATE FAILED TO ACT ON THE NOMINATION BEFORE THE SENATE ADJOURNED THE REGULAR SESSION OF THE SENATE AT WHICH THE NOMINATION WAS MADE AND THE INDIVIDUAL WAS NOT REAPPOINTED TO THE OFFICE BY THE GOVERNOR;

(3) THE INDIVIDUAL WITHDREW THE INDIVIDUAL'S NOMINATION;

(4) THE GOVERNOR FAILS TO MAKE THE NOMINATION ON THE FIRST DAY OF THE REGULAR SESSION OF THE SENATE IF REQUIRED UNDER ARTICLE II, § 11 OF THE MARYLAND CONSTITUTION; OR

(5) THE INDIVIDUAL IS NOT CONFIRMED BY THE SENATE AND IS DESIGNATED BY THE GOVERNOR TO FILL THE VACANCY IN AN ACTING CAPACITY.

(C) AN INDIVIDUAL WHO IS PROHIBITED FROM CONTINUING TO SERVE IN AN OFFICE UNDER SUBSECTION (B) OF THIS SECTION MAY NOT:

(1) CARRY OUT THE RESPONSIBILITIES OF THE OFFICE IN ANY CAPACITY; OR

(2) MAKE REPRESENTATIONS THAT THE INDIVIDUAL:

(I) SERVES IN THE OFFICE IN ANY CAPACITY; OR

(II) IS LEGALLY AUTHORIZED TO CARRY OUT THE RESPONSIBILITIES OF THE OFFICE IN ANY CAPACITY.

(D) IF THE HOLDER ~~OF THE~~ IS IN AN OFFICE IS NOT PROVIDED A ON A PUBLIC BODY FOR WHICH NO SALARY IS PROVIDED, ANY ACTION TAKEN:

(1) ANY VOTES CAST BY AN INDIVIDUAL WHO, AT THE TIME THE VOTE IS CONDUCTED BY THE PUBLIC BODY, IS PROHIBITED FROM CONTINUING TO SERVE IN THE OFFICE UNDER SUBSECTION (B) OF THIS SECTION IN VIOLATING SUBSECTION (C)(1) OF THIS SECTION IS VOID MAY NOT BE COUNTED; AND

(2) THE PRESENCE OF AN INDIVIDUAL DESCRIBED IN ITEM (1) OF THIS SUBSECTION MAY NOT BE COUNTED FOR PURPOSES OF A QUORUM.

(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN INDIVIDUAL WHO IS DESIGNATED TO SERVE IN AN ACTING CAPACITY TO FILL A VACANCY IN AN OFFICE FOR WHICH AN APPOINTMENT IS REQUIRED TO BE MADE WITH THE ADVICE AND CONSENT OF THE SENATE MAY NOT SERVE IN THE OFFICE FOR MORE THAN 275 DAYS AFTER THE DATE THE DESIGNATION WAS MADE.

(2) AN INDIVIDUAL MAY NOT CONTINUE TO SERVE IN AN ACTING CAPACITY AFTER THE ADJOURNMENT OF A REGULAR SESSION OF THE SENATE IF:

(I) THE INDIVIDUAL WAS SERVING IN THE ACTING CAPACITY BEFORE THE START OF THE REGULAR SESSION; AND

(II) THE INDIVIDUAL WAS NOT NOMINATED TO FILL THE VACANCY IN THE OFFICE DURING THAT REGULAR SESSION.

~~(E)~~ (F) AN INDIVIDUAL WHO VIOLATES THIS SECTION MAY NOT RECEIVE ANY COMPENSATION, INCLUDING A SALARY OR REIMBURSEMENT FOR EXPENSES OUT OF THE STATE BUDGET, RELATED TO SERVING IN THE OFFICE OR CARRYING OUT THE RESPONSIBILITIES OF THE OFFICE.

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.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 5, 2018.

Chapter 17

(Senate Bill 853)

AN ACT concerning

Labor and Employment – General Contractor Liability for Unpaid Wages

FOR the purpose of providing that certain contractors are jointly and severally liable for certain violations of the wage payment and collection law by ~~certain~~ subcontractors under certain circumstances; requiring a subcontractor to indemnify a general contractor for certain wages, damages, interest, penalties, and fees except under certain circumstances; defining a certain term; prohibiting a certain obligation or contract right from being impaired by this Act; and generally relating to a general contractor's liability for unpaid wages.

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 3–507.2

Annotated Code of Maryland

(2016 Replacement Volume and 2017 Supplement)

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

Article – Labor and Employment

3–507.2.

(a) Notwithstanding any remedy available under § 3–507 of this subtitle, if an employer fails to pay an employee in accordance with § 3–502 or § 3–505 of this subtitle, after 2 weeks have elapsed from the date on which the employer is required to have paid the wages, the employee may bring an action against the employer to recover the unpaid wages.

(b) If, in an action under subsection (a) of this section, a court finds that an employer withheld the wage of an employee in violation of this subtitle and not as a result of a bona fide dispute, the court may award the employee an amount not exceeding 3 times the wage, and reasonable counsel fees and other costs.

(C) (1) IN THIS SUBSECTION, “CONSTRUCTION SERVICES” HAS THE MEANING STATED IN § 3–901 OF THIS TITLE.

(2) IN AN ACTION BROUGHT UNDER SUBSECTION (A) OF THIS SECTION, A GENERAL CONTRACTOR ON A PROJECT FOR CONSTRUCTION SERVICES IS JOINTLY AND SEVERALLY LIABLE FOR A VIOLATION OF THIS SUBTITLE THAT IS COMMITTED BY A SUBCONTRACTOR ~~OR THE SUBCONTRACTOR’S SUBCONTRACTOR,~~ REGARDLESS OF WHETHER THE SUBCONTRACTOR IS IN A DIRECT CONTRACTUAL RELATIONSHIP WITH THE GENERAL CONTRACTOR.

(3) A SUBCONTRACTOR SHALL INDEMNIFY A GENERAL CONTRACTOR FOR ANY WAGES, DAMAGES, INTEREST, PENALTIES, OR ATTORNEY’S FEES OWED AS A RESULT OF THE SUBCONTRACTOR’S VIOLATION UNLESS:

(I) INDEMNIFICATION IS PROVIDED FOR IN A CONTRACT BETWEEN THE GENERAL CONTRACTOR AND THE SUBCONTRACTOR; OR

(II) A VIOLATION OF THE SUBTITLE AROSE DUE TO A LACK OF PROMPT PAYMENT IN ACCORDANCE WITH THE TERMS OF THE CONTRACT BETWEEN THE GENERAL CONTRACTOR AND THE SUBCONTRACTOR.

SECTION 2. AND BE IT FURTHER ENACTED, That a presently existing obligation or contract right may not be impaired in any way by this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 5, 2018.

Chapter 18

(Senate Bill 855)

AN ACT concerning

2020 Census Grant Program – Establishment and Funding

FOR the purpose of establishing the 2020 Census Grant Program for a certain purpose; establishing the 2020 Census Grant Program Panel; providing for the composition, chair, and staffing of the Grant Panel; prohibiting a member of the Grant Panel from receiving certain compensation, but authorizing the reimbursement of certain expenses; authorizing a local government or nonprofit organization to apply to the Grant Panel for certain matching funds on or before a certain date; requiring the Grant Panel to award certain matching funds on or before a certain date; requiring the Grant Panel to notify local governments of the Program; expressing the intent of the General Assembly that local governments provide certain notice to certain nonprofit organizations; requiring the Governor to include a certain appropriation in the State operating budget for a certain entity in a certain fiscal year; providing for the termination of this Act; and generally relating to the 2020 Census Grant Program.

Preamble

WHEREAS, In fiscal year 2015, the 50 states and the District of Columbia received \$589,700,000,000 from 16 large federal assistance programs that allocate funds on the basis of decennial census–derived statistics; and

WHEREAS, In fiscal year 2015, Maryland benefited from \$10,900,000,000 in grants and direct payments from federal health care, education, transportation, nutrition, child care, housing, and energy assistance programs that allocated funds on the basis of decennial census–derived statistics; and

WHEREAS, Undercounting the population of the State and local jurisdictions could jeopardize funding from federal assistance programs that allocate funds on the basis of decennial census–derived statistics; and

WHEREAS, There are census tracts in jurisdictions throughout the State where achieving an accurate count of the population is challenging, including Allegany County, Anne Arundel County, Baltimore County, Caroline County, Cecil County, Harford County, Howard County, Frederick County, Montgomery County, Prince George’s County, St. Mary’s County, Somerset County, Washington County, Wicomico County, and Baltimore City; and

WHEREAS, The U.S. Government Accountability Office added the 2020 Census to the High Risk list because of concerns about funding and effective operations, increasing concerns about an undercount of the population; now, therefore,

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

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

(2) “2020 Census” means the decennial census conducted by the federal U.S. Census Bureau in the year 2020 to determine the number of people living in the United States for purposes of apportionment of representatives in the House of Representatives.

(3) “Grant Panel” means the 2020 Census Grant Program Panel.

(b) There is a 2020 Census Grant Program for the purpose of issuing matching grants to local governments and nonprofit organizations to support the accurate counting of the population of the State and its local jurisdictions, and the collection of basic demographic and housing information of the population of the State for the 2020 Census.

(c) (1) There is a 2020 Census Grant Program Panel.

(2) The Grant Panel consists of the following members:

(i) a chair appointed jointly by the President of the Senate and the Speaker of the House of Delegates;

(ii) two members appointed by the Governor; and

(iii) two members appointed jointly by the President of the Senate and the Speaker of the House of Delegates.

(3) The Department of Legislative Services shall provide staff for the Grant Panel.

(4) A member of the Grant Panel:

(i) may not receive compensation as a member of the Grant Panel;
but

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

(d) (1) On or before March 1, 2019, a local government or nonprofit organization may apply to the Grant Panel for matching funds to support the accurate

counting of the population of its jurisdiction or the State and the collection of basic demographic and housing information of the population of the State for the 2020 Census.

(2) On or before April 1, 2019, the Grant Panel shall award matching funds, in an amount determined by the Grant Panel, to local governments and nonprofit organizations for approved applications.

(e) (1) The Grant Panel shall notify local governments of the 2020 Census Grant Program.

(2) It is the intent of the General Assembly that local governments notify nonprofit organizations within the jurisdiction of the local government of the 2020 Census Grant Program.

~~(e)~~ (f) For fiscal year 2020, the Governor shall include in the annual State operating budget for the 2020 Census Grant Program a general fund appropriation of \$5,000,000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018. It shall remain effective for a period of ~~1 year~~ 2 years and 1 month and, at the end of June 30, ~~2019~~ 2020, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 5, 2018.

Chapter 19

(Senate Bill 1048)

AN ACT concerning

Secure and Accessible Registration Act

FOR the purpose of redesignating electronic voter registration agencies as automatic voter registration agencies; requiring automatic voter registration agencies to inform an applicant completing an applicable transaction that the applicant shall be registered to vote or shall have a voter registration record updated unless the applicant declines to register to vote or update a voter registration record or is determined not to be eligible to register to vote; requiring an applicant who registers to vote at an automatic voter registration agency to attest that the information provided by the applicant is true; requiring an automatic voter registration agency to transmit the voter registration information of each applicant who does not decline to register to vote or update a voter registration record directly to the State Board of Elections; requiring automatic voter registration agencies to implement automatic voter registration systems on or before certain dates; requiring the State Board, if it receives notice from a certain individual, to correct a certain voter registration error

in accordance with a certain provision of law; providing that certain voter registration information may be used only for certain purposes; requiring automatic voter registration agencies to submit certain reports to certain committees of the General Assembly on or before certain dates; requiring the Department of Human Services to provide a link from the Department’s electronic portal to the online voter registration system pending the implementation of an automatic voter registration system; requiring the State Board and the State Comptroller jointly to develop and implement procedures for individuals who file a Maryland resident individual income tax return electronically to be offered the opportunity to register to vote through a link to the online voter registration system; altering the definition of “clerical error” for the purpose of certain provisions of law governing the correction of errors in voter registration records to include an inadvertent mistake in a voter registration record made by an automatic voter registration agency; prohibiting a person acting under color of law from discriminating against an individual based on the individual’s declination to register to vote or voter registration information; providing that an individual who unintentionally becomes registered to vote at a voter registration agency shall be considered to have become registered to vote based on information provided to the State Board by an automatic voter registration agency and may not be considered to have violated certain provisions of law because of the unintended registration; providing for a delayed effective date; and generally relating to automatic voter registration.

BY repealing and reenacting, with amendments,

Article – Election Law

Section 3–203, 3–204.2, 3–601.1(a), and 16–101

Annotated Code of Maryland

(2017 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – Election Law

Section 3–601.1(b) and (c)

Annotated Code of Maryland

(2017 Replacement Volume and 2017 Supplement)

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

Article – Election Law

3–203.

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

(2) (i) “Applicable transaction” means:

1. at the Motor Vehicle Administration, an initial application for or renewal of a driver’s license or identification card, or a change of name or address on

an existing driver's license or identification card, or any other transaction in which the Motor Vehicle Administration obtains all of the information from an applicant that satisfies the requirements to register to vote;

2. at the Maryland Health Benefit Exchange, any application for or renewal of health insurance coverage;

3. at a local department of social services, an initial application for a State or federally funded public assistance program or an application for a recertification, renewal, or change of name or address relating to a State or federally funded public assistance program; or

4. at the Mobility Certification Office in the Maryland Transit Administration, an initial application for paratransit service or an application for recertification for paratransit service.

(ii) "Applicable transaction" includes any transaction described in subparagraph (i) of this paragraph that is completed online.

(3) ["Electronic] "AUTOMATIC voter registration agency" means:

(i) the Motor Vehicle Administration;

(ii) the Maryland Health Benefit Exchange;

(iii) local departments of social services; and

(iv) the Mobility Certification Office in the Maryland Transit Administration.

(4) ["Electronic] "AUTOMATIC voter registration system" means a system that, as an integral part of each applicable transaction at an [electronic] AUTOMATIC voter registration agency:

(i) [offers an applicant the opportunity to register to vote or update a voter registration record;

(ii)] informs an applicant:

1. THAT THE APPLICANT SHALL BE REGISTERED TO VOTE OR SHALL HAVE A VOTER REGISTRATION RECORD UPDATED, IF APPLICABLE, UNLESS THE APPLICANT DECLINES TO REGISTER TO VOTE OR UPDATE A VOTER REGISTRATION RECORD OR ~~IS DETERMINED NOT TO BE~~ IF THE APPLICANT IS NOT ELIGIBLE TO REGISTER TO VOTE;

[1.] 2. of the qualifications to register to vote under § 3–102 of this title;

[2.] 3. that the applicant should not register if the applicant does not meet all the qualifications;

[3.] 4. of the penalties for the submission of a false application; and

[4.] 5. that voter registration is voluntary and that neither registering nor declining to register to vote will in any way affect the availability of services or benefits;

[(iii)] (II) requires the electronic signature of the applicant, subject to the penalties for perjury, by which the applicant attests that the information [contained in the voter registration application] **PROVIDED BY THE APPLICANT** is true and that the applicant meets all the qualifications to become a registered voter, including United States citizenship; and

[(iv)] (III) electronically transmits the voter registration information of [the] **EACH** applicant **WHO DOES NOT DECLINE TO REGISTER TO VOTE OR UPDATE A VOTER REGISTRATION RECORD** directly to the State Board:

1. in a manner and format specified jointly by the [electronic] **AUTOMATIC** voter registration agency and the State Board; and

2. within 5 days of the applicable transaction.

(5) “Local department of social services” means:

(i) the local departments of social services in the Department of Human Services; and

(ii) the Montgomery County Department of Health and Human Services.

(b) (1) Except as provided in paragraph (2) of this subsection, an [electronic] **AUTOMATIC** voter registration agency shall implement an [electronic] **AUTOMATIC** voter registration system on or before July 1, [2017] **2019**.

(2) A local department of social services shall implement an [electronic] **AUTOMATIC** voter registration system on or before December 1, 2019.

(c) An [electronic] **AUTOMATIC** voter registration system:

(1) may not require any information that duplicates the information required to complete an applicable transaction;

(2) shall require only the minimum amount of information necessary for both an applicable transaction and a voter registration to:

(i) prevent duplicate voter registration; and

(ii) enable election officials to review the eligibility of an applicant and to administer voter registration and other aspects of the election process; and

(3) shall inform an applicant that if the applicant does not select a political party affiliation, the individual will be designated as not affiliated with a political party and will be unable to vote in a party primary election.

(d) An agent of an [electronic] AUTOMATIC voter registration agency who is responsible for carrying out the requirements of this section may not:

(1) seek to influence an applicant's political preference or party registration;

(2) display any political preference or party allegiance; or

(3) make any statement to an applicant or take any action the purpose or effect of which is to:

(i) discourage the applicant from registering to vote; or

(ii) lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

(e) The State Board shall ensure that each individual whose voter registration information is transmitted to the State Board through an [electronic] AUTOMATIC voter registration system is promptly registered to vote.

(F) IF THE STATE BOARD RECEIVES NOTICE FROM AN INDIVIDUAL THAT THE INDIVIDUAL WAS INADVERTENTLY REGISTERED TO VOTE THROUGH AN AUTOMATIC VOTER REGISTRATION AGENCY AFTER DECLINING TO REGISTER TO VOTE, THE STATE BOARD SHALL CORRECT THE ERROR IN ACCORDANCE WITH § 3-601.1 OF THIS TITLE.

~~(G)~~ **(G)** [Information] VOTER REGISTRATION INFORMATION OR INFORMATION relating to the decision of an applicant at an [electronic] AUTOMATIC voter registration agency to decline to register to vote may not be used for any purpose other than the maintenance of registration statistics, ELECTION ADMINISTRATION, OR PROSECUTION OF CRIMINAL VIOLATIONS OF THE ELECTION LAW.

~~(g)~~ **(H)** Notwithstanding § 3–501 of this title and § 4–401 of the General Provisions Article, the identity of an [electronic] **AUTOMATIC** voter registration agency through which a particular voter has registered may not be disclosed to the public.

~~(h)~~ **(I)** The State Board may adopt regulations as necessary to implement this section.

~~(i)~~ **(J)** (1) Each [electronic] **AUTOMATIC** voter registration agency shall:

(i) on or before [January] **JULY 1, [2017] 2019**, submit a report, in accordance with § 2–1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means that describes:

1. the efforts of the [electronic] **AUTOMATIC** voter registration agency to register voters in the preceding calendar year; and

2. [the status of] the implementation of an [electronic] **AUTOMATIC** voter registration system; and

(ii) on or before January 1, [2018] **2020**, and January 1 each subsequent year, submit a report, in accordance with § 2–1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means that describes:

1. the number of individuals who completed an applicable transaction in the preceding calendar year at the [electronic] **AUTOMATIC** voter registration agency and the number of those individuals who registered to vote or updated a voter registration record; and

2. any efforts the [electronic] **AUTOMATIC** voter registration agency plans to make to improve the efficiency and effectiveness of the voter registration process at the agency.

(2) The Department of Human Services shall consolidate and submit the reports required under paragraph (1)(i) and (ii) of this subsection as a single document on behalf of all the local departments of social services.

3–204.2.

(a) The State Board and the Department of Natural Resources shall jointly develop and implement procedures for individuals who apply for the issuance or renewal of a license, permit, or certificate online to be offered the opportunity to register to vote through a link to the online voter registration system.

(b) The State Board and the Department of Labor, Licensing, and Regulation shall jointly develop and implement procedures for individuals who use the Maryland Workforce Exchange Web site to be offered the opportunity to register to vote through a link to the online voter registration system.

(c) The State Board and the Department of Veterans Affairs shall jointly develop and implement procedures for individuals who use the Department of Veterans Affairs Web site or who are contacted by the Department's outreach and advocacy program to be offered the opportunity to register to vote through a link to the online voter registration system.

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

(ii) "Applicable transaction" means an online application for a State or federally funded public assistance program or an online application for a recertification, renewal, or change of name or address relating to a State or federally funded public assistance program.

(iii) "Department" means the Department of Human Services.

(iv) "Electronic portal" means the Department's online system, known as MyDHR, through which an individual may complete an applicable transaction.

(2) [The] **PENDING THE IMPLEMENTATION OF AN AUTOMATIC VOTER REGISTRATION SYSTEM UNDER § 3-203 OF THIS SUBTITLE**, THE State Board and the Department shall jointly develop and implement procedures for individuals who use the Department's electronic portal to complete an applicable transaction to be offered the opportunity to register to vote through a link to the online voter registration system.

(E) THE STATE BOARD AND THE STATE COMPTROLLER SHALL JOINTLY DEVELOP AND IMPLEMENT PROCEDURES FOR INDIVIDUALS WHO FILE A MARYLAND RESIDENT INDIVIDUAL INCOME TAX RETURN ELECTRONICALLY TO BE OFFERED THE OPPORTUNITY TO REGISTER TO VOTE THROUGH A LINK TO THE ONLINE VOTER REGISTRATION SYSTEM.

3-601.1.

(a) In this section, "clerical error" means an inadvertent mistake in a voter registration record made by an election official OR AN AUTOMATIC VOTER REGISTRATION AGENCY.

(b) The State Administrator or an election director shall make the determination whether an error in a voter registration record is a clerical error.

(c) If the State Administrator or election director determines that a clerical error has been made, the State Administrator or election director shall:

- (1) cause the error to be corrected; and
- (2) promptly notify the voter of the correction.

16–101.

(a) A person may not willfully and knowingly:

(1) impersonate a voter or other person in order to register or attempt to register in the name of the voter or other person;

(2) register to vote more than once;

(3) falsify residence in an attempt to register in the wrong location;

(4) secure registration through any unlawful means;

(5) cause by unlawful means the name of a qualified voter to be stricken from the statewide voter registration list;

(6) prevent, hinder, or delay a person having a lawful right to register from registering, through the use of force, threat, menace, intimidation, bribery, reward, or offer of reward;

(7) falsify any name on a registration;

(8) misrepresent any fact relating to registration; or

(9) induce or attempt to induce a person to violate any prohibition in items (1) through (8) of this subsection.

(b) A PERSON ACTING UNDER COLOR OF LAW MAY NOT DISCRIMINATE AGAINST AN INDIVIDUAL BASED ON THE INDIVIDUAL’S DECLINATION TO REGISTER TO VOTE OR VOTER REGISTRATION INFORMATION.

(C) A person who violates this section is guilty of a misdemeanor and subject to a fine of not more than \$1,000 or imprisonment for not more than 5 years or both.

[(c)] (D) A person who violates this section is subject to § 5–106(b) of the Courts Article.

(E) A PERSON WHO UNINTENTIONALLY BECOMES REGISTERED TO VOTE UNDER § 3–203 OF THIS ARTICLE:

(1) SHALL BE CONSIDERED TO HAVE BECOME REGISTERED TO VOTE BASED ON INFORMATION PROVIDED TO THE STATE BOARD BY AN AUTOMATIC VOTER REGISTRATION AGENCY; AND

(2) MAY NOT BE CONSIDERED TO HAVE VIOLATED THIS SECTION BECAUSE OF THE UNINTENDED REGISTRATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 5, 2018.

Chapter 20

(House Bill 4)

AN ACT concerning

~~State Highways Toll Bridges~~ – Renaming Harry W. Nice Memorial Bridge –
Harry W. Nice/Thomas “Mac” Middleton Bridge

FOR the purpose of requiring the ~~State Highway Administration~~ Maryland Transportation Authority to rename the Harry W. Nice Memorial Bridge as the Harry W. Nice/Thomas “Mac” Middleton Bridge; and generally relating to renaming ~~State highways toll bridges~~.

BY adding to

Article – Transportation

Section ~~§ 662~~ 4-406

Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)

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

Article – Transportation

~~§ 662~~ 4-406.

THE ~~ADMINISTRATION~~ AUTHORITY SHALL RENAME THE HARRY W. NICE MEMORIAL BRIDGE AS THE HARRY W. NICE/THOMAS “MAC” MIDDLETON BRIDGE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 5, 2018.

Chapter 21

(House Bill 308)

AN ACT concerning

Maryland Estate Tax – Unified Credit

FOR the purpose of altering a certain limit on the unified credit used for determining the Maryland estate tax for decedents dying on or after a certain date; altering a certain limitation on the amount of the Maryland estate tax for decedents dying on or after a certain date; providing that, for the calculation of the Maryland estate tax in the case of a certain decedent spouse, the applicable exclusion amount includes the sum of a certain exclusion amount and a certain deceased spousal unused exclusion amount; providing that a certain deceased spousal unused exclusion amount may not be taken into account except under certain circumstances; defining a certain term; making a conforming change; and generally relating to the Maryland estate tax.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 7–309(a)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 7–309(b)(1), (2), and (3)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY adding to
Article – Tax – General
Section 7–309(b)(9)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

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

Article – Tax – General

7-309.

(a) Notwithstanding an Act of Congress that repeals or reduces the federal credit under § 2011 of the Internal Revenue Code, the provisions of this subtitle in effect before the passage of the Act of Congress shall apply with respect to a decedent who dies after the effective date of the Act of Congress so as to continue the Maryland estate tax in force without reduction in the same manner as if the federal credit had not been repealed or reduced.

(b) (1) Except as provided in paragraphs (2) through ~~(8)~~ **(9)** of this subsection and subsection (c) of this section, after the effective date of an Act of Congress described in subsection (a) of this section, the Maryland estate tax shall be determined using:

(i) the federal credit allowable by § 2011 of the Internal Revenue Code as in effect before the reduction or repeal of the federal credit pursuant to the Act of Congress; and

(ii) other provisions of federal estate tax law[, including the applicable unified credit allowed against the federal estate tax,] as in effect on the date of the decedent's death.

(2) Except as provided in paragraphs (3) through ~~(8)~~ **(9)** of this subsection and subsection (c) of this section, if the federal estate tax is not in effect on the date of the decedent's death, the Maryland estate tax shall be determined using:

(i) the federal credit allowable by § 2011 of the Internal Revenue Code as in effect before the reduction or repeal of the federal credit pursuant to the Act of Congress; and

(ii) other provisions of federal estate tax law[, including the applicable unified credit allowed against the federal estate tax,] as in effect on the date immediately preceding the effective date of the repeal of the federal estate tax.

(3) (i) Notwithstanding any increase in the unified credit allowed against the federal estate tax for decedents dying after 2003, the unified credit used for determining the Maryland estate tax for a decedent [dying before January 1, 2019,] may not exceed the applicable credit amount corresponding to an applicable exclusion amount, within the meaning of § 2010(c) of the Internal Revenue Code, of:

1. \$1,000,000 for a decedent dying before January 1, 2015;
2. \$1,500,000 for a decedent dying on or after January 1, 2015, but before January 1, 2016;

3. \$2,000,000 for a decedent dying on or after January 1, 2016, but before January 1, 2017;

4. \$3,000,000 for a decedent dying on or after January 1, 2017, but before January 1, 2018; [and]

5. \$4,000,000 for a decedent dying on or after January 1, 2018, but before January 1, 2019; **AND**

6. \$5,000,000 FOR A DECEDENT DYING ON OR AFTER JANUARY 1, 2019, PLUS ANY DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT CALCULATED IN ACCORDANCE WITH PARAGRAPH (9) OF THIS SUBSECTION.

(ii) The Maryland estate tax shall be determined without regard to any deduction for State death taxes allowed under § 2058 of the Internal Revenue Code.

(iii) Unless the federal credit allowable by § 2011 of the Internal Revenue Code is in effect on the date of the decedent's death, the federal credit used to determine the Maryland estate tax may not exceed 16% of the amount by which the decedent's taxable estate, as defined in § 2051 of the Internal Revenue Code, exceeds:

1. \$1,000,000 for a decedent dying before January 1, 2015;

2. \$1,500,000 for a decedent dying on or after January 1, 2015, but before January 1, 2016;

3. \$2,000,000 for a decedent dying on or after January 1, 2016, but before January 1, 2017;

4. \$3,000,000 for a decedent dying on or after January 1, 2017, but before January 1, 2018; ~~AND~~

5. \$4,000,000 for a decedent dying on or after January 1, 2018, but before January 1, 2019; and

6. [the applicable exclusion amount corresponding to the applicable unified credit under paragraph (1) or (2) of this subsection] **\$5,000,000 for a decedent dying on or after January 1, 2019, PLUS ANY DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT CALCULATED IN ACCORDANCE WITH PARAGRAPH (9) OF THIS SUBSECTION.**

(9) (1) IN THIS PARAGRAPH, "DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT" MEANS THE APPLICABLE EXCLUSION AMOUNT IN EFFECT AT THE TIME OF THE DEATH OF THE LAST PREDECEASED SPOUSE OF THE DECEDENT UNDER PARAGRAPH (3) OF THIS SUBSECTION REDUCED BY THE TAXABLE ESTATE OF THE LAST PREDECEASED SPOUSE:

1. AS REPORTED ON A MARYLAND ESTATE TAX RETURN FILED WITH THE COMPTROLLER; OR

2. AS REPORTED ON A FEDERAL ESTATE TAX RETURN, IF THE LAST PREDECEASED SPOUSE WAS NOT A MARYLAND RESIDENT AND NO PROPERTY WITH A MARYLAND ESTATE TAX SITUS WAS INCLUDIBLE IN THE GROSS ESTATE OF THE LAST PREDECEASED SPOUSE.

(ii) THE DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT MAY NOT BE TAKEN INTO ACCOUNT UNDER PARAGRAPH (3) OF THIS SUBSECTION UNLESS:

1. IF THE LAST PREDECEASED SPOUSE DIED ON OR AFTER JANUARY 1, 2019, A MARYLAND ESTATE TAX RETURN IS TIMELY FILED FOR THE LAST PREDECEASED SPOUSE, ON WHICH THE DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT IS CALCULATED AND AN IRREVOCABLE ELECTION IS MADE THAT THE DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT MAY BE TAKEN INTO ACCOUNT; OR

2. IF THE LAST PREDECEASED SPOUSE DIED BEFORE JANUARY 1, 2019, OR WAS NOT A MARYLAND RESIDENT AND NO PROPERTY WITH A MARYLAND ESTATE TAX SITUS WAS INCLUDIBLE IN THE GROSS ESTATE OF THE LAST PREDECEASED SPOUSE, AN ELECTION WAS MADE UNDER § 2010(C) OF THE INTERNAL REVENUE CODE ON THE FEDERAL ESTATE TAX RETURN OF THE LAST PREDECEASED SPOUSE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 5, 2018.

Chapter 22

(House Bill 811)

AN ACT concerning

Education – Collective Bargaining – Exclusive Representative’s Access to New Employee Processing

FOR the purpose of requiring public school employers to provide an exclusive representative with access to a certain new employee processing; requiring the public

school employer to provide a certain notice to the exclusive representative within a certain period of time; authorizing a certain exception under certain circumstances; requiring the structure, time, and manner of certain access to be determined through certain negotiations; authorizing certain parties to request that the Public School Labor Relations Board declare a certain impasse under certain circumstances; requiring a mediator or the Board to consider certain factors under certain circumstances during a certain impasse proceeding; providing for the reopening of certain collective bargaining agreements for certain purposes under certain circumstances; authorizing certain parties to negotiate a separate agreement under certain circumstances; providing that certain provisions of this Act do not prohibit certain activities; providing that certain provisions of this Act do not abrogate certain existing collective bargaining agreements; requiring the public school employer to provide the exclusive representative with certain employee information within a certain number of days under certain circumstances; authorizing the public school employer to negotiate with the exclusive representative on certain topics; providing for a certain exception; requiring a certain custodian to allow inspection by a certain employee organization of a certain personnel record that contains certain information; defining certain terms; and generally relating to access of an exclusive representative to a public school employer's new employee processing.

BY repealing and reenacting, with amendments,

Article – Education

Section 6–401, 6–408(c)(1), 6–501, and 6–510(c)(1)

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

BY adding to

Article – Education

Section 6–407.1, 6–407.2, 6–509.1, and 6–509.2

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – General Provisions

Section 4–311

Annotated Code of Maryland

(2014 Volume and 2017 Supplement)

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

Article – Education

6–401.

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

(b) “Board” means the Public School Labor Relations Board established under Subtitle 8 of this title.

(b-1) “Day” means a calendar day unless otherwise indicated.

(c) “Employee organization” means an organization that:

(1) Includes certificated employees of a public school employer or individuals of equivalent status in Baltimore City; and

(2) Has as one of its main purposes the representation of the employees in their relations with that public school employer.

(d) (1) “Home and hospital teacher” means a teacher employed by a public school employer to provide instructional services to a public school student who is unable to function effectively in the classroom setting due to the student’s medical, physical, or emotional condition.

(2) A home and hospital teacher may teach in:

(i) A private home;

(ii) A hospital;

(iii) A therapeutic center;

(iv) A school; or

(v) Any other appropriate site.

(D-1) “NEW EMPLOYEE PROCESSING” MEANS THE PROCESS FOR A NEWLY HIRED PUBLIC SCHOOL EMPLOYEE, WHETHER IN PERSON, ONLINE, OR THROUGH OTHER MEANS, IN WHICH NEW EMPLOYEES ARE ADVISED OF THEIR EMPLOYMENT STATUS, RIGHTS, BENEFITS, DUTIES, RESPONSIBILITIES, AND OTHER EMPLOYMENT-RELATED MATTERS.

(e) (1) “Public school employee” means a certificated professional individual who is employed by a public school employer or an individual of equivalent status in Baltimore City, except for a county superintendent or an individual designated by the public school employer to act in a negotiating capacity as provided in § 6-408(c) of this subtitle.

(2) In Montgomery County, “public school employees” include:

(i) Certificated and noncertificated substitute teachers employed by the public school employer for at least 7 days before March 1 of the school fiscal year ending June 30, 1978, and each year after; and

(ii) Home and hospital teachers employed by the public school employer for at least 7 days before March 1 of the school fiscal year ending June 30, 2000, and each year after.

(3) In Baltimore County, “public school employee” includes a secondary school nurse, an elementary school nurse, and a special school nurse.

(4) In Frederick County, “public school employee” includes a social worker employed by a public school employer.

(5) In Prince George’s County, “public school employee” includes home and hospital teachers and Junior Reserve Officer Training Corps (JROTC) instructors.

(6) In Baltimore County, Calvert County, Charles County, and Garrett County, “public school employee” includes Junior Reserve Officer Training Corps (JROTC) instructors.

(7) In Carroll County, “public school employee” includes:

(i) A registered nurse; and

(ii) Supervisory noncertificated employees as defined under § 6–501(i) of this title.

(f) “Public school employer” means a county board of education or the Baltimore City Board of School Commissioners.

6–407.1.

(A) (1) (i) EACH PUBLIC SCHOOL EMPLOYER SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE ACCESS TO NEW EMPLOYEE PROCESSING.

(ii) EXCEPT AS PROVIDED IN SUBPARAGRAPH (iii) OF THIS PARAGRAPH, THE PUBLIC SCHOOL EMPLOYER SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE AT LEAST 10 DAYS’ NOTICE IN ADVANCE OF A NEW EMPLOYEE PROCESSING.

(iii) THE PUBLIC SCHOOL EMPLOYER MAY PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH LESS THAN 10 DAYS’ NOTICE IF THERE IS AN URGENT NEED CRITICAL TO THE PUBLIC SCHOOL EMPLOYER’S NEW EMPLOYEE PROCESSING THAT WAS NOT REASONABLY FORESEEABLE.

(2) (I) THE STRUCTURE, TIME, AND MANNER OF THE ACCESS REQUIRED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE DETERMINED THROUGH NEGOTIATIONS BETWEEN THE PUBLIC SCHOOL EMPLOYER AND THE EXCLUSIVE REPRESENTATIVE IN ACCORDANCE WITH § 6-408 OF THIS SUBTITLE.

(II) WHEN NEGOTIATING ACCESS TO NEW EMPLOYEE PROCESSING UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, IF ANY DISPUTE HAS NOT BEEN RESOLVED WITHIN 45 DAYS AFTER THE FIRST MEETING OF THE PUBLIC SCHOOL EMPLOYER AND THE EXCLUSIVE REPRESENTATIVE, OR WITHIN 60 DAYS AFTER AN INITIAL REQUEST TO NEGOTIATE, WHICHEVER OCCURS FIRST, EITHER PARTY MAY REQUEST THAT THE BOARD DECLARE AN IMPASSE UNDER § 6-408(E) OF THIS SUBTITLE.

(III) IN AN IMPASSE PROCEEDING UNDER § 6-408(E) OF THIS SUBTITLE, THE MEDIATOR OR BOARD SHALL CONSIDER:

1. THE ABILITY OF THE EXCLUSIVE REPRESENTATIVE TO COMMUNICATE WITH THE PUBLIC SCHOOL EMPLOYEES IT REPRESENTS;
2. THE LEGAL OBLIGATIONS OF THE EXCLUSIVE REPRESENTATIVE TO THE PUBLIC SCHOOL EMPLOYEES;
3. APPLICABLE STATE, FEDERAL, AND LOCAL LAWS;
4. ANY STIPULATIONS OF THE PARTIES;
5. THE INTERESTS AND WELFARE OF THE PUBLIC SCHOOL EMPLOYEES AND THE FINANCIAL CONDITION OF THE PUBLIC SCHOOL EMPLOYER;
6. THE STRUCTURE, TIME, AND MANNER OF ACCESS OF AN EXCLUSIVE REPRESENTATIVE TO NEW EMPLOYEE PROCESSING IN COMPARABLE PUBLIC SCHOOL EMPLOYERS, INCLUDING THE ACCESS PROVISIONS IN OTHER MEMORANDA OF UNDERSTANDING OR COLLECTIVE BARGAINING AGREEMENTS; AND
7. ANY OTHER FACTS ROUTINELY CONSIDERED IN ESTABLISHING THE STRUCTURE, TIME, AND MANNER OF ACCESS OF AN EXCLUSIVE REPRESENTATIVE TO NEW EMPLOYEE PROCESSING.

(3) (I) A REQUEST TO NEGOTIATE UNDER PARAGRAPH (2) OF THIS SUBSECTION MADE BETWEEN JULY 1, 2018, AND THE EXPIRATION DATE OF AN EXISTING COLLECTIVE BARGAINING AGREEMENT BETWEEN THE PARTIES SHALL REOPEN THE EXISTING COLLECTIVE BARGAINING AGREEMENT ONLY FOR THE

PURPOSE OF NEGOTIATING THE ACCESS OF THE EXCLUSIVE REPRESENTATIVE TO THE PUBLIC SCHOOL EMPLOYER'S NEW EMPLOYEE PROCESSING.

(II) EITHER PARTY MAY ELECT TO NEGOTIATE A SEPARATE AGREEMENT ON THE ACCESS OF THE EXCLUSIVE REPRESENTATIVE TO THE PUBLIC SCHOOL EMPLOYER'S NEW EMPLOYEE PROCESSING IN LIEU OF REOPENING THE EXISTING COLLECTIVE BARGAINING AGREEMENT.

(B) THIS SECTION DOES NOT PROHIBIT A PUBLIC SCHOOL EMPLOYER AND AN EXCLUSIVE REPRESENTATIVE FROM NEGOTIATING ACCESS TO NEW EMPLOYEE PROCESSING THAT VARIES FROM THE REQUIREMENTS OF THIS SECTION.

(C) NOTHING IN THIS SECTION SHALL ABROGATE EXISTING COLLECTIVE BARGAINING AGREEMENTS BETWEEN PUBLIC SCHOOL EMPLOYERS AND EXCLUSIVE REPRESENTATIVES.

6-407.2.

(A) WITHIN 30 DAYS OF THE DATE OF HIRE, OR BY THE FIRST PAY PERIOD OF THE MONTH AFTER THE DATE OF HIRE, OF EACH NEW PUBLIC SCHOOL EMPLOYEE, A PUBLIC SCHOOL EMPLOYER SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH THE EMPLOYEE'S:

- (1) NAME;
- (2) POSITION CLASSIFICATION;
- (3) HOME AND WORK SITE ADDRESSES WHERE THE EMPLOYEE RECEIVES INTEROFFICE OR UNITED STATES MAIL;
- (4) HOME AND WORK SITE TELEPHONE NUMBERS;
- (5) PERSONAL CELL PHONE NUMBER; AND
- (6) WORK ~~AND PERSONAL~~ E-MAIL ADDRESSES.

(B) (1) (I) THE PUBLIC SCHOOL EMPLOYER SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH THE INFORMATION DESCRIBED IN SUBSECTION (A) OF THIS SECTION FOR EACH EMPLOYEE IN THE BARGAINING UNIT REPRESENTED BY THE EXCLUSIVE REPRESENTATIVE ~~AT LEAST~~ ONCE EVERY 120 DAYS.

(II) SUBJECT TO § 6-408 OF THIS SUBTITLE, THE PUBLIC SCHOOL EMPLOYER MAY NEGOTIATE WITH THE EXCLUSIVE REPRESENTATIVE TO PROVIDE:

~~1. THE THE INFORMATION REQUIRED UNDER THIS PARAGRAPH MORE FREQUENTLY THAN ONCE EVERY 120 DAYS; AND~~

~~2. MORE DETAILED INFORMATION THAN REQUIRED UNDER THIS PARAGRAPH.~~

(2) THE PUBLIC SCHOOL EMPLOYER SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH THE INFORMATION DESCRIBED IN SUBSECTION (A) OF THIS SECTION REGARDLESS OF WHETHER THE NEWLY HIRED EMPLOYEE WAS PREVIOUSLY EMPLOYED BY THE PUBLIC SCHOOL EMPLOYER.

6-408.

(c) (1) On request a public school employer or at least two of its designated representatives shall meet and negotiate with at least two representatives of the employee organization that is designated as the exclusive negotiating agent for the public school employees in a unit of the county on all matters that relate to [salaries]:

(I) SALARIES, wages, hours, and other working conditions, including procedures regarding employee transfers and assignments; AND

(II) THE STRUCTURE, TIME, AND MANNER OF THE ACCESS OF THE EXCLUSIVE REPRESENTATIVE TO A PUBLIC SCHOOL EMPLOYER'S NEW EMPLOYEE PROCESSING AS REQUIRED UNDER § 6-407.1 OF THIS SUBTITLE.

6-501.

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

(b) "Board" means the Public School Labor Relations Board established under Subtitle 8 of this title.

(c) "Confidential employee" includes an individual whose employment responsibilities require knowledge of the public school employer's posture in the collective negotiation process, as determined by the public school employer in negotiations with an employee organization that requests negotiation on this issue.

(c-1) "Day" means a calendar day unless otherwise indicated.

(d) "Employee organization" means an organization that:

(1) Includes noncertificated employees of a public school employer; and

(2) Has as one of its main purposes the representation of the employees in their relations with that public school employer.

(e) “Management personnel” includes an individual who is engaged mainly in executive and managerial functions, as determined by the public school employer in negotiation with an employee organization that requests negotiation on this issue.

(E-1) “NEW EMPLOYEE PROCESSING” MEANS THE PROCESS FOR A NEWLY HIRED PUBLIC SCHOOL EMPLOYEE, WHETHER IN PERSON, ONLINE, OR THROUGH OTHER MEANS, IN WHICH NEW EMPLOYEES ARE ADVISED OF THEIR EMPLOYMENT STATUS, RIGHTS, BENEFITS, DUTIES, RESPONSIBILITIES, AND OTHER EMPLOYMENT-RELATED MATTERS.

(f) “Noncertificated employee”, in Montgomery County, means only a full-time employee.

(g) (1) “Public school employee” means a noncertificated individual who is employed for at least 9 months a year on a full-time basis by a public school employer.

(2) “Public school employee” includes a noncertificated employee in Baltimore City notwithstanding that the noncertificated employee does not work for at least 9 months a year on a full-time basis.

(3) “Public school employee” does not include:

(i) Management personnel;

(ii) A confidential employee; or

(iii) Any individual designated by the public school employer to act in a negotiating capacity as provided in § 6-510(c) of this subtitle.

(h) (1) “Public school employer” means the county board in each county.

(2) “Public school employer” includes the Baltimore City Board of School Commissioners.

(i) “Supervisory employee” includes any individual who responsibly directs the work of other employees, as determined by the public school employer in negotiation with an employee organization that requests negotiation on this issue.

6-509.1.

(A) (1) (I) EACH PUBLIC SCHOOL EMPLOYER SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE ACCESS TO NEW EMPLOYEE PROCESSING.

(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE PUBLIC SCHOOL EMPLOYER SHALL PROVIDE THE EXCLUSIVE

REPRESENTATIVE AT LEAST 10 DAYS' NOTICE IN ADVANCE OF A NEW EMPLOYEE PROCESSING.

(III) THE PUBLIC SCHOOL EMPLOYER MAY PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH LESS THAN 10 DAYS' NOTICE IF THERE IS AN URGENT NEED CRITICAL TO THE PUBLIC SCHOOL EMPLOYER'S NEW EMPLOYEE PROCESSING THAT WAS NOT REASONABLY FORESEEABLE.

(2) (I) THE STRUCTURE, TIME, AND MANNER OF THE ACCESS REQUIRED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE DETERMINED THROUGH NEGOTIATIONS BETWEEN THE PUBLIC SCHOOL EMPLOYER AND THE EXCLUSIVE REPRESENTATIVE IN ACCORDANCE WITH § 6-510 OF THIS SUBTITLE.

(II) WHEN NEGOTIATING ACCESS TO NEW EMPLOYEE PROCESSING UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, IF ANY DISPUTE HAS NOT BEEN RESOLVED WITHIN 45 DAYS AFTER THE FIRST MEETING OF THE PUBLIC SCHOOL EMPLOYER AND THE EXCLUSIVE REPRESENTATIVE, OR WITHIN 60 DAYS AFTER AN INITIAL REQUEST TO NEGOTIATE, WHICHEVER OCCURS FIRST, EITHER PARTY MAY REQUEST THAT THE BOARD DECLARE AN IMPASSE UNDER § 6-510(E) OF THIS SUBTITLE.

(III) IN AN IMPASSE PROCEEDING UNDER § 6-510(E) OF THIS SUBTITLE, THE MEDIATOR OR BOARD SHALL CONSIDER:

1. THE ABILITY OF THE EXCLUSIVE REPRESENTATIVE TO COMMUNICATE WITH THE PUBLIC SCHOOL EMPLOYEES IT REPRESENTS;
2. THE LEGAL OBLIGATIONS OF THE EXCLUSIVE REPRESENTATIVE TO THE PUBLIC SCHOOL EMPLOYEES;
3. APPLICABLE STATE, FEDERAL, AND LOCAL LAWS;
4. ANY STIPULATIONS OF THE PARTIES;
5. THE INTERESTS AND WELFARE OF THE PUBLIC SCHOOL EMPLOYEES AND THE FINANCIAL CONDITION OF THE PUBLIC SCHOOL EMPLOYER;
6. THE STRUCTURE, TIME, AND MANNER OF ACCESS OF AN EXCLUSIVE REPRESENTATIVE TO NEW EMPLOYEE PROCESSING IN COMPARABLE PUBLIC SCHOOL EMPLOYERS, INCLUDING THE ACCESS PROVISIONS IN OTHER MEMORANDA OF UNDERSTANDING OR COLLECTIVE BARGAINING AGREEMENTS; AND

7. ANY OTHER FACTS ROUTINELY CONSIDERED IN ESTABLISHING THE STRUCTURE, TIME, AND MANNER OF ACCESS OF AN EXCLUSIVE REPRESENTATIVE TO NEW EMPLOYEE PROCESSING.

(3) (I) A REQUEST TO NEGOTIATE UNDER PARAGRAPH (2) OF THIS SUBSECTION MADE BETWEEN JULY 1, 2018, AND THE EXPIRATION DATE OF AN EXISTING COLLECTIVE BARGAINING AGREEMENT BETWEEN THE PARTIES SHALL REOPEN THE EXISTING COLLECTIVE BARGAINING AGREEMENT ONLY FOR THE PURPOSE OF NEGOTIATING THE ACCESS OF THE EXCLUSIVE REPRESENTATIVE TO THE PUBLIC SCHOOL EMPLOYER'S NEW EMPLOYEE PROCESSING.

(II) EITHER PARTY MAY ELECT TO NEGOTIATE A SEPARATE AGREEMENT ON THE ACCESS OF THE EXCLUSIVE REPRESENTATIVE TO THE PUBLIC SCHOOL EMPLOYER'S NEW EMPLOYEE PROCESSING IN LIEU OF REOPENING THE EXISTING COLLECTIVE BARGAINING AGREEMENT.

(B) THIS SECTION DOES NOT PROHIBIT A PUBLIC SCHOOL EMPLOYER AND AN EXCLUSIVE REPRESENTATIVE FROM NEGOTIATING ACCESS TO NEW EMPLOYEE PROCESSING THAT VARIES FROM THE REQUIREMENTS OF THIS SECTION.

(C) NOTHING IN THIS SECTION SHALL ABROGATE EXISTING COLLECTIVE BARGAINING AGREEMENTS BETWEEN PUBLIC SCHOOL EMPLOYERS AND EXCLUSIVE REPRESENTATIVES.

6-509.2.

(A) WITHIN 30 DAYS OF THE DATE OF HIRE, OR BY THE FIRST PAY PERIOD OF THE MONTH AFTER THE DATE OF HIRE, OF EACH NEW PUBLIC SCHOOL EMPLOYEE, A PUBLIC SCHOOL EMPLOYER SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH THE EMPLOYEE'S:

- (1) NAME;
- (2) POSITION CLASSIFICATION;
- (3) HOME AND WORK SITE ADDRESSES WHERE THE EMPLOYEE RECEIVES INTEROFFICE OR UNITED STATES MAIL;
- (4) HOME AND WORK SITE TELEPHONE NUMBERS;
- (5) PERSONAL CELL PHONE NUMBER; AND
- (6) WORK ~~AND PERSONAL~~ E-MAIL ADDRESSES.

(B) (1) (I) THE PUBLIC SCHOOL EMPLOYER SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH THE INFORMATION DESCRIBED IN SUBSECTION (A) OF THIS SECTION FOR EACH EMPLOYEE IN THE BARGAINING UNIT REPRESENTED BY THE EXCLUSIVE REPRESENTATIVE ~~AT LEAST~~ ONCE EVERY 120 DAYS.

(II) SUBJECT TO § 6-510 OF THIS SUBTITLE, THE PUBLIC SCHOOL EMPLOYER MAY NEGOTIATE WITH THE EXCLUSIVE REPRESENTATIVE TO PROVIDE:

~~1. THE THE INFORMATION REQUIRED UNDER THIS PARAGRAPH MORE FREQUENTLY THAN ONCE EVERY 120 DAYS; AND~~

~~2. MORE DETAILED INFORMATION THAN REQUIRED UNDER THIS PARAGRAPH.~~

(2) THE PUBLIC SCHOOL EMPLOYER SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH THE INFORMATION DESCRIBED IN SUBSECTION (A) OF THIS SECTION REGARDLESS OF WHETHER THE NEWLY HIRED EMPLOYEE WAS PREVIOUSLY EMPLOYED BY THE PUBLIC SCHOOL EMPLOYER.

6-510.

(c) (1) On request, a public school employer or at least two of its designated representatives shall meet and negotiate with at least two representatives of the employee organization that is designated as the exclusive negotiating agent for the public school employees in a unit of the county on all matters that relate to [salaries]:

(I) SALARIES, wages, hours, and other working conditions, including the discipline and discharge of an employee for just cause; AND

(II) THE STRUCTURE, TIME, AND MANNER OF THE ACCESS OF THE EXCLUSIVE REPRESENTATIVE TO A PUBLIC SCHOOL EMPLOYER'S NEW EMPLOYEE PROCESSING AS REQUIRED UNDER § 6-509.1 OF THIS SUBTITLE.

Article – General Provisions

4-311.

(a) Subject to subsection (b) of this section, a custodian shall deny inspection of a personnel record of an individual, including an application, a performance rating, or scholastic achievement information.

(b) A custodian shall allow inspection by:

(1) the person in interest; [or]

(2) an elected or appointed official who supervises the work of the individual; **OR**

(3) **AN EMPLOYEE ORGANIZATION DESCRIBED IN TITLE 6 OF THE EDUCATION ARTICLE OF THE PORTION OF THE PERSONNEL RECORD THAT CONTAINS THE INDIVIDUAL’S:**

- (I) HOME ADDRESS;
- (II) HOME TELEPHONE NUMBER; AND
- (III) PERSONAL CELL PHONE NUMBER;
- ~~(IV) PERSONAL E-MAIL ADDRESS; AND~~
- ~~(V) DATE OF BIRTH.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 5, 2018.

Chapter 23

(House Bill 864)

AN ACT concerning

Collective Bargaining – Memorandum of Understanding – Continuation

FOR the purpose of prohibiting a certain memorandum of understanding from expiring under certain circumstances; requiring that the terms of a certain memorandum of understanding continue in force and effect until a certain memorandum of understanding is agreed to and ratified; authorizing an exclusive representative to file a certain action in a circuit court under certain circumstances; requiring the court to issue a certain order to maintain a certain memorandum of understanding; ~~requiring a certain proceeding to take precedence on a court docket for certain purposes;~~ and generally relating to collective bargaining for State employees.

BY repealing and reenacting, without amendments,
 Article – State Personnel and Pensions
 Section 3–601(a)(1) and (b)
 Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)

BY adding to

Article – State Personnel and Pensions

Section 3–603

Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)

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

Article – State Personnel and Pensions

3–601.

(a) (1) A memorandum of understanding shall contain all matters of agreement reached in the collective bargaining process.

(b) No memorandum of understanding is valid if it extends for less than 1 year or for more than 3 years.

3–603.

(A) A MEMORANDUM OF UNDERSTANDING AGREED TO AND RATIFIED UNDER § 3–601 OF THIS SUBTITLE MAY NOT EXPIRE UNTIL IT IS SUCCEEDED BY A MEMORANDUM OF UNDERSTANDING THAT IS AGREED TO AND RATIFIED UNDER THIS TITLE.

(B) NOTWITHSTANDING § 3–601(B) OF THIS SUBTITLE, ALL TERMS OF A MEMORANDUM OF UNDERSTANDING SHALL CONTINUE IN FORCE AND EFFECT WITHOUT CHANGE UNTIL A SUCCESSOR MEMORANDUM OF UNDERSTANDING IS AGREED TO AND RATIFIED.

(C) (1) BASED ON A VERIFIED COMPLAINT BY AN EXCLUSIVE REPRESENTATIVE, THE EXCLUSIVE REPRESENTATIVE MAY FILE AN ACTION IN A CIRCUIT COURT AGAINST THE STATE, A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, ST. MARY’S COLLEGE OF MARYLAND, OR BALTIMORE CITY COMMUNITY COLLEGE TO ENFORCE THE TERMS OF THIS SECTION.

(2) ON RECEIPT OF AN ACTION SUBMITTED BY THE EXCLUSIVE REPRESENTATIVE, THE COURT SHALL ISSUE A STATUS QUO ORDER WITHOUT A FINDING OF IRREPARABLE HARM TO MAINTAIN A MEMORANDUM OF UNDERSTANDING AND THE TERMS IN EFFECT PENDING A FINAL ORDER IN THE ACTION.

~~(3) A PROCEEDING UNDER THIS SUBSECTION, INCLUDING APPEALS, SHALL TAKE PRECEDENCE ON THE COURT DOCKET AND BE EXPEDITED IN EVERY WAY POSSIBLE DUE TO THE IMPORTANCE OF THE ACTION TO THE PUBLIC INTEREST.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 5, 2018.

Chapter 24

(House Bill 1017)

AN ACT concerning

**State Personnel – Collective Bargaining – Exclusive Representative Access to
New Employee ~~Orientation~~ Program**

FOR the purpose of requiring the Department of Budget and Management, University System of Maryland system institutions, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College to provide certain information on certain employees to certain exclusive representatives within a certain time period; altering a certain list of items that the Department, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College are required to provide to certain exclusive representatives; requiring an exclusive representative to withhold certain communication with an employee under certain circumstances; altering a certain limitation on the number of times a year an exclusive representative may request certain information; requiring the Department, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College to provide certain information in a certain format; authorizing the Department, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College and certain exclusive representatives to negotiate to provide certain information in a certain manner; repealing certain employee notification requirements and notification process requirements; repealing certain prohibitions against providing certain employee information under certain circumstances; repealing a certain prohibition against incumbent exclusive representatives requesting or receiving certain employee information; repealing an authorization for a certain employer to charge a certain fee for certain purposes; altering certain provisions regarding the use of certain information for certain purposes by certain exclusive representatives and certain third party contractors; establishing a certain right for certain exclusive representatives; requiring the State, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College to permit certain exclusive representatives to attend and participate in certain new employee ~~orientations~~ programs; requiring that an

exclusive representative be permitted a certain amount of time to address certain employees during a new employee ~~orientation~~ program; authorizing the State, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College and an exclusive representative to negotiate a certain period of time in accordance with certain provisions of law; requiring the State, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College to encourage a certain employee to attend a certain portion of a certain new employee program; prohibiting the State, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College from requiring an employee to attend a certain portion of a certain new employee program under certain circumstances; requiring the State, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College to provide certain notice to the exclusive representative in advance of a new employee ~~orientation~~ program; providing a certain exception to a certain notice requirement under certain circumstances; ~~declaring the intent of the General Assembly~~; and generally relating to collective bargaining for State employees and access by an exclusive representative to a new employee ~~orientation~~ program.

BY repealing and reenacting, with amendments,
 Article – State Personnel and Pensions
 Section 3–208, 3–2A–08, and 3–502(a)
 Annotated Code of Maryland
 (2015 Replacement Volume and 2017 Supplement)

BY adding to
 Article – State Personnel and Pensions
 Section 3–307
 Annotated Code of Maryland
 (2015 Replacement Volume and 2017 Supplement)

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

Article – State Personnel and Pensions

3–208.

(a) On written request of an exclusive representative, **AND WITHIN 30 DAYS OF A NEW EMPLOYEE'S DATE OF HIRE**, for each employee in the bargaining unit represented by the exclusive representative, the Department shall provide the exclusive representative with the employee's:

- (1) name;
- (2) position classification;

(3) unit;

(4) home and work site addresses where the employee receives interoffice or United States mail; [and]

(5) home and work site telephone numbers;

(6) ~~WORK AND PERSONAL E-MAIL ADDRESSES~~ E-MAIL ADDRESS; AND

(7) POSITION IDENTIFICATION NUMBER.

(b) ~~AN~~ EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AN exclusive representative may present a request for employee information, as provided under subsection (a) of this section, [twice every calendar year] ~~AT LEAST~~ ONCE EVERY 120 DAYS.

(c) THE DEPARTMENT SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH THE REQUESTED INFORMATION IN A SEARCHABLE AND ANALYZABLE ELECTRONIC FORMAT.

(d) THE DEPARTMENT MAY NEGOTIATE WITH THE EXCLUSIVE REPRESENTATIVE TO PROVIDE:

(1) THE INFORMATION DESCRIBED IN SUBSECTION (A) OF THIS SECTION MORE FREQUENTLY THAN ONCE EVERY 120 DAYS; AND

(2) MORE DETAILED INFORMATION THAN PROVIDED IN SUBSECTION (A) OF THIS SECTION.

[(c)] (e) Names or lists of employees provided to the Board in connection with an election under this title are not subject to disclosure in accordance with Title 4 of the General Provisions Article.

[(d)] (1) Thirty days before providing an employee's name, addresses, telephone numbers, and work information to an exclusive representative, the employer shall notify the employee of the provisions of this section.

(2) The employee may, within 15 days of the employer's notice under paragraph (1) of this subsection, notify the employer that the employee does not want the employee's name, addresses, telephone numbers, or work information to be provided to an exclusive representative.

(3) If an employee provides timely notification to the employer under paragraph (2) of this subsection, the employer may not provide the employee's name, addresses, telephone numbers, or work information.

(4) The notification of an employee to the employer under paragraph (2) of this subsection shall remain in effect until the employee otherwise notifies the employer.

(e) An incumbent exclusive representative for a bargaining unit that is the subject of an election under § 3–405 of this title may not request or receive any employee information as provided under subsections (a) and (b) of this section.

(f) An employer may charge an exclusive representative a fee not to exceed the actual cost of providing a list of employees' names, addresses, telephone numbers, and work information to the exclusive representative.

(g) (F) (1) Except as provided in **[paragraph] PARAGRAPHS (2) AND (3)** of this subsection, an exclusive representative shall consider the information that it receives under this section as confidential and may not release the information to any person.

(2) An exclusive representative may authorize third party contractors to use the information that it receives under this section, as directed by the exclusive representative, to carry out the exclusive representative's statutory duties under this title.

(h) (1) (3) An exclusive representative **OR AN AUTHORIZED THIRD PARTY CONTRACTOR** may **[not]** use the information that it receives under this section for the purpose of **MAINTAINING OR** increasing employee membership in an employee organization.

(4) ON WRITTEN REQUEST OF AN EMPLOYEE, AN EXCLUSIVE REPRESENTATIVE SHALL WITHHOLD FURTHER COMMUNICATION WITH AN EMPLOYEE UNLESS OTHERWISE REQUIRED BY LAW OR THE WRITTEN REQUEST IS REVOKED BY THE EMPLOYEE.

[(2) An exclusive representative may use the information that it receives under this section only to carry out its statutory duties under this title.]

3–2A–08.

(a) On written request of an exclusive representative, **AND WITHIN 30 DAYS OF A NEW EMPLOYEE'S DATE OF HIRE**, for each employee in the bargaining unit represented by the exclusive representative, the University System of Maryland system institutions, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College shall provide the exclusive representative with the employee's:

- (1) name;
- (2) position classification;
- (3) unit;

(4) home and work site addresses where the employee receives interoffice or United States mail; [and]

(5) home and work site telephone numbers; AND

(6) ~~WORK AND PERSONAL E-MAIL ADDRESSES~~ E-MAIL ADDRESS.

(b) ~~As~~ EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AN exclusive representative may present a request for employee information, as provided under subsection (a) of this section, [twice every calendar year] ~~AT LEAST ONCE EVERY~~ **120 DAYS.**

(C) THE EMPLOYER SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH THE REQUESTED INFORMATION IN A SEARCHABLE AND ANALYZABLE ELECTRONIC FORMAT.

(D) THE EMPLOYER MAY NEGOTIATE WITH THE EXCLUSIVE REPRESENTATIVE TO PROVIDE:

(1) THE INFORMATION DESCRIBED IN SUBSECTION (A) OF THIS SECTION MORE FREQUENTLY THAN ONCE EVERY 120 DAYS; AND

(2) MORE DETAILED INFORMATION THAN PROVIDED IN SUBSECTION (A) OF THIS SECTION.

[(c)] (E) Names or lists of employees provided to the Board in connection with an election under this title are not subject to disclosure in accordance with Title 4 of the General Provisions Article.

[(d) (1)] Thirty days before providing an employee's name, addresses, telephone numbers, and work information to an exclusive representative, the employer shall notify the employee of the provisions of this section.

(2) The employee may, within 15 days of the employer's notice under paragraph (1) of this subsection, notify the employer that the employee does not want the employee's name, addresses, telephone numbers, or work information to be provided to an exclusive representative.

(3) If an employee provides timely notification to the employer under paragraph (2) of this subsection, the employer may not provide the employee's name, addresses, telephone numbers, or work information.

(4) The notification of an employee to the employer under paragraph (2) of this subsection shall remain in effect until the employee otherwise notifies the employer.

(e) An incumbent exclusive representative for a bargaining unit that is the subject of an election under § 3–405 of this title may not request or receive any employee information as provided under subsections (a) and (b) of this section.

(f) An employer may charge an exclusive representative a fee not to exceed the actual cost of providing a list of employees' names, addresses, telephone numbers, and work information to the exclusive representative.

(g) (F) (1) Except as provided in [paragraph] PARAGRAPHS (2) AND (3) of this subsection, an exclusive representative shall consider the information that it receives under this section as confidential and may not release the information to any person.

(2) An exclusive representative may authorize third party contractors to use the information that it receives under this section, as directed by the exclusive representative, to carry out the exclusive representative's statutory duties under this title.

[h] (1) (3) An exclusive representative OR AN AUTHORIZED THIRD PARTY CONTRACTOR may [not] use the information that it receives under this section for the purpose of MAINTAINING OR increasing employee membership in an employee organization.

(4) ON WRITTEN REQUEST OF AN EMPLOYEE, AN EXCLUSIVE REPRESENTATIVE SHALL WITHHOLD FURTHER COMMUNICATION WITH AN EMPLOYEE UNLESS OTHERWISE REQUIRED BY LAW OR THE WRITTEN REQUEST IS REVOKED BY THE EMPLOYEE.

[(2) An exclusive representative may use the information that it receives under this section only to carry out its statutory duties under this title.]

3–307.

(A) EACH EXCLUSIVE REPRESENTATIVE HAS THE RIGHT TO COMMUNICATE WITH THE EMPLOYEES THAT IT REPRESENTS.

(B) (1) THE STATE, A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, ST. MARY'S COLLEGE OF MARYLAND, AND BALTIMORE CITY COMMUNITY COLLEGE SHALL PERMIT AN EXCLUSIVE REPRESENTATIVE TO ATTEND AND PARTICIPATE IN A NEW EMPLOYEE ORIENTATION PROGRAM THAT INCLUDES ~~AN EMPLOYEE WHO IS~~ ONE OR MORE EMPLOYEES WHO ARE IN A BARGAINING UNIT REPRESENTED BY THE EXCLUSIVE REPRESENTATIVE.

(2) THE NEW EMPLOYEE PROGRAM IN PARAGRAPH (1) OF THIS SUBSECTION MAY BE A NEW EMPLOYEE ORIENTATION, TRAINING, OR OTHER PROGRAM THAT THE STATE, A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY,

ST. MARY’S COLLEGE OF MARYLAND, OR BALTIMORE CITY COMMUNITY COLLEGE AND AN EXCLUSIVE REPRESENTATIVE NEGOTIATE IN ACCORDANCE WITH § 3-501 OF THIS TITLE.

~~(2)~~ (3) EXCEPT AS PROVIDED IN PARAGRAPH ~~(2)~~ (4) OF THIS SUBSECTION, THE EXCLUSIVE REPRESENTATIVE SHALL BE PERMITTED ~~AT LEAST 25~~ 20 MINUTES TO COLLECTIVELY ADDRESS A NEW EMPLOYEE ~~ALL NEW EMPLOYEES IN ATTENDANCE~~ DURING A NEW EMPLOYEE ~~ORIENTATION~~ PROGRAM.

~~(3)~~ (4) THE STATE, A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, ST. MARY’S COLLEGE OF MARYLAND, AND BALTIMORE CITY COMMUNITY COLLEGE AND AN EXCLUSIVE REPRESENTATIVE MAY NEGOTIATE A PERIOD OF TIME THAT IS MORE THAN ~~25~~ 20 MINUTES IN ACCORDANCE WITH § 3-501 OF THIS TITLE.

(5) THE STATE, A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, ST. MARY’S COLLEGE OF MARYLAND, AND BALTIMORE CITY COMMUNITY COLLEGE:

(I) SHALL ENCOURAGE AN EMPLOYEE TO ATTEND THE PORTION OF A NEW EMPLOYEE PROGRAM DESIGNATED FOR AN EXCLUSIVE REPRESENTATIVE TO ADDRESS NEW EMPLOYEES; AND

(II) MAY NOT REQUIRE AN EMPLOYEE TO ATTEND THE PORTION OF A NEW EMPLOYEE PROGRAM DESIGNATED FOR AN EXCLUSIVE REPRESENTATIVE TO ADDRESS NEW EMPLOYEES IF THE EMPLOYEE OBJECTS TO ATTENDING.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE STATE, A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, ST. MARY’S COLLEGE OF MARYLAND, AND BALTIMORE CITY COMMUNITY COLLEGE SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE AT LEAST 10 DAYS’ NOTICE IN ADVANCE OF A NEW EMPLOYEE ~~ORIENTATION~~ PROGRAM.

(2) THE STATE, A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, ST. MARY’S COLLEGE OF MARYLAND, AND BALTIMORE CITY COMMUNITY COLLEGE MAY PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH LESS THAN 10 DAYS’ NOTICE IF THERE IS AN URGENT NEED CRITICAL TO THE EMPLOYER’S NEW EMPLOYEE ~~ORIENTATION~~ PROGRAM THAT WAS NOT REASONABLY FORESEEABLE.

3-502.

- (a) Collective bargaining shall include all matters relating to:

(1) wages, hours, and other terms and conditions of employment; AND

(2) **THE TIME AND MANNER OF ACCESS TO A NEW EMPLOYEE ORIENTATION PROGRAM AS REQUIRED UNDER § 3-307 OF THIS TITLE.**

~~SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that, on request from an employee at any time, an exclusive representative shall stop contacting the employee.~~

SECTION ~~2.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 5, 2018.

Chapter 25

(House Bill 1316)

AN ACT concerning

Task Force to Study State Alcohol Regulation, Enforcement, Safety, and Public Health

FOR the purpose of establishing a Task Force to Study State Alcohol Regulation, Enforcement, Safety, and Public Health; providing for the chair and membership of the Task Force; providing for staff for the Task Force; requiring the Task Force to examine whether the State agency that now is assigned the tasks of regulating the State alcoholic beverages industry and enforcing State alcoholic beverages laws is the most appropriate agency to ensure the safety and welfare of the residents of Maryland, or whether those tasks should be assigned to another State agency or a new State agency; requiring the Task Force to review certain issues and make certain recommendations; requiring the Task Force to report to the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study State Alcohol Regulation, Enforcement, Safety, and Public Health.

Preamble

WHEREAS, Excessive alcohol consumption is the third leading cause of preventable death in the United States and is a risk factor leading to many health and societal problems; and

WHEREAS, Most people who drink excessively are not alcoholics or alcohol dependent; and

WHEREAS, The Centers for Disease Control and Prevention (CDC) reports that excessive alcohol use is responsible for approximately 88,000 deaths in the United States each year, including 1,321 deaths in Maryland, and \$5 billion in economic costs in Maryland; and

WHEREAS, The CDC reports that alcohol is the most commonly used and abused drug among youth in the United States, excessive drinking is responsible for 4,300 deaths among underage youth each year, people aged 12 to 20 years old drink 11% of all alcohol consumed in the United States, and underage drinkers consume more drinks per drinking occasion than adult drinkers; and

WHEREAS, The CDC estimates that 47% of all homicides and 23% of all suicides are attributable to alcohol use; and

WHEREAS, Alcohol is the leading drug among Maryland youth, with one in four Maryland high school students reporting drinking in the past month; and

WHEREAS, The CDC reports that excessive alcohol use is commonly involved in sexual assault; men consistently have higher rates of alcohol-related deaths and hospitalization than women; among drivers in fatal motor vehicle traffic crashes, men are almost twice as likely as women to have been intoxicated; and excessive alcohol consumption increases aggression and, as a result, can increase the risk of physical assaults on another person; and

WHEREAS, The Community Preventive Services Task Force found evidence of a positive association between outlet density and excessive alcohol consumption and related harms sufficient to recommend limiting alcohol outlet density through the use of regulatory authority as a means of reducing or controlling excessive alcohol consumption and related harms; and

WHEREAS, It is in the best interest of the public to review all alternatives to discover the entity best suited to ensure the safety and welfare of the residents of Maryland for purposes of regulating and enforcing laws concerning the distribution and sale of all alcohol products in the State; now, therefore,

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

(a) There is a Task Force to Study Alcohol Regulation, Enforcement, Safety, and Public Health in the State.

(b) The Task Force shall consist of:

(1) one member of the public, to be appointed by the Governor; and

(2) the following members, all to be appointed by the President of the Senate and Speaker of the House of Delegates:

- (i) one member of the public, who shall serve as chairperson;
- (ii) the Secretary of Health, or the Secretary's designee;
- (iii) the Secretary of State Police, or the Secretary's designee;
- (iv) one member of the Maryland Licensed Beverage Association;
- (v) one member representing alcohol manufacturers;
- (vi) one member representing alcohol distributors;
- (vii) one member representing alcohol retailers;
- (viii) one member representing craft brewers;
- (ix) one member representing wineries;
- (x) one member representing local law enforcement agencies or the National Liquor Law Enforcement Association;
- (xi) one member who is an emergency room doctor or a public health policy researcher with expertise in alcohol policy;
- (xii) one member of the Maryland Public Health Association;
- ~~(xii)~~ (xiii) one department of liquor control administrator;
- ~~(xiii)~~ (xiv) one member representing the medical community;
- ~~(xiv)~~ (xv) one member representing Mothers Against Drunk Driving or a neighborhood coalition working on alcohol policy issues at a local level;
- ~~(xv)~~ (xvi) one member representing the Washington Regional Alcohol Program or the Maryland Chapter of the National Council on Alcoholism and Drug Dependence;
- ~~(xvi)~~ (xvii) one member of the Senate of Maryland representing the majority party;
- ~~(xvii)~~ (xviii) one member of the Senate of Maryland representing the minority party;
- ~~(xviii)~~ (xix) one member of the House of Delegates representing the majority party; and

~~(xix)~~ (xx) one member of the House of Delegates representing the minority party.

(c) The Department of Legislative Services shall provide staff for the Task Force.

(d) (1) The Task Force shall examine whether the State agency that now is assigned the tasks of regulating the State alcoholic beverages industry and enforcing State alcoholic beverages laws is the most appropriate agency to ensure the safety and welfare of the residents of Maryland, or whether those tasks should be assigned to another State agency or to one created specifically to carry out those tasks.

(2) In conducting its examination under paragraph (1) of this subsection, the Task Force shall review:

(i) Maryland alcohol laws in light of recent changes regarding alcohol production, distribution, and sale;

(ii) the public health impact of alcohol in Maryland;

(iii) the economic development and employment impact of alcohol in Maryland; and

(iv) the enforcement at the State and local level of alcohol regulation and laws, including regulatory systems in other states, and the methods by which State and local enforcement agencies interact.

(3) The Task Force shall make recommendations regarding what additional policies should be implemented and the method for implementing the policies, with regard to:

(i) alcohol laws in the State; and

(ii) legislative proposals that would expand the availability of alcohol to the public.

(e) On or before December 1, 2018, the Task Force shall submit a report of its findings and recommendations to the General Assembly, in accordance with § 2–1246 of the State Government Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018. It shall remain effective for a period of 1 year and 1 month and, at the end of June 30, 2019, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 5, 2018.

Chapter 26

(Senate Bill 654)

AN ACT concerning

Collective Bargaining – Memorandum of Understanding – Continuation

FOR the purpose of prohibiting a certain memorandum of understanding from expiring under certain circumstances; requiring that the terms of a certain memorandum of understanding continue in force and effect until a certain memorandum of understanding is agreed to and ratified; authorizing an exclusive representative to file a certain action in a circuit court under certain circumstances; requiring the court to issue a certain order to maintain a certain memorandum of understanding; ~~requiring a certain proceeding to take precedence on a court docket for certain purposes~~; and generally relating to collective bargaining for State employees.

BY repealing and reenacting, without amendments,
 Article – State Personnel and Pensions
 Section 3–601(a)(1) and (b)
 Annotated Code of Maryland
 (2015 Replacement Volume and 2017 Supplement)

BY adding to
 Article – State Personnel and Pensions
 Section 3–603
 Annotated Code of Maryland
 (2015 Replacement Volume and 2017 Supplement)

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

Article – State Personnel and Pensions

3–601.

(a) (1) A memorandum of understanding shall contain all matters of agreement reached in the collective bargaining process.

(b) No memorandum of understanding is valid if it extends for less than 1 year or for more than 3 years.

3–603.

(A) A MEMORANDUM OF UNDERSTANDING AGREED TO AND RATIFIED UNDER § 3–601 OF THIS SUBTITLE MAY NOT EXPIRE UNTIL IT IS SUCCEEDED BY A

MEMORANDUM OF UNDERSTANDING THAT IS AGREED TO AND RATIFIED UNDER THIS TITLE.

(B) NOTWITHSTANDING § 3–601(B) OF THIS SUBTITLE, ALL TERMS OF A MEMORANDUM OF UNDERSTANDING SHALL CONTINUE IN FORCE AND EFFECT WITHOUT CHANGE UNTIL A SUCCESSOR MEMORANDUM OF UNDERSTANDING IS AGREED TO AND RATIFIED.

(C) (1) BASED ON A VERIFIED COMPLAINT BY AN EXCLUSIVE REPRESENTATIVE, THE EXCLUSIVE REPRESENTATIVE MAY FILE AN ACTION IN A CIRCUIT COURT AGAINST THE STATE, A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, ST. MARY’S COLLEGE OF MARYLAND, OR BALTIMORE CITY COMMUNITY COLLEGE TO ENFORCE THE TERMS OF THIS SECTION.

(2) ON RECEIPT OF AN ACTION SUBMITTED BY THE EXCLUSIVE REPRESENTATIVE, THE COURT SHALL ISSUE A STATUS QUO ORDER WITHOUT A FINDING OF IRREPARABLE HARM TO MAINTAIN A MEMORANDUM OF UNDERSTANDING AND THE TERMS IN EFFECT PENDING A FINAL ORDER IN THE ACTION.

~~(3) A PROCEEDING UNDER THIS SUBSECTION, INCLUDING APPEALS, SHALL TAKE PRECEDENCE ON THE COURT DOCKET AND BE EXPEDITED IN EVERY WAY POSSIBLE DUE TO THE IMPORTANCE OF THE ACTION TO THE PUBLIC INTEREST.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 6, 2018.

Chapter 27

(Senate Bill 677)

AN ACT concerning

**State Personnel – Collective Bargaining – Exclusive Representative Access to
New Employee ~~Orientation~~ Program**

FOR the purpose of requiring the Department of Budget and Management, University System of Maryland system institutions, Morgan State University, St. Mary’s College of Maryland, and Baltimore City Community College to provide certain information on certain employees to certain exclusive representatives within a certain time period; altering a certain list of items that the Department, a system

institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College are required to provide to certain exclusive representatives; requiring an exclusive representative to withhold certain communication with an employee under certain circumstances; altering a certain limitation on the number of times a year an exclusive representative may request certain information; requiring the Department, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College to provide certain information in a certain format; authorizing the Department, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College and certain exclusive representatives to negotiate to provide certain information in a certain manner; repealing certain employee notification requirements and notification process requirements; repealing certain prohibitions against providing certain employee information under certain circumstances; repealing a certain prohibition against incumbent exclusive representatives requesting or receiving certain employee information; repealing an authorization for a certain employer to charge a certain fee for certain purposes; altering certain provisions regarding the use of certain information for certain purposes by certain exclusive representatives and certain third party contractors; establishing a certain right for certain exclusive representatives; requiring the State, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College to permit certain exclusive representatives to attend and participate in certain new employee ~~orientations~~ programs; requiring that an exclusive representative be permitted a certain amount of time to address certain employees during a new employee ~~orientation~~ program; authorizing the State, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College and an exclusive representative to negotiate a certain period of time in accordance with certain provisions of law; requiring the State, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College to encourage a certain employee to attend a certain portion of a certain new employee program; prohibiting the State, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College from requiring an employee to attend a certain portion of a certain new employee program under certain circumstances; requiring the State, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College to provide certain notice to the exclusive representative in advance of a new employee ~~orientation~~ program; providing a certain exception to a certain notice requirement under certain circumstances; and generally relating to collective bargaining for State employees and access by an exclusive representative to a new employee ~~orientation~~ program.

BY repealing and reenacting, with amendments,
 Article – State Personnel and Pensions
 Section 3–208, 3–2A–08, and 3–502(a)
 Annotated Code of Maryland
 (2015 Replacement Volume and 2017 Supplement)

BY adding to

Article – State Personnel and Pensions
Section 3–307
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – State Personnel and Pensions

3–208.

(a) On written request of an exclusive representative, **AND WITHIN 30 DAYS OF A NEW EMPLOYEE’S DATE OF HIRE**, for each employee in the bargaining unit represented by the exclusive representative, the Department shall provide the exclusive representative with the employee’s:

- (1) name;
- (2) position classification;
- (3) unit;
- (4) home and work site addresses where the employee receives interoffice or United States mail; [and]
- (5) home and work site telephone numbers;
- (6) ~~WORK AND PERSONAL E-MAIL ADDRESSES~~ E-MAIL ADDRESS; AND
- (7) POSITION IDENTIFICATION NUMBER.

(b) ~~AN~~ EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AN exclusive representative may present a request for employee information, as provided under subsection (a) of this section, [twice every calendar year] ~~AT LEAST ONCE EVERY~~ **120 DAYS**.

(c) **THE DEPARTMENT SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH THE REQUESTED INFORMATION IN A SEARCHABLE AND ANALYZABLE ELECTRONIC FORMAT.**

(d) **THE DEPARTMENT MAY NEGOTIATE WITH THE EXCLUSIVE REPRESENTATIVE TO PROVIDE:**

(1) **THE INFORMATION DESCRIBED IN SUBSECTION (A) OF THIS SECTION MORE FREQUENTLY THAN ONCE EVERY 120 DAYS; AND**

(2) MORE DETAILED INFORMATION THAN PROVIDED IN SUBSECTION (A) OF THIS SECTION.

[(c)] (E) Names or lists of employees provided to the Board in connection with an election under this title are not subject to disclosure in accordance with Title 4 of the General Provisions Article.

[(d)] (1) Thirty days before providing an employee's name, addresses, telephone numbers, and work information to an exclusive representative, the employer shall notify the employee of the provisions of this section.

(2) The employee may, within 15 days of the employer's notice under paragraph (1) of this subsection, notify the employer that the employee does not want the employee's name, addresses, telephone numbers, or work information to be provided to an exclusive representative.

(3) If an employee provides timely notification to the employer under paragraph (2) of this subsection, the employer may not provide the employee's name, addresses, telephone numbers, or work information.

(4) The notification of an employee to the employer under paragraph (2) of this subsection shall remain in effect until the employee otherwise notifies the employer.

(e) An incumbent exclusive representative for a bargaining unit that is the subject of an election under § 3–405 of this title may not request or receive any employee information as provided under subsections (a) and (b) of this section.

(f) An employer may charge an exclusive representative a fee not to exceed the actual cost of providing a list of employees' names, addresses, telephone numbers, and work information to the exclusive representative.

[(g)] (F) (1) Except as provided in **[paragraph] PARAGRAPHS (2) AND (3)** of this subsection, an exclusive representative shall consider the information that it receives under this section as confidential and may not release the information to any person.

(2) An exclusive representative may authorize third party contractors to use the information that it receives under this section, as directed by the exclusive representative, to carry out the exclusive representative's statutory duties under this title.

[(h)] (1)] (3) An exclusive representative **OR AN AUTHORIZED THIRD PARTY CONTRACTOR** may **[not]** use the information that it receives under this section for the purpose of **MAINTAINING OR** increasing employee membership in an employee organization.

(4) ON WRITTEN REQUEST OF AN EMPLOYEE, AN EXCLUSIVE REPRESENTATIVE SHALL WITHHOLD FURTHER COMMUNICATION WITH AN EMPLOYEE UNLESS OTHERWISE REQUIRED BY LAW OR THE WRITTEN REQUEST IS REVOKED BY THE EMPLOYEE.

[(2) An exclusive representative may use the information that it receives under this section only to carry out its statutory duties under this title.]

3-2A-08.

(a) On written request of an exclusive representative, **AND WITHIN 30 DAYS OF A NEW EMPLOYEE'S DATE OF HIRE**, for each employee in the bargaining unit represented by the exclusive representative, the University System of Maryland system institutions, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College shall provide the exclusive representative with the employee's:

- (1) name;
- (2) position classification;
- (3) unit;
- (4) home and work site addresses where the employee receives interoffice or United States mail; [and]
- (5) home and work site telephone numbers; **AND**
- (6) **WORK AND PERSONAL E-MAIL ADDRESSES E-MAIL ADDRESS.**

(b) ~~AN~~ **EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AN** exclusive representative may present a request for employee information, as provided under subsection (a) of this section, [twice every calendar year] ~~AT LEAST ONCE EVERY~~ **120 DAYS.**

(C) THE EMPLOYER SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH THE REQUESTED INFORMATION IN A SEARCHABLE AND ANALYZABLE ELECTRONIC FORMAT.

(D) THE EMPLOYER MAY NEGOTIATE WITH THE EXCLUSIVE REPRESENTATIVE TO PROVIDE:

(1) THE INFORMATION DESCRIBED IN SUBSECTION (A) OF THIS SECTION MORE FREQUENTLY THAN ONCE EVERY 120 DAYS; AND

(2) MORE DETAILED INFORMATION THAN PROVIDED IN SUBSECTION (A) OF THIS SECTION.

[(c)] **(E)** Names or lists of employees provided to the Board in connection with an election under this title are not subject to disclosure in accordance with Title 4 of the General Provisions Article.

[(d)] **(1)** Thirty days before providing an employee's name, addresses, telephone numbers, and work information to an exclusive representative, the employer shall notify the employee of the provisions of this section.

(2) The employee may, within 15 days of the employer's notice under paragraph (1) of this subsection, notify the employer that the employee does not want the employee's name, addresses, telephone numbers, or work information to be provided to an exclusive representative.

(3) If an employee provides timely notification to the employer under paragraph (2) of this subsection, the employer may not provide the employee's name, addresses, telephone numbers, or work information.

(4) The notification of an employee to the employer under paragraph (2) of this subsection shall remain in effect until the employee otherwise notifies the employer.

(e) An incumbent exclusive representative for a bargaining unit that is the subject of an election under § 3-405 of this title may not request or receive any employee information as provided under subsections (a) and (b) of this section.

(f) An employer may charge an exclusive representative a fee not to exceed the actual cost of providing a list of employees' names, addresses, telephone numbers, and work information to the exclusive representative.

[(g)] **(F)** **(1)** Except as provided in [paragraph] **PARAGRAPHS (2) AND (3)** of this subsection, an exclusive representative shall consider the information that it receives under this section as confidential and may not release the information to any person.

(2) An exclusive representative may authorize third party contractors to use the information that it receives under this section, as directed by the exclusive representative, to carry out the exclusive representative's statutory duties under this title.

[(h)] **(1)** **(3)** An exclusive representative **OR AN AUTHORIZED THIRD PARTY CONTRACTOR** may [not] use the information that it receives under this section for the purpose of **MAINTAINING OR** increasing employee membership in an employee organization.

(4) ON WRITTEN REQUEST OF AN EMPLOYEE, AN EXCLUSIVE REPRESENTATIVE SHALL WITHHOLD FURTHER COMMUNICATION WITH AN

EMPLOYEE UNLESS OTHERWISE REQUIRED BY LAW OR THE WRITTEN REQUEST IS REVOKED BY THE EMPLOYEE.

[(2) An exclusive representative may use the information that it receives under this section only to carry out its statutory duties under this title.]

3-307.

(A) EACH EXCLUSIVE REPRESENTATIVE HAS THE RIGHT TO COMMUNICATE WITH THE EMPLOYEES THAT IT REPRESENTS.

(B) (1) THE STATE, A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, ST. MARY'S COLLEGE OF MARYLAND, AND BALTIMORE CITY COMMUNITY COLLEGE SHALL PERMIT AN EXCLUSIVE REPRESENTATIVE TO ATTEND AND PARTICIPATE IN A NEW EMPLOYEE ORIENTATION PROGRAM THAT INCLUDES AN EMPLOYEE WHO IS ONE OR MORE EMPLOYEES WHO ARE IN A BARGAINING UNIT REPRESENTED BY THE EXCLUSIVE REPRESENTATIVE.

(2) THE NEW EMPLOYEE PROGRAM IN PARAGRAPH (1) OF THIS SUBSECTION MAY BE A NEW EMPLOYEE ORIENTATION, TRAINING, OR OTHER PROGRAM THAT THE STATE, A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, ST. MARY'S COLLEGE OF MARYLAND, OR BALTIMORE CITY COMMUNITY COLLEGE AND AN EXCLUSIVE REPRESENTATIVE NEGOTIATE IN ACCORDANCE WITH § 3-501 OF THIS TITLE.

~~(2)~~ (3) EXCEPT AS PROVIDED IN PARAGRAPH ~~(2)~~ (4) OF THIS SUBSECTION, THE EXCLUSIVE REPRESENTATIVE SHALL BE PERMITTED ~~AT LEAST 25~~ 20 MINUTES TO COLLECTIVELY ADDRESS A NEW EMPLOYEE ALL NEW EMPLOYEES IN ATTENDANCE DURING A NEW EMPLOYEE ORIENTATION PROGRAM.

~~(2)~~ (4) THE STATE, A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, ST. MARY'S COLLEGE OF MARYLAND, AND BALTIMORE CITY COMMUNITY COLLEGE AND AN EXCLUSIVE REPRESENTATIVE MAY NEGOTIATE A PERIOD OF TIME THAT IS MORE THAN ~~25~~ 20 MINUTES IN ACCORDANCE WITH § 3-501 OF THIS TITLE.

(5) THE STATE, A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, ST. MARY'S COLLEGE OF MARYLAND, AND BALTIMORE CITY COMMUNITY COLLEGE:

(I) SHALL ENCOURAGE AN EMPLOYEE TO ATTEND THE PORTION OF A NEW EMPLOYEE PROGRAM DESIGNATED FOR AN EXCLUSIVE REPRESENTATIVE TO ADDRESS NEW EMPLOYEES; AND

(II) MAY NOT REQUIRE AN EMPLOYEE TO ATTEND THE PORTION OF A NEW EMPLOYEE PROGRAM DESIGNATED FOR AN EXCLUSIVE REPRESENTATIVE TO ADDRESS NEW EMPLOYEES IF THE EMPLOYEE OBJECTS TO ATTENDING.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE STATE, A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, ST. MARY'S COLLEGE OF MARYLAND, AND BALTIMORE CITY COMMUNITY COLLEGE SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE AT LEAST 10 DAYS' NOTICE IN ADVANCE OF A NEW EMPLOYEE ~~ORIENTATION~~ PROGRAM.

(2) THE STATE, A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, ST. MARY'S COLLEGE OF MARYLAND, AND BALTIMORE CITY COMMUNITY COLLEGE MAY PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH LESS THAN 10 DAYS' NOTICE IF THERE IS AN URGENT NEED CRITICAL TO THE EMPLOYER'S NEW EMPLOYEE ~~ORIENTATION~~ PROGRAM THAT WAS NOT REASONABLY FORESEEABLE.

3-502.

(a) Collective bargaining shall include all matters relating to:

(1) wages, hours, and other terms and conditions of employment; AND

(2) THE TIME AND MANNER OF ACCESS TO A NEW EMPLOYEE ~~ORIENTATION~~ PROGRAM AS REQUIRED UNDER § 3-307 OF THIS TITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 6, 2018.

Chapter 28

(Senate Bill 742)

AN ACT concerning

Income Tax – Wynne Case – Local Government Repayments to the Local Reserve Account

FOR the purpose of altering the date on which the Comptroller is required to begin withholding from certain quarterly income tax distributions certain amounts owed

by certain local governments to the Local Reserve Account; and generally relating to required repayments to the Local Reserve Account.

BY repealing and reenacting, with amendments,
Chapter 489 of the Acts of the General Assembly of 2015, as amended by Chapter 24
of the Acts of the General Assembly of 2016
Section 27

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

Chapter 489 of the Acts of 2015, as amended by Chapter 24 of the Acts of 2016

SECTION 27. AND BE IT FURTHER ENACTED, That the Attorney General shall review the decision of the U.S. Supreme Court in the appeal of Maryland State Comptroller of the Treasury v. Brian Wynne, et ux. 431 Md. 147 (2013) and advise the Comptroller whether the decision, expressly or in effect, requires the payment of income tax refunds and interest attributable to taxable years beginning after December 31, 2005, but before January 1, 2015, and, if the Attorney General so advises, the Comptroller shall initially pay the refunds and interest from the Local Reserve Account (Account) established to comply with § 2–606 of the Tax – General Article. After the Comptroller pays the refunds and interest from the Account, each local government shall reimburse the Account for its share of related refunds and interest. If an affected local government does not reimburse the Account in a timely fashion, the Comptroller shall withhold the amount owed to the Account from the quarterly income tax distributions in twenty equal installments, beginning with the first applicable quarterly distribution made after February [2019] **2021**, until the Account is fully reimbursed.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 6, 2018.

Chapter 29

(Senate Bill 819)

AN ACT concerning

**Education – Collective Bargaining – Exclusive Representative’s Access to New
Employee Processing**

FOR the purpose of requiring public school employers to provide an exclusive representative with access to a certain new employee processing; requiring the public school employer to provide a certain notice to the exclusive representative within a

certain period of time; authorizing a certain exception under certain circumstances; requiring the structure, time, and manner of certain access to be determined through certain negotiations; authorizing certain parties to request that the Public School Labor Relations Board declare a certain impasse under certain circumstances; requiring a mediator or the Board to consider certain factors under certain circumstances during a certain impasse proceeding; providing for the reopening of certain collective bargaining agreements for certain purposes under certain circumstances; authorizing certain parties to negotiate a separate agreement under certain circumstances; providing that certain provisions of this Act do not prohibit certain activities; providing that certain provisions of this Act do not abrogate certain existing collective bargaining agreements; requiring the public school employer to provide the exclusive representative with certain employee information within a certain number of days under certain circumstances; authorizing the public school employer to negotiate with the exclusive representative on certain topics; providing for a certain exception; requiring a certain custodian to allow inspection by a certain employee organization of a certain personnel record that contains certain information; defining certain terms; and generally relating to access of an exclusive representative to a public school employer's new employee processing.

BY repealing and reenacting, with amendments,

Article – Education

Section 6–401, 6–408(c)(1), 6–501, and 6–510(c)(1)

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

BY adding to

Article – Education

Section 6–407.1, 6–407.2, 6–509.1, and 6–509.2

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – General Provisions

Section 4–311

Annotated Code of Maryland

(2014 Volume and 2017 Supplement)

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

Article – Education

6–401.

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

(b) “Board” means the Public School Labor Relations Board established under Subtitle 8 of this title.

(b-1) “Day” means a calendar day unless otherwise indicated.

(c) “Employee organization” means an organization that:

(1) Includes certificated employees of a public school employer or individuals of equivalent status in Baltimore City; and

(2) Has as one of its main purposes the representation of the employees in their relations with that public school employer.

(d) (1) “Home and hospital teacher” means a teacher employed by a public school employer to provide instructional services to a public school student who is unable to function effectively in the classroom setting due to the student’s medical, physical, or emotional condition.

(2) A home and hospital teacher may teach in:

(i) A private home;

(ii) A hospital;

(iii) A therapeutic center;

(iv) A school; or

(v) Any other appropriate site.

(D-1) “NEW EMPLOYEE PROCESSING” MEANS THE PROCESS FOR A NEWLY HIRED PUBLIC SCHOOL EMPLOYEE, WHETHER IN PERSON, ONLINE, OR THROUGH OTHER MEANS, IN WHICH NEW EMPLOYEES ARE ADVISED OF THEIR EMPLOYMENT STATUS, RIGHTS, BENEFITS, DUTIES, RESPONSIBILITIES, AND OTHER EMPLOYMENT-RELATED MATTERS.

(e) (1) “Public school employee” means a certificated professional individual who is employed by a public school employer or an individual of equivalent status in Baltimore City, except for a county superintendent or an individual designated by the public school employer to act in a negotiating capacity as provided in § 6-408(c) of this subtitle.

(2) In Montgomery County, “public school employees” include:

(i) Certificated and noncertificated substitute teachers employed by the public school employer for at least 7 days before March 1 of the school fiscal year ending June 30, 1978, and each year after; and

(ii) Home and hospital teachers employed by the public school employer for at least 7 days before March 1 of the school fiscal year ending June 30, 2000, and each year after.

(3) In Baltimore County, “public school employee” includes a secondary school nurse, an elementary school nurse, and a special school nurse.

(4) In Frederick County, “public school employee” includes a social worker employed by a public school employer.

(5) In Prince George’s County, “public school employee” includes home and hospital teachers and Junior Reserve Officer Training Corps (JROTC) instructors.

(6) In Baltimore County, Calvert County, Charles County, and Garrett County, “public school employee” includes Junior Reserve Officer Training Corps (JROTC) instructors.

(7) In Carroll County, “public school employee” includes:

(i) A registered nurse; and

(ii) Supervisory noncertificated employees as defined under § 6–501(i) of this title.

(f) “Public school employer” means a county board of education or the Baltimore City Board of School Commissioners.

6–407.1.

(A) (1) (i) EACH PUBLIC SCHOOL EMPLOYER SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE ACCESS TO NEW EMPLOYEE PROCESSING.

(ii) EXCEPT AS PROVIDED IN SUBPARAGRAPH (iii) OF THIS PARAGRAPH, THE PUBLIC SCHOOL EMPLOYER SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE AT LEAST 10 DAYS’ NOTICE IN ADVANCE OF A NEW EMPLOYEE PROCESSING.

(iii) THE PUBLIC SCHOOL EMPLOYER MAY PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH LESS THAN 10 DAYS’ NOTICE IF THERE IS AN URGENT NEED CRITICAL TO THE PUBLIC SCHOOL EMPLOYER’S NEW EMPLOYEE PROCESSING THAT WAS NOT REASONABLY FORESEEABLE.

(2) (I) THE STRUCTURE, TIME, AND MANNER OF THE ACCESS REQUIRED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE DETERMINED THROUGH NEGOTIATIONS BETWEEN THE PUBLIC SCHOOL EMPLOYER AND THE EXCLUSIVE REPRESENTATIVE IN ACCORDANCE WITH § 6-408 OF THIS SUBTITLE.

(II) WHEN NEGOTIATING ACCESS TO NEW EMPLOYEE PROCESSING UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, IF ANY DISPUTE HAS NOT BEEN RESOLVED WITHIN 45 DAYS AFTER THE FIRST MEETING OF THE PUBLIC SCHOOL EMPLOYER AND THE EXCLUSIVE REPRESENTATIVE, OR WITHIN 60 DAYS AFTER AN INITIAL REQUEST TO NEGOTIATE, WHICHEVER OCCURS FIRST, EITHER PARTY MAY REQUEST THAT THE BOARD DECLARE AN IMPASSE UNDER § 6-408(E) OF THIS SUBTITLE.

(III) IN AN IMPASSE PROCEEDING UNDER § 6-408(E) OF THIS SUBTITLE, THE MEDIATOR OR BOARD SHALL CONSIDER:

- 1. THE ABILITY OF THE EXCLUSIVE REPRESENTATIVE TO COMMUNICATE WITH THE PUBLIC SCHOOL EMPLOYEES IT REPRESENTS;**
- 2. THE LEGAL OBLIGATIONS OF THE EXCLUSIVE REPRESENTATIVE TO THE PUBLIC SCHOOL EMPLOYEES;**
- 3. APPLICABLE STATE, FEDERAL, AND LOCAL LAWS;**
- 4. ANY STIPULATIONS OF THE PARTIES;**
- 5. THE INTERESTS AND WELFARE OF THE PUBLIC SCHOOL EMPLOYEES AND THE FINANCIAL CONDITION OF THE PUBLIC SCHOOL EMPLOYER;**
- 6. THE STRUCTURE, TIME, AND MANNER OF ACCESS OF AN EXCLUSIVE REPRESENTATIVE TO NEW EMPLOYEE PROCESSING IN COMPARABLE PUBLIC SCHOOL EMPLOYERS, INCLUDING THE ACCESS PROVISIONS IN OTHER MEMORANDA OF UNDERSTANDING OR COLLECTIVE BARGAINING AGREEMENTS; AND**
- 7. ANY OTHER FACTS ROUTINELY CONSIDERED IN ESTABLISHING THE STRUCTURE, TIME, AND MANNER OF ACCESS OF AN EXCLUSIVE REPRESENTATIVE TO NEW EMPLOYEE PROCESSING.**

(3) (I) A REQUEST TO NEGOTIATE UNDER PARAGRAPH (2) OF THIS SUBSECTION MADE BETWEEN JULY 1, 2018, AND THE EXPIRATION DATE OF AN EXISTING COLLECTIVE BARGAINING AGREEMENT BETWEEN THE PARTIES SHALL REOPEN THE EXISTING COLLECTIVE BARGAINING AGREEMENT ONLY FOR THE

PURPOSE OF NEGOTIATING THE ACCESS OF THE EXCLUSIVE REPRESENTATIVE TO THE PUBLIC SCHOOL EMPLOYER'S NEW EMPLOYEE PROCESSING.

(II) EITHER PARTY MAY ELECT TO NEGOTIATE A SEPARATE AGREEMENT ON THE ACCESS OF THE EXCLUSIVE REPRESENTATIVE TO THE PUBLIC SCHOOL EMPLOYER'S NEW EMPLOYEE PROCESSING IN LIEU OF REOPENING THE EXISTING COLLECTIVE BARGAINING AGREEMENT.

(B) THIS SECTION DOES NOT PROHIBIT A PUBLIC SCHOOL EMPLOYER AND AN EXCLUSIVE REPRESENTATIVE FROM NEGOTIATING ACCESS TO NEW EMPLOYEE PROCESSING THAT VARIES FROM THE REQUIREMENTS OF THIS SECTION.

(C) NOTHING IN THIS SECTION SHALL ABROGATE EXISTING COLLECTIVE BARGAINING AGREEMENTS BETWEEN PUBLIC SCHOOL EMPLOYERS AND EXCLUSIVE REPRESENTATIVES.

6-407.2.

(A) WITHIN 30 DAYS OF THE DATE OF HIRE, OR BY THE FIRST PAY PERIOD OF THE MONTH AFTER THE DATE OF HIRE, OF EACH NEW PUBLIC SCHOOL EMPLOYEE, A PUBLIC SCHOOL EMPLOYER SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH THE EMPLOYEE'S:

- (1) NAME;
- (2) POSITION CLASSIFICATION;
- (3) HOME AND WORK SITE ADDRESSES WHERE THE EMPLOYEE RECEIVES INTEROFFICE OR UNITED STATES MAIL;
- (4) HOME AND WORK SITE TELEPHONE NUMBERS;
- (5) PERSONAL CELL PHONE NUMBER; AND
- (6) WORK ~~AND PERSONAL~~ E-MAIL ADDRESSES.

(B) (1) (I) THE PUBLIC SCHOOL EMPLOYER SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH THE INFORMATION DESCRIBED IN SUBSECTION (A) OF THIS SECTION FOR EACH EMPLOYEE IN THE BARGAINING UNIT REPRESENTED BY THE EXCLUSIVE REPRESENTATIVE ~~AT LEAST~~ ONCE EVERY 120 DAYS.

(II) SUBJECT TO § 6-408 OF THIS SUBTITLE, THE PUBLIC SCHOOL EMPLOYER MAY NEGOTIATE WITH THE EXCLUSIVE REPRESENTATIVE TO PROVIDE:

~~1. THE THE INFORMATION REQUIRED UNDER THIS PARAGRAPH MORE FREQUENTLY THAN ONCE EVERY 120 DAYS; AND~~

~~2. MORE DETAILED INFORMATION THAN REQUIRED UNDER THIS PARAGRAPH.~~

(2) THE PUBLIC SCHOOL EMPLOYER SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH THE INFORMATION DESCRIBED IN SUBSECTION (A) OF THIS SECTION REGARDLESS OF WHETHER THE NEWLY HIRED EMPLOYEE WAS PREVIOUSLY EMPLOYED BY THE PUBLIC SCHOOL EMPLOYER.

6-408.

(c) (1) On request a public school employer or at least two of its designated representatives shall meet and negotiate with at least two representatives of the employee organization that is designated as the exclusive negotiating agent for the public school employees in a unit of the county on all matters that relate to [salaries]:

(I) SALARIES, wages, hours, and other working conditions, including procedures regarding employee transfers and assignments; AND

(II) THE STRUCTURE, TIME, AND MANNER OF THE ACCESS OF THE EXCLUSIVE REPRESENTATIVE TO A PUBLIC SCHOOL EMPLOYER'S NEW EMPLOYEE PROCESSING AS REQUIRED UNDER § 6-407.1 OF THIS SUBTITLE.

6-501.

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

(b) “Board” means the Public School Labor Relations Board established under Subtitle 8 of this title.

(c) “Confidential employee” includes an individual whose employment responsibilities require knowledge of the public school employer’s posture in the collective negotiation process, as determined by the public school employer in negotiations with an employee organization that requests negotiation on this issue.

(c-1) “Day” means a calendar day unless otherwise indicated.

(d) “Employee organization” means an organization that:

(1) Includes noncertificated employees of a public school employer; and

(2) Has as one of its main purposes the representation of the employees in their relations with that public school employer.

(e) “Management personnel” includes an individual who is engaged mainly in executive and managerial functions, as determined by the public school employer in negotiation with an employee organization that requests negotiation on this issue.

(E-1) “NEW EMPLOYEE PROCESSING” MEANS THE PROCESS FOR A NEWLY HIRED PUBLIC SCHOOL EMPLOYEE, WHETHER IN PERSON, ONLINE, OR THROUGH OTHER MEANS, IN WHICH NEW EMPLOYEES ARE ADVISED OF THEIR EMPLOYMENT STATUS, RIGHTS, BENEFITS, DUTIES, RESPONSIBILITIES, AND OTHER EMPLOYMENT-RELATED MATTERS.

(f) “Noncertificated employee”, in Montgomery County, means only a full-time employee.

(g) (1) “Public school employee” means a noncertificated individual who is employed for at least 9 months a year on a full-time basis by a public school employer.

(2) “Public school employee” includes a noncertificated employee in Baltimore City notwithstanding that the noncertificated employee does not work for at least 9 months a year on a full-time basis.

(3) “Public school employee” does not include:

(i) Management personnel;

(ii) A confidential employee; or

(iii) Any individual designated by the public school employer to act in a negotiating capacity as provided in § 6-510(c) of this subtitle.

(h) (1) “Public school employer” means the county board in each county.

(2) “Public school employer” includes the Baltimore City Board of School Commissioners.

(i) “Supervisory employee” includes any individual who responsibly directs the work of other employees, as determined by the public school employer in negotiation with an employee organization that requests negotiation on this issue.

6-509.1.

(A) (1) (I) EACH PUBLIC SCHOOL EMPLOYER SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE ACCESS TO NEW EMPLOYEE PROCESSING.

(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE PUBLIC SCHOOL EMPLOYER SHALL PROVIDE THE EXCLUSIVE

REPRESENTATIVE AT LEAST 10 DAYS' NOTICE IN ADVANCE OF A NEW EMPLOYEE PROCESSING.

(III) THE PUBLIC SCHOOL EMPLOYER MAY PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH LESS THAN 10 DAYS' NOTICE IF THERE IS AN URGENT NEED CRITICAL TO THE PUBLIC SCHOOL EMPLOYER'S NEW EMPLOYEE PROCESSING THAT WAS NOT REASONABLY FORESEEABLE.

(2) (I) THE STRUCTURE, TIME, AND MANNER OF THE ACCESS REQUIRED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE DETERMINED THROUGH NEGOTIATIONS BETWEEN THE PUBLIC SCHOOL EMPLOYER AND THE EXCLUSIVE REPRESENTATIVE IN ACCORDANCE WITH § 6-510 OF THIS SUBTITLE.

(II) WHEN NEGOTIATING ACCESS TO NEW EMPLOYEE PROCESSING UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, IF ANY DISPUTE HAS NOT BEEN RESOLVED WITHIN 45 DAYS AFTER THE FIRST MEETING OF THE PUBLIC SCHOOL EMPLOYER AND THE EXCLUSIVE REPRESENTATIVE, OR WITHIN 60 DAYS AFTER AN INITIAL REQUEST TO NEGOTIATE, WHICHEVER OCCURS FIRST, EITHER PARTY MAY REQUEST THAT THE BOARD DECLARE AN IMPASSE UNDER § 6-510(E) OF THIS SUBTITLE.

(III) IN AN IMPASSE PROCEEDING UNDER § 6-510(E) OF THIS SUBTITLE, THE MEDIATOR OR BOARD SHALL CONSIDER:

1. THE ABILITY OF THE EXCLUSIVE REPRESENTATIVE TO COMMUNICATE WITH THE PUBLIC SCHOOL EMPLOYEES IT REPRESENTS;
2. THE LEGAL OBLIGATIONS OF THE EXCLUSIVE REPRESENTATIVE TO THE PUBLIC SCHOOL EMPLOYEES;
3. APPLICABLE STATE, FEDERAL, AND LOCAL LAWS;
4. ANY STIPULATIONS OF THE PARTIES;
5. THE INTERESTS AND WELFARE OF THE PUBLIC SCHOOL EMPLOYEES AND THE FINANCIAL CONDITION OF THE PUBLIC SCHOOL EMPLOYER;
6. THE STRUCTURE, TIME, AND MANNER OF ACCESS OF AN EXCLUSIVE REPRESENTATIVE TO NEW EMPLOYEE PROCESSING IN COMPARABLE PUBLIC SCHOOL EMPLOYERS, INCLUDING THE ACCESS PROVISIONS IN OTHER MEMORANDA OF UNDERSTANDING OR COLLECTIVE BARGAINING AGREEMENTS; AND

7. ANY OTHER FACTS ROUTINELY CONSIDERED IN ESTABLISHING THE STRUCTURE, TIME, AND MANNER OF ACCESS OF AN EXCLUSIVE REPRESENTATIVE TO NEW EMPLOYEE PROCESSING.

(3) (I) A REQUEST TO NEGOTIATE UNDER PARAGRAPH (2) OF THIS SUBSECTION MADE BETWEEN JULY 1, 2018, AND THE EXPIRATION DATE OF AN EXISTING COLLECTIVE BARGAINING AGREEMENT BETWEEN THE PARTIES SHALL REOPEN THE EXISTING COLLECTIVE BARGAINING AGREEMENT ONLY FOR THE PURPOSE OF NEGOTIATING THE ACCESS OF THE EXCLUSIVE REPRESENTATIVE TO THE PUBLIC SCHOOL EMPLOYER'S NEW EMPLOYEE PROCESSING.

(II) EITHER PARTY MAY ELECT TO NEGOTIATE A SEPARATE AGREEMENT ON THE ACCESS OF THE EXCLUSIVE REPRESENTATIVE TO THE PUBLIC SCHOOL EMPLOYER'S NEW EMPLOYEE PROCESSING IN LIEU OF REOPENING THE EXISTING COLLECTIVE BARGAINING AGREEMENT.

(B) THIS SECTION DOES NOT PROHIBIT A PUBLIC SCHOOL EMPLOYER AND AN EXCLUSIVE REPRESENTATIVE FROM NEGOTIATING ACCESS TO NEW EMPLOYEE PROCESSING THAT VARIES FROM THE REQUIREMENTS OF THIS SECTION.

(C) NOTHING IN THIS SECTION SHALL ABROGATE EXISTING COLLECTIVE BARGAINING AGREEMENTS BETWEEN PUBLIC SCHOOL EMPLOYERS AND EXCLUSIVE REPRESENTATIVES.

6-509.2.

(A) WITHIN 30 DAYS OF THE DATE OF HIRE, OR BY THE FIRST PAY PERIOD OF THE MONTH AFTER THE DATE OF HIRE, OF EACH NEW PUBLIC SCHOOL EMPLOYEE, A PUBLIC SCHOOL EMPLOYER SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH THE EMPLOYEE'S:

(1) NAME;

(2) POSITION CLASSIFICATION;

(3) HOME AND WORK SITE ADDRESSES WHERE THE EMPLOYEE RECEIVES INTEROFFICE OR UNITED STATES MAIL;

(4) HOME AND WORK SITE TELEPHONE NUMBERS;

(5) PERSONAL CELL PHONE NUMBER; AND

(6) WORK ~~AND PERSONAL~~ E-MAIL ADDRESSES.

(B) (1) (I) THE PUBLIC SCHOOL EMPLOYER SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH THE INFORMATION DESCRIBED IN SUBSECTION (A) OF THIS SECTION FOR EACH EMPLOYEE IN THE BARGAINING UNIT REPRESENTED BY THE EXCLUSIVE REPRESENTATIVE ~~AT LEAST~~ ONCE EVERY 120 DAYS.

(II) SUBJECT TO § 6-510 OF THIS SUBTITLE, THE PUBLIC SCHOOL EMPLOYER MAY NEGOTIATE WITH THE EXCLUSIVE REPRESENTATIVE TO PROVIDE:

~~1. THE THE INFORMATION REQUIRED UNDER THIS PARAGRAPH MORE FREQUENTLY THAN ONCE EVERY 120 DAYS; AND~~

~~2. MORE DETAILED INFORMATION THAN REQUIRED UNDER THIS PARAGRAPH.~~

(2) THE PUBLIC SCHOOL EMPLOYER SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH THE INFORMATION DESCRIBED IN SUBSECTION (A) OF THIS SECTION REGARDLESS OF WHETHER THE NEWLY HIRED EMPLOYEE WAS PREVIOUSLY EMPLOYED BY THE PUBLIC SCHOOL EMPLOYER.

6-510.

(c) (1) On request, a public school employer or at least two of its designated representatives shall meet and negotiate with at least two representatives of the employee organization that is designated as the exclusive negotiating agent for the public school employees in a unit of the county on all matters that relate to [salaries]:

(I) SALARIES, wages, hours, and other working conditions, including the discipline and discharge of an employee for just cause; AND

(II) THE STRUCTURE, TIME, AND MANNER OF THE ACCESS OF THE EXCLUSIVE REPRESENTATIVE TO A PUBLIC SCHOOL EMPLOYER'S NEW EMPLOYEE PROCESSING AS REQUIRED UNDER § 6-509.1 OF THIS SUBTITLE.

Article – General Provisions

4-311.

(a) Subject to subsection (b) of this section, a custodian shall deny inspection of a personnel record of an individual, including an application, a performance rating, or scholastic achievement information.

(b) A custodian shall allow inspection by:

(1) the person in interest; [or]

(2) an elected or appointed official who supervises the work of the individual; **OR**

(3) **AN EMPLOYEE ORGANIZATION DESCRIBED IN TITLE 6 OF THE EDUCATION ARTICLE OF THE PORTION OF THE PERSONNEL RECORD THAT CONTAINS THE INDIVIDUAL'S:**

- (I) HOME ADDRESS;
- (II) HOME TELEPHONE NUMBER; AND
- (III) PERSONAL CELL PHONE NUMBER;
- ~~(IV) PERSONAL E-MAIL ADDRESS; AND~~
- ~~(V) DATE OF BIRTH.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 6, 2018.

Chapter 30

(Senate Bill 1265)

AN ACT concerning

~~Education – School Safety Protection Standards and Grant Program –~~
Established
~~(School Safety Act of 2018: Protection)~~
Maryland Safe to Learn Act of 2018

FOR the purpose of ~~requiring each public school in the State, beginning with a certain school year, to meet certain safety requirements; requiring the State Department of Education, in collaboration with the Maryland Center for School Safety, to adopt certain school safety facility requirements for all public schools on or before a certain date; requiring each county board, on or before a certain date, to submit a certain report to the Department, the Senate Budget and Taxation Committee, and the House Appropriations Committee; requiring each public school to complete an active threat drill during a certain period of time beginning in a certain school year; requiring all faculty, students, staff, and the local law enforcement agency to participate in the school's active threat drill; establishing the School Safety Grant~~

~~Program; establishing the purpose of the Program; requiring the Interagency Committee on School Construction to implement and administer the Program; requiring the Interagency Committee to provide certain grants under the Program; requiring the Interagency Committee to develop certain application procedures and eligibility requirements for the Program; requiring the Governor to provide a certain amount of money in the State budget for the Program each fiscal year; specifying that funding provided under the Program is supplemental to public school construction funding from other sources; requiring the Interagency Committee to adopt certain procedures; defining certain terms; and generally relating to school safety protection standards~~ specifying that the Maryland Center for School Safety is an independent unit within the State Department of Education; requiring the Maryland Center for School Safety to be based at the Maryland Coordination and Analysis Center and to establish a certain satellite office; repealing a provision authorizing the establishment of certain regional satellite offices; altering the functions and duties of the Maryland Center for School Safety; altering the Governing Board of the Maryland Center for School Safety to be the School Safety Subcabinet; establishing that the Subcabinet is the governing board of the Maryland Center for School Safety; providing for the composition, chair, staffing, and meetings of the Subcabinet; repealing certain provisions relating to the composition and terms of the Governing Board; establishing the functions and duties of the Subcabinet; requiring the Subcabinet to adopt certain regulations; requiring the Subcabinet to report certain information, data, and recommendations to the Governor and the General Assembly on or before a certain date each year; establishing the School Safety Subcabinet Advisory Board; providing for the composition, chair, terms, meetings, and functions of the Advisory Board; authorizing the Subcabinet, rather than the Center, to adopt certain regulations relating to certain grants for security projects related to hate crimes or attacks; altering a certain provision to require the Governor, beginning in a certain fiscal year, to provide not less than a certain amount of funding for the ongoing operation of the Center; repealing a requirement that the Governing Board distribute certain grants in a certain manner; requiring the Subcabinet, on or before a certain date, to develop a certain model policy for the establishment of a certain assessment team or teams in each local school system and requiring each local school system to adopt a certain consistent policy on or before a certain date; requiring each local school system to designate a certain school safety coordinator; requiring the Center, on or before a certain date and in consultation with local school systems, to develop and submit to the Maryland Police Training and Standards Commission for approval a certain specialized curriculum for use in training school resource officers and other school security employees; prohibiting the specialized curriculum from going into effect until it is approved by the Commission; requiring the Center to amend the specialized curriculum to meet with the Commission's approval, if the Commission does not initially approve the specialized curriculum; requiring the Center, on or before a certain date, to develop and submit to the Commission for approval a certain model training program; requiring each local law enforcement agency to enroll certain individuals in a certain training program; beginning on a certain date, requiring an individual to complete a certain training program and be certified by the Commission to be assigned as a school resource officer; beginning on a certain date, requiring an individual to complete a

certain training program to be employed as a school security employee; requiring the Center, in collaboration with local law enforcement agencies and local school systems, to collect and analyze certain data regarding school resource officers and develop certain guidelines on or before a certain date; requiring each local school system, on or before a certain date, to develop a plan to implement the guidelines and submit the plan to the Center for review and comment; requiring each local school system to submit certain reports to the Center on or before certain dates each year; requiring the Center to submit a summary of certain reports to the Governor and the General Assembly each year; requiring each local school system to post certain information on the role and authority of school resource officers on the local school system's website; requiring the Governor to appropriate in the annual State budget a certain amount to the Safe Schools Fund to be used to provide certain grants; authorizing the Department, in consultation with the Subcabinet, to adopt regulations to incorporate in the annual schedule of drills for each local school system certain developmentally and age-appropriate components of a certain active shooter program or guidelines that may include certain procedures; requiring the Department to notify the Governor and the Legislative Policy Committee of proposed changes to regulations that alter the annual schedule of drills; requiring each local school system and each local law enforcement agency to collaborate to establish policies for responding to an emergency at each public school; requiring each local school system to conduct a certain safety evaluation of each public school on or before a certain date and regularly thereafter; requiring the Department, in consultation with the Center and local school systems, on or before a certain date, to update the Emergency Planning Guidelines for Local School Systems and Schools; requiring each local school system to update certain school emergency plans on or before a certain date and regularly thereafter, and to submit the plans to the Center for review and comment; requiring each local school system, in consultation with the Center, to update certain emergency plans to correct certain identified weaknesses; requiring a local school system to promptly inform the Center of certain incidents occurring on school grounds; requiring certain local school systems to hold and invite certain entities to participate in after-action reviews and evaluations after certain incidents; requiring certain local school systems to file after-action reviews and evaluations with the Center; requiring the Center to report certain information to the Governor and the General Assembly, within a certain period of time; requiring each local school system to appoint a certain mental health services coordinator on or before a certain date; establishing the duties of the mental health services coordinators; authorizing the Subcabinet to provide certain grants from the Safe Schools Fund to local school systems to develop plans for delivering certain behavioral health and wraparound services to certain students; requiring a local school system applying for a certain grant to provide certain evidence regarding the use of external funding; altering the School Safety Enforcement Fund to be the Safe Schools Fund; altering the purpose, contents, and uses of the Fund; requiring the Subcabinet, rather than the Executive Director of the Governor's Office of Crime Control and Prevention, to administer the Fund; providing that the Fund may be used only to provide grants to local school systems to enhance school safety, subject to a certain exception; authorizing the Subcabinet to make certain grants to local school systems and local law enforcement agencies from the Fund; requiring the Subcabinet to establish application procedures

for grants from the Fund; requiring interest earnings of the Fund to be credited to the Fund; specifying that money expended from the Fund is supplemental to certain other funds; exempting the Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State; requiring, beginning with a certain academic year, each public institution of higher education annually to complete at least one active shooter drill; requiring that a custodian deny inspection of any record disclosing a certain safety evaluation, school emergency plan, or emergency response policy, except for inspections by certain entities in certain circumstances; providing that certain appropriations and budgeted positions may only be transferred by budget amendment for certain purposes related to school safety and that funds not expended for the restricted purposes revert to the General Fund; requiring the Center, by a certain date, to report to certain legislative committees on the proposed uses of certain additional resources; providing a certain period of time for the legislative committees to review and comment before any of the additional funds are expended; requiring the Commission on Innovation and Excellence in Public Schools to continue to evaluate the need for additional student mental health and other wraparound services and to consider and include certain recommendations in its final report; requiring the Subcabinet, by a certain date, to submit a report to the Governor and the General Assembly evaluating certain plans for delivering behavioral health and wraparound services to certain students and the availability of mental health services and practitioners to address certain needs; repealing certain requirements relating to reports by the Governing Board; repealing certain provisions of law relating to grants from the School Safety Enforcement Fund and reports by the Executive Director of the Governor’s Office of Crime Control and Prevention; defining certain terms; repealing certain definitions; repealing certain obsolete provisions of law; making certain conforming changes; making certain stylistic changes; and generally relating to school safety.

~~BY adding to~~

~~Article – Education~~

~~Section 4–134, 4–135, and 5–314~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2017 Supplement)~~

BY repealing

Article – Education

Section 7–1505

Annotated Code of Maryland

(2018 Replacement Volume)

BY repealing

Article – Public Safety

Section 4–201, 4–203, and 4–204 and the subtitle “Subtitle 2. School Safety Enforcement Fund”

Annotated Code of Maryland

(2011 Replacement Volume and 2017 Supplement)

BY repealing

Article – Transportation
Section 17-106(e)(2)(ii) through (v)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY renumbering

Article – Education
Section 7-1502.1 and 7-1504, respectively
to be Section 7-1505 and 7-1506, respectively
Annotated Code of Maryland
(2018 Replacement Volume)

BY transferring

Article – Public Safety
Section 4-202
Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)

to be

Article – Education
Section 7-1512
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Education
Section 4-318(a)
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Education
Section 7-1501 through 7-1503 to be under the amended subtitle “Subtitle 15.
 Maryland Safe to Learn Act”
Annotated Code of Maryland
(2018 Replacement Volume)

BY adding to

Article – Education
Section 7-1504, 7-1507 through 7-1511, and 15-123
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Education
Section 7-1505 and 7-1506
Annotated Code of Maryland

(2018 Replacement Volume)
(As enacted by Section 2 of this Act)

BY repealing and reenacting, with amendments,
Article – Education
Section 7–1512
Annotated Code of Maryland
(2018 Replacement Volume)
(As enacted by Section 3 of this Act)

BY repealing and reenacting, without amendments,
Article – General Provisions
Section 4–201
Annotated Code of Maryland
(2014 Volume and 2017 Supplement)

BY adding to
Article – General Provisions
Section 4–314.1
Annotated Code of Maryland
(2014 Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 3–101(a), (b), and (e)
Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)

BY adding to
Article – Public Safety
Section 3–520
Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)101. and 102.
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY adding to

Article – State Finance and Procurement
Section 6–226(a)(2)(ii)103.
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation
Section 17–106(e)(1) and (2)(i)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation
Section 17–106(e)(2)(vi)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That Section(s) 7–1505 of Article – Education of the Annotated Code of Maryland, Section(s)
4–201, 4–203, and 4–204 and the subtitle “Subtitle 2. School Safety Enforcement Fund” of
Article – Public Safety of the Annotated Code of Maryland, and Section(s) 17–106(e)(2)(ii)
through (v) of Article – Transportation of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 7–1502.1 and
7–1504, respectively, of Article – Education of the Annotated Code of Maryland be
renumbered to be Section(s) 7–1505 and 7–1506, respectively.

SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 4–202 of Article –
Public Safety of the Annotated Code of Maryland be transferred to be Section(s) 7–1512 of
Article – Education of the Annotated Code of Maryland.

SECTION 4. ~~4. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND~~
AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Education

~~4–134.~~

~~(A) BEGINNING WITH THE 2020–2021 SCHOOL YEAR, EACH PUBLIC SCHOOL~~
~~SHALL HAVE:~~

~~(1) SECURE AND LOCKABLE CLASSROOM DOORS FOR EACH~~
~~CLASSROOM IN THE SCHOOL;~~

~~(2) AN AREA OF SAFE REFUGE IN EACH CLASSROOM IN THE SCHOOL;~~
~~AND~~

~~(3) SURVEILLANCE AND OTHER SECURITY TECHNOLOGY FOR SCHOOL MONITORING PURPOSES.~~

~~(B) ON OR BEFORE JULY 1, 2019, THE DEPARTMENT, IN COLLABORATION WITH THE MARYLAND CENTER FOR SCHOOL SAFETY, SHALL ADOPT SCHOOL SAFETY FACILITY REQUIREMENTS FOR ALL PUBLIC SCHOOLS IN THE STATE.~~

~~(C) ON OR BEFORE DECEMBER 1, 2019, EACH COUNTY BOARD SHALL SUBMIT A REPORT TO THE DEPARTMENT AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE THAT INCLUDES:~~

~~(1) AN ASSESSMENT OF WHETHER EACH PUBLIC SCHOOL IN THE COUNTY MEETS THE REQUIREMENTS IN SUBSECTION (A) OF THIS SECTION; AND~~

~~(2) IF A PUBLIC SCHOOL DOES NOT MEET THE REQUIREMENTS IN SUBSECTION (A) OF THIS SECTION, THE COUNTY BOARD'S PLAN TO MEET THE REQUIREMENTS BY THE 2020-2021 SCHOOL YEAR.~~

~~4-135.~~

~~(A) IN THIS SECTION, "ACTIVE THREAT DRILL" MEANS TRAINING BASED ON THE ACTIVE SHOOTER PREPAREDNESS PROGRAM DEVELOPED BY THE DEPARTMENT OF HOMELAND SECURITY TO PREPARE FOR AN ACTIVE SHOOTER INCIDENT.~~

~~(B) AN ACTIVE THREAT DRILL SHALL INCLUDE AGE APPROPRIATE PROCEDURES FOR:~~

~~(1) SECURING CLASSROOMS;~~

~~(2) BARRICADING CLASSROOMS AND SCHOOL ENTRIES;~~

~~(3) TAKING REFUGE IN THE CLASSROOM; AND~~

~~(4) WHEN APPROPRIATE, ESCAPE FROM THE CLASSROOM OR SCHOOL.~~

~~(C) BEGINNING WITH THE 2019-2020 SCHOOL YEAR AND ANNUALLY THEREAFTER, EACH PUBLIC SCHOOL IN THE STATE SHALL COMPLETE AN ACTIVE THREAT DRILL IN THE FIRST FULL WEEK OF THE SCHOOL YEAR.~~

~~(D) ALL FACULTY, STUDENTS, AND STAFF SHALL PARTICIPATE IN A SCHOOL'S ACTIVE THREAT DRILL.~~

~~(E) THE LOCAL LAW ENFORCEMENT AGENCY SHALL PARTICIPATE IN THE SCHOOL'S ACTIVE THREAT DRILL.~~

~~5-314.~~

~~(A) IN THIS SECTION, "PROGRAM" MEANS THE SCHOOL SAFETY GRANT PROGRAM.~~

~~(B) (1) THERE IS A SCHOOL SAFETY GRANT PROGRAM.~~

~~(2) THE PURPOSE OF THE PROGRAM IS TO PROVIDE GRANTS FOR PUBLIC SCHOOL CONSTRUCTION FOR SCHOOLS TO MEET THE REQUIREMENTS UNDER § 4-134 OF THIS ARTICLE.~~

~~(C) THE PROGRAM SHALL BE IMPLEMENTED AND ADMINISTERED BY THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION IN ACCORDANCE WITH THIS SECTION.~~

~~(D) THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION SHALL:~~

~~(1) PROVIDE GRANTS TO COUNTY BOARDS FOR PUBLIC SCHOOL CONSTRUCTION PROJECTS REQUIRED TO BE IN COMPLIANCE WITH THE REQUIREMENTS UNDER § 4-134 OF THIS ARTICLE;~~

~~(2) DEVELOP A PROCEDURE FOR A COUNTY BOARD TO APPLY FOR A GRANT UNDER THE PROGRAM; AND~~

~~(3) DEVELOP ELIGIBILITY REQUIREMENTS FOR A COUNTY BOARD TO RECEIVE A GRANT UNDER THE PROGRAM.~~

~~(E) IN ADDITION TO THE ANNUAL AMOUNT OTHERWISE PROVIDED IN THE CAPITAL IMPROVEMENT PROGRAM OF THE PUBLIC SCHOOL CONSTRUCTION PROGRAM, THE GOVERNOR ANNUALLY SHALL PROVIDE AN ADDITIONAL \$10,000,000 IN THE CAPITAL IMPROVEMENT PROGRAM OF THE PUBLIC SCHOOL CONSTRUCTION PROGRAM THAT MAY BE USED ONLY TO AWARD GRANTS UNDER THE PROGRAM.~~

~~(F) THE STATE FUNDING PROVIDED UNDER THE PROGRAM IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT WOULD OTHERWISE BE APPROPRIATED FOR PUBLIC SCHOOL CONSTRUCTION PURPOSES TO A COUNTY BOARD FROM ANY OTHER SOURCE.~~

~~(G) THE INTERAGENCY COMMITTEE SHALL ADOPT PROCEDURES NECESSARY TO IMPLEMENT THIS SECTION.~~

4-318.

(a) In this section, “Baltimore City school police officer” means any person who, when acting in an official capacity, is authorized by law to make arrests and who is a member of the Baltimore City School Police Force.

Subtitle 15. [Maryland Center for School Safety] MARYLAND SAFE TO LEARN ACT.

7-1501.

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

(B) “ADVISORY BOARD” MEANS THE SCHOOL SAFETY SUBCABINET ADVISORY BOARD.

(C) (1) “BEHAVIORS OF CONCERN” MEANS BEHAVIORS OR THREATS THAT INDICATE A STUDENT MAY POSE A RISK OF SELF-HARM OR HARM TO OTHERS.

(2) “BEHAVIORS OF CONCERN” INCLUDES:

(I) EXPRESSIONS OF HOPELESSNESS;

(II) KNOWN DRUG USE;

(III) SUICIDAL GESTURES OR STATEMENTS; AND

(IV) DEPRESSION; AND

~~(V)~~ KNOWN GANG ACTIVITY.

[b] (D) “Center” means the Maryland Center for School Safety.

[c] (E) [“Governing Board” means the Governing Board of the Maryland Center for School Safety] “DRILL” MEANS A FORMALIZED EXERCISE BY WHICH SCHOOL SYSTEM PERSONNEL, STAFF, OR STUDENTS REHEARSE A SCHOOL EMERGENCY PLAN.

(F) “FUND” MEANS THE SAFE SCHOOLS FUND.

(G) “LOCAL LAW ENFORCEMENT AGENCY” MEANS:

(1) A POLICE DEPARTMENT OF A COUNTY OR MUNICIPAL CORPORATION IN THE STATE; OR

(2) A SHERIFF'S OFFICE THAT PROVIDES A LAW ENFORCEMENT FUNCTION IN A COUNTY OR MUNICIPAL CORPORATION IN THE STATE.

(H) "SAFETY EVALUATION" MEANS A WRITTEN ASSESSMENT OF THE SAFETY CONDITIONS IN EACH PUBLIC SCHOOL, INCLUDING INGRESS, EGRESS, AND ACCESS TO AREAS OF REFUGE FOR ALL STUDENTS.

(I) "SCHOOL EMERGENCY PLAN" MEANS A PLAN FOR EACH LOCAL SCHOOL SYSTEM AND EACH PUBLIC SCHOOL WITHIN THE SCHOOL SYSTEM THAT ADDRESSES MITIGATION OF, PREPAREDNESS FOR, RESPONSE TO, AND RECOVERY FROM EMERGENCIES, INCLUDING:

(1) VIOLENT OR TRAUMATIC EVENTS ON SCHOOL GROUNDS DURING REGULAR SCHOOL HOURS OR DURING SCHOOL-SPONSORED ACTIVITIES; AND

(2) EVENTS IN THE COMMUNITY THAT AFFECT SCHOOL OPERATIONS.

(J) "SCHOOL RESOURCE OFFICER" MEANS:

(1) A LAW ENFORCEMENT OFFICER AS DEFINED UNDER § 3-101(E) OF THE PUBLIC SAFETY ARTICLE WHO HAS BEEN ASSIGNED TO A SCHOOL IN ACCORDANCE WITH A MEMORANDUM OF UNDERSTANDING BETWEEN THE CHIEF OF A LAW ENFORCEMENT AGENCY AS DEFINED UNDER § 3-101(B) OF THE PUBLIC SAFETY ARTICLE AND THE LOCAL EDUCATION AGENCY; OR

(2) A BALTIMORE CITY SCHOOL POLICE OFFICER, AS DEFINED IN § 4-318 OF THIS ARTICLE.

(K) "SCHOOL SECURITY EMPLOYEE" MEANS AN INDIVIDUAL, AS DEFINED IN REGULATIONS ADOPTED BY THE SUBCABINET, WHO:

(1) IS NOT A SCHOOL RESOURCE OFFICER; AND

(2) IS EMPLOYED BY A LOCAL SCHOOL SYSTEM TO PROVIDE SAFETY AND SECURITY-RELATED SERVICES AT A PUBLIC SCHOOL.

~~(K)~~ (L) "SUBCABINET" MEANS THE SCHOOL SAFETY SUBCABINET.

~~(L)~~ (M) "WRAPAROUND SERVICES" MEANS SERVICES PROVIDED TO STUDENTS, AND THEIR FAMILIES AS APPROPRIATE, INCLUDING:

- (1) MENTORING;
- (2) TUTORING;
- (3) CHILD CARE SERVICES;
- (4) HOUSING REFERRALS;
- (5) TRANSPORTATION;
- (6) CRISIS INTERVENTION;
- (7) SUBSTANCE ABUSE PREVENTION AND TREATMENT;
- (8) LEGAL AID;
- (9) ACADEMIC COUNSELING; AND
- (10) CAREER COUNSELING.

7-1502.

(a) There is a Maryland Center for School Safety.

(b) The Center is an independent unit within [State government] THE DEPARTMENT.

(c) The Center shall be based at [Bowie State University] THE MARYLAND COORDINATION AND ANALYSIS CENTER.

(d) The head of the Center is the executive director, who shall be appointed by the [Governing Board] SUBCABINET.

(e) The Center may employ the additional staff necessary to carry out the Center's functions as provided in the State budget.

(f) The Center [may] SHALL establish a satellite office at [an institution of higher education located in each of the following regions:

- (1) The Eastern Shore;
- (2) Western Maryland; and
- (3) The Baltimore Region] BOWIE STATE UNIVERSITY.

(g) The Center shall perform the following functions and duties:

[(1) Collaborate with local school systems in the State, law enforcement agencies, State and local government, community organizations, parents, and other stakeholders to provide a comprehensive, coordinated approach to school safety;

(2) In partnership with stakeholders:

(i) Disseminate information on best practices, programs, and resources;

(ii) Provide technical assistance and training;

(iii) Collaborate on collection, analysis, and integration of statewide data; and

(iv) Promote interagency efforts that support safe schools for all students, school staff, parents, and community members;

(3) Establish a Safe School Information and Best Practices Clearinghouse of up-to-date, research-based, and data-driven information on effective strategies for creating and maintaining safe schools;

(4) Identify safe school professional staff development best practices;

(5) Initiate collaborative partnerships and facilitate coordination among local school systems, law enforcement agencies, State and local government, and community organizations to leverage existing resources to deliver school safety services uniformly to local school systems;

(6) (1) Provide technical assistance and consultation to local school systems, State and local government, and community organizations on best practices for safe schools and violence prevention;

[(7) (2) Develop a website containing a searchable database of definitive research, books, videos, white papers, speakers, websites, and other school safety resources;

[(8) (3) Develop criteria that may be applied consistently and uniformly in local school systems for coding unsafe incidents and serious or violent offenses;

[(9) (4) Research and recommend the use of common assessment tools to be used to identify specific problems and needs of schools and neighborhoods to facilitate intervention before assessed findings become problematic;

[(10)] (5) Assist local school systems to conduct a thorough assessment of their school safety data, school building layouts, and use of human resources for monitoring purposes to determine the need for:

(i) Surveillance and other security technology; and

(ii) Innovations to maximize the use of human resources to monitor activity and influence positive relationship building;

[(11)] (6) Maintain and maximize relationships with emergency responders, law enforcement personnel, parents, and other emergency preparedness stakeholders to ensure seamless execution in an emergency event, including:

(i) Consolidate resources among stakeholders to maximize support and secure necessary skills to ensure emergency plan implementation;

(ii) Conduct collaborative training and preparation exercises; and

(iii) Identify improvements and ensure nonduplication of effort in emergency response procedures;

[(12)] (7) Provide safety information on traveling to and from school to parents and students twice a year that includes data related to bus and pedestrian safety, strategies for ensuring personal safety, efforts of the local school system or school to improve safety, and information on the available options for reporting incidents or concerns;

[(13)] (8) Utilize and update an existing clearinghouse of law enforcement resources that are available to support school safety to ensure that it includes information regarding the purpose and process for accessing available funding;

[(14)] (9) Assist local school systems to improve and monitor traffic control measures in the immediate vicinity of schools to reduce the potential for pedestrian and vehicle accidents;

[(15)] (10) Assist the Department to evaluate and update current data systems to ensure they are best suited for providing useful information on school safety issues;

[(16)] (11) Assist local school systems to monitor local school system and individual school behavior data to ensure fairness in the application of consequences for student misbehavior;

[(17)] (12) Assist the Department and local school systems;

(i) To prepare an annual report that combines multiple school safety data systems into one format for public review; and

(ii) To incorporate new data points into existing data collection systems;

~~[(18)]~~ **(13)** Assist in the development of safety and security criteria for the design and operation of school facilities;

(14) ASSIST LOCAL SCHOOL SYSTEMS TO IDENTIFY RESOURCES AND IMPLEMENT TRAINING FOR STUDENTS AND PARENTS ABOUT RELATIONSHIP VIOLENCE, IDENTIFYING THE SIGNS OF UNHEALTHY RELATIONSHIPS, AND PREVENTING RELATIONSHIP VIOLENCE;

~~[(19)]~~ **(15)** Provide technical assistance to local school systems in the review of safety and security audits and the implementation of improvements in school facilities;
[and

(20) Foster coordination among all entities responsible for ensuring the safety and security of school facilities in the State]

(16) ANALYZE DATA ON SCHOOL RESOURCE OFFICERS AND DEVELOP GUIDELINES AND TRAINING FOR LOCAL SCHOOL SYSTEMS AS REQUIRED UNDER § 7-1508 OF THIS SUBTITLE;

(17) CERTIFY SCHOOL SAFETY COORDINATORS AS REQUIRED UNDER § 7-1508 OF THIS SUBTITLE;

(18) SUBMIT TO THE GENERAL ASSEMBLY AND THE GOVERNOR A SUMMARY OF REPORTS ON SCHOOL RESOURCE OFFICER AND LOCAL LAW ENFORCEMENT AGENCY COVERAGE IN PUBLIC SCHOOLS AS REQUIRED UNDER § 7-1508 OF THIS SUBTITLE;

(19) CONSULT WITH LOCAL SCHOOL SYSTEMS ON SAFETY EVALUATIONS DEVELOPED UNDER § 7-1510 OF THIS SUBTITLE; ~~AND~~

(20) REVIEW AND COMMENT ON SCHOOL EMERGENCY PLANS DEVELOPED UNDER § 7-1510 OF THIS SUBTITLE; AND

(21) REPORT TO THE GENERAL ASSEMBLY AND THE GOVERNOR ON LIFE-THREATENING INCIDENTS AS REQUIRED UNDER § 7-1510 OF THIS SUBTITLE.

7-1503.

(a) There is a [Governing Board of the Center] SCHOOL SAFETY SUBCABINET.

(B) THE SUBCABINET IS THE GOVERNING BOARD OF THE CENTER.

[(b)] (C) The [Governing Board shall include] SUBCABINET CONSISTS OF the following members:

- (1) The State Superintendent, or the State Superintendent's designee;
- (2) The Secretary of State Police, or the Secretary's designee;
- (3) The Attorney General, or the Attorney General's designee;
- (4) ~~¶~~The Secretary of the Department of Disabilities, or the Secretary's designee;
- (5) [A representative of local superintendents of schools, appointed by the Public School Superintendents' Association of Maryland;
- (6) A representative of the Maryland Association of Boards of Education, appointed by the Association;
- (7) A school psychologist or sociologist, appointed by the State Superintendent of Schools; and
- (8) Four members of the public, including at least a parent of a public school student, a representative of a nonpublic school, and a representative of school bus drivers, appointed by the Governor with the advice and consent of the Senate] **THE SECRETARY OF HEALTH, OR THE SECRETARY'S DESIGNEE; AND**

~~(5)~~ (6) THE EXECUTIVE DIRECTOR OF THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

[(c)] (D) [The Governor shall appoint a chair of the Governing Board from among its members] THE STATE SUPERINTENDENT, OR THE STATE SUPERINTENDENT'S DESIGNEE, SHALL CHAIR THE SUBCABINET.

[(d) A member appointed by the Governor:

- (1) Serves at the pleasure of the Governor;
- (2) Serves for a term of 3 years and until a successor is appointed and qualifies; and
- (3) May be reappointed but may not serve more than two consecutive terms.

(e) A member of the Governing Board:

(1) May not receive compensation as a member of the Governing Board; but

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

(E) THE EXECUTIVE DIRECTOR OF THE CENTER SHALL PROVIDE STAFF FOR THE SUBCABINET.

(F) THE SUBCABINET SHALL MEET REGULARLY AT SUCH TIMES AND PLACES AS IT DETERMINES.

[(f)] (G) The [Governing Board] SUBCABINET shall:

(1) [Develop an implementation plan to phase in the establishment and operation of the Center;] COLLABORATE WITH LOCAL SCHOOL SYSTEMS IN THE STATE, LAW ENFORCEMENT AGENCIES, STATE AND LOCAL GOVERNMENT AGENCIES, COMMUNITY ORGANIZATIONS, PARENTS, AND OTHER STAKEHOLDERS TO PROVIDE A COMPREHENSIVE, COORDINATED APPROACH TO SCHOOL SAFETY;

(2) IN PARTNERSHIP WITH THE ADVISORY BOARD AND OTHER STAKEHOLDERS:

(I) DISSEMINATE INFORMATION ON BEST PRACTICES, PROGRAMS, AND RESOURCES;

(II) PROVIDE TECHNICAL ASSISTANCE AND TRAINING TO LOCAL JURISDICTIONS AND LOCAL SCHOOL SYSTEMS;

(III) COLLABORATE ON COLLECTION, ANALYSIS, AND INTEGRATION OF STATEWIDE DATA; AND

(IV) PROMOTE INTERAGENCY EFFORTS THAT SUPPORT SAFE SCHOOLS FOR ALL STUDENTS, SCHOOL STAFF, PARENTS, AND COMMUNITY MEMBERS;

(3) ESTABLISH A SAFE SCHOOL INFORMATION AND BEST PRACTICES CLEARINGHOUSE OF UP-TO-DATE, RESEARCH-BASED, AND DATA-DRIVEN INFORMATION ON EFFECTIVE STRATEGIES FOR CREATING AND MAINTAINING SAFE SCHOOLS;

(4) IDENTIFY SAFE SCHOOL PROFESSIONAL STAFF DEVELOPMENT BEST PRACTICES;

(5) INITIATE COLLABORATIVE PARTNERSHIPS AND FACILITATE COORDINATION AMONG LOCAL SCHOOL SYSTEMS, LAW ENFORCEMENT AGENCIES, STATE AND LOCAL GOVERNMENT, AND COMMUNITY ORGANIZATIONS TO LEVERAGE EXISTING RESOURCES TO DELIVER SCHOOL SAFETY SERVICES UNIFORMLY TO LOCAL SCHOOL SYSTEMS;

(6) FOSTER COORDINATION AMONG ALL ENTITIES RESPONSIBLE FOR ENSURING THE SAFETY AND SECURITY OF SCHOOL FACILITIES IN THE STATE;

(7) DISTRIBUTE GRANTS FROM THE FUND IN ACCORDANCE WITH § 7-1512 OF THIS SUBTITLE;

(8) COLLABORATE WITH THE DEPARTMENT ON THE MODEL POLICY FOR AN ASSESSMENT TEAM UNDER § 7-1507 OF THIS SUBTITLE;

(9) ADOPT REGULATIONS TO DEFINE A SCHOOL SECURITY EMPLOYEE FOR THE PURPOSE OF THE TRAINING AND REPORT REQUIRED FOR SCHOOL SECURITY EMPLOYEES UNDER § 7-1508 OF THIS SUBTITLE;

(2) ~~(9)~~ (10) Provide general oversight and direction to the Center;
[and]

(3) ~~(10)~~ (11) Approve the annual budget for the Center;

~~(11)~~ (12) ADOPT ANY REGULATIONS NECESSARY TO CARRY OUT THE SUBCABINET'S DUTIES UNDER THIS SUBTITLE; AND

~~(12)~~ (13) PERFORM OTHER DUTIES ASSIGNED BY THE GOVERNOR.

(H) (1) THE SUBCABINET SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON OR BEFORE DECEMBER 15 EACH YEAR.

(2) THE REPORT SHALL INCLUDE:

(I) A LIST OF ALL THE ACTIVITIES OF THE CENTER, INCLUDING AGGREGATE DATA ON THE INFORMATION COLLECTED FROM EACH LOCAL SCHOOL SYSTEM UNDER § 7-1510 OF THIS SUBTITLE;

(II) AN UPDATE ON THE CURRENT STATUS AND EFFECTIVENESS OF THE CENTER;

(III) DATA COLLECTED ON SCHOOL RESOURCE OFFICERS UNDER § 7-1508 OF THIS SUBTITLE; AND

(IV) RECOMMENDATIONS MADE BY THE SUBCABINET FOR IMPROVING SCHOOL AND STUDENT SAFETY.

7-1504.

(A) THERE IS A SCHOOL SAFETY SUBCABINET ADVISORY BOARD.

(B) THE ADVISORY BOARD SHALL INCLUDE 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) A REPRESENTATIVE OF LOCAL SUPERINTENDENTS OF SCHOOLS, APPOINTED BY THE PUBLIC SCHOOL SUPERINTENDENTS' ASSOCIATION OF MARYLAND;

(4) A REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF BOARDS OF EDUCATION, APPOINTED BY THE ASSOCIATION;

(5) A SCHOOL PSYCHOLOGIST OR *LICENSED OR CLINICAL SOCIOLOGIST* SOCIAL WORKER, APPOINTED BY THE STATE SUPERINTENDENT;

(6) A SPECIAL EDUCATION ADMINISTRATOR, APPOINTED BY THE STATE SUPERINTENDENT;

(7) A CLASSROOM TEACHER, APPOINTED ~~BY THE STATE SUPERINTENDENT~~ JOINTLY BY THE MARYLAND STATE EDUCATION ASSOCIATION AND THE BALTIMORE TEACHERS UNION;

(8) A SCHOOL PRINCIPAL, APPOINTED BY THE STATE SUPERINTENDENT;

(9) ONE REPRESENTATIVE OF THE DEPARTMENT OF HUMAN SERVICES, APPOINTED BY THE SECRETARY OF HUMAN SERVICES;

(10) ONE REPRESENTATIVE OF THE DEPARTMENT OF JUVENILE SERVICES, APPOINTED BY THE SECRETARY OF JUVENILE SERVICES;

(11) A SCHOOL RESOURCE OFFICER, APPOINTED BY THE MARYLAND ASSOCIATION OF SCHOOL RESOURCE OFFICERS;

(12) A SHERIFF, APPOINTED BY THE MARYLAND SHERIFFS' ASSOCIATION;

(13) A CHIEF OF POLICE, APPOINTED BY THE MARYLAND CHIEFS OF POLICE ASSOCIATION, INC.;

(14) AN EMERGENCY MEDICAL, FIRE, OR RESCUE SERVICES PROFESSIONAL, APPOINTED BY THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS;

(15) THE DIRECTOR OF THE MARYLAND COORDINATION AND ANALYSIS CENTER, OR THE DIRECTOR'S DESIGNEE;

(16) ONE REPRESENTATIVE OF THE MARYLAND ASSEMBLY ON SCHOOL-BASED HEALTH CARE, APPOINTED BY THE ASSEMBLY;

(17) ONE REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF STUDENT COUNCILS, APPOINTED BY THE ASSOCIATION;

(18) ONE REPRESENTATIVE OF THE CENTER FOR SCHOOL MENTAL HEALTH AT THE UNIVERSITY OF MARYLAND, BALTIMORE CAMPUS, APPOINTED BY THE CENTER FOR SCHOOL MENTAL HEALTH;

(19) ONE REPRESENTATIVE OF DISABILITY RIGHTS MARYLAND, APPOINTED BY DISABILITY RIGHTS MARYLAND; AND

(20) THE FOLLOWING FOUR MEMBERS OF THE PUBLIC, APPOINTED BY THE GOVERNOR:

(I) A PARENT OF A PUBLIC SCHOOL STUDENT *IN THE STATE*;

(II) A PARENT OF A CHILD WITH DISABILITIES *WHO ATTENDS A SCHOOL IN THE STATE*;

(III) A REPRESENTATIVE OF A NONPUBLIC SCHOOL *IN THE STATE*; AND

(IV) A REPRESENTATIVE OF SCHOOL BUS DRIVERS.

(C) THE GOVERNOR SHALL APPOINT A CHAIR OF THE ADVISORY BOARD FROM AMONG ITS MEMBERS.

(D) A MEMBER APPOINTED BY THE GOVERNOR:

(1) SERVES AT THE PLEASURE OF THE GOVERNOR;

(2) SERVES FOR A TERM OF 3 YEARS AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES; AND

(3) MAY BE REAPPOINTED BUT MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.

(E) A MEMBER OF THE ADVISORY BOARD:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE ADVISORY BOARD; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(F) THE ADVISORY BOARD SHALL MEET REGULARLY AT SUCH TIMES AND PLACES AS IT DETERMINES.

(G) THE ADVISORY BOARD SHALL PROVIDE THE SUBCABINET WITH ADVICE AND ASSIST THE SUBCABINET IN COMPLETING ITS DUTIES.

7-1505.

(a) In this section, “child care center” has the meaning stated in § 9.5-401 of this article.

(b) The Center may make grants to schools and child care centers determined to be at risk of hate crimes or attacks as described under § 10-305 of the Criminal Law Article for security-related technology and security-related facility upgrades.

(c) Any school or child care center determined to be at risk of hate crimes or attacks as described under § 10-305 of the Criminal Law Article by the Center may apply to the Center for a State grant to be applied toward the cost of a security-related project.

(d) The allocation and use of State funds under this section are subject to the following [terms and conditions]:

(1) State funds may be used only for funding additional security training needs, security personnel, security cameras, security-related technology, door-hardening, improved lighting, or other security-related facility upgrades; and

(2) The amount of the State grant for any project shall be determined after consideration of all eligible applicants, the total of the unallocated State funds available at the time the application is received, and the priorities of area need as may be established by the Center.

(e) Funding for the State grants under this section shall be as provided by the Governor in the annual State budget.

(f) The [State Board, after consultation with the Center,] SUBCABINET may adopt regulations for receiving and considering applications and for disbursing funds to applicants.

7-1506.

(a) [The] BEGINNING IN FISCAL YEAR 2020 AND EACH FISCAL YEAR THEREAFTER, THE Governor shall provide [\$500,000] NOT LESS THAN \$2,000,000, NOT INCLUDING ANY APPROPRIATION PROVIDED FOR THE FUND, in the annual State budget to carry out the [provisions of this subtitle] ONGOING OPERATION OF THE CENTER.

(b) [Subject to subsection (c) of this section, the] THE operation of the Center shall be supported by:

(1) Funds as provided by the Governor in the annual State budget;

(2) Grants or other assistance from local education agencies;

(3) Federal grants; and

(4) Any other grants or contributions from public or private entities received by the Center.

[(c) The Governing Board shall distribute 10% of each grant received by the Center as follows:

(1) If the grant is designated for the Center, in equal amounts to Bowie State University and, if satellite offices are established under § 7-1502(f) of this subtitle, the institutions of higher education where satellite offices are located;

(2) If the grant is designated for the Center office at Bowie State University or for a satellite office, to the institution of higher education where the designated office is located; or

(3) If the grant is designated for a combination of Center offices, to the institutions of higher education where the designated offices are located.]

7-1507.

(A) ON OR BEFORE SEPTEMBER 1, 2018, THE SUBCABINET SHALL DEVELOP A MODEL POLICY FOR THE ESTABLISHMENT OF AN ASSESSMENT TEAM OR TEAMS IN EACH LOCAL SCHOOL SYSTEM.

(B) THE MODEL POLICY DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:

(1) MECHANISMS FOR IDENTIFYING INDIVIDUALS WHOSE BEHAVIOR MAY POSE A THREAT TO THE SAFETY OF AN INDIVIDUAL ATTENDING OR WORKING IN A PUBLIC SCHOOL;

(2) MECHANISMS FOR THE ASSESSMENT OF STUDENT BEHAVIOR AND INTERVENTIONS IF STUDENT BEHAVIOR POSES A THREAT TO THE SAFETY OF AN INDIVIDUAL ATTENDING OR WORKING IN A PUBLIC SCHOOL;

(3) MECHANISMS FOR THE ASSESSMENT OF THE BEHAVIOR OF AN INDIVIDUAL WHO IS NOT A STUDENT AT A PUBLIC SCHOOL BUT WHO MAY POSE A THREAT TO THE SAFETY OF AN INDIVIDUAL ATTENDING OR WORKING IN THE PUBLIC SCHOOL;

(4) BEST PRACTICES FOR PROMOTING COMMUNICATION AND APPROPRIATE RESPONSES WITHIN A SCHOOL COMMUNITY, INCLUDING MEASURES FOR:

(I) TRAINING FACULTY, ADMINISTRATORS, AND STAFF TO IDENTIFY, PROPERLY RESPOND TO, AND REPORT THREATS OR BEHAVIORS OF CONCERN THAT MAY POSE A THREAT TO THE SAFETY OF AN INDIVIDUAL ATTENDING OR WORKING IN A PUBLIC SCHOOL;

(II) TEACHING STUDENTS TO IDENTIFY, AND ENCOURAGING STUDENTS TO REPORT, BEHAVIORS OF CONCERN EXHIBITED BY THEIR PEERS OR OTHERS THAT MAY POSE A THREAT TO THE SAFETY OF AN INDIVIDUAL ATTENDING OR WORKING IN A PUBLIC SCHOOL, INCLUDING SHARING THOUGHTS ABOUT OR PLANS FOR ENGAGING IN VIOLENCE AT THE SCHOOL; AND

(III) INCREASING OUTREACH TO AND THE AWARENESS OF PARENTS AND GUARDIANS CONCERNING THE EMOTIONAL AND SOCIAL HEALTH AND WELL-BEING OF STUDENTS;

(5) PROCEDURES FOR MEMBERS OF THE SCHOOL COMMUNITY OR OTHERS TO REPORT BEHAVIORS OF CONCERN THAT MAY POSE A THREAT TO THE SAFETY OF AN INDIVIDUAL ATTENDING OR WORKING IN A PUBLIC SCHOOL;

(6) POLICIES REGARDING ANONYMOUS REPORTING BY MEMBERS OF THE SCHOOL COMMUNITY OR OTHERS OF BEHAVIORS OF CONCERN THAT MAY POSE A THREAT TO THE SAFETY OF AN INDIVIDUAL ATTENDING OR WORKING IN A PUBLIC SCHOOL;

(7) GUIDANCE FOR ESTABLISHING AN APPROPRIATE NUMBER OF ASSESSMENT TEAMS WITHIN A LOCAL SCHOOL SYSTEM THAT:

(i) SHALL COORDINATE AMONG SCHOOL OFFICIALS AND LAW ENFORCEMENT, MENTAL HEALTH, AND OTHER APPROPRIATE ENTITIES TO MONITOR AND RESPOND TO INFORMATION ABOUT BEHAVIOR, STATEMENTS, OR PLANS THAT MAY POSE A THREAT OF VIOLENCE AT A SCHOOL; AND

(ii) SHALL INCLUDE INDIVIDUALS WITH EXPERTISE IN STUDENT COUNSELING, EDUCATION INSTRUCTION, SCHOOL ADMINISTRATION, AND LAW ENFORCEMENT; AND

(8) POLICIES FOR TRAINING ASSESSMENT TEAMS, INCLUDING TRAINING ON IMPLICIT ~~BIASES~~ BIAS AND DISABILITY AND DIVERSITY AWARENESS WITH SPECIFIC ATTENTION TO RACIAL AND ETHNIC DISPARITIES.

(C) ON OR BEFORE SEPTEMBER 1, 2019, EACH LOCAL SCHOOL SYSTEM SHALL ADOPT A POLICY FOR THE ESTABLISHMENT OF ASSESSMENT TEAMS THAT IS CONSISTENT WITH THE MODEL POLICY DEVELOPED BY THE SUBCABINET AND INCLUDES:

(1) A PROCESS FOR REGULAR ASSESSMENT AND INTERVENTION, INCLUDING DIVERSION AND DE-ESCALATION, IF AN INDIVIDUAL EXHIBITS BEHAVIOR THAT MAY POSE A THREAT TO THE SAFETY OF ANOTHER INDIVIDUAL ATTENDING OR WORKING IN A PUBLIC SCHOOL;

(2) STANDARDS FOR TIMELY RESPONSE AND PROCEDURES FOR COORDINATION AMONG THE MEMBERS OF AN ASSESSMENT TEAM, INCLUDING REFERRAL TO APPROPRIATE LOCAL LAW ENFORCEMENT OFFICIALS, THE LOCAL SCHOOL SYSTEM, AND THE COUNTY SUPERINTENDENT OF INFORMATION INDICATING THAT AN INDIVIDUAL MAY POSE A THREAT OF VIOLENCE TO THE SCHOOL; AND

(3) STANDARDS AND PROCEDURES FOR REFERRAL OF AN INDIVIDUAL FOR EVALUATION, SERVICES, OR TREATMENT WHEN APPROPRIATE.

(A) (1) EACH LOCAL SCHOOL SYSTEM SHALL DESIGNATE A SCHOOL SAFETY COORDINATOR.

(2) A DESIGNATED SCHOOL SAFETY COORDINATOR SHALL:

(I) BE CERTIFIED BY THE CENTER; AND

(II) SERVE AS A LIAISON BETWEEN THE LOCAL SCHOOL SYSTEM, THE LOCAL LAW ENFORCEMENT AGENCY, AND THE CENTER.

(B) (1) (I) ON OR BEFORE SEPTEMBER 1, 2018, THE CENTER, IN CONSULTATION WITH LOCAL SCHOOL SYSTEMS, SHALL:

1. DEVELOP A SPECIALIZED CURRICULUM FOR USE IN TRAINING OF SCHOOL RESOURCE OFFICERS AND SCHOOL SECURITY EMPLOYEES; AND

2. SUBMIT THE CURRICULUM TO THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION FOR APPROVAL.

(II) THE SPECIALIZED CURRICULUM DEVELOPED UNDER THIS SUBSECTION SHALL INCLUDE TRAINING IN:

1. DE-ESCALATION;

2. DISABILITY AWARENESS;

3. MAINTAINING A POSITIVE SCHOOL CLIMATE;

4. CONSTRUCTIVE INTERACTIONS WITH STUDENTS; AND

5. IMPLICIT BIAS AND DISABILITY AND DIVERSITY AWARENESS WITH SPECIFIC ATTENTION TO RACIAL AND ETHNIC DISPARITIES.

(III) 1. THE SPECIALIZED CURRICULUM DEVELOPED UNDER THIS SUBSECTION MAY NOT GO INTO EFFECT UNTIL IT IS APPROVED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION.

2. IF THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION DOES NOT INITIALLY APPROVE THE SPECIALIZED CURRICULUM, THE CENTER SHALL AMEND THE CURRICULUM UNTIL IT MEETS WITH THE COMMISSION'S APPROVAL.

(2) ON OR BEFORE MARCH 1, 2019, THE CENTER SHALL DEVELOP AND SUBMIT TO THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION FOR APPROVAL A MODEL TRAINING PROGRAM THAT MEETS THE REQUIREMENTS OF THE CURRICULUM ~~DEVELOPED~~ APPROVED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) EACH LOCAL LAW ENFORCEMENT AGENCY SHALL:

(i) ENROLL INDIVIDUALS ASSIGNED TO BE SCHOOL RESOURCE OFFICERS IN THE MODEL TRAINING PROGRAM DEVELOPED BY THE CENTER UNDER PARAGRAPH (2) OF THIS SUBSECTION; OR

(ii) 1. SUBMIT TO THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION FOR APPROVAL A TRAINING PROGRAM THAT IS CONSISTENT WITH THE CURRICULUM DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

2. ENROLL INDIVIDUALS ASSIGNED TO BE SCHOOL RESOURCE OFFICERS IN THE TRAINING PROGRAM DEVELOPED UNDER THIS SUBPARAGRAPH.

(4) BEGINNING SEPTEMBER 1, 2019, TO BE ASSIGNED AS A SCHOOL RESOURCE OFFICER AN INDIVIDUAL SHALL:

(i) COMPLETE:

1. THE MODEL TRAINING PROGRAM DEVELOPED BY THE CENTER UNDER PARAGRAPH (2) OF THIS SUBSECTION THROUGH INSTRUCTION PROVIDED BY THE CENTER IN COLLABORATION WITH THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION; OR

2. A LOCAL LAW ENFORCEMENT AGENCY'S TRAINING PROGRAM DEVELOPED UNDER PARAGRAPH (3)(II) OF THIS SUBSECTION; AND

(ii) BE CERTIFIED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION.

(5) BEGINNING SEPTEMBER 1, 2019, TO BE EMPLOYED AS A SCHOOL SECURITY EMPLOYEE AT A PUBLIC SCHOOL, AN INDIVIDUAL SHALL COMPLETE:

(i) THE MODEL TRAINING PROGRAM DEVELOPED BY THE CENTER UNDER PARAGRAPH (2) OF THIS SUBSECTION THROUGH INSTRUCTION PROVIDED BY THE CENTER IN COLLABORATION WITH THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION; OR

(II) A LOCAL LAW ENFORCEMENT AGENCY'S TRAINING PROGRAM DEVELOPED UNDER PARAGRAPH (3)(II) OF THIS SUBSECTION.

(C) THE CENTER SHALL COLLECT DATA REGARDING THE SCHOOL RESOURCE OFFICERS IN EACH LOCAL SCHOOL SYSTEM, INCLUDING:

(1) THE NUMBER OF FULL-TIME AND PART-TIME SCHOOL RESOURCE OFFICERS ASSIGNED TO EACH ELEMENTARY SCHOOL, MIDDLE SCHOOL, AND HIGH SCHOOL; AND

(2) ANY OTHER LOCAL SCHOOL SYSTEM EMPLOYEES OR LOCAL LAW ENFORCEMENT OFFICERS WHO ARE FULFILLING THE ROLE OF A SCHOOL RESOURCE OFFICER.

(D) (1) ON OR BEFORE DECEMBER 15, 2018, THE CENTER, IN COLLABORATION WITH LOCAL LAW ENFORCEMENT AGENCIES AND LOCAL SCHOOL SYSTEMS, SHALL ANALYZE THE INITIAL DATA COLLECTED UNDER SUBSECTION (C) OF THIS SECTION AND DEVELOP GUIDELINES TO ASSIST LOCAL SCHOOL SYSTEMS IN:

(I) IDENTIFYING THE APPROPRIATE NUMBER AND ASSIGNMENT OF SCHOOL RESOURCE OFFICERS, INCLUDING SUPPLEMENTAL COVERAGE BY LOCAL LAW ENFORCEMENT AGENCIES; AND

(II) COLLABORATING AND COMMUNICATING WITH LOCAL LAW ENFORCEMENT AGENCIES.

(2) ON OR BEFORE JULY 1, 2019, EACH LOCAL SCHOOL SYSTEM, IN CONSULTATION WITH LOCAL LAW ENFORCEMENT AGENCIES, SHALL:

(I) DEVELOP A PLAN TO IMPLEMENT THE GUIDELINES DEVELOPED BY THE CENTER; AND

(II) SUBMIT THE PLAN TO THE CENTER FOR REVIEW AND COMMENT.

(E) (1) ~~BEGINNING WITH~~ BEFORE THE 2018-2019 SCHOOL YEAR, AND EACH SCHOOL YEAR THEREAFTER, BEFORE THE SCHOOL YEAR BEGINS, EACH LOCAL SCHOOL SYSTEM SHALL FILE A REPORT WITH THE CENTER ~~DEMONSTRATING~~ IDENTIFYING:

(I) ~~THAT EVERY~~ THE PUBLIC HIGH ~~HIGH SCHOOL~~ SCHOOLS IN THE LOCAL SCHOOL SYSTEM'S JURISDICTION ~~HAS~~ THAT HAVE A SCHOOL RESOURCE OFFICER ASSIGNED TO THE SCHOOL; ~~OR~~ AND

(II) IF A PUBLIC HIGH ~~HIGH~~ SCHOOL IN THE LOCAL SCHOOL SYSTEM'S JURISDICTION IS NOT ASSIGNED A SCHOOL RESOURCE OFFICER, ~~THAT~~ THE ADEQUATE LOCAL LAW ENFORCEMENT COVERAGE THAT WILL BE PROVIDED TO THE PUBLIC HIGH ~~HIGH~~ SCHOOL.

(2) BEGINNING WITH THE 2019-2020 SCHOOL YEAR, AND EACH SCHOOL YEAR THEREAFTER, BEFORE THE SCHOOL YEAR BEGINS, EACH LOCAL SCHOOL SYSTEM SHALL, IN ACCORDANCE WITH THE PLAN DEVELOPED UNDER SUBSECTION (D)(2) OF THIS SECTION, FILE A REPORT IDENTIFYING:

(I) THE PUBLIC SCHOOLS IN THE LOCAL SCHOOL SYSTEM'S JURISDICTION THAT HAVE A SCHOOL RESOURCE OFFICER ASSIGNED TO THE SCHOOL; AND

(II) IF A PUBLIC SCHOOL IN THE LOCAL SCHOOL SYSTEM'S JURISDICTION IS NOT ASSIGNED A SCHOOL RESOURCE OFFICER, THE ADEQUATE LOCAL LAW ENFORCEMENT COVERAGE THAT WILL BE PROVIDED TO THE PUBLIC SCHOOL.

~~(2)~~ (3) ON OR BEFORE OCTOBER 1, 2018, AND EACH OCTOBER 1 THEREAFTER, THE CENTER SHALL SUBMIT A SUMMARY OF THE REPORTS REQUIRED UNDER THIS SUBSECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(F) EACH LOCAL SCHOOL SYSTEM SHALL POST ON THE SCHOOL SYSTEM'S WEBSITE INFORMATION ON THE ROLE AND AUTHORITY OF SCHOOL RESOURCE OFFICERS ASSIGNED TO PUBLIC SCHOOLS WITHIN THE SCHOOL SYSTEM.

(G) (1) FOR FISCAL YEAR 2020 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL APPROPRIATE IN THE ANNUAL STATE BUDGET \$10,000,000 TO THE FUND FOR THE PURPOSE OF PROVIDING GRANTS TO LOCAL SCHOOL SYSTEMS AND LOCAL LAW ENFORCEMENT AGENCIES TO ASSIST IN MEETING THE REQUIREMENTS OF SUBSECTION (E) OF THIS SECTION.

(2) GRANTS PROVIDED UNDER THIS SUBSECTION SHALL BE MADE TO EACH LOCAL SCHOOL SYSTEM BASED ON THE NUMBER OF SCHOOLS IN EACH SCHOOL SYSTEM IN PROPORTION TO THE TOTAL NUMBER OF PUBLIC SCHOOLS IN THE STATE IN THE PRIOR YEAR.

(H) (1) THE CENTER SHALL COLLECT DATA ON INCIDENTS OF USE OF FORCE BETWEEN ~~ANY~~:

(I) ANY SCHOOL RESOURCE OFFICER AND A STUDENT WHILE A SCHOOL RESOURCE OFFICER IS CARRYING OUT THE OFFICER'S DUTIES; AND

(II) ANY SCHOOL SECURITY EMPLOYEE AND A STUDENT WHILE THE SCHOOL SECURITY EMPLOYEE IS CARRYING OUT THE EMPLOYEE'S DUTIES.

(2) ON OR BEFORE DECEMBER 1, 2020, AND EACH DECEMBER 1 THEREAFTER, THE CENTER SHALL SUBMIT A REPORT ON THE DATA COLLECTED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR EACH JURISDICTION, IN ACCORDANCE WITH FEDERAL AND STATE LAW, TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

7-1509.

(A) THE DEPARTMENT, IN CONSULTATION WITH THE SUBCABINET, MAY ADOPT REGULATIONS TO INCORPORATE IN THE ANNUAL SCHEDULE OF DRILLS FOR EACH LOCAL SCHOOL SYSTEM, DEVELOPMENTALLY AND AGE-APPROPRIATE COMPONENTS OF:

(1) THE ACTIVE SHOOTER PREPAREDNESS PROGRAM DEVELOPED BY THE DEPARTMENT OF HOMELAND SECURITY OR GUIDELINES; OR

(2) THE ACTIVE SHOOTER GUIDELINES ADOPTED BY THE MARYLAND ACTIVE ASSAILANT WORK GROUP ESTABLISHED UNDER EXECUTIVE ORDER 01.01.2018.08.

(B) DRILLS INCORPORATED INTO THE ANNUAL SCHEDULE OF DRILLS UNDER SUBSECTION (A) OF THIS SECTION MAY INCLUDE DEVELOPMENTALLY AND AGE-APPROPRIATE PROCEDURES FOR STUDENTS OR SCHOOL PERSONNEL IN:

(1) SECURING CLASSROOMS;

(2) BARRICADING CLASSROOMS AND SCHOOL ENTRIES;

(3) TAKING REFUGE IN THE CLASSROOM; AND

(4) WHEN APPROPRIATE, ESCAPE FROM THE CLASSROOM OR SCHOOL.

(C) THE DEPARTMENT SHALL NOTIFY THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE LEGISLATIVE POLICY COMMITTEE OF PROPOSED CHANGES TO REGULATIONS THAT ALTER THE ANNUAL SCHEDULE OF DRILLS AS PROVIDED UNDER THIS SECTION.

(D) EACH LOCAL SCHOOL SYSTEM SHALL COLLABORATE WITH THE LOCAL LAW ENFORCEMENT AGENCY TO ESTABLISH POLICIES FOR RESPONDING TO AN EMERGENCY AT EACH PUBLIC SCHOOL IN THE COUNTY.

7-1510.

(A) ON OR BEFORE JUNE 15, 2019, AND REGULARLY THEREAFTER, EACH LOCAL SCHOOL SYSTEM SHALL CONDUCT A SAFETY EVALUATION OF EACH PUBLIC SCHOOL UNDER THE LOCAL SCHOOL SYSTEM'S JURISDICTION TO:

(1) IDENTIFY AND, IF NECESSARY, DEVELOP SOLUTIONS FOR PHYSICAL SAFETY CONCERNS, INCLUDING ISSUES WITH BUILDING SECURITY; AND

(2) IDENTIFY AND EVALUATE ANY PATTERNS OF SAFETY CONCERNS ON SCHOOL PROPERTY OR AT SCHOOL-SPONSORED EVENTS.

(B) IN PERFORMING THE SAFETY EVALUATIONS, EACH DESIGNATED SAFETY COORDINATOR SHALL:

(1) CONSULT WITH THE CENTER FOR GUIDANCE;

(2) COORDINATE WITH THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION'S FACILITY ASSESSMENT PROCESS, ESTABLISHED UNDER § 5-310 OF THIS ARTICLE, AS ENACTED BY CHAPTER ~~(H.B. 1782)~~ OF THE ACTS OF THE ~~GENERAL ASSEMBLY OF 2018~~, IN IDENTIFYING ISSUES WITH PUBLIC SCHOOL FACILITIES THAT COULD IMPACT SCHOOL SAFETY; AND

(3) SUBMIT A SUMMARY OF THE COMPLETED SAFETY EVALUATIONS TO THE CENTER.

(C) ON OR BEFORE DECEMBER 1, 2019, THE DEPARTMENT, IN CONSULTATION WITH THE CENTER AND LOCAL SCHOOL SYSTEMS, SHALL UPDATE THE EMERGENCY PLANNING GUIDELINES FOR LOCAL SCHOOL SYSTEMS AND SCHOOLS TO ACCOMMODATE THE FINDINGS MADE IN THE INITIAL SAFETY EVALUATIONS UNDER SUBSECTION (A) OF THIS SECTION.

(D) ON OR BEFORE ~~JULY~~ AUGUST 1, 2020, AND REGULARLY THEREAFTER, EACH LOCAL SCHOOL SYSTEM SHALL UPDATE THE SCHOOL EMERGENCY PLAN FOR EACH PUBLIC SCHOOL IN THE SCHOOL SYSTEM'S JURISDICTION TO:

(1) INCLUDE DETAILED PLANS FOR THE MANNER IN WHICH EACH PUBLIC SCHOOL WILL ADDRESS:

(I) BEHAVIORAL THREATS; ~~AND~~

(II) EMERGENCY EVENTS; AND

(III) ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES IN EMERGENCY EVENTS;

(2) CONFORM WITH THE EMERGENCY PLANNING GUIDELINES UPDATED UNDER SUBSECTION (C) OF THIS SECTION; AND

(3) INCORPORATE ANY CHANGES REQUIRED UNDER SUBSECTION (F) OF THIS SECTION.

(E) EACH LOCAL SCHOOL SYSTEM SHALL SUBMIT THE PLANS UPDATED UNDER SUBSECTION (D) OF THIS SECTION TO THE CENTER FOR REVIEW AND COMMENT.

(F) (1) ON OR BEFORE AUGUST 1, 2020, AND EACH AUGUST 1 THEREAFTER, EACH LOCAL SCHOOL SYSTEM SHALL SUBMIT A REPORT TO THE CENTER THAT INCLUDES, FOR THE IMMEDIATELY PRECEDING SCHOOL YEAR:

(I) AGGREGATE DATA ABOUT THREATS MADE AGAINST ANY SCHOOL OR SCHOOL SYSTEM FACILITY;

(II) INFORMATION ABOUT ANY SCHOOL LOCKDOWNS, EVACUATIONS, OR OTHER EMERGENCY RESPONSES THAT OCCURRED;

(III) INCIDENTS IN WHICH A PUBLIC SCHOOL'S EMERGENCY PLAN FAILED IN PART OR IN WHOLE TO FUNCTION AS ANTICIPATED IN AN EMERGENCY OR AN EMERGENCY DRILL; AND

(IV) SCHOOL HOURS SPENT IN AN EMERGENCY OR AN EMERGENCY DRILL.

(2) EACH LOCAL SCHOOL SYSTEM SHALL, IN CONSULTATION WITH THE CENTER, UPDATE EACH EMERGENCY PLAN TO CORRECT WEAKNESSES IDENTIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(G) (1) EACH LOCAL SCHOOL SYSTEM SHALL PROMPTLY INFORM THE CENTER OF ANY CRITICAL, LIFE-THREATENING INCIDENTS THAT OCCUR ON SCHOOL GROUNDS.

(2) (I) AFTER INFORMING THE CENTER UNDER THIS SUBSECTION, A LOCAL SCHOOL SYSTEM SHALL HOST AN AFTER-ACTION REVIEW AND EVALUATION OF LESSONS LEARNED FROM THE EVENT.

(II) THE LOCAL SCHOOL SYSTEM SHALL INVITE THE CENTER, LOCAL LAW ENFORCEMENT AGENCIES, AND EMERGENCY RESPONDERS TO PARTICIPATE IN THE AFTER-ACTION REVIEW AND EVALUATION REQUIRED UNDER THIS PARAGRAPH.

(III) A LOCAL SCHOOL SYSTEM SHALL FILE A REPORT ON THE AFTER-ACTION REVIEW AND EVALUATION WITH THE CENTER.

(3) (I) THE CENTER SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY WITHIN 45 DAYS AFTER A LOCAL SCHOOL SYSTEM HAS FILED A REPORT ON THE AFTER-ACTION REVIEW AND EVALUATION UNDER PARAGRAPH (2)(III) OF THIS SUBSECTION.

(II) THE CENTER SHALL INCLUDE IN THE REPORT FILED UNDER THIS PARAGRAPH:

1. LESSONS LEARNED FROM THE LIFE-THREATENING INCIDENT; AND

2. ANY RECOMMENDATIONS FOR IMPROVING SCHOOL SAFETY.

7-1511.

(A) ON OR BEFORE SEPTEMBER 1, 2018, EACH LOCAL SCHOOL SYSTEM SHALL APPOINT A MENTAL HEALTH SERVICES COORDINATOR.

(B) EACH MENTAL HEALTH SERVICES COORDINATOR SHALL:

(1) COORDINATE EXISTING MENTAL HEALTH SERVICES AND REFERRAL PROCEDURES FOR MENTAL HEALTH SERVICES WITHIN THE LOCAL SCHOOL SYSTEM;

(2) WORKING IN COLLABORATION WITH THE LOCAL HEALTH DEPARTMENT, THE LOCAL DEPARTMENT OF SOCIAL SERVICES, AND OTHER LOCAL ENTITIES THAT PROVIDE MENTAL HEALTH SERVICES, ENSURE THAT A STUDENT WHO IS REFERRED FOR MENTAL HEALTH SERVICES OBTAINS THE NECESSARY SERVICES;

(3) MAXIMIZE EXTERNAL FUNDING FOR MENTAL HEALTH AND WRAPAROUND SERVICES; AND

(4) DEVELOP PLANS FOR DELIVERING BEHAVIORAL HEALTH AND WRAPAROUND SERVICES TO STUDENTS WHO EXHIBIT BEHAVIORS OF CONCERN.

(C) (1) THE SUBCABINET MAY PROVIDE GRANTS FROM THE FUND TO LOCAL SCHOOL SYSTEMS TO DEVELOP PLANS FOR DELIVERING BEHAVIORAL HEALTH AND WRAPAROUND SERVICES TO STUDENTS WHO EXHIBIT BEHAVIORS OF CONCERN.

(2) IN APPLYING FOR A GRANT UNDER THIS SUBSECTION, A LOCAL SCHOOL SYSTEM SHALL PROVIDE EVIDENCE OF HOW EXTERNAL FUNDING WILL BE MAXIMIZED TO PROVIDE STUDENTS WITH BEHAVIORAL HEALTH AND WRAPAROUND SERVICES, INCLUDING THROUGH THE SUBMISSION OF CLAIMS TO HEALTH INSURANCE PLANS, IF APPLICABLE, FOR ANY COVERED HEALTH SERVICES.

(D) THE SUBCABINET SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

7-1512.

(a) There is a [School Safety Enforcement] SAFE SCHOOLS Fund.

(b) The [purposes] PURPOSE of the Fund [are to assist law enforcement agencies and county boards of education] IS TO PROVIDE GRANTS TO LOCAL SCHOOL SYSTEMS [in:

(1) addressing the problem of drivers illegally failing to stop for school vehicles; and

(2) enhancing] TO ENHANCE school safety.

(c) [(1)] The [Executive Director] SUBCABINET shall administer the Fund.

[(2) The Executive Director shall receive from the Fund each fiscal year the amount, not exceeding \$50,000 in a fiscal year, necessary to offset its costs in administering this subtitle.]

(d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(2) The Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund in conjunction with the Executive Director.

(e) The Fund consists of:

(1) [money] MONEY credited to the Fund under § 17–106(e) of the Transportation Article;

(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(3) MONEY APPROPRIATED TO THE FUND UNDER § 7–1508 OF THIS SUBTITLE;

~~[(2)]~~ **(4) [money] MONEY from any other source accepted for the benefit of the Fund; and**

~~[(3)]~~ **(5) [investment] ANY INTEREST earnings of the Fund.**

(F) ~~THE~~ EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, THE FUND MAY BE USED ONLY TO PROVIDE GRANTS TO LOCAL SCHOOL SYSTEMS TO ENHANCE SCHOOL SAFETY, INCLUDING:

(1) CONDUCTING TRAINING FOR STUDENTS AND SCHOOL PERSONNEL ON DE-ESCALATION OF SITUATIONS AND IDENTIFYING AND REPORTING BEHAVIORS OF CONCERN;

(2) CONDUCTING TRAINING OF ASSESSMENT TEAMS;

(3) CONDUCTING SCHOOL SAFETY EVALUATIONS;

(4) ESTABLISHING FORMAL AND ANONYMOUS MECHANISMS FOR REPORTING SAFETY CONCERNS;

(5) REIMBURSING LOCAL LAW ENFORCEMENT AGENCIES FOR SCHOOL RESOURCE OFFICER TRAINING PROVIDED BY THE CENTER;

(6) ENROLLING SCHOOL SECURITY EMPLOYEES IN TRAINING PROVIDED BY THE CENTER;

~~(6)~~ **(7) DEVELOPING PLANS TO DELIVER SCHOOL-BASED BEHAVIORAL HEALTH AND OTHER WRAPAROUND SERVICES TO STUDENTS WHO EXHIBIT BEHAVIORS OF CONCERN, INCLUDING ESTABLISHING SYSTEMS TO MAXIMIZE EXTERNAL FUNDING FOR SERVICES;**

~~(7)~~ **(8) OUTREACH TO THE BROADER SCHOOL COMMUNITY TO IMPROVE SCHOOL SAFETY, INCLUDING TO HEIGHTEN AWARENESS OF EXISTING MENTAL HEALTH SERVICES AND OTHER SERVICES;**

~~(8)~~ (9) PROVIDING INFORMATION TO STUDENTS AND PARENTS ON TRAVELING SAFELY TO AND FROM SCHOOL, INCLUDING DATA RELATED TO BUS AND PEDESTRIAN SAFETY, STRATEGIES FOR ENSURING PERSONAL SAFETY, EFFORTS OF THE LOCAL SCHOOL SYSTEM TO IMPROVE SAFETY, AND INFORMATION ON AVAILABLE OPTIONS FOR REPORTING INCIDENTS AND CONCERNS; AND

~~(9)~~ (10) ASSISTING LOCAL SCHOOL SYSTEMS TO IMPROVE AND MONITOR TRAFFIC CONTROL MEASURES IN THE IMMEDIATE VICINITY OF SCHOOLS TO REDUCE THE POTENTIAL FOR PEDESTRIAN AND VEHICLE ACCIDENTS.

(G) BEGINNING IN FISCAL YEAR 2020 AND EACH FISCAL YEAR THEREAFTER, AT LEAST \$10,000,000 OF THE MONEY IN THE FUND SHALL BE USED TO PROVIDE GRANTS TO LOCAL SCHOOL SYSTEMS AND LOCAL LAW ENFORCEMENT AGENCIES AS PROVIDED UNDER § 7-1508 OF THIS SUBTITLE.

(H) (1) THE SUBCABINET MAY MAKE GRANTS TO LOCAL SCHOOL SYSTEMS AND LOCAL LAW ENFORCEMENT AGENCIES FROM THE FUND.

(2) THE SUBCABINET SHALL ESTABLISH PROCEDURES FOR LOCAL SCHOOL SYSTEMS AND LOCAL LAW ENFORCEMENT AGENCIES TO APPLY FOR GRANTS FROM THE FUND.

~~[(f)]~~ ~~(H)~~ (I) (1) The STATE Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

~~[(g)]~~ ~~(H)~~ (J) Expenditures from the Fund may only be made:

(1) in accordance with the State budget; or

(2) by the budget amendment procedure as provided in § 7-209 of the State Finance and Procurement Article, if at least 45 days have passed since the budget amendment and supporting information were submitted to the budget committees for their review and comment.

~~(J)~~ (K) MONEY EXPENDED FROM THE FUND BY LOCAL SCHOOL SYSTEMS TO ENHANCE SCHOOL SAFETY IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED TO LOCAL SCHOOL SYSTEMS.

BEGINNING WITH THE 2018–2019 ACADEMIC YEAR AND ANNUALLY THEREAFTER, EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL COMPLETE AT LEAST ONE ACTIVE SHOOTER DRILL.

Article – General Provisions

4–201.

(a) (1) Except as otherwise provided by law, a custodian shall allow a person or governmental unit to inspect any public record at any reasonable time.

(2) Inspection or copying of a public record may be denied only to the extent provided under this title.

(b) To protect public records and to prevent unnecessary interference with official business, each official custodian shall adopt reasonable rules or regulations that, subject to this title, govern timely production and inspection of a public record.

(c) Each official custodian shall:

(1) designate types of public records of the governmental unit that are to be made available to any applicant immediately on request; and

(2) maintain a current list of the types of public records that have been designated as available to any applicant immediately on request.

4–314.1.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A CUSTODIAN SHALL DENY INSPECTION OF ANY RECORD DISCLOSING:

(1) A SAFETY EVALUATION OR SCHOOL EMERGENCY PLAN DEVELOPED UNDER § 7–1510 OF THE EDUCATION ARTICLE; ~~OR~~

(2) AN EMERGENCY RESPONSE POLICY DEVELOPED UNDER § 7–1509 OF THE EDUCATION ARTICLE AND § 3–520 OF THE PUBLIC SAFETY ARTICLE;

(3) GUIDELINES FOR SCHOOL RESOURCE OFFICERS AND SUPPLEMENTAL COVERAGE BY LOCAL LAW ENFORCEMENT AGENCIES DEVELOPED BY THE MARYLAND CENTER FOR SCHOOL SAFETY UNDER § 7–1508 OF THE EDUCATION ARTICLE; OR

(4) A PLAN TO IMPLEMENT THE MARYLAND CENTER FOR SCHOOL SAFETY’S GUIDELINES ADOPTED BY A LOCAL SCHOOL SYSTEM UNDER § 7–1508 OF THE EDUCATION ARTICLE.

(B) A CUSTODIAN SHALL ALLOW INSPECTION OF SAFETY EVALUATION, SCHOOL EMERGENCY PLAN, AND EMERGENCY RESPONSE POLICY RECORDS BY THE FOLLOWING ENTITIES IN THE PERFORMANCE OF THE ENTITY'S OFFICIAL DUTIES:

- (1) THE MARYLAND CENTER FOR SCHOOL SAFETY;**
- (2) THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION;**
- (3) THE DEPARTMENT OF STATE POLICE;**
- (4) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;**
- (5) THE MARYLAND EMERGENCY MANAGEMENT AGENCY;**
- (6) LOCAL LAW ENFORCEMENT AGENCIES; AND**
- (7) LOCAL ORGANIZATIONS FOR EMERGENCY MANAGEMENT.**

Article – Public Safety

3–101.

- (a) In this subtitle the following words have the meanings indicated.
- (b) (1) “Chief” means the head of a law enforcement agency.
- (2) “Chief” includes the officer designated by the head of a law enforcement agency.
- (e) (1) “Law enforcement officer” means an individual who:
 - (i) in an official capacity is authorized by law to make arrests; and
 - (ii) is a member of one of the following law enforcement agencies:
 - 1. the Department of State Police;
 - 2. the Police Department of Baltimore City;
 - 3. the Baltimore City School Police Force;
 - 4. the Baltimore City Watershed Police Force;
 - 5. the police department, bureau, or force of a county;

- corporation;
- agency;
- Department of General Services;
- Regulation;
6. the police department, bureau, or force of a municipal corporation;
 7. the office of the sheriff of a county;
 8. the police department, bureau, or force of a bicounty agency;
 9. the Maryland Transportation Authority Police;
 10. the police forces of the Department of Transportation;
 11. the police forces of the Department of Natural Resources;
 12. the Field Enforcement Bureau of the Comptroller's Office;
 13. the Housing Authority of Baltimore City Police Force;
 14. the Crofton Police Department;
 15. the police force of the Maryland Department of Health;
 16. the police force of the Maryland Capitol Police of the Department of General Services;
 17. the police force of the Department of Labor, Licensing, and Regulation;
 18. the police forces of the University System of Maryland;
 19. the police force of Morgan State University;
 20. the office of State Fire Marshal;
 21. the Ocean Pines Police Department;
 22. the police force of the Baltimore City Community College;
 23. the police force of the Hagerstown Community College;
 24. the Internal Investigation Unit of the Department of Public Safety and Correctional Services;
 25. the Warrant Apprehension Unit of the Division of Parole and Probation in the Department of Public Safety and Correctional Services; or

26. the police force of the Anne Arundel Community College.

(2) “Law enforcement officer” does not include:

(i) an individual who serves at the pleasure of the Police Commissioner of Baltimore City;

(ii) an individual who serves at the pleasure of the appointing authority of a charter county;

(iii) the police chief of a municipal corporation;

(iv) an officer who is in probationary status on initial entry into the law enforcement agency except if an allegation of brutality in the execution of the officer’s duties is made;

(v) a Montgomery County fire and explosive investigator as defined in § 2–208.1 of the Criminal Procedure Article;

(vi) an Anne Arundel County or City of Annapolis fire and explosive investigator as defined in § 2–208.2 of the Criminal Procedure Article;

(vii) a Prince George’s County fire and explosive investigator as defined in § 2–208.3 of the Criminal Procedure Article;

(viii) a Worcester County fire and explosive investigator as defined in § 2–208.4 of the Criminal Procedure Article;

(ix) a City of Hagerstown fire and explosive investigator as defined in § 2–208.5 of the Criminal Procedure Article; or

(x) a Howard County fire and explosive investigator as defined in § 2–208.6 of the Criminal Procedure Article.

3–520.

EACH LOCAL LAW ENFORCEMENT AGENCY SHALL COLLABORATE WITH THE LOCAL SCHOOL SYSTEM TO ESTABLISH POLICIES FOR RESPONDING TO AN EMERGENCY AT EACH PUBLIC SCHOOL WITHIN ITS JURISDICTION.

Article – State Finance and Procurement

6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the

State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

101. the Advance Directive Program Fund; [and]

102. the Make Office Vacancies Extinct Matching Fund; AND

103. THE SAFE SCHOOLS FUND.

Article – Transportation

17–106.

(e) (1) (i) In addition to any other penalty provided for in the Maryland Vehicle Law, if the required security for a vehicle terminates or otherwise lapses during its registration year, the Administration may assess the owner of the vehicle with a penalty of \$150 for each vehicle without the required security for a period of 1 to 30 days. If a fine is assessed, beginning on the 31st day the fine shall increase by a rate of \$7 for each day.

(ii) Each period during which the required security for a vehicle terminates or otherwise lapses shall constitute a separate violation.

(iii) The penalty imposed under this subsection may not exceed \$2,500 for each violation in a 12–month period.

(2) (i) A penalty assessed under this subsection shall be paid as follows:

1. 70% to be allocated as provided in subparagraphs (ii) through (vi) of this paragraph; and

2. 30% to the Administration, which may be used by the Administration, subject to subsection (f) of this section, to provide funding for contracts with independent agents to assist in the recovery of evidences of registration as authorized in subsection (d)(3) of this section.

~~(vi)~~ (II) For each fiscal year beginning on or after July 1, 2014, the percentage of the penalties specified under subparagraph (i)1 of this paragraph shall be allocated among the [School Safety Enforcement Fund] **SAFE SCHOOLS FUND**, the Vehicle Theft Prevention Fund, the Maryland Automobile Insurance Fund, and the General Fund as follows:

1. \$600,000 to the [School Safety Enforcement Fund] **SAFE SCHOOLS FUND**;

2. \$2,000,000 to the Vehicle Theft Prevention Fund;

3. To the Maryland Automobile Insurance Fund, the amount distributed to the Maryland Automobile Insurance Fund in the prior fiscal year under the provisions of this paragraph adjusted by the change for the calendar year preceding the fiscal year in the Consumer Price Index – All Urban Consumers – Medical Care as published by the United States Bureau of Labor Statistics; and

4. The balance to the General Fund.

SECTION 5. AND BE IT FURTHER ENACTED, That \$2,500,000 in general funds appropriated in Supplemental Budget No. 1 of the fiscal year 2019 operating budget (S.B. 185/Chapter of the Acts of 2018) to program D15A05.16 Governor’s Office of Crime Control and Prevention for the purpose of providing grants to local school systems for mandated safety assessments may be transferred only by budget amendment to the Safe Schools Fund established under Section 7–1512 of the Education Article, as enacted by Section 4 of this Act, for the mandated safety evaluations required by Section 4 of this Act. 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 6. AND BE IT FURTHER ENACTED, That \$1,000,000 of the fiscal year 2019 general fund appropriation for program D15A05.16 Governor’s Office of Crime Control and Prevention made for the purpose of providing grants to public and nonpublic schools and day care centers at risk of being targeted for hate crimes may be transferred only by budget amendment to program R00A01.10 Early Childhood Development within the Maryland State Department of Education for the same 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.

SECTION 7. AND BE IT FURTHER ENACTED, That \$2,500,000 in general funds and 13 positions appropriated in Supplemental Budget No. 1 of the fiscal year 2019 operating budget (S.B. 185/Chapter of the Acts of 2018) to program W00A01.01 Office of the Superintendent within the Department of State Police for the purpose of providing additional resources to the Maryland Center for School Safety may be transferred only by budget amendment to program R00A01.01 Office of the State Superintendent, within the Maryland State Department of Education for the same 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.

SECTION 8. AND BE IT FURTHER ENACTED, That \$499,670 of the fiscal year 2019 general fund appropriation and one position budgeted within program W00A01.01 Office of the Superintendent, subprogram 1807 Maryland Center for School Safety (MCSS), within the Department of State Police for the purpose of supporting MCSS operations may be transferred only by budget amendment to program R00A01.01 Office of the State

Superintendent, within the Maryland State Department of Education for the same 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.

SECTION 9. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, funds appropriated for school safety in the Aid to Education Innovative Programs (R00A02.13) within the Maryland State Department of Education in the fiscal year 2019 operating budget (S.B. 185/Chapter _____ of the Acts of 2018) may be transferred only to the Safe Schools Fund for the purposes established under Section 7–1512 of the Education Article, as enacted by Section 4 of this Act. Any funds not transferred or 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 10. AND BE IT FURTHER ENACTED, That the Maryland Center for School Safety shall submit a report on the proposed uses of the additional resources appropriated in Supplemental Budget No. 1 of the fiscal year 2019 operating budget (S.B. 185/Chapter _____ of the Acts of 2018) for the operations of the Center, including the allocation of 13 additional positions, to the Senate Budget and Taxation Committee and the House Appropriations Committee not later than July 1, 2018. The budget committees shall have 45 days to review and comment on the proposed uses of the funds before any of the additional funds are expended.

SECTION 11. AND BE IT FURTHER ENACTED, That as the Commission on Innovation and Excellence in Public Schools created by Chapters 701 and 702 of the Acts of 2016 continues its work on a final report, the Commission should continue to evaluate the need for additional student mental health and other wraparound services. The Commission also should consider and include recommendations in the final report regarding the need for additional mental health and wraparound services in local school systems and whether and how funding should be provided to local school systems to support and expand access to these services.

SECTION 12. AND BE IT FURTHER ENACTED, That:

(a) (1) The School Safety Subcabinet shall submit a report evaluating:

(i) the plans for delivering behavioral health and wraparound services to students exhibiting behaviors of concern that mental health services coordinators are required to develop under § 7–1511 of the Education Article, as enacted by Section 4 of this Act; and

(ii) the availability of mental health services and practitioners to address the needs of school–age children in the State.

(2) Specifically, the report required under this subsection should:

(i) review, by jurisdiction, the number of outpatient treatment, acute care services, residential-based treatment, support services, and other community-based services utilized by children over the past 3 years;

(ii) identify the gaps in available community-based mental and behavioral health services for school-age children, by jurisdiction;

(iii) review, by jurisdiction, the number of mental health and behavioral health service providers licensed by the State who provide services to children;

(iv) review, by jurisdiction, the number and types of school-based services, programs, and professionals involved in the provision of behavioral and mental health services;

(v) assess what steps are being taken by State or local government agencies to identify areas of service delivery in schools and in the community that are not meeting the current demand or where sufficient services do not exist;

(vi) identify any gaps in treatment capacity and school- and community-based mental health services that are limiting the ability of students to access needed care; and

(vii) make recommendations on how to address any gaps in treatment and capacity identified.

(b) The report required under this section shall be submitted to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly not later than December 1, 2018.

SECTION ~~2~~ 13. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ June 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 31

(House Bill 1072)

AN ACT concerning

Education – Child Sexual Abuse Prevention – Instruction and Training

FOR the purpose of requiring a county board of education or certain nonpublic school to require each employee, ~~student, and volunteer of a public school or a public school~~

~~program to receive annual instruction and training on the prevention, identification, and reporting of certain child sexual abuse; providing for the requirements of the instruction and training; providing that an employee may receive a certain credit for undergoing certain instruction and training; providing that the training may use certain materials and~~ authorizing the instruction and training to include certain instruction; types of instruction and training; requiring certain instruction and training to be periodically reviewed and updated; requiring a county board to establish and implement certain policies and develop certain employee codes of conduct; requiring the Governor to include a certain appropriation in the annual budget bill for certain fiscal years; requiring each school, program, and organization to maintain certain records; requiring the Interagency Committee on School Construction and the State Council on Child Abuse and Neglect to jointly develop certain guidelines and best practices on or before a certain date; requiring a county board to establish certain policies and procedures beginning in a certain school year; requiring a county board of education to make certain information available to certain persons; defining a certain term certain terms; and generally relating to child sexual abuse prevention.

BY repealing and reenacting, without amendments,

Article – Education

Section 6–113

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

BY adding to

Article – Education

Section 6–113.1

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

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

Article – Education

6–113.

(a) A county board may not knowingly hire or retain any individual who has been convicted of a crime involving:

(1) An offense under § 3–307 or § 3–308 of the Criminal Law Article or an offense under the laws of another state that would constitute a violation of § 3–307 or § 3–308 of the Criminal Law Article if committed in the State;

(2) Child sexual abuse under § 3–602 of the Criminal Law Article, or an offense under the laws of another state that would constitute child sexual abuse under § 3–602 of the Criminal Law Article if committed in this State; or

(3) A crime of violence as defined in § 14–101 of the Criminal Law Article, or an offense under the laws of another state that would be a violation of § 14–101 of the Criminal Law Article if committed in this State.

(b) A local school system contract shall provide that a contractor or subcontractor for the local school system may not knowingly assign an employee to work on school premises with direct, unsupervised, and uncontrolled access to children, if the employee has been convicted of a crime identified under subsection (a) of this section.

6–113.1.

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

(2) “CHILD SEXUAL ABUSE” MEANS AN ACT BY AN ADULT INVOLVING A MINOR OR A STUDENT THAT CONSTITUTES A SEXUAL OFFENSE UNDER THE LAWS OF THE STATE, OR ANY SEXUAL CONTACT BETWEEN AN ADULT AND A MINOR.

(3) “SEXUAL MISCONDUCT” MEANS AN ACT BY AN ADULT, INCLUDING AN ORAL, NONVERBAL, WRITTEN, OR ELECTRONIC COMMUNICATION, OR A PHYSICAL ACTIVITY DIRECTED TOWARD OR WITH A MINOR THAT IS DESIGNED TO PROMOTE A ROMANTIC OR SEXUAL RELATIONSHIP WITH THE MINOR, INCLUDING:

(I) SEXUAL OR ROMANTIC INVITATION;

(II) DATING OR SOLICITING DATES;

(III) ENGAGING IN SEXUALIZED OR ROMANTIC DIALOGUE;

(IV) MAKING SEXUALLY SUGGESTIVE COMMENTS;

(V) GROOMING BEHAVIORS;

(VI) SELF-DISCLOSURE OR PHYSICAL EXPOSURE OF A SEXUAL, ROMANTIC, OR EROTIC NATURE; AND

(VII) A SEXUAL, INDECENT, ROMANTIC, OR EROTIC CONTACT WITH THE MINOR.

(B) (1) A COUNTY BOARD OR NONPUBLIC SCHOOL THAT RECEIVES STATE FUNDS SHALL REQUIRE EACH EMPLOYEE, STUDENT, AND VOLUNTEER OF A PUBLIC SCHOOL OR A PUBLIC SCHOOL PROGRAM TO RECEIVE INSTRUCTION ANNUALLY ON THE PREVENTION, IDENTIFICATION, AND REPORTING OF CHILD SEXUAL ABUSE.

(2) THE INSTRUCTION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE COMPREHENSIVE TRAINING AND INFORMATION TO HELP EMPLOYEES, ~~STUDENTS, AND VOLUNTEERS~~ TO:

(I) ~~RECOGNIZE SEXUALLY OFFENDING BEHAVIORS~~ SEXUAL MISCONDUCT IN ADULTS, ~~AND SIGNS IN ADULTS THAT COULD INDICATE THE ADULT POSES A SEXUAL RISK TO MINORS;~~

(II) ~~RECOGNIZE,~~ AND APPROPRIATELY RESPOND TO, ~~AND PREVENT~~ SEXUALLY INAPPROPRIATE, COERCIVE, OR ABUSIVE BEHAVIORS AMONG MINORS;

(III) RECOGNIZE BEHAVIORS AND VERBAL CUES THAT COULD INDICATE A MINOR HAS BEEN A VICTIM OF CHILD SEXUAL ABUSE; AND

(IV) ~~SUPPORT THE HEALTHY DEVELOPMENT OF MINORS AND THE BUILDING OF PROTECTIVE FACTORS TO GUARD AGAINST MINORS ENGAGING IN HARMFUL OR ILLEGAL SEXUAL BEHAVIOR AND TO GUARD AGAINST THE SEXUAL VICTIMIZATION OF MINORS BY ADULTS OR BY OTHER MINORS;~~

(V) ~~ESTABLISH AND IMPLEMENT POLICIES THAT SUPPORT THE PREVENTION OF CHILD SEXUAL ABUSE THROUGH ONGOING TRAINING OF STAFF REGARDING:~~

~~1. ADULT PERPETRATION AND MINOR ON MINOR SEXUAL ABUSE;~~

~~2. COMPREHENSIVE SCREENING OF PROSPECTIVE EMPLOYEES AND VOLUNTEERS;~~

~~3. THE DEVELOPMENT OF CODES OF CONDUCT TO IDENTIFY INAPPROPRIATE OR BOUNDARY VIOLATING BEHAVIORS THAT, IF LEFT UNCHECKED, COULD ESCALATE TO REPORTABLE SEXUAL OFFENSES; AND~~

~~4. THE ASSESSMENT AND MODIFICATION OF PHYSICAL FACILITIES AND SPACES TO REDUCE OPPORTUNITIES FOR CHILD SEXUAL ABUSE;~~

(VI) RESPOND TO DISCLOSURES BY MINORS OR THEIR PARENTS OR GUARDIANS OF CHILD SEXUAL ABUSE OR REPORTS OF BOUNDARY-VIOLATING BEHAVIORS OF ADULTS OR MINORS IN A SUPPORTIVE AND APPROPRIATE MANNER THAT MEETS MANDATED REPORTING REQUIREMENTS UNDER STATE LAW, AND.

~~(VII) SEEK OUT AVAILABLE COMMUNITY RESOURCES TO ASSIST IN THE PREVENTION, IDENTIFICATION, REPORTING, AND REFERRAL TO TREATMENT OF CASES INVOLVING CHILD SEXUAL ABUSE OR THE EXPLOITATION OF MINORS.~~

(C) (1) EACH COUNTY BOARD SHALL ESTABLISH AND IMPLEMENT POLICIES THAT SUPPORT THE PREVENTION OF CHILD SEXUAL ABUSE THROUGH ONGOING TRAINING OF STAFF REGARDING:

(I) BEHAVIOR THAT CONSTITUTES ADULT PERPETRATION;

(II) REPORTING OBLIGATIONS AND PROCEDURES; AND

(III) FOR STAFF INVOLVED IN THE HIRING PROCESS, COMPREHENSIVE SCREENING OF PROSPECTIVE EMPLOYEES.

(2) THE COUNTY BOARD SHALL DEVELOP EMPLOYEE CODES OF CONDUCT THAT ADDRESS APPROPRIATE CONTACT BETWEEN STAFF AND STUDENTS.

~~(C) (D) (1) EACH EMPLOYEE, STUDENT, AND VOLUNTEER SHALL COMPLETE THE INSTRUCTION AND TRAINING DESCRIBED IN SUBSECTION (B) OF THIS SECTION ON AN ANNUAL BASIS.~~

~~(2) AN EMPLOYEE REQUIRED TO UNDERGO CONTINUING PROFESSIONAL EDUCATION SHALL RECEIVE CREDIT TOWARD CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS IF THE INSTRUCTION AND TRAINING PROGRAM HAS BEEN APPROVED BY THE DEPARTMENT.~~

~~(D) (1) THE INSTRUCTION AND TRAINING DESCRIBED IN SUBSECTION (B) OF THIS SECTION SHALL USE TESTED, RESEARCH BASED INSTRUCTIONAL MATERIALS THAT HAVE BEEN DEMONSTRATED TO INCREASE THE PREVENTION KNOWLEDGE AND SKILLS OF THOSE TRAINED AND MAY USE NOVEL OR AS YET UNTESTED INSTRUCTIONAL MATERIALS IN THE CONTEXT OF AN EMPIRICALLY RIGOROUS EVALUATION STUDY DESIGNED TO ASSESS THE RELIABILITY AND VALIDITY OF THE UNTESTED MATERIALS.~~

(2) THE INSTRUCTION AND TRAINING UNDER THIS SECTION MAY:

(I) MAY INCLUDE IN-PERSON OR E-LEARNING INSTRUCTION AND TRAINING; AND

(II) SHALL BE PERIODICALLY REVIEWED AND UPDATED.

~~(E) FOR FISCAL YEARS 2019 THROUGH 2024, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF AT LEAST \$500,000~~

~~TO THE DEPARTMENT TO SUPPORT THE DEVELOPMENT, EVALUATION, AND IMPLEMENTATION OF THE INSTRUCTION AND TRAINING DESCRIBED IN THIS SECTION.~~

~~(F) EACH SCHOOL, PROGRAM, AND ORGANIZATION SHALL MAINTAIN, UNTIL AT LEAST 3 YEARS AFTER THE INSTRUCTION AND TRAINING, RECORDS THAT INCLUDE THE NAMES OF THE INDIVIDUALS WITHIN THE SCHOOL, PROGRAM, OR ORGANIZATION WHO PARTICIPATED IN THE INSTRUCTION AND TRAINING.~~

(E) (1) ON OR BEFORE DECEMBER 1, 2018, THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION AND THE STATE COUNCIL ON CHILD ABUSE AND NEGLECT JOINTLY SHALL DEVELOP GUIDELINES AND BEST PRACTICES FOR THE ASSESSMENT AND MODIFICATION OF PHYSICAL FACILITIES AND SPACES TO REDUCE OPPORTUNITIES FOR CHILD SEXUAL ABUSE.

(2) BEGINNING IN THE 2019–2020 SCHOOL YEAR, EACH COUNTY BOARD SHALL DEVELOP POLICIES AND PROCEDURES ON THE USE AND MODIFICATION OF PHYSICAL FACILITIES AND SPACES TO REDUCE OPPORTUNITIES FOR CHILD SEXUAL ABUSE.

~~(G) (F)~~ EACH COUNTY BOARD SHALL MAKE INFORMATION ABOUT THE ~~EDUCATION AND~~ TRAINING OPPORTUNITIES DESCRIBED IN THIS SECTION AVAILABLE TO PARENTS, LEGAL GUARDIANS, AND OTHER INTERESTED PERSONS IN THE COMMUNITY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 32

(House Bill 1386)

AN ACT concerning

Public Schools – ~~Childhelp National Child Abuse Hotline – Sign~~ Reporting Child Abuse – Telephone Number

FOR the purpose of ~~requiring~~ encouraging public schools to post a certain telephone number conspicuously ~~a sign~~ in a certain area of the school ~~that contains the telephone number of the Childhelp National Child Abuse Hotline;~~ requiring a public school to display a certain sign in certain languages; and generally relating to

~~displaying the Childhelp National Child Abuse Hotline in public schools; requiring a county board to ensure that a certain telephone number is published in certain student handbooks and on certain websites; and generally relating to reporting child abuse or neglect in public schools.~~

BY adding to

Article – Education

Section 7–441

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

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

Article – Education

7–441.

(A) EACH PUBLIC SCHOOL ~~SHALL~~ IS ENCOURAGED TO POST THE APPROPRIATE TELEPHONE NUMBER FOR REPORTING SUSPECTED CHILD ABUSE OR NEGLECT CONSPICUOUSLY IN A HIGH-TRAFFIC, WIDELY USED AREA OF THE SCHOOL A SIGN THAT CONTAINS THE TELEPHONE NUMBER OF THE CHILDHHELP NATIONAL CHILD ABUSE HOTLINE.

~~(B) A PUBLIC SCHOOL SHALL DISPLAY THE SIGN REQUIRED UNDER THIS SECTION IN ENGLISH AND IN SPANISH.~~

(B) EACH COUNTY BOARD SHALL ENSURE THAT THE APPROPRIATE TELEPHONE NUMBER FOR REPORTING SUSPECTED CHILD ABUSE OR NEGLECT IS PUBLISHED:

(1) IN EACH PUBLIC SCHOOL’S STUDENT HANDBOOK; AND

(2) ON THE WEBSITE OF THE COUNTY BOARD OR LOCAL SCHOOL SYSTEM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

AN ACT concerning

Public Schools – Student Sunscreen Use – Policy

FOR the purpose of requiring each county board of education to adopt a certain written policy to authorize a student to possess and use sunscreen on school property or at a school-sponsored activity without written permission from a health care provider; ~~requiring a certain policy to allow certain public school employees to apply or assist a student in applying sunscreen under certain circumstances; providing that a student may only use sunscreen provided by the student's parent or guardian; providing that public schools and public school employees that assist a student in the application of sunscreen according to a certain policy cannot be held liable for certain outcomes;~~ requiring each county board to encourage public schools to educate students about certain policies and sun safety measures; defining a certain term; and generally relating to a policy for public school student sunscreen use.

BY adding to

Article – Education

Section 7-441

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

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

Article – Education

7-441.

(A) IN THIS SECTION, “SUNSCREEN” MEANS A TOPICAL SUNSCREEN PRODUCT THAT IS:

(1) USED TO PREVENT THE EFFECTS OF OVEREXPOSURE TO THE SUN AND NOT FOR MEDICAL TREATMENT OF AN INJURY OR ILLNESS; AND

(2) APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR OVER-THE-COUNTER USE.

(B) ~~(1)~~ EACH COUNTY BOARD SHALL ADOPT A WRITTEN POLICY AUTHORIZING A STUDENT TO POSSESS AND USE SUNSCREEN ON SCHOOL PROPERTY OR AT A SCHOOL-SPONSORED ACTIVITY WITHOUT WRITTEN PERMISSION FROM A HEALTH CARE PROVIDER.

~~(2) THE POLICY SHALL ALLOW, IF AUTHORIZED BY A STUDENT'S PARENT OR GUARDIAN, A PUBLIC SCHOOL EMPLOYEE TO:~~

~~(I) APPLY SUNSCREEN TO A STUDENT WHO IS UNABLE TO SELF APPLY IT; OR~~

~~(II) ASSIST A STUDENT IN THE APPLICATION OF SUNSCREEN.~~

~~(C) A STUDENT MAY ONLY USE SUNSCREEN SUPPLIED BY THE STUDENT'S PARENT OR GUARDIAN.~~

~~(D) A PUBLIC SCHOOL, OR A PUBLIC SCHOOL EMPLOYEE WHO APPLIES OR ASSISTS A STUDENT WITH THE APPLICATION OF SUNSCREEN IN ACCORDANCE WITH THE POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION, MAY NOT BE HELD LIABLE FOR:~~

~~(1) AN ADVERSE REACTION SUFFERED BY THE STUDENT RESULTING FROM THE USE OF SUNSCREEN; OR~~

~~(2) THE EFFECTS OF DISCONTINUING THE APPLICATION OF THE SUNSCREEN AT ANY TIME.~~

~~(E)~~ (C) EACH COUNTY BOARD SHALL ENCOURAGE PUBLIC SCHOOLS TO EDUCATE STUDENTS ABOUT SUNSCREEN, SUN SAFETY, AND THE POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 34

(Senate Bill 729)

AN ACT concerning

County Boards of Education – Length of School Year – Adjustments

FOR the purpose of authorizing a county board of education to extend the length of the school year for up to 5 *school* days ~~and beyond a certain date~~ without approval from the State Board of Education; requiring a county board to submit a written application to the State Board for permission to increase the length of the school year for more than a certain number of school days in accordance with a certain provision of law or to decrease the length of the school year; *making this Act an emergency*

measure; and generally relating to adjustments to the length of the school year and county boards of education.

BY repealing and reenacting, without amendments,
Article – Education
Section 7–103(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 7–103(b)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

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

Article – Education

7–103.

(a) Except as provided in subsections (b), (e), and (f) of this section, each public school under the jurisdiction of a county board:

(1) (i) Shall be open for pupil attendance for at least 180 actual school days and a minimum of 1,080 school hours during a 10–month period in each school year;
or

(ii) If normal school attendance is prevented because of conditions described in subsection (b) of this section, shall be open for at least 1,080 hours during a 10–month period;

(2) Shall be open for pupil attendance a minimum of 3 hours during each school day; and

(3) May not be open on Saturdays, Sundays, or holidays in order to meet the 180–day or 1,080–hour requirement of this subsection.

(b) (1) If a county board submits a written application to the State Board that describes a demonstrated effort by the county board to comply with subsection (a) of this section, the State Board may permit:

(i) [Adjustments] **THE FOLLOWING ADJUSTMENTS:**

1. AN INCREASE in the length of the school year FOR MORE SCHOOL DAYS THAN THE NUMBER OF DAYS EXTENDED BY A COUNTY BOARD UNDER PARAGRAPH (3) OF THIS SUBSECTION; OR

2. A DECREASE IN THE LENGTH OF THE SCHOOL YEAR;

(ii) Exceptions from the requirement that the school year be completed within a 10-month period;

(iii) Adjustments in the length of the school day; and

(iv) Schools to be open on holidays.

(2) These adjustments may be granted only if normal school attendance is prevented because of:

(i) Natural disaster;

(ii) Civil disaster; or

(iii) Severe weather conditions.

(3) A COUNTY BOARD MAY EXTEND THE LENGTH OF THE SCHOOL YEAR FOR UP TO 5 SCHOOL DAYS ~~AND BEYOND JUNE 15~~ WITHOUT APPROVAL FROM THE STATE BOARD.

[(3)] (4) Education funding from State or local sources may not be reduced if there are less than 180 school days in any year because of an approved application under PARAGRAPH (1)(1)2 OF this subsection.

[(4)] (5) In case of emergency, the State Board may open schools on holidays.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect July 1, 2018~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 10, 2018.

Chapter 35

(House Bill 679)

AN ACT concerning

~~Public Schools – School Year – Completion Date~~
County Boards of Education – Length of School Year – Adjustments

FOR the purpose of ~~requiring a public school to complete the school year on or before a certain day each year; and generally relating to the completion date for the school year for public schools~~ authorizing a county board of education to extend the length of the school year for up to 5 school days beyond a certain date without approval from the State Board of Education; requiring a county board to submit a written application to the State Board for permission to increase the length of the school year for more than a certain number of school days in accordance with a certain provision of law or to decrease the length of the school year; making this Act an emergency measure; and generally relating to adjustments to the length of the school year and county boards of education.

BY repealing and reenacting, ~~with~~ without amendments,
Article – Education
Section 7–103(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, ~~without~~ with amendments,
Article – Education
Section 7–103(b)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

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

Article – Education

7–103.

(a) Except as provided in subsections (b), (e), and (f) of this section, each public school under the jurisdiction of a county board:

(1) (i) Shall be open for pupil attendance for at least 180 actual school days and a minimum of 1,080 school hours during a 10–month period in each school year; or

(ii) If normal school attendance is prevented because of conditions described in subsection (b) of this section, shall be open for at least 1,080 hours during a 10–month period;

(2) Shall be open for pupil attendance a minimum of 3 hours during each school day; ~~and~~

(3) May not be open on Saturdays, Sundays, or holidays in order to meet the 180-day or 1,080-hour requirement of this subsection; ~~AND~~

~~(4) SHALL COMPLETE THE SCHOOL YEAR ON OR BEFORE THE THIRD FRIDAY IN JUNE EACH YEAR.~~

(b) (1) If a county board submits a written application to the State Board that describes a demonstrated effort by the county board to comply with subsection (a) of this section, the State Board may permit:

(i) ~~Adjustments~~ **THE FOLLOWING ADJUSTMENTS:**

1. AN INCREASE in the length of the school year FOR MORE SCHOOL DAYS THAN THE NUMBER OF DAYS EXTENDED BY A COUNTY BOARD UNDER PARAGRAPH (3) OF THIS SUBSECTION; OR

2. A DECREASE IN THE LENGTH OF THE SCHOOL YEAR;

(ii) Exceptions from the requirement that the school year be completed within a 10-month period;

(iii) Adjustments in the length of the school day; and

(iv) Schools to be open on holidays.

(2) These adjustments may be granted only if normal school attendance is prevented because of:

(i) Natural disaster;

(ii) Civil disaster; or

(iii) Severe weather conditions.

(3) A COUNTY BOARD MAY EXTEND THE LENGTH OF THE SCHOOL YEAR FOR UP TO 5 SCHOOL DAYS BEYOND JUNE 15 WITHOUT APPROVAL FROM THE STATE BOARD.

~~(3)~~ **(4)** Education funding from State or local sources may not be reduced if there are less than 180 school days in any year because of an approved application under **PARAGRAPH (1)(1)2 OF** this subsection.

~~(4)~~ **(5)** In case of emergency, the State Board may open schools on holidays.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect July 1, 2018~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 10, 2018.

Chapter 36

(House Bill 96)

AN ACT concerning

Income Tax – Subtraction Modification – Living Organ Donors

FOR the purpose of allowing a subtraction modification under the Maryland income tax for up to a certain amount of expenses paid or incurred by a living individual that are attributable to the donation of certain organs for organ transplantation; defining certain terms; providing for the application of this Act; and generally relating to a Maryland income tax subtraction modification for certain organ donation expenses.

BY repealing and reenacting, without amendments,

Article – Tax – General

Section 10–208(a)

Annotated Code of Maryland

(2016 Replacement Volume and 2017 Supplement)

BY adding to

Article – Tax – General

Section 10–208(w)

Annotated Code of Maryland

(2016 Replacement Volume and 2017 Supplement)

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

Article – Tax – General

10–208.

(a) In addition to the modification under § 10–207 of this subtitle, the amounts under this section are subtracted from the federal adjusted gross income of a resident to determine Maryland adjusted gross income.

(W) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) “ORGAN” MEANS ALL OR PART OF AN INDIVIDUAL’S LIVER, KIDNEY, PANCREAS, INTESTINE, LUNG, OR BONE MARROW.

(III) “QUALIFIED EXPENSES” MEANS ANY UNREIMBURSED TRAVEL EXPENSES, LODGING EXPENSES, OR LOST WAGES.

(2) THE SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES UP TO \$7,500 OF THE QUALIFIED EXPENSES PAID OR INCURRED BY A LIVING INDIVIDUAL DURING THE TAXABLE YEAR THAT ARE ATTRIBUTABLE TO THE DONATION OF ONE OR MORE OF THE INDIVIDUAL’S ORGANS TO ANOTHER INDIVIDUAL FOR ORGAN TRANSPLANTATION.

~~(3) AN INDIVIDUAL MAY NOT CLAIM THE SUBTRACTION UNDER THIS SUBSECTION FOR MORE THAN ONE DONATION FOR ORGAN TRANSPLANTATION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018, and shall be applicable to all taxable years beginning after December 31, 2017.

Approved by the Governor, April 10, 2018.

Chapter 37

(House Bill 1782)

AN ACT concerning

Health Insurance – ~~Health Care Access Program – Establishment~~ Individual Market Stabilization
(Maryland Health Care Access Act of 2018)

FOR the purpose of ~~requiring the State Health Services Cost Review Commission, for a certain fiscal year, to assess on each hospital a certain fee for a certain purpose; prohibiting the State Health Services Cost Review Commission from raising certain hospital rates as part of a certain update factor to offset the fee; prohibiting the fee from exceeding a certain percentage of certain revenue; requiring each hospital to remit the fee to the Maryland Health Benefit Exchange Fund; requiring a carrier to pay a certain assessment on certain premiums under certain circumstances~~

~~beginning on a certain date; requiring the assessment to be in addition to certain taxes and certain penalties or actions; requiring certain health insurers, nonprofit health service plans, health maintenance organizations, and managed care organizations to pay, in a certain calendar year, a certain additional assessment for a certain purpose; providing for the distribution of the assessments; altering the purpose, contents, and authorized use of the Maryland Health Benefit Exchange Fund; requiring that certain funds be used in a certain manner; repealing the requirement that the Maryland Health Benefit Exchange implement or oversee the implementation of state-specific requirements for transitional reinsurance and risk adjustment under the Affordable Care Act; repealing the authority of the Exchange to establish a State Reinsurance Program; requiring the Exchange to establish a Health Care Access Program to provide reinsurance to certain carriers; requiring that the Program be designed to mitigate the impact of certain individuals on certain rates; providing that, beginning on a certain date, funding for reinsurance in the individual health insurance market through the Program may be made from certain sources; requiring that, beginning on a certain date and under certain circumstances, certain State funding for the reinsurance of the individual market through the Program be contingent on the Centers for Medicare and Medicaid Services approving a waiver under a certain provision of federal law; requiring the Exchange to adopt certain regulations on or before a certain date; authorizing the Exchange and the Maryland Insurance Commissioner to submit a waiver under a certain provision of federal law in accordance with the recommendations of the Maryland Health Insurance Coverage Protection Commission; authorizing, on or before a certain date, the Commissioner to waive certain statutory requirements under certain circumstances; requiring, beginning on a certain date, an individual to maintain certain coverage for certain individuals; requiring that an individual pay a certain penalty under certain circumstances; requiring that the penalty be in addition to a certain State income tax and included with a certain income tax return; requiring that certain individuals be jointly liable for the penalty under certain circumstances; establishing the amount of the penalty; exempting an individual who qualifies for a certain exemption under federal law from being assessed the penalty; requiring an individual to indicate certain information on a certain income tax return; requiring the Comptroller to distribute certain revenues from the penalty to a certain fund for certain purposes; defining certain terms; repealing certain provisions of law rendered obsolete by certain provisions of this Act; requiring the Maryland Health Insurance Coverage Protection Commission to study and make recommendations for individual and group market stability; requiring the Maryland Health Insurance Coverage Protection Commission to engage an independent actuarial firm to assist in its study; requiring the Maryland Health Insurance Coverage Protection Commission, on or before a certain date, to report certain findings and recommendations to the Governor and the General Assembly~~ requiring certain health insurers, nonprofit health service plans, health maintenance organizations, and dental plan organizations, fraternal benefit organizations, managed care organizations, and certain other persons to be subject to a certain assessment in a certain year; establishing the purpose and providing for the distribution of the assessment; establishing that certain provisions of law that apply to certain small employer health benefit plans apply to health benefit plans offered by certain

entities; altering the definition of “short-term limited duration insurance” as it relates to certain provisions of law governing individual health benefit plans; altering the membership of the Maryland Health Insurance Coverage Protection Commission; requiring the Commission to study and make recommendations for individual and group health insurance market stability; requiring the Commission to engage an independent actuarial firm to assist in a certain study; requiring the Commission to include its findings and recommendations from a certain study in a certain report; making this Act an emergency measure; and generally relating to health insurance.

~~BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–214(d)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)~~

BY adding to
Article – Insurance
Section 6–102.1, ~~6–102.2, 31–117, and 31–117.1~~
Annotated Code of Maryland
(2017 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Insurance
Section ~~31–107~~ 15–1202 and 15–1301(s)
Annotated Code of Maryland
(2017 Replacement Volume)

~~BY repealing
Article – Insurance
Section 31–117
Annotated Code of Maryland
(2017 Replacement Volume)~~

~~BY adding to
Article – Tax – General
Section 10–102.2
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)~~

BY repealing and reenacting, without amendments,
Chapter 17 of the Acts of the General Assembly of 2017
Section 1(b) and (g)

BY repealing and reenacting, with amendments,
Chapter 17 of the Acts of the General Assembly of 2017
Section 1(c)(6)(viii) and (ix), (h), and (i)

BY adding to

Chapter 17 of the Acts of the General Assembly of 2017

Section 1(c)(6)(x) and ~~(xi)~~ and (h)

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

~~Article Health General~~

~~19-214.~~

~~(d) (1) Each year, the Commission shall assess a uniform, broad-based, and reasonable amount in hospital rates to reflect the aggregate reduction in hospital uncompensated care realized from the expansion of health care coverage under Chapter 7 of the Acts of the 2007 Special Session of the General Assembly.~~

~~(2) (i) 1. The Commission shall ensure that the assessment amount equals 1.25% of projected regulated net patient revenue.~~

~~2. Each hospital shall remit its assessment amount to the Health Care Coverage Fund established under § 15-701 of this article.~~

~~(ii) Any savings realized in averted uncompensated care as a result of the expansion of health care coverage under Chapter 7 of the Acts of the 2007 Special Session of the General Assembly that are not subject to the assessment under paragraph (1) of this subsection shall be shared among purchasers of hospital services in a manner that the Commission determines is most equitable.~~

~~(3) (i) Funds generated from the assessment under this subsection may be used only to supplement coverage under the Medical Assistance Program beyond the eligibility requirements in existence on January 1, 2008.~~

~~(ii) Any funds remaining after the expenditure of funds under subparagraph (i) of this paragraph has been made may be used for the general operations of the Medicaid program.~~

~~(4) (i) IN ADDITION TO THE RATES IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION AND SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, FOR FISCAL YEAR 2019, THE COMMISSION SHALL ASSESS A UNIFORM, BROAD-BASED AND REASONABLE FEE ON EACH HOSPITAL FOR THE PURPOSE OF SUPPORTING THE HEALTH CARE ACCESS PROGRAM ESTABLISHED UNDER § 31-117 OF THE INSURANCE ARTICLE.~~

~~(II) THE COMMISSION MAY NOT RAISE HOSPITAL RATES AS PART OF THE ANNUAL UPDATE FACTOR FOR FISCAL YEAR 2019 TO OFFSET THE FEE ASSESSED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.~~

~~(III) THE FEE ASSESSED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT EXCEED 0.5% OF EACH HOSPITAL'S NET PATIENT REVENUE.~~

~~(IV) EACH HOSPITAL SHALL REMIT THE FEE ASSESSED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH TO THE MARYLAND HEALTH BENEFIT EXCHANGE FUND ESTABLISHED UNDER § 31-107 OF THE INSURANCE ARTICLE.~~

Article - Insurance

6-102.1.

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

~~(2) "CARRIER" HAS THE MEANING STATED IN § 15-1201 OF THIS ARTICLE.~~

~~(3) "HEALTH BENEFIT PLAN" HAS THE MEANING STATED IN § 15-1201 OF THIS ARTICLE.~~

~~(B) (1) BEGINNING JANUARY 1, 2019, A CARRIER SHALL PAY AN ASSESSMENT OF 3% ON THE CARRIER'S NEW AND RENEWAL GROSS DIRECT PREMIUMS IF THE CARRIER FAILS TO OFFER INDIVIDUAL HEALTH BENEFIT PLANS IN THE STATE IN ACCORDANCE WITH TITLE 15, SUBTITLE 13 OF THIS ARTICLE.~~

~~(2) THE ASSESSMENT PAYABLE BY A CARRIER UNDER THIS SECTION SHALL BE BASED ON THE CARRIER'S PREMIUMS IN ANY MARKET SEGMENT:~~

~~(I) ALLOCABLE TO THE STATE; AND~~

~~(II) WRITTEN DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR.~~

~~(C) NOTWITHSTANDING § 2-114 OF THIS ARTICLE, BEGINNING JANUARY 1, 2019, THE ASSESSMENT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE DISTRIBUTED ANNUALLY TO THE MARYLAND HEALTH BENEFIT EXCHANGE FUND ESTABLISHED UNDER § 31-107 OF THIS ARTICLE FOR THE SOLE PURPOSE OF FUNDING THE OPERATION AND ADMINISTRATION OF THE HEALTH CARE ACCESS PROGRAM AUTHORIZED UNDER § 31-117 OF THIS ARTICLE.~~

~~(D) THE ASSESSMENT REQUIRED UNDER THIS SECTION SHALL BE IN ADDITION TO:~~

~~(1) TAXES OWED BY THE CARRIER UNDER ANY OTHER PROVISION OF LAW; AND~~

~~(2) ANY PENALTIES IMPOSED OR ACTIONS TAKEN BY THE COMMISSIONER IN RESPONSE TO THE CARRIER'S FAILURE TO COMPLY WITH THIS ARTICLE.~~

~~6-102.2.~~

(A) THIS SECTION APPLIES TO:

(1) ~~A HEALTH~~ AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH MAINTENANCE ORGANIZATION, A DENTAL PLAN ORGANIZATION, A FRATERNAL BENEFIT ORGANIZATION, AND ANY OTHER PERSON SUBJECT TO REGULATION BY THE STATE THAT PROVIDES A HEALTH BENEFIT PLAN REGULATED PRODUCT THAT:

(I) IS SUBJECT TO THE FEE UNDER § 9010 OF THE AFFORDABLE CARE ACT; AND

(II) MAY BE SUBJECT TO AN ASSESSMENT BY THE STATE; AND

(2) A MANAGED CARE ORGANIZATION AUTHORIZED UNDER TITLE 15, SUBTITLE 1 OF THE HEALTH – GENERAL ARTICLE.

(B) THE PURPOSE OF THIS SECTION IS TO RECOUP THE AGGREGATE AMOUNT OF THE HEALTH INSURANCE PROVIDER FEE THAT OTHERWISE WOULD HAVE BEEN ASSESSED UNDER § 9010 OF THE AFFORDABLE CARE ACT THAT IS ATTRIBUTABLE TO STATE HEALTH RISK FOR CALENDAR YEAR 2019 AS A BRIDGE TO STABILITY IN THE INDIVIDUAL HEALTH INSURANCE MARKET.

(C) (1) IN CALENDAR YEAR 2019, IN ADDITION TO THE AMOUNTS OTHERWISE DUE UNDER THIS SUBTITLE, AN ENTITY SUBJECT TO THIS SECTION SHALL BE SUBJECT TO AN ASSESSMENT OF 2.75% ON ALL AMOUNTS USED TO CALCULATE THE ENTITY'S PREMIUM TAX LIABILITY UNDER § 6-102 OF THIS SUBTITLE OR THE AMOUNT OF THE ENTITY'S PREMIUM TAX EXEMPTION VALUE FOR CALENDAR YEAR 2018.

(2) NOTWITHSTANDING § 2-114 OF THIS ARTICLE, THE ASSESSMENT REQUIRED UNDER THIS SECTION SHALL BE DISTRIBUTED BY THE COMMISSIONER

TO THE MARYLAND HEALTH BENEFIT EXCHANGE FUND ESTABLISHED UNDER § 31-107 OF THIS ARTICLE.

15-1202.

(a) This subtitle applies only to a health benefit plan that:

(1) covers eligible employees of small employers in the State; and

(2) is issued or renewed on or after July 1, 1994, if:

(i) any part of the premium or benefits is paid by or on behalf of the small employer;

(ii) any eligible employee or dependent is reimbursed, through wage adjustments or otherwise, by or on behalf of the small employer for any part of the premium;

(iii) the health benefit plan is treated by the employer or any eligible employee or dependent as part of a plan or program under the United States Internal Revenue Code, 26 U.S.C. § 106, § 125, or § 162; or

(iv) the small employer allows eligible employees to pay for the health benefit plan through payroll deductions.

(b) A carrier is subject to the requirements of § 15-1403 of this title in connection with health benefit plans issued under this subtitle.

(c) THIS SUBTITLE APPLIES TO ANY HEALTH BENEFIT PLAN OFFERED BY AN ASSOCIATION, A PROFESSIONAL ~~EMPLOYEE~~ EMPLOYER ORGANIZATION, OR ANY OTHER ENTITY, INCLUDING A PLAN ISSUED UNDER THE LAWS OF ANOTHER STATE, IF THE HEALTH BENEFIT PLAN COVERS ELIGIBLE EMPLOYEES OF ONE OR MORE SMALL EMPLOYERS AND MEETS THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION.

15-1301.

(s) “Short-term limited duration insurance” [has the meaning stated in 45 C.F.R. § 144.103] MEANS HEALTH INSURANCE COVERAGE PROVIDED UNDER A POLICY OR CONTRACT WITH A CARRIER AND THAT:

(1) HAS A POLICY TERM THAT IS LESS THAN 3 MONTHS AFTER THE ORIGINAL EFFECTIVE DATE OF THE POLICY OR CONTRACT;

(2) MAY NOT BE EXTENDED OR RENEWED;

(3) APPLIES THE SAME UNDERWRITING STANDARDS TO ALL APPLICANTS REGARDLESS OF WHETHER THEY HAVE PREVIOUSLY BEEN COVERED BY SHORT-TERM LIMITED DURATION INSURANCE; AND

(4) CONTAINS THE NOTICE REQUIRED BY FEDERAL LAW PROMINENTLY DISPLAYED IN THE CONTRACT AND IN ANY APPLICATION MATERIALS PROVIDED IN CONNECTION WITH ENROLLMENT.

~~§ 1-107.~~

~~(a) There is a Maryland Health Benefit Exchange Fund.~~

~~(b) (1) The purpose of the Fund is to:~~

~~(i) provide funding for the operation and administration of the Exchange in carrying out the purposes of the Exchange under this title; and~~

~~(ii) provide funding for the establishment and operation of the [State Reinsurance Program] HEALTH CARE ACCESS PROGRAM authorized under § 31-117 of this title.~~

~~(2) The operation and administration of the Exchange and the [State Reinsurance Program] HEALTH CARE ACCESS PROGRAM may include functions delegated by the Exchange to a third party under law or by contract.~~

~~(c) The Exchange shall administer the Fund.~~

~~(d) (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.~~

~~(e) The Fund consists of:~~

~~(1) any user fees or other assessments collected by the Exchange;~~

~~(2) all revenue deposited into the Fund that is received from the distribution of the premium tax under § 6-103.2 of this article;~~

~~(3) all revenue transferred to the Fund before July 1, 2016, from the Maryland Health Insurance Plan Fund;~~

~~(4) ASSESSMENTS COLLECTED BY THE COMMISSIONER UNDER §§ 6-102.1 AND 6-102.2 OF THIS ARTICLE;~~

~~(5) ASSESSMENTS REMITTED IN ACCORDANCE WITH § 19-214 OF THE HEALTH GENERAL ARTICLE;~~

~~(6) PENALTIES COLLECTED BY THE COMPTROLLER UNDER § 10-102.2 OF THE TAX GENERAL ARTICLE;~~

~~[(4)] (7) income from investments made on behalf of the Fund;~~

~~[(5)] (8) interest on deposits or investments of money in the Fund;~~

~~[(6)] (9) money collected by the Board as a result of legal or other actions taken by the Board on behalf of the Exchange or the Fund;~~

~~[(7)] (10) money donated to the Fund;~~

~~[(8)] (11) money awarded to the Fund through grants; and~~

~~[(9)] (12) any other money from any other source accepted for the benefit of the Fund.~~

~~(f) The Fund may be used only:~~

~~(1) for the operation and administration of the Exchange in carrying out the purposes authorized under this title; and~~

~~(2) for the establishment and operation of the [State Reinsurance Program] HEALTH CARE ACCESS PROGRAM authorized under § 31-117 of this title.~~

~~(g) (1) The Board shall maintain separate accounts within the Fund for Exchange operations and for the [State Reinsurance Program] HEALTH CARE ACCESS PROGRAM.~~

~~(2) Accounts within the Fund shall contain the money that is intended to support the purpose for which each account is designated.~~

~~(3) Funds received from the distribution of the premium tax under § 6-103.2 of this article shall be placed in the account for Exchange operations and may be used only for the purpose of funding the operation and administration of the Exchange.~~

~~[(4) Funds transferred from the Maryland Health Insurance Plan Fund before July 1, 2016, shall be placed in the account for the State Reinsurance Program and may be used only for the purpose of funding the State Reinsurance Program.]~~

~~(4) THE FOLLOWING FUNDS MAY BE USED ONLY FOR THE PURPOSES OF THE HEALTH CARE ACCESS PROGRAM:~~

~~(I) ASSESSMENTS DISTRIBUTED TO THE FUND IN ACCORDANCE WITH §§ 6-102.1 AND 6-102.2 OF THIS ARTICLE;~~

~~(II) ASSESSMENTS REMITTED TO THE FUND IN ACCORDANCE WITH § 19-214 OF THE HEALTH GENERAL ARTICLE;~~

~~(III) PENALTIES DISTRIBUTED TO THE FUND IN ACCORDANCE WITH § 10-102.2 OF THE TAX GENERAL ARTICLE; AND~~

~~(IV) ANY FUNDS THAT THE STATE RECEIVES FROM THE FEDERAL GOVERNMENT UNDER ANY FEDERALLY SPONSORED OR DEVELOPED PROGRAM TO PROMOTE OR ENHANCE STABILITY IN THE INDIVIDUAL HEALTH INSURANCE MARKET.~~

~~(h) (1) Expenditures from the Fund for the purposes authorized by this subtitle may be made only:~~

~~(i) with an appropriation from the Fund approved by the General Assembly in the State budget; or~~

~~(ii) by the budget amendment procedure provided for in Title 7, Subtitle 2 of the State Finance and Procurement Article.~~

~~(2) Notwithstanding § 7-304 of the State Finance and Procurement Article, if the amount of the distribution from the premium tax under § 6-103.2 of this article exceeds in any State fiscal year the actual expenditures incurred for the operation and administration of the Exchange, funds in the Exchange operations account from the premium tax that remain unspent at the end of the State fiscal year shall revert to the General Fund of the State.~~

~~(3) If operating expenses of the Exchange may be charged to either State or non-State fund sources, the non-State funds shall be charged before State funds are charged.~~

~~(i) (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 Fund.~~

~~(3) Except as provided in subsection (h)(2) of this section, no part of the Fund may revert or be credited to the General Fund or any special fund of the State.~~

~~(j) A debt or an obligation of the Fund is not a debt of the State or a pledge of credit of the State.~~

~~§ 31-117.~~

~~(a) The Exchange, with the approval of the Commissioner, shall implement or oversee the implementation of the state specific requirements of §§ 1341 and 1343 of the Affordable Care Act relating to transitional reinsurance and risk adjustment.~~

~~(b) The Exchange may not assume responsibility for the program corridors for health benefit plans in the Individual Exchange and the SHOP Exchange established under § 1342 of the Affordable Care Act.~~

~~(c) (1) In compliance with § 1341 of the Affordable Care Act, the Exchange, in consultation with the Maryland Health Care Commission and with the approval of the Commissioner, shall operate or oversee the operation of a transitional reinsurance program in accordance with regulations adopted by the Secretary for coverage years 2014 through 2016.~~

~~(2) As required by the Affordable Care Act and regulations adopted by the Secretary, the transitional reinsurance program shall be designed to protect carriers that offer individual health benefit plans inside and outside the Exchange against excessive health care expenses incurred by high risk individuals.~~

~~(3) (i) The Exchange, in consultation with the Maryland Health Care Commission and with the approval of the Commissioner, may establish a State Reinsurance Program to take effect on or after January 1, 2014.~~

~~(ii) The purpose of the State Reinsurance Program is to mitigate the impact of high risk individuals on rates in the individual insurance market inside and outside the Exchange.~~

~~(iii) The Exchange shall use funds transferred from the Maryland Health Insurance Plan Fund before July 1, 2016, to fund the State Reinsurance Program.~~

~~(d) (1) In compliance with § 1343 of the Affordable Care Act, the Exchange, with the approval of the Commissioner, shall operate or oversee the operation of a risk adjustment program designed to:~~

~~(i) reduce the incentive for carriers to manage their risk by seeking to enroll individuals with a lower than average health risk;~~

~~(ii) increase the incentive for carriers to enhance the quality and cost effectiveness of their enrollees' health care services; and~~

~~(iii) require appropriate adjustments among all health benefit plans in the individual and small group markets inside and outside the Exchange to compensate for the enrollment of high risk individuals.~~

~~(2) Beginning in 2014, the Exchange, with the approval of the Commissioner, shall strongly consider using the federal model adopted by the Secretary in the operation of the State's risk adjustment program.]~~

~~31-117.~~

~~(A) THE EXCHANGE SHALL ESTABLISH A HEALTH CARE ACCESS PROGRAM TO PROVIDE REINSURANCE TO CARRIERS THAT OFFER INDIVIDUAL HEALTH BENEFIT PLANS IN THE STATE.~~

~~(B) THE HEALTH CARE ACCESS PROGRAM SHALL BE DESIGNED TO MITIGATE THE IMPACT OF HIGH RISK INDIVIDUALS ON RATES IN THE INDIVIDUAL INSURANCE MARKET INSIDE AND OUTSIDE THE EXCHANGE.~~

~~(C) BEGINNING JANUARY 1, 2020, FUNDING FOR REINSURANCE IN THE INDIVIDUAL MARKET THROUGH THE HEALTH CARE ACCESS PROGRAM MAY BE MADE FROM:~~

~~(1) ANY AVAILABLE STATE FUNDING SOURCE; AND~~

~~(2) ANY AVAILABLE FEDERAL FUNDING SOURCE.~~

~~(D) BEGINNING JANUARY 1, 2020, IF REQUIRED UNDER THE TERMS AND CONDITIONS OF RECEIVING FEDERAL FUNDS, STATE FUNDING FOR REINSURANCE IN THE INDIVIDUAL MARKET THROUGH THE HEALTH CARE ACCESS PROGRAM SHALL BE CONTINGENT ON THE CENTERS FOR MEDICARE AND MEDICAID SERVICES APPROVING A WAIVER UNDER § 1332 OF THE AFFORDABLE CARE ACT.~~

~~(E) THE EXCHANGE SHALL ADOPT REGULATIONS IMPLEMENTING THE PROVISIONS OF THIS SECTION.~~

~~31-117.1.~~

~~(A) THE EXCHANGE AND THE COMMISSIONER MAY SUBMIT A WAIVER UNDER § 1332 OF THE AFFORDABLE CARE ACT IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE MARYLAND HEALTH INSURANCE COVERAGE PROTECTION COMMISSION ESTABLISHED UNDER CHAPTER 17 OF THE ACTS OF THE GENERAL ASSEMBLY OF 2017.~~

~~(B) ON OR BEFORE DECEMBER 31, 2019, THE COMMISSIONER MAY WAIVE ANY NOTIFICATION OR OTHER REQUIREMENTS THAT APPLY TO A CARRIER UNDER THIS ARTICLE IN CALENDAR YEAR 2019 DUE TO THE IMPLEMENTATION OF A WAIVER APPROVED UNDER § 1332 OF THE AFFORDABLE CARE ACT.~~

~~Article Tax General~~~~10-102.2.~~

~~(A) THIS SECTION DOES NOT APPLY TO A NONRESIDENT, INCLUDING A NONRESIDENT SPOUSE AND A NONRESIDENT DEPENDENT.~~

~~(B) BEGINNING JANUARY 1, 2019, AN INDIVIDUAL SHALL MAINTAIN FOR THE INDIVIDUAL, AND FOR EACH DEPENDENT OF THE INDIVIDUAL, MINIMUM ESSENTIAL COVERAGE, AS DEFINED IN § 15-1301 OF THE INSURANCE ARTICLE.~~

~~(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND EXCEPT AS PROVIDED UNDER SUBSECTION (E) OF THIS SECTION, AN INDIVIDUAL SHALL PAY A PENALTY IN THE AMOUNT DETERMINED UNDER SUBSECTION (D) OF THIS SECTION IF THE INDIVIDUAL FAILS TO MAINTAIN THE COVERAGE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION FOR 3 OR MORE MONTHS OF THE TAXABLE YEAR.~~

~~(2) ANY PENALTY IMPOSED UNDER THIS SUBSECTION FOR ANY MONTH IN WHICH AN INDIVIDUAL FAILS TO MAINTAIN THE COVERAGE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE:~~

~~(I) IN ADDITION TO THE STATE INCOME TAX UNDER § 10-105(A) OF THIS SUBTITLE; AND~~

~~(II) INCLUDED WITH THE STATE INCOME TAX RETURN FOR THE INDIVIDUAL UNDER SUBTITLE 8 OF THIS TITLE FOR THE TAXABLE YEAR THAT INCLUDES THE MONTHS IN WHICH COVERAGE WAS NOT MAINTAINED AS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.~~

~~(3) IF AN INDIVIDUAL WHO IS SUBJECT TO A PENALTY UNDER THIS SECTION FILES A JOINT STATE INCOME TAX RETURN UNDER § 10-807 OF THIS TITLE, THE INDIVIDUAL AND THE INDIVIDUAL'S SPOUSE SHALL BE JOINTLY LIABLE FOR THE PENALTY.~~

~~(D) THE AMOUNT OF THE PENALTY IMPOSED UNDER SUBSECTION (C) OF THIS SECTION SHALL BE EQUAL TO THE GREATER OF:~~

~~(1) 2.5% OF THE SUM OF THE INDIVIDUAL'S FEDERAL MODIFIED ADJUSTED GROSS INCOME, AS DEFINED IN 42 U.S.C. § 1395R, AND THE FEDERAL MODIFIED ADJUSTED GROSS INCOME OF ALL INDIVIDUALS CLAIMED ON THE INDIVIDUAL'S INCOME TAX RETURN; OR~~

~~(2) THE FOLLOWING FLAT RATES PER INDIVIDUAL, ADJUSTED ANNUALLY FOR INFLATION:~~

~~(I) \$695 PER ADULT; AND~~

~~(H) \$347.50 PER CHILD UNDER 18 YEARS OLD.~~

~~(E) AN INDIVIDUAL MAY NOT BE ASSESSED A PENALTY UNDER SUBSECTION (C) OF THIS SECTION IF THE INDIVIDUAL QUALIFIES FOR AN EXEMPTION UNDER 26 U.S.C. § 5000A(E).~~

~~(F) AN INDIVIDUAL SHALL INDICATE ON THE INCOME TAX RETURN FOR THE INDIVIDUAL, IN THE FORM REQUIRED BY THE COMPTROLLER, WHETHER MINIMUM ESSENTIAL COVERAGE WAS MAINTAINED AS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION FOR:~~

~~(1) THE INDIVIDUAL;~~

~~(2) THE INDIVIDUAL'S SPOUSE IN THE CASE OF A MARRIED COUPLE;~~
~~AND~~

~~(3) EACH DEPENDENT CHILD OF THE INDIVIDUAL, IF ANY.~~

~~(G) NOTWITHSTANDING § 2-609 OF THIS ARTICLE, AFTER DEDUCTING A REASONABLE AMOUNT FOR ADMINISTRATIVE COSTS, THE COMPTROLLER SHALL DISTRIBUTE THE REVENUES FROM THE PENALTY TO THE MARYLAND HEALTH BENEFIT EXCHANGE FUND FOR THE PURPOSES OF THE HEALTH CARE ACCESS PROGRAM ESTABLISHED UNDER § 31-117 OF THE INSURANCE ARTICLE.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~

~~(a) (1) The Maryland Health Insurance Coverage Protection Commission, established under Chapter 17 of the Acts of the General Assembly of 2017, shall study and make recommendations for individual and group health insurance market stability, including:~~

~~(i) the components of a waiver under § 1332 of the Affordable Care Act to ensure market stability;~~

~~(ii) whether to pursue a standard plan design that limits cost sharing;~~

~~(iii) whether to merge the individual and small group health insurance markets in the State for rating purposes;~~

~~(iv) whether to pursue a Basic Health Program; and~~

~~(v) whether to pursue a Medicaid buy-in program for the individual market.~~

~~(2) The Maryland Health Insurance Coverage Protection Commission shall engage an independent actuarial firm to assist in its study under this subsection.~~

~~(b) On or before October 1, 2018, the Maryland Health Insurance Coverage Protection Commission shall issue a report on its findings and recommendations, including any legislative proposals, under subsection (a) of this section to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That the Maryland Health Benefit Exchange shall adopt the regulations required under § 31-117 of the Insurance Article, as enacted by Section 1 of this Act, on or before January 1, 2019.~~

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

Chapter 17 of the Acts of 2017

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

(b) There is a Maryland Health Insurance Coverage Protection Commission.

(c) The Commission consists of the following members:

(6) the following members:

(viii) one representative of behavioral health providers, appointed jointly by the President of the Senate and the Speaker of the House; [and]

(ix) two members of the public:

1. one of whom shall be appointed jointly by the President of the Senate and the Speaker of the House; and

2. one of whom shall be appointed by the Governor; AND

(X) ONE REPRESENTATIVE OF A GROUP MODEL HEALTH MAINTENANCE ORGANIZATION THAT PARTICIPATES IN THE INDIVIDUAL MARKET, APPOINTED BY THE GOVERNOR; AND

~~(XI) ONE REPRESENTATIVE OF THE LEAGUE OF LIFE AND HEALTH INSURERS OF MARYLAND, TO BE APPOINTED JOINTLY BY THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE.~~

(g) (1) The Commission shall:

(i) monitor potential and actual federal changes to the ACA, Medicaid, the Maryland Children’s Health Program, Medicare, and the Maryland All–Payer Model;

(ii) assess the impact of potential and actual federal changes to the ACA, Medicaid, the Maryland Children’s Health Program, Medicare, and the Maryland All–Payer Model; and

(iii) provide recommendations for State and local action to protect access of residents of the State to affordable health coverage.

(2) The duties of the Commission under paragraph (1) of this subsection shall include a study that includes:

(i) an assessment of the current and potential adverse effects of the loss of health coverage on the residents, public health, and economy of the State resulting from changes to the ACA, Medicaid, the Maryland Children’s Health Program, Medicare, or the Maryland All–Payer Model;

(ii) an estimate of the costs to the State and State residents of adverse effects from changes to the ACA, Medicaid, the Maryland Children’s Health Program, Medicare, or the Maryland All–Payer Model and the resulting loss of health coverage;

(iii) an examination of measures that may prevent or mitigate the adverse effects of changes to the ACA, Medicaid, the Maryland Children’s Health Program, Medicare, or the Maryland All–Payer Model and the resulting loss of health coverage on the residents, public health, and economy of the State; and

(iv) recommendations for laws that:

1. may be warranted to minimize the adverse effects associated with changes to the ACA, Medicaid, the Maryland Children’s Health Program, Medicare, or the Maryland All–Payer Model; and

2. will assist residents in obtaining and maintaining affordable health coverage.

(H) (1) THE COMMISSION SHALL STUDY AND MAKE RECOMMENDATIONS FOR INDIVIDUAL AND GROUP HEALTH INSURANCE MARKET STABILITY, INCLUDING:

(I) THE COMPONENTS OF ONE OR MORE WAIVERS UNDER § 1332 OF THE AFFORDABLE CARE ACT TO ENSURE MARKET STABILITY THAT MAY BE SUBMITTED BY THE STATE;

(II) WHETHER TO PURSUE A STANDARD PLAN DESIGN THAT LIMITS COST SHARING;

(III) WHETHER TO MERGE THE INDIVIDUAL AND SMALL GROUP HEALTH INSURANCE MARKETS IN THE STATE FOR RATING PURPOSES;

(IV) WHETHER TO PURSUE A BASIC HEALTH PROGRAM;

(V) WHETHER TO PURSUE A MEDICAID BUY-IN PROGRAM FOR THE INDIVIDUAL MARKET;

(VI) WHETHER TO PROVIDE SUBSIDIES THAT SUPPLEMENT PREMIUM TAX CREDITS OR COST-SHARING REDUCTIONS DESCRIBED IN § 1402(C) OF THE AFFORDABLE CARE ACT; AND

(VII) WHETHER TO ADOPT A STATE-BASED INDIVIDUAL HEALTH INSURANCE MANDATE AND HOW TO USE PAYMENTS COLLECTED FROM INDIVIDUALS WHO DO NOT MAINTAIN MINIMUM ESSENTIAL COVERAGE, INCLUDING USE OF THE PAYMENTS TO ASSIST INDIVIDUALS IN PURCHASING HEALTH INSURANCE.

(2) THE COMMISSION SHALL ENGAGE AN INDEPENDENT ACTUARIAL FIRM TO ASSIST IN ITS STUDY UNDER THIS SUBSECTION.

(3) THE COMMISSION SHALL INCLUDE ITS FINDINGS AND RECOMMENDATIONS FROM THE STUDY REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IN THE ANNUAL REPORT SUBMITTED BY THE COMMISSION ON OR BEFORE DECEMBER 31, 2019, UNDER SUBSECTION (J) OF THIS SECTION.

[(h)] (I) The Commission may:

(1) hold public meetings across the State to carry out the duties of the Commission; and

(2) convene workgroups to solicit input from stakeholders.

[(i)] (J) On or before December 31 each year, the Commission shall submit a report on its findings and recommendations, including any legislative proposals, to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION ~~4~~ 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 10, 2018.

Chapter 38

(Senate Bill 387)

AN ACT concerning

Health Insurance – ~~Health Care Access Program – Establishment~~ Individual Market Stabilization
(Maryland Health Care Access Act of 2018)

FOR the purpose of ~~requiring a carrier to pay a certain assessment on certain premiums under certain circumstances beginning on a certain date; providing for the distribution of the assessment; requiring the assessment to be in addition to certain taxes and certain penalties or actions; establishing as a purpose of the Maryland Health Benefit Exchange to seek approval of a certain waiver on or before a certain date and carry out a certain waiver under certain circumstances; requiring the Exchange to apply to certain officials for a certain waiver on or before a certain date; requiring the Executive Director of the Exchange, in consultation with the Maryland Insurance Commissioner and with the approval of the Board of Trustees of the Exchange, to implement a certain plan; authorizing the Exchange to implement a certain waiver; altering the purpose, contents, and authorized use of the Maryland Health Benefit Exchange Fund; altering certain requirements relating to the use of certain funds; requiring that certain funds be used in a certain manner; altering certain requirements relating to a certain certification of certain health benefit plans; requiring the Exchange to establish and oversee the implementation of a Health Care Access Program; requiring that the Program be designed to mitigate the impact of certain individuals on certain rates; requiring the Program, beginning on a certain date, to provide reinsurance to certain carriers and premium subsidies to certain individuals; establishing that the Program is contingent on the Centers for Medicare and Medicaid Services approving a waiver under a certain provision of federal law; requiring the Exchange to adopt certain regulations on or before a certain date; requiring, beginning on a certain date, an individual to maintain certain coverage for certain individuals; requiring that an individual pay a certain penalty under certain circumstances; requiring that the penalty be in addition to a certain State income tax and included with a certain income tax return; requiring that certain individuals be jointly liable for the penalty under certain circumstances; establishing the amount of the penalty; exempting an individual who qualifies for a~~

~~certain exemption under federal law from being assessed the penalty; requiring an individual to indicate certain information on a certain income tax return; requiring the Comptroller to distribute certain revenues from the penalty to a certain fund for certain purposes; authorizing, on or before a certain date, the Commissioner to waive certain statutory requirements under certain circumstances; providing for the application of certain provisions of this Act; defining certain terms; making certain provisions of this Act subject to a certain contingency; terminating certain provisions of this Act under certain circumstances; requiring certain health insurers, nonprofit health service plans, health maintenance organizations, ~~and dental plan organizations, fraternal benefit organizations, managed care organizations, and certain other persons~~ to be subject to a certain assessment in a certain year; establishing the purpose and providing for the distribution of the assessment; establishing that certain provisions of law that apply to certain small employer health benefit plans apply to health benefit plans offered by certain entities; altering the definition of “short-term limited duration insurance” as it relates to certain provisions of law governing individual health benefit plans; altering the membership of the Maryland Health Insurance Coverage Protection Commission; requiring the Commission to study and make recommendations for individual and group health insurance market stability; requiring the Commission to engage an independent actuarial firm to assist in a certain study; requiring the Commission to include its findings and recommendations from a certain study in a certain report; making this Act an emergency measure; and generally relating to health insurance.~~

BY adding to

Article – Insurance
 Section ~~6-102.1, 31-108(h), and 31-117.1~~
 Annotated Code of Maryland
 (2017 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Insurance
 Section ~~31-102(e), 31-107(b) and (e) through (g), and 31-115(b)~~ 15-1202 and 15-1301(s)
 Annotated Code of Maryland
 (2017 Replacement Volume)

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

~~Article – Insurance
 Section ~~31-107(a), (e), and (d) and 31-115(a)~~
 Annotated Code of Maryland
 (2017 Replacement Volume)~~

~~BY adding to~~

~~Article – Tax – General
 Section ~~10-102.2~~
 Annotated Code of Maryland
 (2016 Replacement Volume and 2017 Supplement)~~

BY repealing and reenacting, without amendments,
Chapter 17 of the Acts of the General Assembly of 2017
Section 1(b) and (g)

BY repealing and reenacting, with amendments,
Chapter 17 of the Acts of the General Assembly of 2017
Section 1(c)(6)(viii) and (ix), (h), and (i)

BY adding to
Chapter 17 of the Acts of the General Assembly of 2017
Section 1(c)(6)(x) and (h)

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

Article – Insurance

6-102.1.

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

~~(2) “CARRIER” HAS THE MEANING STATED IN § 31-101 OF THIS ARTICLE.~~

~~(3) “HEALTH BENEFIT PLAN” HAS THE MEANING STATED IN § 15-1201 OF THIS ARTICLE.~~

~~(B) (1) BEGINNING JANUARY 1, 2019, A CARRIER SHALL PAY AN ASSESSMENT OF 3% ON THE CARRIER’S NEW AND RENEWAL GROSS DIRECT PREMIUMS IF THE CARRIER FAILS TO OFFER INDIVIDUAL HEALTH BENEFIT PLANS IN THE STATE IN ACCORDANCE WITH TITLE 15, SUBTITLE 13 OF THIS ARTICLE.~~

~~(2) THE ASSESSMENT PAYABLE BY A CARRIER UNDER THIS SUBSECTION SHALL BE BASED ON THE CARRIER’S PREMIUMS IN ANY MARKET SEGMENT:~~

~~(I) ALLOCABLE TO THE STATE; AND~~

~~(II) WRITTEN DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR.~~

~~(C) NOTWITHSTANDING § 2-114 OF THIS ARTICLE, BEGINNING JANUARY 1, 2019, THE ASSESSMENT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL~~

~~BE DISTRIBUTED ANNUALLY TO THE MARYLAND HEALTH BENEFIT EXCHANGE FUND ESTABLISHED UNDER § 31-107 OF THIS ARTICLE FOR THE SOLE PURPOSE OF FUNDING THE OPERATION AND ADMINISTRATION OF THE HEALTH CARE ACCESS PROGRAM AUTHORIZED UNDER § 31-117.1 OF THIS ARTICLE.~~

~~(D) THE ASSESSMENT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE IN ADDITION TO:~~

~~(1) TAXES DUE FROM THE CARRIER UNDER ANY OTHER PROVISION OF LAW; AND~~

~~(2) PENALTIES OR ACTIONS THAT THE COMMISSIONER MAY TAKE FOR THE CARRIER'S FAILURE TO COMPLY WITH THIS ARTICLE.~~

(A) THIS SECTION APPLIES TO:

(1) ~~A HEALTH~~ AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH MAINTENANCE ORGANIZATION, A DENTAL PLAN ORGANIZATION, A FRATERNAL BENEFIT ORGANIZATION, AND ANY OTHER PERSON SUBJECT TO REGULATION BY THE STATE THAT PROVIDES A ~~HEALTH BENEFIT PLAN REGULATED~~ PRODUCT THAT:

(I) IS SUBJECT TO THE FEE UNDER § 9010 OF THE AFFORDABLE CARE ACT; AND

(II) MAY BE SUBJECT TO AN ASSESSMENT BY THE STATE; AND

(2) A MANAGED CARE ORGANIZATION AUTHORIZED UNDER TITLE 15, SUBTITLE 1 OF THE HEALTH – GENERAL ARTICLE.

(B) THE PURPOSE OF THIS SECTION IS TO RECOUP THE AGGREGATE AMOUNT OF THE HEALTH INSURANCE PROVIDER FEE THAT OTHERWISE WOULD HAVE BEEN ASSESSED UNDER § 9010 OF THE AFFORDABLE CARE ACT THAT IS ATTRIBUTABLE TO STATE HEALTH RISK FOR CALENDAR YEAR 2019 AS A BRIDGE TO STABILITY IN THE INDIVIDUAL HEALTH INSURANCE MARKET.

(C) (1) IN CALENDAR YEAR 2019, IN ADDITION TO THE AMOUNTS OTHERWISE DUE UNDER THIS SUBTITLE, AN ENTITY SUBJECT TO THIS SECTION SHALL BE SUBJECT TO AN ASSESSMENT OF 2.75% ON ALL AMOUNTS USED TO CALCULATE THE ENTITY'S PREMIUM TAX LIABILITY UNDER § 6-102 OF THIS SUBTITLE OR THE AMOUNT OF THE ENTITY'S PREMIUM TAX EXEMPTION VALUE FOR CALENDAR YEAR 2018.

(2) NOTWITHSTANDING § 2-114 OF THIS ARTICLE, THE ASSESSMENT REQUIRED UNDER THIS SECTION SHALL BE DISTRIBUTED BY THE COMMISSIONER TO THE MARYLAND HEALTH BENEFIT EXCHANGE FUND ESTABLISHED UNDER § 31-107 OF THIS ARTICLE.

15-1202.

(a) This subtitle applies only to a health benefit plan that:

(1) covers eligible employees of small employers in the State; and

(2) is issued or renewed on or after July 1, 1994, if:

(i) any part of the premium or benefits is paid by or on behalf of the small employer;

(ii) any eligible employee or dependent is reimbursed, through wage adjustments or otherwise, by or on behalf of the small employer for any part of the premium;

(iii) the health benefit plan is treated by the employer or any eligible employee or dependent as part of a plan or program under the United States Internal Revenue Code, 26 U.S.C. § 106, § 125, or § 162; or

(iv) the small employer allows eligible employees to pay for the health benefit plan through payroll deductions.

(b) A carrier is subject to the requirements of § 15-1403 of this title in connection with health benefit plans issued under this subtitle.

(C) THIS SUBTITLE APPLIES TO ANY HEALTH BENEFIT PLAN OFFERED BY AN ASSOCIATION, A PROFESSIONAL ~~EMPLOYEE~~ EMPLOYER ORGANIZATION, OR ANY OTHER ENTITY, INCLUDING A PLAN ISSUED UNDER THE LAWS OF ANOTHER STATE, IF THE HEALTH BENEFIT PLAN COVERS ELIGIBLE EMPLOYEES OF ONE OR MORE SMALL EMPLOYERS AND MEETS THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION.

15-1301.

(s) “Short-term limited duration insurance” [has the meaning stated in 45 C.F.R. § 144.103] MEANS HEALTH INSURANCE COVERAGE PROVIDED UNDER A POLICY OR CONTRACT WITH A CARRIER AND THAT:

(1) HAS A POLICY TERM THAT IS LESS THAN 3 MONTHS AFTER THE ORIGINAL EFFECTIVE DATE OF THE POLICY OR CONTRACT;

(2) MAY NOT BE EXTENDED OR RENEWED;

(3) APPLIES THE SAME UNDERWRITING STANDARDS TO ALL APPLICANTS REGARDLESS OF WHETHER THEY HAVE PREVIOUSLY BEEN COVERED BY SHORT-TERM LIMITED DURATION INSURANCE; AND

(4) CONTAINS THE NOTICE REQUIRED BY FEDERAL LAW PROMINENTLY DISPLAYED IN THE CONTRACT AND IN ANY APPLICATION MATERIALS PROVIDED IN CONNECTION WITH ENROLLMENT.

~~31-107.~~

~~(a) There is a Maryland Health Benefit Exchange Fund.~~

~~(b) (1) The purpose of the Fund is to:~~

~~(i) provide funding for the operation and administration of the Exchange in carrying out the purposes of the Exchange under this title; [and]~~

~~(ii) provide funding for the establishment and operation of the State Reinsurance Program authorized under § 31-117 of this title; AND~~

~~(iii) PROVIDE FUNDING FOR THE ESTABLISHMENT AND OPERATION OF THE HEALTH CARE ACCESS PROGRAM AUTHORIZED UNDER § 31-117.1 OF THIS TITLE.~~

~~(2) The operation and administration of the Exchange and the State Reinsurance Program may include functions delegated by the Exchange to a third party under law or by contract.~~

~~(c) The Exchange shall administer the Fund.~~

~~(d) (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.~~

~~(e) The Fund consists of:~~

~~(1) any user fees or other assessments collected by the Exchange;~~

~~(2) all revenue deposited into the Fund that is received from the distribution of the premium tax under § 6-103.2 of this article;~~

~~(3) all revenue transferred to the Fund before July 1, 2016, from the Maryland Health Insurance Plan Fund;~~

~~(4) income from investments made on behalf of the Fund;~~

~~(5) interest on deposits or investments of money in the Fund;~~

~~(6) money collected by the Board as a result of legal or other actions taken by the Board on behalf of the Exchange or the Fund;~~

~~(7) money donated to the Fund;~~

~~(8) money awarded to the Fund through grants; [and]~~

~~(9) THE REALLOCATION OF FEDERAL PREMIUM TAX CREDITS AS AUTHORIZED UNDER A WAIVER APPROVED UNDER § 1332 OF THE AFFORDABLE CARE ACT;~~

~~(10) TAXES RECEIVED BY THE COMPTROLLER UNDER § 10-102.2 OF THE TAX GENERAL ARTICLE;~~

~~(11) ASSESSMENTS RECEIVED BY THE COMMISSIONER UNDER § 6-102.1 OF THIS ARTICLE; AND~~

~~(9) (12) any other money from any other source accepted for the benefit of the Fund.~~

~~(f) The Fund may be used only:~~

~~(1) for the operation and administration of the Exchange in carrying out the purposes authorized under this title; [and]~~

~~(2) for the establishment and operation of the State Reinsurance Program authorized under § 31-117 of this title; AND~~

~~(3) FOR THE ESTABLISHMENT AND OPERATION OF THE HEALTH CARE ACCESS PROGRAM AUTHORIZED UNDER § 31-117.1 OF THIS TITLE.~~

~~(g) (1) The Board shall maintain separate accounts within the Fund for:~~

~~(I) Exchange operations [and for];~~

~~(II) the State Reinsurance Program; AND~~

~~(III) THE HEALTH CARE ACCESS PROGRAM.~~

~~(2) Accounts within the Fund shall contain the money that is intended to support the purpose for which each account is designated.~~

~~(3) Funds received from the distribution of the premium tax under § 6-103.2 of this article shall be placed in the account for Exchange operations and may be used only for the purpose of funding the operation and administration of the Exchange.~~

~~(4) Funds transferred from the Maryland Health Insurance Plan Fund before July 1, 2016, shall be placed in the account for the State Reinsurance Program and may be used only for the purpose of funding the State Reinsurance Program AND THE HEALTH CARE ACCESS PROGRAM.~~

~~(5) THE FOLLOWING FUNDS MAY BE USED ONLY FOR THE PURPOSES OF THE HEALTH CARE ACCESS PROGRAM:~~

~~(I) FUNDS TRANSFERRED FROM THE COMPTROLLER UNDER § 10-102.2 OF THE TAX GENERAL ARTICLE;~~

~~(II) FUNDS TRANSFERRED FROM THE COMMISSIONER UNDER § 6-102.1 OF THIS ARTICLE; AND~~

~~(III) FUNDS RECEIVED FROM THE INTERNAL REVENUE SERVICE UNDER A WAIVER APPROVED UNDER § 1332 OF THE AFFORDABLE CARE ACT.~~

~~31-115.~~

~~(a) The Exchange shall certify:~~

~~(1) health benefit plans as qualified health plans;~~

~~(2) dental plans as qualified dental plans, which may be offered by carriers~~

~~as:~~

~~(i) stand-alone dental plans; or~~

~~(ii) dental plans sold in conjunction with or as an endorsement to qualified health plans;~~

~~(3) vision plans as qualified vision plans, which may be offered by carriers~~

~~as:~~

~~(i) stand-alone vision plans; or~~

~~(ii) vision plans sold in conjunction with or as an endorsement to qualified health plans; and~~

~~(4) stand-alone dental plans for sale outside the Exchange.~~

~~(b) To be certified as a qualified health plan, a health benefit plan shall:~~

~~(1) except as provided in subsection (c) of this section AND AS OTHERWISE AUTHORIZED UNDER A WAIVER APPROVED UNDER § 1332 OF THE AFFORDABLE CARE ACT, provide the essential health benefits required under § 1302(a) of the Affordable Care Act and § 31-116 of this title;~~

~~(2) obtain prior approval of premium rates and contract language from the Commissioner;~~

~~(3) except as provided in subsection (c) of this section, provide at least a bronze level of coverage, as defined in the Affordable Care Act and determined by the Exchange under § 31-108(b)(8)(ii) of this title;~~

~~(4) (i) ensure that its cost sharing requirements do not exceed the limits established under § 1302(e)(1) of the Affordable Care Act; and~~

~~(ii) if the health benefit plan is offered through the SHOP Exchange, ensure that the health benefit plan's deductible does not exceed the limits established under § 1302(e)(2) of the Affordable Care Act;~~

~~(5) be offered by a carrier that:~~

~~(i) is licensed and in good standing to offer health insurance coverage in the State;~~

~~(ii) IF THE CARRIER PARTICIPATES IN THE SHOP EXCHANGE, offers in [each Exchange, the Individual and] the SHOP[, in which the carrier participates,] EXCHANGE at least one qualified health plan:~~

~~1. at a bronze level of coverage;~~

~~2. at a silver level of coverage; and~~

~~3. at a gold level of coverage;~~

~~(iii) if the carrier participates in the Individual Exchange [and offers any health benefit plan in the individual market outside the Exchange, offers at least one qualified health plan at the silver level and one at the gold level in the individual market outside the Exchange], OFFERS IN THE INDIVIDUAL EXCHANGE AND IN THE INDIVIDUAL MARKET OUTSIDE THE EXCHANGE AT LEAST ONE QUALIFIED HEALTH PLAN AT A GOLD LEVEL OF COVERAGE IN ACCORDANCE WITH THE STANDARDIZED BENEFIT DESIGN ESTABLISHED BY THE EXCHANGE;~~

~~(iv) if the carrier participates in the SHOP Exchange and offers any health benefit plan in the small group market outside the SHOP Exchange, offers at least one qualified health plan at the silver level and one at the gold level in the small group market outside the SHOP Exchange;~~

~~(v) charges the same premium rate for each qualified health plan regardless of whether the qualified health plan is offered through the Exchange, through an insurance producer outside the Exchange, or directly from a carrier;~~

~~(vi) does not charge any cancellation fees or penalties in violation of § 31-108(d) of this title; and~~

~~(vii) complies with the regulations adopted by the Secretary under § 1311(d) of the Affordable Care Act and by the Exchange under § 31-106(e)(1)(iv) of this title;~~

~~(6) meet the requirements for certification established under the regulations adopted by:~~

~~(i) the Secretary under § 1311(e)(1) of the Affordable Care Act, including minimum standards for marketing practices, network adequacy, essential community providers in underserved areas, accreditation, quality improvement, uniform enrollment forms and descriptions of coverage, and information on quality measures for health plan performance; and~~

~~(ii) the Exchange under § 31-106(e)(1)(iv) of this title;~~

~~(7) be in the interest of qualified individuals and qualified employers, as determined by the Exchange;~~

~~(8) provide any other benefits as may be required by the Commissioner under any applicable State law or regulation; and~~

~~(9) meet any other requirements established by the Exchange under this title, including:~~

~~(i) transition of care language in contracts as determined appropriate by the Exchange to ensure care continuity and reduce duplication and costs of care;~~

~~(ii) criteria that encourage and support qualified plans in facilitating cross-border enrollment; and~~

~~(iii) demonstrating compliance with the federal Mental Health Parity and Addiction Equity Act of 2008.~~

~~31-117.1.~~

~~(A) THE EXCHANGE SHALL ESTABLISH AND OVERSEE THE IMPLEMENTATION OF A HEALTH CARE ACCESS PROGRAM IN ACCORDANCE WITH § 1332 OF THE AFFORDABLE CARE ACT.~~

~~(B) THE HEALTH CARE ACCESS PROGRAM SHALL BE DESIGNED TO MITIGATE THE IMPACT OF HIGH-RISK INDIVIDUALS ON RATES FOR HEALTH BENEFIT PLANS IN THE INDIVIDUAL MARKET IN THE STATE, BOTH INSIDE AND OUTSIDE THE EXCHANGE.~~

~~(C) BEGINNING JANUARY 1, 2019, THE HEALTH CARE ACCESS PROGRAM SHALL PROVIDE:~~

~~(1) REINSURANCE TO CARRIERS THAT ISSUE HEALTH BENEFIT PLANS IN THE INDIVIDUAL MARKET IN THE STATE; AND~~

~~(2) PREMIUM SUBSIDIES TO LOW-TO-MODERATE-INCOME INDIVIDUALS AS AUTHORIZED UNDER A WAIVER APPROVED UNDER § 1332 OF THE AFFORDABLE CARE ACT.~~

~~(D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE HEALTH CARE ACCESS PROGRAM IS CONTINGENT ON THE CENTERS FOR MEDICARE AND MEDICAID SERVICES APPROVING A WAIVER UNDER § 1332 OF THE AFFORDABLE CARE ACT.~~

~~(E) ON OR BEFORE JANUARY 1, 2019, THE EXCHANGE SHALL ADOPT REGULATIONS IMPLEMENTING THE PROVISIONS OF THIS SECTION.~~

~~Article Tax General~~~~10-102.2.~~

~~(A) THIS SECTION DOES NOT APPLY TO A NONRESIDENT, INCLUDING A NONRESIDENT SPOUSE AND A NONRESIDENT DEPENDENT.~~

~~(B) BEGINNING JANUARY 1, 2019, AN INDIVIDUAL SHALL MAINTAIN FOR THE INDIVIDUAL, AND FOR EACH DEPENDENT OF THE INDIVIDUAL, MINIMUM ESSENTIAL COVERAGE, AS DEFINED IN § 15-1301 OF THE INSURANCE ARTICLE.~~

~~(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND EXCEPT AS PROVIDED UNDER SUBSECTION (E) OF THIS SECTION, AN INDIVIDUAL SHALL PAY A PENALTY IN THE AMOUNT DETERMINED UNDER SUBSECTION (D) OF THIS SECTION~~

~~IF THE INDIVIDUAL FAILS TO MAINTAIN THE COVERAGE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION FOR 3 OR MORE MONTHS OF THE TAXABLE YEAR.~~

~~(2) ANY PENALTY IMPOSED UNDER THIS SUBSECTION FOR ANY MONTH IN WHICH AN INDIVIDUAL FAILS TO MAINTAIN THE COVERAGE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE:~~

~~(I) IN ADDITION TO THE STATE INCOME TAX UNDER § 10-105(A) OF THIS SUBTITLE; AND~~

~~(II) INCLUDED WITH THE STATE INCOME TAX RETURN FOR THE INDIVIDUAL UNDER SUBTITLE 8 OF THIS TITLE FOR THE TAXABLE YEAR THAT INCLUDES THE MONTHS IN WHICH COVERAGE WAS NOT MAINTAINED AS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.~~

~~(3) IF AN INDIVIDUAL WHO IS SUBJECT TO A PENALTY UNDER THIS SECTION FILES A JOINT STATE INCOME TAX RETURN UNDER § 10-807 OF THIS TITLE, THE INDIVIDUAL AND THE INDIVIDUAL'S SPOUSE SHALL BE JOINTLY LIABLE FOR THE PENALTY.~~

~~(D) THE AMOUNT OF THE PENALTY IMPOSED UNDER SUBSECTION (C) OF THIS SECTION SHALL BE EQUAL TO THE GREATER OF:~~

~~(1) 2.5% OF THE SUM OF THE INDIVIDUAL'S FEDERAL MODIFIED ADJUSTED GROSS INCOME, AS DEFINED IN 42 U.S.C. § 1395R, AND THE FEDERAL MODIFIED ADJUSTED GROSS INCOME OF ALL INDIVIDUALS CLAIMED ON THE INDIVIDUAL'S INCOME TAX RETURN; OR~~

~~(2) THE FOLLOWING FLAT RATES PER INDIVIDUAL, WHICH SHALL BE ADJUSTED ANNUALLY FOR INFLATION:~~

~~(I) \$695 PER ADULT; AND~~

~~(II) \$347.50 PER CHILD UNDER 18 YEARS OLD.~~

~~(E) AN INDIVIDUAL MAY NOT BE ASSESSED A PENALTY UNDER SUBSECTION (C) OF THIS SECTION IF THE INDIVIDUAL QUALIFIES FOR AN EXEMPTION UNDER 26 U.S.C. § 5000A(E).~~

~~(F) AN INDIVIDUAL SHALL INDICATE ON THE INCOME TAX RETURN FOR THE INDIVIDUAL, IN THE FORM REQUIRED BY THE COMPTROLLER, WHETHER MINIMUM ESSENTIAL COVERAGE WAS MAINTAINED AS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION FOR:~~

~~(1) THE INDIVIDUAL;~~

~~(2) THE INDIVIDUAL'S SPOUSE IN THE CASE OF A MARRIED COUPLE;~~

~~AND~~

~~(3) EACH DEPENDENT CHILD OF THE INDIVIDUAL, IF ANY.~~

~~(C) NOTWITHSTANDING § 2-609 OF THIS ARTICLE AND AFTER DEDUCTING A REASONABLE AMOUNT FOR ADMINISTRATIVE COSTS, THE COMPTROLLER SHALL DISTRIBUTE THE REVENUES FROM THE PENALTY TO THE MARYLAND HEALTH BENEFIT EXCHANGE FUND FOR THE PURPOSES OF THE HEALTH CARE ACCESS PROGRAM ESTABLISHED UNDER § 31-117.1 OF THE INSURANCE ARTICLE.~~

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

~~Article Insurance~~

~~31-102.~~

~~(e) The purposes of the Exchange are to:~~

~~(1) reduce the number of uninsured in the State;~~

~~(2) facilitate the purchase and sale of qualified health plans in the individual market in the State by providing a transparent marketplace;~~

~~(3) assist qualified employers in the State in facilitating the enrollment of their employees in qualified health plans in the small group market in the State and in accessing small business tax credits;~~

~~(4) assist individuals in accessing public programs, premium tax credits, and cost sharing reductions; [and]~~

~~(5) supplement the individual and small group insurance markets outside of the Exchange; AND~~

~~(6) IN CONSULTATION WITH THE COMMISSIONER:~~

~~(i) ON OR BEFORE JULY 1, 2018, SEEK APPROVAL FROM THE UNITED STATES SECRETARY OF HEALTH AND HUMAN SERVICES AND THE UNITED STATES SECRETARY OF THE TREASURY OF A WAIVER UNDER § 1332 OF THE AFFORDABLE CARE ACT TO IMPLEMENT INNOVATIONS RELATING TO THE PROVISION OF HEALTH INSURANCE COVERAGE IN THE STATE; AND~~

~~(H) IF APPROVED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES, CARRY OUT THE WAIVER, INCLUDING DEVELOPING A STANDARDIZED BENEFIT PLAN FOR GOLD LEVEL COVERAGE THAT A CARRIER IS REQUIRED TO OFFER UNDER § 31-115 OF THIS TITLE.~~

~~31-108.~~

~~(H) (1) ON OR BEFORE JULY 1, 2018, THE EXCHANGE SHALL APPLY TO THE UNITED STATES SECRETARY OF HEALTH AND HUMAN SERVICES AND TO THE UNITED STATES SECRETARY OF THE TREASURY UNDER § 1332 OF THE AFFORDABLE CARE ACT FOR A WAIVER OF APPLICABLE PROVISIONS OF THE AFFORDABLE CARE ACT RELATING TO HEALTH INSURANCE COVERAGE IN THE STATE FOR A PLAN YEAR BEGINNING ON OR AFTER JANUARY 1, 2019.~~

~~(2) THE EXECUTIVE DIRECTOR, IN CONSULTATION WITH THE COMMISSIONER AND WITH THE APPROVAL OF THE BOARD, MAY IMPLEMENT A STATE PLAN MEETING THE WAIVER REQUIREMENTS:~~

~~(I) IN A MANNER CONSISTENT WITH STATE AND FEDERAL LAW;~~
AND

~~(H) AS APPROVED BY THE UNITED STATES SECRETARY OF HEALTH AND HUMAN SERVICES AND THE UNITED STATES SECRETARY OF THE TREASURY.~~

~~(3) THE EXCHANGE MAY IMPLEMENT ANY FEDERALLY APPROVED WAIVER REQUESTED BY THE EXCHANGE UNDER THIS SUBSECTION.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 31, 2018, the Maryland Insurance Commissioner may waive any notification or other requirements on a carrier under the Insurance Article that apply in calendar year 2018 and that the Commissioner determines cannot reasonably be met due to the carrier's or the State's implementation of a waiver approved under § 1332 of the Affordable Care Act.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect contingent on the receipt by the Maryland Health Benefit Exchange of approval of a waiver under § 1332 of the Patient Protection and Affordable Care Act of applicable provisions of the Patient Protection and Affordable Care Act relating to health insurance coverage in the State by the United States Secretary of Health and Human Services or the United States Secretary of the Treasury. If approval is received on or before July 1, 2023, Section 1 of this Act shall take effect on the date notice of the approval is received by the Department of Legislative Services in accordance with this section. If the Maryland Health Benefit Exchange does not receive approval for the waiver on or before July 1, 2023, Section 1 of this Act, with no further action required by the General Assembly, shall be null and void. The Maryland Health Benefit Exchange, within 5 days after receiving notice of~~

~~approval or denial of a waiver, shall forward a copy of the notice to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.~~

~~SECTION 5. AND BE IT FURTHER ENACTED, That, if Section 1 of this Act becomes null and void under Section 4 of this Act, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect on the date that Section 1 becomes null and void.~~

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

Chapter 17 of the Acts of 2017

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

(b) There is a Maryland Health Insurance Coverage Protection Commission.

(c) The Commission consists of the following members:

(6) the following members:

(viii) one representative of behavioral health providers, appointed jointly by the President of the Senate and the Speaker of the House; [and]

(ix) two members of the public:

1. one of whom shall be appointed jointly by the President of the Senate and the Speaker of the House; and

2. one of whom shall be appointed by the Governor; AND

(X) ONE REPRESENTATIVE OF A GROUP MODEL HEALTH MAINTENANCE ORGANIZATION THAT PARTICIPATES IN THE INDIVIDUAL MARKET, APPOINTED BY THE GOVERNOR.

(g) (1) The Commission shall:

(i) monitor potential and actual federal changes to the ACA, Medicaid, the Maryland Children's Health Program, Medicare, and the Maryland All-Payer Model;

(ii) assess the impact of potential and actual federal changes to the ACA, Medicaid, the Maryland Children's Health Program, Medicare, and the Maryland All-Payer Model; and

(iii) provide recommendations for State and local action to protect access of residents of the State to affordable health coverage.

(2) The duties of the Commission under paragraph (1) of this subsection shall include a study that includes:

(i) an assessment of the current and potential adverse effects of the loss of health coverage on the residents, public health, and economy of the State resulting from changes to the ACA, Medicaid, the Maryland Children's Health Program, Medicare, or the Maryland All-Payer Model;

(ii) an estimate of the costs to the State and State residents of adverse effects from changes to the ACA, Medicaid, the Maryland Children's Health Program, Medicare, or the Maryland All-Payer Model and the resulting loss of health coverage;

(iii) an examination of measures that may prevent or mitigate the adverse effects of changes to the ACA, Medicaid, the Maryland Children's Health Program, Medicare, or the Maryland All-Payer Model and the resulting loss of health coverage on the residents, public health, and economy of the State; and

(iv) recommendations for laws that:

1. may be warranted to minimize the adverse effects associated with changes to the ACA, Medicaid, the Maryland Children's Health Program, Medicare, or the Maryland All-Payer Model; and

2. will assist residents in obtaining and maintaining affordable health coverage.

(H) (1) THE COMMISSION SHALL STUDY AND MAKE RECOMMENDATIONS FOR INDIVIDUAL AND GROUP HEALTH INSURANCE MARKET STABILITY, INCLUDING:

(I) THE COMPONENTS OF ONE OR MORE WAIVERS UNDER § 1332 OF THE AFFORDABLE CARE ACT TO ENSURE MARKET STABILITY THAT MAY BE SUBMITTED BY THE STATE;

(II) WHETHER TO PURSUE A STANDARD PLAN DESIGN THAT LIMITS COST SHARING;

(III) WHETHER TO MERGE THE INDIVIDUAL AND SMALL GROUP HEALTH INSURANCE MARKETS IN THE STATE FOR RATING PURPOSES;

(IV) WHETHER TO PURSUE A BASIC HEALTH PROGRAM;

(V) WHETHER TO PURSUE A MEDICAID BUY-IN PROGRAM FOR THE INDIVIDUAL MARKET;

(VI) WHETHER TO PROVIDE SUBSIDIES THAT SUPPLEMENT PREMIUM TAX CREDITS OR COST-SHARING REDUCTIONS DESCRIBED IN § 1402(C) OF THE AFFORDABLE CARE ACT; AND

(VII) WHETHER TO ADOPT A STATE-BASED INDIVIDUAL HEALTH INSURANCE MANDATE AND HOW TO USE PAYMENTS COLLECTED FROM INDIVIDUALS WHO DO NOT MAINTAIN MINIMUM ESSENTIAL COVERAGE, INCLUDING USE OF THE PAYMENTS TO ASSIST INDIVIDUALS IN PURCHASING HEALTH INSURANCE.

(2) THE COMMISSION SHALL ENGAGE AN INDEPENDENT ACTUARIAL FIRM TO ASSIST IN ITS STUDY UNDER THIS SUBSECTION.

(3) THE COMMISSION SHALL INCLUDE ITS FINDINGS AND RECOMMENDATIONS FROM THE STUDY REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IN THE ANNUAL REPORT SUBMITTED BY THE COMMISSION ON OR BEFORE DECEMBER 31, 2019, UNDER SUBSECTION (J) OF THIS SECTION.

[(h)](I) The Commission may:

(1) hold public meetings across the State to carry out the duties of the Commission; and

(2) convene workgroups to solicit input from stakeholders.

[(i)](J) On or before December 31 each year, the Commission shall submit a report on its findings and recommendations, including any legislative proposals, to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

~~SECTION 6. 3. AND BE IT FURTHER ENACTED, That, subject to Section 4 of this Act, this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and, except as provided in Section 4 of this Act, shall take effect from the date it is enacted.~~

Approved by the Governor, April 10, 2018.

Chapter 39

(House Bill 677)

AN ACT concerning

**Public Information Act – Required Denials – Physical Addresses, E-Mail
Addresses, and Telephone Numbers**

FOR the purpose of requiring a custodian to deny inspection of a distribution list and a request to be added to a distribution list that identifies a physical address, an e-mail address, or a telephone number of an individual that is used by a governmental entity or an elected official for the sole purpose of periodically sending news about certain activities or sending informational notices or emergency alerts; defining a certain term; making this Act an emergency measure; and generally relating to the inspection of public records that identify physical addresses, e-mail addresses, and telephone numbers.

BY adding to

Article – General Provisions
Section 4–341
Annotated Code of Maryland
(2014 Volume and 2017 Supplement)

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

Article – General Provisions

4–341.

(A) IN THIS SECTION, “GOVERNMENTAL ENTITY” MEANS A UNIT OR AN INSTRUMENTALITY OF THE STATE OR OF A POLITICAL SUBDIVISION.

(B) A CUSTODIAN SHALL DENY INSPECTION OF A DISTRIBUTION LIST AND A REQUEST TO BE ADDED TO A DISTRIBUTION LIST THAT IDENTIFIES A PHYSICAL ADDRESS, AN E-MAIL ADDRESS, OR A TELEPHONE NUMBER OF AN INDIVIDUAL THAT IS USED BY A GOVERNMENTAL ENTITY OR AN ELECTED OFFICIAL FOR THE SOLE PURPOSE OF:

(1) PERIODICALLY SENDING NEWS ABOUT THE OFFICIAL ACTIVITIES OF THE GOVERNMENTAL ENTITY OR ELECTED OFFICIAL; OR

(2) SENDING INFORMATIONAL NOTICES OR EMERGENCY ALERTS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to

each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 10, 2018.

Chapter 40

(Senate Bill 477)

AN ACT concerning

Public Information Act – Required Denials – Physical Addresses, E-Mail Addresses, and Telephone Numbers

FOR the purpose of requiring a custodian to deny inspection of a distribution list and a request to be added to a distribution list that identifies a physical address, an e-mail address, or a telephone number of an individual that is used by a governmental entity or an elected official for the sole purpose of periodically sending news about certain activities or sending informational notices or emergency alerts; defining a certain term; making this Act an emergency measure; and generally relating to the inspection of public records that identify physical addresses, e-mail addresses, and telephone numbers.

BY adding to

Article – General Provisions
Section 4–341
Annotated Code of Maryland
(2014 Volume and 2017 Supplement)

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

Article – General Provisions

4–341.

(A) IN THIS SECTION, “GOVERNMENTAL ENTITY” MEANS A UNIT OR AN INSTRUMENTALITY OF THE STATE OR OF A POLITICAL SUBDIVISION.

(B) A CUSTODIAN SHALL DENY INSPECTION OF A DISTRIBUTION LIST AND A REQUEST TO BE ADDED TO A DISTRIBUTION LIST THAT IDENTIFIES A PHYSICAL ADDRESS, AN E-MAIL ADDRESS, OR A TELEPHONE NUMBER OF AN INDIVIDUAL THAT IS USED BY A GOVERNMENTAL ENTITY OR AN ELECTED OFFICIAL FOR THE SOLE PURPOSE OF:

(1) PERIODICALLY SENDING NEWS ABOUT THE OFFICIAL ACTIVITIES OF THE GOVERNMENTAL ENTITY OR ELECTED OFFICIAL; OR

(2) SENDING INFORMATIONAL NOTICES OR EMERGENCY ALERTS.

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

Approved by the Governor, April 10, 2018.

Chapter 41

(Senate Bill 39)

AN ACT concerning

Motor Vehicle Administration – Disability Parking Placards

FOR the purpose of establishing that a disability parking placard issued by the Motor Vehicle Administration to a permanently disabled individual is valid until the death of the placard holder; establishing certain procedures the Administration must follow on the death of a permanently disabled individual who holds a placard; authorizing the Administration to issue temporary disability parking placards to certain nonresidents of the State under certain circumstances; and generally relating to disability parking placards.

BY repealing and reenacting, without amendments,
 Article – Transportation
 Section 13–616(a) and (b) and 13–616.1(a)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
 Article – Transportation
 Section 13–616.1(d) and 13–616.2(a)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2017 Supplement)

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

Article – Transportation

13–616.

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

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

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

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

(5) “Licensed physical therapist” means a physical therapist who is licensed by the State Board of Physical Therapy Examiners to practice physical therapy as described in § 13–101 of the Health Occupations Article.

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

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

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

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

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

- (ii) Has cardiovascular disease limitations classified in severity as Class III or Class IV according to standards accepted by the American Heart Association;
 - (iii) Is unable to walk 200 feet without stopping to rest;
 - (iv) Is unable to walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, or other assistive device;
 - (v) Requires a wheelchair for mobility;
 - (vi) Has lost a foot, leg, hand, or arm;
 - (vii) Has lost the use of a foot, leg, hand, or arm;
 - (viii) Has a permanent impairment of both eyes so that:
 - 1. The central visual acuity is 20/200 or less in the better eye, with corrective glasses; or
 - 2. There is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees in the better eye; or
 - (ix) Has a permanent disability that adversely impacts the ambulatory ability of the applicant and which is so severe that the person would endure a hardship or be subject to a risk of injury if the privileges accorded a person for whom a vehicle is specially registered under this section were denied.
- (2) For the purposes of this section, the qualifying disabilities specified in paragraph (1) of this subsection shall be certified as follows:
- (i) A licensed physician, licensed physician assistant, or certified nurse practitioner may certify conditions specified in paragraph (1)(i) through (ix) of this subsection;
 - (ii) A licensed chiropractor, licensed podiatrist, or licensed physical therapist may certify conditions specified in paragraph (1)(iii) through (vii) and (ix) of this subsection;
 - (iii) A licensed optometrist may certify the condition specified in paragraph (1)(viii) of this subsection; and
 - (iv) Notwithstanding any provision of paragraph (1) of this subsection, the applicant may self-certify conditions specified in paragraph (1)(vi) of this subsection by appearing in person with proper identification at a full-service Motor Vehicle Administration office during normal business hours.

(3) This section applies only to:

- (i) A Class A (passenger) vehicle;
- (ii) A Class D (motorcycle) vehicle;
- (iii) A Class M (multipurpose) vehicle;
- (iv) A Class E (truck) vehicle with a one ton or less manufacturer's

rated capacity; or

(v) A Class H, I, or J vehicle that is specially equipped for the transportation of individuals with disabilities and is used exclusively for the transportation of individuals with disabilities.

(4) (i) Notwithstanding the provisions of paragraph (1) of this subsection, a nursing home, health care facility, adult day care facility, retirement home, or other facility that regularly provides transportation for individuals with disabilities may apply to the Administration for special disability registration for vehicles owned by the facility.

(ii) An application for special disability registration under this paragraph shall contain:

1. The certification of the owner or operator of the facility that the vehicle for which the registration is sought is used exclusively for the transportation of individuals with disabilities as described in paragraph (1) of this subsection; and

2. Any other information or documentation concerning the facility or the vehicle that the Administration requires.

13-616.1.

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

(1) Is a resident of the State; and

(2) (i) Has a permanent disability as described in § 13-616(b)(1) of this subtitle and as certified by a licensed physician, licensed physician assistant, licensed chiropractor, licensed optometrist, licensed podiatrist, or licensed physical therapist, as defined in § 13-616(a) of this subtitle; or

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

(d) (1) (I) A placard issued under this section to an applicant described in subsection (a) of this section [expires 4 years from the date of issue] **IS VALID UNTIL THE DEATH OF THE PLACARD HOLDER.**

(II) **ON RECEIPT OF NOTIFICATION OF THE DEATH OF THE PLACARD HOLDER, THE ADMINISTRATION SHALL MARK THE RECORD OF THE PLACARD AS EXPIRED AND SHALL SEND NOTICE TO THE LAST KNOWN ADDRESS OF THE PLACARD HOLDER REQUESTING THE RETURN OF THE PLACARD TO THE ADMINISTRATION.**

(2) [The placard may be renewed by the placard holder on an application form approved by the Administration] **IF A PLACARD IS LOST, STOLEN, OR DAMAGED, THE PLACARD HOLDER MAY APPLY FOR A REPLACEMENT PLACARD ON AN APPLICATION FORM AND IN THE MANNER REQUIRED BY THE ADMINISTRATION.**

13-616.2.

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

(1) (I) **THE APPLICANT IS A RESIDENT OF THE STATE;**

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

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

(2) (I) **THE APPLICANT IS A NONRESIDENT WHO IS TEMPORARILY LIVING IN THE STATE; AND**

(II) **THE APPLICANT, A DEPENDENT OF THE APPLICANT, OR ANY INDIVIDUAL WHO DEPENDS ON THE APPLICANT FOR TRANSPORTATION:**

1. **SUBMITS PROOF SATISFACTORY TO THE ADMINISTRATION THAT THE INDIVIDUAL HAS A DISABILITY AS DESCRIBED IN § 13-616(B)(1) OF THIS SUBTITLE; AND**

2. A. IS IN THE STATE TO OBTAIN MEDICAL TREATMENT;

B. IS SERVING IN THE ARMED FORCES OF THE UNITED STATES AND IS STATIONED IN THE STATE;

C. HOLDS A CURRENT MARYLAND NONRESIDENT PERMIT ISSUED UNDER § 13-402.1(E) OF THIS TITLE; OR

D. IS SUBJECT TO ANY OTHER CIRCUMSTANCES THAT WOULD REQUIRE THE USE OF A TEMPORARY PARKING PLACARD AS DETERMINED BY THE ADMINISTRATOR.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 42

(Senate Bill 59)

AN ACT concerning

Insurance – Antifraud Plan Requirement – Application

FOR the purpose of limiting the application of certain provisions of law relating to antifraud plans to authorized insurers that ~~issue or deliver~~ have in force policies or certificates of insurance in the State; and generally relating to antifraud plans.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 27-803

Annotated Code of Maryland

(2017 Replacement Volume)

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

Article – Insurance

27-803.

(a) (1) Each authorized insurer ~~THAT ISSUES OR DELIVERS~~ HAS IN FORCE POLICIES OR CERTIFICATES OF INSURANCE IN THE STATE shall institute and maintain an insurance antifraud plan.

(2) Within 30 days after instituting or modifying an antifraud plan, the authorized insurer shall notify the Commissioner in writing.

(b) Each antifraud plan shall establish specific procedures to:

(1) prevent insurance fraud, including:

(i) internal fraud that involves the authorized insurer's employees or insurance producers;

(ii) fraud that results from misrepresentations on insurance applications; and

(iii) claims fraud;

(2) report insurance fraud to appropriate law enforcement authorities;

(3) cooperate with the prosecution of insurance fraud cases; and

(4) report fraud-related data to the Commissioner and Fraud Division.

(c) (1) Each authorized insurer ~~THAT ISSUES OR DELIVERS~~ HAS IN FORCE POLICIES OR CERTIFICATES OF INSURANCE IN THE STATE shall file its antifraud plan with the Commissioner.

(2) The Commissioner may review each antifraud plan to determine whether it complies with the requirements of this section.

(3) An antifraud plan is deemed approved unless disapproved by the Commissioner within 30 days after the date of filing.

(d) (1) If the Commissioner finds that an antifraud plan does not comply with the requirements of this section, the Commissioner shall disapprove the antifraud plan and send a notice of disapproval, including the reasons for disapproval, to the authorized insurer.

(2) If the Commissioner disapproves an antifraud plan, the authorized insurer shall submit a new antifraud plan to the Commissioner within 60 days after the date of disapproval.

(e) During an examination under § 2-205 of this article, the Commissioner shall examine the authorized insurer's procedures to determine whether the authorized insurer is complying with its antifraud plan.

(f) The Commissioner may withhold from public inspection any part of an antifraud plan for as long as the Commissioner considers the withholding to be in the public interest.

(g) (1) As part of an antifraud plan, an authorized insurer may require in writing that an individual who is receiving benefits under a disability insurance policy must affirm on a periodic basis that the individual:

(i) remains entitled to the benefits; and

(ii) has had no change in the condition entitling the individual to the benefits.

(2) An authorized insurer that requires the affirmation permitted under paragraph (1) of this subsection shall disclose to the individual who is receiving benefits that if the individual knowingly and willfully provides false information or knowingly and willfully fails to provide material information in connection with the individual's eligibility or continued eligibility for benefits under a disability insurance policy, the individual is guilty of a crime and may be subject to a fine and imprisonment.

(h) The Commissioner shall adopt regulations that establish minimum standards for antifraud plans required to be filed under this section.

(i) It is a violation of this subtitle if the Commissioner finds that an authorized insurer ~~THAT ISSUES OR DELIVERS~~ HAS IN FORCE POLICIES OR CERTIFICATES OF INSURANCE IN THE STATE has failed to:

(1) file an antifraud plan;

(2) file a revised antifraud plan after disapproval by the Commissioner of the initial antifraud plan; or

(3) comply with the antifraud plan filed by the authorized insurer.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 43

(Senate Bill 71)

AN ACT concerning

**Insurance – Certificates of Qualification for Surplus Lines Brokers –
Suspensions and Revocations**

FOR the purpose of correcting a certain erroneous reference in a certain provision of law authorizing the Maryland Insurance Commissioner to suspend or revoke the certificate of qualification of a surplus lines broker under certain circumstances; and generally relating to certificates of qualification for surplus lines insurance brokers.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 3–317

Annotated Code of Maryland

(2017 Replacement Volume)

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

Article – Insurance

3–317.

(a) The Commissioner may suspend or revoke the certificate of qualification of a surplus lines broker:

(1) if the surplus lines broker fails to file the [semiannual statement] **REPORT** required by this subtitle;

(2) if the surplus lines broker fails to remit the tax required by this subtitle;

(3) if the surplus lines broker fails to keep records required by this subtitle, or fails to allow the Commissioner to examine those records;

(4) if the surplus lines broker fails to file or falsifies the affidavit required by this subtitle; or

(5) for any applicable ground for suspending or revoking the license of an insurance producer under this article.

(b) The Commissioner may not reinstate the certificate of qualification of a surplus lines broker whose certificate has been suspended or revoked until the broker pays all penalties and delinquent taxes that are owed.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 44**(Senate Bill 9)**

AN ACT concerning

Corporations and Associations – Fee for Processing Return of an Original Document – Repeal

FOR the purpose of repealing the nonrefundable processing fee for return of an original document; making a conforming change; and generally relating to fees charged to business entities by the State Department of Assessments and Taxation.

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 1–203(b)(1)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing
Article – Corporations and Associations
Section 1–203(b)(10)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY renumbering
Article – Corporations and Associations
Section 1–203(b)(11), (12), (13), and (14), respectively
to be Section 1–203(b)(10), (11), (12), and (13), respectively
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

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

Article – Corporations and Associations

1–203.

(b) (1) Except as provided in paragraph [(11)] **(10)** of this subsection, for each of the following documents, the nonrefundable processing fee is \$100:

Document

Articles of incorporation
Articles of amendment
Articles of extension
Articles of restatement of charter

Articles of amendment and restatement
 Articles supplementary
 Articles of share exchange
 Articles of consolidation, merger, or transfer
 Articles of dissolution
 Articles of revival for stock corporation
 Articles of revival for nonstock corporation
 Articles of conversion

5.] [(10) A nonrefundable processing fee for return of an original document is \$

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 1–203(b)(11), (12), (13), and (14), respectively, of Article – Corporations and Associations of the Annotated Code of Maryland be renumbered to be Section(s) 1–203(b)(10), (11), (12), and (13), respectively.

SECTION 3. AND BE IT FURTHERED ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 45

(House Bill 188)

AN ACT concerning

**State Board of Architects and State Board for Professional Land Surveyors –
 Membership**

FOR the purpose of altering the eligibility criteria for membership on the State Board of Architects and the State Board for Professional Land Surveyors; requiring certain members of the State Board of Architects to hold a certain degree from a certain architecture program; requiring a certain member of the State Board for Professional Land Surveyors to be either a licensed property line surveyor or a professional land surveyor; and generally relating to membership on the State Board of Architects and the State Board for Professional Land Surveyors.

BY repealing and reenacting, with amendments,
 Article – Business Occupations and Professions
 Section 3–202(c) and 15–202(a)
 Annotated Code of Maryland
 (2010 Replacement Volume and 2017 Supplement)

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

Article – Business Occupations and Professions

3–202.

(c) Of the 5 architect members of the Board:

(1) at least 3 shall [be graduates of schools of architecture] **HOLD A PROFESSIONAL DEGREE FROM AN ARCHITECTURE PROGRAM** accredited by the National Architectural Accrediting Board; and

(2) each shall have practiced architecture in the State, in private practice as a primary vocation, for at least 10 years before appointment.

15–202.

(a) (1) The Board consists of 6 members.

(2) Of the 6 members of the Board:

(i) 3 shall be professional land surveyors;

(ii) 1 shall be a licensed property line surveyor **OR A PROFESSIONAL LAND SURVEYOR**; and

(iii) 2 shall be consumer members.

(3) The Governor shall appoint the members with the advice of the Secretary and with the advice and consent of the Senate.

(4) The Governor may appoint each of the professional members from a list of at least 3 names submitted to the Secretary by the Maryland Society of Surveyors.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 46

(Senate Bill 77)

AN ACT concerning

**State Board of Architects and State Board for Professional Land Surveyors –
Membership**

FOR the purpose of altering the eligibility criteria for membership on the State Board of Architects and the State Board for Professional Land Surveyors; requiring certain members of the State Board of Architects to hold a certain degree from a certain architecture program; requiring a certain member of the State Board for Professional Land Surveyors to be either a licensed property line surveyor or a professional land surveyor; and generally relating to membership on the State Board of Architects and the State Board for Professional Land Surveyors.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 3–202(c) and 15–202(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2017 Supplement)

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

Article – Business Occupations and Professions

3–202.

(c) Of the 5 architect members of the Board:

(1) at least 3 shall [be graduates of schools of architecture] **HOLD A PROFESSIONAL DEGREE FROM AN ARCHITECTURE PROGRAM** accredited by the National Architectural Accrediting Board; and

(2) each shall have practiced architecture in the State, in private practice as a primary vocation, for at least 10 years before appointment.

15–202.

(a) (1) The Board consists of 6 members.

(2) Of the 6 members of the Board:

(i) 3 shall be professional land surveyors;

(ii) 1 shall be a licensed property line surveyor **OR A PROFESSIONAL LAND SURVEYOR**; and

(iii) 2 shall be consumer members.

(3) The Governor shall appoint the members with the advice of the Secretary and with the advice and consent of the Senate.

(4) The Governor may appoint each of the professional members from a list of at least 3 names submitted to the Secretary by the Maryland Society of Surveyors.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 47

(House Bill 201)

AN ACT concerning

State Board for Professional Engineers – Examination Requirements – Engineer-in-Training

FOR the purpose of authorizing certain individuals to apply to the State Board for Professional Engineers or a designee of the Board to take the Fundamentals of Engineering examination; repealing certain requirements relating to an applicant's qualifications to take the examination; repealing a certain provision relating to the rights of individuals who fail the examination; requiring the Board to keep a certain record and issue a certain certificate to individuals who pass a certain examination and elect to obtain from the Board, on payment of a certain fee, an engineer-in-training certificate; authorizing certain officials of the Board to sign certain certificates; and generally relating to the examination requirements for an engineer-in-training.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 14–310
Annotated Code of Maryland
(2010 Replacement Volume and 2017 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

14–310.

(a) [Subject to this section, an] **AN** individual may apply to the Board **OR THE**

BOARD'S DESIGNEE to take the [examination in the fundamentals of engineering given by the Board under this subtitle,] **FUNDAMENTALS OF ENGINEERING EXAMINATION** before the individual completes the requirements set forth in § 14–305(b) and (c) of this subtitle.

(b) [To take the fundamentals of engineering examination early:

(1) the applicant shall be in the process of completing a curriculum at a college or university, as required under § 14–305(b) or (c) of this subtitle, and the college or university shall provide to the Board evidence that the college or university expects the applicant to complete the curriculum within 6 months after the next scheduled administration of the fundamentals of engineering examination; or

(2) the applicant shall have been graduated from a college or university on completion of a curriculum, as required under § 14–305(b) or (c) of this subtitle.

(c) (1) An applicant for early examination shall:

(i) submit to the Board an application on the form that the Board provides; and

(ii) pay to the Board or the Board's designee:

1. a nonrefundable application fee set by the Board; and

2. an examination fee set by the Board in an amount not to exceed the cost of the examination.

(2) The procedures and requirements for the application shall be the same as provided under § 14–306 of this subtitle for applications for licenses.

(d) An applicant who meets the requirements of this section is entitled to take the fundamentals of engineering examination.

(e) If an individual passes [a fundamentals of engineering] **THE FUNDAMENTALS OF ENGINEERING** examination [under this section and pays the Board a certification fee set by the Board] **AND ELECTS TO OBTAIN FROM THE BOARD, ON PAYMENT OF A CERTIFICATION FEE SET BY THE BOARD, A CERTIFICATE THAT STATES THAT THE INDIVIDUAL IS AN ENGINEER-IN-TRAINING**, the Board shall:

(1) keep a record that the individual passed the examination; and

(2) issue to the individual a certificate that states that the individual is an engineer-in-training because the individual has passed the examination and that sets forth:

- (i) the full name of the individual;
- (ii) a certificate number assigned by the Board to the individual; and
- (iii) the [signatures] **SIGNATURE** of [the chairman and secretary of the Board] **AN AUTHORIZED OFFICIAL OF THE BOARD**, under seal of the Board.

[(f) If an individual takes and fails a fundamentals of engineering examination under this section, the individual shall have the same rights regarding notice, review procedures, and reexamination provided to an applicant under §§ 14–308 and 14–309 of this subtitle.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 48

(Senate Bill 106)

AN ACT concerning

State Board for Professional Engineers – Examination Requirements – Engineer-in-Training

FOR the purpose of authorizing certain individuals to apply to the State Board for Professional Engineers or a designee of the Board to take the Fundamentals of Engineering examination; repealing certain requirements relating to an applicant's qualifications to take the examination; repealing a certain provision relating to the rights of individuals who fail the examination; requiring the Board to keep a certain record and issue a certain certificate to individuals who pass a certain examination and elect to obtain from the Board, on payment of a certain fee, an engineer-in-training certificate; authorizing certain officials of the Board to sign certain certificates; and generally relating to the examination requirements for an engineer-in-training.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 14–310
Annotated Code of Maryland
(2010 Replacement Volume and 2017 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

14–310.

(a) [Subject to this section, an] **AN** individual may apply to the Board **OR THE BOARD’S DESIGNEE** to take the [examination in the fundamentals of engineering given by the Board under this subtitle,] **FUNDAMENTALS OF ENGINEERING EXAMINATION** before the individual completes the requirements set forth in § 14–305(b) and (c) of this subtitle.

(b) [To take the fundamentals of engineering examination early:

(1) the applicant shall be in the process of completing a curriculum at a college or university, as required under § 14–305(b) or (c) of this subtitle, and the college or university shall provide to the Board evidence that the college or university expects the applicant to complete the curriculum within 6 months after the next scheduled administration of the fundamentals of engineering examination; or

(2) the applicant shall have been graduated from a college or university on completion of a curriculum, as required under § 14–305(b) or (c) of this subtitle.

(c) (1) An applicant for early examination shall:

(i) submit to the Board an application on the form that the Board provides; and

(ii) pay to the Board or the Board’s designee:

1. a nonrefundable application fee set by the Board; and

2. an examination fee set by the Board in an amount not to exceed the cost of the examination.

(2) The procedures and requirements for the application shall be the same as provided under § 14–306 of this subtitle for applications for licenses.

(d) An applicant who meets the requirements of this section is entitled to take the fundamentals of engineering examination.

(e) If an individual passes [a fundamentals of engineering] **THE FUNDAMENTALS OF ENGINEERING** examination [under this section and pays the Board a certification fee set by the Board] **AND ELECTS TO OBTAIN FROM THE BOARD, ON PAYMENT OF A CERTIFICATION FEE SET BY THE BOARD, A CERTIFICATE THAT STATES THAT THE INDIVIDUAL IS AN ENGINEER–IN–TRAINING**, the Board shall:

- (1) keep a record that the individual passed the examination; and
- (2) issue to the individual a certificate that states that the individual is an engineer-in-training because the individual has passed the examination and that sets forth:
 - (i) the full name of the individual;
 - (ii) a certificate number assigned by the Board to the individual; and
 - (iii) the [signatures] SIGNATURE of [the chairman and secretary of the Board] AN AUTHORIZED OFFICIAL OF THE BOARD, under seal of the Board.

[(f) If an individual takes and fails a fundamentals of engineering examination under this section, the individual shall have the same rights regarding notice, review procedures, and reexamination provided to an applicant under §§ 14–308 and 14–309 of this subtitle.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 49

(House Bill 194)

AN ACT concerning

State Board of Individual Tax Preparers – Requirement to Register – Exemptions

FOR the purpose of providing that certain individuals who sign individual tax returns as preparers are not exempt from the requirement to register with the State Board of Individual Tax Preparers; and generally relating to the provision of individual tax preparation services.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 21–102
Annotated Code of Maryland
(2010 Replacement Volume and 2017 Supplement)

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

Article – Business Occupations and Professions

21–102.

(a) The purpose of this title is to establish a registration program to ensure that qualified individuals provide individual tax preparation services.

(b) The following individuals are exempt from the requirements of this title:

(1) an individual in good standing with an active license issued by the State Board of Public Accountancy or a licensing authority in another state;

(2) an individual in good standing and admitted to practice law in the State or in another state;

(3) an individual employed by a local, state, or federal governmental agency but only in performance of official duties;

(4) an individual enrolled to practice before the Internal Revenue Service who is governed under circular 230; and

(5) **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION**, an individual serving as an employee of or assistant to an individual tax preparer or an individual exempted under this subsection in the performance of official duties for the individual tax preparer or the individual exempted under this subsection.

(C) THE EXEMPTION PROVIDED IN SUBSECTION (B)(5) OF THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL WHO SIGNS AN INDIVIDUAL TAX RETURN AS THE PREPARER.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 50

(Senate Bill 81)

AN ACT concerning

Sales and Use Tax – Hygienic Aids – Exemption

FOR the purpose of exempting certain feminine hygiene products from the sales and use

tax; and generally relating to a sales and use tax exemption for feminine hygiene products.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 11–211(c)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

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

Article – Tax – General

11–211.

(c) The sales and use tax does not apply to a sale of:

(1) baby oil or baby powder; or

(2) sanitary [napkins or] PADS, tampons, MENSTRUAL SPONGES,
MENSTRUAL CUPS, OR OTHER SIMILAR FEMININE HYGIENE PRODUCTS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 51

(Senate Bill 97)

AN ACT concerning

Public Utilities – Transportation Network Services – Disclosure of Records

FOR the purpose of altering the authority by which the Public Service Commission may disclose certain records or information provided by a transportation network company; authorizing the Commission to disclose certain records or information ~~required by statute~~ if the disclosure is made in accordance with a certain provision of law that requires certain licensing authorities to provide certain information to the Child Support Administration in the Department of Human Services; *providing that certain disclosed information is not subject to release under the Maryland Public Information Act;* and generally relating to transportation network services.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 10–404
Annotated Code of Maryland
(2010 Replacement Volume and 2017 Supplement)

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

Article – Public Utilities

10–404.

(a) An operator may not provide transportation network services unless the Commission has authorized the operator to operate on a provisional basis or has issued a valid temporary or permanent transportation network operator’s license to provide transportation network services.

(b) The Commission may approve an applicant to be an operator and issue a temporary transportation network operator’s license to the applicant if:

(1) the applicant provides all information that the Commission requires for the application, including the information specified in item (2) of this subsection; and

(2) the Commission is satisfied with the successful submission of the applicant’s:

(i) national criminal history records check:

1. conducted by a consumer reporting agency as defined under § 14–1201 of the Commercial Law Article or a comparable entity approved by the Commission; and

2. that includes:

A. a Multi–State Multi–Jurisdiction Criminal Records Database Search or a search of a similar nationwide database with validation;

B. a search of the Sex Offender Registry; and

C. a search of the U.S. Department of Justice’s National Sex Offender Public Web site; and

(ii) driving record check that includes a driving history research report.

(c) Subject to subsection (d) of this section, the Commission may issue a permanent transportation network operator's license to an applicant upon the submission of a satisfactory supplemental criminal background check as set forth under § 10–104(b) of this title.

(d) Before December 15, 2016, the Commission may not require an applicant for a permanent transportation network operator's license to comply with subsection (c) of this section if a transportation network company for which the applicant will provide services, at the time it applies for a permit, provides to the Commission details of the process the transportation network company uses to collect, review, and submit the information specified in subsection (b)(2) of this section.

(e) (1) A transportation network company may request that the Commission waive the requirement to comply with subsection (c) of this section and instead require compliance with subsection (b)(2) of this section for applicants and operators of the transportation network company.

(2) On receipt of a request under paragraph (1) of this subsection, the Commission shall:

(i) determine whether the transportation network company's process for complying with subsection (b)(2) of this section can be shown to be as comprehensive and accurate as complying with the supplemental criminal background check as set forth under § 10–104(b) of this title; and

(ii) within 3 months after receiving the request, determine whether to:

1. grant the waiver;
2. deny the waiver; or
3. approve an alternative process.

(f) A transportation network company may submit the information under subsection (b) of this section on behalf of an operator.

(g) The Commission shall adopt regulations that provide a process that is as expeditious as possible and uses electronic means for:

- (1) the submission of the information under subsection (b) of this section;
- (2) the issuance of a temporary or permanent transportation network operator's license and alternative authority to operate on a provisional basis; and
- (3) the renewal of a transportation network operator's license.

(h) (1) Records or information provided to the Commission by a transportation network company under this section **OR DISCLOSED BY THE COMMISSION UNDER PARAGRAPH (2) OF THIS SUBSECTION** are not subject to release under the Maryland Public Information Act.

(2) The Commission may not disclose records or information provided to the Commission under this section to any person unless:

(i) the disclosure is required by ~~STATUTE~~, court order, or order of the Maryland Tax Court; ~~or~~

(ii) **THE DISCLOSURE IS MADE IN ACCORDANCE WITH § 10-119.3 OF THE FAMILY LAW ARTICLE; OR**

(III) the disclosure is to the Comptroller under § 10-406(g)(5) of this subtitle.

(3) On notice that a person is seeking records or information under paragraph (2)(i) of this subsection, the Commission shall promptly notify the transportation network company before disclosing the records or information.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 52

(House Bill 321)

AN ACT concerning

Dorchester County – Hurlock – Alcoholic Beverages – Place-of-Worship or School Distance Restrictions

FOR the purpose of exempting the Town of Hurlock from a prohibition against issuing a certain alcoholic beverages license for an establishment that is within a certain distance from a place of worship or a public or nonpublic school in Dorchester County; and generally relating to alcoholic beverages in Dorchester County.

BY repealing and reenacting, without amendments,
 Article – Alcoholic Beverages
 Section 19-102
 Annotated Code of Maryland

(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 19–1601

Annotated Code of Maryland

(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

19–102.

This title applies only in Dorchester County.

19–1601.

(a) (1) Except as provided in subsection (b) of this section, the Board may not issue a new license for an establishment that is within 300 feet in a direct line of a place of worship or a public or nonpublic kindergarten, elementary, or secondary school.

(2) The distance from the establishment to the place of worship or the public or nonpublic kindergarten, elementary, or secondary school is to be measured from the establishment in a direct line to the nearest point of the main building of the place of worship or school.

(b) The prohibition against issuing a license in subsection (a) of this section does not apply to the issuance of:

(1) a license for a premises that was licensed on October 1, 1996;

(2) a Class B (on-sale) beer, wine, and liquor license for a premises in Cambridge [or], Secretary, **OR HURLOCK**; or

(3) a temporary license.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 53**(Senate Bill 3)**

AN ACT concerning

**Dorchester County – Hurlock – Alcoholic Beverages – Place-of-Worship or
School Distance Restrictions**

FOR the purpose of exempting the Town of Hurlock from a prohibition against issuing a certain alcoholic beverages license for an establishment that is within a certain distance from a place of worship or a public or nonpublic school in Dorchester County; and generally relating to alcoholic beverages in Dorchester County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 19–102
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 19–1601
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

19–102.

This title applies only in Dorchester County.

19–1601.

(a) (1) Except as provided in subsection (b) of this section, the Board may not issue a new license for an establishment that is within 300 feet in a direct line of a place of worship or a public or nonpublic kindergarten, elementary, or secondary school.

(2) The distance from the establishment to the place of worship or the public or nonpublic kindergarten, elementary, or secondary school is to be measured from the establishment in a direct line to the nearest point of the main building of the place of worship or school.

(b) The prohibition against issuing a license in subsection (a) of this section does

not apply to the issuance of:

- (1) a license for a premises that was licensed on October 1, 1996;
- (2) a Class B (on-sale) beer, wine, and liquor license for a premises in Cambridge [or], Secretary, **OR HURLOCK**; or
- (3) a temporary license.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 54

(House Bill 297)

AN ACT concerning

Dorchester County – Alcoholic Beverages – Beer and Wine Festivals

FOR the purpose of authorizing the Board of License Commissioners for Dorchester County to approve more than one beer and wine festival in Dorchester County each year to be held on a weekend; prohibiting the Board from approving more than one festival for any one weekend; requiring the Board to approve a location for a festival that is not already licensed; and generally relating to alcoholic beverages in Dorchester County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages
Section 19–102
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages
Section 19–1304
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

19–102.

This title applies only in Dorchester County.

19–1304.

(a) In this section, [“Festival”] **“FESTIVAL”** means [the] **A BEER AND WINE FESTIVAL IN** Dorchester County [Beer and Wine Festival].

(b) There is a Dorchester County [Beer and Wine Festival] **BEER AND WINE FESTIVAL (DBWF)** license.

(c) The Board may issue the license to a holder of a retail license, Class 3 winery license, Class 4 limited winery license, Class 6 pub–brewery license, Class 7 micro–brewery license, or Class 8 farm brewery license.

(d) 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 40,000 barrels of beer annually; and

(ii) whose product is distributed in the State when the license application is filed.

(e) 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] **FESTIVAL**.

(f) The Board:

(1) **(I) MAY APPROVE MORE THAN ONE FESTIVAL** each year [may choose 1] **TO BE HELD ON A** weekend, Friday through Sunday inclusive[, for the Festival]; **AND**

(II) MAY NOT APPROVE MORE THAN ONE FESTIVAL FOR ANY ONE WEEKEND;

- (2) shall [choose] **APPROVE** a location that is not already licensed; and
- (3) shall ensure that the primary focus of [the Festival] **A FESTIVAL** is the promotion of Maryland beer and wine.
- (g) The license holder may hold another license of a different class or nature.
- (h) Beer and wine displayed and sold shall be:
 - (1) invoiced to the license holder by a wholesaler, Class 3 winery, or Class 4 limited winery; and
 - (2) delivered to [the Festival] **A FESTIVAL** from the licensed premises of the wholesaler, Class 3 winery, or Class 4 limited winery.
- (i) 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) The Board may set the license fee.
- (k) 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, 2018.

Approved by the Governor, April 10, 2018.

Chapter 55

(Senate Bill 51)

AN ACT concerning

Dorchester County – Alcoholic Beverages – Beer and Wine Festivals

FOR the purpose of authorizing the Board of License Commissioners for Dorchester County to approve more than one beer and wine festival in Dorchester County each year to be held on a weekend; prohibiting the Board from approving more than one festival

for any one weekend; requiring the Board to approve a location for a festival that is not already licensed; and generally relating to alcoholic beverages in Dorchester County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages
Section 19–102
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages
Section 19–1304
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

19–102.

This title applies only in Dorchester County.

19–1304.

(a) In this section, [“Festival”] **“FESTIVAL”** means [the] **A BEER AND WINE FESTIVAL IN** Dorchester County [Beer and Wine Festival].

(b) There is a Dorchester County [Beer and Wine Festival] **BEER AND WINE FESTIVAL (DBWF)** license.

(c) The Board may issue the license to a holder of a retail license, Class 3 winery license, Class 4 limited winery license, Class 6 pub–brewery license, Class 7 micro–brewery license, or Class 8 farm brewery license.

(d) 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 40,000 barrels of beer annually; and
 - (ii) whose product is distributed in the State when the license application is filed.
- (e) 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] **FESTIVAL**.
- (f) The Board:
- (1) **(I) MAY APPROVE MORE THAN ONE FESTIVAL** each year [may choose 1] **TO BE HELD ON A** weekend, Friday through Sunday inclusive[, for the Festival]; **AND**
 - (II) MAY NOT APPROVE MORE THAN ONE FESTIVAL FOR ANY ONE WEEKEND;**
 - (2) shall [choose] **APPROVE** a location that is not already licensed; and
 - (3) shall ensure that the primary focus of [the Festival] **A FESTIVAL** is the promotion of Maryland beer and wine.
- (g) The license holder may hold another license of a different class or nature.
- (h) Beer and wine displayed and sold shall be:
- (1) invoiced to the license holder by a wholesaler, Class 3 winery, or Class 4 limited winery; and
 - (2) delivered to [the Festival] **A FESTIVAL** from the licensed premises of the wholesaler, Class 3 winery, or Class 4 limited winery.
- (i) 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) The Board may set the license fee.

(k) 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, 2018.

Approved by the Governor, April 10, 2018.

Chapter 56

(House Bill 298)

AN ACT concerning

Dorchester County – Alcoholic Beverages – Class C Per Diem Licenses – Catering Club Events

FOR the purpose of specifying that a holder of a Class C per diem beer license, a Class C per diem beer and wine license, or a Class C per diem beer, wine, and liquor license may cater an event conducted by a club at the place described in the license on certain days; and generally relating to alcoholic beverages in Dorchester County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages
Section 19–102
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages
Section 19–1309 and 19–1310
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

19–102.

This title applies only in Dorchester County.

19–1309.

(a) There is a Class C per diem beer and a Class C per diem beer and wine license.

(b) A holder of a Class C per diem beer license or a Class C per diem beer and wine license:

(1) may cater an event **CONDUCTED BY A CLUB** at the place described in the license on the effective days of the license;

(2) shall distribute at the event for which the license is issued a wristband to each individual who is at least 21 years old; and

(3) may not serve an alcoholic beverage to any individual who does not wear the wristband.

(c) The fee for a Class C per diem beer license or Class C per diem beer and wine license is \$15 per day.

(d) A person who violates this section is subject to:

(1) for a first offense, a fine of \$50; and

(2) for a subsequent offense, a fine not exceeding \$500 and denial of subsequent requests for a license for catering additional events.

19–1310.

(a) There is a Class C per diem beer, wine, and liquor license.

(b) A holder of a Class C per diem beer, wine, and liquor license:

(1) may cater an event **CONDUCTED BY A CLUB** at the place described in the license on the effective days of the license;

(2) shall distribute at the event for which the license is issued a wristband to each individual who is at least 21 years old; and

(3) may not serve an alcoholic beverage to any individual who does not wear the wristband.

(c) The fee for the license is \$25 per day.

(d) A person who violates this section is subject to:

(1) for a first offense, a fine of \$50; and

(2) for a second offense, a fine not exceeding \$500 and denial of subsequent requests for a license for catering additional events.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 57

(Senate Bill 140)

AN ACT concerning

Dorchester County – Alcoholic Beverages – Class C Per Diem Licenses – Catering Club Events

FOR the purpose of specifying that a holder of a Class C per diem beer license, a Class C per diem beer and wine license, or a Class C per diem beer, wine, and liquor license may cater an event conducted by a club at the place described in the license on certain days; and generally relating to alcoholic beverages in Dorchester County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 19–102

Annotated Code of Maryland

(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 19–1309 and 19–1310

Annotated Code of Maryland

(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

19–102.

This title applies only in Dorchester County.

19–1309.

- (a) There is a Class C per diem beer and a Class C per diem beer and wine license.
- (b) A holder of a Class C per diem beer license or a Class C per diem beer and

wine license:

(1) may cater an event **CONDUCTED BY A CLUB** at the place described in the license on the effective days of the license;

(2) shall distribute at the event for which the license is issued a wristband to each individual who is at least 21 years old; and

(3) may not serve an alcoholic beverage to any individual who does not wear the wristband.

(c) The fee for a Class C per diem beer license or Class C per diem beer and wine license is \$15 per day.

(d) A person who violates this section is subject to:

(1) for a first offense, a fine of \$50; and

(2) for a subsequent offense, a fine not exceeding \$500 and denial of subsequent requests for a license for catering additional events.

19–1310.

(a) There is a Class C per diem beer, wine, and liquor license.

(b) A holder of a Class C per diem beer, wine, and liquor license:

(1) may cater an event **CONDUCTED BY A CLUB** at the place described in the license on the effective days of the license;

(2) shall distribute at the event for which the license is issued a wristband to each individual who is at least 21 years old; and

(3) may not serve an alcoholic beverage to any individual who does not wear the wristband.

(c) The fee for the license is \$25 per day.

(d) A person who violates this section is subject to:

(1) for a first offense, a fine of \$50; and

(2) for a second offense, a fine not exceeding \$500 and denial of subsequent requests for a license for catering additional events.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 58

(House Bill 1465)

AN ACT concerning

Tax Sales – Homeowner Protections

FOR the purpose of authorizing a collector of property taxes to withhold from tax sale any residential property when the total taxes due on the property amount to less than a certain amount; requiring a certain mailing sent by a collector of property taxes to the owner of a property before the property is advertised for tax sale to include a separate insert that includes certain information about how a homeowner may access certain services and programs that may assist the homeowner to avoid tax sale costs or foreclosure; requiring a certain mailing sent by a collector of property taxes to the owner of a property after the property is sold at a tax sale to include a separate insert that includes certain information about how a homeowner may access certain services and programs that may assist the homeowner to avoid tax sale costs or foreclosure; making conforming changes; and generally relating to protecting homeowners in the tax sale process.

BY repealing and reenacting, with amendments,
 Article – Tax – Property
 Section 14–811, 14–812, and 14–817.1
 Annotated Code of Maryland
 (2012 Replacement Volume and 2017 Supplement)

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

Article – Tax – Property

14–811.

(a) Except as provided in subsection (b) of this section, the collector may withhold from sale any property, when the total taxes on the property, including interest and penalties, amount to less than ~~1~~~~\$250~~ **\$750** in any 1 year.

(b) **(1) THE COLLECTOR MAY WITHHOLD FROM SALE ANY RESIDENTIAL PROPERTY, WHEN THE TOTAL TAXES ON THE PROPERTY, INCLUDING INTEREST AND PENALTIES, AMOUNT TO LESS THAN \$750.**

(2) In Baltimore City, the collector shall withhold from sale owner-occupied residential property, when the total taxes on the property, including interest and penalties, amount to less than \$750.

14-812.

(A) (1) At least 30 days before any property is first advertised for sale under this subtitle, the collector shall have mailed to the person who last appears as owner of the property on the collector’s tax roll, at the last address shown on the tax roll, a statement giving the name of the person, and the amounts of taxes due.

(2) On the statement **REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION** there shall also appear the following notice:

.....
“Date”

“This Is a Final Bill and Legal Notice to the Person Whose Name Appears on This Notice.”

“According to the collector’s tax roll you are the owner of the property appearing on this notice. Some of the taxes listed are in arrears. Notice is given you that unless all taxes in arrears are paid on or before 30 days from the above date, the collector will proceed to sell the above property to satisfy your entire indebtedness. Interest and penalties must be added to the total at the time of payment.”

(B) THE MAILING REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE A SEPARATE INSERT THAT INCLUDES THE FOLLOWING:

(1) THE STATEMENT “IF THIS PROPERTY IS YOUR PRINCIPAL RESIDENCE AND YOU ARE HAVING DIFFICULTY PAYING THE TAXES ON THE PROPERTY, THERE ARE PROGRAMS THAT MAY HELP YOU.”;

(2) A STATEMENT THAT FREE COUNSELING IS AVAILABLE TO HELP HOMEOWNERS MAKE PLANS TO PAY THEIR BILLS AND KEEP THEIR HOMES BY ~~CALLING~~ CALLING THE TELEPHONE NUMBER OF:

(I) THE HOMEOWNER’S HOPE HOTLINE AT ~~888-995-HOPE~~ HOPE;
OR

(II) ANOTHER SIMILAR LOCAL HOUSING COUNSELING SERVICE CHOSEN BY THE COLLECTOR;

(3) THE FOLLOWING INFORMATION CONCERNING THE HOMEOWNERS’ PROPERTY TAX CREDIT UNDER § 9-104 OF THIS ARTICLE:

(I) THE STATEMENT “THE HOMEOWNERS’ PROPERTY TAX CREDIT MAY SIGNIFICANTLY REDUCE THE PROPERTY TAXES YOU OWE IF YOU HAVE LIMITED INCOME AND ASSETS. YOU MAY BE ELIGIBLE FOR THE CREDIT AT ANY AGE, BUT IF YOU ARE 70 YEARS OLD OR OLDER, YOU MAY BE ELIGIBLE FOR A SPECIAL BENEFIT THAT MAY REDUCE THE TAXES YOU OWE FOR THE PAST 3 YEARS.”; AND

(II) THE WEBSITE ADDRESS AND TELEPHONE NUMBER OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION WHERE MORE INFORMATION IS AVAILABLE ABOUT THE HOMEOWNERS’ PROPERTY TAX CREDIT AND HOW TO APPLY;

(4) IF THE COLLECTOR USES THE TAX SALE PROCESS TO ENFORCE A LIEN FOR UNPAID CHARGES FOR WATER OR SEWER SERVICE AND A WATER OR SEWER UTILITY SERVING THE COLLECTOR’S JURISDICTION OFFERS A PROGRAM FOR DISCOUNTED WATER OR SEWER RATES FOR LOW-INCOME CUSTOMERS:

(I) A BRIEF DESCRIPTION OF THE PROGRAM FOR DISCOUNTED WATER ~~OR SEWER~~ OR SEWER RATES FOR LOW-INCOME CUSTOMERS; AND

(II) INFORMATION ON HOW TO APPLY FOR THE PROGRAM, INCLUDING, IF APPLICABLE, A WEBSITE ADDRESS AND TELEPHONE NUMBER WHERE MORE INFORMATION AND APPLICATIONS ARE AVAILABLE; AND

(5) ANY OTHER INFORMATION THAT MAY ASSIST LOW-INCOME HOMEOWNERS IN AVOIDING TAX SALE COSTS OR FORECLOSURE THAT THE COLLECTOR ~~DEEMS~~ CONSIDERS APPROPRIATE.

(C) For any individual who last appears as an owner of the property on the collector’s tax roll who has been listed as an owner of the property on the collector’s tax roll for at least the last 25 years, the collector shall provide, at least 30 days before the property is first advertised, a list that includes the individual’s name and address and notice to the area agency, as defined in § 10–101 of the Human Services Article.

(D) Failure of the collector to mail the statement and notice to the last address of the person last assessed for the property, as it appears on the collector’s tax roll, to mail, if applicable, a list including the name and address of an individual receiving the statement who has been listed as an owner of the property on the collector’s tax roll for at least the last 25 years and notice to the area agency, or to include any taxes in the statement and notice, does not invalidate or otherwise affect any tax, except a tax that is required to be but has not been certified as provided in § 14–810 of this subtitle, or any sale made under this subtitle to enforce payment of taxes, nor prevent nor stay any proceedings under this subtitle, nor affect the title of any purchaser.

(a) Within 60 days after a property is sold at a tax sale, the collector shall send to the person who last appears as owner of the property on the collector's tax roll, at the last address shown on the tax roll, a notice that includes:

- (1) a statement that the property has been sold to satisfy unpaid taxes;
- (2) the date of the tax sale;
- (3) the amount of the highest bid;
- (4) the lien amount on the property at the time of sale;

(5) a statement that the owner has the right to redeem the property until a court forecloses that right;

(6) a statement that the purchaser of the property may institute an action to foreclose the property:

(i) as early as 6 months from the date of the sale; or

(ii) if a government agency certifies that the property requires, or shall require, substantial repair to comply with applicable building codes, as early as 60 days from the date of the sale;

(7) a statement that if the property is redeemed before an action to foreclose the right of redemption is filed, the amount that shall be paid to redeem the property is:

(i) the total lien amount on the property at the time of sale, with interest;

(ii) any taxes, interest, and penalties paid by the holder of the certificate of sale; and

(iii) any taxes, interest, and penalties accruing after the date of the tax sale;

(8) a statement that, if the property is redeemed more than 4 months after the date of the tax sale, and before an action to foreclose the right of redemption is filed, the holder of the certificate of sale may be reimbursed for:

(i) attorney's fees for recording the certificate of sale;

(ii) a title search fee, not to exceed \$250; and

(iii) reasonable attorney's fees, not to exceed \$500;

(9) a statement that, if the property is redeemed after an action to foreclose the right of redemption has been filed, the amount that shall be paid to redeem the property is the sum of:

(i) the total lien amount on the property at the time of sale, with interest;

(ii) any taxes, interest, and penalties paid by the holder of the certificate of sale;

(iii) any taxes, interest, and penalties accruing after the date of the tax sale; and

(iv) attorney's fees and expenses to which the holder of the certificate of sale may be entitled under § 14–843(a)(4) and (5) of this subtitle; and

(10) the provisions of § 14–843(a) of this subtitle, reproduced as they appear in the Code.

(b) The notice required under **SUBSECTION (A) OF** this section shall be sent by first-class mail.

(C) THE MAILING REQUIRED UNDER THIS SECTION SHALL INCLUDE A SEPARATE INSERT THAT INCLUDES ALL OF THE INFORMATION REQUIRED UNDER § 14–812(B) OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 59

(Senate Bill 952)

AN ACT concerning

Tax Sales – Homeowner Protections

FOR the purpose of authorizing a collector of property taxes to withhold from tax sale any residential property when the total taxes due on the property amount to less than a certain amount; requiring a certain mailing sent by a collector of property taxes to the owner of a property before the property is advertised for tax sale to include a separate insert that includes certain information about how a homeowner may

access certain services and programs that may assist the homeowner to avoid tax sale costs or foreclosure; requiring a certain mailing sent by a collector of property taxes to the owner of a property after the property is sold at a tax sale to include a separate insert that includes certain information about how a homeowner may access certain services and programs that may assist the homeowner to avoid tax sale costs or foreclosure; making conforming changes; and generally relating to protections for homeowners in the tax sale process.

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 14–811, 14–812, and 14–817.1

Annotated Code of Maryland

(2012 Replacement Volume and 2017 Supplement)

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

Article – Tax – Property

14–811.

(a) Except as provided in subsection (b) of this section, the collector may withhold from sale any property, when the total taxes on the property, including interest and penalties, amount to less than ~~[\$250]~~ ~~\$750~~ in any 1 year.

(b) **(1) THE COLLECTOR MAY WITHHOLD FROM SALE ANY RESIDENTIAL PROPERTY, WHEN THE TOTAL TAXES ON THE PROPERTY, INCLUDING INTEREST AND PENALTIES, AMOUNT TO LESS THAN \$750.**

(2) In Baltimore City, the collector shall withhold from sale owner-occupied residential property, when the total taxes on the property, including interest and penalties, amount to less than \$750.

14–812.

(A) (1) At least 30 days before any property is first advertised for sale under this subtitle, the collector shall have mailed to the person who last appears as owner of the property on the collector’s tax roll, at the last address shown on the tax roll, a statement giving the name of the person, and the amounts of taxes due.

(2) On the statement **REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION** there shall also appear the following notice:

.....
“Date”

“This Is a Final Bill and Legal Notice to the Person Whose Name Appears on This Notice.”

“According to the collector’s tax roll you are the owner of the property appearing on this notice. Some of the taxes listed are in arrears. Notice is given you that unless all taxes in arrears are paid on or before 30 days from the above date, the collector will proceed to sell the above property to satisfy your entire indebtedness. Interest and penalties must be added to the total at the time of payment.”

(B) THE MAILING REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE A SEPARATE INSERT THAT INCLUDES THE FOLLOWING:

(1) THE STATEMENT “IF THIS PROPERTY IS YOUR PRINCIPAL RESIDENCE AND YOU ARE HAVING DIFFICULTY PAYING THE TAXES ON THE PROPERTY, THERE ARE PROGRAMS THAT MAY HELP YOU.”;

(2) A STATEMENT THAT FREE COUNSELING IS AVAILABLE TO HELP HOMEOWNERS MAKE PLANS TO PAY THEIR BILLS AND KEEP THEIR HOMES BY CALLING THE TELEPHONE NUMBER OF:

(I) THE HOMEOWNER’S HOPE HOTLINE; OR

(II) ANOTHER SIMILAR LOCAL HOUSING COUNSELING SERVICE CHOSEN BY THE COLLECTOR;

(3) THE FOLLOWING INFORMATION CONCERNING THE HOMEOWNERS’ PROPERTY TAX CREDIT UNDER § 9–104 OF THIS ARTICLE:

(I) THE STATEMENT “THE HOMEOWNERS’ PROPERTY TAX CREDIT MAY SIGNIFICANTLY REDUCE THE PROPERTY TAXES YOU OWE IF YOU HAVE LIMITED INCOME AND ASSETS. YOU MAY BE ELIGIBLE FOR THE CREDIT AT ANY AGE, BUT IF YOU ARE 70 YEARS OLD OR OLDER, YOU MAY BE ELIGIBLE FOR A SPECIAL BENEFIT THAT MAY REDUCE THE TAXES YOU OWE FOR THE PAST 3 YEARS.”; AND

~~**(II) THE WEBSITE ADDRESS AND TELEPHONE NUMBER OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION AND A STATEMENT THAT MORE INFORMATION ABOUT THE HOMEOWNERS’ PROPERTY TAX CREDIT AND HOW TO APPLY FOR THE CREDIT CAN BE FOUND BY VISITING THE WEBSITE OR CALLING THE TELEPHONE NUMBER OF THE DEPARTMENT; AND**~~

~~**(4) ANY OTHER INFORMATION THAT THE COLLECTOR DEEMS APPROPRIATE THAT MAY ASSIST LOW INCOME HOMEOWNERS TO AVOID TAX SALE COSTS OR FORECLOSURE.**~~

(II) THE WEBSITE ADDRESS AND TELEPHONE NUMBER OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION WHERE MORE INFORMATION IS AVAILABLE ABOUT THE HOMEOWNERS' PROPERTY TAX CREDIT AND HOW TO APPLY;

(4) IF THE COLLECTOR USES THE TAX SALE PROCESS TO ENFORCE A LIEN FOR UNPAID CHARGES FOR WATER OR SEWER SERVICE AND A WATER OR SEWER UTILITY SERVING THE COLLECTOR'S JURISDICTION OFFERS A PROGRAM FOR DISCOUNTED WATER OR SEWER RATES FOR LOW-INCOME CUSTOMERS:

(I) A BRIEF DESCRIPTION OF THE PROGRAM FOR DISCOUNTED WATER OR SEWER RATES FOR LOW-INCOME CUSTOMERS; AND

(II) INFORMATION ON HOW TO APPLY FOR THE PROGRAM, INCLUDING, IF APPLICABLE, A WEBSITE ADDRESS AND TELEPHONE NUMBER WHERE MORE INFORMATION AND APPLICATIONS ARE AVAILABLE; AND

(5) ANY OTHER INFORMATION THAT MAY ASSIST LOW-INCOME HOMEOWNERS IN AVOIDING TAX SALE COSTS OR FORECLOSURE THAT THE COLLECTOR CONSIDERS APPROPRIATE.

(C) For any individual who last appears as an owner of the property on the collector's tax roll who has been listed as an owner of the property on the collector's tax roll for at least the last 25 years, the collector shall provide, at least 30 days before the property is first advertised, a list that includes the individual's name and address and notice to the area agency, as defined in § 10–101 of the Human Services Article.

(D) Failure of the collector to mail the statement and notice to the last address of the person last assessed for the property, as it appears on the collector's tax roll, to mail, if applicable, a list including the name and address of an individual receiving the statement who has been listed as an owner of the property on the collector's tax roll for at least the last 25 years and notice to the area agency, or to include any taxes in the statement and notice, does not invalidate or otherwise affect any tax, except a tax that is required to be but has not been certified as provided in § 14–810 of this subtitle, or any sale made under this subtitle to enforce payment of taxes, nor prevent nor stay any proceedings under this subtitle, nor affect the title of any purchaser.

14–817.1.

(a) Within 60 days after a property is sold at a tax sale, the collector shall send to the person who last appears as owner of the property on the collector's tax roll, at the last address shown on the tax roll, a notice that includes:

(1) a statement that the property has been sold to satisfy unpaid taxes;

- (2) the date of the tax sale;
- (3) the amount of the highest bid;
- (4) the lien amount on the property at the time of sale;
- (5) a statement that the owner has the right to redeem the property until a court forecloses that right;
- (6) a statement that the purchaser of the property may institute an action to foreclose the property:
 - (i) as early as 6 months from the date of the sale; or
 - (ii) if a government agency certifies that the property requires, or shall require, substantial repair to comply with applicable building codes, as early as 60 days from the date of the sale;
- (7) a statement that if the property is redeemed before an action to foreclose the right of redemption is filed, the amount that shall be paid to redeem the property is:
 - (i) the total lien amount on the property at the time of sale, with interest;
 - (ii) any taxes, interest, and penalties paid by the holder of the certificate of sale; and
 - (iii) any taxes, interest, and penalties accruing after the date of the tax sale;
- (8) a statement that, if the property is redeemed more than 4 months after the date of the tax sale, and before an action to foreclose the right of redemption is filed, the holder of the certificate of sale may be reimbursed for:
 - (i) attorney's fees for recording the certificate of sale;
 - (ii) a title search fee, not to exceed \$250; and
 - (iii) reasonable attorney's fees, not to exceed \$500;
- (9) a statement that, if the property is redeemed after an action to foreclose the right of redemption has been filed, the amount that shall be paid to redeem the property is the sum of:
 - (i) the total lien amount on the property at the time of sale, with interest;

- (ii) any taxes, interest, and penalties paid by the holder of the certificate of sale;
- (iii) any taxes, interest, and penalties accruing after the date of the tax sale; and
- (iv) attorney's fees and expenses to which the holder of the certificate of sale may be entitled under § 14–843(a)(4) and (5) of this subtitle; and
- (10) the provisions of § 14–843(a) of this subtitle, reproduced as they appear in the Code.

(b) The notice required under **SUBSECTION (A) OF** this section shall be sent by first-class mail.

(C) THE MAILING REQUIRED UNDER THIS SECTION SHALL INCLUDE A SEPARATE INSERT THAT INCLUDES ALL OF THE INFORMATION REQUIRED UNDER § 14–812(B) OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 60

(Senate Bill 89)

AN ACT concerning

Chesapeake Bay and Coastal Zone Advisory Commission and Captive Wildlife Advisory Committee – Repeal

FOR the purpose of repealing the Chesapeake Bay and Coastal Zone Advisory Commission and the Captive Wildlife Advisory Committee; repealing provisions of law that require the Committee to review certain regulations, give recommendations and comments to the Director of the Forest, Park and Wildlife Service, and advise the Director on certain matters; and generally relating to the Chesapeake Bay and Coastal Zone Advisory Commission and the Captive Wildlife Advisory Committee.

BY repealing

Article – Natural Resources

Section 8–201 and 10–910

Annotated Code of Maryland

(2012 Replacement Volume and 2017 Supplement)

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

Article – Natural Resources

[8–201.

There is a Chesapeake Bay and Coastal Zone Advisory Commission in the Department.]

[10–910.

(a) There is a Captive Wildlife Advisory Committee. It shall be composed of 7 members appointed by the Director of the Forest, Park and Wildlife Service.

(b) Of the 7 Committee members:

(1) 1 shall be a representative of the pet industry;

(2) 1 shall be a falconer;

(3) 1 shall be a representative of the shooting preserve industry;

(4) 1 shall be a representative of the game breeding industry;

(5) 1 shall be a representative of a humane society or like organization; and

(6) 2 shall be members of the general public.

(c) The term of a member is 3 years. The terms of the members are staggered. The terms of the initial appointees expire as follows:

(1) 1 member representing the general public, the member representing the pet industry, and the falconry member after 3 years;

(2) 1 member representing the general public, the member representing the game breeding industry, and the member representing a humane society or like organization after 2 years; and

(3) The member representing the shooting preserve industry after 1 year.

(d) At the end of a term, a member continues to serve until a successor is appointed.

(e) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed.

(f) From among its members, the Director shall designate a chairman and a vice chairman of the Committee.

(g) The Committee shall meet at the times and places that the Committee determines.

(h) A member of the Committee:

(1) May not receive compensation; but

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

(i) The Committee shall:

(1) Review pertinent proposed regulations and give recommendations and comments to the Director; and

(2) Advise the Director on other matters relating to captive wildlife.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 61

(Senate Bill 112)

AN ACT concerning

Natural Resources – Tidal Fish Licenses

FOR the purpose of authorizing the Department of Natural Resources to issue a tidal fish license authorization to a person to catch crabs of the genus *Cancer* for a certain annual fee; lifting a restriction on the designation of a tidal fish license death beneficiary to allow a beneficiary to be designated at any time rather than only at the time of issuance of the license; making certain conforming changes; making a technical correction; and generally relating to tidal fish licenses.

BY repealing and reenacting, without amendments,
Article – Natural Resources

Section 4-701(a) and (k)(1)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4-701(b), (d), and (k)(4) and 4-736(b)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

Article – Natural Resources

4-701.

(a) Except as provided in § 4-701.1 of this subtitle, this section applies to any person who is required under Subtitle 2, 7, 8, 9, or 10 of this title to be licensed to guide fishing parties or to catch, sell, buy, process, transport, export, or otherwise deal in fish caught in tidal waters.

(b) (1) Except as provided in § 4-701.1 of this subtitle, 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 **BLUE** crabs, to utilize the number of crew members authorized under § 4-814 of this title.

(3) Except for a person receiving a license as a beneficiary of a deceased licensee under subsection (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) 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.

(d) (1) The Department may issue no more than one authorization to a person to engage in each activity under paragraph (2)(ii)1 and 2 of this subsection during a license year.

(2) (i) On a tidal fish license, the Department may issue an authorization for any of the following activities for which the indicated fee has been paid.

(ii) The following annual fees for an authorization shall apply regardless of when the license is issued or an activity is authorized:

1. To provide services as:
 - A. A fishing guide in the tidal waters of Maryland – \$100 for a resident and \$200 for a nonresident; and
 - B. A master fishing guide, in addition to the fee under item A of this item – \$100 per vessel
2. To catch for sale fish with equipment which is legal under this title:
 - A. Finfish:
 - I. Hook and line only, anywhere: \$100
 - II. All other equipment: \$150
 - B. **[Crabs] BLUE CRABS:**
 - I. Up to 50 pots, trotlines, nets, dip nets, traps, pounds, and scrapes: \$100
 - II. Over 50 pots, plus any other gear listed in item I of this subsubsubparagraph: \$150
 - C. Clams – \$100
 - D. Oysters – \$250 for a dredge boat and \$100 for other than a dredge boat
 - E. Conch, turtles, **[and] lobster, AND ALL CRABS OF THE GENUS CANCER** – \$100
 - F. For all activities in item 1A of this subparagraph and in items A through E of this item, unlimited tidal fish – \$300
3. For one or two crew members employed under § 4–814 of this title to enable a licensee to catch **BLUE** crabs under subparagraph (ii)2BII and F of this paragraph with more than 300 pots, the licensee shall pay an additional:
 - A. \$100 for up to 600 pots total per vessel; or
 - B. \$150 for up to 900 pots total per vessel.

4. For a person to buy, process, pack, resell, market or otherwise deal in fish caught in the tidal waters of Maryland, seafood dealer:

A. \$50 for a person licensed under item 2 of this subparagraph or § 4-701.1 of this subtitle; or

B. \$250 for a person not licensed under item 2 of this subparagraph.

5. For a person who is not licensed under this section to land fish caught in out-of-state tidal waters, seafood landing – \$350

(k) (1) A license or authorization may be transferred only under the provisions of this subsection.

(4) (i) On the death of a licensee, the Department shall review and may approve the permanent transfer of a license or authorization to the person indicated on the beneficiary form submitted by the deceased licensee [at the time of issuance on the license].

(ii) The personal representative of the estate of the deceased licensee may retain the license or authorization for 2 years from the date of appointment as personal representative if:

1. The deceased licensee did not indicate a license beneficiary;

2. The Department determines that the license beneficiary is not qualified to receive the license or authorization; or

3. The license beneficiary does not accept the license or authorization.

(iii) On appointment, the personal representative shall notify the Department of the appointment and the intent to retain the license or authorization.

(iv) A license or authorization retained under this paragraph may be renewed annually as required by this title.

(v) Before the end of the 2-year period, the personal representative may submit a completed transfer application to transfer the license or authorization to a qualified individual.

(vi) If a license or authorization is not transferred under subparagraph (i) of this paragraph, and a transfer application is not submitted under subparagraph (ii) of this paragraph, the license or authorization is void.

(vii) A person may not operate under the license or authorization of

the deceased licensee without approval of the application by the Department.

4–736.

(b) (1) A person may not catch eels for sale with pots or other devices in the tidal waters of the State without first obtaining a tidal fish license to catch finfish for commercial purposes from the Department.

(2) A licensee who is authorized to catch **BLUE** crabs under this [section] **SUBTITLE** may use up to 50 pots to catch eels for personal use as crab trotline bait without obtaining an authorization to catch finfish.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 62

(Senate Bill 113)

AN ACT concerning

Natural Resources – Recreational License Incentive Discount Program

FOR the purpose of establishing the Recreational License Incentive Discount Program in the Department of Natural Resources; authorizing the Department to offer certain incentive discounts under the Program for certain recreational fishing and hunting licenses under certain circumstances; stating the purpose of the Program; authorizing the Department to adopt certain regulations; defining a certain term; and generally relating to the Recreational License Incentive Discount Program.

BY adding to

Article – Natural Resources

Section 1–901 to be under the new subtitle “Subtitle 9. Recreational License Incentive Discount Program”

Annotated Code of Maryland

(2012 Replacement Volume and 2017 Supplement)

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

Article – Natural Resources

SUBTITLE 9. RECREATIONAL LICENSE INCENTIVE DISCOUNT PROGRAM.

1-901.

(A) IN THIS SUBTITLE, “PROGRAM” MEANS THE RECREATIONAL LICENSE INCENTIVE DISCOUNT PROGRAM.

(B) THERE IS A RECREATIONAL LICENSE INCENTIVE DISCOUNT PROGRAM IN THE DEPARTMENT.

(C) THE PROGRAM IS ESTABLISHED TO PROVIDE INCENTIVES FOR ELIGIBLE INDIVIDUALS TO OBTAIN RECREATIONAL FISHING AND HUNTING LICENSES.

(D) (1) IN ADMINISTERING THE PROGRAM, THE DEPARTMENT MAY OFFER INCENTIVE DISCOUNTS FOR RECREATIONAL FISHING AND HUNTING LICENSES ISSUED UNDER §§ 4-604, 4-745, AND 10-301 OF THIS ARTICLE.

(2) AN INCENTIVE DISCOUNT OFFERED OR PROVIDED UNDER THE PROGRAM:

**(I) MAY NOT EXCEED 50% OF THE UNDERLYING LICENSE FEE;
AND**

(II) MAY BE OFFERED OR PROVIDED FOR A SPECIFIC RECREATIONAL LICENSE ONLY TO AN INDIVIDUAL WHO HAS NOT HELD THAT LICENSE WITHIN THE PREVIOUS 2 YEARS.

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 63

(Senate Bill 100)

AN ACT concerning

Reservoir, Dam, or Waterway Obstruction Plans – Designation of Approval Authority

FOR the purpose of authorizing the Department of the Environment to designate the authority to approve certain reservoir, dam, or waterway obstruction plans and specifications; requiring the Department's designee to notify the Department of the approval of certain ponds; making stylistic changes; and generally relating to reservoirs, dams, and waterway obstructions.

BY repealing and reenacting, with amendments,
Article – Environment
Section 5–503(a)(1), (b), (c), and (d)
Annotated Code of Maryland
(2013 Replacement Volume and 2017 Supplement)

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

Article – Environment

5–503.

(a) (1) A person shall obtain, **ON WRITTEN APPLICATION TO THE DEPARTMENT**, a permit from the Department to [construct]:

(I) CONSTRUCT, reconstruct, or repair any reservoir, dam, or waterway obstruction[, to make];

(II) MAKE, construct, or permit to be made or constructed any change or addition to any reservoir, dam, or waterway obstruction[, to make];

(III) MAKE or permit to be made any change in, addition to, or repair of any existing waterway obstruction[.]; or [in any manner to change]

(IV) CHANGE, IN ANY MANNER, in whole or part the course, current, or cross section of any stream or body of water within the State, except tidal waters. [The permit is obtained upon written application to the Department.]

(b) (1) A person is exempt from the requirement of obtaining a permit from the Department if:

(i) The plans and specifications are approved by the appropriate soil conservation district **OR THE DEPARTMENT'S DESIGNEE**;

(ii) The pond is not located within drainage of the Gwynns Falls, Jones Falls, or Herring Run streams situated in or adjacent to Baltimore City;

(iii) The pond meets minimum standards for safety set forth in Department rules and regulations;

(iv) The contributory drainage area is less than 1 square mile (640 acres);

(v) The dam is not greater than 20 feet in height measured vertically from the lowest point on the top of the dam to the lowest point on the upstream toe of the dam;

(vi) The pond is a low hazard structure the failure of which is unlikely to cause loss of life or property damage; and

(vii) The pond is not a wastewater stabilization pond.

(2) The soil conservation district **OR THE DEPARTMENT'S DESIGNEE** shall notify the Department of any pond approved under this subsection.

(3) Nothing in this subsection is a limitation on the Department's authority under this subtitle.

(c) (1) The Department, by regulation, may designate interjurisdictional watersheds in which any impoundment proposal is subject to review and approval by the Department for standards relating to safety and flood control.

(2) Gwynns Falls, Jones Falls, and Herring Run, situated in or adjacent to Baltimore City, are designated interjurisdictional watersheds.

(d) The provisions of this section do not restrict or limit the Department's jurisdiction over waste treatment structures, including [but not limited to] dams, impoundments, ponds, and lagoons or limit the applicability of any other laws administered by the Department.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 64

(House Bill 135)

AN ACT concerning

Health Insurance – Coverage for Male Sterilization – High–Deductible Health Plans

FOR the purpose of exempting a high–deductible health plan from the prohibition on application of a deductible to coverage for male sterilization; providing for the application of this Act; requiring the Maryland Insurance Commissioner to forward a certain notice to the Department of Legislative Services within a certain time period under certain circumstances; providing for the termination of this Act under certain circumstances; making this Act an emergency measure; and generally relating to coverage for male sterilization under health insurance.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 15–826.2

Annotated Code of Maryland

(2017 Replacement Volume)

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

Article – Insurance

15–826.2.

(a) (1) In this subsection, “group” means a group that is not a group covered under a health insurance policy or contract or under a health maintenance organization contract issued or delivered to a small employer, as defined in § 31–101 of this article.

(2) This subsection applies to:

(i) insurers and nonprofit health service plans that provide hospital, medical, or surgical benefits to groups on an expense–incurred basis under health insurance policies or contracts that are issued or delivered in the State; and

(ii) health maintenance organizations that provide hospital, medical, or surgical benefits to groups under contracts that are issued or delivered in the State.

(3) This subsection does not apply to an organization that requests and receives an exclusion from coverage under § 15–826(c) of this subtitle.

(4) An entity subject to this subsection shall provide coverage for male sterilization.

(b) (1) This subsection applies to:

(i) insurers and nonprofit health service plans that provide coverage for male sterilization under individual, group, or blanket health insurance policies or contracts that are issued or delivered in the State; and

(ii) health maintenance organizations that provide coverage for male sterilization under individual or group contracts that are issued or delivered in the State.

(2) Except **AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION AND EXCEPT** with respect to a health benefit plan that is a grandfathered health plan, as defined in § 1251 of the Affordable Care Act, an entity subject to this subsection may not apply a copayment, coinsurance requirement, or deductible to coverage for male sterilization.

(3) IF AN INSURED OR ENROLLEE IS COVERED UNDER A HIGH-DEDUCTIBLE HEALTH PLAN, AS DEFINED IN ~~26 U.S.C. § 223~~ 26 U.S.C. § 223, AN ENTITY SUBJECT TO THIS SUBSECTION MAY SUBJECT MALE STERILIZATION TO THE DEDUCTIBLE REQUIREMENT OF THE HIGH-DEDUCTIBLE HEALTH PLAN.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall ~~be construed to apply retroactively and shall be applied to and interpreted to affect~~ to all policies, contracts, and health benefit plans issued, delivered, amended, or renewed in the State on or after January 1, 2018 the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) This Act shall remain effective until the United States Secretary of the Treasury or other United States Treasury official determines that a high-deductible health plan that meets the coverage requirements relating to male sterilization under § 15-826.2 of the Insurance Article meets the qualifications for health savings account-qualified high-deductible health plans under the safe harbor provisions for “preventive care” under § 223(c)(2)(C) of the Internal Revenue Code.

(b) If the United States Secretary of the Treasury or other United States Treasury official makes the determination described in subsection (a) of this section, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

(c) If the Maryland Insurance Commissioner receives notice of the determination described in subsection (a) of this section, the Commissioner shall, within 5 days after receiving notice of the determination, forward a copy of the notice to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to

each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 10, 2018.

Chapter 65

(Senate Bill 137)

AN ACT concerning

Health Insurance – Coverage for Male Sterilization – High–Deductible Health Plans

FOR the purpose of exempting a high–deductible health plan from the prohibition on application of a deductible to coverage for male sterilization; providing for the application of this Act; requiring the Maryland Insurance Commissioner to forward a certain notice to the Department of Legislative Services within a certain time period under certain circumstances; providing for the termination of this Act under certain circumstances; making this Act an emergency measure; and generally relating to coverage for male sterilization under health insurance.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–826.2
Annotated Code of Maryland
(2017 Replacement Volume)

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

Article – Insurance

15–826.2.

(a) (1) In this subsection, “group” means a group that is not a group covered under a health insurance policy or contract or under a health maintenance organization contract issued or delivered to a small employer, as defined in § 31–101 of this article.

(2) This subsection applies to:

(i) insurers and nonprofit health service plans that provide hospital, medical, or surgical benefits to groups on an expense–incurred basis under health insurance policies or contracts that are issued or delivered in the State; and

(ii) health maintenance organizations that provide hospital, medical, or surgical benefits to groups under contracts that are issued or delivered in the State.

(3) This subsection does not apply to an organization that requests and receives an exclusion from coverage under § 15–826(c) of this subtitle.

(4) An entity subject to this subsection shall provide coverage for male sterilization.

(b) (1) This subsection applies to:

(i) insurers and nonprofit health service plans that provide coverage for male sterilization under individual, group, or blanket health insurance policies or contracts that are issued or delivered in the State; and

(ii) health maintenance organizations that provide coverage for male sterilization under individual or group contracts that are issued or delivered in the State.

(2) Except **AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION AND EXCEPT** with respect to a health benefit plan that is a grandfathered health plan, as defined in § 1251 of the Affordable Care Act, an entity subject to this subsection may not apply a copayment, coinsurance requirement, or deductible to coverage for male sterilization.

(3) IF AN INSURED OR ENROLLEE IS COVERED UNDER A HIGH–DEDUCTIBLE HEALTH PLAN, AS DEFINED IN ~~26 U.S.C. § 223~~ 26 U.S.C. § 223, AN ENTITY SUBJECT TO THIS SUBSECTION MAY SUBJECT MALE STERILIZATION TO THE DEDUCTIBLE REQUIREMENT OF THE HIGH–DEDUCTIBLE HEALTH PLAN.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall ~~be construed to apply retroactively and shall be applied to and interpreted to affect~~ to all policies, contracts, and health benefit plans issued, delivered, amended, or renewed in the State on or after ~~January 1, 2018~~ the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) This Act shall remain effective until the United States Secretary of the Treasury or other United States Treasury official determines that a high–deductible health plan that meets the coverage requirements relating to male sterilization under § 15–826.2 of the Insurance Article meets the qualifications for health savings account–qualified high–deductible health plans under the safe harbor provisions for “preventive care” under § 223(c)(2)(C) of the Internal Revenue Code.

(b) If the United States Secretary of the Treasury or other United States Treasury official makes the determination described in subsection (a) of this section, this Act, with

no further action required by the General Assembly, shall be abrogated and of no further force and effect.

(c) If the Maryland Insurance Commissioner receives notice of the determination described in subsection (a) of this section, the Commissioner shall, within 5 days after receiving notice of the determination, forward a copy of the notice to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 10, 2018.

Chapter 66

(House Bill 1229)

AN ACT concerning

Maryland Agricultural Land Preservation Easements Foundation – Use of Land – Signs, Billboards, and Outdoor Advertising Displays

FOR the purpose of authorizing a landowner, without the approval of the Maryland Agricultural Land Preservation Foundation, to erect and display on land subject to a certain easement a certain sign, billboard, or outdoor advertising display to be erected, displayed, placed, or maintained on land subject to an agricultural land preservation easement notwithstanding the terms of the easement for a certain purpose; authorizing the Foundation to authorize a landowner to erect and display on land subject to a certain easement a certain sign or outdoor advertising display for the purpose of providing certain information; providing that this Act supersedes certain provisions of a certain deed or agreement; providing that this Act does not supersede certain local laws or ordinances; providing for the application of this Act; and generally relating to signs, billboards, and outdoor advertising displays on the use of land subject to an agricultural land preservation easement.

BY repealing and reenacting, without amendments,

Article – Agriculture

Section ~~2-513(a) and (b)(1)~~ 2-513(b)(1)

Annotated Code of Maryland

(2016 Replacement Volume and 2017 Supplement)

BY adding to

Article – Agriculture

Section ~~2-513(d)~~ 2-513(b)(11)

Annotated Code of Maryland

(2016 Replacement Volume and 2017 Supplement)

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

~~Article – Agriculture~~

~~Section 2-513(d) and (e)~~

~~Annotated Code of Maryland~~

~~(2016 Replacement Volume and 2017 Supplement)~~

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

Article – Agriculture

2-513.

~~(a) Agricultural land preservation easements may be purchased under this subtitle for any land in agricultural use which meets the minimum criteria established under § 2-509 of this subtitle if the easement and county regulations governing the use of the land include the following provisions:~~

~~(1) Any farm use of land is permitted.~~

~~(2) Operation at any time of any machinery used in farm production or the primary processing of agricultural products is permitted.~~

~~(3) All normal agricultural operations performed in accordance with good husbandry practices which do not cause bodily injury or directly endanger human health are permitted including, but not limited to, sale of farm products produced on the farm where such sales are made.~~

(b) (1) A landowner whose land is subject to an easement may not use the land for any commercial, industrial, or residential purpose except:

(i) As determined by the Foundation, for farm- and forest-related uses and home occupations; or

(ii) As otherwise provided under this section.

~~(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AND NOTWITHSTANDING THE TERMS OF AN AGRICULTURAL PRESERVATION EASEMENT ACQUIRED BY THE FOUNDATION BY PURCHASE, GRANT, GIFT, DONATION, OR OTHERWISE, A SIGN, BILLBOARD, OR OUTDOOR ADVERTISING DISPLAY MAY BE~~

~~ERECTED, DISPLAYED, PLACED, OR MAINTAINED ON LAND SUBJECT TO AN EASEMENT TO:~~

~~(I) STATE THE NAME OF THE PROPERTY AND THE NAME AND ADDRESS OF THE OCCUPANT;~~

~~(II) SUBJECT TO APPROVAL BY THE FOUNDATION, ADVERTISE A HOME OR ANCILLARY OCCUPATION THAT IS CONSISTENT WITH THE PURPOSES OF THE FOUNDATION'S PROGRAM;~~

~~(III) ADVERTISE THE SALE OF AN AGRICULTURAL PRODUCT THAT IS CONSISTENT WITH THE PURPOSES OF THE FOUNDATION'S PROGRAM;~~

~~(IV) IN ACCORDANCE WITH A LOCAL LAW, RULE, ORDINANCE, OR RESOLUTION:~~

~~1. ADVERTISE THE PROPERTY AS FOR SALE OR RENT;~~

~~2. FORBID TRESPASSING, HUNTING, OR THE DESTRUCTION OF PROPERTY;~~

~~3. MARK BOUNDARY LINES;~~

~~4. IDENTIFY THE PROTECTED STATUS OF THE PROPERTY UNDER THE FOUNDATION'S PROGRAM; OR~~

~~5. SUPPORT A POLITICAL CANDIDATE; OR~~

~~(V) SUBJECT TO APPROVAL BY THE FOUNDATION, PROVIDE ANY OTHER INFORMATION THAT IS CONSISTENT WITH THE PURPOSES OF THE FOUNDATION'S PROGRAM.~~

~~(2) A SIGN, BILLBOARD, OR OUTDOOR ADVERTISING DISPLAY THAT IS ERECTED, DISPLAYED, PLACED, OR MAINTAINED ON LAND SUBJECT TO AN EASEMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT EXCEED 4 FEET BY 4 FEET.~~

~~[(d)] (E) Purchase of an easement by the Foundation does not grant the public any right of access or right of use of the subject property.~~

~~[(e)] (F) An agricultural land preservation easement purchased under this subtitle shall be included as part of a partnership under the Readiness and Environmental Protection Integration Program established under 10 U.S.C. § 2684a if:~~

~~(1) The land that is subject to an easement is in the vicinity of, or ecologically related to, the Atlantic Test Range;~~

~~(2) The landowner whose land is subject to an easement agrees to any restrictions imposed on the easement under the Readiness and Environmental Protection Integration Program established under 10 U.S.C. § 2684a; and~~

~~(3) Funding is available to the Foundation to enter into an agreement under the Readiness and Environmental Protection Integration Program established under 10 U.S.C. § 2684a.~~

(11) (I) A LANDOWNER MAY, WITHOUT THE APPROVAL OF THE FOUNDATION, ERECT AND DISPLAY ON LAND SUBJECT TO AN EASEMENT UNDER THIS SUBTITLE A SIGN OR ANY OTHER OUTDOOR ADVERTISING DISPLAY MEASURING NOT MORE THAN 4 FEET BY 4 FEET FOR THE PURPOSE OF:

1. STATING THE NAME OR ADDRESS OF THE PROPERTY OR ITS OCCUPANT;

2. ADVERTISING ANY FARM- OR FOREST-RELATED USES OF THE PROPERTY OR ANY HOME OCCUPATIONS THAT OCCUR ON THE PROPERTY WITH THE APPROVAL OF THE FOUNDATION;

3. ADVERTISING THE SALE OF AGRICULTURAL PRODUCTS, CONSISTENT WITH THE POLICIES OF THE FOUNDATION;

4. ADVERTISING THAT THE PROPERTY IS AVAILABLE FOR SALE OR RENT;

5. FORBIDDING TRESPASSING, HUNTING, OR THE DESTRUCTION OF PROPERTY;

6. MARKING THE BOUNDARIES OF THE PROPERTY;

7. IDENTIFYING THE PROTECTED STATUS OF THE PROPERTY; OR

8. SUPPORTING A POLITICAL CANDIDATE.

(II) THE FOUNDATION MAY AUTHORIZE A LANDOWNER TO ERECT AND DISPLAY ON LAND SUBJECT TO AN EASEMENT UNDER THIS SUBTITLE A SIGN OR ANY OTHER OUTDOOR ADVERTISING DISPLAY MEASURING NOT MORE THAN 4 FEET BY 4 FEET FOR THE PURPOSE OF PROVIDING ANY OTHER INFORMATION CONSISTENT WITH THE PURPOSES OF THE FOUNDATION.

(III) THIS PARAGRAPH:

1. SUPERSEDES ANY INCONSISTENT PROVISIONS OF A DEED OR ANY OTHER AGREEMENT GRANTING AN EASEMENT UNDER THIS SUBTITLE; AND

2. DOES NOT SUPERSEDE ANY LOCAL LAW OR ORDINANCE GOVERNING SIGNS OR OUTDOOR ADVERTISING DISPLAYS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect ~~any~~ agricultural preservation ~~easement~~ easements granted to the Maryland Agricultural Land Preservation Foundation before ~~July 1, 2018~~ the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 67

(Senate Bill 1057)

AN ACT concerning

Cecil County – Alcoholic Beverages – Alcohol Awareness Program

FOR the purpose of requiring a license holder in Cecil County to ensure that each individual employed in a supervisory capacity and each bartender at a licensed premises be certified by an approved alcohol awareness program; requiring at least one certified individual to be present on the licensed premises at all times when alcoholic beverages may be sold; providing that, if a certain time period has elapsed since a certain violation, a certain subsequent violation will be considered a first offense for a certain purpose; establishing certain penalties; and generally relating to holders of alcoholic beverages licenses in Cecil County.

BY repealing and reenacting, without amendments,
 Article – Alcoholic Beverages
 Section 17–102
 Annotated Code of Maryland
 (2016 Volume and 2017 Supplement)

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

Section 17–1901 and 17–2802
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY adding to
Article – Alcoholic Beverages
Section 17–1903
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

~~BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 17–2802
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)~~

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

Article – Alcoholic Beverages

17–102.

This title applies only in Cecil County.

17–1901.

(a) 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) § 4–505 (“Alcohol awareness program”);]
- [(4)] **(3)** § 4–506 (“Evidence of purchaser’s age”);
- [(5)] **(4)** § 4–507 (“Retail delivery of alcoholic beverages”); and
- [(6)] **(5)** § 4–508 (“Display of license”).

[(b) Section 4–504 (“Employment of underage individuals”) of Division I of this article applies in the county, subject to § 17–1902 of this subtitle.]

(B) 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 § 17-1902 OF THIS SUBTITLE; AND

(2) § 4-505 (“ALCOHOL AWARENESS PROGRAM”), SUBJECT TO § 17-1903 OF THIS SUBTITLE.

17-1903.

(A) A LICENSE HOLDER SHALL ENSURE THAT:

(1) EACH EMPLOYEE IN A SUPERVISORY CAPACITY AND EACH BARTENDER BE CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM; AND

(2) AT LEAST ONE CERTIFIED INDIVIDUAL BE PRESENT ON THE LICENSED PREMISES DURING THE HOURS IN WHICH ALCOHOLIC BEVERAGES MAY BE SOLD.

(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 SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.

17-2802.

(a) The Board may impose a fine not exceeding \$1,000 or suspend a license for a violation of this title.

(b) Fines collected under this section shall be paid into the general fund of the county.

(C) IF A PERIOD OF AT LEAST 5 YEARS HAS ELAPSED SINCE A VIOLATION OF THIS TITLE, A SUBSEQUENT VIOLATION SHALL BE CONSIDERED A FIRST OFFENSE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 68**(House Bill 411)**

AN ACT concerning

Cecil County – Alcoholic Beverages – Alcohol Awareness Program

FOR the purpose of requiring a license holder in Cecil County to ensure that each individual employed in a supervisory capacity and each bartender at a licensed premises be certified by an approved alcohol awareness program; requiring at least one certified individual to be present on the licensed premises at all times when alcoholic beverages may be sold; providing that, if a certain time period has elapsed since a certain violation, a certain subsequent violation will be considered a first offense for a certain purpose; establishing certain penalties; and generally relating to holders of alcoholic beverages licenses in Cecil County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 17–102
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 17–1901 and 17–2802
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY adding to
Article – Alcoholic Beverages
Section 17–1903
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

17–102.

This title applies only in Cecil County.

17–1901.

(a) 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) § 4–505 (“Alcohol awareness program”);]
- [(4)] (3) § 4–506 (“Evidence of purchaser’s age”);
- [(5)] (4) § 4–507 (“Retail delivery of alcoholic beverages”); and
- [(6)] (5) § 4–508 (“Display of license”).

(b) [Section 4–504 (“Employment of underage individuals”) of Division I of this article applies in the county, subject to § 17–1902 of this subtitle.] **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 § 17–1902 OF THIS SUBTITLE; AND

(2) § 4–505 (“ALCOHOL AWARENESS PROGRAM”), SUBJECT TO § 17–1903 OF THIS SUBTITLE.

17–1903.

(A) A LICENSE HOLDER SHALL ENSURE THAT:

(1) EACH EMPLOYEE IN A SUPERVISORY CAPACITY AND EACH BARTENDER BE CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM; AND

(2) AT LEAST ONE CERTIFIED INDIVIDUAL BE PRESENT ON THE LICENSED PREMISES DURING THE HOURS IN WHICH ALCOHOLIC BEVERAGES MAY BE SOLD.

(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 SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.

17-2802.

(a) The Board may impose a fine not exceeding \$1,000 or suspend a license for a violation of this title.

(b) Fines collected under this section shall be paid into the general fund of the county.

(C) IF A PERIOD OF AT LEAST 5 YEARS HAS ELAPSED SINCE A VIOLATION OF THIS TITLE, A SUBSEQUENT VIOLATION SHALL BE CONSIDERED A FIRST OFFENSE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 69

(Senate Bill 1251)

AN ACT concerning

**Property Tax – Municipal Corporations – Electricity Generation Facilities –
Negotiated Payments in Lieu of Taxes**

FOR the purpose of authorizing the governing body of a municipal corporation to enter into an agreement with the owner of a facility for the generation of electricity that is located or locates in the municipal corporation for a negotiated payment by the owner in lieu of taxes on the facility; requiring the agreement to provide for certain matters; exempting the real and personal property at the facility from municipal corporation property tax for a negotiated payment in lieu of taxes for a certain period of time; providing for the application of this Act; repealing certain obsolete provisions; making this Act an emergency measure; and generally relating to negotiated payments in lieu of taxes between municipal corporations and certain electricity generation facilities.

BY repealing and reenacting, without amendments,
 Article – Tax – Property
 Section 7-237
 Annotated Code of Maryland
 (2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
 Article – Tax – Property
 Section 7-514

Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

Article – Tax – Property

7–237.

(a) Except as provided in subsection (b) of this section, personal property is exempt from property tax if the property is machinery or equipment used to generate:

- (1) electricity or steam for sale; or
- (2) hot or chilled water for sale that is used to heat or cool a building.

(b) Subject to § 7–514 of this title, personal property that is machinery or equipment described in subsection (a) of this section is subject to county or municipal corporation property tax on:

- (1) 75% of its value for the taxable year beginning July 1, 2000; and
- (2) 50% of its value for the taxable year beginning July 1, 2001 and each subsequent taxable year.

7–514.

(a) [This section shall be applicable to all taxable years beginning after June 30, 2008.

(b) (1) Notwithstanding § 7–237 of this title, and subject to paragraph (2) of this subsection, for a taxable year beginning before July 1, 2011, the governing body of a county may increase to not more than 65%, by law, the percent of the assessment of any personal property described in § 7–237 of this title that is subject to county property tax.

(2) The governing body of a county may not increase the percent of assessment of personal property described in § 7–237 of this title that is subject to county personal property tax to more than:

- (i) 65% for the taxable year beginning July 1, 2008;
- (ii) 60% for the taxable year beginning July 1, 2009; and
- (iii) 55% for the taxable year beginning July 1, 2010.

(3) (i) A county that increases the percent of assessment of taxable personal property under paragraph (1) of this subsection shall submit a copy of the law to the Department.

(ii) If the Department receives a copy of the law on or before May 1, the change shall be effective for the taxable year following the date the law is enacted.

(c)] (1) The governing body of a county **OR A MUNICIPAL CORPORATION** may enter into an agreement with the owner of a facility for the generation of electricity that is located or locates in the county **OR THE MUNICIPAL CORPORATION** for a negotiated payment by the owner in lieu of taxes on the facility.

(2) An agreement for a negotiated payment in lieu of taxes under this section shall provide that, for the term specified in the agreement:

(i) the owner shall pay to the county **OR MUNICIPAL CORPORATION** a specified amount each year in lieu of the payment of county **OR MUNICIPAL CORPORATION** real and personal property tax; and

(ii) all or a specified part of the real and personal property at the facility shall be exempt from county **OR MUNICIPAL CORPORATION** property tax for the term of the agreement.

[(d)] (B) As specified in the agreement for a negotiated payment in lieu of taxes under this section, for the term specified in the agreement, the real and personal property at a facility for the generation of electricity that is located or locates in the county **OR THE MUNICIPAL CORPORATION** is exempt from county **OR MUNICIPAL CORPORATION** property tax.

[(e)] (C) For each taxable year, Washington County shall distribute to the Town of Williamsport an amount equal to 35% of[

(1) any county property tax revenue attributable to increasing the percent of assessment of any personal property described in § 7–237 of this title that is subject to county property tax, as authorized under subsection (b) of this section; or

(2)] any amount received by the county under a negotiated payment in lieu of taxes under this section from an owner of an electricity generation facility that is located or locates in the Town of Williamsport.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be applicable to all taxable years beginning after June 30, 2018.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to

each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 10, 2018.

Chapter 70

(House Bill 309)

AN ACT concerning

Anne Arundel County – Practice of Massage – Regulation

FOR the purpose of authorizing the governing body of Anne Arundel County, after consultation with the State Board of Massage Therapy Examiners, to adopt ordinances or regulations relating to verification, inspection, and display of certain licenses issued under certain provisions of law; requiring the governing body of Anne Arundel County to provide that the Anne Arundel County Health Officer and the Anne Arundel County Police Department have certain authority to carry out certain provisions of ordinances or regulations; and generally relating to the practice of massage in Anne Arundel County.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 6–405
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

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

Article – Health Occupations

6–405.

(a) (1) In Charles County and Washington County, the county commissioners may adopt ordinances or regulations relating to massage establishments and the practices of massage therapists, massage practitioners, and any other individuals who provide massage for compensation.

(2) In **ANNE ARUNDEL COUNTY** AND Howard County, after consultation with the Board, the governing body may adopt ordinances or regulations relating to verification, inspection, and display of licenses issued under this subtitle.

(b) (1) The Charles County Commissioners shall provide that the Director of the Charles County Health Department and the Office of the Sheriff for Charles County have the authority to carry out the provisions of the ordinances or regulations adopted under subsection (a) of this section.

(2) The Washington County Commissioners shall provide that the Washington County Health Officer and the Office of the Sheriff for Washington County have the authority to carry out the provisions of the ordinances or regulations adopted under subsection (a) of this section.

(3) The governing body of Howard County shall provide that the Howard County Health Officer and the Howard County Police Department have the authority to carry out the provisions of the ordinances or regulations adopted under subsection (a) of this section.

(4) THE GOVERNING BODY OF ANNE ARUNDEL COUNTY SHALL PROVIDE THAT THE ANNE ARUNDEL COUNTY HEALTH OFFICER AND THE ANNE ARUNDEL COUNTY POLICE DEPARTMENT HAVE THE AUTHORITY TO CARRY OUT THE PROVISIONS OF THE ORDINANCES OR REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 71

(House Bill 244)

AN ACT concerning

General Assembly – Prefiled Bills – Deadlines

FOR the purpose of altering the date by which a member of the General Assembly may request the Department of Legislative Services to prepare a bill for prefile at a regular session under certain circumstances; altering the date by which a member may direct the Department to prefile a bill under certain circumstances; and generally relating to the introduction of bills by members of the General Assembly.

BY repealing and reenacting, with amendments,

Article – State Government

Section 2–1502(c)

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

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

Article – State Government

2–1502.

(c) (1) In a year when an election for members of the General Assembly is held:

(i) a bill may be prefiled only by an individual elected or re-elected to the General Assembly at that election;

(ii) the deadline for directing the Department to file a bill for introduction is December 10;

(iii) the deadline for requesting the Department to prepare a bill for prefiling is November 20; and

(iv) an individual first elected at that election may not request the Department to prepare a bill until after the election.

(2) In any other year, a member may prefile a bill at any regular session by:

(i) on or before the preceding November [15] 1, requesting the Department to prepare the bill; and

(ii) on or before [the second Friday following Thanksgiving] **THE PRECEDING NOVEMBER 20**, directing the Department, in writing, to file the bill for introduction.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 72

(Senate Bill 680)

AN ACT concerning

General Assembly – Prefiled Bills – Deadlines

FOR the purpose of altering the date by which a member of the General Assembly may request the Department of Legislative Services to prepare a bill for prefile at a regular session under certain circumstances; altering the date by which a member may direct the Department to prefile a bill under certain circumstances; and generally relating to the introduction of bills by members of the General Assembly.

BY repealing and reenacting, with amendments,

Article – State Government

Section 2–1502(c)

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

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

Article – State Government

2–1502.

(c) (1) In a year when an election for members of the General Assembly is held:

(i) a bill may be prefiled only by an individual elected or re-elected to the General Assembly at that election;

(ii) the deadline for directing the Department to file a bill for introduction is December 10;

(iii) the deadline for requesting the Department to prepare a bill for prefilng is November 20; and

(iv) an individual first elected at that election may not request the Department to prepare a bill until after the election.

(2) In any other year, a member may prefile a bill at any regular session by:

(i) on or before the preceding November [15] 1, requesting the Department to prepare the bill; and

(ii) on or before [the second Friday following Thanksgiving] **THE PRECEDING NOVEMBER 20**, directing the Department, in writing, to file the bill for introduction.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 73

(House Bill 789)

AN ACT concerning

**Baltimore City – Alcoholic Beverages License – Suspension Based on Unpaid
Personal Property Tax**

FOR the purpose of modifying the deadline by which a license holder annually must present to the Board of License Commissioners for Baltimore City a certain certificate regarding certain personal property taxes; and generally relating to the Board of License Commissioners for Baltimore City.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 12–102
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 12–2103(a)
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

12–102.

This title applies only in Baltimore City.

12–2103.

(a) The Board shall immediately suspend without a hearing the renewal license of a license holder that fails to present to the Board by **[June] OCTOBER 30** annually a certificate issued by the Director of Finance showing that all personal property taxes due to the City or State are paid.

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

1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 74

(Senate Bill 401)

AN ACT concerning

Baltimore City – Alcoholic Beverages License – Suspension Based on Unpaid Personal Property Tax

FOR the purpose of modifying the deadline by which a license holder annually must present to the Board of License Commissioners for Baltimore City a certain certificate regarding certain personal property taxes; and generally relating to the Board of License Commissioners for Baltimore City.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 12–102
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 12–2103(a)
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

12–102.

This title applies only in Baltimore City.

12–2103.

(a) The Board shall immediately suspend without a hearing the renewal license of a license holder that fails to present to the Board by **[June] OCTOBER 30** annually a certificate issued by the Director of Finance showing that all personal property taxes due to the City or State are paid.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 75

(Senate Bill 843)

AN ACT concerning

State Real Estate Commission – Real Estate Guaranty Fund – Fund Transfer

FOR the purpose of authorizing the State Real Estate Commission to transfer up to a certain amount of money to the Real Estate Guaranty Fund from the State Real Estate Commission Fund under certain circumstances; and generally relating to a fund transfer from the State Real Estate Commission Fund to the Real Estate Guaranty Fund.

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 17–101(a), (d), and (e) and 17–402
Annotated Code of Maryland
(2010 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 17–403
Annotated Code of Maryland
(2010 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 2–106.3
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – Business Occupations and Professions

17–101.

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

(d) “Commission” means the State Real Estate Commission.

(e) “Guaranty Fund” means a real estate guaranty fund established by the Commission under § 17–402 of this title.

17–402.

(a) The Commission shall:

(1) establish a Real Estate Guaranty Fund; and

(2) maintain the Guaranty Fund at a level of at least \$250,000.

(b) (1) The Commission shall deposit all money collected to the credit of the Guaranty Fund with the State Treasurer for placement into a special account.

(2) (i) The State Treasurer may invest or reinvest money in the Guaranty Fund in the same manner as money in the State Retirement and Pension System.

(ii) The investment earnings shall be:

1. credited to the Guaranty Fund; and

2. available for the same purposes as the money deposited into the Guaranty Fund.

(c) The Commission may adopt regulations for the administration of a Guaranty Fund.

17–403.

(a) (1) Subject to paragraph (2) of this subsection, before the Commission issues a real estate broker license, an associate real estate broker license, or a real estate salesperson license to any individual, the individual shall pay a fee of \$20 to be credited to the Guaranty Fund.

(2) Regardless of how many times an individual applies to the Commission for a license under this title, the Commission only may charge the individual once for the fee required under this subsection.

(B) IF THE AMOUNT IN THE GUARANTY FUND FALLS BELOW \$300,000, AND THE COMMISSION IS PROJECTED TO HAVE AN OPERATING SURPLUS OF AT LEAST \$500,000 IN THE CURRENT FISCAL YEAR, THE COMMISSION MAY TRANSFER UP TO \$500,000 TO THE GUARANTY FUND FROM THE STATE REAL ESTATE COMMISSION

FUND ESTABLISHED UNDER § 2–106.3 OF THE BUSINESS REGULATION ARTICLE.

[(b)] (C) If the amount in the Guaranty Fund falls below \$250,000, the Commission shall assess each real estate broker, each associate real estate broker, and each real estate salesperson a fee in an amount that will return the Guaranty Fund to a level of at least \$250,000.

Article – Business Regulation

2–106.3.

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

(2) “Commission” means the State Real Estate Commission.

(3) “Fund” means the State Real Estate Commission Fund.

(b) (1) There is a State Real Estate Commission Fund in the Department.

(2) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(c) The Fund consists of fees collected by the Commission and distributed to the Fund under § 17–213 of the Business Occupations and Professions Article.

(d) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Commission.

(e) The Secretary or a designee of the Secretary shall administer the Fund.

(f) The Legislative Auditor shall audit the accounts and transactions of the Fund as provided in § 2–1220 of the State Government Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 76**(House Bill 1656)**

AN ACT concerning

State Real Estate Commission – Real Estate Guaranty Fund – Fund Transfer

FOR the purpose of authorizing the State Real Estate Commission to transfer up to a certain amount of money to the Real Estate Guaranty Fund from the State Real Estate Commission Fund under certain circumstances; and generally relating to a fund transfer from the State Real Estate Commission Fund to the Real Estate Guaranty Fund.

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 17–101(a), (d), and (e) and 17–402
Annotated Code of Maryland
(2010 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 17–403
Annotated Code of Maryland
(2010 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 2–106.3
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – Business Occupations and Professions

17–101.

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

(d) “Commission” means the State Real Estate Commission.

(e) “Guaranty Fund” means a real estate guaranty fund established by the Commission under § 17–402 of this title.

17–402.

(a) The Commission shall:

(1) establish a Real Estate Guaranty Fund; and

(2) maintain the Guaranty Fund at a level of at least \$250,000.

(b) (1) The Commission shall deposit all money collected to the credit of the Guaranty Fund with the State Treasurer for placement into a special account.

(2) (i) The State Treasurer may invest or reinvest money in the Guaranty Fund in the same manner as money in the State Retirement and Pension System.

(ii) The investment earnings shall be:

1. credited to the Guaranty Fund; and
2. available for the same purposes as the money deposited into the Guaranty Fund.

(c) The Commission may adopt regulations for the administration of a Guaranty Fund.

17–403.

(a) (1) Subject to paragraph (2) of this subsection, before the Commission issues a real estate broker license, an associate real estate broker license, or a real estate salesperson license to any individual, the individual shall pay a fee of \$20 to be credited to the Guaranty Fund.

(2) Regardless of how many times an individual applies to the Commission for a license under this title, the Commission only may charge the individual once for the fee required under this subsection.

(B) IF THE AMOUNT IN THE GUARANTY FUND FALLS BELOW \$300,000, AND THE COMMISSION IS PROJECTED TO HAVE AN OPERATING SURPLUS OF AT LEAST \$500,000 IN THE CURRENT FISCAL YEAR, THE COMMISSION MAY TRANSFER UP TO \$500,000 TO THE GUARANTY FUND FROM THE STATE REAL ESTATE COMMISSION FUND ESTABLISHED UNDER § 2–106.3 OF THE BUSINESS REGULATION ARTICLE.

[(b)] (C) If the amount in the Guaranty Fund falls below \$250,000, the Commission shall assess each real estate broker, each associate real estate broker, and each real estate salesperson a fee in an amount that will return the Guaranty Fund to a level of at least \$250,000.

Article – Business Regulation

2–106.3.

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

(2) “Commission” means the State Real Estate Commission.

(3) “Fund” means the State Real Estate Commission Fund.

(b) (1) There is a State Real Estate Commission Fund in the Department.

(2) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(c) The Fund consists of fees collected by the Commission and distributed to the Fund under § 17–213 of the Business Occupations and Professions Article.

(d) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Commission.

(e) The Secretary or a designee of the Secretary shall administer the Fund.

(f) The Legislative Auditor shall audit the accounts and transactions of the Fund as provided in § 2–1220 of the State Government Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 77

(Senate Bill 846)

AN ACT concerning

State Real Estate Commission – Brokers – Business Succession in the Event of Disability

FOR the purpose of authorizing certain adult family members of a disabled real estate broker to carry on the business of the disabled broker for a certain period of time for certain purposes subject to certain qualifications; requiring certain family members to surrender a certain certificate and pocket card and submit certain information to the State Real Estate Commission under certain circumstances; requiring the Commission to reissue certain licenses under certain circumstances; authorizing certain individuals to qualify for a certain license under certain circumstances; authorizing certain licenses to be held for certain periods of time; requiring certain individuals to renew a certain license under a certain provision of law; providing for the automatic expiration of certain licenses under certain circumstances; defining a certain term; and generally relating to the succession of a business in the event of the disability of a real estate broker.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 17–319
Annotated Code of Maryland
(2010 Replacement Volume and 2017 Supplement)

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

Article – Business Occupations and Professions

17–319.

(a) IN THIS SECTION, “DISABILITY” MEANS A TOTAL AND PERMANENT DISABILITY THAT RENDERS A BROKER UNABLE TO PERFORM REAL ESTATE BROKERAGE SERVICES.

~~(B)~~ Subject to the provisions of subsection ~~(B)~~ **(C)** of this section, on the **DISABILITY OR** death of a licensed real estate broker, any adult member of the family of the **DISABLED OR** deceased broker may carry on the business of the **DISABLED OR** deceased broker for up to 6 months for the purposes of closing and terminating the business.

~~(B)~~ **(C)** To qualify to carry on the business of a **DISABLED OR** deceased real estate broker, a family member shall:

(1) surrender the license certificate and pocket card of the **DISABLED OR** deceased real estate broker to the Commission; and

(2) submit to the Commission any information or documentation required by the Commission.

~~(C)~~ **(D)** (1) The Commission shall reissue the license of a **DISABLED OR** deceased real estate broker to a family member who qualifies to carry on the business of the broker under subsection ~~(B)~~ **(C)** of this section.

(2) The term of the reissuance shall be 6 months.

~~(C)~~ **(E)** Before the end of the 6–month period for carrying on the business of a **DISABLED OR** deceased real estate broker, an individual may qualify for the license of the **DISABLED OR** deceased broker if:

(1) the individual is a member of the immediate family of the **DISABLED OR** deceased broker;

(2) the individual has been continuously licensed as a real estate salesperson for the immediately preceding 3 years;

(3) regardless of whether the individual has met the educational requirements for a real estate broker license under § 17–305 of this subtitle, the individual passes the real estate broker’s examination under § 17–306 of this subtitle;

(4) the individual surrenders the real estate salesperson license certificate and pocket card of the individual to the Commission; and

(5) there has been compliance with the requirements of subsection ~~(C)~~ **(C)** of this section.

~~(F)~~ **(F)** The Commission shall reissue the license of a **DISABLED OR** deceased real estate broker to an individual who qualifies for the license of the broker under subsection ~~(E)~~ **(E)** of this section.

~~(G)~~ **(G)** (1) An individual who qualifies for and is reissued the license of a **DISABLED OR** deceased real estate broker may hold the license for up to 4 years from the time of reissuance without meeting the educational requirements for a real estate broker license under § 17–305 of this subtitle.

(2) Subject to the 4–year restriction under paragraph (1) of this subsection, an individual who has been reissued the license of a **DISABLED OR** deceased real estate broker is responsible for renewing the license as required under § 17–314 of this subtitle.

(3) If an individual who has been reissued the license of a **DISABLED OR** deceased real estate broker does not meet the educational requirements for a real estate broker license within the 4–year period, the license shall expire automatically at the end of that period.

(4) If an individual who has been reissued the license of a **DISABLED OR** deceased real estate broker meets the educational requirements for a real estate broker license within the 4–year period, the individual may continue to hold the license and may renew the license under § 17–314 of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 78

(House Bill 1482)

AN ACT concerning

State Real Estate Commission – Brokers – Business Succession in the Event of Disability

FOR the purpose of authorizing certain adult family members of a disabled real estate broker to carry on the business of the disabled broker for a certain period of time for certain purposes subject to certain qualifications; requiring certain family members to surrender a certain certificate and pocket card and submit certain information to the State Real Estate Commission under certain circumstances; requiring the Commission to reissue certain licenses under certain circumstances; authorizing certain individuals to qualify for a certain license under certain circumstances; authorizing certain licenses to be held for certain periods of time; requiring certain individuals to renew a certain license under a certain provision of law; providing for the automatic expiration of certain licenses under certain circumstances; defining a certain term; and generally relating to the succession of a business in the event of the disability of a real estate broker.

BY repealing and reenacting, with amendments,
 Article – Business Occupations and Professions
 Section 17–319
 Annotated Code of Maryland
 (2010 Replacement Volume and 2017 Supplement)

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

Article – Business Occupations and Professions

17–319.

(a) IN THIS SECTION, “DISABILITY” MEANS A TOTAL AND PERMANENT DISABILITY THAT RENDERS A BROKER UNABLE TO PERFORM REAL ESTATE BROKERAGE SERVICES.

~~(B)~~ Subject to the provisions of subsection ~~(B)~~ **(C)** of this section, on the **DISABILITY OR** death of a licensed real estate broker, any adult member of the family of the **DISABLED OR** deceased broker may carry on the business of the **DISABLED OR** deceased broker for up to 6 months for the purposes of closing and terminating the business.

~~(B)~~ **(C)** To qualify to carry on the business of a **DISABLED OR** deceased real estate broker, a family member shall:

(1) surrender the license certificate and pocket card of the **DISABLED OR** deceased real estate broker to the Commission; and

(2) submit to the Commission any information or documentation required by the Commission.

~~(D)~~ **(D)** (1) The Commission shall reissue the license of a **DISABLED OR** deceased real estate broker to a family member who qualifies to carry on the business of the broker under subsection ~~(C)~~ **(C)** of this section.

(2) The term of the reissuance shall be 6 months.

~~(E)~~ **(E)** Before the end of the 6-month period for carrying on the business of a **DISABLED OR** deceased real estate broker, an individual may qualify for the license of the **DISABLED OR** deceased broker if:

(1) the individual is a member of the immediate family of the **DISABLED OR** deceased broker;

(2) the individual has been continuously licensed as a real estate salesperson for the immediately preceding 3 years;

(3) regardless of whether the individual has met the educational requirements for a real estate broker license under § 17-305 of this subtitle, the individual passes the real estate broker's examination under § 17-306 of this subtitle;

(4) the individual surrenders the real estate salesperson license certificate and pocket card of the individual to the Commission; and

(5) there has been compliance with the requirements of subsection ~~(C)~~ **(C)** of this section.

~~(F)~~ **(F)** The Commission shall reissue the license of a **DISABLED OR** deceased real estate broker to an individual who qualifies for the license of the broker under subsection ~~(E)~~ **(E)** of this section.

~~(G)~~ **(G)** (1) An individual who qualifies for and is reissued the license of a **DISABLED OR** deceased real estate broker may hold the license for up to 4 years from the time of reissuance without meeting the educational requirements for a real estate broker license under § 17-305 of this subtitle.

(2) Subject to the 4-year restriction under paragraph (1) of this subsection, an individual who has been reissued the license of a **DISABLED OR** deceased real estate broker is responsible for renewing the license as required under § 17-314 of this subtitle.

(3) If an individual who has been reissued the license of a **DISABLED OR** deceased real estate broker does not meet the educational requirements for a real estate broker license within the 4-year period, the license shall expire automatically at the end of that period.

(4) If an individual who has been reissued the license of a **DISABLED OR** deceased real estate broker meets the educational requirements for a real estate broker license within the 4-year period, the individual may continue to hold the license and may renew the license under § 17-314 of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 79

(House Bill 334)

AN ACT concerning

Baltimore County – Alcoholic Beverages – License Transfers

FOR the purpose of altering the number of years within which an application for a transfer of a certain alcoholic beverages license in Baltimore County must occur; establishing additional circumstances under which the Board of License Commissioners may approve a change of location of a certain alcoholic beverages license; making this Act an emergency measure; and generally relating to the transfer of alcoholic beverages licenses in Baltimore County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 13-102 and 13-1404
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 13-1702
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

13-102.

This title applies only in Baltimore County.

13-1404.

(a) The Board may accept an application for a license from:

- (1) a contract purchaser of a property that becomes the owner of record of the premises to be licensed before the license is issued;
- (2) an owner of a premises that is proposed to be licensed; or
- (3) a developer of a property with the consent and authority of the owner of the property.

(b) An application filed under this section need not contain a specific street address or description of the premises to be licensed other than a general description of the site on which the premises will be built, including a property map number, parcel number, property tax identification number, or plat number.

13-1702.

(a) If the Board approves an application from a contract purchaser, an owner of the location, or a developer under § 13-1404 of this title, the applicant may apply to transfer the license to an operator of the type of business for which the license was approved if:

- (1) the license is for a location in the site for which the license was approved; and
- (2) the application for transfer occurs within [3] 5 years after the original application for the site is approved or construction at the location is completed, whichever is later.

(b) Unless otherwise prohibited by law, the Board may approve a change of location of a license issued under § 13-1404 of this title if:

(1) the license holder has engaged in an active alcoholic beverages business under the license for at least 1 year before applying for the change; OR

(2) (I) THE LICENSE HOLDER HAS NOT ENGAGED IN AN ACTIVE ALCOHOLIC BEVERAGES BUSINESS UNDER THE LICENSE; AND

(II) THE BOARD APPROVED A CHANGE OF LOCATION OF THE LICENSE FROM ANOTHER LOCATION WITHIN THE SAME COUNTY ELECTION DISTRICT AT LEAST 5 YEARS BEFORE THE APPLICATION FOR THE CHANGE OF LOCATION UNDER THIS ITEM.

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

Approved by the Governor, April 10, 2018.

Chapter 80

(Senate Bill 306)

AN ACT concerning

Baltimore County – Alcoholic Beverages – License Transfers

FOR the purpose of altering the number of years within which an application for a transfer of a certain alcoholic beverages license in Baltimore County must occur; establishing additional circumstances under which the Board of License Commissioners may approve a change of location of a certain alcoholic beverages license; making this Act an emergency measure; and generally relating to the transfer of alcoholic beverages licenses in Baltimore County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 13–102 and 13–1404
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 13–1702
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

13–102.

This title applies only in Baltimore County.

13–1404.

(a) The Board may accept an application for a license from:

- (1) a contract purchaser of a property that becomes the owner of record of the premises to be licensed before the license is issued;
- (2) an owner of a premises that is proposed to be licensed; or
- (3) a developer of a property with the consent and authority of the owner of the property.

(b) An application filed under this section need not contain a specific street address or description of the premises to be licensed other than a general description of the site on which the premises will be built, including a property map number, parcel number, property tax identification number, or plat number.

13–1702.

(a) If the Board approves an application from a contract purchaser, an owner of the location, or a developer under § 13–1404 of this title, the applicant may apply to transfer the license to an operator of the type of business for which the license was approved if:

- (1) the license is for a location in the site for which the license was approved; and
- (2) the application for transfer occurs within **[3] 5** years after the original application for the site is approved or construction at the location is completed, whichever is later.

(b) Unless otherwise prohibited by law, the Board may approve a change of location of a license issued under § 13–1404 of this title if:

(1) the license holder has engaged in an active alcoholic beverages business under the license for at least 1 year before applying for the change; OR

(2) (I) THE LICENSE HOLDER HAS NOT ENGAGED IN AN ACTIVE ALCOHOLIC BEVERAGES BUSINESS UNDER THE LICENSE; AND

(II) THE BOARD APPROVED A CHANGE OF LOCATION OF THE LICENSE FROM ANOTHER LOCATION WITHIN THE SAME COUNTY ELECTION DISTRICT AT LEAST 5 YEARS BEFORE THE APPLICATION FOR THE CHANGE OF LOCATION UNDER THIS ITEM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three–fifths of all the members elected to

each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 10, 2018.

Chapter 81

(House Bill 221)

AN ACT concerning

Local Government – School Construction – Permits

FOR the purpose of requiring each county or municipality, to the extent practicable, to expedite the process for the application and issuance of a permit related to or required for the construction of certain school facilities; defining certain terms; and generally relating to the county and municipality permitting process for certain school facilities.

BY adding to

Article – Local Government

Section 1–1501 to be under the new subtitle “Subtitle 15. School Construction Permit Process”

Annotated Code of Maryland

(2013 Volume and 2017 Supplement)

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

Article – Local Government

SUBTITLE 15. SCHOOL CONSTRUCTION PERMIT PROCESS.

1–1501.

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

(2) (I) “CONSTRUCTION” MEANS THE PROCESS OF BUILDING, ALTERING, REPAIRING, RENOVATING, IMPROVING, OR DEMOLISHING ANY STRUCTURE, BUILDING, OR OTHER IMPROVEMENT TO REAL PROPERTY.

(II) “CONSTRUCTION” INCLUDES SYSTEMIC RENOVATION PROJECTS AS DEFINED IN COMAR 23.03.02.15.

(3) “SCHOOL FACILITY” MEANS A STRUCTURE, A BUILDING, A PARKING FACILITY, AN ATHLETIC FACILITY, A TESTING FACILITY, OR ANY OTHER FACILITY IN THE STATE THAT IS USED FOR THE EDUCATION OF STUDENTS.

(B) ~~EACH~~ TO THE EXTENT PRACTICABLE, EACH COUNTY OR MUNICIPALITY SHALL EXPEDITE THE PROCESS FOR THE APPLICATION AND ISSUANCE OF A PERMIT RELATED TO OR REQUIRED FOR THE CONSTRUCTION OF A PUBLIC OR PRIVATE SCHOOL FACILITY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 82

(House Bill 716)

AN ACT concerning

Maryland Health Care Commission – Mortality Rates of African American Infants and Infants in Rural Areas – Study

FOR the purpose of requiring the Maryland Health Care Commission, in consultation with the Office of Minority Health and Health Disparities, the Maternal and Child Health Bureau, the Vital Statistics Administration, and interested stakeholders, to conduct a study regarding the mortality rates of African American infants and infants in rural areas; requiring the Commission, in conducting the study, to examine certain factors and make certain recommendations; requiring, on or before a certain date, the Commission to report its findings and recommendations to certain committees of the General Assembly; and generally relating to the Maryland Health Care Commission and a study of the mortality rates of African American infants and infants in rural areas.

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

(a) The Maryland Health Care Commission, in consultation with the Office of Minority Health and Health Disparities, the Maternal and Child Health Bureau, the Vital Statistics Administration, and interested stakeholders, shall conduct a study regarding the mortality rates of African American infants and infants in rural areas.

(b) In conducting the study required under subsection (a) of this section, the Maryland Health Care Commission shall:

(1) examine factors, beyond the known factors of low birth weight, teen pregnancy, poor nutrition, and lack of prenatal care, affecting the mortality of African American infants and infants in rural areas in the United States and in the State;

(2) research programs in other countries, states, and localities, including Baltimore City, that have aimed to reduce the infant mortality rate;

(3) make recommendations on methods to reduce the mortality rate of African American infants and infants in rural areas;

(4) make recommendations on ways to use pregnancy navigators or community health workers to assist pregnant women with the goal of reducing the infant mortality rate;

(5) make legislative recommendations regarding the establishment of a permanent council for lowering rates of disparity with respect to infant mortality; and

(6) make recommendations regarding methods to reduce the costs associated with low birth weight infants and with infant mortality.

(c) On or before ~~June 30~~ November 1, 2019, the Maryland Health Care Commission shall report its findings and recommendations, including draft legislation establishing a permanent council on infant mortality in the State, to the Senate ~~Education, Health, and Environmental Affairs~~ Finance Committee and the House Health and Government Operations Committee in accordance with § 2-1246 of the State Government Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 83

(Senate Bill 266)

AN ACT concerning

**Maryland Health Care Commission – Mortality Rates of African American
Infants and Infants in Rural Areas – Study**

FOR the purpose of requiring the Maryland Health Care Commission, in consultation with the Office of Minority Health and Health Disparities, *the Maternal and Child Health Bureau, the Vital Statistics Administration*, and interested stakeholders, to conduct a study regarding the mortality rates of African American infants and infants in rural areas; requiring the Commission, in conducting the study, to examine certain factors and make certain recommendations; requiring, on or before a certain date, the Commission to report its findings and recommendations to certain committees of the General Assembly; and generally relating to the Maryland Health Care Commission and a study of the mortality rates of African American infants and infants in rural areas.

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

(a) The Maryland Health Care Commission, in consultation with the Office of Minority Health and Health Disparities, *the Maternal and Child Health Bureau, the Vital Statistics Administration*, and interested stakeholders, shall conduct a study regarding the mortality rates of African American infants and infants in rural areas.

(b) In conducting the study required under subsection (a) of this section, the Maryland Health Care Commission shall:

(1) examine factors, beyond the known factors of low birth weight, teen pregnancy, poor nutrition, and lack of prenatal care, affecting the mortality of African American infants and infants in rural areas in the United States and in the State;

(2) research programs in other countries, states, and localities, including Baltimore City, that have aimed to reduce the infant mortality rate;

(3) make recommendations on methods to reduce the mortality rate of African American infants and infants in rural areas;

(4) make recommendations on ways to use pregnancy navigators or community health workers to assist pregnant women with the goal of reducing the infant mortality rate;

(5) make legislative recommendations regarding the establishment of a permanent council for lowering rates of disparity with respect to infant mortality; and

(6) make recommendations regarding methods to reduce the costs associated with low birth weight infants and with infant mortality.

(c) On or before ~~June 30~~ November 1, 2019, the Maryland Health Care Commission shall report its findings and recommendations, including draft legislation establishing a permanent council on infant mortality in the State, to the Senate ~~Education, Health, and Environmental Affairs~~ Finance Committee and the House Health and

Government Operations Committee in accordance with § 2–1246 of the State Government Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 84

(Senate Bill 352)

AN ACT concerning

Somerset County – Annual Financial Report and Annual Audit Report – Filing Date

FOR the purpose of altering the date by which Somerset County is required to file a certain financial report with the Department of Legislative Services and report the results of a certain audit with the Legislative Auditor; and generally relating to required filings in Somerset County.

BY repealing and reenacting, with amendments,
Article – Local Government
Section 16–304
Annotated Code of Maryland
(2013 Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Local Government
Section 16–306
Annotated Code of Maryland
(2013 Volume and 2017 Supplement)

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

Article – Local Government

16–304.

(a) (1) Except as provided in paragraph (2) of this subsection, on or before October 31 after the close of its fiscal year, each county, municipality, and special taxing district shall file with the Department of Legislative Services a financial report for that fiscal year.

(2) (i) A county, municipality, or special taxing district with a population of over 400,000 may file its financial report on or before December 31 after the close of its fiscal year.

(ii) Unless subparagraph (i) of this paragraph applies, Howard County may file its financial report on or before November 30 after the close of its fiscal year.

(iii) Allegany County, Calvert County, Caroline County, Charles County, Frederick County, Garrett County, Queen Anne's County, St. Mary's County, **SOMERSET COUNTY**, Talbot County, and Wicomico County may file the county's financial report on or before December 31 after the close of the county's fiscal year.

(b) The financial report required under subsection (a) of this section shall be:

(1) prepared on the form established by the Department of Legislative Services; and

(2) verified by the chief executive officer of the county, municipality, or special taxing district.

(c) If a county, municipality, or special taxing district does not comply with subsection (a) of this section, the Comptroller, on notice from the Executive Director of the Department of Legislative Services, may order the discontinuance of all money, grants, or State aid that the county, municipality, or special taxing district is entitled to receive under State law, including money from:

- (1) the income tax;
- (2) the tax on racing;
- (3) the recordation tax;
- (4) the admissions and amusement tax; and
- (5) the license tax.

16–306.

(a) The county, municipality, or special taxing district shall report the results of the audit required under § 16–305 of this subtitle to the Legislative Auditor:

(1) on the form and in the manner that the Legislative Auditor requires;
and

(2) on or before the date the financial report of the county, municipality, or

special taxing district must be filed under § 16–304(a) of this subtitle.

(b) An audit report filed by a county, municipality, or special taxing district with the Legislative Auditor shall include financial statements of the county, municipality, or special taxing district that are:

(1) prepared in accordance with generally accepted accounting principles;
and

(2) audited in accordance with generally accepted auditing standards.

(c) An audit report filed with the Legislative Auditor is a public record.

(d) If a county, municipality, or special taxing district does not comply with subsection (a) or (b) of this section, the Comptroller, on notice from the Executive Director of the Department of Legislative Services, may order the discontinuance of all money, grants, or State aid that the county, municipality, or special taxing district is entitled to receive under State law that are distributed by the Comptroller, the clerks of the court, or any other unit of State government.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 85

(House Bill 433)

AN ACT concerning

Somerset County – Annual Financial Report and Annual Audit Report – Filing Date

FOR the purpose of altering the date by which Somerset County is required to file a certain financial report with the Department of Legislative Services and report the results of a certain audit with the Legislative Auditor; and generally relating to required filings in Somerset County.

BY repealing and reenacting, with amendments,

Article – Local Government

Section 16–304

Annotated Code of Maryland

(2013 Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Local Government
Section 16–306
Annotated Code of Maryland
(2013 Volume and 2017 Supplement)

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

Article – Local Government

16–304.

(a) (1) Except as provided in paragraph (2) of this subsection, on or before October 31 after the close of its fiscal year, each county, municipality, and special taxing district shall file with the Department of Legislative Services a financial report for that fiscal year.

(2) (i) A county, municipality, or special taxing district with a population of over 400,000 may file its financial report on or before December 31 after the close of its fiscal year.

(ii) Unless subparagraph (i) of this paragraph applies, Howard County may file its financial report on or before November 30 after the close of its fiscal year.

(iii) Allegany County, Calvert County, Caroline County, Charles County, Frederick County, Garrett County, Queen Anne’s County, St. Mary’s County, **SOMERSET COUNTY**, Talbot County, and Wicomico County may file the county’s financial report on or before December 31 after the close of the county’s fiscal year.

(b) The financial report required under subsection (a) of this section shall be:

(1) prepared on the form established by the Department of Legislative Services; and

(2) verified by the chief executive officer of the county, municipality, or special taxing district.

(c) If a county, municipality, or special taxing district does not comply with subsection (a) of this section, the Comptroller, on notice from the Executive Director of the Department of Legislative Services, may order the discontinuance of all money, grants, or State aid that the county, municipality, or special taxing district is entitled to receive under State law, including money from:

(1) the income tax;

- (2) the tax on racing;
- (3) the recordation tax;
- (4) the admissions and amusement tax; and
- (5) the license tax.

16–306.

(a) The county, municipality, or special taxing district shall report the results of the audit required under § 16–305 of this subtitle to the Legislative Auditor:

(1) on the form and in the manner that the Legislative Auditor requires; and

(2) on or before the date the financial report of the county, municipality, or special taxing district must be filed under § 16–304(a) of this subtitle.

(b) An audit report filed by a county, municipality, or special taxing district with the Legislative Auditor shall include financial statements of the county, municipality, or special taxing district that are:

(1) prepared in accordance with generally accepted accounting principles; and

(2) audited in accordance with generally accepted auditing standards.

(c) An audit report filed with the Legislative Auditor is a public record.

(d) If a county, municipality, or special taxing district does not comply with subsection (a) or (b) of this section, the Comptroller, on notice from the Executive Director of the Department of Legislative Services, may order the discontinuance of all money, grants, or State aid that the county, municipality, or special taxing district is entitled to receive under State law that are distributed by the Comptroller, the clerks of the court, or any other unit of State government.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

AN ACT concerning

Vehicle Laws – Golf Carts – City of Crisfield

FOR the purpose of repealing a prohibition against operating golf carts on certain highways in the City of Crisfield in Somerset County; repealing the authority of the State Highway Administration to designate a location for golf carts to cross certain highways in the City of Crisfield; lowering the maximum speed limit for a highway on which a person may operate a golf cart in the City of Crisfield; and generally relating to the operation of golf carts in the City of Crisfield.

BY repealing and reenacting, with amendments,
 Article – Transportation
 Section 21–104.2
 Annotated Code of Maryland
 (2012 Replacement Volume and 2017 Supplement)

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

Article – Transportation

21–104.2.

[(a)] A person who operates a golf cart on a highway in the City of Crisfield, Somerset County, without registration as authorized under § 13–402(c)(12) of this article:

(1) May operate the golf cart only:

(i) On a highway[:

1. That is not designated or maintained as a part or an extension of the State or federal highway system; and

2. On] **ON** which the maximum posted speed limit does not exceed ~~25~~ **30** miles per hour;

(ii) Between dawn and dusk; and

(iii) If the golf cart is equipped with lighting devices as required by the Administration;

(2) Shall keep the golf cart as far to the right of the roadway as feasible;
 and

(3) Shall possess a valid driver's license.

[(b) The State Highway Administration, in consultation with the City of Crisfield, may designate a location in the City of Crisfield where a person operating a golf cart may cross, at a right angle, a highway that is designated or maintained as a part or an extension of the State or federal highway system.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 87

(Senate Bill 355)

AN ACT concerning

Wicomico County – Motorcycles – Sunday Sales

FOR the purpose of authorizing a vehicle dealer in Wicomico County to sell, barter, deliver, give away, show, or offer for sale a motorcycle or certificate of title for a motorcycle on Sunday; and generally relating to Sunday motorcycle sales in Wicomico County.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 18–201
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 18–202
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – Business Regulation

18–201.

This subtitle applies only in Wicomico County.

18–202.

(a) This section does not apply to the laws that relate to the sale of alcoholic beverages.

(b) Subject to this section and § 3–704 of the Labor and Employment Article, a retail or wholesale establishment may do business on Sunday.

(c) Notwithstanding an agreement to the contrary between a merchant and landlord:

(1) the landlord may not directly or indirectly require the merchant to open the merchant's place of business on Sunday; and

(2) a landlord may not directly or indirectly cancel or refuse to renew the merchant's lease because the merchant refuses to open the merchant's place of business on Sunday.

(d) **(1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A new or used car dealer may not sell, barter, deliver, give away, show, or offer for sale a motor vehicle or certificate of title for a motor vehicle on Sunday.**

(2) A VEHICLE DEALER MAY SELL, BARTER, DELIVER, GIVE AWAY, SHOW, OR OFFER FOR SALE A MOTORCYCLE, AS DEFINED IN § 11–136 OF THE TRANSPORTATION ARTICLE, OR CERTIFICATE OF TITLE FOR A MOTORCYCLE ON SUNDAY.

(e) The State's Attorney of Wicomico County may sue in the circuit court for Wicomico County to enjoin a violation of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 88

(House Bill 1586)

AN ACT concerning

Wicomico County – Motorcycles – Sunday Sales

FOR the purpose of authorizing a vehicle dealer in Wicomico County to sell, barter, deliver, give away, show, or offer for sale a motorcycle or certificate of title for a motorcycle

on Sunday; and generally relating to Sunday motorcycle sales in Wicomico County.

BY repealing and reenacting, without amendments,

Article – Business Regulation

Section 18–201

Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 18–202

Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)

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

Article – Business Regulation

18–201.

This subtitle applies only in Wicomico County.

18–202.

(a) This section does not apply to the laws that relate to the sale of alcoholic beverages.

(b) Subject to this section and § 3–704 of the Labor and Employment Article, a retail or wholesale establishment may do business on Sunday.

(c) Notwithstanding an agreement to the contrary between a merchant and landlord:

(1) the landlord may not directly or indirectly require the merchant to open the merchant's place of business on Sunday; and

(2) a landlord may not directly or indirectly cancel or refuse to renew the merchant's lease because the merchant refuses to open the merchant's place of business on Sunday.

(d) **(1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A new or used car dealer may not sell, barter, deliver, give away, show, or offer for sale a motor vehicle or certificate of title for a motor vehicle on Sunday.**

(2) A VEHICLE DEALER MAY SELL, BARTER, DELIVER, GIVE AWAY, SHOW, OR OFFER FOR SALE A MOTORCYCLE, AS DEFINED IN § 11–136 OF THE

TRANSPORTATION ARTICLE, OR CERTIFICATE OF TITLE FOR A MOTORCYCLE ON SUNDAY.

(e) The State's Attorney of Wicomico County may sue in the circuit court for Wicomico County to enjoin a violation of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 89

(House Bill 609)

AN ACT concerning

Carroll County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Carroll County, from time to time, to borrow not more than \$32,700,000 in order to finance the construction, improvement, or development of certain public facilities in Carroll County, including water and sewer projects, to finance loans for fire or emergency-related equipment, buildings, and other facilities of volunteer fire departments in the County, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; providing that such borrowing may be undertaken by the County in the form of installment purchase obligations executed and delivered by the County for the purpose of acquiring agricultural land and woodland preservation easements; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, County, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and generally relating to the issuance and sale of such bonds.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, as used herein, the term "County" means the body politic and corporate of the State of Maryland known as the County Commissioners of Carroll County, and the term

“construction, improvement, or development of public facilities” means the acquisition, alteration, construction, reconstruction, enlargement, equipping, expansion, extension, improvement, rehabilitation, renovation, upgrading, and repair of public buildings and facilities and public works projects, including, but not limited to, public works projects such as roads, bridges and storm drains, public school buildings and facilities, landfills, Carroll Community College buildings and facilities, public operational buildings and facilities such as buildings and facilities for County administrative use, public safety, health and social services, libraries, refuse disposal buildings and facilities, water and sewer infrastructure facilities, easements or similar or related rights in land that restrict the use of agricultural land or woodland to maintain the character of the land as agricultural land or woodland, and parks and recreation buildings and facilities, together with the costs of acquiring land or interests in land as well as any related architectural, financial, legal, planning, or engineering services.

SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby authorized to finance any part or all of the costs of the construction, improvements or development of public facilities described in Section 1 of this Act, to make loans to each and every volunteer fire department in the County upon such terms and conditions as may be determined by the County for the purpose of financing certain fire or emergency–related equipment, buildings, or other facilities of volunteer fire departments, and to borrow money and incur indebtedness for those purposes, at one time or from time to time, in an amount not exceeding, in the aggregate, \$32,700,000 and to evidence such borrowing by the issuance and sale upon its full faith and credit of general obligation bonds in like par amount, which may be issued at one time or from time to time, in one or more groups or series, as the County may determine.

SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued in accordance with a resolution of the County, which shall describe generally the construction, improvement, or development of public facilities, including water and sewer projects, the fire or emergency–related equipment, buildings, or other facilities of volunteer fire departments in the County for which the proceeds of the bond sale are intended and the amount needed for those purposes. The County shall have and is hereby granted full and complete authority and discretion in the resolution to fix and determine with respect to the bonds of any issue: the designation, date of issue, denomination or denominations, form or forms, and tenor of the bonds which, without limitation, may be issued in registered form within the meaning of § 19–204 of the Local Government Article, as amended; the rate or rates of interest payable thereon, or the method of determining the same, which may include a variable rate; the date or dates and amount or amounts of maturity, which need not be in equal par amounts or in consecutive annual installments, provided only that no bond of any issue shall mature later than 30 years from the date of its issue; the manner of selling the bonds, which may be at either public or private sale, for such price or prices as may be determined to be for the best interests of Carroll County; the manner of executing and sealing the bonds, which may be by facsimile; the terms and conditions of any loans made to volunteer fire departments; the terms and conditions, if any, under which bonds may be tendered for payment or purchase prior to their stated maturity; the terms or conditions, if any, under which bonds may or shall be redeemed prior to their stated maturity; the place or places of payment of the principal of and the interest on the bonds,

which may be at any bank or trust company within or without the State of Maryland; covenants relating to compliance with applicable requirements of federal income tax law, including (without limitation) covenants regarding the payment of rebate or penalties in lieu of rebate; covenants relating to compliance with applicable requirements of federal or State securities laws; and generally all matters incident to the terms, conditions, issuance, sale, and delivery thereof.

The bonds may be made redeemable before maturity, at the option of the County, at such price or prices and under such terms and conditions as may be fixed by the County prior to the issuance of the bonds, either in the resolution or in subsequent resolutions. The bonds may be issued in registered form, and provision may be made for the registration of the principal only. In case any officer whose signature appears on any bond ceases to be such officer before the delivery thereof, such signature shall nevertheless be valid and sufficient for all purposes as if the officer had remained in office until such delivery. The bonds and the issuance and sale thereof shall be exempt from the provisions of §§ 19–205 and 19–206 of the Local Government Article, as amended.

The borrowing authorized by this Act may also be undertaken by the County in the form of installment purchase obligations executed and delivered by the County for the purpose of acquiring easements or similar or related rights in land that restrict the use of agricultural land or woodland to maintain the character of the land as agricultural or woodland. The form of installment purchase obligations, the manner of accomplishing the acquisition of easements, which may be the direct exchange of installment purchase obligations for easement, and all matters incident to the execution and delivery of the installment purchase obligations and acquisition of the easements by the County shall be determined in the resolution. Except where the provisions of this Act would be inapplicable to installment purchase obligations, the term “bonds” used in this Act shall include installment purchase obligations and matters pertaining to the bonds under this Act, such as the security for the payment of the bonds, the exemption of the bonds from State, County, municipal, or other taxation, and authorization to issue refunding bonds and the limitation on the aggregate principal amount of bonds authorized for issuance, shall be applicable to installment purchase obligations.

The County may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of any security for the bonds and for the purpose of securing any tender option that may be granted to holders of the bonds, all as may be determined and presented in the aforesaid resolution, which may (but need not) state as security for the performance by the County of any monetary obligations under such agreements the same security given by the County to bondholders for the performance by the County of its monetary obligations under the bonds.

If the County determines in the resolution to offer any of the bonds by solicitation of competitive bids at public sale, the resolution shall fix the terms and conditions of the public sale and shall adopt a form of notice of sale, which shall outline the terms and conditions, and a form of advertisement, which shall be published in one or more daily or weekly newspapers having a general circulation in the County and which may also be published in one or more journals having a circulation primarily among banks and investment bankers.

At least one publication of the advertisement shall be made not less than 10 days before the sale of the bonds.

Upon delivery of any bonds to the purchaser or purchasers, payment therefor shall be made to the Comptroller of Carroll County or such other official of Carroll County as may be designated to receive such payment in a resolution passed by the County before such delivery.

SECTION 4. AND BE IT FURTHER ENACTED, That the net proceeds of the sale of bonds shall be used and applied exclusively and solely for the acquisition, construction, improvement, or development of public facilities, including water and sewer projects, to make loans to volunteer fire departments for the financing of fire or emergency–related equipment, buildings, or other facilities of volunteer fire departments in the County for which the bonds are sold. If the amounts borrowed shall prove inadequate to finance the projects described in the resolution, the County may issue additional bonds with the limitations hereof for the purpose of evidencing the borrowing of additional funds for such financing, provided the resolution authorizing the sale of additional bonds shall so recite, but if the net proceeds of the sale of any issue of bonds exceed the amount needed to finance the projects described in the resolution, the excess funds so borrowed and not expended shall be applied to the payment of the next principal maturity of the bonds or to the redemption of any part of the bonds which have been made redeemable or to the purchase and cancellation of bonds, unless the County shall adopt a resolution allocating the excess funds to the acquisition, construction, improvement, or development of other public facilities, including water and sewer projects, or to the making of loans for fire or emergency–related equipment, buildings, or other facilities of volunteer fire departments in the County, as defined and within the limits set forth in this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby authorized shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest on the bonds as and when they become payable. In each and every fiscal year that any of the bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for or assure the payment, when due, of the principal of and interest on all the bonds maturing in each such fiscal year and, in the event the proceeds from the taxes so levied in any such fiscal year shall prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any such deficiency. The County may apply to the payment of the principal of and interest on any bonds issued hereunder any funds received by it as loan repayments from volunteer fire departments and any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality thereof, or from any other source, if such funds are granted for the purpose of assisting the County in financing the acquisition, construction, improvement, or development of the public facilities defined in this Act, including the water and sewer projects or the making of loans for the aforementioned fire or emergency–related equipment, buildings, or other facilities for volunteer fire departments in the County and, to the extent of any such funds received or receivable in any fiscal year, the taxes that are required to be levied may be reduced accordingly.

SECTION 6. AND BE IT FURTHER ENACTED, That the County is further authorized and empowered, at any time and from time to time, to issue its bonds in the manner herein above described for the purpose of refunding, by payment at maturity or upon purchase or redemption, any bonds issued hereunder. The validity of any such refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the obligations so refunded. The powers herein granted with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds. Such refunding bonds may be issued by the County for the purpose of providing it with funds to pay any of its outstanding bonds issued hereunder at maturity, for the purpose of providing it with funds to purchase in the open market any of its outstanding bonds issued hereunder, prior to the maturity thereof, or for the purpose of providing it with funds for the redemption prior to maturity of any outstanding bonds issued hereunder which are, by their terms, redeemable, for the purpose of providing it with funds to pay interest on any outstanding bonds issued hereunder prior to their payment at maturity of purchase or redemption in advance of maturity, or for the purpose of providing it with funds to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds issued hereunder. The proceeds of the sale of any such refunding bonds shall be segregated and set apart by the County as a separate trust fund to be used solely for the purpose of paying the purchase or redemption prices of the bonds to be refunded.

SECTION 7. AND BE IT FURTHER ENACTED, That the County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds have been executed and are available for such delivery, provided, however, that any such interim certificates or temporary bonds shall be issued in all respects subject to the restrictions and requirements set forth in this Act. The County may, by appropriate resolution, provide for the replacement of any bonds issued hereunder which shall have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.

SECTION 8. AND BE IT FURTHER ENACTED, That any and all obligations issued pursuant to the authority of this Act, their transfer, the interest payable thereon, and any income derived therefrom in the hands of the holders thereof from time to time (including any profit made in the sale thereof) shall be and are hereby declared to be at all times exempt from State, County, municipal, or other taxation of every kind and nature whatsoever within the State of Maryland. Nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes.

SECTION 9. AND BE IT FURTHER ENACTED, That the authority to borrow money and issue bonds conferred on the County by this Act shall be deemed to provide an additional and alternative authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all Acts of the General Assembly of Maryland heretofore passed authorizing the County to borrow money are hereby continued to the extent that the powers contained in such Acts have not been exercised, and nothing contained in this Act may be construed to impair, in any way, the

validity of any bonds that may have been issued by the County under the authority of any said Acts, and the validity of the bonds is hereby ratified, confirmed, and approved. This Act, being necessary for the welfare of the inhabitants of Carroll County, shall be liberally construed to effect the purposes hereof. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 90

(House Bill 1009)

AN ACT concerning

Workgroup on the Licensing of Food Service Facilities ~~—Kitchens in Private Homes—Exemption From Licensure~~

FOR the purpose of ~~altering the definition of “food service facility” to exempt from licensure by the Maryland Department of Health a kitchen in a private home where food is prepared at no charge for sale or service at a religious or charitable organization’s temporary event if certain notice is provided to a consumer in a certain manner; and generally relating to the licensure of food service facilities~~ establishing the Workgroup on the Licensing of Food Service Facilities; requiring the Deputy Secretary for Public Health Services to appoint the members of the Workgroup; requiring the Workgroup to study, evaluate, and make recommendations concerning certain matters; requiring the Workgroup to submit a certain report to the Senate Finance Committee and the House Health and Government Operations Committee on or before a certain date; providing for the termination of this Act; and generally relating to the Workgroup on the Licensing of Food Service Facilities.

~~BY repealing and reenacting, without amendments,
Article — Health — General
Section 21-301(a)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)~~

~~BY repealing and reenacting, with amendments,
Article — Health — General
Section 21-301(h)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)~~

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

- (a) There is a Workgroup on the Licensing of Food Service Facilities.
- (b) The Deputy Secretary for Public Health Services shall appoint the members of the Workgroup, which shall include stakeholders.
- (c) The Workgroup shall study, evaluate, and make recommendations concerning whether:
- (1) certain entities, including charitable organizations, churches, and other nonprofits, should be exempt from the requirement to obtain a food service license under Title 21, Subtitle 3 of the Health – General Article;
 - (2) special circumstances, including circumstances in which food is prepared in a kitchen in a private home for certain purposes, may warrant an exemption from the requirement to obtain a food service license under Title 21, Subtitle 3 of the Health – General Article; and
 - (3) food service facility laws may be simplified or clarified.
- (d) On or before December 31, 2018, the Workgroup shall submit a report of its findings and recommendations in accordance with § 2–1246 of the State Government Article to the Senate Finance Committee and the House Health and Government Operations Committee of the General Assembly.

~~Article – Health – General~~

~~21–301.~~

- (a) ~~In this subtitle the following words have the meanings indicated.~~
- (h) (1) ~~“Food service facility” means:~~
- (i) ~~A place where food or drink is prepared for sale or service on the premises or elsewhere; or~~
 - (ii) ~~Any operation where food is served to or provided for the public, with or without charge.~~
- (2) ~~“Food service facility” does not include:~~
- (i) ~~A kitchen in a private home where food is prepared at no charge for guests in the home, for guests at a social gathering, or for service to unemployed, homeless, or other disadvantaged populations;~~

~~(ii) A food preparation or serving area where only nonpotentially hazardous food, as defined by the United States Food and Drug Administration, is prepared or served only by an excluded organization;~~

~~(iii) A location in a farmer's market or at a public festival or event where raw agricultural products, as defined in § 21-304(d)(1)(iii) of this subtitle, are sold; ~~for~~~~

~~(iv) A cottage food business; OR~~

~~(v) A KITCHEN IN A PRIVATE HOME WHERE FOOD IS PREPARED AT NO CHARGE FOR SALE OR SERVICE AT A RELIGIOUS OR CHARITABLE ORGANIZATION'S TEMPORARY EVENT, INCLUDING A BAKE SALE, POTLUCK, OR BARBECUE, IF THE CONSUMER IS INFORMED BY A CLEARLY VISIBLE SIGN POSTED AT THE SALE OR SERVICE LOCATION THAT THE FOOD:~~

~~1. WAS PREPARED IN A KITCHEN IN A PRIVATE HOME THAT IS NOT SUBJECT TO LICENSURE BY THE DEPARTMENT; AND~~

~~2. MAY CONTAIN FOOD ALLERGENS.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2018. It shall remain effective for a period of 1 year and, at the end of June 30, 2019, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, April 10, 2018.

Chapter 91

(Senate Bill 219)

AN ACT concerning

Frederick County – Alcoholic Beverages – Seating Requirement for Class B Licenses

FOR the purpose of altering the seating requirement for facilities in Frederick County for which certain Class B alcoholic beverages licenses are issued; 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
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 20–902, 20–903, and 20–904
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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.

20–902.

- (a) There is a Class B license in the Ballenger (23rd) election district.
- (b) The Board may issue the license for use by a luxury–type restaurant that has:
 - (1) a capital investment of at least \$250,000 for dining room facilities and kitchen equipment, not including the cost of land, buildings, or leases; and
 - (2) seating for at least **[50] 28** individuals.
- (c) The license authorizes the sale of beer, wine, and liquor for on–premises consumption.
- (d) The license holder may sell beer, wine, and liquor during the hours and days as set out under § 20–2006(d) of this title.
- (e) The annual license fee is \$1,500.
- (f) The Board shall define “luxury–type restaurant” by regulation.

20–903.

- (a) There is a Class B beer, wine, and liquor hotel or motel license.
- (b) The Board may issue the license for use by a hotel or motel that:
 - (1) is an establishment to accommodate the public by providing services ordinarily found in a hotel or motel;

(2) has at least 15 rooms;

(3) has a dining room with facilities for preparing and serving full-course meals for at least ~~50~~ **28** individuals at one seating; and

(4) has a capital investment in the hotel or motel facility of at least \$400,000.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor by the individual drink at any place on the hotel or motel premises.

(2) (i) Subject to subparagraph (ii) of this paragraph, the license authorizes the license holder to sell beer, wine, and liquor by the bottle:

1. at any place on the premises for a banquet, party, hospitality room, meeting, or a similar function; and

2. for dinner in the restaurant portion of the premises.

(ii) A customer may not remove from the premises any contents of a bottle sold under this paragraph that remains unused.

(3) (i) The license authorizes the sale of beer, wine, and liquor by the bottle through room service to a registered patron in a hotel or motel room.

(ii) Not more than two bottles may be sold through room service to any one customer in a 24-hour period.

(iii) A bottle sold through room service may be removed from the premises by the customer on checking out from the hotel or motel.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 20–2005(b) of this title.

(e) The annual license fee is \$2,000.

20–904.

(a) There is a Class B beer, wine, and liquor hotel or restaurant license.

(b) The Board may issue the license for use by a hotel that:

(1) is an establishment for the accommodation of the public providing service ordinarily found in hotels;

(2) contains:

- (i) at least 25 rooms;
- (ii) a lobby with a registration and mail desk; and
- (iii) seating facilities and a dining room that serves full-course meals at least twice daily and that has a regular seating at tables, not including seats at bars or counters, for **[50] 28** or more individuals; and

(3) is operated in a facility that:

- (i) is valued for State and local assessment and taxation at not less than \$20,000; and
- (ii) has personal property valued for State and local assessment and taxation at not less than \$3,000.

(c) (1) Subject to paragraph (2) of this subsection, the Board may issue the license for use by a restaurant that:

- (i) serves full-course meals at least twice daily;
- (ii) has regular seating at tables, not including seats at bars or counters, for **[50] 28** or more individuals;
- (iii) is operated in a facility valued for State and local assessment and taxation at not less than \$40,000; and
- (iv) has personal property valued for State and local assessment and taxation at not less than \$5,000.

(2) (i) This subsection does not apply to or affect any license holder that had the license on December 31, 1993, or to a person who has a permit for a building that was under construction on that date.

(ii) The area normally used as a restaurant for the preparation and consumption of food and beverages shall occupy at least 80% of the square foot area of the licensed premises, except for premises used for recreation, such as a bowling alley or pool hall.

(3) (i) The license holder may remove tables and chairs to accommodate additional patrons at not more than four special events held in the restaurant in a calendar year.

(ii) A restaurant that removes its tables and chairs for a special event:

1. shall give notice to the Board at least 1 week before the event;

2. shall store the removed tables and chairs in an appropriate location in the restaurant and in a manner that does not block the exits of the restaurant; and

3. may not allow into the restaurant more than the maximum number of occupants that the County Fire Marshal allows.

(d) (1) The license issued for a hotel or restaurant:

(i) authorizes the sale of beer, wine, and liquor for on–premises consumption where meals are prepared and served; and

(ii) prohibits sales for consumption anywhere else, including at a bar or counter.

(2) The license issued for a restaurant authorizes the sale for off–premises consumption of beverages with an alcoholic content of not more than 14.5%.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 20–2005(b) of this title.

(f) The annual license fee is:

(1) \$1,500 for a restaurant; and

(2) \$2,000 for a hotel.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 92

(House Bill 501)

AN ACT concerning

Frederick County – Alcoholic Beverages – Seating Requirement for Class B Licenses

FOR the purpose of altering the seating requirement for facilities in Frederick County for

which certain Class B alcoholic beverages licenses are issued; 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

(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 20–902, 20–903, and 20–904

Annotated Code of Maryland

(2016 Volume and 2017 Supplement)

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.

20–902.

- (a) There is a Class B license in the Ballenger (23rd) election district.
- (b) The Board may issue the license for use by a luxury–type restaurant that has:
 - (1) a capital investment of at least \$250,000 for dining room facilities and kitchen equipment, not including the cost of land, buildings, or leases; and
 - (2) seating for at least **[50] 28** individuals.
- (c) The license authorizes the sale of beer, wine, and liquor for on–premises consumption.
- (d) The license holder may sell beer, wine, and liquor during the hours and days as set out under § 20–2006(d) of this title.
- (e) The annual license fee is \$1,500.
- (f) The Board shall define “luxury–type restaurant” by regulation.

20–903.

- (a) There is a Class B beer, wine, and liquor hotel or motel license.
- (b) The Board may issue the license for use by a hotel or motel that:
 - (1) is an establishment to accommodate the public by providing services ordinarily found in a hotel or motel;
 - (2) has at least 15 rooms;
 - (3) has a dining room with facilities for preparing and serving full-course meals for at least **[50] 28** individuals at one seating; and
 - (4) has a capital investment in the hotel or motel facility of at least \$400,000.
- (c)
 - (1) The license authorizes the license holder to sell beer, wine, and liquor by the individual drink at any place on the hotel or motel premises.
 - (2)
 - (i) Subject to subparagraph (ii) of this paragraph, the license authorizes the license holder to sell beer, wine, and liquor by the bottle:
 - 1. at any place on the premises for a banquet, party, hospitality room, meeting, or a similar function; and
 - 2. for dinner in the restaurant portion of the premises.
 - (ii) A customer may not remove from the premises any contents of a bottle sold under this paragraph that remains unused.
 - (3)
 - (i) The license authorizes the sale of beer, wine, and liquor by the bottle through room service to a registered patron in a hotel or motel room.
 - (ii) Not more than two bottles may be sold through room service to any one customer in a 24-hour period.
 - (iii) A bottle sold through room service may be removed from the premises by the customer on checking out from the hotel or motel.
- (d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 20–2005(b) of this title.
- (e) The annual license fee is \$2,000.

20–904.

- (a) There is a Class B beer, wine, and liquor hotel or restaurant license.

(b) The Board may issue the license for use by a hotel that:

(1) is an establishment for the accommodation of the public providing service ordinarily found in hotels;

(2) contains:

(i) at least 25 rooms;

(ii) a lobby with a registration and mail desk; and

(iii) seating facilities and a dining room that serves full-course meals at least twice daily and that has a regular seating at tables, not including seats at bars or counters, for **[50] 28** or more individuals; and

(3) is operated in a facility that:

(i) is valued for State and local assessment and taxation at not less than \$20,000; and

(ii) has personal property valued for State and local assessment and taxation at not less than \$3,000.

(c) (1) Subject to paragraph (2) of this subsection, the Board may issue the license for use by a restaurant that:

(i) serves full-course meals at least twice daily;

(ii) has regular seating at tables, not including seats at bars or counters, for **[50] 28** or more individuals;

(iii) is operated in a facility valued for State and local assessment and taxation at not less than \$40,000; and

(iv) has personal property valued for State and local assessment and taxation at not less than \$5,000.

(2) (i) This subsection does not apply to or affect any license holder that had the license on December 31, 1993, or to a person who has a permit for a building that was under construction on that date.

(ii) The area normally used as a restaurant for the preparation and consumption of food and beverages shall occupy at least 80% of the square foot area of the licensed premises, except for premises used for recreation, such as a bowling alley or pool hall.

(3) (i) The license holder may remove tables and chairs to accommodate

additional patrons at not more than four special events held in the restaurant in a calendar year.

(ii) A restaurant that removes its tables and chairs for a special event:

1. shall give notice to the Board at least 1 week before the event;

2. shall store the removed tables and chairs in an appropriate location in the restaurant and in a manner that does not block the exits of the restaurant; and

3. may not allow into the restaurant more than the maximum number of occupants that the County Fire Marshal allows.

(d) (1) The license issued for a hotel or restaurant:

(i) authorizes the sale of beer, wine, and liquor for on-premises consumption where meals are prepared and served; and

(ii) prohibits sales for consumption anywhere else, including at a bar or counter.

(2) The license issued for a restaurant authorizes the sale for off-premises consumption of beverages with an alcoholic content of not more than 14.5%.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 20–2005(b) of this title.

(f) The annual license fee is:

(1) \$1,500 for a restaurant; and

(2) \$2,000 for a hotel.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 93

(Senate Bill 220)

AN ACT concerning

Frederick County – Alcoholic Beverages – Arena License

FOR the purpose of establishing in Frederick County a Class B–A (arena) beer and wine license; specifying that the license authorizes the license holder to sell beer and wine by the drink on the campus of an institution of higher education from one or more outlets that the Board of License Commissioners approves and for on–premises consumption at sporting and nonsporting events held at the institution; requiring the Board to adopt certain regulations; and generally relating to alcoholic beverages licenses in Frederick County.

BY renumbering

Article – Alcoholic Beverages

Section 20–1001, 20–1001.1, and 20–1001.2, respectively

to be Section 20–1001.1, 20–1001.2, and 20–1001.3, respectively

Annotated Code of Maryland

(2016 Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 20–102

Annotated Code of Maryland

(2016 Volume and 2017 Supplement)

BY adding to

Article – Alcoholic Beverages

Section 20–1001

Annotated Code of Maryland

(2016 Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 20–1001, 20–1001.1, and 20–1001.2, respectively, of Article – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 20–1001.1, 20–1001.2, and 20–1001.3, respectively.

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

Article – Alcoholic Beverages

20–102.

This title applies only in Frederick County.

20–1001.

(A) **THERE IS A CLASS B–A (ARENA) BEER AND WINE LICENSE.**

(B) **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE BY THE DRINK ON THE CAMPUS OF AN INSTITUTION OF HIGHER EDUCATION:**

(1) **FROM ONE OR MORE OUTLETS THAT THE BOARD APPROVES; AND**

(2) **FOR ON–PREMISES CONSUMPTION AT SPORTING AND NONSPORTING EVENTS HELD AT THE INSTITUTION.**

(C) **THE BOARD SHALL ADOPT REGULATIONS CONCERNING THE MANNER OF DISPENSING BEER AND WINE, THE HOURS AND DAYS OF SALE, AND THE ANNUAL LICENSE FEE.**

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 94

(House Bill 506)

AN ACT concerning

Frederick County – Alcoholic Beverages – Arena License

FOR the purpose of establishing in Frederick County a Class B–A (arena) beer and wine license; specifying that the license authorizes the license holder to sell beer and wine by the drink on the campus of an institution of higher education from one or more outlets that the Board of License Commissioners approves and for on–premises consumption at sporting and nonsporting events held at the institution; requiring the Board to adopt certain regulations; and generally relating to alcoholic beverages licenses in Frederick County.

BY renumbering

Article – Alcoholic Beverages

Section 20–1001, 20–1001.1, and 20–1001.2, respectively

to be Section 20–1001.1, 20–1001.2, and 20–1001.3, respectively

Annotated Code of Maryland

(2016 Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 20–102
 Annotated Code of Maryland
 (2016 Volume and 2017 Supplement)

BY adding to
 Article – Alcoholic Beverages
 Section 20–1001
 Annotated Code of Maryland
 (2016 Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 20–1001, 20–1001.1, and 20–1001.2, respectively, of Article – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 20–1001.1, 20–1001.2, and 20–1001.3, respectively.

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

Article – Alcoholic Beverages

20–102.

This title applies only in Frederick County.

20–1001.

(A) THERE IS A CLASS B–A (ARENA) BEER AND WINE LICENSE.

(B) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE BY THE DRINK ON THE CAMPUS OF AN INSTITUTION OF HIGHER EDUCATION:

(1) FROM ONE OR MORE OUTLETS THAT THE BOARD APPROVES; AND

(2) FOR ON–PREMISES CONSUMPTION AT SPORTING AND NONSPORTING EVENTS HELD AT THE INSTITUTION.

(C) THE BOARD SHALL ADOPT REGULATIONS CONCERNING THE MANNER OF DISPENSING BEER AND WINE, THE HOURS AND DAYS OF SALE, AND THE ANNUAL LICENSE FEE.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 95**(Senate Bill 263)**

AN ACT concerning

Frederick County – Alcoholic Beverages – Banquet Facility License

FOR the purpose of repealing a certain capital investment requirement for the issuance of a Class B–BF (banquet facility) beer, wine, and liquor license in Frederick County; requiring that a banquet facility have a full commercial kitchen and adequate public bathroom facilities before a banquet facility license may be issued; 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
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 20–1001.1
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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.

20–1001.1.

- (a) There is a Class B–BF (banquet facility) beer, wine, and liquor license.
- (b) The Board may issue the license for use by a banquet facility that:
 - (1) accommodates the public for banquets, parties, meetings, and similar functions;
 - (2) contains a dining room with adequate facilities for preparing and serving full–course meals for at least 100 individuals who are inside the facility or outside

on the premises at one seating; and

(3) has a [capital investment of at least \$250,000, excluding the cost of the land, buildings, and leases] **FULL COMMERCIAL KITCHEN AND ADEQUATE PUBLIC BATHROOM FACILITIES.**

(c) (1) The license authorizes the license holder to sell at retail beer, wine, and liquor by the drink or by the bottle for on-premises consumption if:

(i) the beer, wine, and liquor are sold only during the function;

(ii) except as provided in paragraph (2) of this subsection, the license holder does not sell beer, wine, and liquor for off-premises consumption;

(iii) the license holder does not allow beer, wine, and liquor to be carried off the premises; and

(iv) food is provided at the function where the beer, wine, and liquor are provided.

(2) The license holder may sell beer, wine, and liquor for off-premises consumption if the beer, wine, and liquor is:

(i) in a collectible bottle commemorating a special anniversary or event; and

(ii) sold not more than 30 calendar days before the special anniversary or event.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 20-2005 of this title.

(e) The annual license fee is \$1,500.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 96

(House Bill 507)

AN ACT concerning

Frederick County – Alcoholic Beverages – Banquet Facility License

FOR the purpose of repealing a certain capital investment requirement for the issuance of a Class B–BF (banquet facility) beer, wine, and liquor license in Frederick County; requiring that a banquet facility have a full commercial kitchen and adequate public bathroom facilities before a banquet facility license may be issued; 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

(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 20–1001.1

Annotated Code of Maryland

(2016 Volume and 2017 Supplement)

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.

20–1001.1.

(a) There is a Class B–BF (banquet facility) beer, wine, and liquor license.

(b) The Board may issue the license for use by a banquet facility that:

(1) accommodates the public for banquets, parties, meetings, and similar functions;

(2) contains a dining room with adequate facilities for preparing and serving full–course meals for at least 100 individuals who are inside the facility or outside on the premises at one seating; and

(3) has a [capital investment of at least \$250,000, excluding the cost of the land, buildings, and leases] **FULL COMMERCIAL KITCHEN AND ADEQUATE PUBLIC BATHROOM FACILITIES.**

(c) (1) The license authorizes the license holder to sell at retail beer, wine, and

liquor by the drink or by the bottle for on-premises consumption if:

- (i) the beer, wine, and liquor are sold only during the function;
- (ii) except as provided in paragraph (2) of this subsection, the license holder does not sell beer, wine, and liquor for off-premises consumption;
- (iii) the license holder does not allow beer, wine, and liquor to be carried off the premises; and
- (iv) food is provided at the function where the beer, wine, and liquor are provided.

(2) The license holder may sell beer, wine, and liquor for off-premises consumption if the beer, wine, and liquor is:

- (i) in a collectible bottle commemorating a special anniversary or event; and
- (ii) sold not more than 30 calendar days before the special anniversary or event.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 20-2005 of this title.

(e) The annual license fee is \$1,500.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 97

(House Bill 1320)

AN ACT concerning

Washington County – Alcoholic Beverages – Per Diem Licenses

FOR the purpose of repealing the Class C per diem beer, Class C per diem beer and wine, and Sunday picnic licenses in Washington County; altering the requirements for a Class C per diem beer, wine, and liquor license in Washington County to authorize the license to be issued to a certain corporation, society, organization, association, or other entity that meets certain requirements; altering the privileges of the license to

authorize a license holder to sell or serve beer, wine, or liquor for on-premises consumption during a certain event; authorizing the Board of License Commissioners to issue multiple licenses to a single applicant; requiring a separate license for each day of an event; altering the number of consecutive days for which the Board may issue the license; requiring an applicant for the license to provide certain documentation; establishing certain qualifications for individuals applying for the license; specifying certain conditions under which a license holder may serve or sell alcoholic beverages during a certain event; requiring alcoholic beverages sold under the license to be purchased from a licensed wholesaler or retail dealer; prohibiting a licensed wholesaler from donating alcoholic beverages to the license holder; requiring the license holder to submit a certain financial statement within a certain time; altering the days and hours during which a license holder may exercise the privileges of the license; altering the fee for the license; making certain conforming changes; and generally relating to alcoholic beverages licenses in Washington County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 1–101(e) and 31–102
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 31–1301, 31–1312, and 31–1314
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing
Article – Alcoholic Beverages
Section 31–1313
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

1–101.

(e) “Club” means an association or a corporation that is:

(1) organized and operated exclusively for educational, social, fraternal, patriotic, political, or athletic purposes; and

(2) nonprofit.

31-102.

This title applies only in Washington County.

31-1301.

(a) 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) (2) § 4-1206 (“License to dispose of stock”);

[(4) (3) § 4-1207 (“Temporary move of licensed premises”);

[(5) (4) § 4-1208 (“Hours and days of sale”); and

[(6) (5) § 4-1209 (“Wine permit for fund-raising event”).

(b) The following sections of Title 4, Subtitle 12 (“Temporary Licenses”) of Division I of this article do not apply in the county:

(1) **§ 4-1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”);**

(2) § 4-1204 (“Class C per diem beer, wine, and liquor license”), which is superseded by § 31-1312 of this subtitle; and

[(2) (3) § 4-1205 (“License fees”), which is superseded by § 31-1314 of this subtitle.

31-1312.

(a) There is a Class C per diem beer, wine, and liquor license.

(b) The Board may issue the license to:

(1) a club that has an annual on-sale beer, wine, and liquor license **FOR USE AT A PLACE OTHER THAN THE LICENSE HOLDER’S REGULAR PLACE OF BUSINESS; OR**

(2) A CORPORATION, A SOCIETY, AN ORGANIZATION, AN ASSOCIATION, OR ANY OTHER ENTITY THAT DOES NOT HAVE AN ANNUAL ON-SALE BEER, WINE, AND LIQUOR LICENSE AND HAS:

(I) NONPROFIT STATUS; OR

(II) A FEDERAL IDENTIFICATION NUMBER ASSIGNED BY THE INTERNAL REVENUE SERVICE.

(c) The license **AUTHORIZES THE LICENSE** holder [may] **TO sell OR SERVE** beer, wine, and liquor **FOR ON-PREMISES CONSUMPTION** at [a place other than the license holder's regular place of business] **THE PLACE DESCRIBED IN THE LICENSE DURING AN EVENT THAT REQUIRES AN ADMISSION FEE, A TICKET, OR A DONATION.**

(d) **(1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE BOARD MAY ISSUE MULTIPLE CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSES TO A SINGLE APPLICANT.**

(2) A SEPARATE CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE IS REQUIRED FOR EACH DAY OF A MULTIPLE DAY EVENT.

(3) The Board may not issue the CLASS C PER DIEM BEER, WINE, AND LIQUOR license for more than [5] 7 consecutive days.

(E) (1) AN APPLICANT FOR THE LICENSE SHALL:

(I) SUBMIT AN APPLICATION ON THE FORM THAT THE BOARD PROVIDES; AND

(II) PROVIDE PROOF THAT THE APPLICANT HAS:

1. NONPROFIT STATUS; OR

2. A FEDERAL IDENTIFICATION NUMBER ASSIGNED BY THE INTERNAL REVENUE SERVICE.

(2) (I) A LICENSE SHALL BE APPLIED FOR AND ISSUED TO THREE INDIVIDUALS AFFILIATED WITH THE APPLICANT, EACH OF WHOM:

1. APPEARS IN PERSON TO PRESENT PROPER QUALIFICATIONS AT THE TIME THE APPLICATION IS FILED;

2. IS AT LEAST 21 YEARS OLD; AND

3. IS A REGISTERED VOTER IN THE COUNTY AND A CITIZEN OF THE UNITED STATES.

(II) AT LEAST ONE OF THE INDIVIDUALS SHALL HAVE BEEN A RESIDENT OF THE COUNTY FOR THE 2 YEARS IMMEDIATELY BEFORE FILING THE APPLICATION.

(F) THE LICENSE HOLDER:

(1) AT THE EVENT FOR WHICH THE LICENSE IS ISSUED, SHALL DISTRIBUTE A WRISTBAND TO EACH INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD; AND

(2) MAY NOT SERVE BEER, WINE, OR LIQUOR TO AN INDIVIDUAL WHO DOES NOT WEAR A WRISTBAND.

(G) AT ALL TIMES DURING THE EVENT, THE LICENSE HOLDER SHALL ENSURE THAT:

(1) ONE CERTIFIED CROWD CONTROL MANAGER WHO HAS OBTAINED A CROWD CONTROL TRAINING CERTIFICATE FROM A PROGRAM THAT IS CERTIFIED BY THE BOARD IS ON THE LICENSED PREMISES FOR EVERY 250 INDIVIDUALS PRESENT; AND

(2) ONE INDIVIDUAL WHO HAS COMPLETED A CERTIFIED ALCOHOL AWARENESS PROGRAM IS ON THE LICENSED PREMISES.

(H) (1) ALCOHOLIC BEVERAGES SOLD UNDER THE LICENSE SHALL BE PURCHASED BY THE LICENSE HOLDER FROM A LICENSED WHOLESALER OR RETAIL DEALER.

(2) A LICENSED WHOLESALER MAY NOT DONATE ALCOHOLIC BEVERAGES TO THE LICENSE HOLDER.

(I) WITHIN 30 DAYS AFTER AN EVENT, THE LICENSE HOLDER SHALL SUBMIT TO THE BOARD A SIGNED AND NOTARIZED FINANCIAL STATEMENT SHOWING:

(1) THE TOTAL AMOUNT OF PROCEEDS FROM THE EVENT; AND

(2) THE DISBURSEMENT OF THE PROCEEDS.

(J) A LICENSE HOLDER MAY SELL OR SERVE BEER, WINE, AND LIQUOR:

(1) ON MONDAY THROUGH SATURDAY, FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY; OR

(2) ON SUNDAY, FROM NOON TO MIDNIGHT.

[31–1313.

(1) A picnic license authorizes a club owner to sell beer at a place other than the club owner’s regular place of business.

(2) The license may be exercised only on Sunday between noon and midnight.]

31–1314.

The [license fee is:

(1) \$15 per day for a Class C per diem beer license;

(2) \$25 per day for a Class C per diem beer and wine license;

(3) \$30 per day for a Class C per diem beer, wine, and liquor license, except there is no fee on Sunday; and

(4) \$15 per day for a “picnic” license] **FEE FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE IS \$100 PER DAY.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 98

(Senate Bill 322)

AN ACT concerning

Washington County – Alcoholic Beverages – Per Diem Licenses

FOR the purpose of repealing the Class C per diem beer, Class C per diem beer and wine, and Sunday picnic licenses in Washington County; altering the requirements for a

Class C per diem beer, wine, and liquor license in Washington County to authorize the license to be issued to a certain corporation, society, organization, association, or other entity that meets certain requirements; altering the privileges of the license to authorize a license holder to sell or serve beer, wine, or liquor for on-premises consumption during a certain event; authorizing the Board of License Commissioners to issue multiple licenses to a single applicant; requiring a separate license for each day of an event; altering the number of consecutive days for which the Board may issue the license; requiring an applicant for the license to provide certain documentation; establishing certain qualifications for individuals applying for the license; specifying certain conditions under which a license holder may serve or sell alcoholic beverages during a certain event; requiring alcoholic beverages sold under the license to be purchased from a licensed wholesaler or retail dealer; prohibiting a licensed wholesaler from donating alcoholic beverages to the license holder; requiring the license holder to submit a certain financial statement within a certain time; altering the days and hours during which a license holder may exercise the privileges of the license; altering the fee for the license; making certain conforming changes; and generally relating to alcoholic beverages licenses in Washington County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages
 Section 1–101(e) and 31–102
 Annotated Code of Maryland
 (2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages
 Section 31–1301, 31–1312, and 31–1314
 Annotated Code of Maryland
 (2016 Volume and 2017 Supplement)

BY repealing

Article – Alcoholic Beverages
 Section 31–1313
 Annotated Code of Maryland
 (2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

1–101.

(e) “Club” means an association or a corporation that is:

(1) organized and operated exclusively for educational, social, fraternal,

patriotic, political, or athletic purposes; and

- (2) nonprofit.

31–102.

This title applies only in Washington County.

31–1301.

(a) 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) (2) § 4–1206 (“License to dispose of stock”);

- [(4) (3) § 4–1207 (“Temporary move of licensed premises”);

- [(5) (4) § 4–1208 (“Hours and days of sale”); and

- [(6) (5) § 4–1209 (“Wine permit for fund–raising event”).

(b) The following sections of Title 4, Subtitle 12 (“Temporary Licenses”) of Division I of this article do not apply in the county:

(1) **§ 4–1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”);**

(2) § 4–1204 (“Class C per diem beer, wine, and liquor license”), which is superseded by § 31–1312 of this subtitle; and

[(2) (3) § 4–1205 (“License fees”), which is superseded by § 31–1314 of this subtitle.

31–1312.

(a) There is a Class C per diem beer, wine, and liquor license.

(b) The Board may issue the license to:

(1) a club that has an annual on–sale beer, wine, and liquor license **FOR USE AT A PLACE OTHER THAN THE LICENSE HOLDER’S REGULAR PLACE OF**

BUSINESS; OR

(2) A CORPORATION, A SOCIETY, AN ORGANIZATION, AN ASSOCIATION, OR ANY OTHER ENTITY THAT DOES NOT HAVE AN ANNUAL ON-SALE BEER, WINE, AND LIQUOR LICENSE AND HAS:

(I) NONPROFIT STATUS; OR

(II) A FEDERAL IDENTIFICATION NUMBER ASSIGNED BY THE INTERNAL REVENUE SERVICE.

(c) The license **AUTHORIZES THE LICENSE** holder [may] **TO sell OR SERVE** beer, wine, and liquor **FOR ON-PREMISES CONSUMPTION** at [a place other than the license holder's regular place of business] **THE PLACE DESCRIBED IN THE LICENSE DURING AN EVENT THAT REQUIRES AN ADMISSION FEE, A TICKET, OR A DONATION.**

(d) **(1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE BOARD MAY ISSUE MULTIPLE CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSES TO A SINGLE APPLICANT.**

(2) A SEPARATE CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE IS REQUIRED FOR EACH DAY OF A MULTIPLE DAY EVENT.

(3) The Board may not issue the CLASS C PER DIEM BEER, WINE, AND LIQUOR license for more than [5] 7 consecutive days.

(E) (1) AN APPLICANT FOR THE LICENSE SHALL:

(I) SUBMIT AN APPLICATION ON THE FORM THAT THE BOARD PROVIDES; AND

(II) PROVIDE PROOF THAT THE APPLICANT HAS:

1. NONPROFIT STATUS; OR

2. A FEDERAL IDENTIFICATION NUMBER ASSIGNED BY THE INTERNAL REVENUE SERVICE.

(2) (I) A LICENSE SHALL BE APPLIED FOR AND ISSUED TO THREE INDIVIDUALS AFFILIATED WITH THE APPLICANT, EACH OF WHOM:

1. APPEARS IN PERSON TO PRESENT PROPER QUALIFICATIONS AT THE TIME THE APPLICATION IS FILED;

2. IS AT LEAST 21 YEARS OLD; AND

3. IS A REGISTERED VOTER IN THE COUNTY AND A CITIZEN OF THE UNITED STATES.

(II) AT LEAST ONE OF THE INDIVIDUALS SHALL HAVE BEEN A RESIDENT OF THE COUNTY FOR THE 2 YEARS IMMEDIATELY BEFORE FILING THE APPLICATION.

(F) THE LICENSE HOLDER:

(1) AT THE EVENT FOR WHICH THE LICENSE IS ISSUED, SHALL DISTRIBUTE A WRISTBAND TO EACH INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD; AND

(2) MAY NOT SERVE BEER, WINE, OR LIQUOR TO AN INDIVIDUAL WHO DOES NOT WEAR A WRISTBAND.

(G) AT ALL TIMES DURING THE EVENT, THE LICENSE HOLDER SHALL ENSURE THAT:

(1) ONE CERTIFIED CROWD CONTROL MANAGER WHO HAS OBTAINED A CROWD CONTROL TRAINING CERTIFICATE FROM A PROGRAM THAT IS CERTIFIED BY THE BOARD IS ON THE LICENSED PREMISES FOR EVERY 250 INDIVIDUALS PRESENT; AND

(2) ONE INDIVIDUAL WHO HAS COMPLETED A CERTIFIED ALCOHOL AWARENESS PROGRAM IS ON THE LICENSED PREMISES.

(H) (1) ALCOHOLIC BEVERAGES SOLD UNDER THE LICENSE SHALL BE PURCHASED BY THE LICENSE HOLDER FROM A LICENSED WHOLESALER OR RETAIL DEALER.

(2) A LICENSED WHOLESALER MAY NOT DONATE ALCOHOLIC BEVERAGES TO THE LICENSE HOLDER.

(I) WITHIN 30 DAYS AFTER AN EVENT, THE LICENSE HOLDER SHALL SUBMIT TO THE BOARD A SIGNED AND NOTARIZED FINANCIAL STATEMENT SHOWING:

(1) THE TOTAL AMOUNT OF PROCEEDS FROM THE EVENT; AND

(2) THE DISBURSEMENT OF THE PROCEEDS.**(J) A LICENSE HOLDER MAY SELL OR SERVE BEER, WINE, AND LIQUOR:**

(1) ON MONDAY THROUGH SATURDAY, FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY; OR

(2) ON SUNDAY, FROM NOON TO MIDNIGHT.

[31-1313.

(1) A picnic license authorizes a club owner to sell beer at a place other than the club owner's regular place of business.

(2) The license may be exercised only on Sunday between noon and midnight.]

31-1314.

The [license fee is:

(1) \$15 per day for a Class C per diem beer license;

(2) \$25 per day for a Class C per diem beer and wine license;

(3) \$30 per day for a Class C per diem beer, wine, and liquor license, except there is no fee on Sunday; and

(4) \$15 per day for a "picnic" license] **FEE FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE IS \$100 PER DAY.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 99

(House Bill 1321)

AN ACT concerning

Washington County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Washington County, from time to time, to borrow not more than \$70,000,000 in order to finance the costs of the construction, improvement, or development of certain public facilities in Washington County, as herein defined, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds, and the interest thereon and any income derived therefrom, from all State, county, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; providing that such borrowing may be undertaken by the County in the form of installment purchase obligations executed and delivered by the County for the purpose of acquiring agricultural land, woodland preservation easements, and transferable development rights; and relating generally to the issuance and sale of such bonds.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, as used herein, the term “County” means the body politic and corporate of the State of Maryland known as the County Commissioners of Washington County, and the term “construction, improvement, or development of public facilities” means the acquisition, alteration, construction, reconstruction, enlargement, equipping, expansion, extension, improvement, rehabilitation, renovation, upgrading, and repair of public buildings and facilities and public works projects, including, but not limited to, the following, together with related architectural, financial, legal, planning, or engineering services:

- (a) Public school buildings, a school for the arts, administrative facilities, sites, and grounds;
- (b) Community college buildings, sites, and grounds;
- (c) Buildings and facilities for public safety, health and social services, libraries, County administration purposes, County airport purposes, refuse collection, recycling or disposal by whatever means, and park and recreation purposes;
- (d) Acquisition of land or interests in land and any improvement thereon; and
- (e) Easements or similar or related rights in land, including transferable development rights, that restrict the use of agricultural land or woodland to maintain the character of the land as agricultural land or woodland.

SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby authorized to finance any part or all of the costs of the facilities described in Section 1 of this Act, and to borrow money and incur indebtedness for that purpose, at one time or from time to time, in an amount not exceeding, in the aggregate, \$70,000,000 and to evidence such borrowing by the issuance and sale upon its full faith and credit of general obligation bonds in like par amount, which may be issued at one time or from time to time, in one or more groups or series, as the County may determine.

SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued in accordance with a resolution of the County, which shall describe generally the construction, improvement, or development of public facilities for which the proceeds of the bond sale are intended and the amount needed for those purposes. The County shall have and is hereby granted full and complete authority and discretion in the resolution to fix and determine with respect to the bonds of any issue: the designation, date of issue, denomination or denominations, form or forms, and tenor of the bonds which, without limitation, may be issued in registered form within the meaning of § 19–204 of the Local Government Article, as amended; the rate or rates of interest payable thereon, or the method of determining the same, which may include a variable rate; the date or dates and amount or amounts of maturity, which need not be in equal par amounts or in consecutive annual installments, provided only that no bond of any issue shall mature later than 30 years from the date of its issue; the manner of selling the bonds, which may be at either public or private sale, for such price or prices as may be determined to be for the best interests of the County; the manner of executing and sealing the bonds, which may be by facsimile; the terms and conditions, if any, under which bonds may be tendered for payment or purchase prior to their stated maturity; the terms or conditions, if any, under which bonds may or shall be redeemed prior to their stated maturity; the place or places of payment of the principal of and the interest on the bonds, which may be at any bank or trust company within or without the State of Maryland; covenants relating to compliance with applicable requirements of federal income tax law, including (without limitation) covenants regarding the payment of rebate or penalties in lieu of rebate; covenants relating to compliance with applicable requirements of federal or state securities laws; and generally all matters incident to the terms, conditions, issuance, sale, and delivery thereof.

The bonds may be made redeemable before maturity, at the option of the County, at such price or prices and under such terms and conditions as may be fixed by the County prior to the issuance of the bonds, either in the resolution or in subsequent resolutions. In case any officer whose signature appears on any bond ceases to be such officer before the delivery thereof, such signature shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery. The bonds and the issuance and sale thereof shall be exempt from the provisions of §§ 19–205 and 19–206 of the Local Government Article, as amended.

The County may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of any security for the bonds and for the purpose of securing any tender option that may be granted to holders of the bonds, all as may be determined and presented in the aforesaid resolution, which may (but need not) state as security for the performance by the County of any monetary obligations under such

agreements the same security given by the County to bondholders for the performance by the County of its monetary obligations under the bonds. If the County determines in the resolution to offer any of the bonds by solicitation of competitive bids at public sale, the resolution shall fix the terms and conditions of the public sale and shall adopt a form of notice of sale, which shall outline the terms and conditions, including the manner of receipt of bids, and a form of advertisement. At least one publication of the advertisement shall be made not less than 10 days before the sale of the bonds.

Upon delivery of any bonds to the purchaser or purchasers, payment therefor shall be made to the Treasurer of Washington County or such other official of the County as may be designated to receive such payment in a resolution passed by the County Commissioners of Washington County before such delivery. For purposes of issuance and sale, bonds authorized hereunder may be consolidated into a single issue with any other bonds authorized to be issued by the County.

SECTION 4. AND BE IT FURTHER ENACTED, That the net proceeds of the sale of bonds shall be used and applied exclusively and solely for the acquisition, construction, improvement, or development of public facilities for which the bonds are sold. If the amounts borrowed shall prove inadequate to finance the projects described in the resolution, the County may issue additional bonds within the limitations hereof for the purpose of evidencing the borrowing of additional funds for such financing, provided the resolution authorizing the sale of additional bonds shall so recite, but if the net proceeds of the sale of any issue of bonds exceeds the amount needed to finance the projects described in the resolution, the excess funds so borrowed and not expended shall be applied to the payment of the next principal maturity of the bonds or to the redemption of any part of the bonds which have been made redeemable or to the purchase and cancellation of bonds, unless the County shall adopt a resolution allocating the excess funds to the acquisition, construction, improvement, or development of other public facilities, as defined and within the limits set forth in this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby authorized shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest on the bonds as and when they become payable. In each and every fiscal year that any of the bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all the assessable property within the corporate limits of Washington County in rate and amount sufficient to provide for or assure the payment, when due, of the principal of and interest on all the bonds maturing in each such fiscal year and, in the event the proceeds from the taxes so levied in any such fiscal year shall prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any such deficiency. The County may apply to the payment of the principal of and interest on any bonds issued hereunder any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality thereof, or from any other source, if such funds are granted for the purpose of assisting the County in financing the acquisition, construction, improvement, or development of the public facilities defined in this Act and, to the extent of any such funds received or receivable in any fiscal year, the taxes that are required to be levied may be reduced accordingly.

SECTION 6. AND BE IT FURTHER ENACTED, That the County is further authorized and empowered, at any time and from time to time, to issue its bonds in the manner hereinabove described for the purpose of refunding, by payment at maturity or upon purchase or redemption, any bonds issued hereunder. The validity of any such refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the obligations so refunded. The powers herein granted with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds. Such refunding bonds may be issued by the County for the purpose of providing it with funds to pay any of its outstanding bonds issued hereunder at maturity, for the purpose of providing it with funds to purchase in the open market any of its outstanding bonds issued hereunder, prior to the maturity thereof, or for the purpose of providing it with funds for the redemption prior to maturity of any outstanding bonds issued hereunder which are, by their terms, redeemable, for the purpose of providing it with funds to pay interest on any outstanding bonds issued hereunder prior to their payment at maturity of purchase or redemption in advance of maturity, or for the purpose of providing it with funds to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds issued hereunder. The proceeds of the sale of any such refunding bonds shall be segregated and set apart by the County as a separate trust fund to be used solely for the purpose of paying the purchase or redemption prices of the bonds to be refunded.

SECTION 7. AND BE IT FURTHER ENACTED, That the County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for such delivery, provided, however, that any such interim certificates or temporary bonds shall be issued in all respects subject to the restrictions and requirements set forth in this Act. The County may, by appropriate resolution, provide for the replacement of any bonds issued hereunder which shall have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.

SECTION 8. AND BE IT FURTHER ENACTED, That any and all obligations issued pursuant to the authority of this Act, their transfer, the interest payable thereon, and any income derived therefrom in the hands of the holders thereof from time to time (including any profit made in the sale thereof) shall be and are hereby declared to be at all times exempt from State, county, municipal, or other taxation of every kind and nature whatsoever within the State of Maryland.

Nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes.

SECTION 9. AND BE IT FURTHER ENACTED, That the authority to borrow money and issue bonds conferred on the County by this Act shall be deemed to provide an additional and alternative authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all Acts of the General

Assembly of Maryland heretofore passed authorizing the County to borrow money are hereby continued to the extent that the powers contained in such Acts have not been exercised, and nothing contained in this Act may be construed to impair, in any way, the validity of any bonds that may have been issued by the County under the authority of any said Acts, and the validity of the bonds is hereby ratified, confirmed, and approved. This Act, being necessary for the welfare of the inhabitants of Washington County, shall be liberally construed to effect the purposes hereof. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

SECTION 10. AND BE IT FURTHER ENACTED, That the borrowing authorized by this Act may also be undertaken by the County in the form of installment purchase obligations executed and delivered by the County for the purpose of acquiring easements or similar or related rights in land, including transferable development rights, that restrict the use of agricultural land or woodland to maintain the character of the land as agricultural land or woodland. The form of installment purchase obligations, the manner of accomplishing the acquisition of easements, which may be by the direct exchange of installment purchase obligations for easements or transferable development rights, and all matters incident to the execution and delivery of the installment purchase obligations and acquisition of the easements or transferable development rights by the County shall be determined in the resolution. Except where the provisions of this Act would be inapplicable to installment purchase obligations, the term “bonds” used in this Act shall include installment purchase obligations and matters pertaining to the bonds under this Act, such as the security for the payment of the bonds, the exemption of the bonds from State, county, municipal, or other taxation, and authorization to issue refunding bonds and the limitation on the aggregate principal amount of bonds authorized for issuance, shall be applicable to installment purchase obligations.

SECTION 11. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 100

(Senate Bill 41)

AN ACT concerning

~~Domestic and Foreign~~ Nonstock Corporations – Consolidations, Mergers, and Conversions

FOR the purpose of specifying that certain authority of a nonstock corporation to ~~consolidate, merge, or~~ convert applies only to a ~~domestic~~ Maryland nonstock corporation; ~~altering the authority of a certain nonstock corporation to consolidate or merge;~~ authorizing a foreign nonstock corporation to convert into a ~~domestic~~

Maryland nonstock corporation; prohibiting a foreign nonstock corporation from converting into a Maryland corporation that has the authority to issue stock; and generally relating to ~~domestic~~ Maryland and foreign nonstock corporations.

BY repealing and reenacting, with amendments,
 Article – Corporations and Associations
 Section 5–207
 Annotated Code of Maryland
 (2014 Replacement Volume and 2017 Supplement)

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

Article – Corporations and Associations

5–207.

(a) **(1)** A ~~DOMESTIC~~ nonstock corporation may:

~~(1) Consolidate~~ **CONSOLIDATE** or merge only with another ~~DOMESTIC~~ nonstock corporation; ~~and~~.

~~(2) Convert~~ **A MARYLAND NONSTOCK CORPORATION MAY CONVERT** only into a foreign corporation that does not have the authority to issue stock.

~~(b) A FOREIGN NONSTOCK CORPORATION MAY CONVERT INTO A DOMESTIC NONSTOCK CORPORATION.~~

(3) A FOREIGN CORPORATION THAT DOES NOT HAVE THE AUTHORITY TO ISSUE STOCK:

(I) MAY CONVERT INTO A MARYLAND NONSTOCK CORPORATION; AND

(II) MAY NOT CONVERT INTO A MARYLAND CORPORATION THAT HAS THE AUTHORITY TO ISSUE STOCK.

~~(b)~~ **(c)** A consolidation, merger, transfer of assets, or conversion of a nonstock corporation shall be effected as provided in Title 3 of this article.

~~(c)~~ **(d)** Notwithstanding § 3–105(e) of this article, a proposed consolidation, merger, transfer of assets, or conversion of a nonstock corporation organized to hold title to property for a labor organization, and for related purposes, shall be approved by the same affirmative vote of the members of the corporation that the constitution or bylaws of the labor organization requires for the same action.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 101

(Senate Bill 82)

AN ACT concerning

Corporations and Associations – Resident Agent – Quantity and Resignation

FOR the purpose of requiring a Maryland corporation, a limited liability partnership, a limited partnership, and a Maryland statutory trust to have a resident agent, rather than at least one resident agent; altering the circumstances that determine when a resignation of a resident agent for certain business entities is effective; and generally relating to business entities and resident agents.

BY repealing and reenacting, with amendments,

Article – Corporations and Associations

Section 2–108(a) and (d), 4A–210(d), 7–205(e), 9A–1005(a) and (d), 10–104(a) and (d),
and 12–203(a) and (d)

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

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

Article – Corporations and Associations

2–108.

(a) Each Maryland corporation shall have:

(1) A principal office in this State; and

(2) **[At least one] A** resident agent.

(d) (1) A resident agent may resign by filing with the Department a counterpart or photocopy of his signed resignation.

(2) Unless a later time is specified in the resignation, it is effective:

(i) At the time it is filed with the Department, if the corporation has

[more than one] **APPOINTED A SUCCESSOR** resident agent; or

(ii) Ten days after it is filed with the Department, if the corporation has [only one] **NOT APPOINTED A SUCCESSOR** resident agent.

4A-210.

(d) (1) A resident agent may resign by filing with the Department a counterpart or photocopy of the signed resignation.

(2) Unless a later time is specified in the resignation, it is effective:

(i) At the time it is filed with the Department, if the limited liability company has [more than 1] **APPOINTED A SUCCESSOR** resident agent; or

(ii) 10 days after it is filed with the Department, if the limited liability company has [only 1] **NOT APPOINTED A SUCCESSOR** resident agent.

7-205.

(e) (1) A resident agent of a foreign corporation may resign by filing with the Department a counterpart or photocopy of his signed resignation.

(2) Unless a later time is specified in the resignation, it is effective:

(i) At the time it is filed with the Department, if the corporation has [more than one] **APPOINTED A SUCCESSOR** resident agent; or

(ii) Ten days after it is filed with the Department, if the corporation has [only one] **NOT APPOINTED A SUCCESSOR** resident agent.

9A-1005.

(a) Limited liability partnerships shall have:

(1) A principal office in the State; and

(2) [At least one] **A** resident agent who shall be:

(i) A citizen of this State who resides in the State;

(ii) A Maryland corporation; or

(iii) A Maryland limited liability company.

(d) (1) A resident agent may resign by filing with the Department a

counterpart or photocopy of the signed resignation.

(2) Unless a later time is specified in the resignation, it is effective:

(i) At the time it is filed with the Department, if the limited liability partnership has [more than one] **APPOINTED A SUCCESSOR** resident agent; or

(ii) 10 days after it is filed with the Department, if the limited liability partnership has [only one] **NOT APPOINTED A SUCCESSOR** resident agent.

10–104.

(a) Each limited partnership shall have:

(1) A principal office in this State; and

(2) [At least one] **A** resident agent.

(d) (1) A resident agent may resign by filing with the Department a counterpart or photocopy of his signed resignation.

(2) Unless a later time is specified in the resignation, it is effective:

(i) At the time it is filed with the Department, if the limited partnership has [more than one] **APPOINTED A SUCCESSOR** resident agent; or

(ii) 10 days after it is filed with the Department, if the limited partnership has [only one] **NOT APPOINTED A SUCCESSOR** resident agent.

12–203.

(a) A Maryland statutory trust shall have:

(1) A principal office in this State; and

(2) [At least one] **A** resident agent.

(d) (1) A resident agent may resign by filing with the Department a counterpart or photocopy of the resident agent's signed resignation.

(2) Unless a later time is specified in the resignation, the resignation is effective:

(i) At the time it is filed with the Department, if the statutory trust has [more than one] **APPOINTED A SUCCESSOR** resident agent; or

(ii) 10 days after it is filed with the Department, if the statutory trust has [only one] **NOT APPOINTED A SUCCESSOR** resident agent.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 102

(House Bill 90)

AN ACT concerning

Personal Property Tax – Exemption for Low Assessments

FOR the purpose of exempting from the personal property tax persons with personal property that had less than a certain amount of total original cost; providing for the application of this Act; and generally relating to exempting certain personal property from the property tax.

BY adding to

Article – Tax – Property

Section 7–245

Annotated Code of Maryland

(2012 Replacement Volume and 2017 Supplement)

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

Article – Tax – Property

7–245.

A PERSON’S PERSONAL PROPERTY IS NOT SUBJECT TO VALUATION OR TO PROPERTY TAX IF ALL OF THE PERSON’S PERSONAL PROPERTY STATEWIDE HAD A TOTAL ORIGINAL COST OF LESS THAN \$2,500.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018, and shall be applicable to all taxable years beginning after December 31, 2018.

Approved by the Governor, April 10, 2018.

Chapter 103**(House Bill 168)**

AN ACT concerning

**State Board of Examiners for Audiologists, Hearing Aid Dispensers, and
Speech–Language Pathologists – Inactive Status of Licenses**

FOR the purpose of requiring the State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists to place a licensee on inactive status under certain circumstances; prohibiting the Board from placing a licensee on inactive status for more than a certain number of years beginning on a certain date; authorizing a licensee to renew inactive status for not more than a certain number of consecutive additional terms; requiring the Board to provide a certain licensee with written notification of certain information; prohibiting a licensee on inactive status from practicing audiology, hearing aid dispensing, or speech–language pathology; authorizing a licensee on inactive status to reactivate the license under certain circumstances; requiring that a certain license be placed on nonrenewed status under certain circumstances; authorizing a certain licensee to apply to reinstate the license if the licensee meets certain requirements; and generally relating to the inactive status of licenses issued by the State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists.

BY adding to

Article – Health Occupations

Section 2–308.1

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

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

Article – Health Occupations**2–308.1.**

**(A) (1) THE BOARD SHALL PLACE A LICENSEE ON INACTIVE STATUS IF
THE LICENSEE SUBMITS TO THE BOARD:**

**(I) AN APPLICATION FOR INACTIVE STATUS ON THE FORM
REQUIRED BY THE BOARD; AND**

(II) THE INACTIVE STATUS FEE SET BY THE BOARD.

(2) THE BOARD MAY NOT PLACE A LICENSEE ON INACTIVE STATUS FOR MORE THAN 2 YEARS, BEGINNING ON THE DATE THE BOARD GRANTS THE APPLICATION FOR INACTIVE STATUS.

(B) A LICENSEE MAY RENEW THE INACTIVE STATUS FOR NOT MORE THAN TWO CONSECUTIVE ADDITIONAL TERMS.

(C) THE BOARD SHALL PROVIDE A LICENSEE WHO HAS COMPLIED WITH THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION WITH WRITTEN NOTIFICATION OF:

(1) THE DATE THAT THE LICENSEE'S INACTIVE STATUS BECOMES EFFECTIVE;

(2) THE DATE THAT THE LICENSEE'S INACTIVE STATUS PERIOD EXPIRES; AND

(3) THE CONSEQUENCES OF NOT REACTIVATING THE LICENSE OR, IF THE INACTIVE STATUS MAY BE RENEWED, RENEWING THE INACTIVE STATUS BEFORE THE INACTIVE STATUS PERIOD EXPIRES.

(D) A LICENSEE ON INACTIVE STATUS UNDER SUBSECTION (A) OF THIS SECTION MAY NOT PRACTICE AUDIOLOGY, HEARING AID DISPENSING, OR SPEECH-LANGUAGE PATHOLOGY OR ASSIST IN THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY WHILE THE LICENSE IS ON INACTIVE STATUS.

(E) A LICENSEE ON INACTIVE STATUS UNDER SUBSECTION (A) OF THIS SECTION MAY REACTIVATE THE LICENSE AT ANY TIME DURING THE INACTIVE STATUS PERIOD IF THE LICENSEE:

(1) PAYS TO THE BOARD THE REACTIVATION FEE SET BY THE BOARD;
AND

(2) COMPLIES WITH ANY OTHER REQUIREMENTS SET BY THE BOARD.

(F) IF A LICENSEE FAILS TO RENEW THE INACTIVE STATUS UNDER SUBSECTION (B) OF THIS SECTION OR REACTIVATE THE LICENSE UNDER SUBSECTION (E) OF THIS SECTION, THE LICENSE SHALL BE PLACED ON NONRENEWED STATUS.

(G) A LICENSEE WHOSE LICENSE HAS BEEN PLACED ON NONRENEWED STATUS UNDER SUBSECTION (F) OF THIS SECTION MAY APPLY TO THE BOARD TO REINSTATE THE LICENSE IF THE LICENSEE:

(1) **MEETS THE REQUIREMENTS OF § 2-305 OF THIS SUBTITLE; OR**

(2) **MEETS:**

(I) **THE CURRENT REQUIREMENTS FOR OBTAINING A NEW LICENSE UNDER THIS SUBTITLE; AND**

(II) **THE CONTINUING EDUCATION REQUIREMENTS ESTABLISHED BY THE REGULATIONS OF THE BOARD.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 104

(House Bill 279)

AN ACT concerning

Housing and Community Development – Homebuyer Education Requirements

FOR the purpose of altering certain homebuyer education requirements for a loan recipient in the Down Payment and Settlement Expense Loan Program in the Department of Housing and Community Development; establishing certain requirements for the Department's homebuyer education requirements; providing that certain provisions do not alter or preempt the authority of a political subdivision to establish homebuyer education or counseling requirements for a down payment assistance program operated by the political subdivision; altering certain purposes of the Housing Counseling and Foreclosure Mediation Fund in the Department to include support of certain homebuyer education for low- and moderate-income households; and generally relating to homebuyer education and the Department of Housing and Community Development.

BY repealing and reenacting, without amendments,
Article – Housing and Community Development
Section 4-302
Annotated Code of Maryland
(2006 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Housing and Community Development

Section 4-308 and 4-507
Annotated Code of Maryland
(2006 Volume and 2017 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

4-302.

There is a Down Payment and Settlement Expense Loan Program.

4-308.

(a) [Except as provided in subsection (b) of this section, a] **SUBJECT TO SUBSECTION (B) OF THIS SECTION**, A recipient of a Program loan shall complete homebuyer education that meets the requirements of the Department.

[(b) If the political subdivision in which a Program loan recipient will use a Program loan administers a down payment or settlement expense loan program that requires homebuyer education, the homebuyer education to be completed by the Program loan recipient must meet the more stringent of the requirements of the Department and the requirements of the political subdivision.]

(B) THE DEPARTMENT’S HOMEBUYER EDUCATION REQUIREMENTS SHALL:

(1) ALLOW A PROGRAM LOAN RECIPIENT TO USE THE ONLINE HOMEBUYER EDUCATION FOR A HUD-APPROVED PRODUCT AND CONTACT A HUD-APPROVED COUNSELING AGENCY TO RECEIVE A CERTIFICATE; AND

(2) ENABLE ONE POLITICAL SUBDIVISION’S CERTIFICATE TO BE USED IN ANOTHER POLITICAL SUBDIVISION.

(C) THIS SUBTITLE DOES NOT ALTER OR PREEMPT THE AUTHORITY OF A POLITICAL SUBDIVISION TO ESTABLISH HOMEBUYER EDUCATION OR COUNSELING REQUIREMENTS FOR A DOWN PAYMENT ASSISTANCE PROGRAM OPERATED BY THE POLITICAL SUBDIVISION.

4-507.

(a) In this section, “Fund” means the Housing Counseling and Foreclosure Mediation Fund.

(b) There is a Housing Counseling and Foreclosure Mediation Fund.

(c) The purposes of the Fund are to:

(1) support nonprofit and government housing counselors and other nonprofit entities with providing:

(i) legal assistance to homeowners or occupants who are trying to avoid foreclosure or manage foreclosure proceedings; and

(ii) homebuyer education, housing advice, or financial counseling for homeowners [and], prospective homeowners, **AND LOW- AND MODERATE-INCOME HOUSEHOLDS**;

(2) support the establishment and operation of nonprofit housing counseling entities;

(3) support efforts by the Department and the Department of Labor, Licensing, and Regulation to:

(i) contact and provide advice and assistance to homeowners or occupants facing financial difficulty or foreclosure; and

(ii) provide advice and assistance to prospective homeowners; and

(4) assist in funding the costs of foreclosure mediations provided by the Office of Administrative Hearings under § 7–105.1 of the Real Property Article.

(d) The Department 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 § 7–105.1 of the Real Property Article;

(2) investment earnings of the Fund;

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

(4) any other money from any other source accepted for the benefit of the Fund.

(g) The Fund may be used only for the purposes described in subsection (c) of this section.

(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 paid into the Fund.

(i) Expenditures from the Fund may be made only in accordance with the State budget.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 105

(House Bill 955)

AN ACT concerning

Department of Housing and Community Development – Crisis Shelter Home Program for the Homeless

FOR the purpose of altering the scope of and renaming a certain crisis shelter home program in the Department of Housing and Community Development; repealing a certain time limit on the availability of a temporary residence under the Program; repealing a certain regulatory requirement concerning fees for services under the Program; altering certain definitions; and generally relating to the Crisis Shelter Home Program for the Homeless.

BY repealing and reenacting, with amendments,
 Article – Housing and Community Development
 Section 4–2201 through 4–2203, 4–2205(a), and 4–2209 to be under the amended subtitle “Subtitle 22. Crisis Shelter Home Program for the Homeless”
 Annotated Code of Maryland
 (2006 Volume and 2017 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

Subtitle 22. [Homeless Women –] Crisis Shelter Home Program **FOR THE HOMELESS.**

4–2201.

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

(b) “Client” means [a woman] **AN INDIVIDUAL OR A FAMILY** who is in need of housing and is not eligible for other available housing services.

(c) “Program” means the [Homeless Women –] Crisis Shelter Home Program **FOR THE HOMELESS**.

4–2202.

The General Assembly finds and declares that:

(1) an increasing number of [women] **PEOPLE** in the State are homeless;

(2) homeless [women] **PEOPLE** have been ignored by State units;

(3) current State–operated programs do not adequately address the problem; and

(4) as a result, there is a lack of quality emergency public or private housing available for homeless [women] **PEOPLE**.

4–2203.

(a) There is a [Homeless Women –] Crisis Shelter Home Program **FOR THE HOMELESS** in the Department.

(b) The purpose of the Program is to provide crisis shelter homes, meals, and counseling to clients.

(c) At least one crisis shelter home shall be located in a major population center of the State to facilitate the use of the shelter by clients living in the region surrounding the shelter.

4–2205.

(a) A shelter home:

(1) shall provide clients with a temporary residence [of not more than 12 continuous weeks] and necessary counseling to link clients to appropriate community services to stabilize the clients’ living conditions;

(2) shall accept, from the police and other referral sources in the

community, clients for temporary shelter;

(3) shall conform to applicable State and local fire codes, health codes, and zoning ordinances; and

(4) is subject to the regulations adopted by the Department.

4-2209.

[(a)] Funds to operate the Program shall be as provided in the State budget.

[(b)] The Secretary shall adopt regulations that set fees for services provided by the Program.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 106

(House Bill 105)

AN ACT concerning

St. Mary's County – Alcoholic Beverages – Per Diem Beer License Fee

FOR the purpose of altering the fee for a Class C per diem beer license in St. Mary's County; and generally relating to alcoholic beverages in St. Mary's County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages
Section 28-102 and 28-1309(c)
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing

Article – Alcoholic Beverages
Section 28-1310
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY adding to

Article – Alcoholic Beverages
Section 28-1310

Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

28–102.

This title applies only in St. Mary’s County.

28–1309.

- (c) The period for which a license under this section may be issued is:
- (1) for a Class C per diem beer license, not longer than 10 days;
 - (2) for a Class C per diem beer and wine license, 1 day; and
 - (3) for a Class C per diem beer, wine, and liquor license, 1 day.

[28–1310.

The fee for a Class C per diem beer license, a Class C per diem beer and wine license, and a Class C per diem beer, wine, and liquor license is \$10 per day.]

28–1310.

THE LICENSE FEES UNDER THIS PART ARE:

- (1) FOR A CLASS C PER DIEM BEER LICENSE, \$10 PER PERIOD FOR WHICH THE LICENSE IS ISSUED;**
 - (2) FOR A CLASS C PER DIEM BEER AND WINE LICENSE, \$10 PER DAY;**
- AND**
- (3) FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE, \$10 PER DAY.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 107

(House Bill 107)

AN ACT concerning

St. Mary's County – Leonardtown – Disposition of Alcoholic Beverages Licenses Fees

FOR the purpose of altering a certain requirement relating to the fees received for alcoholic beverages licenses in St. Mary's County to require the County Treasurer to pay over fees received for licenses issued for premises within the limits of the incorporated Town of Leonardtown instead of premises in Leonardtown; and generally relating to alcoholic beverages licenses fees in St. Mary's County.

BY repealing and reenacting, without amendments,
 Article – Alcoholic Beverages
 Section 28–102
 Annotated Code of Maryland
 (2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
 Article – Alcoholic Beverages
 Section 28–1410
 Annotated Code of Maryland
 (2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

28–102.

This title applies only in St. Mary's County.

28–1410.

The County Treasurer shall:

- (1) collect the license fees; and
- (2) pay over to the Commissioners of Leonardtown the fees received for licenses issued for premises [in] **WITHIN THE LIMITS OF THE INCORPORATED TOWN OF Leonardtown.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 108

(House Bill 275)

AN ACT concerning

St. Mary's County – Metropolitan Commission

FOR the purpose of authorizing the St. Mary's County Metropolitan Commission to offer a contract of employment for certain positions; altering certain requirements and procedures concerning the incurrence of debt by the Commission; altering certain requirements concerning a certain annual tax levied by the Commission; altering certain procurement requirements; authorizing the Commission to offer connection incentive programs and other financing mechanisms to owners of existing residential properties under certain circumstances; authorizing the Commission to approve special benefit assessment charges or service extension fees for extensions, expansions and upgrades of water or sewerage systems to existing residential properties under certain circumstances; altering certain procedures concerning the determination for a required connection to a water main or sewer under certain circumstances; altering certain provisions concerning the assessment and payment of certain connection charges; altering certain provisions concerning the responsibility of the Commission in regard to unfit private water supply or sewerage systems; altering certain provisions concerning reimbursement by the Commissioners of St. Mary's County to the Commission for certain services or work under certain circumstances; altering certain provisions concerning system improvement charges under certain circumstances; altering certain provisions concerning the approval of certain amendments to the St. Mary's County Comprehensive Water and Sewerage Plan under certain circumstances; making stylistic changes; and generally relating to the St. Mary's County Metropolitan Commission.

BY repealing and reenacting, with amendments,

The Public Local Laws of St. Mary's County
Section 113–1C.

Article 19 – Public Local Laws of Maryland
(2007 Edition and October 2014 Supplement, as amended)

(As enacted by Chapters 296 and 297 of the Acts of the General Assembly of 2017)

BY repealing and reenacting, with amendments,

The Public Local Laws of St. Mary's County

Section 113–6

Article 19 – Public Local Laws of Maryland

(2007 Edition and October 2014 Supplement, as amended)

(As enacted by Chapter 284 of the Acts of the General Assembly of 2016, as amended by Chapter 424 of the Acts of the General Assembly of 2017)

BY repealing and reenacting, with amendments,

The Public Local Laws of St. Mary’s County

Section 113–7, 113–8, 113–10, 113–12A., B., and C., 113–16C., 113–26, 113–29L., and 113–30

Article 19 – Public Local Laws of Maryland

(2007 Edition and October 2014 Supplement, as amended)

BY adding to

The Public Local Laws of St. Mary’s County

Section 113–9

Article 19 – Public Local Laws of Maryland

(2007 Edition and October 2014 Supplement, as amended)

BY repealing

The Public Local Laws of St. Mary’s County

Section 113–12E.

Article 19 – Public Local Laws of Maryland

(2007 Edition and October 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

113–1.

C. The Commission shall elect one (1) of its **VOTING** members as Chairman and one (1) of its **VOTING** members as Vice Chairman, who shall serve in the absence or disability of the Chairman. The Commission shall appoint[, discharge at pleasure] and fix the compensation of a Director, a Secretary, and engineering, legal, clerical and other personnel [and help] which the Commission deems necessary to carry out the provisions of this chapter. **THE COMMISSION MAY OFFER A CONTRACT TO THE DIRECTOR AND ASSISTANT DIRECTOR.** The Commission may, by contract, appoint and fix the compensation of a General Counsel, Treasurer or Chief Financial Officer, Chief Engineer, and any other department director. The Director may not serve concurrently as the Director and as General Counsel to the Commission. The Director shall be the immediate supervisor of the General Counsel, Treasurer or Chief Financial Officer, Chief Engineer, and any other department director.

113–6.

A. For the purpose of providing funds for the design, construction, establishment, purchase or condemnation of water supply and sewerage systems in any of the sanitary districts, the Commission, upon the approval of the [County] Commissioners of St. Mary's County and in accordance with § 27–11 of the **CODE OF St. Mary's County [Code], MARYLAND**, is authorized and empowered to [issue bonds] **INCUR DEBT**, from time to time, upon the full faith and credit of St. Mary's County, in such amounts as it may deem to be necessary to carry on its work, but at no time shall the total [issue of bonds] **DEBT OUTSTANDING** for all purposes under this chapter exceed twenty–five (25) percent of the total value of the property assessed for County taxation purposes within all of the sanitary districts in which public water or sewer facilities are located. Subject to the conditions contained herein, the form, tenor, manner [of selling] and all other matters relating to the **INCURRENCE OF DEBT, INCLUDING BUT NOT LIMITED TO THE** issuance of bonds under this chapter, shall be prescribed in a resolution to be adopted by the St. Mary's County Metropolitan Commission prior to [sale of the bonds] **INCURRING ADDITIONAL DEBT**. Except as provided in § 27–11 of the **CODE OF St. Mary's County [Code], MARYLAND**, the issuance of [such] bonds may not be subject to any limitations or conditions contained in any other law, and the Commission may [sell such bonds] **INCUR DEBT** in such manner[, either at public or private sale,] and for such price[,] as it may determine to be for the best interests of the Commission [and] **AS APPROVED BY** the [County] Commissioners of St. Mary's County. [The] **ANY** bonds **ISSUED** shall be serial bonds issued upon the serial maturing plan and in such denominations as shall be determined by the Commission. [The bonds may be] **ANY DEBT INCURRED BY THE COMMISSION MAY BE PREPAID OR** redeemable before maturity, **AS PERMITTED BY THE DEBT INSTRUMENT**, at the option of the Commission at such price and under such terms and conditions as may be fixed by the Commission prior to the [issuance of the bonds,] **INCURRENCE OF DEBT. ANY RELATED INTEREST OWED** shall [bear interest] **BE** at such rate or rates payable **NOT LESS THAN** semiannually, as shall be determined by a resolution of the St. Mary's County Metropolitan Commission adopted prior to the [delivery of the bonds, and] **INCURRENCE OF DEBT. ALL DEBT INCURRED BY THE COMMISSION** shall mature in not more than forty (40) years after date of issue and shall be forever exempt from State, City and County taxation as hereinafter provided. [They] **ALL DEBT INSTRUMENTS AND RELATED DOCUMENTATION TO EVIDENCE ANY INDEBTEDNESS** shall be issued under the signature and seal of the Commission and shall be unconditionally guaranteed as to payment of both principal and interest by the [County] Commissioners of St. Mary's County, a political subdivision of the State of Maryland, which guaranty shall be endorsed on [each of the bonds] **ANY SUCH DEBT AS MAY BE ISSUED** in the following language: "The payment of interest when due and the principal at maturity is guaranteed by the [County] Commissioners of St. Mary's County, Maryland." Such endorsement shall be signed on [each of the] **ANY** bonds **ISSUED** by [the President and by the Clerk of] the [Board of County] Commissioners of [the] **ST. MARY'S** County[, or another person lawfully assigned to the functions of the Clerk,] within ten (10) days after [the] **ANY** bonds are presented by the Commission [to them] for **SUCH** endorsement.

B. The principal amount of [bonds issued] **ANY COMMISSION DEBT AS PERMITTED** hereunder, the interest payable thereon, [their transfer] and any income derived therefrom, including any profit made **BY THE COMMISSION** in the sale or transfer thereof, shall be and remain exempt from taxation by the State of Maryland and by the several counties and municipal corporations of this State.

113-7.

A. For the purpose of retiring the [bonds] **DEBT** authorized [to be issued] by this chapter and [of] paying the interest thereon, the Commission, by and through the [County] Commissioners of St. Mary's County, shall cause to be levied, against all assessable property within the sanitary districts in which public water or sewer facilities are located, so long as any of the [bonds are] **DEBT IS** outstanding and not paid, an annual tax sufficient to provide the sum which the Commission may deem sufficient and necessary, in conjunction with any amounts as the Commission may estimate that it will be able to collect out of the System Improvement Charges, Capital Contribution Charges, and charges levied by it but not yet paid and any further funds then available for the purpose, to meet the [interest on the bonds as it becomes due and to pay the principal thereof as the bonds mature] **PERIODIC PRINCIPAL AND INTEREST PAYMENTS ON THE DEBT AS THEY BECOME DUE**. The tax shall be determined, levied, collected and paid over in the manner following, that is to say[, at least seventy-five (75) days before July 1 of each year, the County Commissioners shall certify to the Commission the whole valuation of the assessable property within the sanitary districts in which public water or sewer facilities are located. The]: **THE** Commission shall [then] determine [in the manner above prescribed] the amount which it deems necessary to be raised during the ensuing year for the payment of **PRINCIPAL AND** interest on **ALL** outstanding [bonds and principal of all serial bonds maturing in the year] **DEBT**, [and] after deducting all amounts in hand, or [in contemplation] **REASONABLY EXPECTED TO BE RECEIVED**, applicable to payments of the principal [of] and interest on the [bonds] **DEBT OUTSTANDING**; as hereinbefore and hereinafter in the chapter provided, it shall determine the number of cents per one hundred dollars (\$100.00) necessary to raise the amount needed and shall certify same to the [Board of County] Commissioners [at least sixty (60) days before July 1 of each year] **OF ST. MARY'S COUNTY**. The [County] Commissioners **OF ST. MARY'S COUNTY** in their next annual levy shall levy the tax on all land and improvements and all other property assessed for County tax purposes within the sanitary districts in which public water or sewer facilities are located, which tax shall be levied and collected and have the same priority rights, bear the same interest and penalties and in every respect be treated the same as County taxes. The tax so levied for the ensuing year shall be collected by the tax collecting authorities, and every one hundred twenty (120) days they shall remit the whole amount of the tax so collected to the Commission. From the money so received, together with the amount in hand to the credit of fund or funds for the payment of the principal [of] and interest on the [bonds] **OUTSTANDING DEBT**, the Commission shall first pay all of the principal [of] and interest on the [bonds] **OUTSTANDING DEBT** as it becomes due and shall then deposit the residue of the [moneys] **MONIES** in some [bank or] **INSURED** banks **OR OTHER FINANCIAL INSTITUTIONS** [in the County] to the joint credit of the [County]

Commissioners **OF ST. MARY'S COUNTY** and the Commission. [The Commission is authorized to pay the interest on any bonds it may issue out of the proceeds of the sale of the bonds, but not more than two (2) years' interest may be expended.] Nothing contained in this section or in this chapter shall be construed as in any manner relieving the [County] Commissioners of St. Mary's County of its unconditional pledge of its full faith and credit and unlimited taxing power to the payment of principal [of] and interest on any [bonds issued by] **OUTSTANDING DEBT OF** the Commission pursuant to Section 161.

B. In each year in which any [bonds issued pursuant to this chapter are] **DEBT IS** outstanding and unpaid, the [County] Commissioners **OF ST. MARY'S COUNTY** shall levy and collect a tax upon all property subject to assessment for taxation by St. Mary's County in rate and amount sufficient to provide an amount, if any be necessary, which, together with any other amounts lawfully available and applied for the purpose, shall be sufficient to provide for the payment of the principal [of] and interest on all such [bonds] **OUTSTANDING DEBT** when [they become] **THE DEBT BECOMES** due and payable.

C. In order that the prompt payment of **PRINCIPAL AND** interest [and the proper provision for the payment of the principal of said bonds] **ON ALL OUTSTANDING DEBT** shall be assured, the prompt and proper performance of the respective acts and duties heretofore defined is specifically enjoined, and any failure upon the part of any person, persons, body corporate or agent to perform the necessary acts and duties hereafter set forth to pay over the funds as required, or to use the funds for the payment of the principal [of] and interest on the [bonds] **OUTSTANDING DEBT**, is hereby declared a misdemeanor and punishable as other misdemeanors are punishable by Section 176.

113–8.

Whenever the studies and plans for water supply or sewerage systems for any sanitary district shall have been completed and the Commission shall have decided, after opportunity for a hearing has been given, to proceed with the construction thereof, it shall advertise, by notice in one (1) newspaper **OF GENERAL CIRCULATION** published in St. Mary's County [and] **OR** such newspapers [and technical] **OR OTHER FORMS OF PRINT OR ELECTRONIC MEDIA OR** press as it may deem proper, for bids for the construction of said system or systems, in part or as a whole, as in its judgment may appear advisable. The contract shall be let to the lowest responsible, **RESPONSIVE** bidder **PROVIDING THE BEST VALUE TO THE COMMISSION** or the Commission may reject any and all bids, and if, in its discretion, the prices quoted are unreasonable or unbalanced, it may readvertise the work or any part of it, or may do or cause to be done any part or all of the work by the competitive procurement of goods, materials, or services **IN ACCORDANCE WITH A PROCUREMENT POLICY AS DULY ADOPTED AND AMENDED FROM TIME TO TIME BY THE COMMISSION**. [The Commission may not expend on the goods, materials, or services an amount exceeding ten thousand dollars (\$10,000.00) without having procured those goods, materials, or services by advertising and receiving competitive bids.] All such contracts shall be protected by such bonds, penalties and conditions as the Commission may require, all of which shall be enforced in any court having jurisdiction.

113-9.

A. THE COMMISSION MAY OFFER CONNECTION INCENTIVE PROGRAMS AND OTHER FINANCING MECHANISMS TO ASSIST OWNERS OF EXISTING RESIDENTIAL PROPERTIES CURRENTLY SERVED BY SEPTIC AND/OR WELL SYSTEMS, WITH ALL OR A PORTION OF THE COSTS OF CONNECTING TO AVAILABLE PUBLIC SEWER AND WATER SYSTEMS WITHIN PLANNED SERVICE AREAS AS DESIGNATED AND DEFINED BY THE ST. MARY'S COUNTY COMPREHENSIVE WATER AND SEWERAGE PLAN.

B. FOR EXTENSIONS, EXPANSIONS AND UPGRADES OF WATER OR SEWERAGE SYSTEMS TO EXISTING RESIDENTIAL PROPERTIES, THE COMMISSION MAY, UPON A VOLUNTARY PETITION FROM THE PROPERTY OWNERS TO BE BENEFITED, APPROVE SPECIAL BENEFIT ASSESSMENT CHARGES OR SERVICE EXTENSION FEES FOR THE REPAYMENT OF COSTS ASSOCIATED WITH THE: (I) DESIGN, (II) PERMITTING, (III) LAND ACQUISITION, (IV) MATERIALS TESTING, (V) INSPECTIONS, OR (VI) CONSTRUCTION OF SUCH EXTENSION, EXPANSION OR UPGRADE, IN ANY OF THE SANITARY DISTRICTS, SUBJECT TO THE APPROVAL OF THE COMMISSIONERS OF ST. MARY'S COUNTY. IN THE EXERCISE OF THE POWERS GRANTED BY THIS SUBSECTION, THE COMMISSION, BY PROPER PROCEDURE, MAY ADOPT ALL NECESSARY RULES AND CONDITIONS FOR THE ACCEPTANCE, CONSTRUCTION AND MAINTENANCE OF THE PROPOSED IMPROVEMENTS. THE PROCEDURE SHALL PROVIDE FOR THE METHOD OF DETERMINATION OF THE SPECIAL BENEFIT ASSESSMENT CHARGES OR SERVICE EXTENSION FEES LEVIED AGAINST THE PROPERTIES BENEFITING FROM THE IMPROVEMENTS FOR THE PURPOSE OF REIMBURSING THE COMMISSION FOR THE COSTS OF THE IMPROVEMENTS AND THE TIME AND MANNER OF PAYMENT, BUT NOT TO EXCEED TWENTY (20) YEARS. SPECIAL BENEFIT ASSESSMENT CHARGES OR SERVICE EXTENSION FEES ARE A FIRST LIEN UPON THE PROPERTY AGAINST WHICH THEY ARE ASSESSED, UNTIL PAID, SUBJECT ONLY TO PRIOR STATE AND COUNTY TAXES, AND IF ANY PROPERTY IS SOLD FOR STATE AND COUNTY TAXES AND THERE REMAINS A SURPLUS, THE COMMISSION MAY PETITION THE CIRCUIT COURT TO SECURE PAYMENT OF THE LIEN.

C. ANY FINANCING PROGRAMS, INCENTIVES OR MECHANISMS SHALL BE SUBJECT TO THE AVAILABILITY OF FUNDS AND MAY VARY BASED UPON LOCATION, FINANCIAL ELIGIBILITY OR OTHER QUALIFYING CRITERIA, AS ESTABLISHED AND APPROVED BY THE COMMISSION.

113-10.

A. (1) The Commission may provide, for property abutting upon a street or right-of-way in which under this chapter a water main or sewer is laid, a water service

pipe or sewer connection. The water service pipe or sewer connection shall be extended as required, from the water main or sewer to the property line of the abutting lot.

(2) The service pipe or connection with sewer shall be constructed by and at the sole expense of the Commission, but subject to a reasonable charge for the connection as provided in § 113–12 of this chapter. This charge shall be paid by all property owners at the office of the Commission before the actual connection with any pipe or private property is made or by the property owner under such reasonable conditions and charges as are deemed appropriate by the Commission. The method of construction and payment shall be determined by the Commission.

(3) When any water main or sewer is declared by the Commission complete and ready for the delivery of water or the reception of sewage, every abutting property owner for whom a water or sewer connection has been provided[, after due notice, shall] **MAY** make [a] **AN APPLICATION FOR** connection of all spigots or hydrants, toilets and waste drains with the water main or sewer [within the time prescribed by the Commission]. Where **CONNECTIONS ARE PROPOSED**, those fixtures **WHICH** do not exist or are of a nature which, in the judgment of the Commission, is improper or inadequate, satisfactory equipment shall be installed by the owner on the premises. The premises shall include at least one (1) water closet and one (1) sink or washbasin, both of which shall be properly connected with the sewer of the Commission. [All cesspools] **WHERE CONNECTIONS ARE PROPOSED, ALL CESSPOOLS/SEPTIC SYSTEMS**, sink drains and privies located on properties connected to sewers provided by the Commission shall be abandoned, closed and left in a sanitary condition so that no odor or nuisance shall arise from them.

[(4) Any violation of the provisions of this section is a misdemeanor punishable under § 113–21 of this chapter.]

B. [Notwithstanding Subsection A of this section, when the commission declares abutting properties ready-to-serve on or after July 1, 1993, connection shall be at the property owner's option if the property is located outside the designated service area for which the water main or sewer was intended unless, or until, the private water or sewage disposal system serving the property fails to comply with applicable State regulations.] If the private water or sewage disposal system **OF A PROPERTY ABUTTING UPON A STREET OR RIGHT-OF-WAY IN WHICH A WATER MAIN OR SEWER IS LAID** fails to comply with State regulations, **AS DETERMINED BY THE APPROPRIATE FEDERAL, STATE OR COUNTY REGULATORY AUTHORITY**, connection to the water main or sewer [is] **SHALL BE** immediately required, **SUBJECT TO THE AVAILABILITY OF EQUIVALENT DWELLING UNITS**. [Compliance with § 113–9 of this chapter is not affected by the option under this subsection.]

113–12.

A. (1) In this section, the following words have the meanings indicated:

(2) CAPITAL CONTRIBUTION CHARGE means an amount based on capital costs that is imposed and collected on a new [EDU] connection to a water supply or sewerage system under this chapter.

(3) CONNECTION CHARGE means a Capital Contribution Charge or connection fee.

(4) CONNECTION FEE means an amount based on the cost of connection that is imposed on a new connection to a water supply or sewerage system under this chapter.

(5) EDU means an equivalent dwelling unit.

(6) PUBLICATION means notice to all persons having any interest in the property.

B. (1) For every new water or sewer connection made under this chapter, the Commission may, in its sole discretion, impose and collect a reasonable connection fee, that is not less than the actual cost of connection.

(2) The connection fee shall be uniform [throughout a designated service area] for connections of those sizes and classes for which average costs reasonably may be ascertainable, and for all other connections, the connection fee shall be an amount not less than the actual cost of the connection.

(3) The Commission may revise the connection fee annually.

(4) Connection fees collected by the Commission shall be applied to paying the actual cost of the connections.

(5) The connection fee shall be due and payable to the Commission at the time the property owner makes an application or is otherwise required to connect to a water main or sewer.

(6) If the property owner fails to make the connection by the time required by the Commission as set forth in section 113-10 of this chapter, the connection fee shall become due and payable on the connection deadline date, shall be assessed immediately, and shall be subject to the rules of collection provided in subsection D. of this section.

C. (1) In addition to the connection fee, the [commission] COMMISSION shall impose and collect a Capital Contribution Charge for each new [EDU connected] CONNECTION to a water supply or sewerage system under this chapter.

(2) The Capital Contribution Charges collected shall be used by the Commission to pay:

(A) The capital costs of construction of new water supply or sewer collection systems, to the extent that the projects are identified in the Commission's six-year capital improvement plan;

(B) The capital cost of central treatment facility capacity expansion, as the projects are identified in the Commission's six-year capital improvement plan;

(C) Existing bonds issued as of October 1, 2007, to fund the costs of central treatment facility capacity expansions, but limited to, that portion of existing debt corresponding to any unallocated capacity that exists on October 1, 2007; and

(D) Existing bonds issued as of October 1, 2007, to fund the costs of constructing water supply or sewer collection systems, but limited to, that portion of existing debt corresponding to any unallocated capacity that exists on October 1, 2007.

(3) (A) The Capital Contribution Charge shall be [assessed on a per EDU basis and shall be] a uniform charge assessed equally to properties of similar classification throughout all sanitary districts. There shall be a uniform rate applicable to residential properties and a uniform rate applicable to commercial properties. The Commission may create additional uniform rates for other property classifications that the Commission considers necessary and appropriate.

(B) The Commission may revise the Capital Contribution Charge annually.

(C) The Capital Contribution Charge shall be due and payable IN FULL to the Commission [at the time a property owner makes an application or otherwise is required to connect to a water main or sewer]:

(I) AT THE TIME A PROPERTY OWNER MAKES AN APPLICATION FOR CONNECTION;

(II) AT THE TIME A PROPERTY IS CONNECTED TO A WATER MAIN OR SEWER; OR

(III) AS OF THE DATE THE PROPERTY IS SOLD OR TRANSFERRED IF THE CAPITAL CONTRIBUTION CHARGE IS SUBJECT TO SECTION 113-9 OF THIS CHAPTER.

(D) [If the property owner fails to make the connection by the date required by the Commission as set forth in section 113-10 of this chapter, the Capital Contribution Charge shall:

(I) Become due and payable on the connection deadline date;

(II) Be assessed immediately; and

(III) Be subject to the same rules of collection provided in subsection D. of this section.] **IF A CAPITAL CONTRIBUTION CHARGE IS NOT PAID IN FULL AT THE TIME OF APPLICATION FOR CONNECTION AND IS NOT SUBJECT TO SECTION 113-9 OF THIS CHAPTER:**

(I) **THE PROPERTY OWNER MUST PAY THE COMMISSION AN AMOUNT EQUAL TO NOT LESS THAN 50% OF THE TOTAL CAPITAL CONTRIBUTION CHARGE AT THE TIME OF APPLICATION FOR CONNECTION; AND**

(II) **THE PROPERTY OWNER MUST PAY THE COMMISSION THE TOTAL REMAINING PORTION OF THE CAPITAL CONTRIBUTION CHARGE UPON CONNECTION TO A WATER MAIN OR SEWER OR UPON SALE OR TRANSFER OF THE PROPERTY.**

(E) **IF A CONNECTION IS NOT MADE TO A WATER MAIN OR SEWER WITHIN SIX (6) YEARS OF THE DATE OF APPLICATION FOR CONNECTION, THE PROPERTY OWNERS SHALL PAY THE COMMISSION, AT THE TIME OF CONNECTION, AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN (A) THE AMOUNT WHICH THE PROPERTY OWNER HAS PAID TOWARD THE CAPITAL CONTRIBUTION CHARGE AND (B) THE CAPITAL CONTRIBUTION CHARGE RATE IN EFFECT AT THE TIME OF CONNECTION.**

(4) For purposes of determining the Capital Contribution Charge, the capital costs referred to in paragraphs (2)(A) and (B) of this subsection shall include the principal of, interest on, and any redemption premium or other costs with respect to any bonds of the Commission issued after October 1, 2007.

(5) (A) When bonds have not been issued at the time the Capital Contribution Charge is calculated, the Commission may, in calculating the Capital Contribution Charge, establish a schedule for the principal of, interest on, and other costs of bonds the Commission plans to issue.

(B) The schedule and related Capital Contribution Charge provided in subparagraph (A) of this paragraph may be adjusted by the Commission when planned future bonds are issued.

[E. For property owners who elect to defer connection under section 113-10.B. of this chapter, the connection charges described in this section shall include an additional cost reflecting the delay in connection.]

113-16.

C. (1) Whenever there is in existence a privately owned **SHARED OR COMMUNITY** water supply or sewerage system which, in the judgment of the [Commission]

APPROPRIATE FEDERAL, STATE OR LOCAL REGULATORY AUTHORITY, is unfit, as a whole or in part, [for incorporation with] the [Commission's] system[, the Commission shall disregard the existence of the system or unfit part of it and extend a system or construct a new system to serve the area of the existing system or unfit part. All the provisions of this chapter relating to systems constructed by the Commission apply to the extension or new system] SHALL BE REHABILITATED AND BROUGHT INTO COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE AND LOCAL REGULATIONS BY THE SYSTEM OWNER(S) OR, IF REHABILITATION IS DETERMINED TO BE UNFEASIBLE, A NEW SYSTEM MAY BE CONSTRUCTED BY THE SYSTEM OWNER(S) TO SERVE THE AREA PREVIOUSLY SERVICED BY THE UNFIT SYSTEM, OR THE SYSTEM MAY BE ABANDONED IN ACCORDANCE WITH ALL APPLICABLE FEDERAL, STATE AND LOCAL REGULATIONS.

(2) SHOULD THE SYSTEM OWNER(S) REQUEST THAT THE COMMISSION TAKE OWNERSHIP OF OR CONTROLLING AUTHORITY IN THE SYSTEM IN ACCORDANCE WITH SECTION 9-1110 OF THE ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, THE SYSTEM OWNER(S) SHALL PRESENT THE COMMISSION WITH A COMPREHENSIVE PLAN OF ACTION WHICH PROVIDES ANY ITEMS AS MAY BE REQUIRED BY THE COMMISSION, THE PROCEDURES, POLICIES AND PROCESSES NECESSARY TO BRING THE SYSTEM INTO COMPLIANCE WITH THE ST. MARY'S COUNTY COMPREHENSIVE WATER AND SEWERAGE PLAN, ALL APPROPRIATE FEDERAL, STATE AND LOCAL LAWS, RULES AND REGULATIONS, AS WELL AS WITH ALL COMMISSION STANDARDS, PRIOR TO ANY CONSIDERATION OF THE REQUEST BY THE COMMISSION. THE COMMISSION SHALL TAKE INTO CONSIDERATION WHETHER THE ACTION REQUESTED IS NECESSARY TO ENSURE THE HEALTH, SAFETY AND WELFARE OF THE GENERAL PUBLIC, IS ECONOMICALLY FEASIBLE, AS WELL AS OTHER CRITERIA AS THE COMMISSION MAY DEEM NECESSARY.

113-26.

For any services rendered **OR WORK TO BE PROVIDED** by the Commission [to sanitary districts in which it neither owns nor operates a water or sewerage system] **OR THE COMMISSION'S CONSULTANTS OR CONTRACTORS** at the request of [or with the approval of] the [County] Commissioners[,] **OF ST. MARY'S COUNTY WHICH WOULD NOT BE PROVIDED BY** the Commission [shall render a bill to] **IN THE COMMISSION'S ORDINARY COURSE OF BUSINESS, THE COMMISSION AND** the [County] Commissioners [for] **OF ST. MARY'S COUNTY SHALL, IN ADVANCE OF THE SERVICES OR WORK BEING PROVIDED, ENTER INTO A WRITTEN AGREEMENT FOR THE SCOPE OF SERVICES OR WORK TO BE PROVIDED AND** the cost [of the] **FOR SUCH WORK OR** services. [For any other] **UPON COMPLETION OF THE WORK OR SERVICES, OR INTERMITTENTLY DURING THE WORK OR** services [rendered by], **AS MUTUALLY AGREED,** the Commission [to the County at the] **SHALL request [of or with the approval of] REIMBURSEMENT FROM** the [County] Commissioners **OF ST. MARY'S COUNTY[, the Commission shall render a**

bill to the County Commissioners] for the cost of the **WORK OR** services[, less one-tenth (1/10) of those costs for each sanitary district in which the Commission owns and operates a water or sewerage system. The County] **PROVIDED AND THE** Commissioners **OF ST. MARY'S COUNTY** shall [make provision for the payment of those bills upon proper verification of the] **PAY SUCH** costs [incurred] **AS AGREED**.

113-29.

L. When the Commission improves a water system or sanitary sewerage system by replacing, augmenting, upgrading, or expanding it in order to provide increased or improved water or sewer service and the necessity for the improvement arises from changes, whether individually or cumulatively, in use [or zoning category] of the property, those properties shall derive a benefit from the improved facility and the Commission [shall] **MAY** impose **AN ADDITIONAL** System Improvement [Charges] **CHARGE** on [the] **EACH** benefited property for the construction as part of the water or sewer system services.

113-30.

Notwithstanding any provision of this chapter:

A. The Commission shall adopt or approve, with the prior approval of the County Commissioners, facilities plans, a 5-year Capital Improvement Plan, and an annual Capital Budget; and

B. [The County Commissioners shall amend annually the St. Mary's County Water and Sewer Plan by incorporating into it the Commission's] **UPON ADOPTION BY THE COMMISSION, THE 5-year Capital Improvement Plan SHALL BE DEEMED APPROVED BY THE COMMISSIONERS OF ST. MARY'S COUNTY AND INCORPORATED INTO THE ST. MARY'S COUNTY COMPREHENSIVE WATER AND SEWERAGE PLAN. THE INCORPORATION SHALL CONSTITUTE AN AMENDMENT OF THE ST. MARY'S COUNTY COMPREHENSIVE WATER AND SEWERAGE PLAN BY OPERATION OF LAW AND SHALL BE SUBMITTED TO THE DEPARTMENT OF THE ENVIRONMENT. SECTION 9-503 OF THE ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND SHALL NOT APPLY TO THE AMENDMENT BY INCORPORATION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 109

(House Bill 331)

AN ACT concerning

St. Mary's County – Public Facility Bonds

FOR the purpose of authorizing and empowering the County Commissioners of St. Mary's County, from time to time, to borrow not more than \$24,600,000 in order to finance the construction, improvement, or development of certain public facilities in St. Mary's County, as herein defined, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, county, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and generally relating to the issuance and sale of such bonds.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, as used herein, the term "County" means the body politic and corporate of the State of Maryland known as the County Commissioners of St. Mary's County, and the term "construction, improvement, or development of public facilities" means the acquisition, alteration, construction, reconstruction, enlargement, equipping, expansion, extension, improvement, rehabilitation, renovation, upgrading, and repair of public buildings and facilities and public works projects, including, but not limited to, public works projects such as highways, roads, bridges and storm drains, public school buildings and facilities, boating facilities, shore erosion and other marine property, landfills, and recycling facilities, public operational buildings and facilities such as buildings and facilities for County administrative use, capital improvements to the Wicomico Shores Taxing District, County athletic facilities, the community college, community swimming pools, public safety, health, and social services, libraries, commuter air service facilities, refuse disposal buildings and facilities, and parks and recreation buildings and facilities, together with the costs of acquiring land or interests in land as well as any related architectural, financial, legal, planning, or engineering services.

SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby authorized to finance any part or all of the costs of the public facilities described in Section 1 of this Act, and to borrow money and incur indebtedness for that purpose, at one time or from time to time, in an amount not exceeding, in the aggregate, \$24,600,000, and to evidence such borrowing by the issuance and sale upon its full faith and credit of general obligation bonds in like par amount, which may be issued at one time or from time to time,

in one or more groups or series, as the County may determine.

SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued in accordance with a resolution of the County, which shall describe generally the construction, improvement, or development of public facilities for which the proceeds of the bond sale are intended and the amount needed for those purposes. The County shall have and is hereby granted full and complete authority and discretion in the resolution to fix and determine with respect to the bonds of any issue: the designation, date of issue, denomination or denominations, form or forms, and tenor of the bonds which, without limitation, may be issued in registered form within the meaning of § 19–204 of the Local Government Article of the Annotated Code of Maryland, as amended; the rate or rates of interest payable thereon, or the method of determining the same, which may include a variable rate; the date or dates and amount or amounts of maturity, which need not be in equal par amounts or in consecutive annual installments, provided only that no bond of any issue shall mature later than 30 years from the date of its issue; the manner of selling the bonds, which may be at either public or private sale, for such price or prices as may be determined to be in the best interests of St. Mary's County; the manner of executing and sealing the bonds, which may be by facsimile; the terms and conditions, if any, under which bonds may be tendered for payment or purchase prior to their stated maturity; the terms or conditions, if any, under which bonds may or shall be redeemed prior to their stated maturity; the place or places of payment of the principal of and the interest on the bonds, which may be at any bank or trust company within or without the State of Maryland; covenants relating to compliance with applicable requirements of federal income tax law, including (without limitation) covenants regarding the payment of rebate or penalties in lieu of rebate; covenants relating to compliance with applicable requirements of federal or state securities laws; and generally all matters incident to the terms, conditions, issuance, sale, and delivery thereof.

The bonds may be made redeemable before maturity, at the option of the County, at such price or prices and under such terms and conditions as may be fixed by the County prior to the issuance of the bonds, either in the resolution or in a bond order pursuant to the bond resolution. The bonds may be issued in registered form and provision may be made for the registration of the principal only. In case any officer whose signature appears on any bond ceases to be such officer before the delivery thereof, such signature shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery. The bonds and the issuance and sale thereof shall be exempt from the provisions of §§ 19–205 and 19–206 of the Local Government Article of the Annotated Code of Maryland, as amended.

The County may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of any security for the bonds and for the purpose of securing any tender option that may be granted to holders of the bonds, all as may be determined and presented in the aforesaid resolution, which may (but need not) state as security for the performance by the County of any monetary obligations under such agreements the same security given by the County to bondholders for the performance by the County of its monetary obligations under the bonds.

If the County determines in the resolution to offer any of the bonds by solicitation of competitive bids at public sale, the resolution shall fix the terms and conditions of the public sale and shall adopt a form of notice of sale, which shall outline the terms and conditions, and a form of advertisement, which shall be published in one or more daily or weekly newspapers having a general circulation in the County and which may also be published in one or more journals having a circulation primarily among banks and investment bankers. At least one publication of the advertisement shall be made not less than 10 days before the sale of the bonds.

Upon delivery of any bonds to the purchaser or purchasers, payment therefor shall be made to the Treasurer of St. Mary's County or such other official of St. Mary's County as may be designated to receive such payment in a resolution passed by the County before such delivery.

SECTION 4. AND BE IT FURTHER ENACTED, That the net proceeds of the sale of bonds shall be used and applied exclusively and solely for the acquisition, construction, improvement, or development of public facilities for which the bonds are sold. If the amounts borrowed shall prove inadequate to finance the projects described in the resolution, the County may issue additional bonds with the limitations hereof for the purpose of evidencing the borrowing of additional funds for such financing, provided the resolution authorizing the sale of additional bonds shall so recite, but if the net proceeds of the sale of any issue of bonds exceed the amount needed to finance the projects described in the resolution, the excess funds so borrowed and not expended shall be applied to the payment of the next principal maturity of the bonds or to the redemption of any part of the bonds which have been made redeemable or to the purchase and cancellation of bonds, unless the County shall adopt a resolution allocating the excess funds to the acquisition, construction, improvement, or development of other public facilities, as defined and within the limits set forth in this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby authorized shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest on the bonds as and when they become payable. In each and every fiscal year that any of the bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for or assure the payment, when due, of the principal of and interest on all the bonds maturing in each such fiscal year and, in the event the proceeds from the taxes so levied in any such fiscal year shall prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any such deficiency. The County may apply to the payment of the principal of and interest on any bonds issued hereunder any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality thereof, or from any other source, if such funds are granted for the purpose of assisting the County in financing the acquisition, construction, improvement, or development of the public facilities defined in this Act and, to the extent of any such funds received or receivable in any fiscal year, the taxes that are required to be levied under this Act may be reduced accordingly.

SECTION 6. AND BE IT FURTHER ENACTED, That the County is further authorized and empowered, at any time and from time to time, to issue its bonds in the manner hereinabove described for the purpose of refunding, by payment at maturity or upon purchase or redemption, any bonds issued hereunder. The validity of any such refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the obligations so refunded. The powers herein granted with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds. Such refunding bonds may be issued by the County in such an amount as shall be necessary for the purpose of providing it with funds to pay any of its outstanding bonds issued hereunder at maturity, for the purpose of providing it with funds to purchase in the open market any of its outstanding bonds issued hereunder, prior to the maturity thereof, or for the purpose of providing it with funds for the redemption prior to maturity of any outstanding bonds issued hereunder which are, by their terms, redeemable, for the purpose of providing it with funds to pay interest on any outstanding bonds issued hereunder prior to their payment at maturity of purchase or redemption in advance of maturity, or for the purpose of providing it with funds to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds issued hereunder. The proceeds of the sale of any such refunding bonds shall be segregated and set apart by the County as a separate trust fund to be used solely for the purpose of paying the purchase or redemption prices of the bonds to be refunded.

SECTION 7. AND BE IT FURTHER ENACTED, That the County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds have been executed and are available for such delivery, provided, however, that any such interim certificates or temporary bonds shall be issued in all respects subject to the restrictions and requirements set forth in this Act. The County may, by appropriate resolution, provide for the replacement of any bonds issued hereunder which shall have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.

SECTION 8. AND BE IT FURTHER ENACTED, That any and all obligations issued pursuant to the authority of this Act, their transfer, the interest payable thereon, and any income derived therefrom in the hands of the holders thereof from time to time (including any profit made in the sale thereof) shall be and are hereby declared to be at all times exempt from State, county, municipal, or other taxation of every kind and nature whatsoever within the State of Maryland. Nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes.

SECTION 9. AND BE IT FURTHER ENACTED, That the authority to borrow money and issue bonds conferred on the County by this Act shall be deemed to provide an additional and alternative authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all Acts of the General Assembly of Maryland heretofore passed authorizing the County to borrow money are hereby continued to the extent that the powers contained in such Acts have not been exercised, and nothing contained in this Act may be construed to impair, in any way, the validity of any bonds that may have been issued by the County under the authority of any

said Acts, and the validity of the bonds is hereby ratified, confirmed, and approved. This Act, being necessary for the welfare of the inhabitants of St. Mary's County, shall be liberally construed to effect the purposes hereof. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 110

(House Bill 119)

AN ACT concerning

Calvert County – Hunting – Deer Management Permits

FOR the purpose of authorizing an individual who holds a Deer Management Permit in Calvert County to use certain firearms to hunt deer throughout the year, including all deer hunting seasons, in the locations and under the conditions set forth in the permit; authorizing a permit holder in Calvert County to hunt deer on certain lands under certain conditions; and generally relating to hunting deer under a Deer Management Permit in Calvert County.

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 10–415(d)(1) and (3)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–415(d)(2)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

Article – Natural Resources

10–415.

(d) (1) In this subsection, “Deer Management Permit” means a permit issued

by the Department authorizing the holder or an agent of the holder to hunt deer outside of deer hunting season for the purpose of preventing damage to crops.

(2) In Charles County, **CALVERT COUNTY**, and St. Mary's County, an individual who hunts deer under a Deer Management Permit may:

(i) Use a shotgun or breech loading center fired rifle approved by the Department to hunt deer throughout the year, including all deer hunting seasons, in the locations and under the conditions set forth in the permit; and

(ii) On State land in Charles County, **CALVERT COUNTY**, or St. Mary's County leased by the permit holder for the purpose of cultivating crops, hunt deer on the leased land in the locations and under the conditions set forth in the permit.

(3) To protect public safety and welfare, the Department may restrict the lands on which an individual may hunt deer under a Deer Management Permit.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 111

(House Bill 446)

AN ACT concerning

Calvert County – Fire and Rescue Commission – Membership

FOR the purpose of authorizing the Calvert County Volunteer Fire and Rescue Association to designate certain alternate members to the Calvert County Fire and Rescue Commission under certain circumstances; and generally relating to the membership of the Calvert County Fire and Rescue Commission.

BY repealing and reenacting, with amendments,
 The Public Local Laws of Calvert County
 Section 9–301(a)
 Article 5 – Public Local Laws of Maryland
 (2002 Edition and August 2017 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

9–301.

(a) The County Commissioners shall create a Fire and Rescue Commission. The commission shall consist of six members who shall be determined as follows:

(1) One member of a county fire department and one member of a county rescue squad to be elected by the County Volunteer Fire and Rescue Association, **OR THEIR RESPECTIVE ALTERNATES AS DESIGNATED BY THE COUNTY VOLUNTEER FIRE AND RESCUE ASSOCIATION.**

(2) One member from each of the three election districts to be appointed by the County Commissioners from a list of three county residents from each election district, submitted by the County Volunteer Fire and Rescue Association, none of whom shall be members of a county fire department or rescue squad.

(3) One member to be a County Commissioner or their designee.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 112

(House Bill 498)

AN ACT concerning

Calvert County – Salary of Assistant Sheriff

FOR the purpose of altering the salary of certain assistant sheriffs in Calvert County to be set by the County Commissioners of Calvert County; requiring the County Commissioners to include a certain cost of living adjustment in a certain assistant sheriff's salary under certain circumstances; prohibiting the County Commissioners from reducing a certain assistant sheriff's salary without cause; authorizing the Sheriff of Calvert County to negotiate a certain assistant sheriff's salary; and generally relating to the salary of assistant sheriffs in Calvert County.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 2–309(f)(3)(iv)
Annotated Code of Maryland
(2013 Replacement Volume and 2017 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.

(f) (3) (iv) 1. If the assistant sheriff was an active duty deputy sheriff in the Calvert County Sheriff's Office immediately before appointment, the assistant sheriff:

A. Shall receive an annual salary [that is 6 percent more than the salary of the highest ranking officer in the Calvert County Sheriff's Office] **SET ON APPOINTMENT AND EACH FISCAL YEAR THEREAFTER AS PROVIDED IN THE SHERIFF'S BUDGET APPROVED AND ADOPTED BY THE COUNTY COMMISSIONERS OF CALVERT COUNTY;**

B. Shall retain full merit status; and

C. At the end of an appointment, shall be placed at the highest rank on the approved Calvert County Deputy Sheriff Pay Scale and shall receive the salary reflected at the highest step within that highest rank.

2. If the assistant sheriff was not an employee of the Calvert County Sheriff's Office immediately before appointment, the assistant sheriff:

A. Shall receive an annual salary that is established through a mutual agreement between the Sheriff and the County Commissioners of Calvert County;

B. Shall be afforded all the benefits available to full-time employees in the Calvert County Sheriff's Office; and

C. May not be given merit status.

3. THE ANNUAL SALARY SET BY THE COUNTY COMMISSIONERS OF CALVERT COUNTY UNDER SUBSUBPARAGRAPH 1A OF THIS SUBPARAGRAPH:

A. SHALL INCLUDE THE SAME COST OF LIVING ADJUSTMENT, IF ANY, APPROVED BY THE COUNTY COMMISSIONERS OF CALVERT COUNTY FOR COUNTY MERIT EMPLOYEES; AND

B. MAY NOT BE REDUCED FROM THE PRIOR FISCAL YEAR WITHOUT CAUSE.

4. THE SHERIFF MAY NEGOTIATE THE SALARY OF THE ASSISTANT SHERIFF SET BY THE COUNTY COMMISSIONERS OF CALVERT COUNTY UNDER SUBSUBPARAGRAPH 1A OF THIS SUBPARAGRAPH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 113

(House Bill 627)

AN ACT concerning

Calvert County – Length of Service Award Program – Death Benefits

FOR the purpose of altering the availability of certain death benefits of a qualified volunteer of certain fire and rescue entities in Calvert County who is unmarried at the time of death under certain circumstances; providing for the termination of certain death benefits of a qualified volunteer of certain fire and rescue entities in Calvert County who is unmarried at the time of death under certain circumstances; making a clarifying change; providing for the application of this Act; and generally relating to the Length of Service Award Program in Calvert County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Calvert County
Section 14–102
Article 5 – Public Local Laws of Maryland
(2002 Edition and August 2017 Supplement)

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

Article 5 – Calvert County

14–102.

(a) Any individual who has served as a member of any Calvert County volunteer fire company, Calvert County volunteer rescue squad, or Calvert County rescue dive team is eligible to receive the following benefits, provided that:

(1) The individual is certified in accordance with the provisions of § 14–101 of this subtitle to have served as an active volunteer subsequent to January 1, 1986.

(2) Any individual who discontinued active volunteer service prior to January 1, 1986, may receive credit for the service after being certified in accordance with the provisions of § 14–104(b) of this subtitle.

(b) (1) Beginning January 1, 1992, and on or before June 30, 2015, any individual who has reached the age of 55 and who has completed a minimum of 25 years of certified active volunteer service, with any Calvert County volunteer fire company, volunteer rescue squad, or rescue dive team or any combination of volunteer fire company service, volunteer rescue squad service, and rescue dive team service, shall receive benefits in the amount of \$400 per month, for life. Payments shall begin on the first day of the first month following eligibility and payments shall be made directly to the volunteer entitled to the benefits.

(2) Beginning July 1, 2015, any individual who has reached the age of 50 and who has completed a minimum of 25 years of certified active volunteer service, with any Calvert County volunteer fire company, volunteer rescue squad, or rescue dive team or any combination of volunteer fire company service, volunteer rescue squad service, and rescue dive team service, shall receive benefits in the amount of \$400 per month, for life. Payments shall begin on the first day of the first month following eligibility and payments shall be made directly to the volunteer entitled to the benefits.

(c) An additional payment of \$10 per month shall be added to the benefits described in Subsection (b) of this section, for each full year of volunteer service in excess of 25 years.

(d) In the event that any active volunteer becomes disabled during the course of the volunteer's service as a volunteer fireman, rescue squad member, or rescue dive team member while actively engaged in providing the services and in the event that the disability prevents the volunteer from pursuing the normal occupation of the volunteer and that the disability is of a permanent nature, as certified by the State Workers' Compensation Commission or other competent medical authority as designated by the Board of County Commissioners of Calvert County, then the volunteer is entitled to receive the benefits prescribed in Subsection (b) and any other benefits the volunteer may be entitled to regardless of age or length of service. These benefits shall begin on the first day of the first month following the establishment of the permanency of the disability.

[(e) In the event that any qualified volunteer dies while receiving benefits, then the surviving spouse of the volunteer is entitled to benefits equal to 50% of the volunteer's benefits. These benefits shall terminate upon death or remarriage of the spouse.]

(E) BEGINNING JULY 1, 2015, IN THE EVENT A QUALIFIED VOLUNTEER, WHO HAS REACHED THE AGE OF 50 AND HAS COMPLETED A MINIMUM OF 25 YEARS OF CERTIFIED ACTIVE VOLUNTEER SERVICE, DIES WHILE RECEIVING BENEFITS:

(1) IF MARRIED AT THE TIME OF DEATH:

(I) THE SURVIVING SPOUSE OF THE VOLUNTEER IS ENTITLED TO BENEFITS EQUAL TO 50% OF THE BENEFITS EARNED BY THE DECEASED VOLUNTEER; AND

(II) THESE BENEFITS SHALL TERMINATE UPON DEATH OR REMARRIAGE OF THE SURVIVING SPOUSE; OR

(2) IF NOT MARRIED AT THE TIME OF DEATH:

(I) AN ALTERNATE BENEFICIARY DESIGNATED BY THE VOLUNTEER, WHO IS A CHILD, GRANDCHILD, OR GREAT-GRANDCHILD OF THE VOLUNTEER, IS ENTITLED TO BENEFITS EQUAL TO 50% OF THE BENEFITS EARNED BY THE DECEASED VOLUNTEER; AND

(II) THESE BENEFITS SHALL TERMINATE UPON THE EARLIER OF:

- 1. TEN YEARS OF BENEFITS;**
- 2. DEATH OF THE ALTERNATE BENEFICIARY; OR**
- 3. MARRIAGE OF THE ALTERNATE BENEFICIARY.**

(f) In the event that a volunteer who has completed 25 years of certified service dies prior to receiving any benefits under this section:

(1) If married at the time of death:

(i) The surviving spouse of the volunteer is entitled to benefits equal to 50% of the benefits earned by the deceased volunteer; and

(ii) These benefits shall terminate upon death or remarriage **OF THE SURVIVING SPOUSE**; or

(2) If not married at the time of death:

(i) An alternate beneficiary designated by the volunteer, **WHO IS A CHILD, GRANDCHILD, OR GREAT-GRANDCHILD OF THE VOLUNTEER**, is entitled to benefits equal to 50% of the benefits earned by the deceased volunteer; and

(ii) These benefits shall terminate upon the earlier of:

1. Ten years of benefits;
2. Death of the alternate beneficiary; or

3. Marriage of the alternate beneficiary.

(g) (1) In the event a qualified volunteer who has completed 25 years of certified service dies, a burial benefit up to \$6,000 shall be payable.

(2) In the event a volunteer who is receiving benefits under Subsection (h) of this section dies, a burial benefit up to \$240 for each year of certified service shall be payable.

(h) In the event that any active volunteer fireman, squad member, or rescue dive team member (defined as an individual who has at least two years of qualifying service in the five preceding years) attains the age of 70 years and fails to achieve the required 25 years of service, the volunteer is entitled to a monthly benefit of the number of years of certified service completed multiplied by \$8. These benefits shall be payable in the normal manner.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect the death benefits of any qualified volunteer of any Calvert County volunteer fire company, Calvert County volunteer rescue squad, or Calvert County rescue dive team who was receiving benefits at any time on or after July 1, 2015.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 114

(House Bill 729)

AN ACT concerning

Calvert County – County Budget – Changes to Adopted Budget

FOR the purpose of increasing the threshold amount of a change to an adopted budget that may be made by the County Commissioners of Calvert County only by resolution after complying with certain publication and hearing requirements; altering the process for the County Commissioners of Calvert County to make changes of less than a certain dollar amount to an adopted county budget under certain circumstances; and generally relating to the budget of Calvert County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Calvert County

Section 5–103

Article 5 – Public Local Laws of Maryland
(2002 Edition and August 2017 Supplement)

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

Article 5 – Calvert County

5–103.

(a) The County Commissioners may change an adopted budget [only by resolutions that comply] **IN ACCORDANCE** with this section, the Maryland Constitution, state laws or public local laws. Changes may not be subdivided to alter the applicability of the requirements of this section.

(b) The County Commissioners by resolution may establish procedures for the administrative transfer of appropriations between general classifications of expenditures in the current expense budget within the same office or department, transfers between departments, agencies, boards or commissions, interproject transfers of appropriations between capital projects in the capital budget, and the addition, of new budget items.

(c) Any change involving funds totaling more than ~~\$100,000~~ **\$150,000** may be made only by resolution approved by the Commissioners after compliance with the publication and hearing requirements applicable to the original proposed budget.

(d) To meet a public emergency affecting life, health, or property, the Commissioners by resolution may make emergency appropriations from contingent or surplus funds.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 115

(House Bill 1102)

AN ACT concerning

Calvert County – Bonding Authority – Enterprise Fund

FOR the purpose of authorizing and empowering the County Commissioners of Calvert County, from time to time, to borrow not more than \$9,665,300 to finance the construction, improvement, or development of certain public facilities in Calvert County, as herein defined, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, county, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and generally relating to the issuance and sale of such bonds.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, as used herein, the term "County" means the body politic and corporate of the State of Maryland known as the County Commissioners of Calvert County, and the term "construction, improvement, or development of public facilities" means the acquisition, alteration, construction, reconstruction, enlargement, equipping, expansion, extension, improvement, rehabilitation, renovation, upgrading, and repair of public buildings and facilities, including but not limited to the Back Creek Loop Water Main, Prince Frederick Pump Station, Prince Frederick Wastewater Treatment Plant, and Solomons Wastewater Treatment Plant, and issuance costs together with the costs of acquiring land or interests in land as well as any related architectural, financial, legal, planning, or engineering services.

SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby authorized to finance any part or all of the costs of the public facilities described in Section 1 of this Act, and to borrow money and incur indebtedness for that purpose, at one time or from time to time, in an amount not exceeding, in the aggregate, \$9,665,300 and to evidence such borrowing by the issuance and sale upon its full faith and credit of general obligation bonds in like par amount, which may be issued at one time or from time to time, in one or more groups or series, as the County may determine.

SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued in accordance with a resolution of the County, which shall describe generally the construction, improvement, or development of public facilities for which the proceeds of the bond sale are intended and the amount needed for those purposes. The County shall have and is hereby granted full and complete authority and discretion in the resolution to fix and determine with respect to the bonds of any issue: the designation, date of issue, denomination or denominations, form or forms, and tenor of the bonds which, without limitation, may be

issued in registered form within the meaning of § 19–204 of the Local Government Article of the Annotated Code of Maryland, as amended; the rate or rates of interest payable thereon, or the method of determining the same, which may include a variable rate; the date or dates and amount or amounts of maturity, which need not be in equal par amounts or in consecutive annual installments, provided only that no bond of any issue shall mature later than 30 years from the date of its issue; the manner of selling the bonds, which may be at either public or private sale, for such price or prices as may be determined to be for the best interests of Calvert County; the manner of executing and sealing the bonds, which may be by facsimile; the terms and conditions, if any, under which bonds may be tendered for payment or purchase prior to their stated maturity; the terms or conditions, if any, under which bonds may or shall be redeemed prior to their stated maturity; the place or places of payment of the principal of and the interest on the bonds, which may be at any bank or trust company within or without the State of Maryland; covenants relating to compliance with applicable requirements of federal income tax law, including (without limitation) covenants regarding the payment of rebate or penalties in lieu of rebate; covenants relating to compliance with applicable requirements of federal or state securities laws; and generally all matters incident to the terms, conditions, issuance, sale, and delivery thereof.

The bonds may be made redeemable before maturity, at the option of the County, at such price or prices and under such terms and conditions as may be fixed by the County prior to the issuance of the bonds, either in the resolution or in a bond order pursuant to the bond resolution. The bonds may be issued in registered form and provision may be made for the registration of the principal only. In case any officer whose signature appears on any bond ceases to be such officer before the delivery thereof, such signature shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery. The bonds and the issuance and sale thereof shall be exempt from the provisions of §§ 19–205 and 19–206 of the Local Government Article of the Annotated Code of Maryland, as amended.

The County may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of any security for the bonds and for the purpose of securing any tender option that may be granted to holders of the bonds, all as may be determined and presented in the aforesaid resolution, which may (but need not) state as security for the performance by the County of any monetary obligations under such agreements the same security given by the County to bondholders for the performance by the County of its monetary obligations under the bonds.

If the County determines in the resolution to offer any of the bonds by solicitation of competitive bids at public sale, the resolution shall fix the terms and conditions of the public sale and shall adopt a form of notice of sale, which shall outline the terms and conditions, and a form of advertisement, which shall be published in one or more daily or weekly newspapers having a general circulation in the County and which may also be published in one or more journals having a circulation primarily among banks and investment bankers. At least one publication of the advertisement shall be made not less than 10 days before the sale of the bonds.

Upon delivery of any bonds to the purchaser or purchasers, payment therefor shall be made to the Treasurer of Calvert County or such other official of Calvert County as may be designated to receive such payment in a resolution passed by the County before such delivery.

SECTION 4. AND BE IT FURTHER ENACTED, That the net proceeds of the sale of bonds shall be used and applied exclusively and solely for the acquisition, construction, improvement, or development of public facilities for which the bonds are sold. If the amounts borrowed shall prove inadequate to finance the projects described in the resolution, the County may issue additional bonds with the limitations hereof for the purpose of evidencing the borrowing of additional funds for such financing, provided the resolution authorizing the sale of additional bonds shall so recite, but if the net proceeds of the sale of any issue of bonds exceed the amount needed to finance the projects described in the resolution, the excess funds so borrowed and not expended shall be applied to the payment of the next principal maturity of the bonds or to the redemption of any part of the bonds which have been made redeemable or to the purchase and cancellation of bonds, unless the County shall adopt a resolution allocating the excess funds to the acquisition, construction, improvement, or development of other public facilities, as defined and within the limits set forth in this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby authorized shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest on the bonds as and when they become payable. In each and every fiscal year that any of the bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for or assure the payment, when due, of the principal of and interest on all the bonds maturing in each such fiscal year and, in the event the proceeds from the taxes so levied in any such fiscal year shall prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any such deficiency. The County may apply to the payment of the principal of and interest on any bonds issued hereunder any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality thereof, or from any other source, if such funds are granted for the purpose of assisting the County in financing the acquisition, construction, improvement, or development of the public facilities defined in this Act and, to the extent of any such funds received or receivable in any fiscal year, the taxes that are required to be levied may be reduced accordingly.

SECTION 6. AND BE IT FURTHER ENACTED, That the County is further authorized and empowered, at any time and from time to time, to issue its bonds in the manner hereinabove described for the purpose of refunding, by payment at maturity or upon purchase or redemption, any bonds issued hereunder. The validity of any such refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the obligations so refunded. The powers herein granted with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds. Such refunding bonds may be issued by the County in such an amount as shall be necessary for the purpose of providing it with funds to pay any of its outstanding bonds issued hereunder at maturity, for the

purpose of providing it with funds to purchase in the open market any of its outstanding bonds issued hereunder, prior to the maturity thereof, or for the purpose of providing it with funds for the redemption prior to maturity of any outstanding bonds issued hereunder which are, by their terms, redeemable, for the purpose of providing it with funds to pay interest on any outstanding bonds issued hereunder prior to their payment at maturity of purchase or redemption in advance of maturity, or for the purpose of providing it with funds to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds issued hereunder. The proceeds of the sale of any such refunding bonds shall be segregated and set apart by the County as a separate trust fund to be used solely for the purpose of paying the purchase or redemption prices of the bonds to be refunded.

SECTION 7. AND BE IT FURTHER ENACTED, That the County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds have been executed and are available for such delivery, provided, however, that any such interim certificates or temporary bonds shall be issued in all respects subject to the restrictions and requirements set forth in this Act. The County may, by appropriate resolution, provide for the replacement of any bonds issued hereunder which shall have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.

SECTION 8. AND BE IT FURTHER ENACTED, That any and all obligations issued pursuant to the authority of this Act, their transfer, the interest payable thereon, and any income derived therefrom in the hands of the holders thereof from time to time (including any profit made in the sale thereof) shall be and are hereby declared to be at all times exempt from State, county, municipal, or other taxation of every kind and nature whatsoever within the State of Maryland. Nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes.

SECTION 9. AND BE IT FURTHER ENACTED, That the authority to borrow money and issue bonds conferred on the County by this Act shall be deemed to provide an additional and alternative authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all Acts of the General Assembly of Maryland heretofore passed authorizing the County to borrow money are hereby continued to the extent that the powers contained in such Acts have not been exercised, and nothing contained in this Act may be construed to impair, in any way, the validity of any bonds that may have been issued by the County under the authority of any said Acts, and the validity of the bonds is hereby ratified, confirmed, and approved. This Act, being necessary for the welfare of the inhabitants of Calvert County, shall be liberally construed to effect the purposes hereof. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 116

(House Bill 1114)

AN ACT concerning

Calvert County – Procurement Contracts – Reciprocal Preference for Resident Bidders

FOR the purpose of requiring Calvert County, under certain circumstances, to give a certain preference to a bidder whose principal office is in the county over a bidder whose principal office is outside the county; prohibiting any increase in the cost of a contract in which a preference is given from exceeding a certain amount; defining certain terms; and generally relating to a reciprocal preference for a bidder whose principal office is in Calvert County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Calvert County
Section 6–101
Article 5 – Public Local Laws of Maryland
(2002 Edition and August 2017 Supplement)

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

Article 5 – Calvert County

6–101.

(a) Except as otherwise provided in this title, contracts for the purchase by the county of supplies or services involving \$15,000 or more shall be by formal bidding procedures and the contract shall be awarded at a regularly scheduled meeting of the Commissioners or by the official authorized to contract for the county to the lowest responsible bidder meeting specifications. A contract may not be subdivided to avoid the requirements of this section.

(b) The Commissioners or the official authorized to contract for the county shall invite proposals for all contracts subject to this section by publishing a notice in at least two county newspapers for two consecutive weeks. The notice shall state that in not less than three weeks the Commissioners or the official authorized to contract for the county will meet in public session to receive bids for the described purchase or contract, state the time and place of the meeting, and reserve the right to reject any and all bids.

(c) In determining the “lowest responsible bidder,” in addition to considering price, the Commissioners or the official authorized to contract for the county shall consider:

(1) The ability, capacity, and skill of the bidder to perform the contract or provide the service required;

(2) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;

(3) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;

(4) The quality of performance of previous contracts or services;

(5) The previous and current compliance by the bidder with laws and ordinances relating to the contract or service;

(6) Whether the bidder is in arrears to the county on any debt or contract, is in default on any surety to the county, or is delinquent as to any taxes or assessments; and

(7) Any other information that may have a bearing on the decision to award the contract.

(d) **(1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(II) “NONRESIDENT BIDDER” MEANS A BIDDER WHOSE PRINCIPAL OFFICE IS OUTSIDE THE COUNTY.

(III) “PRINCIPAL OFFICE” MEANS THE OFFICE, IN OR OUT OF THE STATE, WHERE THE PRINCIPAL EXECUTIVE OFFICE OF A DOMESTIC OR FOREIGN CORPORATION IS LOCATED AND THAT IS DESIGNATED IN THE ANNUAL REPORT OR APPLICATION FOR AUTHORITY TO TRANSACT BUSINESS IN THE STATE.

(IV) “RESIDENT BIDDER” MEANS A BIDDER WHOSE PRINCIPAL OFFICE IS IN THE COUNTY.

(2) THE COUNTY SHALL GIVE A PREFERENCE TO A RESIDENT BIDDER OVER A NONRESIDENT BIDDER THAT IS EQUAL TO THE PREFERENCE GIVEN BY THE COUNTY OR STATE IN WHICH THE NONRESIDENT BIDDER HAS ITS PRINCIPAL OFFICE TO BIDDERS THAT HAVE A PRINCIPAL OFFICE IN THAT COUNTY OR STATE.

(3) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, ANY INCREASE IN THE COST OF A CONTRACT IN WHICH A PREFERENCE IS GIVEN UNDER PARAGRAPH (2) OF THIS SUBSECTION MAY NOT EXCEED \$25,000.

(E) If a contract is not awarded to the lowest bidder in price, the reasons for the decision shall be stated in the minutes of the meeting at which the contract is awarded.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 117

(House Bill 1354)

AN ACT concerning

Calvert County – Bonding Authority

FOR the purpose of authorizing and empowering the County Commissioners of Calvert County, from time to time, to borrow not more than ~~\$7,158,600~~ \$50,000,000 to finance the construction, improvement, or development of certain public facilities in Calvert County, as herein defined, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, county, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and generally relating to the issuance and sale of such bonds.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, as used herein, the term “County” means the body politic and corporate of the State of Maryland known as the County Commissioners of Calvert County, and the term “construction, improvement, or development of public facilities” means the acquisition,

alteration, construction, reconstruction, enlargement, equipping, expansion, extension, improvement, rehabilitation, renovation, upgrading, and repair of public buildings and facilities, including but not limited to the ~~North Beach Fire Boat~~ Calvert County Office Building, Linda L. Kelley Animal Shelter, Ward Farm Recreation and Nature Park, and Northern Middle School, and issuance costs together with the costs of acquiring land or interests in land as well as any related architectural, financial, legal, planning, or engineering services.

SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby authorized to finance any part or all of the costs of the public facilities described in Section 1 of this Act, and to borrow money and incur indebtedness for that purpose, at one time or from time to time, in an amount not exceeding, in the aggregate, ~~\$7,158,600~~ \$50,000,000 and to evidence such borrowing by the issuance and sale upon its full faith and credit of general obligation bonds in like par amount, which may be issued at one time or from time to time, in one or more groups or series, as the County may determine.

SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued in accordance with a resolution of the County, which shall describe generally the construction, improvement, or development of public facilities for which the proceeds of the bond sale are intended and the amount needed for those purposes. The County shall have and is hereby granted full and complete authority and discretion in the resolution to fix and determine with respect to the bonds of any issue: the designation, date of issue, denomination or denominations, form or forms, and tenor of the bonds which, without limitation, may be issued in registered form within the meaning of § 19–204 of the Local Government Article of the Annotated Code of Maryland, as amended; the rate or rates of interest payable thereon, or the method of determining the same, which may include a variable rate; the date or dates and amount or amounts of maturity, which need not be in equal par amounts or in consecutive annual installments, provided only that no bond of any issue shall mature later than 30 years from the date of its issue; the manner of selling the bonds, which may be at either public or private sale, for such price or prices as may be determined to be for the best interests of Calvert County; the manner of executing and sealing the bonds, which may be by facsimile; the terms and conditions, if any, under which bonds may be tendered for payment or purchase prior to their stated maturity; the terms or conditions, if any, under which bonds may or shall be redeemed prior to their stated maturity; the place or places of payment of the principal of and the interest on the bonds, which may be at any bank or trust company within or without the State of Maryland; covenants relating to compliance with applicable requirements of federal income tax law, including (without limitation) covenants regarding the payment of rebate or penalties in lieu of rebate; covenants relating to compliance with applicable requirements of federal or state securities laws; and generally all matters incident to the terms, conditions, issuance, sale, and delivery thereof.

The bonds may be made redeemable before maturity, at the option of the County, at such price or prices and under such terms and conditions as may be fixed by the County prior to the issuance of the bonds, either in the resolution or in a bond order pursuant to the bond resolution. The bonds may be issued in registered form and provision may be made for the registration of the principal only. In case any officer whose signature appears on

any bond ceases to be such officer before the delivery thereof, such signature shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery. The bonds and the issuance and sale thereof shall be exempt from the provisions of §§ 19–205 and 19–206 of the Local Government Article of the Annotated Code of Maryland, as amended.

The County may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of any security for the bonds and for the purpose of securing any tender option that may be granted to holders of the bonds, all as may be determined and presented in the aforesaid resolution, which may (but need not) state as security for the performance by the County of any monetary obligations under such agreements the same security given by the County to bondholders for the performance by the County of its monetary obligations under the bonds.

If the County determines in the resolution to offer any of the bonds by solicitation of competitive bids at public sale, the resolution shall fix the terms and conditions of the public sale and shall adopt a form of notice of sale, which shall outline the terms and conditions, and a form of advertisement, which shall be published in one or more daily or weekly newspapers having a general circulation in the County and which may also be published in one or more journals having a circulation primarily among banks and investment bankers. At least one publication of the advertisement shall be made not less than 10 days before the sale of the bonds.

Upon delivery of any bonds to the purchaser or purchasers, payment therefor shall be made to the Treasurer of Calvert County or such other official of Calvert County as may be designated to receive such payment in a resolution passed by the County before such delivery.

SECTION 4. AND BE IT FURTHER ENACTED, That the net proceeds of the sale of bonds shall be used and applied exclusively and solely for the acquisition, construction, improvement, or development of public facilities for which the bonds are sold. If the amounts borrowed shall prove inadequate to finance the projects described in the resolution, the County may issue additional bonds with the limitations hereof for the purpose of evidencing the borrowing of additional funds for such financing, provided the resolution authorizing the sale of additional bonds shall so recite, but if the net proceeds of the sale of any issue of bonds exceed the amount needed to finance the projects described in the resolution, the excess funds so borrowed and not expended shall be applied to the payment of the next principal maturity of the bonds or to the redemption of any part of the bonds which have been made redeemable or to the purchase and cancellation of bonds, unless the County shall adopt a resolution allocating the excess funds to the acquisition, construction, improvement, or development of other public facilities, as defined and within the limits set forth in this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby authorized shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest on the bonds as and when they become payable. In each and every fiscal year that

any of the bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for or assure the payment, when due, of the principal of and interest on all the bonds maturing in each such fiscal year and, in the event the proceeds from the taxes so levied in any such fiscal year shall prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any such deficiency. The County may apply to the payment of the principal of and interest on any bonds issued hereunder any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality thereof, or from any other source, if such funds are granted for the purpose of assisting the County in financing the acquisition, construction, improvement, or development of the public facilities defined in this Act and, to the extent of any such funds received or receivable in any fiscal year, the taxes that are required to be levied may be reduced accordingly.

SECTION 6. AND BE IT FURTHER ENACTED, That the County is further authorized and empowered, at any time and from time to time, to issue its bonds in the manner hereinabove described for the purpose of refunding, by payment at maturity or upon purchase or redemption, any bonds issued hereunder. The validity of any such refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the obligations so refunded. The powers herein granted with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds. Such refunding bonds may be issued by the County in such an amount as shall be necessary for the purpose of providing it with funds to pay any of its outstanding bonds issued hereunder at maturity, for the purpose of providing it with funds to purchase in the open market any of its outstanding bonds issued hereunder, prior to the maturity thereof, or for the purpose of providing it with funds for the redemption prior to maturity of any outstanding bonds issued hereunder which are, by their terms, redeemable, for the purpose of providing it with funds to pay interest on any outstanding bonds issued hereunder prior to their payment at maturity of purchase or redemption in advance of maturity, or for the purpose of providing it with funds to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds issued hereunder. The proceeds of the sale of any such refunding bonds shall be segregated and set apart by the County as a separate trust fund to be used solely for the purpose of paying the purchase or redemption prices of the bonds to be refunded.

SECTION 7. AND BE IT FURTHER ENACTED, That the County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds have been executed and are available for such delivery, provided, however, that any such interim certificates or temporary bonds shall be issued in all respects subject to the restrictions and requirements set forth in this Act. The County may, by appropriate resolution, provide for the replacement of any bonds issued hereunder which shall have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.

SECTION 8. AND BE IT FURTHER ENACTED, That any and all obligations issued pursuant to the authority of this Act, their transfer, the interest payable thereon, and any income derived therefrom in the hands of the holders thereof from time to time (including any profit made in the sale thereof) shall be and are hereby declared to be at all times

exempt from State, county, municipal, or other taxation of every kind and nature whatsoever within the State of Maryland. Nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes.

SECTION 9. AND BE IT FURTHER ENACTED, That the authority to borrow money and issue bonds conferred on the County by this Act shall be deemed to provide an additional and alternative authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all Acts of the General Assembly of Maryland heretofore passed authorizing the County to borrow money are hereby continued to the extent that the powers contained in such Acts have not been exercised, and nothing contained in this Act may be construed to impair, in any way, the validity of any bonds that may have been issued by the County under the authority of any said Acts, and the validity of the bonds is hereby ratified, confirmed, and approved. This Act, being necessary for the welfare of the inhabitants of Calvert County, shall be liberally construed to effect the purposes hereof. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 118

(House Bill 1459)

AN ACT concerning

Calvert County – ~~Calvert County~~ Youth Recreational Opportunities Fund – ~~Uses and Funding Extension~~ and Distribution From Admissions and Amusement Tax Revenues

FOR the purpose of requiring funds in the Calvert County Youth Recreational Opportunities Fund first to be used for a certain purpose; requiring the Calvert County Board of County Commissioners to adopt a certain plan after the development of Ward Farm Recreation and Nature Park is complete; altering certain distributions of revenue from the State's admissions and amusement tax on electronic bingo and electronic tip jars in Calvert County; ~~making permanent the funding for the Fund from certain revenue beginning in a certain fiscal year~~; requiring the Calvert County Board of County Commissioners, on or before a certain date and annually each year thereafter, to report ~~on certain matters to certain delegations of the Calvert County Delegation to the General Assembly~~; and generally relating to the uses of and funding for the Calvert County Youth Recreational

Opportunities Fund and distributions from the State's admissions and amusement tax revenues in Calvert County.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–1901
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–202(b)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

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

Article – Natural Resources

5–1901.

(a) In this section, “Fund” means the Calvert County Youth Recreational Opportunities Fund.

(b) There is a Calvert County Youth Recreational Opportunities Fund.

(c) The purpose of the Fund is to increase youth recreational opportunities in Calvert County.

(d) The Secretary shall administer the Fund.

(e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(2) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(f) The Fund consists of:

(1) Revenue distributed to the Fund under ~~§ 2–202(b)(1)(iii)~~ **§ 2–202(B)(3)** of the Tax – General 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 for projects that are approved by the Secretary to advance youth recreational opportunities in Calvert County and that receive contributions from the county for the projects.

(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.

(j) [Money] **SUBJECT TO SUBSECTION (K) OF THIS SECTION, MONEY** expended from the Fund for youth recreational opportunities in Calvert County is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for youth recreational opportunities in Calvert County.

(K) (1) MONEY FROM THE FUND FIRST SHALL BE USED FOR THE SOLE PURPOSE OF COMPLETING THE DEVELOPMENT OF WARD FARM RECREATION AND NATURE PARK UNTIL THE DEVELOPMENT OF THE PARK IS COMPLETE.

(2) AFTER COMPLETION OF THE DEVELOPMENT OF WARD FARM RECREATION AND NATURE PARK, THE CALVERT COUNTY BOARD OF COUNTY COMMISSIONERS SHALL ADOPT A PLAN TO EXPAND YOUTH RECREATIONAL OPPORTUNITIES AT ADDITIONAL LOCATIONS.

Article – Tax – General

2–202.

(b) From the revenue from the State admissions and amusement tax on electronic bingo and electronic tip jars in Calvert County under § 4–102(e) of this article, the Comptroller shall distribute **FROM**:

(1) ~~for fiscal years 2014 through 2019, from:~~

~~(i)~~ the revenue attributable to a tax rate of 1.5%:

~~1=~~ **(I)** \$50,000 to the Boys and Girls Club of the Town of North Beach; and

~~2=~~ **(II)** the remainder to the Town of North Beach; ~~AND~~

~~(ii)~~ **(2)** the revenue attributable to a tax rate of 2.5% to the Town of Chesapeake Beach; ~~and~~

~~(iii)~~ **(2) (3)** ~~FOR FISCAL YEAR 2019 AND EACH FISCAL YEAR THEREAFTER, FROM~~ the revenue attributable to a tax rate of 4% to the Calvert County Youth Recreational Opportunities Fund under Title 5, Subtitle 19 of the Natural Resources Article; ~~and~~

~~(2) (3)~~ ~~for fiscal year 2020 and each fiscal year thereafter, from:~~

~~(i)~~ ~~the revenue attributable to a tax rate of 1.5%:~~

~~1.~~ ~~\$50,000 to the Boys and Girls Club of the Town of North Beach; and~~

~~2.~~ ~~the remainder to the Town of North Beach;~~

~~(ii)~~ ~~the revenue attributable to a tax rate of 2.5% to the Town of Chesapeake Beach; and~~

~~(iii)~~ ~~the revenue attributable to a tax rate of 4% to the Calvert County Board of Education for school renovation and renewal projects that may not be used to supplant county funds for public school construction.~~

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before July 1, 2019, and ~~annually each year~~ thereafter, the Calvert County Board of County Commissioners shall report to the Calvert County ~~Senate and House Delegations of~~ Delegation to the General Assembly, in accordance with § 2-1246 of the State Government Article, on:

(1) the distribution of funds from the Calvert County Youth Recreational Opportunities Fund;

(2) the annual progress of activities and plans related to the development of Ward Farm Recreation and Nature Park; and

(3) plans to expand youth recreational opportunities at additional locations after completion of the Ward Farm Recreation and Nature Park.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 119**(House Bill 144)**

AN ACT concerning

Montgomery County – Alcoholic Beverages – Country Club Off-Sale Permit**MC 10–18**

FOR the purpose of establishing a country club off–sale permit in Montgomery County; authorizing the Board of License Commissioners for Montgomery County to issue the permit to a holder of a country club license; authorizing a holder of the permit to sell wine by the bottle for off–premises consumption only at certain tasting events, to certain individuals, and during certain hours and days; requiring a permit holder to notify the Board in writing a certain number of days before each tasting event; prohibiting a permit holder from holding more than a certain number of tasting events in a calendar year or in a single month; authorizing the Board to set a certain permit fee; and generally relating to sales of alcoholic beverages in Montgomery County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 25–102
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 25–1007
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

25–102.

This title applies only in Montgomery County.

25–1007.

(a) There is a country club license.

(b) The application shall be signed by at least one officer of the club who is a resident, registered voter, or taxpayer of the county.

(c) The Board may issue the license for use by a country club:

(1) that has at least 100 members;

(2) whose members pay an annual total amount of dues that averages at least \$50 per member; and

(3) that maintains at the time of the license application a regular or championship golf course of at least nine holes.

(d) The license authorizes the license holder to sell beer, wine, and liquor purchased from the Department of Liquor Control for on-premises consumption by:

(1) a country club member;

(2) a member of the immediate family of a country club member;

(3) an individual residing temporarily in the clubhouse of the country club;
or

(4) a guest of a country club member, including an individual who attends a recognized national or regional athletic event held on the premises of the license holder if:

(i) the license holder has applied to the Board to sell alcoholic beverages to individuals attending the event;

(ii) the application has been made at least 60 days before the date that the event is to take place; and

(iii) the Board has approved the application.

(e) 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 § 25–2005 of this title.

(f) An employee of a country club for which a license has been issued may not have a guest at the country club to consume alcoholic beverages during the employee's normal working hours.

(g) The annual license fee is \$2,000.

(H) (1) THERE IS A COUNTRY CLUB OFF-SALE PERMIT.

(2) THE BOARD MAY ISSUE THE PERMIT ONLY TO A HOLDER OF A COUNTRY CLUB LICENSE.

(3) A HOLDER OF THE PERMIT MAY SELL WINE BY THE BOTTLE FOR OFF-PREMISES CONSUMPTION ONLY:

(I) AT A WINE TASTING EVENT THAT IS HELD ON THE PREMISES FOR WHICH THE HOLDER'S COUNTRY CLUB LICENSE IS ISSUED;

(II) TO AN INDIVIDUAL SPECIFIED IN SUBSECTION (D) OF THIS SECTION; AND

(III) DURING THE HOURS AND DAYS THE LICENSE HOLDER IS AUTHORIZED TO SELL BEER, WINE, AND LIQUOR UNDER SUBSECTION (E) OF THIS SECTION.

(4) A HOLDER OF THE PERMIT SHALL NOTIFY THE BOARD IN WRITING ON A FORM PROVIDED BY THE BOARD AT LEAST 14 DAYS BEFORE EACH TASTING EVENT.

(5) A HOLDER OF THE PERMIT MAY NOT HOLD MORE THAN:

(I) TWELVE TASTING EVENTS IN A CALENDAR YEAR; OR

(II) TWO TASTING EVENTS IN A SINGLE MONTH.

~~(5)~~ (6) THE BOARD MAY SET A FEE FOR THE PERMIT IN ADDITION TO THE ANNUAL FEE FOR THE COUNTRY CLUB LICENSE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 120

(House Bill 148)

AN ACT concerning

Montgomery County – Alcoholic Beverages – Class C Per Diem Licenses

FOR the purpose of authorizing the holder of a certain Class C per diem alcoholic beverages license in Montgomery County to purchase alcoholic beverages from certain sources; and generally relating to per diem alcoholic beverages licenses in Montgomery County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 4–1203, 4–1204, 25–102, and 25–307
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 25–1301
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY adding to
Article – Alcoholic Beverages
Section 25–1302
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

4–1203.

(a) A Class C per diem beer license or a Class C per diem beer and wine license entitles the license holder to exercise any of the privileges conferred by the respective class of license:

- (1) for the use of a person holding an entertainment event that is conducted by a club;
- (2) at the place described in the license; and
- (3) for a period not exceeding 7 consecutive days.

(b) (1) A holder of a wholesaler’s license may enter into an agreement with the holder of a 1–day Class C per diem beer license or a 1–day Class C per diem beer and wine license to:

(i) deliver beer or wine allowed under the license starting 2 days before the effective date of the license; and

(ii) accept returns not more than 2 days after the expiration date of the license.

(2) Delivery of beer or wine ordered in accordance with an agreement made under paragraph (1) of this subsection may be made only if the holder of the 1-day per diem license possesses the license at the time of delivery.

4-1204.

(a) A Class C per diem beer, wine, and liquor license entitles the license holder to exercise any of the privileges conferred by this class of license:

(1) for the use of a person holding an entertainment event that is conducted by a club;

(2) at the place described in the license; and

(3) for a period not exceeding 7 consecutive days.

(b) Alcoholic beverages sold under a Class C per diem beer, wine, and liquor license shall be purchased by the license holder from a retail dealer.

25-102.

This title applies only in Montgomery County.

25-307.

(a) This section does not apply to a holder of a Class F license.

(b) (1) Except as provided in paragraphs (2) through (8) of this subsection:

(i) the Department has a monopoly on the wholesale distribution of beer, wine, and liquor and retail distribution of off-sale liquor in the county, subject to § 1-309 of this article; and

(ii) a person may sell only alcoholic beverages that are purchased from the Department.

(2) The holders of the following wholesaler's licenses may sell or deliver alcoholic beverages for resale to a dispensary:

(i) a Class 1 beer, wine, and liquor license;

- (ii) a Class 2 wine and liquor license;
- (iii) a Class 3 beer and wine license;
- (iv) a Class 4 beer license; or
- (v) a Class 5 wine license.

(3) The holder of a Class 6 limited wine wholesaler's license or nonresident winery permit may sell or deliver wine directly to a dispensary, restaurant, or other retail dealer in the county.

(4) The holder of a Class 7 limited beer wholesaler's license or nonresident brewery permit may sell or deliver its own beer to a dispensary, restaurant, or other retail dealer in the county.

(5) The holder of a Class 8 liquor wholesaler's license or nonresident distillery permit may sell or deliver its own liquor to a dispensary, restaurant, or other retail dealer authorized to sell liquor in the county.

(6) A holder of a direct wine shipper's permit may ship wine directly to a consumer in the county.

(7) A dispensary, restaurant, or other retail dealer in the county may purchase wine directly from a holder of a Class 6 limited wine wholesaler's license or of a nonresident winery permit.

(8) A dispensary, restaurant, or other retail dealer in the county may purchase beer directly from a holder of a Class 7 limited beer wholesaler's license or of a nonresident brewery permit.

(9) A dispensary, restaurant, or other retail dealer authorized to sell liquor in the county may purchase liquor directly from a holder of a Class 8 liquor wholesaler's license or of a nonresident distillery permit.

(10) A holder of a charity wine auction permit in the county may receive and sell wine obtained from any source listed under § 2–137 of this article.

25–1301.

(a) 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) § 4–1204 (“Class C per diem beer, wine, and liquor license”);]

[(4)] (2) § 4–1206 (“License to dispose of stock”);

[(5)] (3) § 4–1207 (“Temporary move of licensed premises”);

[(6)] (4) § 4–1208 (“Hours and days of sale”); and

[(7)] (5) § 4–1209 (“Wine permit for fund–raising event”).

(b) Section 4–1205 (“License fees”) of Division I of this article does not apply in the county and is superseded by § 25–1311 of this subtitle.

(C) THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 4–1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”), SUBJECT TO § 25–1302 OF THIS SUBTITLE; AND

(2) § 4–1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”), SUBJECT TO § 25–1302 OF THIS SUBTITLE.

25–1302.

A HOLDER OF A CLASS C PER DIEM BEER LICENSE, A CLASS C PER DIEM BEER AND WINE LICENSE, OR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE MAY PURCHASE ALCOHOLIC BEVERAGES FROM:

(1) A COUNTY DEPARTMENT OF LIQUOR CONTROL WAREHOUSE;

(2) A DISPENSARY;

(3) A MANUFACTURER WITH A SELF–DISTRIBUTION LICENSE OR PERMIT UNDER § 25–307 OF THIS TITLE; OR

(4) A RETAIL DEALER LICENSED TO SELL ALCOHOLIC BEVERAGES FOR OFF–PREMISES CONSUMPTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 121**(House Bill 150)**

AN ACT concerning

Montgomery County Board of Education Compensation Commission**MC 1-18**

FOR the purpose of establishing the Montgomery County Board of Education Compensation Commission; providing for the membership, appointment, removal, terms, chair, meeting requirements, and staffing of the Commission; prohibiting members of the Commission from being employed by the Montgomery County Board of Education or having relatives who serve on the county board; requiring the Commission to issue a report and make recommendations to the members of the Montgomery County delegation to the General Assembly regarding the compensation of the members of the Montgomery County Board of Education on or before a certain date and at a certain interval thereafter; requiring the Commission to consider certain information in formulating its report and recommendations; providing that the members of the Montgomery County delegation to the General Assembly may introduce certain legislation based on the Commission's report and recommendations; altering the compensation structure for the members of the Montgomery County Board of Education; defining a certain term; and generally relating to compensation for the Montgomery County Board of Education.

BY repealing and reenacting, without amendments,
Article – Education
Section 3-901(b) and (g)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 3-902
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY adding to
Article – Local Government
Section 28-1A-01 through 28-1A-07 to be under the new subtitle “Subtitle 1A.
Montgomery County Board of Education Compensation Commission”
Annotated Code of Maryland
(2013 Volume and 2017 Supplement)

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

That the Laws of Maryland read as follows:

Article – Education

3–901.

(b) The Montgomery County Board consists of:

(1) 5 elected members, each of whom resides in a different board of education district;

(2) 2 elected members who may reside anywhere in the county; and

(3) 1 student member.

(g) (1) The Montgomery County Council may remove a member of the county board for:

(i) Immorality;

(ii) Misconduct in office;

(iii) Incompetency; or

(iv) Willful neglect of duty.

(2) Before removing a member, the County Council shall provide the member a copy of the charges against him and give him an opportunity within 10 days to request a hearing.

(3) If the member requests a hearing within the 10–day period:

(i) The County Council promptly shall hold a hearing, but a hearing may not be set within 10 days after the County Council sends the member a notice of the hearing; and

(ii) The member shall have an opportunity to be heard publicly before the County Council in the member’s own defense, in person or by counsel.

(4) A member removed under this subsection has the right to a de novo review of the removal by the Circuit Court for Montgomery County.

3–902.

(a) An elected member of the county board is entitled to reimbursement for travel and other expenses as provided by the Montgomery County Council.

(b) (1) An elected member of the county board is entitled to receive:

(I) \$25,000 annually as compensation [and the]; OR

(II) AN ANNUAL SALARY SET THROUGH LEGISLATION BASED ON THE RECOMMENDATIONS OF THE MONTGOMERY COUNTY BOARD OF EDUCATION COMPENSATION COMMISSION IN ACCORDANCE WITH TITLE 28, SUBTITLE 1A OF THE LOCAL GOVERNMENT ARTICLE.

(2) THE president of the county board is entitled to [an additional \$4,000] RECEIVE:

(I) \$29,000 annually as compensation; OR

(II) AN ANNUAL SALARY SET THROUGH LEGISLATION BASED ON THE RECOMMENDATIONS OF THE MONTGOMERY COUNTY BOARD OF EDUCATION COMPENSATION COMMISSION IN ACCORDANCE WITH TITLE 28, SUBTITLE 1A OF THE LOCAL GOVERNMENT ARTICLE.

[(2)] (3) An elected member is entitled to health insurance and to other fringe benefits regularly provided to employees of the board of education under the same terms and conditions extended to other employees of the board of education.

(c) (1) The student member may not receive compensation but, after submitting expense vouchers, may be reimbursed for out-of-pocket expenses incurred in connection with official duties.

(2) A student member who completes a full term on the COUNTY board shall be granted a scholarship of:

(I) \$5,000 to be applied toward the student's higher education costs;

OR

(II) A SCHOLARSHIP SET THROUGH LEGISLATION BASED ON THE RECOMMENDATIONS OF THE MONTGOMERY COUNTY BOARD OF EDUCATION COMPENSATION COMMISSION IN ACCORDANCE WITH TITLE 28, SUBTITLE 1A OF THE LOCAL GOVERNMENT ARTICLE.

Article – Local Government

SUBTITLE 1A. MONTGOMERY COUNTY BOARD OF EDUCATION COMPENSATION COMMISSION.

IN THIS SUBTITLE, "COMMISSION" MEANS THE MONTGOMERY COUNTY BOARD OF EDUCATION COMPENSATION COMMISSION.

28-1A-02.

THERE IS A MONTGOMERY COUNTY BOARD OF EDUCATION COMPENSATION COMMISSION.

28-1A-03.

(A) (1) THE COMMISSION CONSISTS OF FIVE RESIDENTS OF MONTGOMERY COUNTY APPOINTED BY THE MONTGOMERY COUNTY EXECUTIVE AND CONFIRMED BY THE MONTGOMERY COUNTY COUNCIL.

(2) MEMBERS OF THE COMMISSION SHALL BE APPOINTED ON OR BEFORE JANUARY 1, 2019, AND EVERY 4 YEARS THEREAFTER.

(B) A MEMBER OF THE COMMISSION MAY NOT:

(1) BE EMPLOYED BY THE MONTGOMERY COUNTY BOARD OF EDUCATION; OR

(2) HAVE A RELATIVE WHO IS A MEMBER OF THE MONTGOMERY COUNTY BOARD OF EDUCATION.

(C) A MEMBER OF THE COMMISSION MAY BE REMOVED BY THE MONTGOMERY COUNTY COUNCIL FOR THE SAME CAUSES AND SUBJECT TO THE SAME PROCEDURES AS SET FORTH IN § 3-901(G) OF THE EDUCATION ARTICLE.

28-1A-04.

(A) THE COMMISSION SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS.

(B) THE COMMISSION SHALL DETERMINE THE TIMES AND PLACES OF ITS MEETINGS.

(C) (1) A MAJORITY OF THE MEMBERS OF THE COMMISSION IS A QUORUM.

(2) ACTION BY THE COMMISSION REQUIRES THE AFFIRMATIVE VOTE OF A MAJORITY OF THE COMMISSION MEMBERS PRESENT.

(D) THE MONTGOMERY COUNTY GOVERNMENT SHALL PROVIDE STAFF FOR THE COMMISSION.

28-1A-05.

(A) THE COMMISSION SHALL STUDY THE SALARIES OF THE MEMBERS OF THE MONTGOMERY COUNTY BOARD OF EDUCATION.

(B) THE COMMISSION SHALL ISSUE A REPORT TO THE MEMBERS OF THE MONTGOMERY COUNTY DELEGATION TO THE GENERAL ASSEMBLY ON OR BEFORE SEPTEMBER 1, 2019, AND EVERY 4 YEARS THEREAFTER, REGARDING ITS RECOMMENDATIONS FOR THE APPROPRIATE COMPENSATION FOR MEMBERS OF THE MONTGOMERY COUNTY BOARD OF EDUCATION, INCLUDING:

(1) ANY ADDITIONAL STIPEND FOR THE PRESIDENT OF THE COUNTY BOARD; AND

(2) A SCHOLARSHIP AMOUNT TO BE AWARDED TO A STUDENT MEMBER OF THE COUNTY BOARD WHO COMPLETES A FULL TERM ON THE COUNTY BOARD TO BE APPLIED TOWARD THE STUDENT'S HIGHER EDUCATION COSTS.

28-1A-06.

IN FORMULATING ITS REPORT AND RECOMMENDATIONS, THE COMMISSION SHALL CONSIDER FOR EACH MEMBER OF THE MONTGOMERY COUNTY BOARD OF EDUCATION:

(1) THE SCOPE OF RESPONSIBILITIES OF A COUNTY BOARD MEMBER;

(2) THE EDUCATION, SKILLS, AND ABILITIES NECESSARY TO PERFORM THE DUTIES OF A COUNTY BOARD MEMBER;

(3) THE SALARIES OF SIMILAR COUNTY BOARD MEMBERS IN OTHER JURISDICTIONS;

(4) THE TIME REQUIRED TO PERFORM THE DUTIES OF A COUNTY BOARD MEMBER;

(5) THE SALARIES OF SUBORDINATE EMPLOYEES UNDER THE DIRECT SUPERVISION OF THE COUNTY BOARD;

(6) THE VOLUME AND WORKLOAD OF THE COUNTY BOARD; AND

(7) ANY OTHER RELEVANT INFORMATION.**28-1A-07.**

AFTER REVIEWING THE COMMISSION'S REPORT AND RECOMMENDATIONS, THE MEMBERS OF THE MONTGOMERY COUNTY DELEGATION TO THE GENERAL ASSEMBLY MAY INTRODUCE LEGISLATION TO ALTER THE SALARY OF MEMBERS OF THE MONTGOMERY COUNTY BOARD OF EDUCATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 122

(House Bill 159)

AN ACT concerning

Montgomery County – Alcoholic Beverages – Basket of Cheer Permit

MC 21-18

FOR the purpose of establishing a basket of cheer permit in Montgomery County; requiring the Board of License Commissioners to grant the permit at no cost to holders of certain Class C per diem licenses; providing that the permit authorizes the permit holder to provide as a prize at a benefit performance a basket of cheer, consisting of certain alcoholic beverages; specifying that the alcoholic beverages contained in a basket of cheer shall be for off-premises consumption; and generally relating to alcoholic beverages permits granted in Montgomery County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages
Section 25-102
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY adding to

Article – Alcoholic Beverages
Section 25-1312
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

25–102.

This title applies only in Montgomery County.

25–1312.

(A) **THERE IS A BASKET OF CHEER PERMIT.**

(B) **THE BOARD SHALL GRANT THE PERMIT AT NO COST TO A HOLDER OF A CLASS C PER DIEM BEER AND WINE LICENSE OR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

(C) **THE PERMIT AUTHORIZES THE PERMIT HOLDER TO PROVIDE AS A PRIZE AT A BENEFIT PERFORMANCE A BASKET OF CHEER, CONSISTING OF:**

(1) **FOR A HOLDER OF A CLASS C PER DIEM BEER AND WINE LICENSE, NOT MORE THAN:**

(I) **288 OUNCES OF BEER; AND**

(II) **2.25 LITERS OF WINE; AND**

(2) **FOR A HOLDER OF A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE, NOT MORE THAN:**

(I) **288 OUNCES OF BEER;**

(II) **2.25 LITERS OF WINE; AND**

(III) **2.25 LITERS OF LIQUOR.**

(D) **THE ALCOHOLIC BEVERAGES CONTAINED IN A BASKET OF CHEER SHALL BE FOR OFF-PREMISES CONSUMPTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 123**(House Bill 172)**

AN ACT concerning

Montgomery County – Archery Hunting Safety Zone – Position of Archery Hunter**MC 24–18**

FOR the purpose of repealing the requirement that an archery hunter in Montgomery County use a tree stand when hunting any wild bird or mammal within a certain distance of certain buildings; requiring that an archery hunter in Montgomery County be in a certain position when hunting any wild bird or mammal within a certain distance of certain buildings; and generally relating to the archery hunting safety zone in Montgomery County.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(g)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

Article – Natural Resources

10–410.

(g) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person, other than the owner or occupant, while hunting for any wild bird or mammal may not shoot or discharge any firearm or other deadly weapon within 150 yards, known as the “safety zone”, of a dwelling house, residence, church, or other building or camp occupied by human beings, or shoot at any wild bird or mammal while it is within this area, without the specific advance permission of the owner or occupant.

(2) A person, while hunting for any wild bird or mammal, may not shoot or discharge any firearm within 300 yards of a public or nonpublic school during school hours or at a time when a school–approved activity is taking place.

(3) (i) For archery hunters in Calvert County, Carroll County, Frederick County, Harford County, Montgomery County, or St. Mary’s County, the safety zone described in paragraph (1) of this subsection extends for 50 yards from a dwelling house, residence, church, or any other building or camp occupied by human beings.

(ii) For archery hunters in Anne Arundel County, the safety zone described in paragraph (1) of this subsection extends for 100 yards from a dwelling house, residence, church, or any other building or camp occupied by human beings.

(4) During any open hunting season, a person, other than the owner or occupant, may not hunt or chase willfully any wild bird or mammal within the safety zone without the specific advance permission of the owner or occupant.

(5) In Harford County [or Montgomery County], an archery hunter shall use a tree stand when hunting any wild bird or mammal within 50 to 100 yards of a dwelling house, residence, church, public or nonpublic school, or other building or camp occupied by human beings.

(6) IN MONTGOMERY COUNTY, AN ARCHERY HUNTER SHALL BE IN AN ELEVATED POSITION THAT ALLOWS THE HUNTER TO SHOOT IN A DOWNWARD TRAJECTORY WHEN HUNTING ANY WILD BIRD OR MAMMAL WITHIN 50 TO 100 YARDS OF A DWELLING HOUSE, RESIDENCE, CHURCH, PUBLIC OR NONPUBLIC SCHOOL, OR OTHER BUILDING OR CAMP OCCUPIED BY HUMAN BEINGS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 124

(House Bill 177)

AN ACT concerning

Montgomery County – Alcoholic Beverages – Inspections, Food Sales Requirements, and Hours and Days of Sale

MC 5–18

FOR the purpose of repealing certain provisions of law requiring certain licensed premises in Montgomery County to be inspected at least monthly during the initial license year; repealing certain provisions of law that require a holder of a Class BD–BWL or Class D beer, wine, and liquor license in Montgomery County to maintain a certain ratio of gross receipts from the sale of food to gross receipts from the sale of alcoholic beverages during certain hours on certain days; altering the content of certain sworn statements of holders of certain licenses relating to the availability of certain food during certain hours; requiring the Montgomery County

Board of License Commissioners to adopt certain regulations; repealing the authority of the Board to revoke certain alcoholic beverages licenses under certain circumstances; requiring the Board of License Commissioners for Montgomery County to adopt regulations to require inspections of a premises for which the Board issues a license at least quarterly during the initial license year and periodically thereafter; exempting certain licensed premises from the inspection requirement; altering the hours and days of sale of a holder of a Class BD–BWL license; making a stylistic change; and generally relating to the sale of alcoholic beverages in Montgomery County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages
Section 25–102 and 25–902(a)
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages
Section 25–902(d), 25–903, 25–906, and 25–2005(f) and (i)
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY adding to

Article – Alcoholic Beverages
Section 25–1611
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

25–102.

This title applies only in Montgomery County.

25–902.

- (a) There is a Class B beer, wine, and liquor license.
- (d) The Board shall adopt regulations to[:
 - (1) provide for:
 - (i) periodic inspection of the premises; and

(ii)] PROVIDE FOR audits to determine the ratio of gross receipts from the sale of food to gross receipts from the sale of beer, wine, and liquor]; and

(2) during the initial license year, require:

(i) at least monthly physical inspections of the premises; and

(ii) the license holder to submit to the Board monthly statements showing gross receipts from the sale of food and gross receipts from the sale of beer, wine, and liquor for the preceding month].

25–903.

(a) There is a Class BD–BWL license.

(b) The license authorizes the license holder to sell:

(1) beer and wine for on– or off–premises consumption; and

(2) liquor for on–premises consumption.

(c) As a prerequisite for the initial issuance of the license, the owner of the establishment shall attest in a sworn statement that [gross receipts from food sales will be at least equal to 40% of the gross receipts from the sale of food and alcoholic beverages:

(1) from 9 a.m. to 9 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday; and

(2) from 10 a.m. to 9 p.m. on Sunday] **FOOD WILL BE AVAILABLE FOR SALE FOR ON–PREMISES CONSUMPTION DURING THE HOURS THAT ALCOHOLIC BEVERAGES ARE PERMITTED TO BE SERVED.**

(d) As a prerequisite for each renewal of the license, the owner of the establishment shall attest in a sworn statement that [gross receipts from food sales for the 12–month period immediately preceding the application for renewal have been at least equal to 40% of the gross receipts from the sale of food and alcoholic beverages:

(1) from 9 a.m. to 9 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday; and

(2) from 10 a.m. to 9 p.m. on Sunday] **FOOD WILL BE AVAILABLE FOR SALE FOR ON–PREMISES CONSUMPTION DURING THE HOURS THAT ALCOHOLIC BEVERAGES ARE PERMITTED TO BE SERVED.**

(e) ~~(1)~~ The Board by regulation shall ~~provide for periodic inspection of the premises and [for audits to determine the ratio of gross receipts from the sale of food to~~

~~gross receipts from the sale of alcoholic beverages]~~ SPECIFY THE TYPE OF FOOD THAT IS REQUIRED TO BE AVAILABLE FOR SALE FOR ON-PREMISES CONSUMPTION DURING THE HOURS THAT ALCOHOLIC BEVERAGES ARE PERMITTED TO BE SERVED.

~~(2) Regulations adopted by the Board shall include a requirement of[:~~

~~(i)] at least monthly physical inspections of the premises during the initial license year of any license holder[; and~~

~~(ii) the submission by the license holder to the Board, during the initial license year, of monthly statements showing gross receipts from the sale of food and gross receipts from the sale of alcoholic beverages for the immediately preceding month.~~

~~(f) If a license holder during the initial license year fails to maintain the sales ratio requirement provided in this section for 3 consecutive months or, after the initial license year, for each license or calendar year, the Board may revoke the license.~~

~~(g) The Board may require a license holder to provide supporting data that the Board considers necessary to establish that the requirements of this section relating to the ratio of gross receipts from the sale of food to those from the sale of alcoholic beverages have been met[.~~

[(h)] (F) A holder of a Class BD-BWL license:

(1) may also hold a Class 7 micro-brewery license issued for a location in the county; but

(2) may not hold more than one Class BD-BWL license.

[(i)] On 7 days of the week, the hours of sale are:

(1) for on-premises consumption:

(i) from 9 a.m. to 2 a.m. the following day, on Monday, Tuesday, Wednesday, and Thursday;

(ii) from 9 a.m. to 3 a.m. the following day, on Friday and Saturday;

(iii) from 10 a.m. to 3 a.m. the following day, on Sunday when the following day has been designated by the federal government as one of the following holidays:

1. Washington's Birthday;

2. Memorial Day;

3. Independence Day;
4. Labor Day;
5. Veterans Day; or
6. Christmas; or

(iv) from 10 a.m. to 2 a.m. the following day, on a Sunday that is not referenced in item (iii) of this paragraph; and

- (2) for off–premises consumption, from 6 a.m. to 1 a.m. the following day.]

[(j)] (G) The annual license fee is \$3,500.

25–906.

(a) There is a Class D beer, wine, and liquor license.

(b) The Board may issue the license to an owner of an establishment if:

(1) before the issuance of the license, the owner attests in a sworn statement that [gross receipts from food sales will be at least equal to 40% of the gross receipts from the sale of food and alcoholic beverages:

(i) from 9 a.m. to 9 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday; and

(ii) from 10 a.m. to 9 p.m. on Sunday] **FOOD WILL BE AVAILABLE FOR SALE FOR ON–PREMISES CONSUMPTION DURING THE HOURS THAT ALCOHOLIC BEVERAGES ARE PERMITTED TO BE SERVED;** and

(2) before each renewal of the license, the owner attests in a sworn statement that [the gross receipts from food sales for the 12 months immediately before the application for renewal have been at least equal to 40% of the gross receipts from the sale of food and alcoholic beverages:

(i) from 9 a.m. to 9 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday; and

(ii) from 10 a.m. to 9 p.m. on Sunday] **FOOD WILL BE AVAILABLE FOR SALE FOR ON–PREMISES CONSUMPTION DURING THE HOURS THAT ALCOHOLIC BEVERAGES ARE PERMITTED TO BE SERVED.**

(c) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption.

(d) The Board shall adopt regulations:

~~(1) (H) to provide for:~~

~~(i)] periodic inspection of the premises; and~~

~~(ii) [audits to determine the ratios of gross receipts from the sale of food to gross receipts from the sale of alcoholic beverages];~~ **THAT SPECIFY THE TYPE OF FOOD THAT IS REQUIRED TO BE AVAILABLE FOR SALE FOR ON-PREMISES CONSUMPTION DURING THE HOURS THAT ALCOHOLIC BEVERAGES ARE PERMITTED TO BE SERVED; and**

~~(2) during the initial license year, to require:~~

~~(i)] at least monthly physical inspections of the premises; and~~

~~(ii) the license holder to submit to the Board monthly statements showing gross receipts from the sale of food and gross receipts from the sale of alcoholic beverages for the preceding month.~~

~~(e) (1) The Board may revoke the license if the license holder fails to maintain the ratio of gross receipts from the sale of food to gross receipts from the sale of alcoholic beverages required under this section:~~

~~(i) during the initial license year, for 3 consecutive months; or~~

~~(ii) after the initial license year, for each license or calendar year.~~

~~(2) The Board may require the license holder to provide supporting data as the Board considers necessary to establish that the license holder has met the requirements of this section relating to the ratio of gross receipts from the sale of food to gross receipts from the sale of alcoholic beverages].~~

[(f)] (E) The annual license fee is \$3,000.

25-1611.

(A) THIS SECTION DOES NOT APPLY TO A PREMISES FOR WHICH THE BOARD ISSUES A LICENSE UNDER SUBTITLE 13 OF THIS TITLE.

(B) THE BOARD SHALL ADOPT REGULATIONS TO REQUIRE AT LEAST QUARTERLY INSPECTIONS OF A LICENSED PREMISES DURING THE INITIAL LICENSE YEAR AND PERIODIC INSPECTIONS THEREAFTER.

25–2005.

(f) A holder of a Class BD–BWL beer, wine, and liquor license may sell beer, wine, and liquor:

(1) for on–premises consumption[, on Monday through Sunday, from 10 a.m. to 2 a.m. the following day]:

(I) **ON MONDAY THROUGH THURSDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY;**

(II) **ON FRIDAY AND SATURDAY, FROM 9 A.M. TO 3 A.M. THE FOLLOWING DAY; AND**

(III) **ON SUNDAY:**

1. **FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY; OR**

2. **FROM 10 A.M. TO 3 A.M. THE FOLLOWING DAY IF THE FEDERAL GOVERNMENT HAS DESIGNATED THE FOLLOWING DAY A PUBLIC HOLIDAY;**
and

(2) for off–premises consumption, on Monday through Sunday, from 6 a.m. to 1 a.m. the following day.

(i) (1) Subject to paragraph (2) of this subsection, a holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Thursday, from 9 a.m. to 2 a.m. the following day;

(ii) on Friday and Saturday, from 9 a.m. to 3 a.m. the following day;
and

(iii) on Sunday:

1. from 10 a.m. to 2 a.m. the following day; or

2. from 10 a.m. to 3 a.m. the following day if the federal government has designated the following day as [Washington’s Birthday, Memorial Day, Independence Day, Labor Day, or Christmas] **A PUBLIC HOLIDAY.**

(2) The license holder shall sell or make available food for on–premises consumption during the hours that alcoholic beverages are permitted to be served.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 125

(House Bill 178)

AN ACT concerning

Montgomery County Alcohol Modernization Act of 2018

MC 4-18

FOR the purpose of allowing a dispensary in Montgomery County to sell draft beer in refillable and nonrefillable containers and wine in refillable containers; ~~allowing a dispensary to sell chilled beer, wine, and soft drinks;~~ repealing the prohibition in the county on issuing certain alcoholic beverages licenses for use in conjunction with or on the premises of a bowling alley, ~~or~~ billiard hall, ~~or drugstore~~ or a restaurant in a bowling alley, ~~or~~ billiard hall, ~~or drugstore~~; repealing certain location restrictions in order to allow the Board of License Commissioners to issue a Class B beer, wine, and liquor license throughout the county; ~~repealing certain monthly reporting requirements for certain first-year license holders;~~ altering certain requirements for hotels and motels for which a Class B-BWL (H-M) license is issued; altering the number of Board member votes required to issue a culinary school beer and wine license from a unanimous vote to a majority vote; allowing a certain license applicant to submit a copy of a government-issued photograph to meet a certain requirement; repealing ~~certain restrictions~~ a certain restriction on the issuance of a Class H beer and wine license ~~and a Class D license~~ having to do with gross receipts; allowing an individual of a certain age to be employed in the sale of liquor; altering a certain age requirement for a deliverer of an off-site retail delivery; altering hours of sale for certain licenses; altering a certain requirement concerning possessing an open alcoholic beverages container on private property; ~~altering certain requirements and penalty provisions concerning knowingly selling or providing alcoholic beverages to certain individuals;~~ repealing the prohibition against a pharmacist or pharmacy using or dispensing alcoholic beverages other than those purchased from the County Department of Liquor Control; repealing the prohibition against a person in a vehicle in which alcoholic beverages are present having a smoke screen or other device to prevent the arrest or seizure of the vehicle; defining certain terms; making certain technical changes; and generally relating to alcoholic beverages in Montgomery County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages

Section ~~25–102, 25–902(a), and 25–2005(a)~~ and (b)
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section ~~25–310(d), 25–601, 25–602, 25–604, 25–605, 25–802, 25–803, 25–902~~
~~25–902(b), 25–904, 25–1004, 25–1008, 25–1409, 25–1609, 25–1901, 25–1904,~~
~~25–2002, 25–2004, 25–2005(c), (d), (e), (g), and (h), 25–2704, 25–2705,~~ and
25–2709

Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing

Article – Alcoholic Beverages

Section ~~25–1600, 25–2707,~~ and 25–2708

Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

25–102.

This title applies only in Montgomery County.

25–310.

(d) **(1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(II) “BEER” INCLUDES DRAFT BEER IN REFILLABLE AND NONREFILLABLE CONTAINERS.

(III) “WINE” INCLUDES WINE IN REFILLABLE CONTAINERS.

(2) A dispensary:

~~(1) **MAY SELL, FOR OFF-PREMISES CONSUMPTION;**~~

~~(I) **DRAFT BEER IN REFILLABLE AND NONREFILLABLE CONTAINERS; AND**~~

~~(II) **WINE IN REFILLABLE CONTAINERS;**~~

~~(2)~~ (I) may sell only:

~~(i)~~ 1. except as provided for in subsection (e) of this section, for off-premises consumption~~;~~

~~1.~~ nonchilled beer, wine, ~~and~~ liquor, ~~AND SOFT DRINKS;~~
~~AND~~

~~2.~~ ~~CHILLED BEER, WINE, AND SOFT DRINKS;~~

~~(ii)~~ 2. ice;

~~(iii)~~ 3. bottled water; and

~~(iv)~~ 4. items commonly associated with the serving or consumption of alcoholic beverages, including bottle openers, corkscrews, drink mixes, and lime juice; and

~~(2)~~ ~~(3)~~ (II) may not sell snack foods ~~for soft drinks~~.

~~25-601-~~

~~(a)~~ ~~There is a Class A beer license.~~

~~(b)~~ ~~(1)~~ ~~[Subject to paragraph (2) of this subsection, the]~~ ~~THE~~ license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

~~(2)~~ ~~[A license may not be issued for, for use in conjunction with, or on the premises of:~~

~~(i)~~ ~~a bowling alley, billiard hall, or drugstore or a restaurant located in a bowling alley, billiard hall, or drugstore; or~~

~~(ii)~~ ~~a premises that has a passageway providing direct public access to a bowling alley, billiard hall, or drugstore or a restaurant located in a bowling alley, billiard hall, or drugstore.~~

~~(3)]~~ ~~The license holder shall sell the beer in a sealed package or container.~~

~~(4)~~ ~~(3)~~ ~~The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.~~

~~(e)~~ ~~The annual license fee is \$200.~~

25-602.

(a) There is a Class B beer license.

(b) ~~¶(1)~~ Subject to paragraph (2) of this subsection, ~~the~~ ~~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.

~~¶(2)~~ A license may not be issued for, for use in conjunction with, or on the premises of:

(i) ~~a bowling alley, billiard hall, or drugstore or a restaurant located in a bowling alley, billiard hall, or drugstore; or~~

(ii) ~~a premises that has a passageway providing direct public access to a bowling alley, billiard hall, or drugstore or a restaurant located in a bowling alley, billiard hall, or drugstore.]~~

(c) The annual license fee is \$250.

~~25-604.~~

~~(a) There is a Class D beer license.~~

~~(b) ¶(1) Subject to paragraph (2) of this subsection, the~~ ~~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, for use in conjunction with, or on the premises of:~~

~~(i) a bowling alley, billiard hall, or drugstore or a restaurant located in a bowling alley, billiard hall, or drugstore; or~~

~~(ii) a premises that has a passageway providing direct public access to a bowling alley, billiard hall, or drugstore or a restaurant located in a bowling alley, billiard hall, or drugstore.]~~

~~(c) The annual license fee is \$250.~~

25-605.

(a) There is a Class H beer license.

(b) (1) Subject to [paragraphs (2) through (4)] ~~PARAGRAPH~~ PARAGRAPHS **(2) AND (3)** of this subsection, 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-premises consumption.

(2) ~~¶~~A license may not be issued for, for use in conjunction with, or on the premises of:

(i) a restaurant located in a drugstore; or

(ii) a premises that has a passageway providing direct public access to a drugstore.

~~(3) A license may be issued for a bowling alley if the bowling alley has at least 24 lanes and is equipped with automatic pin setters.~~

~~(4)¶~~ A license may be issued for a public golf course under § 25-1101 of this title.

(c) The annual license fee is \$400.

(d) (1) There is one Class H license that shall be issued to a person who, on June 30, 1997, held a Class B beer license and operated a licensed premises that was located in that portion of the City of Takoma Park that was formerly part of Prince George's County.

(2) The Class H license holder may exercise all of the privileges that the license holder was authorized to exercise on June 30, 1997.

(3) The annual license fee is \$400.

~~25-802.~~

~~(a) There is a Class A beer and wine license.~~

~~(b) (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) ¶(1) Except as provided in paragraph (2) of this subsection, the license may not be issued to or used in conjunction with:~~

~~(i) an establishment that is a bowling alley, billiard hall, or drugstore, or a restaurant in the establishment; or~~

~~(ii) a place with a door, an archway, an opening, or any other passageway providing direct public access to an establishment listed under item (i) of this paragraph.~~

~~(2) Paragraph (1) of this subsection does not apply to the renewal of the license for use by a supermarket that includes a drugstore.~~

~~(d)] The annual license fee is \$250.~~

25-803.

(a) There is a Class B beer and wine license.

(b) 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) ~~]~~The license may not be issued to or used in conjunction with:

(1) an establishment that is a ~~bowling alley, billiard hall, or drugstore,~~ or a restaurant in ~~the establishment~~ **A DRUGSTORE**; or

(2) a place with a door, an archway, an opening, or any other passageway providing direct public access to an establishment listed under item (1) of this subsection.

~~(d)] The annual license fee is \$400.~~

25-902.

(a) There is a Class B beer, wine, and liquor license.

(b) The Board may issue the license to the owner or operator of a restaurant or hotel if:

(1) [the restaurant is located in the 2nd, 3rd, 4th, 6th, 7th, 8th, 9th, 10th, or 13th election district;

(2) the restaurant or hotel is not located in Poolesville or Kensington;

(3)] before the issuance of the license, the owner or operator attests in a sworn statement that gross receipts from food sales in the restaurant or hotel will be at least equal to 40% of the gross receipts from the sale of food and alcoholic beverages; and

~~[(4)] (2)~~ before each renewal of the license, the owner or operator attests in a sworn statement that the gross receipts from food sales in the restaurant or hotel for the 12 months immediately before the application for renewal have been at least equal to 40% of the gross receipts from the sale of food and alcoholic beverages.

~~(e) 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.~~

~~(d) The Board shall adopt regulations to:~~

~~(1) provide for:~~

~~(i) periodic inspection of the premises; and~~

~~(ii) audits to determine the ratio of gross receipts from the sale of food to gross receipts from the sale of beer, wine, and liquor; and~~

~~(2) during the initial license year, require[:~~

~~(i)] at least monthly physical inspections of the premises[; and~~

~~(ii) the license holder to submit to the Board monthly statements showing gross receipts from the sale of food and gross receipts from the sale of beer, wine, and liquor for the preceding month].~~

~~(e) (1) The Board may revoke a license if the license holder fails to maintain the ratio of gross receipts from the sale of food to gross receipts from the sale of alcoholic beverages required under this section:~~

~~(i) during the initial license year, for 3 consecutive months; or~~

~~(ii) after the initial license year, for each license or calendar year.~~

~~(2) The Board may require a license holder to provide supporting data as the Board considers necessary to establish that the license holder has met the requirements of this section relating to the ratio of gross receipts from the sale of food to gross receipts from the sale of alcoholic beverages.~~

~~(f) The annual license fee is \$2,500.~~

25-904.

(a) There is a Class B-BWL (H-M) beer, wine, and liquor license.

(b) The Board may issue the license to the owner of a hotel or motel that[:

(1) is in a building at least three stories tall that was originally constructed for hotel purposes;

(2) has a capital investment of at least \$500,000; and

(3) contains:

(i) at least one passenger elevator;

(ii) at least 100 rooms to accommodate the public; and

(iii) a dining room with facilities for preparing and serving regular meals for at least 125 individuals at one seating] **CONTAINS AT LEAST FIVE ROOMS TO ACCOMMODATE THE PUBLIC.**

(c) The license authorizes the license holder to sell beer, wine, and liquor in accordance with § 25–902 of this subtitle, except that registered guests may be served in their rooms.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out under § 25–2005(e) of this title.

(e) The annual license fee is \$2,500.

25–1004.

(a) There is a BWL Community Performing Arts Facility license.

(b) (1) The Board may issue the license for use by a nonprofit partnership, limited liability company, corporation, or other entity that owns or leases a performing arts facility that:

(i) is used for art classes, banquets, community–related activities, exhibits, live performances, shows, theater productions, visual art shows, and weddings; and

(ii) has:

1. a minimum capacity of 200 individuals; and

2. a maximum capacity of 1,499 individuals.

(2) The Board may not issue more than three licenses to a nonprofit partnership, limited liability company, corporation, or other entity that owns or leases performing arts facilities in separate locations.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor by the drink from one or more outlets on the licensed premises for on-premises consumption.

(2) The Board may impose conditions on the issuance or renewal of the license that establish the areas in the community performing arts facility where beer, wine, and liquor may be sold, served, possessed, or consumed.

(3) The license holder shall ensure that food is provided during the hours beer, wine, and liquor are sold, served, possessed, or consumed.

(d) (1) The holder of a Class B-BWLHR license with catering authority, a local caterer's license, or a State caterer's license may bring alcoholic beverages and food on the licensed premises under the terms of a contract with a holder of a BWL Community Performing Arts Facility license.

(2) A violation of this title that occurs when a caterer brings alcoholic beverages on licensed premises as provided under paragraph (1) of this subsection is the responsibility of the caterer and is not the responsibility of the license holder.

(e) The license holder may sell beer, wine, and liquor from [10 a.m.] 9 A.M. on any day of the week to 2 a.m. the following day.

(f) The license may not be transferred to another location.

(g) The annual license fee is \$750.

25-1008.

(a) There is a culinary school beer and wine license.

(b) The Board, by [unanimous] MAJORITY vote, may issue the license for use on the premises of a private culinary educational institution that:

(1) is accredited by a nationally recognized accrediting association;

(2) is approved by the State Higher Education Commission; and

(3) holds a private educational institution license issued by the county.

(c) (1) The license authorizes the license holder to:

(i) allow the consumption of wine by individuals who are at least 21 years old and registered in a wine tasting course offered by the license holder; and

(ii) allow the consumption of beer and wine by individuals who are at least 21 years old and registered in a culinary or confectionary course offered by the license holder.

(2) An individual may consume beer or wine under the license on the licensed premises.

(d) A license holder may conduct the activities specified in subsection (b) of this section:

(1) from Monday through Thursday, from 9 a.m. to 1 a.m. the following day;

(2) on Friday and Saturday, from 9 a.m. to 2 a.m. the following day; and

(3) on Sunday, from 10 a.m. to 1 a.m. the following day.

(e) The license holder shall provide food during the hours that alcoholic beverages are served.

(f) A license holder may not simultaneously hold a different type of license issued under this article.

(g) The annual license fee is \$400.

25–1409.

(a) This section does not apply to an application for a temporary license issued in accordance with Subtitle 13 of this title.

(b) **(1) [An] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN** applicant shall submit with the application clear and recent photographs and copies of the fingerprints of the applicant and of the person who will be actively in charge of the business to be conducted under the license.

(2) A PHOTOGRAPH SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE A COPY OF A GOVERNMENT–ISSUED PHOTOGRAPH.

~~25–1609.~~

(a) The Board may not issue:

(1) a Class H beer and wine license:

(i) for use in conjunction with, on the site of, or to a restaurant in a drugstore; or

(ii) for use in an establishment with a door, an archway, an opening, or other passageway providing direct public access to a drugstore; or

(2) a Class D license:

(i) for use in conjunction with, on the site of, or to a bowling alley, billiard hall, or drugstore;

(ii) for use in an establishment with a door, an archway, an opening, or other passageway providing direct public access to a bowling alley, billiard hall, or drugstore; or

(iii) for use in conjunction with, on the site of, or to a restaurant in a bowling alley, billiard hall, or drugstore.

~~(b) If the gross receipts from the sale of alcoholic beverages do not exceed the gross receipts from the sale of food, the Board may issue a Class H license to, for use in conjunction with, or on the site of a restaurant in a bowling alley.~~

~~(e)~~ This section does not apply to a drugstore or adjoining establishment that on July 1, 1969:

(1) held a Class D license; and

(2) had a door, an archway, an opening, or other passageway providing direct public access to any drugstore.†

25-1901.

(a) 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) [§ 4-504 (“Employment of underage individuals”);

(4)] § 4-506 (“Evidence of purchaser’s age”); and

~~[(5)]~~ (4) § 4-508 (“Display of license”).

(b) 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 § 25–1904 OF THIS SUBTITLE;**

(2) § 4–505 (“Alcohol awareness program”), subject to §§ 25–1902 and 25–1903 of this subtitle; and

~~[(2)]~~ (3) § 4–507 (“Retail delivery of alcoholic beverages”), subject to § 25–1904 of this subtitle.

25–1904.

(a) **IN ADDITION TO BEING EMPLOYED IN THE SALE OF BEER AND WINE IN ACCORDANCE WITH § 4–504(B) OF THIS ARTICLE, AN INDIVIDUAL AT LEAST 18 YEARS OLD AND UNDER THE AGE OF 21 YEARS MAY BE EMPLOYED IN THE SALE OF LIQUOR.**

(B) A license holder may not make an off–site retail delivery of alcoholic beverages unless:

(1) the deliverer is at least[:

(i) 21 years old; or

(ii) 18 years old and is accompanied by a supervisor who is at least 21 years old] **18 YEARS OLD**; and

(2) the individual taking possession of the delivery provides the deliverer with written certification that is:

(i) in the form described under § 4–506 of this article; and

(ii) supported by documentary proof that the individual is of legal age to purchase alcoholic beverages.

~~[(b)]~~ (C) (1) Each certification executed under this section shall be retained by the license holder for at least 1 year.

(2) A certification shall be available for examination during regular business hours by an authorized representative of the Board.

~~[(c)]~~ (D) The Board shall adopt regulations to carry out this section.

25–2002.

(a) A holder of a Class A beer license may sell beer on Monday through Sunday, from 6 a.m. to 1 a.m. the following day.

(b) A holder of a Class B beer license may sell beer on Monday through Sunday:

(1) for on–premises consumption, from 9 a.m. to [1 a.m.] **2 A.M.** the following day; and

(2) for off–premises consumption, from 6 a.m. to 1 a.m. the following day.

(c) A holder of a Class C beer license may sell beer on Monday through Sunday, from [11 a.m. to midnight] **9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

(d) A holder of a Class D beer license may sell beer on Monday through Sunday:

(1) for on–premises consumption, from 9 a.m. to [1 a.m.] **2 A.M.** the following day; and

(2) for off–premises consumption, from 6 a.m. to 1 a.m. the following day.

(e) A holder of a Class H beer license may sell beer[:

(1)] on Monday through [Saturday] **SUNDAY**, from 9 a.m. to [1 a.m.] **2 A.M.** the following day]; and

(2) on Sunday, from 10 a.m. to 1 a.m. the following day].

25–2004.

(a) A holder of a Class A beer and wine license may sell beer and wine Monday through Sunday, from 6 a.m. to 1 a.m. the following day.

(b) [(1)] A holder of a Class B beer and wine license may sell beer and wine:

[(i)] (1) for on–premises consumption[:],

[1.] on Monday through [Saturday] **SUNDAY**, from 9 a.m. to [1 a.m.] **2 A.M.** the following day]; and

2. on Sunday, from 10 a.m. to 1 a.m. the following day]; and

[(ii)] (2) for off–premises consumption, on Monday through Sunday, from 6 a.m. to 1 a.m. **THE FOLLOWING DAY.**

[(2)] The license holder may not sell beer or wine at a bar or counter on Sunday, from 9 a.m. to 1 a.m. the following day.]

(c) (1) Except as provided in paragraph (2) of this subsection, a holder of a Class B–K beer and wine license may sell beer and wine[:

(i)] on Monday through [Saturday] **SUNDAY**, from 9 a.m. to 1 a.m. the following day[; and

(ii) on Sunday, from 10 a.m. to 1 a.m. the following day].

(2) The license holder may not sell beer or wine after 11 p.m. if the licensed establishment is in a commercial area specified in § 25–1604(b)(1)(ii)9 through 13 of this title.

(d) A holder of a Class C beer and wine license may sell beer and wine on Monday through Sunday, from [11 a.m. to midnight] **9 A.M. TO 2 A.M. THE FOLLOWING DAY**.

(e) A holder of a Class D beer and wine license may sell beer and wine:

(1) for on–premises consumption, on Monday through Sunday, from 9 a.m. to [1 a.m.] **2 A.M.** the following day; and

(2) for off–premises consumption, on Monday through Sunday, from 6 a.m. to 1 a.m. the following day.

(f) A holder of a Class H beer and wine license may sell beer and wine for on–premises consumption[:

(1)] on Monday through [Saturday] **SUNDAY**, from 9 a.m. to [1 a.m.] **2 A.M.** the following day[; and

(2) on Sunday, from 10 a.m. to 1 a.m. the following day].

25–2005.

(a) Reserved.

(b) A holder of a Class A–TP beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 1 a.m. the following day.

(c) (1) Subject to [paragraphs (2) and (3)] **PARAGRAPH (2)** of this subsection, a holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Thursday, from 9 a.m. to 2 a.m. the following day;

(ii) on Friday and Saturday, from 9 a.m. to 3 a.m. the following day; and

(iii) on Sunday:

1. from [10 a.m.] **9 A.M.** to 2 a.m. the following day; or

2. from [10 a.m.] **9 A.M.** to 3 a.m. the following day if the federal government has designated the following day as a public holiday.

(2) [The license holder may not sell beer, wine, or liquor at a bar or counter on Sunday, from 10 a.m. to 1 a.m. the following day.

(3)] The license holder shall sell or make available food for consumption on the premises during the hours that alcoholic beverages are permitted to be served.

(d) (1) Except as provided in paragraph (2) of this subsection, a holder of a Class B–K beer, wine, and liquor license may sell beer, wine, and liquor[:

(i)] on Monday through [Saturday] **SUNDAY**, from 9 a.m. to 1 a.m. the following day]; and

(ii) on Sunday, from 10 a.m. to 1 a.m. the following day].

(2) The license holder may not sell beer, wine, or liquor after 11 p.m. if the licensed establishment is in a commercial area specified in § 25–1604(b)(1)(ii)9 through 13 of this title.

(e) (1) Subject to [paragraphs (2) and (3)] **PARAGRAPH (2)** of this subsection, a holder of a Class B–BWL (H–M) beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Thursday, from 9 a.m. to 2 a.m. the following day;

(ii) on Friday and Saturday, from 9 a.m. to 3 a.m. the following day; and

(iii) on Sunday:

1. from [10 a.m.] **9 A.M.** to 2 a.m. the following day; or

2. from [10 a.m.] **9 A.M.** to 3 a.m. the following day if the federal government has designated the following day as a public holiday.

(2) [The license holder may not sell beer, wine, or liquor at a bar or counter on Sunday, from 10 a.m. to 1 a.m. the following day.

(3)] The license holder shall sell or make available food for consumption on the premises during the hours that alcoholic beverages are permitted to be served.

~~(f) A holder of a Class BD–BWL beer, wine, and liquor license may sell beer, wine, and liquor:~~

~~(1) for on–premises consumption, on Monday through Sunday, from 10 a.m. to 2 a.m. the following day; and~~

~~(2) for off–premises consumption, on Monday through Sunday, from 6 a.m. to 1 a.m. the following day.~~

~~(g) (F)~~ [(1) Subject to paragraph (2) of this subsection, a] **A** holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor[:

(i) on Monday through [Saturday] **SUNDAY**, from 6 a.m. to 2 a.m. the following day]; and

(ii) on Sunday, from 10 a.m. to 2 a.m. the following day.

(2) The license holder may not sell beer, wine, or liquor at a bar or counter on Sunday, from 10 a.m. to 2 a.m. the following day].

~~(h) (G)~~ A holder of a Class C consumption license may allow the on–premises consumption by a member of a corporation, club, or country club from 11 a.m. to 1 a.m. the following day.

~~(i) (1) Subject to paragraph (2) of this subsection, a holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor:~~

~~(i) on Monday through Thursday, from 9 a.m. to 2 a.m. the following day;~~

~~(ii) on Friday and Saturday, from 9 a.m. to 3 a.m. the following day;~~
and

~~(iii) on Sunday:~~

~~1. from 10 a.m. to 2 a.m. the following day; or~~

~~2. from 10 a.m. to 3 a.m. the following day if the federal government has designated the following day as [Washington’s Birthday, Memorial Day, Independence Day, Labor Day, or Christmas] **A PUBLIC HOLIDAY.**~~

~~(2) The license holder shall sell or make available food for on–premises consumption during the hours that alcoholic beverages are permitted to be served.~~

25-2704.

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.

~~25-2705.~~

~~(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.~~

~~(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to:~~

~~(1) a habitual drunkard;~~

~~(2) an individual with an intellectual disability; or~~

~~(3) an individual if a [family member or] guardian has given written notice to the license holder or employee of the license holder not to sell or provide an alcoholic beverage to the individual because of the individual’s physical condition, intemperate habits, or unsound mind.~~

~~[(c) A license holder 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 \$1,000 or both.]~~

[25-2707.

(a) A pharmacist or pharmacy may not use or dispense alcoholic beverages other than those purchased from the County Department of Liquor Control.

(b) A person who violates this section on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both.]

[25-2708.

In a vehicle in which alcoholic beverages are present, a person may not have a smoke screen or other device to prevent the arrest or seizure of the vehicle or an occupant of the vehicle, regardless of whether the device is part of the vehicle.]

25-2709.

(a) Except as specifically authorized or provided in this article and except as provided in subsection (b) of this section, in a licensed establishment or other licensed premises that is open to the public:

- (1) a person may not sell or provide alcoholic beverages; and
- (2) alcoholic beverages may not be consumed.

(b) Subsection (a) of this section does not apply in the room of a registered guest in a hotel that meets the minimum requirements under [§ 6–201(q) of this article] **§ 25–904 OF THIS TITLE**.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 126

(House Bill 220)

AN ACT concerning

**Montgomery County – Housing Opportunities Commission of Montgomery
County – Subsidiary Entities**

MC 18–18

FOR the purpose of providing that a nonprofit entity shall be deemed controlled by the Housing Opportunities Commission of Montgomery County under certain circumstances; altering the applicability of certain tax exemption provisions to include a ~~subsidiary entity of a~~ certain Montgomery County Housing Authority entity; authorizing a housing authority to establish a certain nonprofit entity as a partnership; defining a certain term; and generally relating to the Housing Opportunities Commission of Montgomery County.

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 12–104 and 12–502(h)
Annotated Code of Maryland
(2006 Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Housing and Community Development
Section 12–502(a) and (h)

Annotated Code of Maryland
(2006 Volume and 2017 Supplement)

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

Article – Housing and Community Development

12–104.

(a) **(1)** In this section[,] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) “Baltimore Housing Authority entity” means an entity:

[(1)] (I) that is controlled or wholly owned by the Housing Authority of Baltimore City; or

[(2)] (II) in which the Housing Authority of Baltimore City or an entity controlled or wholly owned by the Housing Authority of Baltimore City has an ownership interest, either directly or indirectly, through one or more wholly or partially owned subsidiary entities.

(3) “**MONTGOMERY COUNTY HOUSING AUTHORITY ENTITY**” MEANS AN ENTITY;

~~**(H)** THAT IS CONTROLLED OR WHOLLY OWNED BY THE HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY; OR~~

~~**(H)** IN WHICH THE HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY OR AN ENTITY CONTROLLED OR WHOLLY OWNED BY THE HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY HAS AN OWNERSHIP INTEREST, EITHER DIRECTLY OR INDIRECTLY, THROUGH ONE OR MORE WHOLLY OR PARTIALLY OWNED SUBSIDIARY ENTITIES.~~

(b) **(1)** A nonprofit entity shall be deemed controlled by the Housing Authority of Baltimore City under subsection **[(a)] (A)(2)** of this section if:

[(1)] (I) the nonprofit entity is established by the Housing Authority of Baltimore City under § 12–502(h) of this title; and

[(2)] (II) the Housing Authority of Baltimore City:

[(i)] 1. has the power to appoint a majority of the board of directors of the nonprofit entity; or

~~[(ii)]~~ 2. is the sole member of the nonprofit entity.

(2) A NONPROFIT ENTITY SHALL BE DEEMED CONTROLLED BY THE HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY UNDER SUBSECTION (A)(3) OF THIS SECTION IF:

(I) THE NONPROFIT ENTITY IS ESTABLISHED BY THE HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY UNDER § 12-502(H) OF THIS TITLE; AND

(II) THE HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY:

1. HAS THE POWER TO APPOINT A MAJORITY OF THE BOARD OF DIRECTORS OF THE NONPROFIT ENTITY; ~~OR~~

2. ~~IS THE SOLE MEMBER OF THE NONPROFIT ENTITY~~ HOLDS A MAJORITY OF ALL MANAGING MEMBER INTERESTS IN THE ENTITY;

3. HOLDS A MAJORITY OF THE GENERAL PARTNER INTERESTS IN THE ENTITY; OR

4. HOLDS A MAJORITY OF ALL OWNERSHIP INTERESTS IN THE ENTITY.

(c) (1) In this subsection, “nonprofit housing corporation” means a nonprofit or charitable private corporation that provides safe and sanitary housing to persons of eligible income in such a way that the corporation works essentially like an authority under this Division II.

(2) Property is used for essential public and governmental purposes and is exempt from all taxes and special assessments of the State or a political subdivision if the property:

(i) belongs to an authority or a nonprofit housing corporation; or

(ii) is used as housing for persons of eligible income and is owned in whole or in part, directly or indirectly, through one or more wholly or partially owned subsidiary entities of:

~~1.~~ a Baltimore Housing Authority entity; **OR**

~~2.~~ (III) IS USED AS HOUSING FOR PERSONS OF ELIGIBLE INCOME AND IS OWNED BY A MONTGOMERY COUNTY HOUSING AUTHORITY ENTITY.

(3) In lieu of those taxes and special assessments, an authority, a nonprofit housing corporation, [or] a Baltimore Housing Authority entity, **OR A MONTGOMERY COUNTY HOUSING AUTHORITY ENTITY** shall pay the political subdivision in which a housing project is wholly or partly located an amount, if any, that may be set by mutual agreement and that does not exceed the amount of regular taxes levied on similar property.

(d) (1) Except as provided in paragraph (2) or (3) of this subsection:

(i) all real property of an authority is exempt from levy and sale by virtue of an execution;

(ii) an execution or other judicial process may not issue against the real property; and

(iii) a judgment against an authority is not a charge or lien on the authority's real property.

(2) Paragraph (1) of this subsection does not limit a right to foreclose or otherwise enforce:

(i) a mortgage or deed of trust recorded against property of an authority; or

(ii) a pledge or lien given by an authority on its rents, fees, or revenues.

(3) This subsection does not deprive a political subdivision of its right to collect money agreed to be paid in lieu of taxes in the same manner as taxes are now or may be collected under State law and the laws of the political subdivision.

12-502.

(a) In addition to any powers set forth elsewhere, an authority has the powers set forth in this section.

(h) An authority may also establish and control nonprofit entities, including corporations, **PARTNERSHIPS**, and limited liability companies, that may own, operate, and take steps necessary or convenient to develop or otherwise undertake housing projects in the authority's area of operation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 127

(House Bill 278)

AN ACT concerning

**Montgomery County – Housing Opportunities Commission – Binding
Arbitration ~~for Wages~~ – Revisions**

MC 14–18

FOR the purpose of requiring a certain employee organization to disclose to certain employees all offers regarding wages made by the Housing Opportunities Commission of Montgomery County during certain collective bargaining negotiations; authorizing the parties to use a certain mediator–arbitrator panel in a collective bargaining impasse under certain circumstances; providing for the membership and selection of a mediator–arbitrator panel; requiring a certain labor relations administrator to name a certain member of the panel by a certain date; requiring the mediator–arbitrator panel to first consider and give the highest priority to the ability of the Montgomery Commission to pay for certain expenses by considering certain factors in considering the terms and conditions of the final offer regarding wages; authorizing the mediator–arbitrator panel of a collective bargaining impasse concerning certain employees of the Housing Opportunities Commission of Montgomery County to include wages in the report choosing the more reasonable final offer; requiring the mediator–arbitrator panel, in determining the more reasonable offer, to consider the bargaining history of certain employees’ wages and comparisons of certain wages; requiring the Executive Director of the Montgomery Commission, on or before a certain date, to submit certain terms or conditions of the final offer regarding wages to the Montgomery Commission; authorizing the Montgomery Commission to accept or reject certain terms and conditions; making certain conforming changes; and generally relating to binding arbitration ~~for wages of employees~~ of the Housing Opportunities Commission of Montgomery County.

BY adding to

Article – Housing and Community Development
Section 16–308.1
Annotated Code of Maryland
(2006 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Housing and Community Development

Section 16–310 and 16–311
Annotated Code of Maryland
(2006 Volume and 2017 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

16–308.1.

AN EMPLOYEE ORGANIZATION CERTIFIED AS EXCLUSIVE REPRESENTATIVE SHALL DISCLOSE TO THE EMPLOYEES REPRESENTED BY THE EMPLOYEE ORGANIZATION ALL OFFERS REGARDING WAGES MADE BY THE MONTGOMERY COMMISSION DURING COLLECTIVE BARGAINING NEGOTIATIONS CONDUCTED UNDER THIS SUBTITLE.

16–310.

(a) (1) If the parties have not reached an agreement on or before December 1 on a collective bargaining agreement that would become effective the following July 1, the parties shall jointly appoint a mediator–arbitrator **PANEL**.

(2) If the parties are unable to agree on a **JOINTLY APPOINTED** mediator–arbitrator **AS REQUIRED UNDER § 16–311 OF THIS SUBTITLE**, the labor relations administrator shall name the **JOINTLY APPOINTED** mediator–arbitrator on or before December 7.

(3) Notwithstanding appointment of the mediator–arbitrator **PANEL**, this subsection does not require beginning mediation–arbitration before the date set forth in subsection (b)(2) of this section.

(b) (1) During the collective bargaining:

(i) either party may declare an impasse and request the services of the mediator–arbitrator **PANEL**; or

(ii) the parties may jointly request the services of a mediator–arbitrator **PANEL** before an impasse is declared.

(2) If the mediator–arbitrator **PANEL** finds in the ~~mediator–arbitrator's~~ discretion **OF THE PANEL** that the parties are at a bona fide impasse, or on February 1, if they still have not agreed on a contract, whichever happens first, the mediator–arbitrator **PANEL** shall require the parties to submit:

(i) a joint memorandum listing all items to which the parties have previously agreed; and

(ii) a separate memorandum of the party's last final offer presented in negotiations on all items to which the parties have not previously agreed.

(c) (1) On or before February 10, if the parties have not agreed on a contract, the mediator–arbitrator PANEL shall hold a nonpublic hearing on the parties' proposals at a time, date, and place chosen by the mediator–arbitrator PANEL.

(2) Each party shall submit evidence or make oral and written argument in support of the party's last final offer.

(3) The mediator–arbitrator PANEL may not open the hearing to a person who is not a party to the mediation–arbitration.

(d) (1) On or before February 15, the mediator–arbitrator PANEL shall issue a report choosing the final offer[, exclusive of wages,] that the mediator–arbitrator PANEL determines to be more reasonable when viewed as a whole.

(2) ~~In~~ SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IN determining the more reasonable offer, the mediator–arbitrator PANEL may consider only:

(i) past collective bargaining contracts between the parties, including the bargaining history that led to the agreement or the precollective bargaining history of employee **WAGES**, hours, benefits, and other working conditions;

(ii) a comparison of **WAGES**, hours, benefits, and conditions of employment of similar employees of other public employers in the Washington Metropolitan Area and in the State;

(iii) a comparison of **WAGES**, hours, benefits, and conditions of employment of similar employees of private employers in Montgomery County;

(iv) the public interest and welfare;

(v) the ability of the employer to finance any economic adjustments required under the proposed agreement;

(vi) the effects of any economic adjustments on the standard of public services normally provided by the employer; and

(vii) the annual increase or decrease in consumer prices for all items as shown in the most recent Consumer Price Index – Wage Earners and Clerical Workers (“CPI–W”) for the Washington–Baltimore Metropolitan Area.

(3) IN CONSIDERING THE TERMS AND CONDITIONS OF THE FINAL OFFER REGARDING WAGES, THE MEDIATOR-ARBITRATOR PANEL SHALL FIRST CONSIDER AND GIVE THE HIGHEST PRIORITY TO THE ABILITY OF THE MONTGOMERY COMMISSION TO PAY FOR ADDITIONAL SHORT-TERM AND LONG-TERM EXPENSES BY CONSIDERING:

(I) THE LIMITS ON THE ABILITY OF THE MONTGOMERY COMMISSION TO RAISE REVENUE;

(II) THE ADDED BURDEN RAISING REVENUE WOULD HAVE ON CUSTOMERS OF THE MONTGOMERY COMMISSION; AND

(III) THE ABILITY OF THE MONTGOMERY COMMISSION TO CONTINUE PROVIDING THE CURRENT LEVEL OF SERVICE TO ITS CUSTOMERS.

~~(3)~~ **(4)** In determining the more reasonable offer, the mediator-arbitrator **PANEL** shall consider that all items on which the parties agreed before the mediation-arbitration are integrated with each offer.

~~(4)~~ **(5)** The mediator-arbitrator **PANEL** may not receive or consider the history of collective bargaining relating to the immediate dispute, including any offers of settlement not contained in the offer submitted to the mediator-arbitrator **PANEL**.

(e) The mediator-arbitrator **PANEL** may not compromise or alter the final offer that the mediator-arbitrator **PANEL** chooses.

(f) (1) Subject to ~~paragraph (2)~~ **PARAGRAPHS (2) AND (5)** of this subsection and without ratification by the parties, the offer that the mediator-arbitrator **PANEL** chooses as integrated with the items on which the parties previously agreed is the final agreement between the Montgomery Commission and the exclusive representative.

(2) The economic provisions of the final agreement are subject to funding by the Montgomery Commission.

(3) ~~The~~ **EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, THE** Montgomery Commission shall appropriate money in the Montgomery Commission's final budget for all economic provisions of the final agreement.

(4) The parties shall execute an agreement that incorporates the final agreement, including arbitration awards and all issues agreed to under this section.

(5) (I) ON OR BEFORE APRIL 1 OR A LATER DATE DETERMINED BY MUTUAL AGREEMENT OF THE PARTIES DUE TO EXTENUATING CIRCUMSTANCES, THE EXECUTIVE DIRECTOR OF THE MONTGOMERY COMMISSION SHALL SUBMIT TO THE

MONTGOMERY COMMISSION ANY TERM OR CONDITION OF THE FINAL OFFER REGARDING WAGES THAT REQUIRES:

1. AN APPROPRIATION OF FUNDS; OR

2. THE ADOPTION OF A REGULATION THAT MAY RESULT IN A PRESENT OR FUTURE FISCAL IMPACT ON THE MONTGOMERY COMMISSION OR ITS CUSTOMERS.

(II) THE MONTGOMERY COMMISSION MAY ACCEPT OR REJECT ALL OR PART OF ANY TERM OR CONDITION THAT THE EXECUTIVE DIRECTOR IS REQUIRED TO SUBMIT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(g) The Montgomery Commission and the employee organization shall share the costs of the ~~arbitrator's~~ **MEDIATOR-ARBITRATOR PANEL'S** services equally.

16-311.

(a) A mediator PANEL may be used in collective bargaining when:

(1) the Montgomery Commission and the employee organization agree to mediation; or

(2) an impasse results, and the Montgomery Commission or the employee organization requests mediation.

(b) (1) The Montgomery Commission and the employee organization [together] shall:

(I) EACH choose [the] ONE mediator from a list supplied by the American Arbitration Association or the Federal Mediation and Conciliation Service; AND

(II) TOGETHER CHOOSE A THIRD MEDIATOR FROM A LIST SUPPLIED BY THE AMERICAN ARBITRATION ASSOCIATION OR THE FEDERAL MEDIATION AND CONCILIATION SERVICE.

(2) If the Montgomery Commission and the employee organization cannot agree on a JOINTLY APPOINTED mediator, the labor relations administrator shall choose the THIRD mediator.

(c) The Montgomery Commission and the employee organization shall share the costs of mediation equally.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 128

(House Bill 218)

AN ACT concerning

Prince George's County – Utility Services – Master Meters and Task Force

PG 429–18

FOR the purpose of prohibiting the Public Service Commission from authorizing the use of a master meter for certain utility services in certain residential multiple occupancy buildings in Prince George's County; prohibiting the Washington Suburban Sanitary Commission from authorizing the use of a master meter for water and sewer service in certain residential multiple occupancy buildings in the county; providing that conversion of the ownership of certain residential multiple occupancy buildings in the county to condominium or cooperative ownership may not take effect until certain individual meters for certain services have been installed for each individual unit and for common areas; establishing the Task Force on the Use of Master Meters for Utility Services in Prince George's County; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to compile data, study, and make recommendations regarding certain matters; requiring the Task Force to submit a final report on its findings and recommendations to the Governor and the members of the Prince George's County Delegation to the General Assembly on or before a certain date; defining a certain term; providing for the application of this Act; providing for the termination of certain provisions of this Act; and generally relating to restrictions on the use of master meters for utility services in Prince George's County.

BY repealing and reenacting, with amendments,
 Article – Public Utilities
 Section 7–304.1 and 23–202
 Annotated Code of Maryland
 (2010 Replacement Volume and 2017 Supplement)

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

Article – Public Utilities

7–304.1.

(a) In this section, “master meter” means a meter used to measure, for billing purposes, the total amount of electricity or natural gas used in a building by a heating, ventilation, and air conditioning system, including the combined use from all individually leased or owned units and all common areas.

(b) **[The] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE** Commission may authorize the use of a master meter in a residential multiple occupancy building for heating, ventilation, and air conditioning services without requiring individual metering or submetering for heating, ventilation, and air conditioning services as provided under § 7–303 or § 7–304 of this subtitle if:

(1) the utility bill for heating, ventilation, and air conditioning services for each individually leased or owned occupancy unit is included in the rent for that unit;

(2) the Commission is satisfied that the use of the master meter for heating, ventilation, and air conditioning services will result in a net savings of energy over the energy savings that would result from individual metering or submetering for heating, ventilation, and air conditioning services; and

(3) each individually leased or owned occupancy unit:

(i) has individual metered service for other energy services; and

(ii) directly receives the utility bill for the other energy services.

(c) Before authorizing the use of a master meter for heating, ventilation, and air conditioning services, the Commission may review the proposed allocation of heating, ventilation, and air conditioning system expenses among individual units and common areas served by the master meter.

(d) **(1) THIS SUBSECTION APPLIES ONLY IN PRINCE GEORGE’S COUNTY.**

(2) THE COMMISSION MAY NOT AUTHORIZE THE USE OF A MASTER METER IN A RESIDENTIAL MULTIPLE OCCUPANCY BUILDING THAT IS:

(I) CONSTRUCTED FOR CONDOMINIUM OR COOPERATIVE OWNERSHIP; OR

(II) CONVERTED TO CONDOMINIUM OR COOPERATIVE OWNERSHIP.

(3) IN THE CASE OF A RESIDENTIAL MULTIPLE OCCUPANCY BUILDING IN WHICH THE COMMISSION HAS PREVIOUSLY AUTHORIZED THE USE OF A MASTER METER IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION, AND THAT IS INTENDED TO BE CONVERTED TO CONDOMINIUM OR COOPERATIVE OWNERSHIP,

THE CONVERSION OF OWNERSHIP MAY NOT TAKE EFFECT UNTIL INDIVIDUAL METERS HAVE BEEN INSTALLED FOR EACH INDIVIDUAL DWELLING UNIT AND FOR THE COMMON AREAS OF THE BUILDING.

(E) In accordance with § 7-301 of this subtitle, an electric company or a gas company may inspect and test a master meter authorized for use by the Commission under this section.

23-202.

(a) (1) If property abuts on a street or right-of-way in which a water main or sanitary sewer is installed, the Commission shall provide a service connection from the water main or sanitary sewer to the property line of the abutting lot.

(2) The service connection shall be constructed by and at the expense of the Commission and shall be paid for in accordance with this division.

(b) (1) When the Commission declares a water main or sewer complete, after notice, every abutting property owner may hook up spigots, hydrants, toilets, and waste drains with the water main or sewer, as appropriate, within the time set by the Commission.

(2) If the fixtures described in paragraph (1) of this subsection do not exist or if the Commission determines that they are improper or inadequate, the property owner shall install satisfactory equipment.

(c) (1) Any cesspool, sink drain, outhouse, or well that is polluted or a menace to health shall be abandoned and left in a way that it cannot be used or pose a risk to the public health.

(2) The Commission shall determine the disposition of these facilities.

(d) (1) After the construction or acquisition of a water main or sewer, the Commission may order a property owner or occupant who refuses to connect to the water main or sewer to hook up to the water main or sewer if:

(i) a condition exists that appears to be a menace to the health of the occupants of the property or the occupants of a nearby or adjoining property;

(ii) the property on which the condition exists abuts the water main or sewer;

(iii) the Commission gives the owner or occupant 10 days' notice and an opportunity to be heard; and

(iv) the Commission determines the condition to be a menace to the health of the occupants of the property or the occupants of a nearby or adjoining property.

(2) (i) If the Commission determines that a condition exists as provided in paragraph (1) of this subsection, the Commission shall pass an order that requires that the property hookup be made in not less than 30 days or more than 90 days of the issuance of the order.

(ii) The property owner or occupant may not refuse to comply with the order or violate any of the other provisions of this section.

(iii) As provided in the Administrative Procedure Act, the property owner or occupant may seek judicial review of the decision of the Commission.

(E) (1) IN THIS SUBSECTION, “MASTER METER” MEANS A METER USED TO MEASURE, FOR BILLING PURPOSES, THE TOTAL AMOUNT OF WATER AND SEWER USAGE IN A BUILDING, INCLUDING THE COMBINED USE FROM ALL INDIVIDUALLY LEASED OR OWNED UNITS AND ALL COMMON AREAS.

(2) THIS SUBSECTION APPLIES ONLY IN PRINCE GEORGE’S COUNTY.

(3) THE COMMISSION MAY NOT AUTHORIZE THE USE OF A MASTER METER FOR WATER AND SEWER SERVICE IN A RESIDENTIAL MULTIPLE OCCUPANCY BUILDING THAT IS CONSTRUCTED OR CONVERTED TO CONDOMINIUM OR COOPERATIVE OWNERSHIP.

(4) IN THE CASE OF A RESIDENTIAL MULTIPLE OCCUPANCY BUILDING IN WHICH THE COMMISSION HAS PREVIOUSLY AUTHORIZED THE USE OF A MASTER METER UNDER THIS SECTION, AND THAT IS INTENDED TO BE CONVERTED TO CONDOMINIUM OR COOPERATIVE OWNERSHIP, THE CONVERSION OF OWNERSHIP MAY NOT TAKE EFFECT UNTIL INDIVIDUAL METERS HAVE BEEN INSTALLED FOR EACH INDIVIDUAL DWELLING UNIT AND FOR THE COMMON AREAS OF THE BUILDING.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force on the Use of Master Meters for Utility Services in Prince George’s County.

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

(1) one member of the Senate of Maryland from Prince George’s County, appointed by the President of the Senate;

(2) one member of the House of Delegates from Prince George’s County, appointed by the Speaker of the House;

(3) the General Manager of the Washington Suburban Sanitary Commission, or the General Manager’s designee;

(4) one representative of the Office of Community Relations, Common Ownership Communities of Prince George's County; and

(5) two residents of a residential multiple occupancy building that is constructed or converted to condominium or cooperative ownership in Prince George's County, appointed by the County Executive of Prince George's County.

(c) The County Executive of Prince George's County shall designate the chair of the Task Force.

(d) The Office of Community Relations, Common Ownership Communities of Prince George's County shall provide staff for the Task Force.

(e) A member of the Task Force:

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

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

(f) The Task Force shall:

(1) study:

(i) issues related to the use of master meters in residential multiple occupancy buildings that are constructed or converted to condominium or cooperative ownership in Prince George's County; and

(ii) the amount of money that is owed by unit owners as a result of master meters in residential multiple occupancy buildings that are constructed or converted to condominium or cooperative ownership in Prince George's County; and

(2) make recommendations related to money that is owed by unit owners as a result of master meters in residential multiple occupancy buildings that are constructed or converted to condominium or cooperative ownership in Prince George's County.

(g) On or before December 31, 2018, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the members of the Prince George's County Delegation to the General Assembly.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That Section 1 of 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 authorization for utility service to a residential multiple

occupancy building submitted to the Public Service Commission or the Washington Suburban Sanitary Commission before the effective date of this Act.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018. Section 2 of this Act shall remain effective for a period of 13 months and, at the end of June 30, 2019, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, April 10, 2018.

Chapter 129

(House Bill 410)

AN ACT concerning

Maryland–Washington Regional District – Prince George’s County – Municipal Authority

PG/MC 108–18

FOR the purpose of updating an obsolete reference regarding certain concurrent jurisdiction pertaining to signs in municipal corporations and Prince George’s County; repealing certain provisions of law authorizing a municipal corporation in Prince George’s County to enact certain local laws regulating fences; repealing certain provisions of law prohibiting the enactment of a local law that is not less restrictive than certain local laws; correcting a certain reference to the Maryland–Washington Regional District; authorizing the legislative body of a municipal corporation in Prince George’s County to authorize the erection of a fence that exceeds certain height restrictions or limitations under certain circumstances; and generally relating to the authority of municipal corporations in Prince George’s County.

BY repealing and reenacting, with amendments,

Article – Land Use

Section 22–203 and 25–303

Annotated Code of Maryland

(2012 Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – Land Use

Section 25–101

Annotated Code of Maryland

(2012 Volume and 2017 Supplement)

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

Article – Land Use

22–203.

[(a)] A municipal corporation in Prince George’s County shall have concurrent authority in its boundaries with the county ~~Department of~~ [Environmental Resources, Licenses and Inspections Group] ~~PERMITTING, INSPECTION AND ENFORCEMENT DEPARTMENT RESPONSIBLE FOR ISSUING PERMITS~~, to seek compliance with zoning requirements to the extent that the requirements pertain to signs.

[(b)] A municipal corporation in Prince George’s County may enact local laws regulating fences erected in front of the building setback lines on all residential property located in the municipal corporation.

(c) Any local law enacted under this section may not be less restrictive than any local law in effect or subsequently enacted by the county council.]

25–101.

This title applies only in Prince George’s County.

25–303.

(a) This section applies to land in a municipal corporation that is in the [metropolitan] REGIONAL district and is:

- (1) zoned for residential or commercial use; or
- (2) adjacent to residential or commercial zones.

(b) (1) Notwithstanding any other law, and for the purpose of preserving, improving, or protecting the general character and design of lands and improvements in a municipal corporation, the legislative body of the municipal corporation, by local law, may impose stricter or additional conditions, restrictions, or limitations than are otherwise required by State, regional, or county zoning laws or agencies exercising zoning and planning jurisdiction over the municipal corporation.

(2) The stricter or additional conditions, restrictions, or limitations may apply only to:

- (i) fences;
- (ii) residential parking; and

(iii) residential storage.

(c) ~~THE~~ NOTWITHSTANDING ANY OTHER LAW, THE LEGISLATIVE BODY OF A MUNICIPAL CORPORATION, BY LOCAL LAW, MAY AUTHORIZE THE ERECTION OF A FENCE THAT EXCEEDS THE HEIGHT RESTRICTIONS OR LIMITATIONS OTHERWISE REQUIRED BY STATE, REGIONAL, OR COUNTY ZONING LAWS OR AGENCIES EXERCISING ZONING AND PLANNING JURISDICTION OVER THE MUNICIPAL CORPORATION.

(D) The legislative body of a municipal corporation may not enact a local law under this section without holding a public hearing on all issues.

[(d)] (E) A municipal corporation that enacts a zoning law in accordance with this section shall deliver a certified copy of the local law to the district council within 5 days after the enactment and at least 30 days before the effective date of the local law.

[(e)] (F) (1) If the district council does not approve the local law before the effective date of the local law, the local law shall be considered disapproved and may not take effect.

(2) The local law may not take effect unless approved by the district council.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 130

(House Bill 419)

AN ACT concerning

Washington Suburban Sanitary Commission – Office of the Inspector General

PG/MC 101–18

FOR the purpose of establishing an Office of the Inspector General in the Washington Suburban Sanitary Commission; providing for the appointment, qualifications, and term of the inspector general; providing for the establishment, membership, qualifications, and function of an appointment committee; prohibiting the inspector general from participating in a certain merit system but authorizing the inspector

general to participate in a certain employee benefits program under certain terms and conditions; authorizing the Commission to offer a certain supplemental employee benefits program to an inspector general under certain circumstances; authorizing the Commission to remove an inspector general under certain circumstances; prohibiting the inspector general from holding secondary employment during the inspector general's term; authorizing the inspector general to select certain employees as subordinate staff of the Office subject to certain conditions; authorizing the inspector general to dismiss certain subordinate staff for certain causes; authorizing the inspector general, subject to certain conditions, to retain consultants; establishing the duties of the inspector general and of the Office; authorizing the Commission to include a certain audit in another certain audit; authorizing the Office to conduct certain investigations, analyses, audits, and reviews, provide management advisories, and utilize the assistance of certain other persons; requiring the inspector general to comply with generally accepted government auditing standards under certain circumstances; requiring the inspector general to submit certain written reports to the Commission for publication on the Commission's website; prohibiting the inspector general from disclosing certain information that is protected from disclosure; authorizing the inspector general to make certain oral reports under certain circumstances; requiring the inspector general to establish and follow procedures for safeguarding the identity of confidential sources and protecting confidential information; requiring the Commission to publish certain reports on its website; requiring the inspector general to report certain allegations to certain persons under certain circumstances; requiring the Commission to adopt certain regulations on independent operation of the Office; requiring the inspector general to consult with the Commission to develop a certain work plan and establish certain goals and priorities for the Office; requiring the inspector general to make the work plan available to the public, subject to certain laws; requiring the inspector general to coordinate with certain persons for certain purposes under certain circumstances; requiring the Commission to include in its annual budget proposal certain amounts for the Office; requiring the Commission's general counsel to provide certain legal services to the inspector general under certain circumstances; authorizing the inspector general to employ and be represented by a special legal counsel without the consent of the general counsel under certain circumstances; requiring a Commission employee or official or a vendor of the Commission to promptly provide certain information to the inspector general under certain circumstances; requiring the inspector general to notify certain persons if a Commission employee or official fails to provide certain information; requiring the Commission chair, vice chair, or executive director to take certain action under certain circumstances; requiring the Commission officers to take certain action under certain circumstances; providing that a Commission employee should report any fraud, waste, or abuse to the Office; prohibiting a Commission employee, vendor, or employee of a vendor from being retaliated against, penalized, or threatened with retaliation for certain actions; prohibiting the inspector general from disclosing the identity of a certain person under certain circumstances; authorizing the inspector general or a designated assistant inspector general to administer an oath or affirmation or take an affidavit from any person under certain circumstances; authorizing the Commission to adopt certain

regulations; authorizing the inspector general or a staff member authorized by the inspector general to administer oaths and take depositions and other testimony for certain purposes; providing that the Commission Board of Ethics has primary authority over certain investigations; authorizing the Commission Board of Ethics and its counsel to issue subpoenas for certain purposes; authorizing a certain subpoena to be enforced judicially; authorizing the inspector general to subpoena any person or evidence for a certain purpose; authorizing a court of competent jurisdiction to compel compliance with a certain order or subpoena or testimony or the production of evidence; exempting certain employees of the Commission from a certain merit system; transferring the functions, powers, and duties of the Office of Internal Audit of the Commission to the Office of the Inspector General of the Commission on a certain date; providing that certain employees who are transferred to the Office of the Inspector General shall be transferred without any diminution of certain rights; defining certain terms; and generally relating to the Office of the Inspector General in the Washington Suburban Sanitary Commission.

BY repealing and reenacting, without amendments,

Article – Public Utilities

Section 17–101 and 19–101

Annotated Code of Maryland

(2010 Replacement Volume and 2017 Supplement)

BY adding to

Article – Public Utilities

Section 17–601 through 17–609 to be under the new subtitle “Subtitle 6. Office of the Inspector General”

Annotated Code of Maryland

(2010 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Utilities

Section 18–106 ~~and 18–107~~, 18–107, and 19–106

Annotated Code of Maryland

(2010 Replacement Volume and 2017 Supplement)

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

Article – Public Utilities

17–101.

- (a) There is a Washington Suburban Sanitary Commission.
- (b) The Commission has jurisdiction over the sanitary district.

SUBTITLE 6. OFFICE OF THE INSPECTOR GENERAL.

17-601.

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

(B) (1) "ABUSE" MEANS AN EMPLOYEE'S INTENTIONAL MISCONDUCT OR MISUSE OF AUTHORITY OR POSITION:

(I) INVOLVING COMMISSION PROPERTY OR FUNDS THAT IS IMPROPER OR DEFICIENT WHEN COMPARED TO CONDUCT A PRUDENT PERSON WOULD CONSIDER REASONABLE UNDER THE SAME FACTS AND CIRCUMSTANCES; OR

(II) FOR THE PURPOSE OF FURTHERING IMPROPERLY THE PRIVATE INTERESTS OF THE EMPLOYEE, A FAMILY MEMBER, OR A CLOSE PERSONAL OR BUSINESS ASSOCIATE.

(2) "ABUSE" INCLUDES:

(I) THEFT OR MISAPPROPRIATION OF COMMISSION PROPERTY OR FUNDS; AND

(II) DESTRUCTION OR ALTERATION OF OFFICIAL RECORDS.

(C) (1) "FRAUD" MEANS AN INTENTIONAL ACT OR ATTEMPT TO OBTAIN SOMETHING OF VALUE FROM THE COMMISSION OR ANOTHER PERSON THROUGH WILLFUL MISREPRESENTATION.

(2) "FRAUD" INCLUDES A WILLFUL FALSE REPRESENTATION OF A MATERIAL FACT, WHETHER BY WORDS OR BY CONDUCT, BY FALSE OR MISLEADING ALLEGATIONS, OR BY CONCEALMENT OF THAT WHICH SHOULD HAVE BEEN DISCLOSED, THAT CAUSES THE COMMISSION TO ACT, OR FAIL TO ACT, TO THE DETRIMENT OF THE COMMISSION'S INTEREST.

(D) "OFFICE" MEANS THE OFFICE OF THE INSPECTOR GENERAL.

(E) "VENDOR" MEANS A PARTY OBLIGATED BY CONTRACT OR SUBCONTRACT TO PROVIDE GOODS, SERVICES, OR PROPERTY TO THE COMMISSION FOR CONSIDERATION, INCLUDING CONTRACTS AND SUBCONTRACTS FOR CONSTRUCTION AND PROFESSIONAL SERVICES RELATED TO CONSTRUCTION.

(F) (1) "WASTE" MEANS AN INAPPROPRIATE ACT OR OMISSION BY AN EMPLOYEE WITH CONTROL OVER, OR ACCESS TO, COMMISSION PROPERTY OR FUNDS THAT UNREASONABLY DEPRIVES THE COMMISSION OF VALUE.

(2) “WASTE” INCLUDES MISMANAGEMENT OR OTHER UNINTENTIONAL CONDUCT THAT IS DEFICIENT OR IMPROPER WHEN COMPARED TO CONDUCT A PRUDENT PERSON WOULD CONSIDER NECESSARY TO PRESERVE THE VALUE OF COMMISSION PROPERTY OR FUNDS UNDER THE SAME FACTS AND CIRCUMSTANCES.

17-602.

THERE IS AN OFFICE OF THE INSPECTOR GENERAL IN THE COMMISSION.

17-603.

(A) (1) THE COMMISSION SHALL APPOINT THE INSPECTOR GENERAL.

(2) (I) THE COMMISSION SHALL SELECT THE INSPECTOR GENERAL:

1. SOLELY ON THE BASIS OF PROFESSIONAL ABILITY AND PERSONAL INTEGRITY; AND

2. WITHOUT REGARD TO POLITICAL AFFILIATION.

(II) THE INSPECTOR GENERAL SHALL BE QUALIFIED PROFESSIONALLY BY EXPERIENCE OR EDUCATION IN AUDITING, GOVERNMENT OPERATIONS, OR FINANCIAL MANAGEMENT.

(3) THE COMMISSION SHALL SELECT THE INSPECTOR GENERAL FROM A LIST OF RECOMMENDED CANDIDATES PREPARED BY THE APPOINTMENT COMMITTEE UNDER SUBSECTION (B) OF THIS SECTION BY AN AFFIRMATIVE VOTE OF NOT LESS THAN FOUR COMMISSIONERS.

(B) (1) THE COMMISSION SHALL ESTABLISH AN APPOINTMENT COMMITTEE WHENEVER THE POSITION OF INSPECTOR GENERAL IS VACANT.

(2) THE APPOINTMENT COMMITTEE SHALL REVIEW POTENTIAL CANDIDATES FOR APPOINTMENT AS INSPECTOR GENERAL AND SHALL RECOMMEND CANDIDATES TO THE COMMISSION.

(3) (I) THE APPOINTMENT COMMITTEE CONSISTS OF:

1. ONE COMMISSIONER FROM MONTGOMERY COUNTY;

2. ONE COMMISSIONER FROM PRINCE GEORGE'S COUNTY;

3. ONE MEMBER OF THE PUBLIC SELECTED BY THE MONTGOMERY COUNTY COUNCIL; AND

4. ONE MEMBER OF THE PUBLIC SELECTED BY THE PRINCE GEORGE'S COUNTY COUNCIL.

(II) A MEMBER OF THE APPOINTMENT COMMITTEE WHO IS A MEMBER OF THE PUBLIC SHALL POSSESS:

1. ADVANCED EDUCATION AND EXPERIENCE IN THE MANAGEMENT OF GOVERNMENTAL ENTITIES THAT ARE COMPARABLE TO THE COMMISSION IN SCOPE AND COMPLEXITY;

2. DEMONSTRATED KNOWLEDGE AND EXPERIENCE IN THE APPLICATION OF:

A. GENERALLY ACCEPTED GOVERNMENT AUDITING STANDARDS; AND

B. INTERNAL CONTROL SYSTEMS; AND

3. AN UNDERSTANDING OF THE APPROPRIATE FUNCTIONS OF AN APPOINTMENT COMMITTEE.

(III) A MEMBER OF THE APPOINTMENT COMMITTEE WHO IS A MEMBER OF THE PUBLIC MAY POSSESS DEMONSTRATED KNOWLEDGE AND EXPERIENCE IN THE APPLICATION OF:

1. SUSTAINABLE FINANCIAL MANAGEMENT PRACTICES FOR PUBLIC ENTITIES; AND

2. PUBLIC ACCOUNTABILITY.

(IV) A MEMBER OF THE APPOINTMENT COMMITTEE WHO IS A MEMBER OF THE PUBLIC MAY NOT HAVE ANY OTHER BUSINESS OR CLOSE PERSONAL RELATIONSHIPS WITH THE COMMISSION OR ITS OFFICERS, MANAGERS, OR EMPLOYEES.

(4) (I) THE APPOINTMENT COMMITTEE SHALL INITIALLY PREPARE A LIST OF AT LEAST THREE AND NOT MORE THAN SIX CANDIDATES TO

RECOMMEND FOR APPOINTMENT AS INSPECTOR GENERAL AND SUBMIT THE LIST TO THE COMMISSION.

(II) 1. IF THE COMMISSION IS UNABLE TO SELECT AN INSPECTOR GENERAL FROM THE LIST PREPARED BY THE APPOINTMENT COMMITTEE, THE APPOINTMENT COMMITTEE SHALL PREPARE ONE OR MORE ADDITIONAL LISTS OF RECOMMENDED CANDIDATES AS NEEDED UNTIL THE COMMISSION MAKES A FINAL APPOINTMENT OF AN INSPECTOR GENERAL.

2. THE ADDITIONAL LISTS PREPARED UNDER THIS SUBPARAGRAPH MAY CONTAIN ANY NUMBER OF CANDIDATES.

(5) (I) ON COMPLETION OF THE FINAL APPOINTMENT OF AN INSPECTOR GENERAL, THE APPOINTMENT COMMITTEE IS TERMINATED.

(II) THE COMMISSION SHALL ESTABLISH A NEW APPOINTMENT COMMITTEE WHENEVER THERE IS A VACANCY IN THE POSITION OF INSPECTOR GENERAL.

(C) (1) THE TERM OF THE INSPECTOR GENERAL IS 4 5 YEARS BEGINNING ON THE DATE OF APPOINTMENT.

(2) AN INDIVIDUAL MAY NOT SERVE AS INSPECTOR GENERAL FOR MORE THAN THREE TERMS.

(3) THE INSPECTOR GENERAL MAY NOT PARTICIPATE IN THE MERIT SYSTEM ADOPTED BY THE COMMISSION UNDER TITLE 18, SUBTITLE 1 OF THIS ARTICLE, BUT:

(I) THE INSPECTOR GENERAL MAY PARTICIPATE IN ANY EMPLOYEE BENEFITS PROGRAM THE COMMISSION OFFERS ON THE SAME TERMS AND CONDITIONS AS IT IS OFFERED GENERALLY TO AN EMPLOYEE PARTICIPATING IN THE MERIT SYSTEM; AND

(II) THE COMMISSION MAY OFFER TO AN INDIVIDUAL APPOINTED AS INSPECTOR GENERAL ANY SUPPLEMENTAL EMPLOYEE BENEFIT PROGRAMS THE COMMISSION DETERMINES ARE NECESSARY TO RECRUIT AND RETAIN AN EMPLOYEE WHO DOES NOT PARTICIPATE IN THE MERIT SYSTEM.

(4) (I) THE COMMISSION MAY REMOVE THE INSPECTOR GENERAL BY RESOLUTION ADOPTED BY THE AFFIRMATIVE VOTE OF NOT LESS THAN TWO OF ITS THREE MEMBERS FROM EACH COUNTY FOR NEGLECT OF DUTY, MALFEASANCE, CONVICTION OF A FELONY, OR OTHER GOOD CAUSE.

(II) BEFORE THE COMMISSION MAY ADOPT A RESOLUTION OF REMOVAL, THE COMMISSION OR A DESIGNEE OF THE COMMISSION MUST HOLD A PUBLIC HEARING IF THE INSPECTOR GENERAL REQUESTS A HEARING WITHIN 10 DAYS AFTER THE INSPECTOR GENERAL RECEIVES NOTICE OF PROPOSED REMOVAL FROM THE COMMISSION.

(5) THE INSPECTOR GENERAL SHALL DISCHARGE THE DUTIES OF OFFICE ON A FULL-TIME BASIS AND WITH NO SECONDARY EMPLOYMENT OF ANY NATURE DURING THE INSPECTOR GENERAL'S TERM.

(D) (1) SUBJECT TO BUDGET AUTHORIZATION, APPLICABLE LAW, AND THE PERSONNEL REGULATIONS OF THE COMMISSION, THE INSPECTOR GENERAL MAY SELECT AS SUBORDINATE STAFF OF THE OFFICE ONE OR MORE:

(I) TEMPORARY TERM EMPLOYEES WHO DO NOT PARTICIPATE IN THE MERIT SYSTEM ADOPTED BY THE COMMISSION UNDER TITLE 18, SUBTITLE 1 OF THIS ARTICLE; AND

(II) OTHER EMPLOYEES WHO PARTICIPATE IN THE MERIT SYSTEM.

(2) NOTWITHSTANDING ANY PROVISION OF THE PERSONNEL REGULATIONS TO THE CONTRARY, AN AUDITOR, AN ACCOUNTANT, AN INVESTIGATOR, OR A SIMILAR PROFESSIONAL EMPLOYEE APPOINTED AS SUBORDINATE STAFF OF THE OFFICE SHALL BE SUBJECT TO DISMISSAL BY THE INSPECTOR GENERAL ONLY FOR NEGLIGENCE OF DUTY, MALFEASANCE, CONVICTION OF A FELONY, OR OTHER GOOD CAUSE.

(E) SUBJECT TO BUDGET AUTHORIZATION AND THE APPLICABLE PROCUREMENT REGULATIONS, THE INSPECTOR GENERAL MAY RETAIN CONSULTANTS BY CONTRACT.

17-604.

(A) THE INSPECTOR GENERAL MAY:

(1) INVESTIGATE MISMANAGEMENT, MISCONDUCT, FRAUD, WASTE, AND ABUSE AT THE COMMISSION; AND

(2) CONDUCT AN ANNUAL AUDIT OF THE COMMISSION AS NEEDED.

(B) IF THE INSPECTOR GENERAL CONDUCTS AN AUDIT UNDER SUBSECTION (A)(2) OF THIS SECTION, THE INSPECTOR GENERAL SHALL SUBMIT TO THE COMMISSION AND THE COUNTY EXECUTIVES OF MONTGOMERY COUNTY AND

PRINCE GEORGE'S COUNTY A COPY OF THE AUDIT AND A SUMMARY OF THE REPORTS AND INVESTIGATIONS MADE BY THE INSPECTOR GENERAL IN ACCORDANCE WITH THIS SECTION.

(C) THE COMMISSION MAY INCLUDE ANY AUDIT BY THE INSPECTOR GENERAL IN THE AUDIT OF THE COMMISSION PUBLISHED UNDER § 17-401 OF THIS TITLE.

17-605.

(A) THE OFFICE SHALL:

(1) ASSIST THE COMMISSION BY PROVIDING INDEPENDENT EVALUATION AND RECOMMENDATIONS REGARDING OPPORTUNITIES TO:

(I) PRESERVE THE COMMISSION'S REPUTATION; AND

(II) IMPROVE THE EFFECTIVENESS, PRODUCTIVITY, OR EFFICIENCY OF COMMISSION PROGRAMS, POLICIES, PRACTICES, AND OPERATIONS;

(2) ENSURE PUBLIC ACCOUNTABILITY BY PREVENTING, INVESTIGATING, AND REPORTING INSTANCES OF FRAUD, WASTE, AND ABUSE OF COMMISSION PROPERTY OR FUNDS;

(3) EXAMINE, EVALUATE, AND REPORT ON THE ADEQUACY AND EFFECTIVENESS OF THE SYSTEMS OF INTERNAL CONTROLS AND THEIR RELATED ACCOUNTING, FINANCIAL, TECHNOLOGY, AND OPERATIONAL POLICIES; ~~AND~~

(4) REPORT NONCOMPLIANCE WITH AND PROPOSE WAYS TO IMPROVE EMPLOYEE COMPLIANCE WITH APPLICABLE LAW, POLICY, AND ETHICAL STANDARDS OF CONDUCT;

(5) CONDUCT AUDITS AS REQUIRED UNDER § 25-405 OF THIS ARTICLE; AND

(6) CONDUCT OTHER AUDITS RELATED TO THE OPERATION OF THE COMMISSION.

(B) IN DEVELOPING RECOMMENDATIONS, THE OFFICE MAY:

(1) CONDUCT ADMINISTRATIVE INVESTIGATIONS, BUDGETARY ANALYSES, AND FINANCIAL, MANAGEMENT, OR PERFORMANCE AUDITS AND SIMILAR REVIEWS;

(2) PROVIDE MANAGEMENT ADVISORIES; AND

(3) UTILIZE THE ASSISTANCE FROM ANY OTHER GOVERNMENT AGENCY OR PRIVATE PARTY TO COMPLETE A PROJECT INITIATED BY THE OFFICE.

(C) WHEN APPLICABLE, THE INSPECTOR GENERAL SHALL COMPLY WITH GENERALLY ACCEPTED GOVERNMENT AUDITING STANDARDS.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE INSPECTOR GENERAL SHALL SUBMIT WRITTEN REPORTS TO THE COMMISSION FOR PUBLICATION ON THE COMMISSION'S WEBSITE.

(2) THE INSPECTOR GENERAL:

(I) MAY NOT DISCLOSE ANY RECORD, REPORT, OR RELATED INFORMATION THAT IS PROTECTED FROM DISCLOSURE UNDER THE PUBLIC INFORMATION ACT;

(II) MAY PROVIDE AN ORAL REPORT IF APPROPRIATE UNDER GENERALLY ACCEPTED GOVERNMENT AUDITING STANDARDS; AND

(III) SHALL ESTABLISH AND FOLLOW PROCEDURES FOR SAFEGUARDING THE IDENTITY OF CONFIDENTIAL SOURCES AND PROTECTING PRIVILEGED AND CONFIDENTIAL INFORMATION.

(3) THE COMMISSION SHALL PUBLISH WITH ANY REPORT SUBMITTED BY THE INSPECTOR GENERAL ANY OFFICIAL WRITTEN COMMENTS OR RESPONSES OFFERED BY THE COMMISSION'S MANAGEMENT.

(4) THE INSPECTOR GENERAL SHALL ALSO SUBMIT TO THE COMMISSION FOR PUBLICATION ON THE COMMISSION'S WEBSITE PERIODIC REPORTS THAT SUMMARIZE THE ACTIVITIES, FINDINGS, RECOMMENDATIONS, AND ACCOMPLISHMENTS OF THE OFFICE.

(E) IF REASONABLE GROUNDS EXIST TO BELIEVE THAT A SERIOUS VIOLATION OF FEDERAL, STATE, OR LOCAL LAW OR COMMISSION REGULATIONS HAS OCCURRED, THE INSPECTOR GENERAL SHALL REPORT THE ALLEGATION TO:

(1) AN APPROPRIATE LAW ENFORCEMENT AGENCY;

(2) THE STATE ETHICS COMMISSION; ~~OR~~

(3) THE COMMISSION BOARD OF ETHICS; OR

(4) ANY OTHER AGENCY WITH JURISDICTION TO ENFORCE THE LAW.

(F) THE COMMISSION SHALL ADOPT REGULATIONS TO ENSURE THAT THE OFFICE OPERATES INDEPENDENTLY FROM THE MANAGEMENT OF THE COMMISSION.

17-606.

(A) (1) THE INSPECTOR GENERAL SHALL CONSULT WITH THE COMMISSION TO DEVELOP A WRITTEN WORK PLAN AND ESTABLISH PERIODIC GOALS AND PRIORITIES FOR THE OFFICE BASED ON AN ASSESSMENT OF RELATIVE RISKS.

(2) IN DEVELOPING THE WORK PLAN, THE INSPECTOR GENERAL SHALL TAKE INTO CONSIDERATION REQUESTS FROM COMMISSIONERS, COMMISSION OFFICERS, MANAGERS, AND EMPLOYEES, ELECTED OFFICIALS, AND MEMBERS OF THE PUBLIC.

(3) THE INSPECTOR GENERAL SHALL MAKE THE WRITTEN WORK PLAN AVAILABLE TO THE PUBLIC, SUBJECT TO THE PUBLIC INFORMATION ACT.

(B) (1) IN PERFORMING THE DUTIES AUTHORIZED UNDER THIS SUBTITLE, THE INSPECTOR GENERAL SHALL COORDINATE WITH LAW ENFORCEMENT AGENCIES, AGENCY PERSONNEL ADMINISTRATORS, THE STATE ETHICS COMMISSION, THE COMMISSION BOARD OF ETHICS, AND OTHER INTERNAL OFFICIALS OR EXTERNAL ENTITIES AS APPROPRIATE TO AVOID UNNECESSARY DISRUPTION OR DUPLICATION OF EFFORT IN CONDUCTING ANY AUDIT, ANALYSIS, OR ADMINISTRATIVE INVESTIGATION.

(2) THE COMMISSION BOARD OF ETHICS SHALL HAVE PRIMARY AUTHORITY FOR INVESTIGATIONS OF ABUSE RELATED TO ACTIONS SPECIFIED IN § 17-601(B)(1)(II) OF THIS SUBTITLE.

17-607.

(A) THE COMMISSION SHALL INCLUDE IN THE COMMISSION'S ANNUAL OPERATING BUDGET PROPOSAL THE AMOUNTS RECOMMENDED FOR THE OFFICE.

(B) SUBJECT TO BUDGET AUTHORIZATION AND ADEQUATE FUNDS:

(1) THE COMMISSION'S GENERAL COUNSEL SHALL PROVIDE LEGAL SERVICES TO THE INSPECTOR GENERAL AND MAY EMPLOY SPECIAL COUNSEL IF APPROPRIATE OR REQUIRED BY LAW; AND

(2) THE INSPECTOR GENERAL MAY EMPLOY AND BE REPRESENTED BY A SPECIAL LEGAL COUNSEL WITHOUT CONSENT OF THE GENERAL COUNSEL IF THE COMMISSION APPROVES OF A REQUEST AFTER CONSIDERING ANY RECOMMENDATION OR COMMENT OFFERED BY THE GENERAL COUNSEL RELATING TO THE REQUEST.

17-608.

(A) (1) ON REQUEST FROM THE INSPECTOR GENERAL, A COMMISSION EMPLOYEE OR OFFICIAL SHALL PROMPTLY PROVIDE TO THE INSPECTOR GENERAL ANY AVAILABLE DOCUMENT OR OTHER INFORMATION CONCERNING COMMISSION OPERATIONS, BUDGET, PROGRAMS, OR VENDOR CONTRACTS.

(2) (I) THE INSPECTOR GENERAL SHALL NOTIFY THE COMMISSION CHAIR, VICE CHAIR, AND EXECUTIVE DIRECTOR IF ANY COMMISSION EMPLOYEE OR OFFICIAL FAILS TO PROVIDE ANY INFORMATION OR DOCUMENT REQUESTED UNDER THIS SUBSECTION WITH REASONABLE PROMPTNESS.

(II) THE COMMISSION CHAIR, VICE CHAIR, OR EXECUTIVE DIRECTOR SHALL TAKE ADMINISTRATIVE ACTION TO PRODUCE COMPLIANCE WITH A PENDING REQUEST FOR INFORMATION BY THE INSPECTOR GENERAL AS WARRANTED AND APPROPRIATE.

(B) (1) A VENDOR OF THE COMMISSION SHALL PROVIDE TO THE INSPECTOR GENERAL ANY AVAILABLE DOCUMENT OR OTHER INFORMATION CONCERNING ANY COMMISSION VENDOR CONTRACT, INCLUDING DOCUMENTS RELATED TO THE PROCUREMENT OF THE CONTRACT.

(2) (I) THE INSPECTOR GENERAL SHALL PROMPTLY NOTIFY COMMISSION OFFICERS IF ANY VENDOR FAILS TO PROVIDE ANY INFORMATION OR DOCUMENT REQUESTED UNDER THIS SUBSECTION WITH REASONABLE PROMPTNESS.

(II) THE COMMISSION OFFICERS SHALL TAKE APPROPRIATE ADMINISTRATIVE OR CIVIL ACTION TO PRODUCE VENDOR COMPLIANCE WITH A PENDING REQUEST FOR INFORMATION BY THE INSPECTOR GENERAL.

(C) (1) EACH COMMISSION EMPLOYEE SHOULD REPORT ANY FRAUD, WASTE, OR ABUSE TO THE OFFICE.

(2) A COMMISSION EMPLOYEE, VENDOR, OR EMPLOYEE OF ANY VENDOR MAY NOT BE RETALIATED AGAINST OR PENALIZED, OR THREATENED WITH RETALIATION OR PENALTY, FOR PROVIDING INFORMATION TO, COOPERATING WITH,

OR IN ANY WAY ASSISTING THE INSPECTOR GENERAL AND STAFF OF THE OFFICE IN CONNECTION WITH ANY ACTIVITY AUTHORIZED UNDER THIS SUBTITLE.

(3) THE INSPECTOR GENERAL MAY NOT DISCLOSE THE IDENTITY OF A PERSON THAT REPORTS AN ALLEGATION OF FRAUD, WASTE, OR ABUSE UNLESS:

(I) THE REPORTING PERSON CONSENTS TO DISCLOSURE OF THE PERSON'S IDENTITY;

(II) DISCLOSURE IS REASONABLY NECESSARY TO COMPLETE AN AUDIT OR INVESTIGATION; OR

(III) ANOTHER PERSON IS LEGALLY ENTITLED TO DISCLOSURE OF THE IDENTITY OF THE REPORTING PERSON.

(D) THE INSPECTOR GENERAL OR A STAFF MEMBER AUTHORIZED BY THE INSPECTOR GENERAL MAY ADMINISTER AN OATH OR AFFIRMATION OR TAKE AN AFFIDAVIT FROM ANY PERSON IF NECESSARY TO PERFORM THE DUTIES UNDER THIS SUBTITLE.

(E) THE COMMISSION MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

17-609.

(A) THE INSPECTOR GENERAL, OR A STAFF MEMBER AUTHORIZED BY THE INSPECTOR GENERAL, MAY ADMINISTER OATHS AND TAKE DEPOSITIONS AND OTHER TESTIMONY FOR THE PURPOSE OF INVESTIGATING FRAUD, WASTE, OR ABUSE WITHIN THE COMMISSION.

(B) THE INSPECTOR GENERAL MAY SUBPOENA ANY PERSON OR EVIDENCE FOR THE PURPOSE OF INVESTIGATING FRAUD, WASTE, OR ABUSE WITHIN THE COMMISSION.

(C) IF A PERSON FAILS TO COMPLY WITH A LAWFUL ORDER OR SUBPOENA ISSUED UNDER THIS SECTION, ON PETITION OF THE INSPECTOR GENERAL, A COURT OF COMPETENT JURISDICTION MAY COMPEL:

(1) COMPLIANCE WITH THE ORDER OR SUBPOENA; OR

(2) TESTIMONY OR THE PRODUCTION OF EVIDENCE.

18-106.

(a) The Commission shall organize its employees in a manner that promotes the efficient disposition of all matters within the Commission's jurisdiction.

(b) To carry out this division, the Commission may:

(1) organize its employees into departments or other divisional organizations;

(2) establish the functions, duties, and responsibilities of the general manager, secretary, treasurer, chief engineer, general counsel, **INSPECTOR GENERAL**, and other employees the Commission considers necessary; and

(3) appoint, discharge, and set the compensation of its employees in accordance with this subtitle.

18-107.

(a) The Commission may establish a merit system that includes all of its employees except:

(1) the general manager, secretary, treasurer, and chief engineer;

(2) the head of a department; [and]

(3) (I) THE INSPECTOR GENERAL; AND

(II) ANY TEMPORARY EMPLOYEE OF THE OFFICE OF THE INSPECTOR GENERAL APPOINTED UNDER § 17-603 OF THIS ARTICLE; AND

~~[(3)]~~ (4) a part time, temporary, or contract employee.

(b) The Commission may:

(1) appoint or promote a merit system employee to the position of general [manager or] **MANAGER**, department head, **OR INSPECTOR GENERAL** or designate a merit system employee as the general [manager or] **MANAGER**, department head, **OR INSPECTOR GENERAL** on an acting basis;

(2) retain the employee in the merit system in the position or grade from which the employee was appointed or promoted; and

(3) continue to exclude the positions of general [manager and] **MANAGER**, department head, **AND INSPECTOR GENERAL** from the merit system.

19-101.

In this title, “Board” means the Board of Ethics established by the Commission under regulations adopted in accordance with Title 5, Subtitle 8, Part IV of the General Provisions Article.

19–106.

(A) The Board AND ITS COUNSEL EACH may:

(1) administer oaths; AND

(2) ISSUE SUBPOENAS FOR THE ATTENDANCE OF WITNESSES TO TESTIFY OR TO PRODUCE OTHER EVIDENCE.

(B) A SUBPOENA ISSUED UNDER THIS SECTION MAY BE ENFORCED JUDICIALLY.

SECTION 2. AND BE IT FURTHER ENACTED, That the functions, powers, and duties of the Office of Internal Audit of the Washington Suburban Sanitary Commission shall be transferred to the Office of the Inspector General of the Commission on the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That all employees who are transferred to the Office of the Inspector General of the Washington Suburban Sanitary Commission as a result of this Act shall be transferred on the effective date of this Act without any diminution of their rights, including collective bargaining rights, benefits, or employment or retirement status.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 131

(House Bill 752)

AN ACT concerning

Harford County – Alcoholic Beverages – Wine Festival License – Repeal

FOR the purpose of repealing in Harford County the wine festival license that authorizes the display and sale of wine by the holder of a retail license, Class 3 winery license, or Class 4 limited winery license during a certain time period at a certain location; and generally relating to repeal of the wine festival license in Harford County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 22–102
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing
Article – Alcoholic Beverages
Section 22–1304
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

22–102.

This title applies only in Harford County.

[22–1304.

- (a) There is a wine festival (WF) license.
- (b) The Board may issue the license to a holder of a retail license, Class 3 winery license, or Class 4 limited winery license.
- (c) The license authorizes the holder to display and sell wine that is produced and processed in the State.
- (d) A license holder shall display and sell wine:
 - (1) at retail for on– and off–premises consumption; and
 - (2) during the hours and days designated for the wine festival.
- (e) The Board shall choose a location that is not already licensed.
- (f) The license holder may hold another license of a different class or nature.
- (g) The license fee is \$20.
- (h) 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, 2018.

Approved by the Governor, April 10, 2018.

Chapter 132

(House Bill 753)

AN ACT concerning

Harford County – Alcoholic Beverages – Notice of Public Hearings on Regulations

FOR the purpose of altering the requirements for advertising public hearings on the adoption of proposed alterations to regulations by the Board of License Commissioners for Harford County; and generally relating to alcoholic beverages in Harford County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 22–102
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 22–209
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

22–102.

This title applies only in Harford County.

22–209.

- (a) The Board may adopt regulations to carry out this article.
- (b) (1) The Board shall hold public hearings on all proposed alterations of its regulations.

(2) The hearings shall be advertised at least 2 consecutive weeks before the scheduled public hearings [in at least two newspapers of general circulation in the county]:

(I) IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION PUBLISHED IN THE COUNTY; AND

(II) ON THE WEBSITE OF THE BOARD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 133

(House Bill 897)

AN ACT concerning

Harford County – Alcoholic Beverages – License Fees

FOR the purpose of repealing certain license fees for Class B licenses with off-sale liquor privileges in Harford County; and generally relating to alcoholic beverages licenses in Harford County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages
 Section 22–102 and 22–906(a)
 Annotated Code of Maryland
 (2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages
 Section 22–906(e)
 Annotated Code of Maryland
 (2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

22–102.

This title applies only in Harford County.

22–906.

- (a) There is a Class BNR (newly opened restaurant) beer, wine, and liquor license.
- (e) [(1)] The annual license fee is \$3,000.
 - [(2)] Additional fees for Class B licenses with off–sale liquor privileges are:
 - (i) \$350, for a 6–day license; and
 - (ii) \$450, for a 7–day license.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 134

(House Bill 900)

AN ACT concerning

Harford County – Alcoholic Beverages – Clubs, Firehouses, and Multiple Event Licenses

FOR the purpose of authorizing a holder of a certain Class C–1 (organization or club), C–2 (organization or club), or C–3 (country club, topiary garden, or yacht or boat club) license in Harford County to sell or provide beer, wine, or liquor for on–premises consumption by certain nonmembers and guests under certain circumstances; authorizing a fire department in Harford County that holds a multiple event beer and wine license to sell or provide beer and wine for on–premises consumption at an entertainment event held by the fire department or by a person that has rented or leased an area of the licensed premises; requiring the fire department to contract to provide food or ensure that food is available for consumption at a certain event; repealing the Class C–3 multiple event (on–sale) beer, wine, and liquor license in Harford County; and generally relating to alcoholic beverages licenses in Harford County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages

Section 22–102, 22–907(a) and (b), 22–908(a) and (b), 22–909(a) and (b), and 22–1311(a)

Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 22–907(c), 22–908(c), 22–909(c), and 22–1311(b)
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing
Article – Alcoholic Beverages
Section 22–1310
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

22–102.

This title applies only in Harford County.

22–907.

(a) There is:

(1) a 6–day Class C–1 (organization or club) beer, wine, and liquor license;
and

(2) a 7–day Class C–1 (organization or club) beer, wine, and liquor license.

(b) The Board may issue the 6–day license or the 7–day license for use by a war veterans' organization that:

(1) is a nationally chartered nonprofit organization or club;

(2) has been incorporated for at least 5 years immediately preceding filing of the application for the license;

(3) 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;

(4) operates only for the use of members of the war veterans' organization and guests accompanied by members; and

(5) meets in a clubhouse that is principally used for club purposes.

(c) (1) The 6-day license authorizes the license holder to sell or provide beer, wine, and liquor from Monday through Saturday at a club at the place described in the license, for on-premises consumption by members and guests.

(2) The 7-day license authorizes the license holder to sell or provide beer, wine, and liquor from Monday through Sunday at a club at the place described in the license, for on-premises consumption by members and guests.

(3) (I) THE 6-DAY LICENSE AND THE 7-DAY LICENSE AUTHORIZE THE LICENSE HOLDER TO SELL OR PROVIDE BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION BY:

1. NONMEMBERS OF THE CLUB THAT HAVE RENTED OR LEASED AN AREA OF THE LICENSED PREMISES FOR ENTERTAINMENT, A CONFERENCE, OR A SOCIAL EVENT; AND

2. GUESTS WHO ATTEND THE EVENT.

(II) THE LICENSE HOLDER ~~MUST ALSO CONTRACT~~ SHALL:

1. CONTRACT TO PROVIDE FOOD FOR CONSUMPTION AT THE EVENT DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH; OR

2. ENSURE THAT FOOD WILL BE AVAILABLE FOR CONSUMPTION AT THE EVENT DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(III) THIS PARAGRAPH DOES NOT PROHIBIT A CLUB FROM OBTAINING A CLASS C PER DIEM LICENSE.

22-908.

(a) There is:

(1) a 6-day Class C-2 (organization or club) beer, wine, and liquor license;
and

(2) a 7-day Class C-2 (organization or club) beer, wine, and liquor license.

(b) The Board may issue the 6-day license or the 7-day license for use by a fraternal organization that:

- (1) is a lodge or chapter of a nationally chartered fraternal organization;
- (2) is composed of inducted members;
- (3) operates a clubhouse or building:
 - (i) for the use of its members; and
 - (ii) that has facilities for preparing and serving food on the premises to members and guests; and
- (4) has at least 100 members paying the dues that were required by its national organization in the year immediately preceding the year for which the license was applied for or issued, as determined by the Board.

(c) (1) The 6-day license authorizes the license holder to sell or provide beer, wine, and liquor from Monday through Saturday at a club at the place described in the license, for on-premises consumption by members and guests.

(2) The 7-day license authorizes the license holder to sell or provide beer, wine, and liquor from Monday through Sunday at a club at the place described in the license, for on-premises consumption by members and guests.

(3) (I) THE 6-DAY LICENSE AND THE 7-DAY LICENSE AUTHORIZE THE LICENSE HOLDER TO SELL OR PROVIDE BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION BY:

1. NONMEMBERS OF THE CLUB THAT HAVE RENTED OR LEASED AN AREA OF THE LICENSED PREMISES FOR ENTERTAINMENT, A CONFERENCE, OR A SOCIAL EVENT; AND

2. GUESTS WHO ATTEND THE EVENT.

(II) THE LICENSE HOLDER ~~MUST ALSO CONTRACT~~ SHALL:

1. CONTRACT TO PROVIDE FOOD FOR CONSUMPTION AT THE EVENT DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH; OR

2. ENSURE THAT FOOD WILL BE AVAILABLE FOR CONSUMPTION AT THE EVENT DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(III) THIS PARAGRAPH DOES NOT PROHIBIT A CLUB FROM OBTAINING A CLASS C PER DIEM LICENSE.

22–909.

(a) There is:

(1) a 6–day Class C–3 (country club, topiary garden, or yacht or boat club) beer, wine, and liquor license; and

(2) a 7–day Class C–3 (country club, topiary garden, or yacht or boat club) beer, wine, and liquor license.

(b) The Board may issue the 6–day license or the 7–day license for use by:

(1) a country club that:

(i) may be operated for profit or not for profit;

(ii) has at least 75 members paying dues of at least \$50 per year per member; and

(iii) maintains a regular or championship golf course of at least nine holes or a swimming pool that is at least 20 by 40 feet;

(2) a topiary garden that:

(i) operates a public museum and garden for the members of the topiary garden and the public as guests of the members;

(ii) is open to the public for at least 6 days a week for at least 6 hours a day during at least 5 months each year; and

(iii) has food preparation facilities on the premises for the convenience of guests; or

(3) a yacht or boat club that:

(i) may be operated for profit or not for profit;

(ii) owns real property in the county; and

(iii) has at least 150 dues–paying members, of whom at least 50 own a yacht, boat, or other vessel.

(c) (1) The 6–day license authorizes the license holder to sell or provide beer, wine, and liquor from Monday through Saturday at a club at the place described in the license, for on–premises consumption by members and guests.

(2) The 7-day license authorizes the license holder to sell or provide beer, wine, and liquor from Monday through Sunday at a club at the place described in the license, for on-premises consumption by members and guests.

(3) (I) THE 6-DAY LICENSE AND THE 7-DAY LICENSE AUTHORIZE THE LICENSE HOLDER TO SELL OR PROVIDE BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION BY:

1. NONMEMBERS OF THE CLUB THAT HAVE RENTED OR LEASED AN AREA OF THE LICENSED PREMISES FOR ENTERTAINMENT, A CONFERENCE, OR A SOCIAL EVENT; AND

2. GUESTS WHO ATTEND THE EVENT.

(II) THE LICENSE HOLDER ~~MUST ALSO CONTRACT~~ SHALL:

1. CONTRACT TO PROVIDE FOOD FOR CONSUMPTION AT THE EVENT DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH; OR

2. ENSURE THAT FOOD WILL BE AVAILABLE FOR CONSUMPTION AT THE EVENT DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(III) THIS PARAGRAPH DOES NOT PROHIBIT A CLUB FROM OBTAINING A CLASS C PER DIEM LICENSE.

[22-1310.

(a) (1) The Board may issue a Class C-3 multiple event (on-sale) beer, wine, and liquor license.

(2) The license entitles a club to sell or provide beer, wine, and liquor for on-premises consumption by:

(i) nonmembers of the club who have leased an area of the licensed premises for entertainment, a conference, or a social event; and

(ii) guests who attend the event.

(3) This section does not prohibit a club from obtaining a Class C per diem license.

(b) The application shall be on the form that the Board requires and the applicant shall sign it.

(c) (1) The Board may not issue more than one license to a club in a license year.

(2) The total number of days authorized for events held under a license may not exceed 60 in a license year.

(3) A license holder shall notify the Board of an event in writing on a form that the Board provides at least 7 days before each event.

(d) The annual license fees are:

(1) \$250 for not more than 10 events per year;

(2) \$400 for not more than 20 events per year;

(3) \$550 for not more than 30 events per year;

(4) \$700 for not more than 40 events per year; and

(5) \$850 for not more than 60 events per year.]

22–1311.

(a) The Board may issue to a fire department a multiple event beer and wine license.

(b) (1) The license [may be used] **HOLDER MAY SELL OR PROVIDE BEER AND WINE FOR ON-PREMISES CONSUMPTION:**

(I) at an entertainment event held by the fire department; OR

(II) BY A PERSON WHO HAS RENTED OR LEASED AN AREA OF THE LICENSED PREMISES FOR AN EVENT AND GUESTS WHO ATTEND THE EVENT.

(2) **THE LICENSE HOLDER ~~MUST ALSO CONTRACT~~ SHALL:**

(I) CONTRACT TO PROVIDE FOOD FOR CONSUMPTION AT THE EVENT DESCRIBED IN PARAGRAPH(1)(II) OF THIS SUBSECTION; OR

(II) ENSURE THAT FOOD WILL BE AVAILABLE FOR CONSUMPTION AT THE EVENT DESCRIBED IN PARAGRAPH (1)(II) OF THIS SUBSECTION.

(3) This section does not prohibit a fire department from obtaining a Class C per diem license.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 135

(House Bill 901)

AN ACT concerning

Harford County – Alcoholic Beverages – Applications for Licenses and Transfers

FOR the purpose of altering the ownership requirements for certain applicants for certain alcoholic beverages licenses in Harford County; altering the ownership requirements for certain applicants for the transfer of certain alcoholic beverages licenses in Harford County; and generally relating to alcoholic beverages licenses in Harford County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 22–102 and 22–1405(a)(1) and (2)

Annotated Code of Maryland

(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 22–1405(a)(4) and 22–1703(b)

Annotated Code of Maryland

(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

22–102.

This title applies only in Harford County.

22–1405.

(a) (1) A license for the use of a corporation, an unincorporated entity, or a limited liability company shall be applied for by and issued to, as individuals:

- (i) three officers holding a financial interest in the corporation; or
- (ii) three authorized persons holding a financial interest in the limited liability company.

(2) One of the three individual applicants who apply for a license shall be a resident of the county.

(4) For a license issued after July 1, 1984, the resident applicant ~~shall~~:

(i) 1. [except for an applicant for a Class B] **FOR A CLASS A BEER AND WINE LICENSE OR A CLASS A-1 OR CLASS A-2** beer, wine, and liquor license, SHALL own at least 25% of the total corporation, unincorporated entity, or limited liability company; ~~or~~

2. [if an applicant for a Class B beer, wine, and liquor] **FOR ANY TYPE OF LICENSE OTHER THAN ONE SPECIFIED IN ITEM 1 OR 3 OF THIS ITEM OR A CLASS C-1, CLASS C-2, OR CLASS C-3** license, SHALL own at least 10% of the total corporation, unincorporated entity, or limited liability company; OR

3. FOR A CLASS C-1, CLASS C-2, OR CLASS C-3 LICENSE, MAY OWN ANY AMOUNT OR NO AMOUNT OF THE TOTAL CORPORATION, UNINCORPORATED ENTITY, OR LIMITED LIABILITY COMPANY;

(ii) SHALL serve as manager or supervisor; and

(iii) SHALL be physically present on the premises for a substantial amount of time on a daily basis.

22-1703.

(b) (1) This subsection applies to the resident applicant of a licensed establishment for which a license was transferred after July 1, 1984, on behalf of a corporation, an unincorporated entity, or a limited liability company.

(2) The resident applicant ~~shall~~:

(i) 1. [unless] **IF** the transferred license is a [Class B beer, wine, and liquor license as provided in item 2 of this item,] **CLASS A BEER AND WINE LICENSE OR A CLASS A-1 OR CLASS A-2 BEER, WINE, AND LIQUOR LICENSE**, SHALL own at least 25% of the total corporation, unincorporated entity, or limited liability company; ~~or~~

2. if the transferred license is [a Class B beer, wine, and liquor] **ANY TYPE OF LICENSE OTHER THAN ONE SPECIFIED IN ITEM 1 OR 3 OF THIS**

~~ITEM OR A CLASS C-1, CLASS C-2, OR CLASS C-3~~ license, SHALL own at least 10% of the total business; OR

3. FOR A CLASS C-1, CLASS C-2, OR CLASS C-3 LICENSE, MAY OWN ANY AMOUNT OR NO AMOUNT OF THE TOTAL CORPORATION, UNINCORPORATED ENTITY, OR LIMITED LIABILITY COMPANY;

(ii) SHALL serve as manager or supervisor; and

(iii) SHALL be physically present on the premises a substantial amount of time on a daily basis.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 136

(House Bill 1001)

AN ACT concerning

Harford County – Alcoholic Beverages – Sunday Sales at a Bar or Counter

FOR the purpose of repealing the prohibition against holders of certain alcoholic beverages licenses in Harford County from selling certain alcoholic beverages at a bar or counter on Sunday; and generally relating to the sale of alcoholic beverages in Harford County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 22-102

Annotated Code of Maryland

(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 22-2003(b) and (c) and 22-2004(b), (c), and (f)

Annotated Code of Maryland

(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

22–102.

This title applies only in Harford County.

22–2003.

(b) [(1) Subject to paragraph (2) of this subsection, a] **A** holder of a Class B beer and wine license may sell beer and wine on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

[(2) The license holder may not sell beer or wine at a bar or counter on Sunday.]

(c) [(1) Subject to paragraph (2) of this subsection, a] **A** holder of a Class C beer and wine license may sell beer and wine on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

[(2) The license holder may not sell beer or wine at a bar or counter on Sunday.]

22–2004.

(b) [(1) Subject to paragraph (2) of this subsection, a] **A** holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

[(2) The license holder may not sell beer, wine, or liquor at a bar or counter on Sunday.]

(c) [(1) Subject to paragraph (2) of this subsection, a] **A** holder of a Class B–3 beer, wine, and liquor license may sell beer, wine, and liquor:

[(i) **(1)** for a 6–day license, on Monday through Saturday, from 8 a.m. to 2 a.m. the following day; and

[(ii) **(2)** for a 7–day license, on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

[(2) The license holder may not sell beer, wine, or liquor at a bar or counter on Sunday.]

(f) (1) This subsection applies to Class C–1, C–2, and C–3 (on–sale) organization or club beer, wine, and liquor licenses.

(2) A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor:

(i) for a 6–day license, on Monday through Saturday, from 8 a.m. to 2 a.m. the following day; and

(ii) for a 7–day license, on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

[(3) The license holder may not sell beer, wine, and liquor at a bar or counter on Sunday.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 137

(House Bill 1498)

AN ACT concerning

Harford County – Alcoholic Beverages Licenses – Social Organization

FOR the purpose of authorizing a certain social organization in Harford County to seek certain alcoholic beverages licenses under certain circumstances; requiring a social organization seeking a license to meet certain criteria; authorizing a social organization to sell alcoholic beverages during certain times; and generally relating social organizations in Harford County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 22–102

Annotated Code of Maryland

(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 22–909

Annotated Code of Maryland

(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

22–102.

This title applies only in Harford County.

22–909.

(a) There is:

(1) a 6–day Class C–3 (country club, **SOCIAL ORGANIZATION**, topiary garden, or yacht or boat club) beer, wine, and liquor license; and

(2) a 7–day Class C–3 (country club, **SOCIAL ORGANIZATION**, topiary garden, or yacht or boat club) beer, wine, and liquor license.

(b) The Board may issue the 6–day license or the 7–day license for use by:

(1) a country club that:

(i) may be operated for profit or not for profit;

(ii) has at least 75 members paying dues of at least \$50 per year per member; and

(iii) maintains a regular or championship golf course of at least nine holes or a swimming pool that is at least 20 by 40 feet;

(2) **A SOCIAL ORGANIZATION THAT:**

(I) MAY BE OPERATED FOR PROFIT OR NOT FOR PROFIT;

(II) HAS AT LEAST 100 MEMBERS PAYING DUES OF AT LEAST \$200 PER YEAR PER MEMBER;

(III) HAS AT LEAST 51% OF ITS MEMBERSHIP CONSISTING OF:

1. ACTIVE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES;

2. VETERANS OF THE ARMED FORCES OF THE UNITED STATES;

3. ACTIVE OR RETIRED POLICEMEN AND THE SPOUSES AND CHILDREN OF THE ELIGIBLE MEMBERS UNDER ITEMS 1 THROUGH 3 OF THIS ITEM;

(IV) IS SECURED BY ELECTRONIC MEANS AND IS ACCESSIBLE ONLY TO MEMBERS AND THEIR GUESTS OVER THE AGE OF 21;

(V) REQUIRES EACH SERVER OF ALCOHOLIC BEVERAGES AT THE SOCIAL ORGANIZATION TO HOLD A CERTIFICATE OF COMPLETION FROM AN APPROVED ALCOHOL AWARENESS PROGRAM AS DESCRIBED IN § 4-505 OF THIS ARTICLE;

(VI) HAS PARKING FACILITIES TO ACCOMMODATE THE VEHICLES OF MEMBERS AND THEIR GUESTS;

(VII) IS ZONED FOR BUSINESS OR COMMERCIAL USE; AND

(VIII) MAINTAINS A LIST OF ALL ACTIVE MEMBERS AVAILABLE FOR REVIEW BY THE BOARD OF LICENSE COMMISSIONERS.

(3) a topiary garden that:

(i) operates a public museum and garden for the members of the topiary garden and the public as guests of the members;

(ii) is open to the public for at least 6 days a week for at least 6 hours a day during at least 5 months each year; and

(iii) has food preparation facilities on the premises for the convenience of guests; or

[(3)](4) a yacht or boat club that:

(i) may be operated for profit or not for profit;

(ii) owns real property in the county; and

(iii) has at least 150 dues-paying members, of whom at least 50 own a yacht, boat, or other vessel.

(c) (1) The 6-day license authorizes the license holder to sell or provide beer, wine, and liquor from Monday through Saturday at a club at the place described in the license, for on-premises consumption by members and guests.

(2) The 7–day license authorizes the license holder to sell or provide beer, wine, and liquor from Monday through Sunday at a club at the place described in the license, for on–premises consumption by members and guests.

(d) (1) [The] **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE** license holder may sell beer, wine, and liquor during the hours and days as set out under § 22–2004(f) of this title.

(2) A SOCIAL ORGANIZATION GRANTED A LICENSE UNDER THIS SECTION MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 4 P.M. TO 11 P.M.

(e) (1) The annual fee for the 6–day license is \$1,300.

(2) The annual fee for the 7–day license is \$1,400.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 138

(House Bill 223)

AN ACT concerning

Howard County – Transfer Tax Exemption and Rate Reduction – Teachers

Ho. Co. 13–18

FOR the purpose of exempting from the Howard County transfer tax the sale of residential real property to certain teachers under certain circumstances; establishing the maximum Howard County transfer tax rate applied to the sale of residential real property to certain teachers under certain circumstances; establishing certain qualifications for the transfer tax exemption or rate reduction; providing for the recapture of the transfer tax exempted or reduced under this Act under certain circumstances; defining a certain term; and generally relating to the transfer tax in Howard County.

BY repealing and reenacting, with amendments,
 The Public Local Laws of Howard County
 Section 20.300
 Article 14 – Public Local Laws of Maryland
 (1977 Edition and August 2008 Supplement, as amended)

(As enacted by Chapter 148 of the Acts of the General Assembly of 2017)

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

Article 14 – Howard County

20.300.

(a) Except as provided in subsection (b) of this section, a tax is hereby imposed upon every instrument of writing conveying title to real or leasehold property offered for a record and recorded in Howard County with the clerk of the circuit court, for all or only that portion of such property described in such instrument which is actually located in Howard County, provided that conveyances to the state or to any agency or instrumentality thereof, or any political subdivision of the state, or any nonprofit hospital or religious or charitable organization, association or corporation, shall not be subject to the tax imposed by this section. The term “instrument of writing,” as used in this section shall be deemed to include any deed, lease, assignment of leasehold property or any other device the purpose of which is to convey title to real property, but shall not include any mortgage, deed of trust, conditional sales contract or any other device the purpose of which is to afford a security in real property rather than to convey title thereto.

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

(ii) “Fire and rescue services member” means a Howard County fire and rescue services member.

(iii) “Law enforcement officer” means a Howard County police officer or Howard County deputy sheriff.

(IV) “TEACHER” MEANS A CERTIFICATED PROFESSIONAL TEACHER WHO IS EMPLOYED BY THE HOWARD COUNTY BOARD OF EDUCATION.

(2) Subject to the provisions of paragraphs (3) and (4) of this subsection, for a sale of residential real property in Howard County to a **TEACHER**, law enforcement officer, or [to a] fire and rescue services member:

(i) The transfer tax imposed under subsection (a) of this section does not apply to the **TEACHER’S**, law enforcement officer’s, or fire and rescue services member’s first purchase of residential real property in Howard County; and

(ii) The rate of the transfer tax imposed under subsection (a) of this section may not exceed 0.7% when applied to the **TEACHER’S**, law enforcement officer’s, or fire and rescue services member’s second or subsequent purchase of residential real property in Howard County.

(3) To qualify for an exemption or rate reduction under this subsection, at least one grantee, other than a co-maker or guarantor, must:

(i) Occupy the residence as a principal place of residence; and

(ii) Be employed as a **TEACHER**, law enforcement officer, or fire and rescue services member for a minimum of 3 years following the purchase of the residential real property.

(4) If a **TEACHER**, law enforcement officer, or fire and rescue services member who received a transfer tax exemption or rate reduction under this subsection subsequently fails to satisfy the requirements of paragraph (3) of this subsection, the **TEACHER**, law enforcement officer, or fire and rescue services member shall pay the balance of the transfer tax that would have been otherwise payable.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 139

(House Bill 1053)

AN ACT concerning

**Howard County – Class 7 Micro-Brewery License and Multiple Class B and
Class BLX Beer, Wine, and Liquor Licenses**

Ho. Co. 06–18

FOR the purpose of establishing certain requirements for a Class 7 micro-brewery license issued for the same premises as a certain restaurant; authorizing the holder of a Class 7 micro-brewery license to hold a Class 8 farm ~~brewing~~ brewery license; authorizing the Comptroller to issue in Howard County a Class 7 micro-brewery license to certain holders of Class B and Class BLX beer, wine, and liquor licenses; altering in Howard County the maximum numbers of Class B and Class BLX beer, wine, and liquor licenses that may be held under a certain multiple alcoholic beverages licensing plan to be eligible for a Class 8 farm brewery license; altering the number of Class B (on-sale) beer, wine, and liquor licenses the Board of License Commissioners for Howard County may issue for separate premises to an individual or for the use of a person under a certain multiple alcoholic beverages licensing plan; and generally relating to alcoholic beverages licenses in Howard County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 23–102
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 23–401, 23–902, and 23–1606
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY adding to
Article – Alcoholic Beverages
Section 23–403
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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.

23–401.

(a) 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) [§ 2–209 (“Class 7 micro–brewery license”);

(9)] § 2–210 (“Class 8 farm brewery license”);

[(10)] **(9)** § 2–211 (“Residency requirement”);

[(11)] **(10)** § 2–212 (“Additional licenses”);

[(12)] **(11)** § 2–213 (“Additional fees”);

[(13)] **(12)** § 2–214 (“Sale or delivery restricted”);

[(14)] **(13)** § 2–216 (“Interaction between manufacturing entities and retailers”);

[(15)] **(14)** § 2–217 (“Distribution of alcoholic beverages — Prohibited practices”); and

[(16)] **(15)** § 2–218 (“Restrictive agreements between producers and retailers — Prohibited”).

(b) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of Division I of this article do not apply in the county:

(1) § 2–208 (“Class 6 pub–brewery license”); and

(2) § 2–215 (“Beer sale on credit to retail dealer prohibited”).

(C) SECTION 2–209 (“CLASS 7 MICRO–BREWERY LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 23–403 OF THIS SUBTITLE.

23–403.

(A) THE LICENSED PREMISES FOR WHICH A CLASS 7 MICRO–BREWERY LICENSE IS ISSUED ~~SHALL~~ MAY BE SEPARATE FROM THE RESTAURANT PREMISES FOR WHICH A CLASS B BEER, WINE, AND LIQUOR LICENSE IS ISSUED, BUT ~~MAY~~ SHALL BE UNDER THE SAME ROOF.

(B) THE COMPTROLLER MAY ISSUE THE CLASS 7 MICRO–BREWERY LICENSE NOT MORE THAN 36 MONTHS BEFORE THE RESTAURANT IS COMPLETE AND THE CLASS B BEER, WINE, AND LIQUOR (ON–SALE) LICENSE IS ISSUED.

(C) IF THE RESTAURANT DOES NOT OBTAIN A CLASS B BEER, WINE, AND LIQUOR (ON–SALE) LICENSE WITHIN 36 MONTHS AFTER OPENING, THE CLASS 7 MICRO–BREWERY LICENSE IS REVOKED IMMEDIATELY.

(D) A CLASS 7 MICRO-BREWERY LICENSE HOLDER MAY HOLD A CLASS 8 FARM BREWERY LICENSE FOR A PREMISES LOCATED IN THE COUNTY.

23-902.

- (a) There is a Class B beer, wine, and liquor license.
- (b) The Board may issue the license to the owner of a hotel that:
 - (1) is in a building at least three stories tall that was originally constructed for hotel purposes;
 - (2) has a capital investment of at least \$500,000; and
 - (3) contains:
 - (i) at least one passenger elevator;
 - (ii) at least 100 rooms to accommodate the public; and
 - (iii) a dining room with facilities for preparing and serving regular meals for at least 125 individuals at one seating.
- (c) The license authorizes the license holder to sell beer, wine, and liquor at retail at a hotel or restaurant at the place described in the license for on-premises consumption.
- (d)
 - (1) There is a beer and wine (B-SBW) off-sale permit.
 - (2) The Board may issue the permit only to a holder of the Class B beer, wine, and liquor license that is issued for a restaurant.
 - (3) A holder of the permit:
 - (i) may sell beer and wine for off-premises consumption only to persons who have purchased food or alcohol from the licensed premises; and
 - (ii) may not display or provide shelving for beer or wine for off-premises sales in areas of the establishment that are accessible to the public.
 - (4) The term of the permit is the same as that of the Class B beer, wine, and liquor license that the applicant holds.
 - (5) Before the Board may issue the permit:
 - (i) the applicant shall complete the form that the Board provides;

and

(ii) the same advertising, posting of notice, and public hearing requirements as those for Class B licenses shall be met.

(6) Off-sale alcoholic beverages receipts collected under the permit shall be included in the calculation of average daily receipts from the sale of alcoholic beverages in a restaurant under § 1-101 of this article.

(7) A holder of the permit may exercise the privileges of the permit only when the licensed premises is open for business as a restaurant.

(8) The Board may adopt regulations to carry out this subsection, including a limit on the number of permits to be issued.

(e) The Comptroller may issue one Class 8 farm brewery license **AND ONE CLASS 7 MICRO-BREWERY LICENSE** to a license holder that holds not more than **[two] FIVE** Class B and **[seven] SIX** Class BLX beer, wine, and liquor licenses.

(f) The annual license fees are:

(1) \$1,000 for the Class B beer, wine, and liquor license; and

(2) \$500 for the off-sale beer and wine permit.

23-1606.

(a) (1) Subject to subsections (b) and (c) of this section, the Board may issue to an individual or for the use of a person one of the following groups of licenses but not both:

(i) one Class D (on- and off-sale) beer, wine, and liquor license, **[two] FIVE** Class B (on-sale) beer, wine, and liquor licenses, and six Class BLX (luxury restaurant)(on-sale) beer, wine, and liquor licenses; or

(ii) one Class D (on- and off-sale) beer, wine, and liquor license and eight Class BLX (luxury restaurant)(on-sale) beer, wine, and liquor licenses.

(2) The licenses specified in paragraph (1) of this subsection are for separate premises.

(b) A person may not have a direct or indirect interest in any combination of more than one Class D and nine Class B and Class BLX licenses.

(c) For purposes of this section, an indirect interest is presumed to exist between two persons if both:

(1) have a common parent company;

(2) are linked by a franchise agreement, licensing agreement, or a concession agreement;

(3) are part of a chain of businesses commonly owned and operated;

(4) share:

(i) directors, stockholders, partners, or members; or

(ii) directors, stockholders, partners, or members of parents or subsidiaries;

(5) share, directly or indirectly, profit from the sale of alcoholic beverages; or

(6) share a common trade name, trademark, logo, or theme, or mode of operation identifiable by the public.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 140

(House Bill 1180)

AN ACT concerning

Howard County Student Loan Assistance Repayment Program for Teachers

Ho. Co. 14-18

FOR the purpose of establishing the Howard County Student Loan Assistance Repayment Program for Teachers; authorizing the governing body of Howard County to establish the Program for teachers employed by the Howard County Public School System; providing for the purpose of the Program; requiring Howard County to assist in the repayment of certain student loans owed by certain teachers who meet certain eligibility requirements; requiring certain loan assistance repayment applicants to demonstrate a certain use of certain loans; requiring the county to establish the amount and terms and conditions of the Program; requiring the county to administer the Program; providing for funding for the Program; authorizing the Howard County Public School System to use Program funds for administrative expenses of the Program; defining certain terms; and generally relating to the establishment of the Howard County Student Loan Assistance Repayment Program for Teachers.

BY adding to

Article – Education

Section 18–3401 through 18–3405 to be under the new subtitle “Subtitle 34. Howard County Student Loan Assistance Repayment Program for Teachers”

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

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

Article – Education

SUBTITLE 34. HOWARD COUNTY STUDENT LOAN ASSISTANCE REPAYMENT PROGRAM FOR TEACHERS.

18–3401.

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

(B) “HIGHER EDUCATION LOAN” MEANS ANY LOAN FOR UNDERGRADUATE OR GRADUATE STUDY THAT IS OBTAINED FOR TUITION, EDUCATIONAL EXPENSES, OR LIVING EXPENSES FROM:

(1) A COLLEGE OR UNIVERSITY, GOVERNMENT, OR COMMERCIAL SOURCE; OR

(2) AN ORGANIZATION, AN INSTITUTION, AN ASSOCIATION, A SOCIETY, OR A CORPORATION THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OR (4) OF THE INTERNAL REVENUE CODE OF 1986.

(C) “PROGRAM” MEANS THE HOWARD COUNTY STUDENT LOAN ASSISTANCE REPAYMENT PROGRAM FOR TEACHERS.

18–3402.

(A) IN HOWARD COUNTY, THE GOVERNING BOARD OF THE COUNTY MAY ESTABLISH A STUDENT LOAN ASSISTANCE REPAYMENT PROGRAM FOR TEACHERS EMPLOYED BY THE HOWARD COUNTY PUBLIC SCHOOL SYSTEM.

(B) THE PURPOSE OF THE PROGRAM IS TO ATTRACT, RECRUIT, AND RETAIN A DIVERSE CADRE OF QUALIFIED TEACHERS IN THE HOWARD COUNTY PUBLIC SCHOOL SYSTEM THAT IS REFLECTIVE OF THE STUDENT POPULATION WITHIN THE COUNTY SCHOOLS.

(C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE COUNTY SHALL ASSIST IN THE REPAYMENT OF HIGHER EDUCATION LOANS OWED BY AN INDIVIDUAL WHO:

(1) RECEIVES A GRADUATE, PROFESSIONAL, OR UNDERGRADUATE DEGREE FROM AN ACCREDITED COLLEGE OR UNIVERSITY;

(2) OBTAINS EMPLOYMENT AS A FULL-TIME TEACHER IN THE HOWARD COUNTY PUBLIC SCHOOL SYSTEM;

(3) COMMITS TO TEACH IN THE HOWARD COUNTY PUBLIC SCHOOL SYSTEM FOR A PERIOD OF NOT LESS THAN 5 YEARS;

(4) RECEIVES AN INCOME THAT IS LESS THAN THE MAXIMUM ELIGIBLE TOTAL INCOME LEVELS ESTABLISHED BY THE COUNTY, INCLUDING ANY ADDITIONAL SOURCES OF INCOME;

(5) IS NOT IN DEFAULT ON ANY STUDENT LOAN; AND

(6) SATISFIES ANY OTHER CRITERIA ESTABLISHED UNDER THE PROGRAM BY THE COUNTY.

(D) AN APPLICANT FOR ASSISTANCE IN THE REPAYMENT OF A COMMERCIAL LOAN SHALL DEMONSTRATE TO THE COUNTY THAT THE COMMERCIAL LOAN WAS USED FOR TUITION, EDUCATIONAL EXPENSES, OR LIVING EXPENSES FOR GRADUATE OR UNDERGRADUATE STUDY.

18-3403.

LOAN ASSISTANCE UNDER THE PROGRAM SHALL BE IN THE AMOUNT AND ON THE TERMS AND CONDITIONS ESTABLISHED BY THE COUNTY.

18-3404.

THE PROGRAM SHALL BE ADMINISTERED BY THE HOWARD COUNTY PUBLIC SCHOOL SYSTEM.

18-3405.

(A) FUNDS FOR THE PROGRAM SHALL BE AS PROVIDED ON AN ANNUAL BASIS IN THE COUNTY BUDGET IN AN APPROPRIATION SEPARATE FROM THE COUNTY'S APPROPRIATION TO THE OPERATING BUDGET OF THE HOWARD COUNTY BOARD OF EDUCATION.

(B) FUNDS FOR THE PROGRAM MAY BE USED TO COVER ADMINISTRATIVE EXPENSES OF THE PROGRAM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.

Chapter 141

(House Bill 1186)

AN ACT concerning

Howard County – Property Tax Credit – Natural Disaster

Ho. Co. 09–18

FOR the purpose of authorizing the governing body of Howard County to grant a property tax credit against the county property tax imposed on residential or commercial real property that has suffered damage caused by a natural disaster; making certain alterations to the county’s existing authority to provide a property tax credit for commercial property that has suffered damage caused by flood conditions; providing for the application of this Act; and generally relating to a property tax credit for real property in Howard County that has suffered damage caused by a natural disaster.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–315(a)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 9–315(b)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

Article – Tax – Property

9–315.

(a) The governing body of Howard County may grant, by law, a property tax credit under this section against the county property tax imposed on:

(1) property that:

(i) is owned by any community association;

(ii) is used for community, civic, educational, library, or park purposes; and

(iii) is not a swimming pool, tennis court, or similar recreational facility;

(2) real property that is subject to the county's agricultural land preservation program;

(3) subject to subsections (b) and (c) of this section, real property that is new construction or an improvement to real property owned or occupied by a commercial or industrial business that:

(i) is currently or will be doing business in Howard County;

(ii) will employ at least 12 additional full-time local employees by the second year in which the credit is allowed, not including any employee filling a job created when a job function is shifted from an existing location in the State to the location of the new construction or improvement; and

(iii) makes a substantial investment in Howard County, which may be:

1. the acquisition of a building, land, or equipment that totals at least \$2,000,000; or

2. the creation of 10 positions with salaries greater than the current average annual wage in Howard County;

(4) subject to subsection (b) of this section, real property that is used as a therapeutic riding facility by a nonprofit organization that:

(i) is exempt from taxation under § 501(c)(3) of the Internal Revenue Code;

(ii) provides services to disabled individuals; and

(iii) has at least 85% of its clients who are disabled individuals;

(5) subject to subsection (b) of this section, owner-occupied residential real property that is jointly owned by an individual and the Howard County Housing Commission; and

(6) subject to subsection (b) of this section, **RESIDENTIAL OR** commercial real property that [the governing body of Howard County determines] has suffered [flood] damage [or sewer damage] caused by [flood conditions] **A NATURAL DISASTER.**

(b) In establishing a tax credit under subsection (a)(3) through (6) of this section, the governing body of Howard County:

(1) shall develop criteria necessary to implement the credit;

(2) shall designate an agency to administer the credit; and

(3) may specify:

(i) the amount and duration of the credit;

(ii) the qualifications and application procedures for the credit; and

(iii) any other requirement or procedure for the granting or administration of the credit that the governing body considers appropriate.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018, and shall be applicable to all taxable years beginning after June 30, 2018.

Approved by the Governor, April 10, 2018.

Chapter 142

(House Bill 1325)

AN ACT concerning

Howard County – Alcoholic Beverages – Class C License and Class C and Class D Per Diem Entertainment Venue License Licenses

Ho. Co. 20-18

FOR the purpose of establishing a 7-day Class C beer, wine, and liquor license in Howard County; specifying that the license authorizes the license holder to sell beer, wine, and liquor at retail for on-premises consumption at the place described in the license ~~and for off-premises sale and consumption under certain circumstances; authorizing beer, wine, or liquor purchased on an adjacent licensed premises to be consumed on~~

~~the premises for which the Class C beer, wine, and liquor license is issued, providing for the hours of sale; requiring the Board of License Commissioners to determine the annual license fee; establishing Class C and Class D per diem entertainment venue beer, wine, and liquor licenses; specifying that the Class C and Class D per diem entertainment venue beer, wine, and liquor licenses authorize the license holder to sell beer, wine, and liquor on an immediately adjacent licensed premises for consumption on the premises of the holder of the per diem license and on the adjacent licensed premises; requiring license holders to be responsible for certain sale and consumption and certain laws and regulations; requiring the property owner of the adjacent licensed premises to provide the Board with a statement authorizing the use of a licensed premises; requiring the Board to determine the per diem license fee; defining a certain term; providing for an abnormal effective date; and generally relating to alcoholic beverages in Howard County.~~

BY repealing and reenacting, without amendments,
 Article – Alcoholic Beverages
 Section 23–102
 Annotated Code of Maryland
 (2016 Volume and 2017 Supplement)

BY adding to
 Article – Alcoholic Beverages
 Section 23–904, 23–1313, and 23–1314
 Annotated Code of Maryland
 (2016 Volume and 2017 Supplement)

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.

23–904.

(A) **THERE IS A 7-DAY CLASS C BEER, WINE, AND LIQUOR LICENSE.**

(B) ~~(1)~~ **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL;**

~~(1)~~ **FOR ON-PREMISES CONSUMPTION AT THE PLACE DESCRIBED IN THE LICENSE; AND**

~~(H) FOR OFF-PREMISES SALE AND CONSUMPTION ONLY ON AN ADJACENT LICENSED PREMISES THAT IS AT LEAST 200,000 SQUARE FEET IN SIZE, IF THE PROPERTY OWNER OF THE ADJACENT LICENSED PREMISES HAS PROVIDED WRITTEN AUTHORIZATION TO THE BOARD.~~

~~(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (H), BEER, WINE, OR LIQUOR PURCHASED ON AN ADJACENT LICENSED PREMISES MAY BE CONSUMED ON THE PREMISES FOR WHICH THE CLASS C BEER, WINE, AND LIQUOR LICENSE IS ISSUED.~~

~~(H) BEER, WINE, OR LIQUOR PURCHASED ON AN ADJACENT LICENSED PREMISES MAY NOT BE CONSUMED IF THE PROPERTY OWNER OF THE ADJACENT LICENSED PREMISES IS HOSTING A PUBLIC EVENT:~~

~~1. AT THE SAME TIME AS THE LICENSE HOLDER; AND~~

~~2. IN CLOSE PROXIMITY TO THE LOCATION IN WHICH BEER, WINE, OR LIQUOR WILL BE SOLD BY THE LICENSE HOLDER AND CONSUMED.~~

~~(C) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR MONDAY THROUGH SUNDAY FROM 10 A.M. TO 11 P.M.~~

~~(D) (C) THE BOARD SHALL DETERMINE THE ANNUAL LICENSE FEE.~~

23-1313.

(A) IN THIS SECTION, “ENTERTAINMENT VENUE” MEANS A FACILITY THAT IS USED AS A CINEMA, THEATER, AMPHITHEATER, CONCERT HALL, OR SPORTS STADIUM.

(B) THERE IS A CLASS C PER DIEM ENTERTAINMENT VENUE BEER, WINE, AND LIQUOR LICENSE.

(C) THE BOARD MAY ISSUE THE CLASS C PER DIEM LICENSE TO THE HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE FOR USE IN AN ENTERTAINMENT VENUE THAT MEASURES AT LEAST 200,000 SQUARE FEET.

(D) (1) THE CLASS C PER DIEM LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR ON AN IMMEDIATELY ADJACENT LICENSED PREMISES FOR CONSUMPTION ON THE PREMISES OF THE HOLDER OF THE PER DIEM LICENSE AND ON THE ADJACENT LICENSED PREMISES.

(2) LICENSE HOLDERS ARE RESPONSIBLE FOR:

(I) ALL SALE AND CONSUMPTION UNDER THEIR CONTROL OR ON THEIR PREMISES; AND

(II) COMPLIANCE WITH ALL APPLICABLE PROVISIONS OF THIS ARTICLE AND LOCAL LAWS AND REGULATIONS.

(E) ~~THE BOARD MAY NOT ISSUE THE PER DIEM LICENSE TO SELL BEER, WINE, AND LIQUOR ON AN IMMEDIATELY ADJACENT LICENSED PREMISES FOR CONSUMPTION ON THE PREMISES~~ UNLESS THE PROPERTY OWNER OF THE ADJACENT LICENSED PREMISES PROVIDES THE BOARD WITH A STATEMENT AUTHORIZING THE USE OF THE LICENSED PREMISES.

(F) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR MONDAY THROUGH SUNDAY FROM 10 A.M. TO 11 P.M.

(G) THE BOARD SHALL DETERMINE THE LICENSE FEE.

23-1314.

(A) IN THIS SECTION, "ENTERTAINMENT VENUE" MEANS A FACILITY THAT IS USED AS A CINEMA, THEATER, AMPHITHEATER, CONCERT HALL, OR SPORTS STADIUM.

(B) THERE IS A CLASS D PER DIEM ENTERTAINMENT VENUE BEER, WINE, AND LIQUOR LICENSE.

(C) THE BOARD MAY ISSUE THE CLASS D PER DIEM LICENSE TO THE HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE FOR USE IN AN ENTERTAINMENT VENUE THAT MEASURES AT LEAST 200,000 SQUARE FEET.

(D) (1) THE CLASS D PER DIEM LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR ON AN IMMEDIATELY ADJACENT LICENSED PREMISES FOR CONSUMPTION ON THE PREMISES OF THE HOLDER OF THE PER DIEM LICENSE AND ON THE ADJACENT LICENSED PREMISES.

(2) LICENSE HOLDERS ARE RESPONSIBLE FOR:

(I) ALL SALE AND CONSUMPTION UNDER THEIR CONTROL OR ON THEIR PREMISES; AND

(II) COMPLIANCE WITH ALL APPLICABLE PROVISIONS OF THIS ARTICLE AND LOCAL LAWS AND REGULATIONS.

(E) ~~THE BOARD MAY NOT ISSUE THE PER DIEM LICENSE TO SELL BEER, WINE, AND LIQUOR ON AN IMMEDIATELY ADJACENT LICENSED PREMISES FOR CONSUMPTION ON THE PREMISES~~ UNLESS THE PROPERTY OWNER OF THE ADJACENT LICENSED PREMISES PROVIDES THE BOARD WITH A STATEMENT AUTHORIZING THE USE OF THE LICENSED PREMISES.

(F) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR MONDAY THROUGH SUNDAY FROM 10 A.M. TO 11 P.M.

(G) THE BOARD SHALL DETERMINE THE LICENSE FEE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ ~~±~~ April 10, 2018.

Approved by the Governor, April 10, 2018.

Chapter 143

(Senate Bill 101)

AN ACT concerning

~~Criminal Procedure~~ ~~Expungement~~ ~~Time for Filing Law~~ – *Crimes of Violence, Expungement, and Drug Treatment*

FOR the purpose of ~~repealing the prohibition on the filing of a petition for expungement based on an acquittal, a dismissal, or a nolle prosequi within a certain time period after the disposition unless the petitioner files with the petition a certain waiver and release; requiring certain records that are ordered for expungement to be expunged by removing the records to a certain secured area; providing that certain records are subject to discovery in a civil action, except under certain circumstances; and generally relating to expungement of criminal records; providing that the use of a firearm in the commission of a certain felony or other crime of violence constitutes a crime of violence; altering the circumstances under which sexual abuse of a minor is a crime of violence; eliminating parole eligibility for certain violent offenders under certain circumstances; adding to a certain list of convictions that may be expunged under certain circumstances; providing that a petition for expungement of a certain charge may not be filed earlier than a certain number of years after the person satisfies a certain sentence or sentences; restricting a court from ordering a certain substance use evaluation and commitment for certain defendants serving a sentence for a crime of violence under certain circumstances; providing that certain provisions of this Act may not be construed to prohibit a defendant's participation in certain programs; prohibiting a person from possessing a regulated firearm if the person was previously convicted of a certain crime relating to possessing or using a firearm during and in~~

relation to a drug trafficking crime or possessing or owning a firearm if the person has previously been convicted of a certain crime; providing that a person convicted under a certain provision of law is not prohibited from participating in a certain drug treatment program for a certain reason; and generally relating to crimes of violence, expungement, and drug treatment.

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 14–101(a) and (d)

Annotated Code of Maryland

(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section ~~10–105(e)(1) and (e)(2)~~ 10–110

Annotated Code of Maryland

(2008 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 8–505(a), 8–506(a), and 8–507(a)

Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 5–133(c)

Annotated Code of Maryland

(2011 Replacement Volume and 2017 Supplement)

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

Article – Criminal Law

14–101.

(a) In this section, “crime of violence” means:

(1) abduction;

(2) arson in the first degree;

(3) kidnapping;

(4) manslaughter, except involuntary manslaughter;

- (5) mayhem;
- (6) maiming, as previously proscribed under former Article 27, §§ 385 and 386 of the Code;
- (7) murder;
- (8) rape;
- (9) robbery under § 3-402 or § 3-403 of this article;
- (10) carjacking;
- (11) armed carjacking;
- (12) sexual offense in the first degree;
- (13) sexual offense in the second degree;
- (14) use of a [handgun] FIREARM in the commission of a felony EXCEPT POSSESSION WITH INTENT TO DISTRIBUTE A CONTROLLED DANGEROUS SUBSTANCE UNDER § 5-602(2) OF THIS ARTICLE, or other crime of violence;
- (15) child abuse in the first degree under § 3-601 of this article;
- (16) sexual abuse of a minor under § 3-602 of this article if:
 - (i) the victim is under the age of 13 years and the offender is an adult at the time of the offense; and
 - (ii) the offense involved:
 - 1. vaginal intercourse, as defined in § 3-301 of this article;
 - 2. a sexual act, as defined in § 3-301 of this article;
 - 3. an act in which a part of the offender's body penetrates, however slightly, into the victim's genital opening or anus; or
 - 4. the intentional touching[, not through the clothing,] of the victim's or the offender's genital, anal, or other intimate area for sexual arousal, gratification, or abuse;
- (17) home invasion under § 6-202(b) of this article;
- (18) an attempt to commit any of the crimes described in items (1) through (17) of this subsection;

- (19) continuing course of conduct with a child under § 3-315 of this article;
- (20) assault in the first degree;
- (21) assault with intent to murder;
- (22) assault with intent to rape;
- (23) assault with intent to rob;
- (24) assault with intent to commit a sexual offense in the first degree; and
- (25) assault with intent to commit a sexual offense in the second degree.

(d) (1) (I) [On] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON conviction for a second time of a crime of violence committed on or after October 1, 1994, a person shall be sentenced to imprisonment for the term allowed by law, but not less than 10 years, if the person:

[(i)] 1. has been convicted on a prior occasion of a crime of violence, including a conviction for a crime committed before October 1, 1994; and

[(ii)] 2. served a term of confinement in a correctional facility for that conviction.

[(2)] (II) The court may not suspend all or part of the mandatory 10-year sentence required under this [subsection] PARAGRAPH.

(2) (I) ON CONVICTION FOR A SECOND TIME OF A CRIME OF VIOLENCE COMMITTED ON OR AFTER OCTOBER 1, 2018, A PERSON SHALL BE SENTENCED TO IMPRISONMENT FOR THE TERM ALLOWED BY LAW, BUT NOT LESS THAN 10 YEARS, IF THE PERSON:

1. HAS BEEN CONVICTED ON A PRIOR OCCASION OF A CRIME OF VIOLENCE, INCLUDING A CONVICTION FOR A CRIME COMMITTED BEFORE OCTOBER 1, 2018; AND

2. SERVED A TERM OF CONFINEMENT IN A CORRECTIONAL FACILITY FOR THAT CONVICTION.

(II) THE COURT MAY NOT SUSPEND ALL OR PART OF THE MANDATORY 10-YEAR SENTENCE REQUIRED UNDER THIS PARAGRAPH.

(III) A PERSON SENTENCED UNDER THIS PARAGRAPH IS NOT ELIGIBLE FOR PAROLE EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF § 4-305 OF THE CORRECTIONAL SERVICES ARTICLE.

Article – Criminal Procedure

~~10-105.~~

~~(e) (1) Except as provided in paragraph (2) of this subsection, a petition for expungement based on an acquittal, a nolle prosequi, or a dismissal may [not be filed within 3 years after the disposition, unless the petitioner files with the petition a written general waiver and release of all the petitioner's tort claims arising from the charge] **BE FILED AT ANY TIME.**~~

~~(e) (2) (i) [If] **SUBJECT TO SUBPARAGRAPH (ii) OF THIS PARAGRAPH,** IF the court at the hearing finds that the person is entitled to expungement, the court shall order the expungement of all police records and court records about the charge.~~

~~(ii) **1. IF A PETITION FOR EXPUNGEMENT UNDER SUBSECTION (C)(1) OF THIS SECTION IS GRANTED WITHIN 3 YEARS AFTER THE DISPOSITION, THE EXPUNGEMENT SHALL BE ACCOMPLISHED BY REMOVING THE RECORDS TO A SEPARATE SECURE AREA TO WHICH PERSONS WHO DO NOT HAVE A LEGITIMATE REASON FOR ACCESS ARE DENIED ACCESS.**~~

~~**2. UNLESS A JUDICIAL OFFICER FINDS THAT THE RECORD IS PRIVILEGED OR OTHERWISE PROTECTED FROM DISCOVERY UNDER THE MARYLAND RULES, A RECORD EXPUNGED UNDER THIS SUBPARAGRAPH IS SUBJECT TO DISCOVERY IN A CIVIL ACTION.**~~

~~10-110.~~

(a) A person may file a petition listing relevant facts for expungement of a police record, court record, or other record maintained by the State or a political subdivision of the State if the person is convicted of:

(1) a misdemeanor that is a violation of:

[(1)] (I) § 6-320 of the Alcoholic Beverages Article;

[(2)] (II) an offense listed in § 17-613(a) of the Business Occupations and Professions Article;

[(3)] (III) § 5-712, § 19-304, § 19-308, or Title 5, Subtitle 6 or Subtitle 9 of the Business Regulation Article;

[(4)] (IV) § 3-1508 or § 10-402 of the Courts Article;

[(5)] (V) § 14-1915, § 14-2902, or § 14-2903 of the Commercial Law Article;

[(6)] (VI) § 5-211 of this article;

[(7)] (VII) § 3-203 or § 3-808 of the Criminal Law Article;

[(8)] (VIII) § 5-601 not involving the use or possession of marijuana, § 5-618, § 5-619, § 5-620, § 5-703, § 5-708, or § 5-902 of the Criminal Law Article;

[(9)] (IX) § 6-105, § 6-108, § 6-206, § 6-303, § 6-306, § 6-307, § 6-402, or § 6-503 of the Criminal Law Article;

[(10)] (X) § 7-104, § 7-203, § 7-205, § 7-304, § 7-308, or § 7-309 of the Criminal Law Article;

[(11)] (XI) § 8-103, § 8-206, § 8-401, § 8-402, § 8-404, § 8-406, § 8-408, § 8-503, § 8-521, § 8-523, or § 8-904 of the Criminal Law Article;

[(12)] (XII) § 9-204, § 9-205, § 9-503, or § 9-506 of the Criminal Law Article;

[(13)] (XIII) § 10-110, § 10-201, § 10-402, § 10-404, or § 10-502 of the Criminal Law Article;

[(14)] (XIV) § 11-306(a) of the Criminal Law Article;

[(15)] (XV) § 12-102, § 12-103, § 12-104, § 12-105, § 12-109, § 12-203, § 12-204, § 12-205, or § 12-302 of the Criminal Law Article;

[(16)] (XVI) § 13-401, § 13-602, or § 16-201 of the Election Law Article;

[(17)] (XVII) § 4-509 of the Family Law Article;

[(18)] (XVIII) § 18-215 of the Health – General Article;

[(19)] (XIX) § 4-411 or § 4-2005 of the Human Services Article;

[(20)] (XX) § 27-403, § 27-404, § 27-405, § 27-406, § 27-406.1, § 27-407, § 27-407.1, or § 27-407.2 of the Insurance Article;

[(21)] (XXI) § 5-307, § 5-308, § 6-602, § 7-402, or § 14-114 of the Public Safety Article;

[(22)] (XXII) § 7-318.1, § 7-509, or § 10-507 of the Real Property Article;

[(23)] (XXIII) § 9-124 of the State Government Article;

[(24)] (XXIV) § 13-1001, § 13-1004, § 13-1007, or § 13-1024 of the Tax – General Article;

[(25)] (XXV) the common law offenses of affray, rioting, criminal contempt, battery, or hindering; or

(2) A FELONY THAT IS A VIOLATION OF:

(I) § 7-104 OF THE CRIMINAL LAW ARTICLE;

(II) THE PROHIBITION AGAINST POSSESSION WITH INTENT TO DISTRIBUTE A CONTROLLED DANGEROUS SUBSTANCE UNDER § 5-602(2) OF THE CRIMINAL LAW ARTICLE; OR

(III) § 6-202(A), § 6-203, OR § 6-204 OF THE CRIMINAL LAW ARTICLE; OR

[(26)] (3) an attempt, a conspiracy, or a solicitation of any offense listed in [items] ITEM (1) [through (25)] OR (2) of this subsection.

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

(2) (i) Except as provided in subparagraph (ii) of this paragraph, if the proceeding began in one court and was transferred to another court, the person shall file the petition in the court to which the proceeding was transferred.

(ii) If the proceeding began in one court and was transferred to the juvenile court under § 4-202 or § 4-202.2 of this article, the person shall file the petition in the court of original jurisdiction from which the order of transfer was entered.

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

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

(c) (1) Except as provided in [paragraph (2)] PARAGRAPHS (2) AND (3) of this subsection, a petition for expungement under this section may not be filed earlier than 10 years after the person satisfies the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision.

(2) A petition for expungement for a violation of § 3-203 of the Criminal Law Article, common law battery, or for an offense classified as a domestically related crime under § 6-233 of this article may not be filed earlier than 15 years after the person satisfies the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision.

(3) A PETITION FOR EXPUNGEMENT OF A FELONY MAY NOT BE FILED EARLIER THAN 15 YEARS AFTER THE PERSON SATISFIES THE SENTENCE OR SENTENCES IMPOSED FOR ALL CONVICTIONS FOR WHICH EXPUNGEMENT IS REQUESTED, INCLUDING PAROLE, PROBATION, OR MANDATORY SUPERVISION.

(d) (1) If the person is convicted of a new crime during the applicable time period set forth in subsection (c) of this section, the original conviction or convictions are not eligible for expungement unless the new conviction becomes eligible for expungement.

(2) A person is not eligible for expungement if the person is a defendant in a pending criminal proceeding.

(3) If a person is not eligible for expungement of one conviction in a unit, the person is not eligible for expungement of any other conviction in the unit.

(e) (1) The court shall have a copy of a petition for expungement served on the State's Attorney.

(2) The court shall send written notice of the expungement request to each listed victim in the case in which the petitioner is seeking expungement at the address listed in the court file, advising the victim of the right to offer additional information relevant to the expungement petition to the court.

(3) Unless the State's Attorney or a victim files an objection to the petition for expungement within 30 days after the petition is served, the court shall pass an order requiring the expungement of all police records and court records about the charge.

(f) (1) If the State's Attorney or a victim files a timely objection to the petition, the court shall hold a hearing.

(2) The court shall order the expungement of all police records and court records about the charge after a hearing, if the court finds and states on the record:

(i) that the conviction is eligible for expungement under subsection (a) of this section;

(ii) that the person is eligible for expungement under subsection (d) of this section;

(iii) that giving due regard to the nature of the crime, the history and character of the person, and the person's success at rehabilitation, the person is not a risk to public safety; and

(iv) that an expungement would be in the interest of justice.

(g) If at a hearing the court finds that a person is not entitled to expungement, the court shall deny the petition.

(h) Unless an order is stayed pending appeal, within 60 days after entry of the order, every custodian of the police records and court records that are subject to the order of expungement shall advise in writing the court and the person who is seeking expungement of compliance with the order.

(i) (1) The State's Attorney is a party to the proceeding.

(2) A party aggrieved by the decision of the court is entitled to the appellate review as provided in the Courts Article.

Article – Health – General

8-505.

(a) (1) (I) [Before] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, BEFORE or during a criminal trial, before or after sentencing, or before or during a term of probation, the court may order the Department to evaluate a defendant to determine whether, by reason of drug or alcohol abuse, the defendant is in need of and may benefit from treatment if:

[(i)] 1. It appears to the court that the defendant has an alcohol or drug abuse problem; or

[(ii)] 2. The defendant alleges an alcohol or drug dependency.

[(2)] (II) A court shall set and may change the conditions under which an examination is to be conducted under this section.

[(3)] (III) The Department shall ensure that each evaluation under this section is conducted in accordance with regulations adopted by the Department.

(2) (I) IF A DEFENDANT IS SERVING A SENTENCE FOR A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE, A COURT MAY NOT ORDER THE DEPARTMENT TO EVALUATE A DEFENDANT UNDER THIS SECTION UNTIL THE DEFENDANT IS ELIGIBLE FOR PAROLE.

(II) NOTHING IN THIS PARAGRAPH MAY BE CONSTRUED TO PROHIBIT A DEFENDANT WHO IS SERVING A SENTENCE FOR A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE FROM PARTICIPATING IN ANY OTHER TREATMENT PROGRAM OR RECEIVING TREATMENT UNDER THE SUPERVISION OF THE DEPARTMENT UNDER ANY OTHER PROVISION OF LAW.

8-506.

(a) [A] SUBJECT TO THE ELIGIBILITY RESTRICTIONS UNDER § 8-505(A) OF THIS SUBTITLE, A court may commit a defendant to the Department for inpatient evaluation as to drug or alcohol abuse if:

(1) The court finds it is not clinically appropriate for the defendant to be evaluated in a detention facility or an appropriate outpatient facility; and

(2) After an initial evaluation, the Department:

(i) Recommends a comprehensive inpatient evaluation of the defendant;

(ii) Certifies that an appropriate facility is either currently, or within a reasonable time will be able to, conduct the evaluation;

(iii) Provides to the court a date by which the evaluation can be conducted; and

(iv) Gives the court prompt notice when an evaluation can be conducted.

8-507.

(a) (1) [Subject] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBJECT to the limitations in this section, a court that finds in a criminal case or during a term of probation that a defendant has an alcohol or drug dependency may commit the defendant as a condition of release, after conviction, or at any other time the defendant voluntarily agrees to participate in treatment, to the Department for treatment that the Department recommends, even if:

[(1)] (I) The defendant did not timely file a motion for reconsideration under Maryland Rule 4-345; or

[(2)] (II) The defendant timely filed a motion for reconsideration under Maryland Rule 4-345 which was denied by the court.

(2) (I) IF A DEFENDANT IS SERVING A SENTENCE FOR A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE, A COURT MAY

NOT ORDER THE DEPARTMENT TO ~~EVALUATE~~ TREAT A DEFENDANT UNDER THIS SECTION UNTIL THE DEFENDANT IS ELIGIBLE FOR PAROLE.

(II) NOTHING IN THIS PARAGRAPH MAY BE CONSTRUED TO PROHIBIT A DEFENDANT WHO IS SERVING A SENTENCE FOR A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE, FROM PARTICIPATING IN ANY OTHER TREATMENT PROGRAM OR RECEIVING TREATMENT UNDER THE SUPERVISION OF THE DEPARTMENT UNDER ANY OTHER PROVISION OF LAW.

Article – Public Safety

5-133.

(c) (1) A person may not possess a regulated firearm if the person was previously convicted of:

(i) a crime of violence;

(ii) a violation of § 5-602, § 5-603, § 5-604, § 5-605, § 5-612, § 5-613, [or] § 5-614, § 5-621, OR § 5-622 of the Criminal Law Article; or

(iii) an offense under the laws of another state or the United States that would constitute one of the crimes listed in item (i) or (ii) of this paragraph if committed in this State.

(2) (i) Subject to paragraph (3) of this subsection, a person who violates this subsection is guilty of a felony and on conviction is subject to imprisonment for not less than 5 years and not exceeding 15 years.

(ii) The court may not suspend any part of the mandatory minimum sentence of 5 years.

(iii) Except as otherwise provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.

(3) At the time of the commission of the offense, if a period of more than 5 years has elapsed since the person completed serving the sentence for the most recent conviction under paragraph (1)(i) or (ii) of this subsection, including all imprisonment, mandatory supervision, probation, and parole:

(i) the imposition of the mandatory minimum sentence is within the discretion of the court; and

(ii) the mandatory minimum sentence may not be imposed unless the State's Attorney notifies the person in writing at least 30 days before trial of the State's intention to seek the mandatory minimum sentence.

(4) Each violation of this subsection is a separate crime.

(5) A PERSON CONVICTED UNDER THIS SUBSECTION IS NOT PROHIBITED FROM PARTICIPATING IN A DRUG TREATMENT PROGRAM UNDER § 8-507 OF THE HEALTH – GENERAL ARTICLE BECAUSE OF THE LENGTH OF THE SENTENCE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 144

(House Bill 291)

AN ACT concerning

Correctional Services – Inmate Case Record – Educational, Vocational, and Job History

FOR the purpose of requiring the Division of Correction to conduct a certain educational, vocational, and job history interview for certain inmates; requiring the Division to include the results of a certain educational, vocational, and job history interview in certain inmate case records; and generally relating to inmate case records.

BY repealing and reenacting, with amendments,
 Article – Correctional Services
 Section 3–601
 Annotated Code of Maryland
 (2017 Replacement Volume)

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

Article – Correctional Services

3–601.

(a) In this section, “risk and needs assessment” has the meaning stated in § 6–101 of this article.

(b) Promptly after an inmate is sentenced to the jurisdiction of the Division, the Division shall assemble an adequate case record for the inmate that includes:

- (1) a description of the inmate;
- (2) a photograph of the inmate;
- (3) the family history of the inmate;
- (4) THE EDUCATIONAL, VOCATIONAL, AND JOB HISTORY OF THE INMATE;**

[(4) (5) any previous record of the inmate;

[(5) (6) a summary of the facts of each case for which the inmate is serving a sentence; AND

[(6) (7) AS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION, the results of:

(I) a risk and needs assessment of the inmate [required under subsection (c) of this section; and

(7) the results of];

(II) the physical[,] AND mental[, and educational] examination of the inmate [required under subsection (c) of this section]; AND

(III) THE EDUCATIONAL, VOCATIONAL, AND JOB HISTORY INTERVIEW OF THE INMATE.

(c) The Division shall conduct, **FOR EACH INMATE, AS SOON AS FEASIBLE AFTER THE INDIVIDUAL IS SENTENCED TO THE JURISDICTION OF THE DIVISION:**

(1) a risk and needs assessment [and];

(2) a physical[,] AND mental[, and educational] examination [of an inmate as soon as feasible after the individual is sentenced to the jurisdiction of the Division]; AND

(3) AN EDUCATIONAL, VOCATIONAL, AND JOB HISTORY INTERVIEW.

(d) (1) Based on the information assembled under subsection (b) of this section, the Division shall classify an inmate and develop a case plan to guide an inmate's rehabilitation while under the custody of the Division.

(2) The case plan developed under this subsection shall include:

(i) programming and treatment recommendations based on the results of the risk and needs assessment conducted under subsection (c) of this section;

(ii) required conduct in accordance with the rules and policies of the Division; and

(iii) a plan for the payment of restitution, not to supersede any payment plan established by the court, if restitution has been ordered.

(e) In accordance with regulations adopted by the Division, the managing official of each correctional facility shall maintain, as a part of an inmate's case record:

(1) an adequate record of the conduct, effort, and progress of the inmate during confinement; and

(2) a record of the character of any offense committed by the inmate and the nature and amount of punishment inflicted.

(f) To identify an inmate, the Division may photograph and fingerprint the inmate and record a description of the inmate's personal background data.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 145

(Senate Bill 1137)

AN ACT concerning

~~Correctional Services – Inmate Case Record – Educational, Vocational, and Job History~~
Criminal Law – Prohibitions, Prosecutions, and Corrections

FOR the purpose of requiring the Division of Correction to conduct a certain educational, vocational, and job history interview for certain inmates; requiring the Division to include the results of a certain educational, vocational, and job history interview in certain inmate case records; adding to the list of programs for which a certain inmate may be allowed a certain deduction from the inmate's term of confinement for each calendar month during which the inmate manifests satisfactory progress in or

completion of the program; adding certain crimes relating to firearms to a certain list of crimes for which certain evidence may be gathered by, and a judge may grant an order authorizing, interception of oral, wire, or electronic communications; making conforming changes; altering the definition of “drug paraphernalia” to exclude equipment used to test or analyze a controlled dangerous substance; altering a certain prohibition on the possession of drug paraphernalia; altering the list of controlled dangerous substances applicable to a certain prohibition against volume dealing in controlled dangerous substances; altering maximum penalties for crimes relating to inducing false testimony or avoidance of a subpoena, retaliation for testimony, and intimidating or corrupting a juror; establishing the Task Force to Study Maryland’s Criminal Gang Statutes; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of the Task Force; and generally relating to inmate case records to criminal prohibitions, prosecutions, and corrections.

BY repealing and reenacting, with amendments,
 Article – Correctional Services
 Section 3–601 *and* 3–706
 Annotated Code of Maryland
 (2017 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 10–402(c)(2) and 10–406(a)
Annotated Code of Maryland
(2013 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 5–101(a)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 5–101(p), 5–612, 5–619(c) and (d), 9–302, 9–303, and 9–305
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

Article – Correctional Services

3-601.

(a) In this section, “risk and needs assessment” has the meaning stated in § 6-101 of this article.

(b) Promptly after an inmate is sentenced to the jurisdiction of the Division, the Division shall assemble an adequate case record for the inmate that includes:

(1) a description of the inmate;

(2) a photograph of the inmate;

(3) the family history of the inmate;

(4) THE EDUCATIONAL, VOCATIONAL, AND JOB HISTORY OF THE INMATE;

[(4)] (5) any previous record of the inmate;

[(5)] (6) a summary of the facts of each case for which the inmate is serving a sentence; **AND**

[(6)] (7) **AS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION**, the results of:

(I) a risk and needs assessment of the inmate [required under subsection (c) of this section; and

(7) the results of];

(II) the physical[,] **AND** mental[, and educational] examination of the inmate [required under subsection (c) of this section]; **AND**

(III) THE EDUCATIONAL, VOCATIONAL, AND JOB HISTORY INTERVIEW OF THE INMATE.

(c) The Division shall conduct, **FOR EACH INMATE, AS SOON AS FEASIBLE AFTER THE INDIVIDUAL IS SENTENCED TO THE JURISDICTION OF THE DIVISION:**

(1) a risk and needs assessment [and];

(2) a physical[,] **AND** mental [, and educational] examination [of an inmate as soon as feasible after the individual is sentenced to the jurisdiction of the Division]; **AND**

(3) AN EDUCATIONAL, VOCATIONAL, AND JOB HISTORY INTERVIEW.

(d) (1) Based on the information assembled under subsection (b) of this section, the Division shall classify an inmate and develop a case plan to guide an inmate's rehabilitation while under the custody of the Division.

(2) The case plan developed under this subsection shall include:

(i) programming and treatment recommendations based on the results of the risk and needs assessment conducted under subsection (c) of this section;

(ii) required conduct in accordance with the rules and policies of the Division; and

(iii) a plan for the payment of restitution, not to supersede any payment plan established by the court, if restitution has been ordered.

(e) In accordance with regulations adopted by the Division, the managing official of each correctional facility shall maintain, as a part of an inmate's case record:

(1) an adequate record of the conduct, effort, and progress of the inmate during confinement; and

(2) a record of the character of any offense committed by the inmate and the nature and amount of punishment inflicted.

(f) To identify an inmate, the Division may photograph and fingerprint the inmate and record a description of the inmate's personal background data.

3-706.

(a) In addition to any other deductions allowed under this subtitle, as an incentive to reduce a term of incarceration, an inmate may be allowed a deduction of 5 days from the inmate's term of confinement for each calendar month during which the inmate manifests satisfactory progress in or completion of:

(1) vocational courses;

(2) other educational and training courses;

(3) workforce development training;

(4) cognitive-behavioral therapy; [or]

(5) substance abuse therapy;

(6) LIFE SKILLS TRAINING; OR

(7) ANTIVIOLENCE THERAPY, INCLUDING ANGER MANAGEMENT AND CONFLICT RESOLUTION.

(b) The deduction described in subsection (a) of this section shall be calculated:

(1) from the first day that the inmate participates in the course; and

(2) on a prorated basis for any portion of the calendar month during which the inmate participates in the course.

Article – Courts and Judicial Proceedings

10-402.

(c) (2) (i) This paragraph applies to an interception in which:

1. The investigative or law enforcement officer or other person is a party to the communication; or

2. One of the parties to the communication has given prior consent to the interception.

(ii) It is lawful under this subtitle for an investigative or law enforcement officer acting in a criminal investigation or any other person acting at the prior direction and under the supervision of an investigative or law enforcement officer to intercept a wire, oral, or electronic communication in order to provide evidence:

1. Of the commission of:

A. Murder;

B. Kidnapping;

C. Rape;

D. A sexual offense in the first or second degree;

E. Child abuse in the first or second degree;

F. Child pornography under § 11-207, § 11-208, or § 11-208.1 of the Criminal Law Article;

G. Gambling;

H. Robbery under § 3-402 or § 3-403 of the Criminal Law Article;

- Article:
- I. A felony under Title 6, Subtitle 1 of the Criminal Law Article;
- J. Bribery;
- K. Extortion;
- L. Dealing in a controlled dangerous substance, including a violation of § 5-617 or § 5-619 of the Criminal Law Article;
- M. A fraudulent insurance act, as defined in Title 27, Subtitle 4 of the Insurance Article;
- N. An offense relating to destructive devices under § 4-503 of the Criminal Law Article;
- O. A human trafficking offense under § 11-303 of the Criminal Law Article;
- P. Sexual solicitation of a minor under § 3-324 of the Criminal Law Article;
- Q. An offense relating to obstructing justice under § 9-302, § 9-303, or § 9-305 of the Criminal Law Article;
- R. Sexual abuse of a minor under § 3-602 of the Criminal Law Article;
- S. A theft scheme or continuing course of conduct under § 7-103(f) of the Criminal Law Article involving an aggregate value of property or services of at least \$10,000;
- T. Abuse or neglect of a vulnerable adult under § 3-604 or § 3-605 of the Criminal Law Article;
- U. An offense relating to Medicaid fraud under §§ 8-509 through 8-515 of the Criminal Law Article; [or]
- V. AN OFFENSE INVOLVING A FIREARM UNDER § 5-134, § 5-136, § 5-138, § 5-140, § 5-141, OR § 5-144 OF THE PUBLIC SAFETY ARTICLE; OR
- W. A conspiracy or solicitation to commit an offense listed in items A through [U] V of this item; or
2. If:

A. A person has created a barricade situation; and

B. Probable cause exists for the investigative or law enforcement officer to believe a hostage or hostages may be involved.

10-406.

(a) The Attorney General, State Prosecutor, or any State's Attorney may apply to a judge of competent jurisdiction, and the judge, in accordance with the provisions of § 10-408 of this subtitle, may grant an order authorizing the interception of wire, oral, or electronic communications by investigative or law enforcement officers when the interception may provide or has provided evidence of the commission of:

(1) Murder;

(2) Kidnapping;

(3) Rape;

(4) A sexual offense in the first or second degree;

(5) Child abuse in the first or second degree;

(6) Child pornography under § 11-207, § 11-208, or § 11-208.1 of the Criminal Law Article;

(7) Gambling;

(8) Robbery under § 3-402 or § 3-403 of the Criminal Law Article;

(9) A felony under Title 6, Subtitle 1 of the Criminal Law Article;

(10) Bribery;

(11) Extortion;

(12) Dealing in a controlled dangerous substance, including a violation of § 5-617 or § 5-619 of the Criminal Law Article;

(13) A fraudulent insurance act, as defined in Title 27, Subtitle 4 of the Insurance Article;

(14) An offense relating to destructive devices under § 4-503 of the Criminal Law Article;

(15) A human trafficking offense under § 11-303 of the Criminal Law Article;

- (16) Sexual solicitation of a minor under § 3-324 of the Criminal Law Article;
- (17) An offense relating to obstructing justice under § 9-302, § 9-303, or § 9-305 of the Criminal Law Article;
- (18) Sexual abuse of a minor under § 3-602 of the Criminal Law Article;
- (19) A theft scheme or continuing course of conduct under § 7-103(f) of the Criminal Law Article involving an aggregate value of property or services of at least \$10,000;
- (20) Abuse or neglect of a vulnerable adult under § 3-604 or § 3-605 of the Criminal Law Article;
- (21) An offense relating to Medicaid fraud under §§ 8-509 through 8-515 of the Criminal Law Article; [or]
- (22) AN OFFENSE INVOLVING A FIREARM UNDER § 5-134, § 5-136, § 5-138, § 5-140, § 5-141, OR § 5-144 OF THE PUBLIC SAFETY ARTICLE; OR
- (23) A conspiracy or solicitation to commit an offense listed in items (1) through [(21)] (22) of this subsection.

Article – Criminal Law

5-101.

- (a) In this title the following words have the meanings indicated.
- (p) (1) “Drug paraphernalia” means equipment, a product, or material that is used, intended for use, or designed for use, in:
- (i) planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, [testing, analyzing,] packaging, repackaging, storing, containing, or concealing a controlled dangerous substance in violation of this title; or
- (ii) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled dangerous substance in violation of this title.
- (2) “Drug paraphernalia” includes:
- (i) a kit used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting any species of plant that is a controlled dangerous substance or from which a controlled dangerous substance can be derived;

(ii) a kit used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing a controlled dangerous substance;

(iii) an isomerization device used, intended for use, or designed for use in increasing the potency of any species of plant that is a controlled dangerous substance;

(iv) testing equipment used, intended for use, or designed for use [in identifying or] in analyzing the strength, effectiveness, or purity of a controlled dangerous substance;

(v) a scale or balance used, intended for use, or designed for use in weighing or measuring a controlled dangerous substance;

(vi) a diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, used, intended for use, or designed for use in cutting a controlled dangerous substance;

(vii) a separation gin or sifter used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

(viii) a blender, bowl, container, spoon, or mixing device used, intended for use, or designed for use in compounding a controlled dangerous substance;

(ix) a capsule, balloon, envelope, or other container used, intended for use, or designed for use in packaging small quantities of a controlled dangerous substance;

(x) a container or other object used, intended for use, or designed for use in storing or concealing a controlled dangerous substance;

(xi) a hypodermic syringe, needle, or other object used, intended for use, or designed for use in parenterally injecting a controlled dangerous substance into the human body; and

(xii) an object used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body such as:

1. a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe with or without screen, permanent screen, hashish head, or punctured metal bowl;

2. a water pipe;

3. a carburetion tube or device;

4. a smoking or carburetion mask;

5. an object known as a roach clip used to hold burning material, such as a marijuana cigarette that has become too small or too short to be held in the hand;

6. a miniature spoon used for cocaine and cocaine vials;

7. a chamber pipe;

8. a carburetor pipe;

9. an electric pipe;

10. an air-driven pipe;

11. a chillum;

12. a bong; and

13. an ice pipe or chiller.

5-612.

(a) A person may not manufacture, distribute, dispense, or possess:

(1) 50 pounds or more of marijuana;

(2) 448 grams or more of cocaine;

(3) 448 grams or more of any mixture containing a detectable amount, AS SCIENTIFICALLY MEASURED USING REPRESENTATIVE SAMPLING METHODOLOGY, of cocaine;

(4) 448 grams or more of cocaine base, commonly known as “crack”;

(5) 28 grams or more of morphine or opium or any derivative, salt, isomer, or salt of an isomer of morphine or opium;

(6) [any mixture containing] 28 grams or more of ANY MIXTURE CONTAINING A DETECTABLE AMOUNT, AS SCIENTIFICALLY MEASURED USING REPRESENTATIVE SAMPLING METHODOLOGY, OF morphine or opium or any derivative, salt, isomer, or salt of an isomer of morphine or opium;

(7) 5 GRAMS OR MORE OF FENTANYL OR ANY STRUCTURAL VARIATION OF FENTANYL THAT IS SCHEDULED BY THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION;

(8) 28 GRAMS OR MORE OF ANY MIXTURE CONTAINING A DETECTABLE AMOUNT, AS SCIENTIFICALLY MEASURED USING REPRESENTATIVE SAMPLING METHODOLOGY, OF FENTANYL OR ANY STRUCTURAL VARIATION OF FENTANYL THAT IS SCHEDULED BY THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION;

[(7)] (9) 1,000 dosage units or more of lysergic acid diethylamide;

[(8)] (10) any mixture containing the equivalent of 1,000 dosage units of lysergic acid diethylamide;

[(9)] (11) 16 ounces or more of phencyclidine in liquid form;

[(10)] (12) 448 grams or more of any mixture containing A DETECTABLE AMOUNT, AS SCIENTIFICALLY MEASURED USING REPRESENTATIVE SAMPLING METHODOLOGY, OF phencyclidine;

[(11)] (13) 448 grams or more of methamphetamine; or

[(12)] (14) [any mixture containing] 448 grams or more of ANY MIXTURE CONTAINING A DETECTABLE AMOUNT, AS SCIENTIFICALLY MEASURED USING REPRESENTATIVE SAMPLING METHODOLOGY, OF methamphetamine.

(b) For the purpose of determining the quantity of a controlled dangerous substance involved in individual acts of manufacturing, distributing, dispensing, or possessing under subsection (a) of this section, the acts may be aggregated if each of the acts occurred within a 90-day period.

(c) (1) A person who is convicted of a violation of subsection (a) of this section shall be sentenced to imprisonment for not less than 5 years and is subject to a fine not exceeding \$100,000.

(2) The court may not suspend any part of the mandatory minimum sentence of 5 years.

(3) Except as provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.

5-619.

(c) (1) This subsection does not apply to the use or possession of drug paraphernalia involving the use or possession of marijuana.

(2) Unless authorized under this title, a person may not use or possess with intent to use drug paraphernalia to:

(i) plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, [test, analyze,] pack, repack, store, contain, or conceal a controlled dangerous substance; or

(ii) inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance.

(3) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, a fine not exceeding \$500; and

(ii) for each subsequent violation, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both.

(4) A person who is convicted of violating this subsection for the first time and who previously has been convicted of violating subsection (d)(4) of this section is subject to the penalty specified under paragraph (3)(ii) of this subsection.

(d) (1) Unless authorized under this title, a person may not deliver or sell, or manufacture or possess with intent to deliver or sell, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that the drug paraphernalia will be used to:

(i) plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, [test, analyze,] pack, repack, store, contain, or conceal a controlled dangerous substance; or

(ii) inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, a fine not exceeding \$500; and

(ii) for each subsequent violation, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both.

(3) A person who is convicted of violating this subsection for the first time and who previously has been convicted of violating paragraph (4) of this subsection is subject to imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both.

(4) If a person who is at least 18 years old violates paragraph (1) of this subsection by delivering drug paraphernalia to a minor who is at least 3 years younger than the person, the person is guilty of a separate misdemeanor and on conviction is subject to imprisonment not exceeding 8 years or a fine not exceeding \$15,000 or both.

9-302.

(a) A person may not harm another, threaten to harm another, or damage or destroy property with the intent to:

(1) influence a victim or witness to testify falsely or withhold testimony; or

(2) induce a victim or witness:

(i) to avoid the service of a subpoena or summons to testify;

(ii) to be absent from an official proceeding to which the victim or witness has been subpoenaed or summoned; or

(iii) not to report the existence of facts relating to a crime or delinquent act.

(b) A person may not solicit another person to harm another, threaten to harm another, or damage or destroy property with the intent to:

(1) influence a victim or witness to testify falsely or withhold testimony; or

(2) induce a victim or witness:

(i) to avoid the service of a subpoena or summons to testify;

(ii) to be absent from an official proceeding to which the victim or witness has been subpoenaed or summoned; or

(iii) not to report the existence of facts relating to a crime or delinquent act.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [5] 10 years or a fine not exceeding \$5,000 or both.

(2) If the testimony, subpoena, official proceeding, or report involving the victim or witness relates to a felonious violation of Title 5 of this article or the commission of a crime of violence as defined in § 14-101 of this article, or a conspiracy or solicitation to commit such a crime, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

(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 establishing the violation of this section.

9-303.

(a) A person may not intentionally harm another, threaten to harm another, or damage or destroy property with the intent of retaliating against:

(1) a victim or witness for:

(i) giving testimony in an official proceeding; or

(ii) reporting a crime or delinquent act;

(2) a juror for any reason relating to the performance of the juror's official duties in a pending or completed case in a court of the State or the United States; or

(3) an officer of the court of the State or the United States for any reason relating to the performance of the officer's official duties in a pending or completed case.

(b) A person may not solicit another person to intentionally harm another, threaten to harm another, or damage or destroy property with the intent of retaliating against:

(1) a victim or witness for:

(i) giving testimony in an official proceeding; or

(ii) reporting a crime or delinquent act;

(2) a juror for any reason relating to the performance of the juror's official duties in a pending or completed case in a court of the State or the United States; or

(3) an officer of the court of the State or the United States for any reason relating to the performance of the officer's official duties in a pending or completed case.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [5] 10 years or a fine not exceeding \$5,000 or both.

(2) If the official proceeding or report described in subsection (a) of this section relates to a felonious violation of Title 5 of this article or the commission of a crime of violence as defined in § 14-101 of this article, or a conspiracy or solicitation to commit such a crime, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

(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 establishing the violation of this section.

9-305.

(a) A person may not, by threat, force, or corrupt means, try to influence, intimidate, or impede a juror, a witness, or an officer of a court of the State or of the United States in the performance of the person's official duties.

(b) A person may not solicit another person to, by threat, force, or corrupt means, try to influence, intimidate, or impede a juror, a witness, or an officer of the court of the State or of the United States in the performance of the person's official duties.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [5] 10 years or a fine not exceeding \$5,000 or both.

(2) If an act described in subsection (a) of this section is taken in connection with a proceeding involving a felonious violation of Title 5 of this article or the commission of a crime of violence as defined in § 14-101 of this article, or a conspiracy or solicitation to commit such a crime, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

(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 establishing the violation of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force to Study Maryland's Criminal Gang Statutes.

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

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of State Police, or the Secretary's designee;

(4) the Secretary of Public Safety and Correctional Services, or the Secretary's designee;

(5) the Secretary of Juvenile Services, or the Secretary's designee;

(6) the Attorney General, or the Attorney General's designee;

(7) the Public Defender, or the Public Defender's designee;

(8) a representative of the Maryland Judiciary, appointed by the Chief Judge of the Court of Appeals;

(9) the Executive Director of the Governor's Office of Crime Control and Prevention, or the Executive Director's designee; and

(10) the following members, appointed by the Governor:

(i) one representative of the Maryland State's Attorneys' Association;

(ii) one representative of local law enforcement agencies;

(iii) one representative of the Maryland Retailer's Association;

(iv) one representative of the American Civil Liberties Union;

(v) one member of the general public;

(vi) one representative of Out for Justice;

(vii) one academician or researcher with expertise relevant to the work of the Task Force; and

(viii) any other member with expertise relevant to the work of the Task Force.

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

(d) The Governor's Office of Crime Control and Prevention shall provide staff for the Task Force.

(e) A member of the Task Force:

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

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

(f) The Task Force shall:

(1) study existing State prohibitions on criminal gang-related activity and the efficacy of existing law in being used to obtain criminal convictions against individuals who engage in criminal gang-related activity; and

(2) make recommendations regarding changes to State law to better deter, prosecute, and punish criminal gang-related activity and persons convicted of gang-related offenses.

(g) On or before June 30, 2020, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2018. Section 2 of this Act shall remain effective for a period of 2 years and 1 month and, at the end of June 30, 2020, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, April 24, 2018.

Chapter 146

(House Bill 1029)

AN ACT concerning

Criminal Law – Wearing, Carrying, or Transporting Loaded Handgun – Subsequent Offender

FOR the purpose of prohibiting a person from wearing, carrying, or transporting a handgun loaded with ammunition on or about the person or in a vehicle under certain circumstances; prohibiting a court from suspending any part of certain sentences for certain persons who have previously been convicted of certain offenses; clarifying that certain sentences are mandatory minimum sentences; providing that certain persons are not eligible for parole during certain sentences, with a certain exception; providing that a certain mandatory minimum sentence may not be imposed unless the State’s Attorney notifies a certain defendant in writing at a certain time of a certain intention; and generally relating to the crime of wearing, carrying, or transporting a handgun.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 4-203
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

Article – Criminal Law

4-203.

(a) (1) Except as provided in subsection (b) of this section, a person may not:

(i) wear, carry, or transport a handgun, whether concealed or open, on or about the person;

(ii) wear, carry, or knowingly transport a handgun, whether concealed or open, in a vehicle traveling on a road or parking lot generally used by the public, highway, waterway, or airway of the State;

(iii) violate item (i) or (ii) of this paragraph while on public school property in the State; ~~or~~

(iv) violate item (i) or (ii) of this paragraph with the deliberate purpose of injuring or killing another person; **OR**

(V) VIOLATE ITEM (I) OR (II) OF THIS PARAGRAPH WITH A HANDGUN LOADED WITH AMMUNITION.

(2) There is a rebuttable presumption that a person who transports a handgun under paragraph (1)(ii) of this subsection transports the handgun knowingly.

(b) This section does not prohibit:

(1) the wearing, carrying, or transporting of a handgun by a person who is authorized at the time and under the circumstances to wear, carry, or transport the handgun as part of the person's official equipment, and is:

(i) a law enforcement official of the United States, the State, or a county or city of the State;

(ii) a member of the armed forces of the United States or of the National Guard on duty or traveling to or from duty;

(iii) a law enforcement official of another state or subdivision of another state temporarily in this State on official business;

(iv) a correctional officer or warden of a correctional facility in the State;

(v) a sheriff or full-time assistant or deputy sheriff of the State; or

(vi) a temporary or part-time sheriff's deputy;

(2) the wearing, carrying, or transporting of a handgun, in compliance with any limitations imposed under § 5-307 of the Public Safety Article, by a person to whom a permit to wear, carry, or transport the handgun has been issued under Title 5, Subtitle 3 of the Public Safety Article;

(3) the carrying of a handgun on the person or in a vehicle while the person is transporting the handgun to or from the place of legal purchase or sale, or to or from a bona fide repair shop, or between bona fide residences of the person, or between the bona fide residence and place of business of the person, if the business is operated and owned substantially by the person if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(4) the wearing, carrying, or transporting by a person of a handgun used in connection with an organized military activity, a target shoot, formal or informal target practice, sport shooting event, hunting, a Department of Natural Resources–sponsored firearms and hunter safety class, trapping, or a dog obedience training class or show, while the person is engaged in, on the way to, or returning from that activity if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(5) the moving by a bona fide gun collector of part or all of the collector's gun collection from place to place for public or private exhibition if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(6) the wearing, carrying, or transporting of a handgun by a person on real estate that the person owns or leases or where the person resides or within the confines of a business establishment that the person owns or leases;

(7) the wearing, carrying, or transporting of a handgun by a supervisory employee:

(i) in the course of employment;

(ii) within the confines of the business establishment in which the supervisory employee is employed; and

(iii) when so authorized by the owner or manager of the business establishment;

(8) the carrying or transporting of a signal pistol or other visual distress signal approved by the United States Coast Guard in a vessel on the waterways of the State or, if the signal pistol or other visual distress signal is unloaded and carried in an enclosed case, in a vehicle; or

(9) the wearing, carrying, or transporting of a handgun by a person who is carrying a court order requiring the surrender of the handgun, if:

(i) the handgun is unloaded;

(ii) the person has notified the law enforcement unit, barracks, or station that the handgun is being transported in accordance with the court order; and

(iii) the person transports the handgun directly to the law enforcement unit, barracks, or station.

(c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to the penalties provided in this subsection.

(2) If the person has not previously been convicted under this section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title:

(i) except as provided in item (ii) of this paragraph, the person is subject to imprisonment for not less than 30 days and not exceeding 3 years or a fine of not less than \$250 and not exceeding \$2,500 or both; or

(ii) if the person violates subsection (a)(1)(iii) of this section, the person shall be sentenced to imprisonment for not less than 90 days.

(3) (i) If the person has previously been convicted once under this section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title:

1. except as provided in item 2 of this subparagraph, the person is subject to imprisonment for not less than 1 year and not exceeding 10 years; or

2. if the person violates subsection (a)(1)(iii) of this section, the person is subject to imprisonment for not less than 3 years and not exceeding 10 years.

(ii) **1. The EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE** court may not ~~SUSPEND ANY PART OF OR~~ impose less than the applicable ~~MANDATORY~~ minimum sentence provided under subparagraph (i) of this paragraph.

2. IF THE PERSON VIOLATES SUBSECTION (A)(1)(V) OF THIS SECTION, THE COURT MAY NOT SUSPEND ANY PART OF OR IMPOSE LESS THAN THE APPLICABLE MANDATORY MINIMUM SENTENCE PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(III) EXCEPT AS PROVIDED IN § 4–305 OF THE CORRECTIONAL SERVICES ARTICLE, IF THE PERSON VIOLATES SUBSECTION (A)(1)(V) OF THIS SECTION, THE PERSON IS NOT ELIGIBLE FOR PAROLE DURING THE MANDATORY MINIMUM SENTENCE.

(IV) A MANDATORY MINIMUM SENTENCE UNDER SUBPARAGRAPH (II)2 OF THIS PARAGRAPH MAY NOT BE IMPOSED UNLESS THE STATE’S ATTORNEY NOTIFIES THE DEFENDANT IN WRITING AT LEAST 30 DAYS BEFORE TRIAL OF THE STATE’S INTENTION TO SEEK THE MANDATORY MINIMUM SENTENCE.

(4) (i) If the person has previously been convicted more than once under this section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title, or of any combination of these crimes:

1. except as provided in item 2 of this subparagraph, the person is subject to imprisonment for not less than 3 years and not exceeding 10 years; or

2. A. if the person violates subsection (a)(1)(iii) of this section, the person is subject to imprisonment for not less than 5 years and not exceeding 10 years; or

B. if the person violates subsection (a)(1)(iv) of this section, the person is subject to imprisonment for not less than 5 years and not exceeding 10 years.

(ii) **1. ~~The EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE~~ court may not ~~SUSPEND ANY PART OF OR~~ impose less than the applicable ~~MANDATORY~~ minimum sentence provided under subparagraph (i) of this paragraph.**

2. IF THE PERSON VIOLATES SUBSECTION (A)(1)(V) OF THIS SECTION, THE COURT MAY NOT SUSPEND ANY PART OF OR IMPOSE LESS THAN THE APPLICABLE MANDATORY MINIMUM SENTENCE PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(III) EXCEPT AS PROVIDED IN § 4–305 OF THE CORRECTIONAL SERVICES ARTICLE, IF THE PERSON VIOLATES SUBSECTION (A)(1)(V) OF THIS SECTION, THE PERSON IS NOT ELIGIBLE FOR PAROLE DURING THE MANDATORY MINIMUM SENTENCE.

(IV) A MANDATORY MINIMUM SENTENCE UNDER SUBPARAGRAPH (II)2 OF THIS PARAGRAPH MAY NOT BE IMPOSED UNLESS THE STATE’S ATTORNEY NOTIFIES THE DEFENDANT IN WRITING AT LEAST 30 DAYS BEFORE TRIAL OF THE STATE’S INTENTION TO SEEK THE MANDATORY MINIMUM SENTENCE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 147

(House Bill 113)

AN ACT concerning

**Public Safety – Baltimore City Safe Streets Initiatives – Funding
(The Tyrone Ray Safe Streets Act)**

FOR the purpose of requiring the Governor to appropriate a certain amount in the annual State budget for Baltimore City to be used only to provide grants to certain organizations to implement Safe Streets Initiatives in Baltimore City; requiring that the funds be used to supplement, and not supplant, funds otherwise available for Safe Streets Initiatives in Baltimore City; establishing certain restrictions on the grant funds; requiring that the Mayor of Baltimore City report to certain committees of the General Assembly on or before a certain date; defining a certain term; making this Act an emergency measure; and generally relating to a mandated appropriation for Safe Streets Initiatives in Baltimore City.

BY adding to

Article – Public Safety

Section 4–801 to be under the new subtitle “Subtitle 8. Miscellaneous Grant Programs”

Annotated Code of Maryland

(2011 Replacement Volume and 2017 Supplement)

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

Article – Public Safety

SUBTITLE 8. MISCELLANEOUS GRANT PROGRAMS.

4–801.

(A) IN THIS SECTION, “SAFE STREETS INITIATIVE” MEANS A VIOLENCE PREVENTION OR INTERVENTION PROGRAM OPERATED BY A COMMUNITY–BASED ORGANIZATION IN A NEIGHBORHOOD THAT IS DISPROPORTIONATELY AFFECTED BY VIOLENT CRIME.

(B) (1) EACH YEAR THE GOVERNOR SHALL APPROPRIATE \$3,600,000 IN THE ANNUAL STATE BUDGET FOR BALTIMORE CITY TO BE USED ONLY TO PROVIDE GRANTS TO COMMUNITY–BASED ORGANIZATIONS TO OPERATE SAFE STREETS INITIATIVES IN BALTIMORE CITY.

(2) THE FUNDS APPROPRIATED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE USED SOLELY TO SUPPLEMENT, AND NOT SUPPLANT, FUNDS OTHERWISE AVAILABLE FOR SAFE STREETS INITIATIVES IN BALTIMORE CITY.

(C) A GRANT MADE WITH FUNDS APPROPRIATED UNDER SUBSECTION (B)(1) OF THIS SECTION MAY NOT:

- (1) REQUIRE A MATCHING FUND;
- (2) EXCEED \$300,000 PER SAFE STREETS INITIATIVE; OR
- (3) SUPPLANT GRANT FUNDING OTHERWISE AVAILABLE FOR SAFE STREETS INITIATIVES.

(D) ON OR BEFORE DECEMBER 31 EACH YEAR, THE MAYOR OF BALTIMORE CITY SHALL REPORT TO THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON:

(1) THE EFFECTIVENESS OF SAFE STREETS INITIATIVES IN BALTIMORE CITY;

(2) THE STATUS OF ALL SAFE STREETS INITIATIVES IN BALTIMORE CITY, INCLUDING A SUMMARY OF GRANTS AWARDED WITH THE FOLLOWING INFORMATION ABOUT EACH GRANT:

(I) THE NAME OF THE AWARDEE;

(II) THE AMOUNT OF THE GRANT; AND

(III) A SUMMARY OF THE PROGRAM FOR WHICH THE GRANT WAS AWARDED; AND

(3) ANY OTHER INFORMATION CONSIDERED NECESSARY BY THE MAYOR OF BALTIMORE CITY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect July 1, 2018~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 24, 2018.

Chapter 148

(House Bill 432)

AN ACT concerning

**Public Safety – ~~Maryland Violence Intervention and Prevention Program Fund~~
~~Establishment Grant Programs and Funding~~
(Public Safety and Violence ~~Intervention~~ Prevention Act of 2018)**

FOR the purpose of establishing the Maryland Violence Intervention and Prevention Program Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Executive Director of the Governor’s Office of Crime Control and Prevention to administer the Fund in consultation with the Maryland Violence Intervention and Prevention Advisory Council; requiring the State Treasurer to hold the Fund and the Comptroller, in conjunction with the Executive Director, to account for the Fund; specifying the contents of the Fund; ~~requiring~~ authorizing the Governor to annually appropriate a certain amount to the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; providing that the accounts and transactions of the Fund shall be subject to a certain audit; establishing the Maryland Violence Intervention and Prevention Advisory Council in the Governor’s Office of Crime Control and Prevention; specifying the membership of the Council; specifying the duties of the Council; requiring that certain information be provided in a certain evaluation; providing that members of the Council may not receive compensation but are entitled to reimbursement for certain expenses; requiring the Executive Director, in consultation with the Council, to establish procedures for local governments and nonprofit organizations to use in applying for money from the Fund; specifying the information that must be provided in an application for money from the Fund; requiring the Executive Director, in consultation with the Council, to establish procedures for the distribution of funds; specifying the duration of awards and a certain preference for the award of funds; requiring awards to be commensurate with the level of gun violence; specifying certain requirements for a local government or nonprofit organization that is awarded money from the Fund; exempting the Fund from a certain provision of law requiring interest on State money in special funds to accrue to the General Fund of the State; requiring that certain reports be posted to a certain website; requiring the Governor, in certain fiscal years, to include certain appropriations of money in the annual budget bill for certain purposes; requiring the Executive Director to establish certain measures for tracking the performance of certain activities or programs; requiring a certain local government or nonprofit entity that receives certain funds to comply with certain requirements as a condition of receiving certain funds; defining certain terms; and generally relating to ~~the establishment and use of the Maryland Violence Intervention and Prevention Program Fund~~ grant programs and funding for public safety.

BY adding to

Article – Public Safety

Section 4–801 through 4–806 to be under the new subtitle “Subtitle 8. Maryland Violence Intervention and Prevention Program Fund”; and 4–901 through

~~4-907~~ ~~4-909~~ to be under the new subtitle “Subtitle 9. Miscellaneous Grant Programs”

Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)101. and 102.
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)103.
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – Public Safety

SUBTITLE 8. MARYLAND VIOLENCE INTERVENTION AND PREVENTION PROGRAM FUND.

4–801.

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

(B) “COUNCIL” MEANS THE MARYLAND VIOLENCE INTERVENTION AND PREVENTION ADVISORY COUNCIL ESTABLISHED UNDER § 4–803 OF THIS SUBTITLE.

(C) “EVIDENCE–BASED HEALTH PROGRAM” MEANS A PROGRAM OR AN INITIATIVE THAT:

(1) IS DEVELOPED AND EVALUATED THROUGH SCIENTIFIC RESEARCH AND DATA COLLECTION;

(2) USES PUBLIC HEALTH PRINCIPLES THAT DEMONSTRATE MEASURABLE POSITIVE OUTCOMES IN PREVENTING GUN VIOLENCE; AND

(3) ~~IS OPERATED BY A COMMUNITY-BASED ORGANIZATION~~
IMPLEMENTED BY A NONPROFIT ORGANIZATION OR PUBLIC AGENCY.

(D) “EVIDENCE-INFORMED HEALTH PROGRAM” MEANS A PROGRAM, AN APPROACH, OR AN INITIATIVE THAT IS:

(1) BASED ON PUBLIC HEALTH PRINCIPLES;

(2) CAPABLE OF BEING STUDIED AND EVALUATED THROUGH RESEARCH AND DATA COLLECTION;

(3) FOR THE PURPOSE OF REDUCING GUN VIOLENCE;

(4) DIRECTED TO INFLUENCE FACTORS DETERMINED TO AFFECT GUN VIOLENCE; AND

(5) ~~OPERATED BY A COMMUNITY-BASED ORGANIZATION~~
IMPLEMENTED BY A NONPROFIT ORGANIZATION OR PUBLIC AGENCY.

(E) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.

(F) “FUND” MEANS THE MARYLAND VIOLENCE INTERVENTION AND PREVENTION PROGRAM FUND.

(G) “LOCAL GOVERNMENT” MEANS A COUNTY OR MUNICIPALITY.

4-802.

(A) THERE IS A MARYLAND VIOLENCE INTERVENTION AND PREVENTION PROGRAM FUND.

(B) THE PURPOSE OF THE FUND IS TO:

(1) ~~PROVIDE FUNDS TO LOCAL GOVERNMENTS FOR THE DISTRIBUTION OF GRANTS TO IMPLEMENT EVIDENCE-BASED HEALTH PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS~~
SUPPORT EFFECTIVE VIOLENCE REDUCTION STRATEGIES BY PROVIDING COMPETITIVE GRANTS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS TO FUND EVIDENCE-BASED HEALTH PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS; AND

(2) EVALUATE THE EFFICACY OF EVIDENCE-BASED HEALTH PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS FUNDED THROUGH THE FUND.

(C) THE EXECUTIVE DIRECTOR SHALL ADMINISTER THE FUND IN CONSULTATION WITH THE COUNCIL.

(D) (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, IN CONJUNCTION WITH THE EXECUTIVE DIRECTOR, SHALL ACCOUNT FOR THE FUND.

(E) (1) THE FUND CONSISTS OF:

(I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(II) INVESTMENT EARNINGS OF THE FUND; AND

(III) MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(2) THE GOVERNOR ~~SHALL~~ MAY ANNUALLY APPROPRIATE ~~AT LEAST UP TO \$5,000,000~~ \$10,000,000 TO THE FUND.

(F) (1) THE FUND SHALL BE USED IN THE FOLLOWING MANNER:

(I) ~~TO PROVIDE FUNDS TO LOCAL GOVERNMENTS FOR THE DISTRIBUTION OF GRANTS TO IMPLEMENT EVIDENCE-BASED HEALTH PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS~~ SUPPORT EFFECTIVE VIOLENCE REDUCTION STRATEGIES BY PROVIDING COMPETITIVE GRANTS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS TO FUND EVIDENCE-BASED HEALTH PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS; AND

(II) IN AN AMOUNT NOT GREATER THAN 5% OF THE FUND, FOR THE EVALUATION OF THE EFFICACY OF EVIDENCE-BASED HEALTH PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS AWARDED GRANTS THROUGH THE FUND.

(2) THE FUND MAY NOT BE USED TO:

(I) SUPPLANT FUNDING THAT WOULD OTHERWISE BE AVAILABLE FOR VIOLENCE INTERVENTION OR PREVENTION PROGRAMS; OR

(II) FUND SUPPRESSION ACTIVITIES BY LAW ENFORCEMENT.

(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(I) THE ACCOUNTS AND TRANSACTIONS OF THE FUND SHALL BE SUBJECT TO AUDIT BY THE LEGISLATIVE AUDITOR AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

4-803.

(A) THERE IS A MARYLAND VIOLENCE INTERVENTION AND PREVENTION ADVISORY COUNCIL IN THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.

(B) THE COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:

(1) THE EXECUTIVE DIRECTOR; ~~AND~~

(2) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE;

(3) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE;

(4) ONE INDIVIDUAL FROM A HIGHER EDUCATION INSTITUTION WHO STUDIES PUBLIC HEALTH, APPOINTED BY THE EXECUTIVE DIRECTOR;

(5) ONE INDIVIDUAL WHO HAS BEEN AFFECTED BY GUN VIOLENCE, APPOINTED BY THE EXECUTIVE DIRECTOR; AND

~~(2)~~ (6) SUBJECT TO SUBSECTION (C) OF THIS SECTION, EIGHT INDIVIDUALS APPOINTED AS FOLLOWS:

(I) FOUR INDIVIDUALS FROM COMMUNITY-BASED OR HOSPITAL-BASED ORGANIZATIONS THAT USE EVIDENCE-BASED HEALTH PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS, TWO APPOINTED BY THE PRESIDENT OF THE SENATE AND TWO APPOINTED BY THE SPEAKER OF THE HOUSE;

(II) TWO INDIVIDUALS FROM LOCAL POLICE DEPARTMENTS OR THE DEPARTMENT OF STATE POLICE, ONE APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE APPOINTED BY THE SPEAKER OF THE HOUSE; AND

(III) TWO INDIVIDUALS FROM LOCAL HEALTH DEPARTMENTS THAT ARE IMPLEMENTING VIOLENCE PREVENTION STRATEGIES, ONE APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE APPOINTED BY THE SPEAKER OF THE HOUSE.

(C) IN MAKING APPOINTMENTS UNDER SUBSECTION ~~(B)(2)~~ (B)(6) OF THIS SECTION, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE SHALL ENSURE ~~GEOGRAPHIC AND RACIAL DIVERSITY AMONG THE MEMBERS~~ THE INCLUSION OF MEMBERS FROM MULTIPLE CITIES AND COUNTIES AFFECTED BY VIOLENCE.

(D) (1) THE COUNCIL SHALL:

(I) ~~ALLOCATE~~ ADVISE THE EXECUTIVE DIRECTOR ON THE ALLOCATION OF FUNDS FOR THE EVALUATION OF THE EFFICACY OF EVIDENCE-BASED HEALTH PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS THAT RECEIVE FUNDING IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION;

(II) PROVIDE INPUT TO THE EXECUTIVE DIRECTOR ON THE ADMINISTRATION OF THE FUND;

(III) ASSIST THE EXECUTIVE DIRECTOR IN ESTABLISHING PROCEDURES FOR LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS TO APPLY FOR FUNDING;

(IV) ASSIST THE EXECUTIVE DIRECTOR IN ESTABLISHING PROCEDURES FOR THE DISTRIBUTION OF FUNDING;

(V) CREATE GUIDELINES FOR FUNDING ELIGIBILITY;

~~(VI) REVIEW AND APPROVE APPLICATIONS FOR FUNDING;~~

~~(VII)~~ (VI) REVIEW AND PUBLISH REPORTS REGARDING THE SUCCESS AND FAILURE OF NONSUPPRESSION-BASED VIOLENCE INTERVENTION AND PREVENTION PROGRAMS;

~~(VIII)~~ (VII) ADVISE THE GOVERNOR AND THE EXECUTIVE DIRECTOR ON THE IMPLEMENTATION OF GUN VIOLENCE PREVENTION PROGRAMS IN THE STATE; AND

~~(IX)~~ (VIII) BE GOVERNED BY A MAJORITY VOTE.

(2) AN EVALUATION OF THE EFFICACY OF EVIDENCE-BASED HEALTH PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS THAT RECEIVE FUNDING UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION SHALL BE UNDERTAKEN BY AN INDEPENDENT, THIRD-PARTY RESEARCHER SELECTED BY THE COUNCIL.

(3) THE RESULTS OF THE EVALUATION UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE POSTED TO THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION'S WEBSITE.

(E) A MEMBER OF THE COUNCIL:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COUNCIL; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

4-804.

(A) THE EXECUTIVE DIRECTOR SHALL, IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION AND IN CONSULTATION WITH THE COUNCIL, ESTABLISH PROCEDURES FOR LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS TO USE IN APPLYING FOR MONEY FROM THE FUND.

(B) AN APPLICATION SHALL REQUIRE A LOCAL GOVERNMENT OR NONPROFIT ORGANIZATION TO PROVIDE, AT A MINIMUM:

(1) CLEARLY DEFINED AND MEASUREABLE OBJECTIVES;

(2) EVIDENCE THAT THE PROPOSED EVIDENCE-BASED HEALTH PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS WOULD LIKELY REDUCE GUN VIOLENCE; AND

(3) A DESCRIPTION OF HOW THE LOCAL GOVERNMENT OR NONPROFIT ORGANIZATION PROPOSES TO USE THE FUNDING TO REDUCE RATES OF GUN VIOLENCE BY:

(I) ~~ESTABLISH OR ENHANCE~~ ESTABLISHING OR ENHANCING EVIDENCE-BASED HEALTH PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS; AND

(II) ~~ENHANCE~~ ENHANCING COORDINATION OF EXISTING VIOLENCE INTERVENTION AND PREVENTION PROGRAMS, IF ANY, TO MINIMIZE DUPLICATION OF SERVICES.

4-805.

(A) THE EXECUTIVE DIRECTOR SHALL, IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION AND IN CONSULTATION WITH THE COUNCIL, ESTABLISH PROCEDURES FOR THE DISTRIBUTION OF MONEY FROM THE FUND.

(B) (1) FUNDING AWARDS SHALL BE MADE TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS FOR A MINIMUM DURATION OF 3 CONSECUTIVE FISCAL YEARS.

(2) PREFERENCE SHALL BE GIVEN TO LOCAL GOVERNMENTS OR NONPROFIT ORGANIZATIONS:

(I) THAT ARE DISPROPORTIONATELY AFFECTED BY VIOLENCE, AS DETERMINED BY THE COUNCIL; AND

(II) ~~THAT HAVE ESTABLISHED EFFECTIVE EVIDENCE BASED HEALTH PROGRAMS OR EVIDENCE INFORMED HEALTH PROGRAMS~~ WHOSE GRANT PROPOSALS DEMONSTRATE THE GREATEST LIKELIHOOD OF REDUCING GUN VIOLENCE IN THEIR COMMUNITIES.

(C) FUNDING AWARDS SHALL BE COMMENSURATE WITH:

(1) THE LEVELS OF GUN VIOLENCE IN THE JURISDICTION SERVED BY THE LOCAL GOVERNMENT OR NONPROFIT ORGANIZATION; AND

(2) THE STRENGTH OF THE LOCAL GOVERNMENT OR NONPROFIT ORGANIZATION'S APPLICATION.

4-806.

(A) A LOCAL GOVERNMENT OR NONPROFIT ORGANIZATION THAT RECEIVES FUNDING UNDER THIS SUBTITLE SHALL:

(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, PROVIDE A CASH OR IN-KIND MATCH EQUIVALENT TO 33% OF THE AMOUNT AWARDED; AND

(2) USE THE AWARD TO SUPPLEMENT AND NOT SUPPLANT FUNDING THAT WOULD OTHERWISE BE AVAILABLE TO IMPLEMENT EVIDENCE-BASED HEALTH PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS; ~~AND~~

~~(3) IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, SUBMIT A REPORT EVERY 2 YEARS TO THE EXECUTIVE DIRECTOR.~~

(B) THE MATCHING FUND REQUIREMENT UNDER SUBSECTION (A)(1) OF THIS SECTION SHALL BE WAIVED IF THE LOCAL GOVERNMENT OR NONPROFIT ORGANIZATION CAN DEMONSTRATE GOOD CAUSE, AS DETERMINED BY THE EXECUTIVE DIRECTOR.

(C) ~~THE REPORT REQUIRED UNDER SUBSECTION (A)(3) OF THIS SECTION~~ IN ADDITION TO ANY OTHER REPORTING REQUIREMENTS FROM THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION, GRANTEES SHALL SUBMIT A REPORT AT THE END OF EACH GRANT CYCLE THAT SHALL:

(1) INCLUDE THE FOLLOWING INFORMATION:

(I) DATA COLLECTED DURING THE DURATION OF THE AWARD;

(II) A DISCUSSION OF ANY COLLABORATIVE EFFORTS BETWEEN THE LOCAL GOVERNMENT OR NONPROFIT ORGANIZATION, A COMMUNITY-BASED ORGANIZATION, AND ANY OTHER ENTITY IN FURTHERANCE OF THE OBJECTIVES OF THE AWARD; AND

(III) AN ANALYSIS OF THE PROGRESS MADE IN ACHIEVING THE OBJECTIVES OF THE AWARD; AND

(2) BE POSTED TO THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION'S WEBSITE.

SUBTITLE 9. MISCELLANEOUS GRANT PROGRAMS.

4-901.

(A) FOR FISCAL YEARS 2020 THROUGH 2023, EACH YEAR THE GOVERNOR SHALL APPROPRIATE \$425,000 IN THE ANNUAL STATE BUDGET FOR BALTIMORE CITY TO BE USED AS AN OPERATING GRANT FOR THE LAW ENFORCEMENT ASSISTED DIVERSION PROGRAM IN BALTIMORE CITY.

(B) THE FUNDS APPROPRIATED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE USED SOLELY TO SUPPLEMENT, AND NOT SUPPLANT, FUNDS OTHERWISE AVAILABLE FOR THE LAW ENFORCEMENT ASSISTED DIVERSION PROGRAM IN BALTIMORE CITY.

4-902.

(A) FOR FISCAL YEARS 2020 THROUGH 2023, EACH YEAR THE GOVERNOR SHALL APPROPRIATE \$360,000 IN THE ANNUAL STATE BUDGET FOR BALTIMORE CITY TO BE USED BY THE BALTIMORE CITY STATE'S ATTORNEY'S OFFICE FOR THE RELOCATION OF VICTIMS AND WITNESSES OF CRIME.

(B) THE FUNDS APPROPRIATED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE USED SOLELY TO SUPPLEMENT, AND NOT SUPPLANT, FUNDS OTHERWISE AVAILABLE FOR THE RELOCATION OF VICTIMS AND WITNESSES OF CRIME IN BALTIMORE CITY.

4-903.

(A) IN THIS SECTION, "DEPARTMENT" MEANS THE DEPARTMENT OF STATE POLICE.

(B) FOR FISCAL YEARS 2020 THROUGH 2023, EACH YEAR THE GOVERNOR SHALL APPROPRIATE \$466,600 IN THE ANNUAL STATE BUDGET FOR THE DEPARTMENT, IN COORDINATION WITH THE ATTORNEY GENERAL, TO FORM A DESIGNATED UNIT OF LAW ENFORCEMENT OFFICERS WHO ARE SELECTED, TRAINED, AND EQUIPPED TO WORK AS A TEAM TO INVESTIGATE:

(1) FIREARM TRAFFICKING;

(2) STRAW PURCHASES AS DEFINED IN § 5-101 OF THIS ARTICLE;

(3) THE MOVEMENT OF ILLEGAL FIREARMS; AND

(4) ANY OFFENSE RELATED TO AN OFFENSE IN ITEMS (1) THROUGH (3) OF THIS SUBSECTION THAT MAY EXCEED THE CAPABILITIES OF OTHER INVESTIGATING UNITS WITHIN THE DEPARTMENT.

(C) THE FUNDS APPROPRIATED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE USED SOLELY TO SUPPLEMENT, AND NOT SUPPLANT, FUNDS OTHERWISE AVAILABLE TO THE DEPARTMENT OR THE ATTORNEY GENERAL.

4-904.

(A) FOR FISCAL YEARS 2020 THROUGH 2023, EACH YEAR THE GOVERNOR SHALL APPROPRIATE \$300,000 IN THE ANNUAL STATE BUDGET FOR THE BALTIMORE CHESAPEAKE BAY OUTWARD BOUND SCHOOL IN BALTIMORE CITY.

(B) THE FUNDS APPROPRIATED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE USED SOLELY TO SUPPLEMENT, AND NOT SUPPLANT, FUNDS OTHERWISE AVAILABLE FOR THE BALTIMORE CHESAPEAKE BAY OUTWARD BOUND SCHOOL IN BALTIMORE CITY.

4-905.

(A) IN THIS SECTION, “STRATEGIC DECISION SUPPORT CENTER” MEANS A FACILITY THAT IS EQUIPPED WITH TECHNOLOGY AND SYSTEMS THAT FUNCTION AS INTELLIGENCE CENTERS FOR LAW ENFORCEMENT AND ENABLE FUNCTIONS INCLUDING DATA INTEGRATION, THE STUDY OF CRIME TRENDS, AND THE DEVELOPMENT OF PREDICTIVE AND TECHNOLOGY-BASED APPROACHES IN DETECTING AND INVESTIGATING CRIMINAL ACTIVITY.

(B) FOR FISCAL YEARS 2020 THROUGH 2023, EACH YEAR THE GOVERNOR SHALL APPROPRIATE \$100,000 IN THE ANNUAL STATE BUDGET FOR BALTIMORE CITY TO BE USED TO SUPPORT STRATEGIC DECISION SUPPORT CENTERS IN THE EASTERN *DISTRICT* AND WESTERN DISTRICT OF BALTIMORE CITY.

(C) THE FUNDS APPROPRIATED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE USED SOLELY TO SUPPLEMENT, AND NOT SUPPLANT, FUNDS OTHERWISE AVAILABLE FOR STRATEGIC DECISION SUPPORT CENTERS IN THE EASTERN *DISTRICT* AND WESTERN DISTRICT OF BALTIMORE CITY.

4-906.

(A) FOR FISCAL YEARS 2020 THROUGH 2023, EACH YEAR THE GOVERNOR SHALL APPROPRIATE AT LEAST \$250,000 IN THE ANNUAL STATE BUDGET FOR THE CHILDREN AND PARENT RESOURCE GROUP, INC.

(B) THE FUNDS APPROPRIATED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE USED SOLELY TO SUPPLEMENT, AND NOT SUPPLANT, FUNDS OTHERWISE AVAILABLE FOR THE CHILDREN AND PARENT RESOURCE GROUP, INC.

4-907.

(A) FOR FISCAL YEARS 2020 THROUGH 2023, EACH YEAR THE GOVERNOR SHALL APPROPRIATE \$475,000 IN THE ANNUAL STATE BUDGET FOR PRINCE GEORGE'S COUNTY TO BE USED BY THE CHIEF OF POLICE FOR A CRIMINAL APPREHENSION AND SUPPRESSION INITIATIVE FOCUSED ON REDUCING VIOLENT CRIME.

(B) THE FUNDS APPROPRIATED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE USED SOLELY TO SUPPLEMENT, AND NOT SUPPLANT, FUNDS OTHERWISE AVAILABLE FOR A CRIMINAL APPREHENSION AND SUPPRESSION INITIATIVE FOCUSED ON REDUCING VIOLENT CRIME IN PRINCE GEORGE'S COUNTY.

4-908.

A LOCAL GOVERNMENT OR NONPROFIT ENTITY THAT RECEIVES FUNDING UNDER THIS SUBTITLE:

(1) MAY USE THE FUNDING ONLY IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE; AND

(2) SHALL COMPLY WITH ANY DATA SHARING AND REPORTING REQUIREMENTS ESTABLISHED BY THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION UNDER § ~~4-907~~ 4-909 OF THIS SUBTITLE AS A CONDITION OF RECEIVING FUNDING.

~~4-907.~~ 4-909.

(A) IN THIS SECTION, "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.

(B) THE EXECUTIVE DIRECTOR SHALL ESTABLISH OUTCOME-BASED PERFORMANCE MEASURES TO TRACK THE PERFORMANCE OF ANY ACTIVITY OR PROGRAM SUPPORTED BY FUNDS RECEIVED UNDER THIS SUBTITLE.

(C) (1) ON OR BEFORE OCTOBER 1, 2020, AND EVERY OCTOBER 1 THEREAFTER, THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL PLACE ON ITS WEBSITE IN AN EASILY ACCESSIBLE LOCATION A FILTERABLE DATA DISPLAY SHOWING ALL DATA COLLECTED UNDER THIS SUBTITLE PERTAINING TO OUTCOME-BASED PERFORMANCE MEASURES UNDER THIS SECTION FOR THE PREVIOUS FISCAL YEAR.

(2) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL NOTIFY ANNUALLY IN WRITING THE GOVERNOR AND THE

LEGISLATIVE POLICY COMMITTEE, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, WHEN THE FILTERABLE DATA DISPLAY HAS BEEN UPDATED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) THE EXECUTIVE DIRECTOR SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

Article – State Finance and Procurement

6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

101. the Advance Directive Program Fund; [and]

102. the Make Office Vacancies Extinct Matching Fund; AND

103. THE MARYLAND VIOLENCE INTERVENTION AND PREVENTION PROGRAM FUND.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 149

(House Bill 359)

AN ACT concerning

Health – Reporting of Overdose Information

FOR the purpose of authorizing emergency medical services providers and law enforcement officers to report certain overdoses using a certain information technology platform; requiring that the report include certain information; requiring the emergency

medical services provider or law enforcement officer making a report to make certain efforts to make the report within a certain time period; requiring the Maryland Institute for Emergency Medical Services Systems to report certain information to a certain information technology platform under certain circumstances; prohibiting certain information from being used for a criminal investigation or prosecution; prohibiting a law enforcement agency from publicly publishing a certain address except under certain circumstances; requiring the Opioid Operational Command Center to provide a certain report to certain committees of the General Assembly on or before a certain date; stating the intent of the General Assembly regarding the reporting of certain information under certain circumstances; providing for immunity from ~~civil and~~ criminal liability under certain circumstances; defining certain terms; and generally relating to the reporting of overdose information.

BY repealing and reenacting, without amendments,

Article – Education

Section 13–516(a)(1) and (7)

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

BY adding to

Article – Health – General

Section 13–3601 ~~and 13–3602~~ through 13–3603 to be under the new subtitle
“Subtitle 36. Reporting of Overdoses”

Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – Public Safety

Section 3–101(e)

Annotated Code of Maryland

(2011 Replacement Volume and 2017 Supplement)

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

Article – Education

13–516.

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

(7) “Emergency medical services provider” means an individual licensed or certified by the EMS Board as:

(i) A cardiac rescue technician;

(ii) An emergency medical dispatcher;

- (iii) An emergency medical responder;
- (iv) An emergency medical technician; or
- (v) A paramedic.

Article – Health – General

SUBTITLE 36. REPORTING OF OVERDOSES.

13-3601.

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

(B) “EMERGENCY MEDICAL SERVICES PROVIDER” HAS THE MEANING STATED IN § 13-516 OF THE EDUCATION ARTICLE.

(C) “LAW ENFORCEMENT OFFICER” HAS THE MEANING STATED IN § 3-101 OF THE PUBLIC SAFETY ARTICLE.

(D) “OVERDOSE” MEANS A CONDITION, INCLUDING EXTREME PHYSICAL ILLNESS, DECREASED LEVEL OF CONSCIOUSNESS, RESPIRATORY DEPRESSION, COMA, OR DEATH, RESULTING FROM THE CONSUMPTION OR USE OF ANY CONTROLLED DANGEROUS SUBSTANCE THAT REQUIRES MEDICAL ATTENTION, ASSISTANCE, OR TREATMENT, AND CLINICAL SUSPICION FOR DRUG OVERDOSE, INCLUDING RESPIRATORY DEPRESSION, UNCONSCIOUSNESS, OR ALTERED MENTAL STATE, WITHOUT OTHER CONDITIONS TO EXPLAIN THE CLINICAL CONDITION.

13-3602.

(A) AN EMERGENCY MEDICAL SERVICES PROVIDER OR A LAW ENFORCEMENT OFFICER WHO TREATS AND RELEASES OR TRANSPORTS TO A MEDICAL FACILITY AN INDIVIDUAL EXPERIENCING A SUSPECTED OR AN ACTUAL OVERDOSE MAY REPORT THE INCIDENT USING AN APPROPRIATE INFORMATION TECHNOLOGY PLATFORM WITH SECURE ACCESS, INCLUDING THE WASHINGTON/BALTIMORE HIGH INTENSITY DRUG TRAFFICKING AREA OVERDOSE DETECTION MAPPING APPLICATION PROGRAM, OR ANY OTHER PROGRAM OPERATED BY THE FEDERAL GOVERNMENT OR A UNIT OF STATE OR LOCAL GOVERNMENT.

(B) A REPORT OF AN OVERDOSE MADE UNDER THIS SECTION SHALL INCLUDE:

- (1) THE DATE AND TIME OF THE OVERDOSE;
- (2) THE APPROXIMATE ADDRESS WHERE THE OVERDOSE VICTIM WAS INITIALLY ENCOUNTERED OR WHERE THE OVERDOSE OCCURRED;
- (3) WHETHER AN OPIOID OVERDOSE REVERSAL DRUG WAS ADMINISTERED; AND
- (4) WHETHER THE OVERDOSE WAS FATAL OR NONFATAL.

(C) IF AN EMERGENCY MEDICAL SERVICES PROVIDER OR A LAW ENFORCEMENT OFFICER REPORTS AN OVERDOSE UNDER THIS SECTION, THE EMERGENCY MEDICAL SERVICES PROVIDER OR LAW ENFORCEMENT OFFICER MAKING THE REPORT SHALL MAKE BEST EFFORTS TO MAKE THE REPORT WITHIN 24 HOURS AFTER RESPONDING TO THE INCIDENT.

(D) ON RECEIPT OF A PATIENT CARE REPORT THAT INDICATES AN OVERDOSE, THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS SHALL REPORT THE INFORMATION LISTED UNDER SUBSECTION (B) OF THIS SECTION TO AN APPROPRIATE INFORMATION TECHNOLOGY PLATFORM WITH SECURE ACCESS, INCLUDING THE WASHINGTON/BALTIMORE HIGH INTENSITY DRUG TRAFFICKING AREA OVERDOSE DETECTION MAPPING APPLICATION, OR ANY OTHER PROGRAM OPERATED BY THE FEDERAL GOVERNMENT OR A UNIT OF STATE OR LOCAL GOVERNMENT.

(E) OVERDOSE INFORMATION REPORTED BY AN EMERGENCY MEDICAL SERVICES PROVIDER UNDER SUBSECTION (A) OF THIS SECTION OR BY THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS UNDER SUBSECTION (D) OF THIS SECTION MAY NOT BE USED FOR A CRIMINAL INVESTIGATION OR PROSECUTION.

(F) AN EMERGENCY MEDICAL SERVICES PROVIDER OR A LAW ENFORCEMENT OFFICER WHO IN GOOD FAITH MAKES A REPORT UNDER THIS SECTION SHALL BE IMMUNE FROM ~~CIVIL OR~~ CRIMINAL LIABILITY FOR MAKING THE REPORT.

13-3603.

A LAW ENFORCEMENT AGENCY MAY NOT PUBLICLY PUBLISH THE EXACT ADDRESS OF AN OVERDOSE LOCATION UNLESS THERE IS A VALID PUBLIC SAFETY CONCERN.

3–101.

(e) (1) “Law enforcement officer” means an individual who:

(i) in an official capacity is authorized by law to make arrests; and

(ii) is a member of one of the following law enforcement agencies:

1. the Department of State Police;

2. the Police Department of Baltimore City;

3. the Baltimore City School Police Force;

4. the Baltimore City Watershed Police Force;

5. the police department, bureau, or force of a county;

6. the police department, bureau, or force of a municipal corporation;

7. the office of the sheriff of a county;

8. the police department, bureau, or force of a bicounty agency;

9. the Maryland Transportation Authority Police;

10. the police forces of the Department of Transportation;

11. the police forces of the Department of Natural Resources;

12. the Field Enforcement Bureau of the Comptroller’s Office;

13. the Housing Authority of Baltimore City Police Force;

14. the Crofton Police Department;

15. the police force of the Maryland Department of Health;

16. the police force of the Maryland Capitol Police of the Department of General Services;

17. the police force of the Department of Labor, Licensing, and Regulation;

18. the police forces of the University System of Maryland;

19. the police force of Morgan State University;
20. the office of State Fire Marshal;
21. the Ocean Pines Police Department;
22. the police force of the Baltimore City Community College;
23. the police force of the Hagerstown Community College;
24. the Internal Investigation Unit of the Department of Public Safety and Correctional Services;
25. the Warrant Apprehension Unit of the Division of Parole and Probation in the Department of Public Safety and Correctional Services; or
26. the police force of the Anne Arundel Community College.

(2) “Law enforcement officer” does not include:

- (i) an individual who serves at the pleasure of the Police Commissioner of Baltimore City;
- (ii) an individual who serves at the pleasure of the appointing authority of a charter county;
- (iii) the police chief of a municipal corporation;
- (iv) an officer who is in probationary status on initial entry into the law enforcement agency except if an allegation of brutality in the execution of the officer’s duties is made;
- (v) a Montgomery County fire and explosive investigator as defined in § 2–208.1 of the Criminal Procedure Article;
- (vi) an Anne Arundel County or City of Annapolis fire and explosive investigator as defined in § 2–208.2 of the Criminal Procedure Article;
- (vii) a Prince George’s County fire and explosive investigator as defined in § 2–208.3 of the Criminal Procedure Article;
- (viii) a Worcester County fire and explosive investigator as defined in § 2–208.4 of the Criminal Procedure Article;
- (ix) a City of Hagerstown fire and explosive investigator as defined in § 2–208.5 of the Criminal Procedure Article; or

(x) a Howard County fire and explosive investigator as defined in § 2–208.6 of the Criminal Procedure Article.

SECTION 2. AND BE IT FURTHER ENACTED, That, unless overdose information is otherwise reported through the Maryland Institute for Emergency Medical Services Systems as required under Section 1 of this Act, it is the intent of the General Assembly that emergency medical service providers and law enforcement officers report, to the extent possible, overdose information via an appropriate information technology platform with secure access for the purpose of making decisions regarding the allocation of public health and educational resources.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) On or before January 1, 2019, the Opioid Operational Command Center shall provide a comprehensive report to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2–1246 of the State Government Article, regarding the reporting of overdose information using an information technology platform as authorized under Section 1 of this Act.

(b) The report required under subsection (a) of this section shall include information regarding:

(1) the number of overdoses reported and the approximate locations where the overdoses occurred, including any clusters of overdoses;

(2) who made the reports;

(3) how the reports were used for public health and public safety responses, the outcomes of the public health and public safety interventions, and the impact on affected communities; and

(4) when, if ever, an exact address of an overdose location was publicly published and the reason for publishing the address.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 150

(Senate Bill 40)

AN ACT concerning

**Maryland Stadium Authority – Exemption From Department of Information
Technology Oversight**

FOR the purpose of exempting the Maryland Stadium Authority from certain provisions of law relating to the purchase, lease, or rental of information technology or any changes to the purchase, lease, or rental of information technology; and generally relating to information technology, the Maryland Stadium Authority, and the Department of Information Technology.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 3A–302
Annotated Code of Maryland
(2015 Replacement Volume and 2017 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

3A–302.

(a) This subtitle does not apply to changes relating to or the purchase, lease, or rental of information technology by:

- (1) public institutions of higher education solely for academic or research purposes;
- (2) the Maryland Port Administration;
- (3) the University System of Maryland;
- (4) St. Mary’s College of Maryland; [or]
- (5) Morgan State University; **OR**
- (6) THE MARYLAND STADIUM AUTHORITY.**

(b) Except as provided in subsection (a) of this section, this subtitle applies to any project of a unit of the Executive Branch of State government that involves an agreement with a public institution of higher education for a portion of the development of the project, whether the work on the development is done directly or indirectly by the public institution of higher education.

(c) Notwithstanding any other provision of law, except as provided in subsection (a) of this section and §§ 3A–307(a)(2), 3A–308, and 3A–309 of this subtitle, this subtitle

applies to all units of the Executive Branch of State government including public institutions of higher education other than Morgan State University, the University System of Maryland, and St. Mary's College of Maryland.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 151

(Senate Bill 281)

AN ACT concerning

Maryland Cybersecurity Council – Membership – Revisions

FOR the purpose of altering the membership of the Maryland Cybersecurity Council to include the State Administrator of Elections or the State Administrator's designee; ~~altering the number of members of the respective houses of the General Assembly that the President of the Senate and the Speaker of the House of Delegates may appoint to serve on the Council; authorizing the Minority Leader of the Senate and the Minority Leader of the House of Delegates to appoint one member of their respective houses of the General Assembly to serve on the Council; prohibiting the Minority Leader of the Senate and the Minority Leader of the House of Delegates from making an initial appointment under certain circumstances until a certain condition is met;~~ and generally relating to the membership of the Maryland Cybersecurity Council.

BY repealing and reenacting, with amendments,

Article – State Government

Section 9–2901

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

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

Article – State Government

9–2901.

- (a) (1) In this subtitle the following words have the meanings indicated.
- (2) “Council” means the Maryland Cybersecurity Council.

(3) “Executive Order” means Executive Order 13636 of the President of the United States.

(b) There is a Maryland Cybersecurity Council.

(c) The Council consists of the following members:

(1) the Attorney General, or the Attorney General’s designee;

(2) the Secretary of Information Technology, or the Secretary’s designee;

(3) the Secretary of State Police, or the Secretary’s designee;

(4) the Secretary of Commerce, or the Secretary’s designee;

(5) the Adjutant General, or the Adjutant General’s designee;

(6) **THE STATE ADMINISTRATOR OF ELECTIONS, OR THE STATE ADMINISTRATOR’S DESIGNEE;**

(7) the Executive Director of the Governor’s Office of Homeland Security, or the Executive Director’s designee;

[(7)] (8) the Director of the Maryland Coordination and Analysis Center, or the Director’s designee;

[(8)] (9) the Executive Director of the Maryland Emergency Management Agency, or the Executive Director’s designee;

[(9)] (10) the Executive Director of the Maryland Technology Development Corporation, or the Executive Director’s designee;

[(10)] (11) the Chair of the Tech Council of Maryland, or the Chair’s designee;

[(11)] (12) the President of the Fort Meade Alliance, or the President’s designee;

[(12)] (13) the President of the Army Alliance, or the President’s designee;
and

[(13)] (14) the following members appointed by the Attorney General:

(i) five representatives of cybersecurity companies located in the State, with at least three representing cybersecurity companies with 50 or fewer employees;

- (ii) four representatives from statewide or regional business associations;
- (iii) up to ten representatives from institutions of higher education located in the State;
- (iv) one representative of a crime victims organization;
- (v) four representatives from industries that may be susceptible to attacks on cybersecurity, including at least one representative of a bank, whether or not State-chartered, that has a branch in the State;
- (vi) two representatives of organizations that have expertise in electronic health care records; and
- (vii) any other stakeholder that the Attorney General determines appropriate.

(d) ~~(1)~~ The President of the Senate may appoint ~~up to two members;~~ ~~ONE MEMBER~~ of the Senate to serve on the Council.

~~(2) THE MINORITY LEADER OF THE SENATE MAY APPOINT ONE MEMBER OF THE SENATE TO SERVE ON THE COUNCIL.~~

(e) ~~(1)~~ The Speaker of the House of Delegates may appoint ~~up to two members;~~ ~~ONE MEMBER~~ of the House to serve on the Council.

~~(2) THE MINORITY LEADER OF THE HOUSE OF DELEGATES MAY APPOINT ONE MEMBER OF THE HOUSE OF DELEGATES TO SERVE ON THE COUNCIL.~~

(f) The Attorney General also shall invite, as appropriate, the following representatives of federal agencies to serve on the Council:

- (1) the Director of the National Security Agency, or the Director's designee;
- (2) the Secretary of Homeland Security, or the Secretary's designee;
- (3) the Director of the Defense Information Systems Agency, or the Director's designee;
- (4) the Director of the Intelligence Advanced Research Projects Activity, or the Director's designee; and
- (5) any other federal agency that the Attorney General determines appropriate.

- (g) The Attorney General, or the Attorney General's designee, shall chair the Council.
- (h) The University of Maryland, University College shall provide staff for the Council.
- (i) A member of the Council:
 - (1) may not receive compensation as a member of the Council; but
 - (2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.
- (j) The Council shall work with the National Institute of Standards and Technology and other federal agencies, private sector businesses, and private cybersecurity experts to:
 - (1) for critical infrastructure not covered by federal law or the Executive Order, review and conduct risk assessments to determine which local infrastructure sectors are at the greatest risk of cyber attacks and need the most enhanced cybersecurity measures;
 - (2) use federal guidance to identify categories of critical infrastructure as critical cyber infrastructure if cyber damage or unauthorized cyber access to the infrastructure could reasonably result in catastrophic consequences, including:
 - (i) interruption in the provision of energy, water, transportation, emergency services, food, or other life-sustaining services sufficient to cause a mass casualty event or mass evacuations;
 - (ii) catastrophic economic damage; or
 - (iii) severe degradation of State or national security;
 - (3) assist infrastructure entities that are not covered by the Executive Order in complying with federal cybersecurity guidance;
 - (4) assist private sector cybersecurity businesses in adopting, adapting, and implementing the National Institute of Standards and Technology cybersecurity framework of standards and practices;
 - (5) examine inconsistencies between State and federal laws regarding cybersecurity;
 - (6) recommend a comprehensive State strategic plan to ensure a coordinated and adaptable response to and recovery from cybersecurity attacks; and

(7) recommend any legislative changes considered necessary by the Council to address cybersecurity issues.

(k) Beginning July 1, 2017, and every 2 years thereafter, the Council shall submit a report of its activities to the General Assembly in accordance with § 2-1246 of this article.

~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~

~~(a) If two members of the Senate are serving on the Maryland Cybersecurity Council on the effective date of this Act, the Minority Leader of the Senate may not make an initial appointment under § 9-2901(d)(2) of the State Government Article, as enacted by Section 1 of this Act, until one of the members is no longer serving on the Council.~~

~~(b) If two members of the House of Delegates are serving on the Maryland Cybersecurity Council on the effective date of this Act, the Minority Leader of the House of Delegates may not make an initial appointment under § 9-2901(e)(2) of the State Government Article, as enacted by Section 1 of this Act, until one of the members is no longer serving on the Council.~~

SECTION ~~2.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 152

(Senate Bill 53)

AN ACT concerning

Maryland Veterans Service Animal Program Fund – Alteration of Program

FOR the purpose of ~~repealing a requirement that a certain entity selected by the Department of Veterans Affairs engage in the training of and pair certain veterans with support dogs;~~ authorizing a designee of the Secretary of Veterans Affairs to administer the Maryland Veterans Service Animal Program Fund; requiring the Department of Veterans Affairs to publish the names of certain donors to the Maryland Veterans Service Animal Program Fund who have authorized the Department to publish their names; making a stylistic change; ~~making conforming changes;~~ and generally relating to the Maryland Veterans Service Animal Program Fund.

BY repealing and reenacting, with amendments,
Article – State Government

Section 9–957
 Annotated Code of Maryland
 (2014 Replacement Volume and 2017 Supplement)

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

Article – State Government

9–957.

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

(2) “Eligible veteran” means an individual who:

(i) served on active duty in:

1. the armed forces of the United States;

2. the National Guard; or

3. a reserve component of the armed forces of the United States;

(ii) served in a capacity other than for training;

(iii) was discharged or released under conditions other than dishonorable; and

(iv) 1. is a resident of the State; or

2. receives treatment or care from a Veterans’ Administration hospital in the State.

(3) “Fund” means the Maryland Veterans Service Animal Program Fund established under subsection (f) of this section.

(4) “Nonprofit training entity” means a corporation, a foundation, or any other legal entity that:

(i) is qualified under § 501(c)(3) of the Internal Revenue Code;

(ii) engages in the training of service dogs ~~for support dogs~~ for use by veterans; and

(iii) has been selected by the Department to provide services under this section.

(5) “Program” means the Maryland Veterans Service Animal Program established under subsection (b) of this section.

(6) “Program participant” means an eligible veteran who participates in the Program.

(7) “Successful Program participant” means a Program participant who successfully completes the training protocol specified by a nonprofit training entity.

(b) There is a Maryland Veterans Service Animal Program in the Department.

(c) The purposes of the Program are to:

(1) refer eligible veterans who inquire about participation in the Program to one or more nonprofit training entities;

(2) provide additional funding mechanisms to assist veterans participating in the Program;

(3) encourage successful Program participants to assist in outreach and referral of other eligible veterans who could benefit from participation in the Program;

(4) assist in the reduction of the Maryland veteran suicide rate; and

(5) identify potential capital projects and services to facilitate more services for veterans in the State.

(d) (1) The Department shall select at least one nonprofit training entity to:

(i) implement a training protocol for the purposes of the Program that will teach each Program participant methodologies, strategies, and techniques for partnering with service dogs ~~for support dogs~~;

(ii) select qualified Program participants from those eligible veterans referred to the nonprofit entity under the Program;

(iii) select an appropriate service dog ~~for support dog~~ for each Program participant;

(iv) facilitate each Program participant’s training using the nonprofit training entity’s training protocol; and

(v) partner each successful Program participant with the service dog ~~for support dog~~ on the Program participant’s successful completion of the nonprofit training entity’s training protocol.

(2) To be eligible for selection under paragraph (1) of this subsection, a nonprofit entity must:

(i) be based in the State;

(ii) serve the needs of the veteran population in the State; and

(iii) generate its own revenue and reinvest the proceeds of that revenue in the growth and development of its programs.

(e) (1) A nonprofit training entity may disqualify a Program participant from participation in the Program if the nonprofit training entity determines that the Program participant's involvement in the Program:

(i) presents a danger to the Program participant's mental or physical wellbeing;

(ii) has caused or may potentially cause harm to others, an animal, or property;

(iii) presents a danger to the service dog's ~~for~~ support dog's mental or physical well-being; or

(iv) does not meet the training requirement of the nonprofit.

(2) A Program participant may discontinue involvement in the Program for any reason.

(f) (1) There is a Maryland Veterans Service Animal Program Fund.

(2) The Department shall use revenue from the Fund to pay a nonprofit training entity.

(3) Revenue from the Fund may be used only to pay:

(i) a nonprofit training entity; and

(ii) administrative costs of the Program.

(4) The Secretary, **OR THE SECRETARY'S DESIGNEE**, shall administer the Fund.

(5) (i) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(ii) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

- (6) The Fund consists of:
- (i) revenue collected by the Department in the form of donations to the Program;
 - (ii) money appropriated in the State budget to the Fund; and
 - (iii) any other money from any other source accepted for the benefit of the Fund.
- (7) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.
- (8) Any interest earnings of the Fund shall be credited to the General Fund of the State.
- (9) Expenditures from the Fund may be made only in accordance with the State budget.
- (10) Money expended from the Fund is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for the Program.
- (g) (1) For the purpose of implementing this section, the Department may accept gifts or grants for donation to the Fund.
- (2) On or before October 1, 2018, and each October 1 thereafter, the Department shall post and maintain on its [Web site] **WEBSITE** a list [of the names of the persons who have] **CONTAINING THE NAMES OF ALL PERSONS WHO HAVE** donated to the Fund in the previous year and [have not requested anonymity] **HAVE AUTHORIZED THE DEPARTMENT TO PUBLISH THEIR NAMES ON ITS WEBSITE.**
- (h) The Department shall adopt regulations to implement this section, including regulations establishing procedures for the Department to:
- (1) promote the Program to eligible veterans through the Department's outreach methods;
 - (2) refer eligible veterans to selected nonprofit entities;
 - (3) receive donations for the Fund through a link placed in a prominent location on the Department's [Web site] **WEBSITE**; and
 - (4) use revenue from the Fund to pay selected nonprofit entities for services that are provided through the Program.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 153

(House Bill 242)

AN ACT concerning

Maryland Veterans Service Animal Program Fund – Alteration of Program

FOR the purpose of authorizing a designee of the Secretary of Veterans Affairs to administer the Maryland Veterans Service Animal Program Fund; requiring the Department of Veterans Affairs to publish the names of certain donors to the Maryland Veterans Service Animal Program Fund who have authorized the Department to publish their names; making a stylistic change; and generally relating to the Maryland Veterans Service Animal Program Fund.

BY repealing and reenacting, with amendments,
 Article – State Government
 Section 9–957
 Annotated Code of Maryland
 (2014 Replacement Volume and 2017 Supplement)

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

Article – State Government

9–957.

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

(2) “Eligible veteran” means an individual who:

(i) served on active duty in:

1. the armed forces of the United States;

2. the National Guard; or

3. a reserve component of the armed forces of the United

States;

- (ii) served in a capacity other than for training;
- (iii) was discharged or released under conditions other than dishonorable; and
- (iv)
 - 1. is a resident of the State; or
 - 2. receives treatment or care from a Veterans' Administration hospital in the State.

(3) "Fund" means the Maryland Veterans Service Animal Program Fund established under subsection (f) of this section.

(4) "Nonprofit training entity" means a corporation, a foundation, or any other legal entity that:

- (i) is qualified under § 501(c)(3) of the Internal Revenue Code;
- (ii) engages in the training of service dogs or support dogs for use by veterans; and
- (iii) has been selected by the Department to provide services under this section.

(5) "Program" means the Maryland Veterans Service Animal Program established under subsection (b) of this section.

(6) "Program participant" means an eligible veteran who participates in the Program.

(7) "Successful Program participant" means a Program participant who successfully completes the training protocol specified by a nonprofit training entity.

(b) There is a Maryland Veterans Service Animal Program in the Department.

(c) The purposes of the Program are to:

- (1) refer eligible veterans who inquire about participation in the Program to one or more nonprofit training entities;
- (2) provide additional funding mechanisms to assist veterans participating in the Program;
- (3) encourage successful Program participants to assist in outreach and referral of other eligible veterans who could benefit from participation in the Program;

(4) assist in the reduction of the Maryland veteran suicide rate; and

(5) identify potential capital projects and services to facilitate more services for veterans in the State.

(d) (1) The Department shall select at least one nonprofit training entity to:

(i) implement a training protocol for the purposes of the Program that will teach each Program participant methodologies, strategies, and techniques for partnering with service dogs or support dogs;

(ii) select qualified Program participants from those eligible veterans referred to the nonprofit entity under the Program;

(iii) select an appropriate service dog or support dog for each Program participant;

(iv) facilitate each Program participant's training using the nonprofit training entity's training protocol; and

(v) partner each successful Program participant with the service dog or support dog on the Program participant's successful completion of the nonprofit training entity's training protocol.

(2) To be eligible for selection under paragraph (1) of this subsection, a nonprofit entity must:

(i) be based in the State;

(ii) serve the needs of the veteran population in the State; and

(iii) generate its own revenue and reinvest the proceeds of that revenue in the growth and development of its programs.

(e) (1) A nonprofit training entity may disqualify a Program participant from participation in the Program if the nonprofit training entity determines that the Program participant's involvement in the Program:

(i) presents a danger to the Program participant's mental or physical wellbeing;

(ii) has caused or may potentially cause harm to others, an animal, or property;

(iii) presents a danger to the service dog's or support dog's mental or physical well-being; or

- (iv) does not meet the training requirement of the nonprofit.
- (2) A Program participant may discontinue involvement in the Program for any reason.
- (f) (1) There is a Maryland Veterans Service Animal Program Fund.
- (2) The Department shall use revenue from the Fund to pay a nonprofit training entity.
- (3) Revenue from the Fund may be used only to pay:
 - (i) a nonprofit training entity; and
 - (ii) administrative costs of the Program.
- (4) The Secretary, **OR THE SECRETARY'S DESIGNEE**, shall administer the Fund.
- (5) (i) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.
- (ii) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.
- (6) The Fund consists of:
 - (i) revenue collected by the Department in the form of donations to the Program;
 - (ii) money appropriated in the State budget to the Fund; and
 - (iii) any other money from any other source accepted for the benefit of the Fund.
- (7) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.
- (8) Any interest earnings of the Fund shall be credited to the General Fund of the State.
- (9) Expenditures from the Fund may be made only in accordance with the State budget.
- (10) Money expended from the Fund is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for the Program.

(g) (1) For the purpose of implementing this section, the Department may accept gifts or grants for donation to the Fund.

(2) On or before October 1, 2018, and each October 1 thereafter, the Department shall post and maintain on its [Web site] **WEBSITE** a list [of the names of the persons who have] **CONTAINING THE NAMES OF ALL PERSONS WHO HAVE** donated to the Fund in the previous year and [have not requested anonymity] **HAVE AUTHORIZED THE DEPARTMENT TO PUBLISH THEIR NAMES ON ITS WEBSITE.**

(h) The Department shall adopt regulations to implement this section, including regulations establishing procedures for the Department to:

(1) promote the Program to eligible veterans through the Department's outreach methods;

(2) refer eligible veterans to selected nonprofit entities;

(3) receive donations for the Fund through a link placed in a prominent location on the Department's [Web site] **WEBSITE**; and

(4) use revenue from the Fund to pay selected nonprofit entities for services that are provided through the Program.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 154

(House Bill 1159)

AN ACT concerning

Health – Vital Statistics – Veteran and Armed Services Member Suicide Reporting

FOR the purpose of ~~altering the information that is required on a certificate of death to include, under certain circumstances, whether the decedent was ever a member of the armed forces of the United States;~~ requiring the Secretary of the Maryland Department of Health to publish an annual report on ~~veteran suicide~~ the suicides of veterans and members currently serving in the armed services of the United States; limiting the information that may be included in the report; requiring that the report contain aggregate information for a certain period of time; requiring the Secretary

to submit the report to the State Department of Veterans Affairs and certain committees of the General Assembly on or before a certain date each year; providing for the termination of this Act; and generally relating to reporting on veteran and armed services member suicide.

~~BY repealing and reenacting, without amendments,
Article – Health – General
Section 4-212 (a) and (c)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Health – General
Section ~~4-212(b)~~ and 4-219
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – Health – General

~~4-212.~~

~~(a) This section does not apply to a fetal death.~~

~~(b) (1) A certificate of death regardless of age of decedent shall be filled out and signed by:~~

~~(i) The medical examiner, if the medical examiner takes charge of the body; or~~

~~(ii) If the medical examiner does not take charge of the body, the physician, physician assistant, or nurse practitioner who last attended the deceased.~~

~~(2) The medical examiner, physician, physician assistant, or nurse practitioner shall fill in only the following information on the certificate of death:~~

~~(i) The name of the deceased;~~

~~(ii) The cause of death and medical certification;~~

~~(iii) The date and hour of death; [and]~~

~~(iv) The place where death occurred; AND~~

~~(v) IF KNOWN, WHETHER THE DECEDENT WAS EVER A MEMBER OF THE ARMED FORCES OF THE UNITED STATES.~~

~~(3) Any other information that is required on the certificate of death regardless of age of decedent shall be filled in:~~

~~(i) By the person who has charge of the body; or~~

~~(ii) If the State Anatomy Board has charge of the body, by the person who last had charge of the body before it was sent to the State Anatomy Board.~~

~~(4) The medical certification shall be completed within 24 hours after receipt of the death certificate by the physician, physician assistant, or nurse practitioner in charge of the patient's care for the illness or condition which resulted in death, except when inquiry is required by the medical examiner.~~

~~(5) In the absence or inability of the attending physician, physician assistant, or nurse practitioner or with the attending physician's, physician assistant's, or nurse practitioner's approval, the certificate may be completed by:~~

~~(i) The attending physician's associate;~~

~~(ii) The chief medical officer or designee of the institution in which death occurred; or~~

~~(iii) The physician who performed an autopsy upon the decedent, provided the individual has access to the medical history of the case and death is due to natural causes.~~

~~(6) The person completing the cause of death and medical certification shall attest to the accuracy by signature or by an approved electronic process.~~

~~(7) The funeral director or person acting as the funeral director shall in all cases obtain the medical certification from the person responsible for its completion or obtain assurance that the medical certification has been provided to the Secretary by an approved electronic process.~~

~~(e) Each individual concerned with carrying out this subtitle promptly shall notify the medical examiner if:~~

~~(1) The deceased was not under treatment by a physician, physician assistant, or nurse practitioner during the terminal illness;~~

~~(2) The cause of death is unknown; or~~

~~(3) The individual considers any of the following conditions to be the cause of death or to have contributed to the death:~~

- ~~(i) An accident, including a fall with a fracture or other injury;~~
- ~~(ii) Homicide;~~
- ~~(iii) Suicide;~~
- ~~(iv) Other external manner of death;~~
- ~~(v) Alcoholism; or~~
- ~~(vi) Criminal or suspected criminal abortion.~~

4-219.

(a) At least annually, the Secretary shall:

- (1) Publish a report of vital statistics, including population estimates; and
- (2) Print and distribute the report to any official, agency, library, or other person whom the Secretary considers entitled to the report.

(b) In addition to the requirements of subsection (a) of this section, by June 30 of each year the Secretary shall report to the Morbidity, Mortality, and Quality Review Committee established under § 18-107 of this article on the number and cause of death of Maryland children under the age of 1 year who died during the prior calendar year ending December 31st.

(c) In addition to the requirements of subsections (a) and (b) of this section, within 24 hours of notification of a death, the Secretary shall report to the Mortality and Quality Review Committee any death of an individual who at the time of death was:

(1) An individual with a developmental disability, as defined in § 7-101(f) of this article, who resided in or was receiving services from any program or facility licensed or operated by the Developmental Disabilities Administration; or

(2) An individual with a mental illness who resided in or was receiving services from any program or facility approved, licensed, or operated by the Behavioral Health Administration.

(D) (1) IN ADDITION TO THE REQUIREMENTS OF SUBSECTIONS (A) THROUGH (C) OF THIS SECTION, THE SECRETARY SHALL PUBLISH AN ANNUAL REPORT ON ~~VETERAN SUICIDE~~ THE SUICIDES OF:

(I) VETERANS; AND

(II) MEMBERS CURRENTLY SERVING IN THE ARMED SERVICES OF THE UNITED STATES.

(2) THE REPORT MAY INCLUDE ONLY INFORMATION REGARDING THE AGE, SEX, RACE OR ETHNICITY, NATURE OF SERVICE IF KNOWN, AND METHOD OF SUICIDE OF THE VETERAN OR ARMED SERVICES MEMBER.

(3) THE REPORT SHALL INCLUDE AGGREGATE INFORMATION FOR THE LESSER OF:

(I) THE PREVIOUS 5 YEARS; OR

(II) THE TOTAL NUMBER OF YEARS FOR WHICH INFORMATION IS AVAILABLE.

~~**(3)**~~ **(4) ON OR BEFORE DECEMBER 1, ~~2019~~, AND EACH DECEMBER 1 ~~THEREAFTER~~ EACH YEAR, THE SECRETARY SHALL SUBMIT THE REPORT TO THE STATE DEPARTMENT OF VETERANS AFFAIRS AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE SENATE FINANCE COMMITTEE, AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018. It shall remain effective for a period of 3 years and 3 months and, at the end of December 31, 2021, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, April 24, 2018.

Chapter 155

(Senate Bill 66)

AN ACT concerning

Health – Vital Statistics – Veteran and Armed Services Member Suicide Reporting

FOR the purpose of ~~altering the information that is required on a certificate of death to include, under certain circumstances, whether the decedent was ever a member of the armed forces of the United States;~~ requiring the Secretary of the Maryland Department of Health to publish an annual report on ~~veteran suicide~~ the suicides of veterans and members currently serving in the armed services of the United States; limiting the information that may be included in the report; requiring that the report

contain aggregate information for a certain period of time; requiring the Secretary to submit the report to the State Department of Veterans Affairs and certain committees of the General Assembly on or before a certain date each year; providing for the termination of this Act; and generally relating to reporting on veteran and armed services member suicide.

~~BY repealing and reenacting, without amendments,
Article – Health – General
Section 4-212(a) and (c)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Health – General
Section ~~4-212(b)~~ and 4-219
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – Health – General

~~4-212.~~

~~(a) This section does not apply to a fetal death.~~

~~(b) (1) A certificate of death regardless of age of decedent shall be filled out and signed by:~~

~~(i) The medical examiner, if the medical examiner takes charge of the body; or~~

~~(ii) If the medical examiner does not take charge of the body, the physician, physician assistant, or nurse practitioner who last attended the deceased.~~

~~(2) The medical examiner, physician, physician assistant, or nurse practitioner shall fill in only the following information on the certificate of death:~~

~~(i) The name of the deceased;~~

~~(ii) The cause of death and medical certification;~~

~~(iii) The date and hour of death; [and]~~

~~(iv) The place where death occurred; AND~~

~~(v) IF KNOWN, WHETHER THE DECEDENT WAS EVER A MEMBER OF THE ARMED FORCES OF THE UNITED STATES.~~

~~(3) Any other information that is required on the certificate of death regardless of age of decedent shall be filled in:~~

~~(i) By the person who has charge of the body; or~~

~~(ii) If the State Anatomy Board has charge of the body, by the person who last had charge of the body before it was sent to the State Anatomy Board.~~

~~(4) The medical certification shall be completed within 24 hours after receipt of the death certificate by the physician, physician assistant, or nurse practitioner in charge of the patient's care for the illness or condition which resulted in death, except when inquiry is required by the medical examiner.~~

~~(5) In the absence or inability of the attending physician, physician assistant, or nurse practitioner or with the attending physician's, physician assistant's, or nurse practitioner's approval, the certificate may be completed by:~~

~~(i) The attending physician's associate;~~

~~(ii) The chief medical officer or designee of the institution in which death occurred; or~~

~~(iii) The physician who performed an autopsy upon the decedent, provided the individual has access to the medical history of the case and death is due to natural causes.~~

~~(6) The person completing the cause of death and medical certification shall attest to the accuracy by signature or by an approved electronic process.~~

~~(7) The funeral director or person acting as the funeral director shall in all cases obtain the medical certification from the person responsible for its completion or obtain assurance that the medical certification has been provided to the Secretary by an approved electronic process.~~

~~(e) Each individual concerned with carrying out this subtitle promptly shall notify the medical examiner if:~~

~~(1) The deceased was not under treatment by a physician, physician assistant, or nurse practitioner during the terminal illness;~~

~~(2) The cause of death is unknown; or~~

~~(3) The individual considers any of the following conditions to be the cause of death or to have contributed to the death:~~

- ~~(i) An accident, including a fall with a fracture or other injury;~~
- ~~(ii) Homicide;~~
- ~~(iii) Suicide;~~
- ~~(iv) Other external manner of death;~~
- ~~(v) Alcoholism; or~~
- ~~(vi) Criminal or suspected criminal abortion.~~

4–219.

(a) At least annually, the Secretary shall:

- (1) Publish a report of vital statistics, including population estimates; and
- (2) Print and distribute the report to any official, agency, library, or other person whom the Secretary considers entitled to the report.

(b) In addition to the requirements of subsection (a) of this section, by June 30 of each year the Secretary shall report to the Morbidity, Mortality, and Quality Review Committee established under § 18–107 of this article on the number and cause of death of Maryland children under the age of 1 year who died during the prior calendar year ending December 31st.

(c) In addition to the requirements of subsections (a) and (b) of this section, within 24 hours of notification of a death, the Secretary shall report to the Mortality and Quality Review Committee any death of an individual who at the time of death was:

(1) An individual with a developmental disability, as defined in § 7–101(f) of this article, who resided in or was receiving services from any program or facility licensed or operated by the Developmental Disabilities Administration; or

(2) An individual with a mental illness who resided in or was receiving services from any program or facility approved, licensed, or operated by the Behavioral Health Administration.

(D) (1) IN ADDITION TO THE REQUIREMENTS OF SUBSECTIONS (A) THROUGH (C) OF THIS SECTION, THE SECRETARY SHALL PUBLISH AN ANNUAL REPORT ON ~~VETERAN SUICIDE~~ THE SUICIDES OF:

(I) VETERANS; AND

(II) MEMBERS CURRENTLY SERVING IN THE ARMED SERVICES OF THE UNITED STATES.

(2) THE REPORT MAY INCLUDE ONLY INFORMATION REGARDING THE AGE, SEX, RACE OR ETHNICITY, NATURE OF SERVICE IF KNOWN, AND METHOD OF SUICIDE OF THE VETERAN OR ARMED SERVICES MEMBER.

(3) THE REPORT SHALL INCLUDE AGGREGATE INFORMATION FOR THE LESSER OF:

(I) THE PREVIOUS 5 YEARS; OR

(II) THE TOTAL NUMBER OF YEARS FOR WHICH INFORMATION IS AVAILABLE.

~~(3)~~ (4) ON OR BEFORE DECEMBER 1, ~~2019~~, AND EACH DECEMBER ~~1 THEREAFTER~~ EACH YEAR, THE SECRETARY SHALL SUBMIT THE REPORT TO THE STATE DEPARTMENT OF VETERANS AFFAIRS AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE SENATE FINANCE COMMITTEE, AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018. It shall remain effective for a period of 3 years and 3 months and, at the end of December 31, 2021, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, April 24, 2018.

Chapter 156

(House Bill 1181)

AN ACT concerning

State Personnel – Disabled Veterans – Interviews for Noncompetitive Appointment

FOR the purpose of authorizing, instead of requiring, a certain appointing authority to interview a certain disabled veteran for certain State positions under certain circumstances; and generally relating to the selection of certain disabled veterans for State employment.

BY repealing and reenacting, without amendments,

Article – State Personnel and Pensions
Section 7–203(a)(5)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 7–203(b)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – State Personnel and Pensions

7–203.

(a) An appointing authority may select candidates for a position:

(5) as provided in subsection (b) of this section.

(b) (1) An appointing authority may select a disabled veteran for a position if:

(i) the disabled veteran:

1. served in any branch of the armed forces of the United States; and

2. A. is included on a United States armed forces permanent disability list with a disability rating of at least 30%; or

B. has been rated by the United States Department of Veterans Affairs as having a compensable service–connected disability of at least 30%;

(ii) the disabled veteran presents to the appointing authority written documentation:

1. issued by an appropriate department of the federal government within the year preceding selection; and

2. certifying the existence and extent of the veteran’s disability;

(iii) the appointing authority determines that the disabled veteran is qualified to perform the duties and responsibilities of the position;

(iv) the appointing authority notifies the Secretary in writing that the position is to be filled by a disabled veteran on a noncompetitive basis in accordance with this subsection; and

(v) the disabled veteran does not hold a permanent appointment or have mandatory reinstatement rights to a permanent appointment.

(2) The requirements of § 7–209 of this subtitle do not apply to a disabled veteran selected for a vacant position under paragraph (1) of this subsection.

(3) If an appointing authority elects to select a disabled veteran for a vacant position under paragraph (1) of this subsection, the appointing authority [shall] **MAY** interview any disabled veteran who:

(i) has expressed an interest to the appointing authority in applying for the position; and

(ii) satisfies the requirements under paragraph (1) of this subsection.

(4) Except as provided in paragraph (3) of this subsection, if an appointing authority elects to select a disabled veteran for a vacant position under paragraph (1) of this subsection, the appointing authority is not required to interview any other qualified applicants for appointment to the position.

(5) This subsection does not require an appointing authority to select a disabled veteran for a vacant position or prohibit an appointing authority from filling a vacant position in accordance with the requirements of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 157

(House Bill 1162)

AN ACT concerning

Vehicle Registration – Exemption From Registration Fees – Surviving Spouses of Veterans

FOR the purpose of repealing the requirement that the surviving spouse of a deceased disabled veteran be at least 65 years old to qualify for a certain exemption to vehicle

registration fees; and generally relating to vehicle registration fees.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 13–903(a)(9)

Annotated Code of Maryland

(2012 Replacement Volume and 2017 Supplement)

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

Article – Transportation

13–903.

(a) The following vehicles are exempt from the registration fees specified in this subtitle:

(9) A vehicle owned and personally used by an individual who is [at least 65 years old and is] the surviving spouse of a deceased disabled veteran, as defined under § 7–208 of the Tax – Property Article; and

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 158

(Senate Bill 626)

AN ACT concerning

Vehicle Registration – Exemption From Registration Fees – Surviving Spouses of Veterans

FOR the purpose of repealing the requirement that the surviving spouse of a deceased disabled veteran be at least 65 years old to qualify for a certain exemption to vehicle registration fees; and generally relating to vehicle registration fees.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 13–903(a)(9)

Annotated Code of Maryland

(2012 Replacement Volume and 2017 Supplement)

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

Article – Transportation

13–903.

(a) The following vehicles are exempt from the registration fees specified in this subtitle:

(9) A vehicle owned and personally used by an individual who is [at least 65 years old and is] the surviving spouse of a deceased disabled veteran, as defined under § 7–208 of the Tax – Property Article; and

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 159

(Senate Bill 64)

AN ACT concerning

**State Commission of Real Estate Appraisers, Appraisal Management
Companies, and Home Inspectors – Membership**

FOR the purpose of repealing the requirement that certain licensed home inspector members of the State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors be members of a certain home inspection organization or society; *requiring certain licensed home inspector members of the Commission to have held a certain license in the State for a certain number of years*; and generally relating to the membership of the State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors.

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 16–101(a) and (h)
Annotated Code of Maryland
(2010 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions

Section 16–202(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2017 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

16–101.

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

(h) “Commission” means the State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors.

16–202.

(a) (1) The Commission consists of 15 members.

(2) Of the 15 members of the Commission:

(i) at least 2 shall be certified general real estate appraisers;

(ii) 2 shall be certified general real estate appraisers, certified residential real estate appraisers, or licensed real estate appraisers;

(iii) 2 shall be representatives of a financial institution who are not certified or licensed real estate appraisers or home inspectors;

[(iv) 1 shall be a licensed home inspector who is a member of the American Society of Home Inspectors (ASHI);

(v) 1 shall be a licensed home inspector who is a member of the National Association of Home Inspectors;]

[(vi) (IV) [2] 4 shall be licensed home inspectors, *EACH OF WHOM SHALL HAVE HELD A LICENSE AS A HOME INSPECTOR IN THE STATE FOR AT LEAST 5 YEARS* [without regard to affiliation with or membership in any society or association];

[(vii) (V) 4 shall be consumer members; and

[(viii) (VI) 1 shall be a representative of an appraisal management company registered under Subtitle 5B of this title.

(3) The Governor shall:

(i) appoint the members with the advice of the Secretary and with the advice and consent of the Senate; and

(ii) consider demographic and geographic diversity when making appointments to the Commission.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 160

(House Bill 200)

AN ACT concerning

State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors – Membership

FOR the purpose of repealing the requirement that certain licensed home inspector members of the State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors be members of a certain home inspection organization or society; requiring certain licensed home inspector members of the Commission to have held a certain license in the State for a certain number of years; and generally relating to the membership of the State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors.

BY repealing and reenacting, without amendments,
 Article – Business Occupations and Professions
 Section 16–101(a) and (h)
 Annotated Code of Maryland
 (2010 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
 Article – Business Occupations and Professions
 Section 16–202(a)
 Annotated Code of Maryland
 (2010 Replacement Volume and 2017 Supplement)

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

Article – Business Occupation and Professions

16–101.

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

(h) “Commission” means the State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors.

16–202.

(a) (1) The Commission consists of 15 members.

(2) Of the 15 members of the Commission:

(i) at least 2 shall be certified general real estate appraisers;

(ii) 2 shall be certified general real estate appraisers, certified residential real estate appraisers, or licensed real estate appraisers;

(iii) 2 shall be representatives of a financial institution who are not certified or licensed real estate appraisers or home inspectors;

[(iv) 1 shall be a licensed home inspector who is a member of the American Society of Home Inspectors (ASHI);

(v) 1 shall be a licensed home inspector who is a member of the National Association of Home Inspectors;]

[(vi) (IV) [2] 4 shall be licensed home inspectors, **EACH OF WHOM SHALL HAVE HELD A LICENSE AS A HOME INSPECTOR IN THE STATE FOR AT LEAST 5 YEARS** [without regard to affiliation with or membership in any society or association];

[(vii) (V) 4 shall be consumer members; and

[(viii) (VI) 1 shall be a representative of an appraisal management company registered under Subtitle 5B of this title.

(3) The Governor shall:

(i) appoint the members with the advice of the Secretary and with the advice and consent of the Senate; and

(ii) consider demographic and geographic diversity when making appointments to the Commission.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 161

(Senate Bill 115)

AN ACT concerning

Deep Creek Lake Policy and Review Board – Membership and Duties

FOR the purpose of altering the membership of the Deep Creek Lake Policy and Review Board to include certain nonvoting ex officio members; requiring the Board to review and advise the Secretary of the Environment on certain matters; making conforming changes; and generally relating to the Deep Creek Lake Policy and Review Board.

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 5–101(a) and (k)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–216
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

Article – Natural Resources

5–101.

- (a) In this title the following words have the meanings indicated.
- (k) “Secretary” means Secretary of Natural Resources.

5–216.

- (a) There is a Deep Creek Lake Policy and Review Board.

(b) (1) The Board consists of:

(i) Five members appointed by the Governor in accordance with paragraph (2) of this subsection;

(ii) The Senator of the Maryland General Assembly who represents legislative district 1 or the Senator's designee;

(iii) The Delegate of the Maryland General Assembly who represents delegate district 1A of legislative district 1 or the Delegate's designee;

(iv) A member of the Board of County Commissioners of Garrett County, selected by the Board of County Commissioners, or an alternative County Commissioner, serving as the member's designee;

(v) The president of the Deep Creek Lake property owner's association or the president's designee; [and]

(vi) The chairman of the Garrett County Chamber of Commerce or the chairman's designee; **AND**

(VII) THE FOLLOWING NONVOTING EX OFFICIO MEMBERS:

1. THE SECRETARY, OR THE SECRETARY'S DESIGNEE;

AND

2. THE SECRETARY OF THE ENVIRONMENT, OR THE SECRETARY OF THE ENVIRONMENT'S DESIGNEE.

(2) Of the five members appointed under paragraph (1)(i) of this subsection:

(i) Two shall be residents of Garrett County;

(ii) One shall be a representative of the Maryland Bass Federation and a resident of Maryland; and

(iii) Two shall be members at large.

(3) (i) Each member of the Board appointed under paragraph (1)(i) of this subsection serves for a term concurrent with the term of the Board of County Commissioners of Garrett County.

(ii) At the end of a term, the member continues to serve until a successor is appointed.

(iii) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed.

(4) Each member of the Board or designee serving under paragraph (1)(ii) through [(vi)] **(VII)** of this subsection serves for a term concurrent with the member's office or position.

(c) From among the members appointed under subsection (b)(1)(i) of this section, the Governor shall name a chairman of the Board.

(d) (1) A majority of the **VOTING** members then serving on the Board is a quorum.

(2) A member of the Maryland General Assembly, or a designee of the member, shall abstain from voting on:

(i) A proposed fee under § 5–215(d) of this subtitle; or

(ii) Any other regulation submitted to the Board under § 5–215.1(d)(2) of this subtitle.

(e) (1) The Board shall meet at least four times a year.

(2) The chairman shall determine the time and place of the meetings of the Board.

(3) Each meeting shall be conducted in Garrett County.

(f) (1) A member of the Board:

(i) May not receive compensation; but

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

(2) Expenses shall be paid from the Deep Creek Lake Recreation Maintenance and Management Fund.

(g) (1) The Board shall review and advise the Secretary on matters that relate to the Deep Creek Lake Recreation Maintenance and Management Fund and the Deep Creek Lake management program.

(2) The Board may review and make recommendations to the Secretary on budgetary matters that concern the management and maintenance of the lake and buffer area.

(3) THE BOARD SHALL REVIEW AND ADVISE THE SECRETARY OF THE

ENVIRONMENT ON MATTERS THAT RELATE TO DEEP CREEK LAKE AND ARE WITHIN THE JURISDICTION OF THE SECRETARY OF THE ENVIRONMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 162

(House Bill 219)

AN ACT concerning

Deep Creek Lake Policy and Review Board – Membership and Duties

FOR the purpose of altering the membership of the Deep Creek Lake Policy and Review Board to include certain nonvoting ex officio members; requiring the Board to review and advise the Secretary of the Environment on certain matters; making conforming changes; and generally relating to the Deep Creek Lake Policy and Review Board.

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 5–101(a) and (k)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–216
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

Article – Natural Resources

5–101.

- (a) In this title the following words have the meanings indicated.
- (k) “Secretary” means Secretary of Natural Resources.

5–216.

(a) There is a Deep Creek Lake Policy and Review Board.

(b) (1) The Board consists of:

(i) Five members appointed by the Governor in accordance with paragraph (2) of this subsection;

(ii) The Senator of the Maryland General Assembly who represents legislative district 1 or the Senator's designee;

(iii) The Delegate of the Maryland General Assembly who represents delegate district 1A of legislative district 1 or the Delegate's designee;

(iv) A member of the Board of County Commissioners of Garrett County, selected by the Board of County Commissioners, or an alternative County Commissioner, serving as the member's designee;

(v) The president of the Deep Creek Lake property owner's association or the president's designee; [and]

(vi) The chairman of the Garrett County Chamber of Commerce or the chairman's designee; AND

(VII) THE FOLLOWING NONVOTING EX OFFICIO MEMBERS:

1. THE SECRETARY, OR THE SECRETARY'S DESIGNEE;

AND

2. THE SECRETARY OF THE ENVIRONMENT, OR THE SECRETARY OF THE ENVIRONMENT'S DESIGNEE.

(2) Of the five members appointed under paragraph (1)(i) of this subsection:

(i) Two shall be residents of Garrett County;

(ii) One shall be a representative of the Maryland Bass Federation and a resident of Maryland; and

(iii) Two shall be members at large.

(3) (i) Each member of the Board appointed under paragraph (1)(i) of this subsection serves for a term concurrent with the term of the Board of County Commissioners of Garrett County.

(ii) At the end of a term, the member continues to serve until a successor is appointed.

(iii) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed.

(4) Each member of the Board or designee serving under paragraph (1)(ii) through [(vi)] **(VII)** of this subsection serves for a term concurrent with the member's office or position.

(c) From among the members appointed under subsection (b)(1)(i) of this section, the Governor shall name a chairman of the Board.

(d) (1) A majority of the **VOTING** members then serving on the Board is a quorum.

(2) A member of the Maryland General Assembly, or a designee of the member, shall abstain from voting on:

(i) A proposed fee under § 5–215(d) of this subtitle; or

(ii) Any other regulation submitted to the Board under § 5–215.1(d)(2) of this subtitle.

(e) (1) The Board shall meet at least four times a year.

(2) The chairman shall determine the time and place of the meetings of the Board.

(3) Each meeting shall be conducted in Garrett County.

(f) (1) A member of the Board:

(i) May not receive compensation; but

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

(2) Expenses shall be paid from the Deep Creek Lake Recreation Maintenance and Management Fund.

(g) (1) The Board shall review and advise the Secretary on matters that relate to the Deep Creek Lake Recreation Maintenance and Management Fund and the Deep Creek Lake management program.

(2) The Board may review and make recommendations to the Secretary on budgetary matters that concern the management and maintenance of the lake and buffer

area.

(3) THE BOARD SHALL REVIEW AND ADVISE THE SECRETARY OF THE ENVIRONMENT ON MATTERS THAT RELATE TO DEEP CREEK LAKE AND ARE WITHIN THE JURISDICTION OF THE SECRETARY OF THE ENVIRONMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 163

(House Bill 1068)

AN ACT concerning

Allegany County – Alcoholic Beverages – Class B–TM (Theater/Museum) License

FOR the purpose of establishing a Class B–TM (theater/museum) beer, wine, and liquor license in Allegany County; authorizing the Board of License Commissioners to issue the license for use by a theater/museum that has a ballroom with a certain maximum seating capacity per event; establishing that the license authorizes the license holder to sell at retail beer, wine, and liquor for on–premises consumption and in conjunction with certain events; establishing the hours and days for sale for the license; requiring that a license on behalf of a theater/museum be applied for and issued to certain persons; establishing a certain county residency requirement for certain license applicants; establishing a certain annual fee for the license; and generally relating to the establishment of the Class B–TM (theater/museum) beer, wine, and liquor license in Allegany County.

BY repealing and reenacting, without amendments,
 Article – Alcoholic Beverages
 Section 9–102
 Annotated Code of Maryland
 (2016 Volume and 2017 Supplement)

BY adding to
 Article – Alcoholic Beverages
 Section 9–1001.1
 Annotated Code of Maryland
 (2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

9–102.

This title applies only in Allegany County.

9–1001.1.

(A) THERE IS A CLASS B–TM (THEATER/MUSEUM) BEER, WINE, AND LIQUOR LICENSE.

(B) THE BOARD MAY ISSUE THE LICENSE FOR THE USE OF A THEATER/MUSEUM THAT HAS A BALLROOM WITH SEATING FOR A MAXIMUM OF 300 INDIVIDUALS PER EVENT.

(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION AND IN CONJUNCTION WITH:

(1) A REGULAR EXHIBIT OPENING; OR

(2) A FUND–RAISING EVENT FOR THE BENEFIT OF THE THEATER/MUSEUM.

(D) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION ON SUNDAY THROUGH SATURDAY BEGINNING 2 HOURS BEFORE THE EXHIBIT OPENING OR EVENT, DURING THE EXHIBIT OPENING OR EVENT, AND FOR 2 HOURS AFTER THE END OF THE EXHIBIT OPENING OR EVENT.

(E) (1) A LICENSE ON BEHALF OF THE THEATER/MUSEUM SHALL BE APPLIED FOR AND ISSUED TO THE PRESIDENT AND TWO OTHER OFFICERS OF THE THEATER/MUSEUM.

(2) AT LEAST TWO OF THE APPLICANTS SHALL BE RESIDENTS OF THE COUNTY.

(F) THE ANNUAL FEE FOR THE LICENSE IS \$350.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 164**(Senate Bill 645)**

AN ACT concerning

Allegany County – Alcoholic Beverages – Class B–TM (Theater/Museum) License

FOR the purpose of establishing a Class B–TM (theater/museum) beer, wine, and liquor license in Allegany County; authorizing the Board of License Commissioners to issue the license for use by a theater/museum that has a ballroom with a certain maximum seating capacity per event; establishing that the license authorizes the license holder to sell at retail beer, wine, and liquor for on–premises consumption and in conjunction with certain events; establishing the hours and days for sale for the license; requiring that a license on behalf of a theater/museum be applied for and issued to certain persons; establishing a certain county residency requirement for certain license applicants; establishing a certain annual fee for the license; and generally relating to the establishment of the Class B–TM (theater/museum) beer, wine, and liquor license in Allegany County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 9–102

Annotated Code of Maryland

(2016 Volume and 2017 Supplement)

BY adding to

Article – Alcoholic Beverages

Section 9–1001.1

Annotated Code of Maryland

(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

9–102.

This title applies only in Allegany County.

9–1001.1.

(A) THERE IS A CLASS B–TM (THEATER/MUSEUM) BEER, WINE, AND LIQUOR LICENSE.

(B) THE BOARD MAY ISSUE THE LICENSE FOR THE USE OF A THEATER/MUSEUM THAT HAS A BALLROOM WITH SEATING FOR A MAXIMUM OF 300 INDIVIDUALS PER EVENT.

(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION AND IN CONJUNCTION WITH:

(1) A REGULAR EXHIBIT OPENING; OR

(2) A FUND-RAISING EVENT FOR THE BENEFIT OF THE THEATER/MUSEUM.

(D) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION ON SUNDAY THROUGH SATURDAY BEGINNING 2 HOURS BEFORE THE EXHIBIT OPENING OR EVENT, DURING THE EXHIBIT OPENING OR EVENT, AND FOR 2 HOURS AFTER THE END OF THE EXHIBIT OPENING OR EVENT.

(E) (1) A LICENSE ON BEHALF OF THE THEATER/MUSEUM SHALL BE APPLIED FOR AND ISSUED TO THE PRESIDENT AND TWO OTHER OFFICERS OF THE THEATER/MUSEUM.

(2) AT LEAST TWO OF THE APPLICANTS SHALL BE RESIDENTS OF THE COUNTY.

(F) THE ANNUAL FEE FOR THE LICENSE IS \$350.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 165

(House Bill 722)

AN ACT concerning

Allegany County – All-Terrain Vehicles and Snowmobiles

FOR the purpose of prohibiting a person in Allegany County from operating an all-terrain vehicle or snowmobile on certain highways; authorizing a local authority in Allegany

County to authorize a person to cross a highway in a certain manner on an all-terrain vehicle or snowmobile when operated under a certain speed; authorizing a local authority in Allegany County to authorize the operation of a snowmobile or an all-terrain vehicle on a certain portion of highway when operated under a certain speed; authorizing a local authority in Allegany County to designate a certain portion of highway on which an all-terrain vehicle or a snowmobile may travel under a certain speed for certain purposes; and generally relating to all-terrain vehicles and snowmobiles.

BY repealing and reenacting, with amendments,
 Article – Transportation
 Section 21–104.1 and 25–102(a)(14)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2017 Supplement)

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

Article – Transportation

21–104.1.

(a) Any person operating an all-terrain vehicle or a snowmobile on any portion of a highway designated for all-terrain vehicle or snowmobile use under § 25–102(a)(14) of this article has all the rights granted to and is subject to all the duties required of the driver of a vehicle by this title, except for those provisions of this title that by their very nature cannot apply.

(b) In **ALLEGANY COUNTY AND** Garrett County a person may not operate an all-terrain vehicle or a snowmobile on a controlled access highway.

(c) Except as provided in subsection (b) of this section, in **ALLEGANY COUNTY AND** Garrett County a person may operate an all-terrain vehicle or a snowmobile on a State highway when crossing or traveling on the State highway in accordance with § 25–102(a)(14) of this article.

25–102.

(a) The provisions of the Maryland Vehicle Law do not prevent a local authority, in the reasonable exercise of its police power, from exercising the following powers as to highways under its jurisdiction:

(14) (i) 1. Subject to item 2 of this item, except in **ALLEGANY COUNTY AND** Garrett County, designating a certain portion of highways upon which snowmobiles may travel for the sole purpose of gaining access to snowmobile trails; but

2. Designating only those highways which divide snowmobile trails and which would otherwise obstruct direct access between snowmobile trails; and

(ii) In **ALLEGANY COUNTY AND** Garrett County:

1. Authorizing a person to:

A. Cross a highway on an all-terrain vehicle or a snowmobile at a right angle at a speed of not more than 25 miles per hour; or

B. Operate an all-terrain vehicle or a snowmobile on not more than 2 miles of highway at a speed of not more than 25 miles per hour; and

2. Designating a certain portion of highways upon which all-terrain vehicles and snowmobiles may travel at a speed of not more than 25 miles per hour for the sole purpose of gaining access to:

A. Trails on which the operation of an all-terrain vehicle or a snowmobile is authorized;

B. Fields; or

C. Another area where the operation of an all-terrain vehicle or a snowmobile is authorized;

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 166

(Senate Bill 644)

AN ACT concerning

Allegany County – All-Terrain Vehicles and Snowmobiles

FOR the purpose of prohibiting a person in Allegany County from operating an all-terrain vehicle or snowmobile on certain highways; authorizing a local authority in Allegany County to authorize a person to cross a highway in a certain manner on an all-terrain vehicle or snowmobile when operated under a certain speed; authorizing a local authority in Allegany County to authorize the operation of a snowmobile or an all-terrain vehicle on a certain portion of highway when operated under a certain speed; authorizing a local authority in Allegany County to designate a certain portion

of highway on which an all-terrain vehicle or a snowmobile may travel under a certain speed for certain purposes; and generally relating to all-terrain vehicles and snowmobiles.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 21–104.1 and 25–102(a)(14)

Annotated Code of Maryland

(2012 Replacement Volume and 2017 Supplement)

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

Article – Transportation

21–104.1.

(a) Any person operating an all-terrain vehicle or a snowmobile on any portion of a highway designated for all-terrain vehicle or snowmobile use under § 25–102(a)(14) of this article has all the rights granted to and is subject to all the duties required of the driver of a vehicle by this title, except for those provisions of this title that by their very nature cannot apply.

(b) In **ALLEGANY COUNTY AND** Garrett County a person may not operate an all-terrain vehicle or a snowmobile on a controlled access highway.

(c) Except as provided in subsection (b) of this section, in **ALLEGANY COUNTY AND** Garrett County a person may operate an all-terrain vehicle or a snowmobile on a State highway when crossing or traveling on the State highway in accordance with § 25–102(a)(14) of this article.

25–102.

(a) The provisions of the Maryland Vehicle Law do not prevent a local authority, in the reasonable exercise of its police power, from exercising the following powers as to highways under its jurisdiction:

(14) (i) 1. Subject to item 2 of this item, except in **ALLEGANY COUNTY AND** Garrett County, designating a certain portion of highways upon which snowmobiles may travel for the sole purpose of gaining access to snowmobile trails; but

2. Designating only those highways which divide snowmobile trails and which would otherwise obstruct direct access between snowmobile trails; and

(ii) In **ALLEGANY COUNTY AND** Garrett County:

1. Authorizing a person to:
 - A. Cross a highway on an all-terrain vehicle or a snowmobile at a right angle at a speed of not more than 25 miles per hour; or
 - B. Operate an all-terrain vehicle or a snowmobile on not more than 2 miles of highway at a speed of not more than 25 miles per hour; and
2. Designating a certain portion of highways upon which all-terrain vehicles and snowmobiles may travel at a speed of not more than 25 miles per hour for the sole purpose of gaining access to:
 - A. Trails on which the operation of an all-terrain vehicle or a snowmobile is authorized;
 - B. Fields; or
 - C. Another area where the operation of an all-terrain vehicle or a snowmobile is authorized;

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 167

(House Bill 720)

AN ACT concerning

Allegany County – Orphans’ Court Judges – Pension Formula

FOR the purpose of extending the number of years of service that may be used as a multiplier in a formula to determine the pension provided an Orphans’ Court judge in Allegany County; *providing for the application of this Act*; and generally relating to the Orphans’ Court of Allegany County.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 2–108(y)(6)
Annotated Code of Maryland
(2017 Replacement Volume)

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

Article – Estates and Trusts

2–108.

(y) (6) In Allegany County, the pension for an Orphans' Court judge shall be the greater of:

(i) \$1,200 annually; or

(ii) 1. Except as provided in item 2 of this subparagraph, an annual amount calculated at the rate of 4 percent of the last annual amount of compensation multiplied by the number of years of service, not exceeding [16] 24 years; or

2. An annual amount equal to two-thirds of the last annual amount of compensation if the judge has more than 16 years of service.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively to an individual who retires on or after the effective date of this Act and may not be applied or interpreted to have any effect on or application to any individual who retires before the effective date of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 168

(Senate Bill 486)

AN ACT concerning

Allegany County – Orphans' Court Judges – Pension Formula

FOR the purpose of extending the number of years of service that may be used as a multiplier in a formula to determine the pension provided an Orphans' Court judge in Allegany County; providing for the application of this Act; and generally relating to the Orphans' Court of Allegany County.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 2–108(y)(6)

Annotated Code of Maryland
(2017 Replacement Volume)

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

Article – Estates and Trusts

2–108.

(y) (6) In Allegany County, the pension for an Orphans' Court judge shall be the greater of:

(i) \$1,200 annually; or

(ii) 1. Except as provided in item 2 of this subparagraph, an annual amount calculated at the rate of 4 percent of the last annual amount of compensation multiplied by the number of years of service, not exceeding [16] 24 years; or

2. An annual amount equal to two-thirds of the last annual amount of compensation if the judge has more than 16 years of service.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively to an individual who retires on or after the effective date of this Act and may not be applied or interpreted to have any effect on or application to any individual who retires before the effective date of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 169

(House Bill 1401)

AN ACT concerning

Garrett County – Alcoholic Beverages Act of 2018

FOR the purpose of establishing an art establishment license in Garrett County; authorizing the Board of License Commissioners for Garrett County to issue the license to a certain organization; prohibiting the Board from issuing the license to a certain organization; specifying that the license authorizes the holder to sell or serve beer and wine at retail for on-premises consumption; specifying the hours of sale;

prohibiting the transfer of the license; making a certain business subject to alcohol awareness training requirements; specifying certain fees; adding a person that is eligible to hold a Class C multiple day or multiple event license to the list of persons to whom the Board may issue a beer festival license; authorizing a person to hold a beer festival license in addition to another license; establishing in the county a Class C beer and wine street festival license; specifying a certain person that may be issued the license; specifying that the license authorizes the holder to sell beer and wine under certain circumstances; specifying certain activities, under certain circumstances, that an individual may take during an event for which the license is issued; requiring a license applicant to submit a certain application; requiring the Board to publish a certain notice under certain circumstances; requiring the holder of a beer and wine street festival license to distribute wristbands for a certain purpose under certain circumstances; requiring a certain organization to ensure that at least one certain server is on the premises when alcoholic beverages are served; allowing a holder of a beer and wine street festival license to hold another license of a different class or nature; authorizing the use of the beer and wine street festival license for a certain maximum number of days in a year; establishing the Garrett County Beer and Wine Festival and a beer and wine festival license; authorizing the Board to issue the license to certain persons; specifying that the license authorizes the holder to display and sell beer and wine under certain circumstances; requiring the license holder to display and sell beer and wine under certain circumstances; requiring the Board to hold a certain hearing, publish a certain notice, and choose a location for the festival; requiring that beer and wine displayed and sold meet certain requirements; authorizing a holder of a State wholesale license or retail license to enter into a certain agreement; requiring the Board to establish a license fee and adopt certain regulations; establishing a Class BWLT beer, wine, and liquor tasting license; authorizing the Board to issue the license to a certain license holder; specifying that the license authorizes the holder to allow the on-premises consumption, for tasting, of beer, wine, or liquor; setting certain notice requirements and certain fees; requiring the Board to adopt certain regulations; altering a certain residency requirement; defining certain terms; making technical changes; and generally relating to alcoholic beverages licenses in Garrett County.

BY renumbering

Article – Alcoholic Beverages
Section 21–1001
to be Section 21–1001.1
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages
Section 21–102
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY adding to

Article – Alcoholic Beverages

Section 21–1001, 21–1304.1, 21–1304.2, 21–1307, and 21–1405.1

Annotated Code of Maryland

(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 21–1304 and 21–1401

Annotated Code of Maryland

(2016 Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 21–1001 of Article – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 21–1001.1.

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

Article – Alcoholic Beverages

21–102.

This title applies only in Garrett County.

21–1001.

(A) THERE IS AN ART ESTABLISHMENT LICENSE.

(B) (1) THE BOARD MAY ISSUE THE LICENSE TO A NONPROFIT ORGANIZATION ENGAGED IN:

(I) THE DISPLAY, SALE, OR DEMONSTRATION OF ART BY AN INDIVIDUAL ARTIST OR A GROUP OF ARTISTS; OR

(II) THE INSTRUCTION OF PARTICIPATING CLIENTS IN CREATING ART.

(2) THE BOARD MAY NOT ISSUE THE LICENSE TO AN ORGANIZATION THAT DISPLAYS AND SELLS COMMERCIALY PREPARED OR MASS-PRODUCED ARTISTIC PRODUCTS.

(C) THE LICENSE AUTHORIZES THE HOLDER TO SELL OR SERVE BEER AND WINE AT RETAIL FOR ON-PREMISES CONSUMPTION.

(D) THE LICENSE HOLDER MAY SELL OR SERVE BEER AND WINE DURING THE HOURS AND DAYS AS SET OUT FOR BEER AND WINE LICENSES UNDER § 21-2003(B) THIS TITLE.

(E) THE LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION.

(F) A BUSINESS FOR WHICH THE LICENSE IS ISSUED IS SUBJECT TO THE ALCOHOL AWARENESS TRAINING REQUIREMENTS UNDER § 4-505 OF THIS ARTICLE.

(G) THE ANNUAL LICENSE FEE IS \$205 IN ADDITION TO A ONE-TIME ISSUING FEE FOR A NEW LICENSE OF \$205.

21-1304.

(a) (1) There is a beer festival license.

(2) The Board may issue not more than two beer festival licenses each year.

(b) The Board may issue the license to a holder of:

(1) a retail license issued by the Board;

(2) a Class 5 brewery license;

(3) a Class 6 pub-brewery license;

(4) a Class 7 micro-brewery license; [or]

(5) a Class 8 farm brewery license; **OR**

(6) A PERSON THAT IS ELIGIBLE TO HOLD A CLASS C MULTIPLE DAY OR MULTIPLE EVENT LICENSE.

(c) The license authorizes the holder to display and sell beer that is:

(1) manufactured and processed in any state; and

(2) distributed in the State when the license application is filed.

(d) A license holder may display and sell beer:

(1) at retail for on- and off-premises consumption; and

(2) during the hours and days designated for a beer festival.

(e) The Board shall choose:

(1) a fixed period of time for the festival of up to 2 consecutive days, excluding Sunday; and

(2) a location that is not already licensed.

(f) Notwithstanding subsection (e)(1) of this section, a holder of a beer festival license issued for a location at which Sunday sales are allowed under § 21–2002(e) of this title may make Sunday sales beginning at 10 a.m.

(g) Beer displayed and sold shall be:

(1) invoiced to the license holder by a wholesaler or holder of a Class 5 brewery license, Class 6 pub–brewery license, Class 7 micro–brewery license, or Class 8 farm brewery license; and

(2) delivered to the beer festival from the licensed premises of the wholesaler.

(h) A holder of a State wholesaler’s license, a Class 5 brewery license, a Class 6 pub–brewery license, a Class 7 micro–brewery license, or a Class 8 farm brewery license may enter into an agreement with the license holder to:

(1) deliver beer 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.

(I) A PERSON MAY HOLD A BEER FESTIVAL LICENSE IN ADDITION TO ANOTHER LICENSE.

[(i)] (J) The Board shall set the fee.

[(j)] (K) The Board shall adopt regulations to carry out this section.

21–1304.1.

(A) THERE IS A CLASS C BEER AND WINE STREET FESTIVAL LICENSE.

(B) THE BOARD MAY ISSUE THE LICENSE TO A PERSON THAT IS ELIGIBLE TO HOLD A CLASS C MULTIPLE DAY OR MULTIPLE EVENT LICENSE.

(C) THE LICENSE AUTHORIZES THE HOLDER TO SELL BEER AND WINE FOR ON–PREMISES CONSUMPTION AT AN ENTERTAINMENT EVENT THAT IS:

(1) HELD IN AN ARTS AND ENTERTAINMENT DISTRICT; AND

(2) IF REQUIRED, APPROVED BY THE MAYOR AND TOWN COUNCIL OF THE MUNICIPALITY WHERE THE EVENT IS LOCATED.

(D) DURING AN EVENT FOR WHICH THE LICENSE IS ISSUED, AN INDIVIDUAL IN THE EVENT AREA APPROVED BY THE BOARD WHO USES A DESIGNATED CONTAINER UNIQUE TO THE EVENT MAY:

(1) PURCHASE BEER OR WINE FROM:

(I) THE HOLDER OF THE BEER AND WINE STREET FESTIVAL LICENSE; OR

(II) ANOTHER LICENSE HOLDER WITH ON-SALE PRIVILEGES WITHIN THE ARTS AND ENTERTAINMENT DISTRICT;

(2) TRANSPORT BEER OR WINE IN THE DESIGNATED CONTAINER:

(I) TO THE PREMISES OF A LICENSE HOLDER WITH ON-SALE PRIVILEGES IN THE ARTS AND ENTERTAINMENT DISTRICT; AND

(II) IN THE APPROVED EVENT AREA; AND

(3) CONSUME BEER AND WINE:

(I) ON THE PREMISES OF A LICENSE HOLDER WITH ON-SALE PRIVILEGES IN THE ARTS AND ENTERTAINMENT DISTRICT; AND

(II) IN THE APPROVED EVENT AREA.

(E) AN APPLICANT FOR THE LICENSE SHALL SUBMIT AN APPLICATION ON THE FORM THAT THE BOARD PROVIDES.

(F) THE BOARD SHALL PUBLISH A NOTICE FOR APPLICATIONS FOR THE LICENSE ONE TIME AT LEAST 7 DAYS BEFORE A LICENSE HEARING.

(G) A LICENSE HOLDER MAY PURCHASE BEER AND WINE FROM A HOLDER OF A RETAIL OR WHOLESALE LICENSE.

(H) THE LICENSE HOLDER:

(1) SHALL DISTRIBUTE A WRISTBAND TO EACH INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD AT THE EVENT FOR WHICH THE LICENSE IS ISSUED; AND

(2) MAY NOT SERVE BEER OR WINE TO AN INDIVIDUAL WHO DOES NOT WEAR A WRISTBAND.

(I) THE ORGANIZATION FOR WHICH THE LICENSE IS ISSUED SHALL ENSURE THAT AT LEAST ONE SERVER WHO IS CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM IS ON THE PREMISES WHEN ALCOHOLIC BEVERAGES ARE SERVED.

(J) THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.

(K) THE LICENSE MAY BE USED FOR A MAXIMUM OF 26 DAYS IN A CALENDAR YEAR.

(L) THE LICENSE FEE IS ~~\$150~~ \$50 PER DAY.

21-1304.2.

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

(2) “FESTIVAL” MEANS THE GARRETT COUNTY BEER AND WINE FESTIVAL.

(3) “FESTIVAL ORGANIZATION” MEANS A NONPROFIT ORGANIZATION THAT IS CHOSEN BY THE COUNTY IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION TO ORGANIZE A FESTIVAL.

(B) (1) THERE IS A GARRETT COUNTY BEER AND WINE FESTIVAL.

(2) UNDER THE SUPERVISION OF THE BOARD, THE FESTIVAL ORGANIZATION MAY CONDUCT THE FESTIVAL ANNUALLY ON THE SECOND SATURDAY OF SEPTEMBER.

(C) (1) IN SELECTING A NONPROFIT ORGANIZATION TO BE A FESTIVAL ORGANIZATION, THE COUNTY SHALL ENSURE THAT THE NONPROFIT ORGANIZATION HAS EXTENSIVE EXPERIENCE IN ORGANIZING AND MANAGING LARGE-SCALE PUBLIC EVENTS.

(2) THE BOARD MAY ISSUE ONE BEER AND WINE FESTIVAL LICENSE EACH YEAR.

(D) THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE OR A PERSON THAT IS ELIGIBLE TO HOLD A CLASS C MULTIPLE DAY OR MULTIPLE EVENT LICENSE.

(E) THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL BEER AND WINE THAT IS:

**(1) MANUFACTURED AND PROCESSED IN OR OUTSIDE THE STATE;
AND**

(2) DISTRIBUTED IN THE STATE WHEN THE LICENSE APPLICATION IS FILED.

(F) 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 BEER AND WINE FESTIVAL.

(G) THE BOARD SHALL:

(1) HOLD A HEARING ON A LICENSE APPLICATION; AND

(2) PUBLISH NOTICE OF A LICENSE APPLICATION HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY ONE TIME AT LEAST 7 DAYS BEFORE THE HEARING.

(H) (1) THE BOARD SHALL CHOOSE A LOCATION FOR THE FESTIVAL THAT IS NOT ALREADY LICENSED.

(2) IF THE LOCATION CHOSEN ALLOWS FOR SUNDAY SALES, SUNDAY SALES MAY BEGIN AT 10 A.M.

(I) BEER AND WINE DISPLAYED AND SOLD SHALL BE:

(1) INVOICED TO THE LICENSE HOLDER BY A RETAILER OR WHOLESALER; AND

(2) DELIVERED TO THE FESTIVAL FROM THE LICENSED PREMISES OF THE RETAILER OR WHOLESALER.

(J) A HOLDER OF A RETAIL LICENSE OR STATE WHOLESALE LICENSE MAY ENTER INTO AN AGREEMENT WITH THE HOLDER OF THE FESTIVAL LICENSE 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 5 DAYS AFTER THE EXPIRATION DATE OF THE LICENSE.

(K) THE BOARD SHALL ESTABLISH THE LICENSE FEE.

(L) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

21-1307.

(A) THERE IS A CLASS BWLT BEER, WINE, AND LIQUOR TASTING LICENSE.

(B) THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A BEER, WINE, AND LIQUOR LICENSE.

(C) THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON-PREMISES CONSUMPTION, FOR TASTING, OF BEER, WINE, OR LIQUOR.

(D) THE LICENSE HOLDER SHALL NOTIFY THE BOARD AT LEAST 7 DAYS BEFORE A TASTING EVENT IS HELD.

(E) (1) THE ANNUAL FEE FOR A CLASS BWLT BEER, WINE, AND LIQUOR TASTING LICENSE IS \$150.

(2) THE ANNUAL FEE IS IN ADDITION TO:

(1) A ONE-TIME ISSUING FEE OF \$150 FOR A NEW CLASS BWLT BEER, WINE, AND LIQUOR TASTING LICENSE; AND

(2) THE ANNUAL FEE FOR THE UNDERLYING BEER, WINE, AND LIQUOR LICENSE.

(F) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

21-1401.

(a) 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) § 4–104 (“Application on behalf of corporation or club”);
- (4) § 4–105 (“Application on behalf of limited liability company”);
- (5) § 4–106 (“Payment of notice expenses”);
- (6) § 4–108 (“Application form required by Comptroller”);
- (7) [§ 4–109 (“Required information on application — In general”);
- (8)] § 4–110 (“Required information on application — Petition of support”);
- [(9)] (8) § 4–113 (“Refund of license fees”); and
- [(10)] (9) § 4–114 (“Fees for licenses issued for less than 1 year”).

(b) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”) of Division I of this article apply in the county:

(1) § 4–107 (“Criminal history records check”), subject to §§ 21–1402 through 21–1405 of this subtitle;

(2) § 4–109 (“REQUIRED INFORMATION ON APPLICATION – IN GENERAL”), SUBJECT TO § 21–1405.1 OF THIS SUBTITLE;

[(2)] (3) § 4–111 (“Payment of license fees”), subject to § 21–1406 of this subtitle; and

[(3)] (4) § 4–112 (“Disposition of license fees”), subject to § 21–1407 of this subtitle.

21–1405.1.

AN INDIVIDUAL WHO IS A RESIDENT OF THE COUNTY FOR 1 YEAR IMMEDIATELY BEFORE FILING THE LICENSE APPLICATION MEETS THE RESIDENCY REQUIREMENT UNDER § 4–109(A)(4) OF THIS ARTICLE.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 170**(House Bill 1230)**

AN ACT concerning

**Maryland Historical Trust – Property Subject to Historic Preservation
Easement – Application for Change or Alteration**

FOR the purpose of requiring the Maryland Historical Trust to notify, within a certain period of time, a certain applicant of the decision of the Director of the Maryland Historical Trust on an application for the change or alteration of a property subject to a certain historic preservation easement; defining a certain term; and generally relating to properties subject to a historic preservation easement held by the Maryland Historical Trust.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 5A–301(a), (b), and (m)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY adding to
Article – State Finance and Procurement
Section 5A–320
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – State Finance and Procurement

5A–301.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Director” means the Director of the Maryland Historical Trust.
- (m) “Trust” means the Maryland Historical Trust.

5A–320.

(A) IN THIS SECTION, “GENERAL REPAIR AND MAINTENANCE” MEANS WORK TO CORRECT DAMAGE FROM DETERIORATION OR WEAR AND TEAR OF A PROPERTY,

INCLUDING MAINTENANCE, RECONSTRUCTION, REPAIR, REPAINTING, AND REFINISHING.

(B) IF AN APPLICATION FOR THE CHANGE OR ALTERATION TO A PROPERTY SUBJECT TO A HISTORIC PRESERVATION EASEMENT HELD BY THE TRUST IS FOR GENERAL REPAIR OR MAINTENANCE OF THE PROPERTY, THE TRUST SHALL NOTIFY THE APPLICANT OF THE DIRECTOR'S DECISION ON THE APPLICATION ON OR BEFORE THE EARLIER OF:

(1) THE EXPIRATION OF THE PERIOD OF TIME SPECIFIED IN THE EASEMENT DOCUMENTATION IN WHICH THE TRUST IS REQUIRED TO NOTIFY THE APPLICANT OF THE DIRECTOR'S DECISION; OR

(2) ~~60~~ 90 DAYS AFTER THE DATE THE APPLICATION OR ANY SUPPLEMENT TO AN APPLICATION IS SUBMITTED TO THE TRUST.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 171

(Senate Bill 960)

AN ACT concerning

**Maryland Historical Trust – Property Subject to Historic Preservation
Easement – Application for Change or Alteration**

FOR the purpose of requiring the Maryland Historical Trust to notify, within a certain period of time, a certain applicant of the decision of the Director of the Maryland Historical Trust on an application for the change or alteration of a property subject to a certain historic preservation easement; defining a certain term; and generally relating to properties subject to a historic preservation easement held by the Maryland Historical Trust.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 5A–301(a), (b), and (m)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY adding to

Article – State Finance and Procurement
Section 5A–320
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – State Finance and Procurement

5A–301.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Director” means the Director of the Maryland Historical Trust.
- (m) “Trust” means the Maryland Historical Trust.

5A–320.

(A) IN THIS SECTION, “GENERAL REPAIR AND MAINTENANCE” MEANS WORK TO CORRECT DAMAGE FROM DETERIORATION OR WEAR AND TEAR OF A PROPERTY, INCLUDING MAINTENANCE, RECONSTRUCTION, REPAIR, REPAINTING, AND REFINISHING.

(B) IF AN APPLICATION FOR THE CHANGE OR ALTERATION TO A PROPERTY SUBJECT TO A HISTORIC PRESERVATION EASEMENT HELD BY THE TRUST IS FOR GENERAL REPAIR OR MAINTENANCE OF THE PROPERTY, THE TRUST SHALL NOTIFY THE APPLICANT OF THE DIRECTOR’S DECISION ON THE APPLICATION ON OR BEFORE THE EARLIER OF:

(1) THE EXPIRATION OF THE PERIOD OF TIME SPECIFIED IN THE EASEMENT DOCUMENTATION IN WHICH THE TRUST IS REQUIRED TO NOTIFY THE APPLICANT OF THE DIRECTOR’S DECISION; OR

(2) ~~60~~ 90 DAYS AFTER THE DATE THE APPLICATION OR ANY SUPPLEMENT TO AN APPLICATION IS SUBMITTED TO THE TRUST.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 172**(House Bill 7)**

AN ACT concerning

Income Tax Credit – Venison Donation – Feed the Hungry Organizations

FOR the purpose of allowing an individual, subject to certain requirements and limitations, to claim a credit against the State income tax for certain qualified expenses if the individual harvests an antlerless deer and donates the deer meat to certain organizations; providing that for any taxable year certain individuals may not claim a credit that exceeds a certain amount; providing that any unused credit may not be carried over to another taxable year; providing that an individual that claims the credit has certain immunity from liability for donated food; requiring the Comptroller, in consultation with the Department of Natural Resources, to report to the General Assembly on or before a certain date on the effectiveness of the tax credit; defining a certain term; providing for the application and termination of this Act; and generally relating to an income tax credit for the donation of deer meat to certain organizations.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 5–634
Annotated Code of Maryland
(2013 Replacement Volume and 2017 Supplement)

BY adding to
Article – Tax – General
Section 10–746
Annotated Code of Maryland
(2016 Replacement Volume and 2017 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

5–634.

(a) In this section, “person” has the meaning stated in § 21–322 of the Health – General Article.

(b) The limitation on liability provided for in subsection (c) of this section does not apply to any person who:

(1) Donates food to a nonprofit corporation, organization, or association that sells or offers for sale any donated food;

(2) Prepares donated food for use or distribution by a nonprofit corporation, organization, or association that sells or offers for sale any donated food; or

(3) Serves donated food distributed by a nonprofit corporation, organization, or association that sells or offers for sale any donated food.

(c) Unless the act or omission amounts to gross negligence or willful and wanton misconduct, a person is not civilly liable for any act or omission that affects the nature, age, condition, or packaging of the donated food if the person in good faith:

(1) Donates food for use or distribution by a nonprofit corporation, organization, or association;

(2) Prepares donated food for use or distribution by a nonprofit corporation, organization, or association;

(3) Serves donated food distributed by a nonprofit corporation, organization, or association; or

(4) Dispenses donated food distributed by a nonprofit corporation, organization, or association.

Article – Tax – General

10-746.

(A) IN THIS SECTION, “QUALIFIED EXPENSES” MEANS EXPENSES INCURRED TO BUTCHER AND PROCESS AN ANTLERLESS DEER FOR HUMAN CONSUMPTION.

(B) SUBJECT TO THE LIMITATIONS OF THIS SECTION, AN INDIVIDUAL WHO HUNTS AND HARVESTS AN ANTLERLESS DEER MAY CLAIM A CREDIT AGAINST THE STATE INCOME TAX FOR UP TO \$50 OF THE QUALIFIED EXPENSES INCURRED BY THE INDIVIDUAL IF:

(1) THE HUNTING AND HARVESTING OF THE DEER COMPLIES WITH STATE HUNTING LAWS AND REGULATIONS; AND

(2) THE INDIVIDUAL DONATES THE PROCESSED DEER MEAT TO ~~THE MARYLAND FOOD BANK OR A MARYLAND CHAPTER OF FARMERS AND HUNTERS FEEDING THE HUNGRY~~ A VENISON DONATION PROGRAM ADMINISTERED BY AN ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE.

(C) (1) FOR ANY TAXABLE YEAR, THE TOTAL AMOUNT OF CREDITS AN INDIVIDUAL MAY CLAIM UNDER THIS SECTION MAY NOT EXCEED \$200, UNLESS THE INDIVIDUAL HARVESTED EACH DEER FOR WHICH THE CREDITS ARE CLAIMED IN ACCORDANCE WITH A DEER MANAGEMENT PERMIT.

(2) THE UNUSED AMOUNT OF THE CREDIT FOR ANY TAXABLE YEAR MAY NOT BE CARRIED OVER TO ANY OTHER TAXABLE YEAR.

(D) AN INDIVIDUAL WHO CLAIMS THE CREDIT UNDER THIS SECTION SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER § 5-634 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE FOR DONATED FOOD.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2021, the Comptroller, in consultation with the Department of Natural Resources, shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the effectiveness of the tax credit established under this Act, including the number of deer donated under the tax credit program and the total cost of the tax credit.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018, and shall be applicable to all taxable years beginning after December 31, 2017, but before January 1, 2023. It shall remain effective for a period of 5 years and, at the end of June 30, 2023, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, April 24, 2018.

Chapter 173

(Senate Bill 182)

AN ACT concerning

Income Tax Credit – Venison Donation – Feed the Hungry Organizations

FOR the purpose of allowing an individual, subject to certain requirements and limitations, to claim a credit against the State income tax for certain qualified expenses if the individual harvests an antlerless deer and donates the deer meat to certain organizations; providing that for any taxable year certain individuals may not claim a credit that exceeds a certain amount; providing that any unused credit may not be carried over to another taxable year; providing that an individual that claims the credit has certain immunity from liability for donated food; requiring the Comptroller, in consultation with the Department of Natural Resources, to report to the General Assembly on or before a certain date on the effectiveness of the tax credit; defining a certain term; providing for the application and termination of this

Act; and generally relating to an income tax credit for the donation of deer meat to certain organizations.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 5–634
Annotated Code of Maryland
(2013 Replacement Volume and 2017 Supplement)

BY adding to
Article – Tax – General
Section 10–746
Annotated Code of Maryland
(2016 Replacement Volume and 2017 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

5–634.

(a) In this section, “person” has the meaning stated in § 21–322 of the Health – General Article.

(b) The limitation on liability provided for in subsection (c) of this section does not apply to any person who:

(1) Donates food to a nonprofit corporation, organization, or association that sells or offers for sale any donated food;

(2) Prepares donated food for use or distribution by a nonprofit corporation, organization, or association that sells or offers for sale any donated food; or

(3) Serves donated food distributed by a nonprofit corporation, organization, or association that sells or offers for sale any donated food.

(c) Unless the act or omission amounts to gross negligence or willful and wanton misconduct, a person is not civilly liable for any act or omission that affects the nature, age, condition, or packaging of the donated food if the person in good faith:

(1) Donates food for use or distribution by a nonprofit corporation, organization, or association;

(2) Prepares donated food for use or distribution by a nonprofit corporation, organization, or association;

(3) Serves donated food distributed by a nonprofit corporation, organization, or association; or

(4) Dispenses donated food distributed by a nonprofit corporation, organization, or association.

Article – Tax – General

10–746.

(A) IN THIS SECTION, “QUALIFIED EXPENSES” MEANS EXPENSES INCURRED TO BUTCHER AND PROCESS AN ANTLERLESS DEER FOR HUMAN CONSUMPTION.

(B) SUBJECT TO THE LIMITATIONS OF THIS SECTION, AN INDIVIDUAL WHO HUNTS AND HARVESTS AN ANTLERLESS DEER MAY CLAIM A CREDIT AGAINST THE STATE INCOME TAX FOR UP TO \$50 OF THE QUALIFIED EXPENSES INCURRED BY THE INDIVIDUAL IF:

(1) THE HUNTING AND HARVESTING OF THE DEER COMPLIES WITH STATE HUNTING LAWS AND REGULATIONS; AND

(2) ~~THE INDIVIDUAL DONATES THE PROCESSED DEER MEAT TO THE MARYLAND FOOD BANK OR A MARYLAND CHAPTER OF FARMERS AND HUNTERS FEEDING THE HUNGRY~~ A VENISON DONATION PROGRAM ADMINISTERED BY AN ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE.

(C) (1) FOR ANY TAXABLE YEAR, THE TOTAL AMOUNT OF CREDITS AN INDIVIDUAL MAY CLAIM UNDER THIS SECTION MAY NOT EXCEED \$200, UNLESS THE INDIVIDUAL HARVESTED EACH DEER FOR WHICH THE CREDITS ARE CLAIMED IN ACCORDANCE WITH A DEER MANAGEMENT PERMIT.

(2) THE UNUSED AMOUNT OF THE CREDIT FOR ANY TAXABLE YEAR MAY NOT BE CARRIED OVER TO ANY OTHER TAXABLE YEAR.

(D) AN INDIVIDUAL WHO CLAIMS THE CREDIT UNDER THIS SECTION SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER § 5–634 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE FOR DONATED FOOD.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2021, the Comptroller, in consultation with the Department of Natural Resources, shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the effectiveness of the tax credit established under this Act, including the number of deer donated under the tax credit program and the total cost of the tax credit.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018, and shall be applicable to all taxable years beginning after December 31, 2017, but before January 1, 2023. It shall remain effective for a period of 5 years and, at the end of June 30, 2023, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, April 24, 2018.

Chapter 174

(House Bill 330)

AN ACT concerning

Motor Vehicle Registration – Exception for Golf Carts – Town of Vienna

FOR the purpose of creating an exception from motor vehicle registration requirements under certain circumstances for golf carts in the Town of Vienna; providing that a person who operates a golf cart on a highway in the Town of Vienna may operate the golf cart only on certain roads at certain times and only if the golf cart is equipped with certain lighting devices; requiring a person who operates a golf cart on a highway in the Town of Vienna to keep as far to the right of the roadway as feasible and possess a valid driver's license; authorizing the ~~State Highway Administration, in consultation with the appropriate local authority, to develop locations where a person operating a golf cart may cross certain highways~~ town government to designate the highways on which a person may operate a golf cart in the Town of Vienna; making certain conforming changes; and generally relating to an exception to motor vehicle registration requirements for golf carts in the Town of Vienna.

BY repealing and reenacting, without amendments,

Article – Transportation

Section 13–402(a)(1)

Annotated Code of Maryland

(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 13–402(c) and ~~21–104.2~~ 21–104.3(a)

Annotated Code of Maryland

(2012 Replacement Volume and 2017 Supplement)

BY adding to

Article – Transportation

Section 21–104.4

Annotated Code of Maryland

(2012 Replacement Volume and 2017 Supplement)

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

Article – Transportation

13–402.

(a) (1) Except as otherwise provided in this section or elsewhere in the Maryland Vehicle Law, each motor vehicle, trailer, semitrailer, and pole trailer driven on a highway shall be registered under this subtitle.

(c) Registration under this subtitle is not required for:

(1) A vehicle that is driven on a highway:

(i) In conformity with the provisions of this title relating to manufacturers, transporters, dealers, secured parties, owners or operators of special mobile equipment, or nonresidents; or

(ii) Under a temporary registration card issued by the Administration;

(2) A vehicle owned and used by the United States, unless an authorized officer or employee of the United States requests registration of the vehicle;

(3) A farm tractor or any farm equipment;

(4) A vehicle the front or rear wheels of which are lifted from the highway;

(5) A towed vehicle that is attached to the towing vehicle by a tow bar and for which no driver is necessary;

(6) A vehicle owned by and in the possession of a licensed dealer for purpose of sale;

(7) A vehicle owned by a new resident of this State during the first 60 days of residency provided the vehicle displays valid registration issued by the jurisdiction of the resident's former domicile;

(8) New vehicles being operated as part of a shuttle, as defined in § 13–626 of this title, while following a registered vehicle displaying a shuttle permit issued by the Administration;

(9) A vehicle operated in connection with maritime commerce exclusively within any terminal owned or leased by the Maryland Port Administration;

(10) A snowmobile that is operated on highways and roadways as prescribed by § 25–102(a)(14) of this article;

(11) A golf cart that is operated on a highway on Smith Island, provided that the golf cart is equipped with lighting devices as required by the Administration if it is operated on a highway between dusk and dawn;

(12) A golf cart that is operated on a highway ~~in the City of Crisfield, Somerset County, OR THE TOWN OF VIENNA, DORCHESTER COUNTY,~~ in accordance with ~~§ 21–104.2~~ **§§ 21–104.2 THROUGH 21–104.4** of this article;

(13) ~~A golf cart that is operated on a county highway in the community of Golden Beach Patuxent Knolls, St. Mary's County, in accordance with § 21–104.3 of this article;~~

~~(14)~~ (14) A golf cart that is operated on an Allegany County highway as allowed by the county under § 25–102(a)(16) of this article; or

~~(15)~~ (14) A vehicle owned by an accredited consular or diplomatic officer of a foreign government and operated for official or personal purposes when the vehicle displays a valid diplomatic license plate issued by the United States government.

~~21–104.2.~~

~~(a) THIS SECTION APPLIES ONLY IN:~~

~~(1) THE CITY OF CRISFIELD, SOMERSET COUNTY; AND~~

~~(2) THE TOWN OF VIENNA, DORCHESTER COUNTY.~~

~~(B) A person who operates a golf cart on a highway [in the City of Crisfield, Somerset County,] without registration as authorized under § 13–402(e)(12) of this article:~~

~~(1) May operate the golf cart only:~~

~~(i) On a highway:~~

~~1. That is not designated or maintained as a part or an extension of the State or federal highway system; and~~

~~2. On which the maximum posted speed limit does not exceed 35 miles per hour;~~

~~(ii) Between dawn and dusk; and~~

~~(iii) If the golf cart is equipped with lighting devices as required by the Administration;~~

~~(2) Shall keep the golf cart as far to the right of the roadway as feasible; and~~

~~(3) Shall possess a valid driver's license.~~

~~[(b)] (C) The State Highway Administration, in consultation with [the City of Crisfield] THE APPROPRIATE LOCAL AUTHORITY, may designate [a location] LOCATIONS in the City of Crisfield OR THE TOWN OF VIENNA where a person operating a golf cart may cross, at a right angle, a highway that is designated or maintained as a part or an extension of the State or federal highway system.~~

21-104.3.

(a) A person who operates a golf cart on a county highway in the community of Golden Beach Patuxent Knolls, St. Mary's County, without registration as authorized under [§ 13-402(c)(13)] § 13-402(C)(12) of this article:

(1) May operate the golf cart only:

(i) On a county highway on which the maximum posted speed limit does not exceed 35 miles per hour;

(ii) Between dawn and dusk; and

(iii) If the golf cart is equipped with lighting devices as required by the Administration;

(2) Shall keep the golf cart as far to the right of the roadway as feasible; and

(3) Shall possess a valid driver's license.

21-104.4.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A PERSON WHO OPERATES A GOLF CART ON A COUNTY HIGHWAY IN THE TOWN OF VIENNA, DORCHESTER COUNTY, WITHOUT REGISTRATION AS AUTHORIZED UNDER § 13-402(C)(12) OF THIS ARTICLE:

(1) MAY OPERATE THE GOLF CART ONLY:

(I) ON A HIGHWAY ON WHICH THE MAXIMUM POSTED SPEED LIMIT DOES NOT EXCEED 30 MILES PER HOUR;

(II) BETWEEN DAWN AND DUSK; AND

(III) IF THE GOLF CART IS EQUIPPED WITH LIGHTING DEVICES AS REQUIRED BY THE ADMINISTRATION;

(2) SHALL KEEP THE GOLF CART AS FAR TO THE RIGHT OF THE ROADWAY AS FEASIBLE; AND

(3) SHALL POSSESS A VALID DRIVER'S LICENSE.

(B) THE TOWN GOVERNMENT MAY DESIGNATE THE HIGHWAYS WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF VIENNA ON WHICH A PERSON MAY OPERATE A GOLF CART.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ *June* 1, 2018.

Approved by the Governor, April 24, 2018.

Chapter 175

(Senate Bill 215)

AN ACT concerning

Motor Vehicle Registration – Exception for Golf Carts – Town of Vienna

FOR the purpose of creating an exception from motor vehicle registration requirements under certain circumstances for golf carts in the Town of Vienna; providing that a person who operates a golf cart on a highway in the Town of Vienna may operate the golf cart only on certain roads at certain times and only if the golf cart is equipped with certain lighting devices; requiring a person who operates a golf cart on a highway in the Town of Vienna to keep as far to the right of the roadway as feasible and possess a valid driver's license; authorizing the ~~State Highway Administration, in consultation with the appropriate local authority, to develop locations where a person operating a golf cart may cross certain highways~~ *town government to designate the highways on which a person may operate a golf cart in the Town of Vienna*; making certain conforming changes; and generally relating to an exception to motor vehicle registration requirements for golf carts in the Town of Vienna.

BY repealing and reenacting, without amendments,
Article – Transportation

Section 13–402(a)(1)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
 Article – Transportation
 Section 13–402(c) and ~~21–104.2~~ 21–104.3(a)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2017 Supplement)

BY adding to
Article – Transportation
Section 21–104.4
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

Article – Transportation

13–402.

(a) (1) Except as otherwise provided in this section or elsewhere in the Maryland Vehicle Law, each motor vehicle, trailer, semitrailer, and pole trailer driven on a highway shall be registered under this subtitle.

(c) Registration under this subtitle is not required for:

(1) A vehicle that is driven on a highway:

(i) In conformity with the provisions of this title relating to manufacturers, transporters, dealers, secured parties, owners or operators of special mobile equipment, or nonresidents; or

(ii) Under a temporary registration card issued by the Administration;

(2) A vehicle owned and used by the United States, unless an authorized officer or employee of the United States requests registration of the vehicle;

(3) A farm tractor or any farm equipment;

(4) A vehicle the front or rear wheels of which are lifted from the highway;

(5) A towed vehicle that is attached to the towing vehicle by a tow bar and for which no driver is necessary;

(6) A vehicle owned by and in the possession of a licensed dealer for purpose of sale;

(7) A vehicle owned by a new resident of this State during the first 60 days of residency provided the vehicle displays valid registration issued by the jurisdiction of the resident's former domicile;

(8) New vehicles being operated as part of a shuttle, as defined in § 13–626 of this title, while following a registered vehicle displaying a shuttle permit issued by the Administration;

(9) A vehicle operated in connection with maritime commerce exclusively within any terminal owned or leased by the Maryland Port Administration;

(10) A snowmobile that is operated on highways and roadways as prescribed by § 25–102(a)(14) of this article;

(11) A golf cart that is operated on a highway on Smith Island, provided that the golf cart is equipped with lighting devices as required by the Administration if it is operated on a highway between dusk and dawn;

(12) A golf cart that is operated on a highway ~~in the City of Crisfield, Somerset County, OR THE TOWN OF VIENNA, DORCHESTER COUNTY,~~ in accordance with ~~§ 21–104.2~~ **§§ 21–104.2 THROUGH 21–104.4** of this article;

(13) ~~A golf cart that is operated on a county highway in the community of Golden Beach Patuxent Knolls, St. Mary's County, in accordance with § 21–104.3 of this article;~~

~~(14)~~ A golf cart that is operated on an Allegany County highway as allowed by the county under § 25–102(a)(16) of this article; or

~~(15)~~ **(14)** A vehicle owned by an accredited consular or diplomatic officer of a foreign government and operated for official or personal purposes when the vehicle displays a valid diplomatic license plate issued by the United States government.

~~21–104.2.~~

~~(a) THIS SECTION APPLIES ONLY IN:~~

~~(1) THE CITY OF CRISFIELD, SOMERSET COUNTY; AND~~

~~(2) THE TOWN OF VIENNA, DORCHESTER COUNTY.~~

~~(B) A person who operates a golf cart on a highway [in the City of Crisfield, Somerset County,] without registration as authorized under § 13-402(c)(12) of this article:~~

~~(1) May operate the golf cart only:~~

~~(i) On a highway:~~

~~1. That is not designated or maintained as a part or an extension of the State or federal highway system; and~~

~~2. On which the maximum posted speed limit does not exceed 35 miles per hour;~~

~~(ii) Between dawn and dusk; and~~

~~(iii) If the golf cart is equipped with lighting devices as required by the Administration;~~

~~(2) Shall keep the golf cart as far to the right of the roadway as feasible; and~~

~~(3) Shall possess a valid driver's license.~~

~~[(b)] (C) The State Highway Administration, in consultation with [the City of Crisfield] THE APPROPRIATE LOCAL AUTHORITY, may designate [a location] LOCATIONS in the City of Crisfield OR THE TOWN OF VIENNA where a person operating a golf cart may cross, at a right angle, a highway that is designated or maintained as a part or an extension of the State or federal highway system.~~

21-104.3.

(a) A person who operates a golf cart on a county highway in the community of Golden Beach Patuxent Knolls, St. Mary's County, without registration as authorized under [§ 13-402(c)(13)] § 13-402(C)(12) of this article:

(1) May operate the golf cart only:

(i) On a county highway on which the maximum posted speed limit does not exceed 35 miles per hour;

(ii) Between dawn and dusk; and

(iii) If the golf cart is equipped with lighting devices as required by the Administration;

(2) Shall keep the golf cart as far to the right of the roadway as feasible; and

(3) Shall possess a valid driver's license.

21-104.4.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A PERSON WHO OPERATES A GOLF CART ON A COUNTY HIGHWAY IN THE TOWN OF VIENNA, DORCHESTER COUNTY, WITHOUT REGISTRATION AS AUTHORIZED UNDER § 13-402(C)(12) OF THIS ARTICLE:

(1) MAY OPERATE THE GOLF CART ONLY:

(I) ON A HIGHWAY ON WHICH THE MAXIMUM POSTED SPEED LIMIT DOES NOT EXCEED 30 MILES PER HOUR;

(II) BETWEEN DAWN AND DUSK; AND

(III) IF THE GOLF CART IS EQUIPPED WITH LIGHTING DEVICES AS REQUIRED BY THE ADMINISTRATION;

(2) SHALL KEEP THE GOLF CART AS FAR TO THE RIGHT OF THE ROADWAY AS FEASIBLE; AND

(3) SHALL POSSESS A VALID DRIVER'S LICENSE.

(B) THE TOWN GOVERNMENT MAY DESIGNATE THE HIGHWAYS WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF VIENNA ON WHICH A PERSON MAY OPERATE A GOLF CART.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2018.

Approved by the Governor, April 24, 2018.
