

Laws
of the
State of Maryland

At the Session of the General Assembly Begun and Held in the
City of Annapolis on the Ninth Day of January 2019
and Ending on the Eighth Day of April 2019

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 Ninth Day of January 2019, and ending on the Eighth Day of April 2019, Lawrence J. Hogan, Jr., being Governor of the State, the following laws were enacted, to wit:

Chapter 1

(House Bill 336)

AN ACT concerning

~~Unemployment Insurance~~ – **Civilian Federal Employees – Unemployment Insurance Benefits and Federal Government Shutdown Employee Assistance Loan Fund**
(Federal Shutdown Paycheck Protection Act)

FOR the purpose of specifying that, notwithstanding certain provisions of law, an individual who is a civilian employee of the federal government is eligible to receive unemployment benefits under certain circumstances; altering the purpose for which the Catastrophic Event Account is established; authorizing the Governor, under certain circumstances, to transfer funds by budget amendment from the Catastrophic Event Account to the Federal Government Shutdown Employee Assistance Loan Fund; authorizing funds appropriated to the Catastrophic Event Account to be expended to assist a unit of State government in funding costs in connection with a full or partial federal government shutdown due to a lapse in appropriations; establishing the Federal Government Shutdown Employee Assistance Loan Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Department of Labor, Licensing, and Regulation 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; requiring the Department of Labor, Licensing, and Regulation to establish certain procedures and certain eligibility criteria for loans from the Fund;

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.

exempting the Fund from a certain provision of law requiring the interest earnings on State money to accrue to the General Fund of the State; defining a certain term; requiring the Department of Labor, Licensing, and Regulation to request certain documentation from the U.S. Department of Labor within a certain time period after the taking effect of this Act and within a certain time period after a change in certain federal laws or federal guidance; making a certain ~~provision~~ provisions of this Act subject to a certain ~~contingency~~ contingencies; making this Act an emergency measure; and generally relating to unemployment benefits and assistance for civilian federal employees.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 8–903
Annotated Code of Maryland
(2016 Replacement Volume and 2018 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 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)112. and 113. and 7–324
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)114. and 7–327
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

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

Article – Labor and Employment

8–903.

(a) (1) Except as otherwise provided in this section, to be eligible for benefits an individual shall be:

- (i) able to work;
- (ii) available for work; and

(iii) actively seeking work.

(2) In determining whether an individual actively is seeking work, the Secretary shall consider:

(i) whether the individual has made an effort that is reasonable and that would be expected of an unemployed individual who honestly is looking for work; and

(ii) the extent of the effort in relation to the labor market conditions in the area in which the individual is seeking work.

(3) A part-time worker may not be determined to be ineligible for the receipt of benefits for a week in which the part-time worker is available for and seeking only part-time work if the part-time worker:

(i) is actively seeking part-time work; and

(ii) is in a labor market in which a reasonable demand exists for part-time work.

(4) For the purposes of paragraph (3) of this subsection, an individual is seeking only part-time work if the individual is able to work:

(i) hours that are comparable to the individual's work at the time of the most recent separation from part-time employment; and

(ii) at least 20 hours per week.

(b) The Secretary may not use the disability of a qualified individual with a disability as a factor in finding that an individual is not able to work, available for work, or actively seeking work under subsection (a)(1) or (3) of this section.

(c) Notwithstanding any other provision of this section or § 8-904 or § 8-907(a) of this subtitle, an individual who otherwise is eligible to receive benefits and who is in training with the approval of the Secretary may not be denied benefits:

(1) for failure to meet the requirements of subsection (a)(1)(ii) and (iii) of this section to be available for work and actively seeking work; or

(2) for failure to apply for or refusal to accept suitable work under § 8-1005 of this title.

(D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, AN INDIVIDUAL WHO IS A CIVILIAN EMPLOYEE OF THE FEDERAL GOVERNMENT IS ELIGIBLE TO RECEIVE UNEMPLOYMENT BENEFITS IF THE EMPLOYEE:

(1) IS REQUIRED TO REPORT TO WORK AT A WORK SITE LOCATED IN THE STATE; AND

(2) IS NOT BEING PAID BECAUSE THE FEDERAL GOVERNMENT IS IN A FULL OR PARTIAL SHUTDOWN DUE TO A LAPSE IN APPROPRIATIONS.

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

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:

112. the Pretrial Services Program Grant Fund; [and]

113. the Veteran Employment and Transition Success Fund;

AND

114. THE FEDERAL GOVERNMENT SHUTDOWN EMPLOYEE ASSISTANCE LOAN FUND.

7–324.

(a) In this section, “Account” means the Catastrophic Event Account.

(b) Subject to the provisions of this section, the Account is established to enable the State to respond without undue delay to a natural disaster or other catastrophic situation, OR FEDERAL CIVILIAN EMPLOYEE FINANCIAL HARDSHIP FROM A FULL OR PARTIAL FEDERAL GOVERNMENT SHUTDOWN DUE TO A LAPSE IN FEDERAL APPROPRIATIONS that cannot be taken care of within the resources of existing appropriations.

(c) The Governor may provide an appropriation in the budget bill to the Account.

(d) (1) [After] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AFTER 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.

(2) IF THE FEDERAL GOVERNMENT IS IN A FULL OR PARTIAL SHUTDOWN DUE TO A LAPSE IN APPROPRIATIONS, AFTER A 2-DAY REVIEW AND COMMENT PERIOD BY THE LEGISLATIVE POLICY COMMITTEE, THE GOVERNOR MAY TRANSFER FUNDS BY BUDGET AMENDMENT FROM THE ACCOUNT TO THE FEDERAL GOVERNMENT SHUTDOWN EMPLOYEE ASSISTANCE LOAN FUND ESTABLISHED UNDER § 7-327 OF THIS SUBTITLE.

(e) Funds appropriated to the Catastrophic Event Account:

(1) may not be used to offset operating deficiencies in regular programs of State government; but

(2) may be expended to assist a unit of State government in funding costs in connection with a natural disaster, [or] A catastrophic situation, OR A FULL OR PARTIAL FEDERAL GOVERNMENT SHUTDOWN DUE TO A LAPSE IN APPROPRIATIONS.

(f) (1) The Account is a continuing, nonlapsing fund which is not subject to § 7-302 of this subtitle.

(2) The Treasurer shall separately hold, and the Comptroller shall account for, the Account.

(3) The Account shall be invested and reinvested in the same manner as other State funds.

(4) Any investment earning shall be subject to § 7-311(d) of this subtitle.

(g) Money appropriated to the Account does not revert to the Revenue Stabilization Account.

7-327.

(A) IN THIS SECTION, “FUND” MEANS THE FEDERAL GOVERNMENT SHUTDOWN EMPLOYEE ASSISTANCE LOAN FUND.

(B) THERE IS A FEDERAL GOVERNMENT SHUTDOWN EMPLOYEE ASSISTANCE LOAN FUND.

(C) THE PURPOSE OF THE FUND IS TO PROVIDE LOANS TO CIVILIAN EMPLOYEES OF THE FEDERAL GOVERNMENT WHO ARE:

(1) REQUIRED TO REPORT TO WORK AT A WORK SITE LOCATED IN THE STATE; AND

(2) NOT BEING PAID BECAUSE OF A FULL OR PARTIAL FEDERAL GOVERNMENT SHUTDOWN DUE TO A LAPSE IN APPROPRIATIONS.

(D) THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION SHALL ADMINISTER THE FUND.

(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THIS SUBTITLE 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) MONEY TRANSFERRED FROM THE CATASTROPHIC EVENT ACCOUNT IN ACCORDANCE WITH § 7-324 OF THIS SUBTITLE;

(4) REPAYMENTS ON LOANS MADE FROM THE FUND; AND

(5) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(G) THE FUND SHALL BE USED ONLY TO PROVIDE NO-INTEREST LOANS TO CIVILIAN EMPLOYEES OF THE FEDERAL GOVERNMENT WHO ARE:

(1) REQUIRED TO REPORT TO WORK AT A WORK SITE LOCATED IN THE STATE; AND

(2) NOT BEING PAID BECAUSE OF A FULL OR PARTIAL FEDERAL GOVERNMENT SHUTDOWN DUE TO A LAPSE IN APPROPRIATIONS.

(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.

(1) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION SHALL ESTABLISH PROCEDURES AND ELIGIBILITY CRITERIA FOR LOANS FROM THE FUND.

(2) THE ELIGIBILITY CRITERIA SHALL INCLUDE THAT:

(I) THE FEDERAL GOVERNMENT IS IN A FULL OR PARTIAL SHUTDOWN DUE TO A LAPSE IN APPROPRIATIONS; AND

(II) AN INDIVIDUAL APPLYING FOR A LOAN FROM THE FUND IS:

1. A CIVILIAN EMPLOYEE OF THE FEDERAL GOVERNMENT;

2. REQUIRED TO REPORT TO WORK AT A WORK SITE LOCATED IN THE STATE; AND

3. NOT BEING PAID BECAUSE OF THE FULL OR PARTIAL FEDERAL GOVERNMENT SHUTDOWN DUE TO THE LAPSE IN APPROPRIATIONS.

(3) THE PROCEDURES SHALL INCLUDE:

(I) APPLICATION PROCEDURES;

(II) PAYMENT PROCEDURES FROM THE FUND; AND

(III) REPAYMENT PROCEDURES, INCLUDING TIMELINES, FOR AN INDIVIDUAL TO REPAY A LOAN FROM THE FUND.

~~SECTION 2. AND BE IT FURTHER ENACTED, That, within 24 hours after the taking effect of this Act, the Department of Labor, Licensing, and Regulation shall request a determination letter from the U.S. Department of Labor confirming continued conformity of the Maryland Unemployment Insurance Law, as amended by Section 1 of this Act, with federal unemployment compensation program requirements.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect contingent on the receipt by the Department of Labor, Licensing, and Regulation of a favorable determination letter from the U.S. Department of Labor confirming that the Maryland Unemployment Insurance Law, as amended by Section 1 of this Act, conforms with federal unemployment compensation program requirements. Section 1 of this Act shall take effect on the date notice of the letter is received by the Department of Legislative Services in accordance with this section. If the Department of Labor, Licensing, and~~

~~Regulation does not receive a favorable determination letter or the U.S. Department of Labor determines that implementation of the Maryland Unemployment Insurance Law, as amended by Section 1 of this Act, would result in a loss of federal funding, Section 1 of this Act, with no further action required by the General Assembly, shall be null and void. The Department of Labor, Licensing, and Regulation, within 24 hours after receiving the determination letter from the U.S. Department of Labor, shall forward a copy of the letter to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.~~

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) (1) Within 24 hours after the enactment of Section 1 of this Act, the Department of Labor, Licensing, and Regulation shall request a determination letter from the U.S. Department of Labor confirming whether the implementation of Section 1 of this Act, with federal reimbursement for the administration and payment of claims, conforms with federal unemployment compensation program requirements and will not result in a loss of certification by the United States Secretary of Labor.

(2) Within 24 hours after receiving the determination letter requested under paragraph (1) of this subsection from the U.S. Department of Labor, the Department of Labor, Licensing, and Regulation shall forward a copy of the letter to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

(b) (1) If there is a change to § 303 of the federal Social Security Act, other applicable federal law, or federal guidance to states on or before January 1, 2024, within 24 hours after the Department of Labor, Licensing, and Regulation receives notice of the change, the Department shall request a determination letter from the U.S. Department of Labor confirming whether the implementation of Section 1 of this Act, with federal reimbursement for the administration and payment of claims, conforms with federal unemployment compensation program requirements and will not result in a loss of certification by the United States Secretary of Labor.

(2) Within 24 hours after receiving the determination letter requested under paragraph (1) of this subsection from the U.S. Department of Labor, the Department of Labor, Licensing, and Regulation shall forward a copy of the letter to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) (1) Section 1 of this Act shall take effect contingent on the receipt by the Department of Labor, Licensing, and Regulation of a favorable determination letter requested under Section 3 of this Act from the U.S. Department of Labor.

(2) Section 1 of this Act shall take effect on the date notice of the letter described under paragraph (1) of this subsection is received by the Department of Legislative Services in accordance with Section 3 of this Act.

(3) If the Department of Labor, Licensing, and Regulation does not receive a favorable determination letter described under paragraph (1) of this subsection, Section 1 of this Act, with no further action required by the General Assembly, shall be null and void.

(b) (1) Section 2 of this Act shall take effect contingent on receipt by the Department of Labor, Licensing, and Regulation of an unfavorable determination letter requested under Section 3(a) of this Act from the U.S. Department of Labor.

(2) Section 2 of this Act shall take effect on the date notice of the letter described under paragraph (1) of this subsection is received by the Department of Legislative Services in accordance with Section 3 of this Act.

(3) If Section 1 of this Act takes effect following the receipt by the Department of Labor, Licensing, and Regulation of a favorable determination letter requested under Section 3(a) of this Act, Section 2 of this Act, with no further action required by the General Assembly, shall be null and void.

SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That, subject to Section ~~3~~ 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 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, March 26, 2019.

Chapter 2

(Senate Bill 391)

AN ACT concerning

~~Unemployment Insurance – Civilian Federal Employees – Unemployment Insurance Benefits and Federal Government Shutdown Employee Assistance Loan Fund~~

(Federal Shutdown Paycheck Protection Act)

FOR the purpose of specifying that, notwithstanding certain provisions of law, an individual who is a civilian employee of the federal government is eligible to receive unemployment benefits under certain circumstances; altering the purpose for which the Catastrophic Event Account is established; authorizing the Governor, under certain circumstances, to transfer funds by budget amendment from the Catastrophic Event Account to the Federal Government Shutdown Employee Assistance Loan Fund; authorizing funds appropriated to the Catastrophic Event

Account to be expended to assist a unit of State government in funding costs in connection with a full or partial federal government shutdown due to a lapse in appropriations; establishing the Federal Government Shutdown Employee Assistance Loan Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Department of Labor, Licensing, and Regulation 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; requiring the Department of Labor, Licensing, and Regulation to establish certain procedures and certain eligibility criteria for loans from the Fund; exempting the Fund from a certain provision of law requiring the interest earnings on State money to accrue to the General Fund of the State; defining a certain term; requiring the Department of Labor, Licensing, and Regulation to request certain documentation from the U.S. Department of Labor within a certain time period after the taking effect of this Act and within a certain time period after a change in certain federal laws or federal guidance; making ~~a certain provision~~ provisions of this Act subject to ~~a certain contingency~~ contingencies; making this Act an emergency measure; and generally relating to unemployment benefits and assistance for civilian federal employees.

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 8–903

Annotated Code of Maryland

(2016 Replacement Volume and 2018 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 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)112. and 113. and 7–324

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

BY adding to

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)114. and 7–327

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

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

Article – Labor and Employment

8–903.

(a) (1) Except as otherwise provided in this section, to be eligible for benefits an individual shall be:

- (i) able to work;
- (ii) available for work; and
- (iii) actively seeking work.

(2) In determining whether an individual actively is seeking work, the Secretary shall consider:

(i) whether the individual has made an effort that is reasonable and that would be expected of an unemployed individual who honestly is looking for work; and

(ii) the extent of the effort in relation to the labor market conditions in the area in which the individual is seeking work.

(3) A part–time worker may not be determined to be ineligible for the receipt of benefits for a week in which the part–time worker is available for and seeking only part–time work if the part–time worker:

(i) is actively seeking part–time work; and

(ii) is in a labor market in which a reasonable demand exists for part–time work.

(4) For the purposes of paragraph (3) of this subsection, an individual is seeking only part–time work if the individual is able to work:

(i) hours that are comparable to the individual’s work at the time of the most recent separation from part–time employment; and

(ii) at least 20 hours per week.

(b) The Secretary may not use the disability of a qualified individual with a disability as a factor in finding that an individual is not able to work, available for work, or actively seeking work under subsection (a)(1) or (3) of this section.

(c) Notwithstanding any other provision of this section or § 8–904 or § 8–907(a) of this subtitle, an individual who otherwise is eligible to receive benefits and who is in training with the approval of the Secretary may not be denied benefits:

(1) for failure to meet the requirements of subsection (a)(1)(ii) and (iii) of this section to be available for work and actively seeking work; or

(2) for failure to apply for or refusal to accept suitable work under § 8–1005 of this title.

(D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, AN INDIVIDUAL WHO IS A CIVILIAN EMPLOYEE OF THE FEDERAL GOVERNMENT IS ELIGIBLE TO RECEIVE UNEMPLOYMENT BENEFITS IF THE EMPLOYEE:

(1) ~~THE EMPLOYEE~~ IS REQUIRED TO REPORT TO WORK AT A WORK SITE LOCATED IN THE STATE; AND

(2) IS NOT BEING PAID BECAUSE THE FEDERAL GOVERNMENT IS IN A FULL OR PARTIAL SHUTDOWN DUE TO A LAPSE IN APPROPRIATIONS.

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

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:

112. the Pretrial Services Program Grant Fund; [and]

113. the Veteran Employment and Transition Success Fund;

AND

114. THE FEDERAL GOVERNMENT SHUTDOWN EMPLOYEE ASSISTANCE LOAN FUND.

7–324.

(a) In this section, “Account” means the Catastrophic Event Account.

(b) Subject to the provisions of this section, the Account is established to enable the State to respond without undue delay to a natural disaster or other catastrophic situation, OR FEDERAL CIVILIAN EMPLOYEE FINANCIAL HARDSHIP FROM A FULL OR PARTIAL FEDERAL GOVERNMENT SHUTDOWN DUE TO A LAPSE IN FEDERAL APPROPRIATIONS that cannot be taken care of within the resources of existing appropriations.

(c) The Governor may provide an appropriation in the budget bill to the Account.

(d) (1) [After] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AFTER 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.

(2) IF THE FEDERAL GOVERNMENT IS IN A FULL OR PARTIAL SHUTDOWN DUE TO A LAPSE IN APPROPRIATIONS, AFTER A 2-DAY REVIEW AND COMMENT PERIOD BY THE LEGISLATIVE POLICY COMMITTEE, THE GOVERNOR MAY TRANSFER FUNDS BY BUDGET AMENDMENT FROM THE ACCOUNT TO THE FEDERAL GOVERNMENT SHUTDOWN EMPLOYEE ASSISTANCE LOAN FUND ESTABLISHED UNDER § 7-327 OF THIS SUBTITLE.

(e) Funds appropriated to the Catastrophic Event Account:

(1) may not be used to offset operating deficiencies in regular programs of State government; but

(2) may be expended to assist a unit of State government in funding costs in connection with a natural disaster, [or] A catastrophic situation, OR A FULL OR PARTIAL FEDERAL GOVERNMENT SHUTDOWN DUE TO A LAPSE IN APPROPRIATIONS.

(f) (1) The Account is a continuing, nonlapsing fund which is not subject to § 7-302 of this subtitle.

(2) The Treasurer shall separately hold, and the Comptroller shall account for, the Account.

(3) The Account shall be invested and reinvested in the same manner as other State funds.

(4) Any investment earning shall be subject to § 7-311(d) of this subtitle.

(g) Money appropriated to the Account does not revert to the Revenue Stabilization Account.

7-327.

(A) IN THIS SECTION, “FUND” MEANS THE FEDERAL GOVERNMENT SHUTDOWN EMPLOYEE ASSISTANCE LOAN FUND.

(B) THERE IS A FEDERAL GOVERNMENT SHUTDOWN EMPLOYEE ASSISTANCE LOAN FUND.

(C) THE PURPOSE OF THE FUND IS TO PROVIDE LOANS TO CIVILIAN EMPLOYEES OF THE FEDERAL GOVERNMENT WHO ARE:

(1) REQUIRED TO REPORT TO WORK AT A WORK SITE LOCATED IN THE STATE; AND

(2) NOT BEING PAID BECAUSE OF A FULL OR PARTIAL FEDERAL GOVERNMENT SHUTDOWN DUE TO A LAPSE IN APPROPRIATIONS.

(D) THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION SHALL ADMINISTER THE FUND.

(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THIS SUBTITLE 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) MONEY TRANSFERRED FROM THE CATASTROPHIC EVENT ACCOUNT IN ACCORDANCE WITH § 7-324 OF THIS SUBTITLE;

(4) REPAYMENTS ON LOANS MADE FROM THE FUND; AND

(5) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(G) THE FUND SHALL BE USED ONLY TO PROVIDE NO-INTEREST LOANS TO CIVILIAN EMPLOYEES OF THE FEDERAL GOVERNMENT WHO ARE:

(1) REQUIRED TO REPORT TO WORK AT A WORK SITE LOCATED IN THE STATE; AND

(2) NOT BEING PAID BECAUSE OF A FULL OR PARTIAL FEDERAL GOVERNMENT SHUTDOWN DUE TO A LAPSE IN APPROPRIATIONS.

(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) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION SHALL ESTABLISH PROCEDURES AND ELIGIBILITY CRITERIA FOR LOANS FROM THE FUND.

(2) THE ELIGIBILITY CRITERIA SHALL INCLUDE THAT:

(I) THE FEDERAL GOVERNMENT IS IN A FULL OR PARTIAL SHUTDOWN DUE TO A LAPSE IN APPROPRIATIONS; AND

(II) AN INDIVIDUAL APPLYING FOR A LOAN FROM THE FUND IS:

1. A CIVILIAN EMPLOYEE OF THE FEDERAL GOVERNMENT;

2. REQUIRED TO REPORT TO WORK AT A WORK SITE LOCATED IN THE STATE; AND

3. NOT BEING PAID BECAUSE OF THE FULL OR PARTIAL FEDERAL GOVERNMENT SHUTDOWN DUE TO THE LAPSE IN APPROPRIATIONS.

(3) THE PROCEDURES SHALL INCLUDE:

(I) APPLICATION PROCEDURES;

(II) PAYMENT PROCEDURES FROM THE FUND; AND

(III) REPAYMENT PROCEDURES, INCLUDING TIMELINES, FOR AN INDIVIDUAL TO REPAY A LOAN FROM THE FUND.

~~SECTION 2. AND BE IT FURTHER ENACTED, That, within 24 hours after the taking effect of this Act, the Department of Labor, Licensing, and Regulation shall request a determination letter from the U.S. Department of Labor confirming continued conformity~~

~~of the Maryland Unemployment Insurance Law, as amended by Section 1 of this Act, with federal unemployment compensation program requirements.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect contingent on the receipt by the Department of Labor, Licensing, and Regulation of a favorable determination letter from the U.S. Department of Labor confirming that the Maryland Unemployment Insurance Law, as amended by Section 1 of this Act, conforms with federal unemployment compensation program requirements. Section 1 of this Act shall take effect on the date notice of the letter is received by the Department of Legislative Services in accordance with this section. If the Department of Labor, Licensing, and Regulation does not receive a favorable determination letter or the U.S. Department of Labor determines that implementation of the Maryland Unemployment Insurance Law, as amended by Section 1 of this Act, would result in a loss of federal funding, Section 1 of this Act, with no further action required by the General Assembly, shall be null and void. The Department of Labor, Licensing, and Regulation, within 24 hours after receiving the determination letter from the U.S. Department of Labor, shall forward a copy of the letter to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.~~

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) (1) Within 24 hours after the enactment of Section 1 of this Act, the Department of Labor, Licensing, and Regulation shall request a determination letter from the U.S. Department of Labor confirming whether the implementation of Section 1 of this Act, with federal reimbursement for the administration and payment of claims, conforms with federal unemployment compensation program requirements and will not result in a loss of certification by the United States Secretary of Labor.

(2) Within 24 hours after receiving the determination letter requested under paragraph (1) of this subsection from the U.S. Department of Labor, the Department of Labor, Licensing, and Regulation shall forward a copy of the letter to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

(b) (1) If there is a change to § 303 of the federal Social Security Act, other applicable federal law, or federal guidance to states on or before January 1, 2024, within 24 hours after the Department of Labor, Licensing, and Regulation receives notice of the change, the Department shall request a determination letter from the U.S. Department of Labor confirming whether the implementation of Section 1 of this Act, with federal reimbursement for the administration and payment of claims, conforms with federal unemployment compensation program requirements and will not result in a loss of certification by the United States Secretary of Labor.

(2) Within 24 hours after receiving the determination letter requested under paragraph (1) of this subsection from the U.S. Department of Labor, the Department of Labor, Licensing, and Regulation shall forward a copy of the letter to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) (1) Section 1 of this Act shall take effect contingent on the receipt by the Department of Labor, Licensing, and Regulation of a favorable determination letter requested under Section 3 of this Act from the U.S. Department of Labor.

(2) Section 1 of this Act shall take effect on the date notice of the letter described under paragraph (1) of this subsection is received by the Department of Legislative Services in accordance with Section 3 of this Act.

(3) If the Department of Labor, Licensing, and Regulation does not receive a favorable determination letter described under paragraph (1) of this subsection, Section 1 of this Act, with no further action required by the General Assembly, shall be null and void.

(b) (1) Section 2 of this Act shall take effect contingent on receipt by the Department of Labor, Licensing, and Regulation of an unfavorable determination letter requested under Section 3(a) of this Act from the U.S. Department of Labor.

(2) Section 2 of this Act shall take effect on the date notice of the letter described under paragraph (1) of this subsection is received by the Department of Legislative Services in accordance with Section 3 of this Act.

(3) If Section 1 of this Act takes effect following the receipt by the Department of Labor, Licensing, and Regulation of a favorable determination letter requested under Section 3(a) of this Act, Section 2 of this Act, with no further action required by the General Assembly, shall be null and void.

SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That, subject to Section ~~3~~ 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 shall take effect from the date it is enacted.

Approved by the Governor, March 26, 2019.

Chapter 3

(Senate Bill 156)

AN ACT concerning

Mandated Appropriation – City of Annapolis – Services

FOR the purpose of establishing a certain minimum amount for a certain annual appropriation in the State budget for the Mayor and Aldermen of the City of

Annapolis to pay for services provided to the State by the City of Annapolis; requiring that each fiscal year the annual appropriation be increased by a certain amount; repealing an obsolete provision; and generally relating to a mandated appropriation for the City of Annapolis.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 4–608
Annotated Code of Maryland
(2015 Replacement Volume and 2018 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

4–608.

(A) Annually, the State shall appropriate **IN THE STATE BUDGET** and pay to the Mayor and Aldermen of the City of Annapolis [the sum provided in the State budget] **AT LEAST \$750,000** as payment for[:

(1) the collection of refuse from State buildings located in the City of Annapolis; and

(2) other] services provided to the State by the City of Annapolis.

(B) **FOR FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER, THE APPROPRIATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE INCREASED BY THE PERCENT INCREASE IN THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE BALTIMORE METROPOLITAN STATISTICAL AREA.**

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, March 27, 2019.

Chapter 4

(House Bill 129)

AN ACT concerning

Mandated Appropriation – City of Annapolis – Services

FOR the purpose of establishing a certain minimum amount for a certain annual appropriation in the State budget for the Mayor and Aldermen of the City of Annapolis to pay for services provided to the State by the City of Annapolis; requiring that each fiscal year the annual appropriation be increased by a certain amount; repealing an obsolete provision; and generally relating to a mandated appropriation for the City of Annapolis.

BY repealing and reenacting, with amendments,
 Article – State Finance and Procurement
 Section 4–608
 Annotated Code of Maryland
 (2015 Replacement Volume and 2018 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

4–608.

(A) Annually, the State shall appropriate **IN THE STATE BUDGET** and pay to the Mayor and Aldermen of the City of Annapolis [the sum provided in the State budget] **AT LEAST \$750,000** as payment for[:

- (1) the collection of refuse from State buildings located in the City of Annapolis; and
- (2) other] services provided to the State by the City of Annapolis.

(B) **FOR FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER, THE APPROPRIATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE INCREASED BY THE PERCENT INCREASE IN THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE BALTIMORE METROPOLITAN STATISTICAL AREA.**

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, March 27, 2019.

Chapter 5

(Senate Bill 94)

AN ACT concerning

State Government – Consumer Price Index – Revised Statutory References

FOR the purpose of altering a certain Consumer Price Index used for calculating the target per pupil foundation amount and the student transportation amount for education; altering a certain Consumer Price Index used by certain mediator–arbitrator panels to consider the annual increase or decrease in consumer prices in determining the more reasonable offer presented in negotiations on certain collective bargaining agreements; altering a certain Consumer Price Index used by the Montgomery Commission to adjust a certain annual cost estimation; altering a certain Consumer Price Index used to determine the limit increase on the copayment or coinsurance requirement on a certain covered specialty drug; altering a Consumer Price Index used by the Department of Commerce to report to the State Workers’ Compensation Commission to determine a certain rate of change for certain covered employees by a certain date; altering a certain Consumer Price Index that the Maryland–National Capital Park and Planning Commission uses to adjust the estimates of certain yearly costs; altering the Consumer Price Index used by a mediator–arbitrator to consider the annual increase or decrease in consumer prices in resolving certain items; altering a certain Consumer Price Index used by the Department of Housing and Community Development to adjust a certain maximum fee; altering a certain Consumer Price Index used by the Commissioner of Labor and Industry to adjust certain wage rates for certain employees; and generally relating to revised statutory references for the Consumer Price Index for the Washington–Baltimore Metropolitan Area.

BY repealing and reenacting, without amendments,

Article – Education

Section 5–202(a)(1)

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 5–202(a)(13)(ii) and 5–205(c)(2)

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Housing and Community Development

Section 16–310(a), (b), and (d)(1) and (2)(vi)

Annotated Code of Maryland

(2006 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Housing and Community Development

Section 16–310(d)(2)(vii) and 16–402(a)

Annotated Code of Maryland
(2006 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–847(c)(2)
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 9–101(a) and (d), 9–638(a), and 9–638.1(a) through (c)
Annotated Code of Maryland
(2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–638(b) and 9–638.1(d)
Annotated Code of Maryland
(2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,
Article – Land Use
Section 14–101(a) and (b), 16–209(a) through (c) and (e)(2)(i)6., and 16–402(a)
Annotated Code of Maryland
(2012 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Land Use
Section 16–209(e)(2)(i)7. and 16–402(b)
Annotated Code of Maryland
(2012 Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 18–208(e)(1)
Annotated Code of Maryland
(2010 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 18–208(e)(2)
Annotated Code of Maryland
(2010 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,
Article – Real Property

Section 11–135(c)(1) and 11B–106(c)(1)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–135(c)(4)(i) and 11B–106(c)(4)(i)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 18–101(a) and (b) and 18–103(a)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 18–103(b)(1)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

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

Article – Education

5–202.

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

(13) “Target per pupil foundation amount” means:

(ii) Except as provided in items (iii) and (iv) of this paragraph, in subsequent fiscal years:

1. The target per pupil foundation amount for the prior fiscal year increased by the same percentage as the lesser of:

A. The increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year;

B. The Consumer Price Index for All Urban Consumers for the [Washington–Baltimore metropolitan area] WASHINGTON METROPOLITAN AREA, or any successor index, for the second prior fiscal year; or

C. 5%; or

2. If there is no increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year or in the Consumer Price Index for All Urban Consumers for the [Washington–Baltimore metropolitan area] WASHINGTON METROPOLITAN AREA, or any successor index, for the second prior fiscal year, the target per pupil foundation amount for the prior fiscal year;

5–205.

(c) (2) Subject to the limitations under paragraph (3) of this subsection, for fiscal year 2004 and every year thereafter the amount of a county’s base grant for student transportation shall be equal to the amount of the county’s base grant for student transportation for the previous year increased by the same percentage as the increase in the private transportation category of the Consumer Price Index for all urban consumers, for the [Washington–Baltimore metropolitan area] WASHINGTON METROPOLITAN AREA, as of July of the fiscal year preceding the year for which the amount is being calculated, plus an additional amount equal to the product of:

(i) The total amount of funds distributed by the State as base grants for student transportation for the previous fiscal year divided by the statewide full–time equivalent enrollment for the previous fiscal year; and

(ii) The difference between the full–time equivalent enrollment in a county for the current fiscal year and the full–time equivalent enrollment in the county for the previous fiscal year, or, if the full–time equivalent enrollment in a county for the current fiscal year is less than the full–time equivalent enrollment in the county for the previous fiscal year, zero.

Article – Housing and Community Development

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 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.

(d) (1) On or before February 15, the mediator–arbitrator panel shall issue a report choosing the final offer that the mediator–arbitrator panel determines to be more reasonable when viewed as a whole.

(2) Subject to paragraph (3) of this subsection, in determining the more reasonable offer, the mediator–arbitrator panel may consider only:

(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] **WASHINGTON** Metropolitan Area.

16–402.

(a) (1) This subtitle applies to a service contract that:

(i) is solicited by the Montgomery Commission as a management plan intended to adversely affect Montgomery Commission employees represented by a certified representative; and

(ii) in the estimation of the Montgomery Commission procurement officer, will exceed an annual cost of \$75,000 as calculated under paragraph (2) of this subsection.

(2) The Montgomery Commission shall adjust the annual cost estimation described in paragraph (1)(ii) of this subsection to the nearest \$100 every 2 years, beginning on October 1, 2008, to reflect any aggregate increase in the Consumer Price Index for all

urban consumers, for the [Washington–Baltimore metropolitan area] **WASHINGTON METROPOLITAN AREA**, or any successor index, for the previous 2 years.

Article – Insurance

15–847.

(c) (2) On July 1 of each year, the limit on the copayment or coinsurance requirement on a covered specialty drug shall increase by a percentage equal to the percentage change from the preceding year in the medical care component of the March Consumer Price Index for All Urban Consumers, [Washington–Baltimore] **WASHINGTON METROPOLITAN AREA**, from the U.S. Department of Labor, Bureau of Labor Statistics.

Article – Labor and Employment

9–101.

- (a) In this title the following words have the meanings indicated.
- (d) “Commission” means the State Workers’ Compensation Commission.

9–638.

- (a) (1) A covered employee under this section includes an individual who:
 - (i) is entitled to compensation for claims arising from events occurring after January 1, 1988; or
 - (ii) 1. is entitled to compensation from the Chesapeake Employers’ Insurance Company, as successor to the Injured Workers’ Insurance Fund, for claims arising from events occurring on or before January 1, 1988; and
 - 2. was not an employee of a county or municipal corporation when the claim was filed.

(2) Compensation paid to a covered employee under this Part V of this subtitle is subject to an annual cost of living adjustment.

(b) On or before June 30 of each year, the Department of Commerce shall determine and report to the Commission the rate of change in the Consumer Price Index in the preceding calendar year, using as the Consumer Price Index the lower of:

(1) the Consumer Price Index (all urban consumers, all item index) published by the United States Department of Labor for the [Washington, D.C.–Baltimore CMSA] **WASHINGTON METROPOLITAN AREA**; or

(2) the United States city average consumer price index (all urban consumers, all item index).

9–638.1.

(a) This section applies to:

- (1) a nongovernmental unit that employs at least one covered employee;
- (2) a county; and
- (3) a municipal corporation.

(b) A covered employee under this section means an individual who:

(1) is entitled to compensation for claims arising from events occurring on or before January 1, 1988; and

(2) filed the claims for compensation paid by a nongovernmental unit, a county, or a municipal corporation.

(c) Compensation paid to a covered employee under this Part V of this subtitle is subject to an annual cost of living adjustment if the employer, county, or municipal corporation chooses to provide an adjustment.

(d) On or before June 30 of each year, the Department of Commerce shall determine and report to the Commission the rate of change in the Consumer Price Index in the preceding calendar year, using as the Consumer Price Index the lower of:

(1) the Consumer Price Index (all urban consumers, all item index) published by the United States Department of Labor for the [Washington, D.C.–Baltimore CMSA] **WASHINGTON METROPOLITAN AREA**; or

(2) the United States city average consumer price index (all urban consumers, all item index).

Article – Land Use

14–101.

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

(b) “Commission” means the Maryland–National Capital Park and Planning Commission.

16–209.

(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 jointly shall appoint a mediator–arbitrator.

(2) If the parties are unable to agree on a mediator–arbitrator, the labor relations administrator shall appoint the mediator–arbitrator on or before December 7.

(3) Notwithstanding appointment of the mediator–arbitrator, this section does not require mediation–arbitration to begin before the date set forth in subsection (c) of this section.

(b) During the course of the collective bargaining:

(1) either party may declare an impasse and request the services of the mediator–arbitrator; or

(2) the parties jointly may request the services of a mediator–arbitrator before an impasse is declared.

(c) If the mediator–arbitrator finds in the mediator–arbitrator’s sole discretion that the parties are at a bona fide impasse or on February 1, whichever occurs earlier, the mediator–arbitrator shall direct the parties to submit:

(1) a joint memorandum listing all items to which the parties previously agreed; and

(2) a separate memorandum of each party’s last final offer presented in negotiations on all items to which the parties previously did not agree.

(e) (2) In determining which offer is more reasonable, the mediator–arbitrator:

(i) may consider only:

6. the effects of any economic adjustments on the standard of public services normally provided by the Commission; and

7. the annual increase or decrease in consumer prices for all items as reflected in the most recent Consumer Price Index – Urban Wage Earners and Clerical Workers (“CPI–W”) for the [Washington–Baltimore metropolitan area] **WASHINGTON METROPOLITAN AREA**; and

16–402.

(a) This subtitle applies to a service contract that:

(1) the Commission solicits as a management plan intended to adversely affect employees of the Commission represented by a certified representative; and

(2) a procurement officer of the Commission estimates will exceed a yearly cost of \$75,000 as calculated under subsection (b) of this section.

(b) The Commission shall adjust the estimate of the yearly cost described in subsection (a)(2) of this section to the nearest \$100 every 2 years to reflect any aggregate increase in the Consumer Price Index for all urban consumers, for the [Washington–Baltimore metropolitan area] **WASHINGTON METROPOLITAN AREA**, or any successor index, for the previous 2 years.

Article – Public Utilities

18–208.

(e) (1) On or before February 15, the mediator–arbitrator shall issue a report that resolves all items that the parties have not agreed on previously.

(2) In resolving the items not previously agreed on, the mediator–arbitrator may consider the following factors:

(i) past collective bargaining contracts between the parties, including the past bargaining history that led to the agreement or the pre–collective 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 State and the Washington, D.C. metropolitan area;

(iii) a comparison of wages, hours, benefits, and conditions of employment of similar employees of private employers in Montgomery County and Prince George’s 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 effect 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 reflected in the most recent Consumer Price Index – Urban Wage Earners and Clerical Workers (“CPI–W”) for the [Washington–Baltimore metropolitan area] **WASHINGTON METROPOLITAN AREA**.

Article – Real Property

11–135.

(c) (1) Except as provided in paragraph (4) of this subsection, the council of unit owners, within 20 days after a written request by a unit owner and receipt of a reasonable fee therefor, not to exceed the cost to the council of unit owners, if any, up to a maximum of \$250, shall furnish a certificate containing the information necessary to enable the unit owner to comply with subsection (a) of this section. A unit owner providing a certificate under subsection (a) of this section is not liable to the purchaser for any erroneous information provided by the council of unit owners and included in the certificate.

(4) (i) The Department of Housing and Community Development shall adjust the maximum fee authorized under paragraph (1) of this subsection every 2 years, beginning October 1, 2018, to reflect any aggregate increase in the Consumer Price Index for All Urban Consumers (CPI–U) for [Washington–Baltimore] **THE WASHINGTON METROPOLITAN AREA**, or any successor index, for the previous 2 years.

11B–106.

(c) (1) Except as provided in paragraph (4) of this subsection, within 20 days after a written request by a lot owner other than a declarant and receipt of a reasonable fee, not to exceed the cost to the homeowners association, if any, up to a maximum of \$250, the homeowners association, the management agent of the homeowners association, or any other authorized officer or agent of the homeowners association, shall provide the information listed under subsection (b) of this section.

(4) (i) The Department of Housing and Community Development shall adjust the maximum fee authorized under paragraph (1) of this subsection every 2 years, beginning on October 1, 2018, to reflect any aggregate increase in the Consumer Price Index for All Urban Consumers (CPI–U) for [Washington–Baltimore] **THE WASHINGTON METROPOLITAN AREA**, or any successor index, for the previous 2 years.

Article – State Finance and Procurement

18–101.

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

(b) “Commissioner” means the Commissioner of Labor and Industry.

18–103.

(a) Except as provided in subsection (c) of this section, an employer subject to this title shall pay each employee covered under this title:

(1) at least \$11.30 per hour, if State contract services valued at 50% or more of the total value of the contract are performed in the Tier 1 area; or

(2) at least \$8.50 per hour, if State contract services valued at 50% or more of the total value of the contract are performed in the Tier 2 area.

(b) (1) Not later than 90 days after the start of each fiscal year, the Commissioner shall adjust the wage rates required under subsection (a) of this section by the annual average increase or decrease, if any, in the Consumer Price Index for all urban consumers for the [Washington–Baltimore metropolitan area] **WASHINGTON METROPOLITAN AREA**, or any successor index, for the previous calendar year.

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, March 27, 2019.

Chapter 6

(Senate Bill 112)

AN ACT concerning

Mandated Reports and Statutory Commissions, Councils, and Committees – Revisions

FOR the purpose of repealing certain reporting requirements that are obsolete, unnecessary, or duplicative; consolidating certain reporting requirements for efficiency; codifying certain reporting requirements for transparency; modifying certain reporting requirements for practicality; repealing the requirement that the Council for the Procurement of Health, Education, and Social Services establish a certain workgroup; repealing the Maryland Advisory Council for Virtual Learning; repealing the Joint Committee on Base Realignment and Closure; repealing the Commission on the Capital City; repealing the Commission to Coordinate the Study, Commemoration, and Impact of Slavery’s History and Legacy in Maryland; repealing the Maryland Business Tax Reform Commission; making stylistic and conforming changes; and generally relating to mandated reports and statutory commissions, councils, and committees.

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 8–804(a) and 8–807

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 12–205(c)
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 8–204(c)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY adding to
Article – Economic Development
Section 4–107 and 14–302
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 14–102
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing
Article – Education
Section 2–107, 5–402, 6–118(f), and 7–1002(e); and 7–10B–01 through 7–10B–06 and
the subtitle “Subtitle 10B. Maryland Advisory Council for Virtual Learning”
Annotated Code of Maryland
(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 5–217(k), 7–119(d), 7–203(f), 7–204(c), 12–105(a)(1)(iii), 22–303, 23–105(e),
and 23–106(b)(4)
Annotated Code of Maryland
(2018 Replacement Volume and 2018 Supplement)

BY adding to
Article – Education
Section 8–311(f) and 9.5–112
Annotated Code of Maryland
(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 3–204(c)(3) and (4)

Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 2–107(c)(3)
Annotated Code of Maryland
(2013 Replacement Volume and 2018 Supplement)

BY repealing
Article – Environment
Section 2–1209
Annotated Code of Maryland
(2013 Replacement Volume and 2018 Supplement)

BY repealing
Article – General Provisions
Section 4–501(c)(6)
Annotated Code of Maryland
(2014 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – General Provisions
Section 8–110
Annotated Code of Maryland
(2014 Volume and 2018 Supplement)

BY repealing
Article – Health – General
Section 13–1003(f), 13–1103(g), 19–108.2(h), 19–143(b), (c), and (g), 19–214(e),
19–310.3(d), and 19–14B–01(f)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 13–1004(d), 15–407, 19–108.2(i), 19–134(e)(4)(ii), 19–143(d) through (f), (h),
and (i), and 19–207(b)(6)(iii) and (iv) and (9)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY adding to
Article – Health – General
Section 19–207(b)(6)(iv)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY adding to

Article – Human Services
Section 8–605
Annotated Code of Maryland
(2007 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Human Services
Section 10–206
Annotated Code of Maryland
(2007 Volume and 2018 Supplement)

BY adding to

Article – Insurance
Section 15–10B–20(e)
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance
Section 15–1205(d)(3)
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

BY repealing

Article – Insurance
Section 15–1705
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Labor and Employment
Section 11–401(6) and (7)
Annotated Code of Maryland
(2016 Replacement Volume and 2018 Supplement)

BY repealing

Article – Labor and Employment
Section 11–401(8)
Annotated Code of Maryland
(2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section 4–11A–03.2(c)(1)(i)
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Public Safety
Section 2–307(b) and 8–105
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing

Article – Public Safety
Section 12–824.1(l)
Annotated Code of Maryland
(2018 Replacement Volume)

BY adding to

Article – Public Safety
Section 13–410
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing

Article – Public Utilities
Section 7–211(m)(5), 7–505(e), and 7–510(a)(3)
Annotated Code of Maryland
(2010 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Utilities
Section 7–510(a)(4)
Annotated Code of Maryland
(2010 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement
Section 2–206(f)(2), 14–409(c), and 15–111(d) and (e)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY repealing

Article – State Finance and Procurement
Section 14–208, 14–303(a)(1)(iii), 14–409(b), and 15–111(c)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY repealing

Article – State Government
Section 2–10A–01(j) and 2–10A–12; 9–401 through 9–407 and the subtitle “Subtitle 4. Commission on the Capital City”; and 9–701 and the subtitle “Subtitle 7.

Commission to Coordinate the Study, Commemoration, and Impact of
Slavery's History and Legacy in Maryland"
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 2–10A–11(h)
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)

~~BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–730(e)(2)
Annotated Code of Maryland
(2016 Replacement Volume and 2018 Supplement)~~

BY repealing
Article – Transportation
Section 8–508(d)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY repealing
Chapter 358 of the Acts of the General Assembly of 1993
Section 3

BY repealing
Chapter 555 of the Acts of the General Assembly of 1993
Section 2

BY repealing
Chapter 628 of the Acts of the General Assembly of 1993
Section 2

BY repealing
Chapter 324 of the Acts of the General Assembly of 1998
Section 13

BY repealing
Chapter 325 of the Acts of the General Assembly of 1998
Section 13

BY repealing
Chapter 617 of the Acts of the General Assembly of 1998
Section 4

BY repealing

Chapter 140 of the Acts of the General Assembly of 2002
Section 2

BY repealing

Chapter 5 of the Acts of the General Assembly of 2003
Section 12(7)

BY repealing

Chapter 207 of the Acts of the General Assembly of 2003
Section 4

BY repealing

Chapter 295 of the Acts of the General Assembly of 2003
Section 2

BY repealing

Chapter 403 of the Acts of the General Assembly of 2003
Section 3

BY repealing

Chapter 302 of the Acts of the General Assembly of 2004
Section 2

BY repealing

Chapter 445 of the Acts of the General Assembly of 2006
Section 3

BY repealing

Chapter 485 of the Acts of the General Assembly of 2007
Section 2

BY repealing

Chapter 592 of the Acts of the General Assembly of 2007
Section 4

BY repealing

Chapter 583 of the Acts of the General Assembly of 2008
Section 3 and 4

BY repealing

Chapter 350 of the Acts of the General Assembly of 2012
Section 2

BY repealing

Chapter 250 of the Acts of the General Assembly of 2013
Section 1

BY repealing

Chapter 164 of the Acts of the General Assembly of 2015
Section 4

BY repealing

Article – Tax – General
Section 10–110
Annotated Code of Maryland
(2016 Replacement Volume and 2018 Supplement)

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

Article – Agriculture

8–804.

(a) [(1)] The Department shall establish a Nutrient Management Advisory Committee. The Secretary shall appoint to the Committee representatives of the agricultural community, the environmental community, the commercial lawn care, biosolids, and agricultural fertilizer industries, academia, and appropriate government units. The Secretary also shall appoint to the Committee a representative of county government from a list submitted by the Maryland Association of Counties. The President of the Senate of Maryland shall appoint to the Committee one Senator and the Speaker of the House of Delegates shall appoint to the Committee one Delegate.

[(2) (i)] The Nutrient Management Advisory Committee shall report to the Governor and the General Assembly, in accordance with § 2–1246 of the State Government Article, by July 1 of each year on the implementation of the requirements of the Water Quality Improvement Act of 1998.

(ii) The report required under subparagraph (i) of this paragraph shall include information regarding:

1. The level of participation in the nutrient management plan program;
2. Additional resources that may be needed to meet the requirements of § 8–803.1 of this subtitle;
3. The effectiveness of nutrient application education programs; and
4. The effectiveness of the Manure Transportation Project set forth in § 8–704.2 of this title.]

DRAFTER'S NOTE:

Subsection (a)(2) of this section is repealed to reflect the new consolidated reporting requirement established in this bill under § 8–807 of the Agriculture Article.

8–807.

(A) On or before December 31 of each year, the Department of Agriculture shall report to the Governor, and, in accordance with § 2–1246 of the State Government Article, the General Assembly, on [the]:

(1) **THE farm acreage covered by nutrient management plans and the implementation and evaluation of those plans; AND**

(2) **IN CONSULTATION WITH THE NUTRIENT MANAGEMENT ADVISORY COMMITTEE, THE IMPLEMENTATION OF THE REQUIREMENTS OF THE WATER QUALITY IMPROVEMENT ACT OF 1998.**

(B) **THE REPORT REQUIRED UNDER SUBSECTION (A)(2) OF THIS SECTION SHALL INCLUDE INFORMATION REGARDING:**

(1) **THE LEVEL OF PARTICIPATION IN THE NUTRIENT MANAGEMENT PLAN PROGRAM;**

(2) **ADDITIONAL RESOURCES THAT MAY BE NEEDED TO MEET THE REQUIREMENTS OF § 8–803.1 OF THIS SUBTITLE;**

(3) **THE EFFECTIVENESS OF NUTRIENT APPLICATION EDUCATION PROGRAMS; AND**

(4) **THE EFFECTIVENESS OF THE MANURE TRANSPORTATION PROJECT SET FORTH IN § 8–704.2 OF THIS TITLE.**

DRAFTER'S NOTE:

This section is revised, at the request of the Department of Agriculture, to consolidate the report currently required under this section and the report required under § 8–804(a)(2) of the Agriculture Article.

Article – Business Occupations and Professions

12–205.

(c) (1) At least once a year, the Board shall review:

(i) new and existing standards of the American National Standards Institute and any other organization listed in the State Plumbing Code or the Model Performance Building Code for water conserving appliances, devices, fittings, and fixtures; and

(ii) the availability and cost of water conserving appliances, devices, fittings, and fixtures that conform to the standards.

(2) If the Board finds that a water conserving appliance, device, fitting, or fixture that conforms to the standards of the American National Standards Institute or any other organization listed in the State Plumbing Code or the Model Performance Building Code is readily available at reasonable cost, the Board shall amend the State Plumbing Code to:

(i) incorporate the standards for and require use of the water conserving appliance, device, fitting, or fixture; and

(ii) require the use of a water supply system and a drainage and venting system that are designed based on the hydraulic requirements of the required water conserving appliances, devices, fittings, and fixtures.

(3) Notwithstanding the availability and cost of the appliance, device, fitting, or fixture, the Board may allow, under the State Plumbing Code, the installation of a water conserving appliance, device, fitting, or fixture that meets the standards of the American National Standards Institute or any other organization listed in the State Plumbing Code or the Model Performance Building Code, subject to the use of a water supply system and a venting and drainage system design based on the hydraulic requirements of the appliance, device, fitting, or fixture.

[(4) On or before July 1 of each year and subject to § 2–1246 of the State Government Article, the Board shall submit to the General Assembly a written report on the implementation of this subsection, including the results of the review conducted under this subsection.]

DRAFTER'S NOTE:

Subsection (c)(4) of this section is repealed as unnecessary. Often information regarding water conserving appliances, devices, fittings, and fixtures does not change from year to year and any actions taken by the State Board of Plumbing regarding the results of the review are reflected in Board minutes or in the State Plumbing Code.

Article – Business Regulation

8–204.

(c) On or before December 1 of each year, the Commission shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Economic

Matters Committee, in accordance with § 2–1246 of the State Government Article, regarding:

- (1) the attendance record of each Commission meeting, disaggregated by the constituency that the attendee represents pursuant to the attendee’s appointment under § 8–202(a)(2) of this subtitle; **AND**
- (2) how many claims were [closed at] **PENDING AS OF THE DATE OF** each meeting[; and
- (3) how many claims remain open at the conclusion of each meeting].

DRAFTER’S NOTE:

Subsection (c) of this section is modified to retain legislative intent, but to reflect that the Maryland Home Improvement Commission does not close claims at meetings.

Article – Economic Development

4–107.

(A) THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THAT SUMMARIZES THE DETAILS OF ITS ACTIVITIES REGARDING PRIVATE SECTOR COOPERATIVE MARKETING PROJECTS THAT DIRECTLY ENHANCE PROMOTION OF THE STATE AND THE TOURISM INDUSTRY AND THAT ARE EXEMPT FROM STATE PROCUREMENT LAW UNDER § 11–203(A)(1)(XI) OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(B) THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE THE NONPROPRIETARY DETAILS OF THE ACTIVITIES OF THE PRIVATE SECTOR PARTICIPANTS.

DRAFTER’S NOTE:

Chapter 555, § 2 of the Acts of 1993 is repealed and its requirements codified under this section for transparency.

14–102.

The [Maryland State Office of Minority Business Enterprise, the] Division of Labor and Industry of the Department of Labor, Licensing, and Regulation[,] and the Public Service Commission shall summarize their efforts to promote the policies related to broadening the ownership of capital in their respective annual reports as required by law.

DRAFTER'S NOTE:

In this section, the reference to the Maryland State Office of Minority Business Enterprise, currently named the Governor's Office of Small, Minority, and Women Business Affairs, is repealed as obsolete. As a matter of course, the Office does not participate in negotiations pertaining to the broadening of ownership capital.

14-302.

(A) THE DEPARTMENT AND THE DEPARTMENT OF TRANSPORTATION, INCLUDING THE MARYLAND AVIATION ADMINISTRATION, SHALL:

(1) MONITOR THE FEDERAL AVIATION ADMINISTRATION FOR ANY PROPOSED REGULATIONS OR RULEMAKING THAT RELATE TO THE REGULATION OF THE OPERATION OF SMALL COMMERCIAL UNMANNED AIRCRAFT SYSTEMS;

(2) DETERMINE THE IMPACT OF ANY PROPOSED REGULATIONS OR RULEMAKING ON THE STATE; AND

(3) DETERMINE WHETHER IT IS IN THE PUBLIC INTEREST FOR THE STATE TO CONSIDER STATEWIDE LEGISLATION RELATING TO THE REGULATION OF THE OPERATION OF UNMANNED AIRCRAFT SYSTEMS.

(B) IN DETERMINING THE FINDINGS UNDER SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT AND THE DEPARTMENT OF TRANSPORTATION, INCLUDING THE MARYLAND AVIATION ADMINISTRATION, SHALL CONSULT WITH:

(1) THE UNIVERSITY OF MARYLAND, IN ITS ROLE AS A MEMBER OF THE MID-ATLANTIC AVIATION PARTNERSHIP;

(2) COUNTY AND MUNICIPAL GOVERNMENTS; AND

(3) OTHER INTERESTED PARTIES THAT THE DEPARTMENT OR THE DEPARTMENT OF TRANSPORTATION, INCLUDING THE MARYLAND AVIATION ADMINISTRATION, DETERMINE APPROPRIATE.

(C) IF THE DEPARTMENT AND THE DEPARTMENT OF TRANSPORTATION, INCLUDING THE MARYLAND AVIATION ADMINISTRATION, DETERMINE THAT ANY PROPOSED REGULATIONS OR RULEMAKING THAT RELATE TO THE REGULATION OF THE OPERATION OF SMALL COMMERCIAL UNMANNED AIRCRAFT HAVE BEEN OR ARE LIKELY TO BE ADOPTED BY THE FEDERAL AVIATION ADMINISTRATION, AS SOON AS PRACTICABLY POSSIBLE, THE DEPARTMENT AND THE DEPARTMENT OF TRANSPORTATION, INCLUDING THE MARYLAND AVIATION ADMINISTRATION, SHALL REPORT ANY FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, IN

ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.**DRAFTER’S NOTE:**

Chapter 164, § 4 of the Acts of 2015 is repealed and its requirements codified under this section for transparency.

Article – Education

[2–107.

(a) If the Department intends to request a waiver from the United States Department of Education from specific provisions of the federal Elementary and Secondary Education Act, before submitting the request to the United States Department of Education, the Department shall:

(1) Submit the proposed waiver request to the Legislative Policy Committee; and

(2) Allow the Legislative Policy Committee at least 30 days after the committee receives the proposed waiver request to review and comment on the proposed waiver request.

(b) The Department shall provide any additional information regarding the proposed waiver request if requested by the Legislative Policy Committee.]

DRAFTER’S NOTE:

This section is repealed as obsolete as a result of the passage of the federal Every Student Succeeds Act.

5–217.

(k) [The] **ON OR BEFORE NOVEMBER 1 EACH YEAR, THE** Department shall submit to the Governor and, [subject to] **IN ACCORDANCE WITH § 2–1246** of the State Government Article, the General Assembly[:

(1) On or before November 1 of each year,] a report on the implementation of the Program and the participating agencies and programs, including a description of the Program’s and the participating agencies’ and programs’ expenditures, enrollment, and statewide performance data, including school readiness data disaggregated by program and by jurisdiction[: and

(2) On or before January 1, 2016, a separate report that includes an evaluation, based on objective performance criteria established by the Department, of the effectiveness of:

(i) The Judy Centers; and

(ii) Early childhood education services and family support services that are purchased with funds from Preschool Services Grants and Early Childhood Education Enhancement Grants].

DRAFTER'S NOTE:

Subsection (k)(2) of this section is repealed as obsolete; the one-time report was submitted as required.

[5-402.

(a) (1) Subject to paragraph (2) of this subsection, the Department shall evaluate the effect of increased State aid for education on student and school performance in each local school system.

(2) The Department may contract with a public or private entity to conduct or assist in conducting the evaluation required by this subsection.

(b) (1) The Department shall submit an initial report on the results of the evaluation required by this section to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly on or before December 31, 2006.

(2) The Department shall submit an interim report on the results of the evaluation required by this section to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly on or before December 31, 2007.

(3) The Department shall submit a final report on the results of the evaluation required by this section to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly on or before December 31, 2008.

(c) The reports required by this section shall include:

(1) A detailed description of how local school systems are using State education aid;

(2) A comparison of school systems that show significant improvements in student and school performance to school systems that do not show significant improvements in student and school performance;

(3) An assessment of the extent to which county boards are successful in implementing the comprehensive master plans required by § 5-401 of this subtitle;

(4) An analysis of the amount of funding that local governments provide for education each year;

(5) A list of programs or factors that consistently produce positive results for students, schools, and school systems; and

(6) Any other information that the State Superintendent determines to be relevant to the evaluation of student and school performance in each local school system.

(d) The Governor shall include an appropriation for the Department in the State budget for each fiscal year sufficient to cover the costs associated with implementing this section.]

DRAFTER'S NOTE:

The section is repealed as obsolete; the evaluation was completed and all reports were submitted as required.

6–118.

[(f) On or before October 1 of the years 2008 through 2010, the Department shall submit a report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the effectiveness of the Program.]

DRAFTER'S NOTE:

Subsection (f) of this section is repealed as obsolete; the reports were submitted as required.

7–119.

(d) On or before [January 31 of] **MARCH 1** each year, the Department shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the data obtained under subsection (c)(2) of this section.

DRAFTER'S NOTE:

The reporting date is modified to reflect the significant work required to ensure that data for the class size analysis is complete and accurate.

7–203.

(f) [The] **ON OR BEFORE MARCH 1 EACH YEAR, THE** State Superintendent shall send the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly a report [each January] that includes:

(1) Documentation of the progress of the Department, the county boards, and each public school in this State towards their respective goals and objectives; and

(2) Recommendations for legislation that the State Board and the State Superintendent consider necessary to improve the quality of education in this State.

DRAFTER'S NOTE:

The reporting date is modified to reflect that the cohort graduation rates included in the report are not available to be released until the end of January.

7-204.

(c) [(1)] For any test instrument authorized for use in a State mandated testing and measurement program, the Board shall recommend procedures and standards for determining test validity, test reliability, and test objectivity.

[(2)] On or before December 1, 1992, the Board shall make a report of its findings and recommendations to the Governor, and in accordance with § 2-1246 of the State Government Article, to the General Assembly.]

DRAFTER'S NOTE:

Subsection (c)(2) of this section is repealed as obsolete; the one-time report was submitted as required.

7-1002.

[(e)] The Department shall submit to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly, on or before September 1, 2004, a report on the progress of the Maryland Virtual Learning Opportunities Program, including a description of the available online courses and services.]

DRAFTER'S NOTE:

Subsection (e) of this section is repealed as obsolete; the one-time report was submitted as required.

8-311.

(F) ON OR BEFORE SEPTEMBER 1 EACH YEAR, THE DEPARTMENT SHALL REPORT TO THE SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE FINANCE COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE HOUSE COMMITTEE ON WAYS AND MEANS, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON:

(1) THE NUMBER OF STUDENTS ENROLLED IN THE PROGRAM ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION;

(2) THE ANNUAL COSTS OF THE PROGRAM ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION; AND

(3) ANY ANTICIPATED ENROLLMENT GROWTH AND FUTURE COSTS RELATED TO THE PROGRAM ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION.

DRAFTER'S NOTE:

Chapter 617, § 4 of the Acts of 1998 is repealed and its requirements codified under this subsection for transparency.

9.5–112.

BEGINNING OCTOBER 1, 2016, THE DEPARTMENT SHALL SUBMIT TO THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE MONTHLY REPORTS RECEIVED BY THE DEPARTMENT REGARDING CHILD CARE SUBSIDY PROGRAM EXPENDITURES AND PARTICIPATION.

DRAFTER'S NOTE:

This reporting requirement from the Report on the Fiscal 2017 State Operating Budget (SB 190) and the State Capital Budget (SB 191) and Related Recommendations is codified under this section for transparency.

12–105.

(a) (1) In consultation with the institutions and the Chancellor, the Board shall:

(iii) Submit these requests for appropriations organized by constituent institutions [to the Commission, Governor, and General Assembly] **AS PART OF THE REQUESTS AND PROPOSALS SUBMITTED TO THE COMMISSION UNDER § 11–105(I)(1) OF THIS ARTICLE.**

DRAFTER'S NOTE:

This reporting requirement by the Board of Regents of the University System of Maryland regarding requests for appropriations for the University System of Maryland is combined, at the request of the System, with the requirement in § 11–105(i)(1) of the Education Article for efficiency.

22–303.

(a) **[(1)]** The Department shall develop and implement juvenile services educational programs at all residential facilities of the Department of Juvenile Services by July 1, 2014.

[(2)] (B) This [subsection] **SECTION** does not prohibit the Department from contracting with a private party to provide educational services for students with special needs under the control and general management of the Department.

[(b) On or before February 1, 2006, and every other year thereafter until 2014, the Department shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly on the Department’s implementation of this subtitle, including:

(1) The identification of all residential facilities for which the Department has assumed responsibility for the educational services; and

(2) All facilities for which the Department plans to assume responsibility during the next calendar year.]

DRAFTER’S NOTE:

Subsection (b) of this section is repealed as obsolete; the reports were submitted as required.

23–105.

(e) **(1)** Each year the State Library Board shall report to the Governor and the people of this State on the support, condition, progress, and needs of libraries.

(2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE ANY FINDINGS OF THE STATE LIBRARY AGENCY RELATED TO ITS DUTIES UNDER § 23–106(B)(4) OF THIS SUBTITLE.

23–106.

(b) The State Library Agency shall:

(4) (i) Collect library statistics and other data;

(ii) Identify library needs and provide for needed research and studies of them; **AND**

(iii) [Publish and distribute findings in these areas; and

(iv)] Coordinate library services with other information and education services and agencies;

DRAFTER'S NOTE:

The State Department of Education advises the report required to be published by the State Library Agency under § 23–106(b)(4)(iii) of the Education Article is included in the annual report the State Library Board submits under § 23–105(e) of the Education Article. Therefore, the reports are consolidated for efficiency.

Article – Election Law

3–204.

(c) (3) [A] **ON OR BEFORE JANUARY 1, 2019, AND EACH YEAR THEREAFTER,** A public institution of higher education shall[:

(i) on or before January 1, 2018, submit a report to the Commission that includes:

1. the efforts of the public institution of higher education to register voters in the preceding calendar year;

2. a screen shot of the home page of the online portal used by students to register for course work that includes the link required under paragraph (2) of this subsection;

3. the number of students who are residents of the State and registered for course work in the preceding 18 months at the public institution of higher education and the number of those students who clicked on the link required under paragraph (2) of this subsection; and

4. any other efforts the public institution of higher education plans to make to improve access to voter registration for students at the institution; and

(ii) on or before January 1, 2019, and January 1 each subsequent year,] submit a report to the Commission that describes:

[1.] (I) the number of students who are residents of the State and registered for course work in the preceding calendar year at the public institution of higher education and the number of those students who clicked on the link required under paragraph (2) of this subsection; and

[2.] (II) any efforts the public institution of higher education plans to make to improve access to voter registration for students at the institution.

(4) [The] **ON OR BEFORE JANUARY 15, 2019, AND EACH YEAR THEREAFTER, THE** Commission shall compile and summarize the information reported by public institutions of higher education[:

(i) under paragraph (3)(i) of this subsection, in a single report that the Commission shall submit on or before January 15, 2018, to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means, in accordance with § 2–1246 of the State Government Article; and

(ii) under paragraph [(3)(ii)] **(3)** of this subsection, in a single report [that the Commission shall] **AND** submit [on or before January 15, 2019, and January 15 each subsequent year] **THE REPORT** to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means, in accordance with § 2–1246 of the State Government Article.

DRAFTER’S NOTE:

Subsection (c)(3)(i) and (4)(i) of this section are repealed as obsolete; the one-time reports were submitted as required.

Article – Environment

2–107.

(c) (3) At the end of the fiscal year, the Department shall [prepare]:

(I) PREPARE an annual report on [the]:

1. **THE** Maryland Clean Air Fund that includes an accounting of all financial receipts and expenditures to and from the Fund [and shall:]; **AND**

2. **ANY RELEVANT INFORMATION REGARDING THE FEDERAL APPROVAL PROCESS, THE EFFECTIVENESS OF THE PERMITTING PROGRAM, AND ANY OTHER ISSUES RELATED TO THE OPERATION OF THE PERMITTING PROGRAM ESTABLISHED UNDER § 2–401 OF THIS TITLE;**

[i] **(II)** Provide a copy of the report to the General Assembly, as provided under § 2–1246 of the State Government Article; and

[ii] **(III)** Upon request, make the report available to permit holders under this title.

DRAFTER’S NOTE:

Chapter 358, § 3 of the Acts of 1993 is repealed and its requirements codified under this subsection for transparency and efficiency.

[2–1209.

(a) On or before October 1, 2015, the Department shall submit a report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly that includes:

(1) A summary of the State’s progress toward achieving the 2020 emissions reduction required by the plan under § 2–1205 of this subtitle;

(2) An update on emerging technologies to reduce greenhouse gas emissions;

(3) A review of the best available science, including updates by the Intergovernmental Panel on Climate Change, regarding the level and pace of greenhouse gas emissions reductions and sequestration needed to avoid dangerous anthropogenic changes to the Earth’s climate system;

(4) Recommendations on the need for science–based adjustments to the requirement to reduce statewide greenhouse gas emissions by 25% by 2020;

(5) A summary of additional or revised regulations, control programs, or incentives that are necessary to achieve the 25% reduction in statewide greenhouse gas emissions required under this subtitle, or a revised reduction recommended in accordance with item (4) of this subsection;

(6) The status of any federal program to reduce greenhouse gas emissions and any transition by the State from its participation in the Regional Greenhouse Gas Initiative to a comparable federal cap and trade program; and

(7) An analysis of the overall economic costs and benefits to the State’s economy, environment, and public health of a continuation or modification of the requirement to achieve a reduction of 25% in statewide greenhouse gas emissions by 2020, including reductions in other air pollutants, diversification of energy sources, the impact on existing jobs, the creation of new jobs, and expansion of the State’s low carbon economy.

(b) The report required under subsection (a) of this section shall be subject to a public comment and hearing process conducted by the Department.]

DRAFTER’S NOTE:

This section is repealed as obsolete; the one–time report was submitted as required.

4–501.

(c) [(6) If the Secretary of Budget and Management adopts regulations under paragraph (5)(v) of this subsection, the Secretary shall report, in accordance with § 2–1246 of the State Government Article, to the General Assembly on the personal records exempted from the requirements of this subsection.]

DRAFTER'S NOTE:

Subsection (c)(6) of this section is repealed as unnecessary. Proposed regulations are submitted to the Joint Committee on Administrative, Executive, and Legislative Review. Additionally, proposed regulations and notices of final action regarding proposed regulations are published in the Maryland Register.

8–110.

(a) Beginning October 1, 2016, the Office of the Attorney General[, the attorney for each county, and the attorney for each municipal corporation] shall report annually to the General Assembly, in accordance with § 2–1246 of the State Government Article, the following information for the previous fiscal year:

(1) the number of civil actions filed under this title;

(2) the number of civil actions under this title in which a judgment was entered, whether by settlement or adjudication; and

(3) the number of claims made by the governmental entity based on alleged violations of § 8–102 of this title that are settled without the filing of a civil action under this title.

(b) Unless the action is under seal in accordance with § 8–104 of this title, for each civil action reported under subsection (a)(1) or (2) of this section, the report shall state:

(1) whether the action was filed by the governmental entity or by a person on behalf of the governmental entity and, if filed by a person, whether the governmental entity intervened and proceeded with the action;

(2) the name of the defendant;

(3) a description of the violation or alleged violation of § 8–102 of this title;
and

(4) the amount sought in the action and, if applicable, the amount for which the defendant is liable under a settlement agreement or court order.

(c) For each claim reported under subsection (a)(3) of this section, the report shall state:

- (1) a description of the violation or alleged violation of § 8–102 of this title;
- (2) the resolution of the claim;
- (3) the amount, if any, the person against whom the claim was made agreed to pay in settlement of the claim; and
- (4) the amount, if any, collected by the governmental entity.

(D) THE ATTORNEY FOR EACH COUNTY AND THE ATTORNEY FOR EACH MUNICIPAL CORPORATION SHALL SUBMIT TO THE OFFICE OF THE ATTORNEY GENERAL ANY INFORMATION THE OFFICE DETERMINES IS NECESSARY TO COMPLETE THE REPORT REQUIRED UNDER THIS SECTION.

DRAFTER'S NOTE:

The reporting requirement in this section is modified for efficiency to require that one report be submitted by the Office of the Attorney General, rather than one from the Office and one from each county and municipal corporation, and to require each county and municipal corporation to submit any information to the Office that it needs to complete the report.

Article – Health – General

13–1003.

[(f) On or before January 1, 2001, the Department shall submit a report to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly on the results of the Baseline Tobacco Study.]

DRAFTER'S NOTE:

Subsection (f) of this section is repealed as obsolete; the one-time report was submitted as required.

13–1004.

(d) On or before [December] **MAY** 31 of each even-numbered fiscal year, beginning in fiscal year 2008, the Department shall submit a report to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly on the results of the Biennial Tobacco Study.

DRAFTER'S NOTE:

The reporting date is modified to reflect the timing of the receipt of relevant data and analysis from the Centers for Disease Control and Prevention.

13–1103.

[(g) On or before September 1, 2000, the Department shall submit a report to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly, on the results of the Baseline Cancer Study.]

DRAFTER’S NOTE:

Subsection (g) of this section is repealed as obsolete; the one–time report was submitted as required.

15–407.

The Department and the Commissioner shall jointly:

(1) Adopt regulations necessary to carry out the provisions of this subtitle consistent with § 1917(b) of the Social Security Act and any applicable federal guidelines; **AND**

[(2) On or before January 1, 2008, report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the implementation of the Program, including:

(i) The number of long–term care policies approved by the Department for inclusion in the Program;

(ii) The measures undertaken to educate the public as required under § 15–406 of this subtitle; and

(iii) Any other information related to the implementation of the Program that the Department determines necessary; and]

[(3) (2) Beginning January 1, 2009, and on or before January 1 of each year thereafter, report to the General Assembly, in accordance with § 2–1246 of the State Government Article on:

(i) The effectiveness of the Program;

(ii) The impact of the Program on State expenditures for medical assistance;

(iii) The number of enrollees in the Program; and

(iv) The number of long-term care policies offered in the State under the Program.

DRAFTER'S NOTE:

Item (2) of this section is repealed as obsolete; the one-time report was submitted as required.

19-108.2.

[(h) On or before December 31, 2013, and on or before December 31 in each succeeding year through 2016, the Commission shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on the attainment of the benchmarks for standardizing and automating the process required by payors for preauthorizing health care services.]

[(i) (H) If necessary to attain the benchmarks, the Commission may adopt regulations to:

- (1) Adjust the Phase 2 or Phase 3 benchmark dates;
- (2) Require payors and providers to comply with the benchmarks; and
- (3) Establish penalties for noncompliance.

DRAFTER'S NOTE:

Subsection (h) of this section is repealed as obsolete; the reports were submitted as required.

19-134.

(e) (4) (ii) Before adopting regulations to implement an evaluation system under this subsection, the Commission shall:

1. Consider the performance measurements of appropriate accreditation organizations, State licensure regulations, Medicare certification regulations, the quality indicator project of the Association of Maryland Hospitals and Health Systems, and any other relevant performance measurements; **AND**

2. Evaluate the desirability and feasibility of developing a consumer clearinghouse on health care information using existing available data[]; and

3. On or before January 1, 2001, report to the General Assembly, subject to § 2–1246 of the State Government Article, on any performance evaluation developed under this subsection].

DRAFTER'S NOTE:

Subsection (e)(4)(ii)3 of this section is repealed as obsolete; the one-time report was submitted as required.

19–143.

[(b) On or before January 1, 2010, the Commission shall:

(1) Report, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Health and Government Operations Committee on progress in implementing the requirements of subsections (a) and (d) of this section; and

(2) Include in the report recommendations for legislation specifying how incentives required for State-regulated payors that are national carriers shall take into account existing carrier activities that promote the adoption and meaningful use of electronic health records.]

[(c) (1) On or before January 1, 2011, following consultations with appropriate stakeholders, the Commission shall post on its Web site for public comment and submit to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Finance Committee and the House Health and Government Operations Committee a report on:

(i) The development of a coordinated public-private approach to improve the State's health information infrastructure;

(ii) Any changes in State laws that are necessary to protect the privacy and security of health information stored in electronic health records or exchanged through a health information exchange in the State;

(iii) Any changes in State laws that are necessary to provide for the effective operation of a health information exchange;

(iv) Any actions that are necessary to align funding opportunities under the federal American Recovery and Reinvestment Act of 2009 with other State and private sector initiatives related to health information technology, including:

1. The patient-centered medical home;

2. The electronic health record demonstration project supported by the federal Centers for Medicare and Medicaid Services;

3. The health information exchange; and

4. The Medicaid Information Technology Architecture Initiative; and

(v) Recommended language for the regulations required under subsection (d) of this section.

(2) The Senate Finance Committee and the House Health and Government Operations Committee shall have 60 days from receipt of the report for review and comment.]

[(d) (B) (1) On or before September 1, 2011, the Commission, in consultation with the Department, payors, and health care providers, shall adopt regulations that require State-regulated payors to provide incentives to health care providers to promote the adoption and meaningful use of electronic health records.

(2) Incentives required under the regulations:

(i) Shall have monetary value;

(ii) Shall facilitate the use of electronic health records by health care providers in the State;

(iii) To the extent feasible, shall recognize and be consistent with existing payor incentives that promote the adoption and meaningful use of electronic health records;

(iv) Shall take into account:

1. Incentives provided to health care providers under Medicare and Medicaid; and

2. Any grants or loans that are available to health care providers from the federal government;

(v) May include:

1. Increased reimbursement for specific services;

2. Lump sum payments;

3. Gain-sharing arrangements;

4. Rewards for quality and efficiency;

5. In-kind payments; and

6. Other items or services to which a specific monetary value can be assigned; and

(vi) Shall be paid in cash, unless the State-regulated payor and the health care provider agree on an incentive of equivalent value.

(3) The regulations need not require incentives for the adoption and meaningful use of electronic health records for each type of health care provider listed in § 19-142(e) of this subtitle.

(4) If federal law is amended to allow the State to regulate payments made by entities that self-insure their health benefit plans, regulations adopted under this section shall apply to those entities to the same extent to which they apply to State-regulated payors.

(5) Regulations adopted under this subsection:

(i) May not require a group model health maintenance organization, as defined in § 19-713.6 of this title, to provide an incentive to a health care provider who is employed by the multispecialty group of physicians under contract with the group model health maintenance organization; and

(ii) Shall allow a State-regulated payor to:

1. Request information from a health care provider to validate the health care provider's incentive claim; and

2. If the State-regulated payor determines that a duplicate incentive payment or an overpayment has been made, reduce the incentive amount.

(6) The Commission may:

(i) Audit the State-regulated payor or the health care provider for compliance with the regulations adopted under this subsection; and

(ii) If it finds noncompliance, request corrective action.

(7) It is the intent of the General Assembly that the State Employee and Retiree Health and Welfare Benefits Program support the incentives provided under this subsection through contracts between the Program and the third party administrators arranging for the delivery of health care services to members covered under the Program.

[(e)] (C) The Health Services Cost Review Commission, in consultation with hospitals, payors, and the federal Centers for Medicare and Medicaid Services, shall take the actions necessary to:

(1) Assure that hospitals in the State receive the payments provided under § 4102 of the federal American Recovery and Reinvestment Act of 2009 and any subsequent federal rules and regulations; and

(2) Implement any changes in hospital rates required by the federal Centers for Medicare and Medicaid Services to ensure compliance with § 4102 of the federal American Recovery and Reinvestment Act of 2009 and any subsequent federal rules and regulations.

[(f)] (D) The Department, in consultation with the Commission, shall develop a mechanism to assure that health care providers that participate in the Maryland Medical Assistance Program receive the payments provided for adoption and use of electronic health records technology under § 4201 of the federal American Recovery and Reinvestment Act of 2009 and any subsequent federal rules and regulations.

[(g)] On or before October 1, 2012, the Commission shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on progress achieved toward adoption and meaningful use of electronic health records by health care providers in the State and recommendations for any changes in State laws that may be necessary to achieve optimal adoption and use.]

[(h)] (E) (1) On or before October 1, 2012, the Commission shall designate one or more management service organizations to offer services throughout the State.

(2) The Commission may use federal grants and loans to help subsidize the use of the designated management service organizations by health care providers.

[(i)] (F) On and after the later of January 1, 2015, or the date established for the imposition of penalties under § 4102 of the federal American Recovery and Reinvestment Act of 2009:

(1) Each health care provider using an electronic health record that seeks payment from a State–regulated payor shall use electronic health records that are:

(i) Certified by a national certification organization designated by the Commission; and

(ii) Capable of connecting to and exchanging data with the health information exchange designated by the Commission under subsection (a) of this section; and

(2) The incentives required under subsection **[(d)] (B)** of this section may include reductions in payments to a health care provider that does not use electronic health records that meet the requirements of paragraph (1) of this subsection.

DRAFTER'S NOTE:

Subsections (b), (c), and (g) of this section are repealed as obsolete; the reports were submitted as required.

19–207.

(b) In addition to the duties set forth elsewhere in this subtitle, the Commission shall:

(6) On or before October 1 of each year, submit to the Governor, to the Secretary, and, subject to § 2–1246 of the State Government Article, to the General Assembly an annual report on the operations and activities of the Commission during the preceding fiscal year, including:

(iii) A summary of the Commission's role in hospital quality of care activities, including information about the status of any pay for performance initiatives; [and]

(IV) AN UPDATE ON THE STATUS OF THE STATE'S COMPLIANCE WITH THE PROVISIONS OF MARYLAND'S ALL-PAYER MODEL CONTRACT THAT INCLUDES THE INFORMATION SPECIFIED IN ITEM (9) OF THIS SUBSECTION; AND

[(iv)] (v) Any other fact, suggestion, or policy recommendation that the Commission considers necessary;

(9) [Beginning October] **SUBJECT TO ITEM (10)(II) OF THIS SUBSECTION, ON OR BEFORE MAY 1[, 2014] EACH YEAR,** [and, subject to item (10)(ii) of this subsection, every 6 months thereafter,] submit to the Governor, the Secretary, and, subject to § 2–1246 of the State Government Article, the General Assembly an update on the status of the State's compliance with the provisions of Maryland's all-payer model contract, including:

(i) The State's:

1. Performance in limiting inpatient and outpatient hospital per capita cost growth for all payers to a trend based on the State's 10-year compound annual gross State product;

2. Progress toward achieving aggregate savings in Medicare spending in the State equal to or greater than \$330,000,000 over the 5 years of the contract, based on lower increases in the cost per Medicare beneficiary;

3. Performance in shifting from a per-case rate system to a population-based revenue system, with at least 80% of hospital revenue shifted to global budgeting;

4. Performance in reducing the hospital readmission rate among Medicare beneficiaries to the national average; and

5. Progress toward achieving a cumulative reduction in the State hospital–acquired conditions of 30% over the 5 years of the contract;

(ii) A summary of the work conducted, recommendations made, and Commission action on recommendations made by [the following groups] **ANY WORKGROUP** created to provide technical input and advice on implementation of Maryland’s all–payer model contract[:

1. Payment Models Workgroup;
2. Physician Alignment and Engagement Workgroup;
3. Performance Measurement Workgroup;
4. Data and Infrastructure Workgroup;
5. HSCRC Advisory Council; and
6. Any other workgroups created for this purpose];

(iii) Actions approved and considered by the Commission to promote alternative methods of rate determination and payment of an experimental nature, as authorized under § 19–219(c)(2) of this subtitle;

(iv) Reports submitted to the federal Center for Medicare and Medicaid Innovation relating to the all–payer model contract; and

(v) Any known adverse consequences that implementing the all–payer model contract has had on the State, including changes or indications of changes to quality or access to care, and the actions the Commission has taken to address and mitigate the consequences; and

DRAFTER’S NOTE:

The report required under subsection (b)(9) of this section and due on October 1 of each year is combined with the report required under subsection (b)(6) of this section for efficiency. Additionally, the reporting date for the mid–year status update is modified to reflect when the data is available. Finally, the specific workgroups listed in subsection (b)(9)(ii) of this section are removed as the workgroups established by the Health Services Cost Review Commission change to meet current needs.

[(e) On or before January 1 each year, the Commission shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly the following information:

(1) The aggregate reduction in hospital uncompensated care realized from the expansion of health care coverage under Chapter 7 of the Acts of the General Assembly of the 2007 Special Session and Public Law No. 111–148 (The Patient Protection and Affordable Care Act); and

(2) The number of individuals who enrolled in Medicaid as a result of the change in eligibility standards under § 15–103(a)(2)(ix) and (x) of this article and the expenses associated with the utilization of hospital inpatient care by these individuals.]

DRAFTER'S NOTE:

Subsection (e) of this section is repealed as obsolete. According to the Maryland Department of Health, this report was intended to provide information when the Health Services Cost Review Commission was still manually reconciling Medicaid expansion with corresponding hospital uncompensated care, which is no longer done.

19–310.3.

[(d) (1) The Maryland Hospital Association shall conduct a study that:

(i) Identifies opportunities to support a comprehensive treatment continuum for individuals with substance use disorders in hospitals in the State, including withdrawal management; and

(ii) Includes an assessment of the barriers to providing an effective and efficient continuum of care.

(2) On or before December 1, 2017, the Maryland Hospital Association shall submit a report to the Department and, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee, the House Health and Government Operations Committee, and the Joint Committee on Behavioral Health and Substance Use Disorders on the findings and recommendations from the study required under paragraph (1) of this subsection.]

DRAFTER'S NOTE:

Subsection (d) of this section is repealed as obsolete; the study was completed and the report was submitted as required.

19–14B–01.

[(f) (1) (i) The Department shall consult with representatives of nursing facilities and other stakeholders to assess the State’s long-term care reimbursement methodology and whether it is prospective and predictable, promotes quality and efficiency, and considers severity.

(ii) In evaluating the State’s reimbursement methodology, the Department shall consider alternative reimbursement mechanisms, the pay-for-performance program, and quality and outcome-based measures.

(2) On or before October 1, 2010, the Department shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the evaluation required under subsection (f)(1) of this section.]

DRAFTER’S NOTE:

Subsection (f) of this section is repealed as obsolete; the evaluation was completed and the report submitted as required.

Article – Human Services

8-605.

ON OR BEFORE DECEMBER 31 EACH YEAR, THE OFFICE SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE IMPLEMENTATION AND EFFECTIVENESS OF AT-RISK YOUTH PREVENTION AND DIVERSION PROGRAMS.

DRAFTER’S NOTE:

Chapter 445, § 3 of the Acts of 2006 is repealed and its requirements codified under this section for transparency.

10-206.

(a) [(1) With the advice and recommendation of the Commission on Aging,] **ON OR BEFORE JANUARY 1 EACH YEAR**, the Secretary shall report to the Governor and, subject to § 2-1246 of the State Government Article, to the General Assembly [on or before January 1 of each year].

[(2)] **(B)** The report **REQUIRED UNDER SUBSECTION (A) OF THIS SECTION** shall include:

(1) WITH THE ADVICE AND RECOMMENDATION OF THE COMMISSION ON AGING:

- (i) a description of the senior citizen activities centers in each county;
- (ii) the allocation and use of funds made available for senior citizen activities centers;
- (iii) the results of any studies; and
- (iv) any recommendations for legislation; AND

(2) INFORMATION REGARDING THE OPERATION AND PERFORMANCE OF ACCESSIBLE HOUSING SERVICES COUNSELING PROVIDED BY THE AGING AND DISABILITY RESOURCE CENTER PROGRAM.

[(b) On or before January 1 of each year, the Secretary shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on the operation and performance of accessible housing services counseling provided by the Aging and Disability Resource Center Program.]

DRAFTER’S NOTE:

The reports in this section are being consolidated for efficiency.

Article – Insurance

15–10B–20.

(E) WITHIN 30 DAYS AFTER THE COMPLETION OF A FINAL REPORT OF AN EXAMINATION UNDER THIS SECTION, THE ~~COMMISSION~~ COMMISSIONER SHALL SUBMIT A COPY OF THE REPORT TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE.

DRAFTER’S NOTE:

Chapter 295, § 2 of the Acts of 2003 is repealed and its requirements codified under this subsection for transparency.

15–1205.

(d) (3) [(i)] On or before October 1, 2007, the Commission shall adopt regulations that require carriers to collect and report to the Commission data on participation, by rate band, in health benefit plans issued, delivered, or renewed under this subtitle.

[(ii) On or before January 1, 2013, the Commission shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Finance Committee and the House Health and Government Operations Committee regarding the effect of the 50% rate adjustments authorized under paragraph (1) of this subsection and the effect of the adjustment to the community rate for health status authorized under subsection (g) of this section on participation in health benefit plans issued, delivered, or renewed under this subtitle.]

DRAFTER’S NOTE:

Subsection (d)(3)(ii) of this section is repealed as obsolete; the one-time report was submitted as required.

[15–1705.

On or before December 1 of each year, the Commissioner and the Commission shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly, on:

(1) the number and types of appeals that have been filed by physicians under this subtitle and the outcome of the appeals; and

(2) the number of entities that have been approved by the Commission as ratings examiners under Title 19, Subtitle 1, Part V of the Health – General Article.]

DRAFTER’S NOTE:

This section requires the Maryland Insurance Administration and the Maryland Health Care Commission to submit annual reports regarding physician rating systems. The Administration and Commission advise that ratings systems for physicians are well-established and very few complaints are ever received. Therefore, this reporting requirement is repealed as unnecessary.

Article – Labor and Employment

11–401.

The intent, purposes and objectives of this subtitle are to:

(6) set up a program of planned apprenticeship under registered agreements, meeting standards established by the Office of Apprenticeship, U.S. Department of Labor; **AND**

(7) promote employment opportunities for young people under conditions providing adequate training and reasonable earnings[; and].

[(8) subject to § 2–1246 of the State Government Article, provide for periodic reports to the Governor, the General Assembly, and the public regarding the status of apprenticeship training in this State.]

DRAFTER’S NOTE:

The Apprenticeship and Training Council uses the annual report required under § ~~11–405(e)~~ 11–405(d) of the Labor and Employment Article to comply with this reporting requirement. Therefore, this less specific reporting requirement is repealed as duplicative.

Article – Natural Resources

4–11A–03.2.

(c) (1) The Coordinating Council shall:

(i) Formulate and make proposals to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Environment and Transportation Committee on or before **[June 30 of] SEPTEMBER 1** each year for advancing Maryland aquaculture, including recommendations for a fee structure on aquaculture operations in order to reduce State expenditures on aquaculture programs;

DRAFTER’S NOTE:

The reporting date is modified to provide the Aquaculture Coordinating Council sufficient time after the end of the fiscal year but before the beginning of the legislative session to meet the requirement.

Article – Public Safety

2–307.

(b) (1) The Department shall collect and analyze information about incidents apparently directed against an individual or group because of race, religion, ethnicity, or sexual orientation.

(2) Each local law enforcement agency and the State Fire Marshal shall provide the Department with the information described in paragraph (1) of this subsection.

(3) The Department shall adopt procedures for the collection and analysis of the information described in paragraph (1) of this subsection.

(4) The Department shall make **[monthly] QUARTERLY** reports to the Commission on Civil Rights about the information described in paragraph (1) of this subsection.

DRAFTER'S NOTE:

According to the Department of State Police, it is difficult for the local law enforcement agencies to provide information as required under subsection (b)(2) of this section on a monthly basis. Accordingly, at the Department's request and with the concurrence of the Commission on Civil Rights, the reporting required is being made quarterly.

8–105.

(a) (1) On or before December 31 of each year, each county shall submit to the Director a report for the preceding fiscal year in the format provided by the Director.

(2) The report required under paragraph (1) of this subsection shall include:

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

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

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

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

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

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

(2) The report under paragraph (1) of this subsection shall state the amount of money distributed by each county under § 8–103(b) of this subtitle to volunteer fire, rescue, and ambulance companies.

DRAFTER'S NOTE:

The Department of Legislative Services advises that it is the report under subsection (b) of this section that is generally used, rather than the reports required to be submitted by the counties to the Department under subsection (a) of this section. Accordingly, the requirement in subsection (a)(3) of this section is being repealed as unnecessary.

12-824.1.

[(l) On or before October 1, 2009, and each year thereafter, subject to § 2-1246 of the State Government Article, the Board shall report to the Senate Budget and Taxation Committee, the Senate Finance Committee, the House Appropriations Committee, and the House Economic Matters Committee on the implementation of the Fund.]

DRAFTER'S NOTE:

Under subsection (l) of this section, the Elevator Safety Review Board is required to report to certain committees of the General Assembly on the implementation of the Elevator Safety Review Board Fund. It was determined that this report is unnecessary as this is the smallest special fund that is overseen by the Department of Labor, Licensing, and Regulation.

13-410.

(A) ON A QUARTERLY BASIS, THE ADJUTANT GENERAL, IN CONSULTATION WITH THE ASSISTANT ADJUTANTS GENERAL, SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE NUMBER OF MARYLAND NATIONAL GUARD MEMBERS KILLED OR INJURED WHILE ON ACTIVE DUTY AND THE CIRCUMSTANCES OF THE DEATHS OR INJURIES.

(B) THIS SECTION APPLIES ONLY IF MEMBERS OF THE MARYLAND NATIONAL GUARD ARE KILLED OR INJURED WHILE ON ACTIVE DUTY DURING THE PERIOD FOR WHICH THE REPORT WOULD BE SUBMITTED.

DRAFTER'S NOTE:

Chapter 485, § 2 of the Acts of 2007 is repealed and its requirements codified under this section for transparency. Additionally, the language in subsection (b) of this section is added for efficiency.

Article – Public Utilities

7-211.

(m) [(5) On or before February 1, 2015, the Commission shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly on the experience of the pilot program and the Commission's findings.]

DRAFTER'S NOTE:

Subsection (m)(5) of this section is repealed as obsolete; the one-time report was submitted as required.

7-505.

[(e) (1) The Commission shall assess the amount of electricity generated in Maryland as well as the amount of electricity imported from other states in order to determine whether a sufficient supply of electricity is available to customers in the State.

(2) On or before January 1 in 2001, 2003, 2005, and 2007, the Commission shall report to the General Assembly in accordance with § 2-1246 of the State Government Article on its assessment under this subsection, and any recommendations for legislation which may be needed to ensure an adequate supply of electricity for customers in the State.]

DRAFTER'S NOTE:

Subsection (e) of this section is repealed as obsolete; the determination was completed and all reports were submitted as required.

7-510.

(a) [(3) On or before October 1, 2003, each municipal electric utility shall report, subject to § 2-1246 of the State Government Article, to the General Assembly on the status of the opportunity for customer choice in its service territory, including:

(i) if the service territory of the municipal electric utility is available for customer choice, its experience, through July 1, 2003, with the transition to customer choice; or

(ii) if the service territory of the municipal electric utility is not available for customer choice as of July 1, 2003, its proposed intention to make customer choice available in the future.]

[(4) (3) If a municipal electric utility serves customers outside its distribution territory, electricity suppliers licensed under § 7-507 of this subtitle may serve the customers in the distribution territory of the municipal electric utility.

DRAFTER'S NOTE:

Subsection (a)(3) of this section is repealed as obsolete; the reports were submitted as required.

Article – State Finance and Procurement

2–206.

(f) (2) On or before [June 30 of] **OCTOBER 1** each year, the Council shall submit to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly, a written report that includes:

- (i) the number of grants made during the fiscal year;
- (ii) the names of the recipients of the grants;
- (iii) the specific purpose of each grant awarded; and
- (iv) documentation of how the grant recipient spent or otherwise used the grant.

DRAFTER’S NOTE:

The reporting date is modified to provide more time between the end of the fiscal year and when the report is due.

[14–208.

(a) Within 90 days after the end of each fiscal year, the Secretary of General Services, the Secretary of Transportation, and the Chancellor of the University System of Maryland each shall submit a report on the operation and effectiveness of the Small Business Preference Program to the Board.

(b) Within 60 days after receipt of all reports required under subsection (a) of this section, the Board shall compile the information and report on the entire Small Business Preference Program to the Legislative Policy Committee, subject to § 2–1246 of the State Government Article.]

DRAFTER’S NOTE:

The reporting requirement regarding the Small Business Preference Program is repealed as inefficient as the Program is rarely used.

14–303.

(a) (1) [(iii) The Board shall keep a record of the aggregate number and the identity of minority business enterprises that receive certification under the process established by the Board under subsection (b)(1) of this section and submit a copy of the record to the General Assembly on or before October 1 of each year, in accordance with § 2–1246 of the State Government Article.]

DRAFTER’S NOTE:

This provision is repealed as duplicative and unnecessary in light of § 14–304(a)(1) of the State Finance and Procurement Article, which requires the certification agency, currently the Maryland Department of Transportation, to develop and maintain a directory of all certified minority business enterprises.

14–409.

[(b) (1)] The Department of General Services shall study the use of compost as a fertilizer on State property that is under the operation of the Department of General Services to develop a baseline estimate of the share of landscaped area fertilized by compost.

(2) The Department of General Services shall report the findings of the study required under paragraph (1) of this subsection to the General Assembly, in accordance with § 2–1246 of the State Government Article, on or before December 1, 2010, and shall make the report available to the public.]

[(c) (B)] It is the goal of the Department of General Services to:

(1) compost, to the extent practicable, all landscape waste on State property that is under its operation for use as fertilizer in landscaping activities; and

(2) increase the percentage of landscaped area fertilized by compost each year.

DRAFTER'S NOTE:

Subsection (b) of this section is repealed as obsolete; the study was completed and the report submitted as required.

15–111.

[(c)] Within 90 days after the end of each fiscal year, the Governor shall submit to the General Assembly a report on each expedited procurement approved under § 13–108(c) of this article.]

[(d) (C)] Within 90 days after the end of each fiscal year, the Department of Budget and Management shall submit to the Board and the General Assembly a report on each class of procurement for which the procedure for noncompetitive negotiated procurement has been approved under § 13–106 of this article.

[(e) (D)] A report to the General Assembly under this section is subject to § 2–1246 of the State Government Article.

DRAFTER'S NOTE:

This provision is repealed as inefficient as only two agencies are authorized to use expedited procurement and each procurement agency is required to report on contracts awarded on that basis under a different provision of law.

Article – State Government

2–10A–01.

(j) (1) The Committee shall report its preliminary findings and recommendations to the Legislative Policy Committee on or before January 1, 1989.

(2) The Committee shall report its final findings and recommendations to the Legislative Policy Committee on or before January 1, 1990.]

DRAFTER'S NOTE:

Subsection (j) of this section is repealed as obsolete; the reports were submitted as required.

2–10A–11.

(h) The Committee shall report its findings and recommendations to the Governor and, subject to § 2–1246 of this title, the General Assembly on December 31 of each year **IN WHICH THE COMMITTEE MEETS.**

DRAFTER'S NOTE:

Staff for the Joint Committee on Unemployment Insurance Oversight advise that there are years in which the Committee may not meet. As a result the reporting requirement is revised to require that a report be submitted only in the years in which the Committee meets.

~~Article – Tax – General~~

~~10–730.~~

~~(e) (2) [On or before July 1 of each year, the] THE Department shall [report to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly on] INCLUDE THE FOLLOWING INFORMATION IN THE REPORT REQUIRED UNDER § 2–109 OF THE ECONOMIC DEVELOPMENT ARTICLE:~~

~~(i) the amount of tax credits necessary to maintain the current level of film production activity in the State; and~~

~~(ii) the amount of tax credits necessary to attract new film production activity to the State.~~

~~DRAFTER'S NOTE:~~

~~The report required under this paragraph is combined with the report required under § 2-109 of the Economic Development Article, which requires additional reporting regarding the film production activity tax credit, for efficiency.~~

Article – Transportation

8-508.

[(d) (1) By February 1 of each year, the Department and Board shall submit to the Senate Budget and Taxation Committee, Senate Finance Committee, House Appropriations Committee, and House Committee on Ways and Means, in accordance with § 2-1246 of the State Government Article, a report on the Department's and Board's compliance with subsections (b) and (c) of this section with respect to each of the 2 previous calendar years.

(2) The report shall:

(i) Describe the highway or capital transit construction training, supportive services, and skill improvement programs the Department and Board have conducted and administered in each workforce development area, including a description of:

1. Any entities, institutions, or organizations used by the Department and Board to provide the training and services; and

2. The individuals and organizations that have received training and services;

(ii) Analyze the results of the training programs in each workforce development area;

(iii) State the amount of federal funds available to the State under 23 U.S.C. § 140(b); and

(iv) Identify the amount spent in each workforce development area to conduct and administer the programs.]

DRAFTER'S NOTE:

The reporting requirement under subsection (d) of this section is repealed as unnecessary. There has not been any indication of legislative interest in the Highway or Capital Transit Construction Training and Support Services program since it was enacted

in 2012 and, therefore, there is no need for an extensive annual report on this relatively small program.

Chapter 358 of the Acts of 1993

[SECTION 3. AND BE IT FURTHER ENACTED, That each year, the Department of the Environment shall prepare a report detailing the revenues raised by the fees issued under the authority of Section 2 of this Act, the expenditures of those funds, and any relevant information regarding the federal approval process, the effectiveness of the permitting program, and any other issue of importance to the operation of this permitting program. The report shall be distributed to the General Assembly, subject to § 2–1312 of the State Government Article, and to the Department of Fiscal Services no later than October 1 of each year, to detail the operations of the program during the preceding fiscal year.]

DRAFTER'S NOTE:

Chapter 358, § 3 of the Acts of 1993 is repealed and its requirements codified under § 2–107(c)(3) of the Environment Article for transparency and efficiency.

Chapter 555 of the Acts of 1993

[SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Economic and Employment Development shall submit an annual report to the General Assembly, subject to § 2–1312 of the State Government Article, that summarizes the details of its activities under this Act, including the nonproprietary details of the activities of the private sector participants.]

DRAFTER'S NOTE:

Chapter 555, § 2 of the Acts of 1993 is repealed and its requirements codified under § 4–107 of the Economic Development Article for transparency.

Chapter 628 of the Acts of 1993

[SECTION 2. AND BE IT FURTHER ENACTED, That the State Scholarship Administration shall:

(1) By December 31 each year, submit an annual statement to the Legislative Policy Committee of the General Assembly reporting on the utilization of the money transferred from the Physician Quality Assurance Program to the Health Manpower Shortage Incentive Grant Program and to the Loan Assistance Repayment Program under this Act;

(2) By December 31, 1998 submit a full report to the Legislative Policy Committee of the General Assembly on the effect of this Act regarding the recruitment and retention of individuals to work in the State:

(a) In health occupations governed by the Health Manpower Shortage Incentive Grant Program under § 18–804.1 of the Education Article of the Code; and

(b) As primary care physicians under the Loan Assistance Repayment Program under § 18–1602 of the Education Article of the Code.]

DRAFTER’S NOTE:

The report required under item (1) of this section is repealed as obsolete. Money from the Board of Physicians Fund is no longer transferred to the Health Personnel Shortage Incentive Grant Program or the Janet L. Hoffman Loan Assistance Repayment Program. Item (2) of this section is repealed as obsolete as it is a one–time reporting requirement.

Chapter 324 of the Acts of 1998

[SECTION 13. AND BE IT FURTHER ENACTED, That:

(a) By December 1 of each year, the University System of Maryland shall report to the Nutrient Management Advisory Committee, the Governor, and in accordance with § 2–1246 of the State Government Article, the General Assembly on:

(1) The latest developments in phosphorus mitigation, including the effectiveness of phytase and other enzymes, genetically engineered corn, soil additives, and other innovations; and

(2) For targeted areas determined by the Secretary of Agriculture, background levels of phosphorus in the soil, current levels of phosphorus in the soil, and the movement of phosphorus in and on the land.

(b) In preparing the report, the University System of Maryland shall coordinate the activities at member institutions and consult with the agricultural industry. To the extent possible, the University System shall coordinate its efforts with research projects conducted by the agricultural industry.]

Chapter 325 of the Acts of 1998

[SECTION 13. AND BE IT FURTHER ENACTED, That:

(a) By December 1 of each year, the University System of Maryland shall report to the Nutrient Management Advisory Committee, the Governor, and in accordance with § 2–1246 of the State Government Article, the General Assembly on:

(1) The latest developments in phosphorus mitigation, including the effectiveness of phytase and other enzymes, genetically engineered corn, soil additives, and other innovations; and

(2) For targeted areas determined by the Secretary of Agriculture, background levels of phosphorus in the soil, current levels of phosphorus in the soil, and the movement of phosphorus in and on the land.

(b) In preparing the report, the University System of Maryland shall coordinate the activities at member institutions and consult with the agricultural industry. To the extent possible, the University System shall coordinate its efforts with research projects conducted by the agricultural industry.]

DRAFTER'S NOTE:

Chapter 324, § 13 and Chapter 325, § 13 of the Acts of 1998 are repealed as duplicative and impractical. The University System of Maryland advises that system personnel no longer work on phosphorous mitigation and that the Department of Agriculture issues a similar report. Additionally, the Phosphorous Management Tool is now used to identify the potential risk of phosphorus loss from farm fields and prevent additional buildup of phosphorus in soils that are already saturated.

Chapter 617 of the Acts of 1998

[SECTION 4. AND BE IT FURTHER ENACTED, That the State Department of Education shall report to the budget committees, the House Ways and Means Committee, and the Senate Finance Committee on or before September 1 of each year on the number of students enrolled in the enhanced program described in § 8–315 of the Education Article and the annual costs of the program. In addition, the Department shall report on any anticipated enrollment growth and future costs related to the enhanced program.]

DRAFTER'S NOTE:

Chapter 617, § 4 of the Acts of 1998 is repealed and its requirements codified under § 8–311(f) of the Education Article for transparency.

Chapter 140 of the Acts of 2002

[SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of Dental Examiners shall report to the General Assembly by December 31, 2003, and by December 31 each year thereafter, the identity of the facilities operating under general supervision under § 4–308 of the Health Occupations Article as enacted by this Act, and the identity of the supervising dentist of those facilities operating under general supervision.]

DRAFTER'S NOTE:

Chapter 140, § 2 of the Acts of 2002 is repealed as obsolete. The related provisions of statute enacted by Chapter 140 were repealed by Chapter 316 of the Acts of 2008.

Chapter 5 of the Acts of 2003

SECTION 12. AND BE IT FURTHER ENACTED, That Section(s) 31, 32, 34, 34A, 34B, 35, 36, 36A, and 37, inclusive, and the subtitle “Pensions” of Article 88B – Department of State Police of the Annotated Code of Maryland be repealed and reenacted, with amendments, and transferred to the Session Laws, to read as follows:

[7.

It shall be the duty of the Secretary of State Police biennially, to submit to the Governor of the State a full report on the state and condition of the system; this report shall include a full record of all persons retired under this subtitle, the rate of pay respectively given them, and also an estimate of the sum required for future requirements in accordance with the provisions of this subtitle until the next budget appropriation becomes effective. And it is further provided that the Governor of the State may upon receipt of the report from the Secretary of State Police recommend such future increases in the appropriation as he may deem necessary for the proper administration of this subtitle.]

DRAFTER’S NOTE:

This section is repealed as obsolete. Information regarding the pension system as it applies to State troopers who remain in the system is included in the reports submitted by the State Retirement System.

Chapter 207 of the Acts of 2003

[SECTION 4. AND BE IT FURTHER ENACTED, That each county board of education, including the Baltimore City Board of School Commissioners, shall report to the Maryland State Department of Education on or before October 1 of each year regarding:

- (1) the number of family hardship waivers that have been granted as a result of this Act;
- (2) the fiscal impact on the local education agency of this Act including both a dollar amount and an assessment of future implications of this dollar amount on the local education agency; and
- (3) the amount of money that a local education agency received from other sources (i.e. other states, other counties) for a child placed in that county as the result of an informal kinship care relationship.

The Maryland State Department of Education shall compile the reports from the county boards of education and the Baltimore City Board of School Commissioners and, subject to § 2–1246 of the State Government Article, shall submit a report that presents all

of the data collected from the county boards in a comprehensive manner to the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee on or before December 31 of each year.]

DRAFTER'S NOTE:

This section is repealed as unnecessary. The reporting requirement was included as a way to monitor the implementation of Chapter 207 of the Acts of 2003. The programs in each local school system to serve and monitor students in informal kinship care are now well established.

Chapter 295 of the Acts of 2003

[SECTION 2. AND BE IT FURTHER ENACTED, That the Insurance Commissioner shall, in accordance with § 2-1246 of the State Government Article, submit a copy of the final report of the examination required under Section 1 of this Act to the Senate Finance Committee and the House Health and Government Operations Committee within 30 days of the completion of the final report.]

DRAFTER'S NOTE:

Chapter 295, § 2 of the Acts of 2003 is repealed and its requirements codified under § 15-10B-20(e) of the Insurance Article for transparency.

Chapter 403 of the Acts of 2003

[SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) Beginning September 1, 2004, and every 4 years thereafter, the Department of Budget and Management shall conduct, or hire an independent third party not affiliated with the Department of Budget and Management or the State Retirement Agency to conduct, a peer benefits study of the several systems.

(b) The findings of either the Department of Budget and Management or the independent third party shall be submitted to the Chairman of the Joint Committee on Pensions on or before December 31 of that year.]

DRAFTER'S NOTE:

Chapter 403, § 3 of the Acts of 2003 is repealed as obsolete due to the major reform of the State Retirement and Pension System that occurred in 2011.

Chapter 302 of the Acts of 2004

[SECTION 2. AND BE IT FURTHER ENACTED, That, if the Secretary delegates the Secretary's duties under this Act to any other agency or unit of State government, the

Secretary shall notify the Senate Budget and Taxation Committee and the House Appropriations Committee in writing within 30 calendar days.]

DRAFTER'S NOTE:

Chapter 302, § 2 of the Acts of 2004 is repealed as obsolete; the Special Pay Plan was repealed by Chapter 602 of the Acts of 2006.

Chapter 445 of the Acts of 2006

[SECTION 3. AND BE IT FURTHER ENACTED, That the Governor's Office for Children shall report to the General Assembly on or before December 31 of each year, in accordance with § 2–1246 of the State Government Article, on the implementation and effectiveness of at–risk youth prevention and diversion programs.]

DRAFTER'S NOTE:

Chapter 445, § 3 of the Acts of 2006 is repealed and its requirements codified under § 8–605 of the Human Services Article for transparency.

Chapter 485 of the Acts of 2007

[SECTION 2. AND BE IT FURTHER ENACTED, That the Adjutant General for the Maryland Army National Guard, in consultation with the Assistant Adjutants General, shall report to the General Assembly on a quarterly basis beginning on January 1, 2008, in accordance with § 2–1246 of the State Government Article, on the number of Maryland National Guard members killed or injured while on active duty and the circumstances of the deaths or injuries.]

DRAFTER'S NOTE:

Chapter 485, § 2 of the Acts of 2007 is repealed and its requirements codified under § 13–410 of the Public Safety Article for transparency.

Chapter 592 of the Acts of 2007

[SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) The Chancellor of the University System of Maryland and the Presidents of Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College shall identify all nonmerit and at–will positions in the personnel systems of the University System of Maryland and its constituent institutions, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College.

(b) On an annual basis, the Chancellor of the University System of Maryland and the Presidents of Morgan State University, St. Mary's College of Maryland, and Baltimore

City Community College shall report the information on nonmerit and at-will positions required under subsection (a) of this section to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly.]

DRAFTER'S NOTE:

This reporting requirement is repealed as impractical as positions at the specified public institutions of higher education are not classified as nonmerit or at-will.

Chapter 583 of the Acts of 2008

[SECTION 3. AND BE IT FURTHER ENACTED, That:

(1) The Board of Morticians and Funeral Directors shall notify the Senate, Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee of the resolution in the matter of Charles Brown, et al. v. David Hovatter, et al.

(2) Within 6 months after the matter of Charles Brown et al. v. David Hovatter, et al. is resolved the Board of Morticians and Funeral Directors shall submit a report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article, on:

(i) any proposals to alter the laws or regulations regarding corporate licenses;

(ii) whether a surviving spouse or executor license is still necessary;
and

(iii) whether the requirement that an individual be a licensed mortician to qualify for a funeral establishment license is necessary.]

DRAFTER'S NOTE:

The matter of Charles Brown, et al. v. David Hovatter, et al. was resolved in 2009. Although the notification and report requirements were never met, Chapter 583, § 3 of the Acts of 2008 is repealed as irrelevant due to the time elapsed since the resolution of the matter.

[SECTION 4. AND BE IT FURTHER ENACTED, That, on or before December 1, 2008, and each year thereafter, the Board of Morticians and Funeral Directors shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article, regarding effectiveness of pre-need regulations.]

DRAFTER'S NOTE:

Chapter 583, § 4 of the Acts of 2008 is repealed as obsolete. The State Board of Morticians and Funeral Directors has made changes to strengthen the regulation of pre-need contracts and the regulation of pre-need contracts was not included as an issue in the 2016 sunset evaluation of the board.

Chapter 350 of the Acts of 2012

[SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) Beginning on or before October 1, 2013, and annually thereafter until the certification of residential child and youth care practitioners has been implemented for a full biennial certification cycle, the State Board for Certification of Residential Child Care Program Professionals shall submit a report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee in accordance with § 2-1246 of the State Government Article.

(b) Each report required under subsection (a) of this section shall update both committees on the Board's progress in implementing the certification of residential child and youth care practitioners.

(c) The Board's final report, to be submitted to both committees within 90 days after residential child and youth care practitioners have been certified for a full biennial certification cycle, shall address:

(1) the need, if any, for changes to Board membership based on the number of residential child and youth care practitioners certified by the Board; and

(2) the outlook for the Board to become self-supporting (special funded) in the future based on:

(i) the number of residential child and youth care practitioners certified by the Board;

(ii) the number of full-time equivalent or contractual personnel hired by the Board; and

(iii) the Board's actual and projected revenues and expenditures.]

DRAFTER'S NOTE:

Chapter 350, § 2 of the Acts of 2012 is repealed as obsolete as the first full biennial certification cycle for residential child and youth care practitioners was completed in 2017.

Chapter 250 of the Acts of 2013

[SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Council for the Procurement of Health, Education, and Social Services shall:

(a) establish a workgroup of Council members and appropriate staff from the State agencies that license health, education, or social services programs to determine a process for nongovernmental entities that provide health, education, or social services in the State to submit documents in an electronic form to the State agencies, by direct transmission or by posting to an online system for document storage, including:

- (1) naming and formatting documents;
- (2) submitting, updating, and retrieving documents;
- (3) security measures;
- (4) standards necessary for the efficient and secure submission of electronic documents; and
- (5) a recommended implementation date; and

(b) on or before January 1, 2014, report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article, on the process determined under subsection (a) of this section.]

DRAFTER'S NOTE:

Chapter 250, § 1 of the Acts of 2013 is repealed as obsolete as the Council for the Procurement of Health, Education, and Social Services complied with the section and the workgroup that was required to be established is no longer needed.

Chapter 164 of the Acts of 2015

[SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) The Department of Business and Economic Development and the Department of Transportation, including the Maryland Aviation Administration, shall:

- (1) monitor the Federal Aviation Administration for any proposed regulations or rulemaking that relate to the regulation of the operation of small commercial unmanned aircraft systems;
- (2) determine the impact of any proposed regulations or rulemaking on the State; and

(3) determine whether it is in the public interest for the State to consider statewide legislation relating to the regulation of the operation of unmanned aircraft systems.

(b) In determining its findings under subsection (a) of this section, the Department and the Department of Transportation, including the Maryland Aviation Administration, shall consult with:

(1) the University of Maryland, in its role as a member of the Mid-Atlantic Aviation partnership;

(2) county and municipal governments; and

(3) other interested parties that the Department of Business and Economic Development or the Department of Transportation, including the Maryland Aviation Administration, determine appropriate.

(c) If the Department of Business and Economic Development and the Department of Transportation, including the Maryland Aviation Administration, determine that any proposed regulations or rulemaking that relate to the regulation of the operation of small commercial unmanned aircraft have been or are likely to be adopted by the Federal Aviation Administration, as soon as practicably possible, the Department of Business and Economic Development and the Department of Transportation, including the Maryland Aviation Administration, shall report any findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.]

DRAFTER'S NOTE:

Chapter 164, § 4 of the Acts of 2015 is repealed and its requirements codified under § 14-302 of the Economic Development Article for transparency.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 7-10B-01 through 7-10B-06 and the subtitle “Subtitle 10B. Maryland Advisory Council for Virtual Learning” of Article – Education of the Annotated Code of Maryland be repealed.

DRAFTER'S NOTE:

The Maryland Advisory Council for Virtual Learning was disbanded in 2015 and, therefore, the Council is repealed as obsolete.

SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 2-10A-12 of Article – State Government of the Annotated Code of Maryland be repealed.

DRAFTER'S NOTE:

The Joint Committee on Base Realignment and Closure is repealed as obsolete because the Base Realignment and Closure process in the State has basically been completed.

SECTION 4. AND BE IT FURTHER ENACTED, That Section(s) 9–401 through 9–407 and the subtitle “Subtitle 4. Commission on the Capital City” of Article – State Government of the Annotated Code of Maryland be repealed.

DRAFTER’S NOTE:

The State Commission on the Capital City is repealed as inactive because it has not met since 2007.

SECTION 5. AND BE IT FURTHER ENACTED, That Section(s) 9–701 and the subtitle “Subtitle 7. Commission to Coordinate the Study, Commemoration, and Impact of Slavery’s History and Legacy in Maryland” of Article – State Government of the Annotated Code of Maryland be repealed.

DRAFTER’S NOTE:

The Commission to Coordinate the Study, Commemoration, and Impact of Slavery’s History and Legacy in Maryland has not met since 2011. The work of the Commission has been taken over by the State Archives and, therefore, the Commission is repealed as duplicative.

SECTION 6. AND BE IT FURTHER ENACTED, That Section(s) 10–110 of Article – Tax – General of the Annotated Code of Maryland be repealed.

DRAFTER’S NOTE:

This section is repealed as obsolete; the Maryland Business Tax Reform Commission fulfilled its duties and issued its final report as required.

SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

Enacted under Article II, § 17(b) of the Maryland Constitution, March 27, 2019.

Chapter 7

(Senate Bill 579)

AN ACT concerning

Annual Curative Bill

FOR the purpose of generally curing previous Acts of the General Assembly with possible title defects; repealing a provision of law authorizing the Board of License Commissioners for Washington County to issue a beer tasting license to the holder of a Class A or Class B beer and wine license; authorizing the County Executive of Cecil County, rather than the County Commissioners of Cecil County, to collectively bargain on behalf of Cecil County with certain full-time sworn law enforcement deputy sheriffs under certain circumstances; requiring that certain fines collected by Prince George's County for violations enforced by a certain speed monitoring system be deposited into the Criminal Injuries Compensation Fund; providing that certain provisions of law related to forensic examinations for certain sexually related crimes be applicable to certain qualified health care providers, including immunity from civil liability under certain circumstances; authorizing a county board of education to award credit to a high school student toward a high school diploma or a postsecondary credential, or both, for work-based training and classroom instruction completed under a registered apprenticeship program; requiring the Maryland Higher Education Commission to compare successful completers of the Cyber Warrior Diversity Program to certain similarly situated students with regard to certain characteristics; limiting the authority of counties and municipalities to impose a penalty against an alarm system contractor for the alarm system contractor's failure to register or renew the registration of an alarm system to certain circumstances; requiring a public service company to provide certain notice to owners of land and each owner of adjacent land over, on, or under which the public service company proposes to construct transmission lines under certain circumstances; requiring the Public Service Commission or an applicant to provide certain notice to certain owners of land and adjacent land of certain applications for a certificate of public convenience and necessity for proposed overhead transmission lines under certain circumstances; repealing the authority of the St. Mary's County Metropolitan Commission to discharge at pleasure a director, a secretary, and certain personnel; 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 31-1307(b)
Annotated Code of Maryland
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Courts and Judicial Proceedings
Section 2-309(i)(4)(ii)3. and 7-302(e)(4)(iii)
Annotated Code of Maryland
(2013 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Criminal Procedure
Section 11–1007(a)(5), (b)(2), (c)(3)(iii), and (d)(1) and (2)(i)
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Education
Section 7–205.4 and 11–1404(a)
Annotated Code of Maryland
(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,
Article – Local Government
Section 1–1312(c) and (d)
Annotated Code of Maryland
(2013 Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 7–204(a)(1), 7–207(c)(1)(vi), and 7–208(e)(1)(i)
Annotated Code of Maryland
(2010 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 2–407(a)(8)
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without 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,
as amended by Chapter 108 of the Acts of the General Assembly of 2018)

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

Article – Alcoholic Beverages

31–1307.

(b) The Board may issue the license to a holder of any class of beer, wine, and liquor license.

DRAFTER’S NOTE:

Error: Purpose paragraphs of bills being cured failed to accurately describe the changes made by the bills.

Occurred: Chapters 320 and 321 (House Bill 1156/Senate Bill 340) of the Acts of 2018.

Article – Courts and Judicial Proceedings

2–309.

(i) (4) (ii) A full–time sworn law enforcement deputy sheriff at the rank of Captain and below may:

3. Engage in collective bargaining with the Sheriff and the County Executive of Cecil County, or the designee of the Sheriff and the County Executive, concerning wages, benefits, and any working conditions that are not included in subparagraph (v)4A of this paragraph through a labor organization certified as the exclusive representative of the deputy sheriffs subject to this paragraph;

DRAFTER’S NOTE:

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 607 (House Bill 284) of the Acts of 2018.

7–302.

(e) (4) (iii) The fines collected by Prince George’s County as a result of violations enforced by a speed monitoring system at the intersection of Old Fort Road and Maryland Route 210 shall be remitted to the Comptroller for deposit into the Criminal Injuries Compensation Fund under § 11–819 of the Criminal Procedure Article.

DRAFTER’S NOTE:

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 806 (House Bill 175) of the Acts of 2018.

Article – Criminal Procedure

11–1007.

(a) (5) “Qualified health care provider” means an individual who is licensed by

a health occupations board established under the Health Occupations Article.

(b) If a physician, a qualified health care provider, or a hospital provides a service described in subsection (c) of this section to a victim of an alleged rape or sexual offense or a victim of alleged child sexual abuse:

(2) the physician, qualified health care provider, or hospital is entitled to be paid by the Criminal Injuries Compensation Board as provided under Subtitle 8 of this title for the costs of providing the services.

(c) This section applies to the following services:

(3) for up to 5 hours of professional time to gather information and evidence of the alleged sexual abuse, an initial assessment of a victim of alleged child sexual abuse by:

(iii) a qualified health care provider;

(d) (1) A physician or a qualified health care provider who examines a victim of alleged child sexual abuse under the provisions of this section is immune from civil liability that may result from the failure of the physician or qualified health care provider to obtain consent from the child's parent, guardian, or custodian for the examination or treatment of the child.

(2) The immunity extends to:

(i) any hospital with which the physician or qualified health care provider is affiliated or to which the child is brought; and

DRAFTER'S NOTE:

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 422 (House Bill 247) of the Acts of 2018.

Article – Education

7–205.4.

Notwithstanding any other provision of law, a county board may award credit to a high school student toward a high school diploma or a postsecondary credential, or both, for the work-based training and classroom instruction completed under a registered apprenticeship program.

DRAFTER'S NOTE:

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 403 (House Bill 1234) of the Acts of 2018.

11–1404.

(a) The Commission shall compare successful completers of each Program to similarly situated students who did not enroll in either Program with regard to the following characteristics:

- (1) Employment rate;
- (2) Wage earnings; and
- (3) Job retention rate.

DRAFTER'S NOTE:

Error: Purpose paragraphs of bills being cured failed to accurately describe the changes made by the bills.

Occurred: Chapters 566 and 567 (House Bill 1819/Senate Bill 615) of the Acts of 2018.

Article – Local Government

1–1312.

(c) If a county or municipality requires an alarm user or an alarm system contractor to register an alarm system, the county or municipality may impose a penalty against an alarm system contractor for failure to register an alarm system only if:

- (1) the alarm system contractor requested a dispatch to an alarm user; and
- (2) the alarm system contractor failed to register the alarm system.

(d) If a county or municipality requires an alarm user or an alarm system contractor to renew an alarm system's registration, the county or municipality may impose a penalty against an alarm system contractor for failure to renew an alarm system's registration only if:

- (1) the alarm system contractor requested a dispatch to an alarm user;
- (2) the alarm system contractor failed to renew the alarm system's registration; and

(3) the county or municipality provided the alarm system contractor notice that:

- (i) the alarm system's registration expired;
- (ii) the alarm user or the alarm system contractor did not renew the alarm system's registration; or
- (iii) the alarm system's registration has been suspended.

DRAFTER'S NOTE:

Error: Purpose paragraphs of bills being cured failed to accurately describe the changes made by the bills.

Occurred: Chapters 477 and 478 (House Bill 1117/Senate Bill 927) of the Acts of 2018.

Article – Public Utilities

7–204.

(a) (1) Notwithstanding any other provision of this division, at least 30 days before a hearing, a public service company shall provide to each owner of land and each owner of adjacent land, by certified mail, written notice of intent to run a line or similar transmission device over, on, or under the land.

7–207.

(c) (1) On receipt of an application for a certificate of public convenience and necessity under this section, the Commission shall provide notice immediately or require the applicant to provide notice immediately of the application to:

(vi) for a proposed overhead transmission line, each owner of land and each owner of adjacent land; and

7–208.

(e) (1) On the receipt of an application under this section, together with any additional information requested under subsection (d)(2) of this section, the Commission shall provide notice to:

(i) for a proposed overhead transmission line, each owner of land and each owner of adjacent land;

DRAFTER'S NOTE:

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 282 (House Bill 869) of the Acts of 2018.

Article – State Government

2–407.

(a) The Committee has the following functions:

(8) at least every 2 years, to review and update as necessary the antiharassment policy and procedures of the General Assembly to create and maintain an environment in which all members and employees are treated with respect and are free from unlawful discrimination and harassment.

DRAFTER’S NOTE:

Error: Function paragraph of bill being cured incorrectly indicated that § 2–407(a)(9) and (c) of the State Government Article were being added.

Occurred: Chapter 525 (House Bill 1342) of the Acts of 2018.

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 and fix the compensation of a Director, a Secretary, and engineering, legal, clerical and other personnel 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.

DRAFTER’S NOTE:

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 108 (House Bill 275) of the Acts of 2018.

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.

Enacted under Article II, § 17(b) of the Maryland Constitution, March 27, 2019.

Chapter 8

(Senate Bill 580)

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 – Alcoholic Beverages

Section 5–101(a), 12–905(g)(1), 21–1304.1(g), 21–1304.2(j), 22–909(b)(2)(iii)3., and 25–1401(c)(2)

Annotated Code of Maryland

(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Occupations and Professions

Section 2–403(c)(1) and (d)(1), 2–4A–01(b)(2), 6–316(c), 10–101(f)(1)(iii) and (h)(2)(iii), 12–101(h), 15–316(c), 17–403(a)(2), 17–534(a), 17–536(b) through (e), and 17–613(a)(16)

Annotated Code of Maryland

(2018 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 2–103.1(a)(2) and 15–207(b)(1)

Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 1–101(f)(2)(ii)
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–19.1(b)(1)(iv), 3–1503(a)(1)(iv), 4–202, 4–301(b)(7), (15), and (21), and
5–106(t)
Annotated Code of Maryland
(2013 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 5–404(f)(2) and 5–622(b)(3) and (4)
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 1–203.1(d)(2)(ii)2. and 3., 2–105(g), 11–117(2), 11–607(a)(1)(ii),
11–811(b)(3), and 16–201(3)
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 5–511(a)
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Education
Section 2–104(d)(1), 3–901(e)(2)(ii) and (iii) and (7), 3–1002(d)(1), 4–126(e)(3)(iii),
4–302, 5–102(b)(1), 5–202(a)(4) and (14)(iii), (d)(1)(iii) and (8)(i)4., and (l)(3),
5–216(a)(6)(ii), 6–117.1(a)(3) and (e)(1), 6–306(b)(5)(i)1.C., 6–701(c),
7–203.2(c)(1)(ii)4. and (2)(ii)4., 7–303(a)(6)(iv), 7–505(a)(1), 7–702,
7–1503(c)(4), 7–1512(d)(2), 8–417(b)(1), 9.5–505(b), 10–205(d), 11–105(c)(5)
and (6), 11–601(d)(1) and (4)(v), 12–104.1(d)(1), 12–107(a)(3), 13–303(l),
13–304(c)(6), 15–106.6(c)(2)(iv), 16–314.1(b) and (c)(1), 16–610(c)(2),
18–803(e)(1), 18–1916(b)(1)(iv), 18–2601(g), 18–2806(2), 18–3402(a),
18–3506(b)(1), 23–102(b)(2)(ii), 23–604(b), and 24–1003(d)(4)
Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 5–102(c)(5)

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

(As enacted by Chapter 5 of the Acts of the General Assembly of 1986)

BY repealing

Article – Education

Section 5–202(a)(3)

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY adding to

Article – Education

Section 5–202(a)(4)

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Election Law

Section 13–306(a)(5)(i), 13–307(a)(6)(i), and 13–505(c)

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

Section 6–819(c)(2)(i)

Annotated Code of Maryland

(2013 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

Section 9–1605.2(i)(9)(i) and (j)(6)(viii) and 9–1605.3(f)(2)(ii)

Annotated Code of Maryland

(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Family Law

Section 4–501(b)(1)(iv)

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Financial Institutions

Section 2–104.1(a)(6)(ii), (e)(3), and (f)(1)(iii)2. and 11–201(e)
Annotated Code of Maryland
(2011 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 10–622(a)(2), 13–3804(c), 13–3805(a) and (c), 19–705.1(b)(1)(v), and
24–1503(b)(2)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 1–901(c) and 7–101(d)
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 8–109(c)(1)
Annotated Code of Maryland
(2006 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Human Services
Section 10–401(p)(2)(i)
Annotated Code of Maryland
(2007 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 6–122, 15–124(a), 15–142(a)(4), 15–1202(c), and 19–807(d)(1)
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

BY repealing
Article – Insurance
Section 15–1202(b)
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 20–612(e)(1) and (g)
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)
(As enacted by Chapters 195 and 196 of the Acts of the General Assembly of 2018)

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 3–413(b)(1)(ii) and (2)(i)2.

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 3–103(e)(1), 3–122(b)(2)(vii), 3–210(1)(i) and (3), 3–305(a), 3–604(6), 3–909(c), 4–217(e)(1), 4–513, 4–701(d)(2)(ii) and (j)(2)(iii), 4–714(e)(1)(v), 4–745(c)(3), 4–901(a)(1), 4–1033(a), 5–214(b), 5–9A–02(i), 5–1203(mm), 5–1208(2), 5–1504(a), and 5–1601(aa)(3)

Annotated Code of Maryland

(2018 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 2–311(f)(3), 3–312(b)(1)(iv), and 3–506(b)(1); the subtitle designation “Subtitle 8. Safe Streets Initiatives” immediately preceding Section 4–801; and 4–1102(b)(2), 5–601(e)(2)(vii), 12–812(b)(2), and 13–502(a)(1)

Annotated Code of Maryland

(2018 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Public Safety

The subtitle designation “Subtitle 2. Maryland Police Training and Standards Commission” immediately preceding Section 3–201

Annotated Code of Maryland

(2018 Replacement Volume)

(As enacted by Chapter 519 of the Acts of the General Assembly of 2016)

BY repealing and reenacting, without amendments,

Article – Public Safety

Section 3–201(a) and (b) and 4–801(a)

Annotated Code of Maryland

(2018 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Public Utilities

Section 6–207(6)(ii), 7–207(a), and 7–208(a)

Annotated Code of Maryland

(2010 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Real Property

Section 3–114(d)(1)

Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 4–809(f)(6), 5–814(b)(1), (2), and (3), 5A–303(c)(3)(i)3.A., 8–112(e),
13–103(e)(4), 13–110(b)(3)(i)2., 13–112(g)(2), 13–224(d), 14–302(a)(15), and
17–702(a)(2)(i)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–112(d)(5) and (6), 9–1A–26(c)(2)(i), 10–1503(h), and 20–301(4)(ii)
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–308(d)(1)(i) and (2)(i) and (ii)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY repealing
Article – Tax – General
Section 10–204(i)
Annotated Code of Maryland
(2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–205(k)
Annotated Code of Maryland
(2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–304(b)(1) and (e)(3)
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 4–101(h)(1) and 4–407(b)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 13–919(g), 16–205.1(b)(2)(v) and (vi), 16–402(a)(3), (16), and (24), 21–104(b)(1)(i), 21–301(b), 21–704(a)(1), 21–801.1(b) and (e), 21–803(a)(1)(ii) and (iv), 21–805(a)(2), (b), and (d), 21–902(a)(1)(iv) and (d)(1)(iii), 21–1205.1(a)(1)(i) and (2) and (d), 21–1415(c), 22–224.1(b)(1), 22–225, 22–302(a)(2) and (3), and 24–102(c)(2)(ii)

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 21–809(b)(1)(viii) and (ix)

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

(As enacted by Chapter 806 of the Acts of the General Assembly of 2018)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 21–809(b)(6)(i) and (k)(1)

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

(As enacted by Chapters 490 and 491 of the Acts of the General Assembly of 2014)

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

Article – Alcoholic Beverages

5–101.

(a) In this [section] **SUBTITLE** the following words have the meanings indicated.

DRAFTER’S NOTE:

Error: Erroneous internal reference in § 5–101(a) of the Alcoholic Beverages Article.

Occurred: Ch. 41, § 2, Acts of 2016.

12–905.

(g) (1) The Board may reissue a Class B–D–7 beer, wine, and liquor license as a [7–day] **CLASS A–2** beer, wine, and liquor (package goods) license if the licensed premises is:

(i) within the 41st legislative district; and

(ii) equipped with high–definition cameras that provide continuous, 24–hour monitoring inside and outside the licensed premises.

DRAFTER’S NOTE:

Error: Incorrect license reference in § 12–905(g)(1) of the Alcoholic Beverages Article.

Occurred: Ch. 231, Acts of 2018.

21–1304.1.

(g) A license holder may purchase beer and wine from a holder of a retail or [wholesale] **WHOLESALE**’S license.

DRAFTER’S NOTE:

Error: Misnomer in § 21–1304.1(g) of the Alcoholic Beverages Article.

Occurred: Ch. 169, § 2, Acts of 2018.

21–1304.2.

(j) A holder of a retail license or State [wholesale] **WHOLESALE**’S 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.

DRAFTER’S NOTE:

Error: Misnomer in § 21–1304.2 of the Alcoholic Beverages Article.

Occurred: Ch. 169, § 2, Acts of 2018.

22–909.

(b) The Board may issue the 6–day license or the 7–day license for use by:

(2) a social organization that:

(iii) has at least 51% of its membership consisting of:

3. active or retired policemen; and

4. the spouses and children of the eligible members under items 1 through 3 of this item;

DRAFTER'S NOTE:

Error: Omitted semicolon and item number in § 22–909(b)(2)(iii)3 of the Alcoholic Beverages Article.

Occurred: Ch. 137, Acts of 2018.

25–1401.

(c) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”) of Division I of this article apply in the county:

(2) § 4–109 (“Required information on application — In general”), subject to [§ 25–1408 of this subtitle and § 22–1409 of this article] **§§ 25–1408 AND 25–1409 OF THIS SUBTITLE.**

DRAFTER'S NOTE:

Error: Erroneous cross–reference in § 25–1401(c)(2) of the Alcoholic Beverages Article.

Occurred: Ch. 41, § 2, Acts of 2016.

Article – Business Occupations and Professions

2–403.

(c) The corporation shall:

(1) have at least a simple majority of the officers, shareholders, members, or managers, in terms of financial interest and voting rights, be licensed in a state; [and]

(d) An individual who is not licensed to practice certified public accountancy in this State or another state may have an ownership interest in the corporation if:

(1) a simple majority of the ownership of the corporation, in terms of financial interests and voting rights, is held by individuals licensed to practice certified public accountancy in this or another state; [and]

DRAFTER'S NOTE:

Error: Extraneous conjunction in § 2–403(c)(1) and (d)(1) of the Business Occupations and Professions Article.

Occurred: Ch. 536, Acts of 2008.

2–4A–01.

(b) “Engagement review” means a peer review that evaluates whether there is a reasonable basis for expressing limited assurance that:

(2) reports and internal documentation of the work performed by the individual or firm [conforms] **CONFORM** with professional standards.

DRAFTER’S NOTE:

Error: Grammatical error in § 2–4A–01(b)(2) of the Business Occupations and Professions Article.

Occurred: Ch. 88, Acts of 2005.

6–316.

(c) The Board shall consider the following facts in the granting, denial, renewal, suspension, or revocation of a **STATE** license or the reprimand of a **STATE** licensee when an applicant or **STATE** licensee is convicted of a felony or misdemeanor described in subsection (a)(6) of this section:

(1) the nature of the crime;

(2) the relationship of the crime to the activities authorized by the **STATE** license;

(3) with respect to a felony, the relevance of the conviction to the fitness and qualification of the applicant or **STATE** licensee to provide electrical services;

(4) the length of time since the conviction; and

(5) the behavior and activities of the applicant or **STATE** licensee before and after the conviction.

DRAFTER’S NOTE:

Error: Omitted word in § 6–316(c) of the Business Occupations and Professions Article.

Occurred: Ch. 342, Acts of 1998.

10–101.

(f) (1) “Court” means, unless the context requires otherwise:

(iii) a circuit court; [and] **OR**

(h) (2) “Practice law” includes:

(iii) preparing or helping in the preparation of any form or document that is filed in a court or affects a case that is or may be filed in a court; [or] **AND**

DRAFTER’S NOTE:

Error: Erroneous conjunctions in § 10–101(f)(1)(iii) and (h)(2)(iii) of the Business Occupations and Professions Article.

Occurred: Ch. 3, Acts of 1989.

12–101.

(h) “Journeyman natural gas fitter” means, unless the context requires otherwise, an individual who is licensed by the Board to provide natural gas services while under the direction and control of a master natural gas [fitters license] **FITTER**.

DRAFTER’S NOTE:

Error: Incorrect word usage in § 12–101(h) of the Business Occupations and Professions Article.

Occurred: Ch. 555, Acts of 2000.

15–316.

(c) The Board may reactivate the license of **THE HOLDER OF** a retired status license if that individual:

(1) submits to the Board an application for reactivation on the form approved by the Board;

(2) meets all continuing competency requirements, not exceeding 48 credit hours, that would have been required for renewal of a license under § 15–314 of this subtitle if the licensee had not been placed on retired status;

(3) pays to the Board a reactivation fee as set by the Board; and

(4) is not the subject of a pending disciplinary action related to the practice of land surveying or property line surveying in this or any other state.

DRAFTER'S NOTE:

Error: Omitted words in § 15–316(c) of the Business Occupations and Professions Article.

Occurred: Ch. 384, Acts of 2003.

17–403.

(a) (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 **ONLY** once for the fee required under this subsection.

DRAFTER'S NOTE:

Error: Grammatical error in § 17–403(a)(2) of the Business Occupations and Professions Article.

Occurred: Ch. 3, Acts of 1989.

17–534.

(a) [Except as provided in § 17–533 of this subtitle, a] **A** brokerage relationship commences at the time that a client enters into a brokerage agreement and shall continue until:

(1) the completion of performance in accordance with the brokerage agreement; or

(2) the earlier of:

(i) any date of expiration as agreed on by the parties in the brokerage agreement or in any amendments to the brokerage agreement;

(ii) any mutually agreed on termination of the brokerage relationship;

(iii) a default by any party under the terms of the brokerage agreement; or

(iv) a termination under § 17–530 of this subtitle.

DRAFTER'S NOTE:

Error: Obsolete cross-reference in § 17–534(a) of the Business Occupations and Professions Article.

Occurred: As a result of Ch. 311, Acts of 2016.

17-536.

(b) (1) “Commercial real estate” means:

[(1)] (I) real property improved by five or more single-family units;

[(2)] (II) improved and unimproved real property zoned for commercial, industrial, or nonresidential use by the local zoning authority of the county or municipality in which the property is located; [and] OR

[(3)] (III) unimproved real property zoned for improvement as multifamily units by the local zoning authority of the county or municipality in which the property is located.

[(c)] (2) “Commercial real estate” does not include:

[(1)] (I) property zoned for agricultural use; [or] AND

[(2)] (II) single-family units, including a condominium or co-op unit, for sale or for lease, or otherwise conveyed or to be conveyed on a single basis.

[(d)] (C) “Nonresident real estate broker” means an individual, partnership, joint venture, limited liability company, limited liability partnership, or corporation that is not licensed under Subtitle 3 of this title but is licensed to provide real estate brokerage services in a jurisdiction other than this State.

[(e)] (D) “Nonresident real estate salesperson” means an individual who is not licensed under Subtitle 3 of this title but is licensed to provide real estate brokerage services and is affiliated with a nonresident real estate broker.

DRAFTER’S NOTE:

Error: Tabulation errors and erroneous conjunctions in § 17-536(b) through (e) of the Business Occupations and Professions Article.

Occurred: Ch. 368, Acts of 2003.

17-613.

(a) Subject to the provisions of subsection (d) of this section, a person who violates any provision of the following sections of this title is guilty of a misdemeanor and on conviction for a first offense is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 1 year or both:

(16) § 17–610; [and] OR

DRAFTER’S NOTE:

Error: Erroneous conjunction in § 17–613(a)(16) of the Business Occupations and Professions Article.

Occurred: Ch. 3, Acts of 1989.

Article – Business Regulation

2–103.1.

(a) (2) “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] **AMONG** businesses, economic development organizations, communities, and federal, State, and local units and agencies.

DRAFTER’S NOTE:

Error: Incorrect word usage in § 2–103.1(a)(2) of the Business Regulation Article.

Occurred: Ch. 5, § 2, Acts of 2018.

15–207.

(b) (1) A State, county, or municipal law enforcement agency may issue a civil citation to a lodging establishment requiring it to post prominently in each guest room for 1 year the sign that is identical to the notice required to be placed on the Web site of the Department under subsection (a) of this section, if the lodging establishment is located on property where arrests leading to convictions of prostitution, solicitation of a minor, or human trafficking under Title 11, [Subtitle 13] **SUBTITLE 3** of the Criminal Law Article have occurred.

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 15–207(b)(1) of the Business Regulation Article.

Occurred: Chs. 576 and 577, Acts of 2010.

Article – Corporations and Associations

1–101.

(f) (2) “Charter” includes the documents referred to in paragraph (1) of this subsection, either as:

(ii) [As amended] **AMENDED**, corrected, or supplemented by special act of the General Assembly, articles of amendment, articles of amendment and reduction, articles of extension, articles supplementary, articles or agreements of merger, articles of revival, or a certificate of correction.

DRAFTER'S NOTE:

Error: Duplicate word in § 1–101(f)(2)(ii) of the Corporations and Associations Article.

Occurred: Ch. 311, § 2, Acts of 1975.

Article – Courts and Judicial Proceedings

3–8A–19.1.

(b) (1) Except as provided in paragraph (2) of this subsection, after an inquiry conducted in accordance with § 3–8A–10 of this subtitle, an intake officer may file with the court a peace order request that alleges the commission of any of the following acts against a victim by the respondent, if the act occurred within 30 days before the filing of the complaint under § 3–8A–10 of this subtitle:

(iv) Rape or sexual offense under [§§ 3–303 through 3–308] **§ 3–303, § 3–304, § 3–307, OR § 3–308** of the Criminal Law Article or attempted rape or sexual offense in any degree;

DRAFTER'S NOTE:

Error: Obsolete cross-reference in § 3–8A–19.1(b)(1)(iv) 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.

3–1503.

(a) (1) A petitioner may seek relief under this subtitle by filing with the court, or with a commissioner under the circumstances specified in § 3–1503.1(a) of this subtitle, a petition that alleges the commission of any of the following acts against the petitioner by the respondent, if the act occurred within 30 days before the filing of the petition:

(iv) Rape or sexual offense under [§§ 3–303 through 3–308] **§ 3–303, § 3–304, § 3–307, OR § 3–308** of the Criminal Law Article or attempted rape or sexual offense in any degree;

DRAFTER’S NOTE:

Error: Obsolete cross–reference and stylistic error in § 3–1503(a)(1)(iv) 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.

4–202.

(A) A DISTRICT COURT HAS THE AUTHORITY PROVIDED UNDER TITLE 3 OF THE CRIMINAL PROCEDURE ARTICLE.

(B) A District Court has the following authority provided in the Health – General Article:

(1) Under Title 8 of that article, the authority to commit an individual for detoxification or for observation, evaluation, or treatment of alcoholism;

(2) Under Title 8 of that article, the authority to commit an individual for observation, evaluation, or treatment of drug abuse; **AND**

(3) Under Title 10 of that article, the authority to order emergency evaluation of an individual for a mental disorder[; and

(4) Under Title 12 of that article, authority as to the competency or sanity of a criminal defendant].

DRAFTER’S NOTE:

Error: Obsolete cross–reference in § 4–202 of the Courts and Judicial Proceedings Article.

Occurred: As a result of Ch. 10, § 2, Acts of 2001, which repealed “Title 12. Incompetency and Criminal Responsibility in Criminal Cases” of the Health – General Article and enacted the new title “Title 3. Incompetency and Criminal Responsibility in Criminal Cases” of the Criminal Procedure Article.

4–301.

(b) Except as provided in § 4–302 of this subtitle, the District Court also has exclusive original jurisdiction in a criminal case in which a person at least 18 years old or a corporation is charged with:

(7) Violation of [§§ 8–203 through 8–209] **§ 8–203, § 8–204, § 8–205, § 8–206, § 8–207, § 8–208, OR § 8–209** of the Criminal Law Article, whether a felony or misdemeanor;

(15) Violation of [§§ 10–604 through 10–608] **§ 10–604, § 10–605, § 10–606, § 10–607, § 10–607.1, OR § 10–608** of the Criminal Law Article, whether a felony or misdemeanor;

(21) Violation of [§§ 16–801 through 16–804] **§ 16–801, § 16–802, § 16–803, OR § 16–804** of the Election Law Article;

DRAFTER'S NOTE:

Error: Stylistic error in § 4–301(b)(7), (15), and (21) of the Courts and Judicial Proceedings Article.

Occurred: Ch. 213, § 6, Acts of 2002; Ch. 549, Acts of 2004.

5–106.

(t) A prosecution for an offense under § 5–140, § 5–141, or [§ 5–143] **§ 5–144** of the Public Safety Article, relating to straw sales of regulated firearms to prohibited persons or minors and to illegal sales, rentals, transfers, possession, or receipt of regulated firearms, shall be instituted within 3 years after the offense was committed.

DRAFTER'S NOTE:

Error: Obsolete cross-reference in § 5–106(t) of the Courts and Judicial Proceedings Article.

Occurred: As a result of Ch. 427, Acts of 2013, which added a new § 5–143 to the Public Safety Article and repealed and reenacted the previous § 5–143 without substantive amendment as § 5–144.

Article – Criminal Law

5–404.

(f) Substances listed in Schedule III include:

(2) ketamine, its salts, isomers, and salts of isomers; **AND**

DRAFTER'S NOTE:

Error: Omitted conjunction in § 5–404(f)(2) of the Criminal Law Article.

Occurred: Ch. 212, Acts of 2018.

5–622.

(b) A person may not possess, own, carry, or transport a firearm if that person has been convicted of:

(3) conspiracy to commit a crime referred to in [paragraphs] ITEMS (1) and (2) of this subsection; or

(4) an attempt to commit a crime referred to in [paragraphs] ITEMS (1) and (2) of this subsection.

DRAFTER'S NOTE:

Error: Stylistic error in § 5–622(b)(3) and (4) of the Criminal Law Article.

Occurred: Ch. 26, § 2, Acts of 2002.

Article – Criminal Procedure

1–203.1.

(d) (2) The notice shall:

(ii) inform the user or owner:

2. if applicable, **OF** the identifying number associated with the electronic device;

3. **OF** the dates for which the location information was supplied;

DRAFTER'S NOTE:

Error: Omitted word in § 1–203.1(d)(2)(ii)2 and 3 of the Criminal Procedure Article.

Occurred: Ch. 191, Acts of 2014.

2–105.

(g) (1) The police officers and other officers, agents, and employees coming from one county or municipal corporation to another within the State under a reciprocal agreement under this [section,] **SECTION** may enforce the laws of the State to the same extent as authorized law enforcement officers of the receiving county or municipal corporation.

(2) The police officers and other officers, agents, and employees coming into the State under a reciprocal agreement under this [section,] **SECTION** may enforce the laws of the State to the same extent as authorized law enforcement officers of a county or municipal corporation in the State.

DRAFTER'S NOTE:

Error: Extraneous commas in § 2–105(g) of the Criminal Procedure Article.

Occurred: Ch. 10, § 2, Acts of 2001; Ch. 203, Acts of 2005.

11–117.

The Maryland Department of Health shall adopt regulations to carry out Part II of this subtitle, including regulations on:

(2) giving the victim or victim's representative counseling regarding HIV [disease] or hepatitis C, HIV or hepatitis C testing, and referral for appropriate health care and support services.

DRAFTER'S NOTE:

Error: Extraneous word in § 11–117(2) of the Criminal Procedure Article.

Occurred: Ch. 10, § 2, Acts of 2001.

11–607.

(a) (1) When a judgment of restitution has been entered under § 11–603 of this subtitle, compliance with the judgment of restitution:

(ii) if work release is ordered or allowed, shall be a condition of work release; **AND**

DRAFTER'S NOTE:

Error: Omitted conjunction in § 11–607(a)(1)(ii) of the Criminal Procedure Article.

Occurred: Ch. 10, § 2, Acts of 2001.

11–811.

(b) Compensation awarded under this subtitle may not exceed:

(3) \$5,000 for each claimant for psychiatric, psychological, or mental health counseling under subsection [(a)(4)] **(A)(5)** of this section;

DRAFTER’S NOTE:

Error: Erroneous internal reference in § 11–811(b)(3) of the Criminal Procedure Article.

Occurred: Ch. 16, Acts of 2003.

16–201.

It is the policy of the State to:

(3) authorize the Office of the Public Defender to administer and [assure] **ENSURE** enforcement of this title.

DRAFTER’S NOTE:

Error: Incorrect word usage in § 16–201(3) of the Criminal Procedure Article.

Occurred: Ch. 15, § 2, Acts of 2008.

Article – Economic Development

5–511.

(a) [“Authority] **IN THIS SECTION, “AUTHORITY** staff” means any of the individuals who are employed by the Department to operate the programs of the Authority immediately prior to the execution by the Department of a contract under this section with the private corporation organized by any of those individuals.

DRAFTER’S NOTE:

Error: Omitted language in § 5–511(a) of the Economic Development Article.

Occurred: Ch. 306, § 2, Acts of 2008.

Article – Education

2–104.

(d) (1) In addition to the other duties specified in this section, each

professional assistant to the Department has the duties assigned to [him] **THE PROFESSIONAL ASSISTANT** by the State Superintendent.

DRAFTER'S NOTE:

Error: Stylistic error in § 2–104(d)(1) of the Education Article.

Occurred: Ch. 22, § 2, Acts of 1978.

3–901.

(e) (2) The nomination and election process shall be as agreed on by the county board and the Montgomery County region of the Maryland Association of Student Councils. This agreement shall include a process by which to replace one or both of the final candidates if they are unable to proceed in the election. Any student enrolled in a middle or high school in the Montgomery County public schools may:

(ii) Vote for delegates from the student's school, who in turn vote in a nominating convention to reduce to 2 the number of candidates for student [board] member if there are 3 or more candidates; and

(iii) Vote directly for 1 of the 2 remaining student [board] member candidates.

(7) On a majority vote of the elected members, the **COUNTY** board may determine, on a case by case basis, whether a matter under consideration is covered by the exclusionary provision in paragraph (6) of this subsection.

DRAFTER'S NOTE:

Error: Extraneous word in § 3–901(e)(2)(ii) and (iii) of the Education Article and omitted word in § 3–901(e)(7) of the Education Article.

Occurred: Ch. 22, § 2, Acts of 1978; Ch. 231, Acts of 1984; and Ch. 266, Acts of 1989.

3–1002.

(d) The elected members of the county board shall be elected:

(1) At the general election every 4 years as required by subsection [(g)] **(H)** of this section; and

DRAFTER'S NOTE:

Error: Erroneous internal reference in § 3–1002(d)(1) of the Education Article.

Occurred: As a result of Ch. 147, Acts of 2013.

4–126.

(e) (3) Projects that use alternative financing methods under this section and receive State funding shall comply with the following requirements:

(iii) The approval of project funding by the Interagency Commission **ON SCHOOL CONSTRUCTION**;

DRAFTER'S NOTE:

Error: Omitted words in § 4–126(e)(3)(iii) of the Education Article.

Occurred: Ch. 14, Acts of 2018.

4–302.

Subject to the applicable provisions of this article [and the master plan adopted by the board under § 4–309 of this subtitle], the Mayor and City Council of Baltimore City shall establish and maintain a system of free public schools in Baltimore City.

DRAFTER'S NOTE:

Error: Obsolete cross-reference in § 4–302 of the Education Article.

Occurred: As a result of Chs. 163 and 164, Acts of 2016.

5–102.

(b) (1) Each county board shall submit an annual school budget in writing to the county commissioners, county council, or [the] county executive.

DRAFTER'S NOTE:

Error: Extraneous article in § 5–102(b)(1) of the Education Article.

Occurred: Ch. 22, § 2, Acts of 1978.

(c) (5) This [item] **PARAGRAPH** applies to Baltimore County and supersedes [item] **PARAGRAPH** (4) of this subsection only if the voters of Baltimore County approve an amendment to the Baltimore County Charter that grants the County Council the authority to restore any denial or reduction made by the County Executive in the budget submitted by the county board. The Baltimore County Council may restore any denial or reduction made by the County Executive if it publicly states the amount the restoration represents in the county tax rate.

DRAFTER'S NOTE:

Error: Stylistic errors in § 5–102(c)(5) of the Education Article.

Occurred: Ch. 5, Acts of 1986. Correction by the publisher of the Annotated Code in the 2018 Replacement Volume of the Education Article is ratified by this Act.

5–202.

(a) [(3) “Assessed valuation of real property” means the most recent estimate made by the State Department of Assessments and Taxation before the annual State budget is submitted to the General Assembly, of the assessed value of real property for State purposes as of July 1 of the first completed fiscal year before the school year for which the calculation of State aid is made under this section.]

[(4) (3) “Assessed value of personal property” means the most recent estimate by the State Department of Assessments and Taxation before the annual State budget is submitted to the General Assembly of the assessed value for county purposes of personal property as of July 1 of the first completed fiscal year before the school year for which the calculation is made under this section.

(4) “ASSESSED VALUE OF REAL PROPERTY” MEANS THE MOST RECENT ESTIMATE MADE BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION BEFORE THE ANNUAL STATE BUDGET IS SUBMITTED TO THE GENERAL ASSEMBLY OF THE ASSESSED VALUE OF REAL PROPERTY FOR STATE PURPOSES AS OF JULY 1 OF THE FIRST COMPLETED FISCAL YEAR BEFORE THE SCHOOL YEAR FOR WHICH THE CALCULATION OF STATE AID IS MADE UNDER THIS SECTION.

(14) “Wealth” means the sum of:

(iii) 40 percent of the assessed [valuation] VALUE of all other real property; and

(d) (1) (iii) The calculation of local wealth for the purposes of [paragraphs (1)] **THIS PARAGRAPH** and **PARAGRAPH (10)** of this subsection shall use the amount certified for net taxable income under subsection (k)(2)(ii) of this section based on tax returns filed on or before:

1. For fiscal years 2015 through 2017, September 1; and
2. For fiscal year 2018 and each fiscal year thereafter, November 1.

(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:

4. Subject to paragraph (11) of this subsection, a determination that lease payments **WERE** made by the county board to a county **REVENUE AUTHORITY** 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.

(l) (3) For each fiscal year, using net taxable income based on tax returns filed on or before November 1, State aid shall be calculated as follows:

(i) Once using the assessed [valuation] **VALUE** of real property estimate under subsection (a) of this section; and

(ii) Again using the assessed [valuation] **VALUE** of real property estimate under subsection (a) of this section reduced by the sum of the tax increments calculated under paragraph (2) of this subsection.

DRAFTER’S NOTE:

Error: Inconsistent language in § 5–202(a)(3), (4), and (14)(iii) of the Education Article, stylistic error in § 5–202(d)(1)(iii) of the Education Article, omitted words in § 5–202(d)(8)(i)4 of the Education Article, and inconsistent language in § 5–202(l)(3) of the Education Article.

Occurred: Ch. 22, § 2, Acts of 1978; Ch. 531, Acts of 1980; Ch. 464, § 2, Acts of 2014; Ch. 14, Acts of 2018; Ch. 258, Acts of 2016.

5–216.

(a) (6) “Participating student” means a student:

(ii) [A student who] **WHO** performs below a certain score, as determined by the Department, on the assessment the Department uses to assess reading level.

DRAFTER’S NOTE:

Error: Extraneous language in § 5–216(a)(6)(ii) of the Education Article.

Occurred: Ch. 361, Acts of 2018.

6–117.1.

(a) (3) “**PILOT** 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 **PILOT** Program.

(ii) For fiscal year 2019, the Governor shall include in the annual budget bill an appropriation of \$3,000,000 for the **PILOT** Program.

(iii) For fiscal year 2020 and each fiscal year thereafter, the Governor shall include in the annual budget bill an appropriation of \$5,000,000 for the **PILOT** Program.

DRAFTER'S NOTE:

Error: Omitted words in § 6–117.1(a)(3) and (e)(1) of the Education Article.

Occurred: Ch. 740, § 3, Acts of 2016; Ch. 23, Acts of 2017; Ch. 10, Acts of 2018.

6–306.

(b) (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:

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] **PRICE** meals.

DRAFTER'S NOTE:

Error: Grammatical error in § 6–306(b)(5)(i)1C of the Education Article.

Occurred: Ch. 189, Acts of 2010.

6–701.

(c) “Review [board] **BOARD**” means the entity composed of, and appointed by, the Professional Standards and Teacher Education Board under § 6–707 of this subtitle.

DRAFTER'S NOTE:

Error: Capitalization error in § 6–701(c) of the Education Article.

Occurred: Ch. 662, Acts of 1991.

7–203.2.

(c) (1) Beginning on or before September 1, 2011, and each year thereafter, a county board shall:

(ii) Report the information required under item (i) of this paragraph to the public and the Department in the aggregate and disaggregated by:

4. Students who receive free and reduced [priced] **PRICE** meals; and

(2) Beginning on or before October 1, 2011, and each year thereafter, the Department shall:

(ii) Post the information obtained under this subsection for each county on its website in the aggregate and disaggregated by:

4. Students who receive free and reduced [priced] **PRICE** meals; and

DRAFTER’S NOTE:

Error: Grammatical errors in § 7–203.2(c)(1)(ii)4 and (2)(ii)4 of the Education Article.

Occurred: Ch. 51, Acts of 2011.

7–303.

(a) (6) “Reportable offense” means:

(iv) A violation of [§§ 5–602 through 5–609] **§ 5–602, § 5–603, § 5–604, § 5–605, § 5–606, § 5–607, § 5–608, § 5–608.1, § 5–609, [§§ 5–612 through 5–614] § 5–612, § 5–613, § 5–614, § 5–617, § 5–618, § 5–627, or § 5–628** of the Criminal Law Article;

DRAFTER’S NOTE:

Error: Stylistic error in § 7–303(a)(6)(iv) of the Education Article.

Occurred: Ch. 213, § 6, Acts of 2002.

7–505.

(a) The Department shall:

(1) As to each program receiving State funding:

(i) Monitor its operations; and

(ii) Evaluate annually its effectiveness[.]; **AND**

DRAFTER'S NOTE:

Error: Incorrect punctuation and omitted conjunction in § 7–505(a)(1)(ii) of the Education Article.

Occurred: Ch. 122, Acts of 1986.

7–702.

(A) The State Superintendent shall exempt any elementary school from the requirements of this subtitle if:

(1) (i) The school has made a breakfast program available for at least 3 consecutive months; and

(ii) The participation is less than 25 [percent] % of the number of students eligible for free and reduced price eligible meals in each month;

(2) (i) The county board approves an alternative nutrition program that the school has instituted;

(ii) The school regularly conducts an assessment of the alternative program that provides evidence of success in achieving program objectives; and

(iii) The school submits an annual report of the assessment to the county board and the State;

(3) (i) The school requests an exemption for reasons of a compelling nature to the county board; and

(ii) After review and approval, the county board submits the request for exemption to the State Superintendent; or

(4) [(i)] The school has less than 15 [percent] % of its enrollment approved for free and reduced price eligible meals.

[(ii)] (B) [This exemption] **THE EXEMPTION IN SUBSECTION (A)(4) OF THIS SECTION** shall continue from year to year without the need for reapplication, until there is a 10 [percent] % increase in the number of students approved for free and reduced price eligible meals.

DRAFTER'S NOTE:

Error: Tabulation and stylistic errors in § 7–702(1)(ii) and (4) of the Education Article.

Occurred: Ch. 488, Acts of 1990.

7–1503.

(c) The Subcabinet consists of the following members:

(4) The Secretary [of the Department] of Disabilities, or the Secretary's designee;

DRAFTER'S NOTE:

Error: Extraneous language in § 7–1503(c)(4) of the Education Article.

Occurred: Ch. 372, Acts of 2013.

7–1512.

(d) (2) The Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund in conjunction with the Executive Director **OF THE CENTER**.

DRAFTER'S NOTE:

Error: Obsolete language in § 7–1512(d)(2) of the Education Article.

Occurred: As a result of Ch. 30, § 3, Acts of 2018.

8–417.

(b) (1) The Department [of Education], as the fiscal agent of the Children's Cabinet Fund under Title 8, Subtitle 5 of the Human Services Article, shall administer and implement a redesigned rate setting process for nonpublic general education schools, residential child care programs, and nonresidential child care programs.

DRAFTER'S NOTE:

Error: Extraneous language in § 8–417(b)(1) of the Education Article.

Occurred: Ch. 541, Acts of 1999.

9.5–505.

(b) This evidence may include documentation from the child's continuing care health care provider that the child was screened through an initial questionnaire and was determined not **TO** be at risk for lead poisoning.

DRAFTER'S NOTE:

Error: Omitted word in § 9.5–505(b) of the Education Article.

Occurred: Ch. 185, § 4, Acts of 2016.

10–205.

(d) In each region of the State, institutions of higher education should cooperate to [assure] **ENSURE** an effective and efficient education system.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 10–205(d) of the Education Article.

Occurred: Ch. 246, § 2, Acts of 1988.

11–105.

(c) With respect to the community colleges, the Commission:

(5) Shall [assure] **ENSURE** that courses and programs offered are within the scope of the mission of the community colleges;

(6) Shall [assure] **ENSURE** that State funds for community colleges are spent prudently and in accordance with State guidelines;

DRAFTER'S NOTE:

Error: Incorrect word usage in § 11–105(c)(5) and (6) of the Education Article.

Occurred: Ch. 464, § 3, Acts of 1991.

11–601.

(d) (1) The governing body of each institution of higher education shall include in the sexual assault policy required under subsection (a) of this section provisions for disciplinary proceedings [provisions] for alleged violations of the sexual assault policy.

(4) The disciplinary proceedings provisions required under paragraph (1) of this subsection shall:

(v) [Permit] **AUTHORIZE** students to access counsel paid for by the Commission, as described under paragraph (6) of this subsection, for:

1. A current or former student who makes a complaint on which a formal Title IX investigation is initiated and who was enrolled as a student at the

institution at the time of the incident that is the basis of the complaint, unless the student knowingly and voluntarily chooses not to have counsel; and

2. A current or former student who responds to a complaint on which a formal Title IX investigation is initiated and who was enrolled as a student at the institution at the time of the incident that is the basis of the complaint, unless the student knowingly and voluntarily chooses not to have counsel.

DRAFTER'S NOTE:

Error: Extraneous language in § 11–601(d)(1) of the Education Article and incorrect word usage in § 11–601(d)(4)(v) of the Education Article.

Occurred: Chs. 394 and 395, Acts of 2018. Correction suggested by the Attorney General in the Bill Review Letter for S.B. 607 (Ch. 394) and H.B. 913 (Ch. 395) of 2018 (footnote 2), dated May 2, 2018.

12–104.1.

(d) (1) Notwithstanding any other provision of law, for any high impact economic **DEVELOPMENT** activity within the scope of § 5–310 or § 10–305 of the State Finance and Procurement Article, the Board of Regents shall be fully responsible for administering the review and comment process prescribed in those sections.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 12–104.1(d)(1) of the Education Article.

Occurred: Ch. 450, Acts of 2012.

12–107.

(a) In consultation with the Maryland Higher Education Commission and the Chancellor, the Board shall undertake good faith efforts to:

(3) [Assure] **ENSURE** that women and minorities are equitably represented among the student body, faculty, staff, and administration of the University System, so that the University reflects the diversity of the State's population.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 12–107(a)(3) of the Education Article.

Occurred: Ch. 246, § 2, Acts of 1988.

13–303.

(l) The Board of Directors shall [insure] **ENSURE** that the medical system shall continue to make available medical services to residents of various State institutions whose residents prior to the effective date of this legislation were served by the Hospital, including State residential centers for individuals with an intellectual disability, State mental hygiene facilities and facilities run by the State Division of Correction, as long as the administrators of those institutions continue to seek care from the Hospital for their residents in accordance with policies and legislative intent incorporated in the State budget. The Hospital is to be compensated by the institutions or other payors for this care in accordance with policies of the State Health Services Cost Review Commission or other relevant authority.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 13-303(l) of the Education Article.

Occurred: Ch. 288, Acts of 1984.

13-304.

(c) (6) In appointing the voting members of the Board of Directors, the Governor shall [insure] **ENSURE** that the composition of the Board fairly represents the minority composition of the State.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 13-304(c)(6) of the Education Article.

Occurred: Ch. 288, Acts of 1984.

15-106.6.

(c) (2) (iv) It is the goal of the State that any increase in resident undergraduate tuition and academic fees at public senior [institutions of] higher education **INSTITUTIONS** in any given year should be limited to a percent not to exceed the increase in the 3-year rolling average of the State's median family income.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 15-106.6(c)(2)(iv) of the Education Article.

Occurred: Chs. 192 and 193, Acts of 2010.

16-314.1.

(b) The Board of Trustees of the Community College [for] **OF** Baltimore County may award a procurement contract on the basis of noncompetitive negotiation:

- (1) For unsolicited offers that:
 - (i) Are in writing;
 - (ii) Are sufficiently detailed to allow a judgment regarding the potential utility of the offer;
 - (iii) Are unique or innovative;
 - (iv) Demonstrate the proprietary character of the offering warranting consideration of the use of competitive negotiation;
 - (v) May be subject to testing under terms and conditions specified by the Director of Purchasing; and
 - (vi) Cannot be procured through competitive methodologies;
- (2) For the procurement of goods or services related to instruction or curriculum development;
- (3) For the procurement of services related to private fund-raising activities; or
- (4) Under other circumstances when the Director of Purchasing determines that noncompetitive negotiation is in the best interests of the College and the State.

(c) (1) The Board of Trustees of the Community College [for] **OF** Baltimore County shall establish standards and procedures for the application of subsection (b) of this section to a particular transaction.

DRAFTER'S NOTE:

Error: Misnomer in § 16–314.1(b) and (c)(1) of the Education Article.

Occurred: Ch. 378, Acts of 2002.

16–610.

(c) (2) The Board of Trustees of the College may approve transfers of appropriations for direct or indirect costs in order to [insure] **ENSURE** the mission of the College.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 16–610(c)(2) of the Education Article.

Occurred: Ch. 695, § 3, Acts of 1999.

18–803.

(e) (1) If the total amount of the grant to be issued under subsection (d) of this section is more than the amount appropriated in the annual State budget, [including the amount that is collected under the Board of Physicians Fund under § 14–207(d)(2) of the Health Occupations Article and transferred to this program,] the amount of an eligible institution’s grant for that period shall be equal to the product of the amount required to pay grants under subsection (d) of this section multiplied by the ratio of the total amount appropriated to the eligible institution.

DRAFTER’S NOTE:

Error: Obsolete cross–reference in § 18–803(e)(1) of the Education Article.

Occurred: Ch. 178, Acts of 2016.

18–1916.

(b) (1) Within 120 days after the close of each fiscal year, the Board shall submit to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly a report including:

(iv) Efforts by the Board in marketing the [Trust of] prepaid contracts **UNDER THE TRUST**; and

DRAFTER’S NOTE:

Error: Incorrect word usage in § 18–1916(b)(1)(iv) of the Education Article.

Occurred: Chs. 381 and 382, Acts of 2003.

18–2601.

(g) Funds for the Maryland Graduate and Professional Scholarship Program shall be as provided in the State budget [and as set forth in § 13–613 of the Transportation Article].

DRAFTER’S NOTE:

Error: Obsolete cross–reference § 18–2601(g) of the Education Article.

Occurred: As a result of Ch. 6, § 5, Acts of the Special Session of 2007, which repealed the provision requiring that part of the proceeds from certain fees collected under § 13–613

of the Transportation Article be paid into a special fund for the use of medical scholarship programs, among other things, and replaced it with a requirement that all proceeds collected be distributed to the Transportation Trust Fund.

18–2806.

The Office, in collaboration with the Department, shall adopt regulations to implement the provisions of this subtitle, including:

(2) Establishing the minimum and maximum amount of [a] loan **REPAYMENT ASSISTANCE** awarded under this subtitle in each priority area described under § 18–2805 of this subtitle.

DRAFTER’S NOTE:

Error: Incorrect word usage in § 18–2806(2) of the Education Article.

Occurred: Chs. 575 and 576, Acts of 2009.

18–3402.

(a) In Howard County, the governing [board] **BODY** of the county may establish a Student Loan Assistance Repayment Program for Teachers employed by the Howard County Public School System.

DRAFTER’S NOTE:

Error: Incorrect word usage in § 18–3402(a) of the Education Article.

Occurred: Ch. 140, Acts of 2018. Correction suggested by the Attorney General in the Bill Review Letter for H.B. 1180 (Ch. 140) of 2018 (footnote 4), dated April 9, 2018.

18–3506.

(b) The regulations adopted under subsection (a) of this section shall:

(1) Identify the programs that meet the requirements of [§ 18–3403(b)(2)] **§ 18–3503(B)(2)** of this subtitle; and

DRAFTER’S NOTE:

Error: Erroneous cross-reference in § 18–3506(b)(1) of the Education Article.

Occurred: Ch. 415, Acts of 2018.

23–102.

(b) It is the policy of this State:

(2) To develop coordinated programs and services among libraries and institutions to:

(ii) [~~Insure~~] **ENSURE** more effective and economical services to all library users.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 23–102(b)(2)(ii) of the Education Article.

Occurred: Ch. 22, § 2, Acts of 1978.

23–604.

(b) There [~~are~~] **IS** a professional and technical unit and a service and labor unit for collective bargaining purposes.

DRAFTER'S NOTE:

Error: Grammatical error in § 23–604(b) of the Education Article.

Occurred: Ch. 648, Acts of 2013.

24–1003.

(d) In addition to the voting members, the following individuals shall serve as ex officio, nonvoting members:

(4) The [~~Center Coordinator~~] **DIRECTOR OF FREDERICK CREST**.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 24–1003(d)(4) of the Education Article.

Occurred: As a result of Ch. 218, Acts of 2015.

Article – Election Law

13–306.

(a) (5) (i) “Person” includes an individual, a partnership, a committee, an association, a corporation, a labor organization, [~~or~~] **AND** any other organization or group of persons.

DRAFTER'S NOTE:

Error: Stylistic error in § 13–306(a)(5)(i) of the Election Law Article.

Occurred: Ch. 575, Acts of 2011.

13–307.

(a) (6) (i) “Person” includes an individual, a partnership, a committee, an association, a corporation, a labor organization, [or] **AND** any other organization or group of persons.

DRAFTER'S NOTE:

Error: Stylistic error in § 13–307(a)(6)(i) of the Election Law Article.

Occurred: Ch. 575, Acts of 2011.

13–505.

(c) A system of public campaign financing enacted under subsection (a) of this section may:

(1) provide for more stringent regulation of campaign finance activity by candidates who choose to accept public campaign financing, including contributions, expenditures, reporting, and campaign material, than is provided for by State law; and

(2) provide for administrative penalties for violations, in accordance with [Article 25A, § 5 of the Code] **§ 10–202 OF THE LOCAL GOVERNMENT ARTICLE.**

DRAFTER'S NOTE:

Error: Obsolete cross-reference in § 13–505(c) of the Election Law Article.

Occurred: Ch. 419, Acts of 2013.

Article – Environment

6–819.

(c) (2) (i) An owner who receives multiple notices of an elevated blood **LEAD** level under this subsection or multiple notices of defect under subsection (d) of this section may satisfy all such notices by subsequent compliance with the risk reduction measures specified in subsection (a) of this section, as documented by satisfaction of subsection (f) or (g) of this section, if the owner complies with the risk reduction measures specified in subsection (a) of this section after the date of the test documenting the elevated blood **LEAD** level or after the date the notices of defect were issued.

DRAFTER'S NOTE:

Error: Omitted words in § 6–819(c)(2)(i) of the Environment Article.

Occurred: Ch. 278, Acts of 2005.

9–1605.2.

(i) (9) (i) The eligibility and priority ranking of a project shall be determined by the Department based on criteria established in regulations adopted by the Department, in accordance with subsection [(k)] (L) of this section.

(j) (6) The Committee shall:

(viii) Advise the Secretary concerning the adoption of regulations as described in subsection [(k)] (L) of this section; and

DRAFTER'S NOTE:

Error: Erroneous internal references in § 9–1605.2(i)(9)(i) and (j)(6)(viii) of the Environment Article.

Occurred: As a result of Ch. 257, Acts of 2007.

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:

(ii) [Assuring] **ENSURING** that small businesses, certified minority business enterprises, and certified minority business enterprises classified as women–owned businesses are solicited whenever they are potential sources;

DRAFTER'S NOTE:

Error: Incorrect word usage in § 9–1605.3(f)(2)(ii) of the Environment Article.

Occurred: Ch. 653, Acts of 2010.

Article – Family Law

4–501.

(b) (1) “Abuse” means any of the following acts:

(iv) rape or sexual offense under [§§ 3–303 through 3–308] **§ 3–303, § 3–304, § 3–307, OR § 3–308** of the Criminal Law Article or attempted rape or sexual offense in any degree;

DRAFTER’S NOTE:

Error: Obsolete cross–reference in § 4–501(b)(1)(iv) of the Family Law Article.

Occurred: As a result of Chs. 161 and 162, Acts of 2017, which repealed §§ 3–305 and 3–306 of the Criminal Law Article.

Article – Financial Institutions

2–104.1.

(a) (6) (ii) “Student loan servicer” includes a trust entity performing or receiving the benefit of student **EDUCATION** loan servicing.

(e) The Student Loan Ombudsman, in consultation with the Commissioner, shall disseminate information about student education loans and servicing by:

(3) Disseminating information about the availability of the Student Loan Ombudsman to assist those with student **EDUCATION** loan servicing concerns, including disseminating the information to:

- (i) Student loan borrowers;
- (ii) Potential student loan borrowers;
- (iii) State higher education institutions; and
- (iv) Student loan servicers.

(f) (1) The Student Loan Ombudsman shall:

(iii) Make recommendations regarding:

2. Necessary changes to State law to ensure that the student **EDUCATION** loan servicing industry is fair, transparent, and equitable, including whether the State should require licensing or registration of student loan servicers.

DRAFTER’S NOTE:

Error: Misnomer in § 2–104.1(a)(6)(ii), (e)(3), and (f)(1)(iii)2 of the Financial Institutions Article.

Occurred: Chs. 731, § 2 and 732, § 4, Acts of 2018.

11–201.

(e) “Loan” means any loan or advance of money or credit subject to Title 12, Subtitle 3 of the Commercial Law Article, the Maryland Consumer Loan Law – Credit Provisions, regardless of whether the loan or advance of money or credit is or purports to be made under [this subtitle] **TITLE 12, SUBTITLE 3 OF THE COMMERCIAL LAW ARTICLE**.

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 11–201(e) of the Financial Institutions Article.

Occurred: Chs. 731, § 1 and 732, § 3, Acts of 2018. Correction suggested by the Attorney General in the Bill Review Letter for H.B. 1634 (Ch. 731) and S.B. 1068 (Ch. 732) (footnote 3), dated May 3, 2018.

Article – Health – General

10–622.

(a) A petition for emergency evaluation of an individual may be made under this section only if the petitioner has reason to believe that the individual:

(2) [The individual presents] **PRESENTS** a danger to the life or safety of the individual or of others.

DRAFTER’S NOTE:

Error: Extraneous language in § 10–622(a)(2) of the Health – General Article.

Occurred: Ch. 441, Acts of 2003.

13–3804.

(c) The Task Force shall consult with the Office of Minority Health and **HEALTH** Disparities in carrying out the duties of the Task Force.

DRAFTER’S NOTE:

Error: Misnomer in § 13–3804(c) of the Health – General Article.

Occurred: Ch. 708, Acts of 2018.

13–3805.

(a) The President of the University of Maryland, Baltimore **CAMPUS**, or the President's designee, shall appoint the cochairs of the Task Force.

(c) The University of Maryland, Baltimore **CAMPUS** shall provide staff support for the Task Force.

DRAFTER'S NOTE:

Error: Misnomer in § 13–3805(a) and (c) of the Health – General Article.

Occurred: Ch. 708, Acts of 2018.

19–705.1.

(b) (1) The standards of quality of care shall include:

(v) A requirement that a health maintenance organization shall **[assure] ENSURE** that:

1. Each member who is seen for a medical complaint is evaluated under the direction of a physician; and

2. Each member who receives diagnostic evaluation or treatment is under the medical management of a health maintenance organization physician who provides continuing medical management;

DRAFTER'S NOTE:

Error: Incorrect word usage in § 19–705.1(b)(1)(v) of the Health – General Article.

Occurred: Ch. 816, Acts of 1986.

24–1503.

(b) An application for a grant from the Fund shall include, at minimum:

(2) A plan for the establishment of a database that collects data from the program to ensure that the **[provision of] services [is] ARE** provided to the families with the highest need.

DRAFTER'S NOTE:

Error: Extraneous language in § 24–1503(b)(2) of the Health – General Article.

Occurred: Chs. 558 and 559, Acts of 2018.

Article – Health Occupations

1–901.

(c) [(1)] “Teletherapy” means [telemedicine] **TELEHEALTH**, as defined in § 15–139 of the Insurance Article, used to deliver behavioral health services.

DRAFTER’S NOTE:

Error: Misnomer and stylistic error in § 1–901(c) of the Health Occupations Article.

Occurred: Ch. 610, Acts of 2017; As a result of Ch. 765, Acts of 2017.

7–101.

(d) “Board” means the [Maryland] State Board of Morticians and Funeral Directors.

DRAFTER’S NOTE:

Error: Misnomer in § 7–101(d) of the Health Occupations Article.

Occurred: Ch. 728, Acts of 1986.

Article – Housing and Community Development

8–109.

(c) (1) By regulation, the Secretary shall adopt standards for distributing financial assistance under § 8–108 of this [subtitle] **TITLE**.

DRAFTER’S NOTE:

Error: Stylistic error in § 8–109(c)(1) of the Housing and Community Development Article.

Occurred: Ch. 26, § 2, Acts of 2005.

Article – Human Services

10–401.

(p) (2) “Health related services” includes:

(i) priority admission to a nursing home or assisted living program;

[or] **AND**

DRAFTER'S NOTE:

Error: Stylistic error in § 10–401(p)(2)(i) of the Human Services Article.

Occurred: Ch. 3, § 2, Acts of 2007.

Article – Insurance

6–122.

An insurer may claim a tax credit for an investment of designated capital as provided under [Title 6, Subtitle 5] **TITLE 10, SUBTITLE 4** of the Economic Development Article.

DRAFTER'S NOTE:

Error: Erroneous cross–reference in § 6–122 of the Insurance Article.

Occurred: As a result of Ch. 141, § 2, Acts of 2015, which renumbered Title 6, Subtitle 5 to Title 10, Subtitle 4 of the Economic Development Article.

15–124.

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

(2) “Group] **SECTION, “GROUP health insurance”** has the meaning stated in § 15–301 of this title.

DRAFTER'S NOTE:

Error: Stylistic error in § 15–124(a) of the Insurance Article.

Occurred: Ch. 110, Acts of 1998.

15–142.

(a) (4) “Supporting [Medical Information”] **MEDICAL INFORMATION”** means:

(i) a paid claim from an entity subject to this section for an insured or an enrollee;

(ii) a pharmacy record that documents that a prescription has been filled and delivered to an insured or an enrollee, or a representative of an insured or an enrollee; or

(iii) other information mutually agreed on by an entity subject to this section and the prescriber of an insured or an enrollee.

DRAFTER'S NOTE:

Error: Capitalization error in § 15–142(a)(4) of the Insurance Article.

Occurred: Chs. 316 and 317, Acts of 2014.

15–1202.

[(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) (B) This subtitle applies to any health benefit plan offered by an association, a professional 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.

DRAFTER'S NOTE:

Error: Obsolete language in § 15–1202(b) of the Insurance Article.

Occurred: As a result of Ch. 363 of 2015, which repealed § 15–1403 of the Insurance Article. That section previously required a carrier to provide written certification of creditable coverage in connection with group health benefit plans.

19–807.

(d) (1) Health care provider rate increases under [subsection (b)(2) and (3)(ii), (iii), and (iv)2] **SUBSECTION (C)(2) AND (3)(II), (III), AND (IV)2** of this section shall be determined by the Secretary in consultation with managed care organizations, the Maryland Hospital Association, the Maryland State Medical Society, the American Academy of Pediatrics, Maryland Chapter, the American College of Emergency Room Physicians, Maryland Chapter, the Maryland State Dental Association, and the Maryland Dental Society.

DRAFTER'S NOTE:

Error: Erroneous internal references in § 19–807(d)(1) of the Insurance Article.

Occurred: Ch. 329, Acts of 2008.

20–612.

(e) (1) The Motor Vehicle Administration and the Central [Collections] **COLLECTION** Unit shall provide the Uninsured Division with contact information and the total amount of delinquent uninsured vehicle penalties of each individual who may be eligible to participate in the Program.

(g) (1) On behalf of the State, the Uninsured Division may collect the amount of the delinquent uninsured vehicle penalties due together with any Central [Collections] **COLLECTION** Unit fee that is due and transmit the money that is owed to the Motor Vehicle Administration and the Central [Collections] **COLLECTION** Unit.

(2) On notification from the Uninsured Division that the required amount of the uninsured vehicle penalties and Central Collection Unit fees have been received from an eligible individual, the Motor Vehicle Administration and the Central [Collections] **COLLECTION** Unit shall take the necessary steps to allow the eligible individual to register a vehicle.

DRAFTER'S NOTE:

Error: Misnomer in § 20–612(e)(1) and (g) of the Insurance Article.

Occurred: Chs. 195 and 196, Acts of 2018. Correction by the publisher of the Annotated Code in the 2018 Supplement of the Insurance Article is ratified by this Act.

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:

(1) to each employee who is subject to both the federal Act and this subtitle, at least the greater of:

(ii) the State minimum wage [rate] set under subsection (c) of this section; and

(2) to each other employee who is subject to this subtitle, at least:

(i) the greater of:

2. the State minimum wage [rate] set under subsection (c) of this section; or

DRAFTER'S NOTE:

Error: Extraneous language in § 3–413(b)(1)(ii) and (2)(i)2 of the Labor and Employment Article.

Occurred: Ch. 262, Acts of 2014.

Article – Natural Resources

3–103.

(e) (1) The Treasurer shall develop and maintain a detailed and accurate accounting system for all financial transactions of the Service, and he shall perform other duties relating to the financial affairs of the Service as required by law or by a directive of the Board. Unless any money of the Service is otherwise held by or payable to a trustee appointed pursuant to a resolution authorizing the issuance of bonds or notes or under a trust agreement securing the bonds or notes, the Treasurer shall receive money of the Service until otherwise prescribed by [law,] **LAW AND** he shall deposit the money as soon as it is received to the credit of the Service in any financial institution in which the State Treasurer is authorized to deposit State funds. He shall disburse money for the purposes of the Service according to law, only upon his warrant. He shall make arrangements for the payment of the interest on and principal of the Service debt. Upon entering the performance of his duties, the Treasurer shall be covered by a surety bond in accordance with the provisions of law concerning the State Employees Surety Bond Committee.

DRAFTER’S NOTE:

Error: Extraneous comma and omitted conjunction in § 3–103(e)(1) of the Natural Resources Article.

Occurred: Ch. 4, Acts of the First Special Session of 1973.

3–122.

(b) (2) (vii) The county or municipal corporation may enter into a rate covenant with the Service specifying the level of these rates and charges, the covenants described in § 3–104(m) of this subtitle, and other covenants of the county or municipal corporation to provide solid waste collection, treatment, or disposal service and [assure] **ENSURE** that sufficient revenues are available to provide for the payments due under the contract.

DRAFTER’S NOTE:

Error: Incorrect word usage in § 3–122(b)(2)(vii) of the Natural Resources Article.

Occurred: Ch. 815, Acts of 1989.

3–210.

Any function or activity of the Governor’s Committee to Keep Maryland Beautiful is transferred to the Trust. These functions and activities include, by way of enumeration and not limitation:

- (1) Educating Maryland citizens and visitors in their individual

responsibility in litter prevention and care of the out-of-doors through a two-fold approach:

(i) Awareness–publicity through radio, TV, newspapers, and other public media; **AND**

(3) Increasing beauty through stimulation of private business, community, and public planting projects; **AND**

DRAFTER’S NOTE:

Error: Omitted conjunctions in § 3–210(1)(i) and (3) of the Natural Resources Article.

Occurred: Ch. 4, Acts of the First Special Session of 1973.

3–305.

(a) The expertise of the electric utilities in the basic requirements, including environmental considerations, of a site for power generation and generator lead route is a needed element in site selection. Therefore, for the purposes of [insuring] **ENSURING** adequate power on reasonable schedules while also protecting the quality of the State’s environment, site acquisition and generator lead route designation may occur as follows:

DRAFTER’S NOTE:

Error: Incorrect word usage in § 3–305(a) of the Natural Resources Article.

Occurred: Ch. 4, Acts of the First Special Session of 1973.

3–604.

In order to carry out the policy of this subtitle, the Secretary of Natural Resources shall:

(6) [The Secretary of Natural Resources shall obtain] **OBTAIN** the suggestions and comments of those departments having responsibility associated with the duties enumerated in this [subsection] **SECTION**.

DRAFTER’S NOTE:

Error: Extraneous language and erroneous internal reference in § 3–604(6) of the Natural Resources Article.

Occurred: Ch. 778, Acts of 1977.

3–909.

(c) Any such escrowed proceeds, pending such use, may be invested and reinvested in obligations of or guaranteed by the United States of America, or in certificates of deposit or time deposits secured by obligations of or guaranteed by the United States of America, maturing at such time or times as shall be appropriate to [assure] **ENSURE** the prompt payment, as to principal, interest, and redemption premium, if any, of the outstanding bonds to be so refunded. The interest, income and profits, if any, earned or realized on any such investment may also be applied to the payment of the outstanding bonds to be so refunded. After the terms of the escrow have been fully satisfied and carried out, any balance of such proceeds and interest, income, and profits, if any, earned or realized on the investments thereof may be returned to the Authority for use by it in any lawful manner.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 3–909(c) of the Natural Resources Article.

Occurred: Ch. 871, Acts of 1980.

4–217.

(e) An angler's license is not required of the following:

(1) A patient who is under treatment by a State–approved mental health facility and an individual who attends or resides in a State–approved [retardation] facility **FOR DEVELOPMENTALLY DISABLED INDIVIDUALS**; or

DRAFTER'S NOTE:

Error: Obsolete terminology in § 4–217(e)(1) of the Natural Resources Article.

Occurred: Ch. 288, Acts of 2005.

4–513.

Consistent with the requirements of any license issued by the federal Energy Regulatory Commission, a person who owns or operates a dam or obstruction on the waters of the State used for the generation of electric power and the Secretary shall cooperate to [assure] **ENSURE** the release of a sufficient flow of impounded water to maintain both water quality and aquatic habitat below the dam or obstruction.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 4–513 of the Natural Resources Article.

Occurred: Ch. 448, Acts of 1981.

4–701.

(d) (2) (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] **VESSEL;**

2. To catch for sale fish with equipment which is legal under this title:

A. Finfish:

I. Hook and line only, [anywhere: \$100] **ANYWHERE – \$100;**

AND

II. All other [equipment: \$150] **EQUIPMENT – \$150;**

B. Blue crabs:

I. Up to 50 pots, trotlines, nets, dip nets, traps, pounds, and [scrapes: \$100] **SCRAPES – \$100; AND**

II. Over 50 pots, plus any other gear listed in item I of this item [\$150] – **\$150;**

C. Clams – [\$100] **\$100;**

D. Oysters – \$250 for a dredge boat and \$100 for other than a dredge [boat] **BOAT;**

E. Conch, turtles, lobster, and all crabs of the genus Cancer – [\$100] **\$100; AND**

F. For all activities in item 1A of this subparagraph and in items A through E of this item, unlimited tidal fish – [\$300] **\$300;**

3. For one or two crew members employed under § 4–814 of this title to enable a licensee to catch blue crabs under item 2BII and F of this subparagraph 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.] **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.] **SUBPARAGRAPH; AND**

5. For a person who is not licensed under this section to land fish caught in out-of-state tidal waters, seafood landing – [~~\$350~~] **\$350**.

(j) (2) (iii) The Department shall provide in its regulations for the allocation of any available quota on a monthly basis to [assure] **ENSURE** that all areas of the State have ample opportunity to attain an equitable portion of the available quota.

DRAFTER'S NOTE:

Error: Omitted punctuation in § 4-701(d)(2)(ii) of the Natural Resources Article and incorrect word usage in § 4-701(j)(2)(iii) of the Natural Resources Article.

Occurred: Ch. 184, Acts of 1994; Ch. 769, Acts of 1998; Ch. 231, Acts of 2005; Ch. 519, Acts of 2013.

4-714.

(e) (1) A person may not set a haul seine exceeding 50 feet in length in the following waters:

(v) Within the headlands of [Meridith] **MEREDITH** Creek and Lake Ogleton.

DRAFTER'S NOTE:

Error: Misspelling in § 4-714(e)(1)(v) of the Natural Resources Article.

Occurred: Ch. 4, Acts of the First Special Session of 1973.

4-745.

(c) A person may fish for finfish in the Chesapeake Bay or its tidal tributaries or in State waters of the Atlantic Ocean and coastal bays and their tributaries without a Chesapeake Bay and coastal sport fishing license if the person:

(3) Holds a valid tidal water sport fishing license issued by the [State] **COMMONWEALTH** of Virginia, Potomac River Fisheries Commission, or District of Columbia, provided that this exemption shall not take effect until the Secretary has published notice in the Maryland Register of the Secretary's determination that the Virginia, Potomac River Fisheries Commission, or District of Columbia requirements for a tidal water sport fishing license are substantially similar to and reciprocal with the Chesapeake Bay and coastal sport fishing license requirements of this section;

DRAFTER'S NOTE:

Error: Misnomer in § 4-745(c)(3) of the Natural Resources Article.

Occurred: Ch. 792, Acts of 1984.

4-901.

(a) The Department may adopt rules and regulations to:

(1) Restrict the possession, landing, selling, or transporting of any lobster or lobster parts; **AND**

DRAFTER'S NOTE:

Error: Omitted conjunction in § 4-901(a)(1) of the Natural Resources Article.

Occurred: Ch. 170, Acts of 1984.

4-1033.

(a) The Department shall adopt rules and regulations [assuring] **ENSURING** that a tidal fish license authorizes a person to use only one hydraulic clam dredge. The Department also shall adopt rules and regulations requiring all licensees operating a hydraulic clam dredge owned by another person, or subject to a lien held by another person to have the license in possession when engaged in licensed activities and to affix the license identification number permanently to the vessel as required in § 4-701(i) of this title.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 4-1033(a) of the Natural Resources Article.

Occurred: Ch. 4, Acts of the First Special Session of 1973.

5-214.

(b) To [assure] **ENSURE** the availability and compatibility of planning data, scientific information and funding, the Department shall cooperate with the U.S. Department of Agriculture in forest resource planning efforts as provided for in the Forest and Rangelands Renewable Resources Planning Act of 1974 and the Cooperative Forestry Assistance Act of 1978.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 5–214(b) of the Natural Resources Article.

Occurred: Chs. 504 and 736, Acts of 1979.

5–9A–02.

(i) “Rural Legacy Area” means a region within or outside a metropolitan area designated by the Board as rich in a [multiple] **MULTITUDE** of agricultural, forestry, natural, and cultural resources.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 5–9A–02(i) of the Natural Resources Article.

Occurred: Chs. 757 and 758, Acts of 1997.

5–1203.

(mm) Pursuant to the provisions of subsection (a) of this section, that property in Garrett County containing approximately 1,706 acres and described as follows is a Type 1 State wildland and shall be named the “Backbone Mountain Wildland”:

Beginning for the same at a point, said point being the beginning of the first line of the parcel of land described in a deed dated October 18, 2013 and recorded among the land records of Garrett County in Liber 1774, Folio 280 which was conveyed by Mountain Maryland Minerals LLC to the State of Maryland, to the use of the Department of Natural Resources, said point also being shown on a plat of survey entitled “ALTA/ACSM Land Title Survey, Exterior Boundary for the Lands of the State of Maryland, Department of Natural Resources situated along Maryland Route 135, Election District No. 4, Garrett County, Maryland”, prepared by Catoctin Mountain Surveys, Inc., dated May 10, 2013 and recorded among the land records of Garrett County in Plat Book TVM, page 497 and running then with the boundary of the Potomac State Forest and the first through eighth lines of said deed to a point intersecting the first line of a tract of land described in a deed dated January 7, 1935 and recorded among the land records of Garrett County in Liber 110, Folio 177 which was conveyed by Charles Strecker et al. to the State of Maryland, then running with the said State Forest boundary for remainder of the said first line to a point, then running with the second through fifth lines of said deed to a point, then running with a portion of the sixth line to a point, then leaving the said State Forest boundary and running along

the northernmost edge of an existing woods road in a westerly direction 5048.45 feet to a point, said point having a coordinate value 667048.26 north, 696303.36 east (Maryland State plane grid system NAD83), then running north 23 degrees 16 minutes 01 seconds west 228.1 feet to a planted stone in the said State Forest boundary, then running with said State Forest boundary the following two courses, north 34 degrees 52 minutes 47 seconds west 561.00 feet more or less to a point, then north 24 degrees 52 minutes 47 [minutes] **SECONDS** west 586.3 feet more or less to a point in the southernmost right of way of the CSX Railroad, then running with the southernmost right of way of said railroad in a northeasterly direction to a point, said point being the beginning of the eighth line of a tract of land described in a deed dated December 12, 2011 and recorded among the land records of Garrett County in Liber 1629, Folio 380 which was conveyed by Willard F. White et al. to the State of Maryland and following the next three courses and distances, south 44 degrees 00 minutes 00 seconds east 198.0 feet, north 46 degrees 00 minutes 00 seconds east 214.5 feet, then north 44 degrees 00 minutes 00 seconds west 198.0 feet to a point, said point being in the southernmost right of way of the CSX Railroad, then running with the southernmost right of way of said railroad in an easterly direction to a point, said point being the beginning of the fourth line in a tract of land described in a deed dated January 5, 1985 and recorded among the land records of Garrett County in Liber 454, Folio 609 which was conveyed by Richard B. Newman et al. to The Nature Conservancy, a nonprofit Corporation, and following the next three courses and distances, south 26 degrees 00 minutes 00 seconds west 1584.00 feet, south 63 degrees 00 minutes 00 seconds east 990.0 feet, north 46 degrees 00 minutes 00 seconds east 1650.0 feet to a point, said point being in the southernmost right of way of the aforesaid CSX Railroad, then running with the southernmost right of way of said railroad in an easterly direction to a point, said point having a coordinate value 674787.84 north, 713729.74 east (Maryland State plane grid system NAD83), then leaving the said railroad right of way and running south 00 degrees 57 minutes 53 seconds west 656.9 feet to a point, said point being the beginning of the south 88 degrees 00 minutes 00 seconds west 2640.00 foot line of the first parcel of the first tract of land described in a deed dated March 15, 1948 and recorded on November 30, 1948 among the land records of Garrett County in Liber 154, Folio 140 which was conveyed by the Potomac River Commission to the State of Maryland, for the use of the State Department of Forest and Parks, then running with the following lines of said conveyance south 88 degrees 31 minutes 32 seconds west 2613.80 feet more or less, south 04 degrees 14 minutes 29 seconds west 311.81 feet more or less, north 69 degrees 35 minutes 51 seconds west 209.63 feet more or less, north 68 degrees 27 minutes 39 seconds west 1642.13 feet more or less, south 20 degrees 27 minutes 32 seconds west 314.94 feet more or less to a point, said point being the beginning of the first line of the parcel of land described in a deed dated October 18, 2013 and recorded among the land records of Garrett County in Liber 1774, Folio 280 which was conveyed by Mountain Maryland Minerals LLC to the State of Maryland, to the use of the Department of Natural Resources, then running south 20 degrees 27 minutes 32 seconds west 929.06 feet, south 15 degrees 09 minutes 35 seconds west 251.99 feet, south 79 degrees 15 minutes 41 seconds west 448.15 feet, south 16 degrees 34 minutes 12 seconds east 35.00 feet, south 68 degrees 38 minutes 19 seconds west 365.36 feet, north 70 degrees 43 minutes 44 seconds west 620.98 feet, north 44 degrees 03 minutes 05 seconds west 124.01 feet, south 72 degrees 11 minutes 42 seconds west 1291.88 feet, south 15 degrees 17 minutes 29 seconds east 707.67 feet, north 73 degrees 09 minutes 10

seconds east 50.06 feet, south 13 degrees 20 minutes 23 seconds west 28.42 feet, and then north 70 degrees 36 minutes 39 seconds west 138.52 feet to the point of beginning.

Saving and excepting a tract of land described in a deed dated January 5, 1985 and recorded among the land records of Garrett County in Liber 454, Folio 609 which was conveyed by Richard B. Newman et al. to The Nature Conservancy, a nonprofit Corporation containing 48.15 acres more or less.

Saving and excepting a tract of land described in a deed dated June 6, 2008 and recorded among the land records of Garrett County in Liber 1374, Folio 35 which was conveyed by Diane M. Kenner to Erwin P. Kenner and Diane M. Kenner containing 1.85 acres more or less.

Parcel 2:

Beginning for the same at a point on the southernmost edge of a woods road, said point having the coordinate value 667037.54 north, 699584.53 east (Maryland State plane grid system NAD83), then running south 45 degrees 50 minutes 05 seconds west 4814.4 feet, then south 52 degrees 35 minutes 30 seconds west 4128.1 feet more or less to a point in the northernmost right of way of State Route 135, then running north 73 degrees 25 minutes 13 seconds west 552.5 feet more or less to a point on the southernmost edge of the aforesaid woods road, said point having the coordinate value 661333.10 north, 692322.39 east (Maryland State plane grid system NAD83), then running with the easternmost edge of the aforesaid woods road in a generally northerly direction to the point of beginning.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 5–1203(mm) of the Natural Resources Article.

Occurred: Ch. 465, Acts of 2014.

5–1208.

Prior to submitting any recommendations to the Governor with respect to the suitability of any area for preservation as wildland the Secretary shall:

(2) Announce and then hold a public hearing at a location convenient to the area affected. A hearing shall be announced by any means the Secretary deems appropriate, including notice in a newspaper of general circulation in the area but, if the lands involved are located in more than one county, the hearing shall be held in the county in which the greatest portion of the land lies; **AND**

DRAFTER'S NOTE:

Error: Omitted conjunction in § 5–1208(2) of the Natural Resources Article.

Occurred: Ch. 4, Acts of the First Special Session of 1973.

5–1504.

(a) The Department shall manage land or interests in land acquired under this subtitle to [assure] **ENSURE**:

(1) The continued existence of any unique ecological features;

(2) The continued survival of any rare, threatened, or endangered plant or animal;

(3) The protection of forestlands and wetlands, although timber harvesting may be allowed under an approved forest conservation plan; and

(4) The protection of the Chesapeake Bay and its tributaries and of water quality anywhere in the State.

DRAFTER’S NOTE:

Error: Incorrect word usage in § 5–1504(a) of the Natural Resources Article.

Occurred: Ch. 847, Acts of 1986.

5–1601.

(aa) (3) “Nontidal [wetlands” do] **WETLAND” DOES** not include A tidal [wetlands] **WETLAND** regulated under Title 16 of the Environment Article.

DRAFTER’S NOTE:

Error: Incorrect word usage in § 5–1601(aa)(3) of the Natural Resources Article.

Occurred: Ch. 255, Acts of 1991.

Article – Public Safety

2–311.

(f) (3) A claim under paragraph (2) of this subsection is barred if more than 3 years [has] **HAVE** passed since the date of a sale under this section.

DRAFTER’S NOTE:

Error: Grammatical error in § 2–311(f)(3) of the Public Safety Article.

Occurred: Ch. 5, § 2, Acts of 2003.

Subtitle 2. **MARYLAND** Police Training and Standards Commission.

3–201.

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

(b) “Commission” means the Maryland Police Training and Standards Commission.

DRAFTER’S NOTE:

Error: Misnomer in the subtitle designation immediately preceding § 3–201 of the Public Safety Article.

Occurred: As a result of Ch. 519, Acts of 2016, which renamed the Police Training Commission to be the Maryland Police Training and Standards Commission. Correction by the publisher of the Annotated Code in the 2016 Supplement of the Public Safety Article did not accurately reflect the renaming of the Commission. The subtitle designation is amended by this Act to conform to changes enacted by Ch. 519, Acts of 2016.

3–312.

(b) (1) At the end of the term of a commission, the commission is renewable for a 3–year term if the employer of the special police officer submits to the Secretary:

(iv) subject to paragraph (2) of this subsection, [pays to the Secretary] a renewal fee of \$60.

DRAFTER’S NOTE:

Error: Extraneous language in § 3–312(b)(1)(iv) of the Public Safety Article.

Occurred: Ch. 298, Acts of 2015.

3–506.

(b) On or before January 1, 2016, each law enforcement agency in the State shall:

(1) adopt the **MARYLAND** Police Training **AND** **STANDARDS** Commission’s Eyewitness Identification Model Policy; or

DRAFTER’S NOTE:

Error: Misnomer in § 3–506(b)(1) of the Public Safety Article.

Occurred: As a result of Ch. 519, Acts of 2016, which renamed the Police Training Commission to be the Maryland Police Training and Standards Commission.

Subtitle 8. [Miscellaneous Grant Programs] **SAFE STREETS INITIATIVES.**

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.

DRAFTER’S NOTE:

Error: Duplicate subtitle designations in Subtitles 8 and 10 of Title 4 of the Public Safety Article.

Occurred: As a result of Chs. 147 and 148, Acts of 2018, each of which added a subtitle designation “Miscellaneous Grant Programs” to Title 4 of the Public Safety Article.

4–1102.

(b) The purpose of the Fund is to provide grants to eligible counties to:

(2) improve existing pretrial [service] **SERVICES** programs to comply with § 4–1104 of this subtitle.

DRAFTER’S NOTE:

Error: Misnomer in § 4–1102(b)(2) of the Public Safety Article.

Occurred: Ch. 771, Acts of 2018.

5–601.

(e) (2) “Petitioner” includes:

(vii) a current dating or intimate partner of the respondent; [or] **AND**

DRAFTER’S NOTE:

Error: Erroneous conjunction in § 5–601(e)(2)(vii) of the Public Safety Article.

Occurred: Ch. 250, Acts of 2018.

12–812.

(b) (2) Each cliffside elevator on the property of a privately owned single-family residential dwelling shall have a periodic inspection once every 2 years by a third-party qualified **ELEVATOR** inspector as provided for in § 12-809(d) of this subtitle.

DRAFTER'S NOTE:

Error: Misnomer in § 12-812(b)(2) of the Public Safety Article.

Occurred: Ch. 155, Acts of 2014.

13-502.

(a) (1) The Governor may adopt regulations to carry out this [title] **SUBTITLE** governing the enlistment, organization, administration, equipment, maintenance, training, and discipline of the Maryland Defense Force.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 13-502(a)(1) of the Public Safety Article.

Occurred: Ch. 5, § 2, Acts of 2003.

Article – Public Utilities

6-207.

In addition to any other information that the Commission requires, the annual report of a public service company shall state:

(6) when applicable:

(ii) an annual recapitulation of the information required under [subitem] **ITEM** (i) of this item.

DRAFTER'S NOTE:

Error: Stylistic error in § 6-207(6)(ii) of the Public Utilities Article.

Occurred: Ch. 8, § 2, Acts of 1998.

7-207.

(a) (1) [(i) In this section and § 7-208 of this subtitle, “construction” means:

1. any physical change at a site, including fabrication, erection, installation, or demolition; or

2. the entry into a binding agreement or contractual obligation to purchase equipment exclusively for use in construction in the State or to undertake a program of actual construction in the State which cannot be canceled or modified without substantial loss to the owner or operator of the proposed generating station.

(ii) “Construction” does not include a change that is needed for the temporary use of a site or route for nonutility purposes or for use in securing geological data, including any boring that is necessary to ascertain foundation conditions.

(2) (i) In this section the following words have the meanings indicated.

[(ii)] (2) “Brownfields site” means:

[1.] (I) a former industrial or commercial site identified by federal or State laws or regulation as contaminated or polluted;

[2.] (II) a closed landfill regulated by the Department of the Environment; or

[3.] (III) mined land.

(3) (I) “CONSTRUCTION” MEANS:

1. ANY PHYSICAL CHANGE AT A SITE, INCLUDING FABRICATION, ERECTION, INSTALLATION, OR DEMOLITION; OR

2. THE ENTRY INTO A BINDING AGREEMENT OR CONTRACTUAL OBLIGATION TO PURCHASE EQUIPMENT EXCLUSIVELY FOR USE IN CONSTRUCTION IN THE STATE OR TO UNDERTAKE A PROGRAM OF ACTUAL CONSTRUCTION IN THE STATE WHICH CANNOT BE CANCELED OR MODIFIED WITHOUT SUBSTANTIAL LOSS TO THE OWNER OR OPERATOR OF THE PROPOSED GENERATING STATION.

(II) “CONSTRUCTION” DOES NOT INCLUDE A CHANGE THAT IS NEEDED FOR THE TEMPORARY USE OF A SITE OR ROUTE FOR NONUTILITY PURPOSES OR FOR USE IN SECURING GEOLOGICAL DATA, INCLUDING ANY BORING THAT IS NECESSARY TO ASCERTAIN FOUNDATION CONDITIONS.

[(iii)] 1.] (4) (I) “Mined land” means the surface or subsurface of an area in which surface mining operations will be, are being, or have been conducted.

[2.] (II) “Mined land” includes:

[A.] 1. private ways and roads used for mining appurtenant to any surface mining area;

[B.] 2. land excavations;

[C.] 3. workings; and

[D.] 4. overburden.

[(iv)] (5) “Qualified generator lead line” means an overhead transmission line that is designed to carry a voltage in excess of 69,000 volts and would allow an out-of-state Tier 1 or Tier 2 renewable source to interconnect with a portion of the electric system in Maryland that is owned by an electric company.

DRAFTER’S NOTE:

Error: Unnecessary cross-reference and misplaced definition in § 7–207(a) of the Public Utilities Article.

Occurred: Ch. 8, § 2, Acts of 1998.

7–208.

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

(2) **“CONSTRUCTION” HAS THE MEANING STATED IN § 7–207 OF THIS SUBTITLE.**

(3) “Qualified offshore wind project” has the meaning stated in § 7–701 of this title.

[(3)] (4) “Qualified submerged renewable energy line” means:

(i) a line carrying electricity supply and connecting a qualified offshore wind project to the transmission system; and

(ii) a line in which the portions of the line crossing any submerged lands or any part of a beach erosion control district are buried or submerged.

DRAFTER’S NOTE:

Error: Missing cross-reference and defined term in § 7–208(a) of the Public Utilities Article.

Occurred: Ch. 8, § 2, Acts of 1998.

Article – Real Property

3–114.

(d) “Address Confidentiality Program” means:

(1) The Address Confidentiality Program for victims of domestic violence administered by the Secretary [of State] under Title 4, Subtitle 5, Part IV of the Family Law Article; or

DRAFTER’S NOTE:

Error: Extraneous language in § 3–114(d)(1) of the Real Property Article.

Occurred: Chs. 423 and 424, § 2, Acts of 2018.

Article – State Finance and Procurement

4–809.

(f) The Maryland Green Building Council shall:

(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] **§ 3–602.1** of this article without requiring an independent certification that the buildings have achieved the required standards.

DRAFTER’S NOTE:

Error: Erroneous cross-reference in § 4–809(f)(6) of the State Finance and Procurement Article.

Occurred: Ch. 14, Acts of 2018.

5–814.

(b) (1) [Except for ex officio members or their designees, the] **THE** term of a member appointed under subsection (a)(1) **THROUGH (6)** of this section is 4 years.

(2) At the end of a term, a member appointed under subsection (a)(1) **THROUGH (6)** of this section continues to serve until a successor is appointed and qualifies.

(3) A member who is appointed under subsection (a)(1) **THROUGH (6)** of this section after a term has begun serves only for the rest of the term and until a successor

is appointed and qualifies.

DRAFTER'S NOTE:

Error: Erroneous internal references and extraneous language in § 5–814(b)(1), (2), and (3) of the State Finance and Procurement Article.

Occurred: Ch. 532, § 2, Acts of 1995.

5A–303.

(c) (3) (i) Subject to subparagraph (ii) of this paragraph, the initial credit certificate for a proposed commercial rehabilitation shall expire and the credit under this section may not be claimed if:

3. the applicant does not submit to the Trust a request for final certification of the commercial rehabilitation within 12 months after:

A. the 30–month expiration date under [subparagraph (i)2] **ITEM 2** of this [paragraph] **SUBPARAGRAPH**; or

DRAFTER'S NOTE:

Error: Stylistic error in § 5A–303(c)(3)(i)3A of the State Finance and Procurement Article.

Occurred: Ch. 601, Acts of 2014.

8–112.

(e) (1) IN THIS SUBSECTION, “SYSTEM” AND “ACADEMIC FACILITIES” HAVE THE MEANINGS STATED IN § 19–101 OF THE EDUCATION ARTICLE.

[(1)] (2) In addition to its other duties under this section, the Committee shall review on a continuing basis the size and condition of any debt of the University System of Maryland, Morgan State University, St. Mary’s College of Maryland, and the Baltimore City Community College.

[(2)] (3) In preparing an estimate with respect to the authorization of any new State debt, the Committee shall take into account as part of the affordability analysis any debt for academic facilities to be issued by a System.

[(3)] (4) At the same time that the Committee makes its report as required under subsection (b) of this section, the Committee shall submit to the Governor and the General Assembly the Committee’s estimate of the amount of new bonds for academic facilities that prudently may be authorized in the aggregate for the next fiscal

year by the University System of Maryland, Morgan State University, St. Mary's College of Maryland, and the Baltimore City Community College.

[(4) For purposes of this subtitle, the terms “System” and “academic facilities” have the meanings stated in § 19–101 of the Education Article.]

(5) The Committee may request any needed information from a System and shall consider the information in making its estimates, including any information submitted by a System at its own initiative.

(6) This estimate:

(i) is advisory; and

(ii) does not bind the General Assembly, the Board, or the Governor.

DRAFTER'S NOTE:

Error: Stylistic error in § 8–112(e) of the State Finance and Procurement Article.

Occurred: Ch. 93, Acts of 1989.

13–103.

(e) (4) A [responsible] **RESPONSIVE** bid or proposal shall include the criteria specified in subsection (a) of this section.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 13–103(e)(4) of the State Finance and Procurement Article.

Occurred: Ch. 74, Acts of 2004.

13–110.

(b) (3) A determination under paragraph (1)(ii) or (iii) of this subsection shall be in writing and include:

(i) sufficient evidence that the intergovernmental cooperative purchasing agreement:

2. will promote administrative [efficiencies,] **EFFICIENCIES** or promote intergovernmental cooperation; and

DRAFTER'S NOTE:

Error: Extraneous comma in § 13–110(b)(3)(i)2 of the State Finance and Procurement Article.

Occurred: Ch. 774, Acts of 2017.

13–112.

(g) If the Department is unable to negotiate a satisfactory procurement contract at a rate of compensation that is fair, competitive, and reasonable, it shall:

(2) negotiate in the same manner with the next most qualified person and, if necessary, continue negotiations in accordance with the procedures under this section until the [agency] **DEPARTMENT** reaches an agreement.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 13–112(g)(2) of the State Finance and Procurement Article.

Occurred: Chs. 588 and 589, Acts of 2017.

13–224.

(d) Each year, the Department and any local departments that have entered into hiring agreements shall submit a report to the [Board, the Joint Committee on Welfare Reform,] **BOARD** and, subject to § 2–1246 of the State Government Article, the General Assembly on:

(1) the number of hiring agreements executed;

(2) the number of current and former FIP recipients, children of current or former recipients, foster youth, and obligors hired by an entity with which a hiring agreement was executed; and

(3) the effectiveness of each hiring agreement in obtaining employment for current and former FIP recipients, children of current or former recipients, foster youth, and obligors.

DRAFTER'S NOTE:

Error: Obsolete language in § 13–224(d) of the State Finance and Procurement Article.

Occurred: As a result of Ch. 464, § 4, Acts of 2014, which repealed provisions of law establishing the Joint Committee on Welfare Reform.

14–302.

(a) (15) [(i)] With respect to materials or supplies purchased from a certified minority business enterprise that is neither a manufacturer nor a regular [dealer,] **DEALER:**

(I) a unit may apply the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies, fees, or transportation charges for the delivery of materials and supplies required on a procurement toward minority business enterprise contract goals, provided a unit determines the fees to be reasonable and not excessive as compared with fees customarily allowed for similar [services.] **SERVICES; AND**

(ii) [A] A unit may not apply any portion of the costs of the materials and supplies toward minority business enterprise goals.

DRAFTER'S NOTE:

Error: Stylistic error in § 14–302(a)(15) of the State Finance and Procurement Article.

Occurred: Ch. 438, § 2, Acts of 2017.

17–702.

(a) For purposes of this subtitle, a person engages in investment activities in Iran if:

(2) the person is a financial institution that extends \$20,000,000 or more in credit to another person for 45 days or more if the person to whom the credit is extended:

(i) will use the credit to provide goods or services in the energy sector of Iran as described in item (1) of this [section] **SUBSECTION; and**

DRAFTER'S NOTE:

Error: Stylistic error in § 17–702(a)(2)(i) of the State Finance and Procurement Article.

Occurred: As a result of Chs. 554 and 555, Acts of 2013.

Article – State Government

9–112.

(d) (5) The Director may adopt regulations to implement the provisions of this subsection that [included] **INCLUDE** restricting the location of instant ticket lottery

machines in areas of a veterans' organization's public meeting hall that is accessible to the public.

(6) The [State Lottery and Gaming Control] Agency shall ensure that the element of chance in the conduct of the gaming through the instant ticket lottery machines established under this subsection is consistent with the holding in the case of *Chesapeake Amusements Inc. v. Riddle*, 363 Md. 16 (2001), in that the element of chance must be wholly within the pre-printed instant lottery ticket, and that player enhancements in an instant ticket lottery machine may not affect the element of chance being wholly within the pre-printed instant lottery ticket.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 9-112(d)(5) and extraneous language in § 9-112(d)(6) of the State Government Article.

Occurred: Ch. 1, Acts of the Second Special Session of 2012.

9-1A-26.

(c) A jackpot won at a video lottery terminal that is not claimed by the winner within 182 days after the jackpot is won shall:

(2) be distributed as follows:

(i) 2.5% to the Small, Minority, and Women-Owned Businesses Account established under [§ 9-1A-35] **§ 5-1501** of [this subtitle] **THE ECONOMIC DEVELOPMENT ARTICLE**;

DRAFTER'S NOTE:

Error: Obsolete cross-reference in § 9-1A-26(c)(2)(i) of the State Government Article.

Occurred: As a result of Ch. 453, Acts of 2017.

10-1503.

(h) The staffing responsibilities of the Council shall be shared by the Department of Information Technology, the Governor's [StateStat] Office **OF PERFORMANCE IMPROVEMENT**, and any other staff designated by the Governor.

DRAFTER'S NOTE:

Error: Obsolete language in § 10-1503(h) of the State Government Article.

Occurred: As a result of Executive Order 01.01.2015.26.

20–301.

In this subtitle, “place of public accommodation” means:

(4) a retail establishment that:

(ii) offers goods, services, entertainment, recreation, or transportation; [and] **OR**

DRAFTER’S NOTE:

Error: Incorrect word usage in § 20–301(4)(ii) of the State Government Article.

Occurred: Ch. 120, § 2, Acts of 2009.

Article – State Personnel and Pensions

21–308.

(d) (1) (i) The State [Superintendent of Schools] **LIBRARIAN** shall determine the amount that equals the applicable percentage as determined under subparagraph (ii) of this paragraph of the payroll of the professional and clerical employees of the Department of Public Libraries of Montgomery County who are members of the Employees’ Retirement System of Montgomery County and are excluded from membership in the Teachers’ Retirement System or the Teachers’ Pension System.

(2) The amount determined under paragraph (1) of this subsection shall be:

(i) included in the budget estimate for the [Superintendent of Schools] **STATE LIBRARY AGENCY**;

(ii) certified by the State [Superintendent of Schools] **LIBRARIAN** to the State Comptroller; and

DRAFTER’S NOTE:

Error: Obsolete language in § 21–308(d)(1)(i) and (2)(i) and (ii) of the State Personnel and Pensions Article.

Occurred: As a result of Chs. 337 and 338, Acts of 2017.

Article – Tax – General

10–204.

[(i) The addition under subsection (a) of this section includes the amount deducted under § 199 of the Internal Revenue Code for the qualified production activities income of the taxpayer for the taxable year.]

DRAFTER’S NOTE:

Error: Obsolete provision in § 10–204(i) of the Tax – General Article.

Occurred: As a result of enactment of the Tax Cuts and Jobs Act of 2017, which repealed the deduction for domestic production activities income under § 199 of the Internal Revenue Code. See, Public Law 115–97.

10–205.

(k) The addition under subsection (a) of this section includes, if a taxpayer sold or exchanged a property for which a subtraction modification enacted by Chapters 544 and 545 of the Acts of the General Assembly of 2012, as amended, or [under § 10–207(ee) of this subtitle] **CHAPTER 231 OF THE ACTS OF THE GENERAL ASSEMBLY OF 2017** has been claimed, the difference between:

(1) the taxpayer’s federal adjusted gross income as reportable under the federal Mortgage Forgiveness Debt Relief Act of 2007, as amended, prior to its expiration on December 31, 2012, and without regard to the date limitation in § 108(a)(1)(e) of the Internal Revenue Code; and

(2) the taxpayer’s federal adjusted gross income as claimed in the taxable year.

DRAFTER’S NOTE:

Error: Obsolete cross–reference in § 10–205(k) of the Tax – General Article.

Occurred: As a result of the termination of Ch. 231, § 2, Acts of 2017, which added § 10–207(ee) of the Tax – General Article.

Article – Tax – Property

9–304.

(b) The Mayor and City Council of Baltimore City may grant, by law, a property tax credit under this section against the county property tax imposed on:

(1) real property that is leased, occupied, and used only by [the Baltimore Association for Retarded Citizens, Incorporated] **THE ARC BALTIMORE, INC.;**

DRAFTER’S NOTE:

Error: Misnomer in § 9–304(b)(1) of the Tax – Property Article.

Occurred: Ch. 8, § 2, Acts of 1985. The organization referenced in § 9–304(b)(1) of the Tax – Property Article officially changed its name to the Arc of Baltimore, Inc., in 2002 and the Arc Baltimore, Inc., in 2011.

(e) (3) Subject to paragraph (4) of this subsection, a tax credit under this [section] **SUBSECTION** shall equal the amount of county property tax imposed on the increased value of the dwelling that is due to the improvements made to the property, multiplied by:

(i) 100% for the first taxable year following the first reassessment after the improvements are made;

(ii) 80% for the second taxable year following the first reassessment after the improvements are made;

(iii) 60% for the third taxable year following the first reassessment after the improvements are made;

(iv) 40% for the fourth taxable year following the first reassessment after the improvements are made;

(v) 20% for the fifth taxable year following the first reassessment after the improvements are made; and

(vi) 0% for each taxable year thereafter.

DRAFTER’S NOTE:

Error: Erroneous internal reference in § 9–304(e)(3) of the Tax – Property Article.

Occurred: Ch. 617, Acts of 1994.

Article – Transportation

4–101.

(h) “Transportation facilities project” includes:

(1) The Susquehanna River Bridge, the Harry W. [Nice Memorial] **NICE/THOMAS “MAC” MIDDLETON** Potomac River Bridge, the William Preston Lane, Jr. Memorial Chesapeake Bay Bridge and parallel Chesapeake Bay Bridge, the Baltimore Harbor Tunnel, the Fort McHenry Tunnel, the Francis Scott Key Bridge, and the John F.

Kennedy Memorial Highway, together with their appurtenant causeways, approaches, interchanges, entrance plazas, toll stations, and service facilities;

DRAFTER'S NOTE:

Error: Misnomer in § 4–101(h)(1) of the Transportation Article.

Occurred: As a result of Ch. 20, Acts of 2018.

4–407.

(b) A State agency, including the [Maryland Transportation] Authority, may not construct any toll road, toll highway, or toll bridge in the counties enumerated in this section without the express consent of a majority of the governments of the affected counties.

DRAFTER'S NOTE:

Error: Stylistic error in § 4–407(b) of the Transportation Article.

Occurred: Ch. 119, § 3, Acts of 2013.

13–919.

(g) Except while it is operating on a divided highway with two or more lanes in each direction or while it is unloaded, a vehicle registered under this section may not be operated on any highway at a speed of more than 45 miles [an] **PER** hour.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 13–919(g) of the Transportation Article.

Occurred: Ch. 14, § 2, Acts of 1977.

16–205.1.

(b) (2) Except as provided in subsection (c) of this section, if a police officer stops or detains any person who the police officer has reasonable grounds to believe is or has been driving or attempting to drive a motor vehicle while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16–813 of this title, and who is not unconscious or otherwise incapable of refusing to take a test, the police officer shall:

(v) Advise the person of the additional criminal penalties that may be imposed under [§ 27–101(x)] **§ 21–902(G)** of this article on conviction of a violation of §

21–902 of this article if the person knowingly refused to take a test arising out of the same circumstances as the violation; and

(vi) Advise the person that a court shall impose participation in the Ignition Interlock System Program as part of the sentence in accordance with [§ 27–107.1] § 21–902.3 of this article.

DRAFTER’S NOTE:

Error: Erroneous cross references in § 16–205.1(b)(2)(v) and (vi) of the Transportation Article.

Occurred: As a result of Ch. 55, Acts of 2017.

16–402.

(a) After the conviction of an individual for a violation of Title 2, Subtitle 5, § 2–209, § 3–211, or § 10–110 of the Criminal Law Article, or of the vehicle laws or regulations of this State or of any local authority, points shall be assessed against the individual as of the date of violation and as follows:

(3) Speeding in excess of the posted speed limit by 10 miles [an] PER hour or more.....2 points

(16) Speeding in excess of the posted speed limit by 30 miles [an] PER hour or more.....5 points

(24) Speeding in excess of a posted speed limit of 65 miles [an] PER hour by 20 miles [an] PER hour or more..... 5 points

DRAFTER’S NOTE:

Error: Incorrect word usage in § 16–402(a)(3), (16), and (24) of the Transportation Article.

Occurred: Ch. 14, § 2, Acts of 1977; Ch. 493, Acts of 1995.

21–104.

(b) (1) Except in Charles, Worcester, and St. Mary’s counties, or as provided in paragraph (2) of this subsection, a person may not ride an animal or drive an animal–drawn vehicle on:

(i) Any divided highway where the posted maximum speed limit is more than 35 miles [an] PER hour; or

DRAFTER'S NOTE:

Error: Incorrect word usage in § 21–104(b)(1)(i) of the Transportation Article.

Occurred: Ch. 14, § 2, Acts of 1977.

21–301.

(b) On every roadway, except while overtaking and passing another vehicle going in the same direction or when preparing for a lawful left turn, any vehicle going 10 miles [an] **PER** hour or more below the applicable maximum speed limit or, if any existing conditions reasonably require a speed below that of the applicable maximum, at less than the normal speed of traffic under these conditions, shall be driven in the right–hand lane then available for traffic or as close as practicable to the right–hand curb or edge of the roadway.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 21–301(b) of the Transportation Article.

Occurred: Ch. 14, § 2, Acts of 1977.

21–704.

(a) Unless a person has complied with this section, he may not drive or move on or across any railroad grade crossing any power shovel, derrick, roller, crawler–type tractor, or other equipment or structure that has:

- (1) A normal operating speed of 10 miles [an] **PER** hour or less; or

DRAFTER'S NOTE:

Error: Incorrect word usage in § 21–704(a)(1) of the Transportation Article.

Occurred: Ch. 14, § 2, Acts of 1977.

21–801.1.

(b) Except as otherwise provided in this section, the maximum speed limits are:

- (1) 15 miles [an] **PER** hour in alleys in Baltimore County;
- (2) 30 miles [an] **PER** hour on:
 - (i) All highways in a business district; and
 - (ii) Undivided highways in a residential district;

- (3) 35 miles [an] PER hour on divided highways in a residential district;
- (4) 50 miles [an] PER hour on undivided highways in other locations; and
- (5) 55 miles [an] PER hour on divided highways in other locations.

(e) (1) Notwithstanding any other provision of this subtitle, a maximum speed limit of more than 55 miles [an] PER hour may not be established or continued on any highway in this State that is not an interstate highway or an expressway.

(2) Subject to the provisions of paragraph (1) of this subsection, a maximum speed limit of more than 70 miles [an] PER hour may not be established on any highway in the State.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 21–801.1(b) and (e) of the Transportation Article.

Occurred: Ch. 14, § 2, Acts of 1977; Ch. 493, Acts of 1995; Ch. 589, Acts of 2006.

21–803.

(a) (1) If, on the basis of an engineering and traffic investigation, a local authority determines that any maximum speed limit specified in this subtitle is greater or less than reasonable or safe under existing conditions on any part of a highway in its jurisdiction, it may establish a reasonable and safe maximum speed limit for that part of the highway, which may:

(ii) Increase the limit in an urban district to not more than 50 miles [an] PER hour;

(iv) Decrease the limit outside an urban district to not less than 25 miles [an] PER hour.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 21–803(a)(1)(ii) and (iv) of the Transportation Article.

Occurred: Ch. 14, § 2, Acts of 1977.

21–805.

(a) (2) A person may not drive on a highway any vehicle or combination of vehicles that is designed to be and is driven at a speed of 25 miles [an] PER hour or less,

unless the rearmost vehicle displays a slow moving vehicle emblem in accordance with this section.

(b) Any other vehicle or combination of vehicles, when driven at a speed of 25 miles [an] **PER** hour or less, may display a slow moving vehicle emblem in accordance with this section.

(d) New farm equipment designed or intended by the manufacturer to be driven or moved at a speed of 25 miles [an] **PER** hour or less may not be sold in this State unless it is equipped by the manufacturer with a slow moving vehicle emblem in accordance with this section.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 21–805(a)(2), (b), and (d) of the Transportation Article.

Occurred: Ch. 14, § 2, Acts of 1977.

21–809.

(b) (1) [(viii)] **(IX)** A speed monitoring system in a school zone may operate only Monday through Friday between 6:00 a.m. and 8:00 p.m.

[(ix)] **(X)** 1. A local jurisdiction that authorizes a program of speed monitoring systems shall designate an official or employee to investigate and respond to questions or concerns about the local jurisdiction's speed monitoring system program.

(6) (i) The Maryland Police Training **AND STANDARDS** Commission, in consultation with the State Highway Administration and other interested stakeholders, shall develop a training program concerning the oversight and administration of a speed monitoring program by a local jurisdiction, including a curriculum of best practices in the State.

(k) (1) On or before December 31 of each year, the Maryland Police Training **AND STANDARDS** Commission shall:

(i) Compile and make publicly available a report for the previous fiscal year on each speed monitoring system program operated by a local jurisdiction under this section; and

(ii) Submit the report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

DRAFTER'S NOTE:

Error: Tabulation error in § 21–809(b)(1)(viii) and (ix) of the Transportation Article; misnomer in § 21–809(b)(6)(i) and (k)(1) of the Transportation Article.

Occurred: Ch. 806, Acts of 2018; misnomers as a result of Ch. 519, Acts of 2016. Corrections by the publisher of the Annotated Code in the 2018 Supplement of the Transportation Article are ratified by this Act.

21–902.

(a) (1) (iv) For the purpose of determining subsequent offender penalties for a violation of this paragraph, a prior conviction under [this subsection or] subsection (b), (c), or (d) of this section, within 5 years before the conviction for a violation of this paragraph, shall be considered a prior conviction.

(d) (1) (iii) For the purpose of determining subsequent offender penalties for a violation of this paragraph, a prior conviction under [this subsection or] subsection (a), (b), or (c) of this section, within 5 years before the conviction for a violation of this paragraph, shall be considered a prior conviction.

DRAFTER’S NOTE:

Error: Erroneous internal references in § 21–902(a)(1)(iv) and (d)(1)(iii) of the Transportation Article.

Occurred: Ch. 55, Acts of 2017. Ch. 55 was intended as a nonsubstantive reorganization of the penalty provisions of the Maryland Vehicle Law. Among other changes, Ch. 55 transferred the provisions of former § 27–101(k)(2) and (3) of the Transportation Article, respectively, which governed the application of subsequent offender penalties for the offenses of § 21–902(a) (“Driving while under the influence of alcohol or under the influence of alcohol per se”) and § 21–902(d) (“Driving while impaired by controlled dangerous substance”), to the new § 21–902(a)(1)(iv) and (d)(1)(iii) of the Transportation Article, respectively. Under former § 27–101(k)(2) and (3) of the Transportation Article, a prior conviction under § 21–902(b) (“Driving while impaired by alcohol”), (c) (“Driving while impaired by drugs or drugs and alcohol”), or (d) of the Transportation Article “within 5 years of a conviction” under § 21–902(a) of the Transportation Article was considered a violation of § 21–902(a) of the Transportation Article for the purposes of the application of subsequent offender penalties; however, no time limit applied if the prior offense was under § 21–902(a) of the Transportation Article. Likewise, a prior conviction under § 21–902(a), (b), or (c) of the Transportation Article “within 5 years of a conviction” under § 21–902(d) of the Transportation Article was considered a violation of § 21–902(d) of the Transportation Article for the purposes of the application of subsequent offender penalties; however, no time limit applied if the prior offense was under § 21–902(d) of the Transportation Article. As Ch. 55, § 2 expressly states that Ch. 55 is a “... nonsubstantive revision ... [that] may not ... be construed to render any substantive change in the law of the State ...”, § 21–902(a)(1)(iv) and (d)(1)(iii) of the Transportation Article are amended to reflect the application and effect of former §

27–101(k)(2) and (3) of the Transportation Article before October 1, 2017, the effective date of Ch. 55.

21–1205.1.

(a) (1) Notwithstanding any other provision of this title, a person may not ride a bicycle or a motor scooter:

(i) Except as provided in paragraph (2) of this subsection, on any roadway where the posted maximum speed limit is more than 50 miles [an] **PER** hour; or

(2) If a person is lawfully operating a bicycle or a motor scooter on a shoulder adjacent to a roadway for which the posted maximum speed limit is more than 50 miles [an] **PER** hour, the person may enter the roadway only if:

(i) Making or attempting to make a left turn;

(ii) Crossing through an intersection; or

(iii) The shoulder is overlaid with a right turn lane, a merge lane, a bypass lane, or any other marking that breaks the continuity of the shoulder.

(d) Notwithstanding any other provision of this title, a person may not operate an EPAMD on any roadway where there are sidewalks adjacent to the roadway or the posted maximum speed limit is more than 30 miles [an] **PER** hour.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 21–1205.1(a)(1)(i) and (2) and (d) of the Transportation Article.

Occurred: Ch. 14, § 2, Acts of 1977; Ch. 514, Acts of 2014; Ch. 546, Acts of 2002.

21–1415.

(c) A reciprocal agreement under this section may provide for enforcement of toll violations by refusal or suspension of the registration of a motor vehicle in accordance with [§ 27–110 of this article] **§ 21–1414 OF THIS SUBTITLE**.

DRAFTER'S NOTE:

Error: Erroneous cross reference in § 21–1415(c) of the Transportation Article.

Occurred: As a result of Ch. 55, Acts of 2017.

22–224.1.

(b) The headlamp or headlamps on a motorcycle may be of the single-beam or multiple-beam type, but in either event shall comply with the following requirements and limitations:

(1) The headlamp or headlamps on a motorcycle shall be of sufficient intensity to reveal a person or a vehicle at a distance of:

(i) Not less than 100 feet, when the motorcycle is operated at any speed of less than 25 miles [an] **PER** hour;

(ii) Not less than 200 feet, when the motorcycle is operated at a speed of 25 to 34 miles [an] **PER** hour; and

(iii) Not less than 300 feet, when the motorcycle is operated at a speed of 35 miles [an] **PER** hour or more;

DRAFTER'S NOTE:

Error: Incorrect word usage in § 22–224.1(b)(1) of the Transportation Article.

Occurred: Ch. 14, § 2, Acts of 1977.

22–225.

Any motor vehicle may be operated under the conditions specified in § 22–201.1 of this subtitle when equipped with two lighted lamps on its front capable of revealing persons and objects 75 feet ahead instead of lamps required in § 22–222 or § 22–224 of this subtitle, provided, however, that at no time may it be operated at a speed in excess of 20 miles [an] **PER** hour.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 22–225 of the Transportation Article.

Occurred: Ch. 14, § 2, Acts of 1977.

22–302.

(a) Every motor vehicle and combination of vehicles, at all times and under all conditions of loading, on application of the service brake, shall be capable of:

(2) Decelerating to a stop from not more than 20 miles [an] **PER** hour at not less than the feet per second tabulated in subsection (c) of this section for its classification; and

(3) Stopping from a speed of 20 miles [an] PER hour in not more than the distance tabulated in subsection (c) of this section for its classification, this distance to be measured from the point at which movement of the service brake pedal or control begins.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 22–302(a)(2) and (3) of the Transportation Article.

Occurred: Ch. 14, § 2, Acts of 1977.

24–102.

(c) (2) (ii) If the State Highway Administration or a local authority imposes a vehicle width restriction under subparagraph (i) of this [subsection] PARAGRAPH, it shall place and maintain a sign providing notice of the restriction before the affected location.

DRAFTER'S NOTE:

Error: Stylistic error in § 24–102(c)(2)(ii) of the Transportation Article.

Occurred: Ch. 170, Acts of 2005.

SECTION 2. AND BE IT FURTHER ENACTED, That the Drafter's Notes contained in this Act are not law and may not be considered to have been enacted as part of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of this Act are intended solely to correct technical errors in the law and there is no intent to revive or otherwise affect law that is the subject of other acts, whether those acts were signed by the Governor prior to or after the signing of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That the publishers of the Annotated Code of Maryland, subject to the approval of the Department of Legislative Services, shall make any changes in the text of the Annotated Code necessary to effectuate any termination provision that was enacted by the General Assembly and has taken effect or will take effect prior to October 1, 2019. Any enactment of the 2019 Session of the General Assembly that negates or extends the effect of a previously enacted termination provision shall prevail over the provisions of this section.

SECTION 5. AND BE IT FURTHER ENACTED, That the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall make nonsubstantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any reference rendered incorrect or obsolete by an Act of the General Assembly, with no further action required by the General Assembly. The publishers shall adequately describe any such correction in an editor's note following the section affected.

SECTION 6. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Enacted under Article II, § 17(b) of the Maryland Constitution, March 27, 2019.

Chapter 9

(Senate Bill 300)

AN ACT concerning

Prevailing Wage Rates – Public Work Contracts – Suits by Employees

FOR the purpose of authorizing certain employees to sue to recover the difference between certain prevailing wage rates and certain amounts under certain circumstances; providing that a certain determination by the Commissioner of Labor and Industry does not preclude certain employees from filing a certain action; providing for the liability of certain contractors and subcontractors under certain circumstances; and generally relating to private rights of action under the State prevailing wage law.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 17–224
Annotated Code of Maryland
(2015 Replacement Volume and 2018 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

17–224.

(a) (1) If an employee under a public work contract is paid less than the prevailing wage rate for that employee’s classification for the work performed, the employee may file a complaint with the Commissioner.

(2) Except as otherwise provided in this section, a complaint filed under this section shall be subject to the provisions of § 17–221 of this subtitle.

(3) If the Commissioner’s investigation determines that the employer violated provisions of this subtitle, the Commissioner shall try to resolve the issue

informally.

(4) (i) If the Commissioner is unable to resolve the matter informally, the Commissioner shall issue an order for a hearing in accordance with § 17–221 of this subtitle.

(ii) If, at the conclusion of a hearing ordered under subparagraph (i) of this paragraph, the Commissioner determines that the employee is entitled to restitution under this subtitle, the Commissioner shall issue an order in accordance with § 17–221 of this subtitle.

(iii) If an employer of an employee found to be entitled to restitution under subparagraph (ii) of this paragraph is no longer working under a contract with a public body, the Commissioner may order that restitution be paid directly by the employer to the employee within a reasonable period of time, as determined by the Commissioner.

(5) If an employer fails to comply with an order to pay restitution to an employee under paragraph (4)(iii) of this subsection, the Commissioner or the employee may bring a civil action to enforce the order in the circuit court in the county where the employee or employer is located.

(B) (1) IF AN EMPLOYEE UNDER A PUBLIC WORK CONTRACT IS PAID LESS THAN THE PREVAILING WAGE RATE FOR THAT EMPLOYEE’S CLASSIFICATION FOR THE WORK PERFORMED, THE EMPLOYEE IS ENTITLED TO SUE TO RECOVER THE DIFFERENCE BETWEEN THE PREVAILING WAGE RATE AND THE AMOUNT RECEIVED BY THE EMPLOYEE.

(2) A DETERMINATION BY THE COMMISSIONER THAT A CONTRACTOR IS REQUIRED TO MAKE RESTITUTION UNDER SUBSECTION (A)(4) OF THIS SECTION DOES NOT PRECLUDE AN EMPLOYEE FROM FILING AN ACTION UNDER THIS SUBSECTION.

[(b)] (C) (1) An action under this section is considered to be a suit for wages.

(2) A judgment in an action under this section shall have the same force and effect as any other judgment for wages.

(3) An action brought under this section for a violation of this subtitle shall be filed within 3 years from the date the affected employee knew or should have known of the violation.

[(c)] (D) (1) The failure of an employee to protest orally or in writing the payment of a wage that is less than the prevailing wage rate is not a bar to recovery in an action under this section.

(2) A contract or other written document in which an employee states that

the employee shall be paid less than the amount required by this subtitle does not bar the recovery of any remedy required under this subtitle.

[(d)] (E) (1) Except as provided in paragraph (3) of this subsection, if the court in an action filed under this section finds that an employer paid an employee less than the requisite prevailing wage, the court shall award the affected employee the difference between the wage actually paid and the prevailing wage at the time that the services were rendered.

(2) (i) Subject to subparagraph (ii) of this paragraph, unpaid fringe benefit contributions owed for an employee in accordance with this section shall be paid to the appropriate benefit fund, plan, or program.

(ii) In the absence of an appropriate benefit fund, plan, or program, the amount owed for fringe benefits for an employee shall be paid directly to the employee.

(3) The court may order the payment of double damages or treble damages under this section if the court finds that the employer withheld wages or fringe benefits willfully and knowingly or with deliberate ignorance or reckless disregard of the employer's obligations under this subtitle.

(4) In an action under this section, the court shall award a prevailing plaintiff reasonable counsel fees and costs.

(5) If the court finds that an employee submitted a false or fraudulent claim in an action under this section, the court may order the employee to pay the employer reasonable counsel fees and costs.

(6) THE CONTRACTOR AND SUBCONTRACTOR SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ANY VIOLATION OF THE SUBCONTRACTOR'S OBLIGATIONS UNDER THIS SECTION.

[(e)] (F) (1) Subject to paragraph (2) of this subsection, an action filed in accordance with this section may be brought by one or more employees on behalf of that employee or group of employees and on behalf of other employees similarly situated.

(2) An employee may not be a party plaintiff to an action brought under this section unless that employee files written consent with the court in which the action is brought to become a party to the action.

[(f)] (G) (1) A person found to have made a false or fraudulent representation or omission known to be false or made with deliberate ignorance or reckless disregard for its truth or falsity regarding a material fact in connection with any prevailing wage payroll record required by § 17–220 of this subtitle is liable for a civil penalty of \$1,000 for each falsified record.

(2) The penalty shall be recoverable in a civil action filed in accordance with this section and paid to the State General Fund.

[(g)] (H) An employer may not discharge, threaten, or otherwise retaliate or discriminate against an employee regarding compensation or other terms and conditions of employment because that employee or an organization or other person acting on behalf of that employee:

(1) reports or makes a complaint under this subtitle or otherwise asserts the worker's rights under this section; or

(2) participates in any investigation, hearing, or inquiry held by the Commissioner under § 17–221 of this subtitle.

[(h)] (I) (1) A contractor or subcontractor may not retaliate or discriminate against an employee in violation of this section.

(2) If a contractor or subcontractor retaliates or discriminates against an employee in violation of this section, the affected employee may file an action in any court of competent jurisdiction within 3 years from the employee's knowledge of the action.

(3) If the court finds in favor of the employee in an action brought under this subsection, the court shall order that the contractor or subcontractor:

(i) reinstate the employee or provide the employee restitution, as appropriate;

(ii) pay the employee an amount equal to three times the amount of back wages and fringe benefits calculated from the date of the violation; and

(iii) pay reasonable counsel fees and other costs.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Enacted under Article II, § 17(b) of the Maryland Constitution, March 28, 2019.

Chapter 10

(House Bill 166)

AN ACT concerning

**Labor and Employment – Payment of Wages – Minimum Wage and Enforcement
(Fight for Fifteen)**

FOR the purpose of specifying the State minimum wage rate that is in effect for certain time periods and for certain employers except under certain circumstances; ~~increasing, except under certain circumstances, the State minimum wage rate in effect for certain periods of time based on annual growth in a certain consumer price index; requiring the Commissioner of Labor and Industry, beginning at a certain time, to annually determine and announce the growth in the consumer price index, if any, and the new State minimum wage rate; repealing and altering certain provisions of law that authorize certain employers to pay certain employees a certain wage that is less than the State minimum wage under certain circumstances; specifying the tip credit amount that is in effect for certain time periods; prohibiting an employer, beginning on a certain date, from including a tip credit amount as part of the wage of certain employees; repealing the exemption from the Maryland Wage and Hour Law for certain individuals; requiring that a certain summary certain employers are required to keep conspicuously posted in certain places of employment include certain antiretaliation provisions; prohibiting certain employers from taking certain actions under the Maryland Wage Payment and Collection Law; prohibiting certain employers from discriminating against certain employees under certain circumstances; altering the conditions under which certain employers are prohibited from taking adverse actions against certain employees under certain circumstances; altering the list of acts that constitute adverse action under a certain provision of law; requiring that the burden of proof as proved by clear and convincing evidence under certain actions be on the defendant based on certain actions under certain circumstances; repealing certain provisions of law that prohibit certain employees from taking certain actions regarding making certain complaints or bringing or testifying in certain actions or proceedings; authorizing the Commissioner to conduct an investigation under the Maryland Wage and Hour Law on the Commissioner's own initiative or on receipt of a certain complaint; requiring that certain names be kept confidential except under certain circumstances; authorizing the Commissioner to conduct an investigation under the Maryland Wage Payment and Collection Law on the Commissioner's own initiative; authorizing a certain employee to bring an action against an employer for a violation of certain provisions of this Act; authorizing the Commissioner to take certain actions relating to a certain claim by an employee under certain circumstances; specifying the time period for filing a certain action and the scope of a certain action; providing that a certain limitation period does not apply during a certain investigation; requiring a court to allow against a certain employer reasonable counsel fees and costs in a certain action; establishing certain penalties against certain employers; authorizing the Commissioner or a court to order certain civil penalties or certain relief under certain circumstances; requiring that certain civil penalties be paid to the General Fund for certain purposes; providing that certain enforcement provisions, civil penalties, and remedies apply to violations of certain provisions of this Act in the same manner as certain other violations; requiring the Board of Public Works to make a certain determination on or before certain dates, subject to a certain exception and a certain limitation; authorizing the Board to consider certain other information under certain circumstances when making a certain determination; authorizing the Board to temporarily suspend an increase in the minimum wage rate for a certain period of~~

time under certain circumstances, subject to a certain limitation; specifying the minimum wage rate in effect for a certain period if the Board temporarily suspends an increase to the minimum wage rate; requiring certain minimum wage rates to take effect at a certain time; requiring the Board to notify the Commissioner of Labor and Industry if the Board has temporarily suspended a certain increase in the minimum wage rate; prohibiting a rate increase for certain providers from going into effect if the Board has temporarily suspended a certain increase in the minimum wage rate; requiring the Commissioner to adopt certain regulations; requiring the Commissioner to provide a certain notification on a certain website; requiring an employer, beginning at a certain time, to pay certain employees a wage that is at least equal to the State minimum wage rate; requiring the Governor, in certain fiscal years, to include in a certain budget proposal certain funding to reimburse community service providers; requiring that the Governor's proposed budget for certain fiscal years include certain rate increases for certain providers over the funding provided in certain legislative appropriations; requiring that the Governor's proposed budget for fiscal year 2021 and each fiscal year thereafter for certain providers be presented in the same manner as in a certain fiscal year budget; making conforming changes; repealing obsolete provisions of law; defining certain terms; altering a certain definition; and generally relating to the payment of wages.

BY repealing and reenacting, with amendments,
 Article – Health – General
 Section 7–307 and 16–201.3
 Annotated Code of Maryland
 (2015 Replacement Volume and 2018 Supplement)

BY adding to
 Article – Health – General
 Section 16–201.4
 Annotated Code of Maryland
 (2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
 Article – Labor and Employment
 Section ~~3–103, 3–403, 3–413, 3–419, 3–423, 3–428, and 3–508~~ 3–413
 Annotated Code of Maryland
 (2016 Replacement Volume and 2018 Supplement)

BY adding to
 Article – Labor and Employment
 Section 3–413.1 and 3–419(d)
 Annotated Code of Maryland
 (2016 Replacement Volume and 2018 Supplement)

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

Article – Health – General

7-307.

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

(2) “Community direct service worker” means an employee of a community provider that provides treatment or services to developmentally disabled individuals.

(3) “Community provider” means a community-based agency or program funded by the Administration to serve individuals with developmental disabilities.

(4) “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 funds.

(b) Notwithstanding the provisions of this title or any other provision of law, the Department shall reimburse community providers as provided in this section.

(c) Subject to subsection (d) of this section, the Department shall increase the rate of reimbursement for community services providers each fiscal year by the amount of rate increase included in the State budget for that fiscal year.

(d) [(1) The Governor’s proposed budget for fiscal year 2016 shall include a 3.5% 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 2015.

(2) The Governor’s proposed budget for fiscal year 2017 shall include a 3.5% 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 2016.

(3) The Governor’s proposed budget for fiscal year 2018 shall include a 3.5% 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 2017.]

[(4) (1) The Governor’s proposed budget for fiscal year 2019 shall include a 3.5% 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.

~~(2) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2020 SHALL INCLUDE A 7% 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 2019.~~

~~(3)~~ (2) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2021 SHALL INCLUDE A ~~5.5%~~ 3% ~~5%~~ 4% 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 2020.

~~(4)~~ (3) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2022 SHALL INCLUDE A ~~5.5%~~ 3% ~~5%~~ 4% 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 2021.

~~(5)~~ (4) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2023 SHALL INCLUDE A ~~5.5%~~ 3% ~~4.5%~~ 4% 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 2022.

~~(6) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2024, AND FOR EACH FISCAL YEAR THEREAFTER, SHALL INCLUDE A PERCENTAGE RATE INCREASE THAT IS NOT LESS THAN THE PERCENTAGE INCREASE IN THE STATE MINIMUM WAGE RATE UNDER § 3-413 OF THE LABOR AND EMPLOYMENT ARTICLE FOR COMMUNITY SERVICE PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00M01.02 COMMUNITY SERVICES FOR THE IMMEDIATELY PRECEDING FISCAL YEAR.~~

(5) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2024 SHALL INCLUDE A ~~3%~~ 4% 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 2023.

(6) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2025 SHALL INCLUDE A ~~3%~~ 4% 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 2024.

(7) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2026 SHALL INCLUDE A ~~3%~~ 4% 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 2025.

(e) The Governor's proposed budget for fiscal year 2016 and thereafter for community service providers shall be presented in the same manner, including object and program information, as provided for in the fiscal year 2015 budget.

(f) A portion of the funds in subsection (e) of this section may be allocated to address the impact of an increase in the State minimum wage on wages and benefits of direct support workers employed by community providers licensed by the Developmental Disabilities Administration.

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.

(b) This section does not apply to reimbursement for any service provided by a community provider whose rates are regulated by the Health Services Cost Review Commission.

(c) It is the intent of the General Assembly that a substantial portion of the rate adjustment provided under subsection (d) of this section be used to:

(1) Compensate direct care staff and licensed clinicians employed by community providers; and

(2) Improve the quality of programming provided by community providers.

(d) (1) The Governor's proposed budget for fiscal year 2019 and 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.

[(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 M00Q01.10 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.]

(2) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2021 SHALL INCLUDE A 4% 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.

(3) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2022 SHALL INCLUDE A ~~3%~~ 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.

(4) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2023 SHALL INCLUDE A ~~2%~~ 3.25% 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.

(5) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2024 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 M00Q01.10 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.

(6) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2025 SHALL INCLUDE A ~~3%~~ 4% 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.

(7) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2026 SHALL INCLUDE A ~~3%~~ 4% 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.

[(3)] (8) The Governor's proposed budget for fiscal [years] YEAR 2019 [through 2021] AND EACH FISCAL YEAR THEREAFTER for community providers shall be presented in the same manner, including object and program information, as in the fiscal year 2018 budget.

(e) (1) The Behavioral Health Administration and the Medical Care Programs Administration jointly shall:

(i) Conduct an independent cost-driven, rate-setting study to set community provider rates for community-based behavioral health services that includes a rate analysis and an impact study that considers the actual cost of providing community-based behavioral health services;

(ii) Develop and implement a payment system incorporating the findings of the rate-setting study conducted under item (i) of this paragraph, including projected costs of implementation and recommendations to address any potential shortfall in funding; and

(iii) Consult with stakeholders, including community providers and individuals receiving services, in conducting the rate-setting study and developing the payment system required by this paragraph.

(2) The Administration, on or before September 30, 2019, shall complete the study required under paragraph (1)(i) of this subsection.

(3) The Administration shall adopt regulations to implement the payment system required by paragraph (1) of this subsection.

(f) If services of community providers are provided through managed care organizations, the managed care organizations shall:

(1) Pay the rate in effect during the immediately preceding fiscal year for the first fiscal year the managed care organizations provide the services; and

(2) Adjust the rate for community providers each fiscal year by at least the same amount that otherwise would have been required under subsection (d) of this section.

(g) Increased funding provided under subsection (d) of this section may be used only to increase the rates paid to:

(1) Community providers accredited by a State-approved accrediting body and licensed by the State; and

(2) Health care providers who are acting within the scopes of practice of the health care providers' licenses or certificates as specified under the Health Occupations Article.

(h) (1) On or before December 1, 2018, the Department shall submit an interim report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on the delivery system through which community-based behavioral health services should be provided and any preliminary recommendations regarding the payment system required under this section.

(2) On or before December 1, 2019, and on or before December 1 each year thereafter, the Department shall submit a report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on the impact of the rate adjustments and the payment system required under this section on community providers, including the impact on:

(i) The wages and salaries paid and the benefits provided to direct care staff and licensed clinicians employed by community providers;

(ii) The tenure and turnover of direct care staff and licensed clinicians employed by community providers; and

(iii) The ability of community providers to recruit qualified direct care staff and licensed clinicians.

(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 (2) of this subsection.

16-201.4.

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

(2) “PROVIDER” MEANS A PROVIDER OF:

(I) NURSING HOME SERVICES;

(II) MEDICAL DAY CARE SERVICES;

(III) PRIVATE DUTY NURSING SERVICES;

(IV) PERSONAL CARE SERVICES;

(V) HOME- AND COMMUNITY-BASED SERVICES; AND

(VI) SERVICES PROVIDED THROUGH THE COMMUNITY FIRST CHOICE PROGRAM.

(3) “RATE” MEANS THE REIMBURSEMENT RATE PAID BY THE DEPARTMENT TO PROVIDERS OF NURSING HOME, MEDICAL DAY CARE, PRIVATE DUTY NURSING, PERSONAL CARE, AND HOME- AND COMMUNITY-BASED SERVICES AND SERVICES PROVIDED THROUGH THE COMMUNITY FIRST CHOICE PROGRAM FROM THE STATE GENERAL FUND, MARYLAND MEDICAL ASSISTANCE PROGRAM FUNDS, OTHER STATE OR FEDERAL FUNDS, OR A COMBINATION OF THESE FUNDS.

(B) (1) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2021 SHALL INCLUDE A 4% RATE INCREASE FOR PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR IN PROGRAM M00Q01.03 MEDICAL CARE PROVIDER REIMBURSEMENTS – MEDICAL CARE PROGRAMS ADMINISTRATION AND PROGRAM

M00Q01.07 MARYLAND CHILDREN’S HEALTH PROGRAM – MEDICAL CARE PROGRAMS ADMINISTRATION.

(2) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2022 SHALL INCLUDE A 4% RATE INCREASE FOR PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR IN PROGRAM M00Q01.03 MEDICAL CARE PROVIDER REIMBURSEMENTS – MEDICAL CARE PROGRAMS ADMINISTRATION AND PROGRAM M00Q01.07 MARYLAND CHILDREN’S HEALTH PROGRAM – MEDICAL CARE PROGRAMS ADMINISTRATION.

(3) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2023 SHALL INCLUDE A 4% RATE INCREASE FOR PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR IN PROGRAM M00Q01.03 MEDICAL CARE PROVIDER REIMBURSEMENTS – MEDICAL CARE PROGRAMS ADMINISTRATION AND PROGRAM M00Q01.07 MARYLAND CHILDREN’S HEALTH PROGRAM – MEDICAL CARE PROGRAMS ADMINISTRATION.

(4) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2024 SHALL INCLUDE A 4% RATE INCREASE FOR PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR IN PROGRAM M00Q01.03 MEDICAL CARE PROVIDER REIMBURSEMENTS – MEDICAL CARE PROGRAMS ADMINISTRATION AND PROGRAM M00Q01.07 MARYLAND CHILDREN’S HEALTH PROGRAM – MEDICAL CARE PROGRAMS ADMINISTRATION.

(5) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2025 SHALL INCLUDE A 4% RATE INCREASE FOR PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR IN PROGRAM M00Q01.03 MEDICAL CARE PROVIDER REIMBURSEMENTS – MEDICAL CARE PROGRAMS ADMINISTRATION AND PROGRAM M00Q01.07 MARYLAND CHILDREN’S HEALTH PROGRAM – MEDICAL CARE PROGRAMS ADMINISTRATION.

(6) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2026 SHALL INCLUDE A 4% RATE INCREASE FOR PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR IN PROGRAM M00Q01.03 MEDICAL CARE PROVIDER REIMBURSEMENTS – MEDICAL CARE PROGRAMS ADMINISTRATION AND PROGRAM M00Q01.07 MARYLAND CHILDREN’S HEALTH PROGRAM – MEDICAL CARE PROGRAMS ADMINISTRATION.

(7) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER SHALL BE PRESENTED IN THE SAME MANNER, INCLUDING OBJECT AND PROGRAM INFORMATION, AS IN THE FISCAL YEAR 2020 BUDGET.

Article – Labor and Employment

~~3-103.~~

~~(a) Except as otherwise provided in this section, the Commissioner may conduct an investigation to determine whether a provision of this title has been violated on the Commissioner's own initiative or may require a written complaint.~~

~~(b) The Commissioner may conduct an investigation under Subtitle 3 of this title, on the Commissioner's own initiative or on receipt of a written complaint of an employee.~~

~~(c) THE COMMISSIONER MAY CONDUCT AN INVESTIGATION UNDER SUBTITLE 4 OF THIS TITLE, ON THE COMMISSIONER'S OWN INITIATIVE OR ON RECEIPT OF A WRITTEN COMPLAINT OF AN EMPLOYEE.~~

~~[(e)] (D) The Commissioner may conduct an investigation to determine whether Subtitle 5 of this title has been violated ON THE COMMISSIONER'S OWN INITIATIVE OR on receipt of a written complaint of an employee.~~

~~[(d)] (E) The Commissioner may conduct an investigation to determine whether Subtitle 6 of this title has been violated on receipt of a written complaint of a sales representative.~~

~~[(e)] (F) (1) The Commissioner may investigate whether § 3-701 of this title has been violated on receipt of a written complaint of an applicant for employment.~~

~~(2) The Commissioner may investigate whether § 3-702 of this title has been violated on receipt of a written complaint of an applicant for employment or an employee.~~

~~(3) The Commissioner may investigate whether § 3-704 of this title has been violated on receipt of a written complaint of an employee.~~

~~(4) The Commissioner may investigate whether § 3-710 of this title has been violated on receipt of a written complaint of an employee as provided in § 3-710(d)(1) of this title.~~

~~(5) The Commissioner may investigate whether § 3-711 of this title has been violated on receipt of a written complaint of an employee as provided in § 3-711(d)(1) of this title.~~

~~(6) The Commissioner may investigate whether § 3-712 of this title has been violated on receipt of a written complaint of an employee or applicant.~~

~~[(f)] (G) (1) The Commissioner may investigate whether § 3-801 of this title has been violated on receipt of a written complaint of an employee.~~

~~(2) The Commissioner may investigate whether § 3-802 of this title has been violated on receipt of a written complaint of an employee.~~

~~[(g)] (H) The Commissioner may investigate whether Subtitle 9 of this title has been violated:~~

~~(1) on the Commissioner's own initiative;~~

~~(2) on receipt of a written complaint signed by the person submitting the complaint; or~~

~~(3) on referral from another unit of State government.~~

~~[(h)] (I) The Commissioner may conduct an investigation to determine whether Subtitle 10 of this title has been violated on receipt of a written complaint of an employee.~~

~~[(i)] (J) The Commissioner may conduct an investigation to determine whether Subtitle 12 of this title has been violated on receipt of a written complaint of an employee.~~

~~[(j)] (K) The Commissioner, on the Commissioner's own initiative or on receipt of a written complaint, may conduct an investigation of whether a local minimum wage law has been violated.~~

~~[(k)] (L) (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.~~

~~3-403.~~

~~This subtitle does not apply to an individual who:~~

~~(1) is employed in a capacity that the Commissioner defines, by regulation, to be administrative, executive, or professional;~~

~~(2) is employed in a nonadministrative capacity at an organized camp, including a resident or day camp;~~

~~(3) is under the age of 16 years and is employed no more than 20 hours in a week;~~

~~(4) is employed as an outside salesman;~~

~~[(5) is compensated on a commission basis;]~~

~~[(6)] (5) is a child, parent, spouse, or other member of the immediate family of the employer;~~

~~[(7)] (6) is employed in a drive-in theater;~~

~~[(8)] (7) is employed as part of the training in a special education program for emotionally, mentally, or physically handicapped students under a public school system;~~

~~[(9) is employed by an employer who is engaged in canning, freezing, packing, or first processing of perishable or seasonal fresh fruits, vegetables, or horticultural commodities, poultry, or seafood;]~~

~~[(10)] (8) engages in the activities of a charitable, educational, nonprofit, or religious organization if:~~

~~(i) the service is provided gratuitously; and~~

~~(ii) there is, in fact, no employer-employee relationship;~~

~~[(11)] (9) is employed in a cafe, drive-in, drugstore, restaurant, tavern, or other similar establishment that:~~

~~(i) sells food and drink for consumption on the premises; and~~

~~(ii) has an annual gross income of \$400,000 or less; OR~~

~~[(12) is employed in agriculture if, during each quarter of the preceding calendar year, the employer used no more than 500 agricultural worker days;~~

~~(13) is engaged principally in the range production of livestock; or]~~

~~[(14)] (10) is employed as a hand harvest laborer and is paid on a piece-rate basis in an operation that, in the region of employment, has been and customarily and generally is recognized as having been paid on that basis, if:~~

~~(i)] the individual;~~

~~{1. commutes daily from the permanent residence of the individual to the farm where the individual is employed; and~~

~~2. during the preceding calendar year, was employed in agriculture less than 13 weeks; or~~

~~(ii) the individual;~~

~~{1.} (I) is under the age of 17;~~

~~{2.} (II) is employed on the same farm as a parent of the individual or a person standing in the place of the parent; and~~

~~{3.} (III) is paid at the same rate that an employee who is at least 17 years old is paid on the same farm.~~

3-413.

~~(a) (1) In this section[, “employer”] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) “CONSUMER PRICE INDEX” MEANS THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE WASHINGTON ARLINGTON ALEXANDRIA, DC VA MD WV METROPOLITAN AREA OR A SUCCESSOR METROPOLITAN AREA INDEX PUBLISHED BY THE FEDERAL BUREAU OF LABOR STATISTICS.~~

~~(3) “EMPLOYER” includes includes a governmental unit.~~

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

~~(2) “EMPLOYER” INCLUDES A GOVERNMENTAL UNIT.~~

~~(3) “SMALL EMPLOYER” MEANS AN EMPLOYER THAT EMPLOYS 14 OR FEWER EMPLOYEES.~~

(b) Except as provided in ~~{subsection (d) of this section and} § 3-414 §§ 3-413.1 AND 3-414~~ of this subtitle, each employer shall pay:

(1) to each employee who is subject to both the federal Act and this subtitle, at least the greater of:

(i) the minimum wage for that employee under the federal Act; or

(ii) the State minimum wage rate set under subsection (c) of this section; and

(2) to each other employee who is subject to this subtitle, at least[:

(i)] the greater of:

[1.] (I) the highest minimum wage under the federal Act;

or

[2.] (II) 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].

(c) ~~(1) (I)~~ The SUBJECT TO § 3-413.1 OF THIS SUBTITLE AND EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE State minimum wage rate is:

[(1) for the 6-month period beginning January 1, 2015, \$8.00 per hour;

(2) for the 12-month period beginning July 1, 2015, \$8.25 per hour;

(3) for the 12-month period beginning July 1, 2016, \$8.75 per hour;]

[(4) ~~(I) (I)~~ (I) for the 12-month period beginning July 1, 2017, \$9.25 per hour; [and]

[(5) ~~(II) (II)~~ (II) FOR THE ~~12-MONTH~~ 18-MONTH PERIOD beginning July 1, 2018, \$10.10 per hour;

~~(III) (3)~~ (III) FOR THE 12-MONTH PERIOD BEGINNING ~~JULY 1, 2019,~~ JANUARY 1, 2020, \$11.00 PER HOUR;

~~(IV) (4)~~ (IV) FOR THE 12-MONTH PERIOD BEGINNING ~~JULY 1, 2020,~~ JANUARY 1, 2021, \$12.00 \$11.75 PER HOUR;

~~(V) (5)~~ (V) FOR THE 12-MONTH PERIOD BEGINNING ~~JULY 1, 2021,~~ JANUARY 1, 2022, \$13.00 \$12.50 PER HOUR;

~~(VI) (6)~~ (VI) FOR THE 12-MONTH PERIOD BEGINNING ~~JULY 1, 2022,~~ JANUARY 1, 2023, \$14.00 \$13.25 PER HOUR;

~~(VII) (7) (VII) FOR THE 12-MONTH PERIOD BEGINNING JULY 1, 2023, JANUARY 1, 2024, \$15.00 \$14.00 PER HOUR; AND~~

~~(8) (VIII) BEGINNING JANUARY 1, 2025, \$15.00 PER HOUR.~~

(2) SUBJECT TO § 3-413.1 OF THIS SUBTITLE, THE STATE MINIMUM WAGE RATE FOR A SMALL EMPLOYER IS:

(I) FOR THE 18-MONTH PERIOD BEGINNING JULY 1, 2018, \$10.10 PER HOUR;

(II) FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1, 2020, \$11.00 PER HOUR;

(III) FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1, 2021, \$11.50 \$11.60 PER HOUR;

(IV) FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1, 2022, \$12.00 \$12.20 PER HOUR;

(V) FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1, 2023, \$12.50 \$12.80 PER HOUR;

(VI) FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1, 2024, \$13.00 \$13.40 PER HOUR;

(VII) FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1, 2025, \$13.50 \$14.00 PER HOUR;

(VIII) FOR THE ~~12-MONTH~~ 6-MONTH PERIOD BEGINNING JANUARY 1, 2026, \$14.00 \$14.60 PER HOUR; AND

~~(IX) FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1, 2027, \$14.50 PER HOUR; AND~~

~~(X) (IX) BEGINNING JANUARY 1, 2028 JULY 1, 2026, \$15.00 PER HOUR.~~

~~(VIII) FOR EACH SUBSEQUENT 12-MONTH PERIOD BEGINNING JULY 1, 2024, AND EACH JULY 1 THEREAFTER, THE RATE DETERMINED BY THE COMMISSIONER UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION.~~

~~(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, FOR THE 12-MONTH PERIOD BEGINNING JULY 1, 2024, AND EACH~~

~~SUBSEQUENT 12 MONTH PERIOD, THE STATE MINIMUM WAGE RATE SHALL BE INCREASED BY THE AMOUNT, ROUNDED TO THE NEAREST 5 CENTS, THAT EQUALS THE PRODUCT OF:~~

~~1. THE STATE MINIMUM WAGE RATE IN EFFECT FOR THE IMMEDIATELY PRECEDING 12 MONTH PERIOD; AND~~

~~2. THE AVERAGE PERCENT GROWTH IN THE CONSUMER PRICE INDEX FOR THE IMMEDIATELY PRECEDING 12 MONTH PERIOD, AS DETERMINED BY THE COMMISSIONER UNDER SUBPARAGRAPH (H)1 OF THIS PARAGRAPH.~~

~~(H) BEGINNING MARCH 1, 2024, AND EACH MARCH 1 THEREAFTER, THE COMMISSIONER SHALL DETERMINE AND ANNOUNCE:~~

~~1. THE AVERAGE PERCENT GROWTH, IF ANY, IN THE CONSUMER PRICE INDEX BASED ON THE IMMEDIATELY PRECEDING 12 MONTH PERIOD FOR WHICH DATA ARE AVAILABLE ON MARCH 1; AND~~

~~2. THE STATE MINIMUM WAGE RATE THAT WILL BE EFFECTIVE FOR THE 12 MONTH PERIOD BEGINNING THE FOLLOWING JULY 1.~~

~~(III) IF THE COMMISSIONER DETERMINES THAT THERE IS A DECLINE OR NO GROWTH IN THE CONSUMER PRICE INDEX, THE STATE MINIMUM WAGE RATE SHALL REMAIN THE SAME AS THE RATE THAT WAS IN EFFECT FOR THE IMMEDIATELY PRECEDING 12 MONTH PERIOD.~~

~~{(d) (1) (i) Except as provided in paragraph (2) of this subsection and subject to subparagraph (ii) of this paragraph, an AN employer may pay an employee a wage that equals a rate of 85% of the State minimum wage established under this section if the employee is under the age of 20 18 years.~~

~~(ii) An employer may pay to an employee the wage provided under subparagraph (i) of this paragraph only for the first 6 months that the employee is employed.~~

~~(2) (i) This paragraph applies only to an employer that is an amusement or a recreational establishment, including a swimming pool, if the employer:~~

~~1. operates for no more than 7 months in a calendar year; or~~

~~2. for any 6 months during the preceding calendar year, has average receipts that do not exceed one third of the average receipts for the other 6 months.~~

(ii) ~~An employer may pay an employee a wage that equals the greater of:~~

~~1. 85% of the State minimum wage established under this section; or~~

~~2. \$7.25.]~~

3-413.1.

(A) IN THIS SECTION, “BOARD” MEANS THE BOARD OF PUBLIC WORKS.

(B) (1) SUBJECT TO SUBSECTION (D) OF THIS SECTION AND EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE OCTOBER 1, 2020, AND OCTOBER 1 EACH YEAR THEREAFTER UNTIL OCTOBER 1, 2024, THE BOARD SHALL DETERMINE WHETHER THE SEASONALLY ADJUSTED TOTAL EMPLOYMENT FROM THE CURRENT EMPLOYMENT STATISTICS SERIES AS REPORTED BY THE U.S. BUREAU OF LABOR STATISTICS FOR THE MOST RECENT 6-MONTH PERIOD IS NEGATIVE AS COMPARED WITH THE IMMEDIATELY PRECEDING 6-MONTH PERIOD.

(2) THE BOARD IS NOT REQUIRED TO MAKE A DETERMINATION UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE BOARD HAS PREVIOUSLY TEMPORARILY SUSPENDED AN INCREASE TO THE MINIMUM WAGE RATE SPECIFIED UNDER § 3-413(C) OF THIS SUBTITLE.

(C) (1) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE BOARD MAY TEMPORARILY SUSPEND AN INCREASE TO THE MINIMUM WAGE RATE SPECIFIED UNDER § 3-413(C) OF THIS SUBTITLE IF THE BOARD DETERMINED UNDER SUBSECTION (B)(1) OF THIS SECTION THAT THE SEASONALLY ADJUSTED TOTAL EMPLOYMENT IS NEGATIVE.

(2) IF THE SEASONALLY ADJUSTED TOTAL EMPLOYMENT IS NEGATIVE, THE BOARD MAY CONSIDER THE PERFORMANCE OF STATE REVENUES IN THE PREVIOUS 6 MONTHS, AS REPORTED BY THE OFFICE OF THE COMPTROLLER, IN DETERMINING WHETHER TO TEMPORARILY SUSPEND AN INCREASE TO THE MINIMUM WAGE RATE SPECIFIED UNDER § 3-413(C) OF THIS SUBTITLE.

(D) THE BOARD MAY TEMPORARILY SUSPEND AN INCREASE TO THE MINIMUM WAGE RATE UNDER SUBSECTION (C)(1) OF THIS SECTION ONLY ONE TIME.

(E) IF THE BOARD TEMPORARILY SUSPENDS AN INCREASE TO THE MINIMUM WAGE RATE SPECIFIED UNDER § 3-413(C) OF THIS SUBTITLE:

(1) THE MINIMUM WAGE RATE IN EFFECT FOR THE PERIOD BEGINNING THE FOLLOWING JANUARY 1 SHALL REMAIN THE SAME AS THE RATE THAT WAS IN EFFECT FOR THE IMMEDIATELY PRECEDING 12-MONTH PERIOD;

(2) THE REMAINING MINIMUM WAGE RATES SPECIFIED IN § 3-413 OF THIS SUBTITLE SHALL TAKE EFFECT 1 YEAR LATER THAN THE DATE SPECIFIED;

(3) THE BOARD SHALL NOTIFY THE COMMISSIONER THAT THE MINIMUM WAGE RATE INCREASE FOR THE PERIOD BEGINNING THE FOLLOWING JANUARY 1 IS SUSPENDED FOR 1 YEAR; AND

(4) A RATE INCREASE UNDER §§ 7-307, 16-201.3, AND 16-201.4 OF THE HEALTH – GENERAL ARTICLE FOR THE IMMEDIATELY FOLLOWING FISCAL YEAR MAY NOT GO INTO EFFECT.

3-419.

(D) (1) THE COMMISSIONER SHALL ADOPT REGULATIONS, IN CONSULTATION WITH PAYROLL SERVICE PROVIDERS AND RESTAURANT INDUSTRY TRADE GROUP REPRESENTATIVES, TO REQUIRE RESTAURANT EMPLOYERS THAT INCLUDE A TIP CREDIT AS PART OF THE WAGE OF AN EMPLOYEE TO PROVIDE TIPPED EMPLOYEES WITH A WRITTEN OR ELECTRONIC WAGE STATEMENT FOR EACH PAY PERIOD THAT SHOWS THE EFFECTIVE HOURLY TIP RATE AS DERIVED FROM EMPLOYER-PAID CASH WAGES PLUS ALL REPORTED TIPS FOR TIP CREDIT HOURS WORKED EACH WORKWEEK OF THE PAY PERIOD.

(2) THE COMMISSIONER SHALL PROVIDE NOTIFICATION OF THE TIP CREDIT WAGE STATEMENT REGULATIONS ON THE DEPARTMENT'S WEBSITE.

~~3-419.~~

~~(a) (1) This section applies to each employee who:~~

- ~~(i) is engaged in an occupation in which the employee customarily and regularly receives more than \$30 each month in tips;~~
- ~~(ii) has been informed by the employer about the provisions of this section; and~~
- ~~(iii) has kept all of the tips that the employee received.~~

~~(2) Notwithstanding paragraph (1)(iii) of this subsection, this section does not prohibit the pooling of tips.~~

~~(b) Subject to the limitations in this section, an employer may include, as part of the wage of an employee to whom this section applies:~~

~~(1) an amount that the employer sets to represent the tips of the employee;~~
~~or~~

~~(2) if the employee or representative of the employee satisfies the Commissioner that the employee received a lesser amount in tips, the lesser amount.~~

~~(e) (1) The tip credit amount that the employer may include under subsection (b) of this section may not exceed the minimum wage established under § 3-413 of this subtitle for the employee less:~~

~~(I) FOR THE 12 MONTH PERIOD BEGINNING JULY 1, 2019,~~
~~\$3.63;~~

~~(II) FOR THE 12 MONTH PERIOD BEGINNING JULY 1, 2020,~~
~~\$5.25;~~

~~(III) FOR THE 12 MONTH PERIOD BEGINNING JULY 1, 2021,~~
~~\$7.50;~~

~~(IV) FOR THE 12 MONTH PERIOD BEGINNING JULY 1, 2022,~~
~~\$9.00;~~

~~(V) FOR THE 12 MONTH PERIOD BEGINNING JULY 1, 2023,~~
~~\$10.50;~~

~~(VI) FOR THE 12 MONTH PERIOD BEGINNING JULY 1, 2024,~~
~~\$12.00;~~

~~(VII) FOR THE 12 MONTH PERIOD BEGINNING JULY 1, 2025,~~
~~\$13.50; AND~~

~~(VIII) FOR THE 12 MONTH PERIOD BEGINNING JULY 1, 2026,~~
~~\$15.00.~~

~~(2) BEGINNING JULY 1, 2027, AN EMPLOYER:~~

~~(I) MAY NOT INCLUDE A TIP CREDIT AMOUNT AS PART OF THE WAGE OF AN EMPLOYEE TO WHOM THIS SECTION APPLIES; AND~~

~~(II) SHALL PAY AN EMPLOYEE A WAGE THAT IS AT LEAST EQUAL TO THE STATE MINIMUM WAGE ESTABLISHED UNDER § 3-413 OF THIS SUBTITLE.~~

~~§ 423.~~

~~(a) On request by an employer, the Commissioner shall provide without charge a copy of any summary or regulation to the employer.~~

~~(b) Each employer shall keep posted conspicuously in each place of employment:~~

~~(1) a summary of this subtitle that:~~

~~(I) the Commissioner approves; and~~

~~(II) INCLUDES THE ANTIRETALIATION PROVISIONS UNDER § 428(B)(1)(II) OF THIS SUBTITLE; AND~~

~~(2) a copy or summary of each regulation that is adopted to carry out this subtitle.~~

~~§ 428.~~

~~(a) In this section, "complaint" includes a written or oral complaint, claim, or assertion of right by an employee, regarding the payment of wages under this subtitle, that is made to:~~

~~(1) the employer or a supervisor, A manager, [or] A foreman, OR AN INDIVIDUAL WITH APPARENT AUTHORITY TO ALTER THE TERMS OR CONDITIONS OF EMPLOYMENT OF THE EMPLOYEE employed by the employer whether it is made through the employer's internal grievance process or otherwise; or~~

~~(2) the Commissioner or an authorized representative of the Commissioner.~~

~~(b) (1) An employer may not:~~

~~(i) pay or agree to pay less than the wage required under this subtitle;~~

~~(ii) hinder or delay the Commissioner or an authorized representative of the Commissioner in the enforcement of this subtitle;~~

~~(iii) take adverse action OR OTHERWISE DISCRIMINATE against an employee because the employee:~~

~~1. makes a complaint;~~

~~2. that the employee has not been paid in accordance with this subtitle; OR~~

~~B. IN GOOD FAITH, THAT THE EMPLOYER ENGAGED IN CONDUCT THAT VIOLATES ANY PROVISION OF THIS SUBTITLE;~~

~~2. brings an action under this subtitle or a proceeding that relates to the subject of this subtitle; [or]~~

~~3. has PARTICIPATED OR testified, OR IS PREPARING TO TESTIFY, in an INVESTIGATION OR action under this subtitle or a proceeding related to the subject of this subtitle; [or]~~

~~4. ASSISTED ANOTHER EMPLOYEE IN MAKING A COMPLAINT RELATED TO VIOLATIONS OF THIS SUBTITLE;~~

~~5. HAS BEEN INFORMED OR INFORMED ANOTHER EMPLOYEE ABOUT THE RIGHTS PROVIDED UNDER THIS SUBTITLE; OR~~

~~6. OPPOSED ANY UNLAWFUL PRACTICE UNDER THIS SUBTITLE;~~

~~(IV) TAKE ADVERSE ACTION OR OTHERWISE DISCRIMINATE AGAINST AN EMPLOYEE BECAUSE THE EMPLOYER BELIEVES THAT THE EMPLOYEE MAY TAKE AN ACTION DESCRIBED IN ITEM (III) OF THIS PARAGRAPH; OR~~

~~[(iv)] (v) violate any other provision of this subtitle.~~

~~(2) Adverse action prohibited under paragraph (1) of this subsection includes:~~

~~(i) discharge;~~

~~(ii) demotion;~~

~~(iii) threatening the employee with discharge or demotion OR ANY OTHER ADVERSE ACTION; [and]~~

~~(IV) BLACKLISTING;~~

~~(V) A REDUCTION OR CHANGE IN WORK HOURS;~~

~~(VI) REPORTING OR THREATENING TO REPORT THE SUSPECTED CITIZENSHIP OR IMMIGRATION STATUS OF AN EMPLOYEE, A FORMER EMPLOYEE, OR A FAMILY MEMBER OF AN EMPLOYEE OR A FORMER EMPLOYEE TO A FEDERAL, STATE, OR LOCAL AGENCY BECAUSE THE EMPLOYEE OR FORMER EMPLOYEE EXERCISED OR ATTEMPTED TO EXERCISE A RIGHT UNDER THIS SUBTITLE; AND~~

~~[(iv)] (VII) any other retaliatory action AGAINST AN EMPLOYEE OR ANOTHER INDIVIDUAL FOR EXERCISING OR ATTEMPTING TO EXERCISE ANY RIGHT UNDER THIS SUBTITLE that results in a change to the terms or conditions of employment that would dissuade a reasonable employee from making a complaint, bringing an action, or testifying in an action under this subtitle.~~

~~[(e) An employee may not:~~

~~(1) make a groundless or malicious complaint to the Commissioner or an authorized representative of the Commissioner;~~

~~(2) in bad faith, bring an action under this subtitle or a proceeding related to the subject of this subtitle; or~~

~~(3) in bad faith, testify in an action under this subtitle or a proceeding related to the subject of this subtitle.]~~

~~[(d)] (C) (1) A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.~~

~~[(e)] (2) An employer may not be convicted under this section unless the evidence demonstrates that the employer had knowledge of the relevant complaint, testimony, or action for which the prosecution for retaliation is sought.~~

~~(3) IN ANY ACTION UNDER THIS SECTION, IF IT HAS BEEN DEMONSTRATED BY A PREPONDERANCE OF THE EVIDENCE THAT AN ACTIVITY PROHIBITED UNDER SUBSECTION (B) OF THIS SECTION WAS A CONTRIBUTING FACTOR IN THE ALLEGED RETALIATION OR ADVERSE ACTION AGAINST AN INDIVIDUAL, THE BURDEN OF PROOF SHALL BE ON THE DEFENDANT TO PROVE BY CLEAR AND CONVINCING EVIDENCE THAT THE ALLEGED ADVERSE EMPLOYMENT ACTION WOULD HAVE OCCURRED FOR LEGITIMATE, NONDISCRIMINATORY REASONS EVEN IF THE EMPLOYEE HAD NOT ENGAGED IN THE PROTECTED ACTIVITY.~~

~~(D) THE NAME OF THE EMPLOYEE OR ANOTHER PERSON IDENTIFIED IN THE COMPLAINT OR AN INVESTIGATION BY THE COMMISSIONER UNDER THIS SECTION SHALL BE KEPT CONFIDENTIAL UNLESS THE COMMISSIONER DETERMINES THAT THE EMPLOYEE'S NAME BE DISCLOSED, WITH THE EMPLOYEE'S CONSENT, TO FURTHER INVESTIGATE THE COMPLAINT.~~

~~(E) (1) (i) NOTWITHSTANDING § 3-103(c) OF THIS TITLE, IF AN EMPLOYER'S ACTION VIOLATES SUBSECTION (B) OF THIS SECTION, AN AFFECTED EMPLOYEE MAY BRING AN ACTION AGAINST AN EMPLOYER.~~

~~(H) AN EMPLOYEE MAY BRING AN ACTION ON BEHALF OF THE EMPLOYEE AND OTHER EMPLOYEES SIMILARLY AFFECTED.~~

~~(2) ON THE WRITTEN REQUEST OF AN EMPLOYEE WHO IS ENTITLED TO BRING AN ACTION UNDER THIS SUBSECTION, THE COMMISSIONER MAY:~~

~~(I) TAKE AN ASSIGNMENT OF THE CLAIM IN TRUST FOR THE EMPLOYEE;~~

~~(II) ASK THE ATTORNEY GENERAL TO BRING AN ACTION IN ACCORDANCE WITH THIS SECTION ON BEHALF OF THE EMPLOYEE; AND~~

~~(III) CONSOLIDATE TWO OR MORE CLAIMS AGAINST AN EMPLOYER.~~

~~(3) EXCEPT AS PROVIDED UNDER PARAGRAPH (4) OF THIS SUBSECTION, AN ACTION UNDER THIS SUBSECTION:~~

~~(I) SHALL BE FILED WITHIN 3 YEARS AFTER THE EMPLOYEE KNEW OR SHOULD HAVE KNOWN OF THE EMPLOYER'S ACTION; AND~~

~~(II) MAY ENCOMPASS ALL VIOLATIONS THAT OCCURRED AS PART OF A CONTINUING COURSE OF EMPLOYER CONDUCT REGARDLESS OF THE DATE OF THE VIOLATION.~~

~~(4) THE LIMITATION PERIOD UNDER PARAGRAPH (3) OF THIS SUBSECTION DOES NOT APPLY DURING AN INVESTIGATION UNDER § 3-103(C) OF THIS TITLE.~~

~~(5) IF A COURT DETERMINES THAT AN EMPLOYEE IS ENTITLED TO JUDGMENT IN AN ACTION UNDER THIS SUBSECTION, THE COURT SHALL ALLOW AGAINST THE EMPLOYER REASONABLE COUNSEL FEES AND OTHER COSTS OF THE ACTION.~~

~~(F) (1) IF A PERSON IS FOUND TO HAVE VIOLATED SUBSECTION (B) OF THIS SECTION, THE COMMISSIONER OR COURT SHALL REQUIRE THE PERSON TO PAY THE GREATER OF:~~

~~(I) ACTUAL DAMAGES PLUS LIQUIDATED DAMAGES; OR~~

~~(II) \$500 FOR EACH DAY THAT THE VIOLATION CONTINUED.~~

~~(2) (I) IF AN EMPLOYER WAS FOUND TO HAVE SUBSEQUENTLY VIOLATED THE PROVISIONS OF THIS SUBTITLE WITHIN 6 YEARS AFTER A PREVIOUS~~

~~VIOLATION, THE COMMISSIONER OR COURT SHALL ASSESS AGAINST THE EMPLOYER A CIVIL PENALTY OF NOT LESS THAN \$10,000.~~

~~(H) THE COMMISSIONER AND A COURT MAY ORDER ADDITIONAL CIVIL PENALTIES AND ANY OTHER APPROPRIATE RELIEF FOR VIOLATIONS OF THIS SUBTITLE.~~

~~(HH) EACH CIVIL PENALTY ASSESSED UNDER THIS PARAGRAPH SHALL BE PAID TO THE GENERAL FUND OF THE STATE TO OFFSET THE COST OF FINANCING THE ENFORCEMENT OF THIS SUBTITLE.~~

~~§ 508.~~

~~(a) An employer may not:~~

~~(1) willfully violate this subtitle;~~

~~(2) PAY OR AGREE TO PAY AN EMPLOYEE IN A MANNER THAT VIOLATES THIS SUBTITLE;~~

~~(3) HINDER OR DELAY THE COMMISSIONER OR AN AUTHORIZED REPRESENTATIVE OF THE COMMISSIONER IN THE ENFORCEMENT OF THIS SUBTITLE; OR~~

~~(4) TAKE ADVERSE ACTION OR OTHERWISE DISCRIMINATE AGAINST AN EMPLOYEE BECAUSE:~~

~~(i) THE EMPLOYEE:~~

~~1. MAKES A COMPLAINT:~~

~~A. THAT THE EMPLOYEE HAS NOT BEEN PAID IN ACCORDANCE WITH THIS SUBTITLE; OR~~

~~B. IN GOOD FAITH, THAT THE EMPLOYER ENGAGED IN CONDUCT THAT VIOLATES THIS SUBTITLE;~~

~~2. BRINGS AN ACTION UNDER THIS SUBTITLE OR A PROCEEDING THAT RELATES TO THE SUBJECT OF THIS SUBTITLE;~~

~~3. HAS PARTICIPATED OR TESTIFIED, OR IS PREPARING TO TESTIFY, IN AN INVESTIGATION OR ACTION UNDER THIS SUBTITLE OR A PROCEEDING RELATED TO THE SUBJECT OF THIS SUBTITLE;~~

~~4. ASSISTED ANOTHER EMPLOYEE IN MAKING A COMPLAINT RELATED TO VIOLATIONS OF THIS SUBTITLE;~~

~~5. HAS BEEN INFORMED OR INFORMED ANOTHER EMPLOYEE ABOUT THEIR RIGHTS UNDER THIS SUBTITLE; OR~~

~~6. OPPOSED ANY UNLAWFUL PRACTICE UNDER THIS SUBTITLE; OR~~

~~(H) THE EMPLOYER BELIEVES THE EMPLOYEE MAY TAKE AN ACTION DESCRIBED IN ITEM (I) OF THIS ITEM.~~

~~(B) ADVERSE ACTION PROHIBITED UNDER SUBSECTION (A)(4) OF THIS SECTION INCLUDES:~~

~~(1) DISCHARGE;~~

~~(2) DEMOTION;~~

~~(3) THREATENING THE EMPLOYEE WITH DISCHARGE OR DEMOTION OR ANY OTHER ADVERSE ACTION;~~

~~(4) BLACKLISTING;~~

~~(5) A REDUCTION OR CHANGE IN WORK HOURS;~~

~~(6) REPORTING OR THREATENING TO REPORT THE SUSPECTED CITIZENSHIP OR IMMIGRATION STATUS OF AN EMPLOYEE, A FORMER EMPLOYEE, OR A FAMILY MEMBER OF AN EMPLOYEE OR A FORMER EMPLOYEE TO A FEDERAL, STATE, OR LOCAL AGENCY BECAUSE THE EMPLOYEE OR FORMER EMPLOYEE EXERCISED OR ATTEMPTED TO EXERCISE A RIGHT UNDER THIS SUBTITLE; AND~~

~~(7) ANY OTHER RETALIATORY ACTION AGAINST AN EMPLOYEE OR ANOTHER INDIVIDUAL FOR EXERCISING OR ATTEMPTING TO EXERCISE ANY RIGHT UNDER THIS SUBTITLE THAT RESULTS IN A CHANGE TO THE TERMS OR CONDITIONS OF EMPLOYMENT THAT WOULD DISSUADE A REASONABLE EMPLOYEE FROM MAKING A COMPLAINT, BRINGING AN ACTION, OR TESTIFYING IN AN ACTION UNDER THIS SUBTITLE.~~

~~[(b)](C) An employee may not knowingly make to a governmental unit or official of a governmental unit a false statement with respect to any investigation or proceeding under this subtitle, with the intent that the governmental unit or official consider or otherwise act in connection with the statement.~~

~~[(c)] (D) (1) (I) An employer who violates subsection (a) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.~~

~~(H) IN ADDITION TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE ENFORCEMENT PROVISIONS, CIVIL PENALTIES, AND REMEDIES PROVIDED UNDER § 3-428 OF THIS TITLE APPLY TO VIOLATIONS OF SUBSECTION (A)(4) OF THIS SECTION IN THE SAME MANNER AS VIOLATIONS OF § 3-428(B) OF THIS TITLE.~~

~~(HH) EACH CIVIL PENALTY ASSESSED UNDER THIS PARAGRAPH SHALL BE PAID TO THE GENERAL FUND OF THE STATE TO OFFSET THE COST OF FINANCING THE ENFORCEMENT OF THIS SUBTITLE.~~

~~(2) An employee who violates subsection [(b)] (C) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

Gubernatorial Veto Override, March 28, 2019.

Chapter 11

(Senate Bill 280)

AN ACT concerning

Labor and Employment – Payment of Wages – Minimum Wage ~~and Enforcement~~ (Fight for Fifteen)

FOR the purpose of specifying the State minimum wage rate that is in effect for certain time periods and for certain employers except under certain circumstances; ~~increasing, except under certain circumstances, the State minimum wage rate in effect for certain periods of time based on annual growth in a certain consumer price index; requiring the Commissioner of Labor and Industry, beginning at a certain time, to annually determine and announce the growth in the consumer price index, if any, and the new State minimum wage rate; repealing and altering certain provisions of law that authorize certain employers to pay certain employees a certain wage that is less than the State minimum wage under certain circumstances; specifying the tip credit amount that is in effect for certain time periods; prohibiting an employer, beginning on a certain date, from including a tip credit amount as part of the wage of certain employees; repealing the exemption from the Maryland Wage and Hour Law for certain individuals; requiring that a certain summary certain employers are required to keep conspicuously posted in certain places of employment include certain anti-retaliation provisions; prohibiting certain employers from taking~~

~~certain actions under the Maryland Wage Payment and Collection Law; prohibiting certain employers from discriminating against certain employees under certain circumstances; altering the conditions under which certain employers are prohibited from taking adverse actions against certain employees under certain circumstances; altering the list of acts that constitute adverse action under a certain provision of law; requiring that the burden of proof as proved by clear and convincing evidence under certain actions be on the defendant based on certain actions under certain circumstances; repealing certain provisions of law that prohibit certain employees from taking certain actions regarding making certain complaints or bringing or testifying in certain actions or proceedings; authorizing the Commissioner to conduct an investigation under the Maryland Wage and Hour Law on the Commissioner's own initiative or on receipt of a certain complaint; authorizing the Commissioner to conduct an investigation under the Maryland Wage Payment and Collection Law on the Commissioner's own initiative; requiring that certain names be kept confidential except under certain circumstances; authorizing a certain employee to bring an action against an employer for a violation of certain provisions of this Act; authorizing the Commissioner to take certain actions relating to a certain claim by an employee under certain circumstances; specifying the time period for filing a certain action and the scope of a certain action; providing that a certain limitation period does not apply during a certain investigation; requiring a court to allow against a certain employer reasonable counsel fees and costs in a certain action; establishing certain penalties against certain employers; authorizing the Commissioner or a court to order certain civil penalties or certain relief under certain circumstances; requiring that certain civil penalties be paid to the General Fund for certain purposes; providing that certain enforcement provisions, civil penalties, and remedies apply to violations of certain provisions of this Act in the same manner as certain other violations; requiring an employer, beginning at a certain time, to pay certain employees a wage that is at least equal to the State minimum wage rate~~
requiring the Board of Public Works to make a certain determination on or before certain dates, subject to a certain exception and a certain limitation; authorizing the Board to consider certain other information under certain circumstances when making a certain determination; authorizing the Board to temporarily suspend an increase in the minimum wage rate for a certain period of time under certain circumstances, subject to a certain limitation; specifying the minimum wage rate in effect for a certain period if the Board temporarily suspends an increase to the minimum wage rate; requiring certain minimum wage rates to take effect at a certain time; requiring the Board to notify the Commissioner of Labor and Industry if the Board has temporarily suspended a certain increase in the minimum wage rate; prohibiting a rate increase for certain providers from going into effect if the Board has temporarily suspended a certain increase in the minimum wage rate; requiring the Commissioner to adopt certain regulations; requiring the Commissioner to provide a certain notification on a certain website; requiring the Governor, in certain fiscal years, to include in a certain budget proposal certain funding to reimburse community service providers; requiring that the Governor's proposed budget for certain fiscal years include certain rate increases for certain providers over the funding provided in certain legislative appropriations; requiring that the Governor's proposed budget for fiscal year 2021 and each fiscal year

thereafter for certain providers be presented in the same manner as in a certain fiscal year budget; making conforming changes; repealing obsolete provisions of law; defining certain terms; ~~altering a certain definition;~~ and generally relating to the payment of wages.

BY repealing and reenacting, with amendments,
 Article – Health – General
 Section ~~7–307 and 16–201.3~~
 Annotated Code of Maryland
 (2015 Replacement Volume and 2018 Supplement)

BY adding to
Article – Health – General
Section 16–201.4
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
 Article – Labor and Employment
 Section ~~3–103, 3–403, 3–413, 3–419, 3–423, 3–428, and 3–508~~ 3–413
 Annotated Code of Maryland
 (2016 Replacement Volume and 2018 Supplement)

BY adding to
Article – Labor and Employment
Section 3–413.1 and 3–419(d)
Annotated Code of Maryland
(2016 Replacement Volume and 2018 Supplement)

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

Article – Health – General

7–307.

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

(2) “Community direct service worker” means an employee of a community provider that provides treatment or services to developmentally disabled individuals.

(3) “Community provider” means a community–based agency or program funded by the Administration to serve individuals with developmental disabilities.

(4) “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 funds.

(b) Notwithstanding the provisions of this title or any other provision of law, the Department shall reimburse community providers as provided in this section.

(c) Subject to subsection (d) of this section, the Department shall increase the rate of reimbursement for community services providers each fiscal year by the amount of rate increase included in the State budget for that fiscal year.

(d) [(1) The Governor's proposed budget for fiscal year 2016 shall include a 3.5% 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 2015.

(2) The Governor's proposed budget for fiscal year 2017 shall include a 3.5% 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 2016.

(3) The Governor's proposed budget for fiscal year 2018 shall include a 3.5% 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 2017.]

[(4) (1) The Governor's proposed budget for fiscal year 2019 shall include a 3.5% 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.

~~(2) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2020 SHALL INCLUDE A 7% 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 2019.~~

~~(3) (2) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2021 SHALL INCLUDE A 5.5% 5% 4% 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 2020.~~

~~(4) (3) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2022 SHALL INCLUDE A 5.5% 5% 4% 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 2021.~~

~~(5)~~ (4) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2023 SHALL INCLUDE A ~~5.5%~~ ~~4.5%~~ 4% 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 2022.

~~(6) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2024, AND FOR EACH FISCAL YEAR THEREAFTER, SHALL INCLUDE A PERCENTAGE RATE INCREASE THAT IS NOT LESS THAN THE PERCENTAGE INCREASE IN THE STATE MINIMUM WAGE RATE UNDER § 3-413 OF THE LABOR AND EMPLOYMENT ARTICLE FOR COMMUNITY SERVICE PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00M01.02 COMMUNITY SERVICES FOR THE IMMEDIATELY PRECEDING FISCAL YEAR.~~

(5) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2024 SHALL INCLUDE A 4% 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 2023.

(6) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2025 SHALL INCLUDE A 4% 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 2024.

(7) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2026 SHALL INCLUDE A ~~3%~~ 4% 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 2025.

(e) The Governor's proposed budget for fiscal year 2016 and thereafter for community service providers shall be presented in the same manner, including object and program information, as provided for in the fiscal year 2015 budget.

(f) A portion of the funds in subsection (e) of this section may be allocated to address the impact of an increase in the State minimum wage on wages and benefits of direct support workers employed by community providers licensed by the Developmental Disabilities Administration.

(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.

(b) This section does not apply to reimbursement for any service provided by a community provider whose rates are regulated by the Health Services Cost Review Commission.

(c) It is the intent of the General Assembly that a substantial portion of the rate adjustment provided under subsection (d) of this section be used to:

(1) Compensate direct care staff and licensed clinicians employed by community providers; and

(2) Improve the quality of programming provided by community providers.

(d) (1) The Governor’s proposed budget for fiscal year 2019 and 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.

[(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 M00Q01.10 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.]

(2) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2021 SHALL INCLUDE A 4% 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.

(3) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2022 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.

(4) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2023 SHALL INCLUDE A 3.25% 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.

(5) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2024 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 M00Q01.10 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.

(6) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2025 SHALL INCLUDE A 4% 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.

(7) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2026 SHALL INCLUDE A 4% 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.

[(3)] (8) The Governor's proposed budget for fiscal [years] YEAR 2019 [through 2021] AND EACH FISCAL YEAR THEREAFTER for community providers shall be presented in the same manner, including object and program information, as in the fiscal year 2018 budget.

(e) (1) The Behavioral Health Administration and the Medical Care Programs Administration jointly shall:

(i) Conduct an independent cost-driven, rate-setting study to set community provider rates for community-based behavioral health services that includes a rate analysis and an impact study that considers the actual cost of providing community-based behavioral health services;

(ii) Develop and implement a payment system incorporating the findings of the rate-setting study conducted under item (i) of this paragraph, including projected costs of implementation and recommendations to address any potential shortfall in funding; and

(iii) Consult with stakeholders, including community providers and individuals receiving services, in conducting the rate-setting study and developing the payment system required by this paragraph.

(2) The Administration, on or before September 30, 2019, shall complete the study required under paragraph (1)(i) of this subsection.

(3) The Administration shall adopt regulations to implement the payment system required by paragraph (1) of this subsection.

(f) If services of community providers are provided through managed care organizations, the managed care organizations shall:

(1) Pay the rate in effect during the immediately preceding fiscal year for the first fiscal year the managed care organizations provide the services; and

(2) Adjust the rate for community providers each fiscal year by at least the same amount that otherwise would have been required under subsection (d) of this section.

(g) Increased funding provided under subsection (d) of this section may be used only to increase the rates paid to:

(1) Community providers accredited by a State–approved accrediting body and licensed by the State; and

(2) Health care providers who are acting within the scopes of practice of the health care providers’ licenses or certificates as specified under the Health Occupations Article.

(h) (1) On or before December 1, 2018, the Department shall submit an interim report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on the delivery system through which community–based behavioral health services should be provided and any preliminary recommendations regarding the payment system required under this section.

(2) On or before December 1, 2019, and on or before December 1 each year thereafter, the Department shall submit a report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on the impact of the rate adjustments and the payment system required under this section on community providers, including the impact on:

(i) The wages and salaries paid and the benefits provided to direct care staff and licensed clinicians employed by community providers;

(ii) The tenure and turnover of direct care staff and licensed clinicians employed by community providers; and

(iii) The ability of community providers to recruit qualified direct care staff and licensed clinicians.

(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 (2) of this subsection.

16–201.4.

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

(2) “PROVIDER” MEANS A PROVIDER OF:

(I) NURSING HOME SERVICES;

(II) MEDICAL DAY CARE SERVICES;

(III) PRIVATE DUTY NURSING SERVICES;

(IV) PERSONAL CARE SERVICES;

(V) HOME- AND COMMUNITY-BASED SERVICES; AND

(VI) SERVICES PROVIDED THROUGH THE COMMUNITY FIRST CHOICE PROGRAM.

(3) “RATE” MEANS THE REIMBURSEMENT RATE PAID BY THE DEPARTMENT TO PROVIDERS OF NURSING HOME, MEDICAL DAY CARE, PRIVATE DUTY NURSING, PERSONAL CARE, AND HOME- AND COMMUNITY-BASED SERVICES AND SERVICES PROVIDED THROUGH THE COMMUNITY FIRST CHOICE PROGRAM FROM THE STATE GENERAL FUND, MARYLAND MEDICAL ASSISTANCE PROGRAM FUNDS, OTHER STATE OR FEDERAL FUNDS, OR A COMBINATION OF THESE FUNDS.

(B) (1) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2021 SHALL INCLUDE A 4% RATE INCREASE FOR PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR IN PROGRAM M00Q01.03 MEDICAL CARE PROVIDER REIMBURSEMENTS – MEDICAL CARE PROGRAMS ADMINISTRATION AND PROGRAM M00Q01.07 MARYLAND CHILDREN’S HEALTH PROGRAM – MEDICAL CARE PROGRAMS ADMINISTRATION.

(2) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2022 SHALL INCLUDE A 4% RATE INCREASE FOR PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR IN PROGRAM M00Q01.03 MEDICAL CARE PROVIDER REIMBURSEMENTS – MEDICAL CARE PROGRAMS ADMINISTRATION AND PROGRAM M00Q01.07 MARYLAND CHILDREN’S HEALTH PROGRAM – MEDICAL CARE PROGRAMS ADMINISTRATION.

(3) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2023 SHALL INCLUDE A 4% RATE INCREASE FOR PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR IN PROGRAM M00Q01.03 MEDICAL CARE PROVIDER REIMBURSEMENTS – MEDICAL CARE PROGRAMS ADMINISTRATION AND PROGRAM

M00Q01.07 MARYLAND CHILDREN’S HEALTH PROGRAM – MEDICAL CARE PROGRAMS ADMINISTRATION.

(4) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2024 SHALL INCLUDE A 4% RATE INCREASE FOR PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR IN PROGRAM M00Q01.03 MEDICAL CARE PROVIDER REIMBURSEMENTS – MEDICAL CARE PROGRAMS ADMINISTRATION AND PROGRAM M00Q01.07 MARYLAND CHILDREN’S HEALTH PROGRAM – MEDICAL CARE PROGRAMS ADMINISTRATION.

(5) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2025 SHALL INCLUDE A 4% RATE INCREASE FOR PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR IN PROGRAM M00Q01.03 MEDICAL CARE PROVIDER REIMBURSEMENTS – MEDICAL CARE PROGRAMS ADMINISTRATION AND PROGRAM M00Q01.07 MARYLAND CHILDREN’S HEALTH PROGRAM – MEDICAL CARE PROGRAMS ADMINISTRATION.

(6) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2026 SHALL INCLUDE A 4% RATE INCREASE FOR PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR IN PROGRAM M00Q01.03 MEDICAL CARE PROVIDER REIMBURSEMENTS – MEDICAL CARE PROGRAMS ADMINISTRATION AND PROGRAM M00Q01.07 MARYLAND CHILDREN’S HEALTH PROGRAM – MEDICAL CARE PROGRAMS ADMINISTRATION.

(7) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER SHALL BE PRESENTED IN THE SAME MANNER, INCLUDING OBJECT AND PROGRAM INFORMATION, AS IN THE FISCAL YEAR 2020 BUDGET.

Article – Labor and Employment

~~3-103.~~

~~(a) Except as otherwise provided in this section, the Commissioner may conduct an investigation to determine whether a provision of this title has been violated on the Commissioner’s own initiative or may require a written complaint.~~

~~(b) The Commissioner may conduct an investigation under Subtitle 3 of this title, on the Commissioner’s own initiative or on receipt of a written complaint of an employee.~~

~~(C) THE COMMISSIONER MAY CONDUCT AN INVESTIGATION UNDER SUBTITLE 4 OF THIS TITLE, ON THE COMMISSIONER'S OWN INITIATIVE OR ON RECEIPT OF A WRITTEN COMPLAINT OF AN EMPLOYEE.~~

~~[(e)] (D) The Commissioner may conduct an investigation to determine whether Subtitle 5 of this title has been violated ON THE COMMISSIONER'S OWN INITIATIVE OR on receipt of a written complaint of an employee.~~

~~[(d)] (E) The Commissioner may conduct an investigation to determine whether Subtitle 6 of this title has been violated on receipt of a written complaint of a sales representative.~~

~~[(e)] (F) (1) The Commissioner may investigate whether § 3-701 of this title has been violated on receipt of a written complaint of an applicant for employment.~~

~~(2) The Commissioner may investigate whether § 3-702 of this title has been violated on receipt of a written complaint of an applicant for employment or an employee.~~

~~(3) The Commissioner may investigate whether § 3-704 of this title has been violated on receipt of a written complaint of an employee.~~

~~(4) The Commissioner may investigate whether § 3-710 of this title has been violated on receipt of a written complaint of an employee as provided in § 3-710(d)(1) of this title.~~

~~(5) The Commissioner may investigate whether § 3-711 of this title has been violated on receipt of a written complaint of an employee as provided in § 3-711(d)(1) of this title.~~

~~(6) The Commissioner may investigate whether § 3-712 of this title has been violated on receipt of a written complaint of an employee or applicant.~~

~~[(f)] (G) (1) The Commissioner may investigate whether § 3-801 of this title has been violated on receipt of a written complaint of an employee.~~

~~(2) The Commissioner may investigate whether § 3-802 of this title has been violated on receipt of a written complaint of an employee.~~

~~[(g)] (H) The Commissioner may investigate whether Subtitle 9 of this title has been violated:~~

~~(1) on the Commissioner's own initiative;~~

~~(2) on receipt of a written complaint signed by the person submitting the complaint; or~~

~~(3) on referral from another unit of State government.~~

~~[(h)] (I) The Commissioner may conduct an investigation to determine whether Subtitle 10 of this title has been violated on receipt of a written complaint of an employee.~~

~~[(i)] (J) The Commissioner may conduct an investigation to determine whether Subtitle 12 of this title has been violated on receipt of a written complaint of an employee.~~

~~[(j)] (K) The Commissioner, on the Commissioner's own initiative or on receipt of a written complaint, may conduct an investigation of whether a local minimum wage law has been violated.~~

~~[(k)] (L) (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.~~

~~3-403.~~

~~This subtitle does not apply to an individual who:~~

~~(1) is employed in a capacity that the Commissioner defines, by regulation, to be administrative, executive, or professional;~~

~~(2) is employed in a nonadministrative capacity at an organized camp, including a resident or day camp;~~

~~(3) is under the age of 16 years and is employed no more than 20 hours in a week;~~

~~(4) is employed as an outside salesman;~~

~~[(5) is compensated on a commission basis;]~~

~~[(6)] (5) is a child, parent, spouse, or other member of the immediate family of the employer;~~

~~[(7)] (6) is employed in a drive-in theater;~~

~~[(8)] (7) is employed as part of the training in a special education program for emotionally, mentally, or physically handicapped students under a public school system;~~

~~[(9) is employed by an employer who is engaged in canning, freezing, packing, or first processing of perishable or seasonal fresh fruits, vegetables, or horticultural commodities, poultry, or seafood;]~~

~~[(10)] (8) engages in the activities of a charitable, educational, nonprofit, or religious organization if:~~

- ~~(i) the service is provided gratuitously; and~~
- ~~(ii) there is, in fact, no employer-employee relationship;~~

~~[(11)] (9) is employed in a cafe, drive-in, drugstore, restaurant, tavern, or other similar establishment that:~~

- ~~(i) sells food and drink for consumption on the premises; and~~
- ~~(ii) has an annual gross income of \$400,000 or less; OR~~

~~[(12) is employed in agriculture if, during each quarter of the preceding calendar year, the employer used no more than 500 agricultural worker days;~~

~~(13) is engaged principally in the range production of livestock; or]~~

~~[(14)] (10) is employed as a hand harvest laborer and is paid on a piece rate basis in an operation that, in the region of employment, has been and customarily and generally is recognized as having been paid on that basis, if:~~

~~(i) the individual:~~

~~1. commutes daily from the permanent residence of the individual to the farm where the individual is employed; and~~

~~2. during the preceding calendar year, was employed in agriculture less than 13 weeks; or~~

~~(ii) the individual:]~~

~~[1.] (I) is under the age of 17;~~

~~[2.] (II) is employed on the same farm as a parent of the individual or a person standing in the place of the parent; and~~

~~[3.] (III) is paid at the same rate that an employee who is at least 17 years old is paid on the same farm.~~

(a) (1) In this section[, “employer”] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

~~(2) “CONSUMER PRICE INDEX” MEANS THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE WASHINGTON ARLINGTON ALEXANDRIA, DC VA MD WV METROPOLITAN AREA OR A SUCCESSOR METROPOLITAN AREA INDEX PUBLISHED BY THE FEDERAL BUREAU OF LABOR STATISTICS.~~

~~(3)~~ (2) “EMPLOYER” includes a governmental unit.

(3) **“SMALL EMPLOYER” MEANS AN EMPLOYER THAT EMPLOYS 14 OR FEWER EMPLOYEES.**

(b) Except as provided in ~~subsection (d) of this section and~~ ~~§ 3-414~~ **§§ 3-413.1 AND 3-414** of this subtitle, each employer shall pay:

(1) to each employee who is subject to both the federal Act and this subtitle, at least the greater of:

- (i) the minimum wage for that employee under the federal Act; or
- (ii) the State minimum wage rate set under subsection (c) of this

section; and

(2) to each other employee who is subject to this subtitle, at least[:

- (i)] the greater of:

[1.] (I) the highest minimum wage under the federal Act;

or

[2.] (II) 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].

(c) (1) ~~The~~ **SUBJECT TO § 3-413.1 OF THIS SUBTITLE AND EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** State minimum wage rate is:

[(1) for the 6-month period beginning January 1, 2015, \$8.00 per hour;

(2) for the 12-month period beginning July 1, 2015, \$8.25 per hour;

(3) for the 12-month period beginning July 1, 2016, \$8.75 per hour;]

[(4) (I) for the 12-month period beginning July 1, 2017, \$9.25 per hour;
[and]

[(5) (II) FOR THE ~~12-MONTH~~ 18-MONTH PERIOD beginning July 1, 2018, \$10.10 per hour;

(III) FOR THE 12-MONTH PERIOD BEGINNING ~~JULY 1, 2019,~~
JANUARY 1, 2020, \$11.00 PER HOUR;

(IV) FOR THE 12-MONTH PERIOD BEGINNING ~~JULY 1, 2020,~~
JANUARY 1, 2021, \$12.00 \$11.75 PER HOUR;

(V) FOR THE 12-MONTH PERIOD BEGINNING ~~JULY 1, 2021,~~
JANUARY 1, 2022, \$13.00 \$12.50 PER HOUR;

(VI) FOR THE 12-MONTH PERIOD BEGINNING ~~JULY 1, 2022,~~
JANUARY 1, 2023, \$14.00 \$13.25 PER HOUR;

(VII) FOR THE 12-MONTH PERIOD BEGINNING ~~JULY 1, 2023,~~
JANUARY 1, 2024, \$15.00 \$14.00 PER HOUR; AND

(VIII) BEGINNING JANUARY 1, 2025, \$15.00 PER HOUR.

(2) SUBJECT TO § 3-413.1 OF THIS SUBTITLE, THE STATE MINIMUM WAGE RATE FOR A SMALL EMPLOYER IS:

(I) FOR THE 18-MONTH PERIOD BEGINNING JULY 1, 2018, \$10.10 PER HOUR;

(II) FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1, 2020, \$11.00 PER HOUR;

(III) FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1, 2021, \$11.50 \$11.60 PER HOUR;

(IV) FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1, 2022, \$12.00 \$12.20 PER HOUR;

(V) FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1, 2023, \$12.50 \$12.80 PER HOUR;

~~(VI) FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1, 2024, \$13.00 \$13.40 PER HOUR;~~

~~(VII) FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1, 2025, \$13.50 \$14.00 PER HOUR;~~

~~(VIII) FOR THE ~~12-MONTH~~ 6-MONTH PERIOD BEGINNING JANUARY 1, 2026, \$14.00 \$14.60 PER HOUR; AND~~

~~(IX) FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1, 2027, \$14.50 PER HOUR; AND~~

~~(X) (IX) BEGINNING JANUARY 1, 2028 JULY 1, 2026, \$15.00 PER HOUR.~~

~~(VIII) FOR EACH SUBSEQUENT 12-MONTH PERIOD BEGINNING JULY 1, 2024, AND EACH JULY 1 THEREAFTER, THE RATE DETERMINED BY THE COMMISSIONER UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION.~~

~~(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, FOR THE 12-MONTH PERIOD BEGINNING JULY 1, 2024, AND EACH SUBSEQUENT 12-MONTH PERIOD, THE STATE MINIMUM WAGE RATE SHALL BE INCREASED BY THE AMOUNT, ROUNDED TO THE NEAREST 5-CENTS, THAT EQUALS THE PRODUCT OF:~~

~~1. THE STATE MINIMUM WAGE RATE IN EFFECT FOR THE IMMEDIATELY PRECEDING 12-MONTH PERIOD; AND~~

~~2. THE AVERAGE PERCENT GROWTH IN THE CONSUMER PRICE INDEX FOR THE IMMEDIATELY PRECEDING 12-MONTH PERIOD, AS DETERMINED BY THE COMMISSIONER UNDER SUBPARAGRAPH (H)1 OF THIS PARAGRAPH.~~

~~(H) BEGINNING MARCH 1, 2024, AND EACH MARCH 1 THEREAFTER, THE COMMISSIONER SHALL DETERMINE AND ANNOUNCE:~~

~~1. THE AVERAGE PERCENT GROWTH, IF ANY, IN THE CONSUMER PRICE INDEX BASED ON THE IMMEDIATELY PRECEDING 12-MONTH PERIOD FOR WHICH DATA ARE AVAILABLE ON MARCH 1; AND~~

~~2. THE STATE MINIMUM WAGE RATE THAT WILL BE EFFECTIVE FOR THE 12-MONTH PERIOD BEGINNING THE FOLLOWING JULY 1.~~

~~(III) IF THE COMMISSIONER DETERMINES THAT THERE IS A DECLINE OR NO GROWTH IN THE CONSUMER PRICE INDEX, THE STATE MINIMUM WAGE RATE SHALL REMAIN THE SAME AS THE RATE THAT WAS IN EFFECT FOR THE IMMEDIATELY PRECEDING 12 MONTH PERIOD.~~

~~[(d) (1) (i) Except as provided in paragraph (2) of this subsection and subject to subparagraph (ii) of this paragraph, an AN employer may pay an employee a wage that equals a rate of 85% of the State minimum wage established under this section if the employee is under the age of ~~20~~ 18 years.~~

~~(ii) An employer may pay to an employee the wage provided under subparagraph (i) of this paragraph only for the first 6 months that the employee is employed.~~

~~(2) (i) This paragraph applies only to an employer that is an amusement or a recreational establishment, including a swimming pool, if the employer:~~

~~1. operates for no more than 7 months in a calendar year; or~~

~~2. for any 6 months during the preceding calendar year, has average receipts that do not exceed one third of the average receipts for the other 6 months.~~

~~(ii) An employer may pay an employee a wage that equals the greater of:~~

~~1. 85% of the State minimum wage established under this section; or~~

~~2. \$7.25.]~~

3-413.1.

(A) IN THIS SECTION, "BOARD" MEANS THE BOARD OF PUBLIC WORKS.

(B) (1) SUBJECT TO SUBSECTION (D) OF THIS SECTION AND EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE OCTOBER 1, 2020, AND OCTOBER 1 EACH YEAR THEREAFTER UNTIL OCTOBER 1, 2024, THE BOARD SHALL DETERMINE WHETHER THE SEASONALLY ADJUSTED TOTAL EMPLOYMENT FROM THE CURRENT EMPLOYMENT STATISTICS SERIES AS REPORTED BY THE U.S. BUREAU OF LABOR STATISTICS FOR THE MOST RECENT 6-MONTH PERIOD IS NEGATIVE AS COMPARED WITH THE IMMEDIATELY PRECEDING 6-MONTH PERIOD.

(2) THE BOARD IS NOT REQUIRED TO MAKE A DETERMINATION UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE BOARD HAS PREVIOUSLY

TEMPORARILY SUSPENDED AN INCREASE TO THE MINIMUM WAGE RATE SPECIFIED UNDER § 3-413(C) OF THIS SUBTITLE.

(C) (1) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE BOARD MAY TEMPORARILY SUSPEND AN INCREASE TO THE MINIMUM WAGE RATE SPECIFIED UNDER § 3-413(C) OF THIS SUBTITLE IF THE BOARD DETERMINED UNDER SUBSECTION (B)(1) OF THIS SECTION THAT THE SEASONALLY ADJUSTED TOTAL EMPLOYMENT IS NEGATIVE.

(2) IF THE SEASONALLY ADJUSTED TOTAL EMPLOYMENT IS NEGATIVE, THE BOARD MAY CONSIDER THE PERFORMANCE OF STATE REVENUES IN THE PREVIOUS 6 MONTHS, AS REPORTED BY THE OFFICE OF THE COMPTROLLER, IN DETERMINING WHETHER TO TEMPORARILY SUSPEND AN INCREASE TO THE MINIMUM WAGE RATE SPECIFIED UNDER § 3-413(C) OF THIS SUBTITLE.

(D) THE BOARD MAY TEMPORARILY SUSPEND AN INCREASE TO THE MINIMUM WAGE RATE UNDER SUBSECTION (C)(1) OF THIS SECTION ONLY ONE TIME.

(E) IF THE BOARD TEMPORARILY SUSPENDS AN INCREASE TO THE MINIMUM WAGE RATE SPECIFIED UNDER § 3-413(C) OF THIS SUBTITLE:

(1) THE MINIMUM WAGE RATE IN EFFECT FOR THE PERIOD BEGINNING THE FOLLOWING JANUARY 1 SHALL REMAIN THE SAME AS THE RATE THAT WAS IN EFFECT FOR THE IMMEDIATELY PRECEDING 12-MONTH PERIOD;

(2) THE REMAINING MINIMUM WAGE RATES SPECIFIED IN § 3-413 OF THIS SUBTITLE SHALL TAKE EFFECT 1 YEAR LATER THAN THE DATE SPECIFIED;

(3) THE BOARD SHALL NOTIFY THE COMMISSIONER THAT THE MINIMUM WAGE RATE INCREASE FOR THE PERIOD BEGINNING THE FOLLOWING JANUARY 1 IS SUSPENDED FOR 1 YEAR; AND

(4) A RATE INCREASE UNDER §§ 7-307, 16-201.3, AND 16-201.4 OF THE HEALTH – GENERAL ARTICLE FOR THE IMMEDIATELY FOLLOWING FISCAL YEAR MAY NOT GO INTO EFFECT.

3-419.

(D) (1) THE COMMISSIONER SHALL ADOPT REGULATIONS, IN CONSULTATION WITH PAYROLL SERVICE PROVIDERS AND RESTAURANT INDUSTRY TRADE GROUP REPRESENTATIVES, TO REQUIRE RESTAURANT EMPLOYERS THAT INCLUDE A TIP CREDIT AS PART OF THE WAGE OF AN EMPLOYEE TO PROVIDE TIPPED EMPLOYEES WITH A WRITTEN OR ELECTRONIC WAGE STATEMENT FOR EACH PAY PERIOD THAT SHOWS THE EFFECTIVE HOURLY TIP RATE AS DERIVED FROM

EMPLOYER-PAID CASH WAGES PLUS ALL REPORTED TIPS FOR TIP CREDIT HOURS WORKED EACH WORKWEEK OF THE PAY PERIOD.

(2) THE COMMISSIONER SHALL PROVIDE NOTIFICATION OF THE TIP CREDIT WAGE STATEMENT REGULATIONS ON THE DEPARTMENT'S WEBSITE.

~~§ 419.~~

~~(a) (1) This section applies to each employee who:~~

~~(i) is engaged in an occupation in which the employee customarily and regularly receives more than \$30 each month in tips;~~

~~(ii) has been informed by the employer about the provisions of this section; and~~

~~(iii) has kept all of the tips that the employee received.~~

~~(2) Notwithstanding paragraph (1)(iii) of this subsection, this section does not prohibit the pooling of tips.~~

~~(b) Subject to the limitations in this section, an employer may include, as part of the wage of an employee to whom this section applies:~~

~~(1) an amount that the employer sets to represent the tips of the employee; or~~

~~(2) if the employee or representative of the employee satisfies the Commissioner that the employee received a lesser amount in tips, the lesser amount.~~

~~(c) (1) The tip credit amount that the employer may include under subsection (b) of this section may not exceed the minimum wage established under § 3-413 of this subtitle for the employee less:~~

~~(I) FOR THE 12 MONTH PERIOD BEGINNING JULY 1, 2019,~~
~~\$3.63;~~

~~(II) FOR THE 12 MONTH PERIOD BEGINNING JULY 1, 2020,~~
~~\$5.25;~~

~~(III) FOR THE 12 MONTH PERIOD BEGINNING JULY 1, 2021,~~
~~\$7.50;~~

~~(IV) FOR THE 12 MONTH PERIOD BEGINNING JULY 1, 2022,~~
~~\$9.00;~~

~~(V) FOR THE 12 MONTH PERIOD BEGINNING JULY 1, 2023,
\$10.50;~~

~~(VI) FOR THE 12 MONTH PERIOD BEGINNING JULY 1, 2024,
\$12.00;~~

~~(VII) FOR THE 12 MONTH PERIOD BEGINNING JULY 1, 2025,
\$13.50; AND~~

~~(VIII) FOR THE 12 MONTH PERIOD BEGINNING JULY 1, 2026,
\$15.00.~~

~~(2) BEGINNING JULY 1, 2027, AN EMPLOYER:~~

~~(I) MAY NOT INCLUDE A TIP CREDIT AMOUNT AS PART OF THE
WAGE OF AN EMPLOYEE TO WHOM THIS SECTION APPLIES; AND~~

~~(II) SHALL PAY AN EMPLOYEE A WAGE THAT IS AT LEAST EQUAL
TO THE STATE MINIMUM WAGE ESTABLISHED UNDER § 3-413 OF THIS SUBTITLE.~~

~~§ 423.~~

~~(a) On request by an employer, the Commissioner shall provide without charge a
copy of any summary or regulation to the employer.~~

~~(b) Each employer shall keep posted conspicuously in each place of employment:~~

~~(1) a summary of this subtitle that:~~

~~(I) the Commissioner approves; and~~

~~(II) INCLUDES THE ANTIRETALIATION PROVISIONS UNDER §
3-428(B)(1)(III) OF THIS SUBTITLE; AND~~

~~(2) a copy or summary of each regulation that is adopted to carry out this
subtitle.~~

~~§ 428.~~

~~(a) In this section, “complaint” includes a written or oral complaint, claim, or
assertion of right by an employee, regarding the payment of wages under this subtitle, that
is made to:~~

~~(1) the employer or a supervisor, A manager, [or] A foreman, OR AN
INDIVIDUAL WITH APPARENT AUTHORITY TO ALTER THE TERMS OR CONDITIONS OF~~

~~EMPLOYMENT OF THE EMPLOYEE~~ employed by the employer whether it is made through the employer's internal grievance process or otherwise; or

~~(2) the Commissioner or an authorized representative of the Commissioner.~~

~~(b) (1) An employer may not:~~

~~(i) pay or agree to pay less than the wage required under this subtitle;~~

~~(ii) hinder or delay the Commissioner or an authorized representative of the Commissioner in the enforcement of this subtitle;~~

~~(iii) take adverse action OR OTHERWISE DISCRIMINATE against an employee because the employee:~~

~~1. makes a complaint;~~

~~A. that the employee has not been paid in accordance with this subtitle; OR~~

~~B. IN GOOD FAITH, THAT THE EMPLOYER ENGAGED IN CONDUCT THAT VIOLATES ANY PROVISION OF THIS SUBTITLE;~~

~~2. brings an action under this subtitle or a proceeding that relates to the subject of this subtitle; [or]~~

~~3. has PARTICIPATED OR testified, OR IS PREPARING TO TESTIFY, in an INVESTIGATION OR action under this subtitle or a proceeding related to the subject of this subtitle; [or]~~

~~4. ASSISTED ANOTHER EMPLOYEE IN MAKING A COMPLAINT RELATED TO VIOLATIONS OF THIS SUBTITLE;~~

~~5. HAS BEEN INFORMED OR INFORMED ANOTHER EMPLOYEE ABOUT THE RIGHTS PROVIDED UNDER THIS SUBTITLE; OR~~

~~6. OPPOSED ANY UNLAWFUL PRACTICE UNDER THIS SUBTITLE;~~

~~(IV) TAKE ADVERSE ACTION OR OTHERWISE DISCRIMINATE AGAINST AN EMPLOYEE BECAUSE THE EMPLOYER BELIEVES THAT THE EMPLOYEE MAY TAKE AN ACTION DESCRIBED IN ITEM (III) OF THIS PARAGRAPH; OR~~

~~[(iv)] (v) violate any other provision of this subtitle.~~

~~(2) Adverse action prohibited under paragraph (1) of this subsection includes:~~

~~(i) discharge;~~

~~(ii) demotion;~~

~~(iii) threatening the employee with discharge or demotion OR ANY OTHER ADVERSE ACTION; [and]~~

~~(IV) BLACKLISTING;~~

~~(V) A REDUCTION OR CHANGE IN WORK HOURS;~~

~~(VI) REPORTING OR THREATENING TO REPORT THE SUSPECTED CITIZENSHIP OR IMMIGRATION STATUS OF AN EMPLOYEE, A FORMER EMPLOYEE, OR A FAMILY MEMBER OF AN EMPLOYEE OR A FORMER EMPLOYEE TO A FEDERAL, STATE, OR LOCAL AGENCY BECAUSE THE EMPLOYEE OR FORMER EMPLOYEE EXERCISED OR ATTEMPTED TO EXERCISE A RIGHT UNDER THIS SUBTITLE; AND~~

~~[(iv)] (VII) any other retaliatory action AGAINST AN EMPLOYEE OR ANOTHER INDIVIDUAL FOR EXERCISING OR ATTEMPTING TO EXERCISE ANY RIGHT UNDER THIS SUBTITLE that results in a change to the terms or conditions of employment that would dissuade a reasonable employee from making a complaint, bringing an action, or testifying in an action under this subtitle.~~

~~[(e) An employee may not:~~

~~(1) make a groundless or malicious complaint to the Commissioner or an authorized representative of the Commissioner;~~

~~(2) in bad faith, bring an action under this subtitle or a proceeding related to the subject of this subtitle; or~~

~~(3) in bad faith, testify in an action under this subtitle or a proceeding related to the subject of this subtitle.]~~

~~[(d)] (C) (1) A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.~~

~~[(e)] (2) An employer may not be convicted under this section unless the evidence demonstrates that the employer had knowledge of the relevant complaint, testimony, or action for which the prosecution for retaliation is sought.~~

~~(3) IN ANY ACTION UNDER THIS SECTION, IF IT HAS BEEN DEMONSTRATED BY A PREPONDERANCE OF THE EVIDENCE THAT AN ACTIVITY PROHIBITED UNDER SUBSECTION (B) OF THIS SECTION WAS A CONTRIBUTING FACTOR IN THE ALLEGED RETALIATION OR ADVERSE ACTION AGAINST AN INDIVIDUAL, THE BURDEN OF PROOF SHALL BE ON THE DEFENDANT TO PROVE BY CLEAR AND CONVINCING EVIDENCE THAT THE ALLEGED ADVERSE EMPLOYMENT ACTION WOULD HAVE OCCURRED FOR LEGITIMATE, NONDISCRIMINATORY REASONS EVEN IF THE EMPLOYEE HAD NOT ENGAGED IN THE PROTECTED ACTIVITY.~~

~~(D) THE NAME OF THE EMPLOYEE OR ANOTHER PERSON IDENTIFIED IN THE COMPLAINT OR AN INVESTIGATION BY THE COMMISSIONER UNDER THIS SECTION SHALL BE KEPT CONFIDENTIAL UNLESS THE COMMISSIONER DETERMINES THAT THE EMPLOYEE'S NAME BE DISCLOSED, WITH THE EMPLOYEE'S CONSENT, TO FURTHER INVESTIGATE THE COMPLAINT.~~

~~(E) (1) (I) NOTWITHSTANDING § 3-103(C) OF THIS TITLE, IF AN EMPLOYER'S ACTION VIOLATES SUBSECTION (B) OF THIS SECTION, AN AFFECTED EMPLOYEE MAY BRING AN ACTION AGAINST AN EMPLOYER.~~

~~(H) AN EMPLOYEE MAY BRING AN ACTION ON BEHALF OF THE EMPLOYEE AND OTHER EMPLOYEES SIMILARLY AFFECTED.~~

~~(2) ON THE WRITTEN REQUEST OF AN EMPLOYEE WHO IS ENTITLED TO BRING AN ACTION UNDER THIS SUBSECTION, THE COMMISSIONER MAY:~~

~~(I) TAKE AN ASSIGNMENT OF THE CLAIM IN TRUST FOR THE EMPLOYEE;~~

~~(II) ASK THE ATTORNEY GENERAL TO BRING AN ACTION IN ACCORDANCE WITH THIS SECTION ON BEHALF OF THE EMPLOYEE; AND~~

~~(III) CONSOLIDATE TWO OR MORE CLAIMS AGAINST AN EMPLOYER.~~

~~(3) EXCEPT AS PROVIDED UNDER PARAGRAPH (4) OF THIS SUBSECTION, AN ACTION UNDER THIS SUBSECTION:~~

~~(I) SHALL BE FILED WITHIN 3 YEARS AFTER THE EMPLOYEE KNEW OR SHOULD HAVE KNOWN OF THE EMPLOYER'S ACTION; AND~~

~~(II) MAY ENCOMPASS ALL VIOLATIONS THAT OCCURRED AS PART OF A CONTINUING COURSE OF EMPLOYER CONDUCT REGARDLESS OF THE DATE OF THE VIOLATION.~~

~~(4) THE LIMITATION PERIOD UNDER PARAGRAPH (3) OF THIS SUBSECTION DOES NOT APPLY DURING AN INVESTIGATION UNDER § 3-103(C) OF THIS TITLE.~~

~~(5) IF A COURT DETERMINES THAT AN EMPLOYEE IS ENTITLED TO JUDGMENT IN AN ACTION UNDER THIS SUBSECTION, THE COURT SHALL ALLOW AGAINST THE EMPLOYER REASONABLE COUNSEL FEES AND OTHER COSTS OF THE ACTION.~~

~~(F) (1) IF A PERSON IS FOUND TO HAVE VIOLATED SUBSECTION (B) OF THIS SECTION, THE COMMISSIONER OR COURT SHALL REQUIRE THE PERSON TO PAY THE GREATER OF:~~

~~(I) ACTUAL DAMAGES PLUS LIQUIDATED DAMAGES; OR~~

~~(II) \$500 FOR EACH DAY THAT THE VIOLATION CONTINUED.~~

~~(2) (I) IF AN EMPLOYER WAS FOUND TO HAVE SUBSEQUENTLY VIOLATED THE PROVISIONS OF THIS SUBTITLE WITHIN 6 YEARS AFTER A PREVIOUS VIOLATION, THE COMMISSIONER OR COURT SHALL ASSESS AGAINST THE EMPLOYER A CIVIL PENALTY OF NOT LESS THAN \$10,000.~~

~~(II) THE COMMISSIONER AND A COURT MAY ORDER ADDITIONAL CIVIL PENALTIES AND ANY OTHER APPROPRIATE RELIEF FOR VIOLATIONS OF THIS SUBTITLE.~~

~~(III) EACH CIVIL PENALTY ASSESSED UNDER THIS PARAGRAPH SHALL BE PAID TO THE GENERAL FUND OF THE STATE TO OFFSET THE COST OF FINANCING THE ENFORCEMENT OF THIS SUBTITLE.~~

~~§ 508.~~

~~(a) An employer may not:~~

~~(1) willfully violate this subtitle;~~

~~(2) PAY OR AGREE TO PAY AN EMPLOYEE IN A MANNER THAT VIOLATES THIS SUBTITLE;~~

~~(3) HINDER OR DELAY THE COMMISSIONER OR AN AUTHORIZED REPRESENTATIVE OF THE COMMISSIONER IN THE ENFORCEMENT OF THIS SUBTITLE; OR~~

~~(4) TAKE ADVERSE ACTION OR OTHERWISE DISCRIMINATE AGAINST AN EMPLOYEE BECAUSE:~~

~~(I) THE EMPLOYEE:~~

~~1. MAKES A COMPLAINT:~~

~~A. THAT THE EMPLOYEE HAS NOT BEEN PAID IN ACCORDANCE WITH THIS SUBTITLE; OR~~

~~B. IN GOOD FAITH, THAT THE EMPLOYER ENGAGED IN CONDUCT THAT VIOLATES THIS SUBTITLE;~~

~~2. BRINGS AN ACTION UNDER THIS SUBTITLE OR A PROCEEDING THAT RELATES TO THE SUBJECT OF THIS SUBTITLE;~~

~~3. HAS PARTICIPATED OR TESTIFIED, OR IS PREPARING TO TESTIFY, IN AN INVESTIGATION OR ACTION UNDER THIS SUBTITLE OR A PROCEEDING RELATED TO THE SUBJECT OF THIS SUBTITLE;~~

~~4. ASSISTED ANOTHER EMPLOYEE IN MAKING A COMPLAINT RELATED TO VIOLATIONS OF THIS SUBTITLE;~~

~~5. HAS BEEN INFORMED OR INFORMED ANOTHER EMPLOYEE ABOUT THEIR RIGHTS UNDER THIS SUBTITLE; OR~~

~~6. OPPOSED ANY UNLAWFUL PRACTICE UNDER THIS SUBTITLE; OR~~

~~(H) THE EMPLOYER BELIEVES THE EMPLOYEE MAY TAKE AN ACTION DESCRIBED IN ITEM (I) OF THIS ITEM.~~

~~(B) ADVERSE ACTION PROHIBITED UNDER SUBSECTION (A)(4) OF THIS SECTION INCLUDES:~~

~~(1) DISCHARGE;~~

~~(2) DEMOTION;~~

~~(3) THREATENING THE EMPLOYEE WITH DISCHARGE OR DEMOTION OR ANY OTHER ADVERSE ACTION;~~

~~(4) BLACKLISTING;~~

~~(5) A REDUCTION OR CHANGE IN WORK HOURS;~~

~~(6) REPORTING OR THREATENING TO REPORT THE SUSPECTED CITIZENSHIP OR IMMIGRATION STATUS OF AN EMPLOYEE, A FORMER EMPLOYEE, OR A FAMILY MEMBER OF AN EMPLOYEE OR A FORMER EMPLOYEE TO A FEDERAL, STATE, OR LOCAL AGENCY BECAUSE THE EMPLOYEE OR FORMER EMPLOYEE EXERCISED OR ATTEMPTED TO EXERCISE A RIGHT UNDER THIS SUBTITLE; AND~~

~~(7) ANY OTHER RETALIATORY ACTION AGAINST AN EMPLOYEE OR ANOTHER INDIVIDUAL FOR EXERCISING OR ATTEMPTING TO EXERCISE ANY RIGHT UNDER THIS SUBTITLE THAT RESULTS IN A CHANGE TO THE TERMS OR CONDITIONS OF EMPLOYMENT THAT WOULD DISSUADE A REASONABLE EMPLOYEE FROM MAKING A COMPLAINT, BRINGING AN ACTION, OR TESTIFYING IN AN ACTION UNDER THIS SUBTITLE.~~

~~[(b)] (C) An employee may not knowingly make to a governmental unit or official of a governmental unit a false statement with respect to any investigation or proceeding under this subtitle, with the intent that the governmental unit or official consider or otherwise act in connection with the statement.~~

~~[(e)] (D) (1) (I) An employer who violates subsection (a) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.~~

~~(II) IN ADDITION TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE ENFORCEMENT PROVISIONS, CIVIL PENALTIES, AND REMEDIES PROVIDED UNDER § 3-428 OF THIS TITLE APPLY TO VIOLATIONS OF SUBSECTION (A)(4) OF THIS SECTION IN THE SAME MANNER AS VIOLATIONS OF § 3-428(B) OF THIS TITLE.~~

~~(III) EACH CIVIL PENALTY ASSESSED UNDER THIS PARAGRAPH SHALL BE PAID TO THE GENERAL FUND OF THE STATE TO OFFSET THE COST OF FINANCING THE ENFORCEMENT OF THIS SUBTITLE.~~

~~(2) An employee who violates subsection [(b)] (C) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

Gubernatorial Veto Override, March 28, 2019.

AN ACT concerning

Alcohol, ~~and Tobacco, and Motor Fuel~~ Commission

FOR the purpose of establishing the Alcohol, ~~and Tobacco, and Motor Fuel~~ Commission with certain powers and duties; transferring certain responsibilities of the Comptroller to the Executive Director of the Alcohol, ~~and Tobacco, and Motor Fuel~~ Commission; providing that the members of the Commission are to be appointed by the Governor with the advice and consent of the Senate; providing for the qualifications, terms, reimbursement for expenses, and removal of the members; prohibiting a member from having certain interests or positions in the alcohol, ~~or tobacco, or motor fuel~~ industries or accepting certain contributions from the alcohol, ~~or tobacco, or motor fuel~~ industries with respect to the regulation of alcohol, ~~or tobacco, or motor fuel~~; requiring a member to file a certain financial disclosure statement; providing for a chair of the Commission; providing for the quorum, meetings, minutes, and staff of the Commission; requiring the Commission to perform certain functions, conduct certain studies, and develop best practices for certain activities; requiring the Governor to appoint an Executive Director of the Commission; providing for the qualifications and salary of the Executive Director; prohibiting the Executive Director and all employees in the Office of the Executive Director from accepting certain contributions from certain entities or individuals; requiring the Executive Director to adopt certain regulations; authorizing the Executive Director to adopt certain other regulations; authorizing the Executive Director to establish or prohibit certain discounts in the sale and distribution of wine and liquor; transferring the Field Enforcement Division from the Office of the Comptroller to the Office of the Executive Director; authorizing the Executive Director to delegate authority to conduct certain hearings; requiring the Executive Director to include certain information in certain annual reports and to maintain certain record keeping; authorizing the Executive Director to carry out certain inspections, use certain equipment, and issue summonses for certain purposes; requiring the Executive Director to enforce certain provisions of law; providing for the regulatory and enforcement authority of the Executive Director over alcohol, ~~and tobacco and related products including electronic nicotine delivery systems, and motor fuel~~ under various provisions of law; *requiring the Executive Director to submit a certain report on or before a certain date*; authorizing the Executive Director to carry out certain investigations and request information and assistance from certain other administrative units of government; *authorizing the disclosure of tax information to the Commission*; requiring the Commission to conduct a certain feasibility study for maintaining a certain statewide database *on or before a certain date and submit the feasibility study to the Governor and the General Assembly on or before a certain date*; stating the intent of the General Assembly concerning the date of transfer of the Field Enforcement Division and its personnel to the Alcohol, ~~and Tobacco, and Motor Fuel~~ Commission; specifying that the Office of the Executive Director is the successor of the Office of the Comptroller in certain matters; providing that this Act does not affect the term of office of an appointed or elected member of any commission, office, department, agency, or other unit; providing for the

continuity of certain transactions, employment status, rights, duties, and interests; specifying that certain employees in budgeted positions of the Office of the Comptroller whose positions are transferred to the Office of the Executive Director are transferred without any change or loss of rights or status; providing for the continuity of certain findings and determinations, permits and licenses, standards and guidelines, orders and other directives, and duties and responsibilities associated with those functions transferred by this Act; providing for the continuity of certain units and their personnel records and other properties; requiring that certain letterheads, business cards, and other documents may not be used until other documents already in print have been used; requiring the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, to correct any cross-references or terminology rendered incorrect by this Act and to describe any corrections made in an editor's note following the section affected; making conforming and stylistic changes; defining certain terms; providing for a delayed effective date; and generally relating to the Alcohol, and Tobacco, ~~and Motor Fuel~~ Commission.

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 1–101; and 1–301, 1–302, 1–302.1, and 1–303 through 1–310 to be under the amended subtitle “Subtitle 3. Alcohol, and Tobacco, ~~and Motor Fuel~~ Commission”

Annotated Code of Maryland

(2016 Volume and 2018 Supplement)

BY adding to

Article – Alcoholic Beverages

Section 1–302 through 1–310

Annotated Code of Maryland

(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 16–101, 16–102, 16–201, 16–204, 16–205, 16–206(a)(4) and (f)(6) and (7), 16–207(c)(3), 16–208 through 16–213, 16–216(a), 16–218(b) and (c), 16–219(b), 16–220 through 16–222, 16–223(c), 16–302(b), 16–306, 16–307, 16–308.1(b), 16–3B–01, 16.5–101, 16.5–102, 16.5–203, 16.5–204(a), 16.5–205(a)(5) and (d)(5), 16.5–207 through 16.5–211, 16.5–213, 16.5–214(b) and (c), 16.5–215(b), 16.5–216(c), 16.5–217(c)(1), 16.7–101, 16.7–102(a), 16.7–202, 16.7–203, 16.7–206 through 16.7–210, 16.7–212, and 16.7–213(c)

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section ~~9–301, 9–310(a), 9–318, 9–320 through 9–322, 9–326 through 9–333, and 9–335 through 9–337~~ 13–203(c)

Annotated Code of Maryland
(2016 Replacement Volume and 2018 Supplement)

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, Alcohol is the leading drug among youth in the State, with one in four Maryland high school students reporting drinking in the past month; and

WHEREAS, The Task Force to Study Alcohol Regulation, Enforcement, Safety, and Public Health in the State received input from numerous public health policy experts, elected officials, national, State, and local regulators, existing alcohol licensees, Maryland small businesses, and law enforcement personnel; and

WHEREAS, The number of licensed alcohol producers in Maryland has tripled over the past 10 years and significantly outpaced the number of regulatory personnel; and

WHEREAS, The Task Force examined regulatory models across the U.S. concerning the distribution and sale of alcohol to identify a model that would best balance commercial interests while ensuring the safety and welfare of all Maryland residents, and recommended a number of substantive changes be implemented to improve the distribution and sale of alcohol in the State; now, therefore,

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

Article – Alcoholic Beverages

1–101.

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

(b) (1) “Alcoholic beverage” means a spirituous, vinous, malt, or fermented liquor, liquid, or compound that:

- (i) contains at least one-half of 1% of alcohol by volume; and
- (ii) is suitable for beverage purposes.

(2) “Alcoholic beverage” includes alcohol, brandy, whiskey, rum, gin, cordial, beer, and wine.

(3) “Alcoholic beverage” does not include a confectionery food product that contains up to 5% of alcohol by volume and is regulated by the Maryland Department of Health under § 21–209 of the Health – General Article.

(c) (1) “Beer” means a brewed alcoholic beverage.

(2) “Beer” includes:

(i) ale;

(ii) porter;

(iii) stout;

(iv) hard cider that:

1. is derived primarily from apples, apple concentrate and water, pears, or pear concentrate and water; and

2. contains no other fruit product but contains at least one-half of 1% and less than 8.5% of alcohol by volume; and

(v) an alcoholic beverage that contains:

1. 6% or less alcohol by volume, derived primarily from the fermentation of grain, with not more than 49% of the alcoholic beverage’s overall alcohol content by volume obtained from flavors and other added nonbeverage ingredients containing alcohol; or

2. more than 6% alcohol by volume, derived primarily from the fermentation of grain, with not more than 1.5% of the alcoholic beverage’s overall alcohol content by volume obtained from flavors and other added nonbeverage ingredients containing alcohol.

(d) “Central Repository” means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(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.

(F) “COMMISSION” MEANS THE ALCOHOL, AND TOBACCO, ~~AND MOTOR FUEL~~ COMMISSION.

[(f)] (G) (1) “Comptroller” means the Comptroller of the State.

(2) “Comptroller” includes a deputy, an inspector, a clerk, or any other individual authorized to act by the Comptroller.

[(g)] (H) “Consumer” means an individual at least 21 years old or a corporation not otherwise prohibited by this article or any other State law, that buys, possesses, keeps, or transports alcoholic beverages on which the taxes under Title 5 of the Tax – General Article have been paid, for the individual’s or corporation’s own use and not for sale.

[(h)] (I) “County” means a county of the State or Baltimore City.

(J) (1) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE COMMISSION.

(2) “EXECUTIVE DIRECTOR” INCLUDES A DEPUTY, AN INSPECTOR, A CLERK, OR ANY OTHER INDIVIDUAL AUTHORIZED TO ACT BY THE EXECUTIVE DIRECTOR.

[(i)] (K) (1) “Family beer” means homemade beer produced for home consumption and not for sale.

(2) “Family beer” includes beer produced at a family beer and wine facility that has been granted a permit under § 2–138 of this article.

[(j)] (L) (1) “Family wine” means homemade wine produced for home consumption and not for sale.

(2) “Family wine” includes wine produced at a family beer and wine facility that has been granted a permit under § 2–138 of this article.

[(k)] (M) (1) Subject to paragraph (2) of this subsection, “hotel” means an establishment that:

(i) accommodates the public;

(ii) is equipped with at least 10 bedrooms and a dining room with facilities for preparing and serving regular meals; and

(iii) has average daily receipts from the rental of rooms and sale of food that exceed the average daily receipts from the sale of alcoholic beverages.

(2) By regulation, a local licensing board may set a different standard as to what constitutes a hotel.

[(l)] (N) “Illicit alcoholic beverage” means an alcoholic beverage that has been manufactured, bottled, or rectified:

(1) in the State at a location not licensed under this article; or

(2) outside the State at a location not licensed under the United States Internal Revenue Code or the laws of a foreign country.

[(m)] (O) “Jurisdiction” means a county or the City of Annapolis.

[(n)] (P) “License” means an alcoholic beverages license issued under this article.

[(o)] (Q) (1) “License holder” means the holder of a license issued or a permit granted under this article.

(2) “License holder” includes:

(i) a county liquor control board and a county dispensary; and

(ii) for the delivery and billing purposes of Title 2, Subtitle 3 and §§ 2–213 and 2–314 of this article, a corporation on behalf of which an individual has obtained a license.

[(p)] (R) “Liquor” has the same meaning as “distilled spirits” under § 5–101(g) of the Tax – General Article.

[(q)] (S) (1) “Local collecting agent” means:

(i) in the City of Annapolis, the city clerk;

(ii) in Allegany County, Baltimore County, Howard County, Prince George’s County, or Wicomico County, the director of finance;

(iii) in Calvert County, Dorchester County, St. Mary’s County, or Somerset County, the treasurer of the county; or

(iv) in each other county, the board of license commissioners unless another governmental unit is expressly authorized to collect fees under this article.

(2) “Local collecting agent” does not include a clerk of a circuit court.

[(r)] (T) “Local licensing board” means a board of license commissioners or other governmental unit of a jurisdiction that issues licenses.

[(s)] (U) “Manufacturer’s license” means a license issued under Title 2, Subtitle 2 of this article that is:

- (1) a Class 1 distillery license;
- (2) a Class 2 rectifying license;
- (3) a Class 3 winery license;
- (4) a Class 4 limited winery license;
- (5) a Class 5 brewery license;
- (6) a Class 6 pub–brewery license;
- (7) a Class 7 micro–brewery license;
- (8) a Class 8 farm brewery license; or
- (9) a Class 9 limited distillery license.

[(t)] (V) “Off–sale” means the sale of alcoholic beverages that are to be consumed off the licensed premises.

[(u)] (W) “On–sale” means the sale of alcoholic beverages that are to be consumed on the licensed premises.

[(v)] (X) “Person” means:

- (1) an individual;
- (2) an association, a partnership, a corporation, a trust, or any other entity, and the officers, directors, and other individuals in active control of the activities of the association, partnership, corporation, trust, or other entity; or
- (3)
 - (i) the State or a political subdivision of the State, or a unit or an instrumentality of the State or a political subdivision of the State; or
 - (ii) another state or a political subdivision of that state.

[(w)] (Y) “Pomace brandy” means brandy that is distilled from the pulpy residue of wine pressing, including the skins, pips, and stalks of grapes.

[(x)] (Z) (1) Subject to paragraph (2) of this subsection, “restaurant” means an establishment that:

- (i) accommodates the public;
- (ii) is equipped with a dining room with facilities for preparing and serving regular meals; and
- (iii) has average daily receipts from the sale of food that exceed the average daily receipts from the sale of alcoholic beverages.

(2) By regulation, a local licensing board may set a different standard as to what constitutes a restaurant.

[(y)] (AA) (1) “Retail dealer” means a person that sells an alcoholic beverage to any person other than a license holder.

(2) “Retail dealer” includes a county dispensary.

[(z)] (BB) “7–day license” means a license that is in effect every day of the week.

[(aa)] (CC) “6–day license” means a license that is in effect Monday through Saturday.

[(bb)] (DD) (1) Except as provided in paragraph (2) of this subsection, “state” means:

- (i) a state, possession, territory, or commonwealth of the United States; or
- (ii) the District of Columbia.

(2) When capitalized, “State” means Maryland.

(EE) “TOBACCO” INCLUDES CIGARETTES REGULATED UNDER TITLE 16 OF THE BUSINESS REGULATION ARTICLE AND OTHER TOBACCO AND RELATED PRODUCTS REGULATED UNDER TITLES 16.5 AND 16.7 OF THE BUSINESS REGULATION ARTICLE.

[(cc)] (FF) (1) “Wholesaler” means:

(i) a person that purchases or imports an alcoholic beverage for sale to wholesale dealers or retail dealers only; or

(ii) a limited winery that sells wine to retail dealers.

(2) “Wholesaler” includes:

(i) a county liquor control board; and

- (ii) a county wholesale dispensary.

[(dd)] **(GG)** “Wholesaler’s license” means a license issued under Title 2, Subtitle 3 of this article that is:

- (1) a Class 1 beer, wine, and liquor license;
- (2) a Class 2 wine and liquor license;
- (3) a Class 3 beer and wine license;
- (4) a Class 4 beer license;
- (5) a Class 5 wine license;
- (6) a Class 6 limited wine license; or
- (7) a Class 7 limited beer license.

[(ee)] **(HH)** (1) “Wine” means a fermented beverage.

(2) “Wine” includes:

- (i) light wine;
- (ii) sparkling wine that is naturally or artificially carbonated; and
- (iii) fortified wine to which alcohol, spirits, or other ingredients are

added.

Subtitle 3. **[Powers and Duties of Comptroller] ALCOHOL, AND TOBACCO, AND MOTOR FUEL COMMISSION.**

1-301.

In this subtitle, “Division director” means the director of the Field Enforcement Division of the Office of the **[Comptroller] EXECUTIVE DIRECTOR.**

1-302.

THERE IS AN ALCOHOL, AND TOBACCO, AND MOTOR FUEL COMMISSION.

1-303.

(A) (1) THE COMMISSION CONSISTS OF FIVE MEMBERS TO BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.

(2) THE PRESIDING OFFICER OF EITHER HOUSE OF THE GENERAL ASSEMBLY MAY RECOMMEND TO THE GOVERNOR A LIST OF INDIVIDUALS FOR APPOINTMENT TO THE COMMISSION.

(3) OF THE COMMISSION MEMBERS:

(I) ONE SHALL BE ~~A REPRESENTATIVE OF THE~~ KNOWLEDGEABLE AND EXPERIENCED IN PUBLIC HEALTH COMMUNITY MATTERS;

(II) ONE SHALL BE ~~A REPRESENTATIVE OF THE~~ KNOWLEDGEABLE AND EXPERIENCED IN LAW ENFORCEMENT COMMUNITY MATTERS;

(III) ONE SHALL BE ~~A REPRESENTATIVE OF~~ KNOWLEDGEABLE AND EXPERIENCED IN THE ALCOHOLIC BEVERAGES INDUSTRY; AND

(IV) TWO SHALL BE MEMBERS OF THE PUBLIC WHO ARE KNOWLEDGEABLE AND EXPERIENCED IN FISCAL MATTERS AND SHALL HAVE SUBSTANTIAL EXPERIENCE:

1. AS AN EXECUTIVE WITH FIDUCIARY RESPONSIBILITIES IN CHARGE OF A LARGE ORGANIZATION OR FOUNDATION;

2. IN AN ACADEMIC FIELD RELATING TO FINANCE OR ECONOMICS; OR

3. AS AN ACCOUNTANT, AN ECONOMIST, OR A FINANCIAL ANALYST.

(4) IN ADDITION TO THE MEMBERS APPOINTED UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE SECRETARY OF HEALTH AND THE SECRETARY OF STATE POLICE, OR THEIR DESIGNEES, MAY PARTICIPATE IN THE COMMISSION AS EX OFFICIO NONVOTING MEMBERS.

(B) AT THE TIME OF APPOINTMENT, EACH MEMBER OF THE COMMISSION SHALL BE:

(1) AT LEAST 25 YEARS OLD;

(2) A RESIDENT OF THE STATE WHO HAS RESIDED IN THE STATE FOR AT LEAST 5 YEARS;

(3) A QUALIFIED VOTER OF THE STATE; AND

(4) AN INDIVIDUAL WHO HAS NOT BEEN CONVICTED OF OR GRANTED PROBATION BEFORE JUDGMENT FOR A SERIOUS CRIME OR A CRIME THAT INVOLVES MORAL TURPITUDE.

(C) (1) THE TERM OF A MEMBER IS 5 YEARS.

(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON JUNE 30, 2020.

(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

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

(5) A MEMBER MAY NOT SERVE FOR MORE THAN TWO FULL TERMS.

(D) (1) SUBJECT TO THE HEARING REQUIREMENTS OF THIS SUBSECTION, THE GOVERNOR MAY REMOVE A MEMBER FOR CAUSE.

(2) BEFORE THE GOVERNOR REMOVES A MEMBER, THE GOVERNOR SHALL GIVE THE MEMBER NOTICE AND AN OPPORTUNITY FOR A PUBLIC HEARING.

1-304.

(A) A MEMBER OF THE COMMISSION MAY NOT:

(1) HAVE A DIRECT OR INDIRECT FINANCIAL INTEREST, OWNERSHIP, OR MANAGEMENT, INCLUDING HOLDING ANY STOCKS, BONDS, OR OTHER SIMILAR FINANCIAL INTERESTS, IN THE ALCOHOL, TOBACCO, OR MOTOR FUEL INDUSTRIES;

(2) HAVE AN OFFICIAL RELATIONSHIP TO A PERSON WHO HOLDS A LICENSE OR PERMIT UNDER THIS ARTICLE, OR TITLE 16, TITLE 16.5, OR TITLE 16.7 OF THE BUSINESS REGULATION ARTICLE, OR TITLE 9, SUBTITLE 3, PART IV OF THE ~~TAX GENERAL ARTICLE~~;

(3) BE AN ELECTED OFFICIAL ~~OF STATE OR LOCAL GOVERNMENT~~;

(4) RECEIVE OR SHARE IN, DIRECTLY OR INDIRECTLY, THE RECEIPTS OR PROCEEDS OF ANY ACTIVITIES CONDUCTED IN THE ALCOHOL, OR TOBACCO, ~~OR MOTOR FUEL~~ INDUSTRIES;

(5) HAVE A BENEFICIAL INTEREST IN ANY CONTRACT FOR THE MANUFACTURE OR SALE OF ANY DEVICE OR PRODUCT OR THE PROVISION OF ANY INDEPENDENT CONSULTING SERVICES IN CONNECTION WITH A HOLDER OF A LICENSE OR PERMIT ISSUED UNDER THIS ARTICLE, OR TITLE 16, TITLE 16.5, OR TITLE 16.7 OF THE BUSINESS REGULATION ARTICLE, ~~OR TITLE 9, SUBTITLE 3, PART IV OF THE TAX GENERAL ARTICLE~~; OR

(6) ACCEPT A CONTRIBUTION OF MONEY OR PROPERTY WORTH AT LEAST \$100 FROM AN ENTITY OR INDIVIDUAL ASSOCIATED WITH THE ALCOHOL, OR TOBACCO, ~~OR MOTOR FUEL~~ INDUSTRIES WITH RESPECT TO THE REGULATION OF ALCOHOL, OR TOBACCO, ~~OR MOTOR FUEL~~.

(B) A MEMBER OF THE COMMISSION SHALL FILE A FINANCIAL DISCLOSURE STATEMENT WITH THE STATE ETHICS COMMISSION IN ACCORDANCE WITH TITLE 5, SUBTITLE 6 OF THE GENERAL PROVISIONS ARTICLE.

1-305.

FROM AMONG ITS MEMBERS, THE COMMISSION ANNUALLY SHALL ELECT A CHAIR.

1-306.

(A) A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE COMMISSION IS A QUORUM.

(B) THE COMMISSION SHALL MEET MONTHLY AT THE TIMES AND PLACES THAT THE COMMISSION DETERMINES.

(C) (1) THE SECRETARY OF THE COMMISSION PROMPTLY SHALL SEND THE GOVERNOR A CERTIFIED COPY OF THE MINUTES OF EACH MEETING OF THE COMMISSION.

(2) THE MINUTES SHALL INCLUDE A COPY OF EACH REGULATION THAT IS ADOPTED.

(D) EACH MEMBER OF THE COMMISSION IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE BUDGET OF THE COMMISSION.

(E) (1) WITH THE ADVICE OF THE COMMISSION, THE EXECUTIVE DIRECTOR MAY EMPLOY STAFF IN ACCORDANCE WITH THE STATE BUDGET.

(2) THE STAFF OF THE COMMISSION IS IN THE STATE PERSONNEL MANAGEMENT SYSTEM.

1-307.

(A) THE COMMISSION HAS THE POWERS AND DUTIES SET FORTH IN THIS SECTION.

(B) THE COMMISSION SHALL:

(1) EDUCATE THE PUBLIC, BY RESOURCE SHARING AND SERVING AS AN INFORMATION CLEARINGHOUSE, ON SUCH TOPICS AS:

(I) RECENT INCREASES IN ALCOHOL CONTENT FOR POPULAR BEER AND OTHER BEVERAGES;

(II) THE PROPER LIMITS OF DRINKING FOR ADULTS;

(III) THE ADVERSE CONSEQUENCES OF SURPASSING THOSE LIMITS; ~~AND~~

(IV) PARENTAL OR ADULT RESPONSIBILITY FOR SERVING ALCOHOL TO UNDERAGE INDIVIDUALS; AND

(V) COMPARABLE TOPICS RELATING TO SMOKING, VAPING, TOBACCO, OTHER TOBACCO PRODUCTS, AND ELECTRONIC NICOTINE DELIVERY SYSTEMS; AND

(2) SUBJECT TO FEDERAL APPROVAL, ENSURE THAT ALL ALCOHOLIC BEVERAGES SOLD IN THE STATE WITH AN ALCOHOL CONTENT EXCEEDING 4.5% BY VOLUME BEAR A LARGE AND CONSPICUOUS LABEL STATING THE PERCENTAGE OF ALCOHOL CONTENT.

(C) (1) THE COMMISSION SHALL CONDUCT STUDIES OF:

(I) THE OPERATION AND ADMINISTRATION OF SIMILAR LAWS IN OTHER STATES OR COUNTRIES; AND

(II) FEDERAL LAWS THAT MAY AFFECT THE OPERATION OF THE ALCOHOL, OR TOBACCO, ~~OR MOTOR FUEL~~ INDUSTRIES, THE LITERATURE ON THOSE

INDUSTRIES, AND THE REACTION OF RESIDENTS OF THE STATE TO EXISTING AND POTENTIAL FEATURES OF THOSE INDUSTRIES.

(2) THE COMMISSION SHALL SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY THE STUDIES REQUIRED UNDER THIS SUBSECTION.

1-308.

THE COMMISSION SHALL DEVELOP BEST PRACTICES FOR:

(1) THE DEDICATION OF A MINIMUM EFFECTIVE PORTION OF THE BUDGET OF A LOCAL LICENSING BOARD TO ADMINISTRATIVE ENFORCEMENT ACTIVITIES, SUCH AS INSPECTIONS, COMPLIANCE CHECKS, OVERSERVICE, OPERATIONS, AND TRADE PRACTICE VIOLATIONS;

(2) THE CARRYING OUT OF COMPLIANCE CHECKS FOR ALCOHOLIC BEVERAGES LICENSES, IN WHICH EACH LICENSE IS CHECKED AT LEAST ONCE A YEAR;

(3) THE DEVELOPMENT OF GUIDELINES FOR THE MINIMUM CAPACITY OF INSPECTIONS CARRIED OUT BY INSPECTORS OF LOCAL LICENSING BOARDS, BASED ON THE NUMBER AND TYPE OF LICENSED OUTLETS IN THE LICENSING JURISDICTION;

(4) ENSURING THAT ALCOHOLIC BEVERAGES INSPECTIONS BE BASED ON DATA SUCH AS THE VIOLATION HISTORY OF THE LICENSE HOLDER, AND CALLS FOR EMERGENCY ASSISTANCE, EMERGENCY MEDICAL SERVICE, OR NONEMERGENCY SERVICE, SO THAT RESOURCES ARE BEING ALLOCATED BASED ON WHERE THE GREATEST NEED IS;

(5) THE REPORTING OF AGGREGATE DATA BETWEEN LOCAL POLICE AND LOCAL LICENSING BOARDS;

(6) THE DEVELOPMENT OF MANDATORY STATE-PROVIDED TRAINING FOR LIQUOR INSPECTORS;

(7) REPORTING BY THE STATE TO THE AFFECTED LOCAL LICENSING BOARD OF A STATE-ISSUED LICENSE OR PERMIT WITHIN 10 DAYS AFTER THE STATE RECEIVES AN APPLICATION;

(8) THE DEVELOPMENT OF A PUBLIC HEALTH IMPACT STATEMENT FOR ALL CHANGES TO THE STATE ALCOHOLIC BEVERAGES LAWS; AND

(9) ENSURING THAT:

(I) ALL LICENSE HOLDERS, MANAGERS, AND SERVERS RECEIVE CERTIFICATION FROM AN APPROVED ALCOHOL AWARENESS PROGRAM; AND

(II) AT LEAST ONE EMPLOYEE WHO IS CERTIFIED IN AN ALCOHOL AWARENESS PROGRAM BE ON THE LICENSED PREMISES AT ALL TIMES WHEN ALCOHOLIC BEVERAGES ARE SERVED.

1-309.

(A) WITH THE ADVICE AND CONSENT OF THE SENATE, THE GOVERNOR SHALL APPOINT AN EXECUTIVE DIRECTOR OF THE COMMISSION.

(B) THE EXECUTIVE DIRECTOR SERVES AT THE PLEASURE OF THE GOVERNOR.

(C) THE EXECUTIVE DIRECTOR SHALL:

(1) HAVE THE TRAINING AND EXPERIENCE, INCLUDING KNOWLEDGE OF THE MARYLAND ALCOHOL REGULATORY SYSTEM, THAT IS NEEDED TO DIRECT THE WORK OF THE COMMISSION; AND

(2) DEVOTE FULL TIME TO THE DUTIES OF OFFICE AND MAY NOT ENGAGE IN ANOTHER PROFESSION OR OCCUPATION.

(D) THE EXECUTIVE DIRECTOR IS ENTITLED TO THE SALARY PROVIDED IN THE STATE BUDGET.

1-310.

THE EXECUTIVE DIRECTOR AND ALL EMPLOYEES IN THE OFFICE OF THE EXECUTIVE DIRECTOR MAY NOT ACCEPT A CONTRIBUTION OF MONEY OR PROPERTY WORTH AT LEAST \$100 FROM AN ENTITY OR INDIVIDUAL ASSOCIATED WITH THE ALCOHOL, OR TOBACCO, ~~OR MOTOR FUEL~~ INDUSTRIES WITH RESPECT TO REGULATION OF ALCOHOL, OR TOBACCO, ~~OR MOTOR FUEL~~.

[1-302.] 1-311.

(a) The [Comptroller] EXECUTIVE DIRECTOR shall adopt regulations to discharge the duties under:

(1) this article; AND

(2) **TITLES 16, 16.5, AND 16.7 OF THE BUSINESS REGULATION ARTICLE;**~~AND~~

~~(3) **TITLE 9, SUBTITLE 3 OF THE TAX – GENERAL ARTICLE.**~~

(b) The [Comptroller] **EXECUTIVE DIRECTOR** may adopt regulations regarding:

(1) labeling and advertising similar to the regulations adopted by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury;

(2) nature, form, and capacity of containers;

(3) credit sales;

(4) records to be kept by license holders and others engaged in the business;

(5) the amount of deposit on returnable beer containers that manufacturers and wholesalers of beer charge and collect; and

(6) any other subject the [Comptroller] **EXECUTIVE DIRECTOR** considers necessary for the proper administration of the duties of the [Comptroller] **EXECUTIVE DIRECTOR** under this article, **TITLE 16, TITLE 16.5, OR TITLE 16.7 OF THE BUSINESS REGULATION ARTICLE, OR THE PROVISIONS OF THE TAX – GENERAL ARTICLE RELATING TO THE ALCOHOLIC BEVERAGE TAX.**

(c) (1) Any violation of a regulation adopted by the [Comptroller] **EXECUTIVE DIRECTOR** under this article, **TITLE 16, TITLE 16.5, OR TITLE 16.7 OF THE BUSINESS REGULATION ARTICLE**, or the provisions of the Tax – General Article relating to the alcoholic beverage tax is grounds to revoke or suspend a license.

(2) The violator is subject to the penalties provided under § 6–402(a) of this article.

[1–302.1.] **1–312.**

By regulation, the [Comptroller] **EXECUTIVE DIRECTOR** may:

(1) establish or prohibit the maximum discounts that may be allowed by a manufacturer, wholesaler, or nonresident winery permit holder in the sale and distribution of wine and liquor; or

(2) prohibit the giving of discounts by a manufacturer, wholesaler, or nonresident winery permit holder in the sale and distribution of wine and liquor.

[1–303.] **1–313.**

(a) There is a Field Enforcement Division in the Office of the [Comptroller] **EXECUTIVE DIRECTOR**.

(b) (1) The Field Enforcement Division may employ officers and employees as provided in the State budget.

(2) The officers and employees of the Field Enforcement Division:

(i) shall be sworn police officers;

(ii) shall have the powers, duties, and responsibilities of peace officers to enforce the provisions of this article relating to:

1. the unlawful importation of alcoholic beverages into the State;

2. the unlawful manufacture of alcoholic beverages in the State;

3. the transportation and distribution throughout the State of alcoholic beverages that are manufactured illegally and on which any alcoholic beverages taxes imposed by the State are due and unpaid; and

4. the manufacture, sale, barter, transportation, distribution, or other form of owning, handling, or dispersing alcoholic beverages by any person not licensed or authorized under this article or provisions of the Tax – General Article relating to alcoholic beverages; and

(iii) may make cooperative arrangements for and work and cooperate with local State's Attorneys, sheriffs, bailiffs, police, and other prosecuting and peace officers to enforce this article.

(c) The Field Enforcement Division:

(1) shall consult with and advise the local State's Attorneys and other law enforcement officials and police officers regarding enforcement problems in their respective jurisdictions; and

(2) may recommend changes to improve the administration of this article and provisions of the Tax – General Article relating to alcoholic beverages.

[1-304.] **1-314.**

The [Comptroller] **EXECUTIVE DIRECTOR** may delegate authority under this article and provisions of the Tax – General Article relating to alcoholic beverages to the Division director to issue or refuse to issue licenses and permits.

[1-305.] 1-315.

(a) Except as provided in subsection (b) of this section, the [Comptroller] **EXECUTIVE DIRECTOR** may delegate authority to conduct hearings on violations of this article or of any regulations adopted under this article or the provisions of the Tax – General Article relating to alcoholic beverages to the Division director or any other employee of the [Comptroller's] **EXECUTIVE DIRECTOR'S** office.

(b) The Division director or any other employee of the [Comptroller's] **EXECUTIVE DIRECTOR'S** office delegated authority to conduct hearings under subsection (a) of this section:

(1) may not impose a penalty provided for under this article or a provision of the Tax – General Article relating to alcoholic beverages; and

(2) shall report the findings and recommendations to the [Comptroller] **EXECUTIVE DIRECTOR** to take the action that the [Comptroller] **EXECUTIVE DIRECTOR** considers appropriate.

[1-306.] 1-316.

To provide a basis for annual comparison of the scope of the alcoholic beverages industry in the State and the consumption habits of residents of the State, the [Comptroller] **EXECUTIVE DIRECTOR** ~~in each~~ **SHALL SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY, AN** annual report ~~shall include~~ **ON OR BEFORE DECEMBER 1 OF EACH YEAR THAT INCLUDES** statistical information on the alcoholic beverages business in the State that the [Comptroller] **EXECUTIVE DIRECTOR** believes to be of interest to the public and the industry.

[1-307.] 1-317.

(a) The [Comptroller] **EXECUTIVE DIRECTOR** shall:

(1) maintain a record of:

(i) each license issued or approved under this article; and

(ii) any revocation, suspension, or cancellation of a license and any restriction imposed on a license with a brief explanation of the reason for the action; and

(2) allow any person to inspect the records at the Office of the [Comptroller] **EXECUTIVE DIRECTOR** during regular business hours.

(b) The records of licenses required under subsection (a) of this section and any indices or dockets created to maintain the records:

(1) shall be retained for the later to occur of:

(i) 3 years after the date of the last record entry; or

(ii) the date on which all audit requirements have been complied

with; and

(2) may be destroyed after:

(i) the retention period in item (1) of this subsection has expired;

and

(ii) Title 10, Subtitle 6, Part III of the State Government Article has been complied with.

[1-308.] 1-318.

The [Comptroller] **EXECUTIVE DIRECTOR** may:

(1) under § 6-202 of this article, inspect and search a building, vehicle, or premises where alcoholic beverages are authorized to be kept, transported, manufactured, or sold;

(2) under § 6-203 of this article, use certain equipment and other means to measure the quantity and quality of alcoholic beverages; and

(3) under § 6-204 of this article, issue summonses for witnesses for hearings and inquiries.

[1-309.] 1-319.

The [Comptroller] **EXECUTIVE DIRECTOR** shall enforce the provisions of this article and provisions of the Tax – General Article relating to alcoholic beverages applicable to:

(1) the purchase or importation of alcoholic beverages by a department of liquor control or a liquor control board; and

(2) the sale of alcoholic beverages to a wholesaler or retail dealer by a department of liquor control or a liquor control board.

[1-310.] 1-320.

The [Comptroller] **EXECUTIVE DIRECTOR** may:

(1) investigate the manufacture, sale, purchase, use, and transportation of industrial alcohol unfit for beverage use to the extent reasonably necessary to prevent conversion into an alcoholic beverage fit for consumption; and

(2) request information and assistance from other administrative units of the State, county, and municipal governments, county and municipal police departments, and all prosecuting officers as considered necessary by the [Comptroller] **EXECUTIVE DIRECTOR** to carry out this article and provisions of the Tax – General Article relating to alcoholic beverages.

Article – Business Regulation

16–101.

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

(b) “Cigarette” means any size or shaped roll for smoking that is made of tobacco or tobacco mixed with another ingredient and wrapped in paper or in any other material except tobacco.

(c) “County license” means a license issued by the clerk to sell cigarettes at retail in a county.

(D) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE ALCOHOL, AND TOBACCO, AND MOTOR FUEL COMMISSION.

[(d)] (E) “Sell” means to exchange or transfer, or to agree to exchange or transfer, title or possession of property, in any manner or by any means, for consideration.

[(e)] (F) (1) “Sell cigarettes at retail” means to sell cigarettes to a consumer.

(2) “Sell cigarettes at retail” includes selling cigarettes through a vending machine.

16–102.

The [Comptroller] **EXECUTIVE DIRECTOR** may delegate any power or duty of the [Comptroller] **EXECUTIVE DIRECTOR** under this title.

16–201.

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

(b) “License” means:

(1) a license issued by the [Comptroller] **EXECUTIVE DIRECTOR** under § 16–205(a) of this subtitle to:

- (i) act as a manufacturer;
- (ii) act as a subwholesaler;
- (iii) act as a vending machine operator;
- (iv) act as a wholesaler; or
- (v) act as a storage warehouse; or

(2) a license issued by the clerk under § 16–205(b) of this subtitle to act as a retailer.

(c) “Licensed manufacturer” means a person licensed by the [Comptroller] **EXECUTIVE DIRECTOR** under § 16–205(a) of this subtitle to act as a manufacturer.

(d) “Licensed retailer” means a person licensed by the clerk under § 16–205(b) of this subtitle to act as a retailer.

(e) “Licensed storage warehouse” means a facility licensed by the [Comptroller] **EXECUTIVE DIRECTOR** under § 16–205(a) of this subtitle to act as a storage warehouse.

(f) “Licensed subwholesaler” means a person licensed by the [Comptroller] **EXECUTIVE DIRECTOR** under § 16–205(a) of this subtitle to act as a subwholesaler.

(g) “Licensed vending machine operator” means a person licensed by the [Comptroller] **EXECUTIVE DIRECTOR** under § 16–205(a) of this subtitle to act as a vending machine operator.

(h) “Licensed wholesaler” means a person licensed by the [Comptroller] **EXECUTIVE DIRECTOR** under § 16–205(a) of this subtitle to act as a wholesaler.

(i) “Manufacturer” means a person who:

- (1) (i) operates one or more cigarette manufacturing plants; or
- (ii) is a participating manufacturer; and
- (2) (i) sells unstamped cigarettes to a licensed cigarette wholesaler located in Maryland;

(ii) sells unstamped cigarettes that may lawfully be sold in Maryland to a licensed cigarette wholesaler located outside of Maryland;

(iii) unless otherwise prohibited or restricted under local law, this article, or the Criminal Law Article, distributes sample cigarettes to consumers located in Maryland; or

(iv) stores unstamped cigarettes in a cigarette storage warehouse in Maryland for subsequent shipment to licensed wholesalers, federal reservations, or persons out of state.

(j) “Participating manufacturer” has the meaning stated in § 16–501 of this title.

(k) “Retailer” means a person who:

(1) sells cigarettes to consumers through vending machines on fewer than 40 premises;

(2) otherwise sells cigarettes to consumers; or

(3) holds cigarettes for sale to consumers.

(l) “Stamped cigarettes” means a package of cigarettes to which tobacco tax stamps are affixed in the amount and manner required by § 12–304 of the Tax – General Article.

(m) “Storage warehouse” means a storage facility in Maryland operated for the purpose of storing unstamped cigarettes on behalf of a licensed cigarette manufacturer.

(n) (1) “Subwholesaler” means a person who:

(i) holds stamped cigarettes for sale to another person for resale; or

(ii) sells stamped cigarettes to another person for resale.

(2) “Subwholesaler” does not include a person who sells unstamped cigarettes or holds unstamped cigarettes for sale.

(o) “Unstamped cigarettes” means a package of cigarettes to which tobacco tax stamps are not affixed in the amount and manner required by § 12–304 of the Tax – General Article.

(p) “Vending machine operator” means a person who:

(1) holds cigarettes for sale to consumers through vending machines on 40 or more premises; or

(2) sells cigarettes to consumers through vending machines on 40 or more premises.

(q) “Wholesaler” means a person who:

(1) holds cigarettes for sale to another person for resale; or

(2) sells cigarettes to another person for resale.

16–204.

(a) An applicant for a license to act as a manufacturer shall:

(1) submit an application to the [Comptroller] **EXECUTIVE DIRECTOR** on the form and containing the information that the [Comptroller] **EXECUTIVE DIRECTOR** requires; and

(2) pay to the [Comptroller] **EXECUTIVE DIRECTOR** a fee of \$25.

(b) (1) An applicant for a license to act as a retailer shall:

(i) obtain the county license required under § 16–301 of this title;

(ii) submit to the clerk an application for each permanent or temporary place of business located in the same enclosure and operated by the same applicant; and

(iii) pay to the clerk a fee of \$30.

(2) The application shall:

(i) be made on the form that the clerk requires; and

(ii) contain the information that the [Comptroller] **EXECUTIVE DIRECTOR** requires.

(c) An applicant for a license to act as a storage warehouse shall:

(1) submit an application to the [Comptroller] **EXECUTIVE DIRECTOR** on the form and containing the information that the [Comptroller] **EXECUTIVE DIRECTOR** requires; and

(2) pay to the [Comptroller] **EXECUTIVE DIRECTOR** a fee of \$25.

(d) An applicant for a license to act as a subwholesaler shall:

(1) submit an application to the [Comptroller] **EXECUTIVE DIRECTOR** on the form and containing the information that the [Comptroller] **EXECUTIVE DIRECTOR** requires; and

(2) pay to the [Comptroller] **EXECUTIVE DIRECTOR** a fee of:

(i) \$500 for a 1-year term; or

(ii) the amount that results when \$500 is prorated to the nearest month, if the application is for less than a 1-year term.

(e) An applicant for a license to act as a vending machine operator shall:

(1) obtain the county license required under § 16–301 of this title;

(2) submit an application to the [Comptroller] **EXECUTIVE DIRECTOR** on the form and containing the information that the [Comptroller] **EXECUTIVE DIRECTOR** requires; and

(3) pay to the [Comptroller] **EXECUTIVE DIRECTOR** a fee of \$500.

(f) An applicant for a license to act as a wholesaler shall:

(1) submit an application to the [Comptroller] **EXECUTIVE DIRECTOR** on the form and containing the information that the [Comptroller] **EXECUTIVE DIRECTOR** requires; and

(2) pay to the [Comptroller] **EXECUTIVE DIRECTOR** a fee of \$750.

(g) If a person has had a license revoked under § 16–210 of this subtitle, the person may not reapply for a license within 1 year after the date when the prior license was revoked.

(h) (1) In addition to the license fee otherwise required under this section:

(i) an applicant for the initial issuance of a license issued by the [Comptroller] **EXECUTIVE DIRECTOR** under this title shall pay to the [Comptroller] **EXECUTIVE DIRECTOR** a nonrefundable application fee of \$200; and

(ii) an applicant for renewal of a license issued by the [Comptroller] **EXECUTIVE DIRECTOR** under this title shall pay to the [Comptroller] **EXECUTIVE DIRECTOR** a renewal fee of \$30.

(2) The application and renewal fees required under this subsection do not apply to a license that is issued by the clerk or to a storage warehouse license application.

16–205.

(a) The [Comptroller] **EXECUTIVE DIRECTOR** shall issue an appropriate license to each applicant who meets the requirements of this subtitle for a license to act as a manufacturer, storage warehouse, subwholesaler, vending machine operator, or wholesaler.

(b) The clerk shall issue to each applicant who meets the requirements of this subtitle a license to act as a retailer.

(c) The [Comptroller's Office] **EXECUTIVE DIRECTOR** shall provide to the Prevention and Health Promotion Administration each year the name and address of each person licensed under subsection (b) of this section.

16–206.

(a) A manufacturer license authorizes the licensee to:

(4) upon approval of the [Comptroller] **EXECUTIVE DIRECTOR**, act as an agent of a Maryland licensed wholesaler for stamping and distribution of cigarettes.

(f) A wholesaler license authorizes the licensee to:

(6) sell unstamped cigarettes to another licensed wholesaler if the [Comptroller] **EXECUTIVE DIRECTOR** specifically authorizes;

(7) upon approval of the [Comptroller] **EXECUTIVE DIRECTOR**, designate a licensed manufacturer to act as its agent for the stamping and distribution of cigarettes; and

16–207.

(c) Before a license issued under this subtitle expires, the licensee may renew it for an additional 1–year term, if the licensee:

(3) pays to the issuing official:

(i) the license fee required under § 16–204 of this subtitle; and

(ii) if the license is issued by the [Comptroller] **EXECUTIVE DIRECTOR**, the renewal fee required under § 16–204(h) of this subtitle.

16–208.

(a) (1) A licensed retailer or licensed vending machine operator may not assign the license.

(2) If a licensed subwholesaler or licensed wholesaler sells the licensee's cigarette business and pays to the [Comptroller] **EXECUTIVE DIRECTOR** a license assignment fee of \$10, the licensee may assign the license to the buyer of the business.

(b) If the cigarette business of a licensee is transferred because of bankruptcy, death, incompetency, receivership, or otherwise by operation of law, the [Comptroller] **EXECUTIVE DIRECTOR** shall transfer the license without charge to the new owner of the licensee's business.

(c) (1) If a licensed subwholesaler or licensed wholesaler surrenders the license to the Comptroller and if no disciplinary proceedings are pending against the licensee, the [Comptroller] **EXECUTIVE DIRECTOR** shall refund a pro rata part of the license fee for the unexpired term of the license.

(2) A licensed retailer or licensed vending machine operator is not allowed a refund for the unexpired term of the license.

16–209.

(a) A licensee shall display a license in the way that the [Comptroller] **EXECUTIVE DIRECTOR** requires by regulation.

(b) A licensee who sells cigarettes through a vending machine:

(1) shall place each package of cigarettes in the machine so that when the package is visible the tax stamps required by § 12–304 of the Tax – General Article are also visible; and

(2) in the way that the [Comptroller] **EXECUTIVE DIRECTOR** requires by regulation, shall:

(i) identify each vending machine with a conspicuous label that states the licensee's name, address, and telephone number; and

(ii) display on a conspicuous label applicable prohibitions and penalties under § 10–107 of the Criminal Law Article.

16–210.

(a) Subject to the hearing provisions of § 16–211 of this subtitle, the [Comptroller] **EXECUTIVE DIRECTOR** may deny a license to an applicant, reprimand a licensee, or suspend or revoke a license if the applicant or licensee:

(1) fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another person;

- (2) fraudulently or deceptively uses a license;
 - (3) fails to comply with the Maryland Cigarette Sales Below Cost Act or regulations adopted under that Act;
 - (4) fails to comply with the provisions of Title 11, Subtitle 5A of the Commercial Law Article;
 - (5) buys cigarettes for resale:
 - (i) in violation of a license; or
 - (ii) from a person who is not a licensed cigarette manufacturer, licensed subwholesaler, licensed vending machine operator, or licensed wholesaler;
 - (6) is convicted, under the laws of the United States or of any other state, of:
 - (i) a felony; or
 - (ii) a misdemeanor that is a crime of moral turpitude and is directly related to the fitness and qualification of the applicant or licensee; or
 - (7) has not paid a tax due before October 1 of the year after the tax became due.
- (b) Subject to the hearing provisions of § 16–211 of this subtitle, the **[Comptroller] EXECUTIVE DIRECTOR** may suspend or revoke a license if the licensee violates:
- (1) Title 12 of the Tax – General Article, or regulations adopted under that title; or
 - (2) this title or regulations adopted under this title.
- (c) Subject to the hearing provisions of § 16–211 of this subtitle, the **[Comptroller] EXECUTIVE DIRECTOR** shall deny a license to any applicant who has had a license revoked under this section until:
- (1) 1 year has passed since the license was revoked; and
 - (2) it satisfactorily appears to the **[Comptroller] EXECUTIVE DIRECTOR** that the applicant will comply with this title and any regulations adopted under this title.
- (d) Prior to the issuance or renewal of any license, the **[Comptroller] EXECUTIVE DIRECTOR** shall conduct an investigation with regard to:

- (1) the applicant;
- (2) the business to be operated; and
- (3) the facts set forth in the application.

16–211.

(a) Except as otherwise provided in § 10–226 of the State Government Article, before the [Comptroller] **EXECUTIVE DIRECTOR** takes any final action under § 16–210 of this subtitle, the [Comptroller] **EXECUTIVE DIRECTOR** shall give the person against whom the action is contemplated an opportunity for a hearing before the [Comptroller] **EXECUTIVE DIRECTOR**.

(b) The [Comptroller] **EXECUTIVE DIRECTOR** shall give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

(c) The [Comptroller] **EXECUTIVE DIRECTOR** may administer oaths in a proceeding under this section.

(d) The person against whom the action is contemplated may be represented at the hearing by counsel.

(e) If, after due notice, the person against whom the action is contemplated does not appear, nevertheless the [Comptroller] **EXECUTIVE DIRECTOR** may hear and determine the matter.

16–212.

(a) Subject to the notice requirement of subsection (c) of this section, if a licensee engages in an act or omission that is a ground for discipline under § 16–210 of this subtitle, the [Comptroller] **EXECUTIVE DIRECTOR** may suspend the license for a consecutive period that:

- (1) for a first offense, is not less than 5 nor more than 20 business days; or
- (2) for a subsequent offense, is not less than 20 business days nor more than 6 months.

(b) Subject to the notice requirement under subsection (c) of this section, the [Comptroller] **EXECUTIVE DIRECTOR** may revoke a license if a licensee:

- (1) willfully and persistently engages in an act or omission that is a ground for discipline under § 16–210(a) of this subtitle; or

(2) violates this title or Title 12 of the Tax – General Article, or regulations adopted under these titles.

(c) If a license is suspended or revoked under this section:

(1) the [Comptroller] **EXECUTIVE DIRECTOR** shall give the licensee notice of the suspension or revocation; and

(2) the suspension or revocation may not take effect until at least 5 business days following notice of the suspension or revocation.

(d) The transfer, renewal, or expiration of a license will not bar or abate a disciplinary action under this section.

(e) (1) Except for a violation of § 10–107 of the Criminal Law Article, whenever any license issued under the provisions of this subtitle is suspended or revoked by the [Comptroller] **EXECUTIVE DIRECTOR**, the licensee may, before the effective date of the suspension or revocation, petition the [Comptroller] **EXECUTIVE DIRECTOR** for permission to make an offer of compromise consisting of a sum of money in lieu of serving the suspension or revocation.

(2) Money paid in lieu of suspension or revocation shall be paid into the General Fund of the State.

(3) An offer of compromise shall not exceed \$2,000 in the case of retail licensees, and shall not exceed \$50,000 for other licensees.

(4) The [Comptroller] **EXECUTIVE DIRECTOR** may accept the offer of compromise if:

(i) the public welfare and morals would not be impaired by allowing the licensee to operate during the period set for the suspension or revocation; and

(ii) the payment of the sum of money will achieve the desired disciplinary purposes.

(5) The [Comptroller] **EXECUTIVE DIRECTOR** may promulgate rules and regulations necessary to carry out the purposes of this subsection.

16–213.

A party to a proceeding before the [Comptroller] **EXECUTIVE DIRECTOR** who is aggrieved by a final decision of the [Comptroller] **EXECUTIVE DIRECTOR** in a contested case, as defined in § 10–202 of the State Government Article, may take an appeal as allowed in §§ 10–222 and 10–223 of the State Government Article.

16–216.

(a) The [Comptroller] **EXECUTIVE DIRECTOR** shall pay into the General Fund of the State all license fees collected under this title.

16–218.

(b) (1) Except as provided in paragraph (2) of this subsection, each subwholesaler and each wholesaler shall make an inventory record each month of all cigarettes on the premises or under the control of the subwholesaler or wholesaler:

(i) at the beginning or end of the month; or

(ii) on another specific day of the month, if the subwholesaler or wholesaler finds it more practical to take inventory on that day and notifies the [Comptroller] **EXECUTIVE DIRECTOR** that inventory will be taken on that day.

(2) Cigarettes in a vending machine or cigarettes transferred to retail stock by written memorandum need not be included in the inventory record.

(c) Each subwholesaler and each wholesaler shall:

(1) keep the records required by this section for 6 years or for a shorter time set by the [Comptroller] **EXECUTIVE DIRECTOR**; and

(2) allow the [Comptroller] **EXECUTIVE DIRECTOR** to examine the records.

16–219.

(b) The [Comptroller] **EXECUTIVE DIRECTOR** by regulation may require a common carrier that brings cigarettes into the State to submit to the [Comptroller] **EXECUTIVE DIRECTOR** a copy of any freight bill relating to the cigarette shipment.

16–220.

(a) The [Comptroller] **EXECUTIVE DIRECTOR** shall seal a vending machine to prevent the sale or removal of cigarettes from the machine if:

(1) a tax stamp is not visible on each visible package of cigarettes in the machine, as required by § 16–209(b)(1) of this subtitle; or

(2) the machine is not labeled as required by § 16–209(b)(2) of this subtitle.

(b) If the violation for which a vending machine is sealed has been corrected in the presence of the [Comptroller] **EXECUTIVE DIRECTOR** or the [Comptroller's]

EXECUTIVE DIRECTOR'S designee, the [Comptroller] **EXECUTIVE DIRECTOR** shall remove the seal.

16–221.

(a) Except as otherwise provided in § 16–220 of this subtitle, a person may not remove or tamper with a seal placed on a vending machine by the [Comptroller] **EXECUTIVE DIRECTOR**.

(b) A person who willfully violates this section is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

16–222.

(a) A person may not ship, import, or sell into or within this State any brand of cigarette unless that person:

- (1) (i) is the owner of the brand;
- (ii) is the United States importer for the brand; or
- (iii) is a designated agent in Maryland of:
 1. the owner of the brand; or
 2. the United States importer of the brand; and
- (2) holds any license required by this subtitle.

(b) A person who ships, imports, or sells cigarettes into or within this State:

(1) shall comply with any federal and State requirements concerning the placement of warning labels or other information on the containers or individual packages of cigarettes; and

(2) shall ensure that the containers or individual packages of cigarettes do not contain any information or markings that are false, misleading, or contrary to:

- (i) federal trademark or tax laws;
- (ii) the trademark law of this State under Title 1, Subtitle 4 of this article; or
- (iii) the tax laws of this State under Title 12 of the Tax – General Article.

(c) A person who ships, imports, or sells cigarettes into or within this State in violation of this section is subject to disciplinary action by the [Comptroller] **EXECUTIVE DIRECTOR** under § 16–210 of this subtitle and to the penalty specified in § 13–1015 of the Tax – General Article.

16–223.

(c) (1) A licensee who sells or ships cigarettes in violation of this section or causes cigarettes to be shipped in violation of this section is:

(i) subject to discipline by the [Comptroller] **EXECUTIVE DIRECTOR** under § 16–210 of this subtitle; and

(ii) guilty of a felony and, on conviction, is subject to a fine not exceeding \$50 for each carton of cigarettes transported or imprisonment not exceeding 2 years or both.

(2) A person other than a licensee who sells or ships cigarettes in violation of this section or causes cigarettes to be shipped in violation of this section is guilty of a felony and, on conviction, is subject to a fine not exceeding \$50 for each carton of cigarettes transported or imprisonment not exceeding 2 years or both.

16–302.

(b) (1) From each license fee collected under subsection (a) of this section, the Clerk of the Circuit Court for Montgomery County shall distribute:

(i) \$25 to the [Comptroller] **EXECUTIVE DIRECTOR**; and

(ii) \$100 to Montgomery County to be used to enforce existing laws banning the sale or distribution of tobacco or tobacco products to minors.

(2) Funds distributed under paragraph (1)(ii) of this subsection may not be used to supplant existing funding for the enforcement of laws banning the sale or distribution of tobacco or tobacco products to minors.

16–306.

Subject to the hearing provisions of § 16–307 of this subtitle, the [Comptroller] **EXECUTIVE DIRECTOR** may deny a county license to an applicant, reprimand a county licensee, or suspend or revoke a county license if the applicant or licensee:

(1) fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another person;

(2) fraudulently or deceptively uses a license;

(3) violates § 16–308.1 of this subtitle; or

(4) fails to comply with the Maryland Cigarette Sales Below Cost Act and regulations adopted under it.

16–307.

(a) Except as otherwise provided in § 10–226 of the State Government Article, before the [Comptroller] **EXECUTIVE DIRECTOR** takes any final action under § 16–306 of this subtitle, the [Comptroller] **EXECUTIVE DIRECTOR** shall give the person against whom the action is contemplated an opportunity for a hearing before the [Comptroller] **EXECUTIVE DIRECTOR**.

(b) The [Comptroller] **EXECUTIVE DIRECTOR** shall give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

(c) The [Comptroller] **EXECUTIVE DIRECTOR** may administer oaths in a proceeding under this section.

(d) The person against whom the action is contemplated may be represented at the hearing by counsel.

(e) If, after due notice, the person against whom the action is contemplated does not appear, nevertheless the [Comptroller] **EXECUTIVE DIRECTOR** may hear and determine the matter.

16–308.1.

(b) Authorized employees of the Field Enforcement Division of the [Comptroller's] **EXECUTIVE DIRECTOR'S** Office may enforce the provisions of subsection (a) of this section.

16–3B–01.

(a) A person may not violate a regulation adopted by the [Comptroller] **EXECUTIVE DIRECTOR** that applies to a person who sells cigarettes at retail.

(b) A person who violates this section is guilty of a misdemeanor and, on conviction, is subject to a fine of \$100.

16.5–101.

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

(b) “County license” means a license issued by the clerk to sell other tobacco products at retail in a county.

(C) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE ALCOHOL, TOBACCO, AND ~~MOTOR FUEL~~ COMMISSION.

[(c)] (D) “License” means:

(1) a license issued by the **[Comptroller] EXECUTIVE DIRECTOR** under § 16.5–204(a) of this title to:

- (i) act as a licensed other tobacco products manufacturer;
- (ii) act as an other tobacco products wholesaler; or
- (iii) act as an other tobacco products storage warehouse; or

(2) a license issued by the clerk under § 16.5–204(b) of this title to act as an other tobacco products retailer or a tobacconist.

[(d)] (E) “Licensed other tobacco products manufacturer” means a person licensed by the **[Comptroller] EXECUTIVE DIRECTOR** under § 16.5–204(a) of this title who:

(1) manufactures or otherwise produces other tobacco products in the State intended for sale in the State, including other tobacco products intended for sale in the State through an importer; and

(2) (i) sells other tobacco products on which the tobacco tax has not been paid to a licensed other tobacco products wholesaler in the State;

(ii) sells other tobacco products on which the tobacco tax has not been paid and which may lawfully be sold in the State to a licensed other tobacco products wholesaler located outside of the State;

(iii) unless otherwise prohibited or restricted under local law, this article, or the Criminal Law Article, distributes sample other tobacco products to consumers located in the State; or

(iv) stores other tobacco products in **[an other] ANOTHER** tobacco products warehouse in the State for subsequent shipment to licensed wholesalers, federal reservations, or persons outside of the State.

[(e)] (F) “Licensed other tobacco products retailer” means a person licensed by the clerk under § 16.5–204(b) of this title to act as an other tobacco products retailer.

[(f)] (G) “Licensed other tobacco products storage warehouse” means a facility licensed by the **[Comptroller] EXECUTIVE DIRECTOR** under § 16.5–204(a) of this title to act as an other tobacco products storage warehouse.

[(g)] (H) “Licensed other tobacco products wholesaler” means a person licensed by the **[Comptroller] EXECUTIVE DIRECTOR** under § 16.5–204(a) of this title to act as an other tobacco products wholesaler.

[(h)] (I) “Licensed tobacconist” means a person licensed by the clerk of a circuit court under § 16.5–204(b) of this title to act as a tobacconist.

[(i)] (J) “Other tobacco products” means:

(1) any cigar or roll for smoking, other than a cigarette, made in whole or in part of tobacco; or

(2) any other tobacco or product made primarily from tobacco, other than a cigarette, that is intended for consumption by smoking or chewing or as snuff.

[(j)] (K) “Other tobacco products manufacturer” means a person who:

(1) manufactures or otherwise produces other tobacco products intended for sale in this State, including other tobacco products intended for sale in the United States through an importer;

(2) (i) sells other tobacco products on which the tobacco tax has not been paid to a licensed other tobacco products wholesaler in Maryland;

(ii) sells other tobacco products on which the tobacco tax has not been paid and which may lawfully be sold in Maryland to a licensed other tobacco products wholesaler located outside Maryland;

(iii) unless otherwise prohibited or restricted under local law, this article, or the Criminal Law Article, distributes sample other tobacco products to consumers located in Maryland; or

(iv) stores other tobacco products in **[an other] ANOTHER** tobacco products storage warehouse in Maryland for subsequent shipment to licensed other tobacco products wholesalers, federal reservations, or persons out of state; or

(3) is a licensed other tobacco products manufacturer under this title.

[(k)] (L) “Other tobacco products retailer” means a person who:

(1) sells other tobacco products to consumers; or

- (2) holds other tobacco products for sale to consumers.

[(l)] (M) “Other tobacco products storage warehouse” means a storage facility in Maryland operated for the purpose of storing other tobacco products on which the tobacco tax has not been paid on behalf of another tobacco products manufacturer.

[(m)] (N) “Other tobacco products wholesaler” means a person who:

- (1) holds other tobacco products for sale to another person for resale; or
- (2) sells other tobacco products to another person for resale.

[(n)] (O) (1) “Package” means a pack, box, carton, can, wrap, pouch, bag, or container of any kind designed for retail consumption in which other tobacco products are offered for sale, sold, or otherwise distributed.

(2) “Package” includes not more than 10 cigars offered for sale, sold, or distributed as single cigars.

[(o)] (P) “Pipe tobacco” means any tobacco that, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco to smoke in a pipe.

[(p)] (Q) “Premium cigars” means cigars that:

(1) have hand-rolled wrappers made from whole tobacco leaves where the filler, binder, and wrapper are made of all tobacco, and may include adhesives or other materials used to maintain size, texture, or flavor; or

(2) are designated as premium cigars by the [Comptroller] **EXECUTIVE DIRECTOR** by regulation.

[(q)] (R) “Sell” means to exchange or transfer, or to agree to exchange or transfer, title or possession of property, in any manner or by any means, for consideration.

[(r)] (S) “Sell other tobacco products at retail” means to sell other tobacco products to a consumer.

[(s)] (T) “Tobacconist” means an other tobacco products business that derives at least 70% of its revenues, measured by average daily receipts, from the sale of other tobacco products and tobacco-related accessories.

16.5–102.

The [Comptroller] **EXECUTIVE DIRECTOR** may delegate any power or duty of the [Comptroller under this title] **EXECUTIVE DIRECTOR**.

16.5–203.

(a) An applicant for a license to act as a licensed other tobacco products manufacturer shall:

(1) submit an application to the [Comptroller] **EXECUTIVE DIRECTOR** on the form and containing the information that the [Comptroller] **EXECUTIVE DIRECTOR** requires; and

(2) pay to the [Comptroller] **EXECUTIVE DIRECTOR** a fee of \$25.

(b) (1) An applicant for a license to act as an other tobacco products retailer or a tobacconist:

(i) shall obtain a county license by submitting to the clerk an application for each permanent or temporary place of business located in the same enclosure and operated by the same applicant; and

(ii) except as provided in paragraph (2) of this subsection, shall pay to the clerk a fee of \$15.

(2) A person who has a license issued under Title 16 of this article to act as a cigarette retailer or to act as a special cigarette retailer is not required to pay the license fee.

(3) The application shall:

(i) be made on the form that the clerk requires; and

(ii) contain the information that the [Comptroller] **EXECUTIVE DIRECTOR** requires.

(c) An applicant for a license to act as an other tobacco products storage warehouse shall:

(1) submit an application to the [Comptroller] **EXECUTIVE DIRECTOR** on the form and containing the information that the [Comptroller] **EXECUTIVE DIRECTOR** requires; and

(2) pay to the [Comptroller] **EXECUTIVE DIRECTOR** a fee of \$25.

(d) (1) An applicant for a license to act as an other tobacco products wholesaler shall:

(i) submit an application to the [Comptroller] **EXECUTIVE DIRECTOR** on the form and containing the information that the [Comptroller] **EXECUTIVE DIRECTOR** requires; and

(ii) except as provided in paragraph (2) of this subsection, pay to the [Comptroller] **EXECUTIVE DIRECTOR** a fee of \$250.

(2) A person who has a license issued under Title 16 of this article to act as a cigarette wholesaler or to act as a cigarette subwholesaler is not required to pay the license fee.

(e) A licensee shall display a license in the way that the [Comptroller] **EXECUTIVE DIRECTOR** requires by regulation.

(f) If a person has had a license revoked under § 16.5–208 of this subtitle, the person may not reapply for a license within 1 year after the date when the prior license was revoked.

16.5–204.

(a) The [Comptroller] **EXECUTIVE DIRECTOR** shall issue an appropriate license to each applicant who meets the requirements of this subtitle for a license to act as a licensed other tobacco products manufacturer, other tobacco products storage warehouse, or other tobacco products wholesaler.

16.5–205.

(a) An other tobacco products manufacturer may:

(5) on approval of the [Comptroller] **EXECUTIVE DIRECTOR**, act as an agent of a Maryland other tobacco products wholesaler for distribution of other tobacco products.

(d) An other tobacco products wholesaler license authorizes the licensee to:

(5) sell other tobacco products on which the tobacco tax has not been paid to another licensed other tobacco products wholesaler if the [Comptroller] **EXECUTIVE DIRECTOR** specifically authorizes; and

16.5–207.

(a) (1) A licensed other tobacco products retailer or a licensed tobacconist may not assign the license.

(2) If a licensed other tobacco products wholesaler sells the licensee's other tobacco products business and pays to the [Comptroller] **EXECUTIVE DIRECTOR** a license

assignment fee of \$10, the licensee may assign the license to the buyer of the business, if the buyer otherwise qualifies under this title for an other tobacco products wholesaler's license.

(b) If the other tobacco products business of a licensee is transferred because of bankruptcy, death, incompetency, receivership, or otherwise by operation of law, the [Comptroller] **EXECUTIVE DIRECTOR** shall transfer the license without charge to the new owner of the licensee's business, if the transferee otherwise qualifies under this title for the license being transferred.

(c) (1) If a licensed other tobacco products wholesaler surrenders the license to the [Comptroller] **EXECUTIVE DIRECTOR** and if no disciplinary proceedings are pending against the licensee, the [Comptroller] **EXECUTIVE DIRECTOR** shall refund a pro rata part of the license fee for the unexpired term of the license.

(2) A licensed other tobacco products retailer or a licensed tobacconist is not allowed a refund for the unexpired term of the license.

16.5–208.

(a) Subject to the hearing provisions of § 16.5–209 of this subtitle, the [Comptroller] **EXECUTIVE DIRECTOR** may deny a license to an applicant, reprimand a licensee, or suspend or revoke a license if the applicant or licensee:

(1) fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another person;

(2) fraudulently or deceptively uses a license;

(3) buys other tobacco products for resale:

(i) in violation of a license; or

(ii) from a person who is not an other tobacco products manufacturer or licensed other tobacco products wholesaler;

(4) is convicted, under the laws of the United States or of any other state, of:

(i) a felony; or

(ii) a misdemeanor that is a crime of moral turpitude and is directly related to the fitness and qualification of the applicant or licensee;

(5) violates Title 12 of the Tax – General Article or regulations adopted under that title; or

(6) violates this title or Title 16 of this article or regulations adopted under these titles.

(b) Subject to the hearing provisions of § 16.5–209 of this subtitle, the [Comptroller] **EXECUTIVE DIRECTOR** shall deny a license to any applicant who has had a license revoked under this section until:

(1) 1 year has passed since the license was revoked; and

(2) it satisfactorily appears to the [Comptroller] **EXECUTIVE DIRECTOR** that the applicant will comply with this title and any regulations adopted under this title.

(c) Prior to the issuance or renewal of any license, the [Comptroller] **EXECUTIVE DIRECTOR** shall conduct an investigation with regard to:

(1) the applicant;

(2) the business to be operated; and

(3) the facts set forth in the application.

16.5–209.

(a) Except as otherwise provided in § 10–226 of the State Government Article, before the [Comptroller] **EXECUTIVE DIRECTOR** takes any final action under § 16.5–208 of this subtitle, the [Comptroller] **EXECUTIVE DIRECTOR** shall give the person against whom the action is contemplated an opportunity for a hearing before the [Comptroller] **EXECUTIVE DIRECTOR**.

(b) The [Comptroller] **EXECUTIVE DIRECTOR** shall give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

(c) The [Comptroller] **EXECUTIVE DIRECTOR** may administer oaths in a proceeding under this section.

(d) The person against whom the action is contemplated may be represented at the hearing by counsel.

(e) If, after due notice, the person against whom the action is contemplated does not appear, nevertheless the [Comptroller] **EXECUTIVE DIRECTOR** may hear and determine the matter.

16.5–210.

(a) Subject to the notice requirement of subsection (c) of this section, if a licensee engages in an act or omission that is a ground for discipline under § 16.5–208 of this

subtitle, the [Comptroller] **EXECUTIVE DIRECTOR** may suspend the license for a consecutive period that:

- (1) for a first offense, is not less than 5 nor more than 20 business days; or
- (2) for a subsequent offense, is not less than 20 business days nor more than 6 months.

(b) Subject to the notice requirement under subsection (c) of this section, the [Comptroller] **EXECUTIVE DIRECTOR** may revoke a license if a licensee:

- (1) willfully and persistently engages in an act or omission that is a ground for discipline under § 16.5–208(a) of this subtitle; or
- (2) violates this title or Title 12 of the Tax – General Article or regulations adopted under these titles.

(c) If a license is suspended or revoked under this section:

- (1) the [Comptroller] **EXECUTIVE DIRECTOR** shall give the licensee notice of the suspension or revocation; and
- (2) the suspension or revocation may not take effect until at least 5 business days following notice of the suspension or revocation.

(d) The transfer, renewal, or expiration of a license will not bar or abate a disciplinary action under this section.

(e) (1) Except for a violation of § 10–107 of the Criminal Law Article, whenever any license issued under the provisions of this subtitle is suspended or revoked by the [Comptroller] **EXECUTIVE DIRECTOR**, the licensee may, before the effective date of the suspension or revocation, petition the [Comptroller] **EXECUTIVE DIRECTOR** for permission to make an offer of compromise consisting of a sum of money in lieu of serving the suspension or revocation.

(2) Money paid in lieu of suspension or revocation shall be paid into the General Fund of the State.

(3) An offer of compromise may not exceed \$2,000 in the case of retail licensees and may not exceed \$50,000 for other licensees.

(4) The [Comptroller] **EXECUTIVE DIRECTOR** may accept the offer of compromise if:

(i) the public welfare and morals would not be impaired by allowing the licensee to operate during the period set for the suspension or revocation; and

(ii) the payment of the sum of money will achieve the desired disciplinary purposes.

(5) The [Comptroller] **EXECUTIVE DIRECTOR** may adopt regulations to carry out this subsection.

16.5–211.

A party to a proceeding before the [Comptroller] **EXECUTIVE DIRECTOR** who is aggrieved by a final decision of the [Comptroller] **EXECUTIVE DIRECTOR** in a contested case, as defined in § 10–202 of the State Government Article, is entitled to judicial review as provided in §§ 10–222 and 10–223 of the State Government Article.

16.5–213.

(a) (1) The [Comptroller] **EXECUTIVE DIRECTOR** shall pay into the General Fund of the State all license fees collected under this title.

(2) All license fees collected by the counties are subject to the distribution provisions of § 17–206 of this article.

(b) The General Assembly intends that these license fees be used to administer this title.

16.5–214.

(b) (1) Except as provided in paragraph (2) of this subsection, each other tobacco products wholesaler shall make an inventory record each month of all other tobacco products on the premises or under the control of the other tobacco products wholesaler:

(i) at the beginning or end of the month; or

(ii) on another specific day of the month, if the other tobacco products wholesaler finds it more practical to take inventory on that day and notifies the [Comptroller] **EXECUTIVE DIRECTOR** that inventory will be taken on that day.

(2) Other tobacco products transferred to retail stock by written memorandum need not be included in the inventory record.

(c) Each other tobacco products wholesaler shall:

(1) keep the records required by this section for 6 years or for a shorter time set by the [Comptroller] **EXECUTIVE DIRECTOR**; and

(2) allow the [Comptroller] **EXECUTIVE DIRECTOR** to examine the records.

16.5–215.

(b) The [Comptroller] **EXECUTIVE DIRECTOR** by regulation may require a common carrier that brings other tobacco products into the State to submit to the [Comptroller] **EXECUTIVE DIRECTOR** a copy of any freight bill relating to the other tobacco products shipment.

16.5–216.

(c) A person who ships, imports, or sells other tobacco products into or within this State in violation of this section is subject to disciplinary action by the [Comptroller] **EXECUTIVE DIRECTOR** under § 16.5–208 of this subtitle and to the penalty specified in § 13–1015 of the Tax – General Article.

16.5–217.

(c) (1) A licensee who sells or ships other tobacco products in violation of this section or causes other tobacco products to be shipped in violation of this section is:

(i) subject to discipline by the [Comptroller] **EXECUTIVE DIRECTOR** under § 16.5–208 of this subtitle; and

(ii) guilty of a felony and on conviction is subject to a fine not exceeding \$50 for each package of other tobacco products transported or imprisonment not exceeding 2 years or both.

16.7–101.

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

(b) “County license” means a license issued by the clerk to sell electronic nicotine delivery systems to consumers in a county.

(c) (1) “Electronic nicotine delivery system” means an electronic device, a component for an electronic device, or a product used to refill or resupply an electronic device that can be used to deliver nicotine to an individual inhaling from the device.

(2) “Electronic nicotine delivery system” includes an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, and vaping liquid.

(3) “Electronic nicotine delivery system” does not include:

(i) a nicotine device that contains or delivers nicotine intended for human consumption if the device has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product and is being marketed and sold solely for that purpose;

(ii) cannabis oil or any other unlawful substance; or

(iii) an electronic device that is being used to deliver cannabis oil or another unlawful substance.

(d) “Electronic nicotine delivery systems manufacturer” means a person that:

(1) manufactures, mixes, or otherwise produces electronic nicotine delivery systems intended for sale in the State, including electronic nicotine delivery systems intended for sale in the United States through an importer; and

(2) (i) sells electronic nicotine delivery systems to a consumer, if the consumer purchases or orders the systems through the mail, a computer network, a telephonic network, or another electronic network, a licensed electronic nicotine delivery systems wholesaler distributor, or a licensed electronic nicotine delivery systems wholesaler importer in the State;

(ii) if the electronic nicotine delivery systems manufacturer also holds a license to act as an electronic nicotine delivery systems retailer or a vape shop vendor, sells electronic nicotine delivery systems to consumers located in the State; or

(iii) unless otherwise prohibited or restricted under local law, this article, or the Criminal Law Article, distributes sample electronic nicotine delivery systems to a licensed electronic nicotine delivery systems retailer or vape shop vendor.

(e) “Electronic nicotine delivery systems retailer” means a person that:

(1) sells electronic nicotine delivery systems to consumers;

(2) holds electronic nicotine delivery systems for sale to consumers; or

(3) unless otherwise prohibited or restricted under local law, this article, the Criminal Law Article, or § 24–305 of the Health – General Article, distributes sample electronic nicotine delivery systems to consumers in the State.

(f) “Electronic nicotine delivery systems wholesaler distributor” means a person that:

(1) obtains at least 70% of its electronic nicotine delivery systems from a holder of an electronic nicotine delivery systems manufacturer license under this subtitle or a business entity located in the United States; and

(2) (i) holds electronic nicotine delivery systems for sale to another person for resale; or

(ii) sells electronic nicotine delivery systems to another person for resale.

(g) “Electronic nicotine delivery systems wholesaler importer” means a person that:

(1) obtains at least 70% of its electronic nicotine delivery systems from a business entity located in a foreign country; and

(2) (i) holds electronic nicotine delivery systems for sale to another person for resale; or

(ii) sells electronic nicotine delivery systems to another person for resale.

(h) **“EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE ALCOHOL, TOBACCO, AND MOTOR FUEL COMMISSION.**

(I) “License” means:

(1) a license issued by the [Comptroller] **EXECUTIVE DIRECTOR** under § 16.7–203(a) of this title to:

(i) act as a licensed electronic nicotine delivery systems manufacturer;

(ii) act as a licensed electronic nicotine delivery systems wholesaler distributor; or

(iii) act as a licensed electronic nicotine delivery systems wholesaler importer; or

(2) a license issued by the clerk under § 16.7–203(b) of this title to:

(i) act as a licensed electronic nicotine delivery systems retailer; or

(ii) act as a licensed vape shop vendor.

[(i)] (J) “Sell” means to exchange or transfer, or to agree to exchange or transfer, title or possession of property, in any manner or by any means, for consideration.

[(j)] (K) “Vape shop vendor” means an electronic nicotine delivery systems business that derives at least 70% of its revenues, measured by average daily receipts, from the sale of electronic nicotine delivery systems and related accessories.

[(k)] (L) “Vaping liquid” means a liquid that:

- (1) consists of propylene glycol, vegetable glycerin, or other similar substance;
- (2) may or may not contain natural or artificial flavors;
- (3) may or may not contain nicotine; and
- (4) converts to vapor intended for inhalation when heated in an electronic device.

16.7–102.

(a) The **[Comptroller] EXECUTIVE DIRECTOR** may delegate any power or duty of the **[Comptroller] EXECUTIVE DIRECTOR** under this title.

16.7–202.

(a) (1) An applicant for a license to act as an electronic nicotine delivery systems manufacturer, electronic nicotine delivery systems wholesaler distributor, or electronic nicotine delivery systems wholesaler importer shall:

(i) obtain an appropriate county license by submitting an application to the **[Comptroller] EXECUTIVE DIRECTOR** on the form and containing the information that the **[Comptroller] EXECUTIVE DIRECTOR** requires;

(ii) indicate the licenses for which the applicant is applying; and

(iii) except as provided in paragraph (2) of this subsection, pay to the **[Comptroller] EXECUTIVE DIRECTOR** a fee of \$25 for each license for which the applicant applies.

(2) An applicant for a license to act as an electronic nicotine delivery systems wholesaler distributor or electronic nicotine delivery systems wholesaler importer shall pay to the **[Comptroller] EXECUTIVE DIRECTOR** a fee of \$150.

(b) (1) An applicant for a license to act as an electronic nicotine delivery systems retailer or a vape shop vendor:

(i) shall obtain a county license by submitting to the clerk an application for each permanent or temporary place of business located in the same enclosure and operated by the same applicant; and

(ii) except as provided in paragraph (2) of this subsection, shall pay to the clerk a fee of \$25.

(2) The application shall:

(i) be made on the form that the clerk requires; and

(ii) contain the information that the [Comptroller] **EXECUTIVE DIRECTOR** requires.

(c) A licensee shall display a license in the way that the [Comptroller] **EXECUTIVE DIRECTOR** requires by regulation.

(d) If a person has had a license revoked under § 16.7–207 of this subtitle, the person may not reapply for a license within 1 year after the date when the prior license was revoked.

16.7–203.

(a) The [Comptroller] **EXECUTIVE DIRECTOR** shall issue an appropriate license to each applicant that meets the requirements of this subtitle for a license to act as an electronic nicotine delivery systems manufacturer, electronic nicotine delivery systems wholesaler distributor, or electronic nicotine delivery systems wholesaler importer.

(b) The clerk shall issue to each applicant that meets the requirements of this subtitle a license to act as an electronic nicotine delivery systems retailer or a vape shop vendor.

(c) The clerk shall forward a copy of an application received for each license issued under subsection (b) of this section to the [Comptroller] **EXECUTIVE DIRECTOR** within 30 days [of] **AFTER** issuance of the license.

16.7–206.

(a) (1) A licensed electronic nicotine delivery systems retailer or a licensed vape shop vendor may not assign the license.

(2) If a licensed electronic nicotine delivery systems wholesaler distributor or electronic nicotine delivery systems wholesaler importer sells the licensee's electronic nicotine delivery systems business and pays to the [Comptroller] **EXECUTIVE DIRECTOR** a license assignment fee of \$10, the licensee may assign the license to the buyer of the

business if the buyer otherwise qualifies under this title for an electronic nicotine delivery systems wholesaler's distributor or importer license.

(b) If the electronic nicotine delivery systems business of a licensee is transferred because of bankruptcy, death, incompetency, receivership, or otherwise by operation of law, the [Comptroller] **EXECUTIVE DIRECTOR** shall transfer the license without charge to the new owner of the licensee's business if the transferee otherwise qualifies under this title for the license being transferred.

(c) (1) If a licensed electronic nicotine delivery systems wholesaler distributor or electronic nicotine delivery systems wholesaler importer surrenders the license to the [Comptroller] **EXECUTIVE DIRECTOR** and if no disciplinary proceedings are pending against the licensee, the [Comptroller] **EXECUTIVE DIRECTOR** shall refund a pro rata portion of the license fee for the unexpired term of the license.

(2) A licensed electronic nicotine delivery systems retailer or a licensed vape shop vendor is not allowed a refund for the unexpired term of the license.

16.7–207.

(a) Subject to the hearing provisions of § 16.7–208 of this subtitle, the [Comptroller] **EXECUTIVE DIRECTOR** may deny a license to an applicant, reprimand a licensee, or suspend or revoke a license if the applicant or licensee:

(1) fraudulently or deceptively obtains or attempts to obtain a license for the applicant, licensee, or another person;

(2) fraudulently or deceptively uses a license;

(3) buys electronic nicotine delivery systems for resale:

(i) in violation of a license; or

(ii) from a person that is not a licensed electronic nicotine delivery systems manufacturer or a licensed electronic nicotine delivery systems wholesaler;

(4) is convicted, under the laws of the United States or of any other state, of:

(i) a felony; or

(ii) a misdemeanor that is a crime of moral turpitude and is directly related to the fitness and qualification of the applicant or licensee;

(5) violates federal, State, or local law regarding the sale of electronic nicotine delivery systems; or

(6) violates this title, Title 16, or Title 16.5 of this article or regulations adopted under these titles.

(b) Subject to the hearing provisions of § 16.7–208 of this subtitle, the [Comptroller] **EXECUTIVE DIRECTOR** shall deny a license to any applicant that has had a license revoked under this section until:

(1) 1 year has passed since the license was revoked; and

(2) it satisfactorily appears to the [Comptroller] **EXECUTIVE DIRECTOR** that the applicant will comply with this title and any regulations adopted under this title.

(c) Prior to the issuance or renewal of any license, the [Comptroller] **EXECUTIVE DIRECTOR** shall conduct an investigation with regard to:

(1) the applicant;

(2) the business to be operated; and

(3) the facts set forth in the application.

16.7–208.

(a) Except as otherwise provided in § 10–226 of the State Government Article, before the [Comptroller] **EXECUTIVE DIRECTOR** takes any final action under § 16.7–207 of this subtitle, the [Comptroller] **EXECUTIVE DIRECTOR** shall give the person against whom the action is contemplated an opportunity for a hearing before the [Comptroller] **EXECUTIVE DIRECTOR**.

(b) The [Comptroller] **EXECUTIVE DIRECTOR** shall give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

(c) The [Comptroller] **EXECUTIVE DIRECTOR** may administer oaths in a proceeding under this section.

(d) The person against which the action is contemplated may be represented at the hearing by counsel.

(e) If, after due notice, the person against which the action is contemplated does not appear, the [Comptroller] **EXECUTIVE DIRECTOR** may nevertheless hear and determine the matter.

16.7–209.

(a) Subject to the notice requirement of subsection (c) of this section, if a licensee engages in an act or omission that is grounds for discipline under § 16.7–207 of this subtitle,

the [Comptroller] **EXECUTIVE DIRECTOR** may suspend the license for a consecutive period of time that:

(1) for a first offense, is not less than 5 and not more than 20 business days;
and

(2) for a subsequent offense, is not less than 20 business days and not more than 6 months.

(b) Subject to the notice requirement under subsection (c) of this section, the [Comptroller] **EXECUTIVE DIRECTOR** may revoke a license if a licensee willfully and persistently engages in an act or omission that is grounds for discipline under § 16.7–207(a) of this subtitle.

(c) If a license is suspended or revoked under this section:

(1) the [Comptroller] **EXECUTIVE DIRECTOR** shall give the licensee notice of the suspension or revocation; and

(2) the suspension or revocation of a license may not bar or abate a disciplinary action under this section.

(d) The transfer, renewal, or expiration of a license may not bar or abate a disciplinary action under this section.

(e) (1) (i) Except as provided in subparagraph (ii) of this paragraph, if a license issued under the provisions of this subtitle is suspended or revoked by the [Comptroller] **EXECUTIVE DIRECTOR**, the licensee may, before the effective date of the suspension or revocation, petition the [Comptroller] **EXECUTIVE DIRECTOR** for permission to make an offer of compromise consisting of a sum of money in lieu of serving the suspension or revocation.

(ii) Subparagraph (i) of this paragraph does not apply if a license is suspended or revoked for a violation of § 24–305 of the Health – General Article, or any other federal, State, or local law prohibiting the sale of electronic nicotine delivery systems to minors.

(2) Money paid in lieu of suspension or revocation shall be paid into the General Fund of the State.

(3) An offer of compromise may not exceed \$2,000 for retail licensees or \$50,000 for other licensees.

(4) The [Comptroller] **EXECUTIVE DIRECTOR** may accept the offer of compromise if:

(i) the public welfare and morals would not be impaired by allowing the licensee to operate during the period set for the suspension or revocation; and

(ii) the payment of the sum of money will achieve the desired disciplinary purposes.

(5) The [Comptroller] **EXECUTIVE DIRECTOR** may adopt regulations to carry out this subsection.

16.7–210.

A party to a proceeding before the [Comptroller] **EXECUTIVE DIRECTOR** that is aggrieved by a final decision of the [Comptroller] **EXECUTIVE DIRECTOR** in a contested case, as defined in § 10–202 of the State Government Article, is entitled to judicial review as provided in §§ 10–222 and 10–223 of the State Government Article.

16.7–212.

(a) (1) The [Comptroller] **EXECUTIVE DIRECTOR** shall pay into the General Fund of the State all license fees collected under this title.

(2) All license fees collected by the counties under this title are subject to the distribution provisions of § 17–205 of this article.

(b) The General Assembly intends that these license fees be used to administer this title.

16.7–213.

(c) A person that ships, imports, or sells electronic nicotine delivery systems into or within the State in violation of this section is subject to disciplinary action by the [Comptroller] **EXECUTIVE DIRECTOR** under § 16.7–207 of this subtitle.

Article – Tax – General

~~9–301.~~

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

~~(b) (1) “Blend” means to mix together any combination of:~~

~~(i) alkylate;~~

~~(ii) aromatic;~~

~~(iii) cracked gasoline;~~

- ~~(iv) natural gasoline;~~
- ~~(v) polymer gasoline; or~~
- ~~(vi) straight-run gasoline.~~
- ~~(2) "Blend" does not include adding alcohol to gasoline.~~
- ~~(e) (1) "Dealer" means a person who engages in the business of a dealer.~~
- ~~(2) "Dealer" includes:~~
 - ~~(i) the State when it engages in the business of a dealer; and~~
 - ~~(ii) a political subdivision of the State when the subdivision engages in the business of a dealer.~~
- ~~(d) (1) "Distributor" means a person who engages in the business of a distributor.~~
- ~~(2) "Distributor" does not include:~~
 - ~~(i) a licensed dealer;~~
 - ~~(ii) a licensed special fuel seller;~~
 - ~~(iii) a licensed special fuel user;~~
 - ~~(iv) a licensed turbine fuel seller;~~
 - ~~(v) a marina; or~~
 - ~~(vi) a retail service station dealer.~~
- ~~(e) (1) "Engage in the business of a dealer" means to:~~
 - ~~(i) import any gasoline into the State;~~
 - ~~(ii) blend, in the State, any gasoline on which the motor fuel tax has not been paid;~~
 - ~~(iii) refine, in the State, any gasoline on which the motor fuel tax has not been paid; or~~
 - ~~(iv) acquire, in the State, any gasoline on which the motor fuel tax has not been paid, for:~~

~~1. export; or~~

~~2. wholesale distribution.~~

~~(2) "Engage in the business of a dealer" does not include bringing gasoline into the State in the fuel supply tank of an aircraft, motor vehicle, or vessel.~~

~~(f) "Engage in the business of a distributor" means to buy for resale motor fuel on which the motor fuel tax has been paid from a licensed dealer, licensed special fuel seller, licensed special fuel user, or licensed turbine fuel seller.~~

~~(g) (1) "Engage in the business of a special fuel seller" means, with respect to special fuel other than turbine fuel, to:~~

~~(i) import any special fuel into the State;~~

~~(ii) sell, in the State, any special fuel on which the motor fuel tax has not been paid; or~~

~~(iii) deliver, in the State, any special fuel on which the motor fuel tax has not been paid.~~

~~(2) "Engage in the business of a special fuel seller" does not include bringing special fuel into the State in the fuel supply tank of a motor vehicle or vessel.~~

~~(h) "Engage in the business of a special fuel user" means to:~~

~~(1) buy special fuel on which the motor fuel tax has not been paid; and~~

~~(2) use it in a motor vehicle that is:~~

~~(i) owned or operated by the special fuel user; and~~

~~(ii) registered to operate on a public highway.~~

~~(i) (1) "Engage in the business of a turbine fuel seller" means to:~~

~~(i) import any turbine fuel into the State;~~

~~(ii) sell, in the State, any turbine fuel on which the motor fuel tax has not been paid; or~~

~~(iii) deliver, in the State, any turbine fuel on which the motor fuel tax has not been paid.~~

~~(2) “Engage in the business of a turbine fuel seller” does not include bringing turbine fuel into the State in the fuel supply tank of an aircraft.~~

~~(J) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE ALCOHOL, TOBACCO, AND MOTOR FUEL COMMISSION.~~

~~[(j)] (K) “License” means a license issued by the Comptroller under this subtitle to engage in the business of a dealer, distributor, special fuel seller, special fuel user, or turbine fuel seller.~~

~~[(k)] (L) “Licensed dealer” means a person who is licensed to engage in the business of a dealer.~~

~~[(l)] (M) “Licensed distributor” means a person who is licensed to engage in the business of a distributor.~~

~~[(m)] (N) “Licensed special fuel seller” means a person who is licensed to engage in the business of a special fuel seller.~~

~~[(n)] (O) “Licensed special fuel user” means a person who is licensed to engage in the business of a special fuel user.~~

~~[(o)] (P) “Licensed turbine fuel seller” means a person who is licensed to engage in the business of a turbine fuel seller.~~

~~[(p)] (Q) “Marina” means a person who maintains a place of business where motor fuel is sold primarily to vessels.~~

~~[(q)] (R) “Refine” means to make crude oil into gasoline or special fuel by changing the physical or chemical characteristics of the crude oil.~~

~~[(r)] (S) “Retail service station dealer” means a person who operates a retail place of business where motor fuel is sold and delivered into the fuel supply tanks of motor vehicles.~~

~~[(s)] (T) (1) “Special fuel seller” means a person who engages in the business of a special fuel seller.~~

~~(2) “Special fuel seller” does not include:~~

~~(i) a retail service station dealer who pays the motor fuel tax on special fuel to the supplier of the special fuel; or~~

~~(ii) a marina that sells special fuel only to vessels.~~

~~[(t)] (U)~~ (1) ~~“Special fuel user” means a person who engages in the business of a special fuel user.~~

~~(2) “Special fuel user” does not include:~~

~~(i) a person whose only storage for special fuel is the fuel supply tank of a motor vehicle;~~

~~(ii) a volunteer fire or nonprofit volunteer rescue company that is incorporated in the State and buys special fuel from a licensed special fuel seller to operate fire fighting vehicles or equipment; or~~

~~(iii) a person who pays the motor fuel tax on all special fuels to the supplier of the special fuels.~~

~~[(u)] (V)~~ ~~“Turbine fuel seller” means a person who engages in the business of a turbine fuel seller.~~

~~9-310.~~

~~(a) Each dealer, distributor, special fuel seller, or turbine fuel seller who sells motor fuel shall give the buyer an original invoice that includes:~~

~~(1) the name under which the [Comptroller] EXECUTIVE DIRECTOR licenses the seller; and~~

~~(2) a statement:~~

~~(i) of the amount of motor fuel tax charged; or~~

~~(ii) if tax is not charged, that the “Maryland motor fuel tax is not included”.~~

~~9-318.~~

~~A person shall be licensed by the [Comptroller] EXECUTIVE DIRECTOR before the person may engage, in the State, in the business of:~~

~~(1) a dealer;~~

~~(2) a distributor;~~

~~(3) a special fuel seller;~~

~~(4) a special fuel user; or~~

~~(5) a turbine fuel seller.~~

~~9-320.~~

~~(a) An applicant for a license shall submit to the [Comptroller] EXECUTIVE DIRECTOR:~~

~~(1) a completed application, on the form that the [Comptroller] EXECUTIVE DIRECTOR requires, that:~~

~~(i) is made under oath;~~

~~(ii) states the name under which the applicant does or will do business in the State;~~

~~(iii) states, for partnerships, the name of each partner;~~

~~(iv) states, for firms, the name of each member; and~~

~~(v) states, for corporations, the names and addresses of its principal officers, resident agent, and attorney in fact; and~~

~~(2) the bond required under Title 13 of this article.~~

~~(b) An applicant for an exemption certificate shall submit a completed application, on the form that the [Comptroller] EXECUTIVE DIRECTOR requires, that:~~

~~(1) is made under oath;~~

~~(2) states the name under which the applicant does or will do business in the State;~~

~~(3) states, for partnerships, the name of each partner;~~

~~(4) states, for firms, the name of each member; and~~

~~(5) states, for corporations, the names and addresses of its principal officers, resident agent, and attorney in fact.~~

~~(c) The [Comptroller] EXECUTIVE DIRECTOR shall keep and index:~~

~~(1) each application filed under this section;~~

~~(2) each bond filed under this section; and~~

~~(3) a record of:~~

- (i) ~~each licensee; and~~
- (ii) ~~each holder of an exemption certificate.~~

~~§ 321.~~

(a) ~~The [Comptroller] EXECUTIVE DIRECTOR shall issue a license of the appropriate class to each applicant who meets the requirements of this subtitle.~~

(b) ~~The [Comptroller] EXECUTIVE DIRECTOR shall issue an exemption certificate to each applicant who meets the requirements of this subtitle.~~

~~§ 322.~~

(a) ~~A Class "A" license authorizes the licensee to:~~

(1) ~~import into this State gasoline on which the motor fuel tax has not been paid;~~

(2) ~~export from this State gasoline on which the motor fuel tax has not been paid; and~~

(3) ~~acquire in this State from another holder of a Class "A" license gasoline on which the motor fuel tax has not been paid.~~

(b) (1) ~~A Class "B" license authorizes the licensee to import into this State gasoline on which the motor fuel tax has not been paid, for personal use or for redistribution.~~

(2) ~~A holder of a Class "B" license may not acquire in this State gasoline on which the motor fuel tax has not been paid.~~

(c) (1) ~~A Class "C" license authorizes the licensee to:~~

(i) ~~acquire, in this State, from a supplier whom the [Comptroller] EXECUTIVE DIRECTOR specifically approves, gasoline on which the motor fuel tax has not been paid; and~~

(ii) ~~export that gasoline.~~

(2) ~~A holder of a Class "C" license may not import into this State gasoline on which the motor fuel tax has not been paid.~~

(d) (1) ~~A Class "D" license authorizes the licensee to acquire, in this State, gasoline on which the motor fuel tax has not been paid from:~~

(i) ~~a holder of a Class "A" license; or~~

~~(ii) another holder of a Class “D” license.~~

~~(2) Unless authorized by the [Comptroller] EXECUTIVE DIRECTOR, a holder of a Class “D” license may not import into this State gasoline on which the motor fuel tax has not been paid.~~

~~(e) A Class “F” license authorizes the licensee to engage, in this State, in the business of a turbine fuel seller.~~

~~(f) (1) A Class “G Temporary” license authorizes the licensee during the term of the federal contract for which the license is issued to:~~

~~(i) acquire, in this State, gasoline on which the motor fuel tax has not been paid, in the amount that the contract specifies and from a supplier whom the [Comptroller] EXECUTIVE DIRECTOR specifically approves; and~~

~~(ii) deliver that amount to the location that the contract specifies.~~

~~(2) A Class “G Temporary” license may be extended if:~~

~~(i) the original federal contract is extended; or~~

~~(ii) during the term of the license, another contract is awarded to the licensee.~~

~~(g) A Class “S” license authorizes a licensee to engage, in this State, in the business of a special fuel seller.~~

~~(h) A Class “U” license authorizes a licensee to engage, in this State, in the business of a special fuel user.~~

~~(i) A Class “W” license authorizes a licensee to engage, in this State, in the business of a distributor.~~

~~(j) A dealer who holds any class of license because the dealer was licensed before July 1, 1985 has the privileges authorized for that class until the dealer is required to apply for a new license, in accordance with regulations of the [Comptroller] EXECUTIVE DIRECTOR in effect as of July 1, 1985.~~

~~(k) As indicated on an exemption certificate, the certificate authorizes the holder to acquire, in bulk and without paying the motor fuel tax:~~

~~(1) special fuel other than turbine fuel; or~~

~~(2) turbine fuel.~~

~~9-326.~~

~~(a) To obtain proper identification of a person who receives, buys, sells, or uses motor fuel, the [Comptroller] EXECUTIVE DIRECTOR may:~~

~~(1) require information necessary to assign an identification number to the person; and~~

~~(2) assign a license or other identification number to the person.~~

~~(b) A person required to file a return or other document under this subtitle shall include the identification number of the person filing and of each other person listed in the other document.~~

~~(c) A person who is to be listed in any return or other document filed by another person under this subtitle shall give the appropriate identification number to the person who is required to file the document.~~

~~9-327.~~

~~(a) To obtain an exemption under § 9-303(a), (b), or (c) of this subtitle, a dealer, distributor, special fuel seller, special fuel user, or turbine fuel seller shall complete and submit any certificates and reports that the [Comptroller] EXECUTIVE DIRECTOR requires, by regulation.~~

~~(b) If the holder of an exemption certificate changes the use of any special fuel obtained under that certificate to a taxable use, the holder shall give the [Comptroller] EXECUTIVE DIRECTOR written notice of the change within 5 days after the first change.~~

~~9-328.~~

~~Subject to the hearing provisions of § 9-329 of this subtitle, the [Comptroller] EXECUTIVE DIRECTOR may deny a license or exemption certificate to any applicant, if the applicant:~~

~~(1) fraudulently or deceptively has obtained or attempts to obtain a license or exemption certificate for the applicant or another person;~~

~~(2) previously has had a license or exemption certificate canceled for cause;~~
~~or~~

~~(3) in the judgment of the [Comptroller] EXECUTIVE DIRECTOR, has not filed an application in good faith.~~

~~9-329.~~

~~(a) Except as otherwise provided in § 10-226 of the State Government Article, before the [Comptroller] EXECUTIVE DIRECTOR takes any action under § 9-328 of this subtitle, the [Comptroller] EXECUTIVE DIRECTOR shall give the person against whom the action is contemplated an opportunity for a hearing before the [Comptroller] EXECUTIVE DIRECTOR.~~

~~(b) (1) The [Comptroller] EXECUTIVE DIRECTOR shall give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.~~

~~(2) The notice shall be sent so that the applicant has at least 5 days' notice before the hearing.~~

~~(c) The [Comptroller] EXECUTIVE DIRECTOR may administer oaths in connection with any proceeding under this section.~~

~~9-330.~~

~~Subject to § 9-331 of this subtitle, the [Comptroller] EXECUTIVE DIRECTOR may cancel a license or exemption certificate if the licensee or certificate holder:~~

- ~~(1) files false information under this subtitle;~~
- ~~(2) fails to file a report required under this subtitle;~~
- ~~(3) fails to give the [Comptroller] EXECUTIVE DIRECTOR the notice of a change in use required under § 9-327(b) of this subtitle;~~
- ~~(4) fails to pay any motor fuel tax, interest, or penalty due under this subtitle;~~
- ~~(5) violates any requirement for the class of license held;~~
- ~~(6) violates any regulation adopted under this subtitle;~~
- ~~(7) fails to maintain the bond required under Title 13 of this article;~~
- ~~(8) stops engaging for more than 6 consecutive months in the business for which licensed; or~~
- ~~(9) fails to keep records required under this article, Title 10, Subtitle 3 of the Business Regulation Article, or an applicable regulation.~~

~~9-331.~~

~~(A) If the [Comptroller] EXECUTIVE DIRECTOR cancels a license or exemption certificate under § 9-330 of this subtitle, the [Comptroller] EXECUTIVE DIRECTOR shall~~

~~notify the licensee or certificate holder in writing sent to the last known address of the licensee or certificate holder.~~

~~(B) The notice shall be sent by certified mail, return receipt requested, under a postmark of the United States Postal Service.~~

~~9-332.~~

~~(A) Any person aggrieved by a cancellation under § 9-330 of this subtitle or by a final decision of the [Comptroller] EXECUTIVE DIRECTOR in a contested case as defined in § 10-202 of the State Government Article may appeal to the appropriate circuit court.~~

~~(B) The appeal shall be filed within 30 days after the mailing date of the final decision or notice of cancellation.~~

~~9-333.~~

~~(A) A licensee may request in writing that the [Comptroller] EXECUTIVE DIRECTOR cancel a license held by the licensee.~~

~~(B) The [Comptroller] EXECUTIVE DIRECTOR shall notify the licensee in writing of the decision on the request. If the request is granted, the cancellation takes effect on the last day of the month in which the request is received.~~

~~9-335.~~

~~The [Comptroller] EXECUTIVE DIRECTOR shall surrender the bond filed by a licensee if:~~

~~(1) the license is revoked or canceled; and~~

~~(2) the licensee has paid all motor fuel taxes, interest, and penalties that are due.~~

~~9-336.~~

~~(a) The Motor Vehicle Administration shall send promptly to the [Comptroller] EXECUTIVE DIRECTOR the name and address of a person who registers a motor vehicle propelled by special fuel for operation on public highways.~~

~~(b) The [Comptroller] EXECUTIVE DIRECTOR shall notify immediately the Motor Vehicle Administration if:~~

~~(1) the [Comptroller] EXECUTIVE DIRECTOR cancels a license or exemption certificate issued under this subtitle or suspends or revokes an identification~~

~~marker, a permit, or temporary authority issued to a motor carrier under Subtitle 2 of this title for failure to comply with the provisions of this subtitle or Subtitle 2 of this title; or~~

~~(2) the [Comptroller] EXECUTIVE DIRECTOR knows that a licensee, exemption certificate holder, or motor carrier has violated the provisions of this subtitle or Subtitle 2 of this title.~~

~~(e) On receipt of a notice under subsection (b) of this section, the Motor Vehicle Administration shall suspend or revoke the appropriate registration.~~

~~(d) (1) If the [Comptroller] EXECUTIVE DIRECTOR is satisfied with the corrective action taken by the licensee or certificate holder, the [Comptroller] EXECUTIVE DIRECTOR may reinstate the license or exemption certificate.~~

~~(2) If the license or exemption certificate is reinstated, the [Comptroller] EXECUTIVE DIRECTOR shall give the Motor Vehicle Administration notice of the reinstatement and the Motor Vehicle Administration shall reinstate the registration of the licensee or exemption certificate holder.~~

~~9-337.~~

~~(a) A person may not engage in the business of a dealer, a distributor, a special fuel seller, a special fuel user, or a turbine fuel seller without a license issued by the [Comptroller] EXECUTIVE DIRECTOR under this subtitle.~~

~~(b) A dealer, distributor, special fuel seller, special fuel user, or turbine fuel seller may not receive motor fuel without a license issued by the [Comptroller] EXECUTIVE DIRECTOR under this subtitle.~~

~~(e) A person may not transfer motor fuel on which motor fuel tax is due and has not been paid to a person who does not hold a license or exemption certificate issued by the [Comptroller] EXECUTIVE DIRECTOR under this subtitle.~~

~~13-203.~~

(c) Tax information may be disclosed to:

(1) an employee or officer of the State who, by reason of that employment or office, has the right to the tax information;

(2) another tax collector;

(3) the Maryland Tax Court;

(4) a legal representative of the State, to review the tax information about a taxpayer;

- (i) who applies for review under this title;
 - (ii) who appeals from a determination under this title; or
 - (iii) against whom an action to recover tax or a penalty is pending or will be initiated under this title;
- (5) any license issuing authority of the State required by State law to verify through the Comptroller that an applicant has paid all undisputed taxes and unemployment insurance contributions payable to the Comptroller or the Secretary of Labor, Licensing, and Regulation or that the applicant has provided for payment in a manner satisfactory to the unit responsible for collection;
- (6) a local official as defined in § 13–925 of this title to the extent necessary to administer Subtitle 9, Part V of this title;
- (7) a federal official as defined in § 13–930 of this title to the extent necessary to administer Subtitle 9, Part VI of this title;
- (8) the Maryland Department of Health in accordance with the federal Children’s Health Insurance Program Reauthorization Act of 2009; [and]
- (9) the State Board of Individual Tax Preparers; AND
- (10) THE ALCOHOL AND TOBACCO COMMISSION.**

SECTION 2. AND BE IT FURTHER ENACTED, That ~~the~~:

(a) The Alcohol and Tobacco Commission shall conduct a feasibility study *on or before December 1, ~~2019~~ 2021*, for maintaining a statewide database of individuals trained in an alcohol awareness program, in which:

- (1) an accurate statewide database of all alcoholic beverages licenses is to be annually updated; and
- (2) a list of licenses:
 - (i) is to be maintained for at least 3 years before being archived; but
 - (ii) is not to be destroyed.

(b) The feasibility study shall be submitted on or before December 31, ~~2019~~ 2021, 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 initial terms of the members of the Alcohol, and Tobacco, ~~and Motor Fuel~~ Commission appointed under Section 1 of this Act shall expire as follows:

- (1) one member on June 30, 2021;
- (2) one member on June 30, 2022;
- (3) one member on June 30, 2023; and
- (4) two members on June 30, 2024.

SECTION 4. AND BE IT FURTHER ENACTED, That, as provided in this Act:

(a) It is the intent of the General Assembly that:

(1) the transfer of the Field Enforcement Division and the personnel of the Division to the Alcohol, and Tobacco, ~~and Motor Fuel~~ Commission under this Act shall take effect not later than July 1, 2020;

(2) the transfer shall be conducted in a manner that will minimize the costs of the transfer and will result in a more cost-efficient operation for the regulation of alcoholic beverages, and tobacco, ~~and motor fuel~~ for the protection of the public health, safety, and welfare of the State.

(b) The Office of the Executive Director of the Alcohol, and Tobacco, ~~and Motor Fuel~~ Commission is the successor of the Office of the Comptroller in matters concerning the regulation of alcohol, and tobacco, ~~and motor fuel~~.

(c) 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 5. AND BE IT FURTHER ENACTED, That nothing in this Act affects the term of office of an appointed or elected member of any commission, office, department, agency, or other unit. An individual who is a member of a unit on the effective date of this Act shall remain for the balance of the term to which appointed or elected, unless the member sooner dies, resigns, or is removed under provisions of law.

SECTION 6. 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 7. AND BE IT FURTHER ENACTED, That all persons who, as of June 30, 2020, are employees in budgeted positions of the Office of the Comptroller and whose positions are transferred to the Office of the Executive Director of the Alcohol, and Tobacco, ~~and Motor Fuel~~ Commission as provided by this Act are hereby transferred to the Office of the Executive Director of the Alcohol, and Tobacco, ~~and Motor Fuel~~ Commission without any change or loss of ~~rights~~ *pay, working conditions, benefits, rights*, or status, and shall retain any merit system and retirement status they may have on the date of transfer.

SECTION 8. AND BE IT FURTHER ENACTED, That all findings and determinations, permits and licenses, applications for permits and licenses, 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, loans, applications and commitments for grants, loans, and tax credits, contracts, real and personal property, equipment, artifacts, collections, investigations, administrative and judicial proceedings, rights to sue and be sued, and all other duties and responsibilities associated with those functions transferred by this Act shall continue in effect under the Office of the Executive Director of the Alcohol, and Tobacco, ~~and Motor Fuel~~ Commission until completed, withdrawn, canceled, modified, or otherwise changed in accordance with law.

SECTION 9. 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 10. AND BE IT FURTHER ENACTED, That letterhead, business cards, and other documents reflecting the renaming of the Office of the Comptroller to be the Office of the Executive Director of the Alcohol, and Tobacco, ~~and Motor Fuel~~ Commission may not be used until all letterhead, business cards, and other documents already in print and reflecting the name of the Office before the effective date of this Act have been used.

SECTION 11. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act. The publisher shall adequately describe any correction made in an editor's note following the section affected.

SECTION 12. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

Gubernatorial Veto Override, March 28, 2019.

Chapter 13

(Senate Bill 128)

AN ACT concerning

~~County Boards of Education – School Year – Start and End Dates~~
Community Control of School Calendars Act

FOR the purpose of ~~repealing a provision of law that authorized a county board of education to extend the length of the school year for a certain number of days without approval from the State Board of Education; requiring each county board to set the start date and end date of the school year for the public schools in the county each year; making conforming changes; and generally relating to the start date and end date of the school year and county boards of education~~ requiring county boards of education to annually set school year dates; removing a provision relating to extending the school year beyond June 15; requiring that a statement be mailed to voters under certain circumstances; making this Act an emergency measure; and generally relating to the school year.

BY repealing and reenacting, with amendments,
Article – Education
Section ~~7-103~~ 7-103(b)(1)(i)
Annotated Code of Maryland
(2018 Replacement Volume and 2018 Supplement)

BY repealing
Article – Education
Section 7-103(b)(3)
Annotated Code of Maryland
(2018 Replacement Volume and 2018 Supplement)

BY adding to
Article – Education
Section 7-103(g)
Annotated Code of Maryland
(2018 Replacement Volume and 2018 Supplement)

BY renumbering
Article – Education

*Section 7-103(b)(4) and (5), respectively
to be Section 7-103(b)(3) and (4), respectively
Annotated Code of Maryland
(2018 Replacement Volume and 2018 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), [(c)] (F), and [(d)] (G) 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) [The following adjustments:~~

~~1. An increase] ADJUSTMENTS 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.~~

~~(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)(i)2] (1)(I) of this subsection.~~

~~[(5)] (4) In case of emergency, the State Board may open schools on holidays.~~

~~(e) (1) The following days are public school holidays:~~

~~(i) Thanksgiving Day and the day after;~~

~~(ii) Christmas Eve and from then through January 1;~~

~~(iii) Martin Luther King, Jr. Day;~~

~~(iv) Presidents' Day;~~

~~(v) The Friday before Easter and from then through the Monday after Easter;~~

~~(vi) Memorial Day; and~~

~~(vii) Primary and general election days.~~

~~(2) If the federal and State observances of a holiday are on different days, the board of education of each county shall determine which date shall be the date of observance for the public schools within the county.~~

~~(3) The public schools shall devote a part of the day to appropriate exercises for the following days:~~

~~(i) Washington's Birthday;~~

- ~~(ii) Lincoln's Birthday;~~
- ~~(iii) Veterans' Day;~~
- ~~(iv) Columbus Day;~~
- ~~(v) Arbor Day; and~~
- ~~(vi) Any other day of national significance.~~

~~(4) Notwithstanding any other provisions of this article, the public schools, in the following counties, may remain open and in session on primary and general election days:~~

- ~~(i) Calvert;~~
- ~~(ii) Caroline;~~
- ~~(iii) Dorchester;~~
- ~~(iv) Kent;~~
- ~~(v) Talbot; and~~
- ~~(vi) Worcester.~~

~~(d) Except as provided in subsection [(e)] (F) of this section, the State Board shall divide the school year into the terms it considers appropriate.~~

~~(E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND SUBJECT TO THE REQUIREMENTS OF THIS SECTION, EACH COUNTY BOARD SHALL SET THE START DATE AND END DATE OF THE SCHOOL YEAR FOR THE PUBLIC SCHOOLS IN THE COUNTY EACH YEAR.~~

~~[(c)] (F) (1) The county boards of Allegany, Anne Arundel, Calvert, Howard, Montgomery, and Prince George's counties, and the Board of School Commissioners of Baltimore City, may elect to operate one or more schools within the county or Baltimore City on a year-round basis, provided that the 180-day and the minimum hour requirements under this section are met.~~

~~(2) Nothing in this section precludes a county board from conducting a year-round pilot study or program that is funded by the county board.~~

~~[(f)] (G) Publicly funded prekindergarten programs are not subject to the requirements of subsection (a) of this section.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.~~

(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) 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;

[(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.]

(G) NOTWITHSTANDING ANY OTHER LAW AND SUBJECT ONLY TO THIS SECTION, EACH COUNTY BOARD ANNUALLY SHALL SET THE START AND END DATES OF THE SCHOOL YEAR FOR SCHOOLS IN THE COUNTY.

~~SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 7–103(b)(4) and (5), respectively, of Article – Education of the Annotated Code of Maryland be renumbered to be Section(s) 7–103(b)(3) and (4), respectively.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That if this Act is submitted to the qualified voters of the State at the next general election to be held in November 2020 for their approval or rejection in accordance with Article XVI of the Maryland Constitution, the following statement shall appear in the specimen ballots that are mailed to registered voters before the election under § 7–105 of the Election Law Article:~~

~~“This Act would allow a county board of education to set the start date and end date of the school calendar for the public schools in that county. Public schools must be open for at least 180 days and 1,080 school hours at elementary and middle schools and 1,170 hours at high schools during a 10-month period. A county board may apply to the State Board of Education for a waiver from these requirements if normal school attendance is prevented because of natural disaster, civil disaster, or severe weather conditions.~~

~~This Act would return to a county board the sole authority to set the start and end dates of the school calendar year. A county board would still be required to meet other requirements, such as the minimum number of days and hours, when setting the school calendar.”~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been~~

passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Gubernatorial Veto Override, March 29, 2019.

Chapter 14

(House Bill 101)

AN ACT concerning

**Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2019,
and the Maryland Consolidated Capital Bond Loans of 2009, 2011, 2012, 2013,
2014, 2015, 2016, 2017, and 2018**

FOR the purpose of authorizing the creation of a State Debt in the amount of ~~One Billion, Eighty-Nine Million, One Hundred Ninety-Four Thousand Dollars (\$1,089,194,000)~~ One Billion, Ninety-Two Million, One Hundred Ninety-Four Thousand Dollars (\$1,092,194,000), 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 for the distribution of certain broadband Internet access improvement grants and loans to local governments and private providers; requiring the Prince George's County Public Schools, Prince George's County Government, and the Maryland-National Capital Park and Planning Commission to enter into a certain memorandum of understanding before a certain amount of funds for a certain project may be expended; requiring the Maryland Stadium Authority, Tufton (Ripken Baseball), and the City of Aberdeen to enter into a certain memorandum of understanding before funds for a certain project may be expended; 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 increased or 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; *stating the intent of the General Assembly*; 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 485 of the Acts of the General Assembly of 2009, as amended by Chapter 444 of the Acts of the General Assembly of 2012
Section 1(3) Item QD00(A)

BY repealing and reenacting, with amendments,

Chapter 396 of the Acts of the General Assembly of 2011
Section 1(3) Item QB04.02(A)

BY repealing and reenacting, with amendments,

Chapter 444 of the Acts of the General Assembly of 2012
Section 1(3) Item DE02.02(B), QB06.04(A), RB36(A), RC00(A), and RM00(A) and (B)

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
Section 1(3) Item RB22(A)

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, Chapter 22 of the Acts of the General Assembly of 2017, and Chapter 9 of the Acts of the General Assembly of 2018
Section 1(1)

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 and Chapter 22 of the Acts of the General Assembly of 2017
Section 1(3) Item DH01.04(A)

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 and Chapter 9 of the Acts of the

General Assembly of 2018
Section 1(3) Item RB31(A)

BY repealing and reenacting, with amendments,
Chapter 424 of the Acts of the General Assembly of 2013
Section 1(3) Item DH01.04(A) and RB22(B)

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, Chapter 22 of the Acts of the General Assembly of 2017, and Chapter
9 of the Acts of the General Assembly of 2018
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 424 of the Acts of the General Assembly of 2013, 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 RB26(A)

BY repealing and reenacting, with amendments,
Chapter 424 of the Acts of the General Assembly of 2013, as amended by Chapter 9
of the Acts of the General Assembly of 2018
Section 1(3) Item RB27(B)

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, Chapter 22 of the Acts of the General Assembly of
2017, and Chapter 9 of the Acts of the General Assembly of 2018
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 463 of the Acts of the General Assembly of 2014, as amended by Chapter 9
of the Acts of the General Assembly of 2018
Section 1(3) Item RD00(A)

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, Chapter 22 of the Acts of the
General Assembly of 2017, and Chapter 9 of the Acts of the General Assembly
of 2018
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 495 of the Acts of the General Assembly of 2015, as amended by Chapter 9

of the Acts of the General Assembly of 2018
Section 1(3) Item RD00(A) and ZA01(A)

BY repealing and reenacting, with amendments,
Chapter 27 of the Acts of the General Assembly of 2016
Section 1(3) Item ZA00(H) and ZA01(A)

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 and Chapter 9 of the Acts of the
General Assembly of 2018
Section 1(1)

*BY repealing and reenacting, with amendments,
Chapter 27 of the Acts of the General Assembly of 2016, as amended by Chapter 9 of
the Acts of the General Assembly of 2018
Section 1(3) Item VE01(A)*

*BY repealing and reenacting, with amendments,
Chapter 9 of the Acts of the General Assembly of 2018
Section 1(3) Item B75A01(A), RB24(A), SA25(D), and ZA00(Z) and Section 14(1) Item
RB24(A) and SA25(A)*

*BY adding to
Chapter 9 of the Acts of the General Assembly of 2018
Section 1(3) Item DA03(A)*

BY repealing
Chapter 9 of the Acts of the General Assembly of 2018
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 2019 in the total principal amount of ~~\$1,080,194,000~~ \$1,092,194,000. 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 on approval by the Board of Public Works, for the following public purposes, including any applicable architects' and engineers' fees:

EXECUTIVE DEPARTMENT – GOVERNOR

DA02.01	DEPARTMENT OF DISABILITIES (Statewide)	
(A)	Accessibility Modifications. Provide funds to design and construct architectural upgrades at State-owned facilities to improve accessibility for persons with disabilities	1,697,000
DA07.01	DEPARTMENT OF AGING (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	818,000
DB01	HISTORIC ST. MARY’S CITY COMMISSION (St. Mary’s County)	
(A)	Maryland Dove. Provide funds to complete construction of a replica of the vessel, the Maryland Dove	2,500,000
DE02.01	BOARD OF PUBLIC WORKS GENERAL STATE FACILITIES (Statewide)	
(A)	Construction Contingency Fund. Provide funds for the Construction Contingency Fund to be administered in accordance with § 3–609 of the State Finance and Procurement Article	2,500,000
(B)	Facilities Renewal Fund. Provide funds for the repair and rehabilitation of State-owned capital facilities, <u>provided that \$165,000 of this authorization made for the purpose of facilities renewal may be expended only for facility renewal projects at the Anne Arundel County Food and Resource Bank including repairs to the warehouse roof</u>	35,763,000 56,849,000 35,763,000 <u>34,399,000</u>

(C) Fuel Storage Tank Replacement Program. Provide funds to design, construct, and equip State-owned fuel storage tank replacements 1,000,000

STATE GOVERNMENT CENTER – ANNAPOLIS
(Anne Arundel County)

(D) Lawyer’s Mall Underground Infrastructure Replacement. Provide funds to complete planning and construction of the replacement of underground infrastructure and utilities, as well as associated site work, in and near Lawyer’s Mall 6,000,000

JUDICIARY/MULTISERVICE CENTERS

(E) Addition to Washington County District Court. Provide funds to design an addition to the Washington County District Court in Hagerstown (Washington County) 325,000

(F) Shillman Building Conversion. Provide funds to complete planning the renovation of the Shillman Building located at 500 North Calvert Street in Baltimore City for the Baltimore City District Court (Baltimore City) 2,080,000

(G) *Courts of Appeal Building. Provide funds to design a new Courts of Appeal Building in Annapolis (Anne Arundel County)* ~~3,700,000~~
1,900,000

DH01.04 MILITARY DEPARTMENT
~~(Carroll County)~~

(A) Freedom Readiness Center. Provide funds to complete construction of a new Army National Guard Readiness Center in Sykesville (Carroll County) 3,015,000

(B) *Havre de Grace Combined Support Maintenance Shop Automotive and Surface Equipment Facility. Provide funds to begin designing the Combined Support Maintenance Shop Automotive and Surface Equipment Facility (Harford County)* 1,552,000

DH01.06 MARYLAND EMERGENCY MANAGEMENT AGENCY
(Baltimore County)

(A) Maryland Emergency Management Agency Headquarters Renovation and Expansion. Provide funds to begin designing the renovation and expansion of the Maryland Emergency Management Agency Headquarters in Reisterstown 990,000

DEPARTMENT OF PLANNING

DW01.08 JEFFERSON PATTERSON PARK AND MUSEUM
(Calvert County)

(A) Maryland Archeological Conservation Laboratory Expansion and Renovation. Provide funds to begin design of improvements to the Maryland Archeological Conservation Laboratory at the Jefferson Patterson Park and Museum 668,000

(B) Patterson Center Renovations. Provide funds to complete construction and equipping of renovations to the Patterson Center at the Jefferson Patterson Park and Museum ~~3,875,000~~
0

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 30,840,000

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 <u>0</u>

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 ...	6,065,000 2,085,000 <u>3,085,000</u>

KA17.01	FISHING AND BOATING SERVICES (Statewide)	
(A)	Oyster Restoration Program. Provide funds to design and construct oyster habitat restoration projects	2,610,000

DEPARTMENT OF AGRICULTURE

LA12.05	OFFICE OF MARKETING, ANIMAL INDUSTRIES AND CONSUMER SERVICES (Wicomico County)	
(A)	Salisbury Animal Health Laboratory Replacement. Provide funds to complete construction and equipping of a replacement animal health laboratory in Salisbury (<u>Wicomico County</u>)	12,417,000
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 ~~9,000,000~~
8,500,000

DEPARTMENT OF HEALTH

MA01 OFFICE OF THE SECRETARY
(Statewide)

- (A) Community Health Facilities Grant Program. Provide grants to acquire, design, construct, renovate, and equip community mental health, addiction treatment, and developmental disabilities facilities. Provided that \$1,000,000 of this authorization shall be used for certified Recovery Residences as defined by the Maryland Department of Health – Behavioral Health Administration. The funds appropriated for this purpose shall be administered in accordance with §§ 24–601 through 24–607 of the Health – General Article and in accordance with Code of Maryland Regulations (COMAR) 05.05.09 6,500,000
- (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 2,500,000

ML10 CLIFTON T. PERKINS HOSPITAL CENTER
(Howard County)

- (A) Clifton T. Perkins Hospital. Provide funds to continue planning renovations to the North Wing of Clifton T. Perkins Hospital Center 2,297,000

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

QB04.03 ROXBURY CORRECTIONAL INSTITUTION
(Washington County)

- (A) Gatehouse and Perimeter Security System. Provide funds to begin designing a replacement security system, including perimeter fencing, related equipment, a new building to house a gatehouse function, and relocation of the Regional Business Office, at the Roxbury Correctional Institution in Hagerstown 611,000

QR02.01	MARYLAND CORRECTIONAL INSTITUTION – HAGERSTOWN (Washington County)	
(A)	Perimeter Security Improvements. Provide funds to begin designing a replacement security system, to include perimeter fencing, related equipment, a new gatehouse with a visiting center, and a new gymnasium at the Maryland Correctional Institution – Hagerstown	1,226,000
QR02.02	MARYLAND CORRECTIONAL TRAINING CENTER (Washington County)	
(A)	Housing Unit Windows and Steam Heating System. Provide funds to continue the design and construction of the replacement of windows and heating systems for housing units at the Maryland Correctional Training Center, <u>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</u>	10,337,000 <u>5,337,000</u>
QS01.01	DIVISION OF CORRECTION (Anne Arundel County)	
(A)	Jessup Region Electrical Infrastructure Upgrade. Provide funds to continue design and begin construction of upgrades to the electrical infrastructure servicing correctional facilities, support buildings, and offices in the Jessup region, 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	7,930,000
QT04	DIVISION OF PRETRIAL DETENTION (Baltimore City)	
(A)	Demolition of Buildings at the Baltimore City Correctional Complex. Provide funds to continue demolition of the buildings at the Baltimore City Correctional Complex, 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	23,816,000

MARYLAND STATE DEPARTMENT OF EDUCATION

RA07.02 INTERAGENCY COMMISSION ON 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 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 Title 5, Subtitle 3 of the Education Article ~~280,000,000~~
251,800,000

- (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 only be provided 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) or nonpublic schools that serve students with disabilities through the Nonpublic Placement Program R00A02.07 Subprogram 0762, excluding preschools in fiscal 2020, with a maximum amount of \$100,000 and a minimum amount of \$5,000 per eligible school.

Further provided that:

- (a) ~~An~~ Unless a school serves students through the Nonpublic Placement Program, 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, or serves students through the Nonpublic Placement Program, 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 Commission on School Construction.

Further provided that grants made to nonpublic schools shall be expended within 3 years of the date that funding for the grants became available. Any funding for grants that is unexpended following 3 years of having become available shall be transferred to the Unreserved Statewide Contingency Account for public school construction.

Notwithstanding the requirements above, ~~\$942,000~~ \$1,042,000 of this authorization shall be provided as grants for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of school facilities for the following recipients in the following

amounts:

(a)	<u>The Board of Directors of Bishop McNamara High School, Inc. (Prince George’s County).....</u>	<u>250,000</u>	
(b)	<u>The Board of Trustees of the St. Elizabeth School, Inc. (Baltimore City)</u>	<u>200,000</u>	
(c)	<u>The Board of Trustees of the Kent School (Kent County).....</u>	<u>142,000</u>	
(d)	<u>The Board of Directors of the Torah Institute of Baltimore, Inc. (Baltimore County).....</u>	<u>125,000</u>	
(e)	<u>The Board of Directors of The Ivymount School, Inc. (Montgomery County).....</u>	<u>125,000</u>	
(f)	<u>The Board of Directors of the Mother Seton Academy, Inc. (Baltimore City).....</u>	<u>100,000</u>	
(g)	<u>The Board of Directors of the Human Development Corporation (Anne Arundel County).....</u>	<u>100,000</u>	3,500,000 <u>4,000,000</u>

(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, \$28,200,000 of this authorization shall be distributed as follows:

(1)	<u>Anne Arundel County</u>	<u>1,860,000</u>
(2)	<u>Baltimore County</u>	<u>2,545,000</u>
(3)	<u>Howard County</u>	<u>1,276,000</u>

(4) Montgomery County 14,034,000

(5) Prince George’s County 8,485,000

Further provided that grants awarded by the Interagency Commission on School Construction under items (1) through (5) of this authorization shall be matched by local funds equal to the required local cost-share established in accordance with Title 5, Subtitle 3 of the Education Article ~~40,000,000~~
68,200,000

RA11 MARYLAND STATE LIBRARY AGENCY
(Statewide)

(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 5,000,000

UNIVERSITY SYSTEM OF MARYLAND

RB21 UNIVERSITY OF MARYLAND, BALTIMORE
(Baltimore City)

(A) Central Electric Substation and Electrical Infrastructure Upgrades. Provide funds to continue construction and equip an electric substation, recycling center, and electrical infrastructure upgrades for the University of Maryland, Baltimore 13,159,000

RB22 UNIVERSITY OF MARYLAND, COLLEGE PARK
(Prince George’s County)

(A) Chemistry Building Wing 1 Replacement. Provide funds to continue design of the Chemistry Building Wing 1 Replacement 4,663,000

(B) School of Public Policy Building. Provide funds to complete design and 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

(C) New Cole Field House. Provide funds to complete construction of the human performance and academic research facility 3,941,000

RB23 BOWIE STATE UNIVERSITY
(Prince George’s County)

(A) Communication Arts and Humanities Building. Provide funds to begin design of a new Communication Arts and Humanities building 5,100,000

(B) Robinson Hall Infrastructure Improvements. Provide funds to design and construct various infrastructure improvements to Robinson Hall 1,400,000

RB24 TOWSON UNIVERSITY
(Baltimore County)

(A) New College of Health Professions Building. Provide funds to begin design of a new building for the College of Health Professions 5,266,000

(B) Science Facility. Provide funds to complete construction and equipping of a new Science Facility 66,225,000

RB25 UNIVERSITY OF MARYLAND EASTERN SHORE
(Somerset County)

(A) School of Pharmacy and Health Professions. Provide funds to complete design and begin construction of a new building for the School of Pharmacy and Health Professions, 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 5,015,000

RB26 FROSTBURG STATE UNIVERSITY
(Allegany County)

(A) Education Professions and Health Sciences Center. Provide funds to continue design and begin construction of a new Education Professions and Health Sciences Center and relocate utility systems at the site 6,200,000

RB31 UNIVERSITY OF MARYLAND BALTIMORE COUNTY
(Baltimore County)

(A) Utility Upgrades and Site Improvements. Provide funds to begin construction to replace, repair, and upgrade utility

	systems and campus infrastructure, <u>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</u>	1,676,000
(B)	<u>Stadium and Athletic Facility Improvements. Provide funds to continue to design, construct, and capital equip various athletic facility improvements.....</u>	<u>1,500,000</u>
RB36	UNIVERSITY SYSTEM OF MARYLAND OFFICE	
(A)	Capital Facilities Renewal. Provide funds to design, construct, and equip capital facilities renewal projects at University System of Maryland Institutions (Statewide)	10,000,000
(B)	Southern Maryland Regional Higher Education Center. Provide funds to complete design and begin construction of a third building on the Southern Maryland 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)	6,953,000
RC00	BALTIMORE CITY COMMUNITY COLLEGE (Baltimore City)	
(A)	Liberty Campus: Loop Road, Inner Loop and Entrance Improvements. Provide funds to begin construction of loop road and entrance improvements at Baltimore City Community College’s Liberty Campus, 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	1,874,000 <u>874,000</u>
RD00	ST. MARY’S COLLEGE OF MARYLAND (St. Mary’s County)	
(A)	Academic Building and Auditorium. Provide funds to complete design and continue construction of a new academic building and auditorium, 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	13,208,000
(B)	Campus Infrastructure Improvements. Provide funds to design	

and construct various campus infrastructure improvement projects 3,763,000

RE01 MARYLAND SCHOOL FOR THE DEAF (Howard County)

(A) New Emergency Notification System – Columbia Campus. Provide funds to plan and construct a new emergency notification system on the Columbia campus ~~3,975,000~~ 325,000

RI00 MARYLAND HIGHER EDUCATION COMMISSION (Statewide)

(A) Community College Construction 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 ~~74,010,000~~ 76,705,000

- (1) Allegany College – Technology Building Renovation, Phase 2 (Allegany County)
(2) Anne Arundel Community College – Health Sciences and Biology Building (Anne Arundel County)
(3) Carroll Community College – Carroll Community College Systemic Renovation (Carroll County)
(4) College of Southern Maryland – Hughesville Center for Health Sciences – Hughesville Regional Campus (Regional)
(5) Community College of Baltimore County – Essex – Carol Eustis Center for Health Professions

(Baltimore County)

- (6) Frederick Community College – Building E Renovation (Frederick County)
- (7) Hagerstown Community College – Center for Business and Entrepreneurial Studies (Washington County)
- (8) Harford Community College – Chesapeake Welcome Center Renovation and Addition (Harford County)
- (9) Howard Community College – Mathematics and Athletics Complex (Howard County)
- (10) Montgomery College – Catherine and Isiah Leggett Math and Science Building (Montgomery County)
- (11) Prince George’s Community College – Marlboro Hall Renovation and Addition (Prince George’s County)
- (12) Community College of Baltimore County – Multi-building Roof Replacement (Baltimore County)
- (13) Frederick Community College – Linganore Hall Building L Renovation (Frederick County)
- (14) Prince George’s Community College – Largo Student Center Renovation and Addition (Prince George’s County)

RM00

MORGAN STATE UNIVERSITY
(Baltimore City)

- (A) Deferred Maintenance and Site Improvements. Provide funds to design, construct, and equip various infrastructure, building system, and site improvements, provided that \$1,000,000 of

this authorization may not be expended until Morgan State University submits a report to the budget committees that provides the following information:

- (1) The priority rankings developed by that list for deferred maintenance and site improvement projects;
- (2) The projects that are listed as deferred maintenance and the projects that are listed as site improvements; and
- (3) The costs associated with each of those projects.

The report shall be submitted to the budget committees on or before July 1, 2019. The budget committees shall have 45 days to review and comment

		10,000,000
(B)	New Health and Human Services Building Phase I. Provide funds to demolish Turner’s Armory and the Vehicle Maintenance Facility and complete associated site work, and to construct renovations and site work and provide equipment for the Portage Avenue warehouse building	4,901,000
(C)	New Health and Human Services Building Phase II. Provide funds to begin design of the new Health and Human Services Building	4,403,000
(D)	New Student Services Support Building. Provide funds to continue constructing and begin equipping 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	22,659,000
RP00	MARYLAND PUBLIC BROADCASTING COMMISSION	
(A)	Maryland Public Television Transmission Systems Replacement. Provide funds to replace digital transmission and other broadcast equipment (Statewide)	61,000
(B)	Studio A Renovation and Addition. Provide funds to complete design, construction, and equipping of the renovation and expansion of Studio A (Baltimore County)	8,210,000

RQ00	UNIVERSITY OF MARYLAND MEDICAL SYSTEM	
(A)	Capital Region Medical Center. Provide a grant to the University of Maryland Medical System to assist in completing construction and equipping of a new Regional Medical Center in Prince George’s County (Prince George’s County)	56,200,000
(B)	Comprehensive Cancer and Organ Transplant Treatment Center. Provide a grant to the University of Maryland Medical System to design, construct, and equip facilities to expand clinical programs of the Marlene and Stewart Greenbaum Comprehensive Cancer and Organ Transplant Treatment Center, <u>provided that it is the intent of the General Assembly that the State commitment to this project totals \$175,000,000. Further provided that it is the intent of the General Assembly that the State contribution for this project be matched by the University of Maryland Medical System on a yearly basis beginning in fiscal 2020</u> (Baltimore City)	5,000,000 2,500,000 <u>3,000,000</u>
(C)	R Adams Cowley Shock Trauma Center – Phase III. Provide a grant to the University of Maryland Medical System to assist in the design, construction, and equipping of Phase III of renovations, upgrades, and expansion to the R Adams Cowley Shock Trauma Center (Baltimore City)	4,000,000

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

SA24	DIVISION OF NEIGHBORHOOD REVITALIZATION (Statewide)	
(A)	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	6,000,000
(B)	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	8,000,000
	<u>6,000,000</u>

(C) 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, *provided that \$500,000 of this authorization may be used only to provide grants to the following participants in the Housing Upgrades to Benefit Seniors program for the purpose of providing grants to senior homeowners for home safety improvements, home rehabilitation services, energy efficiency upgrades, or weatherization services:*

(1) Banner Neighborhoods Community Corporation;

(2) Comprehensive Housing Assistance Inc.;

(3) Neighborhood Housing Services of Baltimore;

(4) Rebuilding Together Baltimore;
and

(5) <u>Civic Works</u>	13,850,000
	<u>850,000</u>

(D) <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>	<u>4,000,000</u>
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SA25 DIVISION OF DEVELOPMENT FINANCE
(Statewide)

(A) Homeownership Programs. Provide funds for below–market

interest rate mortgages with minimum down payments to low- and moderate-income homebuyers. These funds shall be administered in accordance with §§ 4-235 through 4-241, 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 7,800,000

(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) Local Government Infrastructure Fund. Provide funds to provide grants and loans to local governments and private providers for improvements to broadband Internet access, provided that the Office of Rural Broadband shall award grants and loans to local governments in a competitively and technologically neutral fashion, provide for fixed and mobile broadband, and target funds to unserved and underserved areas of the State. Further provided that grants and loans may be used for all necessary capital expenses associated with construction or upgrading broadband networks, including but not limited to switches, transmitters, equipment shelters, transport, routers, access points, or network interface devices. Funds shall not be used for operating expenses, including but not limited to leases and customer devices such as handsets, laptops, and tablets 9,680,000

(D) 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

(E) 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 ~~25,000,000~~
13,000,000

(F) 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. Provided that \$1,000,000 of this authorization shall be used for certified Recovery Residences as defined by the Maryland Department of Health – Behavioral Health Administration. The funds shall be administered in accordance with Code of Maryland Regulations (COMAR) 05.05.09 4,000,000

(G) 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) Comprehensive Flood Mitigation Program. Provide funds to local governments for projects which reduce the risk of loss of life and property from flooding. Grant funds may be used to acquire flood-prone properties for demolition or relocation, install flood warning systems, and construct flood control projects, including engineering studies required to support the design of these projects. Capital projects that assist with flood management techniques may include but are not limited to: flood control dams, levees and dikes, stormwater detention or retention structures, and flood proofing, provided that this authorization shall be distributed as follows:

- (1) Mayor and City Council of the City of Annapolis for the City of Annapolis (Anne Arundel County)..... 1,000,000
- (2) County Executive and County Council of Howard County for Ellicott City (Howard County) ~~3,000,000~~

3,400,000

(3) Mayor and City Council of the City of Baltimore for the area along Frederick Avenue between Overbrook Road and South Beechfield Avenue (Baltimore City)..... ~~1,000,000~~ 600,000 5,000,000

(B) 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 5,287,000

(C) 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 8,764,000

(D) 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

(E) 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. Notwithstanding §§ 9–420 through 9–426 of the Environment Article and any regulation adopted in accordance with those sections, \$250,000 of these funds shall be used to provide a grant to the Town of New Windsor to pay a portion of the loans issued by the Maryland Department of the Environment, Water Quality Financing Administration used for the recently completed water supply projects 1,960,000

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 continue on a project prior to the appropriation of all funds necessary to complete the project. Expenditures for a project detailed in the

Fiscal Year 2020 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 only be spent on the projects listed under this program in the Fiscal Year 2020 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 9,290,000

WA01 DEPARTMENT OF STATE POLICE

(A) New Berlin Barrack and Garage. Provide funds to begin design of a new barrack, East Regional Forensic Lab and garage, and site improvements to replace the Barrack V – Berlin (Worcester County) 800,000

(B) New Cumberland Barrack and Garage. Provide funds to ~~complete construction and equipping of~~ construct and equip a new Cumberland Barrack and Garage, 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 (Allegany County) ~~9,020,000~~
7,154,000

(C) State Law Enforcement Special Operations Group Center. Provide funds for the acquisition, planning, design, construction, repair, renovation, reconstruction, expansion, site improvement, and capital equipping of a facility for law enforcement operations (Baltimore City) ~~2,200,000~~
0
~~1,000,000~~
2,200,000

ZA00 MISCELLANEOUS GRANT PROGRAMS

(A) A Wider Circle – Community Services Center Renovation and Expansion. Provide a grant to the Board of Directors of A Wider Circle, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, expansion, site improvement, and capital equipping of A Wider Circle Community Services Center (Montgomery County) 500,000

(B) Allegany Museum – Facility Renovation. Provide a grant to the Board of Trustees of the Allegany Museum, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Allegany Museum (Allegany County) 200,000

- (C) ARC of Washington County – Facility Renovation. Provide a grant to the Board of Directors of The ARC of Washington County, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, expansion, site improvement, and capital equipping of The ARC of Washington County facility (Washington County) 500,000
- (D) Arena Players – Infrastructure Improvements. Provide a grant to the Board of Directors of Arena Players, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Arena Players theatre (Baltimore City) ~~125,000~~
300,000
- (E) Baltimore Police Department – Evidence Storage Facility. Provide a grant to 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 an evidence storage facility (Baltimore City) ~~1,900,000~~
1,500,000
- (F) Bon Secours Community Works – Community Resource Center. Provide a grant to the Board of Directors of Bon Secours Community Works for the planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a community resource center (Baltimore City) 725,000
- (G) Cal Ripken Sr. Foundation – Athletic Fields. Provide a grant to the Board of Directors of the Cal Ripken, Sr. Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of athletic fields in Baltimore City (Baltimore City) 500,000
- (H) Carroll County Volunteer Emergency Services Association – Public Safety Radio Signal Strength and Enhancement. Provide a grant to the Carroll County Volunteer Emergency Services Association, Inc. for the acquisition and installation of new communication equipment for the Carroll County Volunteer Emergency Services Association (Carroll County) ... ~~400,000~~
0
- (I) Carroll Hospice – Dove House Renovation. Provide a grant to the Board of Trustees of Carroll Hospice, Inc. for the

acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Carroll Hospice Dove House (Carroll County) 250,000
650,000

(J) Chesapeake Bay Environmental Center – New Pavilion. Provide a grant to the Board of Trustees for Wildfowl Trust of North America, Inc. for the planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new pavilion at the Chesapeake Bay Environmental Center (Queen Anne’s County) 175,000

(K) Chesapeake Bay Maritime Museum – New Library and Exhibit Building. Provide a grant to the Board of Governors of the Chesapeake Bay Maritime Museum for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new library and exhibit building for the Chesapeake Bay Maritime Museum (Talbot County) 250,000

(L) Chesapeake Region Accessible Boating – Adaptive Boating Center. Provide a grant to the Board of Directors of Chesapeake Region Accessible Boating, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new Adaptive Boating Center in Annapolis (Anne Arundel County) 1,000,000

(M) City of Baltimore – New Emergency Services Center. Provide a grant to 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 a new Baltimore City Emergency Services Center (Baltimore City) 1,900,000
0

(N) City of Brunswick – New Emergency Operations Center. Provide a grant to the Mayor and City Council of the City of Brunswick for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new emergency operations center in the City of Brunswick (Frederick County) 483,000

(O) City of Brunswick – New Public Works Repair Building. Provide a grant to the Mayor and City Council of the City of Brunswick for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new public works repair building in the

	City of Brunswick (Frederick County)	100,000
		<u>0</u>
		<u>100,000</u>
(P)	City of Brunswick – Stormwater Tunnel Repairs. Provide a grant to the Mayor and City Council of the City of Brunswick for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of stormwater tunnels in the City of Brunswick (Frederick County)	100,000
(Q)	City of Gaithersburg – New Police Station. Provide a grant to the Mayor and City Council of the City of Gaithersburg for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new Gaithersburg Police Station (Montgomery County)	2,000,000
		<u>1,000,000</u>
(R)	Citywide Youth Development – EMAGE Center. Provide a grant 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 Entrepreneurs Making And Growing Enterprises (EMAGE) Center (Baltimore City)	250,000
		<u>450,000</u>
(S)	Cumberland to LaVale Water and Sewer Line. Provide a grant to the Allegany County Board of County Commissioners for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a water and sewer line from the City of Cumberland to LaVale (Allegany County)	250,000
(T)	Delmarva Community Services – Chesapeake Grove Senior Housing and Intergenerational Center. Provide a grant to the Board of Directors of Delmarva Community Services, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Harry and Jeanette Weinberg Center at Chesapeake Grove (Dorchester County)	100,000
		<u>200,000</u>
(U)	ECO City Farms – Electrical and HVAC Improvements. Provide a grant to the Board of Directors of Engaged Community Offshoots Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of electrical and HVAC	

	improvements for ECO City Farms (Prince George’s County)	100,000
(V)	Frederick County – Detox Facility. Provide a grant to the County Executive and County Council of Frederick County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a detox facility (Frederick County)	500,000
(W)	Frederick County – ROOT Business Innovation Center. Provide a grant to the County Executive and County Council of Frederick County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the ROOT Business Innovation Center (Frederick County)	250,000
(X)	Gambrills–Odenton County Park – Athletic Fields. 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 athletic fields at Gambrills–Odenton Park (Anne Arundel County)	250,000 <u>0</u>
(Y)	Garrett College – Community Education and Performing Arts Center. Provide a grant to the Board of Trustees of Garrett Community College, Inc. d.b.a. Garrett College for the design, construction, and equipping of renovations and an expansion to the 800 Building on Garrett College’s main campus, which will become the Community Education and Performing Arts Center, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to the appropriation of all funds necessary to complete the project (Garrett County)	5,500,000
(Z)	Garrett County Emergency Operations Center. Provide a grant to the Board of County Commissioners of Garrett County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of an emergency operations center (Garrett County)	500,000
(AA)	Hagerstown Revitalization. Provide a grant to the Board of County Commissioners of Washington County 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 (Urban Educational Campus) and	

	for the University System of Maryland at Hagerstown (Washington County)	500,000
(AB)	Harford Crisis Center. Provide a grant to the Board of Directors of Harford Crisis Center, Inc. for the planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Harford Crisis Center (Harford County)	750,000
(AC)	HEAT Center – National Center for Manufacturing Sciences. Provide a grant to the County Executive and County Council of Harford County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the HEAT Center in Aberdeen (Harford County)	1,000,000 <u>750,000</u> <u>875,000</u>
(AD)	Helping Up Mission – Women and Children Support Services Building. 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 Support Services Building in Baltimore City (Baltimore City)	1,000,000 <u>0</u> <u>1,500,000</u> <u>1,900,000</u>
(AE)	Historic Annapolis. Provide a grant to the Board of Trustees of Historic Annapolis, Inc. for the acquisition, planning, design, construction, repair, renovation, capital equipping, and infrastructure improvements to the Brice House and other historic properties leased to Historic Annapolis, Inc. (Anne Arundel County)	3,000,000
(AF)	Hollins Market and Avenue Market Renovations. Provide a grant to the Board of Directors of Baltimore Public Markets Corporation for the planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Hollins Market and Pennsylvania Avenue Market (Baltimore City)	500,000
(AG)	Imagination Stage – New Storage Facility. Provide a grant to the Board of Directors of Imagination Stage, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a	

	new facility for storage and operations for Imagination Stage in Bethesda (Montgomery County)	500,000 <u>550,000</u>
(AH)	Junior Achievement of Central Maryland – Youth Workforce and Innovation Center. Provide a grant to the Board of Directors of Junior Achievement of Central Maryland, Inc. for the planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Junior Achievement Youth Workforce and Innovation Center (Baltimore City)	250,000 <u>350,000</u>
(AI)	Kent School – HVAC System Repair and Upgrade. Provide a grant to the Board of Trustees of the Kent School for the planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the HVAC system at the Kent School in Chestertown (Kent County)	142,000 <u>0</u>
(AJ)	KID Museum – New Facility. Provide a grant to the Board of Directors of KID Museum, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new KID Museum (Montgomery County)	300,000
(AK)	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
(AL)	Maryland Center for the Arts – New Amphitheater. Provide a grant to the Board of Directors of the Maryland Center for the Visual and Performing Arts, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new amphitheater complex (Harford County)	500,000 250,000 <u>125,000</u>
(AM)	Maryland Historical Society – Building Renovations. Provide a grant to the Board of Directors and the Board of Trustees of the Maryland Historical Society for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of facility and infrastructure improvements at the Maryland Historical	

	Society’s campus (Baltimore City)	500,000
(AN)	Maryland Independent College and University Association – Hood College. Provide a grant equal to the lesser of (i) \$2,400,000 <u>\$2,900,000</u> or (ii) the amount of the matching fund provided, to the Board of Trustees of Hood College for the design, construction, and equipping of renovations to the Beneficial–Hodson Library and Technology Center at Hood College, 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 (Frederick County)	2,400,000 <u>2,900,000</u>
(AO)	Maryland Independent College and University Association – Johns Hopkins University. Provide a grant equal to the lesser of (i) \$2,400,000 <u>\$2,900,000</u> 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 the Stavros Niarchos Foundation Agora Institute (SNFAI) at Johns Hopkins University, 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)	2,400,000 <u>2,900,000</u>
(AP)	Maryland Independent College and University Association – Mount St. Mary’s University. Provide a grant equal to the lesser of (i) \$2,400,000 <u>\$2,900,000</u> or (ii) the amount of the matching fund provided, to the Board of Trustees of Mount St. Mary’s University for the design, construction, and equipping of renovations and an addition to the Knott Academic Center at Mount St. Mary’s University, 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 (Frederick County)	2,400,000 <u>2,900,000</u>
(AQ)	Maryland Independent College and University Association – Stevenson University. Provide a grant equal to the lesser of (i) \$2,400,000 <u>\$2,900,000</u> or (ii) the amount of the matching fund provided, to the Board of Trustees of Stevenson University for the design, construction, and equipping of a new academic building on the Owings Mills Campus at Stevenson University,	

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 County) ~~2,400,000~~
2,900,000

(AR) Maryland State Fair – Facility Improvements. Provide a grant to the Board of Directors of the Maryland State Fair and Agricultural Society, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of structures and facilities at the Maryland State Fairgrounds (Baltimore County) 500,000

(AS) 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) 5,000,000

(AT) McHenry Business Park – Interior Construction. Provide a grant to the Board of County Commissioners of Garrett County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the McHenry Business Park Lot 1 building (Garrett County) 100,000

(AU) 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 a new surgical tower and infrastructure improvements at MedStar Franklin Square Hospital Center, ~~provided that this authorization may not be expended or encumbered until MedStar Franklin Square Hospital provides a schedule of matching fund participation, including any future requests for State funds or other public money, philanthropic contributions, and MedStar Franklin funding anticipated for the project. The schedule of matching funds shall be submitted to the budget committees, and the budget committees shall have 45 days to review and comment~~ (Baltimore County) ~~1,000,000~~
1,750,000

(AV) 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 and building system and infrastructure improvements at the National Aquarium in Baltimore (Baltimore City)	2,000,000
(AW)	New Carroll County Community Center. Provide a grant to the Board of County Commissioners of Carroll County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new community center in Carroll County (Carroll County)	250,000 <u>0</u>
(AX)	New Spire Arts – Stage Renovation. Provide a grant to the Board of Directors of New Spire Arts, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of renovations to New Spire Arts Stages (Frederick County)	250,000 <u>0</u>
(AY)	Olney Theatre Center – Site Improvements and Artists’ Village. Provide a grant to the Board of Directors of Olney Theatre Center for the Arts, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of site improvements and an Artists’ Village for the Olney Theatre Center (Montgomery County)	500,000
(AZ)	Paul’s Place – Community Training Kitchen. Provide a grant 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 at Paul’s Place (Baltimore City)	500,000
(BA)	Ronald McDonald House – New Baltimore Facility. 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 (Baltimore City)	500,000
(BB)	Sinai Hospital of Baltimore. Provide a grant to the Board of Directors of Sinai Hospital of Baltimore, Inc. for the planning, design, construction, repair, renovation, and capital equipping of a community primary and specialty care complex (Baltimore City)	2,000,000 1,200,000 <u>1,000,000</u>
(BC)	Somerset County Visitor Center – Exhibit Center Addition.	

	Provide a grant to the Somerset County Commissioners and Somerset County Tourism Commission for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of an exhibit center addition to the Somerset County Tourism Visitor Center (Somerset County)	500,000
(BD)	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)	6,000,000
(BE)	The League for People with Disabilities – Facility Upgrade. Provide a grant to the Board of Directors of the League for People with Disabilities Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of an expansion at the Cold Spring Lane facility (Baltimore City)	500,000
(BF)	Town of North Brentwood – Stormwater Remediation. Provide a grant to the Mayor and Town Council of North Brentwood for the acquisition, planning, design, construction, repair, reconstruction, site improvement, and capital equipping of the Windom Road Stormwater Remediation Project (Prince George’s County)	250,000
(BG)	University of Maryland – New 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 student center at the University of Maryland, College Park (Prince George’s County)	1,000,000
(BH)	Washington County Public Service Academy – New Training Facility. Provide a grant to the Board of County Commissioners of Washington County for the acquisition, planning, design, construction, repair, renovation, reconstruction, expansion, site improvement, and capital equipping of a new Washington County Public Service Academy (Washington County)	500,000

(BI)	Western Correctional Institution – Adaptive Community and Workforce Training Facility. Provide a grant to the Allegany County Board of County Commissioners for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a Western Correctional Institution Adaptive Community and Workforce Training Facility at Allegany Community College (Allegany County)	1,650,000
(BJ)	Woodbourne Center Vocational Building. 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 Building (Baltimore City)	380,000
(BK)	YMCA of Chesapeake – St. Michael’s YMCA/Senior Center. 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. Michaels (Talbot County)	250,000
(BL)	YMCA of Frederick County – New South County Complex. Provide a grant to the Board of Directors of the Young Men’s Christian Association of Frederick County, Maryland, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new South County YMCA complex (Frederick County)	400,000
(BM)	YWCA – Domestic Violence Safe House Shelter. Provide funds 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 Safe House Shelter (Anne Arundel County)	100,000
(BN)	YWCA – Education and Wellness Center. 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 Education and Wellness Center (Anne Arundel County)	300,000

(BO)	<u>Brooklyn Park Athletic Complex. Provide a grant to the County Executive and County Council of Anne Arundel County and the Board of Education of Anne Arundel County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new Brooklyn Park Athletic Complex, located in Anne Arundel County (Anne Arundel County)</u>	<u>1,000,000</u>
(BP)	<u>Maryland Hall for the Creative Arts. Provide a grant to the Board of Directors of the Maryland Hall for the Creative Arts, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Maryland Hall for the Creative Arts facility, located in Anne Arundel County (Anne Arundel County).....</u>	<u>1,000,000</u>
(BQ)	<u>National Center on Institutions and Alternatives Expansion. Provide a grant 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, located in Baltimore County (Baltimore County)</u>	<u>500,000</u>
(BR)	<u>Franklin Middle 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 Franklin Middle School (Baltimore County)</u>	<u>500,000</u>
(BS)	<u>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 a new facility for Roberta’s House, located in Baltimore City (Baltimore City) ...</u>	<u>500,000</u>
(BT)	<u>Greenbelt Consumer Cooperative. Provide a grant of \$350,000 to the Board of Directors of the Greenbelt Consumer Cooperative, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Greenbelt Consumer Cooperative facility, located in Prince George’s County (Prince George’s County)</u>	<u>350,000</u>
(BU)	<u>Baltimore Museum of Art. Provide a grant to the governing board of The Baltimore Museum of Art, Inc. for the acquisition,</u>	

	<u>planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Baltimore Museum of Art facility (Baltimore City)</u>	<u>2,000,000</u>
(BV)	<u>College Park Woods Community Facility Redevelopment. Provide a grant to the Mayor and City Council of the City of College Park for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the College Park Woods Community Facility, located in Prince George’s County (Prince George’s County)</u>	<u>200,000</u>
(BW)	<u>Glen Burnie 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 turf field stadium at Glen Burnie High School, located in Anne Arundel County (Anne Arundel County).....</u>	<u>500,000</u>
(BX)	<u>France–Merrick Performing Arts Center. Provide a grant to the Board of Directors of the Hippodrome Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the France–Merrick Performing Arts Center, located in Baltimore City (Baltimore City)</u>	<u>1,000,000</u>
(BY)	<u>Stephen P. Turney Recreation Complex. Provide a grant 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 Stephen P. Turney Recreation Complex (Prince George’s County)</u>	<u>250,000</u>
(BZ)	<u>Everyman Theatre. Provide a grant to the Board of Directors of the Everyman Theatre, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Everyman Theatre facility, located in Baltimore City (Baltimore City)</u>	<u>500,000</u>
(CA)	<u>Frostburg Municipal Center. Provide a grant to the Mayor and City Council of the City of Frostburg for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Frostburg Municipal Center (Allegany County)</u>	<u>100,000</u>
(CB)	<u>YMCA of Cumberland. Provide a grant to the Board of</u>	

	<u>Directors of the Young Men’s Christian Association of Cumberland, Maryland for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the pool area at the Cumberland YMCA (Allegany County)</u>	<u>50,000</u>
(CC)	<u>Western Maryland Works. Provide a grant to the Board of County Commissioners of Allegany County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Western Maryland Works facility (Allegany County).....</u>	200,000 <u>300,000</u>
(CD)	<u>Station North Investment Fund. Provide a grant to the Central Baltimore Partnership, Inc. for the Station North Investment Fund (Baltimore City)</u>	<u>1,000,000</u>
(CE)	<u>Bates Middle School Outdoor Recreation Improvements. Provide a grant to the County Executive and County Council of Anne Arundel County and the Board of Education of Anne Arundel County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the outdoor recreation and athletic facilities at Bates Middle School (Anne Arundel County)</u>	<u>1,000,000</u>
(CF)	<u>YMCA Bethesda–Chevy Chase. Provide a grant to the Board of Directors of the Young Men’s Christian Association of Metropolitan Washington for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the YMCA Bethesda–Chevy Chase facility, located in Montgomery County (Montgomery County)</u>	<u>300,000</u>
(CG)	<u>Delta Lambda Foundation Outreach Center. Provide a grant to the Delta Lambda Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Delta Lambda Foundation Outreach Center (Baltimore City)</u>	<u>1,000,000</u>
(CH)	<u>Maryland State LGBT Center. Provide a grant to the Board of Directors of the Gay, Lesbian, Bisexual, and Transgender Community Center of Baltimore and Central Maryland, Limited for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Maryland State LGBT Center</u>	

	<u>(Baltimore City)</u>	<u>500,000</u>
<u>(CI)</u>	<u>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)</u>	<u>500,000</u>
<u>(CJ)</u>	<u>College Park City Hall. Provide a grant to the Mayor and City Council of the City of College Park for the acquisition, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new College Park City Hall (Prince George's County)</u>	<u>500,000</u>
<u>(CK)</u>	<u>Landover Crossing Prince George's Indoor Sport Facility. Provide a grant to the Board of Directors of Prince George's Pride Lacrosse, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Landover Crossing Prince George's Indoor Sport Facility (Prince George's County)</u>	<u>300,000 600,000</u>
<u>(CL)</u>	<u>Newtowne Community Resource Center. Provide a grant to the Housing Authority of the City of Annapolis for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Newtowne Community Resource Center (Anne Arundel County)</u>	<u>750,000</u>
<u>(CM)</u>	<u>Woodlawn High School Athletic Facilities. Provide a grant to the Board of Education of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the athletic facilities at Woodlawn High School, including improvements to the baseball fields and the installation of a new sound system and scoreboard in the gymnasium, located in Baltimore County (Baltimore County)</u>	<u>300,000</u>
<u>(CN)</u>	<u>Caroline County Public Schools Track Replacement. Provide a grant to the Board of Education of Caroline County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of athletic tracks at North Caroline High School and Colonel Richardson High School, located in Caroline County (Caroline County)</u>	<u>325,000</u>

(CO)	<u>Columbia Local Park. Provide a grant to the Maryland–National Capital Park and Planning Commission for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Columbia Local Park, located in Montgomery County (Montgomery County)</u>	<u>200,000</u>
(CP)	<u>VFW Free State Post 8950 Aquaculture Training Center. Provide a grant to the Board of Governors of Free State Post 8950, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping for the Veterans of Foreign Wars of the United States for VFW Free State Post 8950, located in Prince George’s County (Prince George’s County)</u>	150,000 <u>200,000</u>
(CQ)	<u>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 the Center Stage (Baltimore City)</u>	<u>1,000,000</u>
(CR)	<u>University of Maryland, College Park Campus and Western Maryland Training Facility. Provide a grant to the University of Maryland, College Park Campus and the Maryland Fire and Rescue Institute for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new Western Maryland Training Facility (Allegany County)</u>	<u>150,000</u>
(CS)	<u>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)</u>	<u>2,000,000</u>
(CT)	<u>Ripken Stadium. Provide funds to the Maryland Stadium Authority for the planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping to Ripken Stadium located in Harford County, provided these funds may not be expended until the Maryland Stadium Authority and the City of Aberdeen enter into a memorandum of understanding that sets forth the financial commitment from the City of Aberdeen for the project of prioritized projects necessary to maintain Ripken Stadium to</u>	

- the standards required by the Ripken Baseball League governing body and player and public safety standards. The prioritized projects shall include but are not limited to extension of the field netting, field replacement, and LED lighting system replacement. Provided that these funds may not be expended until the Maryland Stadium Authority, Tufton (Ripken Baseball), and the City of Aberdeen enter into a memorandum of understanding for the scheduling of the work and expenditure of the funds on the prioritized projects (Harford County) 300,000
- (CU) 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) 2,000,000
- (CV) Prince George’s County Public High School Athletic Facilities. Provide a grant to the Prince George’s County Office of the County Executive for the planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of athletic facilities at Prince George’s County public high schools, provided that \$100,000 of this authorization shall be used to fund capital improvements to athletic facilities at Surrattsville High School including but not limited to a new gym scoreboard and marquee backboards. Further provided that \$300,000 of these funds may not be expended until Prince George’s County Public Schools, Prince George’s County Government, and the Maryland–National Capital Park and Planning Commission enter into a memorandum of understanding that sets forth a centralized process and protocol for the allocation, scheduling, and permitting for the public’s use of all three entities’ public facilities, including fee schedules, maintenance responsibilities, and other necessary conditions for the use of such public facilities (Prince George’s County) 3,100,000
- (CW) Johns Hopkins Medicine New Medical Research Building, Children’s Medical and Surgical Center, and North Tower Annex. Provide a grant to the Board of Trustees of the Johns Hopkins Health System for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of a new medical research building to house the Children’s Medical and Surgical Center including the North Tower Annex (Baltimore City) 3,000,000
- (CX) Poolesville Grape Crushing Economic Development Facility. Provide a grant to the Montgomery County Revenue Authority

	<u>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>
<u>(CY)</u>	<u>Round House Theatre. Provide a grant 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>500,000</u>
<u>(CZ)</u>	<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 planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Cyber Center of Education and Innovation (Anne Arundel County)</u>	<u>500,000</u>
<u>(DA)</u>	<u>Charles E. Smith Life Communities. Provide a grant to the Board of Governors of the Hebrew Home of Greater Washington, Inc. for the acquisition, planning, design, construction, repair, reconstruction, renovation, site improvement, and capital equipping of improvements at Charles E. Smith Life Communities facilities (Montgomery County)</u>	<u>235,000</u>
<u>(DB)</u>	<u>Baltimore Police Mounted Unit Stables. Provide a grant equal to the lesser of (i) \$400,000 or (ii) the amount of the matching fund provided, to the First Mile Stable Charitable Foundation, LLC for the design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Baltimore Police Mounted Unit facilities, located in Baltimore City (Baltimore City)</u>	<u>400,000</u>
<u>(DC)</u>	<u>Doctor First Mobile Communication System. Provide funds for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Doctor First Mobile Communication System (Statewide).....</u>	<u>1,000,000</u>
<u>(DD)</u>	<u>Prince George’s County Amphitheatre at Central Park. Provide a grant to the Maryland National Capital Park and Planning Commission for the design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new amphitheatre located at Central Park (Prince George’s County)</u>	<u>250,000</u>

- (DE) Blue Whale Recycling Plant. Provide a grant to the Board of County Commissioners of Allegany County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Blue Whale Recycling Plant (Allegany County) 300,000
- (DF) North County High School Field House. 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 field house and accessory buildings at North County High School, located in Anne Arundel County (Anne Arundel County) 82,000
- (DG) Belvedere Place. Provide a grant to the Board of Directors of the BRIDGES Community and Economic Development Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new mixed-income housing and commercial development project, located in Baltimore City (Baltimore City) 75,000
- (DH) Wayland Village II. Provide a grant to the Board of Directors of the WBC Community Development Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Wayland Village II family housing facility, located in Baltimore City (Baltimore City) 50,000
- (DI) Cherry Hill Town Center. Provide a grant to the Board of Trustees of Associated Catholic Charities, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Cherry Hill Town Center, located in Baltimore City (Baltimore City) 250,000
- (DJ) Chesapeake Shakespeare Company Pedestrian Bridge. Provide a grant 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 Theater and Studio buildings, located in Baltimore City (Baltimore City) 50,000
- (DK) Garrett Park. Provide a grant to the Board of Directors of the Greater Baybrook Alliance, Inc. and the Mayor and City Council of Baltimore for the acquisition, planning, design, construction,

	<u>repair, renovation, reconstruction, site improvement, and capital equipping of Garrett Park, including the installation of playground equipment, located in Baltimore City (Baltimore City)</u>	<u>75,000</u> <u>0</u>
<u>(DL)</u>	<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, including fabrication and installation of exhibits, located in Baltimore City (Baltimore City)</u>	<u>200,000</u> <u>1,000,000</u>
<u>(DM)</u>	<u>South Baltimore Learning Center. Provide a grant to the Board of Directors of the South Baltimore Learning Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the South Baltimore Learning Center, including repairs to the building’s roof, located in Baltimore City (Baltimore City)</u>	<u>50,000</u>
<u>(DN)</u>	<u>Westport Community Economic Development Corporation. Provide a grant to the Board of Directors of the Westport Community Development Corporation and the Mayor and City Council of Baltimore for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Annapolis Road Revitalization Project and the Harbor West Collaborative Center, located in Baltimore City (Baltimore City)</u>	<u>50,000</u>
<u>(DO)</u>	<u>Le Mondo. Provide a grant to the Board of Directors of Le Mondo, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Le Mondo arts development project, located in Baltimore City (Baltimore City)</u>	<u>100,000</u>
<u>(DP)</u>	<u>New City of Hope Literacy Center. Provide a grant to the Board of Directors of Positive Youth Expressions, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the New City of Hope Literacy Center, located in Baltimore City (Baltimore City)</u>	<u>100,000</u>
<u>(DQ)</u>	<u>Great Blacks in Wax Museum. Provide a grant to the Board of Trustees of The National Great Blacks in Wax Museum, Inc. for</u>	

	<u>the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Great Blacks in Wax Museum, located in Baltimore City (Baltimore City)</u>	<u>150,000</u>
(DR)	<u>Hoeh Building – Number 2. Provide a grant to the Board of Directors of City Life–Community Builders Ltd. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Hoeh Building Number 2, located in Baltimore City (Baltimore City)</u>	<u>75,000</u>
(DS)	<u>North East Housing Initiative. Provide a grant to the Board of Directors of the North East Housing Initiative, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of vacant and foreclosed properties for an affordable housing and employment training project, located in Baltimore City (Baltimore City)</u>	<u>75,000</u>
(DT)	<u>Northeast Family Life Center. Provide a grant to the Board of Directors of the Northeast Family and Community Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Northeast Family Life Center facility, located in Baltimore City (Baltimore City)</u>	<u>50,000</u>
(DU)	<u>The Last Mile Community Enhancements. Provide a grant to the Board of Directors of the American Communities Trust, Inc. and the Mayor and City Council of Baltimore for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of enhancements to the neighborhood aesthetic in the area of North Wolfe Street and North Gay Street, including the installation of lighting, interactive artwork, and a pocket park, located in Baltimore City (Baltimore City)</u>	<u>192,000</u>
(DV)	<u>Weinberg Community Center. Provide a grant to the Board of Directors of the Historic East Baltimore Community Action Coalition, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Weinberg Community Center, including repairs to the building’s roof, flooring, and HVAC system, located in Baltimore City (Baltimore City)</u>	<u>60,000</u>
(DW)	<u>Baltimore Rock Opera Society. Provide a grant to the Board of</u>	

	<u>Directors of the Baltimore Rock Opera Society, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Baltimore Rock Opera Society theater building, located in Baltimore City (Baltimore City)</u>	<u>25,000</u>
(DX)	<u>Harford Road Senior Center. Provide a grant to the Mayor and City Council of Baltimore for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Harford Road Senior Center, including repairs to the building's roof, located in Baltimore City (Baltimore City)</u>	<u>150,000</u>
(DY)	<u>Parkville High School Turf Field. Provide a grant to the Baltimore County Board of Education for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a turf field at Parkville High School, located in Baltimore County (Baltimore County)</u>	<u>150,000</u>
(DZ)	<u>Avery Road Treatment Center. Provide a grant to the County Executive and County Council of Montgomery County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Avery Road Treatment Center (Montgomery County)</u>	<u>525,000</u>
(EA)	<u>Garrett County Public High School Athletic Facilities. Provide a grant to the Board of County Commissioners of Garrett County for the planning, design, construction, repair, reconstruction, site improvement, and capital equipping of two turf fields and related athletic facilities infrastructure improvements (Garrett County)</u>	<u>1,500,000</u>
(EB)	<u>Jewish Foundation for Group Homes. Provide a grant to the Board of Directors of the Jewish Foundation for Group Homes, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Jewish Foundation for Group Homes program, located in Montgomery County (Montgomery County)</u>	<u>50,000</u>
(EC)	<u>White Rose Foundation Service Center. Provide a grant to the Board of Directors of the White Rose Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the White Rose Foundation Service Center facility, located in Prince George's County (Prince George's County)</u>	<u>250,000</u>

- (ED) Arundel Lodge. Provide a grant to the Board of Directors of the Arundel Lodge, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new HVAC system at the Arundel Lodge, located in Anne Arundel County (Anne Arundel County) 50,000
- (EE) Vehicles for Change. Provide a grant to the Board of Directors of Vehicles 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, located in Baltimore City (Baltimore City) 100,000
- (EF) Rash Field Park. Provide a grant to the Board of Directors of the Waterfront Partnership of Baltimore, Inc. and the Mayor and City Council of Baltimore for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Rash Field Park, including the installation of playground equipment, located in Baltimore City (Baltimore City) 1,000,000
- (EG) College Park Woods Neighborhood Park. Provide a grant to the Mayor and City Council of the City of College Park for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the College Park Woods Neighborhood Park, located in Prince George’s County (Prince George’s County) 200,000
- (EH) Josiah Henson Park. Provide a grant to the Maryland–National Capital Park and Planning Commission for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Josiah Henson Park, located in Montgomery County (Montgomery County) 250,000
- (EI) Randallstown Community Center. 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 Randallstown Community Center, including the replacement of audio and visual equipment, located in Baltimore County (Baltimore County) 25,000
- (EJ) Reisterstown Sportsplex. 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 Reisterstown Sportsplex, including the replacement of security system equipment, located in Baltimore County (Baltimore County) 30,000

(EK) Northwest Regional Park. 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 Northwest Regional Park, including safety and security improvements, located in Baltimore County (Baltimore County) 15,000

(EL) Reisterstown Regional Park. Provide a grant to the County Executive and County Council of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of Reisterstown Regional Park, including safety and security improvements, located in Baltimore County (Baltimore County) 25,000

(EM) Radebaugh Park. Provide a grant to the County Executive and County Council of Baltimore County on behalf of the Baltimore County Department of Recreation and Parks for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Radebaugh Park, located in Baltimore County (Baltimore County) 100,000

(EN) Linover Park. 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 Linover Park, including improvements to the park's grounds, located in Baltimore County (Baltimore County) 50,000

(EO) Ovid Hazen Wells Recreational Park. Provide a grant to the Maryland–National Capital Park and Planning Commission for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Ovid Hazen Wells Recreational Park located in Montgomery County (Montgomery County) 200,000

(EP) Hagerstown Minor League Baseball Stadium. Provide a grant to the Mayor and City Council of the City of Hagerstown for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a minor league baseball stadium, located in the City of

	<u>Hagerstown (Washington County)</u>	<u>300,000</u>
(EQ)	<u>Doctors Community Hospital. Provide a grant to the Board of Directors of Doctors Community Hospital, Inc. for the planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of infrastructure improvements at Doctors Community Hospital, including but not limited to renovations to emergency room cubicles and the installation of a campuswide camera security system (Prince George's County)</u>	<u>250,000</u>
(ER)	<u>Huntington Heritage Society. Provide a grant 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 an historic property in the Old Towne of Bowie (Prince George's County)</u>	<u>300,000</u>
(ES)	<u>Town of Brookeville Market Street Improvements. Provide a grant to the Commissioners of the Town of Brookeville for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of improvements to the Town of Brookeville Market Street Improvements (Montgomery County)</u>	<u>100,000</u>
(ET)	<u>Deale Volunteer Fire Department. Provide a grant to the Board of Directors of the Deale Volunteer Fire Department and Rescue Squad, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Deale Volunteer Fire Department facility, including upgrades to the kitchen, located in Anne Arundel County (Anne Arundel County)</u>	<u>25,000</u>
(EU)	<u>HopeWork Community Development Corporation. Provide a grant to the Board of Directors of the HopeWork, Community Development Corporation and the Board of Directors of A Step Forward, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of emergency housing for opioid addicted persons, located in Baltimore City (Baltimore City)</u>	<u>100,000</u>
(EV)	<u>CrossRoads Freedom Center Recovery Housing. Provide a grant 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 facility, located in Frederick County (Frederick County)</u>	<u>100,000</u>

<u>(EW)</u>	<u>Chesapeake Arts Center. Provide a grant to the Board of Directors of the Chesapeake Arts Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Chesapeake Arts Center, located in Anne Arundel County (Anne Arundel County)</u>	<u>150,000</u>
<u>(EX)</u>	<u>CASA Centers Technology Upgrades. 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 technology and equipment upgrades at multiple CASA centers, located in Montgomery and Prince George’s counties (Statewide)</u>	<u>125,000</u>
<u>(EY)</u>	<u>Gatehouse Community Resource Center. Provide a grant to the Board of Directors of the Forest Park Action Council, Inc. and the University of Maryland Medical System for Forest Park Action Council for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Gatehouse Community Resource Center, located in Baltimore City (Baltimore City)</u>	<u>100,000</u>
<u>(EZ)</u>	<u>Girl Scouts Program Center Refresh. Provide a grant to the Board of Directors of the Girl Scouts of Central Maryland for the planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Girl Scouts of Central Maryland headquarters and Urban Program Stem Center (Prince George’s County)</u>	<u>50,000</u>
<u>(FA)</u>	<u>Maryland–National Capital Park and Planning Commission Property Acquisition. Provide a grant to the Maryland–National Capital Park and Planning Commission for the acquisition of property owned by the Washington Metropolitan Area Transit Authority located on Baltimore Avenue in the City of College Park (Prince George’s County)</u>	<u>500,000</u>
<u>(FB)</u>	<u>University Park Town Hall. Provide a grant to the Mayor and Town Council of the Town of University Park for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the University Park Town Hall facility, located in Prince George’s County (Prince George’s County)</u>	<u>50,000</u>
<u>(FC)</u>	<u>Lake Arbor Capital Improvements. Provide a grant to the Board</u>	

	<u>of Directors of the Lake Arbor Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Lake Arbor community, located in Prince George’s County (Prince George’s County)</u>	<u>50,000</u>
(FD)	<u>Bus Shelter Public Art Projects. Provide a grant to the Board of Directors of the Prince George’s Arts and Humanities Council, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of multiple bus shelter public art projects, located in Prince George’s County (Prince George’s County)</u>	<u>100,000</u>
(FE)	<u>East Baltimore Library. Provide a grant to the Mayor and City Council of the City of Baltimore for the planning, design, construction, repair, reconstruction, renovation, site improvement, and capital equipping of the East Baltimore Library, subject to a requirement that the Johns Hopkins University provide and expend a matching fund of \$100,000. Further provided that this authorization is contingent upon the enactment of SB 793 (Baltimore City)</u>	<u>100,000</u>
ZA01	MARYLAND HOSPITAL ASSOCIATION	
(A)	Anne Arundel Health System, Inc. Provide a grant to the Board of Trustees of Anne Arundel Health System, Inc. to assist in the design, construction, and equipping of renovations to the North Hospital Pavilion at the Anne Arundel Medical Center, 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 (Anne Arundel County)	387,000
(B)	Carroll Hospital Center. Provide a grant to the Board of Directors of Carroll Hospital Center, Inc. to assist in the design, construction, and equipping of a new critical care unit on the Carroll Hospital campus, 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 (Carroll County)	800,000
(C)	Holy Cross Health, Inc. Provide a grant to the Board of Directors of Holy Cross Health, Inc. to assist in the design, construction, and equipping of renovations to the Holy Cross Hospital Labor and Delivery 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 (Montgomery County) 600,000

(D) Howard County General Hospital, Inc. Provide a grant to the Board of Trustees of the Howard County General Hospital, Inc. to assist in the design, construction, and equipping of renovations to the Berman Pavilion to create a comprehensive Breast Center, 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) 347,000

(E) MedStar Southern Maryland. Provide a grant to the Board of Directors of MedStar Southern Maryland Hospital, Inc. to assist in the design, construction, and capital equipping of a renovation and addition to the MedStar Southern Maryland Hospital Center’s Emergency Department, including but not limited to site work and demolition, 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 (Prince George’s County) 500,000

(F) MedStar Union Memorial Hospital. Provide a grant to the Board of Directors of MedStar Union Memorial Hospital to assist in the design, construction, and capital equipping of renovations to MedStar Union Memorial Hospital’s 3400 North Calvert Street building, 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) 425,000

(G) Mercy Medical Center. Provide a grant to the Board of Trustees of Mercy Health Services, Inc. to assist in the design, construction, and equipping of renovations to the 315 N. Calvert Street building, 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) 1,141,000

(H) Peninsula Regional Medical Center. Provide a grant to the Board of Trustees of Peninsula Regional Medical Center to

assist in the design, construction, and equipping of renovations to the east tower at Peninsula Regional Medical Center, 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 (Wicomico County) 800,000

(I) University of Maryland, St. Joseph Medical Center. Provide a grant to the Board of Directors of University of Maryland, St. Joseph Medical Center to assist in the design, construction, and equipping of renovations to the University of Maryland St. Joseph Medical Center’s Weinberg Emergency Department, 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 County) 500,000

ZA02 LOCAL HOUSE OF DELEGATES INITIATIVES
(Statewide)

~~(A) Legislative Initiatives. Provide funds for projects of political subdivisions and nonprofit organizations 15,000,000~~

(A) Annapolis Compassion Center. Provide a grant of \$50,000 to the Board of Directors of the Lutheran Mission Society of Maryland for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Annapolis Compassion Center, including repairs to the building’s roof, located in Anne Arundel County (Anne Arundel County) 50,000

(B) Annapolis Maritime Museum and Park. 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 Annapolis Maritime Museum, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the McNasby Oyster Company building exhibition space of the Annapolis Maritime Museum and Park, located in Anne Arundel County. 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 (Anne Arundel County) 125,000

(C) Arundel Lodge. 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 Arundel Lodge, Inc. for the acquisition,

	<u>planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new HVAC system at the Arundel Lodge, located in Anne Arundel County (Anne Arundel County).....</u>	<u>50,000</u>
(D)	<u>Chrysalis House Child Development 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 Chrysalis House, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Chrysalis House Child Development Center, located in Anne Arundel County (Anne Arundel County)</u>	<u>100,000</u>
(E)	<u>Historic Annapolis Museum. Provide a grant of \$100,000 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, located in Anne Arundel County (Anne Arundel County)</u>	<u>100,000</u>
(F)	<u>Maryland City Athletic Complex Lighting Upgrade. Provide a grant of \$50,000 to the Board of Directors of the Maryland City Communities Association, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of lighting upgrades at the Maryland City Athletic Complex, located in Anne Arundel County (Anne Arundel County)</u>	<u>50,000</u>
(G)	<u>Pascal Crisis Stabilization 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 Robert A. Pascal Youth & Family Services, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Pascal Crisis Stabilization Center, located in Anne Arundel County (Anne Arundel County)</u>	<u>100,000</u>
(H)	<u>Chesapeake Shakespeare Company Pedestrian Bridge. 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 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 Theater and Studio buildings, located in Baltimore City (Baltimore City)</u>	<u>100,000</u>

- (I) Edward A. Myerberg Senior 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 Edward A. Myerberg Senior Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Edward A. Myerberg Senior Center facility, located in Baltimore City (Baltimore City) 75,000
- (J) Johnston Square Greenspace. Provide a grant equal to the lesser of (i) \$15,000 or (ii) the amount of the matching fund provided, to the Board of Directors of ReBUILD Metro, 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 greenspace in Johnston Square, including landscaping, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore City) 15,000
- (K) Mercy High School Athletics Complex. 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 Mercy High School, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of an athletics complex at Mercy High School, including the installation of an artificial turf field, located in Baltimore City (Baltimore City) 150,000
- (L) Mount Winans Veterans Housing. 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 Winans Veterans Housing Limited Partnership 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 Mount Winans Veterans Housing facility, located in Baltimore City (Baltimore City) ~~100,000~~
0
- (M) New Creation Christian Church Hoop House. Provide a grant of \$100,000 to the Board of Directors of New Creation Christian Church, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the New Creation Christian Church Hoop House, located in Baltimore City (Baltimore City) 100,000

- (N) Restoration House. Provide a grant of \$50,000 to the Board of Directors of the Restoration House for Women and Children, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Restoration House facility, located in Baltimore City (Baltimore City) 50,000
- (O) Roland Water Tower Stabilization. Provide a grant of \$75,000 to the Board of Trustees of The Roland Park Community Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Roland Water Tower, located in Baltimore City, subject to a requirement that the grantee provide and expend a matching fund of \$35,000 (Baltimore City) 75,000
- (P) South Baltimore Learning Center. Provide a grant equal to the lesser of (i) ~~\$100,000~~ \$125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the South Baltimore Learning Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the South Baltimore Learning Center, including repairs to the building’s roof, located in Baltimore City (Baltimore City) ~~100,000~~
125,000
- (Q) The Hub Integrated Learning Resource 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 Paquin–Stith Community Development Company LLC for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of The Hub Integrated Learning Resource Center at Lillie May Carroll Jackson Charter School, located in Baltimore City (Baltimore City) 200,000
- (Q-1) Westport Community Economic Development Corporation. Provide a grant of \$75,000, to the Board of Directors of the Westport Community Development Corporation and the Mayor and City Council of Baltimore for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Annapolis Road Revitalization Project and the Harbor West Collaborative Center, located in Baltimore City, subject to a requirement that the grantee provide and expend a matching fund of \$50,000 (Baltimore City) 75,000

- (R) WYPR Radio Building and Studio. 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 Your Public Radio Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the WYPR Radio building and studio, including repairs to the building's roof, located in Baltimore City (Baltimore City) 175,000
- (S) Chestnut Ridge Volunteer Fire Company. 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 Chestnut Ridge Volunteer Fire Company for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Chestnut Ridge Volunteer Fire Company building, located in Baltimore County (Baltimore County) 50,000
- (T) Essex Elementary School Playground. Provide a grant equal to the lesser of (i) \$30,000 or (ii) the amount of the matching fund provided, to the Board of Education of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the playground at Essex Elementary School, including the installation of playground equipment, located in Baltimore County (Baltimore County) 30,000
- (U) Fire Museum of Maryland. 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 Fire Museum of Maryland, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Fire Museum of Maryland facility, located in Baltimore County (Baltimore County) 100,000
- (V) Idlewylde Hall. 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 Idlewylde Community Association, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Idlewylde Hall, including repairs to the building's roof, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Baltimore County) 75,000
- (W) Lansdowne 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 Lansdowne Volunteer Fire Association No. 1 Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Lansdowne Volunteer Fire Department, located in Baltimore County (Baltimore County) 75,000

(X) Morning Star Family Life 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 the MSBC Five Star Program, Inc. and the Board of Trustees of the Morning Star Baptist Church of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Morning Star Family Life Center, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Baltimore County)..... 250,000

(Y) Pikesville High School Artificial Turf Field. Provide a grant equal to the lesser of (i) \$250,000 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 an artificial turf field at Pikesville High School, located in Baltimore County (Baltimore County) 250,000

(Z) Upperco Volunteer Fire Company. Provide a grant equal to the lesser of (i) \$85,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Upperco Volunteer Fire Company, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Upperco Volunteer Fire Company, located in Baltimore County (Baltimore County) 85,000

(AA) WIN Team Headquarters and Treatment Facility. Provide a grant equal to the lesser of (i) \$327,000 or (ii) the amount of the matching fund provided, to the WIN Team LLC for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the WIN Team headquarters and treatment facility, located in Baltimore County. 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 County) 327,000

- (AB) Woodlawn High School 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 Education of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the athletic facilities at Woodlawn High School, including improvements to the baseball fields and the installation of a new sound system and scoreboard in the gymnasium, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Baltimore County) 50,000
- (AC) Calvert Marine Museum Paleontology Collections and Research 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 the Calvert Marine Museum Society, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Calvert Marine Museum Paleontology Collections and Research Center, located in Calvert County (Calvert County) 250,000
- (AD) Carroll County Turf Field. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of County Commissioners of Carroll County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of at least one turf field at the former North Carroll High School site, located in Carroll County (Carroll County) 150,000
- (AE) Indian Head Center for the Arts. 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 Indian Head Center for the Arts, Inc. and 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 the Arts Black Box Theatre, located in Charles County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Charles County) 65,000
- (AF) 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, located in Charles

County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Charles County) 200,000

(AG) Maces Lane 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 Good Shepherd Association for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Maces Lane Community Center, located in Dorchester County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Dorchester County) 100,000

(AH) Federated Charities District Building. 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 Federated Charities Corporation of Frederick for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Federated Charities district building, including repairs to the building’s roof, located in Frederick County (Frederick County) 75,000

(AI) YMCA of Frederick County. 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 Young Men’s Christian Association of Frederick County, Maryland, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the YMCA facility, located in Frederick County (Frederick County) 200,000

(AJ) Garrett County Historical Museum. Provide a grant of \$50,000 to the Board of Directors of The Garrett County Historical Society, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Garrett County Historical Museum, located in Garrett County (Garrett County) 50,000

(AK) Grantsville 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 Grantsville Fire Department, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Grantsville Volunteer Fire Department, located in Garrett County (Garrett County) 100,000

- (AL) Jericho Road Stone Bank Barn. 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 Friends of Jerusalem Mill for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Jericho Road Stone Bank Barn building, located in Harford County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Harford County) 200,000
- (AM) Barnard Fort House. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, 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 Barnard Fort House, located in Howard County (Howard County) 50,000
- (AN) Carroll Baldwin Hall. Provide a grant of \$100,000 to the Board of Directors of the Carroll Baldwin Memorial Institute, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Carroll Baldwin Hall, located in Howard County, subject to a requirement that the grantee provide and expend a matching fund of \$40,000 (Howard County) 100,000
- (AO) Gateway Innovation 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 Howard County Economic Development Center for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Gateway Innovation Center facility, including the installation of audiovisual equipment, located in Howard 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 (Howard County) 100,000
- (AP) Harriet Tubman Community Center and Museum. Provide a grant equal to the lesser of (i) \$300,000 or (ii) the amount of the matching fund provided, 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, located in Howard County. Notwithstanding Section 1(5) of this Act, the matching fund

	<u>may consist of real property (Howard County)</u>	<u>300,000</u>
(AQ)	<u>Black Hill SEED Classroom. 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 the Black Hill SEED Classroom building, located in Montgomery County. 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)</u>	<u>250,000</u>
(AR)	<u>Boys and Girls Clubs of Greater Washington. Provide a grant equal to the lesser of (i) \$91,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Boys and Girls Clubs of Greater Washington, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Germantown branch of the Boys and Girls Clubs of Greater Washington, located in Montgomery County (Montgomery County)</u>	<u>91,000</u>
(AS)	<u>Brooke Grove Retirement Village. 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 Brooke Grove Foundation, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a historic structure at the Brooke Grove Retirement Village, located in Montgomery County (Montgomery County)</u>	<u>100,000</u>
(AT)	<u>EveryMind Headquarters Building. 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 EveryMind, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the EveryMind Headquarters Building, including repairs to the building’s roof, located in Montgomery County (Montgomery County)</u>	<u>75,000</u>
(AU)	<u>Friends House Retirement Community. 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 Friends House Retirement Community, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new assisted living building at the Friends House Retirement Community, located</u>	

	<u>in Montgomery County (Montgomery County)</u>	<u>100,000</u>
(AV)	<u>Manna Food 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 Manna Food Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Manna Food Center facility, located in Montgomery County. 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)</u>	<u>150,000</u>
(AW)	<u>Montgomery County Humane Society. 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 Montgomery County Humane Society, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Montgomery County Humane Society facility, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Montgomery County)</u>	<u>150,000</u>
(AX)	<u>Allentown Splash, Tennis and Fitness Park. Provide a grant equal to the lesser of (i) \$150,000 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 concession area and related pool amenities for Allentown Splash, Tennis and Fitness Park, 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)</u>	<u>150,000</u>
(AY)	<u>American Legion Southern Maryland District Youth Camp. 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 American Legion, Department of Maryland, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Southern Maryland District Youth Camp 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)</u>	<u>250,000</u>
(AZ)	<u>Champ House. Provide a grant of \$50,000 to the Board of Directors of Champ House Recovery, Inc. for the acquisition, planning, design, construction, repair, renovation,</u>	

	<u>reconstruction, site improvement, and capital equipping of the Champ House facilities, located in Prince George’s County (Prince George’s County)</u>	<u>50,000</u>
(BA)	<u>Fraternal Order of Police Lodge 89. Provide a grant of \$25,000 to the Board of Directors of the Fraternal Order of Police, Prince George’s County, Maryland, for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of new signage for Fraternal Order of Police Lodge 89, located in Prince George’s County (Prince George’s County)</u>	<u>25,000</u>
(BB)	<u>Laurel Advocacy and Referral Services (LARS) Facility Renovation. Provide a grant of \$17,000 to the Board of Directors of Laurel Advocacy and Referral Services, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the LARS facility, including technology and security upgrades, located in Prince George’s County (Prince George’s County)</u>	<u>17,000</u>
(BC)	<u>Laurel Multi Service 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 City Council of the City of Laurel for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Multi Service Center facility, located in Prince George’s County (Prince George’s County)</u>	<u>200,000</u>
(BD)	<u>Morningside Volunteer Fire Department and Job Training Center. Provide a grant of \$125,000 to the Board of Directors of the Morningside Volunteer Fire Department, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Morningside Volunteer Fire Department facility, including the establishment of a job training facility, located in Prince George’s County, subject to a requirement that the grantee provide and expend a matching fund of \$40,000. 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)</u>	<u>125,000</u>
(BE)	<u>Mount Rainier Library. Provide a grant of \$50,000 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 Library, located in Prince George’s County</u>	

	<u>(Prince George’s County)</u>	<u>50,000</u>
<u>(BF)</u>	<u>Sis’s Tavern. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of North Brentwood for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Sis’s Tavern building, located in Prince George’s County. 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>125,000</u>
<u>(BG)</u>	<u>The Arc of Prince George’s County. 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 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, 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)</u>	<u>250,000</u>
<u>(BH)</u>	<u>Three Notch Theater. Provide a grant of \$100,000 to the Board of Directors of The Newtowne Players, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Three Notch Theater facility, including improvements to the parking lot, located in St. Mary’s County, 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 in kind contributions or funds expended prior to the effective date of this Act (St. Mary’s County)</u>	<u>100,000</u>
<u>(BI)</u>	<u>YMCA of Hagerstown. 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 Young Men’s Christian Association of Hagerstown, Maryland, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the indoor pools at the Hagerstown YMCA, located in Washington County (Washington County)</u>	<u>100,000</u>
<u>(BJ)</u>	<u>Salisbury Elks Lodge No. 817. Provide a grant equal to the lesser of (i) \$95,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Friends of Salisbury Elks Lodge 817, Inc. for the acquisition, planning, design,</u>	

construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Salisbury Elks Lodge No. 817 building, located in Wicomico County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Wicomico County) 95,000

(BK) Truitt Street Community 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 Salisbury for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Truitt Street Community Center, located in Wicomico County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Wicomico County) 100,000

ZA03 LOCAL SENATE INITIATIVES
(Statewide)

~~(A) Local Senate Initiatives. Provide funds for projects of political subdivisions and nonprofit organizations 7,500,000~~

(A) Frostburg 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 City Council of the City of Frostburg for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Frostburg Municipal Center, located in Allegany County (Allegany County) 100,000

(B) Western Maryland Works. Provide a grant equal to the lesser of (i) \$60,000 or (ii) the amount of the matching fund provided, to the Board of County Commissioners of Allegany County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Western Maryland Works facility, located in Allegany 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 (Allegany County) 60,000

(C) YMCA of Cumberland. Provide a grant of \$50,000 to the Board of Directors of The Young Men’s Christian Association of Cumberland Maryland for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the pool and related pool facilities at the Cumberland YMCA, located in Allegany County

	<u>(Allegany County)</u>	<u>50,000</u>
<u>(C-1)</u>	<u>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 McNasby Oyster Company building exhibition space of the Annapolis Maritime Museum and Park, located in Anne Arundel County. 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 (Anne Arundel County)</u>	<u>50,000</u>
<u>(D)</u>	<u>Anne Arundel County Fairgrounds. Provide a grant of \$75,000 to the Board of Directors of the Anne Arundel County Fair, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Anne Arundel County Fairgrounds, including improvements to the access roads and parking lots, located in Anne Arundel County (Anne Arundel County)</u>	<u>75,000</u>
<u>(E)</u>	<u>Cape St. Claire Beach Replenishment. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Governors of the Cape St. Claire Improvement Association, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Cape St. Claire Beaches, located in Anne Arundel County (Anne Arundel County)</u>	<u>25,000</u>
<u>(F)</u>	<u>Chesapeake High School Stadium Upgrades. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, 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 stadium at Chesapeake High School, located in Anne Arundel County (Anne Arundel County)</u>	<u>125,000</u>
<u>(G)</u>	<u>Chrysalis House Child Development 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 Chrysalis House, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Chrysalis House Child Development Center, located in Anne Arundel County (Anne Arundel County)</u>	<u>100,000</u>

- (G-1) John Marshall Park. Provide a grant equal to the lesser of (i) \$13,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Westlee Civic Association, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of John Marshall Park, including improvements to the playground and pavilion structures, located in Anne Arundel County (Anne Arundel County)..... 13,000
- (G-2) Maryland City Athletic Complex Lighting Upgrade. Provide a grant of \$50,000 to the Board of Directors of the Maryland City Communities Association, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of lighting upgrades at the Maryland City Athletic Complex, located in Anne Arundel County (Anne Arundel County)..... 50,000
- (H) North County High School Field House. Provide a grant of \$118,000 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 field house and accessory buildings at North County High School, located in Anne Arundel County (Anne Arundel County)..... 118,000
- (H-1) Ralph J. Bunche Community Center. Provide a grant of \$37,000 to the Board of Directors of the Ralph J. Bunche Community Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Ralph J. Bunche Community Center facility, located in Anne Arundel County (Anne Arundel County)..... 37,000
- (I) YWCA Domestic Violence and Trafficking Shelters. Provide a grant of ~~\$125,000~~ \$0 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, located in Anne Arundel County (Anne Arundel County) ~~125,000~~
0
- (J) 40 West Assistance and Referral 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 40 West

	<u>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, located in Baltimore City (Baltimore City)</u>	<u>200,000</u>
(K)	<u>EMAGE Center. 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 Citywide Youth Development Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the EMAGE Center facility, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Baltimore City)</u>	<u>100,000</u> <u>0</u>
(L)	<u>Great Blacks in Wax Museum. 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 National Great Blacks in Wax Museum, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Great Blacks in Wax Museum, located in Baltimore City (Baltimore City)</u>	<u>100,000</u>
(M)	<u>Harford Road Senior 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 Baltimore for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Harford Road Senior Center, including repairs to the building's roof, located in Baltimore City (Baltimore City)</u>	<u>100,000</u>
(M-1)	<u>HopeWork Community Development Corporation. Provide a grant of \$100,000, to the Board of Directors of the HopeWork, Community Development Corporation and the Board of Directors of A Step Forward, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of emergency housing for opioid addicted persons, located in Baltimore City, subject to a requirement that the grantee provide and expend a matching fund of \$5,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Baltimore City)</u>	<u>100,000</u>
(N)	<u>Wayland Village II. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to</u>	

	<u>the Board of Directors of the WBC Community Development Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Wayward Village II family housing facility, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Baltimore City)</u>	<u>100,000</u>
(O)	<u>Essex Elementary School Playground. Provide a grant equal to the lesser of (i) \$29,000 or (ii) the amount of the matching fund provided, to the Board of Education of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the playground at Essex Elementary School, including the installation of playground equipment, located in Baltimore County (Baltimore County)</u>	<u>29,000</u>
(P)	<u>Fire Museum of Maryland. 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 Fire Museum of Maryland, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Fire Museum of Maryland facility, located in Baltimore County (Baltimore County)</u>	<u>100,000</u>
(P-1)	<u>Morning Star 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 Directors of the MSBC Five Star Program, Inc. and the Board of Trustees of the Morning Star Baptist Church of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Morning Star Family Life Center, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Baltimore County)</u>	<u>50,000</u>
(Q)	<u>Parkville High School Turf Field. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Baltimore County Board of Education for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a turf field at Parkville High School, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore County)</u>	<u>100,000</u>
(R)	<u>Perry Hall High School Stadium Press Box. Provide a grant of \$200,000 to the Baltimore County Board of Education for the</u>	

- acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the press box at the Perry Hall High School football stadium, located in Baltimore County (Baltimore County) 200,000
- (S) Pikesville High School Artificial Turf Field. Provide a grant equal to the lesser of (i) \$600,000 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 an artificial turf field at Pikesville High School, located in Baltimore County (Baltimore County) 600,000
- (T) St. Luke’s United Methodist Church Fellowship Hall. Provide a grant of \$160,000 to the Board of Trustees of St. Luke’s United Methodist Church for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the St. Luke’s United Methodist Church Fellowship Hall, located in Baltimore County (Baltimore County) 160,000
- (U) St. John Vianney Inter–Faith Food Pantry. Provide a grant of \$125,000 to the Board of Directors of the St. John Vianney Inter–Faith Food Pantry for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the St. John Vianney Inter–Faith Food Pantry facility, located in Calvert County (Calvert County) 125,000
- (U–1) Boys and Girls Club of Westminster. 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 Westminster, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Boys and Girls Club facility, including a new gymnasium, located in Carroll County (Carroll County) 50,000
- (U–2) Carroll County Turf Field. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of County Commissioners of Carroll County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of at least one turf field at the former North Carroll High School site, located in Carroll County (Carroll County) 50,000

- (V) Bee Hive Colonial Village. 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 Elk Creeks Preservation Society Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Bee Hive Colonial Village, located in Cecil County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Cecil County) 75,000
- (V-1) Our Town Early Literacy 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 Friends Foundation of the Cecil County Public Library, Inc. and the Cecil County Public Library System for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Our Town Early Literacy Center at the North East Branch Library, located in Cecil County (Cecil County) 50,000
- (W) Benedict Volunteer Fire Department and Rescue Squad and Auxiliary Facility. 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 Benedict Volunteer Fire Department & Rescue Squad & Auxiliary, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Benedict Volunteer Fire Department and Rescue Squad and Auxiliary facility, located in Charles County (Charles County) .. 150,000
- (X) Lions Camp Merrick. 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 Lions Camp Merrick, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Lions Camp Merrick facilities, including repairs to the cabins' roofs, located in Charles County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Charles County) 35,000
- (Y) The Arnold House. Provide a grant of \$75,000 to the Board of Directors of The Arnold House, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of The Arnold House facility, located in Charles County, subject to a requirement that the grantee provide and expend a matching fund of \$12,400. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions. (Charles

	<u>County)</u>	<u>75,000</u>
(Z)	<u>Velocity Center. 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 College of Southern Maryland for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Velocity Center, located in Charles County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Charles County)</u>	<u>25,000</u>
(AA)	<u>Dorchester Center for the Arts. 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 Dorchester Center for the Arts, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Arts Performance Hall, located in Dorchester County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Dorchester County)</u>	<u>80,000</u>
(AB)	<u>Richardson Maritime Museum. 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 Richardson Maritime Museum, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Richardson Maritime Museum facility, located in Dorchester County (Dorchester County)</u>	<u>20,000</u>
(AC)	<u>Frederick Bocce Ball Courts. 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 Baker Park, Inc. and 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 bocce ball courts, located in Frederick County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Frederick County)</u>	<u>50,000</u>
(AD)	<u>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 Heritage Frederick facility, located in Frederick County</u>	

	<u>(Frederick County)</u>	<u>25,000</u>
<u>(AE)</u>	<u>Sophie and Madigan Lillard Memorial Playground. 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 Sophie and Madigan’s Playground, Inc. and 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 the Sophie and Madigan Lillard Memorial Playground, located in Frederick County (Frederick County)</u>	<u>50,000</u>
<u>(AF)</u>	<u>Yourtee Springs. 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, site improvement, and capital equipping of Yourtee Springs, including the installation of filtration and storage systems, located in Frederick County (Frederick County)</u>	<u>100,000</u>
<u>(AG)</u>	<u>Garrett County Historical Museum. Provide a grant of \$50,000 to the Board of Directors of The Garrett County Historical Society, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Garrett County Historical Museum, located in Garrett County (Garrett County)</u>	<u>50,000</u>
<u>(AH)</u>	<u>Grantsville 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 Grantsville Fire Department, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Grantsville Volunteer Fire Department, located in Garrett County (Garrett County)</u>	<u>100,000</u>
<u>(AI)</u>	<u>Chesapeake Therapeutic Riding at Serenity Hill Farm. 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 Chesapeake Therapeutic Riding, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Chesapeake Therapeutic Riding at Serenity Hill Farm facility, located in Harford County (Harford County)</u>	<u>100,000</u>
<u>(AJ)</u>	<u>Habitat for Humanity Susquehanna. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund</u>	

- provided, to the Board of Directors of Habitat for Humanity Susquehanna, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Habitat for Humanity Susquehanna homes in the Revolutionary Home Ownership Program, located in Harford County (Harford County) 100,000
- (AK) Jericho Road Stone Bank Barn. 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 Friends of Jerusalem Mill for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Jericho Road Stone Bank Barn building, located in Harford County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Harford County) 50,000
- (AL) Carrollton Hall Restoration. 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 Carrollton Hall, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Carrollton Hall and the surrounding grounds, located in Howard County (Howard County) 50,000
- (AM) Community Action Council Early Childhood 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 Community Action Council of Howard County, Maryland, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the new Community Action Council Early Childhood Education Center facility, located in Howard County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Howard County) 50,000
- (AN) Gateway Innovation 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 Howard County Economic Development Center for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Gateway Innovation Center facility, including the installation of audio visual equipment, located in Howard 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 (Howard County) 100,000

- (AO) *iHomes, Inc. 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 iHomes, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of three homes for low-income and disabled adults, 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)* *100,000*
- (AP) *Linwood 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 Linwood Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Linwood School, including site improvements to the school’s parking lots, located in Howard County. 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 (Howard County)* *100,000*
- (AQ) *Echo Hill Outdoor School. Provide a grant equal to the lesser of (i) ~~\$200,000~~ \$150,000 or (ii) the amount of the matching fund provided, 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 the Echo Hill Outdoor School, located in Kent County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Kent County)* ~~*200,000*~~
150,000
- (AR) *Centerway Local 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 Centerway Local Park, including the installation of playground equipment, located in Montgomery County. 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)* *250,000*
- (AS) *Cornerstone Montgomery. 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 Cornerstone Montgomery, Inc. for the acquisition, planning, design, construction, repair,*

- renovation, reconstruction, site improvement, and capital equipping of the Cornerstone Montgomery headquarters facility, located in Montgomery County (Montgomery County) 100,000
- (AT) Dolores R. Miller Park. Provide a grant of \$15,000 to the Mayor and Town Council of the Town of Laytonsville for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Dolores R. Miller Park, including landscaping and improvements to the park's grounds, located in Montgomery County (Montgomery County) 15,000
- (AU) Guru Nanak Health Clinic. 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 Guru Nanak Foundation of America, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Guru Nanak Foundation of America free health clinic facility, located in Montgomery County (Montgomery County) 100,000
- (AV) Jewish Foundation for Group Homes. 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 Jewish Foundation for Group Homes, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Jewish Foundation for Group Homes program, located in Montgomery County (Montgomery County) 50,000
- (AW) Sandy Spring 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 Sandy Spring Museum for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the exterior of the Sandy Spring Museum building and grounds, including landscaping, located in Montgomery County (Montgomery County) 50,000
- (AX) Sunflower Bakery. 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 Sunflower Bakery, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Sunflower Bakery facility, located in Montgomery County (Montgomery County) 75,000

- (AY) Takoma Park Library. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Takoma Park for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Takoma Park Library, located in Montgomery County (Montgomery County) 150,000
- (AZ) Woodend Nature Sanctuary Accessible Trail. 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 Audubon Naturalist Society of the Central Atlantic States, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of an accessible trail at the Woodend Nature Sanctuary, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Montgomery County) 250,000
- (BA) Baden Library Relocation Project. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Prince George’s County Memorial Library System for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Baden Library to assist in the relocation of the branch, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Prince George’s County) ... 250,000
- (BB) Benjamin Tasker Middle School. Provide a grant of \$25,000 to the Board of Trustees of the Greater Washington Community Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new digital sign at Benjamin Tasker Middle School, located in Prince George’s County (Prince George’s County) 25,000
- (BC) Bishop McNamara High School. Provide a grant equal to the lesser of (i) ~~\$125,000~~ \$0 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 Bishop McNamara High School Science and Innovation Center, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Prince George’s County) ... ~~125,000~~

- (BD) Bus Shelter Public Art Projects. Provide a grant of \$50,000 to the Board of Directors of the Prince George’s Arts and Humanities Council, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of multiple bus shelter public art projects, located in Prince George’s County (Prince George’s County) 50,000
- (BE) Camp Springs Elks Lodge No. 2332. Provide a grant of \$25,000 to the Board of Directors of the Camp Springs 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, located in Prince George’s County (Prince George’s County) 25,000
- (BF) Forest Heights Safe Route to School Project. Provide a grant of \$125,000 to the Mayor and Town Council of the Town of Forest Heights for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Forest Heights Safe Route to School Project, including the construction of sidewalks, located in Prince George’s County (Prince George’s County) 125,000
- (BG) Greenbelt Consumer Cooperative. Provide a grant equal to the lesser of (i) ~~\$75,000~~ \$0 or (ii) the amount of the matching fund provided, to the Board of Directors of the Greenbelt Consumer Cooperative, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Greenbelt Consumer Cooperative facility, located in Prince George’s County (Prince George’s County) ~~75,000~~

0
- (BH) Lake Arbor Capital Improvements. Provide a grant equal to the lesser of (i) ~~\$50,000~~ \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Lake Arbor Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Lake Arbor community, 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) ~~50,000~~

100,000

- (BI) Laurel Multi Service 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 Laurel for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Multi Service Center facility, located in Prince George’s County (Prince George’s County) 125,000

- (BJ) Morningside Volunteer Fire Department and Job Training Center. Provide a grant of \$200,000, to the Board of Directors of the Morningside Volunteer Fire Department, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Morningside Volunteer Fire Department facility, including the establishment of a job training facility, located in Prince George’s County, subject to a requirement that the grantee provide and expend a matching fund of \$55,000. 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) 200,000

- (BK) Prince George’s County Public Schools Electronic Signs. Provide a grant of \$105,000 to the Board of Education of Prince George’s County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of electronic signs for Crossland High School, Potomac High School, and Thurgood Marshall Middle School, located in Prince George’s County (Prince George’s County) 105,000

- (BL) University Park Town Hall. Provide a grant of \$150,000, to the Mayor and Town Council of the Town of University Park for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the University Park Town Hall facility, located in Prince George’s County, subject to a requirement that the grantee provide and expend a matching fund of \$40,000 (Prince George’s County) 150,000

- (BM) Upper Marlboro Welcome 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 Board of Town Commissioners of the Town of Upper Marlboro for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Old Stone Building to be the Upper Marlboro Welcome Center, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the

	<u>matching fund may consist of real property or in kind contributions (Prince George’s County)</u>	<u>175,000</u>
<u>(BN)</u>	<u>VFW Free State Post 8950 Aquaculture Training Center. Provide a grant equal to the lesser of (i) \$75,000 \$50,000 or (ii) the amount of the matching fund provided, to the Board of Governors of Free State Post 8950, Incorporated Veterans of Foreign Wars for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the United States for VFW Free State Post 8950, located in Prince George’s County. 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>75,000 50,000</u>
<u>(BO)</u>	<u>Queen Anne’s County High Schools Synthetic Turf Fields. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Board of County Commissioners of Queen Anne’s County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of synthetic turf fields at Queen Anne’s County High School and Kent Island High School, located in Queen Anne’s County (Queen Anne’s County)</u>	<u>250,000</u>
<u>(BP)</u>	<u>Crisfield Customs House. 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 Crisfield Heritage Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Crisfield Customs House building, located in Somerset 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 (Somerset County)</u>	<u>60,000</u>
<u>(BQ)</u>	<u>Three Notch Theater. Provide a grant equal to the lesser of (i) \$50,000 \$0 or (ii) the amount of the matching fund provided, to the Board of Directors of The Newtowne Players, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Three Notch Theater facility, including improvements to the parking lot, located in St. Mary’s County. 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 (St. Mary’s County)</u>	<u>50,000</u>

- (BQ-1) American Legion Post 77. Provide a grant of \$50,000, to the Board of Directors of The American Legion, Department of Maryland, Blake-Blackston Post No. 77, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the American Legion Post 77 building, located in Talbot County, subject to a requirement that the grantee provide and expend a matching fund of \$271,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Talbot County) 50,000
- (BR) Boonsboro Parking Lot. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of Boonsboro for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Town of Boonsboro parking lot, located in Washington County (Washington County) 25,000
- (BS) Hagerstown Elks Lodge No. 378. Provide a grant equal to the lesser of (i) \$23,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Hagerstown Lodge No. 378 of Benevolent and Protective Order of Elks of Hagerstown for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new HVAC system at the Hagerstown Elks Lodge No. 378 facility, located in Washington County (Washington County) 23,000
- (BT) Vietnam War Veterans Monument. 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 The Joint Veterans Council of Washington County, Maryland, Inc. and the Mayor and City Council of the City of Hagerstown for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a Vietnam War Veterans Monument, located in Washington County (Washington County) 30,000
- (BU) YMCA Hagerstown. 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 Young Men’s Christian Association of Hagerstown, Maryland, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the indoor pools at the Hagerstown YMCA, located in Washington

County (Washington County) 50,000

(BV) Fruitland Park. Provide a grant equal to the lesser of (i) \$14,000 or (ii) the amount of the matching fund provided, to the City Council of the City of Fruitland for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the concession stand and pavilion facility at the Fruitland Park, located in Wicomico County (Wicomico County) 14,000

(BW) Delmarva Discovery Center and Museum. 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 the Delmarva Discovery Center & Museum, Inc. and the Mayor and City Council of the City of Pocomoke for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Delmarva Discovery Center and Museum, including improvements to the river otter exhibit, located in Worcester County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Worcester County) 26,000

ZB02 LOCAL JAILS AND DETENTION CENTERS

(A) Anne Arundel County Central Holding and Processing Center. Provide a grant to the County Executive and the County Council of Anne Arundel County to complete construction and equipping of 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) 1,715,000

(B) Calvert County Detention Center Site and Security Improvements. Provide a grant to the County Commissioners of Calvert County to design and construct security and site improvements at the Calvert County Detention Center (Calvert County) 249,000

(C) Queen Anne’s County Detention Center Additions and Renovations. Provide a grant to the County Commissioners of Queen Anne’s County to begin designing renovations and additions to the Queen Anne’s County Detention Center, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Queen Anne’s County) 678,000

(D) St. Mary’s County Adult Detention Center Upgrades, Housing, and Medical Units. Provide a grant to the County

Commissioners of St. Mary’s County to begin constructing 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)	5,511,000
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(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, 2021, 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, 2021, 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 above, 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, 2021, 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 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 real property that is individually listed in, or eligible for individual listing in, the Maryland Register of Historic Properties, unless the Director of the Trust also determines that the real property:

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

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

(iii) 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, substance, and duration 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, 2026. If any funds authorized by this Act remain unexpended or unencumbered after June 1, 2026, 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 above 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 above 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 above.

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

Chapter 485 of the Acts of 2009, as amended by Chapter 444 of the Acts of 2012

Section 1(3)

QD00 PATUXENT INSTITUTION
(Howard County)

(A) Fire Safety Improvements and Window Replacements. Provide funds to design, construct, and equip fire safety improvements for the Diagnostic Center Building and to replace windows and doors at the Defective Delinquent Building. **NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS AUTHORIZATION MAY NOT TERMINATE PRIOR TO JUNE 1, 2021** 10,281,000

Chapter 396 of the Acts of 2011

Section 1(3)

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

QB04.02 MARYLAND CORRECTIONAL TRAINING CENTER
(Washington County)

(A) Housing Unit Windows and Heating Systems. Provide funds to construct replacements for the windows and heating systems in Housing Units 1 and 2 at the Maryland Correctional

Training Center in Hagerstown. Any funds not needed for these improvements may be used to design and construct replacement for the windows and heating systems of Housing Units 3 through 6. **NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS AUTHORIZATION MAY NOT TERMINATE PRIOR TO JUNE 1, 2021** 9,729,000

Chapter 444 of the Acts of 2012

Section 1(3)

DE02.02 PUBLIC SCHOOL CONSTRUCTION
(Statewide)

(B) Aging Schools Program. Provide additional grants to be distributed to local boards of education. **NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS AUTHORIZATION MAY NOT TERMINATE PRIOR TO JUNE 1, 2021.** Notwithstanding § 5–206(f)(2)(ii) of the Education Article, for fiscal year 2013, the distribution to local boards of education shall be as follows:

(1)	Allegany County	497,984
(2)	Anne Arundel County	2,576,913
(3)	Baltimore City	7,067,769
(4)	Baltimore County	4,451,853
(5)	Calvert County	194,996
(6)	Caroline County	254,993
(7)	Carroll County	698,978
(8)	Cecil County	488,986
(9)	Charles County	254,993
(10)	Dorchester County	194,996
(11)	Frederick County	929,972
(12)	Garrett County	194,996

(13)	Harford County	1,106,966	
(14)	Howard County	446,984	
(15)	Kent County	194,996	
(16)	Montgomery County	3,068,898	
(17)	Prince George’s County	6,158,798	
(18)	Queen Anne’s County	254,993	
(19)	St. Mary’s County	254,993	
(20)	Somerset County	194,996	
(21)	Talbot County	194,996	
(22)	Washington County	686,976	
(23)	Wicomico County	542,980	
(24)	Worcester County	194,996	31,109,000

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

QB06.04 DORSEY RUN CORRECTIONAL FACILITY (Anne Arundel County)

- (A) 560–Bed Minimum Security Compound. Provide funds to equip a new 560–bed minimum security compound at Dorsey Run Correctional Facility. **NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS AUTHORIZATION MAY NOT TERMINATE PRIOR TO JUNE 1, 2021** 1,200,000

RB36 UNIVERSITY SYSTEM OF MARYLAND OFFICE (Statewide)

- (A) Facilities Renewal Program. Provide funds to design, renovate, construct, and equip various facilities renewal projects on University System of Maryland campuses across the State. Further provided that \$1,500,000 of this appropriation may only be used to replace the air conditioning system in the James Gymnasium at Bowie State University. **NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS AUTHORIZATION MAY**

NOT TERMINATE PRIOR TO JUNE 1, 2021 10,000,000

RC00 BALTIMORE CITY COMMUNITY COLLEGE
(Baltimore City)

(A) Main Building Renovation – Administration Wing – Liberty Campus. Provide funds to renovate and equip the Administration Wing of the Main Building, provided that \$450,000 of this appropriation made for the purpose of funding capital equipment may not be encumbered or expended until the college submits a report to the budget committees that provides two independent appraisals of the land that is subject to negotiations in the Harbor Campus redevelopment. Further provided that the report shall also include an estimate of the value of rent payments that could be received from redeveloping the property into retail and office space in the manner proposed by the college. The report shall include a justification for redeveloping the land as opposed to selling the property outright. The budget committees shall have 45 days from the date of receipt of the report to review and comment.

Further provided that it is the intent of the General Assembly that when Baltimore City Community College begins to collect revenue from the sale or redevelopment of the Harbor Campus, the college’s operating budget funding formula should be revised to account for the new non–State revenue stream. **NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS AUTHORIZATION MAY NOT TERMINATE PRIOR TO JUNE 1, 2021**

6,686,000

RM00 MORGAN STATE UNIVERSITY
(Baltimore City)

(A) New School of Business Complex and Connecting Bridge. Provide funds to design and begin construction a new School of Business Complex and Connecting Bridge, 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. **NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS AUTHORIZATION MAY NOT TERMINATE PRIOR TO JUNE 1, 2021**

20,685,000

(B) Facilities Renewal Projects. Provide funds to design, construct, and equip facilities renewal projects at Morgan State University. **NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS AUTHORIZATION MAY NOT TERMINATE PRIOR**

TO JUNE 1, 2021 5,000,000

Chapter 444 of the Acts of 2012, as amended by Chapter 463 of the Acts of 2014

Section 1(3)

RB22 UNIVERSITY OF MARYLAND, COLLEGE PARK
(Prince George’s County)

- (A) Physical Sciences Complex. Provide funds to complete construction and equip Phase I of a new Physical Sciences Complex to provide modern laboratory and office space for the Department of Physics, the Department of Astronomy, and the Institute for Physical Sciences and Technology [27,550,000]
27,261,766

Chapter 444 of the Acts of 2012, as amended by Chapter 463 of the Acts of 2014, Chapter 495 of the Acts of 2015, Chapter 27 of the Acts of 2016, Chapter 22 of the Acts of 2017, and Chapter 9 of the Acts of 2018

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 2012 in the total principal amount of [\$1,102,163,767] **\$1,100,833,155**. 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 444 of the Acts of 2012, as amended by Chapter 27 of the Acts of 2016 and Chapter 22 of the Acts of 2017

Section 1(3)

DH01.04 MILITARY DEPARTMENT

- (A) Dundalk Readiness Center – Alteration and Addition. Provide funds for land acquisition, design, and construction of alterations and an addition to the Dundalk Readiness Center (Baltimore County) [4,841,000]
4,598,622

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

of the Acts of 2016 and Chapter 9 of the Acts of 2018

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

[31,225,000]
30,425,000

Chapter 424 of the Acts of 2013

Section 1(3)

DH01.04 MILITARY DEPARTMENT

(A) Gunpowder Military Reservation Firing Range. Provide funds to design and construct renovations to the firing range facility at Gunpowder Military Reservation Training Site (Baltimore County)

[1,382,000]
1,222,001

RB22 UNIVERSITY OF MARYLAND, COLLEGE PARK
(Prince George’s County)

(B) Physical Sciences Complex. Provide funds to equip Phase I of a new Physical Sciences Complex to provide modern laboratory and office space for the Department of Physics, the Department of Astronomy, and the Institute for Physical Sciences and Technology

[5,300,000]
5,062,934

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, Chapter 22 of the Acts of 2017, and Chapter 9 of the Acts of 2018

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 **[\$1,100,248,871]** **\$1,099,347,145**. 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 27 of the Acts of 2016 and Chapter 22 of the Acts of 2017

Section 1(3)

RB26 FROSTBURG STATE UNIVERSITY
(Allegany County)

- (A) New Center for Communications and Information Technology. Provide funds to construct and equip a new Center for Communications and Information Technology **[7,843,000]**
7,549,035

Chapter 424 of the Acts of 2013, as amended by Chapter 9 of the Acts of 2018

Section 1(3)

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 **[1,134,000]**
923,304

Chapter 463 of the Acts of 2014, as amended by Chapter 495 of the Acts of 2015, Chapter 27 of the Acts of 2016, Chapter 22 of the Acts of 2017, and Chapter 9 of the Acts of 2018

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 **[\$1,175,175,528]** **\$1,175,026,207**. 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 9 of the Acts of 2018

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 [17,570,875]
17,421,554

Chapter 495 of the Acts of 2015, as amended by Chapter 27 of the Acts of 2016, Chapter 22 of the Acts of 2017, and Chapter 9 of the Acts of 2018

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 [~~\$1,062,812,874~~ **\$1,062,600,533**]. 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 495 of the Acts of 2015, as amended by Chapter 9 of the Acts of 2018

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, complete design and construction, and equip the new Anne Arundel Hall [10,072,740]
9,860,399

ZA01 MARYLAND HOSPITAL ASSOCIATION

(A) **[Adventist Behavioral Health] ADVENTIST HEALTHCARE HOSPITAL SHADY GROVE MEDICAL CENTER.** Provide a grant to the Board of Trustees of Adventist HealthCare, Inc., d.b.a., **[Adventist Behavioral Health] ADVENTIST HEALTHCARE HOSPITAL SHADY GROVE MEDICAL CENTER** 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

Chapter 27 of the Acts of 2016

Section 1(3)

ZA00 MISCELLANEOUS GRANT PROGRAMS

(H) Maryland Independent College and University Association – Capitol Technology University. Provide a grant equal to the lesser of (i) \$1,600,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Capitol Technology University for the design, construction, and equipping of a Living and Learning Center, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of 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) [1,600,000]
0

ZA01 MARYLAND HOSPITAL ASSOCIATION

(A) **[Adventist Behavioral Health and Wellness] ADVENTIST HEALTHCARE HOSPITAL SHADY GROVE MEDICAL CENTER.** Provide a grant to the Board of Directors of Adventist HealthCare, Inc., d.b.a., **[Adventist Behavioral Health and Wellness] ADVENTIST HEALTHCARE HOSPITAL SHADY GROVE MEDICAL CENTER** to assist with renovations to provide space for psychological and physical 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. (Montgomery County) 392,000

Chapter 27 of the Acts of 2016, as amended by Chapter 22 of the Acts of 2017 and Chapter 9 of the Acts of 2018

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 ~~[\$976,030,199]~~ ~~\$974,430,199~~ **\$971,430,199**. 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.

Chapter 27 of the Acts of 2016, as amended by Chapter 9 of the Acts of 2018

Section 1(3)

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)..... [4,168,000] 1,168,000

Chapter 9 of the Acts of 2018

Section 1(3)

B75A01

GENERAL ASSEMBLY OF MARYLAND

(A) 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 [2,000,000]
0

DA03 **MARYLAND STADIUM AUTHORITY**

(A) **DEPARTMENT OF LEGISLATIVE SERVICES BUILDING RENOVATION. PROVIDE FUNDS TO START THE PLANNING AND DESIGN OF RENOVATIONS TO THE DEPARTMENT OF LEGISLATIVE SERVICES BUILDING (ANNE ARUNDEL COUNTY).....** **2,000,000**

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 commence on this project prior to the appropriation of all funds necessary to complete this project** **[45,764,000]**
20,764,000

SA25 **DIVISION OF DEVELOPMENT FINANCE**
(Statewide)

(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** **[0]**
25,000,000

ZA00 **MISCELLANEOUS GRANT PROGRAMS**

(Z) **Maryland Independent College and University Association – Washington College. Provide a grant equal to the lesser of (i) \$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 CAPITAL equipping of a new academic building [adjacent to the Barbara and George Cromwell Hall] TO HOUSE THE DEPARTMENT OF THE ENVIRONMENT AND OTHER SCIENCE PROGRAMS, 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)** **4,000,000**

[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 2019 in total principal amount of \$323,174,000. 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	<p>HISTORIC ST. MARY’S CITY COMMISSION (St. Mary’s County)</p>	
(A)	Maryland Dove. Provide funds for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a replica vessel, the Maryland Dove	2,500,000
(B)	Maryland Heritage Interpretive Center. Provide funds to design, construct, and capital equip the Maryland Heritage Interpretive Center	10,000,000
DE02.01	<p>BOARD OF PUBLIC WORKS STATE GOVERNMENT CENTER – ANNAPOLIS (Anne Arundel County)</p>	
(A)	Lawyer’s Mall. Provide funds to design and construct the replacement of underground infrastructure and utilities, as well as associated site work, in and near Lawyer’s Mall	6,000,000
DH01.04	<p>MILITARY DEPARTMENT (Carroll County)</p>	
(A)	Freedom Readiness Center. Provide funds to complete construction of a new Army National Guard Readiness Center in Sykesville	3,015,000

DEPARTMENT OF PLANNING

DW01.08 JEFFERSON PATTERSON PARK AND MUSEUM
(Calvert County)

(A) Patterson Center Renovations. Provide funds to complete construction of renovations to the Patterson Center at the Jefferson Patterson Park and Museum 3,762,000

FB04 DEPARTMENT OF INFORMATION TECHNOLOGY
(Statewide)

(A) Public Safety Communications System. Provide funds to complete construction of a statewide unified public safety radio communications system 21,740,000

DEPARTMENT OF AGRICULTURE

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

(A) Salisbury Animal Health Laboratory Replacement. Provide funds to complete construction of a replacement animal health laboratory in Salisbury 11,530,000

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 continue demolition of the buildings at the Baltimore City Correctional Complex, 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 18,816,000

UNIVERSITY SYSTEM OF MARYLAND

RB21 UNIVERSITY OF MARYLAND, BALTIMORE
(Baltimore City)

(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

RB22 UNIVERSITY OF MARYLAND, COLLEGE PARK
(Prince George's County)

(A) New Cole Field House. Provide funds to complete construction of a human performance and academic research facility 3,941,000

(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

RB23 BOWIE STATE UNIVERSITY
(Prince George's County)

(A) 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 5,000,000

RB24 TOWSON UNIVERSITY
(Baltimore County)

(A) Science Facility. Provide funds to complete construction of a new Science Facility 66,225,000

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 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 Anne’s
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 youths 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 \$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

UNIVERSITY SYSTEM OF MARYLAND

RB22 UNIVERSITY OF MARYLAND, COLLEGE PARK
(Prince George’s County)

(A) School of Public Policy Building. Provide funds to complete construction of the School of Public Policy Building 2,100,000

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 15,152,000

- (1) Anne Arundel Community College – Health Sciences and Biology Building (Anne Arundel County) 15,152,000

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 273,000

- (1) Eastern Correctional Institution – Co-Generation Plant Upgrades (Somerset County) 273,000

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 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(1)

SA25 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 **[25,000,000]**
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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]**
26,500,000

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 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 matching funds has been or is being used for a purpose prohibited by this Act.

SECTION 11. AND BE IT FURTHER ENACTED, That the Comptroller may advance funds to any loan funds account established pursuant to a general obligation bond loan enabling Act for any expenditure authorized by that Act, provided that if general obligation bonds have not been issued under the authority of that Act, the next ensuing sale of general obligation bonds shall include the issuance of bonds under the authority of that Act in an amount at least equivalent to the amount of the funds so advanced.

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 2020 in total principal amount of ~~\$254,195,000~~ ~~\$274,501,000~~ ~~\$330,201,000~~ \$342,201,000. 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 7,500,000

MILITARY DEPARTMENT

DH01.04 MILITARY DEPARTMENT
(Harford County)

(A) Havre de Grace CSMS Automotive and Surface Equipment Maintenance Facility. Provide funds to continue construction of a new Army National Guard Surface Equipment and Automotive Maintenance Facility within the Combined Support Maintenance Shop Complex at the Havre de Grace State Military Reservation, 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 4,784,000

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 8,000,000

DEPARTMENT OF NATURAL RESOURCES

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 ... 3,000,000

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

QR02.02

MARYLAND CORRECTIONAL TRAINING CENTER

(Washington County)

- (A) Housing Unit Windows and Steam Heating System. Provide funds to complete construction of the replacement of windows and heating systems for housing units at the Maryland Correctional Training Center 5,000,000

QS01.01

DIVISION OF CORRECTIONS

(Anne Arundel County)

- (A) Jessup Region Electrical Infrastructure Upgrade. Provide funds to complete construction of upgrades to the electrical infrastructure servicing correctional facilities, support buildings, and offices in the Jessup region..... 6,460,000

QS02.08

EASTERN CORRECTIONAL INSTITUTION

(Somerset County)

- (A) Hot Water and Steam System Improvements. Provide funds to construct a replacement high temperature hot water system, mechanical room renovations, and other hot water and steam improvements at the Eastern Correctional Institution, 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 9,211,000

QT04

DIVISION OF PRETRIAL DETENTION

(Baltimore City)

- (A) Demolition of Buildings at the Baltimore City Correctional Complex. Provide funds to complete demolition of buildings at the Baltimore City Correctional Complex 5,101,000

UNIVERSITY SYSTEM OF MARYLAND

RB22	UNIVERSITY OF MARYLAND, COLLEGE PARK (Prince George’s County)	
(A)	School of Public Policy Building. Provide funds to complete construction of the School of Public Policy Building	2,500,000
(B)	<u>Chemistry Building Wing 1 Replacement. Provide funds to begin construction of the Chemistry Building Wing 1 Replacement</u>	<u>5,000,000</u>
RB25	UNIVERSITY OF MARYLAND EASTERN SHORE (Somerset County)	
(A)	School of Pharmacy and Health Professions. Provide funds to continue construction of a new building for the School of Pharmacy and Health Professions, 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	45,735,000
RB31	<u>UNIVERSITY OF MARYLAND BALTIMORE COUNTY</u> (Baltimore County)	
(A)	<u>Utility Upgrades and Site Improvements. Provide funds to continue construction to replace, repair, and upgrade utility systems and campus infrastructure, 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</u>	<u>6,440,000</u>
RB36	UNIVERSITY SYSTEM OF MARYLAND OFFICE (St. Mary’s County)	
(A)	Southern Maryland Regional Higher Education Center. Provide funds to continue construction of a third building on the Southern Maryland Higher Education Center Campus to provide academic and research laboratory space, 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	62,202,000
RC00	BALTIMORE CITY COMMUNITY COLLEGE (Baltimore City)	
(A)	Liberty Campus: Loop Road, Inner Loop and Entrance Improvements. Provide funds to complete construction of loop road and entrance improvements at Baltimore City	

Community College’s Liberty Campus	3,749,000
	<u>4,749,000</u>

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

(A)	Academic Building and Auditorium. Provide funds to continue construction of a new academic building and auditorium, 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	28,200,000
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RI00 MARYLAND HIGHER EDUCATION COMMISSION

(A)	Community College Construction 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	60,260,000
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(1)	Allegany College of Maryland – Technology Building Renovation, Phase 2 (Allegany County).....	4,161,000
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(2)	Anne Arundel Community College – Health Sciences and Biology Building (Anne Arundel County)	19,994,000
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(3)	College of Southern Maryland – Hughesville Center for Health Sciences – Hughesville Regional Campus (Regional)	3,000,000
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(4)	Hagerstown Community College – Center for Business and Entrepreneurial Studies (Washington County)	1,001,000
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(5)	Montgomery College – Catherine and Isiah Leggett Math and Science Building (Montgomery County)	23,000,000
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(6)	Prince George’s Community College	
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– Marlboro Hall Renovation and
 Addition (Prince George’s
 County) 9,104,000

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 4,761,000

(B) Convocation Center. Provide funds for the design of a new
 Convocation Center 5,000,000

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 continue 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 7,732,000

(1) New Germany State Park – Water
 and Wastewater Treatment Plants
 and Water Collection System
 Upgrades (Garrett County) 2,359,000

(2) Swallow Falls State Park – Water
 and Wastewater Treatment Plant
 Improvements (Garrett County) 3,373,000

(3) Woodstock – Wastewater
 Treatment Plant Upgrades
 (Baltimore County) 2,000,000

WA01 DEPARTMENT OF STATE POLICE

(A) New Cumberland Barrack and Garage. Provide funds to
 complete construction and equipping of a new Cumberland

	<u>Barrack and Garage (Allegany County)</u>	<u>1,866,000</u>
ZA00	MISCELLANEOUS GRANT PROGRAMS (Garrett County)	
(A)	Garrett College – Community Education and Performing Arts Center. Provide a grant to the Board of Trustees of Garrett Community College, Inc. d.b.a. Garrett College for the design, construction, and equipping of renovations and an expansion to the 800 Building on Garrett College’s main campus, which will become the Community Education and Performing Arts Center <u>(Garrett County)</u>	<u>5,500,000</u>
(B)	<u>The League for People with Disabilities – Facility Upgrade. Provide a grant to the Board of Directors of the League for People with Disabilities Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of an expansion at the Cold Spring Lane facility (Baltimore City)</u>	<u>4,500,000</u>
(C)	<u>Downtown Frederick Hotel and Conference Center Public Amenities. Provide a grant to the Mayor and Board of Aldermen of the City of Frederick for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of public amenities associated with the development of a new Downtown Frederick Hotel and Conference Center, located in the City of Frederick (Frederick County)</u>	<u>1,500,000</u> <u>2,500,000</u>
(D)	<u>Round House Theatre. Provide a grant 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>1,500,000</u>
(E)	<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>
(F)	<u>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</u>	

	<u>(Howard County)</u>	<u>2,000,000</u>
<u>(G)</u>	<u>Prince George’s County Public High School Athletic Facilities. Provide a grant to the Prince George’s County Office of the County Executive for the planning, design, construction, repair, renovation, reconstruction, site work, and capital equipping of athletic facilities at Prince George’s County public high schools (Prince George’s County)</u>	<u>3,000,000</u>
<u>(H)</u>	<u>Johns Hopkins Medicine New Medical Research Building Children’s Medical and Surgical Center and North Tower Annex. Provide a grant to the Board of Trustees of the Johns Hopkins Health System for the planning, design, construction, repair, renovation, reconstruction, and capital equipping for a new medical research building to house the Children’s Medical and Surgical Center including the North Tower Annex (Baltimore City)</u>	<u>12,000,000</u>
<u>(I)</u>	<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>1,500,000</u>
<u>(J)</u>	<u>Prince George’s County Amphitheatre at Central Park. Provide a grant to the Maryland National Capital Park and Planning Commission for the design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new amphitheatre located at Central Park (Prince George’s County)</u>	<u>14,000,000</u>
<u>(K)</u>	<u>Ripken Stadium. Provide funds to the Maryland Stadium Authority for the planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping to Ripken Stadium located in Harford County, provided these funds may not be expended until the Maryland Stadium Authority and the City of Aberdeen enter into a memorandum of understanding that sets forth the financial commitment from the City of Aberdeen for the project (Harford County)</u>	<u>700,000</u>
<u>(L)</u>	<u>Bay Sox Stadium. Provide a grant to the Maryland National Capital Park and Planning Commission for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of infrastructure improvements at the Bay Sox Stadium, also</u>	

	<i>known as Prince George’s Stadium (Prince George’s County) ...</i>	<u>1,000,000</u>
<u>(M)</u>	<u><i>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)</i></u>	<u>2,000,000</u>
<u>(N)</u>	<u><i>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 a new surgical town and infrastructure improvements at MedStar Franklin Square Hospital Center (Baltimore County)</i></u>	<u>3,500,000</u>
<u>(O)</u>	<u><i>Sinai Hospital of Baltimore. Provide a grant to the Board of Directors of Sinai Hospital of Baltimore, Inc. for the planning, design, construction, repair, renovation, and capital equipping of a community primary and specialty care complex (Baltimore City)</i></u>	<u>1,000,000</u>
<u>(P)</u>	<u><i>City of Gaithersburg – New Police Station. Provide a grant to the Mayor and City Council of the City of Gaithersburg for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new Gaithersburg Police Station (Montgomery County)</i></u>	<u>1,000,000</u>
<u>(Q)</u>	<u><i>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, including fabrication and installation of exhibits (Baltimore City)</i></u>	<u>1,000,000</u>

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 2021 in total principal amount of ~~\$89,543,000~~ ~~\$95,068,000~~ \$102,568,000. 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 7,500,000

MILITARY DEPARTMENT

DH01.04 MILITARY DEPARTMENT
(Harford County)

(A) Havre de Grace CSMS Automotive and Surface Equipment Maintenance Facility. Provide funds to complete construction of a new Army National Guard Surface Equipment and Automotive Maintenance Facility within the Combined Support Maintenance Shop Complex at the Havre de Grace State Military Reservation 4,784,000

QS02.08 EASTERN CORRECTIONAL INSTITUTION
(Somerset County)

(A) Hot Water and Steam System Improvements. Provide funds to construct a replacement high temperature hot water system, mechanical room renovations, and other hot water and steam improvements at the Eastern Correctional Institution, 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 8,459,000

UNIVERSITY SYSTEM OF MARYLAND

RB25 UNIVERSITY OF MARYLAND EASTERN SHORE
(Somerset County)

(A) School of Pharmacy and Health Professions. Provide funds to complete construction of a new building for the School of Pharmacy and Health Professions 23,600,000

RB31	<u>UNIVERSITY OF MARYLAND BALTIMORE COUNTY</u> (Baltimore County)	
(A)	<u>Utility Upgrades and Site Improvements. Provide funds to continue construction to replace, repair, and upgrade utility systems and campus infrastructure</u>	<u>5,525,000</u>
RB36	UNIVERSITY SYSTEM OF MARYLAND OFFICE (St. Mary's County)	
(A)	Southern Maryland Regional Higher Education Center. Provide funds to complete construction of a third building on the Southern Maryland Higher Education Center Campus to provide academic and research laboratory space.....	3,229,000
RD00	ST. MARY'S COLLEGE OF MARYLAND (St. Mary's County)	
(A)	Academic Building and Auditorium. Provide funds to complete construction of a new academic building and auditorium	17,033,000
RI00	MARYLAND HIGHER EDUCATION COMMISSION (Statewide)	
(A)	Community College Construction 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	31,154,000
	(1) Allegany College of Maryland – Technology Building Renovation, Phase 2 (Allegany County)	1,401,000
	(2) Montgomery College – Catherine and Isiah Leggett Math and Science Building (Montgomery County)	6,121,000
	(3) Prince George's Community College – Marlboro Hall Renovation and Addition (Prince George's County)	23,632,000

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 continue 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 1,284,000
 - (1) Eastern Correctional Institution – Co-Generation Plant Upgrades (Somerset County) 273,000
 - (2) New Germany State Park – Water and Wastewater Treatment Plants and Water Collection System Upgrades (Garrett County) 1,011,000

SECTION 14. 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 2022 in total principal amount of \$16,647,000. 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:

QS02.08 EASTERN CORRECTIONAL INSTITUTION (Somerset County)

(A) Hot Water and Steam System Improvements. Provide funds to construct a replacement high temperature hot water system, mechanical room renovations, and other hot water and steam improvements at the Eastern Correctional Institution 8,459,000

RI00 MARYLAND HIGHER EDUCATION COMMISSION

(A) Community College Construction 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 8,188,000

(1) Prince George’s Community College – Marlboro Hall Renovation and Addition (Prince George’s County) 8,188,000

SECTION 15. AND BE IT FURTHER ENACTED, That the net new debt to be authorized by legislation in fiscal year 2020 may not exceed \$1,085,000,000 as evidenced by the following:

FY 2020 debt to be authorized by this Act	1,080,194,000 <u>1,092,194,000</u>
Subtotal	1,080,194,000 <u>1,092,194,000</u>
Reductions in previously authorized State Debt made in this bill	4,194,000 <u>7,194,000</u>
New debt to be authorized in FY 2020.....	1,085,000,000

SECTION 16. AND BE IT FURTHER ENACTED, That Section 12 of this Act shall take effect June 1, 2020.

SECTION 17. AND BE IT FURTHER ENACTED, That Section 13 of this Act shall take effect June 1, 2021.

SECTION 18. AND BE IT FURTHER ENACTED, That Section 14 of this Act shall take effect June 1, 2022.

SECTION 19. AND BE IT FURTHER ENACTED, That, except as provided in Sections 16, 17, and 18 of this Act, this Act shall take effect June 1, 2019.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 5, 2019.

Chapter 15

(House Bill 626)

AN ACT concerning

Health Care Facilities – Change in Bed Capacity – Certificate of Need Exemption

FOR the purpose of exempting an increase or decrease in bed capacity from the certificate of need requirement if the increase or decrease will occur in a certain intermediate care facility, or a certain general hospice program,~~or a certain hospital with acute psychiatric beds under certain circumstances~~ and certain written notice is filed with the Maryland Health Care Commission at least a certain number of days before increasing or decreasing bed capacity; requiring the Commission to review a certain chapter of the State Health Plan and, under certain circumstances, report to certain committees of the General Assembly on or before a certain date; making a technical change; making this Act an emergency measure; and generally relating to certificates of need for a change in bed capacity.

BY repealing and reenacting, with amendments,
 Article – Health – General
 Section 19–120(h)
 Annotated Code of Maryland
 (2015 Replacement Volume and 2018 Supplement)

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

Article – Health – General

19–120.

(h) (1) A certificate of need is required before the bed capacity of a health care facility is changed.

(2) This subsection does not apply to any increase or decrease in bed capacity if:

(i) For a health care facility that is not a hospital, during a 2–year period the increase or decrease would not exceed the lesser of 10 percent of the total bed capacity or 10 beds;

(ii) 1. The increase or decrease would change the bed capacity for an existing medical service; and

2. A. The change would not increase total bed capacity;

B. The change is maintained for at least a 1–year period; and

C. At least 45 days prior to the change, the hospital provides written notice to the Commission describing the change and providing an updated inventory of the hospital’s licensed bed complement;

(iii) 1. At least 45 days before increasing or decreasing bed capacity, written notice of intent to change bed capacity is filed with the Commission;

2. The Commission in its sole discretion finds that the proposed change:

A. Is pursuant to the consolidation or merger of two or more health care facilities, or conversion of a health care facility or part of a facility to a nonhealth–related use;

B. Is not inconsistent with the State health plan or the institution–specific plan developed by the Commission;

C. Will result in the delivery of more efficient and effective health care services; and

D. Is in the public interest; and

3. Within 45 days of receiving notice, the Commission notifies the health care facility of its finding; [or]

(iv) The increase or decrease in bed capacity is the result of the annual licensed bed recalculation provided under § [19–307] **19–307.2** of this title; **OR**

(V) 1. THE INCREASE OR DECREASE IN BED CAPACITY WILL OCCUR IN:

A. AN INTERMEDIATE CARE FACILITY THAT OFFERS RESIDENTIAL OR INTENSIVE SUBSTANCE–RELATED DISORDER TREATMENT SERVICES AND HAS A CURRENT LICENSE ISSUED BY THE SECRETARY; OR

B. AN EXISTING GENERAL HOSPICE PROGRAM THAT HAS A CURRENT LICENSE ISSUED BY THE SECRETARY; ~~OR~~ AND

~~C. A HOSPITAL WITH ACUTE PSYCHIATRIC BEDS THAT HAS A CURRENT LICENSE ISSUED BY THE SECRETARY, IF THE CHANGE IN BED CAPACITY RESULTS IN AN INCREASE OR DECREASE IN BED CAPACITY ONLY FOR ACUTE PSYCHIATRIC CARE; AND~~

2. AT LEAST 45 DAYS BEFORE INCREASING OR DECREASING BED CAPACITY, WRITTEN NOTICE OF THE INTENT TO CHANGE BED CAPACITY IS FILED WITH THE COMMISSION.

SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Health Care Commission shall:

(1) review the chapter of the State Health Plan on Psychiatric Services; Emergency Medical Services; and

(2) if regulations are not adopted that update the chapter of the State Health Plan on Psychiatric Services; Emergency Medical Services on or before December 30, 2019, provide a report on the review required under item (1) of this section to the Senate Finance Committee and House Health and Government Operations Committee in accordance with § 2-1246 of the State Government Article on or before December 30, 2019.

SECTION ~~2~~ 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.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 5, 2019.

Chapter 16

(House Bill 1407)

AN ACT concerning

Budget Reconciliation and Financing Act of 2019

FOR the purpose of authorizing ~~or altering~~, *altering, or requiring* the distribution of certain revenue; altering certain required appropriations; *specifying that the requirement to waive a certain fee for the filing of certain documents by certain business entities shall*

begin in a certain fiscal year; expanding the uses of certain funds; specifying that certain money received by a certain department is included as a revenue source for a certain Fund; altering the cap on a certain adjustment to a certain revenue estimate relating to nonwithholding income tax revenues; requiring the budget books to include certain data and the results of certain calculations used to calculate certain State education aid; requiring a supplemental budget bill that includes a certain appropriation to include certain data and the results of certain calculations used to calculate certain State education aid; requiring, for a certain fiscal year, the distribution of certain revenues to a certain Fund to be used for a certain purpose; requiring the Governor to include in the budget bill submitted at a certain General Assembly session an appropriation equal to a certain amount to be used for a certain purpose; repealing the authority of a certain Commission to adjust, under certain circumstances, the distribution of proceeds from video lottery terminals in Baltimore City, Anne Arundel County, and Cecil County; requiring a certain certification to be included in a certain major capital project request; altering, for a certain fiscal year, a certain budgeted Medicaid Deficit Assessment; requiring a certain amount of money to be available in a certain Fund at the end of a certain fiscal year to be used for a certain purpose; authorizing the Governor to process a certain budget amendment to appropriate certain revenues to be used for a certain purpose if a certain condition is met; authorizing the transfer of certain funds; requiring the transfer of certain funds; requiring certain funds to be transferred in accordance with a certain provision of law; making a stylistic change; and generally relating to the financing of State and local government.

BY repealing and reenacting, without amendments,

Article – Corporations and Associations

Section 1-203(b)(3)(ii)

Annotated Code of Maryland

(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Corporations and Associations

Section 1-203(b)(13)

Annotated Code of Maryland

(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Education

Section 6-117.1(a)(1) and (3)

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 6-117.1(e)(1)

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Labor and Employment

Section 10–301(a) and (c)

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 10–314

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section ~~3A–309(a), (b), (e), (h), and (i) and 6–104(a)(1), 6–104(a)(1), 7–115(a) and (b),~~

and 7–330(b), (c), and (f)

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section ~~3A–309(f) 3A–309(f) and (l) and 6–104(e), 6–104(e), 7–329, and 7–330(g) and~~

(i)

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

BY adding to

Article – State Finance and Procurement

Section 7–115(g) and 7–120

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section 9–1A–31(a)(1)

Annotated Code of Maryland

(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 9–1A–31(a)(2)

Annotated Code of Maryland

(2014 Replacement Volume and 2018 Supplement)

BY repealing

Article – State Government

Section 9–1A–37(c)
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 2–103.1(c)(6) and 3–216(b)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 3–216(a)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 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, Chapter 23 of the Acts of the General Assembly of 2017, and Chapter 10 of the Acts of the General Assembly of 2018
Section 16(c)

BY repealing and reenacting, with amendments,
Chapter 489 of the Acts of the General Assembly of 2015, as amended by Chapter 321 of the Acts of the General Assembly of 2016
Section 9(c)

BY adding to
Chapter 489 of the Acts of the General Assembly of 2015, as amended by Chapter 321 of the Acts of the General Assembly of 2016
Section 9(d)

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) (3) (ii) Except as provided in paragraph (13) of this subsection, for each of the following documents which are filed but not recorded, the filing fee is as indicated:

Annual report of a Maryland corporation, except a charitable or benevolent institution, nonstock corporation, savings and loan corporation, credit union, family farm, and banking institution \$300

Annual report of a foreign corporation subject to the jurisdiction of this State, except a national banking association, savings and loan association, credit union, nonstock corporation, and charitable and benevolent institution..... \$300

Annual report of a Maryland savings and loan association, banking institution, or credit union or of a foreign savings and loan association, national banking association, or credit union that is subject to the jurisdiction of this State..... \$300

Annual report of a Maryland limited liability company, limited liability partnership, limited partnership, or of a foreign limited liability company, foreign limited liability partnership, or foreign limited partnership, except a family farm..... \$300

Annual report of a business trust..... \$300

Annual report of a real estate investment trust or foreign statutory trust doing business in this State \$300

Annual report of a family farm \$100

(13) [The] **BEGINNING IN FISCAL YEAR 2022, THE** Department shall waive the filing fee for a business entity described under paragraph (3)(ii) of this subsection for each year that the entity provides evidence to the Department that:

(i) The entity is required to comply with and is in compliance with Title 12 of the Labor and Employment Article; or

(ii) The entity otherwise provides an employer-offered savings arrangement, as defined in § 12-101(e) of the Labor and Employment Article, that is in compliance with federal law.

Article – Education

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, the Governor shall include in the annual budget bill an appropriation of \$3,000,000 for the Program.

(iii) For fiscal year 2020 and each fiscal year thereafter, the Governor shall include in the annual budget bill an appropriation of [\$5,000,000] **\$1,000,000** for the Program.

Article – Labor and Employment

10–301.

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

(c) “Fund” means the Uninsured Employers’ Fund.

10–314.

(a) The Fund shall consist of:

(1) the money credited to the Fund under Title 9 of this article;

(2) income from investments that the State Treasurer makes for the Fund;

and

(3) interest on deposits or investments of money from the Fund.

(b) The Director shall use the Fund to pay:

(1) each award under Title 9 of this article charged against the Fund;

(2) the amount that the Director authorizes for an expert or witness hired under § 10–310(c) of this subtitle;

(3) other proper charges that the Director authorizes; [and]

(4) whenever an employer who is self-insured in accordance with § 9–404 or § 9–405 of this article becomes insolvent, any outstanding obligations of the employer;
AND

(5) HEARING LOSS CLAIMS FOR RETIREES OF THE BETHLEHEM STEEL CORPORATION.

(c) The liability of the Board, Director, Fund, State Treasurer, and State for all proper charges against the Fund is limited to the assets of the Fund.

Article – State Finance and Procurement

3A–309.

- (a) There is a Major Information Technology Development Project Fund.
- (b) The purpose of the Fund is to support major information technology development projects.
- (e) Except as provided in subsection (f) of this section, the Fund consists of:
 - (1) money appropriated in the State budget to the Fund;
 - (2) as approved by the Secretary, money received from:
 - (i) the sale, lease, or exchange of communication sites, communication facilities, or communication frequencies for information technology purposes; or
 - (ii) an information technology agreement involving resource sharing;
 - (3) that portion of money earned from pay phone commissions to the extent that the commission rates exceed those in effect in December 1993;
 - (4) money received and accepted as contributions, grants, or gifts as authorized under subsection (c) of this section;
 - (5) general funds appropriated for major information technology development projects of any unit of State government other than a public institution of higher education that:
 - (i) are unencumbered and unexpended at the end of a fiscal year;
 - (ii) have been abandoned; or
 - (iii) have been withheld by the General Assembly or the Secretary;
 - (6) any investment earnings; and
 - (7) any other money from any source accepted for the benefit of the Fund.
- (f) The Fund does not include any money:
 - (1) received by the [Department of Transportation,] Maryland Transportation Authority[,] or **THE** Maryland Public Broadcasting Commission;
 - (2) received by the Judicial or Legislative branches of State government; or

(3) generated from pay phone commissions that are credited to other accounts or funds in accordance with other provisions of law or are authorized for other purposes in the State budget or through an approved budget amendment.

(h) Expenditures from the Fund shall be made only:

(1) in accordance with an appropriation approved by the General Assembly in the annual State budget; or

(2) through an approved State budget amendment under Title 7, Subtitle 2, Part II of this article, provided that a State budget amendment for any project not requested as part of the State budget submission or for any project for which the scope or cost has increased by more than 5% or \$250,000 shall be submitted to the budget committees allowing a 30-day period for their review and comment.

(i) The Fund may be used:

(1) for major information technology development projects;

(2) as provided in subsections (j) and (l) of this section; or

(3) notwithstanding § 3A-301(b)(2) of this subtitle, for the costs of the first 12 months of operation and maintenance of a major information technology development project.

(l) Notwithstanding subsection (b) of this section, [all] money paid into the Fund under subsection (e)(2) of this section [shall] MAY be used to support the State telecommunication and computer network established under § 3A-404 of this title, including program development for these activities.

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.

(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 the following percentage of total General Fund revenues:

1. [0.5%] ~~0.25%~~ 0.225% 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.

7–115.

(a) On submission of the budget bill to the presiding officers of the General Assembly, the Governor shall provide the supporting material specified in this section.

(b) The Governor shall provide budget books that include the information required in this section.

(G) THE BUDGET BOOKS SHALL INCLUDE SUPPORTING DATA AND THE RESULTS OF THE CALCULATIONS REQUIRED UNDER § 5–202(L) OF THE EDUCATION ARTICLE.

7–120.

ON SUBMISSION OF A SUPPLEMENTAL BUDGET BILL TO THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY THAT INCLUDES AN APPROPRIATION IN ACCORDANCE WITH § 5–202(L) OF THE EDUCATION ARTICLE, THE GOVERNOR SHALL PROVIDE SUPPORTING DATA AND THE RESULTS OF THE CALCULATIONS REQUIRED UNDER THAT SUBSECTION.

7–329.

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

(2) “Fund” means the Fiscal Responsibility Fund established under § 7–330 of this subtitle.

(3) (i) “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.

(ii) “Nonwithholding income tax revenues” does not include:

1. the county share of income tax quarterly estimated and final payments with returns made by individuals;
2. income tax payments made by corporations;
3. income tax refunds paid to individuals or corporations; or
4. income tax withholding.

(b) At the end of fiscal year 2020, and each fiscal year thereafter, if General Fund revenues for the fiscal year are less than the March estimate of the Board of Revenue Estimates, the amount of nonwithholding income tax revenues that exceeds the capped estimate determined under § 6–104(e) of this article shall be applied to close the gap in revenues for that fiscal year.

(B–1) AT THE END OF FISCAL YEAR 2020 ONLY, IF THE AMOUNT OF NONWITHHOLDING INCOME TAX REVENUES THAT EXCEEDS THE CAPPED ESTIMATE DETERMINED UNDER § 6–104(E) OF THIS ARTICLE EXCEEDS THE AMOUNT NECESSARY TO CLOSE THE GAP IN REVENUES UNDER SUBSECTION (B) OF THIS SECTION, THE STATE COMPTROLLER SHALL DISTRIBUTE THE REMAINDER TO THE FISCAL RESPONSIBILITY FUND ESTABLISHED UNDER § 7–330 OF THIS SUBTITLE FOR THE PURPOSE OF PROVIDING A ONE-TIME BONUS IN FISCAL YEAR 2021 COST-OF-LIVING ADJUSTMENT OF UP TO 2% BEGINNING JULY 1, 2020, FOR PERMANENT EMPLOYEES IN THE EXECUTIVE, JUDICIAL, AND LEGISLATIVE BRANCHES EXECUTIVE BRANCH OF STATE GOVERNMENT WHO ARE NOT:

(1) IN A BARGAINING UNIT THAT HAS AGREED TO AND RATIFIED THE ECONOMIC TERMS OF A MEMORANDUM OF UNDERSTANDING FOR FISCAL YEAR 2020; OR

(2) (i) ELECTED TO A POSITION BY POPULAR VOTE;

(ii) IN A POSITION BY ELECTION OR APPOINTMENT THAT IS PROVIDED FOR BY THE MARYLAND CONSTITUTION; OR

~~(III) IN THE EXECUTIVE PAY PLAN. ARE IN A BARGAINING UNIT THAT IS REPRESENTED BY ONE OF THE FOLLOWING EXCLUSIVE REPRESENTATIVES:~~

~~(1) THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO, EXCLUDING A BARGAINING UNIT REPRESENTED BY THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO LOCAL 1859;~~

~~(2) AFT HEALTHCARE-MARYLAND, AFT, AFL-CIO LOCAL 5197; OR~~

~~(3) THE MARYLAND PROFESSIONAL EMPLOYEES COUNCIL/AFT/AFL-CIO LOCAL 6197.~~

(c) [If] EXCEPT AS PROVIDED IN SUBSECTION (B-1) OF THIS SECTION, IF the amount of nonwithholding income tax revenues that exceeds the capped estimate determined under § 6-104(e) of this article exceeds the amount necessary to close the gap in revenues under subsection (b) of this section, and if the balance of the Revenue Stabilization Account under § 7-311 of this subtitle is less than 6% of the estimated General Fund revenues for that fiscal year, the State Comptroller shall distribute to the Revenue Stabilization Account the lesser of:

(1) the remaining balance of nonwithholding income tax revenues in excess of the capped estimate determined under § 6-104(e) of this article; or

(2) the amount required for the Revenue Stabilization Account balance to equal 6% of the estimated General Fund revenues for that fiscal year.

(d) [If] EXCEPT AS PROVIDED IN SUBSECTION (B-1) OF THIS SECTION, IF the amount of nonwithholding income tax revenues that exceeds the capped estimate determined under § 6-104(e) of this article exceeds the amount the State Comptroller is required to distribute to the Revenue Stabilization Account under subsection (c) of this section, the State Comptroller shall distribute:

(1) subject to subsection (e) of this section, 50% of the remaining amount to the Revenue Stabilization Account; and

(2) the remainder to the Fiscal Responsibility Fund established under § 7-330 of this subtitle.

(e) The distribution to the Revenue Stabilization Account under subsection (d)(1) of this section does not apply if the amount in the Revenue Stabilization Account exceeds 10% of General Fund revenues.

(b) There is a Fiscal Responsibility Fund.

(c) The purpose of the Fund is to retain the amount of nonwithholding income tax revenues deposited to the Fund in accordance with § 7–329(d)(2) of this subtitle until the revenues are appropriated in the State budget.

(f) The Fund consists of nonwithholding income tax revenues that exceed the capped estimate determined under § 6–104(e) of this article deposited into the Fund by the State Comptroller under § 7–329(d)(2) of this subtitle.

(g) **(1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE Fund may be used only to provide pay–as–you–go capital funds for:**

[(1)] (I) public school construction and public school capital improvement projects, in accordance with Title 5, Subtitle 3 of the Education Article;

[(2)] (II) capital projects at public community colleges; and

[(3)] (III) capital projects at four–year public institutions of higher education.

(2) FOR FISCAL YEAR 2021 ONLY, MONEY IN THE FUND SHALL BE USED TO PROVIDE A ~~ONE-TIME BONUS~~ COST-OF-LIVING ADJUSTMENT OF UP TO 2% BEGINNING JULY 1, 2020, FOR PERMANENT EMPLOYEES IN THE ~~EXECUTIVE, JUDICIAL, AND LEGISLATIVE BRANCHES~~ EXECUTIVE BRANCH OF STATE GOVERNMENT WHO ARE NOT:

~~(I) IN A BARGAINING UNIT THAT HAS AGREED TO AND RATIFIED THE ECONOMIC TERMS OF A MEMORANDUM OF UNDERSTANDING FOR FISCAL YEAR 2020; OR~~

~~(II) 1. ELECTED TO A POSITION BY POPULAR VOTE;~~

~~2. IN A POSITION BY ELECTION OR APPOINTMENT THAT IS PROVIDED FOR BY THE MARYLAND CONSTITUTION; OR~~

~~3. IN THE EXECUTIVE PAY PLAN. ARE IN A BARGAINING UNIT THAT IS REPRESENTED BY ONE OF THE FOLLOWING EXCLUSIVE REPRESENTATIVES:~~

(I) THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL–CIO, EXCLUDING A BARGAINING UNIT REPRESENTED BY THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL–CIO LOCAL 1859;

(II) AFT HEALTHCARE-MARYLAND, AFT, AFL-CIO LOCAL 5197; OR

(III) THE MARYLAND PROFESSIONAL EMPLOYEES COUNCIL/AFT/AFL-CIO LOCAL 6197.

(j) (1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE Governor shall include in the budget bill for the second following fiscal year an appropriation equal to the amount in the Fund for pay-as-you-go capital projects.

(2) Money expended from the Fund for pay-as-you-go capital projects is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for capital projects, including those funded with pay-as-you-go funds and the proceeds from the sale of general obligation bonds.

(3) THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL SUBMITTED AT THE 2021 SESSION OF THE GENERAL ASSEMBLY AN APPROPRIATION EQUAL TO THE AMOUNT DISTRIBUTED TO THE FUND IN ACCORDANCE WITH § 7-329(B-1) OF THIS SUBTITLE TO PROVIDE A ONE-TIME BONUS IN FISCAL YEAR 2021 COST-OF-LIVING ADJUSTMENT OF UP TO 2% BEGINNING JULY 1, 2020, FOR PERMANENT EMPLOYEES IN THE EXECUTIVE, JUDICIAL, AND LEGISLATIVE BRANCHES EXECUTIVE BRANCH OF STATE GOVERNMENT WHO ARE NOT:

(I) IN A BARGAINING UNIT THAT HAS AGREED TO AND RATIFIED THE ECONOMIC TERMS OF A MEMORANDUM OF UNDERSTANDING FOR FISCAL YEAR 2020; OR

(II) 1. ELECTED TO A POSITION BY POPULAR VOTE;

2. IN A POSITION BY ELECTION OR APPOINTMENT THAT IS PROVIDED FOR BY THE MARYLAND CONSTITUTION; OR

3. IN THE EXECUTIVE PAY PLAN, ARE IN A BARGAINING UNIT THAT IS REPRESENTED BY ONE OF THE FOLLOWING EXCLUSIVE REPRESENTATIVES:

(I) THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO, EXCLUDING A BARGAINING UNIT REPRESENTED BY THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO LOCAL 1859;

(II) AFT HEALTHCARE-MARYLAND, AFT, AFL-CIO LOCAL 5197; OR

**(III) THE MARYLAND PROFESSIONAL EMPLOYEES
COUNCIL/AFT/AFL-CIO LOCAL 6197.**

Article – State Government

9-1A-31.

(a) (1) Except as provided in paragraph (8) of this subsection, the local impact grants provided under § 9-1A-27 of this subtitle shall be distributed as provided in this subsection.

(2) The following amounts shall be distributed to the following jurisdictions:

(i) Allegany County – \$200,000;

(ii) Cecil County – \$130,000;

(III) TOWN OF FOREST HEIGHTS – \$120,000;

[(iii)] (IV) Town of Perryville – \$70,000; and

[(iv)] (V) Worcester County – \$200,000.

9-1A-37.

[(c) (2) Subject to paragraphs (2) through (5) of this subsection, if a video lottery operation license is awarded to a video lottery facility in Prince George’s County, the Commission may increase for a video lottery facility located in:

(i) Anne Arundel County, by not more than 2% of the proceeds from video lottery terminals at the video lottery facility, the percentage under § 9-1A-27(a)(8) of this subtitle; and

(ii) Baltimore City, by not more than 3% of the proceeds from video lottery terminals at the video lottery facility, the percentage under § 9-1A-27(a)(8) of this subtitle.

(2) If the Commission increases the percentage of proceeds from video lottery terminals for the video lottery facility in Anne Arundel County under paragraph (1) of this subsection, the Commission shall increase the percentage of proceeds for the video lottery facility in Baltimore City by at least the same percentage point increase as for Anne Arundel County.

(3) (i) If a video lottery operation license is awarded to a video lottery facility in Prince George’s County, the Commission may increase for a video lottery facility

in Cecil County, by not more than 5% of the proceeds from video lottery terminals at the video lottery facility, the percentage under § 9-1A-27(a)(2) of this subtitle.

(ii) Any increased distribution of video lottery terminal proceeds under this paragraph for a video lottery facility in Cecil County shall be used for:

1. marketing, advertising, and promotional costs required under § 9-1A-23 of this subtitle; and

2. capital improvements at the video lottery facility.

(4) (i) On or before January 1, 2019, the Commission shall determine any adjustment authorized under paragraph (1) of this subsection to the percentage under § 9-1A-27(a)(8) of this subtitle or under paragraph (3) of this subsection.

(ii) Any adjustment authorized under this subsection may not take effect:

1. until a video lottery operation license is issued to a video lottery facility in Prince George's County; and

2. earlier than July 1, 2019.

(5) Before the Commission may make a determination on any adjustment under this subsection, the Commission shall report to the Governor and the General Assembly, in accordance with § 2-1246 of this article, on:

(i) the impact on existing facilities from a video lottery facility located in Prince George's County;

(ii) unexpected monetary gains to licensees from factors including the delayed opening of other facilities;

(iii) the monetary benefit to existing licensees from the removal of statutory or regulatory restrictions on video lottery operations;

(iv) increased revenue to licensees from the authorization of table games;

(v) the impact of any adjustments to the Education Trust Fund;

(vi) the tax implications, if any, and cost of the ownership of the video lottery terminals by video lottery facilities; and

(vii) any other factors related to the gaming market in Maryland and the ability of the State gaming program to compete with surrounding states.]

Article – Transportation

2-103.1.

(c) (6) For a major capital project to be considered for inclusion in the construction program of the Consolidated Transportation Program, a request must be submitted to the Secretary by the proposing entity along with a purpose and need summary statement justifying the project that includes:

(i) The location of the project, including a map of the project limits, project area, or transportation corridor;

(ii) The need for the project; [and]

(iii) A discussion of how the project:

1. Addresses State transportation goals; and

2. Supports local government land use plans and goals; AND

(IV) A CERTIFICATION THAT ALL MEMBERS OF THE LEGISLATIVE DELEGATION OF THE COUNTY IN WHICH THE PROJECT IS LOCATED HAVE BEEN NOTIFIED.

3-216.

(a) There is a Transportation Trust Fund for the Department.

(b) (1) Except as otherwise expressly provided by statute AND PARAGRAPH (2) OF THIS SUBSECTION, there shall be credited to the Transportation Trust Fund for the account of the Department all taxes, fees, charges, and revenues collected or received by or paid, appropriated, or credited to the account of the Department or any of its units in the exercise of their rights, powers, duties, or obligations, including the cash proceeds of the sale of consolidated transportation bonds, notes, or other evidences of obligation issued by the Department, any General Fund appropriations, and the proceeds of any State loan or federal grant made for transportation purposes.

(2) ANY REVENUES FROM AN INFORMATION TECHNOLOGY AGREEMENT INVOLVING RESOURCE SHARING THAT ARE COLLECTED OR RECEIVED BY OR PAID, APPROPRIATED, OR CREDITED TO THE ACCOUNT OF THE DEPARTMENT OR ANY OF ITS UNITS SHALL BE DISTRIBUTED TO THE MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECT FUND ESTABLISHED UNDER § 3A-309 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

**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, Chapter 23 of
the Acts of 2017, and Chapter 10 of the Acts of 2018**

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] **MARYLAND DEPARTMENT OF HEALTH** 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 \$334,825,000.

(5) For fiscal year 2020, the budgeted Medicaid Deficit Assessment shall be [~~\$294,825,000~~] ~~\$314,825,000~~ \$309,825,000.

(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] **MARYLAND DEPARTMENT OF HEALTH** shall adopt policies that preserve the State's Medicare waiver.

Chapter 489 of the Acts of 2015, as amended by Chapter 321 of the Acts of 2016

SECTION 9. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(c) (1) Except as provided in paragraph (2) of this subsection **AND SUBJECT TO SUBSECTION (D) OF THIS SECTION**, the remaining fund balance obtained from the federal Medicare program or the Medicaid program may be used in fiscal years 2016 through 2019 to support integrated care networks designed to reduce health care expenditures and improve outcomes for unmanaged high-needs Medicare patients and

patients dually eligible for Medicaid and Medicare, consistent with the goals of Maryland's all-payer model.

(2) \$90,000 of the remaining fund balance obtained from the federal Medicare program or the Medicaid program may be used in fiscal years 2016 and 2017 to support the remaining expenses of the Maryland Health Insurance Plan.

(D) (1) AT THE END OF FISCAL YEAR 2019, THE FUND BALANCE OBTAINED FROM THE FEDERAL MEDICARE PROGRAM OR THE MEDICAID PROGRAM SHALL BE NOT LESS THAN \$10,000,000.

(2) FOR FISCAL YEAR 2020, \$10,000,000 OF THE REMAINING FUND BALANCE OBTAINED FROM THE FEDERAL MEDICARE PROGRAM OR THE MEDICAID PROGRAM MAY BE USED BY THE MARYLAND DEPARTMENT OF HEALTH TO FUND PROVIDER REIMBURSEMENTS IN THE MEDICAID PROGRAM.

SECTION 2. AND BE IT FURTHER ENACTED, That the unexpended appropriation for a utilization review audit contract in Community Services (M00M01.02) within the Developmental Disabilities Administration in the Maryland Department of Health, that was included in the fiscal year 2019 operating budget (Chapter 570 of the Acts of 2018) is reduced by \$2,309,355 in federal funds and \$3,124,422 in general funds, which shall revert to the General Fund.

SECTION 3. 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 Developmental Disabilities Administration in the Maryland Department of Health, that was included in the fiscal year 2019 operating budget (Chapter 570 of the Acts of 2018) is reduced by \$602,758 in federal funds and \$815,496 in general funds, which shall revert to the General Fund.

~~SECTION 4. AND BE IT FURTHER ENACTED, That the unexpended appropriation for residential per diems within the Department of Juvenile Services that was included in the fiscal year 2019 operating budget (Chapter 570 of the Acts of 2018) shall be reduced by \$4,000,000 in general funds.~~

SECTION 4. AND BE IT FURTHER ENACTED, That the unexpended appropriation for residential per diems within the Department of Juvenile Services that was included in the fiscal year 2019 operating budget (Chapter 570 of the Acts of 2018) shall be reduced by \$500,000 in general funds.

SECTION ~~5~~ 4 5. AND BE IT FURTHER ENACTED, That the unexpended appropriation for correctional officer positions within the Department of Public Safety and Correctional Services that was included in the fiscal year 2019 operating budget (Chapter 570 of the Acts of 2018) shall be reduced by ~~\$15,000,000~~ \$7,500,000 in general funds.

SECTION ~~6~~ ~~5~~ 6. AND BE IT FURTHER ENACTED, That the unexpended appropriation in the Medicaid program that was included in the fiscal year 2019 operating budget (Chapter 570 of the Acts of 2018) shall be reduced by \$25,000,000 in general funds.

SECTION ~~7~~ ~~6~~ 7. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, \$10,000,000 of the funds in the Economic Development Opportunities Account under § 7-314 of the State Finance and Procurement Article shall revert to the General Fund.

SECTION ~~8~~ ~~7~~ 8. AND BE IT FURTHER ENACTED, That the unexpended appropriation for the Teacher Induction, Retention, and Advancement Pilot Program under § 6-117.1 of the Education Article that was included in the fiscal year 2019 operating budget (Chapter 570 of the Acts of 2018) shall be reduced by \$2,000,000 in general funds, which shall revert to the General Fund.

~~SECTION 9. 8. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal year 2020 only, \$2,000,000 from the Maryland Trauma Physician Services Fund under § 19-130 of the Health General Article may be used for Medicaid provider reimbursements.~~

SECTION 9. AND BE IT FURTHER ENACTED, That the Governor is authorized to process a budget amendment to appropriate \$15,766,919 in additional Education Trust Fund revenues received in fiscal year 2020 as a result of the repeal of § 9-1A-37(c) of the State Government Article as enacted by Section 1 of this Act. If Chapter _____ (S.B. 1030/H.B. 1413) of the Acts of the General Assembly of 2019 takes effect, the special funds may be appropriated only to provide additional funding for students with disabilities as specified in Section 5 of Chapter _____ (S.B. 1030/H.B. 1413) of the Acts of the General Assembly of 2019.

SECTION 10. AND BE IT FURTHER ENACTED, That, notwithstanding § 7-311(i) of the State Finance and Procurement Article or any other provision of law, for fiscal year 2020 only, and only as provided in the fiscal year 2020 operating budget bill, funds may be transferred by budget amendment from the Revenue Stabilization Account established under § 7-311 of the State Finance and Procurement Article and funds may be transferred by budget amendment from the Dedicated Purpose Account established under § 7-310 of the State Finance and Procurement Article and may be used for fiscal year 2020 for purposes as specified in the fiscal year 2020 operating budget bill.

SECTION 11. AND BE IT FURTHER ENACTED, That, for fiscal year 2020, a budget amendment to transfer funds from the Revenue Stabilization Account or the Dedicated Purpose Account may be processed only in accordance with Section 10 of this Act and the transferred funds may be used only for purposes as specified in the fiscal year 2020 operating budget bill.

SECTION 12. AND BE IT FURTHER ENACTED, That, on or before June 30, 2019, the \$820,750 identified in the fiscal year 2018 closeout audit as being improperly retained

by the Field Operations Bureau (W00A01.02) within the Department of State Police shall be credited to the General Fund.

SECTION 13. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal year 2021 only, the fees collected under § 1-203(b)(3)(ii) of the Corporations and Associations Article shall be distributed as follows:

(1) the first \$66,250,000 shall be credited to the General Fund; and

(2) the remainder shall be credited to the Commission on Innovation and Excellence in Education Fund established under § 5-219 of the Education Article.

SECTION ~~10, 11~~ 14. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 5, 2019.

Chapter 17

(House Bill 298)

AN ACT concerning

Oysters – Tributary–Scale Sanctuaries – Protection and Restoration

FOR the purpose of establishing a network of oyster sanctuaries in certain tributaries to the Chesapeake Bay; codifying the boundaries of certain oyster sanctuaries; prohibiting a person from catching oysters in or removing oysters from a certain oyster sanctuary, subject to a certain exception; requiring the Department of Natural Resources, in coordination with certain groups and stakeholders, to develop and implement restoration plans for certain oyster sanctuaries; specifying the required contents of a restoration plan; requiring the Department to ~~report~~ provide certain reports to certain committees of the General Assembly on or before ~~a certain date~~ certain dates; requiring the Department, in consultation with certain groups and stakeholders, to finalize certain restoration plans on or before a certain date; requiring the Department to fully implement certain restoration plans on or before a certain date; and generally relating to tributary–scale oyster sanctuaries.

BY renumbering

Article – Natural Resources

Section 4-1014 through 4-1014.3, respectively

to be Section 4-1014.1 through 4-1014.4, respectively

Annotated Code of Maryland

(2018 Replacement Volume)

BY adding to

Article – Natural Resources
Section 4–1014
Annotated Code of Maryland
(2018 Replacement Volume)

Preamble

WHEREAS, Under the 2014 Chesapeake Bay Watershed Agreement, Maryland and the other Chesapeake Bay Program partners have committed to restoring native oyster habitat and populations in 10 tributaries by 2025 and ensuring their protection; and

WHEREAS, Significant public money from both State and federal sources has already been spent in these tributaries for the explicit purpose of ecological restoration; and

WHEREAS, Early monitoring results from the Harris Creek oyster sanctuary indicate that restored reefs there are thriving and removing approximately 100,000 pounds of nitrogen pollution from State waters annually; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 4–1014 through 4–1014.3, respectively, of Article – Natural Resources of the Annotated Code of Maryland be renumbered to be Section(s) 4–1014.1 through 4–1014.4, respectively.

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

Article – Natural Resources

4–1014.

(A) THERE IS ESTABLISHED A NETWORK OF OYSTER SANCTUARIES IN THE FIVE TRIBUTARIES IDENTIFIED BY THE DEPARTMENT FOR LARGE–SCALE RESTORATION IN ACCORDANCE WITH THE 2014 CHESAPEAKE BAY WATERSHED AGREEMENT.

(B) IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION:

(1) THERE IS AN OYSTER SANCTUARY IN HARRIS CREEK THAT INCLUDES ALL OF THE WATERS OF HARRIS CREEK ENCLOSED BY A LINE BEGINNING AT A POINT ON THE EAST SHORE OF TILGHMAN ISLAND DEFINED BY LATITUDE 38 DEGREES 42.241 MINUTES NORTH, LONGITUDE 76 DEGREES 19.997 MINUTES WEST; THEN RUNNING NORTHERLY TO A POINT ON THE SOUTH SHORE OF KNAPPS NARROWS, DEFINED BY LATITUDE 38 DEGREES 42.925 MINUTES NORTH, LONGITUDE 76 DEGREES 19.709 MINUTES WEST; THEN RUNNING 49 DEGREES TRUE TO A POINT ON THE NORTH SHORE OF KNAPPS NARROWS, DEFINED BY LATITUDE

38 DEGREES 43.035 MINUTES NORTH, LONGITUDE 76 DEGREES 19.547 MINUTES WEST; THEN RUNNING NORTHERLY ALONG THE WEST SHORE OF HARRIS CREEK TO ITS HEADWATERS AND THEN SOUTHERLY ALONG THE EAST SHORE OF HARRIS CREEK TO A POINT ON THE SHORE OF CHANGE POINT DEFINED BY LATITUDE 38 DEGREES 43.008 MINUTES NORTH, LONGITUDE 76 DEGREES 17.656 MINUTES WEST; THEN RUNNING 247 DEGREES TRUE TO THE POINT OF BEGINNING;

(2) THERE IS AN OYSTER SANCTUARY IN THE LITTLE CHOPTANK RIVER THAT INCLUDES ALL OF THE WATERS OF THE LITTLE CHOPTANK RIVER UPSTREAM OF A LINE BEGINNING AT A POINT ON THE SHORE OF SUSQUEHANNA POINT DEFINED BY LATITUDE 38 DEGREES 30.642 MINUTES NORTH, LONGITUDE 76 DEGREES 15.492 MINUTES WEST; THEN RUNNING 329 DEGREES TRUE TO A POINT ON SHORE AT THE SOUTH END OF RAGGED POINT ISLAND, DEFINED BY LATITUDE 38 DEGREES 31.886 MINUTES NORTH, LONGITUDE 76 DEGREES 16.440 MINUTES WEST;

(3) THERE IS AN OYSTER SANCTUARY IN THE TRED AVON RIVER THAT INCLUDES ALL OF THE WATERS OF THE TRED AVON RIVER NORTH AND EAST OF A LINE BEGINNING AT A POINT ON THE SHORE ON THE EAST SIDE OF TOWN CREEK, DEFINED BY LATITUDE 38 DEGREES 41.835 MINUTES NORTH, LONGITUDE 76 DEGREES 9.923 MINUTES WEST; THEN RUNNING 255 DEGREES TRUE TO A POINT DEFINED BY LATITUDE 38 DEGREES 41.823 MINUTES NORTH, LONGITUDE 76 DEGREES 9.981 MINUTES WEST; THEN RUNNING 0 DEGREES TRUE TO A POINT ON THE SHORE OF THE EAST SIDE OF PLAINDEALING CREEK, DEFINED BY LATITUDE 38 DEGREES 42.576 MINUTES NORTH, LONGITUDE 76 DEGREES 9.978 MINUTES WEST;

(4) THERE IS AN OYSTER SANCTUARY IN THE ST. MARY'S RIVER THAT INCLUDES ALL OF THE WATERS OF THE ST. MARY'S RIVER BEGINNING AT A POINT ON THE SHORE SOUTHWEST OF DEEP POINT DEFINED BY LATITUDE 38 DEGREES 11.279 MINUTES NORTH, LONGITUDE 76 DEGREES 26.639 MINUTES WEST; THEN RUNNING 89 DEGREES TRUE TO A POINT ON THE SHORE AT CHURCH POINT DEFINED BY LATITUDE 38 DEGREES 11.286 MINUTES NORTH, LONGITUDE 76 DEGREES 26.263 MINUTES WEST; AND

(5) THERE IS AN OYSTER SANCTUARY IN THE MANOKIN RIVER THAT INCLUDES ALL OF THE WATERS OF THE MANOKIN RIVER UPSTREAM OF A LINE BEGINNING AT A POINT ON THE SHORE OF HAZARD POINT DEFINED BY LATITUDE 38 DEGREES 4.571 MINUTES NORTH, LONGITUDE 75 DEGREES 52.694 MINUTES WEST; THEN RUNNING 306 DEGREES TRUE TO A POINT ON THE SHORE AT PIN POINT ON LITTLE DEAL ISLAND, DEFINED BY LATITUDE 38 DEGREES 6.750 MINUTES NORTH, LONGITUDE 75 DEGREES 56.552 MINUTES WEST; AND EAST OF A LINE BEGINNING AT A POINT ON THE SHORE AT THE NORTH END OF LITTLE DEAL ISLAND, DEFINED BY LATITUDE 38 DEGREES 7.695 MINUTES NORTH, LONGITUDE 75 DEGREES 56.816 MINUTES WEST; THEN RUNNING 209 DEGREES TRUE TO A POINT ON THE SHORE ON THE WEST SIDE OF LOWER THOROFARE, DEFINED BY LATITUDE 38

DEGREES 7.652 MINUTES NORTH, LONGITUDE 75 DEGREES 56.847 MINUTES WEST; AND SOUTHEAST OF A LINE BEGINNING ON THE SHORE ON THE EAST SIDE OF LAWS THOROFARE, DEFINED BY LATITUDE 38 DEGREES 8.904 MINUTES NORTH, LONGITUDE 75 DEGREES 55.964 MINUTES WEST; THEN RUNNING 251 DEGREES TRUE TO A POINT ON THE WEST SIDE OF LAWS THOROFARE, DEFINED BY LATITUDE 38 DEGREES 8.873 MINUTES NORTH, LONGITUDE 75 DEGREES 56.077 MINUTES WEST.

(C) (1) THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO ENGAGES IN AQUACULTURE ACTIVITIES WITHIN AN OYSTER SANCTUARY IN ACCORDANCE WITH A VALID LEASE ISSUED UNDER SUBTITLE 11A OF THIS TITLE.

(2) A PERSON MAY NOT CATCH OYSTERS IN OR REMOVE OYSTER SEED FROM AN OYSTER SANCTUARY:

(I) DESCRIBED IN SUBSECTION (B) OF THIS SECTION; OR

(II) ESTABLISHED BY THE DEPARTMENT IN REGULATION.

(D) (1) THE DEPARTMENT, IN COORDINATION WITH THE OYSTER ADVISORY COMMISSION, THE OYSTER INTERAGENCY WORKGROUP, AND INTERESTED STAKEHOLDERS, SHALL DEVELOP AND IMPLEMENT RESTORATION PLANS FOR EACH OF THE OYSTER SANCTUARIES DESCRIBED IN SUBSECTION (B) OF THIS SECTION.

(2) EACH RESTORATION PLAN SHALL:

(I) ESTABLISH ACREAGE TARGETS THAT EXCEED 50% OF THE CURRENTLY RESTORABLE OYSTER HABITAT IN THE SANCTUARY, AS DEFINED BY THE OYSTER INTERAGENCY WORKGROUP;

(II) FOR REEF CONSTRUCTION, REQUIRE THE USE OF SUBSTRATE THAT HAS BEEN DEMONSTRATED IN PREVIOUS TRIBUTARY-SCALE OYSTER RESTORATION PROJECTS TO MAXIMIZE OYSTER DENSITY;

(III) ESTABLISH A PROJECT IMPLEMENTATION TIMELINE THAT DEMONSTRATES HOW RESTORATION TARGETS WILL BE ACHIEVED BY 2025, IN ACCORDANCE WITH THE 2014 CHESAPEAKE BAY WATERSHED AGREEMENT; AND

(IV) INCLUDE PLANS FOR CONTINUED MONITORING OF THE SANCTUARY AND CORRECTIVE ACTIONS TO BE TAKEN BY THE DEPARTMENT IF FUTURE MONITORING INDICATES THAT A SANCTUARY IS NO LONGER MEETING THE FOLLOWING MINIMUM REQUIREMENTS:

1. ON RESTORED REEFS:
 - A. A MINIMUM DENSITY OF 15 OYSTERS PER SQUARE METER;
 - B. A MINIMUM BIOMASS OF 15 GRAMS DRY WEIGHT PER SQUARE METER;
 - C. A MINIMUM OF AT LEAST 2-YEAR CLASSES OF OYSTERS; AND
 - D. SUBSTRATE OR OYSTERS PRESENT ON AT LEAST 30% OF THE REEF AREA; AND
2. WITHIN THE WHOLE SANCTUARY, A MINIMUM OF 50% OF REEF HABITAT, CONSTITUTING AT LEAST 8% OF HISTORIC OYSTER HABITAT, MEETING THE REQUIREMENTS OF ITEM 1 OF THIS ITEM.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) On or before December 1, 2019, the Department of Natural Resources shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Environment and Transportation Committee, in accordance with § 2-1246 of the State Government Article, on the development and implementation of restoration plans for the five oyster sanctuaries described in Section 2 of this Act.

(b) On or before July 1, 2020, the Department of Natural Resources, in consultation with the Oyster Advisory Commission, the Oyster Interagency Workgroup, and interested stakeholders, shall finalize restoration plans for the St. Mary's River and Manokin River oyster sanctuaries, in accordance with Section 2 of this Act.

(c) On or before December 1, 2021, the Department of Natural Resources shall fully implement existing restoration plans for the Tred Avon River and the Little Choptank River oyster sanctuaries.

(d) On or before July 1, 2029, the Department of Natural Resources shall review the results of the continued monitoring of the five oyster sanctuaries required under Section 2 of this Act and provide a report on the success of large-scale restoration projects in the five sanctuaries to the Senate Education, Health, and Environmental Affairs Committee and the House Environment and Transportation Committee in accordance with § 2-1246 of the State Government Article.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Gubernatorial Veto Override, April 8, 2019.

Chapter 18

(Senate Bill 619)

AN ACT concerning

**University of Maryland Medical System Corporation – Board of ~~Directors~~
Conflicts of Interest, Prestige of Office, and Financial Disclosure
Directors, Ethics, and Performance Audits**

FOR the purpose of ~~prohibiting a member of the Board of Directors of the University of Maryland Medical System Corporation from being employed by or having a financial interest in an entity subject to the authority of the University of Maryland Medical System Corporation; prohibiting a member of the Board from intentionally using the prestige of office for private gain or the gain of another; altering the financial disclosure requirements for certain members of the Board~~ requiring, on or before a certain date, the Board of Directors of the University of Maryland Medical System Corporation to adopt a certain conflict of interest policy; requiring the Board to send a copy of a certain policy to certain persons at certain times; requiring the Board to ensure that the Medical System Corporation continues to be a certain independent corporation; altering the maximum number of members of the Board; requiring certain members of the Board to be appointed by the Governor with the advice and consent of the Senate of Maryland; repealing a provision of law requiring a certain number of voting members of the Board to be members of the General Assembly; prohibiting a member of the Board from being a State or local elected official; authorizing the Governor to appoint certain additional voting members who represent certain hospitals; requiring a certain voting member to be the Governor's designee; adding a certain number of voting members to the Board to be appointed by the President of the Senate and the Speaker of the House; prohibiting a member of the Board from intentionally using the prestige of office for private gain or the gain of another; requiring certain members of the Board annually to submit a certain disclosure statement to the State Health Services Cost Review Commission; requiring certain new members of the Board to submit a certain disclosure within a certain time period; requiring a certain statement to be available to the public on a certain website through a certain registration program under certain circumstances; requiring the Governor to remove a certain member of the Board if the member files a certain false statement; requiring certain statements to be reviewed for compliance with a certain policy by the Board and the compliance officer of the Medical System Corporation; requiring the State Health Services Cost Review Commission annually to send a summary of certain statements to the Governor, the President, and the Speaker; prohibiting the ~~Board~~ *Medical System Corporation* from using sole source procurement to award certain contracts to certain persons; requiring the Governor to remove a certain member of the Board under certain circumstances; prohibiting the ~~Board~~ *Medical System Corporation* from providing a certain preference for the award of certain contracts; requiring the award of certain contracts or payments to a member of the Board or a certain business to be subject to the approval of the full

Board; requiring the compliance officer of the Medical System Corporation to take certain actions before the Corporation awards a certain contract or makes a certain payment to a member of the Board; requiring the Board to develop a certain policy governing certain contracts and payments; requiring the Board to submit a certain report to certain entities on or before a certain date each year; requiring the Medical System Corporation to ~~employ a certain independent entity with certain expertise~~ competitively bid for a certified public accounting firm to conduct a certain performance audit of the administrative and financial offices of the Medical System Corporation for a certain purpose on or before a certain date; providing that a certain audit does not include certain entities; providing that a certain certified public accounting firm is ineligible to bid on a certain contract; requiring a certain certified public accounting firm to consult with the Joint Audit Committee and the Office of Legislative Audits in the development of the scope and objectives of a certain audit at a certain time; requiring the Medical System Corporation to submit a certified copy of a certain performance audit to the Governor, the President, and the Speaker on or before ~~a certain date~~; certain dates; requiring the Office of Legislative Audits to conduct a forensic audit of the Medical System Corporation for certain years that includes certain information; requiring the Office of Legislative Audits to submit a certain report to certain entities on or before a certain date; requiring the Board to conduct a certain internal review and report certain findings and recommendations to the Governor, the President, ~~and~~ the Speaker, ~~and~~ the Office of Legislative Audits on or before a certain date; requiring the Office of Legislative Audits to review and comment on a certain report to certain entities; requiring the ~~terms~~ appointments of certain members of the Board to ~~terminate~~ end on certain dates; authorizing certain members of the Board to apply for reappointment subject to certain provisions of law as enacted by this Act; requiring certain members appointed to the Board by the Governor to be subject to the advice and consent of the Senate during a certain legislative session; requiring certain members to be considered appointed as of a certain date and subject to certain requirements; providing that certain members appointed under a certain provision of law are considered appointed to fill a vacancy for a certain member's term; providing for the term and reappointment of certain members appointed to the Board under a certain provision of law as enacted by this Act; making this Act an emergency measure; making certain conforming changes; and generally relating to the ~~Board of Directors of the~~ University of Maryland Medical System Corporation.

BY repealing and reenacting, without amendments,

Article – Education

Section 13–301(a), (c), and (m), 13–303(a), and ~~13–304(a) and (b)~~ 13–304(a) and (d)

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY adding to

Article – Education

Section ~~13–304(k)~~ 13–303(m) and (n) and 13–304(k), (l), ~~and (m)~~ (m), (n), and (o)

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
 Article – Education
 Section ~~13–304(k)~~ 13–304(b), (c), and (k)
 Annotated Code of Maryland
 (2018 Replacement Volume and 2018 Supplement)

~~BY repealing and reenacting, without amendments,
 Article – General Provisions
 Section 5–601(a)
 Annotated Code of Maryland
 (2014 Volume and 2018 Supplement)~~

~~BY repealing and reenacting, with amendments,
 Article – General Provisions
 Section 5–601(d)
 Annotated Code of Maryland
 (2014 Volume and 2018 Supplement)~~

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

Article – Education

13–301.

(a) In this subtitle, unless the context clearly requires otherwise, the following words have the meanings indicated.

(c) “Board of Directors” means the Board of Directors of the Medical System Corporation.

(m) “Medical System Corporation” means University of Maryland Medical System Corporation, a private, nonprofit, nonstock corporation formed under the general corporation laws of this State.

13–303.

(a) Prior to the transfer date:

(1) The Board of Public Works shall approve the articles of incorporation of the Medical System Corporation which shall reflect the requirements of this subtitle; and

(2) The Board of Regents and the Board of Directors shall take all actions necessary to create and organize the Medical System Corporation, which shall be organized for charitable, scientific, and educational purposes and shall attain and maintain exemption from federal income taxation but which shall not be a State agency, political

subdivision, public body, public corporation, or municipal corporation and is not subject to any provisions of law affecting only governmental or public entities.

(M) THE BOARD OF DIRECTORS SHALL ENSURE THAT THE MEDICAL SYSTEM CORPORATION CONTINUES TO BE A PRIVATE, NONPROFIT, NONSTOCK CORPORATION THAT IS INDEPENDENT FROM ANY STATE AGENCY.

(N) (1) ON OR BEFORE MAY 31, 2019, THE BOARD OF DIRECTORS SHALL ADOPT A CONFLICT OF INTEREST POLICY FOR MEMBERS OF THE BOARD THAT INCLUDES:

(I) STANDARDS FOR THE DISCLOSURE OF FINANCIAL INTERESTS;

(II) STANDARDS FOR BOARD MEMBER PARTICIPATION IN CONTRACTS WITH THE MEDICAL SYSTEM CORPORATION IN ACCORDANCE WITH THIS SUBTITLE, INCLUDING AN ATTESTATION THAT THE BOARD MEMBER HAS COMPLIED WITH THE CONFLICT OF INTEREST STANDARDS ADOPTED BY THE BOARD;

(III) STANDARDS FOR RECUSAL FROM VOTING;

~~(III)~~ (IV) A REQUIREMENT THAT A BOARD MEMBER MAY NOT USE THE BOARD MEMBER'S POSITION ON THE BOARD FOR PERSONAL GAIN WHEN CONTRACTING WITH THE MEDICAL SYSTEM CORPORATION; AND

~~(IV)~~ (V) A REQUIREMENT THAT A BOARD MEMBER PROVIDE AN ATTESTATION OF ANY BUSINESS RELATIONSHIP WITH THE MEDICAL SYSTEM CORPORATION OR ANY AFFILIATE OF THE CORPORATION.

(2) THE BOARD OF DIRECTORS SHALL SEND A COPY OF THE CONFLICT OF INTEREST POLICY ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE GOVERNOR, THE PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF DELEGATES:

(I) AFTER THE POLICY IS INITIALLY ADOPTED; AND

(II) EACH TIME A CHANGE IS MADE TO THE POLICY.

13-304.

(a) The government of the Medical System Corporation is vested in the Board of Directors.

(b) (1) Subject to ~~paragraph~~ **PARAGRAPHS (2) AND (3)** of this subsection, the Board of Directors consists of 6 nonvoting members and not less than 22 and not more than

~~27~~ **25** voting members appointed by the Governor WITH THE ADVICE AND CONSENT OF THE SENATE.

(2) (i) On or after October 1, 2014, the Medical System Corporation may amend its articles of incorporation to add up to three voting members to the Board of Directors as the Medical System Corporation determines to be necessary and appropriate.

(ii) Nominations of additional voting members shall be made by the Board of Directors and submitted to the Board of Regents for comment and to the Governor for consideration.

(iii) Any member added to the Board of Directors under subparagraph (i) of this paragraph shall:

1. Represent an entity that affiliates with the Medical System Corporation on or after October 1, 2014;

2. Be appointed by the Governor WITH THE ADVICE AND CONSENT OF THE SENATE; and

3. Be designated as an affiliate board member.

(iv) ~~The voting membership of the Board of Directors may not exceed 30 members.~~

~~(v)~~ Nothing in this paragraph may be construed to require the Medical System Corporation to nominate a representative of an entity that affiliates with the Medical System Corporation on or after October 1, 2014, to be an additional board member.

(3) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION, FOR EACH HOSPITAL THAT AFFILIATES WITH THE MEDICAL SYSTEM ON OR AFTER JUNE 1, 2019, THE GOVERNOR MAY APPOINT AN ADDITIONAL VOTING MEMBER WHO IS A REPRESENTATIVE FROM THE HOSPITAL.

~~(K) (1) A MEMBER OF THE BOARD MAY NOT BE EMPLOYED BY OR HAVE A FINANCIAL INTEREST IN:~~

~~(I) A BUSINESS ENTITY SUBJECT TO THE AUTHORITY OF THE MEDICAL SYSTEM CORPORATION OR THE UNIVERSITY SYSTEM OF MARYLAND; OR~~

~~(II) A BUSINESS ENTITY THAT IS ACTIVELY NEGOTIATING A CONTRACT, HAS ENTERED INTO A CONTRACT, OR IS A SUBCONTRACTOR ON A CONTRACT WITH THE MEDICAL SYSTEM CORPORATION OR THE UNIVERSITY SYSTEM OF MARYLAND.~~

~~(2) A MEMBER OF THE BOARD MAY NOT INTENTIONALLY USE THE PRESTIGE OF OFFICE OR PUBLIC POSITION FOR THAT MEMBER'S PRIVATE GAIN OR THAT OF ANOTHER.~~

~~(3) A MEMBER OF THE BOARD SHALL FILE A FINANCIAL DISCLOSURE STATEMENT IN ACCORDANCE WITH § 5-607 OF THE GENERAL PROVISIONS ARTICLE.~~

(c) (1) Each member shall be a resident of this State.

~~(2) A MEMBER OF THE BOARD MAY NOT BE A STATE OR LOCAL ELECTED OFFICIAL.~~

~~(2) (3)~~ Three voting members shall be members of the Board of Regents.

[(3) Two voting members shall be members of the General Assembly, 1 nominated by the President of the Senate and 1 nominated by the Speaker of the House of Delegates.]

~~(3) (4)~~ ONE VOTING MEMBER SHALL BE THE GOVERNOR'S DESIGNEE.

~~(4) (5)~~ TWO VOTING MEMBERS SHALL BE APPOINTED AS FOLLOWS:

(I) ONE APPOINTED BY THE PRESIDENT OF THE SENATE OF MARYLAND; AND

(II) ONE APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES.

[(4) ~~(5) (6)~~ At least 1 voting member of the Board shall be appointed by the Governor, upon nomination by the membership of the Community Advisory Council, from the membership of the Community Advisory Council.]

[(5) ~~(6) (7)~~ At least 1 voting member of the Board of Directors shall have expertise in the hospital field.]

[(6) ~~(7) (8)~~ In appointing the voting members of the Board of Directors, the Governor shall [insure] ENSURE that the composition of the Board fairly represents the minority composition of the State.]

[(7) ~~(8) (9)~~ The nonvoting members shall be, ex officio, the Chancellor of the University System of Maryland, the President, the Chief Executive Officer, the Dean of the School of Medicine, the President of the medical staff organization of the medical system, and the Associate Director of nursing services for the medical system.]

(d) (1) The term of a member is 5 years and begins on the 1st Monday in June of the year of appointment.

(2) The terms of members are staggered as required by the terms provided for members of the Board on the transfer date.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term and until a successor is appointed and qualifies.

(5) A member may be reappointed, but may not serve more than 2 consecutive full terms.

(K) A MEMBER OF THE BOARD MAY NOT INTENTIONALLY USE THE PRESTIGE OF OFFICE OR PUBLIC POSITION FOR THAT MEMBER'S PRIVATE GAIN OR THAT OF ANOTHER.

(L) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, EACH MEMBER ANNUALLY SHALL SUBMIT A DISCLOSURE OF FINANCIAL INTEREST, INCLUDING ANY POTENTIAL CONFLICTS OF INTEREST, TO THE STATE HEALTH SERVICES COST REVIEW COMMISSION.

(II) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE STATE HEALTH SERVICES COST REVIEW COMMISSION SHALL MAKE FREELY AVAILABLE TO THE PUBLIC ON ITS WEBSITE, THROUGH AN ONLINE REGISTRATION PROGRAM, THE STATEMENT SUBMITTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

2. THE STATE HEALTH SERVICES COST REVIEW COMMISSION MAY NOT PROVIDE PUBLIC ACCESS TO THE PORTION OF THE STATEMENT THAT INCLUDES AN ADDRESS THAT THE MEMBER HAS IDENTIFIED AS THE MEMBER'S HOME ADDRESS.

(III) A NEWLY APPOINTED MEMBER SHALL SUBMIT A DISCLOSURE OF FINANCIAL INTEREST WITHIN 60 DAYS AFTER THE MEMBER'S APPOINTMENT TO THE BOARD.

(2) IF THE GOVERNOR DETERMINES THAT A MEMBER HAS WILLFULLY FILED A FALSE STATEMENT UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE GOVERNOR SHALL REMOVE THE MEMBER FROM THE BOARD.

(3) THE BOARD OF DIRECTORS AND THE COMPLIANCE OFFICER FOR THE MEDICAL SYSTEM CORPORATION SHALL REVIEW EACH STATEMENT SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR COMPLIANCE WITH THE BOARD'S CONFLICT OF INTEREST POLICY.

(4) THE STATE HEALTH SERVICES COST REVIEW COMMISSION ANNUALLY SHALL SEND A SUMMARY OF EACH STATEMENT SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE GOVERNOR, THE PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE.

(M) (1) ~~THE BOARD~~ MEDICAL SYSTEM CORPORATION MAY NOT USE SOLE SOURCE PROCUREMENT TO AWARD A CONTRACT TO AN ACTIVE MEMBER OF THE BOARD OF DIRECTORS OR A BUSINESS ENTITY THAT EMPLOYS OR HAS AN AFFILIATION WITH AN ACTIVE MEMBER.

(2) THE GOVERNOR SHALL REMOVE A MEMBER FROM THE BOARD OF DIRECTORS WHO HAS BENEFITED FROM A SOLE SOURCE PROCUREMENT.

(3) ~~THE BOARD~~ MEDICAL SYSTEM CORPORATION MAY NOT PROVIDE A PREFERENCE FOR THE AWARD OF A CONTRACT TO AN ACTIVE MEMBER OF THE BOARD OF DIRECTORS OR A BUSINESS ENTITY THAT EMPLOYS OR HAS AN AFFILIATION WITH AN ACTIVE MEMBER.

(N) (1) THE AWARD OF A CONTRACT OR THE MAKING OF A PAYMENT TO A MEMBER OF THE BOARD OF DIRECTORS OR AN ASSOCIATED BUSINESS OF A MEMBER SHALL BE SUBJECT TO THE APPROVAL OF THE FULL BOARD OF DIRECTORS.

(2) BEFORE THE MEDICAL SYSTEM CORPORATION AWARDS A CONTRACT OR MAKES A PAYMENT TO A MEMBER OF THE BOARD OF DIRECTORS, THE COMPLIANCE OFFICER SHALL:

(I) REVIEW THE CONTRACT OR PAYMENT AND ADVISE THE MEMBER OF THE BOARD OF DIRECTORS AS TO WHETHER THE CONTRACT OR PAYMENT IS APPROPRIATE AND CONSISTENT WITH THE POLICIES OF THE MEDICAL SYSTEM CORPORATION; AND

(II) MAKE A RECOMMENDATION TO THE BOARD OF DIRECTORS AS TO WHETHER THE CONTRACT OR PAYMENT SHOULD BE APPROVED OR DISAPPROVED BY THE BOARD.

(O) (1) THE BOARD OF DIRECTORS SHALL DEVELOP A POLICY GOVERNING CONTRACTS WITH AND PAYMENTS TO A MEMBER OF THE BOARD OF DIRECTORS OR MEMBERS OF THE BOARD OF DIRECTORS OF HOSPITALS AFFILIATED WITH THE MEDICAL SYSTEM CORPORATION BY:

(I) THE MEDICAL SYSTEM CORPORATION; OR

(II) THE AFFILIATED HOSPITAL.

(2) ON OR BEFORE DECEMBER 1 EACH YEAR, THE BOARD OF DIRECTORS SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE, THE JOINT AUDIT COMMITTEE, THE SENATE FINANCE COMMITTEE, AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE ON:

(I) THE POLICY ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

(II) HOW THE BOARD OF DIRECTORS HAS ENSURED COMPLIANCE WITH THE POLICY BY THE AFFILIATED HOSPITALS AND THE MEMBERS OF THE BOARD OF DIRECTORS OF THE AFFILIATED HOSPITALS.

~~[(k)] ~~(L)~~ ~~(N)~~ (P)~~ The Chairman of the Board of Directors shall appoint representatives from the community naturally served by the medical system having interest in the services of the medical system to 3-year terms as members of a Community Advisory Council. The Board of Directors shall designate at least one of its members to meet with the Community Advisory Council and advise the Community Advisory Council of matters of potential interest. Recommendations of this Community Advisory Council concerning services offered by the Medical System Corporation and its community relationships shall be considered by the Board of Directors.

~~Article – General Provisions~~

~~5-601.~~

~~(a) Except as provided in subsections (b) and (c) of this section, and subject to subsections (d) and (e) of this section, each official and candidate for office as a State official shall file a statement as specified in §§ 5-602 through 5-608 of this subtitle.~~

~~(d) (1) Except as provided in [paragraph] PARAGRAPHS (2) AND (3) of this subsection, an individual who is a public official only as a member of a board and who receives annual compensation that is less than 25% of the lowest annual compensation at State grade level 16 shall file the statement required by subsection (a) of this section in accordance with § 5-609 of this subtitle.~~

~~(2) A member of a board of license commissioners or of a liquor control board shall file a statement in accordance with § 5-607 of this subtitle.~~

~~(3) A MEMBER OF THE BOARD OF DIRECTORS OF THE MEDICAL SYSTEM CORPORATION UNDER § 13-304 OF THE EDUCATION ARTICLE SHALL FILE A STATEMENT IN ACCORDANCE WITH § 5-607 OF THIS SUBTITLE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) (1) ~~On Subject to paragraph (3) of this subsection, on or before May 15, 2019, the University of Maryland Medical System Corporation shall employ an independent entity with that has expertise in nonprofit corporate governance and has certified public accountants~~ competitively bid for a certified public accounting firm to conduct a performance audit consistent with professional auditing standards of the administrative and financial offices of the University of Maryland Medical System Corporation to evaluate the efficiency and effectiveness of the financial management practices, including procurement and contracting processes, of the University of Maryland Medical System Corporation.

(2) The performance audit required under paragraph (1) of this subsection does not include ~~the administrative and financial offices of the University of Maryland Medical System or~~ any subsidiaries or affiliated hospitals of the University of Maryland Medical System Corporation.

(3) (i) A certified public accounting firm that provides services to the Medical System Corporation or an affiliated hospital is not eligible to bid on the performance audit contract under paragraph (1) of this subsection.

(ii) On the award of the performance audit contract to a certified public accounting firm under paragraph (1) of this subsection and before commencement of the performance audit, the certified public accounting firm shall consult with the Joint Audit Committee and the Office of Legislative Audits in the development of the scope and objectives of the performance audit.

(b) (1) On or before December 31, 2019, the University of Maryland Medical System Corporation shall submit a certified copy of the performance audit to the Governor and, in accordance with § 2-1246 of the State Government Article, the President of the Senate and the Speaker of the House.

(2) On or before December 31, 2022, the Medical System Corporation shall submit a certified copy of a performance audit conducted during the calendar year 2022 that meets the requirements under subsection (a) of this section to the Governor and, in accordance with § 2-1246 of the State Government Article, the President of the Senate and the Speaker of the House.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The Office of Legislative Audits shall conduct a forensic audit of the University of Maryland Medical System Corporation for the calendar years 2016 through the effective date of this Act or earlier as deemed appropriate by the Office of Legislative Audits that:

(1) identifies all of the members of the Board of Directors of the Medical System Corporation and each member's associated businesses;

(2) obtains all disbursement records from the Medical System Corporation;

(3) identifies all contracts with or payments to the members of the Board of Directors and a member's associated businesses;

(4) identifies the basis for the procurement and the Medical System Corporation official and department that initiated and approved the payment;

(5) identifies the procurement method used and tests for propriety of the procurement, including whether it was conducted in accordance with a formal Medical System Corporation policy and whether the full Board of Directors approved the contract or payment;

(6) evaluate whether all proper steps were taken and, if a payment or contract was sole source, whether the rationale was documented and supportable; and

(7) evaluate whether the contract or payment made to a member of the Board of Directors or the member's associated business was monitored effectively to ensure that all deliverables paid for were provided.

(b) (1) On or before December 15, 2019, the Office of Legislative Audits shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the President of the Senate, the Speaker of the House, the Joint Audit Committee, the Senate Finance Committee, and the House Health and Government Operations Committee on the findings of the forensic audit conducted under this section.

(2) The report required under paragraph (1) of this subsection shall include any recommendations by the Office of Legislative Audits regarding how best to evaluate the procurement and contracting processes and any contracts with and payments to University of Maryland Medical System affiliated hospitals and members of the Board of Directors of the Medical System Corporation or the members of the boards of directors of the affiliated hospitals.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That ~~the~~:

(a) The Board of Directors of the University of Maryland Medical System Corporation shall:

(1) conduct an internal review of the Board's policies and procedures, including policies for enforcing statutory limits on consecutive terms of appointment for members and continued service after the expiration of a members term; and

(2) on or before December 31, 2019, report the findings and any recommendations for improvements to the policies and procedures of the Board to the Governor and, in accordance with § 2–1246 of the State Government Article, the President of the Senate ~~and~~, the Speaker of the House, and the Office of Legislative Audits.

(b) The Office of Legislative Audits shall review and comment on the report submitted under subsection (a) of this section to the Joint Audit Committee, the Senate Finance Committee, and the House Health and Government Operations Committee.

SECTION 4. 5. AND BE IT FURTHER ENACTED, That:

(a) The ~~terms~~ appointment of the members of the Board of Directors of the University of Maryland Medical System Corporation who are in office on the effective date of this Act shall ~~terminate~~ end as follows:

(1) the ~~terms~~ appointment of approximately one-third of the members of the Board shall ~~terminate~~ end on July 1, 2019;

(2) the ~~terms~~ appointment of approximately one-third of the members of the Board shall ~~terminate~~ end on October 1, 2019; and

(3) the ~~terms~~ appointment of the remaining members of the Board shall ~~terminate~~ end on January 1, 2020.

(b) (1) Subject to the provisions of § 13–301 of the Education Article, as enacted by Section 1 of this Act, a member of the Board whose ~~term is terminated~~ appointment ends under subsection (a) of this section may apply for reappointment.

(2) The appointment of a member under paragraph (1) of this subsection who is appointed by the Governor is subject to the advice and consent of the Senate during the legislative session immediately following the date of appointment.

(3) A member reappointed under this subsection shall be considered appointed on the date of the member's initial appointment and is subject to the requirements of § 13–304(d) of the Education Article.

(4) A new member appointed under this subsection shall be considered appointed to fill a vacancy and shall serve for the remainder of the term of the member who was not reappointed under this subsection.

SECTION 6. AND BE IT FURTHER ENACTED, That the terms of the members appointed to the Board of Directors of the University of Maryland Medical System Corporation under § 13–304(c)(4) and (5) of the Education Article as enacted by Section 1 of this Act:

(1) shall be for a term of 5 years from the date of appointment; and

(2) may be reappointed but may not serve more than two consecutive 5-year terms.

SECTION ~~2. 5. 7.~~ AND BE IT FURTHER ENACTED, That this Act ~~shall take effect October 1, 2019~~ 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 18, 2019.

Chapter 19

(House Bill 1428)

AN ACT concerning

University of Maryland Medical System Corporation – Board of Directors, Ethics, and ~~Performance Audit~~ *Audits*

FOR the purpose of requiring, on or before a certain date, the Board of Directors of the University of Maryland Medical System Corporation to adopt a certain conflict of interest policy; requiring the Board to send a copy of a certain policy to certain persons at certain times; requiring the Board to ensure that the Medical System Corporation continues to be a certain independent corporation; altering the maximum number of members of the Board of Directors of the University of Maryland Medical System Corporation; requiring certain members of the Board to be appointed by the Governor with the advice and consent of the Senate of Maryland; prohibiting a member of the Board from being a State or local elected official; repealing a provision of law requiring a certain number of voting members of the Board to be members of the General Assembly; authorizing the Governor to appoint certain additional voting members who represent certain hospitals; requiring a certain voting member to be the Governor or the Governor's designee; adding a certain number of voting members to the Board to be appointed by the President of the Senate and the Speaker of the House; prohibiting a member of the Board from intentionally using the prestige of office for private gain or the gain of another; requiring certain members of the Board annually to submit a certain disclosure statement to the State Health Services Cost Review Commission; requiring a certain statement to be available for public inspection on request *requiring certain new members of the Board to submit a certain disclosure within a certain time period; requiring a certain statement to be available to the public on a certain website through a certain registration program under certain circumstances; requiring the Governor to remove a certain member of the Board if the member files a certain false statement; requiring certain statements to be reviewed for compliance with a certain policy by the Board and the compliance officer of the Medical System Corporation; requiring*

the State Health Services Cost Review Commission annually to send a summary of certain statements to the Governor, the President, and the Speaker; prohibiting the ~~Board~~ Medical System Corporation from using sole source procurement to award certain contracts to certain persons; requiring the Governor to remove a certain member of the Board under certain circumstances; prohibiting the Medical System Corporation from providing a certain preference for the award of certain contracts; requiring the award of certain contracts or payments to a member of the Board or a certain business to be subject to the approval of the full Board; requiring the compliance officer of the Medical System Corporation to take certain actions before the Corporation awards a certain contract or makes a certain payment to a member of the Board; requiring the Board to develop a certain policy governing certain contracts and payments; requiring the Board to submit a certain report to certain entities on or before a certain date each year; requiring the Medical System Corporation to ~~employ a certain independent certified public accountant entity with certain expertise~~ competitively bid for a certified public accounting firm to conduct a certain performance audit of the administrative and financial offices of the Medical System Corporation for a certain purpose on or before a certain date; providing that a certain audit does not include certain entities; providing that a certain certified public accounting firm is ineligible to bid on a certain contract; requiring a certain certified public accounting firm to consult with the Joint Audit Committee and the Office of Legislative Audits in the development of the scope and objectives of a certain audit at a certain time; requiring the Medical System Corporation to submit a certified copy of a certain performance audit to the Governor, the President, and the Speaker on or before ~~a certain date~~; certain dates; requiring the Office of Legislative Audits to conduct a forensic audit of the Medical System Corporation for certain years that includes certain information; requiring the Office of Legislative Audits to submit a certain report to certain entities on or before a certain date; requiring the Board to conduct a certain internal review and report certain findings and recommendations to the Governor, the President, ~~and the Speaker~~ the Speaker, and the Office of Legislative Audits on or before a certain date; requiring the Office of Legislative Audits to review and comment on a certain report to certain entities; ~~declaring the intent of the General Assembly~~; requiring the terms appointments of certain members of the Board to terminate end on certain dates; authorizing certain members of the Board to apply for reappointment subject to certain provisions of law as enacted by this Act; requiring certain members appointed to the Board by the Governor to be subject to the advice and consent of the Senate during a certain legislative session; requiring certain members to be considered appointed as of a certain date and subject to certain requirements; providing that certain members appointed under a certain provision of law are considered appointed to fill a vacancy for a certain member's term; providing for the term and reappointment of certain members appointed to the Board under a certain provision of law as enacted by this Act; making this Act an emergency measure; making certain conforming changes; and generally relating to the University of Maryland Medical System Corporation.

BY repealing and reenacting, without amendments,

Article – Education

Section 13–301(a), (c), and (m), 13–303(a), and ~~13–304(a)~~ 13–304(a) and (d)

Annotated Code of Maryland
(2018 Replacement Volume and 2018 Supplement)

BY adding to

Article – Education

Section 13–303(m) and (n) and 13–304(k), (l), ~~and (m)~~ (m), (n), and (o)

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 13–304(b), (c), ~~(d)~~, and (k)

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

~~BY adding to~~

~~Article – Education~~

~~Section 13–304(k), (l), and (m)~~

~~Annotated Code of Maryland~~

~~(2018 Replacement Volume and 2018 Supplement)~~

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

Article – Education

13–301.

(a) In this subtitle, unless the context clearly requires otherwise, the following words have the meanings indicated.

(c) “Board of Directors” means the Board of Directors of the Medical System Corporation.

(m) “Medical System Corporation” means University of Maryland Medical System Corporation, a private, nonprofit, nonstock corporation formed under the general corporation laws of this State.

13–303.

(a) Prior to the transfer date:

(1) The Board of Public Works shall approve the articles of incorporation of the Medical System Corporation which shall reflect the requirements of this subtitle; and

(2) The Board of Regents and the Board of Directors shall take all actions necessary to create and organize the Medical System Corporation, which shall be organized

for charitable, scientific, and educational purposes and shall attain and maintain exemption from federal income taxation but which shall not be a State agency, political subdivision, public body, public corporation, or municipal corporation and is not subject to any provisions of law affecting only governmental or public entities.

(M) THE BOARD OF DIRECTORS SHALL ENSURE THAT THE MEDICAL SYSTEM CORPORATION CONTINUES TO BE A PRIVATE, NONPROFIT, NONSTOCK CORPORATION THAT IS INDEPENDENT FROM ANY STATE AGENCY.

(N) (1) ON OR BEFORE MAY 31, 2019, THE BOARD OF DIRECTORS SHALL ADOPT A CONFLICT OF INTEREST POLICY FOR MEMBERS OF THE BOARD THAT INCLUDES:

(I) STANDARDS FOR THE DISCLOSURE OF FINANCIAL INTERESTS;

(II) STANDARDS FOR ~~BOARD~~ BOARD MEMBER PARTICIPATION IN CONTRACTS WITH THE MEDICAL SYSTEM CORPORATION IN ACCORDANCE WITH THIS SUBTITLE, INCLUDING AN ATTESTATION THAT THE ~~BOARD~~ BOARD MEMBER HAS COMPLIED WITH THE CONFLICT OF INTEREST STANDARDS ADOPTED BY THE BOARD;

(III) STANDARDS FOR RECUSAL FROM VOTING;

~~(III)~~ (IV) A REQUIREMENT THAT A ~~BOARD~~ BOARD MEMBER MAY NOT USE THE ~~BOARD~~ BOARD MEMBER'S POSITION ON THE BOARD FOR PERSONAL GAIN WHEN CONTRACTING WITH THE MEDICAL SYSTEM CORPORATION; AND

~~(IV)~~ (V) A REQUIREMENT THAT A ~~BOARD~~ BOARD MEMBER PROVIDE AN ATTESTATION OF ANY BUSINESS RELATIONSHIP WITH THE MEDICAL SYSTEM CORPORATION OR ANY AFFILIATE OF THE CORPORATION.

(2) THE BOARD OF DIRECTORS SHALL SEND A COPY OF THE CONFLICT OF INTEREST POLICY ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE GOVERNOR, THE PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF DELEGATES:

(I) AFTER THE POLICY IS INITIALLY ADOPTED; AND

(II) EACH TIME A CHANGE IS MADE TO THE POLICY.

(a) The government of the Medical System Corporation is vested in the Board of Directors.

(b) (1) Subject to ~~paragraph~~ **PARAGRAPHS (2) AND (3)** of this subsection, the Board of Directors consists of 6 nonvoting members and not less than 22 and not more than **[27] 25** voting members appointed by the Governor **WITH THE ADVICE AND CONSENT OF THE SENATE**.

(2) (i) On or after October 1, 2014, the Medical System Corporation may amend its articles of incorporation to add up to three voting members to the Board of Directors as the Medical System Corporation determines to be necessary and appropriate.

(ii) Nominations of additional voting members shall be made by the Board of Directors and submitted to the Board of Regents for comment and to the Governor for consideration.

(iii) Any member added to the Board of Directors under subparagraph (i) of this paragraph shall:

1. Represent an entity that affiliates with the Medical System Corporation on or after October 1, 2014;

2. Be appointed by the Governor **WITH THE ADVICE AND CONSENT OF THE SENATE**; and

3. Be designated as an affiliate board member.

(iv) [The voting membership of the Board of Directors may not exceed 30 members.

(v)] Nothing in this paragraph may be construed to require the Medical System Corporation to nominate a representative of an entity that affiliates with the Medical System Corporation on or after October 1, 2014, to be an additional board member.

(3) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION, FOR EACH HOSPITAL THAT AFFILIATES WITH THE MEDICAL SYSTEM ON OR AFTER JUNE 1, 2019, THE GOVERNOR MAY APPOINT AN ADDITIONAL VOTING MEMBER WHO IS A REPRESENTATIVE FROM THE HOSPITAL.

(c) (1) Each member shall be a resident of this State.

(2) A MEMBER OF THE BOARD MAY NOT BE A STATE OR LOCAL ELECTED OFFICIAL.

~~(2)~~ **(3)** Three voting members shall be members of the Board of Regents.

~~(3) Two voting members shall be members of the General Assembly, 1 nominated by the President of the Senate and 1 nominated by the Speaker of the House of Delegates.~~

(4) ONE VOTING MEMBER SHALL BE ~~THE GOVERNOR, OR THE GOVERNOR'S DESIGNEE~~.

(5) TWO VOTING MEMBERS SHALL BE APPOINTED AS FOLLOWS:

(I) ONE APPOINTED BY THE PRESIDENT OF THE SENATE OF MARYLAND; AND

(II) ONE APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES.

[(4)] (6) At least 1 voting member of the Board shall be appointed by the Governor, upon nomination by the membership of the Community Advisory Council, from the membership of the Community Advisory Council.

[(5)] (7) At least 1 voting member of the Board of Directors shall have expertise in the hospital field.

[(6)] (8) In appointing the voting members of the Board of Directors, the Governor shall [insure] ENSURE that the composition of the Board fairly represents the minority composition of the State.

[(7)] (9) The nonvoting members shall be, ex officio, the Chancellor of the University System of Maryland, the President, the Chief Executive Officer, the Dean of the School of Medicine, the President of the medical staff organization of the medical system, and the Associate Director of nursing services for the medical system.

(d) (1) The term of a member is 5 years and begins on the 1st Monday in June of the year of appointment.

(2) The terms of members are staggered as required by the terms provided for members of the Board on the transfer date.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term and until a successor is appointed and qualifies.

(5) A member may be reappointed, but may not serve more than 2 consecutive full terms.

(K) A MEMBER OF THE BOARD MAY NOT INTENTIONALLY USE THE PRESTIGE OF OFFICE OR PUBLIC POSITION FOR THAT MEMBER'S PRIVATE GAIN OR THAT OF ANOTHER.

~~(L) (1) (I) EACH MEMBER ANNUALLY SHALL SUBMIT A DISCLOSURE OF FINANCIAL INTEREST, INCLUDING ANY POTENTIAL CONFLICTS OF INTEREST, TO THE STATE HEALTH SERVICES COST REVIEW COMMISSION.~~

~~(H) A STATEMENT SUBMITTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE AVAILABLE FOR PUBLIC INSPECTION ON REQUEST. EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, EACH MEMBER ANNUALLY SHALL SUBMIT A DISCLOSURE OF FINANCIAL INTEREST, INCLUDING ANY POTENTIAL CONFLICTS OF INTEREST, TO THE STATE HEALTH SERVICES COST REVIEW COMMISSION.~~

(II) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE STATE HEALTH SERVICES COST REVIEW COMMISSION SHALL MAKE FREELY AVAILABLE TO THE PUBLIC ON ITS WEBSITE, THROUGH AN ONLINE REGISTRATION PROGRAM, THE STATEMENT SUBMITTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

2. THE STATE HEALTH SERVICES COST REVIEW COMMISSION MAY NOT PROVIDE PUBLIC ACCESS TO THE PORTION OF THE STATEMENT THAT INCLUDES AN ADDRESS THAT THE MEMBER HAS IDENTIFIED AS THE MEMBER'S HOME ADDRESS.

(III) A NEWLY APPOINTED MEMBER SHALL SUBMIT A DISCLOSURE OF FINANCIAL INTEREST WITHIN 60 DAYS AFTER THE MEMBER'S APPOINTMENT TO THE BOARD.

(2) IF THE GOVERNOR DETERMINES THAT A MEMBER HAS WILLFULLY FILED A FALSE STATEMENT UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE GOVERNOR SHALL REMOVE THE MEMBER FROM THE BOARD.

~~(2)~~ (3) THE BOARD OF DIRECTORS AND THE COMPLIANCE OFFICER FOR THE MEDICAL SYSTEM CORPORATION SHALL REVIEW EACH STATEMENT SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR COMPLIANCE WITH THE BOARD'S CONFLICT OF INTEREST POLICY.

~~(2)~~ ~~(3)~~ (4) THE STATE HEALTH SERVICES COST REVIEW COMMISSION ANNUALLY SHALL SEND A SUMMARY OF EACH STATEMENT SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE GOVERNOR, THE PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE.

(M) (1) ~~THE BOARD MEDICAL SYSTEM CORPORATION~~ MAY NOT USE SOLE SOURCE PROCUREMENT UNDER ~~§ 13-107 OF THE STATE FINANCE AND PROCUREMENT ARTICLE~~ TO AWARD A CONTRACT TO AN ACTIVE MEMBER OF THE BOARD OF DIRECTORS OR A BUSINESS ENTITY THAT EMPLOYS OR HAS AN AFFILIATION WITH AN ACTIVE MEMBER.

(2) ~~THE GOVERNOR SHALL REMOVE A MEMBER FROM THE BOARD OF DIRECTORS WHO HAS BENEFITED FROM A SOLE SOURCE PROCUREMENT.~~

(3) ~~THE MEDICAL SYSTEM CORPORATION MAY NOT PROVIDE A PREFERENCE FOR THE AWARD OF A CONTRACT TO AN ACTIVE MEMBER OF THE BOARD OF DIRECTORS OR A BUSINESS ENTITY THAT EMPLOYS OR HAS AN AFFILIATION WITH AN ACTIVE MEMBER.~~

(N) (1) ~~THE AWARD OF A CONTRACT OR THE MAKING OF A PAYMENT TO A MEMBER OF THE BOARD OF DIRECTORS OR AN ASSOCIATED BUSINESS OF A MEMBER SHALL BE SUBJECT TO THE APPROVAL OF THE FULL BOARD OF DIRECTORS.~~

(2) ~~BEFORE THE MEDICAL SYSTEM CORPORATION AWARDS A CONTRACT OR MAKES A PAYMENT TO A MEMBER OF THE BOARD OF DIRECTORS, THE COMPLIANCE OFFICER SHALL:~~

(I) ~~REVIEW THE CONTRACT OR PAYMENT AND ADVISE THE MEMBER OF THE BOARD OF DIRECTORS AS TO WHETHER THE CONTRACT OR PAYMENT IS APPROPRIATE AND CONSISTENT WITH THE POLICIES OF THE MEDICAL SYSTEM CORPORATION; AND~~

(II) ~~MAKE A RECOMMENDATION TO THE BOARD OF DIRECTORS AS TO WHETHER THE CONTRACT OR PAYMENT SHOULD BE APPROVED OR DISAPPROVED BY THE BOARD.~~

(O) (1) ~~THE BOARD OF DIRECTORS SHALL DEVELOP A POLICY GOVERNING CONTRACTS WITH AND PAYMENTS TO A MEMBER OF THE BOARD OF DIRECTORS OR MEMBERS OF THE BOARD OF DIRECTORS OF HOSPITALS AFFILIATED WITH THE MEDICAL SYSTEM CORPORATION BY:~~

(I) ~~THE MEDICAL SYSTEM CORPORATION; OR~~

(II) ~~THE AFFILIATED HOSPITAL.~~

(2) ~~ON OR BEFORE DECEMBER 1 EACH YEAR, THE BOARD OF DIRECTORS SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE PRESIDENT OF THE~~

SENATE, THE SPEAKER OF THE HOUSE, THE JOINT AUDIT COMMITTEE, THE SENATE FINANCE COMMITTEE, AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE ON:

(I) THE POLICY ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

(II) HOW THE BOARD OF DIRECTORS HAS ENSURED COMPLIANCE WITH THE POLICY BY THE AFFILIATED HOSPITALS AND THE MEMBERS OF THE BOARD OF DIRECTORS OF THE AFFILIATED HOSPITALS.

[(k)] ~~(N)~~ (P) The Chairman of the Board of Directors shall appoint representatives from the community naturally served by the medical system having interest in the services of the medical system to 3-year terms as members of a Community Advisory Council. The Board of Directors shall designate at least one of its members to meet with the Community Advisory Council and advise the Community Advisory Council of matters of potential interest. Recommendations of this Community Advisory Council concerning services offered by the Medical System Corporation and its community relationships shall be considered by the Board of Directors.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) (1) ~~On~~ Subject to paragraph (3) of this subsection, on or before May 15, 2019, the University of Maryland Medical System Corporation shall ~~employ an independent certified public accountant licensed to practice in the State entity with expertise in nonprofit corporate governance~~ competitively bid for a certified public accounting firm to conduct a performance audit of the administrative and financial offices of the University of Maryland Medical System Corporation to evaluate the efficiency and effectiveness of the financial management practices, including procurement and contracting processes, of the University of Maryland Medical System Corporation.

(2) The performance audit required under paragraph (1) of this subsection does not include ~~the administrative and financial offices of the University of Maryland Medical System or~~ any subsidiaries or affiliated hospitals of the University of Maryland Medical System Corporation.

(3) (i) A certified public accounting firm that provides services to the Medical System Corporation or an affiliated hospital is not eligible to bid on the performance audit contract under paragraph (1) of this subsection.

(ii) On the award of the performance audit contract to a certified public accounting firm under paragraph (1) of this subsection and before commencement of the performance audit, the certified public accounting firm shall consult with the Joint Audit Committee and the Office of Legislative Audits in the development of the scope and objectives of the performance audit.

(b) (1) On or before December 31, 2019, the University of Maryland Medical System Corporation shall submit a certified copy of the performance audit to the Governor and, in accordance with § 2-1246 of the State Government Article, the President of the Senate and the Speaker of the House.

(2) On or before December 31, 2022, the Medical System Corporation shall submit a certified copy of a performance audit conducted during the calendar year 2022 that meets the requirements under subsection (a) of this section to the Governor and, in accordance with § 2-1246 of the State Government Article, the President of the Senate and the Speaker of the House.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The Office of Legislative Audits shall conduct a forensic audit of the University of Maryland Medical System Corporation for the calendar years 2016 through the effective date of this Act or earlier as deemed appropriate by the Office of Legislative Audits that:

(1) identifies all of the members of the Board of Directors of the Medical System Corporation and each member's associated businesses;

(2) obtains all disbursement records from the Medical System Corporation;

(3) identifies all contracts with or payments to the members of the Board of Directors and a member's associated businesses;

(4) identifies the basis for the procurement and the Medical System Corporation official and department that initiated and approved the payment;

(5) identifies the procurement method used and tests for propriety of the procurement, including whether it was conducted in accordance with a formal Medical System Corporation policy and whether the full Board of Directors approved the contract or payment;

(6) evaluate whether all proper steps were taken and, if a payment or contract was sole source, whether the rationale was documented and supportable; and

(7) evaluate whether the contract or payment made to a member of the Board of Directors or the member's associated business was monitored effectively to ensure that all deliverables paid for were provided.

(b) (1) On or before December 15, 2019, the Office of Legislative Audits shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the President of the Senate, the Speaker of the House, the Joint Audit Committee, the Senate Finance Committee, and the House Health and Government Operations Committee on the findings of the forensic audit conducted under this section.

(2) The report required under paragraph (1) of this subsection shall include any recommendations by the Office of Legislative Audits regarding how best to evaluate the procurement and contracting processes and any contracts with and payments to University of Maryland Medical System affiliated hospitals and members of the Board of Directors of the Medical System Corporation or the members of the boards of directors of the affiliated hospitals.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That ~~the~~:

(a) The Board of Directors of the University of Maryland Medical System Corporation shall:

(1) conduct an internal review of the Board's policies and procedures, including policies for enforcing statutory limits on consecutive terms of appointment for members and continued service after the expiration of a member's term; and

(2) on or before December 31, 2019, report the findings and any recommendations for improvements to the policies and procedures of the Board to the Governor and, in accordance with § 2-1246 of the State Government Article, the President of the Senate and, the Speaker of the House, and the Office of Legislative Audits.

(b) The Office of Legislative Audits shall review and comment on the report submitted under subsection (a) of this section to the Joint Audit Committee, the Senate Finance Committee, and the House Health and Government Operations Committee.

~~SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 13-304 of the Education Article as enacted by Section 1 of this Act, it is the intent of the General Assembly that the members of the Board of Directors of the University of Maryland Medical System Corporation who are in office on the effective date of this Act shall serve for the full term for which the member was appointed.~~

SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That:

(a) The ~~terms~~ appointment of the members of the Board of Directors of the University of Maryland Medical System Corporation who are in office on the effective date of this Act shall ~~terminate~~ end as follows:

~~(1) the terms of approximately one-half of the members of the Board shall terminate on June 1, 2019; and~~

~~(2) the terms of the remaining members of the Board shall terminate on October 1, 2019.~~

(1) the appointment of approximately one-third of the members of the Board shall end on July 1, 2019;

(2) the appointment of approximately one-third of the members of the Board shall end on October 1, 2019; and

(3) the appointment of the remaining members of the Board shall end on January 1, 2020.

(b) (1) Subject to the provisions of § 13-301 of the Education Article, as enacted by Section 1 of this Act, a member of the Board whose ~~term is terminated~~ appointment ends under subsection (a) of this section may apply for reappointment.

(2) The appointment of a member under paragraph (1) of this subsection who is appointed by the Governor is subject to the advice and consent of the Senate during the legislative session immediately following the date of appointment.

(3) A member reappointed under this subsection shall be considered appointed on the date of the member's initial appointment and is subject to the requirements of § 13-304(d) of the Education Article.

(4) A new member appointed under this subsection shall be considered appointed to fill a vacancy and shall serve for the remainder of the term of the member who was not reappointed under this subsection.

SECTION 6. AND BE IT FURTHER ENACTED, That the terms of the members appointed to the Board of Directors of the University of Maryland Medical System Corporation under § 13-304(c)(4) and (5) of the Education Article as enacted by Section 1 of this Act:

(1) shall be for a term of 5 years from the date of appointment; and

(2) may be reappointed but may not serve more than two consecutive 5-year terms.

SECTION ~~5~~ 7. 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 18, 2019.

Chapter 20

(House Bill 707)

AN ACT concerning

**Manslaughter and Homicide by Vehicle or Vessel Drunk and Drugged Driving
Offenses – Penalties**

FOR the purpose of ~~increasing the maximum terms of imprisonment for the crimes of manslaughter by vehicle or vessel, homicide by vehicle or vessel while under the influence of alcohol or under the influence of alcohol per se, homicide by vehicle or vessel while impaired by alcohol, homicide by vehicle or vessel while impaired by drugs, and homicide by vehicle or vessel while impaired by a controlled dangerous substance;~~ prohibiting an individual from committing certain drunk or drugged driving offenses if the individual has been convicted previously for certain other crimes under certain circumstances; establishing certain penalties; increasing certain penalties for certain convictions of driving while impaired by alcohol while transporting a minor; and generally relating to establishing drunk and drugged driving offenses and altering penalties for manslaughter by vehicle or vessel and certain crimes of homicide by vehicle or vessel drunk and drugged driving offenses.

BY repealing and reenacting, without amendments,

Article – Criminal Law

Section ~~2-209(a), (b), and (c), 2-503(a) and (b), 2-504(a) and (b), 2-505(a) and (b), and 2-506(a) and (b), and 3-211(c)(1), (d)(1), (e)(1), and (f)(2)~~

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section ~~2-209(d)(1) and (2)(i), 2-503(e)(1) and (2)(i), 2-504(e)(1) and (2)(i), 2-505(e)(1) and (2)(i), and 2-506(e)(1) and (2)(i)~~

Section 2-505(c)(1) and (2)(i)

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation

Section 21-902(a)(1)(i) and (ii) and (2)(i), (b)(1)(i) and (2)(i), (c)(1)(i) and (2)(i), and (d)(1)(i) and (2)(i)

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 21-902(a)(1)(iii) and (2)(ii), (b)(1)(ii) and (2)(ii), (c)(1)(ii) and (2)(ii), and (d)(1)(ii) and (2)(ii)

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY adding to

Article – Transportation
Section 21–902(h) and (i)
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

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

Article – Criminal Law

~~2–200.~~

~~(a) In this section, “vehicle” includes a motor vehicle, streetcar, locomotive, engine, and train.~~

~~(b) A person may not cause the death of another as a result of the person’s driving, operating, or controlling a vehicle or vessel in a grossly negligent manner.~~

~~(c) A violation of this section is manslaughter by vehicle or vessel.~~

~~(d) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [10] 15 years or a fine not exceeding \$5,000 or both.~~

~~(2) (i) A person who violates this section, having previously been convicted under this section, § 2–210, § 2–503, § 2–504, § 2–505, § 2–506, or § 3–211 of this article, or § 21–902 of the Transportation Article, is guilty of a felony and on conviction is subject to imprisonment not exceeding [15] 20 years or a fine not exceeding \$10,000 or both.~~

2–503.

(a) A person may not cause the death of another as a result of the person’s negligently driving, operating, or controlling a motor vehicle or vessel while:

(1) under the influence of alcohol; or

(2) under the influence of alcohol per se.

(b) A violation of this section is:

(1) homicide by motor vehicle or vessel while under the influence of alcohol;

or

(2) homicide by motor vehicle or vessel while under the influence of alcohol

per se.

~~(e) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [5] 15 years or a fine not exceeding \$5,000 or both.~~

~~(2) (i) A person who violates this section, having previously been convicted under this section, § 2-209, § 2-210, § 2-504, § 2-505, § 2-506, or § 3-211 of this article, or § 21-902 of the Transportation Article, is guilty of a felony and on conviction is subject to imprisonment not exceeding [10] 20 years or a fine not exceeding \$10,000 or both.~~

2-504.

(a) A person may not cause the death of another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while impaired by alcohol.

(b) A violation of this section is homicide by motor vehicle or vessel while impaired by alcohol.

~~(e) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [3] 10 years or a fine not exceeding \$5,000 or both.~~

~~(2) (i) A person who violates this section, having previously been convicted under this section, § 2-209, § 2-210, § 2-503, § 2-505, § 2-506, or § 3-211 of this article, or § 21-902 of the Transportation Article, is guilty of a felony and on conviction is subject to imprisonment not exceeding [5] 15 years or a fine not exceeding \$10,000 or both.~~

2-505.

(a) A person may not cause the death of another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is so far impaired by a drug, a combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive, operate, or control a motor vehicle or vessel safely.

(b) A violation of this section is homicide by motor vehicle or vessel while impaired by drugs.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [3] ~~10~~ 5 years or a fine not exceeding \$5,000 or both.

(2) (i) A person who violates this section, having previously been convicted under this section, § 2-209, § 2-210, § 2-503, § 2-504, § 2-506, or § 3-211 of this article, or § 21-902 of the Transportation Article, is guilty of a felony and on conviction is

subject to imprisonment not exceeding ~~[5] 15~~ 10 years or a fine not exceeding \$10,000 or both.

2–506.

(a) A person may not cause the death of another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is impaired by a controlled dangerous substance, as defined in § 5–101 of this article.

(b) A violation of this section is homicide by motor vehicle or vessel while impaired by a controlled dangerous substance.

~~(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [5] 15 years or a fine not exceeding \$5,000 or both.~~

~~(2) (i) A person who violates this section, having previously been convicted under this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, or § 3–211 of this article, or § 21–902 of the Transportation Article, is guilty of a felony and on conviction is subject to imprisonment not exceeding [10] 20 years or a fine not exceeding \$10,000 or both.~~

3–211.

(c) (1) A person may not cause a life-threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is:

(i) under the influence of alcohol; or

(ii) under the influence of alcohol per se.

(d) (1) A person may not cause a life-threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is impaired by alcohol.

(e) (1) A person may not cause a life-threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is so far impaired by a drug, a combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive, operate, or control a motor vehicle or vessel safely.

(f) (2) A person may not cause a life-threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is impaired by a controlled dangerous substance as defined in § 5–101 of this article.

Article – Transportation21-902.

(a) (1) (i) A person may not drive or attempt to drive any vehicle while under the influence of alcohol.

(ii) A person may not drive or attempt to drive any vehicle while the person is under the influence of alcohol per se.

(iii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; AND

2. For a second offense, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both[; and

3. For a third or subsequent offense, imprisonment not exceeding 3 years or a fine not exceeding \$3,000 or both].

(2) (i) A person may not violate paragraph (1) of this subsection while transporting a minor.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both; AND

2. For a second offense, imprisonment not exceeding 3 years or a fine not exceeding \$3,000 or both[; and

3. For a third or subsequent offense, imprisonment not exceeding 4 years or a fine not exceeding \$4,000 or both].

(b) (1) (i) A person may not drive or attempt to drive any vehicle while impaired by alcohol.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 2 months or a fine not exceeding \$500 or both; AND

2. For a second offense, imprisonment not exceeding 1 year or a fine not exceeding \$500 or both[; and

3. For a third or subsequent offense, imprisonment not exceeding 3 years or a fine not exceeding \$3,000 or both].

(2) (i) A person may not violate paragraph (1) of this subsection while transporting a minor.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding [6 months] 1 YEAR or a fine not exceeding \$1,000 or both; AND

2. For a second offense, imprisonment not exceeding [1 year] 2 YEARS or a fine not exceeding \$2,000 or both[; and

3. For a third or subsequent offense, imprisonment not exceeding 4 years or a fine not exceeding \$4,000 or both].

(c) (1) (i) A person may not drive or attempt to drive any vehicle while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 2 months or a fine not exceeding \$500 or both; AND

2. For a second offense, imprisonment not exceeding 1 year or a fine not exceeding \$500 or both[; and

3. For a third or subsequent offense, imprisonment not exceeding 3 years or a fine not exceeding \$3,000 or both].

(2) (i) A person may not violate paragraph (1) of this subsection while transporting a minor.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding [6 months] 1 YEAR or a fine not exceeding \$1,000 or both; AND

2. For a second offense, imprisonment not exceeding [1 year] 2 YEARS or a fine not exceeding \$2,000 or both[; and

3. For a third or subsequent offense, imprisonment not exceeding 4 years or a fine not exceeding \$4,000 or both].

(d) (1) (i) A person may not drive or attempt to drive any vehicle while the person is impaired by any controlled dangerous substance, as that term is defined in § 5-101 of the Criminal Law Article, if the person is not entitled to use the controlled dangerous substance under the laws of this State.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; AND

2. For a second offense, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both]; and

3. For a third or subsequent offense, imprisonment not exceeding 3 years or a fine not exceeding \$3,000 or both].

(2) (i) A person may not violate paragraph (1) of this subsection while transporting a minor.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both; AND

2. For a second offense, imprisonment not exceeding 3 years or a fine not exceeding \$3,000 or both]; and

3. For a third or subsequent offense, imprisonment not exceeding 4 years or a fine not exceeding \$4,000 or both].

(H) (1) A PERSON MAY NOT VIOLATE SUBSECTION (A), (B), (C), OR (D) OF THIS SECTION IF THE PERSON PREVIOUSLY HAS BEEN CONVICTED OF TWO VIOLATIONS OF ANY PROVISION OF SUBSECTION (A), (B), (C), OR (D) OF THIS SECTION.

(2) FOR PURPOSES OF THIS SUBSECTION, A CONVICTION FOR A CRIME UNDER THE LAWS OF THE UNITED STATES THAT WOULD BE A CRIME INCLUDED IN PARAGRAPH (1) OF THIS SUBSECTION IF COMMITTED IN THIS STATE SHALL BE CONSIDERED A PRIOR CONVICTION UNDER THIS SUBSECTION.

(3) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

(I) (1) A PERSON MAY NOT VIOLATE SUBSECTION (A), (B), (C), OR (D) OF THIS SECTION IF THE PERSON PREVIOUSLY HAS BEEN CONVICTED OF:

(I) THREE OR MORE VIOLATIONS OF ANY PROVISION OF SUBSECTION (A), (B), (C), OR (D) OF THIS SECTION; OR

(II) A VIOLATION OF § 2-503, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THE CRIMINAL LAW ARTICLE.

(2) FOR PURPOSES OF THIS SUBSECTION, A CONVICTION FOR A CRIME UNDER THE LAWS OF THE UNITED STATES THAT WOULD BE A CRIME INCLUDED IN PARAGRAPH (1) OF THIS SUBSECTION IF COMMITTED IN THIS STATE SHALL BE CONSIDERED A PRIOR CONVICTION UNDER THIS SUBSECTION.

(3) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 21

(House Bill 871)

AN ACT concerning

Criminal Law – Human Trafficking and Prostitution Offenses

FOR the purpose of altering the elements of the prohibitions against human trafficking and renaming them sex trafficking; prohibiting a person from violating certain provisions of this Act with the use of or intent to use force, threat, coercion, or fraud; prohibiting a person from knowingly receiving a certain benefit in relation to a violation of certain provisions of this Act; prohibiting a person from knowingly engaging in certain conduct with the intent to compel another to marry any person under certain circumstances; prohibiting a person from destroying, concealing, removing, confiscating, or possessing certain documents while violating certain provisions of this Act; prohibiting a person from aiding, abetting, or conspiring with another to violate certain provisions of this Act; establishing that the lack of knowledge about a victim's age is not a defense to certain offenses involving a child; establishing certain penalties for violations of this Act; reorganizing certain provisions of law relating to prostitution; classifying a certain offense of human trafficking as a crime

of violence under certain provisions of law; defining certain terms; altering certain definitions; making conforming changes; *making a stylistic change*; and generally relating to human trafficking and prostitution offenses.

BY renumbering

Article – Criminal Law

Section 11–303 and 11–306, respectively
to be Section 3–1102 and 11–303, respectively

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 15–207(b)(1)

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 3–8A–19(d)(3)(i)6., 4–301(b)(25), 10–402(c)(2)(ii)1.O., and 10–406(a)(15)

Annotated Code of Maryland

(2013 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 3–324(b), 9–801(g)(2), 11–305, and ~~14–101(a)(24) and (25)~~ 14–101(a)

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY adding to

Article – Criminal Law

Section 3–1101 and 3–1103 to be under the new subtitle “Subtitle 11. Human
Trafficking”; 11–306, ~~11–307, and 14–101(a)(26)~~ and 11–307

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 3–1102 and 11–303

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

(As enacted by Section 1 of this Act)

BY repealing and reenacting, without amendments,

Article – Criminal Law

Section 11–301

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 8–302(a), 10–110(a)(1)(xiv), 10–301(f)(12), 11–701(p)(2), 13–501(g), 13–502, 13–503, 13–507, 13–508(a), 13–514, 13–518(a)(7), 13–522, 13–524, 13–525(a)(1), and 13–528(c)(1)

Annotated Code of Maryland

(2018 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 2–412(c)(11) and 5–101(c)

Annotated Code of Maryland

(2018 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 11–303 and 11–306, respectively, of Article – Criminal Law of the Annotated Code of Maryland be renumbered to be Section(s) 3–1102 and 11–303, respectively.

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

Article – Business Regulation

15–207.

(b) (1) A State, county, or municipal law enforcement agency may issue a civil citation to a lodging establishment requiring it to post prominently in each guest room for 1 year the sign that is identical to the notice required to be placed on the Web site of the Department under subsection (a) of this section, if the lodging establishment is located on property where arrests leading to convictions ~~of~~ **FOR** prostitution, solicitation of a minor, or human trafficking under [Title 11, Subtitle 13] **TITLE 3, SUBTITLE 11** of the Criminal Law Article have occurred.

Article – Courts and Judicial Proceedings

3–8A–19.

(d) (3) (i) Except as provided in subparagraph (ii) or (iii) of this paragraph, a child may not be committed to the Department of Juvenile Services for out-of-home placement if the most serious offense is:

6. An offense involving prostitution under [§ 11–306] **§ 11–303, § 11–306, OR § 11–307** of the Criminal Law Article;

4–301.

(b) Except as provided in § 4–302 of this subtitle, the District Court also has exclusive original jurisdiction in a criminal case in which a person at least 18 years old or a corporation is charged with:

(25) Violation of [§ 11–303(b)] **§ 3–1102(B) OR § 3–1103** of the Criminal Law Article.

10–402.

(c) (2) (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:

O. A human trafficking offense under [§ 11–303] **TITLE 3, SUBTITLE 11** of the Criminal Law Article;

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:

(15) A human trafficking offense under [§ 11–303] **TITLE 3, SUBTITLE 11** of the Criminal Law Article;

Article – Criminal Law

3–324.

(b) A person may not, with the intent to commit a violation of § 3–304, § 3–306, or § 3–307 of this subtitle or **§ 11–303**, § 11–304, § 11–305, [or] § 11–306, **OR § 11–307** of this article, knowingly solicit a minor, or a law enforcement officer posing as a minor, to engage in activities that would be unlawful for the person to engage in under § 3–304, § 3–306, or § 3–307 of this subtitle or **§ 11–303**, § 11–304, § 11–305, [or] § 11–306, **OR § 11–307** of this article.

SUBTITLE 11. HUMAN TRAFFICKING.

3–1101.

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

(B) “ASSIGNATION” HAS THE MEANING STATED IN § 11-301 OF THIS ARTICLE.

(C) “PROSTITUTION” HAS THE MEANING STATED IN § 11-301 OF THIS ARTICLE.

(D) “SEXUALLY EXPLICIT PERFORMANCE” HAS THE MEANING STATED IN § 11-301 OF THIS ARTICLE.

3-1102.

(a) (1) A person may not knowingly:

(i) take or cause another to be taken to any place for prostitution;

(ii) place, cause to be placed, or harbor another in any place for prostitution;

(iii) persuade, induce, entice, or encourage another to be taken to or placed in any place for prostitution;

(iv) receive consideration to procure for or place in a house of prostitution or elsewhere another with the intent of causing the other to engage in prostitution or assignation;

(v) engage in a device, scheme, or continuing course of conduct intended to cause another to believe that if the other did not take part in a sexually explicit performance, the other or a third person would suffer physical restraint or serious physical harm; or

(vi) destroy, conceal, remove, confiscate, or possess an actual or purported passport, immigration document, or government identification document of another while otherwise violating or attempting to violate this subsection.

(2) A parent, guardian, or person who has permanent or temporary care or custody or responsibility for supervision of another may not consent to the taking or detention of the other for prostitution.

(b) (1) A person may not violate subsection (a) of this section involving a victim who is a minor.

(2) A person may not [knowingly take or detain another] **VIOLATE SUBSECTION (A) OF THIS SECTION** with the **USE OF OR** intent to use force, threat, coercion, or fraud [to compel the other to marry the person or a third person or perform a sexual act, sexual contact, or vaginal intercourse].

(c) (1) (i) Except as provided in paragraph (2) of this subsection, a person who violates subsection (a) of this section is guilty of the misdemeanor of [human trafficking] **SEX TRAFFICKING** and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

(ii) A person who violates subsection (a) of this section is subject to § 5–106(b) of the Courts Article.

(2) A person who violates subsection (b) of this section is guilty of the felony of [human trafficking] **SEX TRAFFICKING** and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding \$15,000 or both.

(d) A person who violates this section may be charged, tried, and sentenced in any county in or through which the person transported or attempted to transport the other.

(e) (1) A person who knowingly benefits financially ~~for~~ by receiving anything of value from participation in a venture that includes an act described in subsection (a) or (b) of this section is subject to the same penalties that would apply if the person had violated that subsection.

(2) A person who knowingly aids, abets, or conspires with one or more other persons to violate any subsection of this section is subject to the same penalties that apply for a violation of that subsection.

(f) It is not a defense to a prosecution under subsection (b)(1) **OR (E)** of this section that the person did not know the age of the victim.

3–1103.

(A) A PERSON MAY NOT KNOWINGLY:

(1) TAKE OR DETAIN ANOTHER WITH THE INTENT TO USE FORCE, THREAT, COERCION, OR FRAUD TO COMPEL THE OTHER TO MARRY ANY PERSON;

(2) RECEIVE A FINANCIAL BENEFIT OR THING OF VALUE IN RELATION TO A VIOLATION OF THIS SUBSECTION; OR

(3) AID, ABET, OR CONSPIRE WITH ANOTHER TO VIOLATE THIS SUBSECTION.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE FELONY OF FORCED MARRIAGE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 25 YEARS OR A FINE NOT EXCEEDING \$15,000 OR BOTH.

(C) A PERSON WHO VIOLATES THIS SECTION MAY BE CHARGED, TRIED, AND SENTENCED IN ANY COUNTY IN OR THROUGH WHICH THE PERSON TRANSPORTED OR ATTEMPTED TO TRANSPORT THE VICTIM.

9–801.

(g) “Underlying crime” means:

(2) a violation of § 3–203 (second degree assault), **§ 3–1102 (SEX TRAFFICKING), § 3–1103 (FORCED MARRIAGE)**, § 4–203 (wearing, carrying, or transporting a handgun), § 9–302 (inducing false testimony or avoidance of subpoena), § 9–303 (retaliation for testimony), § 9–305 (intimidating or corrupting juror), [**§ 11–303 (human trafficking), § 11–304 (receiving earnings of prostitute), or [§ 11–306(a)(2), (3), or (4)] § 11–307 (house of prostitution)**] of this article;

11–301.

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

(b) “Assignment” means the making of an appointment or engagement for prostitution or any act in furtherance of the appointment or engagement.

(c) “Prostitution” means the performance of a sexual act, sexual contact, or vaginal intercourse for hire.

(d) “Sexual act” has the meaning stated in § 3–301 of this article.

(e) “Sexual contact” has the meaning stated in § 3–301 of this article.

(f) “Sexually explicit performance” means a public or private, live, photographed, recorded, or videotaped act or show in which the performer is wholly or partially nude, and which is intended to sexually arouse or appeal to the prurient interest of patrons or viewers.

(g) “Solicit” means urging, advising, inducing, encouraging, requesting, or commanding another.

(h) “Vaginal intercourse” has the meaning stated in § 3–301 of this article.

11–303.

(a) A person may not knowingly:

- (1) engage in prostitution or assignation by any means; **OR**
- (2) [keep, set up,] occupy[, maintain, or operate] a building, structure, or conveyance for prostitution or assignation[;
- (3) allow a building, structure, or conveyance owned or under the person's control to be used for prostitution or assignation;
- (4) allow or agree to allow a person into a building, structure, or conveyance for prostitution or assignation; or
- (5) procure or solicit or offer to procure or solicit for prostitution or assignation].

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

(c) (1) Subject to paragraph (2) of this subsection, in a prosecution under this section, it is an affirmative defense of duress if the defendant committed the act as a result of being a victim of an act of another [who was charged with violating the prohibition against human trafficking under § 11–303 of this subtitle or] **IN VIOLATION OF TITLE 3, SUBTITLE 11 OF THIS ARTICLE OR THE PROHIBITION AGAINST HUMAN TRAFFICKING** under federal law.

(2) A defendant may not assert the affirmative defense provided in paragraph (1) of this subsection unless the defendant notifies the State's Attorney of the defendant's intention to assert the defense at least 10 days prior to trial.

11–305.

(a) For the purpose of committing a crime under Title 3, Subtitle 3 of this article, a person may not:

(1) persuade or entice or aid in the persuasion or enticement of an individual under the age of 16 years from the individual's home or from the custody of the individual's parent or guardian; and

(2) knowingly secrete or harbor or aid in the secreting or harboring of the individual who has been persuaded or enticed in the manner described in item (1) of this subsection.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding \$5,000 or both.

(C) IT IS NOT A DEFENSE TO PROSECUTION UNDER THIS SECTION THAT THE PERSON DID NOT KNOW THE AGE OF THE VICTIM.

11-306.

(A) A PERSON MAY NOT KNOWINGLY PROCURE OR SOLICIT OR OFFER TO PROCURE OR SOLICIT PROSTITUTION OR ASSIGNATION.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$500 OR BOTH.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN A PROSECUTION UNDER THIS SECTION, IT IS AN AFFIRMATIVE DEFENSE OF DURESS IF THE DEFENDANT COMMITTED THE ACT AS A RESULT OF BEING A VICTIM OF AN ACT OF ANOTHER IN VIOLATION OF TITLE 3, SUBTITLE 11 OF THIS ARTICLE OR THE PROHIBITION AGAINST HUMAN TRAFFICKING UNDER FEDERAL LAW.

(2) A DEFENDANT MAY NOT ASSERT THE AFFIRMATIVE DEFENSE PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION UNLESS THE DEFENDANT NOTIFIES THE STATE'S ATTORNEY OF THE DEFENDANT'S INTENTION TO ASSERT THE DEFENSE AT LEAST 10 DAYS PRIOR TO TRIAL.

11-307.

(A) A PERSON MAY NOT KNOWINGLY:

(1) ALLOW A BUILDING, STRUCTURE, OR CONVEYANCE OWNED OR UNDER THE PERSON'S CONTROL TO BE USED FOR PROSTITUTION OR ASSIGNATION;

(2) ALLOW OR AGREE TO ALLOW A PERSON INTO A BUILDING, STRUCTURE, OR CONVEYANCE FOR PROSTITUTION OR ASSIGNATION; OR

(3) KEEP, SET UP, MAINTAIN, OR OPERATE A BUILDING, STRUCTURE, OR CONVEYANCE FOR PROSTITUTION OR ASSIGNATION.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$500 OR BOTH.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN A PROSECUTION UNDER THIS SECTION, IT IS AN AFFIRMATIVE DEFENSE OF DURESS IF THE DEFENDANT COMMITTED THE ACT AS A RESULT OF BEING A VICTIM OF AN ACT OF ANOTHER IN VIOLATION OF TITLE 3, SUBTITLE 11 OF THIS ARTICLE OR THE PROHIBITION AGAINST HUMAN TRAFFICKING UNDER FEDERAL LAW.

(2) A DEFENDANT MAY NOT ASSERT THE AFFIRMATIVE DEFENSE PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION UNLESS THE DEFENDANT NOTIFIES THE STATE'S ATTORNEY OF THE DEFENDANT'S INTENTION TO ASSERT THE DEFENSE AT LEAST 10 DAYS PRIOR TO TRIAL.

14-101.

(a) In this section, "crime of violence" means:

~~(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;~~

~~AND~~

~~(26) FELONY SEX TRAFFICKING UNDER § 3-1102(B) OF THIS ARTICLE.~~

(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 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 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) ~~A FELONY HUMAN TRAFFICKING~~ OFFENSE UNDER TITLE 3, SUBTITLE 11 OF THIS ARTICLE;

(19) an attempt to commit any of the crimes described in items (1) through [(17)] (18) of this subsection;

[(19)] (20) continuing course of conduct with a child under § 3–315 of this article;

[(20)] (21) assault in the first degree;

[(21)] (22) assault with intent to murder;

[(22)] (23) assault with intent to rape;

[(23)] (24) assault with intent to rob;

[(24)] (25) assault with intent to commit a sexual offense in the first degree;
and

[(25)] (26) assault with intent to commit a sexual offense in the second degree.

8–302.

(a) A person convicted of prostitution under [§ 11–306] **§ 11–303** of the Criminal Law Article may file a motion to vacate the judgment if, when the person committed the act or acts of prostitution, the person was acting under duress caused by an act of another committed in violation of [the prohibition against human trafficking under § 11–303] **TITLE 3, SUBTITLE 11** of the Criminal Law Article or **THE PROHIBITION AGAINST HUMAN TRAFFICKING** under federal law.

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:

(xiv) [§ 11–306(a)] **§ 11–303, § 11–306, OR § 11–307** of the Criminal Law Article;

10–301.

(f) “Shieldable conviction” means a conviction of one of the following crimes:

(12) a prostitution offense under [§ 11–306(a)(1)] **§ 11–303** of the Criminal Law Article if the conviction is for prostitution and not assignation.

11–701.

(p) “Tier II sex offender” means a person who has been convicted of:

(2) conspiring to commit, attempting to commit, or committing a violation of **§ 3–1102, § 3–1103, § 11–303, § 11–305, [or] § 11–306, OR § 11–307** of the Criminal Law Article, if the intended prostitute or victim is a minor;

13–501.

(g) “Human trafficking law” means **§ 3–324, § 3–1102, § 3–1103, § 11–207, [§ 11–303,] § 11–304, and § 11–305** of the Criminal Law Article.

13–502.

The following are subject to forfeiture:

(1) except as provided in § 13–503 of this subtitle, a motor vehicle used in connection with a violation of and conviction under [§ 11–303] **§ 3–1102 OR § 3–1103** of the Criminal Law Article;

(2) money used in connection with a violation of and conviction under the human trafficking law, found in close proximity to or at the scene of the arrest for a violation of the human trafficking law; and

(3) except as provided in § 13–503 of this subtitle, real property used in connection with a violation of and conviction under [§ 11–303] **§ 3–1102 OR § 3–1103** of the Criminal Law Article.

13–503.

(a) Property or an interest in property described in § 13–502(1) or (3) of this subtitle may not be forfeited if the owner establishes by a preponderance of the evidence that the violation of the human trafficking law was committed without the owner’s actual knowledge.

(b) (1) A motor vehicle for hire in the transaction of business as a common carrier or a motor vehicle for hire may not be seized or forfeited under this subtitle unless it appears that the owner or other person in charge of the motor vehicle was a consenting party or privy to a violation of the human trafficking law.

(2) A motor vehicle may not be forfeited under this subtitle for an act or omission that the owner shows was committed or omitted by a person other than the owner while the person other than the owner possessed the motor vehicle in criminal violation of federal law or the law of any state.

(c) Subject to subsection (d) of this section, real property used as the principal family residence may not be forfeited under this subtitle unless one of the owners of the real property was convicted of a violation of [§ 11–303] **§ 3–1102 OR § 3–1103** of the Criminal Law Article or of an attempt or conspiracy to violate [§ 11–303] **§ 3–1102 OR § 3–1103** of the Criminal Law Article.

(d) Real property used as the principal family residence by a husband and wife and held by the husband and wife as tenants by the entirety may not be forfeited unless:

(1) the property was used in connection with a violation of [§ 11–303] **§ 3–1102 OR § 3–1103** of the Criminal Law Article or with an attempt or a conspiracy to violate [§ 11–303] **§ 3–1102 OR § 3–1103** of the Criminal Law Article; and

(2) both the husband and wife are convicted of a violation of [§ 11–303] **§ 3–1102 OR § 3–1103** of the Criminal Law Article or of an attempt or conspiracy to violate [§ 11–303] **§ 3–1102 OR § 3–1103** of the Criminal Law Article.

13-507.

(a) A seizing authority may seize a motor vehicle used in violation of [§ 11-303] **§ 3-1102 OR § 3-1103** of the Criminal Law Article and recommend forfeiture to the forfeiting authority if the total circumstances of the case as listed in subsection (b) of this section dictate that seizure and forfeiture are justified.

(b) Circumstances to be considered in deciding whether seizure and forfeiture are justified include:

(1) evidence that the motor vehicle was acquired by use of proceeds from a transaction involving a violation of [§ 11-303] **§ 3-1102 OR § 3-1103** of the Criminal Law Article;

(2) the circumstances of the arrest; and

(3) the way in which the motor vehicle was used.

13-508.

(a) The chief law enforcement officer of the seizing authority that seizes a motor vehicle used in violation of [§ 11-303] **§ 3-1102 OR § 3-1103** of the Criminal Law Article may recommend to the appropriate forfeiting authority in writing that the motor vehicle be forfeited only if the officer:

(1) determines from the records of the Motor Vehicle Administration the names and addresses of all registered owners and secured parties as defined in the Code;

(2) personally reviews the facts and circumstances of the seizure; and

(3) personally determines, according to the standards listed in § 13-507 of this subtitle, and represents in writing that forfeiture is warranted.

13-514.

Except as provided in § 13-517(c) of this subtitle, if property is seized under § 13-504(2)(iv) of this subtitle because there is probable cause to believe that the property is directly or indirectly dangerous to health or safety and that the property was or will be used to violate [§ 11-303] **§ 3-1102 OR § 3-1103** of the Criminal Law Article, forfeiture proceedings under this subtitle shall be filed promptly.

13-518.

(a) A complaint seeking forfeiture shall contain:

(7) if the forfeiting authority seeks to forfeit a lienholder's interest in property, an allegation that the lien was created with actual knowledge that the property was being or was to be used in violation of [§ 11-303] § 3-1102 OR § 3-1103 of the Criminal Law Article;

13-522.

Except as provided in §§ 13-503 and 13-524 of this subtitle, an owner's interest in real property may be forfeited if the owner of the real property is convicted of violating [§ 11-303] § 3-1102 OR § 3-1103 of the Criminal Law Article or attempting or conspiring to violate [§ 11-303] § 3-1102 OR § 3-1103 of the Criminal Law Article.

13-524.

If an owner of real property used as the principal family residence is convicted under [§ 11-303] § 3-1102 OR § 3-1103 of the Criminal Law Article or is convicted of an attempt or conspiracy to violate [§ 11-303] § 3-1102 OR § 3-1103 of the Criminal Law Article and the owner files an appeal of the conviction, the court shall stay forfeiture proceedings under § 13-503 of this subtitle against the real property during the pendency of the appeal.

13-525.

(a) (1) Except as provided in subsection (b) of this section, there is a rebuttable presumption that property or part of a property in which a person has an ownership interest is subject to forfeiture as proceeds, if the State establishes by clear and convincing evidence that:

(i) the person was convicted of violating [§ 11-303] § 3-1102 OR § 3-1103 of the Criminal Law Article or attempting or conspiring to violate [§ 11-303] § 3-1102 OR § 3-1103 of the Criminal Law Article;

(ii) the property was acquired by the person during the violation or within a reasonable time after the violation; and

(iii) there was no other likely source for the property.

13-528.

(c) (1) If the court determines that the forfeited property is subject to a valid lien created without actual knowledge of the lienholder that the property was being or was to be used in violation of [§ 11-303] § 3-1102 OR § 3-1103 of the Criminal Law Article, the court shall order that the property be released within 5 days to the first priority lienholder.

2-412.

(c) Police employees may not act within the limits of a municipal corporation that maintains a police force except:

(11) when conducting investigations relating to or otherwise enforcing §§ 3-324, 3-804, 3-805, 3-902, **3-1102, 3-1103**, 7-302, 11-207, 11-208, 11-303, 11-304, 11-305, [and] 11-306, **AND 11-307** of the Criminal Law Article;

5-101.

(c) “Crime of violence” means:

(1) abduction;

(2) arson in the first degree;

(3) assault in the first or second degree;

(4) burglary in the first, second, or third degree;

(5) carjacking and armed carjacking;

(6) escape in the first degree;

(7) kidnapping;

(8) voluntary manslaughter;

Code; (9) maiming as previously proscribed under former Article 27, § 386 of the

Code; (10) mayhem as previously proscribed under former Article 27, § 384 of the

(11) murder in the first or second degree;

(12) rape in the first or second degree;

(13) robbery;

(14) robbery with a dangerous weapon;

(15) sexual offense in the first, second, or third degree;

(16) home invasion under § 6-202(b) of the Criminal Law Article;

(17) A FELONY ~~HUMAN TRAFFICKING~~ OFFENSE UNDER TITLE 3, SUBTITLE 11 OF THE CRIMINAL LAW ARTICLE;

(18) an attempt to commit any of the crimes listed in items (1) through [(16)] (17) of this subsection; or

[(18)] (19) assault with intent to commit any of the crimes listed in items (1) through [(16)] (17) of this subsection or a crime punishable by imprisonment for more than 1 year.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 22

(Senate Bill 690)

AN ACT concerning

Criminal Law – Human Trafficking and Prostitution Offenses

FOR the purpose of altering the elements of the prohibitions against human trafficking and renaming them sex trafficking; prohibiting a person from violating certain provisions of this Act with the use of or intent to use force, threat, coercion, or fraud; prohibiting a person from knowingly receiving a certain benefit in relation to a violation of certain provisions of this Act; prohibiting a person from knowingly engaging in certain conduct with the intent to compel another to marry any person under certain circumstances; prohibiting a person from destroying, concealing, removing, confiscating, or possessing certain documents while violating certain provisions of this Act; prohibiting a person from aiding, abetting, or conspiring with another to violate certain provisions of this Act; establishing that the lack of knowledge about a victim's age is not a defense to certain offenses involving a child; establishing certain penalties for violations of this Act; reorganizing certain provisions of law relating to prostitution; *classifying a certain offense of human trafficking as a crime of violence under certain provisions of law*; defining certain terms; altering certain definitions; making conforming changes; *making a stylistic change*; and generally relating to human trafficking and prostitution offenses.

BY renumbering

Article – Criminal Law

Section 11–303 and 11–306, respectively

to be Section 3–1102 and 11–303, respectively

Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 15–207(b)(1)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–19(d)(3)(i)6., 4–301(b)(25), 10–402(c)(2)(ii)1.O., and 10–406(a)(15)
Annotated Code of Maryland
(2013 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–324(b), 9–801(g)(2), 11–305, and ~~14–101(a)(24) and (25)~~ 14–101(a)
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

BY adding to
Article – Criminal Law
Section 3–1101 and 3–1103 to be under the new subtitle “Subtitle 11. Human
Trafficking”; 11–306, and 11–307, ~~and 14–101(a)(26)~~
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–1102 and 11–303
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 11–301
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 8–302(a), 10–110(a)(1)(xiv), 10–301(f)(12), 11–701(p)(2), 13–501(g), 13–502,
13–503, 13–507, 13–508(a), 13–514, 13–518(a)(7), 13–522, 13–524,
13–525(a)(1), and 13–528(c)(1)
Annotated Code of Maryland

(2018 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 2–412(c)(11) *and* 5–101(c)

Annotated Code of Maryland

(2018 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 11–303 and 11–306, respectively, of Article – Criminal Law of the Annotated Code of Maryland be renumbered to be Section(s) 3–1102 and 11–303, respectively.

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

Article – Business Regulation

15–207.

(b) (1) A State, county, or municipal law enforcement agency may issue a civil citation to a lodging establishment requiring it to post prominently in each guest room for 1 year the sign that is identical to the notice required to be placed on the Web site of the Department under subsection (a) of this section, if the lodging establishment is located on property where arrests leading to convictions ~~of~~ **FOR** prostitution, solicitation of a minor, or human trafficking under [Title 11, Subtitle 13] **TITLE 3, SUBTITLE 11** of the Criminal Law Article have occurred.

Article – Courts and Judicial Proceedings

3–8A–19.

(d) (3) (i) Except as provided in subparagraph (ii) or (iii) of this paragraph, a child may not be committed to the Department of Juvenile Services for out-of-home placement if the most serious offense is:

6. An offense involving prostitution under [§ 11–306] **§ 11–303, § 11–306, OR § 11–307** of the Criminal Law Article;

4–301.

(b) Except as provided in § 4–302 of this subtitle, the District Court also has exclusive original jurisdiction in a criminal case in which a person at least 18 years old or a corporation is charged with:

(25) Violation of [§ 11–303(b)] **§ 3–1102(B) OR § 3–1103** of the Criminal Law Article.

10–402.

(c) (2) (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:

O. A human trafficking offense under [§ 11–303] **TITLE 3, SUBTITLE 11** of the Criminal Law Article;

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:

(15) A human trafficking offense under [§ 11–303] **TITLE 3, SUBTITLE 11** of the Criminal Law Article;

Article – Criminal Law

3–324.

(b) A person may not, with the intent to commit a violation of § 3–304, § 3–306, or § 3–307 of this subtitle or **§ 11–303**, § 11–304, § 11–305, [or] § 11–306, **OR § 11–307** of this article, knowingly solicit a minor, or a law enforcement officer posing as a minor, to engage in activities that would be unlawful for the person to engage in under § 3–304, § 3–306, or § 3–307 of this subtitle or **§ 11–303**, § 11–304, § 11–305, [or] § 11–306, **OR § 11–307** of this article.

SUBTITLE 11. HUMAN TRAFFICKING.

3–1101.

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

(B) “ASSIGNATION” HAS THE MEANING STATED IN **§ 11–301** OF THIS ARTICLE.

(C) “PROSTITUTION” HAS THE MEANING STATED IN § 11–301 OF THIS ARTICLE.

(D) “SEXUALLY EXPLICIT PERFORMANCE” HAS THE MEANING STATED IN § 11–301 OF THIS ARTICLE.

3–1102.

(a) (1) A person may not knowingly:

(i) take or cause another to be taken to any place for prostitution;

(ii) place, cause to be placed, or harbor another in any place for prostitution;

(iii) persuade, induce, entice, or encourage another to be taken to or placed in any place for prostitution;

(iv) receive consideration to procure for or place in a house of prostitution or elsewhere another with the intent of causing the other to engage in prostitution or assignation;

(v) engage in a device, scheme, or continuing course of conduct intended to cause another to believe that if the other did not take part in a sexually explicit performance, the other or a third person would suffer physical restraint or serious physical harm; or

(vi) destroy, conceal, remove, confiscate, or possess an actual or purported passport, immigration document, or government identification document of another while otherwise violating or attempting to violate this subsection.

(2) A parent, guardian, or person who has permanent or temporary care or custody or responsibility for supervision of another may not consent to the taking or detention of the other for prostitution.

(b) (1) A person may not violate subsection (a) of this section involving a victim who is a minor.

(2) A person may not [knowingly take or detain another] **VIOLATE SUBSECTION (A) OF THIS SECTION** with the **USE OF OR** intent to use force, threat, coercion, or fraud [to compel the other to marry the person or a third person or perform a sexual act, sexual contact, or vaginal intercourse].

(c) (1) (i) Except as provided in paragraph (2) of this subsection, a person who violates subsection (a) of this section is guilty of the misdemeanor of [human

trafficking] **SEX TRAFFICKING** and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

(ii) A person who violates subsection (a) of this section is subject to § 5–106(b) of the Courts Article.

(2) A person who violates subsection (b) of this section is guilty of the felony of [human trafficking] **SEX TRAFFICKING** and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding \$15,000 or both.

(d) A person who violates this section may be charged, tried, and sentenced in any county in or through which the person transported or attempted to transport the other.

(e) (1) A person who knowingly benefits financially ~~for~~ by receiving anything of value from participation in a venture that includes an act described in subsection (a) or (b) of this section is subject to the same penalties that would apply if the person had violated that subsection.

(2) A person who knowingly aids, abets, or conspires with one or more other persons to violate any subsection of this section is subject to the same penalties that apply for a violation of that subsection.

(f) It is not a defense to a prosecution under subsection (b)(1) **OR (E)** of this section that the person did not know the age of the victim.

3–1103.

(A) A PERSON MAY NOT KNOWINGLY:

(1) TAKE OR DETAIN ANOTHER WITH THE INTENT TO USE FORCE, THREAT, COERCION, OR FRAUD TO COMPEL THE OTHER TO MARRY ANY PERSON;

(2) RECEIVE A FINANCIAL BENEFIT OR THING OF VALUE IN RELATION TO A VIOLATION OF THIS SUBSECTION; OR

(3) AID, ABET, OR CONSPIRE WITH ANOTHER TO VIOLATE THIS SUBSECTION.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE FELONY OF FORCED MARRIAGE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 25 YEARS OR A FINE NOT EXCEEDING \$15,000 OR BOTH.

(C) A PERSON WHO VIOLATES THIS SECTION MAY BE CHARGED, TRIED, AND SENTENCED IN ANY COUNTY IN OR THROUGH WHICH THE PERSON TRANSPORTED OR ATTEMPTED TO TRANSPORT THE VICTIM.

9–801.

(g) “Underlying crime” means:

(2) a violation of § 3–203 (second degree assault), **§ 3–1102 (SEX TRAFFICKING), § 3–1103 (FORCED MARRIAGE)**, § 4–203 (wearing, carrying, or transporting a handgun), § 9–302 (inducing false testimony or avoidance of subpoena), § 9–303 (retaliation for testimony), § 9–305 (intimidating or corrupting juror), [§ 11–303 (human trafficking),] § 11–304 (receiving earnings of prostitute), or [§ 11–306(a)(2), (3), or (4)] **§ 11–307** (house of prostitution) of this article;

11–301.

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

(b) “Assignment” means the making of an appointment or engagement for prostitution or any act in furtherance of the appointment or engagement.

(c) “Prostitution” means the performance of a sexual act, sexual contact, or vaginal intercourse for hire.

(d) “Sexual act” has the meaning stated in § 3–301 of this article.

(e) “Sexual contact” has the meaning stated in § 3–301 of this article.

(f) “Sexually explicit performance” means a public or private, live, photographed, recorded, or videotaped act or show in which the performer is wholly or partially nude, and which is intended to sexually arouse or appeal to the prurient interest of patrons or viewers.

(g) “Solicit” means urging, advising, inducing, encouraging, requesting, or commanding another.

(h) “Vaginal intercourse” has the meaning stated in § 3–301 of this article.

11–303.

(a) A person may not knowingly:

(1) engage in prostitution or assignment by any means; **OR**

(2) [keep, set up,] occupy[, maintain, or operate] a building, structure, or conveyance for prostitution or assignment[;]

(3) allow a building, structure, or conveyance owned or under the person’s control to be used for prostitution or assignment;

(4) allow or agree to allow a person into a building, structure, or conveyance for prostitution or assignation; or

(5) procure or solicit or offer to procure or solicit for prostitution or assignation].

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

(c) (1) Subject to paragraph (2) of this subsection, in a prosecution under this section, it is an affirmative defense of duress if the defendant committed the act as a result of being a victim of an act of another [who was charged with violating the prohibition against human trafficking under § 11–303 of this subtitle or] **IN VIOLATION OF TITLE 3, SUBTITLE 11 OF THIS ARTICLE OR THE PROHIBITION AGAINST HUMAN TRAFFICKING** under federal law.

(2) A defendant may not assert the affirmative defense provided in paragraph (1) of this subsection unless the defendant notifies the State's Attorney of the defendant's intention to assert the defense at least 10 days prior to trial.

11–305.

(a) For the purpose of committing a crime under Title 3, Subtitle 3 of this article, a person may not:

(1) persuade or entice or aid in the persuasion or enticement of an individual under the age of 16 years from the individual's home or from the custody of the individual's parent or guardian; and

(2) knowingly secrete or harbor or aid in the secreting or harboring of the individual who has been persuaded or enticed in the manner described in item (1) of this subsection.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding \$5,000 or both.

(C) IT IS NOT A DEFENSE TO PROSECUTION UNDER THIS SECTION THAT THE PERSON DID NOT KNOW THE AGE OF THE VICTIM.

11–306.

(A) A PERSON MAY NOT KNOWINGLY PROCURE OR SOLICIT OR OFFER TO PROCURE OR SOLICIT PROSTITUTION OR ASSIGNATION.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$500 OR BOTH.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN A PROSECUTION UNDER THIS SECTION, IT IS AN AFFIRMATIVE DEFENSE OF DURESS IF THE DEFENDANT COMMITTED THE ACT AS A RESULT OF BEING A VICTIM OF AN ACT OF ANOTHER IN VIOLATION OF TITLE 3, SUBTITLE 11 OF THIS ARTICLE OR THE PROHIBITION AGAINST HUMAN TRAFFICKING UNDER FEDERAL LAW.

(2) A DEFENDANT MAY NOT ASSERT THE AFFIRMATIVE DEFENSE PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION UNLESS THE DEFENDANT NOTIFIES THE STATE’S ATTORNEY OF THE DEFENDANT’S INTENTION TO ASSERT THE DEFENSE AT LEAST 10 DAYS PRIOR TO TRIAL.

11-307.

(A) A PERSON MAY NOT KNOWINGLY:

(1) ALLOW A BUILDING, STRUCTURE, OR CONVEYANCE OWNED OR UNDER THE PERSON’S CONTROL TO BE USED FOR PROSTITUTION OR ASSIGNATION;

(2) ALLOW OR AGREE TO ALLOW A PERSON INTO A BUILDING, STRUCTURE, OR CONVEYANCE FOR PROSTITUTION OR ASSIGNATION; OR

(3) KEEP, SET UP, MAINTAIN, OR OPERATE A BUILDING, STRUCTURE, OR CONVEYANCE FOR PROSTITUTION OR ASSIGNATION.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$500 OR BOTH.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN A PROSECUTION UNDER THIS SECTION, IT IS AN AFFIRMATIVE DEFENSE OF DURESS IF THE DEFENDANT COMMITTED THE ACT AS A RESULT OF BEING A VICTIM OF AN ACT OF ANOTHER IN VIOLATION OF TITLE 3, SUBTITLE 11 OF THIS ARTICLE OR THE PROHIBITION AGAINST HUMAN TRAFFICKING UNDER FEDERAL LAW.

(2) A DEFENDANT MAY NOT ASSERT THE AFFIRMATIVE DEFENSE PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION UNLESS THE DEFENDANT NOTIFIES THE STATE’S ATTORNEY OF THE DEFENDANT’S INTENTION TO ASSERT THE DEFENSE AT LEAST 10 DAYS PRIOR TO TRIAL.

14-101.

(a) In this section, “crime of violence” means:

~~(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;~~

AND

~~(26) FELONY SEX TRAFFICKING UNDER § 3-1102(B) OF THIS ARTICLE.~~

(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 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 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) A FELONY OFFENSE UNDER TITLE 3, SUBTITLE 11 OF THIS ARTICLE;

(19) an attempt to commit any of the crimes described in items (1) through [(17)] (18) of this subsection;

[(19)] (20) continuing course of conduct with a child under § 3–315 of this article;

[(20)] (21) assault in the first degree;

[(21)] (22) assault with intent to murder;

[(22)] (23) assault with intent to rape;

[(23)] (24) assault with intent to rob;

[(24)] (25) assault with intent to commit a sexual offense in the first degree;

and

[(25)] (26) assault with intent to commit a sexual offense in the second degree.

Article – Criminal Procedure

8–302.

(a) A person convicted of prostitution under [§ 11–306] **§ 11–303** of the Criminal Law Article may file a motion to vacate the judgment if, when the person committed the act or acts of prostitution, the person was acting under duress caused by an act of another committed in violation of [the prohibition against human trafficking under

§ 11–303] **TITLE 3, SUBTITLE 11** of the Criminal Law Article or **THE PROHIBITION AGAINST HUMAN TRAFFICKING** under federal law.

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:

(xiv) [§ 11–306(a)] **§ 11–303, § 11–306, OR § 11–307** of the Criminal Law Article;

10–301.

(f) “Shieldable conviction” means a conviction of one of the following crimes:

(12) a prostitution offense under [§ 11–306(a)(1)] **§ 11–303** of the Criminal Law Article if the conviction is for prostitution and not assignation.

11–701.

(p) “Tier II sex offender” means a person who has been convicted of:

(2) conspiring to commit, attempting to commit, or committing a violation of **§ 3–1102, § 3–1103, § 11–303, § 11–305, [or] § 11–306, OR § 11–307** of the Criminal Law Article, if the intended prostitute or victim is a minor;

13–501.

(g) “Human trafficking law” means § 3–324, **§ 3–1102, § 3–1103, § 11–207, [§ 11–303,] § 11–304, and § 11–305** of the Criminal Law Article.

13–502.

The following are subject to forfeiture:

(1) except as provided in § 13–503 of this subtitle, a motor vehicle used in connection with a violation of and conviction under [§ 11–303] **§ 3–1102 OR § 3–1103** of the Criminal Law Article;

(2) money used in connection with a violation of and conviction under the human trafficking law, found in close proximity to or at the scene of the arrest for a violation of the human trafficking law; and

(3) except as provided in § 13–503 of this subtitle, real property used in connection with a violation of and conviction under [§ 11–303] **§ 3–1102 OR § 3–1103** of the Criminal Law Article.

13–503.

(a) Property or an interest in property described in § 13–502(1) or (3) of this subtitle may not be forfeited if the owner establishes by a preponderance of the evidence that the violation of the human trafficking law was committed without the owner’s actual knowledge.

(b) (1) A motor vehicle for hire in the transaction of business as a common carrier or a motor vehicle for hire may not be seized or forfeited under this subtitle unless it appears that the owner or other person in charge of the motor vehicle was a consenting party or privy to a violation of the human trafficking law.

(2) A motor vehicle may not be forfeited under this subtitle for an act or omission that the owner shows was committed or omitted by a person other than the owner while the person other than the owner possessed the motor vehicle in criminal violation of federal law or the law of any state.

(c) Subject to subsection (d) of this section, real property used as the principal family residence may not be forfeited under this subtitle unless one of the owners of the real property was convicted of a violation of [§ 11–303] **§ 3–1102 OR § 3–1103** of the Criminal Law Article or of an attempt or conspiracy to violate [§ 11–303] **§ 3–1102 OR § 3–1103** of the Criminal Law Article.

(d) Real property used as the principal family residence by a husband and wife and held by the husband and wife as tenants by the entirety may not be forfeited unless:

(1) the property was used in connection with a violation of [§ 11–303] **§ 3–1102 OR § 3–1103** of the Criminal Law Article or with an attempt or a conspiracy to violate [§ 11–303] **§ 3–1102 OR § 3–1103** of the Criminal Law Article; and

(2) both the husband and wife are convicted of a violation of [§ 11–303] **§ 3–1102 OR § 3–1103** of the Criminal Law Article or of an attempt or conspiracy to violate [§ 11–303] **§ 3–1102 OR § 3–1103** of the Criminal Law Article.

13–507.

(a) A seizing authority may seize a motor vehicle used in violation of [§ 11–303] **§ 3–1102 OR § 3–1103** of the Criminal Law Article and recommend forfeiture to the forfeiting authority if the total circumstances of the case as listed in subsection (b) of this section dictate that seizure and forfeiture are justified.

(b) Circumstances to be considered in deciding whether seizure and forfeiture are justified include:

(1) evidence that the motor vehicle was acquired by use of proceeds from a transaction involving a violation of [§ 11–303] **§ 3–1102 OR § 3–1103** of the Criminal Law Article;

(2) the circumstances of the arrest; and

(3) the way in which the motor vehicle was used.

13–508.

(a) The chief law enforcement officer of the seizing authority that seizes a motor vehicle used in violation of [§ 11–303] **§ 3–1102 OR § 3–1103** of the Criminal Law Article may recommend to the appropriate forfeiting authority in writing that the motor vehicle be forfeited only if the officer:

(1) determines from the records of the Motor Vehicle Administration the names and addresses of all registered owners and secured parties as defined in the Code;

(2) personally reviews the facts and circumstances of the seizure; and

(3) personally determines, according to the standards listed in § 13–507 of this subtitle, and represents in writing that forfeiture is warranted.

13–514.

Except as provided in § 13–517(c) of this subtitle, if property is seized under § 13–504(2)(iv) of this subtitle because there is probable cause to believe that the property is directly or indirectly dangerous to health or safety and that the property was or will be used to violate [§ 11–303] **§ 3–1102 OR § 3–1103** of the Criminal Law Article, forfeiture proceedings under this subtitle shall be filed promptly.

13–518.

(a) A complaint seeking forfeiture shall contain:

(7) if the forfeiting authority seeks to forfeit a lienholder's interest in property, an allegation that the lien was created with actual knowledge that the property was being or was to be used in violation of [§ 11–303] **§ 3–1102 OR § 3–1103** of the Criminal Law Article;

13–522.

Except as provided in §§ 13–503 and 13–524 of this subtitle, an owner’s interest in real property may be forfeited if the owner of the real property is convicted of violating [§ 11–303] § 3–1102 OR § 3–1103 of the Criminal Law Article or attempting or conspiring to violate [§ 11–303] § 3–1102 OR § 3–1103 of the Criminal Law Article.

13–524.

If an owner of real property used as the principal family residence is convicted under [§ 11–303] § 3–1102 OR § 3–1103 of the Criminal Law Article or is convicted of an attempt or conspiracy to violate [§ 11–303] § 3–1102 OR § 3–1103 of the Criminal Law Article and the owner files an appeal of the conviction, the court shall stay forfeiture proceedings under § 13–503 of this subtitle against the real property during the pendency of the appeal.

13–525.

(a) (1) Except as provided in subsection (b) of this section, there is a rebuttable presumption that property or part of a property in which a person has an ownership interest is subject to forfeiture as proceeds, if the State establishes by clear and convincing evidence that:

(i) the person was convicted of violating [§ 11–303] § 3–1102 OR § 3–1103 of the Criminal Law Article or attempting or conspiring to violate [§ 11–303] § 3–1102 OR § 3–1103 of the Criminal Law Article;

(ii) the property was acquired by the person during the violation or within a reasonable time after the violation; and

(iii) there was no other likely source for the property.

13–528.

(c) (1) If the court determines that the forfeited property is subject to a valid lien created without actual knowledge of the lienholder that the property was being or was to be used in violation of [§ 11–303] § 3–1102 OR § 3–1103 of the Criminal Law Article, the court shall order that the property be released within 5 days to the first priority lienholder.

Article – Public Safety

2–412.

(c) Police employees may not act within the limits of a municipal corporation that maintains a police force except:

(11) when conducting investigations relating to or otherwise enforcing §§ 3-324, 3-804, 3-805, 3-902, **3-1102, 3-1103**, 7-302, 11-207, 11-208, 11-303, 11-304, 11-305, [and] 11-306, **AND 11-307** of the Criminal Law Article;

5-101.

(c) “Crime of violence” means:

(1) abduction;

(2) arson in the first degree;

(3) assault in the first or second degree;

(4) burglary in the first, second, or third degree;

(5) carjacking and armed carjacking;

(6) escape in the first degree;

(7) kidnapping;

(8) voluntary manslaughter;

(9) maiming as previously proscribed under former Article 27, § 386 of the Code;

(10) mayhem as previously proscribed under former Article 27, § 384 of the Code;

(11) murder in the first or second degree;

(12) rape in the first or second degree;

(13) robbery;

(14) robbery with a dangerous weapon;

(15) sexual offense in the first, second, or third degree;

(16) home invasion under § 6-202(b) of the Criminal Law Article;

(17) A FELONY OFFENSE UNDER TITLE 3, SUBTITLE 11 OF THE CRIMINAL LAW ARTICLE;

(18) an attempt to commit any of the crimes listed in items (1) through [(16)] (17) of this subsection; or

[(18)] (19) assault with intent to commit any of the crimes listed in items (1) through [(16)] (17) of this subsection or a crime punishable by imprisonment for more than 1 year.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 23

(House Bill 734)

AN ACT concerning

Criminal Law – Labor Trafficking (Anti-Exploitation Act of 2019)

FOR the purpose of prohibiting a person from knowingly taking, placing, harboring, persuading, inducing, or enticing another to provide services or labor by force, fraud, or coercion; prohibiting a person from knowingly receiving a benefit or thing of value from the provision of services or labor by another that was induced by force, fraud, or coercion; prohibiting a person from knowingly aiding or conspiring with another to commit a certain violation of this Act; establishing penalties for a violation of this Act; authorizing a certain State’s Attorney or Attorney General to investigate and prosecute a violation of this Act; providing that the Attorney General has the same powers and duties of a certain State’s Attorney if the Attorney General investigates and prosecutes a violation of this Act; defining certain terms; and generally relating to labor trafficking.

BY adding to

Article – Criminal Law

Section 3–1101 ~~and 3–1102~~ through 3–1103 to be under the new subtitle “Subtitle 11. Labor Trafficking”

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Criminal Law

Section 5–101(g)

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,
 Article – Health – General
 Section 7–101(f) and (k) and 10–101(i)
 Annotated Code of Maryland
 (2015 Replacement Volume and 2018 Supplement)

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

Article – Criminal Law

SUBTITLE 11. LABOR TRAFFICKING.

3–1101.

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

(B) “COERCION” INCLUDES ACTUAL OR THREATENED:

(1) ~~USING OR THREATENING TO USE~~ USE OF PHYSICAL FORCE AGAINST AN INDIVIDUAL;

(2) ~~RESTRAINING, ABDUCTING, ISOLATING, OR CONFINING~~ RESTRAINT, ABDUCTION, ISOLATION, OR CONFINEMENT OF AN INDIVIDUAL AGAINST THE INDIVIDUAL’S WILL AND WITHOUT LAWFUL AUTHORITY;

(3) ~~THREATENING TO RESTRAIN, ABDUCT, ISOLATE, OR CONFINE AN INDIVIDUAL AGAINST THE INDIVIDUAL’S WILL AND WITHOUT LAWFUL AUTHORITY;~~

(4) ~~CONTROLLING OR DIRECTING~~ CONTROL OR DIRECTION OF THE ACTIVITY OF AN INDIVIDUAL THROUGH DEBT BONDAGE;

(5) (4) ~~DESTROYING, CONCEALING, REMOVING, CONFISCATING, WITHHOLDING, OR POSSESSING~~ DESTRUCTION, CONCEALMENT, REMOVAL, CONFISCATION, WITHHOLDING, OR POSSESSION OF AN ACTUAL OR PURPORTED PASSPORT, IMMIGRATION DOCUMENT, OR GOVERNMENTAL IDENTIFICATION DOCUMENT OF AN INDIVIDUAL;

(6) (5) ~~CAUSING OR THREATENING TO CAUSE PSYCHOLOGICAL HARM TO AN INDIVIDUAL~~ INFLICTION OF SERIOUS PSYCHOLOGICAL HARM TO AN INDIVIDUAL;

~~(7)~~ (6) ~~CONTROLLING OR THREATENING TO CONTROL~~ CONTROL OF AN INDIVIDUAL'S ACCESS TO A CONTROLLED DANGEROUS SUBSTANCE;

~~(8)~~ (7) ~~EXPOSING OR DISSEMINATING OR THREATENING TO EXPOSE OR DISSEMINATE~~ EXPOSURE OR DISSEMINATION OF ANY FACT OR INFORMATION THAT WOULD TEND TO SUBJECT AN INDIVIDUAL TO CRIMINAL OR IMMIGRATION PROCEEDINGS;

~~(9)~~ (8) ~~THREATENING TO NOTIFY~~ NOTIFICATION TO AN AGENCY OR UNIT OF THE STATE OR FEDERAL GOVERNMENT THAT AN INDIVIDUAL IS PRESENT IN THE UNITED STATES IN VIOLATION OF FEDERAL IMMIGRATION LAW; AND

~~(10)~~ ~~EXPLOITING AN INDIVIDUAL'S PHYSICAL IMPAIRMENT, DEVELOPMENTAL DISABILITY, INTELLECTUAL DISABILITY, OR MENTAL DISORDER;~~ AND

~~(11)~~ ~~USING A PLAN, PATTERN, OR SCHEME WITH THE INTENT TO:~~

~~(I) CAUSE AN INDIVIDUAL TO BELIEVE THAT FAILURE TO PERFORM AN ACT WILL RESULT IN THE USE OF FORCE, RESTRAINT, ABDUCTION, ISOLATION, OR CONFINEMENT;~~

~~(II) CAUSE PSYCHOLOGICAL HARM TO A PERSON; OR~~

~~(III) ENGAGE IN ANY ACTIVITY DESCRIBED IN ITEMS (I) THROUGH (10) OF THIS SUBSECTION.~~

(9) EXPLOITATION OF A VULNERABLE ADULT.

(C) "CONTROLLED DANGEROUS SUBSTANCE" HAS THE MEANING STATED IN § 5-101 OF THIS ARTICLE.

(D) "DEBT BONDAGE" MEANS THE STATUS OR CONDITION OF AN INDIVIDUAL WHO PROVIDES LABOR, SERVICES, OR SEX ACTS TO PAY A REAL OR ALLEGED DEBT, WHERE:

(1) THE VALUE OF THE LABOR, SERVICES, OR SEX ACT IS NOT APPLIED TOWARD THE LIQUIDATION OF THE DEBT;

(2) THE NATURE OF THE LABOR, SERVICES, OR SEX ACT IS NOT LIMITED OR DEFINED; OR

(3) THE AMOUNT OF THE DEBT DOES NOT REASONABLY REFLECT THE VALUE OF ITEMS, SERVICES, OR OTHER THINGS OF VALUE FOR WHICH THE DEBT WAS INCURRED.

~~(E) "DEVELOPMENTAL DISABILITY" HAS THE MEANING STATED IN § 7-101 OF THE HEALTH GENERAL ARTICLE.~~

~~(F) "INTELLECTUAL DISABILITY" HAS THE MEANING STATED IN § 7-101 OF THE HEALTH GENERAL ARTICLE.~~

~~(G) "MENTAL DISORDER" HAS THE MEANING STATED IN § 10-101 OF THE HEALTH GENERAL ARTICLE.~~

(E) "VULNERABLE ADULT" HAS THE MEANING STATED IN § 3-604 OF THIS ARTICLE.

3-1102.

(A) A PERSON MAY NOT KNOWINGLY:

(1) TAKE, PLACE, HARBOR, PERSUADE, INDUCE, OR ENTICE ANOTHER BY FORCE, FRAUD, OR COERCION TO PROVIDE SERVICES OR LABOR; OR

(2) RECEIVE A BENEFIT OR THING OF VALUE FROM THE PROVISION OF SERVICES OR LABOR BY ANOTHER THAT WAS INDUCED BY FORCE, FRAUD, OR COERCION.

(B) A PERSON MAY NOT AID OR CONSPIRE WITH ANOTHER TO COMMIT A VIOLATION OF SUBSECTION (A) OF THIS SECTION.

(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 25 YEARS OR A FINE NOT EXCEEDING \$15,000 OR BOTH.

3-1103.

(A) A STATE'S ATTORNEY OR THE ATTORNEY GENERAL MAY INVESTIGATE AND PROSECUTE A VIOLATION OF THIS SUBTITLE OR A VIOLATION OF ANY CRIME BASED ON THE ACT ESTABLISHING A VIOLATION OF THIS SUBTITLE.

(B) IF THE ATTORNEY GENERAL EXERCISES AUTHORITY UNDER SUBSECTION (A) OF THIS SECTION, THE ATTORNEY GENERAL HAS ALL THE POWERS AND DUTIES OF A STATE'S ATTORNEY TO INVESTIGATE AND PROSECUTE THE VIOLATION.

5–101.

(g) (1) “Controlled dangerous substance” means:

(i) a drug or substance listed in Schedule I through Schedule V; or

(ii) an immediate precursor to a drug or substance listed in Schedule I through Schedule V that:

1. by regulation the Department designates as being the principal compound commonly used or produced primarily for use to manufacture a drug or substance listed in Schedule I through Schedule V;

2. is an immediate chemical intermediary used or likely to be used to manufacture a drug or substance listed in Schedule I through Schedule V; and

3. must be controlled to prevent or limit the manufacture of a drug or substance listed in Schedule I through Schedule V.

(2) “Controlled dangerous substance” does not include distilled spirits, wine, malt beverages, or tobacco.

Article – Health – General

7–101.

(f) “Developmental disability” means a severe chronic disability of an individual that:

(1) Is attributable to a physical or mental impairment, other than the sole diagnosis of mental illness, or to a combination of mental and physical impairments;

(2) Is manifested before the individual attains the age of 22;

(3) Is likely to continue indefinitely;

(4) Results in an inability to live independently without external support or continuing and regular assistance; and

(5) Reflects the need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are individually planned and coordinated for the individual.

(k) “Intellectual disability” means a developmental disability that is evidenced by significantly subaverage intellectual functioning and impairment in the adaptive behavior of an individual.

10–101.

(i) (1) “Mental disorder” means a behavioral or emotional illness that results from a psychiatric disorder.

(2) “Mental disorder” includes a mental illness that so substantially impairs the mental or emotional functioning of an individual as to make care or treatment necessary or advisable for the welfare of the individual or for the safety of the person or property of another.

(3) “Mental disorder” does not include an intellectual disability.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 24

(Senate Bill 689)

AN ACT concerning

Criminal Law – Labor Trafficking (Anti-Exploitation Act of 2019)

FOR the purpose of prohibiting a person from knowingly taking, placing, harboring, persuading, inducing, or enticing another to provide services or labor by force, fraud, or coercion; prohibiting a person from knowingly receiving a benefit or thing of value from the provision of services or labor by another that was induced by force, fraud, or coercion; prohibiting a person from knowingly aiding or conspiring with another to commit a certain violation of this Act; establishing penalties for a violation of this Act; authorizing a certain State’s Attorney or Attorney General to investigate and prosecute a violation of this Act; providing that the Attorney General has the same powers and duties of a certain State’s Attorney if the Attorney General investigates and prosecutes a violation of this Act; defining certain terms; and generally relating to labor trafficking.

BY adding to

Article – Criminal Law

Section ~~3–1101 and 3–1102~~ through 3–1103 to be under the new subtitle “Subtitle 11. Labor Trafficking”

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,
 Article – Criminal Law
 Section 5–101(g)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,
 Article – Health – General
 Section 7–101(f) and (k) and 10–101(i)
 Annotated Code of Maryland
 (2015 Replacement Volume and 2018 Supplement)

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

Article – Criminal Law

SUBTITLE 11. LABOR TRAFFICKING.

3–1101.

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

(B) “COERCION” INCLUDES ACTUAL OR THREATENED:

(1) ~~USING OR THREATENING TO USE~~ USE OF PHYSICAL FORCE AGAINST AN INDIVIDUAL;

(2) ~~RESTRAINING, ABDUCTING, ISOLATING, OR CONFINING~~ RESTRAINT, ABDUCTION, ISOLATION, OR CONFINEMENT OF AN INDIVIDUAL AGAINST THE INDIVIDUAL’S WILL AND WITHOUT LAWFUL AUTHORITY;

(3) ~~THREATENING TO RESTRAIN, ABDUCT, ISOLATE, OR CONFINE AN INDIVIDUAL AGAINST THE INDIVIDUAL’S WILL AND WITHOUT LAWFUL AUTHORITY;~~

(4) ~~CONTROLLING OR DIRECTING~~ CONTROL OR DIRECTION OF THE ACTIVITY OF AN INDIVIDUAL THROUGH DEBT BONDAGE;

(5) (4) ~~DESTROYING, CONCEALING, REMOVING, CONFISCATING, WITHHOLDING, OR POSSESSING~~ DESTRUCTION, CONCEALMENT, REMOVAL, CONFISCATION, WITHHOLDING, OR POSSESSION OF AN ACTUAL OR PURPORTED PASSPORT, IMMIGRATION DOCUMENT, OR GOVERNMENTAL IDENTIFICATION DOCUMENT OF AN INDIVIDUAL;

~~(6) (5) CAUSING OR THREATENING TO CAUSE PSYCHOLOGICAL HARM TO AN INDIVIDUAL~~ INFLICTION OF SERIOUS PSYCHOLOGICAL HARM TO AN INDIVIDUAL;

~~(7) (6) CONTROLLING OR THREATENING TO CONTROL~~ CONTROL OF AN INDIVIDUAL'S ACCESS TO A CONTROLLED DANGEROUS SUBSTANCE;

~~(8) (7) EXPOSING OR DISSEMINATING OR THREATENING TO EXPOSE OR DISSEMINATE~~ EXPOSURE OR DISSEMINATION OF ANY FACT OR INFORMATION THAT WOULD TEND TO SUBJECT AN INDIVIDUAL TO CRIMINAL OR IMMIGRATION PROCEEDINGS;

~~(9) (8) THREATENING TO NOTIFY~~ NOTIFICATION TO AN AGENCY OR UNIT OF THE STATE OR FEDERAL GOVERNMENT THAT AN INDIVIDUAL IS PRESENT IN THE UNITED STATES IN VIOLATION OF FEDERAL IMMIGRATION LAW; AND

~~(10) EXPLOITING AN INDIVIDUAL'S PHYSICAL IMPAIRMENT, DEVELOPMENTAL DISABILITY, INTELLECTUAL DISABILITY, OR MENTAL DISORDER; AND~~

~~(11) USING A PLAN, PATTERN, OR SCHEME WITH THE INTENT TO:~~

~~(I) CAUSE AN INDIVIDUAL TO BELIEVE THAT FAILURE TO PERFORM AN ACT WILL RESULT IN THE USE OF FORCE, RESTRAINT, ABDUCTION, ISOLATION, OR CONFINEMENT;~~

~~(II) CAUSE PSYCHOLOGICAL HARM TO A PERSON; OR~~

~~(III) ENGAGE IN ANY ACTIVITY DESCRIBED IN ITEMS (1) THROUGH (10) OF THIS SUBSECTION.~~

(9) EXPLOITATION OF A VULNERABLE ADULT.

(C) "CONTROLLED DANGEROUS SUBSTANCE" HAS THE MEANING STATED IN § 5-101 OF THIS ARTICLE.

(D) "DEBT BONDAGE" MEANS THE STATUS OR CONDITION OF AN INDIVIDUAL WHO PROVIDES LABOR, SERVICES, OR SEX ACTS TO PAY A REAL OR ALLEGED DEBT, WHERE:

(1) THE VALUE OF THE LABOR, SERVICES, OR SEX ACT IS NOT APPLIED TOWARD THE LIQUIDATION OF THE DEBT;

(2) THE NATURE OF THE LABOR, SERVICES, OR SEX ACT IS NOT LIMITED OR DEFINED; OR

(3) THE AMOUNT OF THE DEBT DOES NOT REASONABLY REFLECT THE VALUE OF ITEMS, SERVICES, OR OTHER THINGS OF VALUE FOR WHICH THE DEBT WAS INCURRED.

~~(E) “DEVELOPMENTAL DISABILITY” HAS THE MEANING STATED IN § 7-101 OF THE HEALTH GENERAL ARTICLE.~~

~~(F) “INTELLECTUAL DISABILITY” HAS THE MEANING STATED IN § 7-101 OF THE HEALTH GENERAL ARTICLE.~~

~~(G) “MENTAL DISORDER” HAS THE MEANING STATED IN § 10-101 OF THE HEALTH GENERAL ARTICLE.~~

(E) “VULNERABLE ADULT” HAS THE MEANING STATED IN § 3-604 OF THIS ARTICLE.

3-1102.

(A) A PERSON MAY NOT KNOWINGLY:

(1) TAKE, PLACE, HARBOR, PERSUADE, INDUCE, OR ENTICE ANOTHER BY FORCE, FRAUD, OR COERCION TO PROVIDE SERVICES OR LABOR; OR

(2) RECEIVE A BENEFIT OR THING OF VALUE FROM THE PROVISION OF SERVICES OR LABOR BY ANOTHER THAT WAS INDUCED BY FORCE, FRAUD, OR COERCION.

(B) A PERSON MAY NOT AID OR CONSPIRE WITH ANOTHER TO COMMIT A VIOLATION OF SUBSECTION (A) OF THIS SECTION.

(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 25 YEARS OR A FINE NOT EXCEEDING \$15,000 OR BOTH.

3-1103.

(A) A STATE’S ATTORNEY OR THE ATTORNEY GENERAL MAY INVESTIGATE AND PROSECUTE A VIOLATION OF THIS SUBTITLE OR A VIOLATION OF ANY CRIME BASED ON THE ACT ESTABLISHING A VIOLATION OF THIS SUBTITLE.

(B) IF THE ATTORNEY GENERAL EXERCISES AUTHORITY UNDER SUBSECTION (A) OF THIS SECTION, THE ATTORNEY GENERAL HAS ALL THE POWERS AND DUTIES OF A STATE'S ATTORNEY TO INVESTIGATE AND PROSECUTE THE VIOLATION.

5-101.

(g) (1) "Controlled dangerous substance" means:

(i) a drug or substance listed in Schedule I through Schedule V; or

(ii) an immediate precursor to a drug or substance listed in Schedule I through Schedule V that:

1. by regulation the Department designates as being the principal compound commonly used or produced primarily for use to manufacture a drug or substance listed in Schedule I through Schedule V;

2. is an immediate chemical intermediary used or likely to be used to manufacture a drug or substance listed in Schedule I through Schedule V; and

3. must be controlled to prevent or limit the manufacture of a drug or substance listed in Schedule I through Schedule V.

(2) "Controlled dangerous substance" does not include distilled spirits, wine, malt beverages, or tobacco.

Article – Health – General

7-101.

(f) "Developmental disability" means a severe chronic disability of an individual that:

(1) Is attributable to a physical or mental impairment, other than the sole diagnosis of mental illness, or to a combination of mental and physical impairments;

(2) Is manifested before the individual attains the age of 22;

(3) Is likely to continue indefinitely;

(4) Results in an inability to live independently without external support or continuing and regular assistance; and

(5) Reflects the need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are individually planned and coordinated for the individual.

(k) “Intellectual disability” means a developmental disability that is evidenced by significantly subaverage intellectual functioning and impairment in the adaptive behavior of an individual.

10–101.

(i) (1) “Mental disorder” means a behavioral or emotional illness that results from a psychiatric disorder.

(2) “Mental disorder” includes a mental illness that so substantially impairs the mental or emotional functioning of an individual as to make care or treatment necessary or advisable for the welfare of the individual or for the safety of the person or property of another.

(3) “Mental disorder” does not include an intellectual disability.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 25

(Senate Bill 793)

AN ACT concerning

Community Safety and Strengthening Act

FOR the purpose of altering certain appropriations required to be made to a certain fund; requiring certain appropriations to be made to certain funds; providing that certain appropriations are in addition to certain other funding; establishing the Law Enforcement Apprenticeship Cadet Program in the Department of Labor, Licensing, and Regulation; specifying the purposes of the Cadet Program; requiring the Department of Labor, Licensing, and Regulation to administer the Cadet Program and award grants under the Cadet Program on a certain basis to certain law enforcement agencies; establishing the eligibility under the Cadet Program; requiring that the amount of a certain grant be based on the number of certain apprentices that are employed by the law enforcement agency; prohibiting the amount of a certain grant from exceeding a certain amount; requiring the Governor to include certain appropriations in the annual State budget for the Cadet Program; requiring the Department of Labor, Licensing, and Regulation to adopt certain regulations; authorizing the Johns Hopkins University to establish a police department based on a certain memorandum of understanding under certain

circumstances; requiring the memorandum of understanding to require that the Baltimore Police Department have certain responsibilities and take certain actions; providing that a certain University police officer has certain powers granted to a peace and police officer under certain circumstances; requiring the University to adopt certain standards, qualifications, and prerequisites under certain circumstances; requiring the University to ensure constitutional and community-oriented policing through the adoption of certain policies, practices, and training under certain circumstances; requiring the University to establish a certain process for the filing and investigation of certain complaints under certain circumstances; requiring the University to maintain a police department in which a certain percentage of the workforce are residents of Baltimore City under certain circumstances; requiring the University to employ not more than a certain number of employees within the police department under certain circumstances; requiring the University to host a certain number of job events, at certain sites in Baltimore City, at which individuals are interviewed for the police department workforce; prohibiting the police department from acquiring certain aircraft, drones, vehicles, or weapons, except under certain circumstances; prohibiting the police department from receiving certain equipment from a federal military surplus program; requiring the University police department to acknowledge and respond to certain recommendations of the University Police Accountability Board within a certain period of time under certain circumstances; requiring the University to seek certain accreditation under certain circumstances; requiring the University to require University police officers to wear and use body-worn cameras in a certain manner under certain circumstances; requiring the University to continue to make use of certain security personnel or building guards under certain circumstances; requiring the University to establish a University Police Accountability Board under certain circumstances; specifying the purpose, composition, and authority of the Accountability Board; requiring the Accountability Board to hold certain meetings and post certain meeting minutes on a certain website; providing that the police department of the University is subject to the jurisdiction of the Civilian Review Board of Baltimore City under certain circumstances; requiring the police department of the University to establish a certain league under certain circumstances; requiring the University to report certain information in a certain manner under certain circumstances; providing that this Act may not be construed to affect certain rights of a certain employee to engage in certain collective bargaining; requiring the University to allow a person or a governmental unit to access certain information in a certain manner under certain circumstances; providing that the University, the police department, and the officers, employees, and agents of the University or police department are not entitled to certain immunities and may not raise a certain defense under certain circumstances; providing that no action may be maintained against the State under certain circumstances; requiring the Department of Legislative Services to conduct a certain evaluation on or before a certain date in a certain manner, under certain circumstances; requiring the Department of Legislative Services to prepare certain legislation under certain circumstances; requiring the Department of Legislative Services to issue a certain report relating to the modification or termination of certain provisions of this Act under certain circumstances; requiring the University

to be solely responsible for certain benefits afforded to the employees of the police department; providing that the employees of the police department are not entitled to certain benefits afforded to State personnel arising out of their employment with the police department; requiring a certain hearing board to include certain members under certain circumstances; providing that the terms ~~“criminal justice unit”~~, “law enforcement officer”, “police officer”, and “law enforcement unit” include a member of the police department of the University for certain purposes; declaring the intent of the General Assembly regarding the police department of the University for certain purposes; requiring the University to take certain actions before entering into a certain memorandum of understanding; requiring the University to provide certain notice in a certain manner; requiring the University to post a certain copy of an executed memorandum of understanding on a certain website under certain circumstances; declaring the intent of the General Assembly regarding funding of the East Baltimore Historical Library; requiring certain funds to be used in a certain manner; altering certain definitions; defining certain terms; providing for the construction of certain provisions of this Act; providing for the termination of certain provisions of this Act, under certain circumstances; and generally relating to community safety and enhancement.

BY repealing and reenacting, without amendments,
Article – Housing and Community Development
Section 4–509(a), (b), and (c)
Annotated Code of Maryland
(2006 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 4–509(j)
Annotated Code of Maryland
(2006 Volume and 2018 Supplement)

BY adding to
Article – Human Services
Section 8–1201 to be under the new subtitle “Subtitle 12. Baltimore City Programs”
Annotated Code of Maryland
(2007 Volume and 2018 Supplement)

BY adding to
Article – Labor and Employment
Section 11–603
Annotated Code of Maryland
(2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 2–101(a) ~~and 10–201(a)~~
Annotated Code of Maryland

(2018 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 2–101(c)(25) and (26) ~~and 10–201(f)~~
Annotated Code of Maryland
(2018 Replacement Volume)

BY adding to
Article – Criminal Procedure
Section 2–101(c)(27) and 10–205
Annotated Code of Maryland
(2018 Replacement Volume)

BY adding to
Article – Education
Section 24–1201 through ~~24–1209~~ ~~24–1212~~ 24–1213 to be under the new subtitle
“Subtitle 12. Police Department of the Johns Hopkins University”
Annotated Code of Maryland
(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 3–101(a) and (e)(1)(i), 3–107(a) and (c)(1) and (2), 3–201(a) and (f)(1)(i), and
3–212(a)
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–101(e)(1)(ii)25. and 26. and (2)(ix) and (x), 3–107(c)(3), and
3–201(f)(1)(ii)21. and 22.
Annotated Code of Maryland
(2018 Replacement Volume)

BY adding to
Article – Public Safety
Section 3–101(e)(1)(ii)27. and (2)(xi) and 3–201(f)(1)(ii)23.
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, without amendments,
The Public Local Laws of Baltimore City
Section 16–41(a)
Article 4 – Public Local Laws of Maryland
(1979 Edition and 1997 Supplement and 2000 Supplement, as amended)

(As enacted by Chapter 499 of the Acts of the General Assembly of 2006, as amended by Chapter 130 of the Acts of the General Assembly of 2015)

BY repealing and reenacting, with amendments,

The Public Local Laws of Baltimore City

Section 16–41(g)

Article 4 – Public Local Laws of Maryland

(1979 Edition and 1997 Supplement and 2000 Supplement, as amended)

(As enacted by Chapter 499 of the Acts of the General Assembly of 2006, as amended by Chapter 130 of the Acts of the General Assembly of 2015)

BY repealing and reenacting, without amendments,

The Public Local Laws of Baltimore City

Section 16–42

Article 4 – Public Local Laws of Maryland

(1979 Edition and 1997 Supplement and 2000 Supplement, as amended)

(As enacted by Chapter 499 of the Acts of the General Assembly of 2006)

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

Article – Housing and Community Development

4–509.

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

(2) “Anchor institution” means:

(i) an institution of higher education in the State; or

(ii) a hospital institution in the State that:

1. has a group of at least five physicians who are organized as a medical staff for the institution;

2. maintains facilities to provide, under the supervision of the medical staff, diagnostic and treatment services for two or more unrelated individuals; and

3. admits or retains the individuals for overnight care.

(3) “Blighted area” means an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation, or other causes to an extent that they no longer justify fundamental repairs and adequate maintenance.

(4) “Fund” means the Seed Community Development Anchor Institution Fund.

(b) There is a Seed Community Development Anchor Institution Fund.

(c) The purpose of the Fund is to provide grants and loans to anchor institutions for community development projects in blighted areas of the State.

(j) (1) For fiscal year 2019, the Governor shall include in the annual budget bill or the capital budget bill an appropriation of \$4,000,000 to the Fund.

(2) For fiscal [years] YEAR 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.

(3) FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL OR THE CAPITAL BUDGET BILL AN APPROPRIATION OF \$10,000,000 FOR THE FUND.

Article – Human Services

SUBTITLE 12. BALTIMORE CITY PROGRAMS.

8–1201.

(A) FOR FISCAL YEARS 2021, 2022, 2023, AND 2024, THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET AN APPROPRIATION OF NOT LESS THAN:

(1) \$3,500,000 TO THE LOCAL MANAGEMENT BOARD FOR BALTIMORE CITY FOR THE BALTIMORE CHILDREN AND YOUTH FUND; AND

(2) \$1,000,000 FOR THE BALTIMORE CITY YOUTHWORKS SUMMER JOBS PROGRAM.

(B) (1) THE FUNDING REQUIRED UNDER THIS SECTION SHALL BE IN ADDITION TO ANY STATE FUNDING OTHERWISE AVAILABLE TO THE ENTITIES SPECIFIED IN SUBSECTION (A) OF THIS SECTION.

(2) FOR FISCAL YEARS 2021, 2022, 2023, AND 2024, THE GOVERNOR SHALL IDENTIFY IN THE ANNUAL BUDGET AS INTRODUCED HOW THE FUNDING REQUIRED UNDER THIS SECTION IS BEING USED TO SUPPLEMENT AND NOT SUPPLANT THE FUNDING FOR EACH ENTITY LISTED IN SUBSECTION (A) OF THIS SECTION.

Article – Labor and Employment

11-603.

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

(2) “CADET PROGRAM” MEANS THE LAW ENFORCEMENT CADET APPRENTICESHIP PROGRAM.

(3) “LAW ENFORCEMENT AGENCY” MEANS THE POLICE DEPARTMENT OF A COUNTY, MUNICIPAL CORPORATION, OR UNIVERSITY IN THE STATE.

(B) THERE IS A LAW ENFORCEMENT CADET APPRENTICESHIP PROGRAM IN THE DEPARTMENT.

(C) THE PURPOSES OF THE CADET PROGRAM ARE TO:

(1) PROVIDE YOUNG INDIVIDUALS OPPORTUNITIES TO BEGIN A CAREER IN LAW ENFORCEMENT;

(2) FOSTER POSITIVE RELATIONSHIPS BETWEEN THE PUBLIC, PARTICULARLY YOUNG INDIVIDUALS, AND LAW ENFORCEMENT AGENCIES;

(3) DEVELOP A COHORT OF INDIVIDUALS QUALIFIED TO JOIN A LAW ENFORCEMENT AGENCY;

(4) ENCOURAGE LAW ENFORCEMENT AGENCIES TO HIRE APPRENTICES; AND

(5) HELP LAW ENFORCEMENT AGENCIES OFFSET ADDITIONAL COSTS, IF ANY, ASSOCIATED WITH HIRING APPRENTICES.

(D) (1) THE DEPARTMENT SHALL:

(I) ADMINISTER THE CADET PROGRAM; AND

(II) AWARD GRANTS UNDER THE CADET PROGRAM ON A COMPETITIVE BASIS TO LAW ENFORCEMENT AGENCIES THAT MEET THE REQUIREMENTS UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(2) A LAW ENFORCEMENT AGENCY IS ELIGIBLE TO RECEIVE A GRANT IF THE LAW ENFORCEMENT AGENCY EMPLOYS AT LEAST ONE APPRENTICE WHO:

(I) HAS BEEN EMPLOYED BY THE AGENCY FOR AT LEAST 7 MONTHS;

(II) IS ENROLLED IN THE FIRST YEAR OF AN APPRENTICESHIP PROGRAM REGISTERED WITH THE MARYLAND APPRENTICESHIP AND TRAINING COUNCIL UNDER § 11-405(B) OF THIS TITLE; AND

(III) LIVES IN A ZIP CODE IN WHICH AT LEAST 10% OF THE POPULATION IS BELOW THE POVERTY LEVEL AS ESTABLISHED BY THE U.S. DEPARTMENT OF COMMERCE, BUREAU OF THE CENSUS, IN THE MOST RECENTLY RELEASED DATA.

(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE AMOUNT OF A GRANT AWARDED UNDER THE CADET PROGRAM:

(I) SHALL BE BASED ON THE NUMBER OF APPRENTICES WHO MEET THE DESCRIPTION IN SUBSECTION (D)(2)(I) THROUGH (III) OF THIS SECTION WHO ARE EMPLOYED BY THE ELIGIBLE LAW ENFORCEMENT AGENCY; AND

(II) MAY NOT EXCEED \$2,000 FOR EACH APPRENTICE WHO MEETS THE DESCRIPTION IN SUBSECTION (D)(2)(I) THROUGH (III) OF THIS SECTION WHO IS EMPLOYED BY THE ELIGIBLE LAW ENFORCEMENT AGENCY.

(2) THE AMOUNT OF A GRANT AWARDED TO AN ELIGIBLE UNIVERSITY LAW ENFORCEMENT AGENCY MAY NOT EXCEED \$1,000 FOR EACH APPRENTICE WHO MEETS THE DESCRIPTION IN SUBSECTION (D)(2)(I) THROUGH (III) OF THIS SECTION WHO IS EMPLOYED BY THE ELIGIBLE UNIVERSITY LAW ENFORCEMENT AGENCY.

(F) FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET AN APPROPRIATION OF AT LEAST \$750,000 FOR THE CADET PROGRAM TO:

(1) PROVIDE GRANTS TO ELIGIBLE LAW ENFORCEMENT AGENCIES; AND

(2) COVER THE ADMINISTRATIVE COSTS OF OPERATING THE CADET PROGRAM.

(G) THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT THIS SECTION, INCLUDING REGULATIONS TO:

(1) DEVELOP REQUIREMENTS FOR GRANT APPLICATIONS;

(2) DEVELOP A PROCESS FOR REVIEWING GRANT APPLICATIONS AND AWARDING GRANTS TO ELIGIBLE LAW ENFORCEMENT AGENCIES; AND

(3) DETERMINE THE MAXIMUM AMOUNT THAT AN ELIGIBLE LAW ENFORCEMENT AGENCY MAY BE AWARDED UNDER THE CADET PROGRAM EACH FISCAL YEAR.

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

Article – Criminal Procedure

2–101.

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

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

(25) an employee of the Warrant Apprehension Unit of the Division of Parole and Probation in the Department; [or]

(26) a member of the police force of the Anne Arundel Community College;
OR

(27) A MEMBER OF THE POLICE DEPARTMENT OF THE JOHNS HOPKINS UNIVERSITY ESTABLISHED IN ACCORDANCE WITH TITLE 24, SUBTITLE 12 OF THE EDUCATION ARTICLE.

10–205.

IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE POLICE DEPARTMENT OF THE JOHNS HOPKINS UNIVERSITY, ESTABLISHED IN ACCORDANCE WITH TITLE 24, SUBTITLE 12 OF THE EDUCATION ARTICLE, SHALL FUNCTION AS A CRIMINAL JUSTICE UNIT FOR THE PURPOSES OF THIS SUBTITLE.

Article – Education

SUBTITLE 12. POLICE DEPARTMENT OF THE JOHNS HOPKINS UNIVERSITY.

24–1201.

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

(B) “ACCOUNTABILITY BOARD” MEANS THE UNIVERSITY POLICE ACCOUNTABILITY BOARD.

(C) (1) “CAMPUS AREA” MEANS ANY PROPERTY THAT IS:

(I) OWNED, LEASED, OPERATED BY, OR UNDER THE CONTROL OF THE UNIVERSITY ~~IN THE HOMEWOOD, EAST BALTIMORE, AND PEABODY CAMPUSES OF THE UNIVERSITY; AND~~

(II) LOCATED ON:

1. THE HOMEWOOD CAMPUS, MEANING THE AREA BOUNDED BY WEST UNIVERSITY PARKWAY AND EAST UNIVERSITY PARKWAY ON THE NORTH, EAST 28TH STREET AND WEST 28TH STREET ON THE SOUTH, REMINGTON AVENUE AND STONY RUN STREAM ON THE WEST, AND NORTH CALVERT STREET ON THE EAST;

2. THE EAST BALTIMORE CAMPUS, MEANING THE AREA BOUNDED BY EAST EAGER STREET ON THE NORTH, EAST BALTIMORE STREET ON THE SOUTH, NORTH CAROLINE STREET ON THE WEST, AND NORTH CASTLE STREET ON THE EAST; OR

3. THE PEABODY CAMPUS, MEANING THE AREA BOUNDED BY WEST MADISON STREET AND EAST MADISON STREET ON THE NORTH, EAST HAMILTON STREET AND WEST HAMILTON STREET ON THE SOUTH, CATHEDRAL STREET ON THE WEST, AND SAINT PAUL STREET ON THE EAST; AND

~~(H)~~ (III) USED FOR EDUCATIONAL OR INSTITUTIONAL PURPOSES.

(2) “CAMPUS AREA” INCLUDES THE PUBLIC PROPERTY THAT IS IMMEDIATELY ADJACENT TO THE CAMPUS, INCLUDING:

(I) A SIDEWALK, A STREET, OR ANY OTHER THOROUGHFARE;
AND

(II) A PARKING FACILITY.

(D) “MEMORANDUM OF UNDERSTANDING” MEANS AN AGREEMENT BETWEEN THE JOHNS HOPKINS UNIVERSITY AND THE BALTIMORE POLICE DEPARTMENT REGARDING MATTERS RELATED TO POLICE JURISDICTION AND OPERATIONS.

(E) “POLICE DEPARTMENT” MEANS A UNIVERSITY POLICE DEPARTMENT ESTABLISHED UNDER THIS ~~SECTION~~ SUBTITLE.

(F) “UNIVERSITY” MEANS THE JOHNS HOPKINS UNIVERSITY.

(G) “UNIVERSITY POLICE OFFICER” MEANS A POLICE OFFICER OF A POLICE DEPARTMENT ESTABLISHED UNDER THIS ~~SECTION~~ SUBTITLE.

24-1202.

(A) SUBJECT TO THE REQUIREMENTS OF THIS SUBTITLE, THE JOHNS HOPKINS UNIVERSITY MAY ESTABLISH A POLICE DEPARTMENT BASED ON A MEMORANDUM OF UNDERSTANDING.

(B) THE MEMORANDUM OF UNDERSTANDING SHALL REQUIRE THAT THE BALTIMORE POLICE DEPARTMENT:

(1) HAVE PRIMARY RESPONSIBILITY FOR ALL INVESTIGATIONS AND ARRESTS RELATED TO PART I OFFENSES SPECIFIED UNDER THE UNIFORM CRIME REPORTING PROGRAM, EXCEPT:

- (I) THEFT;
- (II) BURGLARY; AND
- (III) MOTOR VEHICLE TAKING;

(2) MAINTAIN ANY EVIDENCE COLLECTED FROM CRIME SCENES AT THE EVIDENCE CONTROL UNIT OF THE BALTIMORE POLICE DEPARTMENT, IN ACCORDANCE WITH BALTIMORE POLICE DEPARTMENT GOVERNING PROCEDURES AND REGULATIONS; AND

(3) IMPOUND ANY STOLEN VEHICLES IN ACCORDANCE WITH BALTIMORE POLICE DEPARTMENT GOVERNING PROCEDURES AND REGULATIONS.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A UNIVERSITY POLICE OFFICER HAS THE POWERS GRANTED TO A PEACE AND POLICE OFFICER.

(2) (I) A UNIVERSITY POLICE OFFICER MAY EXERCISE THESE POWERS ONLY:

1. ON THE UNIVERSITY’S CAMPUS AREA; AND

2. ~~CONCURRENTLY WITH THE BALTIMORE POLICE DEPARTMENT, WITHIN~~ SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, WITHIN AREAS ~~IMMEDIATELY~~ ADJACENT TO THE CAMPUS AREA, AS SPECIFIED IN ~~AN~~ THE EXECUTED MEMORANDUM OF UNDERSTANDING DEVELOPED WITH INPUT FROM THE RELEVANT COMMUNITY.

(II) A UNIVERSITY POLICE OFFICER MAY EXERCISE THESE POWERS WITHIN AREAS ADJACENT TO THE CAMPUS AREA ONLY IF:

1. THE UNIVERSITY RECEIVES A MAJORITY OF SUPPORT FROM THE MEMBERS OF THE RELEVANT CAMPUS-ADJACENT COMMUNITIES FOR THE POLICE DEPARTMENT TO OPERATE IN THEIR COMMUNITIES; AND

2. THE BALTIMORE CITY COUNCIL APPROVES A RESOLUTION AFFIRMING THAT THE UNIVERSITY HAS RECEIVED THE SUPPORT REQUIRED UNDER ITEM 1 OF THIS SUBPARAGRAPH ~~AND SPECIFYING~~ OF THE CAMPUS-ADJACENT COMMUNITY AREAS IN WHICH THE POLICE DEPARTMENT IS AUTHORIZED TO OPERATE.

(III) A UNIVERSITY POLICE OFFICER MAY NOT EXERCISE THESE POWERS ON ANY OTHER PROPERTY UNLESS:

1. ENGAGED IN FRESH PURSUIT OF A SUSPECTED OFFENDER;

2. NECESSARY TO FACILITATE THE ORDERLY FLOW OF TRAFFIC TO AND FROM ~~PROPERTY OWNED, LEASED, OPERATED BY, OR UNDER THE CONTROL OF THE UNIVERSITY~~ A CAMPUS AREA;

3. SPECIALLY REQUESTED OR AUTHORIZED TO EXERCISE THE POWERS IN BALTIMORE CITY BY THE MAYOR OF BALTIMORE CITY IF:

A. THERE IS A SUDDEN AND UNFORESEEN EMERGENCY OF SUCH PUBLIC GRAVITY AND URGENCY THAT IT REQUIRES AN IMMEDIATE RESPONSE TO PROTECT THE PUBLIC WELFARE; AND

B. THE MAYOR ISSUES AN ORDER DECLARING AN EMERGENCY THAT SPECIFIES THE MANNER IN WHICH THE POLICE OFFICER'S POWERS WILL BE EXERCISED; OR

4. ORDERED TO EXERCISE THE POWERS BY THE GOVERNOR UNDER A DECLARED STATE OF EMERGENCY.

24-1203.

(A) IF THE UNIVERSITY ESTABLISHES A POLICE DEPARTMENT UNDER THIS SUBTITLE, THE UNIVERSITY SHALL:

(1) ADOPT STANDARDS, QUALIFICATIONS, AND PREREQUISITES FOR HIRING AND TRAINING UNIVERSITY POLICE OFFICERS THAT COMPLY WITH THE REGULATIONS OF THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION;

(2) ADOPT STANDARDS FOR CHARACTER, EDUCATION, HUMAN RELATIONS, PUBLIC RELATIONS, AND EXPERIENCE FOR UNIVERSITY POLICE OFFICERS;

(3) ENSURE CONSTITUTIONAL AND COMMUNITY-ORIENTED POLICING THROUGH THE ADOPTION OF POLICIES, PRACTICES, AND TRAINING THAT:

(I) PROMOTE RECRUITING AND HIRING DIVERSE CANDIDATES, USING LOCAL HIRING AND RESIDENCY INITIATIVES;

(II) ADVANCE IMPARTIAL AND NONDISCRIMINATORY POLICING TO PROMOTE DISABILITY AND DIVERSITY AWARENESS AND PREVENT PROFILING AND IMPLICIT BIAS AGAINST RACIAL, ETHNIC, SEXUAL, RELIGIOUS, AND OTHER MINORITIES;

(III) PROMOTE APPROPRIATE INTERACTIONS WITH INDIVIDUALS WHO:

1. ARE UNDER THE AGE OF 18;

2. HAVE BEHAVIORAL HEALTH OR OTHER DISABILITIES;

OR

3. ARE IN CRISIS;

(IV) ENSURE APPROPRIATE USE OF FORCE, INCLUDING:

1. THE USE OF ALTERNATIVES TO FORCE;

2. THE USE OF DE-ESCALATION TECHNIQUES; AND

3. FOR ANY OFFICER WHO CARRIES A FIREARM, THE USE OF NONLETHAL OR LESS-LETHAL WEAPONS;

(V) GUARANTEE THE ADOPTION AND USE OF APPROPRIATE AND EFFECTIVE TECHNOLOGY, ~~INCLUDING BODY WORN CAMERAS AND OTHER RECORDING DEVICES;~~

(VI) ENSURE SAFE AND HUMANE TREATMENT OF INDIVIDUALS IN CUSTODY;

(VII) SUPPORT THE LAWFUL EXERCISE OF RIGHTS OF FREE EXPRESSION, PARTICULARLY IN THE CONTEXT OF A UNIVERSITY COMMUNITY;

(VIII) BUILD TRUST BETWEEN VICTIMS OF SEXUAL ASSAULT AND THE POLICE DEPARTMENT AND OTHER UNIVERSITY OFFICIALS, CONSISTENT WITH UNIVERSITY POLICY AND FEDERAL AND STATE LAW;

(IX) PROMOTE COMMUNITY ENGAGEMENT, INCLUDING:

1. REPORTING COMMUNITY ENGAGEMENT PLANS EACH YEAR TO THE ACCOUNTABILITY BOARD ESTABLISHED UNDER § 24-1205 OF THIS SUBTITLE; AND

2. ESTABLISHING A PROCESS TO CONSIDER COMMUNITY OR UNIVERSITY REQUESTS FOR ADDITIONAL JURISDICTION FOR THE POLICE DEPARTMENT; ~~AND~~

(X) ESTABLISH A PROCESS TO:

1. ALLOW ANY PERSON, INCLUDING MEMBERS OF THE POLICE DEPARTMENT, TO FILE COMPLAINTS AGAINST UNIVERSITY POLICE OFFICERS; AND

2. ENSURE TIMELY INVESTIGATION OF ALL COMPLAINTS REGARDING THE POLICE DEPARTMENT AND ITS EMPLOYEES; ~~AND~~

(XI) REQUIRE TRAINING FOR UNIVERSITY POLICE OFFICERS REGARDING SEARCHES, INCLUDING CONSENSUAL SEARCHES; AND

(XII) REQUIRE THAT A UNIVERSITY POLICE OFFICER BE CERTIFIED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION;

(4) SUBJECT TO SUBSECTION (B) OF THIS SECTION, WITHIN 5 YEARS AFTER THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING UNDER § 24-1202 OF THIS SUBTITLE, MAINTAIN A POLICE DEPARTMENT IN WHICH AT LEAST 25% OF THE POLICE DEPARTMENT'S WORKFORCE ARE RESIDENTS OF BALTIMORE CITY;

(5) REQUIRE UNIVERSITY POLICE OFFICERS TO WEAR AND USE BODY-WORN CAMERAS IN ACCORDANCE WITH:

(i) PROCEDURES ADOPTED BY THE UNIVERSITY; AND

(ii) THE BODY-WORN CAMERA POLICY ESTABLISHED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION UNDER § 3-511 OF THE PUBLIC SAFETY ARTICLE;

(6) EMPLOY NOT MORE THAN 100 EMPLOYEES WITHIN THE POLICE DEPARTMENT; AND

(7) SEEK ACCREDITATION BY THE COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES, THE INTERNATIONAL ASSOCIATION OF CAMPUS LAW ENFORCEMENT ADMINISTRATORS, OR A SIMILAR ORGANIZATION.

(B) SUBSECTION (A)(4) OF THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE THE UNIVERSITY TO HIRE AN OFFICER WHO:

(1) DOES NOT MEET THE POLICE OFFICER CERTIFICATION REQUIREMENTS OF THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION SPECIFIED UNDER § 3-209 OF THE PUBLIC SAFETY ARTICLE; OR

(2) FAILS AN ASSESSMENT THAT EVALUATES AN APPLICANT BASED ON THE STANDARDS ADOPTED UNDER SUBSECTION (A)(2) OF THIS SECTION.

(C) IF THE UNIVERSITY ESTABLISHES A POLICE DEPARTMENT UNDER THIS SUBTITLE, THE UNIVERSITY SHALL HOST OR PARTICIPATE IN AT LEAST FOUR JOB EVENTS IN EACH CALENDAR YEAR, LOCATED IN DIFFERENT SITES IN BALTIMORE CITY, REPRESENTATIVE OF THE BALTIMORE CITY COMMUNITY, AT WHICH INDIVIDUALS ARE INTERVIEWED FOR POSITIONS IN THE POLICE DEPARTMENT WORKFORCE.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF THE UNIVERSITY ESTABLISHES A POLICE DEPARTMENT UNDER THIS SUBTITLE, THE POLICE DEPARTMENT MAY NOT ACQUIRE ANY MILITARY GRADE VEHICLE OR MILITARY GRADE HARDWARE, INCLUDING:

(i) AN ARMORED OR WEAPONIZED:

1. AIRCRAFT;

2. DRONE; OR

3. VEHICLE; OR

(II) A WEAPON DESIGNATED AS A TITLE II WEAPON UNDER THE NATIONAL FIREARMS ACT.

(2) IF ANY OF THE ITEMS SPECIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION ARE AVAILABLE FOR COMMERCIAL SALE IN THE STATE, THE UNIVERSITY, AT ITS OWN EXPENSE, MAY PURCHASE THE ITEMS FOR THE POLICE DEPARTMENT.

(3) THE POLICE DEPARTMENT MAY NOT ACCEPT ANY OF THE ITEMS SPECIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION FROM A PROGRAM OPERATED BY THE FEDERAL GOVERNMENT FOR THE TRANSFER OF SURPLUS MILITARY EQUIPMENT TO A LAW ENFORCEMENT AGENCY.

(E) IF THE UNIVERSITY ESTABLISHES A POLICE DEPARTMENT UNDER THIS SUBTITLE, THE POLICE DEPARTMENT SHALL ACKNOWLEDGE AND RESPOND TO ANY RECOMMENDATIONS OF THE UNIVERSITY POLICE ACCOUNTABILITY BOARD WITHIN 120 DAYS AFTER RECEIVING THE RECOMMENDATIONS.

24-1204.

IF THE UNIVERSITY ESTABLISHES A POLICE DEPARTMENT UNDER THIS SUBTITLE, THE UNIVERSITY SHALL CONTINUE TO MAKE USE OF UNIVERSITY SECURITY PERSONNEL OR BUILDING GUARDS IN ADDITION TO THE POLICE DEPARTMENT.

24-1205.

(A) IF THE UNIVERSITY ESTABLISHES A POLICE DEPARTMENT UNDER THIS SUBTITLE, THE UNIVERSITY SHALL ESTABLISH A UNIVERSITY POLICE ACCOUNTABILITY BOARD.

(B) THE PURPOSE OF THE ACCOUNTABILITY BOARD IS TO:

(1) ENABLE COMMUNITY MEMBERS TO SHARE COMMUNITY CONCERNS REGARDING THE POLICE DEPARTMENT DIRECTLY WITH POLICE DEPARTMENT LEADERSHIP;

(2) REVIEW POLICE DEPARTMENT METRICS;

(3) PROVIDE FEEDBACK ON EXISTING POLICE DEPARTMENT POLICIES AND PRACTICES, INCLUDING POLICE DEPARTMENT STANDARDS FOR HIRING AND RECRUITMENT; AND

(4) SUGGEST IDEAS FOR IMPROVING POLICE DEPARTMENT POLICIES, PROCEDURES, AND PERFORMANCE, INCLUDING IDEAS FOR COMMUNITY-BASED PUBLIC SAFETY INITIATIVES.

(C) (1) THE ACCOUNTABILITY BOARD SHALL BE COMPOSED OF 15 INDIVIDUALS, INCLUDING:

(I) STUDENTS, FACULTY, AND STAFF OF THE UNIVERSITY; ~~AND~~

(II) MEMBERS OF THE BALTIMORE CITY COMMUNITY FROM THE NEIGHBORHOODS ADJACENT TO THE CAMPUS AREA; AND

(III) A MEMBER OF THE JOHNS HOPKINS UNIVERSITY BLACK FACULTY AND STAFF ASSOCIATION.

(2) THE ACCOUNTABILITY BOARD SHALL INCLUDE AT LEAST ONE COMMUNITY REPRESENTATIVE WHO IS UNAFFILIATED WITH THE UNIVERSITY FROM EACH OF THE FOLLOWING NEIGHBORHOODS:

(I) THE NEIGHBORHOOD ADJACENT TO THE UNIVERSITY'S HOMEWOOD CAMPUS;

(II) THE NEIGHBORHOOD ADJACENT TO THE UNIVERSITY'S EAST BALTIMORE CAMPUS; AND

(III) THE NEIGHBORHOOD ADJACENT TO THE UNIVERSITY'S PEABODY CAMPUS.

(3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, UNIVERSITY LEADERSHIP SHALL APPOINT THE INDIVIDUALS TO THE ACCOUNTABILITY BOARD WITH THE ADVICE AND CONSENT OF THE SENATE.

(4) (I) THE MAYOR OF BALTIMORE CITY AND THE BALTIMORE CITY COUNCIL PRESIDENT EACH SHALL APPOINT AN INDIVIDUAL TO THE ACCOUNTABILITY BOARD.

(II) UNIVERSITY LEADERSHIP, IN CONSULTATION WITH THE BALTIMORE CITY COUNCIL, SHALL APPOINT THE COMMUNITY REPRESENTATIVES SPECIFIED UNDER PARAGRAPH (2) OF THIS SUBSECTION WITH THE ADVICE AND CONSENT OF THE SENATE.

(D) THE ACCOUNTABILITY BOARD SHALL HAVE THE AUTHORITY TO:

(1) REVIEW POLICE DEPARTMENT METRICS INVOLVING CRIME;

(2) REVIEW CURRENT AND PROSPECTIVE POLICE DEPARTMENT POLICIES, PROCEDURES, AND TRAINING; AND

(3) PROVIDE RECOMMENDATIONS TO THE UNIVERSITY ON CURRENT AND PROSPECTIVE POLICE DEPARTMENT POLICIES, PROCEDURES, AND TRAINING.

(E) THE ACCOUNTABILITY BOARD SHALL:

(1) MEET AT LEAST QUARTERLY;

(2) HOLD AT LEAST ONE PUBLIC MEETING EACH YEAR TO SEEK INPUT ON POLICE DEPARTMENT POLICIES, PROCEDURES, AND TRAINING FROM COMMUNITY MEMBERS OF BALTIMORE CITY; AND

(3) POST THE MINUTES FROM EACH MEETING IN A PROMINENT MANNER ON A WEBSITE AVAILABLE TO THE PUBLIC.

24-1206.

IF THE UNIVERSITY ESTABLISHES A POLICE DEPARTMENT UNDER THIS SUBTITLE, THE POLICE DEPARTMENT IS SUBJECT TO THE JURISDICTION OF THE CIVILIAN REVIEW BOARD OF BALTIMORE CITY ESTABLISHED UNDER § 16-42 OF THE PUBLIC LOCAL LAWS OF BALTIMORE CITY.

24-1207.

IF THE UNIVERSITY ESTABLISHES A POLICE DEPARTMENT UNDER THIS SUBTITLE, THE POLICE DEPARTMENT SHALL ESTABLISH AT LEAST ONE POLICE ATHLETIC/ACTIVITY LEAGUE IN BALTIMORE CITY THROUGH THE NATIONAL ASSOCIATION OF POLICE ATHLETIC/ACTIVITIES LEAGUE, INC., AT ITS OWN EXPENSE.

24-1208.

(A) IF THE UNIVERSITY ESTABLISHES A POLICE DEPARTMENT UNDER THIS SUBTITLE, ON OR BEFORE OCTOBER 1 EACH YEAR, THE UNIVERSITY SHALL REPORT FOR THE PREVIOUS FISCAL YEAR:

(1) THE TOTAL NUMBER OF UNIVERSITY POLICE OFFICERS EMPLOYED BY THE UNIVERSITY;

(2) THE FOLLOWING INFORMATION RELATING TO INDIVIDUALS WHO APPLIED TO JOIN THE UNIVERSITY POLICE DEPARTMENT WORKFORCE:

(I) THE TOTAL NUMBER OF INDIVIDUALS WHO APPLIED, REPORTED BY COUNTY, STATE, AND ZIP CODE OF RESIDENCE;

(II) THE TOTAL NUMBER OF INDIVIDUALS WHO WERE HIRED AS MEMBERS OF THE WORKFORCE, REPORTED BY COUNTY, STATE, AND ZIP CODE OF RESIDENCE;

(III) THE NUMBER OF APPLICANTS, REPORTED BY COUNTY, STATE, AND ZIP CODE OF RESIDENCE, WHO WERE DISQUALIFIED DURING THE APPLICATION PROCESS FOR FAILING TO MEET THE CERTIFICATION REQUIREMENTS OF THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION;

(IV) THE NUMBER OF APPLICANTS, REPORTED BY COUNTY, STATE, AND ZIP CODE OF RESIDENCE, WHO WERE DISQUALIFIED BY FAILING AN ASSESSMENT THAT EVALUATES AN APPLICANT BASED ON THE STANDARDS ADOPTED UNDER § 24-1203(A)(2) OF THIS SUBTITLE; AND

(V) THE NUMBER OF BALTIMORE CITY RESIDENTS, REPORTED BY ZIP CODE OF RESIDENCE, WHO WERE HIRED AS MEMBERS OF THE WORKFORCE;

(3) THE FOLLOWING INFORMATION, REPORTED BY COUNTY, STATE, AND ZIP CODE OF RESIDENCE, FOR THE JOHNS HOPKINS UNIVERSITY CAMPUS SECURITY WORKFORCE:

(I) THE NUMBER OF APPLICANTS TO THE WORKFORCE; AND

(II) THE NUMBER OF INDIVIDUALS HIRED TO THE WORKFORCE;

~~(2)~~ **(4) THE AMOUNT OF FUNDS USED TO MAINTAIN THE POLICE DEPARTMENT;**

~~(3)~~ **(5) THE TOTAL NUMBER OF CRIMES THAT RESULTED IN A UNIVERSITY POLICE OFFICER ARRESTING AN INDIVIDUAL;**

~~(4)~~ **(6) THE TYPES OF CRIMES THAT RESULTED IN A UNIVERSITY POLICE OFFICER ARRESTING AN INDIVIDUAL;**

~~(5)~~ **(7) THE TOTAL NUMBER OF TRAFFIC STOPS;**

~~(6)~~ **(8) (I) THE NUMBER, TYPE, AND DISPOSITION OF COMPLAINTS FILED AGAINST UNIVERSITY POLICE OFFICERS; AND**

~~(2)~~ **(II)** THE NUMBER AND TYPE OF INDIVIDUALS WHO FILED COMPLAINTS, INCLUDING WHETHER THE INDIVIDUAL WHO FILED THE COMPLAINT WAS A STUDENT, A FACULTY MEMBER, A STAFF MEMBER, OR AN INDIVIDUAL UNAFFILIATED WITH THE UNIVERSITY;

~~(7)~~ **(9)** A DESCRIPTION OF THE COMPLAINT REVIEW PROCESS THE UNIVERSITY USES TO REVIEW A COMPLAINT FILED AGAINST A UNIVERSITY POLICE OFFICER;

~~(8)~~ **(10)** THE NUMBER OF OFFICERS DISCIPLINED, INCLUDING THE TYPE OF DISCIPLINE ADMINISTERED;

~~(9)~~ **(11)** THE NUMBER OF UNIVERSITY POLICE OFFICER-INVOLVED SHOOTINGS, LINE-OF-DUTY DEATHS, AND IN-CUSTODY DEATHS; ~~AND~~

~~(10)~~ **(12)** A DESCRIPTION OF THE NUMBER OF COMMUNITY OUTREACH EVENTS BY THE POLICE DEPARTMENT; AND

(13) A LIST OF ANY SURVEILLANCE TECHNOLOGIES USED BY THE POLICE DEPARTMENT.

(B) THE INFORMATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE:

(1) DISAGGREGATED BY RACE, ETHNICITY, GENDER, AGE, AND, WHEN APPLICABLE, OFFICER RANK; AND

(2) REPORTED IN A MANNER, CONSISTENT WITH FEDERAL LAW, THAT PROTECTS THE CONFIDENTIALITY OF THE INDIVIDUAL WHO FILED THE COMPLAINT TO THE EXTENT POSSIBLE.

(C) THE UNIVERSITY SHALL REPORT THE INFORMATION SPECIFIED IN SUBSECTION (A) OF THIS SECTION TO:

(1) THE MAYOR OF BALTIMORE CITY;

(2) THE BALTIMORE CITY COUNCIL;

(3) IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY; AND

(4) THE ACCOUNTABILITY BOARD.

(D) THE UNIVERSITY SHALL SUBMIT ALL INCIDENT REPORTS TO THE BALTIMORE POLICE DEPARTMENT USING THE STANDARD REPORTING POLICIES AND SYSTEMS OF THE BALTIMORE POLICE DEPARTMENT.

24-1209.

NOTHING IN THIS SUBTITLE SHALL BE CONSTRUED TO AFFECT THE RIGHT OF EMPLOYEES OF THE POLICE DEPARTMENT TO FORM, JOIN, SUPPORT, OR PARTICIPATE IN A LABOR ORGANIZATION TO ENGAGE IN COLLECTIVE BARGAINING UNDER APPLICABLE FEDERAL LAW.

24-1210.

(A) IF THE UNIVERSITY ESTABLISHES A POLICE DEPARTMENT UNDER THIS SUBTITLE, THE POLICE DEPARTMENT SHALL ALLOW A PERSON OR GOVERNMENTAL UNIT TO ACCESS INFORMATION IN THE SAME MANNER AS A PERSON OR GOVERNMENTAL UNIT WOULD BE ABLE TO ACCESS A PUBLIC RECORD OF A LAW ENFORCEMENT AGENCY UNDER THE PUBLIC INFORMATION ACT IF THE INFORMATION IS:

(1) INCLUDED IN RECORDS THAT ARE:

(I) CREATED SOLELY FOR LAW ENFORCEMENT PURPOSES; OR

(II) RELATED TO AN ARREST FOR A CRIMINAL OFFENSE; AND

(2) WOULD BE SUBJECT TO DISCLOSURE UNDER THE PUBLIC INFORMATION ACT IF THE INFORMATION WERE IN A RECORD CREATED BY A LAW ENFORCEMENT AGENCY.

(B) THIS SECTION MAY NOT BE CONSTRUED TO MAKE AN INDEPENDENT INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN § 10-101 OF THIS ARTICLE, SUBJECT TO THE PUBLIC INFORMATION ACT.

24-1211.

(A) IF THE UNIVERSITY ESTABLISHES A POLICE DEPARTMENT UNDER THIS SUBTITLE, THE UNIVERSITY, THE POLICE DEPARTMENT, AND THE OFFICERS, EMPLOYEES, AND AGENTS OF THE UNIVERSITY OR POLICE DEPARTMENT:

(1) ARE NOT ENTITLED TO IMMUNITY UNDER TITLE 5, SUBTITLE 3 OF THE COURTS ARTICLE (LOCAL GOVERNMENT TORT CLAIMS ACT), TITLE 12, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE (MARYLAND TORT CLAIMS ACT), OR COMMON LAW PUBLIC OFFICIAL IMMUNITY; AND

(2) MAY NOT RAISE THE DEFENSE OF SOVEREIGN IMMUNITY.

(B) NO ACTION MAY BE MAINTAINED AGAINST THE STATE FOR THE CONDUCT OR OTHER ACTS OF THE UNIVERSITY, THE POLICE DEPARTMENT, OR THE OFFICERS, EMPLOYEES, OR AGENTS OF THE UNIVERSITY OR POLICE DEPARTMENT.

24-1212.

(A) (1) IF THE UNIVERSITY ESTABLISHES A POLICE DEPARTMENT UNDER THIS SUBTITLE, THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL CONDUCT A PRELIMINARY EVALUATION OF THE POLICE DEPARTMENT ON OR BEFORE DECEMBER 15, 2027, IN THE SAME MANNER AS A PRELIMINARY EVALUATION IS CONDUCTED UNDER THE MARYLAND PROGRAM EVALUATION ACT.

(2) IF THE LEGISLATIVE POLICY COMMITTEE DOES NOT DETERMINE THAT A FULL EVALUATION IS NEEDED, THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL PREPARE LEGISLATION TO EXTEND THE TERMINATION DATE UNDER SUBSECTION (C) OF THIS SECTION AND THE EVALUATION DATE UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(B) IF THE LEGISLATIVE POLICY COMMITTEE DETERMINES A FULL EVALUATION IS NECESSARY, THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL, IN THE SAME MANNER AS IS REQUIRED UNDER THE MARYLAND PROGRAM EVALUATION ACT:

(1) CONDUCT A FULL EVALUATION IN THE SAME MANNER AS A FULL EVALUATION; AND

(2) ISSUE A FULL REPORT TO THE GENERAL ASSEMBLY RECOMMENDING THAT THIS SUBTITLE SHOULD BE REESTABLISHED, WITH OR WITHOUT CHANGES, OR ALLOWED TO TERMINATE.

(C) SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THIS SECTION, THIS SUBTITLE AND ALL POLICIES AND STANDARDS ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE AND BE OF NO FURTHER EFFECT AFTER JULY 1, 2029.

24-1213.

(A) THE UNIVERSITY SHALL BE SOLELY RESPONSIBLE FOR THE PENSION, RETIREMENT, AND ANY OTHER BENEFITS AFFORDED TO THE EMPLOYEES OF THE POLICE DEPARTMENT.

(B) THE EMPLOYEES OF THE POLICE DEPARTMENT ARE NOT ENTITLED TO STATE PENSION, STATE RETIREMENT, OR ANY OTHER BENEFITS AFFORDED TO STATE PERSONNEL ARISING OUT OF THEIR EMPLOYMENT WITH THE POLICE DEPARTMENT.

Article – Public Safety

3–101.

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

(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:

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;

OR

27. THE POLICE DEPARTMENT OF THE JOHNS HOPKINS UNIVERSITY ESTABLISHED IN ACCORDANCE WITH TITLE 24, SUBTITLE 12 OF THE EDUCATION ARTICLE.

(2) “Law enforcement officer” does not include:

(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; **OR**

(XI) THE CHIEF OF POLICE OF THE POLICE DEPARTMENT OF THE JOHNS HOPKINS UNIVERSITY ESTABLISHED IN ACCORDANCE WITH TITLE 24, SUBTITLE 12 OF THE EDUCATION ARTICLE.

3–107.

(a) (1) Except as provided in paragraph (2) of this subsection and § 3–111 of this subtitle, if the investigation or interrogation of a law enforcement officer results in a recommendation of demotion, dismissal, transfer, loss of pay, reassignment, or similar action that is considered punitive, the law enforcement officer is entitled to a hearing on the issues by a hearing board before the law enforcement agency takes that action.

(2) A law enforcement officer who has been convicted of a felony is not entitled to a hearing under this section.

(c) (1) Except as provided in paragraph (5) of this subsection and in § 3–111 of this subtitle, the hearing board authorized under this section shall consist of at least three voting members who:

(i) are appointed by the chief and chosen from law enforcement officers within that law enforcement agency, or from law enforcement officers of another law enforcement agency with the approval of the chief of the other agency; and

(ii) have had no part in the investigation or interrogation of the law enforcement officer.

(2) At least one member of the hearing board shall be of the same rank as the law enforcement officer against whom the complaint is filed.

(3) (i) Subject to [subparagraph] **SUBPARAGRAPHS (ii) AND (iii)** of this paragraph, a chief may appoint, as a nonvoting member of the hearing board, one member of the public who has received training administered by the Maryland Police Training and Standards Commission on the Law Enforcement Officers' Bill of Rights and matters relating to police procedures.

(ii) If authorized by local law, a hearing board formed under paragraph (1) of this subsection may include up to two voting or nonvoting members of the public who have received training administered by the Maryland Police Training and Standards Commission on the Law Enforcement Officers' Bill of Rights and matters relating to police procedures.

(iii) AT THE JOHNS HOPKINS UNIVERSITY, IF AUTHORIZED BY LOCAL LAW, A HEARING BOARD FORMED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE TWO VOTING MEMBERS OF THE PUBLIC WHO HAVE RECEIVED TRAINING ADMINISTERED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION ON THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS AND MATTERS RELATING TO POLICE PROCEDURES.

3–201.

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

(f) (1) "Police officer" means an individual who:

(i) is authorized to enforce the general criminal laws of the State;

and

(ii) is a member of one of the following law enforcement agencies:

21. the parole and probation employees of the Warrant Apprehension Unit of the Division of Parole and Probation in the Department who are authorized to make arrests; [or]

22. the police force of the Anne Arundel Community College;

OR

23. THE POLICE DEPARTMENT OF THE JOHNS HOPKINS UNIVERSITY ESTABLISHED IN ACCORDANCE WITH TITLE 24, SUBTITLE 12 OF THE EDUCATION ARTICLE.

3–212.

(a) Subject to the hearing provisions of subsection (b) of this section, the Commission may suspend or revoke the certification of a police officer if the police officer:

(1) violates or fails to meet the Commission’s standards; or

(2) knowingly fails to report suspected child abuse in violation of § 5–704 of the Family Law Article.

Article 4 – Baltimore City

16–41.

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

(g) “Law enforcement unit” means:

(1) the Police Department of Baltimore City;

(2) the Baltimore City School Police;

(3) the Housing Authority of Baltimore City Police;

(4) the Baltimore City Sheriff’s Department;

(5) the Baltimore City Watershed Police Force;

(6) the police force of the Baltimore City Community College; [or]

(7) the police force of Morgan State University; **OR**

(8) THE POLICE DEPARTMENT OF THE JOHNS HOPKINS UNIVERSITY.

16–42.

(a) The Civilian Review Board of Baltimore City is established to provide a permanent, statutory agency in Baltimore City through which:

(1) complaints lodged by members of the public regarding abusive language, false arrest, false imprisonment, harassment, or excessive force by police officers of a law enforcement unit shall be processed, investigated under § 16–46 of this subheading, and evaluated; and

(2) policies of a law enforcement unit may be reviewed.

(b) Jurisdiction of the Board shall extend only to complaints against police officers with respect to abusive language, false arrest, false imprisonment, harassment, and use of excessive force as defined in § 16–41 of this subheading and by the law enforcement unit's rules and regulations.

(c) A law enforcement unit shall place posters in all law enforcement unit stations and elsewhere throughout the City to explain the procedure for filing a complaint.

(d) An explanation of the Board's complaint procedures shall be made to all police officers in a general order to be included in the manual of rules and procedures of a law enforcement unit, and shall be included in the training program for new police officers.

(e) Each member of the Board shall receive training on the issues of abusive language, false arrest, false imprisonment, harassment, and excessive force.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) Before executing a memorandum of understanding under Section 2 of this Act, the Johns Hopkins University shall:

(1) post publicly the proposed memorandum of understanding document for 30 days on a website available to the public;

(2) provide the Baltimore City Council 30 days *after the public posting period specified in item (1) of this subsection* to review and submit written comments to the University on the proposed memorandum of understanding;

(3) provide affected individuals, neighborhoods, community groups, and local officials with an opportunity to review and comment on the proposed memorandum of understanding; and

(4) host at least two public forums to present the proposed memorandum of understanding:

(i) one of which the University shall hold on or near the Homewood and Peabody campuses; and

(ii) one of which the University shall hold on or near the East Baltimore campus.

(b) The University shall provide notice of the public forums required under subsection (a)(4) of this section at least 10 days before the forum by:

(1) posting a notice on a website available to the public; and

(2) e-mailing *and mailing* a notice to University affiliates and community associations that are in proximity to the campuses.

(c) If a final memorandum of understanding is executed by all parties, the University shall post a copy of the executed memorandum of understanding on a website available to the public.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) It is the intent of the General Assembly that the East Baltimore Historical Library in Baltimore City receive State funds in the amount of \$100,000 if the Johns Hopkins University provides matching funds.

(b) Any funds provided to the East Baltimore Historical Library under subsection (a) of this section shall be used for the acquisition, planning, design, construction, or capital equipping of the East Baltimore Historical Library.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 26

(Senate Bill 103)

AN ACT concerning

**Criminal Law – Electronic Harassment and Bullying
(Grace’s Law 2.0)**

FOR the purpose of altering prohibited actions relating to electronic harassment of minors; prohibiting a person from maliciously engaging in an electronic communication ~~under certain circumstances~~ if the electronic communication, as part of a series of

communications, has a certain effect and the person engaging in the electronic communication acts with a certain intent; prohibiting a person with a certain intent from using an electronic communication to maliciously engage in a certain act under certain circumstances or in a course of conduct that, when considered in its entirety, has a certain result effect; prohibiting a person from using a computer or a computer network to engage in certain activity with the intent to intimidate, torment, or harass a minor; prohibiting a person from engaging in certain activity with the intent to intimidate, torment, or harass a minor or the parent or guardian of a minor; prohibiting a person from engaging in certain electronic conduct with a certain intent if the act of electronic conduct has a certain effect; prohibiting a person from violating this Act with the intent to induce a minor to commit suicide; establishing a certain exception to certain provisions of this Act; establishing and applying certain penalties for a violation of this Act; making the provisions of this Act severable; defining certain terms; altering a certain definition; and generally relating to electronic harassment and bullying.

BY repealing and reenacting, with amendments,
 Article – Criminal Law
 Section 3–805
 Annotated Code of Maryland
 (2012 Replacement Volume and 2018 Supplement)

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

Article – Criminal Law

3–805.

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

(2) “Electronic communication” means the ~~transmission of~~ **ACT OF TRANSMITTING** ANY information, data, [or a] ~~SIGN, SIGNAL,~~ **WRITING, IMAGE, SOUND, INTELLIGENCE, OR** communication by the use of a computer or any other electronic means [that is sent to a person and that is received by the person], **INCLUDING A COMMUNICATION THAT INVOLVES THE USE OF E-MAIL, AN INSTANT MESSAGING SERVICE, AN INTERNET WEBSITE, A SOCIAL MEDIA APPLICATION, A NETWORK CALL, A FACSIMILE MACHINE, OR ANY OTHER INTERNET-BASED COMMUNICATION TOOL.**

(3) “ELECTRONIC CONDUCT” MEANS THE USE OF A COMPUTER OR A COMPUTER NETWORK TO:

(I) BUILD A FAKE SOCIAL MEDIA PROFILE;

(II) POSE AS ANOTHER, INCLUDING A FICTITIOUS PERSON IN AN ELECTRONIC COMMUNICATION;

(III) DISSEMINATE OR ENCOURAGE OTHERS TO DISSEMINATE SEXUAL INFORMATION PERTAINING TO A MINOR CONCERNING THE SEXUAL ACTIVITY, AS DEFINED IN § 3-809 OF THIS SUBTITLE, OF A MINOR;

(IV) DISSEMINATE A REAL OR DOCTORED IMAGE OF A MINOR;

(V) ENGAGE OR ENCOURAGE OTHERS TO ENGAGE IN THE REPEATED, CONTINUING, OR SUSTAINED USE OF ELECTRONIC COMMUNICATION TO CONTACT A MINOR;

(VI) MAKE A STATEMENT TO PROVOKE A THIRD PARTY TO STALK OR HARASS A MINOR; OR

(VII) SUBSCRIBE A MINOR TO A PORNOGRAPHIC WEBSITE.

(4) “INSTANT MESSAGING SERVICE” MEANS A COMPUTER SERVICE ALLOWING TWO OR MORE USERS TO COMMUNICATE WITH EACH OTHER IN REAL TIME.

~~(3)~~ (5) “Interactive computer service” means an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a system that provides access to the Internet and cellular phones.†

~~(3) “INSTANT MESSAGING SERVICE” MEANS A COMPUTER SERVICE ALLOWING TWO OR MORE USERS TO COMMUNICATE WITH EACH OTHER IN REAL TIME.~~

~~(4)~~ (6) “SOCIAL MEDIA APPLICATION” MEANS ANY ~~COMPUTER SYSTEM,~~ PROGRAM, SOFTWARE, OR WEBSITE THAT ALLOWS A PERSON TO BECOME A REGISTERED USER FOR THE PURPOSE OF ESTABLISHING PERSONAL RELATIONSHIPS WITH ONE OR MORE OTHER USERS THROUGH:

(I) DIRECT OR REAL-TIME COMMUNICATION; OR

(II) THE CREATION OF WEBSITES OR PROFILES CAPABLE OF BEING VIEWED BY THE PUBLIC OR OTHER USERS.

~~(5)~~ (7) “SOCIAL MEDIA PROFILE” MEANS A WEBSITE OR PROFILE CREATED USING A SOCIAL MEDIA APPLICATION.

(b) (1) A person may not maliciously engage in a course of conduct, through the use of electronic communication, that alarms or seriously annoys another:

- (i) with the intent to harass, alarm, or annoy the other;
- (ii) after receiving a reasonable warning or request to stop by or on behalf of the other; and
- (iii) without a legal purpose.

¶(2) A person may not use an interactive computer service to maliciously engage in a course of conduct that inflicts serious emotional distress on a minor or places a minor in reasonable fear of death or serious bodily injury with the intent:

- (i) to kill, injure, harass, or cause serious emotional distress to the minor; or
- (ii) to place the minor in reasonable fear of death or serious bodily injury.‡

~~(2) A PERSON MAY NOT MALICIOUSLY ENGAGE IN AN ELECTRONIC COMMUNICATION:~~

~~(I) IF THE CONTENT, MANNER, TIME, OR PLACE, OR THE CONTEXT OF THE ELECTRONIC COMMUNICATION AS PART OF A SERIES OF COMMUNICATIONS, INTIMIDATES, TORMENTS, OR HARASSES A MINOR; AND~~

~~(II) WITH THE INTENT TO INTIMIDATE, TORMENT, OR HARASS THE MINOR.~~

~~(3) A PERSON MAY NOT USE AN ELECTRONIC COMMUNICATION TO MALICIOUSLY ENGAGE IN A SINGLE SIGNIFICANT ACT OR IN A COURSE OF CONDUCT THAT, WHEN CONSIDERED IN ITS ENTIRETY:~~

~~(I) HAS THE EFFECT OF INTIMIDATING, TORMENTING, HARASSING, OR PHYSICALLY HARMING A MINOR;~~

~~(II) CAUSES A MINOR TO EXPERIENCE SUBSTANTIAL EMOTIONAL DISTRESS;~~

~~(III) RESULTS IN DAMAGE TO A MINOR'S PROPERTY; OR~~

~~(IV) PLACES A MINOR IN REASONABLE FEAR OF HARM TO THE PHYSICAL SAFETY OF THE MINOR'S:~~

~~1. PARENT OR GUARDIAN;~~

~~2. SIBLING;~~

~~3. SPOUSE; OR~~

~~4. CHILD.~~

~~(4) A PERSON MAY NOT, WITH THE INTENT TO INTIMIDATE, TORMENT, OR HARASS A MINOR, USE A COMPUTER OR A COMPUTER NETWORK TO:~~

~~(I) BUILD A FAKE SOCIAL MEDIA PROFILE;~~

~~(II) POSE AS ANOTHER, INCLUDING A FICTITIOUS PERSON, IN AN ELECTRONIC COMMUNICATION;~~

~~(III) FOLLOW A MINOR ONLINE OR USING AN INSTANT MESSAGING SERVICE; OR~~

~~(IV) DISSEMINATE OR ENCOURAGE OTHERS TO DISSEMINATE SEXUAL INFORMATION PERTAINING TO THE MINOR, WHETHER TRUE OR FALSE.~~

~~(5) A PERSON MAY NOT, WITH THE INTENT TO INTIMIDATE, TORMENT, OR HARASS A MINOR OR THE PARENT OR GUARDIAN OF A MINOR, USE A COMPUTER OR A COMPUTER NETWORK TO:~~

~~(I) 1. DISSEMINATE A REAL OR DOCTORED IMAGE OF THE MINOR;~~

~~2. ACCESS, ALTER, OR ERASE ANY COMPUTER NETWORK, COMPUTER DATA, COMPUTER PROGRAM, OR COMPUTER SOFTWARE BELONGING TO OR LICENSED FOR USE BY THE MINOR WITHOUT AUTHORIZATION;~~

~~3. ENGAGE OR ENCOURAGE OTHERS TO ENGAGE IN THE REPEATED, CONTINUING, OR SUSTAINED USE OF ELECTRONIC COMMUNICATION TO CONTACT THE MINOR;~~

~~4. MAKE ANY STATEMENT, WHETHER TRUE OR FALSE, INTENDED TO IMMEDIATELY PROVOKE, OR THAT IS LIKELY TO PROVOKE, ANY THIRD PARTY TO STALK OR HARASS A MINOR;~~

~~5. ENGAGE IN OR CAUSE THE UNAUTHORIZED COPYING AND DISSEMINATION OF ANY IMAGE, DATA, OR INFORMATION, WHETHER IN PRINT OR ELECTRONIC FORM, PERTAINING TO THE MINOR;~~

~~6. SUBSCRIBE THE MINOR TO A PORNOGRAPHIC WEBSITE; OR~~

~~7. SUBSCRIBE THE MINOR TO A MAILING LIST OR TO RECEIVE ONE OR MORE ELECTRONIC COMMUNICATIONS; AND~~

~~(H) HARASS OR CAUSE INTIMIDATION OR TORMENT TO THE MINOR.~~

~~(6) A PERSON MAY NOT VIOLATE THIS SECTION WITH THE INTENT TO INDUCE A MINOR TO COMMIT SUICIDE.~~

(3) A PERSON MAY NOT MALICIOUSLY ENGAGE IN AN ELECTRONIC COMMUNICATION IF:

(I) THE ELECTRONIC COMMUNICATION IS PART OF A SERIES OF COMMUNICATIONS AND HAS THE EFFECT OF:

1. INTIMIDATING, ~~TORMENTING,~~ OR HARASSING A MINOR; AND

2. CAUSING PHYSICAL INJURY OR SERIOUS EMOTIONAL DISTRESS TO A MINOR; AND

(II) THE PERSON ENGAGING IN THE ELECTRONIC COMMUNICATION INTENDS TO:

1. INTIMIDATE, ~~TORMENT,~~ OR HARASS THE MINOR; ~~OR~~ AND

2. CAUSE PHYSICAL INJURY OR SERIOUS EMOTIONAL DISTRESS TO THE MINOR.

(4) A PERSON MAY NOT MALICIOUSLY ENGAGE IN A SINGLE SIGNIFICANT ACT OR COURSE OF CONDUCT USING AN ELECTRONIC COMMUNICATION IF:

(I) THE PERSON'S CONDUCT, WHEN CONSIDERED IN ITS ENTIRETY, HAS THE EFFECT OF:

1. INTIMIDATING, ~~TORMENTING,~~ OR HARASSING A MINOR; AND

2. CAUSING PHYSICAL INJURY OR SERIOUS EMOTIONAL DISTRESS TO A MINOR; ~~AND~~

(II) THE PERSON INTENDS TO:

1. INTIMIDATE, ~~TORMENT,~~ OR HARASS THE MINOR; OR
AND
2. CAUSE PHYSICAL INJURY OR SERIOUS EMOTIONAL DISTRESS TO THE MINOR ; AND

(III) IN THE CASE OF A SINGLE SIGNIFICANT ACT, THE COMMUNICATION:

1. IS MADE AFTER RECEIVING A REASONABLE WARNING OR REQUEST TO STOP;
2. IS SENT WITH A REASONABLE EXPECTATION THAT THE RECIPIENT WOULD SHARE THE COMMUNICATION WITH A THIRD PARTY; OR
3. SHOCKS THE CONSCIENCE.

(5) A PERSON MAY NOT MALICIOUSLY ENGAGE IN ELECTRONIC CONDUCT IF:**(I) THE ACT OF ELECTRONIC CONDUCT HAS THE EFFECT OF:**

1. INTIMIDATING, ~~TORMENTING,~~ OR HARASSING A MINOR; AND
2. CAUSING PHYSICAL INJURY OR SERIOUS EMOTIONAL DISTRESS TO A MINOR; AND

(II) THE PERSON INTENDS TO:

1. INTIMIDATE, ~~TORMENT,~~ OR HARASS THE MINOR; OR
AND
2. CAUSE PHYSICAL INJURY OR SERIOUS EMOTIONAL DISTRESS TO THE MINOR.

(6) A PERSON MAY NOT VIOLATE THIS SECTION WITH THE INTENT TO INDUCE A MINOR TO COMMIT SUICIDE.

(c) It is not a violation of this section for any of the following persons to provide information, facilities, or technical assistance to another who is authorized by federal or State law to intercept or provide electronic communication or to conduct surveillance of

electronic communication, if a court order directs the person to provide the information, facilities, or technical assistance:

(1) a provider of electronic communication;

(2) an officer, employee, agent, landlord, or custodian of a provider of electronic communication; or

(3) a person specified in a court order directing the provision of information, facilities, or technical assistance to another who is authorized by federal or State law to intercept or provide electronic communication or to conduct surveillance of electronic communication.

(d) Subsection (b)(1) **THROUGH (5)** of this section does not apply to a peaceable activity:

(1) intended to express a political view or provide information to others; **OR**

(2) **CONDUCTED FOR A LAWFUL PURPOSE.**

(e) (1) A person who violates **SUBSECTION ~~(B)(1) THROUGH (5)~~ (B)(1), (2), (3), (4), OR (5)** OF this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [1 year] **3 YEARS** or a fine not exceeding [\$500] **\$10,000** or both.

(2) **A PERSON WHO VIOLATES SUBSECTION (B)(6) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

SECTION 2. AND BE IT FURTHER ENACTED, That, if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 27

(House Bill 181)

AN ACT concerning

**Criminal Law – Electronic Harassment and Bullying
(Grace’s Law 2.0)**

FOR the purpose of altering prohibited actions relating to electronic harassment of minors; prohibiting a person from maliciously engaging in an electronic communication ~~under certain circumstances~~ if the electronic communication, as part of a series of communications, has a certain effect and the person engaging in the electronic communication acts with a certain intent; prohibiting a person with a certain intent from using an electronic communication to maliciously engage in a certain act under certain circumstances or in a course of conduct that, when considered in its entirety, has a certain ~~result~~ effect; ~~prohibiting a person from using a computer or a computer network to engage in certain activity with the intent to intimidate, torment, or harass a minor; prohibiting a person from engaging in certain activity with the intent to intimidate, torment, or harass a minor or the parent or guardian of a minor; prohibiting a person from engaging in certain electronic conduct with a certain intent if the act of electronic conduct has a certain effect;~~ prohibiting a person from violating this Act with the intent to induce a minor to commit suicide; establishing a certain exception to certain provisions of this Act; establishing and applying certain penalties for a violation of this Act; making the provisions of this Act severable; defining certain terms; altering a certain definition; and generally relating to electronic harassment and bullying.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–805
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

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

Article – Criminal Law

3–805.

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

(2) “Electronic communication” means the ~~transmission of~~ **ACT OF TRANSMITTING** ANY information, data, [or a] ~~SIGN, SIGNAL,~~ **WRITING, IMAGE, SOUND, INTELLIGENCE, OR** communication by the use of a computer or any other electronic means [that is sent to a person and that is received by the person], **INCLUDING A COMMUNICATION THAT INVOLVES THE USE OF E-MAIL, AN INSTANT MESSAGING SERVICE, AN INTERNET WEBSITE, A SOCIAL MEDIA APPLICATION, A NETWORK CALL, A FACSIMILE MACHINE, OR ANY OTHER INTERNET-BASED COMMUNICATION TOOL.**

(3) “ELECTRONIC CONDUCT” MEANS THE USE OF A COMPUTER OR A COMPUTER NETWORK TO:

(I) BUILD A FAKE SOCIAL MEDIA PROFILE;

(II) POSE AS ANOTHER, INCLUDING A FICTITIOUS PERSON IN AN ELECTRONIC COMMUNICATION;

(III) DISSEMINATE OR ENCOURAGE OTHERS TO DISSEMINATE INFORMATION CONCERNING THE SEXUAL ACTIVITY, AS DEFINED IN § 3-809 OF THIS SUBTITLE, OF A MINOR;

(IV) DISSEMINATE A REAL OR DOCTORED IMAGE OF A MINOR;

(V) ENGAGE OR ENCOURAGE OTHERS TO ENGAGE IN THE REPEATED, CONTINUING, OR SUSTAINED USE OF ELECTRONIC COMMUNICATION TO CONTACT A MINOR;

(VI) MAKE A STATEMENT TO PROVOKE A THIRD PARTY TO STALK OR HARASS A MINOR; OR

(VII) SUBSCRIBE A MINOR TO A PORNOGRAPHIC WEBSITE.

(4) “INSTANT MESSAGING SERVICE” MEANS A COMPUTER SERVICE ALLOWING TWO OR MORE USERS TO COMMUNICATE WITH EACH OTHER IN REAL TIME.

~~**(3) (5)**~~ “Interactive computer service” means an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a system that provides access to the Internet and cellular phones.‡

~~**(3) “INSTANT MESSAGING SERVICE” MEANS A COMPUTER SERVICE ALLOWING TWO OR MORE USERS TO COMMUNICATE WITH EACH OTHER IN REAL TIME.**~~

~~**(4) (6)**~~ “SOCIAL MEDIA APPLICATION” MEANS ANY ~~COMPUTER SYSTEM,~~ PROGRAM, SOFTWARE, OR WEBSITE THAT ALLOWS A PERSON TO BECOME A REGISTERED USER FOR THE PURPOSE OF ESTABLISHING PERSONAL RELATIONSHIPS WITH ONE OR MORE OTHER USERS THROUGH:

(I) DIRECT OR REAL-TIME COMMUNICATION; OR

(II) THE CREATION OF WEBSITES OR PROFILES CAPABLE OF BEING VIEWED BY THE PUBLIC OR OTHER USERS.

~~(5)~~ (7) “SOCIAL MEDIA PROFILE” MEANS A WEBSITE OR PROFILE CREATED USING A SOCIAL MEDIA APPLICATION.

(b) (1) A person may not maliciously engage in a course of conduct, through the use of electronic communication, that alarms or seriously annoys another:

- (i) with the intent to harass, alarm, or annoy the other;
- (ii) after receiving a reasonable warning or request to stop by or on behalf of the other; and
- (iii) without a legal purpose.

~~(2)~~ A person may not use an interactive computer service to maliciously engage in a course of conduct that inflicts serious emotional distress on a minor or places a minor in reasonable fear of death or serious bodily injury with the intent:

- (i) to kill, injure, harass, or cause serious emotional distress to the minor; or
- (ii) to place the minor in reasonable fear of death or serious bodily injury.

~~(2) A PERSON MAY NOT MALICIOUSLY ENGAGE IN AN ELECTRONIC COMMUNICATION;~~

~~(I) IF THE CONTENT, MANNER, TIME, OR PLACE, OR THE CONTEXT OF THE ELECTRONIC COMMUNICATION AS PART OF A SERIES OF COMMUNICATIONS, INTIMIDATES, TORMENTS, OR HARASSES A MINOR; AND~~

~~(II) WITH THE INTENT TO INTIMIDATE, TORMENT, OR HARASS THE MINOR.~~

~~(3) A PERSON MAY NOT USE AN ELECTRONIC COMMUNICATION TO MALICIOUSLY ENGAGE IN A SINGLE SIGNIFICANT ACT OR IN A COURSE OF CONDUCT THAT, WHEN CONSIDERED IN ITS ENTIRETY:~~

~~(I) HAS THE EFFECT OF INTIMIDATING, TORMENTING, HARASSING, OR PHYSICALLY HARMING A MINOR;~~

~~(II) CAUSES A MINOR TO EXPERIENCE SUBSTANTIAL EMOTIONAL DISTRESS;~~

~~(III) RESULTS IN DAMAGE TO A MINOR'S PROPERTY; OR~~

~~(IV) PLACES A MINOR IN REASONABLE FEAR OF HARM TO THE PHYSICAL SAFETY OF THE MINOR'S:~~

~~1. PARENT OR GUARDIAN;~~

~~2. SIBLING;~~

~~3. SPOUSE; OR~~

~~4. CHILD.~~

~~(4) A PERSON MAY NOT, WITH THE INTENT TO INTIMIDATE, TORMENT, OR HARASS A MINOR, USE A COMPUTER OR A COMPUTER NETWORK TO:~~

~~(I) BUILD A FAKE SOCIAL MEDIA PROFILE;~~

~~(II) POSE AS ANOTHER, INCLUDING A FICTITIOUS PERSON, IN AN ELECTRONIC COMMUNICATION;~~

~~(III) FOLLOW A MINOR ONLINE OR USING AN INSTANT MESSAGING SERVICE; OR~~

~~(IV) DISSEMINATE OR ENCOURAGE OTHERS TO DISSEMINATE SEXUAL INFORMATION PERTAINING TO THE MINOR, WHETHER TRUE OR FALSE.~~

~~(5) A PERSON MAY NOT, WITH THE INTENT TO INTIMIDATE, TORMENT, OR HARASS A MINOR OR THE PARENT OR GUARDIAN OF A MINOR, USE A COMPUTER OR A COMPUTER NETWORK TO:~~

~~(I) 1. DISSEMINATE A REAL OR DOCTORED IMAGE OF THE MINOR;~~

~~2. ACCESS, ALTER, OR ERASE ANY COMPUTER NETWORK, COMPUTER DATA, COMPUTER PROGRAM, OR COMPUTER SOFTWARE BELONGING TO OR LICENSED FOR USE BY THE MINOR WITHOUT AUTHORIZATION;~~

~~3. ENGAGE OR ENCOURAGE OTHERS TO ENGAGE IN THE REPEATED, CONTINUING, OR SUSTAINED USE OF ELECTRONIC COMMUNICATION TO CONTACT THE MINOR;~~

~~4. MAKE ANY STATEMENT, WHETHER TRUE OR FALSE, INTENDED TO IMMEDIATELY PROVOKE, OR THAT IS LIKELY TO PROVOKE, ANY THIRD PARTY TO STALK OR HARASS A MINOR;~~

~~5. ENGAGE IN OR CAUSE THE UNAUTHORIZED COPYING AND DISSEMINATION OF ANY IMAGE, DATA, OR INFORMATION, WHETHER IN PRINT OR ELECTRONIC FORM, PERTAINING TO THE MINOR;~~

~~6. SUBSCRIBE THE MINOR TO A PORNOGRAPHIC WEBSITE; OR~~

~~7. SUBSCRIBE THE MINOR TO A MAILING LIST OR TO RECEIVE ONE OR MORE ELECTRONIC COMMUNICATIONS; AND~~

~~(H) HARASS OR CAUSE INTIMIDATION OR TORMENT TO THE MINOR.~~

~~(6) A PERSON MAY NOT VIOLATE THIS SECTION WITH THE INTENT TO INDUCE A MINOR TO COMMIT SUICIDE.~~

(3) A PERSON MAY NOT MALICIOUSLY ENGAGE IN AN ELECTRONIC COMMUNICATION IF:

(I) THE ELECTRONIC COMMUNICATION IS PART OF A SERIES OF COMMUNICATIONS AND HAS THE EFFECT OF:

1. INTIMIDATING OR HARASSING A MINOR; AND
2. CAUSING PHYSICAL INJURY OR SERIOUS EMOTIONAL DISTRESS TO A MINOR; AND

(II) THE PERSON ENGAGING IN THE ELECTRONIC COMMUNICATION INTENDS TO:

1. INTIMIDATE OR HARASS THE MINOR; AND
2. CAUSE PHYSICAL INJURY OR SERIOUS EMOTIONAL DISTRESS TO THE MINOR.

(4) A PERSON MAY NOT MALICIOUSLY ENGAGE IN A SINGLE SIGNIFICANT ACT OR COURSE OF CONDUCT USING AN ELECTRONIC COMMUNICATION IF:

(I) THE PERSON'S CONDUCT, WHEN CONSIDERED IN ITS ENTIRETY, HAS THE EFFECT OF:

1. INTIMIDATING OR HARASSING A MINOR; AND
2. CAUSING PHYSICAL INJURY OR SERIOUS EMOTIONAL DISTRESS TO A MINOR;

(II) THE PERSON INTENDS TO:

1. INTIMIDATE OR HARASS THE MINOR; AND
2. CAUSE PHYSICAL INJURY OR SERIOUS EMOTIONAL DISTRESS TO THE MINOR; AND

(III) IN THE CASE OF A SINGLE SIGNIFICANT ACT, THE COMMUNICATION:

1. IS MADE AFTER RECEIVING A REASONABLE WARNING OR REQUEST TO STOP;
2. IS SENT WITH A REASONABLE EXPECTATION THAT THE RECIPIENT WOULD SHARE THE COMMUNICATION WITH A THIRD PARTY; OR
3. SHOCKS THE CONSCIENCE.

(5) A PERSON MAY NOT MALICIOUSLY ENGAGE IN ELECTRONIC CONDUCT IF:

(I) THE ACT OF ELECTRONIC CONDUCT HAS THE EFFECT OF:

1. INTIMIDATING OR HARASSING A MINOR; AND
2. CAUSING PHYSICAL INJURY OR SERIOUS EMOTIONAL DISTRESS TO A MINOR; AND

(II) THE PERSON INTENDS TO:

1. INTIMIDATE OR HARASS THE MINOR; AND
2. CAUSE PHYSICAL INJURY OR SERIOUS EMOTIONAL DISTRESS TO THE MINOR.

(6) A PERSON MAY NOT VIOLATE THIS SECTION WITH THE INTENT TO INDUCE A MINOR TO COMMIT SUICIDE.

(c) It is not a violation of this section for any of the following persons to provide information, facilities, or technical assistance to another who is authorized by federal or State law to intercept or provide electronic communication or to conduct surveillance of electronic communication, if a court order directs the person to provide the information, facilities, or technical assistance:

(1) a provider of electronic communication;

(2) an officer, employee, agent, landlord, or custodian of a provider of electronic communication; or

(3) a person specified in a court order directing the provision of information, facilities, or technical assistance to another who is authorized by federal or State law to intercept or provide electronic communication or to conduct surveillance of electronic communication.

(d) Subsection (b)(1) **THROUGH (5)** of this section does not apply to a peaceable activity:

(1) intended to express a political view or provide information to others; **OR**

(2) **CONDUCTED FOR A LAWFUL PURPOSE.**

(e) (1) A person who violates **SUBSECTION ~~(B)(1) THROUGH (5)~~ (B)(1), (2), (3), (4), OR (5)** OF this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [1 year] **3 YEARS** or a fine not exceeding [\$500] **\$10,000** or both.

(2) **A PERSON WHO VIOLATES SUBSECTION (B)(6) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

SECTION 2. AND BE IT FURTHER ENACTED, That, if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 28

(House Bill 240)

AN ACT concerning

Hate Crimes – Threats ~~and Penalties~~

FOR the purpose of prohibiting a person from threatening to commit certain hate crimes; applying ~~and altering~~ certain penalties; ~~authorizing a court to require a certain person to attend certain educational classes and perform certain community service as a condition of supervised release; making stylistic changes~~ repealing a certain duplicative prohibition; and generally relating to hate crimes.

BY repealing and reenacting, with amendments,
 Article – Criminal Law
 Section ~~10–302 through 10–306~~, 10–304, and 10–305
 Annotated Code of Maryland
 (2012 Replacement Volume and 2018 Supplement)

~~BY adding to~~
~~Article – Criminal Law~~
~~Section 10–302.1, 10–303.1, 10–304.1, and 10–305.1~~
~~Annotated Code of Maryland~~
~~(2012 Replacement Volume and 2018 Supplement)~~

BY repealing and reenacting, without amendments,
 Article – Criminal Law
 Section 10–303, 10–306, and 10–308
 Annotated Code of Maryland
 (2012 Replacement Volume and 2018 Supplement)

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

Article – Criminal Law

10–302.

A person may not deface, damage, or destroy¹, or attempt **OR THREATEN** to deface, damage, or destroy,¹ personal or real property that is owned, leased, or used by a religious entity or for any religious purpose including:

- (1) a place of worship;
- (2) a cemetery;

- (3) a religious school, educational facility, or community center; and
- (4) the grounds adjacent to them.

~~10-302.1.~~

~~(A) A PERSON MAY NOT THREATEN TO COMMIT A VIOLATION OF § 10-302 OF THIS SUBTITLE.~~

~~(B) A PERSON MAY NOT ATTEMPT TO COMMIT A VIOLATION OF § 10-302 OF THIS SUBTITLE.~~

10-303.

A person may not, by force ~~for~~ threat of force, obstruct ~~for~~ attempt to obstruct another in the free exercise of that person's religious beliefs.

~~10-303.1.~~

~~(A) A PERSON MAY NOT THREATEN TO COMMIT A VIOLATION OF § 10-303 OF THIS SUBTITLE.~~

~~(B) A PERSON MAY NOT ATTEMPT TO COMMIT A VIOLATION OF § 10-303 OF THIS SUBTITLE.~~

10-304.

Because of another person's or group's race, color, religious beliefs, sexual orientation, gender, disability, or national origin, or because another person or group is homeless, a person may not:

(1) (i) commit a crime ~~for~~ attempt OR THREATEN to commit a crime against that person or group;

(ii) [damage the real or personal property of that person or group;

(iii)] deface, damage, or destroy~~for~~, or attempt OR THREATEN to deface, damage, or destroy] the real or personal property of that person or group; or

[(iv)] (III) burn ~~for~~ attempt OR THREATEN to burn] an object on the real or personal property of that person or group; or

(2) commit a violation of item (1) of this section that:

(i) except as provided in item (ii) of this item, involves a separate crime that is a felony; or

- (ii) results in the death of a victim.

~~10-304.1.~~

~~(A) A PERSON MAY NOT THREATEN TO COMMIT A VIOLATION OF § 10-304 OF THIS SUBTITLE.~~

~~(B) A PERSON MAY NOT ATTEMPT TO COMMIT A VIOLATION OF § 10-304 OF THIS SUBTITLE.~~

10-305.

A person may not deface, damage, or destroy, ~~attempt~~ OR THREATEN to deface, damage, or destroy, ~~burn~~ OR THREATEN to burn ~~an object on, or damage the real or personal property connected to a building that is publicly or privately owned, leased, or used, including a cemetery, library, meeting hall, recreation center, or school:~~

(1) because a person or group of a particular race, color, religious belief, sexual orientation, gender, disability, or national origin, or because a person or group that is homeless, has contacts or is associated with the building; or

(2) if there is evidence that exhibits animosity against a person or group, because of the race, color, religious beliefs, sexual orientation, gender, disability, or national origin of that person or group or because that person or group is homeless.

~~10-305.1.~~

~~(A) A PERSON MAY NOT THREATEN TO COMMIT A VIOLATION OF § 10-305 OF THIS SUBTITLE.~~

~~(B) A PERSON MAY NOT ATTEMPT TO COMMIT A VIOLATION OF § 10-305 OF THIS SUBTITLE.~~

10-306.

(a) Except as provided in ~~subsection (b)]~~ ~~SUBSECTIONS (B) AND (C)~~ of this section, a person who violates this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

~~(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON WHO VIOLATES § 10-302, § 10-303, § 10-304, OR § 10-305 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.~~

~~[(b)] (c)~~ (1) A person who violates § 10–304(2)(i) of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

(2) A person who violates § 10–304(2)(ii) of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$20,000 or both.

~~(D) AS A CONDITION OF SUPERVISED RELEASE, A COURT MAY REQUIRE A PERSON CONVICTED UNDER THIS SUBTITLE TO ATTEND EDUCATIONAL CLASSES AND PERFORM COMMUNITY SERVICE RELATED TO THE PERSON OR GROUP OF A PARTICULAR RACE, COLOR, RELIGIOUS BELIEF, SEXUAL ORIENTATION, GENDER, DISABILITY, NATIONAL ORIGIN, OR STATUS AS HOMELESS THAT WAS THE SUBJECT OF THE PERSON'S VIOLATION.~~

10–308.

Nothing in this subtitle may be construed to infringe on the speech of a religious leader or other individual during peaceable activity intended to express the leader's or individual's religious beliefs or convictions.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 29

(Senate Bill 232)

AN ACT concerning

Hate Crimes – Threats ~~and Penalties~~

FOR the purpose of prohibiting a person from threatening to commit certain hate crimes; applying ~~and altering~~ certain penalties; ~~authorizing a court to require a certain person to attend certain educational classes and perform certain community service as a condition of supervised release; making stylistic changes~~ repealing a certain duplicative prohibition; and generally relating to hate crimes.

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 10–302 ~~through 10–306~~, 10–304, and 10–305

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

~~BY adding to~~

~~Article – Criminal Law~~

~~Section 10–302.1, 10–303.1, 10–304.1, and 10–305.1~~

~~Annotated Code of Maryland~~

~~(2012 Replacement Volume and 2018 Supplement)~~

BY repealing and reenacting, without amendments,

Article – Criminal Law

Section 10–303, 10–306, and 10–308

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

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

Article – Criminal Law

10–302.

A person may not deface, damage, or destroy~~],~~ or attempt **OR THREATEN** to deface, damage, or destroy,~~]~~ personal or real property that is owned, leased, or used by a religious entity or for any religious purpose including:

- (1) a place of worship;
- (2) a cemetery;
- (3) a religious school, educational facility, or community center; and
- (4) the grounds adjacent to them.

~~10–302.1~~

~~(A) A PERSON MAY NOT THREATEN TO COMMIT A VIOLATION OF § 10–302 OF THIS SUBTITLE.~~

~~(B) A PERSON MAY NOT ATTEMPT TO COMMIT A VIOLATION OF § 10–302 OF THIS SUBTITLE.~~

10–303.

A person may not, by force ~~]~~ or threat of force~~]~~, obstruct ~~]~~ or attempt to obstruct~~]~~ another in the free exercise of that person's religious beliefs.

~~10-303.1.~~

~~(A) A PERSON MAY NOT THREATEN TO COMMIT A VIOLATION OF § 10-303 OF THIS SUBTITLE.~~

~~(B) A PERSON MAY NOT ATTEMPT TO COMMIT A VIOLATION OF § 10-303 OF THIS SUBTITLE.~~

10-304.

Because of another person's or group's race, color, religious beliefs, sexual orientation, gender, disability, or national origin, or because another person or group is homeless, a person may not:

(1) (i) commit a crime ~~for attempt~~ OR THREATEN to commit a crime~~]~~ against that person or group;

(ii) [damage the real or personal property of that person or group;

(iii)] deface, damage, or destroy~~],~~ or attempt OR THREATEN to deface, damage, or destroy~~]~~ the real or personal property of that person or group; or

~~[(iv)] (III)~~ burn ~~for attempt~~ OR THREATEN to burn~~]~~ an object on the real or personal property of that person or group; or

(2) commit a violation of item (1) of this section that:

(i) except as provided in item (ii) of this item, involves a separate crime that is a felony; or

(ii) results in the death of a victim.

~~10-304.1.~~

~~(A) A PERSON MAY NOT THREATEN TO COMMIT A VIOLATION OF § 10-304 OF THIS SUBTITLE.~~

~~(B) A PERSON MAY NOT ATTEMPT TO COMMIT A VIOLATION OF § 10-304 OF THIS SUBTITLE.~~

10-305.

A person may not deface, damage, or destroy, ~~attempt~~ OR THREATEN to deface, damage, or destroy,~~]~~ burn ~~for attempt~~ OR THREATEN to burn~~]~~ an object on, or damage the

real or personal property connected to a building that is publicly or privately owned, leased, or used, including a cemetery, library, meeting hall, recreation center, or school:

(1) because a person or group of a particular race, color, religious belief, sexual orientation, gender, disability, or national origin, or because a person or group that is homeless, has contacts or is associated with the building; or

(2) if there is evidence that exhibits animosity against a person or group, because of the race, color, religious beliefs, sexual orientation, gender, disability, or national origin of that person or group or because that person or group is homeless.

~~10-305.1.~~

~~(A) A PERSON MAY NOT THREATEN TO COMMIT A VIOLATION OF § 10-305 OF THIS SUBTITLE.~~

~~(B) A PERSON MAY NOT ATTEMPT TO COMMIT A VIOLATION OF § 10-305 OF THIS SUBTITLE.~~

10-306.

(a) Except as provided in ~~subsection (b)] SUBSECTIONS (B) AND (C)~~ of this section, a person who violates this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

~~(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON WHO VIOLATES § 10-302, § 10-303, § 10-304, OR § 10-305 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.~~

~~[(b)] (C)~~ (1) A person who violates § 10-304(2)(i) of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

(2) A person who violates § 10-304(2)(ii) of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$20,000 or both.

~~(D) AS A CONDITION OF SUPERVISED RELEASE, A COURT MAY REQUIRE A PERSON CONVICTED UNDER THIS SUBTITLE TO ATTEND EDUCATIONAL CLASSES AND PERFORM COMMUNITY SERVICE RELATED TO THE PERSON OR GROUP OF A PARTICULAR RACE, COLOR, RELIGIOUS BELIEF, SEXUAL ORIENTATION, GENDER, DISABILITY, NATIONAL ORIGIN, OR STATUS AS HOMELESS THAT WAS THE SUBJECT OF THE PERSON'S VIOLATION.~~

10–308.

Nothing in this subtitle may be construed to infringe on the speech of a religious leader or other individual during peaceable activity intended to express the leader's or individual's religious beliefs or convictions.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 30

(House Bill 420)

AN ACT concerning

Criminal Law – Threat of Mass Violence

FOR the purpose of altering a certain prohibition relating to threatening to commit a certain crime of violence in order to prohibit a person from knowingly threatening to commit or threatening to cause to be committed a certain crime of violence that would place a certain number of people at substantial risk of death or serious physical injury if the threat were carried out; repealing certain defined terms; making this Act an emergency measure; and generally relating to threats of mass violence.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–1001
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

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

Article – Criminal Law

3–1001.

- (a) [(1) In this section the following words have the meanings indicated.
- (2) “Dwelling” has the meaning stated in § 6–201 of this article.
- (3) “Public place” has the meaning stated in § 10–201 of this article.

(4) “Storehouse” has the meaning stated in § 6–201 of this article.

(b)] This section applies to a threat made by oral or written communication or electronic mail, as defined in § 3–805(a) of this title.

[(c)] **(B)** A person may not knowingly threaten to commit or threaten to cause to be committed a crime of violence, as defined in § 14–101 of this article, that would place [others] **FIVE OR MORE PEOPLE** at substantial risk of death or serious physical injury, as defined in § 3–201 of this title, [if as a result of the threat, regardless of whether the threat is carried out, five or more people are:

(1) placed in reasonable fear that the crime will be committed;

(2) evacuated from a dwelling, storehouse, or public place;

(3) required to move to a designated area within a dwelling, storehouse, or public place; or

(4) required to remain in a designated safe area within a dwelling, storehouse, or public place] **IF THE THREAT WERE CARRIED OUT.**

[(d)] **(C)** (1) A person who violates this section is guilty of the misdemeanor of making a threat of mass violence and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

(2) In addition to the penalties provided in paragraph (1) of this subsection, a court shall order a person convicted under this section to reimburse the appropriate unit of federal, State, or local government or other person for **ANY** expenses and losses incurred in responding to the unlawful threat unless the court states on the record the reasons why reimbursement would be inappropriate.

[(e)] **(D)** A person who violates this section may be indicted, prosecuted, tried, and convicted in any county where:

(1) the threat was received;

(2) the threat was made; or

(3) the consequences of the threat occurred.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act 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 18, 2019.

Chapter 31

(Senate Bill 139)

AN ACT concerning

Criminal Law – Threat of Mass Violence

FOR the purpose of altering a certain prohibition relating to threatening to commit a certain crime of violence in order to prohibit a person from knowingly threatening to commit or threatening to cause to be committed a certain crime of violence that would place a certain number of people at substantial risk of death or serious physical injury if the threat were carried out; repealing certain defined terms; making this Act an emergency measure; and generally relating to threats of mass violence.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–1001
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

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

Article – Criminal Law

3–1001.

- (a) [(1) In this section the following words have the meanings indicated.
- (2) “Dwelling” has the meaning stated in § 6–201 of this article.
- (3) “Public place” has the meaning stated in § 10–201 of this article.
- (4) “Storehouse” has the meaning stated in § 6–201 of this article.

(b)] This section applies to a threat made by oral or written communication or electronic mail, as defined in § 3–805(a) of this title.

[(c)] (B) A person may not knowingly threaten to commit or threaten to cause to be committed a crime of violence, as defined in § 14–101 of this article, that would place

[others] **FIVE OR MORE PEOPLE** at substantial risk of death or serious physical injury, as defined in § 3–201 of this title, [if as a result of the threat, regardless of whether the threat is carried out, five or more people are:

- (1) placed in reasonable fear that the crime will be committed;
- (2) evacuated from a dwelling, storehouse, or public place;
- (3) required to move to a designated area within a dwelling, storehouse, or public place; or
- (4) required to remain in a designated safe area within a dwelling, storehouse, or public place] **IF THE THREAT WERE CARRIED OUT.**

[(d)] **(C)** (1) A person who violates this section is guilty of the misdemeanor of making a threat of mass violence and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

(2) In addition to the penalties provided in paragraph (1) of this subsection, a court shall order a person convicted under this section to reimburse the appropriate unit of federal, State, or local government or other person for **ANY** expenses and losses incurred in responding to the unlawful threat unless the court states on the record the reasons why reimbursement would be inappropriate.

[(e)] **(D)** A person who violates this section may be indicted, prosecuted, tried, and convicted in any county where:

- (1) the threat was received;
- (2) the threat was made; or
- (3) the consequences of the threat occurred.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act 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 18, 2019.

AN ACT concerning

Public Safety – Reporting of Hate Crimes

FOR the purpose of altering certain requirements for the reporting, collection, and analysis of information relating to hate crimes to require the Department of State Police to collect and analyze information about incidents apparently directed against an individual or a group because of color, religious beliefs, gender, disability, national origin, or homelessness; altering certain information required to be provided by each local law enforcement agency and the State Fire Marshal to the Department; altering certain information for which the Department is required to adopt procedures for collection and analysis; altering certain information about which the Department is required to make certain reports to the Commission on Civil Rights; and generally relating to the reporting of hate crimes.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 10–304
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 2–307
Annotated Code of Maryland
(2018 Replacement Volume)

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

Article – Criminal Law

10–304.

Because of another person’s or group’s race, color, religious beliefs, sexual orientation, gender, disability, or national origin, or because another person or group is homeless, a person may not:

- (1) (i) commit a crime or attempt to commit a crime against that person or group;
- (ii) damage the real or personal property of that person or group;
- (iii) deface, damage, or destroy, or attempt to deface, damage, or destroy the real or personal property of that person or group; or

(iv) burn or attempt to burn an object on the real or personal property of that person or group; or

(2) commit a violation of item (1) of this section that:

(i) except as provided in item (ii) of this item, involves a separate crime that is a felony; or

(ii) results in the death of a victim.

Article – Public Safety

2–307.

(a) The Department shall collect, analyze, and disseminate information about the incidence of crime in the State.

(b) (1) The Department shall collect and analyze information about incidents apparently directed against an individual or group because of race, [religion, ethnicity, or] **COLOR, RELIGIOUS BELIEFS, sexual orientation, GENDER, DISABILITY, NATIONAL ORIGIN, OR HOMELESSNESS.**

(2) Each local law enforcement agency and the State Fire Marshal shall provide the Department with the information described in paragraph (1) of this subsection.

(3) The Department shall adopt procedures for the collection and analysis of the information described in paragraph (1) of this subsection.

(4) The Department shall make monthly reports to the Commission on Civil Rights about the information described in paragraph (1) of this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 33

(Senate Bill 767)

AN ACT concerning

Criminal Procedure – Sexual Assault Evidence Collection Kits – Analysis

FOR the purpose of requiring a sexual assault evidence collection kit to be submitted to a forensic laboratory for analysis unless a certain requirement is met; requiring a certain victim to be ~~given the option to consent to submission of a certain sexual assault evidence collection kit for analysis without making a certain commitment~~ informed that the victim may initiate a criminal complaint under certain circumstances; authorizing the termination or discontinuance of testing of a sexual assault evidence collection kit under certain circumstances; requiring a certain law enforcement agency that receives a sexual assault evidence collection kit to take certain actions under certain circumstances; requiring a forensic laboratory that receives a sexual assault evidence collection kit for analysis to take certain actions ~~within a certain number of days of receipt~~ in a timely manner; providing that the failure to take certain actions in a timely manner may not constitute the basis for excluding certain evidence; requiring that the eligible results of a certain analysis be entered into the Combined DNA Index System (CODIS); requiring a forensic laboratory to report to the Maryland Sexual Assault Evidence Kit Policy and Funding Committee annually regarding the duration necessary to complete testing of sexual assault evidence collection kits; prohibiting a certain use of a certain victim's DNA under certain circumstances; requiring the Maryland Sexual Assault Evidence Kit Policy and Funding Committee to establish a certain process to review and make recommendations regarding a certain decision of a law enforcement agency; requiring the Attorney General to adopt certain regulations on or before a certain date; providing for a delayed effective date; and generally relating to sexual assault evidence collection kits.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–926 and 11–927(e)(1)
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 11–927(a)
Annotated Code of Maryland
(2018 Replacement Volume)

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

Article – Criminal Procedure

11–926.

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

(2) “Child advocacy center” has the meaning stated in § 13–2201 of the Health – General Article.

(3) “Hospital” has the meaning stated in § 19–301 of the Health – General Article.

(b) A health care provider that performs a sexual assault evidence collection kit exam on a victim of sexual assault shall provide the victim with:

(1) contact information for the investigating law enforcement agency that the victim may contact about the status and results of the kit analysis; and

(2) written information describing the laws and policies governing the testing, preservation, and disposal of a sexual assault evidence collection kit.

(c) An investigating law enforcement agency that receives a sexual assault evidence collection kit, within 30 days after a request by the victim from whom the evidence was collected, shall provide the victim with:

(1) information about the status of the kit analysis; and

(2) all available results of the kit analysis except results that would impede or compromise an ongoing investigation.

(d) (1) A sexual assault evidence collection kit shall be transferred to a law enforcement agency:

(i) by a hospital or a child advocacy center within 30 days after the exam is performed; or

(ii) by a government agency in possession of a kit, unless the agency is otherwise required to retain the kit by law or court rule.

(2) Except as provided in paragraph (3) of this subsection, within 20 years after the evidence is collected, a law enforcement agency may not destroy or dispose of:

(i) a sexual assault evidence collection kit; or

(ii) other crime scene evidence relating to a sexual assault that has been identified by the State’s Attorney as relevant to prosecution.

(3) A law enforcement agency is not required to comply with the requirements in paragraph (2) of this subsection if:

(i) the case for which the evidence was collected resulted in a conviction and the sentence has been completed; or

(ii) all suspects identified by testing a sexual assault evidence collection kit are deceased.

(4) On written request by the victim from whom the evidence was collected, a law enforcement agency with custody of a sexual assault evidence collection kit or other crime scene evidence relating to a sexual assault shall:

(i) notify the victim no later than 60 days before the date of intended destruction or disposal of the evidence; or

(ii) retain the evidence for 12 months longer than the time period specified in paragraph (2) of this subsection or for a time period agreed to by the victim and the law enforcement agency.

(E) A SEXUAL ASSAULT EVIDENCE COLLECTION KIT SHALL BE SUBMITTED TO A FORENSIC LABORATORY FOR ANALYSIS UNLESS:

(1) THERE IS CLEAR EVIDENCE DISPROVING THE ALLEGATION OF SEXUAL ASSAULT;

(2) THE FACTS ALLEGED, IF TRUE, COULD NOT BE INTERPRETED TO VIOLATE A PROVISION OF TITLE 3, SUBTITLE 2, TITLE 3, SUBTITLE 3, TITLE 3, SUBTITLE 6, OR TITLE 11, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE;

~~**(3) THE KIT CONTAINS AN INSUFFICIENT AMOUNT OF FORENSIC EVIDENCE TO ENABLE AN ANALYSIS TO BE PERFORMED;**~~

~~**(4) (3) THE VICTIM FROM WHOM THE EVIDENCE WAS COLLECTED DECLINES TO GIVE CONSENT FOR ANALYSIS; OR**~~

~~**(5) (4) THE SUSPECT'S PROFILE IS CONTAINED HAS BEEN COLLECTED FOR ENTRY AS A CONVICTED OFFENDER FOR A QUALIFYING OFFENSE IN THE COMBINED DNA INDEX SYSTEM (CODIS) MAINTAINED BY THE FEDERAL BUREAU OF INVESTIGATION AND THE SUSPECT ADMITTED TO CONSENSUAL SEX WITH THE VICTIM DURING THE INCIDENT HAS PLEADED GUILTY TO THE OFFENSE THAT LED TO THE FORENSIC EXAMINATION SEXUAL ASSAULT EVIDENCE COLLECTION KIT.**~~

~~**(F) (1) A VICTIM OF SEXUAL ASSAULT WHO WISHES TO REMAIN ANONYMOUS SHALL BE GIVEN THE OPTION TO CONSENT TO SUBMISSION OF THE VICTIM'S SEXUAL ASSAULT EVIDENCE COLLECTION KIT FOR ANALYSIS WITHOUT MAKING ANY COMMITMENT TO TAKING FURTHER ACTION IF A VICTIM OF SEXUAL ASSAULT WISHES TO REMAIN ANONYMOUS AND NOT FILE A CRIMINAL COMPLAINT, THE VICTIM SHALL BE INFORMED THAT THE VICTIM MAY FILE A CRIMINAL COMPLAINT AT A FUTURE TIME.**~~

(2) IF A PROVISION OF SUBSECTION (E) OF THIS SECTION IS DETERMINED TO BE SATISFIED AFTER THE SUBMISSION OF THE VICTIM'S SEXUAL ASSAULT EVIDENCE COLLECTION KIT FOR ANALYSIS, TESTING MAY BE TERMINATED OR NOT INITIATED.

(G) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, AN INVESTIGATING LAW ENFORCEMENT AGENCY THAT RECEIVES A SEXUAL ASSAULT EVIDENCE COLLECTION KIT SHALL:

(1) SUBMIT THE KIT AND ALL REQUESTED ASSOCIATED REFERENCE STANDARDS TO A FORENSIC LABORATORY FOR ANALYSIS WITHIN 30 DAYS OF RECEIPT OF THE KIT AND ALL REQUESTED ASSOCIATED REFERENCE STANDARDS; AND

(2) MAKE USE OF CERTIFIED SEXUAL ASSAULT CRISIS PROGRAMS OR OTHER QUALIFIED COMMUNITY-BASED SEXUAL ASSAULT VICTIM SERVICE ORGANIZATIONS THAT CAN PROVIDE SERVICES AND SUPPORT TO SURVIVORS OF SEXUAL ASSAULT.

(H) (1) (I) A FORENSIC LABORATORY THAT RECEIVES A SEXUAL ASSAULT EVIDENCE COLLECTION KIT AND ALL REQUESTED ASSOCIATED REFERENCE STANDARDS FOR ANALYSIS SHALL DETERMINE SUITABILITY AND COMPLETE SCREENING, TESTING, AND ANALYSIS ~~WITHIN 150 DAYS OF RECEIPT~~ IN A TIMELY MANNER.

(II) FAILURE TO COMPLETE THE SCREENING, TESTING, AND ANALYSIS IN A TIMELY MANNER AS REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT CONSTITUTE THE BASIS FOR EXCLUDING THE ANALYSIS OR RESULTS AS EVIDENCE IN A CRIMINAL PROCEEDING.

(2) FORENSIC LABORATORIES SHALL REPORT ANNUALLY TO THE MARYLAND SEXUAL ASSAULT EVIDENCE KIT POLICY AND FUNDING COMMITTEE REGARDING THE DURATION REQUIRED TO COMPLETE TESTING, BEGINNING WITH RECEIPT OF THE KIT UNTIL A REPORT IS PREPARED, OF EACH SEXUAL ASSAULT EVIDENCE COLLECTION KIT.

(I) (1) THE ELIGIBLE RESULTS OF AN ANALYSIS OF A SEXUAL ASSAULT EVIDENCE COLLECTION KIT SHALL BE ENTERED INTO CODIS.

(2) THE DNA COLLECTED FROM A VICTIM UNDER THIS SECTION MAY NOT BE USED FOR ANY PURPOSE EXCEPT AS AUTHORIZED BY THIS SECTION.

[(e)] (J) The Attorney General shall adopt regulations for uniform statewide implementation of this section.

11–927.

(a) In this section, “Committee” means the Maryland Sexual Assault Evidence Kit Policy and Funding Committee.

(e) (1) The Committee shall develop and disseminate best practices information and recommendations regarding:

(i) the testing and retention of sexual assault evidence collection kits;

(ii) coordination between State agencies, victim services providers, local law enforcement, and local sexual assault response teams;

(iii) payment for sexual assault evidence collection kits;

(iv) increasing the availability of sexual assault evidence collection exams for alleged victims of sexual assault;

(v) reducing the shortage of forensic nurse examiners;

(vi) increasing the availability of information to sexual assault victims regarding:

1. criminal prosecutions of sexual assault crimes;

2. civil law remedies available to victims of sexual assault;

3. sexual assault evidence collection kits; and

4. victim rights; [and]

(vii) creating and operating a statewide sexual assault evidence collection kit tracking system that is accessible to victims of sexual assault and law enforcement; AND

(VIII) ESTABLISHING AN INDEPENDENT PROCESS TO REVIEW AND MAKE RECOMMENDATIONS REGARDING A DECISION OF A LAW ENFORCEMENT AGENCY NOT TO TEST A SEXUAL ASSAULT EVIDENCE COLLECTION KIT.

SECTION 2. AND BE IT FURTHER ENACTED, That the Attorney General shall adopt regulations for implementation of § 11–926(e) through (i) of the Criminal Procedure Article, as enacted by Section 1 of this Act, on or before ~~January 1, 2020~~ December 1, 2019.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect January 1, 2020.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect ~~October 1, 2019~~ January 1, 2020 ~~June 1, 2019.~~

Approved by the Governor, April 18, 2019.

Chapter 34

(House Bill 1096)

AN ACT concerning

Criminal Procedure – Sexual Assault Evidence Collection Kits – Analysis

FOR the purpose of requiring a sexual assault evidence collection kit to be submitted to a forensic laboratory for analysis unless a certain requirement is met; requiring a certain victim to be ~~given the option to consent to submission of a certain sexual assault evidence collection kit for analysis without making a certain commitment~~ informed that the victim may initiate a criminal complaint under certain circumstances; authorizing the termination or discontinuance of testing of a sexual assault evidence collection kit under certain circumstances; requiring a certain law enforcement agency that receives a sexual assault evidence collection kit to take certain actions under certain circumstances; requiring a forensic laboratory that receives a sexual assault evidence collection kit for analysis to take certain actions within a certain number of days of receipt in a timely manner; providing that the failure to take certain actions in a timely manner may not constitute the basis for excluding certain evidence; requiring that the eligible results of a certain analysis be entered into the Combined DNA Index System (CODIS); requiring a forensic laboratory to report to the Maryland Sexual Assault Evidence Kit Policy and Funding Committee annually regarding the duration necessary to complete testing of sexual assault evidence collection kits; prohibiting a certain use of a certain victim's certain DNA under certain circumstances; requiring the Maryland Sexual Assault Evidence Kit Policy and Funding Committee to establish a certain process to review and make recommendations regarding a certain decision of a law enforcement agency; requiring the Attorney General to adopt certain regulations on or before a certain date; providing for a delayed effective date for certain provisions of this Act; and generally relating to sexual assault evidence collection kits.

BY repealing and reenacting, with amendments,

Article – Criminal Procedure
 Section 11–926 and 11–927(e)(1)
 Annotated Code of Maryland
 (2018 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Criminal Procedure

Section 11–927(a)

Annotated Code of Maryland

(2018 Replacement Volume)

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

Article – Criminal Procedure

11–926.

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

(2) “Child advocacy center” has the meaning stated in § 13–2201 of the Health – General Article.

(3) “Hospital” has the meaning stated in § 19–301 of the Health – General Article.

(b) A health care provider that performs a sexual assault evidence collection kit exam on a victim of sexual assault shall provide the victim with:

(1) contact information for the investigating law enforcement agency that the victim may contact about the status and results of the kit analysis; and

(2) written information describing the laws and policies governing the testing, preservation, and disposal of a sexual assault evidence collection kit.

(c) An investigating law enforcement agency that receives a sexual assault evidence collection kit, within 30 days after a request by the victim from whom the evidence was collected, shall provide the victim with:

(1) information about the status of the kit analysis; and

(2) all available results of the kit analysis except results that would impede or compromise an ongoing investigation.

(d) (1) A sexual assault evidence collection kit shall be transferred to a law enforcement agency:

(i) by a hospital or a child advocacy center within 30 days after the exam is performed; or

(ii) by a government agency in possession of a kit, unless the agency is otherwise required to retain the kit by law or court rule.

(2) Except as provided in paragraph (3) of this subsection, within 20 years after the evidence is collected, a law enforcement agency may not destroy or dispose of:

(i) a sexual assault evidence collection kit; or

(ii) other crime scene evidence relating to a sexual assault that has been identified by the State's Attorney as relevant to prosecution.

(3) A law enforcement agency is not required to comply with the requirements in paragraph (2) of this subsection if:

(i) the case for which the evidence was collected resulted in a conviction and the sentence has been completed; or

(ii) all suspects identified by testing a sexual assault evidence collection kit are deceased.

(4) On written request by the victim from whom the evidence was collected, a law enforcement agency with custody of a sexual assault evidence collection kit or other crime scene evidence relating to a sexual assault shall:

(i) notify the victim no later than 60 days before the date of intended destruction or disposal of the evidence; or

(ii) retain the evidence for 12 months longer than the time period specified in paragraph (2) of this subsection or for a time period agreed to by the victim and the law enforcement agency.

(E) A SEXUAL ASSAULT EVIDENCE COLLECTION KIT SHALL BE SUBMITTED TO A FORENSIC LABORATORY FOR ANALYSIS UNLESS:

(1) THERE IS CLEAR EVIDENCE DISPROVING THE ALLEGATION OF SEXUAL ASSAULT;

(2) THE FACTS ALLEGED, IF TRUE, COULD NOT BE INTERPRETED TO VIOLATE A PROVISION OF TITLE 3, SUBTITLE 2, TITLE 3, SUBTITLE 3, TITLE 3, SUBTITLE 6, OR TITLE 11, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE;

~~**(3) THE KIT CONTAINS AN INSUFFICIENT AMOUNT OF FORENSIC EVIDENCE TO ENABLE AN ANALYSIS TO BE PERFORMED;**~~

~~**(4)**~~ **(3) THE VICTIM FROM WHOM THE EVIDENCE WAS COLLECTED DECLINES TO GIVE CONSENT FOR ANALYSIS; OR**

~~(5)~~ (4) THE SUSPECT'S PROFILE IS CONTAINED HAS BEEN COLLECTED FOR ENTRY AS A CONVICTED OFFENDER FOR A QUALIFYING OFFENSE IN THE COMBINED DNA INDEX SYSTEM (CODIS) MAINTAINED BY THE FEDERAL BUREAU OF INVESTIGATION AND THE SUSPECT ADMITTED TO CONSENSUAL SEX WITH THE VICTIM DURING THE INCIDENT HAS PLEADED GUILTY TO THE OFFENSE THAT LED TO THE FORENSIC EXAMINATION SEXUAL ASSAULT EVIDENCE COLLECTION KIT.

(F) (1) ~~A VICTIM OF SEXUAL ASSAULT WHO WISHES TO REMAIN ANONYMOUS SHALL BE GIVEN THE OPTION TO CONSENT TO SUBMISSION OF THE VICTIM'S SEXUAL ASSAULT EVIDENCE COLLECTION KIT FOR ANALYSIS WITHOUT MAKING ANY COMMITMENT TO TAKING FURTHER ACTION~~ IF A VICTIM OF SEXUAL ASSAULT WISHES TO REMAIN ANONYMOUS AND NOT FILE A CRIMINAL COMPLAINT, THE VICTIM SHALL BE INFORMED THAT THE VICTIM MAY FILE A CRIMINAL COMPLAINT AT A FUTURE TIME.

(2) IF A PROVISION OF SUBSECTION (E) OF THIS SECTION IS DETERMINED TO BE SATISFIED AFTER THE SUBMISSION OF THE VICTIM'S SEXUAL ASSAULT EVIDENCE COLLECTION KIT FOR ANALYSIS, TESTING MAY BE TERMINATED OR NOT INITIATED.

(G) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, AN INVESTIGATING LAW ENFORCEMENT AGENCY THAT RECEIVES A SEXUAL ASSAULT EVIDENCE COLLECTION KIT SHALL:

(1) SUBMIT THE KIT AND ALL REQUESTED ASSOCIATED REFERENCE STANDARDS TO A FORENSIC LABORATORY FOR ANALYSIS WITHIN 30 DAYS OF RECEIPT OF THE KIT AND ALL REQUESTED ASSOCIATED REFERENCE STANDARDS; AND

(2) MAKE USE OF CERTIFIED SEXUAL ASSAULT CRISIS PROGRAMS OR OTHER QUALIFIED COMMUNITY-BASED SEXUAL ASSAULT VICTIM SERVICE ORGANIZATIONS THAT CAN PROVIDE SERVICES AND SUPPORT TO SURVIVORS OF SEXUAL ASSAULT.

(H) (1) (I) A FORENSIC LABORATORY THAT RECEIVES A SEXUAL ASSAULT EVIDENCE COLLECTION KIT AND ALL REQUESTED ASSOCIATED REFERENCE STANDARDS FOR ANALYSIS SHALL DETERMINE SUITABILITY AND COMPLETE SCREENING, TESTING, AND ANALYSIS WITHIN 150 DAYS OF RECEIPT IN A TIMELY MANNER.

(II) FAILURE TO COMPLETE THE SCREENING, TESTING, AND ANALYSIS IN A TIMELY MANNER AS REQUIRED IN SUBPARAGRAPH (I) OF THIS

PARAGRAPH MAY NOT CONSTITUTE THE BASIS FOR EXCLUDING THE ANALYSIS OR RESULTS AS EVIDENCE IN A CRIMINAL PROCEEDING.

(2) FORENSIC LABORATORIES SHALL REPORT ANNUALLY TO THE MARYLAND SEXUAL ASSAULT EVIDENCE KIT POLICY AND FUNDING COMMITTEE REGARDING THE DURATION REQUIRED TO COMPLETE TESTING, BEGINNING WITH RECEIPT OF THE KIT UNTIL A REPORT IS PREPARED, OF EACH SEXUAL ASSAULT EVIDENCE COLLECTION KIT.

(I) (1) THE ELIGIBLE RESULTS OF AN ANALYSIS OF A SEXUAL ASSAULT EVIDENCE COLLECTION KIT SHALL BE ENTERED INTO CODIS.

(2) THE DNA COLLECTED FROM A VICTIM UNDER THIS SECTION MAY NOT BE USED FOR ANY PURPOSE EXCEPT AS AUTHORIZED BY THIS SECTION.

[(e)] (J) The Attorney General shall adopt regulations for uniform statewide implementation of this section.

11-927.

(a) In this section, "Committee" means the Maryland Sexual Assault Evidence Kit Policy and Funding Committee.

(e) (1) The Committee shall develop and disseminate best practices information and recommendations regarding:

(i) the testing and retention of sexual assault evidence collection kits;

(ii) coordination between State agencies, victim services providers, local law enforcement, and local sexual assault response teams;

(iii) payment for sexual assault evidence collection kits;

(iv) increasing the availability of sexual assault evidence collection exams for alleged victims of sexual assault;

(v) reducing the shortage of forensic nurse examiners;

(vi) increasing the availability of information to sexual assault victims regarding:

1. criminal prosecutions of sexual assault crimes;

2. civil law remedies available to victims of sexual assault;

3. sexual assault evidence collection kits; and
4. victim rights; [and]

(vii) creating and operating a statewide sexual assault evidence collection kit tracking system that is accessible to victims of sexual assault and law enforcement; AND

(VIII) ESTABLISHING AN INDEPENDENT PROCESS TO REVIEW AND MAKE RECOMMENDATIONS REGARDING A DECISION OF A LAW ENFORCEMENT AGENCY NOT TO TEST A SEXUAL ASSAULT EVIDENCE COLLECTION KIT.

SECTION 2. AND BE IT FURTHER ENACTED, That the Attorney General shall adopt regulations for implementation of § 11–926(e) through (i) of the Criminal Procedure Article, as enacted by Section 1 of this Act, on or before ~~January 1, 2020~~ December 1, 2019.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect January 1, 2020.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect ~~October 1, 2019~~ June 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 35

(Senate Bill 521)

AN ACT concerning

Veteran Suicide Prevention – Comprehensive Action Plan

FOR the purpose of requiring the Maryland Department of Health to develop a certain action plan to increase access to and the availability of professional veteran health services to prevent veteran suicides that includes certain initiatives and reforms and a plan for implementation beginning on or before certain dates; requiring the plan to address certain matters; requiring the Department to collaborate with interested parties in developing the plan; requiring the Department to implement certain initiatives and reforms by certain dates; requiring the Department to report to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to a comprehensive action plan for veteran suicide prevention.

BY adding to

Article – Health – General

Section 13–3901 to be under the new subtitle “Subtitle 39. Veteran Suicide Prevention”

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

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

Article – Health – General

SUBTITLE 39. VETERAN SUICIDE PREVENTION.

13–3901.

(A) THE DEPARTMENT SHALL DEVELOP A COMPREHENSIVE ACTION PLAN TO INCREASE ACCESS TO AND AVAILABILITY OF PROFESSIONAL VETERAN HEALTH SERVICES TO PREVENT VETERAN SUICIDES THAT INCLUDES:

(1) SHORT–TERM INITIATIVES AND REFORMS AND A PLAN FOR STATE IMPLEMENTATION BEGINNING ON OR BEFORE JULY 1, 2021; AND

(2) LONG–TERM INITIATIVES AND REFORMS AND A PLAN FOR STATE IMPLEMENTATION BEGINNING ON OR BEFORE JULY 1, 2023.

(B) THE ACTION PLAN DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(1) IDENTIFY OPPORTUNITIES FOR RAISING AWARENESS OF AND PROVIDING RESOURCES FOR VETERAN SUICIDE PREVENTION;

(2) IDENTIFY OPPORTUNITIES TO INCREASE ACCESS TO VETERAN MENTAL HEALTH SERVICES;

(3) IDENTIFY FUNDING RESOURCES TO PROVIDE ACCESSIBLE AND AFFORDABLE VETERAN MENTAL HEALTH SERVICES;

(4) PROVIDE MEASURES TO EXPAND PUBLIC–PRIVATE PARTNERSHIPS TO ENSURE ACCESS TO QUALITY AND TIMELY MENTAL HEALTH SERVICES;

(5) PROVIDE FOR PROACTIVE OUTREACH MEASURES TO REACH VETERANS NEEDING CARE;

(6) PROVIDE FOR PEER-TO-PEER SERVICE COORDINATION, INCLUDING TRAINING, CERTIFICATION, RECERTIFICATION, AND CONTINUING EDUCATION FOR PEER COORDINATORS; AND

(7) ADDRESS SUICIDE PREVENTION AWARENESS, MEASURES, AND TRAINING REGARDING VETERANS WHO ARE INVOLVED IN THE JUSTICE SYSTEM.

(C) THE DEPARTMENT SHALL COLLABORATE WITH INTERESTED PARTIES IN DEVELOPING THE PLAN REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, INCLUDING:

(1) THE MARYLAND DEPARTMENT OF VETERANS AFFAIRS;

(2) THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS;

(3) THE SERVICE MEMBERS, VETERANS, AND THEIR FAMILIES TECHNICAL ASSISTANCE CENTER IMPLEMENTATION ACADEMY OF THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES;

(4) VETERAN ADVOCACY GROUPS;

(5) MEDICAL PROVIDERS; AND

(6) ANY OTHER INTERESTED PARTY THE DEPARTMENT CONSIDERS APPROPRIATE.

(D) (1) THE DEPARTMENT SHALL IMPLEMENT THE SHORT-TERM INITIATIVES AND REFORMS IN THE PLAN DEVELOPED UNDER SUBSECTION (A)(1) OF THIS SECTION ON OR BEFORE JUNE 30, 2023.

(2) THE DEPARTMENT SHALL IMPLEMENT THE LONG-TERM INITIATIVES AND REFORMS IN THE PLAN REQUIRED UNDER SUBSECTION (A)(2) OF THIS SECTION ON OR BEFORE JUNE 30, 2029.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before July 1, 2020, the Maryland Department of Health shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on any statutory, administrative, and budgetary changes that would need to be made to implement the initiatives and reforms included in the action plan developed under § 13-3901 of the Health – General Article, as enacted by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019. It shall remain effective for a period of 10 years and, at the end of June 30, 2029,

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 18, 2019.

Chapter 36

(Senate Bill 816)

AN ACT concerning

Property Tax Credit – Surviving Spouse of Veteran

FOR the purpose of altering eligibility for a credit authorized against the county or municipal corporation property tax for the surviving spouses of certain retired veterans; providing that certain surviving spouses who are under a certain age may continue to receive the tax credit if the surviving spouses qualified for and received the tax credit before a certain date; providing for the application of this Act; and generally relating to eligibility for a property tax credit for the surviving spouses of certain veterans.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–258
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

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

Article – Tax – Property

9–258.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Dwelling” has the meaning stated in § 9–105 of this title.
- (3) “Eligible individual” means:

(i) an individual who is at least 65 years old and has lived in the same dwelling for at least the preceding 40 years;

(ii) an individual who is at least 65 years old and is a retired member of the uniformed services of the United States as defined in 10 U.S.C. § 101, the military reserves, or the National Guard; or

(iii) a surviving spouse, who **IS AT LEAST 65 YEARS OLD AND** has not remarried, of [an individual described in item (ii) of this paragraph] **A RETIRED MEMBER OF THE UNIFORMED SERVICES OF THE UNITED STATES AS DEFINED IN 10 U.S.C. § 101, THE MILITARY RESERVES, OR THE NATIONAL GUARD.**

(b) The Mayor and City Council of Baltimore City or the governing body of a county or municipal corporation may grant, by law, a property tax credit under this section against the county or municipal corporation property tax imposed on the dwelling of an eligible individual.

(c) The property tax credit allowed under this section may:

(1) not exceed 20% of the county or municipal corporation property tax imposed on the property; and

(2) be granted for a period of up to 5 years.

(d) The Mayor and City Council of Baltimore City or the governing body of a county or municipal corporation may provide, by law, for:

(1) the maximum assessed value of a dwelling that is eligible for the tax credit under this section;

(2) additional eligibility criteria for the tax credit under this section;

(3) regulations and procedures for the application and uniform processing of requests for the tax credit; and

(4) any other provision necessary to carry out the tax credit under this section.

SECTION 2. AND BE IT FURTHER ENACTED, That a surviving spouse, who is under the age of 65 years and has not remarried, of a retired member of the uniformed services of the United States as defined in 10 U.S.C. § 101, the military reserves, or the National Guard, may continue to receive the tax credit under § 9–258 of the Tax – Property Article as enacted by Section 1 of this Act if the surviving spouse qualified for and received the tax credit before June 1, 2019.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019, and shall be applicable to all taxable years beginning after June 30, 2019.

Approved by the Governor, April 18, 2019.

Chapter 37**(Senate Bill 985)**

AN ACT concerning

Confidentiality of Juvenile Records – Baltimore City Mayor’s Office on Criminal Justice

FOR the purpose of establishing that certain provisions of law relating to the confidentiality of juvenile police records and court records do not prohibit access to and confidential use of certain records by the Baltimore City Mayor’s Office on Criminal Justice under certain circumstances; specifying that the Baltimore City Mayor’s Office on Criminal Justice shall be liable for the unauthorized release of a certain record; making this Act subject to a certain contingency; providing for the termination of this Act subject to a certain contingency; providing for the effective date; and generally relating to juvenile records and access by the Baltimore City Mayor’s Office on Criminal Justice.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–27
Annotated Code of Maryland
(2013 Replacement Volume and 2018 Supplement)
(As enacted by Chapter 474 of the Acts of the General Assembly of 2013)

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

Article – Courts and Judicial Proceedings

3–8A–27.

(a) (1) A police record concerning a child is confidential and shall be maintained separate from those of adults. Its contents may not be divulged, by subpoena or otherwise, except by order of the court upon good cause shown or as otherwise provided in § 7–303 of the Education Article.

(2) This subsection does not prohibit:

(i) Access to and confidential use of the record by the Department of Juvenile Services or in the investigation and prosecution of the child by any law enforcement agency;

(II) ACCESS TO AND CONFIDENTIAL USE OF THE RECORD BY THE BALTIMORE CITY MAYOR’S OFFICE ON CRIMINAL JUSTICE IF THE BALTIMORE CITY MAYOR’S OFFICE ON CRIMINAL JUSTICE IS PROVIDING PROGRAMS AND SERVICES TO A CHILD WHO IS THE SUBJECT OF THE RECORD, FOR A PURPOSE

RELEVANT TO THE PROVISIONS OF THE PROGRAMS AND SERVICES AND THE DEVELOPMENT OF A COMPREHENSIVE TREATMENT PLAN;

[(ii)] (III) A law enforcement agency of the State or of a political subdivision of the State, the Department of Juvenile Services, or the criminal justice information system from including in the law enforcement computer information system information about an outstanding juvenile court ordered writ of attachment, for the sole purpose of apprehending a child named in the writ; or

[(iii)] (IV) A law enforcement agency of the State or of a political subdivision of the State from releasing to the public photographs and identifying information of a child who has escaped from a detention center for juveniles or a secure residential facility for juveniles, for the purposes of facilitating apprehension of the child and ensuring public safety.

(3) THE BALTIMORE CITY MAYOR’S OFFICE ON CRIMINAL JUSTICE SHALL BE LIABLE FOR THE UNAUTHORIZED RELEASE OF A POLICE RECORD IT ACCESSES UNDER THIS SUBSECTION.

(b) (1) A court record pertaining to a child is confidential and its contents may not be divulged, by subpoena or otherwise, except by order of the court upon good cause shown or as provided in §§ 7–303 and 22–309 of the Education Article.

(2) This subsection does not prohibit access to and the use of the court record or fingerprints of a child described under Title 10, Subtitle 2 of the Criminal Procedure Article in a proceeding in the court involving the child, by personnel of the court, the State’s Attorney, counsel for the child, a court–appointed special advocate for the child, or authorized personnel of the Department of Juvenile Services.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, this subsection does not prohibit access to and confidential use of the court record or fingerprints of a child described under Title 10, Subtitle 2 of the Criminal Procedure Article by the Department of Juvenile Services or in an investigation and prosecution by a law enforcement agency.

(ii) The court record or fingerprints of a child described under §§ 10–215(a)(20) and (21), 10–216, and 10–220 of the Criminal Procedure Article may not be disclosed to:

1. A federal criminal justice agency or information center; or
2. Any law enforcement agency other than a law enforcement agency of the State or a political subdivision of the State.

(4) (i) The Department of Juvenile Services may provide access to and the confidential use of the court record of a child by an agency in the District of Columbia

or a state agency in Delaware, Pennsylvania, Virginia, or West Virginia, if the agency:

1. Performs the same functions in the jurisdiction of the agency as described in § 9–216(a) of the Human Services Article; and

2. Has a reciprocal agreement with the State that provides that the specific information to be shared by the State is the same type of information that will be shared by the agency.

(ii) A record that is shared under this paragraph may only provide information that is relevant to the supervision, care, and treatment of the child.

(iii) The Department of Juvenile Services shall be liable for an unauthorized release of a court record under this paragraph.

(iv) The Department of Juvenile Services shall adopt regulations to implement this paragraph.

(5) (i) This subsection does not prohibit access to and use of a court record by a judicial officer who is authorized under the Maryland Rules to determine a defendant's eligibility for pretrial release, counsel for the defendant, the State's Attorney, or the Maryland Division of Pretrial Detention and Services if:

1. The individual who is the subject of the court record is charged as an adult with an offense;

2. The access to and use of the court record is strictly limited for the purpose of determining the defendant's eligibility for pretrial release; and

3. The court record concerns an adjudication of delinquency that occurred within 3 years of the date the individual is charged as an adult.

(ii) The Court of Appeals may adopt rules to implement the provisions of this paragraph.

(6) (i) This subsection does not prohibit access to and confidential use of a court record by the Department of Human Services or a local department of social services for:

1. The purpose of claiming federal Title IV–B and Title IV–E funds; or

2. If the Department of Human Services or a local department of social services is providing services or care in coordination with the Department of Juvenile Services to a child who is the subject of the record, a purpose relevant to the provision of the services or care.

(ii) The Department of Human Services and local departments of social services shall keep a court record obtained under this paragraph confidential in accordance with the laws and policies applicable to the Department of Human Services and local departments of social services.

(7) (i) This subsection does not prohibit access to and confidential use of a court record by the Maryland Department of Health or a local health department if the Maryland Department of Health or a local health department is providing treatment, services, or care in coordination with the Department of Juvenile Services to a child who is the subject of the record, for a purpose relevant to the provision of the treatment, services, or care.

(ii) The Maryland Department of Health and local health departments shall keep a court record obtained under this paragraph confidential in accordance with the laws and policies applicable to the Maryland Department of Health and local health departments.

(8) THIS SUBSECTION DOES NOT PROHIBIT ACCESS TO AND CONFIDENTIAL USE OF A COURT RECORD BY THE BALTIMORE CITY MAYOR'S OFFICE ON CRIMINAL JUSTICE IF THE BALTIMORE CITY MAYOR'S OFFICE ON CRIMINAL JUSTICE IS PROVIDING PROGRAMS AND SERVICES IN CONJUNCTION WITH THE DEPARTMENT OF JUVENILE SERVICES TO A CHILD WHO IS THE SUBJECT OF THE RECORD, FOR A PURPOSE RELEVANT TO THE PROVISIONS OF THE PROGRAMS AND SERVICES AND THE DEVELOPMENT OF A COMPREHENSIVE TREATMENT PLAN.

(9) THE BALTIMORE CITY MAYOR'S OFFICE ON CRIMINAL JUSTICE SHALL BE LIABLE FOR THE UNAUTHORIZED RELEASE OF A COURT RECORD IT ACCESSES UNDER THIS SUBSECTION.

(c) The court, on its own motion or on petition, and for good cause shown, may order the court records of a child sealed, and, upon petition or on its own motion, shall order them sealed after the child has reached 21 years of age. If sealed, the court records of a child may not be opened, for any purpose, except by order of the court upon good cause shown.

(d) This section does not prohibit access to or use of any juvenile record by the Maryland Division of Parole and Probation or the Maryland Parole Commission when the Division or the Commission is carrying out any of their statutory duties either at the direction of a court of competent jurisdiction, or when the Maryland Parole Commission is carrying out any of its statutory duties, if the record concerns a charge or adjudication of delinquency.

(e) This section does not prohibit access to and use of any juvenile record by the Maryland Division of Correction when the Division is carrying out any of its statutory duties if: (1) the individual to whom the record pertains is committed to the custody of the

Division; and (2) the record concerns an adjudication of delinquency.

(f) Subject to the provisions of §§ 9–219 and 9–220 of the Human Services Article, this section does not prohibit access to or use of any juvenile record for criminal justice research purposes. A record used under this subsection may not contain the name of the individual to whom the record pertains, or any other identifying information which could reveal the individual's name.

(g) This section does not prohibit a victim or victim's representative who has filed a notification request form from being notified of proceedings and events involving the defendant or child as provided in this subtitle, the Criminal Procedure Article, or the Criminal Law Article.

(h) This section does not prohibit the Department of Public Safety and Correctional Services or a supervising authority, as defined in § 11–701 of the Criminal Procedure Article, from accessing or using the part of a juvenile record that identifies an offense committed by a juvenile for purposes of complying with Title 11, Subtitle 7 of the Criminal Procedure Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect on the taking effect of the termination provision specified in Section 2 of Chapter 474 of the Acts of the General Assembly of 2013. This Act may not be interpreted to have any effect on that termination provision.

SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 2 of this Act, this Act shall take effect September 1, 2019. It shall remain effective for a period of 6 years and 1 month and, at the end of September 30, 2025, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, April 18, 2019.

Chapter 38

(House Bill 1330)

AN ACT concerning

State Law Library – Renaming

FOR the purpose of renaming the State Law Library to be the Thurgood Marshall State Law Library; providing that the Thurgood Marshall State Law Library is the successor of the State Law Library; 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; providing that letterhead, business cards, and other documents reflecting the renaming of the Library may not be used until all letterhead, business cards, and other documents already in print and reflecting the name of the Library before the effective date of this Act are used; 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 conforming changes; and generally relating to the renaming of the State Law Library.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 13–204(c), 13–501, 13–503, and 13–504
Annotated Code of Maryland
(2013 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 23–301(b)(2)(iv)
Annotated Code of Maryland
(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Local Government
Section 9–102(2), 9–203(4), 9–206(b)(1)(iii), 9–306(d)(4), and 9–314(b)(1)(iii)
Annotated Code of Maryland
(2013 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 2–409(b)(3)(ii) and 7–216(c)(2)
Annotated Code of Maryland
(2014 Replacement Volume and 2018 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

13–204.

(c) The State Reporter shall have the Maryland Reports and Maryland Appellate Reports distributed as appropriate and may deliver any excess copies to the [State] **THURGOOD MARSHALL STATE** Law Library.

13–501.

The [State] **THURGOOD MARSHALL STATE** Law Library shall be part of the Judiciary Department and shall operate under the supervision of a library committee to be appointed as provided in this subtitle.

13-503.

The library committee may:

- (1) Appoint a Director to be compensated as provided in the State budget;
- (2) Make rules and regulations for the conduct and operation of the [State] **THURGOOD MARSHALL STATE** Law Library; and
- (3) Direct the Director to purchase from time to time books, maps, and periodicals for the use of the [State] **THURGOOD MARSHALL STATE** Law Library.

13-504.

The Director of the [State] **THURGOOD MARSHALL STATE** Law Library may:

- (1) Appoint employees, with the approval of the library committee, to assist in the performance of the duties of the Director. Employees shall be compensated as provided in the budget;
- (2) Not allow any book, map, or documents to be removed from the [State] **THURGOOD MARSHALL STATE** Law Library, except by the executive and legislative departments, other State agencies located in Annapolis, members of the General Assembly, and judges of the Court of Appeals and Court of Special Appeals, or on interlibrary loan to other libraries;
- (3) Accept excess copies of the Maryland Reports and Maryland Appellate Reports from the State Reporter;
- (4) With the approval of the library committee, sell or exchange, from time to time, books from the [State] **THURGOOD MARSHALL STATE** Law Library, including the Maryland Reports, Maryland Appellate Reports, codes, maps, and periodicals. The proceeds of the sales, after deducting the expenses, shall be paid over to the State Treasurer within 30 days after receipt. However, a book, map, or periodical may not be sold if its sale would break a set;
- (5) Report in writing to the library committee as often as required by the committee upon the operations of the [State] **THURGOOD MARSHALL STATE** Law Library; and
- (6) Perform other duties assigned by law to the Director.

Article – Education

23–301.

(b) (2) “Depository library” includes:

(iv) The Maryland [State] **THURGOOD MARSHALL STATE** Law Library;**Article – Local Government**

9–102.

If the county commissioners or county council of a county publishes a code or compilation that contains all or part of the public local laws of the county, the county commissioners or county council shall provide without charge:

(2) one printed copy to the [State] **THURGOOD MARSHALL STATE** Law Library; and

9–203.

After the adoption or rejection of charter home rule, a county promptly shall notify and provide copies of the adopted or rejected charter to the following:

(4) one copy to the Maryland [State] **THURGOOD MARSHALL STATE** Law Library.

9–206.

(b) (1) Subject to paragraph (3) of this subsection, copies of the compilation shall be:

(iii) provided in printed form without charge to the State Archives and the Maryland [State] **THURGOOD MARSHALL STATE** Law Library.

9–306.

(d) After the adoption or rejection of code home rule, the county commissioners promptly shall send notification as follows:

(4) one copy to the Maryland [State] **THURGOOD MARSHALL STATE** Law Library.

9–314.

(b) (1) Subject to paragraph (3) of this subsection, copies of the compilation shall be:

(iii) provided in printed form without charge to the State Archives and the Maryland [State] **THURGOOD MARSHALL STATE** Law Library.

Article – State Government

2–409.

(b) (3) The Committee shall:

(ii) send this report to each other elected State officer and to the [State] **THURGOOD MARSHALL STATE** Law Library.

7–216.

(c) The Administrator shall provide, without charge:

(2) to the Enoch Pratt Library and the [State] **THURGOOD MARSHALL STATE** Law Library, 1 copy of:

(i) the Code of Maryland Regulations;

(ii) each issue of the permanent supplements to the Code of Maryland Regulations; and

(iii) each issue of the Register; and

SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act affects the term of office of an appointed or elected member of any commission, office, department, agency, or other unit. An individual who is a member of a unit on the effective date of this Act shall remain a member for the balance of the term to which appointed or elected, unless the member sooner dies, resigns, or is removed under provisions of law.

SECTION 3. 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 4. 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 5. AND BE IT FURTHER ENACTED, That letterhead, business cards, and other documents reflecting the renaming of the State Law Library to be the Thurgood Marshall State Law Library may not be used until all letterhead, business cards, and other documents already in print and reflecting the name of the library before the effective date of this Act have been used.

SECTION 6. 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 correction made in an editor’s note following the section affected.

SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 39

(Senate Bill 594)

AN ACT concerning

State Law Library – Renaming

FOR the purpose of renaming the State Law Library to be the Thurgood Marshall State Law Library; providing that the Thurgood Marshall State Law Library is the successor of the State Law Library; 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; providing that letterhead, business cards, and other documents reflecting the renaming of the Library may not be used until all letterhead, business cards, and other documents already in print and reflecting the name of the Library before the effective date of this Act are used; 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

conforming changes; and generally relating to the renaming of the State Law Library.

BY repealing and reenacting, with amendments,
 Article – Courts and Judicial Proceedings
 Section 13–204(c), 13–501, 13–503, and 13–504
 Annotated Code of Maryland
 (2013 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
 Article – Education
 Section 23–301(b)(2)(iv)
 Annotated Code of Maryland
 (2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
 Article – Local Government
 Section 9–102(2), 9–203(4), 9–206(b)(1)(iii), 9–306(d)(4), and 9–314(b)(1)(iii)
 Annotated Code of Maryland
 (2013 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
 Article – State Government
 Section 2–409(b)(3)(ii) and 7–216(c)(2)
 Annotated Code of Maryland
 (2014 Replacement Volume and 2018 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

13–204.

(c) The State Reporter shall have the Maryland Reports and Maryland Appellate Reports distributed as appropriate and may deliver any excess copies to the [State] **THURGOOD MARSHALL STATE** Law Library.

13–501.

The [State] **THURGOOD MARSHALL STATE** Law Library shall be part of the Judiciary Department and shall operate under the supervision of a library committee to be appointed as provided in this subtitle.

13–503.

The library committee may:

- (1) Appoint a Director to be compensated as provided in the State budget;
- (2) Make rules and regulations for the conduct and operation of the [State] **THURGOOD MARSHALL STATE** Law Library; and
- (3) Direct the Director to purchase from time to time books, maps, and periodicals for the use of the [State] **THURGOOD MARSHALL STATE** Law Library.

13–504.

The Director of the [State] **THURGOOD MARSHALL STATE** Law Library may:

- (1) Appoint employees, with the approval of the library committee, to assist in the performance of the duties of the Director. Employees shall be compensated as provided in the budget;
- (2) Not allow any book, map, or documents to be removed from the [State] **THURGOOD MARSHALL STATE** Law Library, except by the executive and legislative departments, other State agencies located in Annapolis, members of the General Assembly, and judges of the Court of Appeals and Court of Special Appeals, or on interlibrary loan to other libraries;
- (3) Accept excess copies of the Maryland Reports and Maryland Appellate Reports from the State Reporter;
- (4) With the approval of the library committee, sell or exchange, from time to time, books from the [State] **THURGOOD MARSHALL STATE** Law Library, including the Maryland Reports, Maryland Appellate Reports, codes, maps, and periodicals. The proceeds of the sales, after deducting the expenses, shall be paid over to the State Treasurer within 30 days after receipt. However, a book, map, or periodical may not be sold if its sale would break a set;
- (5) Report in writing to the library committee as often as required by the committee upon the operations of the [State] **THURGOOD MARSHALL STATE** Law Library; and
- (6) Perform other duties assigned by law to the Director.

Article – Education

23–301.

- (b) (2) “Depository library” includes:

(iv) The Maryland [State] **THURGOOD MARSHALL STATE** Law Library;

Article – Local Government

9–102.

If the county commissioners or county council of a county publishes a code or compilation that contains all or part of the public local laws of the county, the county commissioners or county council shall provide without charge:

(2) one printed copy to the [State] **THURGOOD MARSHALL STATE** Law Library; and

9–203.

After the adoption or rejection of charter home rule, a county promptly shall notify and provide copies of the adopted or rejected charter to the following:

(4) one copy to the Maryland [State] **THURGOOD MARSHALL STATE** Law Library.

9–206.

(b) (1) Subject to paragraph (3) of this subsection, copies of the compilation shall be:

(iii) provided in printed form without charge to the State Archives and the Maryland [State] **THURGOOD MARSHALL STATE** Law Library.

9–306.

(d) After the adoption or rejection of code home rule, the county commissioners promptly shall send notification as follows:

(4) one copy to the Maryland [State] **THURGOOD MARSHALL STATE** Law Library.

9–314.

(b) (1) Subject to paragraph (3) of this subsection, copies of the compilation shall be:

(iii) provided in printed form without charge to the State Archives and the Maryland [State] **THURGOOD MARSHALL STATE** Law Library.

Article – State Government

2–409.

(b) (3) The Committee shall:

(ii) send this report to each other elected State officer and to the [State] **THURGOOD MARSHALL STATE** Law Library.

7–216.

(c) The Administrator shall provide, without charge:

(2) to the Enoch Pratt Library and the [State] **THURGOOD MARSHALL STATE** Law Library, 1 copy of:

(i) the Code of Maryland Regulations;

(ii) each issue of the permanent supplements to the Code of Maryland Regulations; and

(iii) each issue of the Register; and

SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act affects the term of office of an appointed or elected member of any commission, office, department, agency, or other unit. An individual who is a member of a unit on the effective date of this Act shall remain a member for the balance of the term to which appointed or elected, unless the member sooner dies, resigns, or is removed under provisions of law.

SECTION 3. 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 4. 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 5. AND BE IT FURTHER ENACTED, That letterhead, business cards, and other documents reflecting the renaming of the State Law Library to be the Thurgood Marshall State Law Library may not be used until all letterhead, business cards, and other documents already in print and reflecting the name of the library before the effective date of this Act have been used.

SECTION 6. 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 correction made in an editor's note following the section affected.

SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 40

(House Bill 319)

AN ACT concerning

University of Maryland University College – Renaming

FOR the purpose of renaming the University of Maryland University College to be the University of Maryland Global Campus; providing that the University of Maryland Global Campus is the successor of the University of Maryland University College; 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; providing that letterhead, business cards, and other documents reflecting the renaming of the University may not be used until all letterhead, business cards, and other documents already in print and reflecting the name of the University before the effective date of this Act are used; requiring the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, to correct any cross-references or terminology rendered incorrect by this Act and to describe any corrections made in an editor's note following the section affected; and generally relating to the renaming of the University of Maryland University College.

BY repealing and reenacting, with amendments,
Article – Education
Section 13–101
Annotated Code of Maryland
(2018 Replacement Volume and 2018 Supplement)

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

Article – Education

13–101.

(a) It is the intent of the General Assembly that the University of Maryland [University College] **GLOBAL CAMPUS**:

(1) Operate as Maryland’s open university serving nontraditional students who reside in Maryland, the United States, and throughout the world;

(2) Provide the citizens of Maryland with affordable, open access higher education; and

(3) Continue as a leader in distributed higher education.

(b) (1) There is a University of Maryland [University College] **GLOBAL CAMPUS** which is not a new constituent institution of the University System of Maryland.

(2) As a constituent institution of the University System of Maryland, the University of Maryland [University College] **GLOBAL CAMPUS** is an instrumentality of the State.

(3) The exercise by the University of Maryland [University College] **GLOBAL CAMPUS** of its powers, including its overseas operations, is the performance of an essential public function.

(c) The provisions of § 12–105(a) of this article do not apply to the overseas operations of the University of Maryland [University College] **GLOBAL CAMPUS**. The institution may spend the appropriation without the approval of the Board of Public Works and without submitting a detailed budget schedule to the Board of Public Works.

(d) The University of Maryland [University College] **GLOBAL CAMPUS** shall prepare an annual financial information statement for the next following fiscal year and shall submit the statement to the Department of Budget and Management each year before October 1. The annual financial information statement shall include for the next following fiscal year:

(1) An estimate of the total revenues of the University of Maryland [University College] **GLOBAL CAMPUS**, including revenues from tuitions, fees, gifts, grants, and interest income;

(2) An estimate of the value of services which the other units of the University System of Maryland and other State agencies provide to the University of Maryland [University College] **GLOBAL CAMPUS**; and

(3) An estimate of the total cost of salaries and personnel benefits for employees of the University of Maryland [University College] **GLOBAL CAMPUS**.

(e) (1) The interest or income from the investment of the funds of the University of Maryland [University College] **GLOBAL CAMPUS** by the State Treasurer shall be credited to the University of Maryland [University College] **GLOBAL CAMPUS**.

(2) Any unexpended or unencumbered balance of the annual appropriation for the University of Maryland [University College] **GLOBAL CAMPUS**, except any appropriation from the General Fund of the State, shall not revert to the General Fund of the State at the end of the State's fiscal year.

(f) The University of Maryland [University College] **GLOBAL CAMPUS** may:

(1) Purchase, lease, or rent motor vehicles for use in overseas programs;
and

(2) Purchase, lease, or rent mechanical or electronic data or information processing equipment and related services for its overseas programs.

(g) (1) Each year the University of Maryland [University College] **GLOBAL CAMPUS** shall cause an independent certified public accountant to prepare audited financial statements of the University of Maryland [University College] **GLOBAL CAMPUS** in accordance with generally accepted auditing standards accompanied by the auditor's report on the statements.

(2) The provisions of § 12-105(f) of this article do not apply to the University of Maryland [University College] **GLOBAL CAMPUS** overseas programs.

SECTION 2. AND BE IT FURTHER ENACTED, That, as provided in this Act:

(a) The University of Maryland Global Campus is the successor of the University of Maryland University College.

(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 3. AND BE IT FURTHER ENACTED, That nothing in this Act affects the term of office of an appointed or elected member of any commission, office, department, agency, or other unit. An individual who is a member of a unit on the effective date of this Act shall remain for the balance of the term to which appointed or elected, unless the member sooner dies, resigns, or is removed under provisions of law.

SECTION 4. 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 5. 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 6. AND BE IT FURTHER ENACTED, That letterhead, business cards, and other documents reflecting the renaming of the University of Maryland University College to be the University of Maryland Global Campus may not be used until all letterhead, business cards, and other documents already in print and reflecting the name of the University before the effective date of this Act have been used.

SECTION 7. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of 2019 that affects provisions enacted by this Act. The publisher shall adequately describe any correction that is made in an editor's note following the section affected.

SECTION 8. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 41**(House Bill 307)**

AN ACT concerning

Maryland Lynching Truth and Reconciliation Commission

FOR the purpose of establishing a Maryland Lynching Truth and Reconciliation Commission; providing for the composition, chair, and staffing of the Commission; authorizing the staff member provided by the Office of the Attorney General to issue certain subpoenas; prohibiting a member of the Commission from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Commission to hold certain public meetings, receive certain recommendations, and make certain recommendations; authorizing the Commission to ~~investigate~~ research certain cases of racially motivated lynching; requiring the Commission to submit an interim report and a final report to the Governor and the General Assembly on or before certain dates; providing for the termination of this Act; and generally relating to the Maryland Lynching Truth and Reconciliation Commission.

Preamble

WHEREAS, Lynching, or the extralegal murder of an individual in an act of mob violence, is a violation of the rights to due process and equal protection of the law; and

WHEREAS, At least 40 ~~African American men~~ African Americans were lynched by white mobs in Maryland between 1854 and 1933; and

WHEREAS, No person was ever tried, convicted, or otherwise brought to justice for participating in these racially motivated lynchings; and

WHEREAS, Various State, county, and local government entities colluded in the commission of these crimes and conspired to conceal the identities of the parties involved; and

WHEREAS, These crimes far exceeded any notion of “justice”, just retribution, or just punishment, but were intended to terrorize African American communities and force them into silence and subservience to the ideology of white supremacy; and

WHEREAS, No victim’s family or community ever received a formal apology or compensation from State, county, or local government entities for the violent loss of their men; and

WHEREAS, Restorative justice requires a full knowledge, understanding, and acceptance of the truth before there can be any meaningful reconciliation; now, therefore,

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

(a) There is a Maryland Lynching Truth and Reconciliation Commission.

(b) The Commission consists of the following members:

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

~~(2) one member of the House of Delegates, appointed by the Speaker of the House~~ the Chair of the Commission on Civil Rights, or the Chair's designee;

~~(3)~~ (2) the State Archivist, or the State Archivist's designee;

~~(4)~~ (3) the Director of the Maryland Historical Trust, or the Director's designee;

~~(5)~~ (4) the Chair of the Commission on African American History and Culture, or the Chair's designee;

~~(6)~~ (5) the President of the Maryland State Conference of the National Association for the Advancement of Colored People, or the President's designee;

~~(7)~~ (6) the Executive Director of the Reginald F. Lewis Museum of African American History and Culture, or the Executive Director's designee;

~~(8)~~ (7) the President of the National Great Blacks in Wax Museum, or the President's designee;

~~(9)~~ (8) the President of the Maryland Historical Society, or the President's designee;

~~(10)~~ (9) the President of the Maryland Lynching Memorial Project, or the President's designee;

~~(11)~~ (10) the Director of the Lillie Mae Carroll Jackson Civil Rights Museum, or the Director's designee;

~~(12)~~ (11) one historian from each of the following historically black colleges and universities, appointed by the President of the institution:

(i) Bowie State University;

(ii) Coppin State University;

(iii) Morgan State University; and

(iv) University of Maryland Eastern Shore; and

~~(13)~~ (12) four members of the public, nominated by members of the Commission and appointed by the Governor.

(c) The chair of the Commission shall be elected from among the members of the Commission.

(d) (1) ~~The Maryland State Archives~~ Bowie State University, in consultation with the Maryland Lynching Memorial Project, shall provide staff for the Commission.

(2) (i) The Office of the Attorney General shall provide a staff member to assist the Commission.

(ii) The staff member provided under subparagraph (i) of this paragraph may issue a subpoena for the attendance of a witness to testify or for the production of documents in connection with any investigation or hearing conducted by the Commission under this section.

(e) A member of the Commission:

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

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

(f) The Commission shall:

(1) hold regional hearings open to the public in ~~each county~~ areas in which a lynching of an African American by a white mob has been documented;

(2) receive from the public, including those from the families and communities affected by racially motivated lynchings, recommendations for addressing, engaging, and reconciling communities affected by racially motivated lynchings, including the erection of memorial plaques or signage at or near the sites of racially motivated lynchings; and

(3) make recommendations for addressing the legacy of lynching that are rooted in the spirit of restorative justice.

(g) In the hearings conducted under subsection (f) of this section, the Commission may ~~investigate~~ research:

(1) cases of racially motivated lynchings for which there is no documentation, should those cases be brought to the Commission's attention; and

(2) the involvement of State, county, and local government entities and relevant news media in cases of racially motivated lynching.

(h) (1) On or before September 1, 2020, the Commission shall submit an interim report of its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

(2) On or before December 1, 2021, the Commission shall submit a final report of its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019. It shall remain effective for a period of 3 years and 1 month and, at the end of June 30, 2022, 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 18, 2019.

Chapter 42

(Senate Bill 230)

AN ACT concerning

Election Law – Canvassing of Absentee Ballots – Reporting Unofficial Results

FOR the purpose of requiring local boards of elections to prepare and release a report of the unofficial results of the absentee ballot vote tabulation at the end of each day of absentee ballot canvassing; and generally relating to absentee ballot vote canvassing.

BY repealing and reenacting, without amendments,

Article – Election Law

Section 11–302(a)

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

BY adding to

Article – Election Law

Section 11–302(e)

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

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

Article – Election Law

11–302.

(a) Following an election, each local board shall meet at its designated counting center to canvass the absentee ballots cast in that election in accordance with the regulations and guidelines established by the State Board.

(E) AT THE END OF EACH DAY OF CANVASSING, A LOCAL BOARD SHALL PREPARE AND RELEASE A REPORT OF THE UNOFFICIAL RESULTS OF THE ABSENTEE BALLOT VOTE TABULATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 43

(House Bill 92)

AN ACT concerning

Public Safety – Handgun Permits – Payment of Fees

FOR the purpose of altering the manner in which an applicant for a handgun permit ~~is required to pay~~ may be required to pay a certain fee to allow ~~any method of~~ for payment by *electronic check, credit card, or a method of online* payment approved by the Secretary of State Police; and generally relating to handgun permits.

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 5–304

Annotated Code of Maryland

(2018 Replacement Volume)

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

Article – Public Safety

5–304.

(a) An application for a permit shall be made under oath.

(b) (1) Subject to subsections (c) and (d) of this section, the Secretary may charge a nonrefundable fee payable when an application is filed for a permit.

(2) The fee may not exceed:

- (i) \$75 for an initial application;
- (ii) \$50 for a renewal or subsequent application; and
- (iii) \$10 for a duplicate or modified permit.

(3) The fees under this subsection are in addition to the fees authorized under § 5–305 of this subtitle.

(c) The Secretary may reduce the fee under subsection (b) of this section accordingly for a permit that is granted for one day only and at one place only.

(d) The Secretary may not charge a fee under subsection (b) of this section to:

- (1) a State, county, or municipal public safety employee who is required to carry, wear, or transport a handgun as a condition of governmental employment; or
- (2) a retired law enforcement officer of the State or a county or municipal corporation of the State.

(e) The applicant ~~may~~ **SHALL** pay a fee under this section by ~~a personal check, business check, certified check, or money order~~ **AN ELECTRONIC CHECK, A CREDIT CARD, OR A METHOD OF ONLINE PAYMENT APPROVED BY THE SECRETARY.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 44

(Senate Bill 113)

AN ACT concerning

Public Safety – Handgun Permits – Payment of Fees

FOR the purpose of altering the manner in which an applicant for a handgun permit ~~is required to~~ may is required to pay a certain fee to allow for payment by electronic

~~check, credit card, or any method of payment approved by the Secretary of State Police for payment by credit card~~ any method of online payment approved by the Secretary of State Police; and generally relating to handgun permits.

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 5–304

Annotated Code of Maryland

(2018 Replacement Volume)

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

Article – Public Safety

5–304.

(a) An application for a permit shall be made under oath.

(b) (1) Subject to subsections (c) and (d) of this section, the Secretary may charge a nonrefundable fee payable when an application is filed for a permit.

(2) The fee may not exceed:

(i) \$75 for an initial application;

(ii) \$50 for a renewal or subsequent application; and

(iii) \$10 for a duplicate or modified permit.

(3) The fees under this subsection are in addition to the fees authorized under § 5–305 of this subtitle.

(c) The Secretary may reduce the fee under subsection (b) of this section accordingly for a permit that is granted for one day only and at one place only.

(d) The Secretary may not charge a fee under subsection (b) of this section to:

(1) a State, county, or municipal public safety employee who is required to carry, wear, or transport a handgun as a condition of governmental employment; or

(2) a retired law enforcement officer of the State or a county or municipal corporation of the State.

(e) The applicant ~~[may]~~ SHALL ~~SHALL~~ pay a fee under this section by AN ELECTRONIC CHECK, A CREDIT CARD, OR ~~[a personal check, business check, certified check, or money order]~~ A METHOD OF ONLINE PAYMENT APPROVED BY THE

~~SECRETARY A METHOD OF PAYMENT APPROVED BY THE SECRETARY, OR CREDIT CARD.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 45

(House Bill 121)

AN ACT concerning

Criminal Procedure – Charge by Citation – Violation of Condition of Release

FOR the purpose of altering the designation of a certain crime that a police officer may not charge by citation; and generally relating to criminal citations.

BY repealing and reenacting, without amendments,

Article – Criminal Procedure
Section 4–101(a)(1), (2), and (4)
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure
Section 4–101(c)
Annotated Code of Maryland
(2018 Replacement Volume)

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

Article – Criminal Procedure

4–101.

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

(2) (i) “Citation” means a written charging document that a police officer or fire marshal issues to a defendant, alleging the defendant has committed a crime.

(ii) “Citation” does not include an indictment, information, or statement of charges.

(4) “Police officer” has the meaning stated in § 2–101 of this article.

(c) (1) (i) Subject to paragraph (2) of this subsection, in addition to any other law allowing a crime to be charged by citation, a police officer shall charge by citation for:

1. any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment;

2. any misdemeanor or local ordinance violation for which the maximum penalty of imprisonment is 90 days or less, except:

A. failure to comply with a peace order under § 3–1508 of the Courts Article;

B. failure to comply with a protective order under § 4–509 of the Family Law Article;

C. violation of a condition of pretrial or posttrial release [while charged with a sexual crime against a minor] under § 5–213.1 of this article;

D. possession of an electronic control device after conviction of a drug felony or crime of violence under § 4–109(b) of the Criminal Law Article;

E. violation of an out-of-state domestic violence order under § 4–508.1 of the Family Law Article; or

F. abuse or neglect of an animal under § 10–604 of the Criminal Law Article; or

3. possession of marijuana under § 5–601 of the Criminal Law Article.

(ii) Subject to paragraph (2) of this subsection, in addition to any other law allowing a crime to be charged by citation, a police officer may charge by citation for:

1. sale of an alcoholic beverage to an underage drinker or intoxicated person under § 6–304, § 6–307, § 6–308, or § 6–309 of the Alcoholic Beverages Article;

2. malicious destruction of property under § 6–301 of the Criminal Law Article, if the amount of damage to the property is less than \$500; or

3. misdemeanor theft under § 7–104(g)(2) of the Criminal Law Article.

(2) A police officer may charge a defendant by citation only if:

(i) the officer is satisfied with the defendant’s evidence of identity;

(ii) the officer reasonably believes that the defendant will comply with the citation;

(iii) the officer reasonably believes that the failure to charge on a statement of charges will not pose a threat to public safety;

(iv) the defendant is not subject to arrest for another criminal charge arising out of the same incident; and

(v) the defendant complies with all lawful orders by the officer.

(3) A police officer who has grounds to make a warrantless arrest for an offense that may be charged by citation under this subsection may:

(i) issue a citation in lieu of making the arrest; or

(ii) make the arrest and subsequently issue a citation in lieu of continued custody.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 46

(Senate Bill 130)

AN ACT concerning

Criminal Procedure – Charge by Citation – Violation of Condition of Release

FOR the purpose of altering the designation of a certain crime that a police officer may not charge by citation; and generally relating to criminal citations.

BY repealing and reenacting, without amendments,

Article – Criminal Procedure

Section 4–101(a)(1), (2), and (4)

Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 4–101(c)
Annotated Code of Maryland
(2018 Replacement Volume)

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

Article – Criminal Procedure

4–101.

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

(2) (i) “Citation” means a written charging document that a police officer or fire marshal issues to a defendant, alleging the defendant has committed a crime.

(ii) “Citation” does not include an indictment, information, or statement of charges.

(4) “Police officer” has the meaning stated in § 2–101 of this article.

(c) (1) (i) Subject to paragraph (2) of this subsection, in addition to any other law allowing a crime to be charged by citation, a police officer shall charge by citation for:

1. any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment;

2. any misdemeanor or local ordinance violation for which the maximum penalty of imprisonment is 90 days or less, except:

A. failure to comply with a peace order under § 3–1508 of the Courts Article;

B. failure to comply with a protective order under § 4–509 of the Family Law Article;

C. violation of a condition of pretrial or posttrial release [while charged with a sexual crime against a minor] under § 5–213.1 of this article;

D. possession of an electronic control device after conviction of a drug felony or crime of violence under § 4–109(b) of the Criminal Law Article;

E. violation of an out-of-state domestic violence order under § 4-508.1 of the Family Law Article; or

F. abuse or neglect of an animal under § 10-604 of the Criminal Law Article; or

3. possession of marijuana under § 5-601 of the Criminal Law Article.

(ii) Subject to paragraph (2) of this subsection, in addition to any other law allowing a crime to be charged by citation, a police officer may charge by citation for:

1. sale of an alcoholic beverage to an underage drinker or intoxicated person under § 6-304, § 6-307, § 6-308, or § 6-309 of the Alcoholic Beverages Article;

2. malicious destruction of property under § 6-301 of the Criminal Law Article, if the amount of damage to the property is less than \$500; or

3. misdemeanor theft under § 7-104(g)(2) of the Criminal Law Article.

(2) A police officer may charge a defendant by citation only if:

(i) the officer is satisfied with the defendant's evidence of identity;

(ii) the officer reasonably believes that the defendant will comply with the citation;

(iii) the officer reasonably believes that the failure to charge on a statement of charges will not pose a threat to public safety;

(iv) the defendant is not subject to arrest for another criminal charge arising out of the same incident; and

(v) the defendant complies with all lawful orders by the officer.

(3) A police officer who has grounds to make a warrantless arrest for an offense that may be charged by citation under this subsection may:

(i) issue a citation in lieu of making the arrest; or

(ii) make the arrest and subsequently issue a citation in lieu of continued custody.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 47

(House Bill 712)

AN ACT concerning

Criminal Law – Continuing Course of Conduct With a Child – Unit of Prosecution

FOR the purpose of establishing that acts constituting a continuing course of unlawful sexual conduct with a victim under the age of 14 years that occur in different periods of time are separate violations; and generally relating to the crime of continuing course of conduct with a child.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–315
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

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

Article – Criminal Law

3–315.

(a) A person may not engage in a continuing course of conduct which includes three or more acts that would constitute violations of § 3–303, § 3–304, or § 3–307 of this subtitle, or violations of § 3–305 or § 3–306 of this subtitle as the sections existed before October 1, 2017, over a period of 90 days or more, with a victim who is under the age of 14 years at any time during the course of conduct.

(b) (1) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 30 years.

(2) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence under § 3–602 of this title.

(c) In determining whether the required number of acts occurred in violation of

this section, the trier of fact:

- (1) must determine only that the required number of acts occurred; and
- (2) need not determine which acts constitute the required number of acts.

(d) (1) A person may not be charged with a violation of § 3–303, § 3–304, or § 3–307 of this subtitle involving the same victim in the same proceeding as a violation of this section unless the other violation charged occurred outside the time period charged under this section.

(2) A person may not be charged with a violation of § 3–303, § 3–304, or § 3–307 of this subtitle involving the same victim unless the violation charged occurred outside the time period charged under this section.

(E) FOR PURPOSES OF PROSECUTION UNDER THIS SECTION, VIOLATIONS OF SUBSECTION (A) OF THIS SECTION THAT OCCUR IN SEPARATE PERIODS OF 90 DAYS OR MORE SHALL BE CONSIDERED SEPARATE VIOLATIONS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 48

(Senate Bill 129)

AN ACT concerning

Criminal Law – Continuing Course of Conduct With a Child – Unit of Prosecution

FOR the purpose of establishing that acts constituting a continuing course of unlawful sexual conduct with a victim under the age of 14 years that occur in different periods of time are separate violations; and generally relating to the crime of continuing course of conduct with a child.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–315
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

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

Article – Criminal Law

3–315.

(a) A person may not engage in a continuing course of conduct which includes three or more acts that would constitute violations of § 3–303, § 3–304, or § 3–307 of this subtitle, or violations of § 3–305 or § 3–306 of this subtitle as the sections existed before October 1, 2017, over a period of 90 days or more, with a victim who is under the age of 14 years at any time during the course of conduct.

(b) (1) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 30 years.

(2) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence under § 3–602 of this title.

(c) In determining whether the required number of acts occurred in violation of this section, the trier of fact:

(1) must determine only that the required number of acts occurred; and

(2) need not determine which acts constitute the required number of acts.

(d) (1) A person may not be charged with a violation of § 3–303, § 3–304, or § 3–307 of this subtitle involving the same victim in the same proceeding as a violation of this section unless the other violation charged occurred outside the time period charged under this section.

(2) A person may not be charged with a violation of § 3–303, § 3–304, or § 3–307 of this subtitle involving the same victim unless the violation charged occurred outside the time period charged under this section.

(E) FOR PURPOSES OF PROSECUTION UNDER THIS SECTION, VIOLATIONS OF SUBSECTION (A) OF THIS SECTION THAT OCCUR IN SEPARATE PERIODS OF 90 DAYS OR MORE SHALL BE CONSIDERED SEPARATE VIOLATIONS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 49

(Senate Bill 138)

AN ACT concerning

Stalking – Violation of Conditions of Release ~~and Disqualifying Crime~~

FOR the purpose of including the crime of stalking in the list of charges to which a certain prohibition against violating a certain condition of pretrial or posttrial release is applicable; ~~altering a certain definition of “convicted of a disqualifying crime” to include a case in which a person received probation before judgment for a certain crime of stalking;~~ and generally relating to the crime of stalking.

BY repealing and reenacting, with amendments,
 Article – Criminal Procedure
 Section 5–213.1
 Annotated Code of Maryland
 (2018 Replacement Volume)

~~BY repealing and reenacting, with amendments,
 Article – Public Safety
 Section 5–101(b–1)
 Annotated Code of Maryland
 (2018 Replacement Volume)~~

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

Article – Criminal Procedure

5–213.1.

(a) A person may not violate a condition of pretrial or posttrial release prohibiting the person from contacting, harassing, or abusing an alleged victim or going in or near an alleged victim’s residence or place of employment if the person is charged with committing:

(1) a violation of Title 3, Subtitle 3 of the Criminal Law Article against a victim who is a minor;

(2) a crime of violence as defined in § 5–101 of the Public Safety Article;
 [or]

(3) a crime against a victim who is a person eligible for relief as defined in § 4–501 of the Family Law Article; OR

(4) A VIOLATION OF § 3–802 OF THE CRIMINAL LAW ARTICLE.

(b) A person who violates subsection (a) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days.

~~Article — Public Safety~~

~~5-101.~~

~~(b-1) (1) “Convicted of a disqualifying crime” includes A CASE IN WHICH A PERSON RECEIVED PROBATION BEFORE JUDGMENT:~~

~~(i) [a case in which a person received probation before judgment] for a crime of violence; [and]~~

~~(ii) [a case in which a person received probation before judgment] in a domestically related crime as defined in § 6-233 of the Criminal Procedure Article; OR~~

~~(III) FOR STALKING, AS DEFINED IN § 3-802 OF THE CRIMINAL LAW ARTICLE.~~

~~(2) “Convicted of a disqualifying crime” does not include a case in which a person received a probation before judgment:~~

~~(i) for assault in the second degree, unless the crime was a domestically related crime as defined in § 6-233 of the Criminal Procedure Article; or~~

~~(ii) that was expunged under Title 10, Subtitle 1 of the Criminal Procedure Article.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 50

(House Bill 1007)

AN ACT concerning

Child Advocacy Centers – Expansion

FOR the purpose of requiring the Governor’s Office of Crime Control and Prevention to ensure, ~~to the greatest extent practicable,~~ that every child in the State has access to

a child advocacy center; requiring child advocacy centers to assist in the response to or investigation of certain offenses against children; authorizing child advocacy centers to assist in the response to or investigation of certain offenses against children; requiring child advocacy centers to provide a certain level of care; requiring the Governor's Office of Crime Control and Prevention to contract with a certain organization that meets certain requirements to establish a Maryland Statewide Organization for Child Advocacy Centers; requiring the Maryland Statewide Organization for Child Advocacy Centers to establish certain standards for child advocacy centers; requiring money for child advocacy centers to be distributed in a certain manner by the Maryland Statewide Organization for Child Advocacy Centers and the Governor's Office of Crime Control and Prevention; ~~authorizing requiring the Governor to include in the annual budget a certain appropriation beginning in a certain fiscal year;~~ altering the date that the Governor's Office of Crime Control and Prevention is required to submit a certain annual report; adding child advocacy centers to the list of agencies that are required to enter into a certain written agreement that specifies standard operating procedures for certain child abuse and neglect investigations and prosecutions; making clarifying and technical changes; and generally relating to child advocacy centers.

BY repealing and reenacting, with amendments,

Article – Criminal Procedure
Section 11–923(h)
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Family Law
Section 5–706(f)
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Family Law
Section 5–706(g)(1)
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

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

Article – Criminal Procedure

11–923.

[(h) (1)] 11–928.

(A) The Governor's Office of Crime Control and Prevention shall establish and sustain child advocacy centers in the State ~~AND TO THE GREATEST EXTENT PRACTICABLE,~~ ENSURE THAT EVERY CHILD IN THE STATE HAS ACCESS TO A CHILD ADVOCACY CENTER.

[(2)] (B) The child advocacy centers:

[(i)] (1) may be based in private nonprofit organizations, local departments of social services, local law enforcement agencies, or a partnership among any of these entities;

[(ii)] (2) shall be developed and located to facilitate their use by alleged victims residing in the surrounding areas;

[(iii)] (3) shall [investigate] ASSIST IN THE RESPONSE TO OR INVESTIGATION OF allegations of sexual crimes against children UNDER TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE and sexual abuse of minors UNDER ~~§ 3-602~~ TITLE 3, SUBTITLE 6 OF THE CRIMINAL LAW ARTICLE AND TITLE 5, SUBTITLE 7 OF THE FAMILY LAW ARTICLE;

(4) MAY ASSIST IN THE RESPONSE TO OR INVESTIGATION OF ALLEGATIONS OF CHILD ABUSE AND NEGLECT UNDER ~~§§ 3-601 AND 3-602.1~~ TITLE 3, SUBTITLE 6 OF THE CRIMINAL LAW ARTICLE AND TITLE 5, SUBTITLE 7 OF THE FAMILY LAW ARTICLE AND ALLEGATIONS OF A CRIME OF VIOLENCE IN THE PRESENCE OF A MINOR UNDER § 3-601.1 OF THE CRIMINAL LAW ARTICLE;

[(iv)] (5) shall provide [or facilitate referrals to appropriate counseling, legal, medical, and advocacy services for victims] A LEVEL OF CARE THAT MEETS OR EXCEEDS THE NATIONAL ACCREDITATION STANDARDS FOR CHILD ADVOCACY CENTERS ESTABLISHED BY THE MARYLAND STATEWIDE ORGANIZATION FOR CHILD ADVOCACY CENTERS UNDER SUBSECTION (D) OF THIS SECTION; and

[(v)] (6) shall be included in all joint investigation procedures developed in accordance with § 5-706 of the Family Law Article.

[(3)] (C) The Governor's Office of Crime Control and Prevention may contract with public or private nonprofit organizations to operate child advocacy centers.

(D) (1) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL CONTRACT WITH A NONPROFIT ORGANIZATION THAT IS QUALIFIED UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE AND REPRESENTS URBAN, RURAL, AND SUBURBAN CHILD ADVOCACY CENTERS IN THE STATE TO ESTABLISH A MARYLAND STATEWIDE ORGANIZATION FOR CHILD ADVOCACY CENTERS.

(2) THE PURPOSE OF THE MARYLAND STATEWIDE ORGANIZATION FOR CHILD ADVOCACY CENTERS IS TO PROVIDE TRAINING, TECHNICAL ASSISTANCE, DATA COLLECTION, AND CAPACITY BUILDING TO MEET LOCAL, STATE, AND NATIONAL REQUIREMENTS FOR CHILD ADVOCACY CENTERS.

(3) THE MARYLAND STATEWIDE ORGANIZATION FOR CHILD ADVOCACY CENTERS SHALL ESTABLISH STANDARDS FOR CHILD ADVOCACY CENTERS IN THE STATE THAT MEET NATIONAL ACCREDITATION STANDARDS FOR CHILD ADVOCACY CENTERS AND SHALL INCLUDE:

(I) MULTIDISCIPLINARY TEAMS THAT INCLUDE REPRESENTATION FROM LAW ENFORCEMENT, PROSECUTORS, CHILD PROTECTIVE SERVICES, THE MEDICAL AND MENTAL HEALTH FIELDS, AND VICTIM ADVOCACY;

(II) CULTURAL COMPETENCY AND DIVERSITY;

(III) FORENSIC INTERVIEWS THAT ARE NEUTRAL, FACT-FINDING, AND AVOID DUPLICATIVE INTERVIEWING;

(IV) VICTIM SUPPORT AND ADVOCACY FOR CHILDREN AND CAREGIVERS, INCLUDING APPROPRIATE COUNSELING, LEGAL, AND MEDICAL SERVICES OR REFERRALS;

(V) MEDICAL EVALUATIONS;

(VI) MENTAL HEALTH SERVICES;

(VII) A FORMAL CASE REVIEW PROCESS;

(VIII) A CASE TRACKING, MONITORING, AND OUTCOMES PROCESS;

(IX) ORGANIZATIONAL CAPACITY;

(X) CREATING A CHILD-FOCUSED SETTING THAT IS COMFORTABLE, SAFE, AND PRIVATE; AND

(XI) ANY ADDITIONAL NECESSARY STANDARDS.

~~**(4)(E) (1) Money for child advocacy centers shall be as provided in the annual State budget and shall be used to supplement, but not supplant, money that the programs receive from other sources.**~~

~~**(2) (1) MONEY FOR CHILD ADVOCACY CENTERS SHALL BE DISTRIBUTED TO CHILD ADVOCACY CENTERS IN ACCORDANCE WITH A FORMULA**~~

~~AGREED ON BY THE MARYLAND STATEWIDE ORGANIZATION FOR CHILD ADVOCACY CENTERS AND THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.~~

~~(H) MONEY FOR CHILD ADVOCACY CENTERS MAY BE USED TO ASSIST CHILD ADVOCACY CENTERS IN MEETING THE STANDARDS UNDER SUBSECTION (D) OF THIS SECTION.~~

~~(3) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, IN EACH FISCAL YEAR THE GOVERNOR MAY INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION FOR THE CHILD ADVOCACY CENTERS UNDER THIS SECTION.~~

~~(4) MONEY APPROPRIATED FOR THE CHILD ADVOCACY CENTERS SHALL BE USED TO SUPPLEMENT, NOT SUPPLANT, MONEY THAT THE PROGRAM RECEIVES FROM OTHER SOURCES.~~

~~(5) IN EACH FISCAL YEAR BEGINNING WITH FISCAL YEAR 2021, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL SUBMITTED TO THE GENERAL ASSEMBLY A GENERAL FUND APPROPRIATION FOR CHILD ADVOCACY CENTERS FUNDED UNDER THIS SECTION IN AN AMOUNT NOT LESS THAN THE APPROPRIATION MADE FOR THE CHILD ADVOCACY CENTERS IN THE IMMEDIATELY PRECEDING FISCAL YEAR, INCREASED BY NOT LESS THAN THE PERCENTAGE BY WHICH THE PROJECTED TOTAL GENERAL FUND REVENUES FOR THE UPCOMING FISCAL YEAR EXCEED THE REVISED ESTIMATE OF TOTAL GENERAL FUND REVENUES SUBMITTED BY THE BOARD OF REVENUE ESTIMATES TO THE GOVERNOR UNDER § 6-106(B) OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

~~(E) (1) MONEY FOR CHILD ADVOCACY CENTERS:~~

~~(1) SHALL BE DISTRIBUTED TO CHILD ADVOCACY CENTERS IN ACCORDANCE WITH A FORMULA AGREED ON BY THE MARYLAND STATEWIDE ORGANIZATION FOR CHILD ADVOCACY CENTERS AND THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION;~~

~~(2) SHALL BE USED TO SUPPLEMENT, NOT SUPPLANT, MONEY THAT THE PROGRAM RECEIVES FROM OTHER SOURCES; AND~~

~~(3) MAY BE USED TO ASSIST CHILD ADVOCACY CENTERS IN MEETING THE STANDARDS UNDER SUBSECTION (D) OF THIS SECTION.~~

~~(2) THE GOVERNOR SHALL APPROPRIATE AT LEAST \$300,000 IN THE ANNUAL BUDGET BILL FOR THE CHILD ADVOCACY CENTERS UNDER THIS SECTION.~~

[(5)] (F) On or before [January] **JUNE** 1 each year, the Governor's Office of Crime Control and Prevention shall submit an annual report, in accordance with § 2-1246 of the State Government Article, on child advocacy centers to the General Assembly.

Article – Family Law

5-706.

(f) The local department, the appropriate law enforcement agencies, the State's Attorney within each county and Baltimore City, the local department's office responsible for child care regulation, [and] the local health officer, **AND THE LOCAL CHILD ADVOCACY CENTER** shall enter into a written agreement that specifies standard operating procedures for the investigation under subsections (c) and (d) of this section and prosecution of reported cases of suspected abuse or neglect.

(g) (1) The agencies responsible for investigating reported cases of suspected sexual abuse, including the local department, the appropriate law enforcement agencies, and the local State's Attorney, shall implement a joint investigation procedure for conducting joint investigations of sexual abuse under subsections (c) and (d) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That all child advocacy centers established prior to the effective date of this Act shall, within 6 months of the effective date of this Act, implement demonstrable reforms in the child advocacy centers' policies and procedures to comply with Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 51

(Senate Bill 739)

AN ACT concerning

Child Advocacy Centers – Expansion

FOR the purpose of requiring the Governor's Office of Crime Control and Prevention to ensure, ~~to the greatest extent practicable,~~ that every child in the State has access to a child advocacy center; requiring child advocacy centers to assist in the response to or investigation of certain offenses against children; authorizing child advocacy centers to assist in the response to or investigation of certain offenses against children; requiring child advocacy centers to provide a certain level of care; requiring the Governor's Office of Crime Control and Prevention to contract with a certain

organization that meets certain requirements to establish a Maryland Statewide Organization for Child Advocacy Centers; requiring the Maryland Statewide Organization for Child Advocacy Centers to establish certain standards for child advocacy centers; requiring money for child advocacy centers to be distributed in a certain manner by the Maryland Statewide Organization for Child Advocacy Centers and the Governor's Office of Crime Control and Prevention; ~~authorizing the Governor to include in the annual budget a certain appropriation beginning in a certain fiscal year;~~ altering the date that the Governor's Office of Crime Control and Prevention is required to submit a certain annual report; adding child advocacy centers to the list of agencies that are required to enter into a certain written agreement that specifies standard operating procedures for certain child abuse and neglect investigations and prosecutions; making clarifying and technical changes; and generally relating to child advocacy centers.

BY repealing and reenacting, with amendments,
 Article – Criminal Procedure
 Section 11–923(h)
 Annotated Code of Maryland
 (2018 Replacement Volume)

BY repealing and reenacting, with amendments,
 Article – Family Law
 Section 5–706(f)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,
 Article – Family Law
 Section 5–706(g)(1)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2018 Supplement)

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

Article – Criminal Procedure

11–923.

[(h) (1)] 11–928.

(A) The Governor's Office of Crime Control and Prevention shall establish and sustain child advocacy centers in the State ~~AND TO THE GREATEST EXTENT PRACTICABLE,~~ **ENSURE THAT EVERY CHILD IN THE STATE HAS ACCESS TO A CHILD ADVOCACY CENTER.**

[(2)] (B) The child advocacy centers:

[(i)] (1) may be based in private nonprofit organizations, local departments of social services, local law enforcement agencies, or a partnership among any of these entities;

[(ii)] (2) shall be developed and located to facilitate their use by alleged victims residing in the surrounding areas;

[(iii)] (3) shall **[investigate]** **ASSIST IN THE RESPONSE TO OR INVESTIGATION OF** allegations of sexual crimes against children **UNDER TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE** and sexual abuse of minors **UNDER § ~~3-602~~ TITLE 3, SUBTITLE 6 OF THE CRIMINAL LAW ARTICLE AND TITLE 5, SUBTITLE 7 OF THE FAMILY LAW ARTICLE**;

(4) **MAY ASSIST IN THE RESPONSE TO OR INVESTIGATION OF ALLEGATIONS OF CHILD ABUSE AND NEGLECT UNDER §§ ~~3-601 AND 3-602.1~~ TITLE 3, SUBTITLE 6 OF THE CRIMINAL LAW ARTICLE AND TITLE 5, SUBTITLE 7 OF THE FAMILY LAW ARTICLE AND ALLEGATIONS OF A CRIME OF VIOLENCE IN THE PRESENCE OF A MINOR UNDER § 3-601.1 OF THE CRIMINAL LAW ARTICLE;**

[(iv)] (5) shall provide **[or facilitate referrals to appropriate counseling, legal, medical, and advocacy services for victims]** **A LEVEL OF CARE THAT MEETS OR EXCEEDS THE NATIONAL ACCREDITATION STANDARDS FOR CHILD ADVOCACY CENTERS ESTABLISHED BY THE MARYLAND STATEWIDE ORGANIZATION FOR CHILD ADVOCACY CENTERS UNDER SUBSECTION (D) OF THIS SECTION;** and

[(v)] (6) shall be included in all joint investigation procedures developed in accordance with § 5-706 of the Family Law Article.

[(3)] (C) The Governor's Office of Crime Control and Prevention may contract with public or private nonprofit organizations to operate child advocacy centers.

(D) (1) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL CONTRACT WITH A NONPROFIT ORGANIZATION THAT IS QUALIFIED UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE AND REPRESENTS URBAN, RURAL, AND SUBURBAN CHILD ADVOCACY CENTERS IN THE STATE TO ESTABLISH A MARYLAND STATEWIDE ORGANIZATION FOR CHILD ADVOCACY CENTERS.

(2) THE PURPOSE OF THE MARYLAND STATEWIDE ORGANIZATION FOR CHILD ADVOCACY CENTERS IS TO PROVIDE TRAINING, TECHNICAL ASSISTANCE, DATA COLLECTION, AND CAPACITY BUILDING TO MEET LOCAL, STATE, AND NATIONAL REQUIREMENTS FOR CHILD ADVOCACY CENTERS.

(3) THE MARYLAND STATEWIDE ORGANIZATION FOR CHILD ADVOCACY CENTERS SHALL ESTABLISH STANDARDS FOR CHILD ADVOCACY CENTERS IN THE STATE THAT MEET NATIONAL ACCREDITATION STANDARDS FOR CHILD ADVOCACY CENTERS AND SHALL INCLUDE:

(I) MULTIDISCIPLINARY TEAMS THAT INCLUDE REPRESENTATION FROM LAW ENFORCEMENT, PROSECUTORS, CHILD PROTECTIVE SERVICES, THE MEDICAL AND MENTAL HEALTH FIELDS, AND VICTIM ADVOCACY;

(II) CULTURAL COMPETENCY AND DIVERSITY;

(III) FORENSIC INTERVIEWS THAT ARE NEUTRAL, FACT-FINDING, AND AVOID DUPLICATIVE INTERVIEWING;

(IV) VICTIM SUPPORT AND ADVOCACY FOR CHILDREN AND CAREGIVERS, INCLUDING APPROPRIATE COUNSELING, LEGAL, AND MEDICAL SERVICES OR REFERRALS;

(V) MEDICAL EVALUATIONS;

(VI) MENTAL HEALTH SERVICES;

(VII) A FORMAL CASE REVIEW PROCESS;

(VIII) A CASE TRACKING, MONITORING, AND OUTCOMES PROCESS;

(IX) ORGANIZATIONAL CAPACITY;

(X) CREATING A CHILD-FOCUSED SETTING THAT IS COMFORTABLE, SAFE, AND PRIVATE; AND

(XI) ANY ADDITIONAL NECESSARY STANDARDS.

~~**(4)(E) (1) Money for child advocacy centers shall be as provided in the annual State budget and shall be used to supplement, but not supplant, money that the programs receive from other sources.**~~

~~**(2) (1) MONEY FOR CHILD ADVOCACY CENTERS SHALL BE DISTRIBUTED TO CHILD ADVOCACY CENTERS IN ACCORDANCE WITH A FORMULA AGREED ON BY THE MARYLAND STATEWIDE ORGANIZATION FOR CHILD ADVOCACY CENTERS AND THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.**~~

~~(H) MONEY FOR CHILD ADVOCACY CENTERS MAY BE USED TO ASSIST CHILD ADVOCACY CENTERS IN MEETING THE STANDARDS UNDER SUBSECTION (D) OF THIS SECTION.~~

~~(3) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, IN EACH FISCAL YEAR THE GOVERNOR MAY INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION FOR THE CHILD ADVOCACY CENTERS UNDER THIS SECTION.~~

~~(4) MONEY APPROPRIATED FOR THE CHILD ADVOCACY CENTERS SHALL BE USED TO SUPPLEMENT, NOT SUPPLANT, MONEY THAT THE PROGRAM RECEIVES FROM OTHER SOURCES.~~

~~(5) IN EACH FISCAL YEAR BEGINNING WITH FISCAL YEAR 2021, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL SUBMITTED TO THE GENERAL ASSEMBLY A GENERAL FUND APPROPRIATION FOR CHILD ADVOCACY CENTERS FUNDED UNDER THIS SECTION IN AN AMOUNT NOT LESS THAN THE APPROPRIATION MADE FOR THE CHILD ADVOCACY CENTERS IN THE IMMEDIATELY PRECEDING FISCAL YEAR, INCREASED BY NOT LESS THAN THE PERCENTAGE BY WHICH THE PROJECTED TOTAL GENERAL FUND REVENUES FOR THE UPCOMING FISCAL YEAR EXCEED THE REVISED ESTIMATE OF TOTAL GENERAL FUND REVENUES SUBMITTED BY THE BOARD OF REVENUE ESTIMATES TO THE GOVERNOR UNDER § 6-106(B) OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

(E) MONEY FOR CHILD ADVOCACY CENTERS:

(1) SHALL BE DISTRIBUTED TO CHILD ADVOCACY CENTERS IN ACCORDANCE WITH A FORMULA AGREED ON BY THE MARYLAND STATEWIDE ORGANIZATION FOR CHILD ADVOCACY CENTERS AND THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION;

(2) SHALL BE USED TO SUPPLEMENT, NOT SUPPLANT, MONEY THAT THE PROGRAM RECEIVES FROM OTHER SOURCES; AND

(3) MAY BE USED TO ASSIST CHILD ADVOCACY CENTERS IN MEETING THE STANDARDS UNDER SUBSECTION (D) OF THIS SECTION.

[(5)] (F) On or before [January] JUNE 1 each year, the Governor's Office of Crime Control and Prevention shall submit an annual report, in accordance with § 2-1246 of the State Government Article, on child advocacy centers to the General Assembly.

Article – Family Law

(f) The local department, the appropriate law enforcement agencies, the State's Attorney within each county and Baltimore City, the local department's office responsible for child care regulation, [and] the local health officer, **AND THE LOCAL CHILD ADVOCACY CENTER** shall enter into a written agreement that specifies standard operating procedures for the investigation under subsections (c) and (d) of this section and prosecution of reported cases of suspected abuse or neglect.

(g) (1) The agencies responsible for investigating reported cases of suspected sexual abuse, including the local department, the appropriate law enforcement agencies, and the local State's Attorney, shall implement a joint investigation procedure for conducting joint investigations of sexual abuse under subsections (c) and (d) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That all child advocacy centers established prior to the effective date of this Act shall, within 6 months of the effective date of this Act, implement demonstrable reforms in the child advocacy centers' policies and procedures to comply with Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 52

(Senate Bill 567)

AN ACT concerning

**Workgroup to Study Child Custody Court ~~Decisions~~ Proceedings Involving
Child Abuse or Domestic Violence Allegations**

FOR the purpose of establishing the Workgroup to Study Child Custody Court ~~Decisions~~ Proceedings Involving Child Abuse or Domestic Violence Allegations; providing for the composition, chair, and staffing of the Workgroup; prohibiting a member of the Workgroup from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Workgroup to study and make recommendations regarding certain matters; requiring the Workgroup to report its findings and recommendations to the Governor and the General Assembly on or before certain dates; providing for the termination of this Act; and generally relating to the Workgroup to Study Child Custody Court ~~Decisions~~ Proceedings Involving Child Abuse or Domestic Violence Allegations.

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

(a) There is a Workgroup to Study Child Custody Court ~~Decisions~~ Proceedings Involving Child Abuse or Domestic Violence Allegations.

(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 Secretary of State, or the Secretary's designee;

(4) ~~the Chair of the Conference of Circuit Court Judges, or the Chair's designee~~ the Public Defender of Maryland, or the Public Defender's designee; and

(5) the following members, appointed by the Governor:

(i) three representatives of child advocacy nonprofit organizations;

(ii) one representative of the Maryland State's Attorneys' Association;

(iii) one attorney specializing in family law matters;

(iv) one prosecutor who handles primarily child abuse cases;

(v) one representative of the Department of Human Services;

(vi) one representative of Child Advocacy Centers;

(vii) one ~~retired circuit court judge~~ representative of a domestic violence victim advocacy group or coalition;

(viii) one trauma recovery and education expert;

(ix) one nonoffending parent who has been involved in a child abuse matter and has taken legal action to protect the nonoffending parent's children; ~~and~~

(x) one representative of a rape crisis center or coalition;

(xi) one representative of a fathers' rights group; and

(xii) one individual appointed at the Governor's discretion.

(c) The Secretary of State, or the Secretary's designee, shall chair the Workgroup.

- (d) 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) The Workgroup shall:
- (1) study State child custody court ~~decisions involving~~ processes for when child abuse or domestic violence allegations are made during court proceedings;
 - (2) study available science and best practices pertaining to children in traumatic situations, including trauma-informed decision making; and
 - (3) make recommendations about how State courts could incorporate in court proceedings the latest science ~~in making legal determinations regarding~~ regarding the safety and well-being of children and other victims of domestic violence.
- (g) On or before December 1, 2019, the Workgroup shall submit an interim report of its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.
- (h) On or before June 1, 2020, the Workgroup shall submit a final report of its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019. It shall remain effective for a period of 1 year and 6 months and, at the end of November 30, 2020, 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 18, 2019.

Chapter 53

(Senate Bill 568)

AN ACT concerning

Crimes – Child Abuse and Neglect – Failure to Report

FOR the purpose of establishing that certain persons who are required to provide certain notice or make certain reports of suspected child abuse or neglect may not knowingly fail to provide the notice or make the report; establishing the misdemeanor of the knowing failure to report child abuse or neglect under certain circumstances; providing certain penalties for a violation of this Act; providing for the application of this Act; and generally relating to child abuse and neglect.

BY adding to

Article – Criminal Law

Section 3–602.2

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Family Law

Section 5–704

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

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

Article – Criminal Law

3–602.2.

(A) A PERSON WHO IS REQUIRED TO PROVIDE NOTICE OF SUSPECTED ABUSE OR NEGLECT OF A CHILD OR MAKE A WRITTEN REPORT OF SUSPECTED ABUSE OR NEGLECT OF A CHILD UNDER § 5–704 OF THE FAMILY LAW ARTICLE MAY NOT KNOWINGLY FAIL TO PROVIDE THE REQUIRED NOTICE OR MAKE THE REQUIRED WRITTEN REPORT IF THE PERSON HAS ACTUAL KNOWLEDGE OF THE ABUSE OR NEGLECT.

~~(B) THE KNOWLEDGE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION:~~

~~(1) MAY BE INFERRED FROM THE CIRCUMSTANCES;~~

~~(2) INCLUDES ACTUAL KNOWLEDGE; AND~~

~~(3) DOES NOT INCLUDE A DUTY TO INVESTIGATE.~~

~~(C)~~ (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING ~~\$1,000~~ \$10,000 OR IMPRISONMENT NOT EXCEEDING ~~6 MONTHS~~ 3 YEARS OR BOTH.

~~(D) (C) THIS SECTION APPLIES ONLY TO A FAILURE TO PROVIDE THE REQUIRED NOTICE OR MAKE THE REQUIRED WRITTEN REPORT THAT OCCURS NOT MORE THAN 7 YEARS AFTER THE VICTIM REACHES THE AGE OF MAJORITY REPORT CHILD ABUSE OR NEGLECT THAT OCCURS DURING THE TIME THE CHILD IS A MINOR.~~

Article – Family Law

5–704.

(a) Notwithstanding any other provision of law, including any law on privileged communications, each health practitioner, police officer, educator, or human service worker, acting in a professional capacity in this State:

(1) who has reason to believe that a child has been subjected to abuse or neglect, shall notify the local department or the appropriate law enforcement agency; and

(2) if acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, shall immediately notify and give all information required by this section to the head of the institution or the designee of the head.

(b) (1) An individual who notifies the appropriate authorities under subsection (a) of this section shall make:

(i) an oral report, by telephone or direct communication, as soon as possible to the local department or appropriate law enforcement agency; and

(ii) a written report:

1. to the local department not later than 48 hours after the contact, examination, attention, or treatment that caused the individual to believe that the child had been subjected to abuse or neglect; and

2. with a copy to the local State's Attorney.

(2) (i) An agency to which an oral report of suspected abuse or neglect is made under paragraph (1) of this subsection shall immediately notify the other agency.

(ii) This paragraph does not prohibit a local department and an appropriate law enforcement agency from agreeing to cooperative arrangements.

(c) Insofar as is reasonably possible, an individual who makes a report under this section shall include in the report the following information:

(1) the name, age, and home address of the child;

- (2) the name and home address of the child's parent or other person who is responsible for the child's care;
- (3) the whereabouts of the child;
- (4) the nature and extent of the abuse or neglect of the child, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect; and
- (5) any other information that would help to determine:
 - (i) the cause of the suspected abuse or neglect; and
 - (ii) the identity of any individual responsible for the abuse or neglect.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 54

(House Bill 787)

AN ACT concerning

Crimes – Child Abuse and Neglect – Failure to Report

FOR the purpose of establishing that certain persons who are required to provide certain notice or make certain reports of suspected child abuse or neglect may not knowingly fail to provide the notice or make the report; establishing the misdemeanor of the knowing failure to report child abuse or neglect under certain circumstances; providing certain penalties for a violation of this Act; providing for the application of this Act; and generally relating to child abuse and neglect.

BY adding to

Article – Criminal Law

Section 3–602.2

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Family Law

Section 5–704

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

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

Article – Criminal Law

3-602.2.

(A) A PERSON WHO IS REQUIRED TO PROVIDE NOTICE OF SUSPECTED ABUSE OR NEGLECT OF A CHILD OR MAKE A WRITTEN REPORT OF SUSPECTED ABUSE OR NEGLECT OF A CHILD UNDER § 5-704 OF THE FAMILY LAW ARTICLE MAY NOT KNOWINGLY FAIL TO PROVIDE THE REQUIRED NOTICE OR MAKE THE REQUIRED WRITTEN REPORT IF THE PERSON HAS ACTUAL KNOWLEDGE OF THE ABUSE OR NEGLECT.

~~(B) THE KNOWLEDGE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION:~~

~~(1) MAY BE INFERRED FROM THE CIRCUMSTANCES;~~

~~(2) INCLUDES ACTUAL KNOWLEDGE OR WILLFUL BLINDNESS; AND~~

~~(3) DOES NOT INCLUDE A DUTY TO INVESTIGATE.~~

~~(C)~~ A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 3 YEARS OR BOTH.

~~(D) THIS SECTION APPLIES ONLY TO A FAILURE TO PROVIDE THE REQUIRED NOTICE OR MAKE THE REQUIRED WRITTEN REPORT THAT OCCURS NOT MORE THAN 7 YEARS AFTER THE VICTIM REACHES THE AGE OF MAJORITY.~~

(C) THIS SECTION APPLIES ONLY TO A FAILURE TO REPORT CHILD ABUSE OR NEGLECT THAT OCCURS DURING THE TIME THE CHILD IS A MINOR.

Article – Family Law

5-704.

(a) Notwithstanding any other provision of law, including any law on privileged communications, each health practitioner, police officer, educator, or human service worker, acting in a professional capacity in this State:

(1) who has reason to believe that a child has been subjected to abuse or neglect, shall notify the local department or the appropriate law enforcement agency; and

(2) if acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, shall immediately notify and give all information required by this section to the head of the institution or the designee of the head.

(b) (1) An individual who notifies the appropriate authorities under subsection (a) of this section shall make:

(i) an oral report, by telephone or direct communication, as soon as possible to the local department or appropriate law enforcement agency; and

(ii) a written report:

1. to the local department not later than 48 hours after the contact, examination, attention, or treatment that caused the individual to believe that the child had been subjected to abuse or neglect; and

2. with a copy to the local State's Attorney.

(2) (i) An agency to which an oral report of suspected abuse or neglect is made under paragraph (1) of this subsection shall immediately notify the other agency.

(ii) This paragraph does not prohibit a local department and an appropriate law enforcement agency from agreeing to cooperative arrangements.

(c) Insofar as is reasonably possible, an individual who makes a report under this section shall include in the report the following information:

(1) the name, age, and home address of the child;

(2) the name and home address of the child's parent or other person who is responsible for the child's care;

(3) the whereabouts of the child;

(4) the nature and extent of the abuse or neglect of the child, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect; and

(5) any other information that would help to determine:

(i) the cause of the suspected abuse or neglect; and

(ii) the identity of any individual responsible for the abuse or neglect.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 55

(House Bill 486)

AN ACT concerning

Education – Personnel Matters – Child Sexual Abuse and Sexual Misconduct Prevention

FOR the purpose of requiring county boards of education, nonpublic schools, and certain contracting agencies to require an applicant for a position involving direct contact with minors to provide certain information; requiring the county board, nonpublic school, or contracting agency to conduct a certain review of the employment history of a certain applicant; requiring the county board, nonpublic school, or contracting agency to check certain eligibility of a certain applicant; requiring certain employers to disclose certain information within a certain time period; requiring certain employers to disclose certain supplemental information within a certain time period ~~to certain parties; authorizing a county board, nonpublic school, or contracting agency to hire an applicant on a certain provisional basis under certain circumstances;~~ requiring the county board, nonpublic school, or contracting agency to conduct a certain review of the employment history of a certain applicant for a substitute position; requiring a certain contracting agency to perform a certain review before making a certain assignment; requiring a certain contracting agency to maintain certain records; requiring a certain contracting agency to inform the county board or nonpublic school of certain information; prohibiting a certain contracting agency from assigning a certain employee to perform certain work under certain circumstances; providing that certain information received is not subject to the Maryland Public Information Act; authorizing a county board, nonpublic school, or contracting agency to use certain information and records received in a certain manner and to report certain information to certain entities under certain circumstances; prohibiting a county board, nonpublic school, or contracting agency from entering into a certain agreement under certain circumstances; providing that a certain agreement is void and unenforceable under certain circumstances; requiring the State Department of Education to notify certain entities within a certain time period if there is a lapse or suspension in the use of certain screening systems; providing that a certain applicant shall be subject to certain discipline under certain circumstances; providing for a certain immunity from criminal and civil liability; providing for the construction of this Act; authorizing the Department to initiate certain disciplinary action under certain circumstances and to adopt

certain regulations; defining certain terms; and generally relating to hiring school employees.

BY adding to

Article – Education

Section 6–113.2

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

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

Article – Education

6–113.2.

(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 HAS THE MEANING STATED IN § 6–113.1 OF THIS SUBTITLE.~~

(3) “CONTRACTING AGENCY” MEANS AN ENTITY THAT CONTRACTS WITH A COUNTY BOARD OR NONPUBLIC SCHOOL TO PROVIDE A SERVICE TO A SCHOOL OR THE STUDENTS OF A SCHOOL.

(4) “DIRECT CONTACT WITH MINORS” MEANS THE POSSIBILITY OF CARE, SUPERVISION, GUIDANCE, OR CONTROL OF A MINOR OR ROUTINE INTERACTION WITH A MINOR.

~~(5) “JOB PERFORMANCE” INCLUDES ABILITIES, ATTENDANCE, ATTITUDE, AWARDS, DEMOTIONS, DISCIPLINARY ACTIONS, DUTIES, EFFORT, KNOWLEDGE, PROMOTIONS, SKILLS, AND, IN THE CASE OF A FORMER SCHOOL EMPLOYEE, THE REASONS FOR SEPARATION.~~

~~(6)~~ (5) “SCHOOL” MEANS A PUBLIC OR NONPUBLIC SCHOOL.

~~(7)~~ (6) “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 HAS THE MEANING STATED IN § 6-113.1 OF THIS SUBTITLE.~~

(B) A COUNTY BOARD, NONPUBLIC SCHOOL, OR CONTRACTING AGENCY SHALL REQUIRE AN APPLICANT FOR A POSITION INVOLVING DIRECT CONTACT WITH MINORS TO SUBMIT:

(1) THE CONTACT INFORMATION OF THE FOLLOWING EMPLOYERS:

(I) THE CURRENT EMPLOYER;

(II) ALL FORMER SCHOOL EMPLOYERS; AND

(III) ALL FORMER EMPLOYERS OF THE APPLICANT IN WHICH THE APPLICANT WAS EMPLOYED IN A POSITION INVOLVING DIRECT CONTACT WITH MINORS;

(2) A WRITTEN CONSENT FORM, SIGNED BY THE APPLICANT, AUTHORIZING AN EMPLOYER LISTED UNDER ITEM (1) OF THIS SUBSECTION TO RELEASE ALL RECORDS RELATING TO ~~THE APPLICANT'S JOB PERFORMANCE~~ CHILD SEXUAL ABUSE OR SEXUAL MISCONDUCT; AND

(3) A WRITTEN STATEMENT OF WHETHER THE APPLICANT:

(I) HAS BEEN THE SUBJECT OF A CHILD SEXUAL ABUSE OR SEXUAL MISCONDUCT INVESTIGATION BY ANY EMPLOYER, ARBITRATOR, COUNTY BOARD, STATE LICENSING AGENCY, LAW ENFORCEMENT AGENCY, OR CHILD PROTECTIVE SERVICES AGENCY, UNLESS THE INVESTIGATION RESULTED IN A FINDING ~~THAT THE ALLEGATIONS WERE FALSE~~ BY:

1. THE EMPLOYER THAT ALLEGATIONS THAT THE APPLICANT ENGAGED IN SEXUAL MISCONDUCT LACKED SUFFICIENT EVIDENCE ACCORDING TO THE POLICIES OF THE COUNTY BOARD OR NONPUBLIC SCHOOL;

2. AN ARBITRATOR OR A COUNTY BOARD TO REJECT ANY DISCIPLINARY ACTION IN RESPONSE TO ALLEGATIONS THAT THE APPLICANT ENGAGED IN SEXUAL MISCONDUCT;

3. A STATE LICENSING AGENCY THAT ALLEGATIONS THAT THE APPLICANT ENGAGED IN SEXUAL MISCONDUCT LACKED SUFFICIENT EVIDENCE ACCORDING TO:

A. STATE LAW; OR

B. THE POLICIES OF THE COUNTY BOARD OR NONPUBLIC SCHOOL;

4. A LAW ENFORCEMENT AGENCY THAT ALLEGATIONS THAT THE APPLICANT ENGAGED IN CHILD SEXUAL ABUSE WERE UNFOUNDED; OR

5. A CHILD PROTECTIVE SERVICES AGENCY THAT ALLEGATIONS THAT THE APPLICANT ENGAGED IN CHILD SEXUAL ABUSE WERE RULED OUT;

(II) HAS EVER BEEN DISCIPLINED, DISCHARGED, NONRENEWED, OR ASKED TO RESIGN FROM EMPLOYMENT, OR HAS EVER RESIGNED FROM OR OTHERWISE SEPARATED FROM ANY EMPLOYMENT WHILE ALLEGATIONS OF CHILD SEXUAL ABUSE OR SEXUAL MISCONDUCT WERE PENDING OR WERE UNDER INVESTIGATION, OR DUE TO AN ADJUDICATION OR FINDINGS OF CHILD SEXUAL ABUSE OR SEXUAL MISCONDUCT; OR

(III) HAS EVER HAD A LICENSE, PROFESSIONAL LICENSE, OR CERTIFICATE SUSPENDED, SURRENDERED, OR REVOKED WHILE ALLEGATIONS OF CHILD SEXUAL ABUSE OR SEXUAL MISCONDUCT WERE PENDING OR UNDER INVESTIGATION, OR DUE TO AN ADJUDICATION OR FINDINGS OF CHILD SEXUAL ABUSE OR SEXUAL MISCONDUCT.

(C) BEFORE HIRING AN APPLICANT FOR A POSITION INVOLVING DIRECT CONTACT WITH MINORS, THE COUNTY BOARD, NONPUBLIC SCHOOL, OR CONTRACTING AGENCY SHALL:

(1) REVIEW AN APPLICANT'S EMPLOYMENT HISTORY BY CONTACTING THE EMPLOYERS LISTED BY THE APPLICANT UNDER SUBSECTION (B)(1) OF THIS SECTION AND REQUESTING THE FOLLOWING INFORMATION:

(I) THE DATES OF EMPLOYMENT OF THE APPLICANT; AND

(II) ANSWERS TO THE QUESTIONS REGARDING CHILD SEXUAL ABUSE OR SEXUAL MISCONDUCT REQUIRED UNDER SUBSECTION (B)(3) OF THIS SECTION; AND

(2) REQUEST A REPORT FROM THE DEPARTMENT REGARDING THE APPLICANT'S ELIGIBILITY FOR EMPLOYMENT OR CERTIFICATION STATUS TO DETERMINE WHETHER THE APPLICANT:

(I) HOLDS A VALID AND ACTIVE CERTIFICATION APPROPRIATE FOR THE POSITION AND IS OTHERWISE ELIGIBLE FOR EMPLOYMENT; AND

(II) HAS BEEN THE SUBJECT OF PROFESSIONAL DISCIPLINE RELATED TO CHILD SEXUAL ABUSE OR SEXUAL MISCONDUCT.

(D) (1) NOT LATER THAN 20 DAYS AFTER RECEIVING A REQUEST FOR INFORMATION UNDER SUBSECTION (C) OF THIS SECTION, AN EMPLOYER SHALL SEND TO THE COUNTY BOARD, NONPUBLIC SCHOOL, OR CONTRACTING AGENCY THE INFORMATION REQUESTED ON THE FORM PRESCRIBED BY THE DEPARTMENT.

(2) IF THE INFORMATION FROM AN EMPLOYER INCLUDES AN AFFIRMATIVE RESPONSE TO THE CHILD SEXUAL ABUSE OR SEXUAL MISCONDUCT QUESTIONS UNDER SUBSECTION (B)(3) OF THIS SECTION, AND THE COUNTY BOARD, NONPUBLIC SCHOOL, OR CONTRACTING AGENCY MAKES A DETERMINATION TO FURTHER CONSIDER THE APPLICANT FOR EMPLOYMENT, THE COUNTY BOARD, NONPUBLIC SCHOOL, OR CONTRACTING AGENCY SHALL REQUEST THAT THE FORMER EMPLOYER PROVIDE ADDITIONAL INFORMATION ABOUT THE INFORMATION PROVIDED, INCLUDING ALL ~~RELATED~~ RECORDS RELATED TO CHILD SEXUAL ABUSE OR SEXUAL MISCONDUCT.

(3) AN EMPLOYER THAT RECEIVES A REQUEST FOR ADDITIONAL INFORMATION UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL PROVIDE THE ADDITIONAL INFORMATION WITHIN 60 DAYS OF THE DATE OF THE PROSPECTIVE EMPLOYER'S REQUEST TO:

(I) THE REQUESTING COUNTY BOARD, NONPUBLIC SCHOOL, OR CONTRACTING AGENCY; AND

(II) THE APPLICANT WHO IS UNDER CONSIDERATION FOR EMPLOYMENT.

~~(E) A COUNTY BOARD, NONPUBLIC SCHOOL, OR CONTRACTING AGENCY MAY HIRE AN APPLICANT ON A PROVISIONAL BASIS FOR A PERIOD NOT TO EXCEED 90 DAYS PENDING THE REVIEW OF INFORMATION AND RECORDS RECEIVED UNDER SUBSECTION (D) OF THIS SECTION, IF THE FOLLOWING CRITERIA ARE SATISFIED:~~

~~(1) THE APPLICANT HAS PROVIDED ALL THE INFORMATION AND SUPPORTING DOCUMENTATION REQUIRED;~~

~~(2) THE SCHOOL ADMINISTRATOR HAS NO KNOWLEDGE OF INFORMATION REGARDING THE APPLICANT THAT WOULD DISQUALIFY THE APPLICANT FROM EMPLOYMENT;~~

~~(3) THE APPLICANT SWEARS OR AFFIRMS THAT THE APPLICANT IS NOT DISQUALIFIED FROM EMPLOYMENT; AND~~

~~(4) THE APPLICANT IS NOT AUTHORIZED TO WORK ALONE WITH MINORS AND WORKS IN THE IMMEDIATE VICINITY OF A PERMANENT EMPLOYEE.~~

~~(F)~~ (E) (1) (I) A COUNTY BOARD, NONPUBLIC SCHOOL, OR CONTRACTING AGENCY SHALL CONDUCT AN EMPLOYMENT HISTORY REVIEW OF AN APPLICANT FOR A SUBSTITUTE POSITION INVOLVING DIRECT CONTACT WITH MINORS AS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION BEFORE THE INITIAL HIRING OF THE SUBSTITUTE EMPLOYEE OR PLACEMENT ON THE SCHOOL'S APPROVED SUBSTITUTE EMPLOYEE LIST OF THE COUNTY BOARD, NONPUBLIC SCHOOL, OR CONTRACTING AGENCY.

(II) AN EMPLOYMENT HISTORY REVIEW OF A SUBSTITUTE EMPLOYEE SHALL REMAIN VALID AS LONG AS THE SUBSTITUTE EMPLOYEE CONTINUES TO BE EMPLOYED BY THE SAME SCHOOL COUNTY BOARD OR REMAINS ON THE SCHOOL'S APPROVED SUBSTITUTE EMPLOYEE LIST OF THE NONPUBLIC SCHOOL OR CONTRACTING AGENCY.

(2) IF A SUBSTITUTE EMPLOYEE IS SEEKING TO BE ADDED TO ANOTHER SCHOOL'S THE SUBSTITUTE EMPLOYEE LIST OF ANOTHER COUNTY BOARD, NONPUBLIC SCHOOL, OR CONTRACTING AGENCY, A NEW EMPLOYMENT HISTORY REVIEW IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION IS REQUIRED.

(3) THE APPEARANCE OF A SUBSTITUTE EMPLOYEE ON ONE SCHOOL'S THE SUBSTITUTE EMPLOYEE LIST OF ONE COUNTY BOARD, NONPUBLIC SCHOOL, OR CONTRACTING AGENCY DOES NOT RELIEVE ANOTHER SCHOOL COUNTY BOARD, NONPUBLIC SCHOOL, OR CONTRACTING AGENCY OF THE DUTY OF COMPLIANCE WITH THIS SECTION.

(4) AN EMPLOYMENT HISTORY REVIEW CONDUCTED ON THE INITIAL HIRING OF A SUBSTITUTE EMPLOYEE BY A CONTRACTING AGENCY, AN INTERMEDIATE UNIT, OR ANY OTHER ENTITY THAT PROVIDES SUBSTITUTE STAFFING SERVICES TO ~~SCHOOLS~~ A COUNTY BOARD OR A NONPUBLIC SCHOOL SHALL SATISFY THE REQUIREMENTS OF THIS SECTION FOR ALL ~~SCHOOLS~~ SCHOOL ENTITIES USING THE SERVICES OF THAT CONTRACTING AGENCY, INTERMEDIATE UNIT, OR OTHER ENTITY.

(5) A CONTRACTING AGENCY, AN INTERMEDIATE UNIT, OR ANY OTHER ENTITY PROVIDING SUBSTITUTE STAFFING SERVICES TO ~~SCHOOLS~~ A SCHOOL ENTITY SHALL COMPLY WITH THE PROVISIONS OF THIS SECTION.

~~(C)~~ (F) (1) (I) A CONTRACTING AGENCY SHALL CONDUCT AN EMPLOYMENT HISTORY REVIEW OF AN APPLICANT FOR EMPLOYMENT WITH THE CONTRACTING AGENCY AS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION:

1. AT THE TIME OF THE INITIAL HIRING OF THE EMPLOYEE; OR

2. BEFORE THE EMPLOYEE IS ASSIGNED TO WORK FOR A SCHOOL ENTITY IN A POSITION INVOLVING DIRECT CONTACT WITH MINORS.

(II) THE EMPLOYMENT HISTORY REVIEW UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL REMAIN VALID AS LONG AS THE EMPLOYEE CONTINUES TO BE EMPLOYED BY THE HIRING CONTRACTING AGENCY.

(III) A CONTRACTING AGENCY SHALL:

1. MAINTAIN A RECORD OF EACH EMPLOYEE'S EMPLOYMENT HISTORY REVIEW REQUIRED UNDER THIS SUBSECTION; AND

2. ON REQUEST OF THE SCHOOL ENTITY TO WHICH AN EMPLOYEE IS ASSIGNED, PROVIDE ACCESS TO THE CONTRACTING AGENCY'S RECORDS OF THAT EMPLOYEE.

(2) (I) BEFORE ASSIGNING AN EMPLOYEE TO PERFORM WORK FOR A SCHOOL ENTITY IN A POSITION INVOLVING DIRECT CONTACT WITH MINORS, A CONTRACTING AGENCY SHALL PROVIDE NOTICE TO THE SCHOOL ENTITY OF ANY AFFIRMATIVE RESPONSES TO THE CHILD SEXUAL ABUSE OR SEXUAL MISCONDUCT QUESTIONS REQUIRED UNDER SUBSECTION (B)(3) OF THIS SECTION.

(II) A CONTRACTING AGENCY MAY NOT ASSIGN AN EMPLOYEE TO PERFORM WORK FOR A SCHOOL ENTITY IN A POSITION INVOLVING DIRECT CONTACT WITH MINORS IF THE SCHOOL ENTITY OBJECTS TO THE ASSIGNMENT

AFTER RECEIVING THE NOTICE REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

~~(H)~~ (G) (1) INFORMATION AND RECORDS ABOUT AN APPLICANT RECEIVED BY A COUNTY BOARD, NONPUBLIC SCHOOL, OR CONTRACTING AGENCY UNDER THIS SECTION ARE NOT A PUBLIC RECORD FOR THE PURPOSES OF THE MARYLAND PUBLIC INFORMATION ACT.

(2) A COUNTY BOARD, NONPUBLIC SCHOOL, OR CONTRACTING AGENCY THAT RECEIVES INFORMATION AND RECORDS FROM AN EMPLOYER ABOUT AN APPLICANT UNDER THIS SECTION MAY:

(i) USE THE INFORMATION AND RECORDS FOR THE PURPOSE OF EVALUATING THE APPLICANT'S FITNESS TO BE HIRED OR FOR CONTINUED EMPLOYMENT; AND

(ii) REPORT THE INFORMATION TO THE DEPARTMENT, A STATE LICENSING AGENCY, A LAW ENFORCEMENT AGENCY, A CHILD PROTECTIVE SERVICES AGENCY, ANOTHER SCHOOL ENTITY, OR ANY OTHER PROSPECTIVE EMPLOYER, AS APPROPRIATE.

~~(H)~~ (H) (1) A COUNTY BOARD, NONPUBLIC SCHOOL, OR CONTRACTING AGENCY MAY NOT ENTER INTO A COLLECTIVE BARGAINING AGREEMENT, AN EMPLOYMENT CONTRACT, AN AGREEMENT FOR RESIGNATION OR TERMINATION, A SEVERANCE AGREEMENT, OR ANY OTHER CONTRACT OR AGREEMENT THAT:

(i) HAS THE EFFECT OF SUPPRESSING INFORMATION RELATING TO AN INVESTIGATION ~~OF~~ OR DISCIPLINARY ACTION IN RESPONSE TO A REPORT OF SUSPECTED CHILD SEXUAL ABUSE OR SEXUAL MISCONDUCT BY A CURRENT OR FORMER EMPLOYEE;

(ii) AFFECTS THE ABILITY OF THE COUNTY BOARD, NONPUBLIC SCHOOL, OR CONTRACTING AGENCY TO REPORT SUSPECTED CHILD SEXUAL ABUSE OR SEXUAL MISCONDUCT TO THE APPROPRIATE AUTHORITIES; OR

(iii) REQUIRES THE COUNTY BOARD, NONPUBLIC SCHOOL, OR CONTRACTING AGENCY TO EXPUNGE INFORMATION ABOUT ALLEGATIONS OR FINDINGS OF SUSPECTED CHILD SEXUAL ABUSE OR SEXUAL MISCONDUCT FROM ANY DOCUMENT MAINTAINED BY THE EMPLOYER UNLESS ~~AFTER INVESTIGATION THE ALLEGATIONS ARE FOUND TO BE FALSE~~ THE INVESTIGATION RESULTED IN A FINDING BY:

1. THE EMPLOYER THAT ALLEGATIONS THAT THE APPLICANT ENGAGED IN SEXUAL MISCONDUCT LACKED SUFFICIENT EVIDENCE ACCORDING TO THE POLICIES OF THE COUNTY BOARD OR NONPUBLIC SCHOOL;

2. AN ARBITRATOR OR A COUNTY BOARD TO REJECT ANY DISCIPLINARY ACTION IN RESPONSE TO ALLEGATIONS THAT THE APPLICANT ENGAGED IN SEXUAL MISCONDUCT;

3. A STATE LICENSING AGENCY THAT ALLEGATIONS THAT THE APPLICANT ENGAGED IN SEXUAL MISCONDUCT LACKED SUFFICIENT EVIDENCE ACCORDING TO:

A. STATE LAW; OR

B. THE POLICIES OF THE COUNTY BOARD OR NONPUBLIC SCHOOL;

4. A LAW ENFORCEMENT AGENCY THAT ALLEGATIONS THAT THE APPLICANT ENGAGED IN CHILD SEXUAL ABUSE WERE UNFOUNDED; OR

5. A CHILD PROTECTIVE SERVICES AGENCY THAT ALLEGATIONS THAT THE APPLICANT ENGAGED IN CHILD SEXUAL ABUSE WERE RULED OUT.

(2) A PROVISION OF AN EMPLOYMENT CONTRACT, AN AGREEMENT FOR RESIGNATION OR TERMINATION, OR A SEVERANCE AGREEMENT THAT IS EXECUTED, AMENDED, OR ENTERED INTO ON OR AFTER JULY 1, 2019, AND THAT IS CONTRARY TO THIS SECTION IS VOID AND UNENFORCEABLE.

~~(I)~~ (I) IF THERE IS A LAPSE IN THE OPERATION OF OR THE DEPARTMENT SUSPENDS THE USE OF A SYSTEM OR DATABASE THAT THE DEPARTMENT USES TO CHECK AN APPLICANT'S ELIGIBILITY FOR EMPLOYMENT OR CERTIFICATION STATUS, THE DEPARTMENT SHALL NOTIFY THE COUNTY BOARDS, NONPUBLIC SCHOOLS, AND ANY CONTRACTING AGENCIES WITHIN 48 HOURS OF THE LAPSE OR THE SUSPENSION OF THE USE OF THE SYSTEM OR DATABASE.

~~(K)~~ (J) (1) A PERSON ACTING IN GOOD FAITH MAY NOT BE HELD LIABLE FOR DISCLOSING ANY INFORMATION OR RECORDS RELATED TO CHILD SEXUAL ABUSE OR SEXUAL MISCONDUCT, INCLUDING PERSONNEL RECORDS, ABOUT A CURRENT OR FORMER EMPLOYEE'S ~~JOB PERFORMANCE,~~ PROFESSIONAL CONDUCT, OR REASON FOR TERMINATION OF EMPLOYMENT TO A COUNTY BOARD, A NONPUBLIC SCHOOL, A CONTRACTING AGENCY, THE DEPARTMENT, OR ANY OTHER POTENTIAL EMPLOYER IN ACCORDANCE WITH THIS SECTION UNLESS THE PERSON:

(I) ACTED WITH ACTUAL MALICE TOWARD THE EMPLOYEE OR FORMER EMPLOYEE; OR

(II) INTENTIONALLY OR RECKLESSLY DISCLOSED FALSE INFORMATION ABOUT THE EMPLOYEE OR FORMER EMPLOYEE.

(2) THE IMMUNITY FROM LIABILITY UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE IN ADDITION TO, AND NOT A LIMITATION OF, ANY OTHER IMMUNITY PROVIDED BY LAW OR ANY ABSOLUTE OR CONDITIONAL PRIVILEGE APPLICABLE TO THE DISCLOSURE OF INFORMATION OR RECORDS OR THE APPLICANT'S CONSENT TO THE DISCLOSURE.

~~(H)~~ (K) (1) AN APPLICANT WHO PROVIDES FALSE INFORMATION OR WILLFULLY FAILS TO DISCLOSE MATERIAL INFORMATION REQUIRED UNDER THIS SECTION SHALL BE SUBJECT TO PROFESSIONAL DISCIPLINE, INCLUDING TERMINATION OR DENIAL OF EMPLOYMENT, AND MAY BE SUBJECT TO PROFESSIONAL DISCIPLINE IN ACCORDANCE WITH THE REGULATIONS OF THE DEPARTMENT.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE WILLFUL FAILURE OF AN EMPLOYER OR FORMER EMPLOYER TO RESPOND TO OR PROVIDE THE INFORMATION AND RECORDS REQUESTED BY A COUNTY BOARD, NONPUBLIC SCHOOL, OR CONTRACTING AGENCY UNDER THIS SECTION MAY RESULT IN CIVIL PENALTIES OR PROFESSIONAL DISCIPLINE, IF APPROPRIATE.

(II) AN EMPLOYER OR A FORMER EMPLOYER MAY NOT BE HELD LIABLE FOR FAILURE TO RESPOND TO A REQUEST FOR INFORMATION ABOUT AN APPLICANT UNDER THIS SECTION IF:

1. THE LAWS OF THE STATE IN WHICH THE EMPLOYER OR FORMER EMPLOYER IS LOCATED PROHIBIT THE RELEASE OF THE INFORMATION OR RECORDS REQUESTED; OR

2. THE DISCLOSURE OF THE INFORMATION AND RECORDS REQUESTED IS RESTRICTED BY THE TERMS OF A CONTRACT ENTERED INTO ON OR BEFORE JUNE 30, 2019.

(3) (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE DEPARTMENT MAY INITIATE DISCIPLINARY ACTION BEFORE A HEARING OFFICER IN ACCORDANCE WITH THE DEPARTMENT'S REGULATIONS AGAINST AN APPLICANT, AN EMPLOYEE, A CONTRACTING AGENCY, OR A SCHOOL ADMINISTRATOR FOR WILLFUL VIOLATIONS OF THIS SECTION.

(II) THE DEPARTMENT MAY ADOPT REGULATIONS ESTABLISHING PROCEDURES FOR DISCIPLINARY PROCEEDINGS AND THE ASSESSMENT OF PENALTIES IN ACCORDANCE WITH THIS SECTION.

~~(M)~~ (L) NOTHING IN THIS SECTION SHALL BE CONSTRUED:

(1) TO PREVENT A COUNTY BOARD, NONPUBLIC SCHOOL, OR CONTRACTING AGENCY FROM:

(I) CONDUCTING FURTHER INVESTIGATIONS OF PROSPECTIVE EMPLOYEES;

(II) ~~REQUIRING~~ REQUESTING APPLICANTS TO PROVIDE ADDITIONAL BACKGROUND INFORMATION OR AUTHORIZATIONS BEYOND THE INFORMATION OR AUTHORIZATIONS REQUIRED UNDER THIS SECTION; OR

(III) REQUESTING THAT AN EMPLOYER OR A FORMER EMPLOYER PROVIDE MORE INFORMATION THAN IS REQUIRED UNDER THIS SECTION;

(2) TO RELIEVE A COUNTY BOARD, A NONPUBLIC SCHOOL, A CONTRACTING AGENCY, OR ANY OTHER MANDATED REPORTER OF THE LEGAL RESPONSIBILITY TO REPORT SUSPECTED INCIDENTS OF CHILD SEXUAL ABUSE OR SEXUAL MISCONDUCT IN ACCORDANCE WITH STATE LAW OR THE REPORTING REQUIREMENTS OF THE DEPARTMENT; OR

(3) TO PROHIBIT THE RIGHT OF AN EXCLUSIVE REPRESENTATIVE UNDER A COLLECTIVE BARGAINING AGREEMENT TO GRIEVE AND ARBITRATE THE VALIDITY OF AN EMPLOYEE'S TERMINATION OR DISCIPLINE FOR JUST CAUSE OR FOR THE CAUSES SET FORTH IN THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 56

(House Bill 475)

AN ACT concerning

Queen Anne's County – Alcohol Awareness Program

FOR the purpose of requiring an alcoholic beverages license holder in Queen Anne’s County or an individual designated by the license holder who has completed training in an approved alcohol awareness program to be present at all times when alcoholic beverages may be served; providing for certain penalties; and generally relating to alcoholic beverages in Queen Anne’s County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 4–505(e) and 27–102
Annotated Code of Maryland
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 27–1901
Annotated Code of Maryland
(2016 Volume and 2018 Supplement)

BY adding to
Article – Alcoholic Beverages
Section 27–1903
Annotated Code of Maryland
(2016 Volume and 2018 Supplement)

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

Article – Alcoholic Beverages

4–505.

(e) A holder of any retail alcoholic beverages license or an employee designated by the holder shall complete training in an approved alcohol awareness program.

27–102.

This title applies only in Queen Anne’s County.

27–1901.

(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)] § 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] **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”) [of Division I of this article applies in the county], subject to § 27-1902 of this subtitle; **AND**

(2) **§ 4-505 (“ALCOHOL AWARENESS PROGRAM”), SUBJECT TO § 27-1903 OF THIS SUBTITLE.**

27-1903.

(A) **A LICENSE HOLDER OR AN INDIVIDUAL DESIGNATED BY THE LICENSE HOLDER WHO HAS COMPLETED TRAINING IN AN APPROVED ALCOHOL AWARENESS PROGRAM AS REQUIRED UNDER § 4-505(E) OF THIS ARTICLE SHALL BE PRESENT ON THE LICENSED PREMISES AT ALL TIMES WHEN 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 A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 57

(Senate Bill 427)

Queen Anne’s County – Alcohol Awareness Program

FOR the purpose of requiring an alcoholic beverages license holder in Queen Anne’s County or an individual designated by the license holder who has completed training in an approved alcohol awareness program to be present at all times when alcoholic beverages may be served; providing for certain penalties; and generally relating to alcoholic beverages in Queen Anne’s County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 4–505(e) and 27–102
Annotated Code of Maryland
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 27–1901
Annotated Code of Maryland
(2016 Volume and 2018 Supplement)

BY adding to
Article – Alcoholic Beverages
Section 27–1903
Annotated Code of Maryland
(2016 Volume and 2018 Supplement)

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

Article – Alcoholic Beverages

4–505.

(e) A holder of any retail alcoholic beverages license or an employee designated by the holder shall complete training in an approved alcohol awareness program.

27–102.

This title applies only in Queen Anne’s County.

27–1901.

(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)] § 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] **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”) [of Division I of this article applies in the county], subject to § 27-1902 of this subtitle; **AND**

(2) § 4-505 (“ALCOHOL AWARENESS PROGRAM”), **SUBJECT TO § 27-1903 OF THIS SUBTITLE.**

27-1903.

(A) **A LICENSE HOLDER OR AN INDIVIDUAL DESIGNATED BY THE LICENSE HOLDER WHO HAS COMPLETED TRAINING IN AN APPROVED ALCOHOL AWARENESS PROGRAM AS REQUIRED UNDER § 4-505(E) OF THIS ARTICLE SHALL BE PRESENT ON THE LICENSED PREMISES AT ALL TIMES WHEN 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 A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 58**(House Bill 1056)**

AN ACT concerning

Correctional Officers' Retirement System – Queen Anne's County

FOR the purpose of requiring membership in the Correctional Officers' Retirement System for certain local detention center officers of Queen Anne's County under certain circumstances; providing that a certain individual is entitled to eligibility service and creditable service that was earned before the effective date of Queen Anne's County's participation in the Correctional Officers' Retirement System; providing that an individual who receives certain service credit is not a member and has no rights to a benefit in the Employees' Pension System; providing for the transfer of creditable service for a certain individual; providing for the transfer and crediting of certain assets on the effective date; and generally relating to Queen Anne's County's participation in the Correctional Officers' Retirement System.

BY adding to

Article – State Personnel and Pensions
Section 31–2B–06
Annotated Code of Maryland
(2015 Replacement Volume and 2018 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**31–2B–06.**

(A) THIS SECTION APPLIES TO AN INDIVIDUAL WHO IS A LOCAL DETENTION CENTER OFFICER OF QUEEN ANNE'S COUNTY BEFORE THE EFFECTIVE DATE, AND WHO REMAINS A LOCAL DETENTION CENTER OFFICER OF QUEEN ANNE'S COUNTY THROUGH THE EFFECTIVE DATE.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF QUEEN ANNE'S COUNTY BECOMES A PARTICIPATING GOVERNMENTAL UNIT IN THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM, MEMBERSHIP IN THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM IS MANDATORY FOR AN INDIVIDUAL DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION.

(C) IF QUEEN ANNE'S COUNTY COMMENCES PARTICIPATION IN THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION, AN INDIVIDUAL DESCRIBED UNDER SUBSECTION

(A) OF THIS SECTION IS ENTITLED TO ELIGIBILITY SERVICE AND CREDITABLE SERVICE IN THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM FOR EMPLOYMENT WITH QUEEN ANNE'S COUNTY BEFORE THE EFFECTIVE DATE.

(D) ON JOINING THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM AND RECEIVING SERVICE CREDIT AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION, AN INDIVIDUAL DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(1) NO LONGER BE A MEMBER OF THE EMPLOYEES' PENSION SYSTEM; AND

(2) HAVE NO FURTHER RIGHTS TO ANY BENEFIT IN THE EMPLOYEES' PENSION SYSTEM.

(E) THE TRANSFER OF CREDITABLE SERVICE FOR AN INDIVIDUAL DESCRIBED IN SUBSECTION (A) OF THIS SECTION WHO IS A MEMBER OF THE EMPLOYEES' PENSION SYSTEM THROUGH THE EFFECTIVE DATE, AND WHO TRANSFERS TO THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM UNDER THIS SECTION, IS NOT GOVERNED BY TITLE 37 OF THIS ARTICLE.

(F) IF QUEEN ANNE'S COUNTY BECOMES A PARTICIPATING GOVERNMENTAL UNIT IN THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM, § 31-2B-05(C) OF THIS SUBTITLE SHALL GOVERN THE TRANSFER AND CREDITING OF ASSETS ON THE EFFECTIVE DATE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 59

(Senate Bill 636)

AN ACT concerning

Correctional Officers' Retirement System – Queen Anne's County

FOR the purpose of requiring membership in the Correctional Officers' Retirement System for certain local detention center officers of Queen Anne's County under certain circumstances; providing that a certain individual is entitled to eligibility service and creditable service that was earned before the effective date of Queen Anne's County's

participation in the Correctional Officers' Retirement System; providing that an individual who receives certain service credit is not a member and has no rights to a benefit in the Employees' Pension System; providing for the transfer of creditable service for a certain individual; providing for the transfer and crediting of certain assets on the effective date; and generally relating to Queen Anne's County's participation in the Correctional Officers' Retirement System.

BY adding to

Article – State Personnel and Pensions
Section 31–2B–06
Annotated Code of Maryland
(2015 Replacement Volume and 2018 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

31–2B–06.

(A) THIS SECTION APPLIES TO AN INDIVIDUAL WHO IS A LOCAL DETENTION CENTER OFFICER OF QUEEN ANNE'S COUNTY BEFORE THE EFFECTIVE DATE, AND WHO REMAINS A LOCAL DETENTION CENTER OFFICER OF QUEEN ANNE'S COUNTY THROUGH THE EFFECTIVE DATE.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF QUEEN ANNE'S COUNTY BECOMES A PARTICIPATING GOVERNMENTAL UNIT IN THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM, MEMBERSHIP IN THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM IS MANDATORY FOR AN INDIVIDUAL DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION.

(C) IF QUEEN ANNE'S COUNTY COMMENCES PARTICIPATION IN THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION, AN INDIVIDUAL DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION IS ENTITLED TO ELIGIBILITY SERVICE AND CREDITABLE SERVICE IN THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM FOR EMPLOYMENT WITH QUEEN ANNE'S COUNTY BEFORE THE EFFECTIVE DATE.

(D) ON JOINING THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM AND RECEIVING SERVICE CREDIT AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION, AN INDIVIDUAL DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(1) NO LONGER BE A MEMBER OF THE EMPLOYEES' PENSION SYSTEM; AND

(2) HAVE NO FURTHER RIGHTS TO ANY BENEFIT IN THE EMPLOYEES' PENSION SYSTEM.

(E) THE TRANSFER OF CREDITABLE SERVICE FOR AN INDIVIDUAL DESCRIBED IN SUBSECTION (A) OF THIS SECTION WHO IS A MEMBER OF THE EMPLOYEES' PENSION SYSTEM THROUGH THE EFFECTIVE DATE, AND WHO TRANSFERS TO THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM UNDER THIS SECTION, IS NOT GOVERNED BY TITLE 37 OF THIS ARTICLE.

(F) IF QUEEN ANNE'S COUNTY BECOMES A PARTICIPATING GOVERNMENTAL UNIT IN THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM, § 31-2B-05(C) OF THIS SUBTITLE SHALL GOVERN THE TRANSFER AND CREDITING OF ASSETS ON THE EFFECTIVE DATE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 60

(Senate Bill 821)

AN ACT concerning

Correctional Services – Prerelease ~~Unit~~ Study and Report

FOR the purpose of ~~defining the term “prerelease unit” as it relates to prerelease services provided by the Division of Correction;~~ requiring the Commissioner of Correction to conduct a certain study and make a certain report on or before a certain date; and generally relating to prerelease units.

~~BY repealing and reenacting, without amendments,
Article — Correctional Services
Section 3-101(a), 3-301, and 3-303
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)~~

~~BY adding to
Article — Correctional Services
Section 3-101(d)
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)~~

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

~~Article – Correctional Services~~

~~§ 101.~~

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

~~(D) “PRERELEASE UNIT” MEANS A SEPARATE STRUCTURE IN WHICH THE SERVICES ENUMERATED IN § 3-303(B) OF THIS TITLE ARE PROVIDED AND THAT HAS SECURITY FEATURES FOR AN INMATE WHO:~~

~~(1) PRESENTS THE LEAST RISK OF VIOLENCE;~~

~~(2) PRESENTS THE LEAST RISK OF ESCAPE; AND~~

~~(3) HAS A RECORD OF SATISFACTORY INSTITUTIONAL BEHAVIOR.~~

~~§ 301.~~

~~The Commissioner may operate a prerelease unit for women.~~

~~§ 303.~~

~~(a) The Commissioner shall:~~

~~(1) develop comprehensive rehabilitative prerelease services; and~~

~~(2) make these services available to inmates of a prerelease unit for women.~~

~~(b) The comprehensive rehabilitative prerelease services shall:~~

~~(1) assist inmates in improving their education, upgrading vocational skills, and obtaining suitable employment;~~

~~(2) provide inmates with the opportunity to strengthen family and community relationships through extended family leave;~~

~~(3) assist inmates in improving their physical and mental health and reducing any tendency to abuse alcohol or drugs; and~~

~~(4) provide appropriate counseling, instruction, supervision, and medical and psychological treatment as necessary to help inmates achieve stable and productive roles in society~~ the Commissioner of Correction shall:

(1) conduct a study on gender-based equity in prerelease programming and facilities in Maryland that examines:

(i) existing State and local prerelease programming and facilities in Maryland that are available to men and women;

(ii) the components of each prerelease program in Maryland;

(iii) the staffing of each prerelease program in Maryland, including the number of professional and nonprofessional consultants and the proportion of these staff members solely detailed to prerelease programs;

(iv) the number of persons currently classified as prerelease by age, sex, race, and ethnicity in each program;

(v) the types of training and employment offered at each prerelease program and the fees, if any, related to participation;

(vi) the housing type arrangements for each prerelease program;

(vii) the type of facilities associated with each prerelease program;

(viii) the process for receiving a prerelease classification;

(ix) the process for determining access to each prerelease program and placement into the program; and

(x) a comparison of the prerelease programs and facilities available in the State to men and women; and

(2) on or before January 1, 2020, report to the Governor and the General Assembly, in accordance with § 2-1246 of the State Government Article, on the results of the study.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 61

(House Bill 135)

AN ACT concerning

Criminal Law – Cruelty to Animals – ~~Seizure and Removal~~ Payment of Costs

FOR the purpose of ~~requiring a court to order the removal of a certain animal on the conviction of a certain owner or custodian of the animal of an act of cruelty to the animal; establishing that the ownership of a certain animal is transferred to a certain impounding agency under certain circumstances; authorizing an officer or authorized agent of a certain impounding agency to remove a certain animal under certain circumstances; requiring a certain impounding agency to post a certain notice to an animal's owner or a custodian under certain circumstances; requiring a certain impounding agency to make a reasonable attempt to provide certain notice to a certain person under certain circumstances; repealing a certain provision declaring an animal to be a stray under certain circumstances; authorizing the owner or custodian of a certain animal to petition the District Court for return of the animal at a certain time; requiring a certain petition to be served on a certain impounding agency; providing that a certain animal shall be considered forfeited to the impounding agency under certain circumstances; requiring the court to schedule a certain hearing at a certain time; requiring the court to make a certain determination at a certain hearing; requiring the court to order a certain person to post a certain bond for a certain time period under certain circumstances; requiring the court to determine the amount of a certain bond based on certain information at a certain hearing; requiring the court to order a certain new bond to be posted at a certain time under certain circumstances; providing that failure to post a certain bond within a certain time period shall result in the forfeiture of a certain animal; requiring the court to order the return of a certain animal to a certain owner or custodian under certain circumstances; establishing that the owner or custodian of an animal seized or removed under certain provisions of law is liable for certain costs relating to the care of the animal during a certain period; authorizing a certain impounding agency to draw certain funds from a certain bond at a certain time; requiring the unused portion of a certain bond to be returned to a certain person at a certain time; providing that a certain owner or custodian is entitled to a refund of certain costs paid under certain circumstances; providing that this Act does not allow an officer or agent of a certain impounding agency from entering a certain dwelling unless there is probable cause to believe that a certain act of animal cruelty is being or has been committed; defining a certain term; making certain conforming changes; authorizing a court to order a defendant convicted of a certain charge of animal cruelty, as a condition of sentencing, to pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant; and generally relating to animal cruelty.~~

BY repealing and reenacting, with amendments,
Article – Criminal Law

Section ~~10-615~~ 10-604, 10-607, and 10-608
 Annotated Code of Maryland
 (2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 10-606

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

(As enacted by Chapter 238 of the Acts of the General Assembly of 2018)

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

Article – Criminal Law

~~10-615.~~

~~(A) IN THIS SECTION, “IMPOUNDING AGENCY” MEANS A HUMANE SOCIETY, A LAW ENFORCEMENT AGENCY, OR ANY OTHER PUBLIC AGENCY THAT HAS THE PROTECTION OF ANIMALS AS A FUNCTION OF THE AGENCY.~~

~~[(a)] (B) (1) If an owner or custodian of an animal is convicted of an act of animal cruelty, AT THE TIME OF CONVICTION the court [may]:~~

~~(I) SHALL order the removal of the MISTREATED animal [or any other animal at the time of conviction] for the protection of the animal; AND~~

~~(II) MAY ORDER THE REMOVAL OF ANY OTHER ANIMAL FOR THE PROTECTION OF THE ANIMAL.~~

~~(2) OWNERSHIP OF AN ANIMAL THAT IS ORDERED TO BE REMOVED FROM AN OWNER OR A CUSTODIAN UNDER THIS SUBSECTION SHALL TRANSFER IMMEDIATELY TO THE IMPOUNDING AGENCY.~~

~~[(b)] (C) (1) An officer or authorized agent of [a humane society, or a police officer or other public official required to protect animals] AN IMPOUNDING AGENCY may [seize] REMOVE an animal if necessary to protect the animal from cruelty.~~

~~(2) (i) An animal that a medical and scientific research facility possesses may be removed under this subsection only after review by and a recommendation from the Maryland Department of Health, Center for Veterinary Public Health.~~

~~(ii) The Maryland Department of Health shall:~~

~~1. conduct an investigation within 24 hours after receiving a complaint; and~~

~~2. within 24 hours after completing the investigation, report to the State's Attorney for the county in which the facility is situated.~~

~~[(c)] (D) (1) If an animal is impounded, yarded, or confined without necessary food, water, or proper attention, is subject to cruelty, or is neglected, an officer or authorized agent of [a humane society, a police officer, another public official required to protect animals] AN IMPOUNDING AGENCY, or any invited and accompanying veterinarian licensed in the State, may:~~

~~(i) enter the place where the animal is located and supply the animal with necessary food, water, and attention; or~~

~~(ii) remove the animal if removal is necessary for the health of the animal.~~

~~(2) A person who enters a place under paragraph (1) of this subsection is not liable because of the entry.~~

~~[(d)] (1) A person who removed an animal under subsection (c) of this section shall notify the animal's owner or custodian of:~~

~~(i) the removal; and]~~

~~(E) (1) ON REMOVAL OF AN ANIMAL UNDER THIS SECTION, THE IMPOUNDING AGENCY SHALL POST IN A CONSPICUOUS PLACE AT THE LOCATION FROM WHICH THE ANIMAL WAS REMOVED A NOTICE TO THE ANIMAL'S OWNER OR CUSTODIAN THAT INCLUDES:~~

~~(I) A DESCRIPTION OF THE ANIMAL;~~

~~(II) THE STATUTORY AUTHORITY AND REASON FOR THE REMOVAL;~~

~~[(ii)] (III) any administrative remedies that may be available to the owner or custodian;~~

~~(IV) CONTACT INFORMATION FOR THE IMPOUNDING AGENCY, INCLUDING A NAME AND TELEPHONE NUMBER;~~

~~(V) A STATEMENT THAT, IF THE REMOVAL OF THE ANIMAL WAS JUSTIFIED, THE OWNER OR CUSTODIAN IS LIABLE FOR THE REASONABLE COSTS FOR THE CARE OF THE ANIMAL;~~

~~(VI) NOTICE OF THE RIGHT TO VOLUNTARILY FORFEIT THE ANIMAL TO THE IMPOUNDING AUTHORITY; AND~~

~~(VII) NOTICE OF THE RIGHT TO FILE A PETITION WITHIN 10 DAYS AFTER THE DATE OF THE NOTICE FOR THE RETURN OF THE ANIMAL IN THE DISTRICT COURT OF THE COUNTY IN WHICH THE REMOVAL OCCURRED.~~

~~[(2) If an administrative remedy is not available, the owner or custodian may file a petition for the return of the animal in the District Court of the county in which the removal occurred within 10 days after the removal.]~~

~~(2) IF THE PERSON WITH CUSTODY OF THE ANIMAL AT THE TIME OF THE REMOVAL IS NOT THE OWNER OF THE ANIMAL OR IF NO PERSON HAS CUSTODY OF THE ANIMAL AT THE TIME OF REMOVAL, THE IMPOUNDING AGENCY SHALL MAKE A REASONABLE ATTEMPT TO PROVIDE THE NOTICE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION TO THE OWNER OF THE ANIMAL.~~

~~(3) IF THE IDENTITY OF THE OWNER OR CUSTODIAN OF THE ANIMAL CANNOT BE ASCERTAINED WITHIN 10 DAYS AFTER THE REMOVAL OF THE ANIMAL, THE ANIMAL SHALL BE CONSIDERED ABANDONED AND OWNERSHIP SHALL BE TRANSFERRED TO THE IMPOUNDING AGENCY.~~

~~[(c) An animal is considered a stray if:~~

~~(1) an owner or custodian of the animal was notified under subsection (d) of this section and failed to file a petition within 10 days after removal; or~~

~~(2) the owner or custodian of the animal is unknown and cannot be ascertained by reasonable effort for 20 days to determine the owner or custodian.]~~

~~(F) (1) (i) THE OWNER OR CUSTODIAN OF AN ANIMAL REMOVED UNDER THIS SECTION MAY PETITION THE DISTRICT COURT IN THE COUNTY WHERE THE REMOVAL OCCURRED FOR THE RETURN OF THE ANIMAL WITHIN 10 DAYS AFTER THE SEIZURE OR REMOVAL.~~

~~(ii) A PETITION FILED UNDER THIS PARAGRAPH SHALL BE SERVED ON THE IMPOUNDING AGENCY.~~

~~(iii) IF THE OWNER OR CUSTODIAN FAILS TO FILE A PETITION UNDER THIS PARAGRAPH WITHIN 10 DAYS AFTER THE SEIZURE OR REMOVAL, THE ANIMAL SHALL BE CONSIDERED FORFEITED TO THE IMPOUNDING AGENCY.~~

~~(2) THE DISTRICT COURT SHALL SCHEDULE A HEARING WITHIN 14 DAYS AFTER THE FILING OF A PETITION UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

~~(3) (i) AT THE HEARING, THE DISTRICT COURT SHALL DETERMINE BY A PREPONDERANCE OF THE EVIDENCE IF THE ANIMAL WAS SUBJECT TO CRUELTY IN VIOLATION OF THIS SUBTITLE.~~

~~(ii) 1. IF A PREPONDERANCE OF THE EVIDENCE IS FOUND TO EXIST, THE DISTRICT COURT SHALL ORDER, IF REQUESTED BY THE IMPOUNDING AGENCY OR OTHER AGENCY CARING FOR THE ANIMAL, THE OWNER OR CUSTODIAN TO POST A BOND FOR THE REASONABLE COSTS OF CARE, AS DESCRIBED IN SUBSECTION (C)(1) OF THIS SECTION, FOR A 30-DAY PERIOD.~~

~~2. THE DISTRICT COURT SHALL DETERMINE THE AMOUNT OF THE BOND BASED ON INFORMATION PROVIDED BY THE IMPOUNDING AGENCY OR OTHER AGENCY CARING FOR THE ANIMAL AND MAY NOT BE BASED ON THE OWNER'S OR CUSTODIAN'S ABILITY TO PAY THE BOND.~~

~~3. IF A BOND IS POSTED, THE DISTRICT COURT SHALL ORDER A NEW BOND IN THE SAME AMOUNT TO BE POSTED EVERY 30 DAYS DURING THE PENDENCY OF ANY CRIMINAL TRIAL OR APPEAL RELATED TO THE REMOVAL OF THE ANIMAL.~~

~~4. FAILURE TO POST A BOND WITHIN 5 DAYS AFTER THE ORIGINAL ORDER DETERMINING THE BOND AMOUNT OR WITHIN 5 DAYS AFTER THE EXPIRATION OF EACH APPLICABLE 30-DAY PERIOD SHALL RESULT IN THE FORFEITURE OF THE ANIMAL TO THE IMPOUNDING AGENCY.~~

~~5. IF A PREPONDERANCE OF THE EVIDENCE IS NOT FOUND TO EXIST, THE DISTRICT COURT SHALL ORDER THE ANIMAL TO BE RETURNED TO THE OWNER OR CUSTODIAN.~~

~~(6) (1) THE OWNER OR CUSTODIAN OF AN ANIMAL REMOVED UNDER SUBSECTION (C) OR (D) OF THIS SECTION IS LIABLE FOR THE REASONABLE COSTS OF CARING FOR THE ANIMAL FROM THE TIME OF SEIZURE OR REMOVAL UNTIL THE ANIMAL IS FORFEITED TO THE IMPOUNDING AGENCY OR RETURNED TO THE OWNER OR CUSTODIAN, INCLUDING COSTS ASSOCIATED WITH:~~

~~(i) REMOVING THE ANIMAL;~~

~~(ii) TRANSPORTING THE ANIMAL FROM THE PLACE OF REMOVAL;~~

~~(III) PROVIDING MEDICAL CARE TO THE ANIMAL;~~

~~(IV) FEEDING THE ANIMAL;~~

~~(V) SHELTERING THE ANIMAL; AND~~

~~(VI) DISPOSING OF THE ANIMAL, IF NECESSARY.~~

~~(2) DURING THE PENDENCY OF ANY CRIMINAL TRIAL OR APPEAL RELATED TO THE REMOVAL OF THE ANIMAL, THE IMPOUNDING AGENCY MAY DRAW FUNDS EQUAL TO THE COSTS OF CARING FOR THE ANIMAL FROM A BOND POSTED IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION.~~

~~(3) ON THE FINAL DISPOSITION OF ANY RELATED CHARGE UNDER THIS SUBTITLE, THE UNUSED PORTION OF A BOND POSTED IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION SHALL BE RETURNED TO THE PERSON THAT POSTED THE BOND.~~

~~(4) IF THE OWNER OR CUSTODIAN IS FOUND NOT GUILTY OF ALL RELATED CHARGES UNDER THIS SUBTITLE, THE OWNER OR CUSTODIAN SHALL BE ENTITLED TO A REFUND OF ALL COSTS PAID IN ACCORDANCE WITH THIS SECTION.~~

~~[(f)] (H) This section does not allow AN OFFICER OR AN AUTHORIZED AGENT OF AN IMPOUNDING AGENCY:~~

~~(1) [entry] TO ENTER into a private dwelling UNLESS THERE IS PROBABLE CAUSE TO BELIEVE THAT AN ACT OF ANIMAL CRUELTY IS BEING COMMITTED OR HAS BEEN COMMITTED; or~~

~~(2) [removal of] TO REMOVE a farm animal without the prior recommendation of a veterinarian licensed in the State.~~

~~[(g)] (I) In Baltimore County, the Baltimore County Department of Health, Division of Animal Control or an organization that the Baltimore County government approves shall enforce this section.~~

10-604.

(a) A person may not:

(1) overdrive or overload an animal;

(2) deprive an animal of necessary sustenance;

(3) inflict unnecessary suffering or pain on an animal;

(4) cause, procure, or authorize an act prohibited under item (1), (2), or (3) of this subsection; or

(5) if the person has charge or custody of an animal, as owner or otherwise, unnecessarily fail to provide the animal with:

(i) nutritious food in sufficient quantity;

(ii) necessary veterinary care;

(iii) proper drink;

(iv) proper air;

(v) proper space;

(vi) proper shelter; or

(vii) proper protection from the weather.

(b) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$1,000 or both.

(2) As a condition of sentencing, the court may order a defendant convicted of violating this section to:

(I) participate in and pay for psychological counseling; AND

(II) PAY, IN ADDITION TO ANY OTHER FINES AND COSTS, ALL REASONABLE COSTS INCURRED IN REMOVING, HOUSING, TREATING, OR EUTHANIZING AN ANIMAL CONFISCATED FROM THE DEFENDANT.

(3) As a condition of probation, the court may prohibit a defendant from owning, possessing, or residing with an animal.

10-606.

(a) A person may not:

(1) intentionally:

(i) mutilate;

(ii) torture;

(iii) cruelly beat; or

(iv) cruelly kill an animal;

(2) cause, procure, or authorize an act prohibited under item (1) of this subsection; or

(3) except in the case of self-defense, intentionally inflict bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit.

(b) (1) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(2) As a condition of sentencing, the court may:

(i) order a defendant convicted of violating this section to:

1. participate in and pay for psychological counseling; AND

2. PAY, IN ADDITION TO ANY OTHER FINES AND COSTS, ALL REASONABLE COSTS INCURRED IN REMOVING, HOUSING, TREATING, OR EUTHANIZING AN ANIMAL CONFISCATED FROM THE DEFENDANT; and

(ii) prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.

10-607.

(a) In this section, "baiting" means using a dog to train a fighting dog or to test the fighting or killing instinct of another dog.

(b) A person may not:

(1) use or allow a dog to be used in a dogfight or for baiting;

(2) arrange or conduct a dogfight;

(3) possess, own, sell, transport, or train a dog with the intent to use the dog in a dogfight or for baiting; or

(4) knowingly allow premises under the person's ownership, charge, or control to be used to conduct a dogfight or for baiting.

(c) (1) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(2) As a condition of sentencing, the court may:

(i) order a defendant convicted of violating this section to:

1. participate in and pay for psychological counseling; AND

2. PAY, IN ADDITION TO ANY OTHER FINES AND COSTS, ALL REASONABLE COSTS INCURRED IN REMOVING, HOUSING, TREATING, OR EUTHANIZING AN ANIMAL CONFISCATED FROM THE DEFENDANT; and

(ii) prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.

10-608.

(a) (1) In this section, “implement of cockfighting” means any implement or device intended or designed:

(i) to enhance the fighting ability of a fowl, cock, or other bird; or

(ii) for use in a deliberately conducted event that uses a fowl, cock, or other bird to fight with another fowl, cock, or other bird.

(2) “Implement of cockfighting” includes:

(i) a gaff;

(ii) a slasher;

(iii) a postiza;

(iv) a sparring muff; and

(v) any other sharp implement designed to be attached in place of the natural spur of a gamecock or other fighting bird.

(b) A person may not:

(1) use or allow the use of a fowl, cock, or other bird to fight with another animal;

(2) possess, with the intent to unlawfully use, an implement of cockfighting;

(3) arrange or conduct a fight in which a fowl, cock, or other bird fights with another fowl, cock, or other bird;

(4) possess, own, sell, transport, or train a fowl, cock, or other bird with the intent to use the fowl, cock, or other bird in a cockfight; or

(5) knowingly allow premises under the person's ownership, charge, or control to be used to conduct a fight in which a fowl, cock, or other bird fights with another fowl, cock, or other bird.

(c) (1) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(2) As a condition of sentencing, the court may:

(i) order a defendant convicted of violating this section to:

1. participate in and pay for psychological counseling; AND

2. PAY, IN ADDITION TO ANY OTHER FINES AND COSTS, ALL REASONABLE COSTS INCURRED IN REMOVING, HOUSING, TREATING, OR EUTHANIZING AN ANIMAL CONFISCATED FROM THE DEFENDANT; and

(ii) prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 62

(Senate Bill 152)

AN ACT concerning

Criminal Law – Cruelty to Animals – ~~Seizure and Removal~~ Payment of Costs

~~FOR the purpose of requiring a court to order the removal of a certain animal on the conviction of a certain owner or custodian of the animal of an act of cruelty to the animal; establishing that the ownership of a certain animal is transferred to a certain impounding agency under certain circumstances; authorizing an officer or authorized agent of a certain impounding agency to remove a certain animal under certain circumstances; requiring a certain impounding agency to post a certain notice to an animal's owner or a custodian under certain circumstances; requiring a certain impounding agency to make a reasonable attempt to provide certain notice to a certain person under certain circumstances; repealing a certain provision declaring an animal to be a stray under certain circumstances; authorizing the owner or custodian of a certain animal to petition the District Court for return of the animal at a certain time; requiring a certain petition to be served on a certain impounding agency; providing that a certain animal shall be considered forfeited to the impounding agency under certain circumstances; requiring the court to schedule a certain hearing at a certain time; requiring the court to make a certain determination at a certain hearing; requiring the court to order a certain person to post a certain bond for a certain time period under certain circumstances; requiring the court to determine the amount of a certain bond based on certain information at a certain hearing; requiring the court to order a certain new bond to be posted at a certain time under certain circumstances; providing that failure to post a certain bond within a certain time period shall result in the forfeiture of a certain animal; requiring the court to order the return of a certain animal to a certain owner or custodian under certain circumstances; establishing that the owner or custodian of an animal seized or removed under certain provisions of law is liable for certain costs relating to the care of the animal during a certain period; authorizing a certain impounding agency to draw certain funds from a certain bond at a certain time; requiring the unused portion of a certain bond to be returned to a certain person at a certain time; providing that a certain owner or custodian is entitled to a refund of certain costs paid under certain circumstances; providing that this Act does not allow an officer or agent of a certain impounding agency from entering a certain dwelling unless there is probable cause to believe that a certain act of animal cruelty is being or has been committed; defining a certain term; making certain conforming changes; authorizing a court to order a defendant convicted of a certain charge of animal cruelty, as a condition of sentencing, to pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant; and generally relating to animal cruelty.~~

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section ~~10-615~~ 10-604, 10-607, and 10-608
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10-606
Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)
(As enacted by Chapter 238 of the Acts of the General Assembly of 2018)

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

Article – Criminal Law

~~10-615.~~

~~(A) IN THIS SECTION, “IMPOUNDING AGENCY” MEANS A HUMANE SOCIETY, A LAW ENFORCEMENT AGENCY, OR ANY OTHER PUBLIC AGENCY THAT HAS THE PROTECTION OF ANIMALS AS A FUNCTION OF THE AGENCY.~~

~~[(a)] (B) (1) If an owner or custodian of an animal is convicted of an act of animal cruelty, AT THE TIME OF CONVICTION the court [may]:~~

~~(i) SHALL order the removal of the MISTREATED animal [or any other animal at the time of conviction] for the protection of the animal; AND~~

~~(ii) MAY ORDER THE REMOVAL OF ANY OTHER ANIMAL FOR THE PROTECTION OF THE ANIMAL.~~

~~(2) OWNERSHIP OF AN ANIMAL THAT IS ORDERED TO BE REMOVED FROM AN OWNER OR A CUSTODIAN UNDER THIS SUBSECTION SHALL TRANSFER IMMEDIATELY TO THE IMPOUNDING AGENCY.~~

~~[(b)] (C) (1) An officer or authorized agent of [a humane society, or a police officer or other public official required to protect animals] AN IMPOUNDING AGENCY may [seize] REMOVE an animal if necessary to protect the animal from cruelty.~~

~~(2) (i) An animal that a medical and scientific research facility possesses may be removed under this subsection only after review by and a recommendation from the Maryland Department of Health, Center for Veterinary Public Health.~~

~~(ii) The Maryland Department of Health shall:~~

~~1. conduct an investigation within 24 hours after receiving a complaint; and~~

~~2. within 24 hours after completing the investigation, report to the State’s Attorney for the county in which the facility is situated.~~

~~[(c)] (D) (1) If an animal is impounded, yarded, or confined without necessary food, water, or proper attention, is subject to cruelty, or is neglected, an officer or authorized~~

~~agent of [a humane society, a police officer, another public official required to protect animals] AN IMPOUNDING AGENCY, or any invited and accompanying veterinarian licensed in the State, may:~~

~~(i) enter the place where the animal is located and supply the animal with necessary food, water, and attention; or~~

~~(ii) remove the animal if removal is necessary for the health of the animal.~~

~~(2) A person who enters a place under paragraph (1) of this subsection is not liable because of the entry.~~

~~[(d) (1) A person who removed an animal under subsection (c) of this section shall notify the animal's owner or custodian of:~~

~~(i) the removal; and]~~

~~(E) (1) ON REMOVAL OF AN ANIMAL UNDER THIS SECTION, THE IMPOUNDING AGENCY SHALL POST IN A CONSPICUOUS PLACE AT THE LOCATION FROM WHICH THE ANIMAL WAS REMOVED A NOTICE TO THE ANIMAL'S OWNER OR CUSTODIAN THAT INCLUDES:~~

~~(I) A DESCRIPTION OF THE ANIMAL;~~

~~(II) THE STATUTORY AUTHORITY AND REASON FOR THE REMOVAL;~~

~~[(ii)] (III) any administrative remedies that may be available to the owner or custodian;~~

~~(IV) CONTACT INFORMATION FOR THE IMPOUNDING AGENCY, INCLUDING A NAME AND TELEPHONE NUMBER;~~

~~(V) A STATEMENT THAT, IF THE REMOVAL OF THE ANIMAL WAS JUSTIFIED, THE OWNER OR CUSTODIAN IS LIABLE FOR THE REASONABLE COSTS FOR THE CARE OF THE ANIMAL;~~

~~(VI) NOTICE OF THE RIGHT TO VOLUNTARILY FORFEIT THE ANIMAL TO THE IMPOUNDING AUTHORITY; AND~~

~~(VII) NOTICE OF THE RIGHT TO FILE A PETITION WITHIN 10 DAYS AFTER THE DATE OF THE NOTICE FOR THE RETURN OF THE ANIMAL IN THE DISTRICT COURT OF THE COUNTY IN WHICH THE REMOVAL OCCURRED.~~

~~[(2) If an administrative remedy is not available, the owner or custodian may file a petition for the return of the animal in the District Court of the county in which the removal occurred within 10 days after the removal.]~~

~~(2) IF THE PERSON WITH CUSTODY OF THE ANIMAL AT THE TIME OF THE REMOVAL IS NOT THE OWNER OF THE ANIMAL OR IF NO PERSON HAS CUSTODY OF THE ANIMAL AT THE TIME OF REMOVAL, THE IMPOUNDING AGENCY SHALL MAKE A REASONABLE ATTEMPT TO PROVIDE THE NOTICE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION TO THE OWNER OF THE ANIMAL.~~

~~(3) IF THE IDENTITY OF THE OWNER OR CUSTODIAN OF THE ANIMAL CANNOT BE ASCERTAINED WITHIN 10 DAYS AFTER THE REMOVAL OF THE ANIMAL, THE ANIMAL SHALL BE CONSIDERED ABANDONED AND OWNERSHIP SHALL BE TRANSFERRED TO THE IMPOUNDING AGENCY.~~

~~[(e) An animal is considered a stray if:~~

~~(1) an owner or custodian of the animal was notified under subsection (d) of this section and failed to file a petition within 10 days after removal; or~~

~~(2) the owner or custodian of the animal is unknown and cannot be ascertained by reasonable effort for 20 days to determine the owner or custodian.]~~

~~(F) (1) (i) THE OWNER OR CUSTODIAN OF AN ANIMAL REMOVED UNDER THIS SECTION MAY PETITION THE DISTRICT COURT IN THE COUNTY WHERE THE REMOVAL OCCURRED FOR THE RETURN OF THE ANIMAL WITHIN 10 DAYS AFTER THE SEIZURE OR REMOVAL.~~

~~(ii) A PETITION FILED UNDER THIS PARAGRAPH SHALL BE SERVED ON THE IMPOUNDING AGENCY.~~

~~(iii) IF THE OWNER OR CUSTODIAN FAILS TO FILE A PETITION UNDER THIS PARAGRAPH WITHIN 10 DAYS AFTER THE SEIZURE OR REMOVAL, THE ANIMAL SHALL BE CONSIDERED FORFEITED TO THE IMPOUNDING AGENCY.~~

~~(2) THE DISTRICT COURT SHALL SCHEDULE A HEARING WITHIN 14 DAYS AFTER THE FILING OF A PETITION UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

~~(3) (i) AT THE HEARING, THE DISTRICT COURT SHALL DETERMINE BY A PREPONDERANCE OF THE EVIDENCE IF THE ANIMAL WAS SUBJECT TO CRUELTY IN VIOLATION OF THIS SUBTITLE.~~

~~(H) 1. IF A PREPONDERANCE OF THE EVIDENCE IS FOUND TO EXIST, THE DISTRICT COURT SHALL ORDER, IF REQUESTED BY THE IMPOUNDING AGENCY OR OTHER AGENCY CARING FOR THE ANIMAL, THE OWNER OR CUSTODIAN TO POST A BOND FOR THE REASONABLE COSTS OF CARE, AS DESCRIBED IN SUBSECTION (C)(1) OF THIS SECTION, FOR A 30-DAY PERIOD.~~

~~2. THE DISTRICT COURT SHALL DETERMINE THE AMOUNT OF THE BOND BASED ON INFORMATION PROVIDED BY THE IMPOUNDING AGENCY OR OTHER AGENCY CARING FOR THE ANIMAL AND MAY NOT BE BASED ON THE OWNER'S OR CUSTODIAN'S ABILITY TO PAY THE BOND.~~

~~3. IF A BOND IS POSTED, THE DISTRICT COURT SHALL ORDER A NEW BOND IN THE SAME AMOUNT TO BE POSTED EVERY 30 DAYS DURING THE PENDENCY OF ANY CRIMINAL TRIAL OR APPEAL RELATED TO THE REMOVAL OF THE ANIMAL.~~

~~4. FAILURE TO POST A BOND WITHIN 5 DAYS AFTER THE ORIGINAL ORDER DETERMINING THE BOND AMOUNT OR WITHIN 5 DAYS AFTER THE EXPIRATION OF EACH APPLICABLE 30-DAY PERIOD SHALL RESULT IN THE FORFEITURE OF THE ANIMAL TO THE IMPOUNDING AGENCY.~~

~~5. IF A PREPONDERANCE OF THE EVIDENCE IS NOT FOUND TO EXIST, THE DISTRICT COURT SHALL ORDER THE ANIMAL TO BE RETURNED TO THE OWNER OR CUSTODIAN.~~

~~(G) (1) THE OWNER OR CUSTODIAN OF AN ANIMAL REMOVED UNDER SUBSECTION (C) OR (D) OF THIS SECTION IS LIABLE FOR THE REASONABLE COSTS OF CARING FOR THE ANIMAL FROM THE TIME OF SEIZURE OR REMOVAL UNTIL THE ANIMAL IS FORFEITED TO THE IMPOUNDING AGENCY OR RETURNED TO THE OWNER OR CUSTODIAN, INCLUDING COSTS ASSOCIATED WITH:~~

~~(i) REMOVING THE ANIMAL;~~

~~(ii) TRANSPORTING THE ANIMAL FROM THE PLACE OF REMOVAL;~~

~~(iii) PROVIDING MEDICAL CARE TO THE ANIMAL;~~

~~(iv) FEEDING THE ANIMAL;~~

~~(v) SHELTERING THE ANIMAL; AND~~

~~(vi) DISPOSING OF THE ANIMAL, IF NECESSARY.~~

~~(2) DURING THE PENDENCY OF ANY CRIMINAL TRIAL OR APPEAL RELATED TO THE REMOVAL OF THE ANIMAL, THE IMPOUNDING AGENCY MAY DRAW FUNDS EQUAL TO THE COSTS OF CARING FOR THE ANIMAL FROM A BOND POSTED IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION.~~

~~(3) ON THE FINAL DISPOSITION OF ANY RELATED CHARGE UNDER THIS SUBTITLE, THE UNUSED PORTION OF A BOND POSTED IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION SHALL BE RETURNED TO THE PERSON THAT POSTED THE BOND.~~

~~(4) IF THE OWNER OR CUSTODIAN IS FOUND NOT GUILTY OF ALL RELATED CHARGES UNDER THIS SUBTITLE, THE OWNER OR CUSTODIAN SHALL BE ENTITLED TO A REFUND OF ALL COSTS PAID IN ACCORDANCE WITH THIS SECTION.~~

~~[(f)] (H) This section does not allow AN OFFICER OR AN AUTHORIZED AGENT OF AN IMPOUNDING AGENCY:~~

~~(1) [entry] TO ENTER into a private dwelling UNLESS THERE IS PROBABLE CAUSE TO BELIEVE THAT AN ACT OF ANIMAL CRUELTY IS BEING COMMITTED OR HAS BEEN COMMITTED; or~~

~~(2) [removal of] TO REMOVE a farm animal without the prior recommendation of a veterinarian licensed in the State.~~

~~[(g)] (I) In Baltimore County, the Baltimore County Department of Health, Division of Animal Control or an organization that the Baltimore County government approves shall enforce this section.~~

10-604.

(a) A person may not:

(1) overdrive or overload an animal;

(2) deprive an animal of necessary sustenance;

(3) inflict unnecessary suffering or pain on an animal;

(4) cause, procure, or authorize an act prohibited under item (1), (2), or (3) of this subsection; or

(5) if the person has charge or custody of an animal, as owner or otherwise, unnecessarily fail to provide the animal with:

(i) nutritious food in sufficient quantity;

- (ii) necessary veterinary care;
- (iii) proper drink;
- (iv) proper air;
- (v) proper space;
- (vi) proper shelter; or
- (vii) proper protection from the weather.

(b) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$1,000 or both.

(2) As a condition of sentencing, the court may order a defendant convicted of violating this section to:

(I) participate in and pay for psychological counseling; AND

(II) PAY, IN ADDITION TO ANY OTHER FINES AND COSTS, ALL REASONABLE COSTS INCURRED IN REMOVING, HOUSING, TREATING, OR EUTHANIZING AN ANIMAL CONFISCATED FROM THE DEFENDANT.

(3) As a condition of probation, the court may prohibit a defendant from owning, possessing, or residing with an animal.

10-606.

(a) A person may not:

(1) intentionally:

(i) mutilate;

(ii) torture;

(iii) cruelly beat; or

(iv) cruelly kill an animal;

(2) cause, procure, or authorize an act prohibited under item (1) of this subsection; or

(3) except in the case of self-defense, intentionally inflict bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit.

(b) (1) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(2) As a condition of sentencing, the court may:

(i) order a defendant convicted of violating this section to:

1. participate in and pay for psychological counseling; AND

2. PAY, IN ADDITION TO ANY OTHER FINES AND COSTS, ALL REASONABLE COSTS INCURRED IN REMOVING, HOUSING, TREATING, OR EUTHANIZING AN ANIMAL CONFISCATED FROM THE DEFENDANT; and

(ii) prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.

10-607.

(a) In this section, "baiting" means using a dog to train a fighting dog or to test the fighting or killing instinct of another dog.

(b) A person may not:

(1) use or allow a dog to be used in a dogfight or for baiting;

(2) arrange or conduct a dogfight;

(3) possess, own, sell, transport, or train a dog with the intent to use the dog in a dogfight or for baiting; or

(4) knowingly allow premises under the person's ownership, charge, or control to be used to conduct a dogfight or for baiting.

(c) (1) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(2) As a condition of sentencing, the court may:

(i) order a defendant convicted of violating this section to:

1. participate in and pay for psychological counseling; AND

2. PAY, IN ADDITION TO ANY OTHER FINES AND COSTS, ALL REASONABLE COSTS INCURRED IN REMOVING, HOUSING, TREATING, OR EUTHANIZING AN ANIMAL CONFISCATED FROM THE DEFENDANT; and

(ii) prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.

10-608.

(a) (1) In this section, “implement of cockfighting” means any implement or device intended or designed:

(i) to enhance the fighting ability of a fowl, cock, or other bird; or

(ii) for use in a deliberately conducted event that uses a fowl, cock, or other bird to fight with another fowl, cock, or other bird.

(2) “Implement of cockfighting” includes:

(i) a gaff;

(ii) a slasher;

(iii) a postiza;

(iv) a sparring muff; and

(v) any other sharp implement designed to be attached in place of the natural spur of a gamecock or other fighting bird.

(b) A person may not:

(1) use or allow the use of a fowl, cock, or other bird to fight with another animal;

(2) possess, with the intent to unlawfully use, an implement of cockfighting;

(3) arrange or conduct a fight in which a fowl, cock, or other bird fights with another fowl, cock, or other bird;

(4) possess, own, sell, transport, or train a fowl, cock, or other bird with the intent to use the fowl, cock, or other bird in a cockfight; or

(5) knowingly allow premises under the person's ownership, charge, or control to be used to conduct a fight in which a fowl, cock, or other bird fights with another fowl, cock, or other bird.

(c) (1) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(2) As a condition of sentencing, the court may:

(i) order a defendant convicted of violating this section to:

1. participate in and pay for psychological counseling; AND

2. PAY, IN ADDITION TO ANY OTHER FINES AND COSTS, ALL REASONABLE COSTS INCURRED IN REMOVING, HOUSING, TREATING, OR EUTHANIZING AN ANIMAL CONFISCATED FROM THE DEFENDANT; and

(ii) prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 63

(House Bill 939)

AN ACT concerning

Vehicle Laws – Electric Bicycles – Equipment and Operation

FOR the purpose of establishing certain classes of electric bicycles; clarifying that electric bicycles are not included in the definition of “off-highway recreational vehicle”; establishing that electric bicycles may be operated in any place where bicycles are allowed to travel, subject to certain restrictions; prohibiting a person under a certain age from operating a certain electric bicycle on a public highway; authorizing a person under a certain age to ride as a passenger on a certain electric bicycle under certain circumstances; requiring manufacturers and distributors to apply a certain label in a certain manner to electric bicycles beginning on a certain date; prohibiting a person from tampering with or modifying an electric bicycle in a certain manner under certain circumstances; requiring electric bicycles to comply with certain

federal regulations governing bicycle equipment and manufacturing; requiring the electric motor of an electric bicycle to disengage or cease to function under certain circumstances; requiring certain electric bicycles to be equipped with a speedometer; altering certain definitions; and generally relating to equipment for and the operation of electric bicycles.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 11–117.1 and 11–140.1(b)

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY adding to

Article – Transportation

Section 21–1205.2 and 22–420

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

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

Article – Transportation

11–117.1.

(A) “Electric bicycle” means a vehicle that:

(1) Is designed to be operated by human power with the assistance of an electric motor;

(2) Is equipped with fully operable pedals;

(3) Has two or three wheels;

(4) Has a motor with a rating of ~~500~~ **750** watts or less; and

(5) ~~[Is capable of a maximum speed of 20 miles per hour on a level surface when powered by the motor]~~ **MEETS ONE OF THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.**

(B) (1) A CLASS 1 ELECTRIC BICYCLE IS EQUIPPED WITH A MOTOR THAT PROVIDES ASSISTANCE ONLY WHEN THE RIDER IS PEDALING AND CEASES TO PROVIDE ASSISTANCE WHEN THE BICYCLE REACHES A SPEED OF 20 MILES PER HOUR.

(2) A CLASS 2 ELECTRIC BICYCLE IS EQUIPPED WITH A MOTOR THAT PROVIDES ASSISTANCE WHETHER OR NOT THE RIDER IS PEDALING THE BICYCLE AND CEASES TO PROVIDE ASSISTANCE WHEN THE BICYCLE REACHES A SPEED OF 20 MILES PER HOUR.

(3) A CLASS 3 ELECTRIC BICYCLE IS EQUIPPED WITH A MOTOR THAT PROVIDES ASSISTANCE ONLY WHEN THE RIDER IS PEDALING AND CEASES TO PROVIDE ASSISTANCE WHEN THE BICYCLE REACHES A SPEED OF 28 MILES PER HOUR.

11-140.1.

(b) “Off-highway recreational vehicle” does not include:

(1) A farm vehicle as defined in § 13-911 of this article when used exclusively on farm property by a farmer; [or]

(2) Any vehicle when used on residential property for the purpose of landscaping, gardening, or lawn care; **OR**

(3) AN ELECTRIC BICYCLE.

21-1205.2.

(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ELECTRIC BICYCLES MAY BE OPERATED WHERE BICYCLES ARE ALLOWED TO TRAVEL, INCLUDING BIKE LANES.

(2) (I) A LOCAL AUTHORITY OR STATE AGENCY THAT HAS JURISDICTION OVER A BICYCLE PATH MAY PROHIBIT THE OPERATION OF A CLASS 1 OR CLASS 2 ELECTRIC BICYCLE ON THE BICYCLE PATH.

(II) A CLASS 3 ELECTRIC BICYCLE MAY NOT BE OPERATED ON A BICYCLE PATH UNLESS:

1. THE BICYCLE PATH IS WITHIN OR ADJACENT TO A HIGHWAY RIGHT-OF-WAY; OR

2. ALLOWED BY A LOCAL AUTHORITY OR STATE AGENCY WITH JURISDICTION OVER THE BICYCLE PATH.

(III) A LOCAL AUTHORITY OR STATE AGENCY WITH JURISDICTION OVER A TRAIL MAY REGULATE THE USE OF ELECTRIC BICYCLES OF ANY CLASS ON A TRAIL DESIGNATED AS NONMOTORIZED IF THE TRAIL HAS A

NATURAL SURFACE TREAD MADE BY CLEARING AND GRADING NATIVE SOIL WITH NO ADDED SURFACING MATERIALS.

(B) (1) A PERSON UNDER THE AGE OF 16 YEARS MAY NOT OPERATE A CLASS 3 ELECTRIC BICYCLE ON A PUBLIC HIGHWAY.

(2) A PERSON UNDER THE AGE OF 16 YEARS MAY RIDE AS A PASSENGER ON A CLASS 3 ELECTRIC BICYCLE THAT IS DESIGNED TO ACCOMMODATE PASSENGERS.

22-420.

(A) (1) BEGINNING JANUARY 1, 2020, MANUFACTURERS AND DISTRIBUTORS OF ELECTRIC BICYCLES SHALL APPLY IN A PROMINENT LOCATION A STANDARDIZED LABEL THAT IS PERMANENTLY AFFIXED TO EACH ELECTRIC BICYCLE.

(2) THE LABEL REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE PRINTED IN ARIAL FONT IN AT LEAST 9 POINT TYPE AND CONTAIN FOR THE ELECTRIC BICYCLE:

- (I) THE CLASSIFICATION;
- (II) THE TOP ASSISTED SPEED; AND
- (III) THE MOTOR WATTAGE.

(B) A PERSON MAY NOT TAMPER WITH OR MODIFY AN ELECTRIC BICYCLE IN A MANNER THAT CHANGES THE MOTOR-POWERED SPEED CAPABILITY OF THE ELECTRIC BICYCLE UNLESS THE PERSON CORRECTS THE CLASSIFICATION ON THE LABEL REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.

(C) AN ELECTRIC BICYCLE SHALL COMPLY WITH THE EQUIPMENT AND MANUFACTURING REQUIREMENTS FOR BICYCLES ADOPTED BY THE FEDERAL CONSUMER PRODUCT SAFETY COMMISSION UNDER 16 C.F.R. § 1512.

(D) ~~(1)~~ AN ELECTRIC BICYCLE SHALL OPERATE IN A MANNER SO THAT THE ELECTRIC MOTOR IS DISENGAGED OR CEASES TO FUNCTION:

- (1) ~~WHEN~~ WHEN THE BRAKES ARE APPLIED; OR
- (2) FOR A CLASS 1 OR CLASS 3 ELECTRIC BICYCLE, WHEN THE OPERATOR STOPS PEDALING.

~~(2) A CLASS 1 OR CLASS 3 ELECTRIC BICYCLE SHALL OPERATE IN A MANNER SO THAT THE ELECTRIC MOTOR IS DISENGAGED OR CEASES TO FUNCTION WHEN THE OPERATOR STOPS PEDALING.~~

(E) A CLASS 3 ELECTRIC BICYCLE SHALL BE EQUIPPED WITH A SPEEDOMETER THAT DISPLAYS THE SPEED OF THE ELECTRIC BICYCLE IN MILES PER HOUR.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 64

(Senate Bill 935)

AN ACT concerning

Vehicle Laws – Electric Bicycles – Equipment and Operation

FOR the purpose of establishing certain classes of electric bicycles; clarifying that electric bicycles are not included in the definition of “off-highway recreational vehicle”; establishing that electric bicycles may be operated in any place where bicycles are allowed to travel, subject to certain restrictions; prohibiting a person under a certain age from operating a certain electric bicycle on a public highway; authorizing a person under a certain age to ride as a passenger on a certain electric bicycle under certain circumstances; requiring manufacturers and distributors to apply a certain label in a certain manner to electric bicycles beginning on a certain date; prohibiting a person from tampering with or modifying an electric bicycle in a certain manner under certain circumstances; requiring electric bicycles to comply with certain federal regulations governing bicycle equipment and manufacturing; requiring the electric motor of an electric bicycle to disengage or cease to function under certain circumstances; requiring certain electric bicycles to be equipped with a speedometer; altering certain definitions; and generally relating to equipment for and the operation of electric bicycles.

BY repealing and reenacting, with amendments,
 Article – Transportation
 Section 11-117.1 and 11-140.1(b)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2018 Supplement)

BY adding to

Article – Transportation

Section 21–1205.2 and 22–420

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

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

Article – Transportation

11–117.1.

(A) “Electric bicycle” means a vehicle that:

- (1) Is designed to be operated by human power with the assistance of an electric motor;
- (2) Is equipped with fully operable pedals;
- (3) Has two or three wheels;
- (4) Has a motor with a rating of [500] **750** watts or less; and
- (5) [Is capable of a maximum speed of 20 miles per hour on a level surface when powered by the motor] **MEETS ONE OF THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.**

(B) (1) A CLASS 1 ELECTRIC BICYCLE IS EQUIPPED WITH A MOTOR THAT PROVIDES ASSISTANCE ONLY WHEN THE RIDER IS PEDALING AND CEASES TO PROVIDE ASSISTANCE WHEN THE BICYCLE REACHES A SPEED OF 20 MILES PER HOUR.

(2) A CLASS 2 ELECTRIC BICYCLE IS EQUIPPED WITH A MOTOR THAT PROVIDES ASSISTANCE WHETHER OR NOT THE RIDER IS PEDALING THE BICYCLE AND CEASES TO PROVIDE ASSISTANCE WHEN THE BICYCLE REACHES A SPEED OF 20 MILES PER HOUR.

(3) A CLASS 3 ELECTRIC BICYCLE IS EQUIPPED WITH A MOTOR THAT PROVIDES ASSISTANCE ONLY WHEN THE RIDER IS PEDALING AND CEASES TO PROVIDE ASSISTANCE WHEN THE BICYCLE REACHES A SPEED OF 28 MILES PER HOUR.

11–140.1.

(b) “Off-highway recreational vehicle” does not include:

(1) A farm vehicle as defined in § 13-911 of this article when used exclusively on farm property by a farmer; [or]

(2) Any vehicle when used on residential property for the purpose of landscaping, gardening, or lawn care; OR

(3) AN ELECTRIC BICYCLE.

21-1205.2.

(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ELECTRIC BICYCLES MAY BE OPERATED WHERE BICYCLES ARE ALLOWED TO TRAVEL, INCLUDING BIKE LANES.

(2) (I) A LOCAL AUTHORITY OR STATE AGENCY THAT HAS JURISDICTION OVER A BICYCLE PATH MAY PROHIBIT THE OPERATION OF A CLASS 1 OR CLASS 2 ELECTRIC BICYCLE ON THE BICYCLE PATH.

(II) A CLASS 3 ELECTRIC BICYCLE MAY NOT BE OPERATED ON A BICYCLE PATH UNLESS:

1. THE BICYCLE PATH IS WITHIN OR ADJACENT TO A HIGHWAY RIGHT-OF-WAY; OR

2. ALLOWED BY A LOCAL AUTHORITY OR STATE AGENCY WITH JURISDICTION OVER THE BICYCLE PATH.

(III) A LOCAL AUTHORITY OR STATE AGENCY WITH JURISDICTION OVER A TRAIL MAY REGULATE THE USE OF ELECTRIC BICYCLES OF ANY CLASS ON A TRAIL DESIGNATED AS NONMOTORIZED IF THE TRAIL HAS A NATURAL SURFACE TREAD MADE BY CLEARING AND GRADING NATIVE SOIL WITH NO ADDED SURFACING MATERIALS.

(B) (1) A PERSON UNDER THE AGE OF 16 YEARS MAY NOT OPERATE A CLASS 3 ELECTRIC BICYCLE ON A PUBLIC HIGHWAY.

(2) A PERSON UNDER THE AGE OF 16 YEARS MAY RIDE AS A PASSENGER ON A CLASS 3 ELECTRIC BICYCLE THAT IS DESIGNED TO ACCOMMODATE PASSENGERS.

22-420.

(A) (1) BEGINNING JANUARY 1, 2020, MANUFACTURERS AND DISTRIBUTORS OF ELECTRIC BICYCLES SHALL APPLY IN A PROMINENT LOCATION A STANDARDIZED LABEL THAT IS PERMANENTLY AFFIXED TO EACH ELECTRIC BICYCLE.

(2) THE LABEL REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE PRINTED IN ARIAL FONT IN AT LEAST 9 POINT TYPE AND CONTAIN FOR THE ELECTRIC BICYCLE:

- (I) THE CLASSIFICATION;
- (II) THE TOP ASSISTED SPEED; AND
- (III) THE MOTOR WATTAGE.

(B) A PERSON MAY NOT TAMPER WITH OR MODIFY AN ELECTRIC BICYCLE IN A MANNER THAT CHANGES THE MOTOR-POWERED SPEED CAPABILITY OF THE ELECTRIC BICYCLE UNLESS THE PERSON CORRECTS THE CLASSIFICATION ON THE LABEL REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.

(C) AN ELECTRIC BICYCLE SHALL COMPLY WITH THE EQUIPMENT AND MANUFACTURING REQUIREMENTS FOR BICYCLES ADOPTED BY THE FEDERAL CONSUMER PRODUCT SAFETY COMMISSION UNDER 16 C.F.R. § 1512.

(D) ~~(1)~~ AN ELECTRIC BICYCLE SHALL OPERATE IN A MANNER SO THAT THE ELECTRIC MOTOR IS DISENGAGED OR CEASES TO FUNCTION:

(1) ~~WHEN~~ WHEN THE BRAKES ARE APPLIED; OR

(2) FOR A CLASS 1 OR CLASS 3 ELECTRIC BICYCLE, WHEN THE OPERATOR STOPS PEDALING.

~~(2) A CLASS 1 OR CLASS 3 ELECTRIC BICYCLE SHALL OPERATE IN A MANNER SO THAT THE ELECTRIC MOTOR IS DISENGAGED OR CEASES TO FUNCTION WHEN THE OPERATOR STOPS PEDALING.~~

(E) A CLASS 3 ELECTRIC BICYCLE SHALL BE EQUIPPED WITH A SPEEDOMETER THAT DISPLAYS THE SPEED OF THE ELECTRIC BICYCLE IN MILES PER HOUR.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 65

(House Bill 55)

AN ACT concerning

Transportation – Ignition Interlock ~~Devices~~ System – Definition

FOR the purpose of altering the definition of “ignition interlock system” to require that an ignition interlock ~~device~~ system be equipped with a certain camera ~~capable of recording the image of the driver of the motor vehicle in which the device is installed;~~ and generally relating to ignition interlock ~~devices~~ systems.

BY repealing and reenacting, with amendments,
 Article – Transportation
 Section 21–902.2(a)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2018 Supplement)

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

Article – Transportation

21–902.2.

(a) In this section, “ignition interlock system” means a device that:

(1) Connects a motor vehicle ignition system to a breath analyzer that measures a ~~driver’s~~ PERSON’S blood alcohol level; [and]

(2) Prevents a motor vehicle ignition from starting if a ~~driver’s~~ PERSON’S blood alcohol level exceeds the calibrated setting on the device; AND

(3) HAS A CAMERA ~~CAPABLE:~~

(I) WITH THE CAPABILITY OF RECORDING ~~THE IMAGE OF THE DRIVER OF THE MOTOR VEHICLE IN WHICH THE DEVICE IS INSTALLED~~ STILL IMAGES OF THE PERSON TAKING THE TEST OF THE PERSON’S BLOOD ALCOHOL LEVEL;

(II) WITHOUT THE CAPABILITY TO RECORD SOUND;

(III) WITHOUT THE CAPABILITY TO RECORD VIDEO; AND

(IV) THAT RECORDS IMAGES ONLY WHILE THE DEVICE IS TESTING THE BLOOD ALCOHOL LEVEL OF THE PERSON TAKING THE TEST OR IF THE DEVICE IS BEING TAMPERED WITH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 66

(Senate Bill 245)

AN ACT concerning

Transportation – Ignition Interlock ~~Devices~~ System – Definition

FOR the purpose of altering the definition of “ignition interlock system” to require that an ignition interlock ~~device system~~ be equipped with a certain camera ~~capable of recording the image of the driver of the motor vehicle in which the device is installed;~~ and generally relating to ignition interlock ~~devices~~ systems.

BY repealing and reenacting, with amendments,
 Article – Transportation
 Section 21–902.2(a)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2018 Supplement)

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

Article – Transportation

21–902.2.

(a) In this section, “ignition interlock system” means a device that:

(1) Connects a motor vehicle ignition system to a breath analyzer that measures a ~~driver’s~~ PERSON’S blood alcohol level; [and]

(2) Prevents a motor vehicle ignition from starting if a ~~driver’s~~ PERSON’S blood alcohol level exceeds the calibrated setting on the device; AND

(3) HAS A CAMERA ~~CAPABLE~~:

(I) WITH THE CAPABILITY OF RECORDING THE IMAGE OF THE DRIVER OF THE MOTOR VEHICLE IN WHICH THE DEVICE IS INSTALLED STILL IMAGES OF THE PERSON TAKING THE TEST OF THE PERSON'S BLOOD ALCOHOL LEVEL;

(II) WITHOUT THE CAPABILITY TO RECORD SOUND;

(III) WITHOUT THE CAPABILITY TO RECORD VIDEO; AND

(IV) THAT RECORDS IMAGES ONLY WHILE THE DEVICE IS TESTING THE BLOOD ALCOHOL LEVEL OF THE PERSON TAKING THE TEST OR IF THE DEVICE IS BEING TAMPERED WITH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 67

(House Bill 387)

AN ACT concerning

**Income Tax – Subtraction Modification – Maryland Transportation Authority
Police**

FOR the purpose of altering a subtraction modification under the Maryland income tax for certain law enforcement officers to include law enforcement officers who are members of the Maryland Transportation Authority Police and reside in a political subdivision with a certain crime rate; providing for the application of this Act; and generally relating to a subtraction modification under the Maryland income tax for members of the Maryland Transportation Authority Police.

BY repealing and reenacting, without amendments,

Article – Tax – General

Section 10–207(a)

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 10–207(cc)

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)

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

Article – Tax – General

10–207.

(a) To the extent included in federal adjusted gross income, the amounts under this section are subtracted from the federal adjusted gross income of a resident to determine Maryland adjusted gross income.

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

(ii) “Law enforcement agency” has the meaning stated in § 3–201 of the Public Safety Article.

(iii) “Law enforcement officer” means an individual who:

1. in an official capacity is authorized by law to make arrests;
- and
2. is a member of a law enforcement agency, including a law enforcement officer who serves in a probationary status or at the pleasure of the appointing authority of a county or municipal corporation.

(iv) “Maryland Police Training and Standards Commission” means the unit established under § 3–202 of the Public Safety Article.

(2) The subtraction under subsection (a) of this section includes the first \$5,000 of income earned by a law enforcement officer if:

(i) 1. the law enforcement officer resides in the political subdivision in which the law enforcement officer is employed; and

[(ii)] 2. the crime rate in the political subdivision exceeds the State’s crime rate; **OR**

(II) 1. THE LAW ENFORCEMENT OFFICER IS A MEMBER OF THE MARYLAND TRANSPORTATION AUTHORITY POLICE; AND

2. THE LAW ENFORCEMENT OFFICER RESIDES IN A POLITICAL SUBDIVISION IN WHICH THE CRIME RATE EXCEEDS THE STATE’S CRIME RATE.

(3) On or before September 1, 2016, and every 3 years thereafter, the Maryland Police Training and Standards Commission shall certify to the Comptroller the political subdivisions in which the crime rate exceeds the State's crime rate.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019, and shall be applicable to all taxable years beginning after December 31, 2018.

Approved by the Governor, April 18, 2019.

Chapter 68

(Senate Bill 477)

AN ACT concerning

**Income Tax – Subtraction Modification – Maryland Transportation Authority
Police**

FOR the purpose of altering a subtraction modification under the Maryland income tax for certain law enforcement officers to include law enforcement officers who are members of the Maryland Transportation Authority Police and reside in a political subdivision with a certain crime rate; providing for the application of this Act; and generally relating to a subtraction modification under the Maryland income tax for members of the Maryland Transportation Authority Police.

BY repealing and reenacting, without amendments,
 Article – Tax – General
 Section 10–207(a)
 Annotated Code of Maryland
 (2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
 Article – Tax – General
 Section 10–207(cc)
 Annotated Code of Maryland
 (2016 Replacement Volume and 2018 Supplement)

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

Article – Tax – General

10–207.

(a) To the extent included in federal adjusted gross income, the amounts under this section are subtracted from the federal adjusted gross income of a resident to determine Maryland adjusted gross income.

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

(ii) “Law enforcement agency” has the meaning stated in § 3–201 of the Public Safety Article.

(iii) “Law enforcement officer” means an individual who:

1. in an official capacity is authorized by law to make arrests; and
2. is a member of a law enforcement agency, including a law enforcement officer who serves in a probationary status or at the pleasure of the appointing authority of a county or municipal corporation.

(iv) “Maryland Police Training and Standards Commission” means the unit established under § 3–202 of the Public Safety Article.

(2) The subtraction under subsection (a) of this section includes the first \$5,000 of income earned by a law enforcement officer if:

(i) 1. the law enforcement officer resides in the political subdivision in which the law enforcement officer is employed; and

[(ii)] 2. the crime rate in the political subdivision exceeds the State’s crime rate; OR

(II) 1. THE LAW ENFORCEMENT OFFICER IS A MEMBER OF THE MARYLAND TRANSPORTATION AUTHORITY POLICE; AND

2. THE LAW ENFORCEMENT OFFICER RESIDES IN A POLITICAL SUBDIVISION IN WHICH THE CRIME RATE EXCEEDS THE STATE’S CRIME RATE.

(3) On or before September 1, 2016, and every 3 years thereafter, the Maryland Police Training and Standards Commission shall certify to the Comptroller the political subdivisions in which the crime rate exceeds the State’s crime rate.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019, and shall be applicable to all taxable years beginning after December 31, 2018.

Approved by the Governor, April 18, 2019.

Chapter 69**(House Bill 459)**

AN ACT concerning

Anne Arundel County – Alcohol Awareness

FOR the purpose of requiring in Anne Arundel County a holder of certain alcoholic beverages licenses or an individual designated by the license holder who is employed in a supervisory capacity to be certified by an approved alcohol awareness program and to be present on the licensed premises at all times when alcoholic beverages may be sold; providing certain penalties; and generally relating to holders of alcoholic beverages licenses in Anne Arundel County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 11–102
Annotated Code of Maryland
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 11–1901
Annotated Code of Maryland
(2016 Volume and 2018 Supplement)

BY adding to
Article – Alcoholic Beverages
Section 11–1902.1
Annotated Code of Maryland
(2016 Volume and 2018 Supplement)

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

Article – Alcoholic Beverages

11–102.

This title applies only in Anne Arundel County.

11–1901.

(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)] § 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] **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”) [of Division I of this article applies in the county], subject to § 11–1902 of this subtitle; AND

(2) § 4–505 (“ALCOHOL AWARENESS PROGRAM”), SUBJECT TO § 11–1902.1 OF THIS SUBTITLE.

11–1902.1.

(A) THE LICENSE HOLDER OR AN INDIVIDUAL DESIGNATED BY THE LICENSE HOLDER WHO IS EMPLOYED IN A SUPERVISORY CAPACITY SHALL:

(1) BE CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM;
AND

(2) BE PRESENT ON THE LICENSED PREMISES AT ALL TIMES WHEN 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 A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 70

(House Bill 639)

AN ACT concerning

~~Anne Arundel County~~ Public Safety – Buildings Used for Agritourism

FOR the purpose of adding ~~Anne Arundel County~~ certain counties to the list of counties that exempt agricultural buildings used for agritourism from certain building performance standards; exempting a building used for agritourism in ~~Anne Arundel County~~ certain counties from a certain permit requirement under certain circumstances; and generally relating to buildings used for agritourism in Allegany County, Anne Arundel County, Baltimore County, Kent County, Prince George's County, and St. Mary's County in Anne Arundel County.

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 12–508

Annotated Code of Maryland

(2018 Replacement Volume)

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

Article – Public Safety

12–508.

(a) (1) In this section, “agricultural building” means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products.

(2) “Agricultural building” does not include a place of human residence.

(b) This section applies only to:

(1) ALLEGANY COUNTY, ANNE ARUNDEL COUNTY, BALTIMORE COUNTY, Calvert County, Carroll County, Cecil County, Charles County, Dorchester County, Frederick County, Garrett County, Harford County, Howard County, KENT COUNTY, Prince George's County, St. Mary's County, Somerset County, and Talbot County; or

(2) a county where the local legislative body has approved the application of this section to the county.

(c) The Standards do not apply to the construction, alteration, or modification of an agricultural building for which agritourism is an intended subordinate use.

(d) Except as provided in subsection (e) of this section, an existing agricultural building used for agritourism is not considered a change of occupancy that requires a building permit if the subordinate use of agritourism:

(1) is in accordance with limitations set forth in regulations adopted by the Department;

(2) occupies only levels of the building on which a ground level exit is located; and

(3) does not require more than 50 people to occupy an individual building at any one time.

(e) In ALLEGANY COUNTY, ANNE ARUNDEL COUNTY, BALTIMORE COUNTY, Carroll County, Cecil County, Garrett County, ~~and~~ Howard County, KENT COUNTY, PRINCE GEORGE'S COUNTY, AND ST. MARY'S COUNTY, an existing agricultural building used for agritourism is not considered a change of occupancy that requires a building permit if:

(1) the subordinate use of agritourism does not require more than 200 people to occupy an individual building at any one time; and

(2) the total width of means of egress meets or exceeds the International Building Code standard that applies to egress components other than stairways in a building without a sprinkler system.

(f) An agricultural building used for agritourism:

(1) shall be structurally sound and in good repair; but

(2) need not comply with:

(i) requirements for bathrooms, sprinkler systems, and elevators set forth in the Standards; or

(ii) any other requirements of the Standards or other building codes as set forth in regulations adopted by the Department.

(g) The Department shall adopt regulations to implement this section.

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

October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 71

(Senate Bill 99)

AN ACT concerning

~~Anne Arundel County~~ – Public Safety – Buildings Used for Agritourism

FOR the purpose of adding ~~Anne Arundel County~~ certain counties to the list of counties that exempt agricultural buildings used for agritourism from certain building performance standards; exempting a building used for agritourism in ~~Anne Arundel County~~ certain counties from a certain permit requirement under certain circumstances; and generally relating to buildings used for agritourism in Allegany County, Anne Arundel County, Baltimore County, Kent County, Prince George's County, and St. Mary's County.

BY repealing and reenacting, with amendments,
 Article – Public Safety
 Section 12–508
 Annotated Code of Maryland
 (2018 Replacement Volume)

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

Article – Public Safety

12–508.

(a) (1) In this section, “agricultural building” means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products.

(2) “Agricultural building” does not include a place of human residence.

(b) This section applies only to:

(1) ALLEGANY COUNTY, ANNE ARUNDEL COUNTY, BALTIMORE COUNTY, Calvert County, Carroll County, Cecil County, Charles County, Dorchester County, Frederick County, Garrett County, Harford County, Howard County, KENT

COUNTY, Prince George’s County, St. Mary’s County, Somerset County, and Talbot County; or

(2) a county where the local legislative body has approved the application of this section to the county.

(c) The Standards do not apply to the construction, alteration, or modification of an agricultural building for which agritourism is an intended subordinate use.

(d) Except as provided in subsection (e) of this section, an existing agricultural building used for agritourism is not considered a change of occupancy that requires a building permit if the subordinate use of agritourism:

(1) is in accordance with limitations set forth in regulations adopted by the Department;

(2) occupies only levels of the building on which a ground level exit is located; and

(3) does not require more than 50 people to occupy an individual building at any one time.

(e) In ALLEGANY COUNTY, ANNE ARUNDEL COUNTY, BALTIMORE COUNTY, Carroll County, Cecil County, Garrett County, ~~and~~ Howard County, KENT COUNTY, PRINCE GEORGE’S COUNTY, AND ST. MARY’S COUNTY, an existing agricultural building used for agritourism is not considered a change of occupancy that requires a building permit if:

(1) the subordinate use of agritourism does not require more than 200 people to occupy an individual building at any one time; and

(2) the total width of means of egress meets or exceeds the International Building Code standard that applies to egress components other than stairways in a building without a sprinkler system.

(f) An agricultural building used for agritourism:

(1) shall be structurally sound and in good repair; but

(2) need not comply with:

(i) requirements for bathrooms, sprinkler systems, and elevators set forth in the Standards; or

(ii) any other requirements of the Standards or other building codes as set forth in regulations adopted by the Department.

(g) The Department shall adopt regulations to implement this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 72

(House Bill 641)

AN ACT concerning

Criminal Law – Sexual Contact With an Animal – Aggravated Cruelty to Animals

FOR the purpose of prohibiting a person from engaging in sexual contact with an animal; defining “sexual contact with an animal”; ~~providing that engaging in sexual contact with an animal constitutes a crime of violence; altering the definition of “Tier III sex offender” to include a person who has been convicted of sexual contact with an animal;~~ and generally relating to ~~sexual contact with~~ aggravated cruelty to animals.

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 10–606

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

(As enacted by Chapter 238 of the Acts of the General Assembly of 2018)

~~BY repealing and reenacting, with amendments,~~

~~Article – Criminal Law~~

~~Section 14–101(a)(24) and (25)~~

~~Annotated Code of Maryland~~

~~(2012 Replacement Volume and 2018 Supplement)~~

~~BY adding to~~

~~Article – Criminal Law~~

~~Section 14–101(a)(26)~~

~~Annotated Code of Maryland~~

~~(2012 Replacement Volume and 2018 Supplement)~~

~~BY repealing and reenacting, without amendments,~~

~~Article – Criminal Procedure~~

~~Section 11–701(a)~~

~~Annotated Code of Maryland~~

~~(2018 Replacement Volume)~~

~~BY repealing and reenacting, with amendments,~~

~~Article – Criminal Procedure~~

~~Section 11-701(q)(1)~~

~~Annotated Code of Maryland~~

~~(2018 Replacement Volume)~~

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

Article – Criminal Law

10-606.

(A) (1) IN THIS SECTION, “SEXUAL CONTACT WITH AN ANIMAL” MEANS ANY ACT:

(I) INVOLVING:

1. A PERSON TOUCHING THE SEX ORGAN OR ANUS OF AN ANIMAL;

2. CONTACT BETWEEN:

A. THE SEX ORGAN OR ANUS OF A PERSON AND THE MOUTH, SEX ORGAN, OR ANUS OF AN ANIMAL; OR

B. THE SEX ORGAN OR ANUS OF AN ANIMAL, AND THE MOUTH, SEX ORGAN, OR ANUS OF A PERSON; OR

3. INSERTION OF:

A. ANY PART OF THE BODY OF A PERSON INTO THE OPENING OF THE VAGINA OR ANUS OF AN ANIMAL;

B. ANY PART OF AN ANIMAL’S BODY INTO THE OPENING OF THE VAGINA OR ANUS OF A PERSON; OR

C. ANY OBJECT INTO THE OPENING OF THE VAGINA OR ANUS OF AN ANIMAL; AND

(II) COMMITTED FOR THE PURPOSE OF SEXUAL AROUSAL, SEXUAL GRATIFICATION, ABUSE, OR FINANCIAL GAIN.

(2) “SEXUAL CONTACT WITH AN ANIMAL” DOES NOT INCLUDE:

(I) AN ACCEPTED VETERINARY PRACTICE;

(II) ARTIFICIAL INSEMINATION OF AN ANIMAL FOR REPRODUCTIVE PURPOSES;

(III) ACCEPTED ANIMAL HUSBANDRY PRACTICES, INCLUDING:

1. GROOMING;

2. RAISING;

3. BREEDING;

4. ASSISTING WITH THE BIRTHING PROCESS; OR

5. ANY OTHER ACTIVITY THAT PROVIDES CARE FOR AN ANIMAL; OR

(IV) GENERALLY ACCEPTED PRACTICES RELATING TO THE JUDGING OF BREED CONFIRMATION.

[(a)] (B) A person may not:

(1) intentionally:

(i) mutilate AN ANIMAL;

(ii) torture AN ANIMAL;

(iii) cruelly beat AN ANIMAL; [or]

(iv) cruelly kill AN ANIMAL; OR

(V) ENGAGE IN SEXUAL CONTACT WITH an animal;

(2) cause, procure, or authorize an act prohibited under item (1) of this subsection; or

(3) except in the case of self-defense, intentionally inflict bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit.

[(b)] (C) (1) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(2) As a condition of sentencing, the court may:

(i) order a defendant convicted of violating this section to participate in and pay for psychological counseling; and

(ii) prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.

~~14-101.~~

~~(a) In this section, “crime of violence” means:~~

~~(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;~~

AND

~~(26) AGGRAVATED CRUELTY TO ANIMALS UNDER § 10-606 OF THIS ARTICLE.~~

~~Article – Criminal Procedure~~

~~11-701.~~

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

~~(c) “Tier III sex offender” means a person who has been convicted of:~~

~~(1) conspiring to commit, attempting to commit, or committing a violation of:~~

~~(i) § 2-201(a)(1)(viii), (x), or (xi) of the Criminal Law Article;~~

~~(ii) § 3-303, § 3-304, § 3-307(a)(1) or (2), § 3-309, § 3-310, § 3-311, § 3-312, § 3-315, § 3-323, [or] § 3-602, OR § 10-606(B)(1)(V) of the Criminal Law Article;~~

~~(iii) § 3-502 of the Criminal Law Article, if the victim is a minor;~~

~~(iv) § 3-502 of the Criminal Law Article, if the victim is an adult, and the person has been ordered by the court to register under this subtitle;~~

~~(v) the common law offense of sodomy or § 3-322 of the Criminal Law Article if the offense was committed with force or threat of force; or~~

~~(vi) § 3-305 or § 3-306 of the Criminal Law Article as the sections existed before October 1, 2017;~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 73

(House Bill 516)

AN ACT concerning

Office of Legislative Audits – Audits of the Baltimore Police Department

FOR the purpose of requiring the Office of Legislative Audits to conduct a certain audit of the Baltimore Police Department within a certain time period and at certain intervals; requiring the Office of Legislative Audits to provide certain information to the Baltimore Police Department; and generally relating to the audits of the Baltimore Police Department by the Office of Legislative Audits.

BY adding to

Article – State Government
 Section 2–1220(h)
 Annotated Code of Maryland
 (2014 Replacement Volume and 2018 Supplement)

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

Article – State Government

2–1220.

(H) (1) BEGINNING JULY 1, 2020, AND AT LEAST ONCE EVERY 6 YEARS THEREAFTER, THE OFFICE OF LEGISLATIVE AUDITS SHALL CONDUCT AN AUDIT OF THE BALTIMORE POLICE DEPARTMENT TO EVALUATE THE EFFECTIVENESS AND EFFICIENCY OF THE FINANCIAL MANAGEMENT PRACTICES OF THE BALTIMORE POLICE DEPARTMENT.

(2) THE OFFICE OF LEGISLATIVE AUDITS SHALL PROVIDE INFORMATION REGARDING THE AUDIT PROCESS TO THE BALTIMORE POLICE DEPARTMENT BEFORE THE AUDIT IS CONDUCTED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 74

(Senate Bill 39)

AN ACT concerning

Baltimore City – Police Districts – Redistricting

FOR the purpose of requiring the Police Commissioner of Baltimore City, following each decennial census of the United States, to prepare a plan for the adjustment of the geographic boundaries and composition of each Baltimore City police district and the reallocation of the resources and personnel of the Baltimore City Police Department among the districts using certain information; requiring the Commissioner to present the plan to the Mayor and City Council of Baltimore City within a certain time period; requiring the plan to be approved by resolution of the Mayor and City Council within a certain time frame; authorizing the Mayor to propose amendments to the plan; requiring any amendments proposed by the Mayor to be approved by resolution of the City Council; requiring the plan to go into effect without the approval of the Mayor and City Council under certain circumstances; requiring the Commissioner to implement any plan made effective under this Act; providing for the construction of this Act; and generally relating to the Baltimore City police districts.

BY repealing and reenacting, without amendments,

The Public Local Laws of Baltimore City

Section 16–1(2) and (3) and 16–7(1), (2), and (4)

Article 4 – Public Local Laws of Maryland

(1979 Edition and 1997 Supplement and 2000 Supplement, as amended)

BY repealing and reenacting, without amendments,

The Public Local Laws of Baltimore City

Section 16–7(3)

Article 4 – Public Local Laws of Maryland

(1979 Edition and 1997 Supplement and 2000 Supplement, as amended)

(As enacted by Chapter 70 of the Acts of the General Assembly of 2012)

BY adding to

The Public Local Laws of Baltimore City

Section 16–55

Article 4 – Public Local Laws of Maryland
(1979 Edition and 1997 Supplement and 2000 Supplement, as amended)

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

Article 4 – Baltimore City

16–1.

The following words and phrases as used in this subtitle shall have or include the following meanings.

(2) “Department” shall mean the Police Department of Baltimore City as constituted and established by this subtitle.

(3) “Commissioner” or “Commissioner of Police” shall mean the Police Commissioner of Baltimore City.

16–7.

In directing and supervising the operations and affairs of the Department, the Commissioner shall, subject to the provisions of this subtitle, and subject to the provisions of Article VI and Sections 4–14 both inclusive, of Article VII of the Charter of Baltimore City (1964 Revision) as amended from time to time, be vested with all the powers, rights and privileges attending the responsibility of management, and may exercise the same, where appropriate, by rule, regulation, order or other departmental directive which shall be binding on all members of the Department when duly promulgated. In the event of a conflict between the provisions of Article VI and Sections 4–14, both inclusive, of Article VII of the Charter, and the provisions of this subtitle, the provisions of Article VI and Sections 4–14 of Article VII shall control. The authority herein vested in the Police Commissioner shall specifically include, but not be limited to, the following:

(1) To determine and establish the form of organization of the Department.

(2) To create bureaus, divisions, districts, sections, units, squads or other subordinate organizational subdivisions or segments within the Department, including departmental boards and commissions, and to determine and define the functions, duties and responsibilities of each.

(3) To appoint without examination and to serve at his pleasure during satisfactory performance, Deputy Commissioners and other ranks and positions above the rank of Lieutenant which the Commissioner has determined require the experience of a Lieutenant as a prerequisite in order to insure the effective and efficient staffing and operation of the major functional subdivisions of the Department.

(4) To assign, reassign, allocate and reallocate members of the Department

to those duties, and to those organizational subdivisions of the Department as the Commissioner in his judgment may deem necessary to best serve the interests of the public and the Department.

16-55.

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

(2) “DISTRICT” MEANS A POLICE DISTRICT OF THE DEPARTMENT.

(3) “PLAN” MEANS THE PLAN PREPARED BY THE COMMISSIONER UNDER SUBSECTION (B)(1) OF THIS SECTION.

(B) IN ORDER TO ENSURE THAT THE RESOURCES OF THE DEPARTMENT ARE EFFICIENTLY ALLOCATED, FOLLOWING EACH DECENNIAL CENSUS OF THE UNITED STATES, THE COMMISSIONER SHALL:

(1) PREPARE A PLAN FOR THE ADJUSTMENT OF THE GEOGRAPHIC BOUNDARIES AND COMPOSITION OF EACH DISTRICT AND THE REALLOCATION OF THE RESOURCES AND PERSONNEL OF THE DEPARTMENT AMONG THE DISTRICTS USING:

(I) DECENNIAL CENSUS POPULATION AND HOUSING DATA OF THE UNITED STATES CENSUS BUREAU;

(II) DISTRICT CALL VOLUME TRENDS;

(III) DISTRICT RESPONSE TIMES; AND

(IV) ANY OTHER INFORMATION DEEMED NECESSARY BY THE COMMISSIONER; AND

(2) WITHIN 1 YEAR FROM THE ISSUANCE OF THE DECENNIAL CENSUS POPULATION AND HOUSING DATA BY THE UNITED STATES CENSUS BUREAU, PRESENT THE PLAN TO THE MAYOR AND CITY COUNCIL.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, THE PLAN MUST BE APPROVED BY RESOLUTION OF THE MAYOR AND CITY COUNCIL WITHIN 180 DAYS FROM THE PRESENTATION OF THE PLAN.

(2) (I) THE MAYOR MAY PROPOSE AMENDMENTS TO THE PLAN DURING THE TIME PERIOD SET FORTH IN PARAGRAPH (1) OF THIS SUBSECTION.

(II) AMENDMENTS PROPOSED BY THE MAYOR IN ACCORDANCE

WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH MUST BE APPROVED BY RESOLUTION OF THE CITY COUNCIL.

(3) A PLAN APPROVED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION IS EFFECTIVE IMMEDIATELY.

(4) IF THE PLAN IS NOT APPROVED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, THEN THE PLAN, AS PRESENTED BY THE COMMISSIONER TO THE MAYOR AND CITY COUNCIL, WILL GO INTO EFFECT ON THE DAY AFTER THE EXPIRATION OF THE TIME PERIOD SET FORTH IN PARAGRAPH (1) OF THIS SUBSECTION.

(D) THE COMMISSIONER SHALL IMPLEMENT ANY PLAN MADE EFFECTIVE UNDER SUBSECTION (C) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to limit the authority of the Commissioner under Subtitle 16 of the Public Local Laws of Baltimore City.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 75

(Senate Bill 81)

AN ACT concerning

Baltimore City – Police Department – Reports on Funds

FOR the purpose of requiring the Baltimore Police Department to submit a certain annual report on certain funds received from the Governor’s Office of Crime Control and Prevention; and generally relating to funds for the Baltimore Police Department.

BY adding to

Article – Public Safety

Section 4–1201 to be under the new subtitle “Subtitle 12. Baltimore Police Department Funds”

Annotated Code of Maryland
(2018 Replacement Volume)

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

Article – Public Safety

SUBTITLE 12. BALTIMORE POLICE DEPARTMENT FUNDS.

4–1201.

(A) THIS SUBTITLE APPLIES ONLY TO EACH GRANT THE EXECUTIVE DIRECTOR OF THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION MAKES TO THE BALTIMORE POLICE DEPARTMENT.

(B) THE PURPOSE OF THIS SUBTITLE IS TO ENSURE THAT GRANTS FROM THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION TO THE BALTIMORE POLICE DEPARTMENT FOR COMMUNITY POLICING EFFORTS ARE USED FOR THAT PURPOSE.

(C) (1) IN FISCAL YEAR 2019, THE BALTIMORE POLICE DEPARTMENT SHALL PREPARE A HALF-YEAR REPORT ON THE EXPENDITURE OF GRANTS RECEIVED FROM THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.

(2) IN FISCAL YEAR 2020 AND IN EACH SUBSEQUENT FISCAL YEAR, THE BALTIMORE POLICE DEPARTMENT SHALL PREPARE AN ANNUAL REPORT ON THE EXPENDITURE OF GRANTS RECEIVED FROM THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.

(D) THE REPORT REQUIRED UNDER SUBSECTION (C) OF THIS SECTION SHALL INCLUDE:

(1) THE INTENDED USE OF EACH GRANT FROM THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION TO THE BALTIMORE POLICE DEPARTMENT; AND

(2) THE SPECIFIC EXPENDITURES MADE BY THE BALTIMORE POLICE DEPARTMENT WITH ANY MONETARY GRANTS RECEIVED FROM THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.

(E) ON OR BEFORE DECEMBER 31 EACH YEAR, THE BALTIMORE POLICE DEPARTMENT SHALL SUBMIT THE REPORT REQUIRED UNDER SUBSECTION (C) OF THIS SECTION TO THE BALTIMORE CITY DELEGATION 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 October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 76

(Senate Bill 1)

AN ACT concerning

Paternity Proceedings – Attorney for the Child Support Administration

FOR the purpose of substituting the term “attorney for the Administration” for the term “State’s Attorney” in certain provisions of law relating to paternity proceedings; defining the term “attorney for the Administration”; making certain conforming and technical changes, including specifying that certain provisions of law apply only to certain jurisdictions; and generally relating to paternity proceedings and attorneys for the Child Support Administration.

BY repealing and reenacting, with amendments,

Article – Family Law

Section 5–1001, 5–1010(e), 5–1016, 5–1019, 5–1020, and 5–1021

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Family Law

Section 10–115(c)

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

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

Article – Family Law

5–1001.

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

(b) “Administration” means the Child Support Administration of the Department.

(c) **“ATTORNEY FOR THE ADMINISTRATION” MEANS AN ATTORNEY WHO REPRESENTS THE ADMINISTRATION IN ACCORDANCE WITH § 10–115(C) OF THIS ARTICLE.**

[(c)] (D) “Complaint” means a bill or petition in equity filed in a paternity proceeding.

5–1010.

(e) (1) Except as provided in paragraph (2) of this subsection, the clerk of court may not receive a complaint starting paternity proceedings unless the consent of the **[State’s Attorney] ATTORNEY FOR THE ADMINISTRATION** is attached to the complaint.

(2) The consent of the **[State’s Attorney] ATTORNEY FOR THE ADMINISTRATION** is not required if[:

(i) the complaint is filed on behalf of the Administration; or
(ii)], after considering testimony or information given by affidavit, or both, the court:

[1.] (I) finds that the complaint is meritorious; and

[2.] (II) rules that the consent is not required.

(3) Except by an order of court for good cause shown, a proceeding under this subtitle may not be dismissed voluntarily without the consent of the **[State’s Attorney] ATTORNEY FOR THE ADMINISTRATION**.

5–1016.

(a) (1) Before or after the filing of a complaint, the alleged father may propose a settlement concerning the child’s support whether the alleged father admits or denies paternity.

(2) The proposed contribution may be in a lump sum, installments, or otherwise.

(b) A settlement agreement shall be prepared, executed, and submitted to the court for approval if:

(1) the complainant agrees to accept the settlement;

(2) the **[State’s Attorney] ATTORNEY FOR THE ADMINISTRATION** is satisfied that the amount and terms of the settlement are fair and reasonable;

(3) the complainant has been advised properly regarding the contents of the settlement; and

(4) the complainant is competent to accept the settlement.

(c) If the court approves the settlement agreement, the terms of the agreement shall be incorporated in a court order.

(d) A court order incorporating a settlement agreement is as enforceable as any order that is passed after a hearing.

5–1019.

(A) THIS SECTION APPLIES ONLY TO JURISDICTIONS IN WHICH THE ADMINISTRATION IS REPRESENTED BY A STATE’S ATTORNEY.

[(a)] (B) Before or after a complaint is filed under this subtitle, the State’s Attorney may hold a pretrial inquiry.

[(b)] (C) In connection with any pretrial inquiry under this section, the State’s Attorney may:

- (1) issue a summons that requires a person, other than the alleged father, to appear, to testify, and to produce documents connected with the examination;
- (2) administer oaths;
- (3) examine witnesses; and
- (4) receive evidence.

[(c)] (D) (1) If a person fails to obey a summons, or fails to testify or comply with a request of the State’s Attorney, the State’s Attorney may request the circuit court for the county to order the person:

- (i) to obey the summons;
- (ii) to testify; or
- (iii) to produce any document that the court considers necessary for the inquiry.

(2) If a person fails or refuses to obey the order of court after the order has been served, the person is in contempt of court and the court may punish the person for the contempt.

- (3) A finding of contempt under this subsection is subject to appeal.

5–1020.

(A) THIS SECTION APPLIES ONLY TO JURISDICTIONS IN WHICH THE ADMINISTRATION IS REPRESENTED BY A STATE’S ATTORNEY.

(B) Before the State’s Attorney conducts a pretrial inquiry under this subtitle, the State’s Attorney shall notify the parties in writing of:

(1) the time and place of the inquiry;

(2) the alleged father’s right to appear at the inquiry and to produce evidence or information that relates to the inquiry; and

(3) the alleged father’s right to testify in his own behalf before the State’s Attorney, if the alleged father:

(i) notifies the State’s Attorney of the alleged father’s desire to testify; and

(ii) signs a waiver that permits his testimony to be used against him in the paternity proceeding.

5–1021.

(a) [In connection with a pretrial inquiry under this subtitle, the State’s Attorney] **THE ATTORNEY FOR THE ADMINISTRATION** may request any individual [summoned to the pretrial inquiry] **NAMED IN A PATERNITY COMPLAINT** to submit to a blood or genetic test.

(b) If the individual refuses the [State’s Attorney’s] **ATTORNEY FOR THE ADMINISTRATION’S** request to submit to a blood or genetic test, the [State’s Attorney] **ATTORNEY FOR THE ADMINISTRATION** may apply to the circuit court for an order that directs the individual to submit to the test.

10–115.

(c) In a legal proceeding, the Administration shall be represented by:

(1) the Attorney General;

(2) the State’s Attorney, if the State’s Attorney has agreed to provide representation under subsection (g) of this section; or

(3) a qualified lawyer who is appointed by and subject to supervision and removal by the Attorney General.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 77

(House Bill 1212)

AN ACT concerning

Family Law – Kinship Caregivers

FOR the purpose of authorizing a local department of social services to place a child for a certain initial placement with a kinship caregiver as an alternative to foster care under certain circumstances; authorizing a local department to place a child with a kinship caregiver if a kinship caregiver is located subsequent to the placement of the child in a foster care setting; specifying that a kinship caregiver may not be under a certain age; authorizing a local department to approve an individual as a kinship caregiver under certain circumstances; requiring a prospective kinship caregiver to submit a certain affidavit to the local department; defining “kinship caregiver”; altering a certain definition; and generally relating to kinship care and kinship caregivers.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–501(e) and 5–534
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

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

Article – Family Law

5–501.

(e) “Kinship care” means continuous 24-hour care and supportive services provided for a minor child placed by a child placement agency in the home of a [relative related by blood or marriage within the 5th degree of consanguinity or affinity under the civil law rule] **KINSHIP PARENT OR KINSHIP CAREGIVER, AS THOSE TERMS ARE DEFINED IN § 5–534 OF THIS SUBTITLE.**

5–534.

(a) **(1)** In this section[, “kinship] **THE FOLLOWING WORDS HAVE THE**

MEANINGS INDICATED.

(2) “KINSHIP CAREGIVER” MEANS AN INDIVIDUAL:

(I) WITH WHOM A CHILD WHO IS IN THE CARE, CUSTODY, OR GUARDIANSHIP OF THE LOCAL DEPARTMENT MAY BE PLACED FOR TEMPORARY OR LONG-TERM CARE OTHER THAN ADOPTION; AND

(II) WHO IS APPROVED BY THE LOCAL DEPARTMENT UNDER SUBSECTION (E) OF THIS SECTION.

(3) “KINSHIP parent” means an individual who is related by blood or marriage within five degrees of consanguinity or affinity under the civil law rule to a child who is in the care, custody, or guardianship of the local department and with whom the child may be placed for temporary or long-term care other than adoption.

(b) The Administration shall establish a kinship care program.

(c) (1) In selecting a placement that is in the best interests of a child in need of out-of-home placement, the local department shall, as a first priority, attempt to place the child with a kinship parent.

(2) The local department shall exhaust all reasonable resources to locate a kinship parent for initial placement of the child.

(3) If no kinship parent is located at the time of the initial placement:

(I) EXCEPT AS PROVIDED IN ITEM (II) OF THIS PARAGRAPH, the child shall be placed in a foster care setting; OR

(II) AS AN ALTERNATIVE TO FOSTER CARE, THE LOCAL DEPARTMENT MAY PLACE THE CHILD FOR INITIAL PLACEMENT WITH A KINSHIP CAREGIVER.

(4) If a kinship parent **OR A KINSHIP CAREGIVER** is located subsequent to the placement of a child in a foster care setting, the local department may, if it is in the best interest of the child, place the child with the kinship parent **OR KINSHIP CAREGIVER**.

(d) **(1) A kinship parent may not be [less than] UNDER THE AGE OF 18 years [of age].**

(2) A KINSHIP CAREGIVER MAY NOT BE UNDER THE AGE OF 21 YEARS.

(E) (1) THE LOCAL DEPARTMENT MAY APPROVE AN INDIVIDUAL AS A KINSHIP CAREGIVER ONLY IF:

(I) THE INDIVIDUAL IS RELATED TO THE CHILD BY BLOOD OR MARRIAGE BEYOND FIVE DEGREES OF CONSANGUINITY OR AFFINITY UNDER THE CIVIL LAW OR RULE OR IS A CLOSE FAMILY FRIEND OF THE CHILD OR THE CHILD'S FAMILY;

(II) THE INDIVIDUAL HAS A STRONG FAMILIAL OR OTHER SIGNIFICANT BOND TO THE CHILD OR THE CHILD'S FAMILY;

(III) THE INDIVIDUAL HAS MAINTAINED REGULAR CONTACT WITH THE CHILD OR THE CHILD'S FAMILY SUFFICIENT TO DEMONSTRATE STRONG FAMILIARITY WITH THE CHILD'S ACTIVITIES AND DAILY NEEDS; AND

(IV) PLACEMENT WITH THE INDIVIDUAL IS IN THE CHILD'S BEST INTEREST.

(2) A PROSPECTIVE KINSHIP CAREGIVER SHALL SUBMIT TO THE LOCAL DEPARTMENT AN AFFIDAVIT THAT INCLUDES SPECIFIC FACTS TO ENABLE THE LOCAL DEPARTMENT TO DETERMINE WHETHER THE INDIVIDUAL MEETS THE CRITERIA SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION.

[(e)] (F) The Administration shall adopt regulations to implement this section that are consistent with the provisions of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 78

(Senate Bill 24)

AN ACT concerning

Family Law – Kinship Caregivers

FOR the purpose of authorizing a local department of social services to place a child for a certain initial placement with a kinship caregiver as an alternative to foster care under certain circumstances; authorizing a local department to place a child with a kinship caregiver if a kinship caregiver is located subsequent to the placement of the child in a foster care setting; specifying that a kinship caregiver may not be under a certain age; authorizing a local department to approve an individual as a kinship

caregiver under certain circumstances; requiring a prospective kinship caregiver to submit a certain affidavit to the local department; defining “kinship caregiver”; altering a certain definition; and generally relating to kinship care and kinship caregivers.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–501(e) and 5–534
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

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

Article – Family Law

5–501.

(e) “Kinship care” means continuous 24-hour care and supportive services provided for a minor child placed by a child placement agency in the home of a [relative related by blood or marriage within the 5th degree of consanguinity or affinity under the civil law rule] **KINSHIP PARENT OR KINSHIP CAREGIVER, AS THOSE TERMS ARE DEFINED IN § 5–534 OF THIS SUBTITLE.**

5–534.

(a) **(1)** In this section[, “kinship] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) “KINSHIP CAREGIVER” MEANS AN INDIVIDUAL:

(I) WITH WHOM A CHILD WHO IS IN THE CARE, CUSTODY, OR GUARDIANSHIP OF THE LOCAL DEPARTMENT MAY BE PLACED FOR TEMPORARY OR LONG-TERM CARE OTHER THAN ADOPTION; AND

(II) WHO IS APPROVED BY THE LOCAL DEPARTMENT UNDER SUBSECTION (E) OF THIS SECTION.

(3) “KINSHIP parent” means an individual who is related by blood or marriage within five degrees of consanguinity or affinity under the civil law rule to a child who is in the care, custody, or guardianship of the local department and with whom the child may be placed for temporary or long-term care other than adoption.

(b) The Administration shall establish a kinship care program.

(c) (1) In selecting a placement that is in the best interests of a child in need

of out-of-home placement, the local department shall, as a first priority, attempt to place the child with a kinship parent.

(2) The local department shall exhaust all reasonable resources to locate a kinship parent for initial placement of the child.

(3) If no kinship parent is located at the time of the initial placement:

(I) EXCEPT AS PROVIDED IN ITEM (II) OF THIS PARAGRAPH, the child shall be placed in a foster care setting; OR

(II) AS AN ALTERNATIVE TO FOSTER CARE, THE LOCAL DEPARTMENT MAY PLACE THE CHILD FOR INITIAL PLACEMENT WITH A KINSHIP CAREGIVER.

(4) If a kinship parent **OR A KINSHIP CAREGIVER** is located subsequent to the placement of a child in a foster care setting, the local department may, if it is in the best interest of the child, place the child with the kinship parent **OR KINSHIP CAREGIVER**.

(d) **(1) A kinship parent may not be [less than] UNDER THE AGE OF 18 years [of age].**

(2) A KINSHIP CAREGIVER MAY NOT BE UNDER THE AGE OF 21 YEARS.

(E) (1) THE LOCAL DEPARTMENT MAY APPROVE AN INDIVIDUAL AS A KINSHIP CAREGIVER ONLY IF:

(I) THE INDIVIDUAL IS RELATED TO THE CHILD BY BLOOD OR MARRIAGE BEYOND FIVE DEGREES OF CONSANGUINITY OR AFFINITY UNDER THE CIVIL LAW OR RULE OR IS A CLOSE FAMILY FRIEND OF THE CHILD OR THE CHILD'S FAMILY;

(II) THE INDIVIDUAL HAS A STRONG FAMILIAL OR OTHER SIGNIFICANT BOND TO THE CHILD OR THE CHILD'S FAMILY;

(III) THE INDIVIDUAL HAS MAINTAINED REGULAR CONTACT WITH THE CHILD OR THE CHILD'S FAMILY SUFFICIENT TO DEMONSTRATE STRONG FAMILIARITY WITH THE CHILD'S ACTIVITIES AND DAILY NEEDS; AND

(IV) PLACEMENT WITH THE INDIVIDUAL IS IN THE CHILD'S BEST INTEREST.

(2) A PROSPECTIVE KINSHIP CAREGIVER SHALL SUBMIT TO THE LOCAL DEPARTMENT AN AFFIDAVIT THAT INCLUDES SPECIFIC FACTS TO ENABLE

THE LOCAL DEPARTMENT TO DETERMINE WHETHER THE INDIVIDUAL MEETS THE CRITERIA SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION.

[(e)] (F) The Administration shall adopt regulations to implement this section that are consistent with the provisions of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 79

(House Bill 843)

AN ACT concerning

Department of Human Services – Child Abuse and Neglect – Disclosure of Information

FOR the purpose of authorizing the Department of Human Services to disclose a report or record concerning child abuse or neglect with local or State officials responsible for the administration of juvenile services under certain circumstances; and generally relating to the disclosure of information concerning child abuse and neglect.

BY repealing and reenacting, with amendments,

Article – Human Services

Section 1–202(c)

Annotated Code of Maryland

(2007 Volume and 2018 Supplement)

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

Article – Human Services

1–202.

(c) A report or record concerning child abuse or neglect:

(1) may be disclosed on request to:

(i) personnel of the Social Services Administration or a local department of social services, law enforcement personnel, and members of multidisciplinary case consultation teams, including an addiction specialist as defined in

Title 5, Subtitle 12 of the Family Law Article or § 5–314 of this article, who are investigating a report of known or suspected child abuse or neglect or providing services to or assessing a child or family that is the subject of the report;

(ii) local or State officials responsible for the administration of child protective services, **JUVENILE SERVICES**, or child care, foster care, or adoption licensing, approval, or regulations, as necessary to carry out their official functions;

(iii) the State Council on Child Abuse and Neglect or its designee, the State Citizens Review Board for Children or its designee, or a child fatality review team, as necessary to carry out their official functions;

(iv) a person who is the alleged abuser or neglector, if that person is responsible for the child's welfare and provisions are made for the protection of the identity of the reporter or any other person whose life or safety is likely to be endangered by disclosing the information;

(v) subject to the provisions of subsection (b)(4) of this section, a licensed practitioner who, or an agency, institution, or program that, is providing treatment or care to a child who is the subject of a report of child abuse or neglect for a purpose relevant to the treatment or care;

(vi) a parent or other person who has permanent or temporary care and custody of the child, if provisions are made for the protection of the identity of the reporter or any other person whose life or safety is likely to be endangered by disclosing the information;

(vii) 1. the appropriate public school superintendent or the principal or equivalent employee of a nonpublic school that holds a certificate of approval from the State or is registered with the State Department of Education to carry out appropriate personnel or administrative actions following a report of suspected child abuse involving a student committed by:

A. a public school employee in that school system;

B. an employee of that nonpublic school;

C. an independent contractor who supervises or works directly with students in that school system or that nonpublic school; or

D. an employee of an independent contractor, including a bus driver or bus assistant, who supervises or works directly with students in that school system or that nonpublic school; and

2. if the report concerns suspected child abuse involving a student committed by an employee, independent contractor, or employee of an independent contractor described in item 1 of this item and employed by a nonpublic school under the

jurisdiction of the superintendent of schools for the Archdiocese of Baltimore, the Archdiocese of Washington, or the Catholic Diocese of Wilmington, the appropriate superintendent of schools;

(viii) the director of a licensed child care facility or licensed child placement agency to carry out appropriate personnel actions following a report of suspected child abuse or neglect alleged to have been committed by an employee of the facility or agency and involving a child who is currently or was previously under the care of that facility or agency;

(ix) the Juvenile Justice Monitoring Unit of the Office of the Attorney General established under Title 6, Subtitle 4 of the State Government Article;

(x) subject to subsection (d) of this section, a licensed practitioner of a hospital or birthing center to make discharge decisions concerning a child, when the practitioner suspects that the child may be in danger after discharge based on the practitioner's observation of the behavior of the child's parents or immediate family members; or

(xi) the president of a Maryland public institution of higher education, as defined in § 10–101 of the Education Article, or the Chancellor of the University System of Maryland, to carry out appropriate personnel or administrative actions following a report of child abuse committed:

1. by an employee of the institution who has on–campus contact with children; or

2. by a contractor, an employee of a contractor, or a volunteer of the institution who has on–campus contact with children; and

(2) may be disclosed by the Department of Human Services to the operator of a child care center that is required to be licensed or to hold a letter of compliance under Title 5, Subtitle 5, Part VII of the Family Law Article or to a family child care provider who is required to be registered under Title 5, Subtitle 5, Part V of the Family Law Article, to determine the suitability of an individual for employment in the child care center or family child care home.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

AN ACT concerning

**Natural Resources – Regulation and Use of Commercial Finfish ~~Trotlines~~
~~Repeal of Sunset and License Establishment Gear~~**

FOR the purpose of repealing the termination provision for certain provisions of law governing the regulation and use of commercial finfish trotlines; repealing a provision of law prohibiting the installation, setting, operation, or maintenance of monofilament gill nets in the Chesapeake Bay to catch fish; prohibiting a person from using a monofilament gill net to catch fish, subject to a certain exception; authorizing the Department of Natural Resources to adopt regulations authorizing the use of a monofilament gill net to catch fish; establishing a commercial blue and flathead catfish finfish trotline license; authorizing a licensee to catch for sale blue and flathead catfish in certain waters of the State using a certain finfish trotline; requiring a licensee to fish in accordance with certain regulations; establishing the application process for the license; establishing that an applicant for the license does not need to hold a certain tidal fish license; establishing the term of the license; establishing a certain annual fee for the license; prohibiting a licensee from transferring the license; requiring a licensee to have the license in the licensee's possession at certain times; authorizing a licensed seafood dealer to deal in blue and flathead catfish caught under the license; making conforming changes; providing for the termination of certain provisions of this Act; and generally relating to the regulation and use of commercial finfish ~~trotlines~~ gear.

BY repealing and reenacting, without amendments,

Article – Natural Resources
 Section 4-221 and 4-710(h)
 Annotated Code of Maryland
 (2018 Replacement Volume)

BY repealing and reenacting, with amendments,

Chapter 86 of the Acts of the General Assembly of 2016
 Section 2

BY repealing and reenacting, with amendments,

Article – Natural Resources
 Section 4-701(a) ~~and (b)(1)~~, (b)(1), and (d)(2)(ii)4. and 4-710(d)
 Annotated Code of Maryland
 (2018 Replacement Volume)

BY adding to

Article – Natural Resources
 Section 4-701.2
 Annotated Code of Maryland
 (2018 Replacement Volume)

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

Article – Natural Resources

4–221.

(a) The authority provided by this section is in addition to any other authority of the Secretary provided by law.

(b) (1) Subject to paragraph (2) of this subsection, the Secretary, after consultation with the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission, may adopt regulations to define and govern the use of:

- (i) Recreational fishing gear; and
- (ii) The following types of commercial fishing gear:
 - 1. Fish pots;
 - 2. Bank traps;
 - 3. Fyke nets;
 - 4. Hoop nets;
 - 5. Finfish trotlines; and
 - 6. Bowfishing gear.

(2) The Department shall consider relevant biological, ecological, and socioeconomic factors before adopting regulations under this subsection.

4–710.

(d) (1) [Except as provided in paragraphs (2) and (3) of this subsection, a person may not install, set, operate, or maintain in any tidal water of the Chesapeake Bay or its tributaries any monofilament gill net webbing of any description to catch fish.]

(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A PERSON MAY NOT USE A MONOFILAMENT GILL NET TO CATCH FISH.

(II) THE DEPARTMENT MAY ADOPT REGULATIONS TO AUTHORIZE THE USE OF A MONOFILAMENT GILL NET TO CATCH FISH.

(2) A person may use a monofilament cast net or a monofilament throw net to catch baitfish in any tidal water of the Chesapeake Bay or its tributaries.

(3) In casting a monofilament net as provided under paragraph (2) of this subsection, a person:

(i) May not use a cast net that has a radius greater than 10 feet; and

(ii) May cast a cast net only by hand.

(h) (1) Except when using a finfish trotline or in State waters in the Atlantic Ocean, a tidal fish licensee may not use more than 2 hooks or 2 sets of hooks for each rod or line.

(2) For the purposes of this subsection, artificial lures or plugs with multiple or gang hooks are considered 1 set of hooks.

Chapter 86 of the Acts of 2016

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016. [It shall remain effective for a period of 3 years and, at the end of June 30, 2019, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

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

Article – Natural Resources

4-701.

(a) Except as provided in [§ 4-701.1] §§ 4-701.1 AND 4-701.2 of this subtitle, this section applies to any person who is required under this subtitle or Subtitle 2, 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] §§ 4-701.1 AND 4-701.2 of this subtitle, the Department shall utilize a single, commercial license, to be known and designated as a tidal fish license.

(d) (2) (ii) The following annual fees for an authorization shall apply regardless of when the license is issued or an activity is authorized:

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 OR § 4-701.2 of this subtitle; or

B. \$250 for a person not licensed under item 2 of this subparagraph.

4-701.2.

(A) THERE IS A COMMERCIAL BLUE AND FLATHEAD CATFISH FINFISH TROTLINE LICENSE.

(B) (1) THE LICENSE AUTHORIZES THE HOLDER TO CATCH FOR SALE BLUE AND FLATHEAD CATFISH IN THE TIDAL WATERS OF THE STATE USING A FINFISH TROTLINE, AS DEFINED IN DEPARTMENT REGULATIONS.

(2) A LICENSEE SHALL FISH IN ACCORDANCE WITH DEPARTMENT REGULATIONS.

(C) A PERSON WHO WISHES TO OBTAIN THE LICENSE SHALL COMPLETE AND SUBMIT AN APPLICATION FOR THE LICENSE TO THE DEPARTMENT OR ANY PERSON DESIGNATED BY THE DEPARTMENT.

(D) AN APPLICANT FOR THE LICENSE DOES NOT NEED TO HOLD A TIDAL FISH LICENSE UNDER § 4-701 OF THIS SUBTITLE TO BE ELIGIBLE FOR THE LICENSE.

(E) THE TERM OF THE LICENSE IS 1 YEAR FROM SEPTEMBER 1 THROUGH AUGUST 31 THE FOLLOWING YEAR.

(F) THE ANNUAL LICENSE FEE IS \$15.

(G) A LICENSEE MAY NOT TRANSFER A LICENSE ISSUED UNDER THIS SECTION.

(H) A LICENSEE SHALL HAVE A COMMERCIAL BLUE AND FLATHEAD CATFISH FINFISH TROTLINE LICENSE IN THE LICENSEE'S POSSESSION WHEN THE LICENSEE FISHES UNDER THE LICENSE.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019. Section 2 of this Act shall remain effective for a period of 3 years and 1 month and, at the end of June 30, 2022, 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 18, 2019.

Chapter 81**(Senate Bill 10)**

AN ACT concerning

Natural Resources – Oysters, Clams, and Clamming – Licenses and Regulations

FOR the purpose of repealing a duplicative provision of law requiring a person to obtain a tidal fish license to catch certain oysters or clams for commercial purposes; altering the area within which a person is authorized to catch hard-shell clams using certain equipment; repealing a duplicative provision of law requiring a person to apply for a tidal fish license to catch hard-shell clams by rake in Worcester County; repealing a duplicative provision of law requiring a person to obtain a seafood dealer license before shipping or selling certain hard-shell clams; authorizing the Department of Natural Resources, in consultation with the Maryland Department of Health, to adopt certain regulations; repealing a duplicative provision of law requiring a certain person to obtain a seafood dealer license to catch or land certain fish; altering the definition of “shinnecock rake”; making certain conforming and stylistic changes; and generally relating to oysters, clams, and clamming.

BY repealing and reenacting, without amendments,

Article – Natural Resources
Section 4-701(a), (b), and (d)
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section 4-1001(r), 4-1004, ~~and 4-1022~~, and 4-1101(k)
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing

Article – Natural Resources
Section 4-1024, 4-1027, and 4-1041
Annotated Code of Maryland
(2018 Replacement Volume)

BY adding to

Article – Natural Resources
Section 4-1027
Annotated Code of Maryland
(2018 Replacement Volume)

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 this subtitle or Subtitle 2, 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. 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 item: \$150
 - C. Clams – \$100
 - D. Oysters – \$250 for a dredge boat and \$100 for other than a dredge boat
 - E. Conch, turtles, 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 item 2BII and F of this subparagraph 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

4–1001.

(r) “Shinnecock rake” means a [hand] tool used to catch hard-shell clams or oysters[. It usually consists] **THAT:**

(1) IS TOWED FROM A VESSEL UNDER POWER; AND

(2) CONSISTS of a tooth bar with projecting long, outwardly, and upwardly curving teeth which are progressively smaller towards the ends, form a basket, and are set transversely at the end of a long, usually wooden handle.

4–1004.

(a) (1) A [person may not catch oysters or clams for commercial purposes in the waters of the State unless the person first obtains a license, but a] resident may catch up to 1 bushel each of oysters and clams a day for the person’s own use and consumption without a license, in places and at times prescribed by [rule or] regulation of the Department. [Notwithstanding the preceding sentence, a]

(2) A nonresident may catch in the tidal bays of Worcester County up to 1 bushel of hard clams per day for the nonresident’s own use and consumption.

[(2) The Department shall require an applicant for an oyster license to give the applicant’s address and telephone number.]

(b) Only a resident of the State may obtain a license to catch oysters or clams for commercial purposes in the waters of the State.

4–1022.

(a) ~~A~~ **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,** A person may not catch hard-shell clams in the waters of the State with a shinnecock rake or similar device.

(b) **(1)** ~~Notwithstanding the provisions of subsection (a) of this section AND SUBJECT~~ **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,** a person may catch hard-shell clams with a handscrape, shinnecock rake, or hydraulic dredge in the **STATE** waters of [Worcester County] **THE ATLANTIC OCEAN.**

(2) [Unless a person first obtains the permission of the shore or wharf owner, he] ~~IN WORCESTER COUNTY, A~~ **A PERSON** may not catch hard-shell clams **WITH A HANDSCRAPE, SHINNECOCK RAKE, OR HYDRAULIC DREDGE** within 300 feet of any

shore or wharf **WITHOUT FIRST OBTAINING THE PERMISSION OF THE SHORE OR WHARF OWNER.**

[4-1024.

(a) Any person desiring to catch hard-shell clams by rake in the waters of Worcester County shall apply to the Department for a license.

(b) Every applicant shall exhibit to the Department satisfactory evidence showing the name or number and size of the boat. Each applicant shall certify that he is the bona fide owner of the boat, that a nonresident of the State does not hold a lien on the boat, and that he has been a State resident for at least one year prior to making the application. The applicant shall supply any other information the Department requires.]

[4-1027.

(a) A person shall obtain a license before engaging in the business of shipping or selling hard-shell clams taken from the waters of the State.

(b) This section does not apply to any person selling his own catch.]

4-1027.

THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND DEPARTMENT OF HEALTH, MAY ADOPT REGULATIONS TO CARRY OUT THE REQUIREMENTS OF THE NATIONAL SHELLFISH SANITATION PROGRAM.

[4-1041.

A person in charge of any boat or vessel rigged for catching surf clams or ocean quahogs shall obtain a license from the Department before he catches any surf clams in the waters of the State or lands any surf clams or ocean quahogs in the State.]

4-1101.

(k) “Shinnecock rake” means a [hand] tool used to catch hard-shell clams or oysters]. It usually consists] **THAT:**

(1) IS TOWED FROM A VESSEL UNDER POWER; AND

(2) CONSISTS of a tooth bar with projecting long, outwardly and upwardly curving teeth which are progressively smaller toward the ends, form a basket, and are set transversely at the end of a long, usually wooden handle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 82

(Senate Bill 11)

AN ACT concerning

Distressed Counties – References and Definitions

FOR the purpose of repealing references to the term “qualified distressed county” and substituting references to the term “Tier I county” in certain provisions of law relating to the Maryland Economic Development Assistance Fund, the Maryland Industrial Development Financing Authority, and a grant for the administration of the Preliminary Scholastic Aptitude Test; altering the definition of “distressed county” for purposes of the Senior Citizen Activities Center Operating Fund; making a conforming change; and generally relating to distressed counties, qualified distressed counties, and Tier I counties.

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 1–101(g)
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing
Article – Economic Development
Section 5–301(s)
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 5–301(t) through (v), 5–302, 5–314(b), 5–319(a) and (c), 5–320(b) and (c),
5–324(d), 5–325(b), (c), and (e), 5–330(b), and 5–440(a)
Annotated Code of Maryland
(2018 Replacement Volume)

BY adding to
Article – Economic Development
Section 5–301(v)
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Education
Section 7–203.1(a)
Annotated Code of Maryland
(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Human Services
Section 10–516(a)
Annotated Code of Maryland
(2007 Volume and 2018 Supplement)

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

Article – Economic Development

1–101.

(g) (1) “Tier I 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 for the State by at least 2 percentage points; or

(iii) a median household income for the most recent 24–month period for which data are available that is equal to or less than 75% of the median household income for the State during that period.

(2) “Tier I county” includes a county that:

(i) no longer meets any of the criteria 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.

5–301.

[(s) “Qualified distressed county project” means a project that a local government or the Corporation carries out in a qualified distressed county.]

[(t)] (S) “Responsible person” has the meaning stated in § 7–201 of the Environment Article.

[(u)] (T) “Significant strategic economic development opportunity” means a project that is determined by the Department or Authority to provide a valuable economic development opportunity of statewide, regional, or strategic industry impact.

[(v)] (U) “Specialized economic development opportunity” means:

- (1) an aquaculture project;
- (2) an arts and entertainment enterprise;
- (3) an arts and entertainment project;
- (4) the redevelopment of a qualified brownfields site; or
- (5) a project to create or expand a child care facility.

(V) **“TIER I COUNTY PROJECT” MEANS A PROJECT THAT A LOCAL GOVERNMENT OR THE CORPORATION CARRIES OUT IN A TIER I COUNTY.**

5–302.

Assistance for a [qualified distressed] **TIER I** county project is available to a [qualified distressed] **TIER I** county under this subtitle only if:

- (1) the county has developed a local strategic plan for economic development in consultation with the municipal corporations located in the county, if any;
- (2) the county has submitted the plan to the Secretary for approval; and
- (3) the Secretary has approved the plan.

5–314.

(b) The Department periodically shall review its portfolio in an effort to ensure:

- (1) the equitable distribution among the counties of money from the Fund;
- (2) adequate funding for [qualified distressed] **TIER I** county projects; and
- (3) that no particular [qualified distressed] **TIER I** county benefits disproportionately from financial assistance to [qualified distressed] **TIER I** counties under this subtitle.

5–319.

(a) (1) Financial assistance from the Fund not exceeding \$2,500,000 may be approved by the Secretary.

(2) Except as provided in paragraph (3) of this subsection, financial assistance from the Fund exceeding \$2,500,000 requires approval by the Authority.

(3) For a [qualified distressed] **TIER I** county project, the Secretary may approve financial assistance exceeding \$2,500,000.

(c) (1) Except as provided in paragraph (2) of this subsection, financial assistance provided to a local government or the Corporation for a project shall be approved by a formal resolution of:

(i) the governing body of the jurisdiction in which the project is located; or

(ii) if the recipient of the financial assistance is the Corporation, its board of directors.

(2) If the recipient of the financial assistance is the Corporation for a [qualified distressed] **TIER I** county project, the financial assistance shall be approved by formal resolutions of both the board of directors of the Corporation and the governing body of the jurisdiction in which the project is located.

(3) A project that is funded by a grant from the Fund to a local government or the Corporation, and carried out by the local government or the Corporation, shall be consistent with the strategy or plan for economic development of the county or municipal corporation in which the project is located.

(4) If the Department provides financial assistance to a local government for a project, an interest in that project is later transferred to a third party, and the transfer of the interest is financed by the local government:

(i) the local government may assign the financing documents to the Department as a repayment of or return on the Department's financial assistance to the local government; and

(ii) the assignment may not be considered a new financing under this subtitle.

5–320.

(b) A project need not be in an eligible industry sector if the applicant:

(1) is located in a [qualified distressed] **TIER I** county; or

(2) (i) is a local government or the Corporation; and

(ii) does not intend to use the financial assistance to carry out a project that benefits a particular private sector entity.

(c) In form and content acceptable to the Department, an applicant for financial assistance from the Fund shall submit to the Department an application that contains:

(1) the information that the Department or Authority considers necessary to evaluate the request for financial assistance; and

(2) for a [qualified distressed] **TIER I** county project:

(i) a marketing plan designed to market the project to prospective businesses;

(ii) a statement of planned marketing expenditures as a percent of the total financial assistance amount requested; and

(iii) a plan for the project that is consistent with the county's local strategic economic development plan as to the location and type of project.

5–324.

(d) (1) Financial assistance provided to a local government or the Corporation to finance a project may be:

(i) in the form of a grant, loan, or investment; and

(ii) except as provided in paragraph (2) of this subsection, in an amount not exceeding \$3,000,000.

(2) Financial assistance for a [qualified distressed] **TIER I** county project may be in an amount determined by the Department.

(3) A grant to a local economic development fund is subject to the requirements of Part V of this subtitle.

5–325.

(b) (1) Except as provided in paragraph (2), (3), or (4) of this subsection, financial assistance from the Fund may not exceed 70% of the total costs of the project being financed.

(2) Financial assistance from the Fund may constitute 100% of the total costs of the project being financed if:

- (i) the recipient is the Corporation; or
- (ii) the financial assistance is for:
 - 1. an arts and entertainment enterprise;
 - 2. an arts and entertainment project; or
 - 3. a [qualified distressed] **TIER I** county project.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, financial assistance from the Fund:

- 1. may be used to finance up to 50% of the costs of construction, purchase, or renovation of real property, fixtures, or equipment related to a child care facility; but
- 2. may not be used for working capital, supplies, or inventory related to a child care facility.

(ii) Financial assistance from the Fund may be used to finance up to 20% of the costs described in subparagraph (i) of this paragraph incurred by a business that has received or will receive a day care loan insured by the Maryland Industrial Development Financing Authority.

(4) Financial assistance for preparation of a strategy or plan for economic development of a county or municipal corporation may not exceed:

- (i) 50% of the costs of preparation; or
- (ii) \$50,000 in a 3-year period.

(c) (1) A loan from the Fund shall bear an interest rate below the market rate of interest, as determined by the Department, if the loan is for:

- (i) a significant strategic economic development opportunity; or
- (ii) a specialized economic development opportunity.

(2) A loan from the Fund for a [qualified distressed] **TIER I** county project shall bear an interest rate determined by the Department or the Authority.

(3) A loan from the Fund shall bear an interest rate not exceeding one-eighth of 1% plus the net interest cost of the most recent State general obligation bond issue preceding the approval of the loan if the loan is:

- (i) for a local economic development opportunity; or
- (ii) to a local government.

(4) A loan from the Fund may not bear an interest rate of less than 3% unless:

(i) the project funded by the loan is located in an area of high unemployment; or

(ii) the Department determines that the borrower is carrying out a compelling economic development initiative.

(e) The term of a loan from the Fund may not exceed:

(1) for working capital, 3 years;

(2) for financing equipment, furnishings, or fixtures, the lesser of 15 years or the useful life of the asset, as determined by the Department;

(3) for financing the construction or acquisition of buildings and real property, 25 years; and

(4) for financing the redevelopment of a qualified brownfields site or a [qualified distressed] **TIER I** county project, a term approved by the Department or Authority.

5–330.

(b) A local government that is, or is located in, a [qualified distressed] **TIER I** county may qualify for a grant from the Fund by providing a grant to the local economic development fund in an amount equal to at least 50% of the grant from the Fund.

5–440.

(a) The Authority may not charge a premium for insurance if the Authority determines that, at the time the insurance is approved, the facility or business for which the Authority provides insurance is located in a [qualified distressed] **TIER I** county.

Article – Education

7–203.1.

(a) (1) For fiscal years 2003 and 2004, the Department shall distribute grants to [qualified distressed] **TIER I** counties, as defined in § 1–101 of the Economic Development Article, for the administration of the Preliminary Scholastic Aptitude Test to 10th grade students.

(2) For fiscal year 2005 and each subsequent fiscal year, the Department shall distribute grants to each county for the administration of the Preliminary Scholastic Aptitude Test to 10th grade students.

Article – Human Services

10-516.

(a) In this section, “distressed county” means ~~a TIER I county~~:

(1) BALTIMORE CITY; AND

(2) A COUNTY:

~~(1)~~ **(I)** with an average rate of unemployment for the most recent 24-month period for which data are available that exceeds:

~~(i)~~ **1.** 150% of the average rate of unemployment for the State during that period; or

~~(ii)~~ **2.** the average rate of unemployment for the State during that period by at least 2 percentage points;

~~(2)~~ **(II)** with 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; or

~~(3)~~ **(III)** that no longer meets either criterion stated in item (1) or (2) of this subsection but has met at least one of the criteria at some time during the preceding 24-month period] ~~AS DEFINED IN § 1-101 OF THE ECONOMIC DEVELOPMENT ARTICLE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 83

(Senate Bill 12)

AN ACT concerning

Capital Projects – Inclusion of Public Art

FOR the purpose of expanding a certain requirement that public art be used in certain capital projects; and generally relating to the inclusion of public art in capital projects.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 3–602.2
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

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

Article – State Finance and Procurement

3–602.2.

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

(2) “Commission” means the Maryland Commission on Public Art established under Title 4, Subtitle 6 of the Economic Development Article.

(3) “Construction project” means the construction of a new building that is proposed to contain 15,000 or more square feet.

(4) “Council” means the Maryland State Arts Council established under Title 4, Subtitle 5 of the Economic Development Article.

(5) “Division” means the Division of Tourism, Film, and the Arts established under Title 4, Subtitle 1 of the Economic Development Article.

(6) “Major renovation project” means the renovation of an existing building where:

(i) the building is to be reconstructed and reused after the construction;

(ii) the heating, ventilation, and air conditioning, electrical, and plumbing systems are to be replaced; and

(iii) the scope of the renovation is 15,000 or more square feet.

(7) (i) “Public art” means:

1. an architectural enhancement of artistic significance; or

2. an individual piece of art.

(ii) “Public art” includes:

1. a mural;
2. a tile mosaic;
3. a painting; or
4. a sculpture.

(b) (1) This section applies to capital projects ~~[that] FOR WHICH AT LEAST 50% OF THE PROJECT COSTS~~ are funded ~~[entirely]~~ with State funds THAT ARE:

(I) FUNDED ENTIRELY WITH STATE FUNDS; OR

(II) 1. FUNDED WITH A COMBINATION OF AT LEAST 50% OF STATE FUNDS AND THE REMAINDER FROM FUNDS FROM PRIVATE ENTITIES; AND

2. NOT FUNDED AS A LEGISLATIVE BOND INITIATIVE IN THE STATE CAPITAL BUDGET IN THE ANNUAL STATE CAPITAL BUDGET AS:

A. A MISCELLANEOUS GRANT PROGRAM;

B. A LOCAL HOUSE OF DELEGATES INITIATIVE; OR

C. A LOCAL SENATE INITIATIVE.

(2) This section does not apply to the following types of unoccupied buildings:

- (i) warehouse and storage facilities;
- (ii) garages;
- (iii) maintenance facilities;
- (iv) transmitter buildings;
- (v) pumping stations; and
- (vi) other similar buildings, as determined by the Department.

(c) It is the intent of the General Assembly that the requirements of this section will not increase the cost of a construction project or a major renovation project.

(d) To the extent practicable and except as provided in subsection (g) of this section, the State shall include public art in all construction projects and major renovation projects.

(e) During the initial design of each construction project and major renovation project, the identification and selection of public art to be included in the project shall be determined by a group composed of representatives of:

(1) the unit of State government that will be the primary user of the building;

(2) the unit of State government responsible for project management of the building; and

(3) the Division.

(f) The Division shall work with the Council and the Commission in the selection of public art for any project under this section.

(g) (1) The Department of Budget and Management and the Department of General Services shall jointly establish a process to allow a unit of State government to obtain a waiver from complying with this section.

(2) The waiver process shall:

(i) provide for consultation with the Division, on behalf of the Council and the Commission, to determine if the inclusion of public art in a proposed project is too costly or not practicable; and

(ii) require the approval of the Secretaries of Budget and Management and General Services.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 84

(House Bill 173)

AN ACT concerning

Economic Development – Job Creation Tax Credit – Sunset Extension

FOR the purpose of extending the termination date applicable to the job creation tax credit program; and generally relating to the job creation tax credit program.

BY repealing and reenacting, with amendments,

Article – Economic Development

Section 6–309

Annotated Code of Maryland

(2018 Replacement Volume)

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

Article – Economic Development

6–309.

(a) Subject to subsection (b) of this section, this subtitle and the tax credit authorized under it shall terminate on January 1, [2020] ~~2027~~ 2022.

(b) After termination of this subtitle:

(1) a business entity may be considered for eligibility for the tax credit authorized under this subtitle based on positions filled before termination of this subtitle, provided that the other requirements of the subtitle are satisfied; and

(2) tax credits earned may be carried forward and are subject to recapture in accordance with § 6–305 of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 85

(House Bill 175)

AN ACT concerning

Maryland Research and Development Tax Credit – Sunset Extension

FOR the purpose of extending the termination date applicable to the Maryland Research and Development Tax Credit; extending the applicability of the credit to certain taxable years; and generally relating to the Maryland Research and Development Tax Credit.

BY repealing and reenacting, with amendments,
Chapter 515 of the Acts of the General Assembly of 2000, as amended by Chapter 98 of the Acts of the General Assembly of 2005 and Chapter 20 of the Acts of the General Assembly of 2010
Section 2 and 4

BY repealing and reenacting, with amendments,
Chapter 516 of the Acts of the General Assembly of 2000, as amended by Chapter 98 of the Acts of the General Assembly of 2005 and Chapter 20 of the Acts of the General Assembly of 2010
Section 2 and 4

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

**Chapter 515 of the Acts of 2000, as amended by Chapter 98 of the Acts of 2005
and Chapter 20 of the Acts of 2010**

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) Except as otherwise provided in this section, this Act shall be applicable to all taxable years beginning after December 31, 1999 but before January 1, [2020] ~~2027~~ 2021.

(b) If a taxpayer's taxable year for income tax purposes is not the calendar year:

(1) for the taxable year that ends in calendar year 2000, the taxpayer may apply for a prorated credit for research and development expenses paid or incurred in the taxable year for that part of the taxable year that falls in calendar year 2000; and

(2) for the taxable year that begins in calendar year [2019] ~~2026~~ 2020, the taxpayer may apply for only a prorated credit for research and development expenses paid or incurred in the taxable year for that part of the taxable year that falls in calendar year [2019] ~~2026~~ 2020.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2000. It shall remain effective for a period of [21] ~~28~~ 22 years and, at the end of June 30, [2021] ~~2028~~ 2022, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

**Chapter 516 of the Acts of 2000, as amended by Chapter 98 of the Acts of 2005
and Chapter 20 of the Acts of 2010**

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) Except as otherwise provided in this section, this Act shall be applicable to all taxable years beginning after December 31, 1999 but before January 1, [2020] ~~2027~~ 2021.

(b) If a taxpayer's taxable year for income tax purposes is not the calendar year:

(1) for the taxable year that ends in calendar year 2000, the taxpayer may apply for a prorated credit for research and development expenses paid or incurred in the taxable year for that part of the taxable year that falls in calendar year 2000; and

(2) for the taxable year that begins in calendar year [2019] ~~2026~~ 2020, the taxpayer may apply for only a prorated credit for research and development expenses paid or incurred in the taxable year for that part of the taxable year that falls in calendar year [2019] ~~2026~~ 2020.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2000. It shall remain effective for a period of [21] ~~28~~ 22 years and, at the end of June 30, [2021] ~~2028~~ 2022, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 86

(Senate Bill 20)

AN ACT concerning

Appraisal Management Companies – Notice and Response Requirements for Violations – Repeal of Exception

FOR the purpose of repealing an exception to the requirement that an appraisal management company provide certain appraisers with a certain notice and an opportunity to respond before the appraisal management company may remove an appraiser from a certain appraiser panel or refuse to assign requests for certain services; and generally relating to appraisal management companies.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions

Section 16–5B–17(a)
Annotated Code of Maryland
(2018 Replacement Volume)

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

Article – Business Occupations and Professions

16–5B–17.

(a) [Except within 30 days after an appraiser is first added to the appraiser panel of an appraisal management company, an] **AN** appraisal management company may not remove an appraiser from its appraiser panel, or otherwise refuse to assign requests for real estate appraisal services to an appraiser, without:

(1) notifying the appraiser in writing of the reasons why the appraiser is being removed from the appraiser panel of the appraisal management company;

(2) identifying the illegal conduct, violation of the Uniform Standards of Professional Appraisal Practice, violation of State licensing standards, or substandard performance or violations of contractual terms between the appraiser and the appraisal management company that the appraisal management company has a reasonable basis to believe that the appraiser has engaged in; and

(3) providing an opportunity for the appraiser to respond.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 87

(Senate Bill 67)

AN ACT concerning

**Financial Institutions – ~~Examination and Investigation of Licensed Persons~~
Disclosure of Information From Investigations**

FOR the purpose of ~~prohibiting, except under certain circumstances, a person from disclosing certain information obtained or generated in the course of exercising the Commissioner of Financial Regulation’s authority to investigate certain licensed persons; expanding the definition of “licensed persons” to include certain registered~~

~~persons and licensed or registered credit reporting agencies and credit services businesses authorizing the denial of certain records of an investigation; and generally relating to the disclosure of information obtained or generated in the course of exercising the Commissioner of Financial Regulation's authority to examine or investigate licensed persons records of an investigation by the Commissioner of Financial Regulation.~~

BY repealing and reenacting, with amendments,
 Article – Financial Institutions
 Section ~~2-117(a) and (e)~~ 2-114(a)
 Annotated Code of Maryland
 (2011 Replacement Volume and 2018 Supplement)

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

Article – Financial Institutions

~~2-117.~~

(a) ~~In this section, “licensed person” means:~~

~~(1) A person required to be licensed OR REGISTERED under this article, whether or not the person maintains a license OR REGISTRATION;~~

~~(2) A PERSON REQUIRED TO BE LICENSED OR REGISTERED UNDER TITLE 14, SUBTITLES 12 AND 19 OF THE COMMERCIAL LAW ARTICLE, WHETHER OR NOT THE PERSON MAINTAINS A LICENSE OR REGISTRATION; and~~

~~(2) (3) A [collection agency] PERSON required to be licensed under [the] TITLE 7 OF THE Business Regulation Article, whether or not the [collection agency] PERSON maintains a license.~~

~~(e) Except as otherwise provided in this article, a person, including the Commissioner and an employee of and the attorney for the Commissioner's office, may not disclose any information obtained or generated in the course of exercising the Commissioner's authority to examine OR INVESTIGATE licensed persons.~~

~~2-114.~~

(a) The Commissioner may:

(1) Make public or private investigations as the Commissioner considers necessary to:

(i) Determine whether a person has violated a provision of law, regulation, rule, or order over which the Commissioner has jurisdiction; or

(ii) Aid in the enforcement of a law or in the prescribing of regulations, rules, and orders over which the Commissioner has jurisdiction;

(2) Require or permit a person to file a statement in writing, under oath or otherwise as the Commissioner determines, as to all the facts and circumstances concerning the matter to be investigated; and

(3) Subject to the provisions of Title 4 of the General Provisions Article[, publish]:

(I) DENY RECORDS OF AN INVESTIGATION; OR

(II) PUBLISH information concerning a violation of a law, regulation, rule, or order over which the Commissioner has jurisdiction.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 88

(Senate Bill 68)

AN ACT concerning

Commercial Law – Credit Services Businesses – Information Statements

FOR the purpose of exempting ~~a certain~~ credit services ~~business~~ businesses from certain information statement requirements when the credit services business is engaged to obtain an extension of credit for a consumer; altering the definition of a credit services business; requiring certain credit services businesses to provide certain information with certain contracts; requiring certain credit services businesses to provide a copy of a certain contract before the consumer executes the contract; and generally relating to credit services businesses.

BY repealing and reenacting, without amendments,

Article – Commercial Law

Section 14–1901(a)

Annotated Code of Maryland

(2013 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
 Article – Commercial Law
 Section ~~14-1904~~ 14-1901(e)(1), 14-1904, and 14-1906
 Annotated Code of Maryland
 (2013 Replacement Volume and 2018 Supplement)

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

Article – Commercial Law

14-1901.

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

(e) (1) “Credit services business” means any person who, with respect to the extension of credit by others, sells, provides, or performs, or represents that such person can or will sell, provide, or perform, any of the following services in return for the payment of money or other valuable consideration:

(i) Improving a consumer’s credit record, history, or rating or establishing a new credit file or record, OR PROVIDING ADVICE OR ASSISTANCE TO A CONSUMER WITH REGARD TO IMPROVING THE CONSUMER’S CREDIT RECORD, HISTORY, OR RATING OR ESTABLISHING A NEW CREDIT FILE OR RECORD; OR

(ii) Obtaining an extension of credit for a consumer, OR PROVIDING ADVICE OR ASSISTANCE TO A CONSUMER WITH REGARD TO OBTAINING AN EXTENSION OF CREDIT FOR THE CONSUMER]; or

(iii) Providing advice or assistance to a consumer with regard to either subparagraph (i) or (ii) of this paragraph].

14-1904.

(a) **THIS SECTION DOES NOT APPLY WHEN TO A CREDIT SERVICES BUSINESS IS ENGAGED TO OBTAIN AN EXTENSION OF CREDIT FOR A CONSUMER PROVIDING THE SERVICES DESCRIBED IN § 14-1901(E)(1)(II) OF THIS SUBTITLE.**

(B) Before either the execution of a contract or agreement between a consumer and a credit services business or the receipt by the credit services business of any money or other valuable consideration, the credit services business shall provide the consumer with a written information statement containing all of the information required under § 14-1905 of this subtitle.

[(b)] (C) The credit services business shall maintain on file for a period of 2 years from the date of the consumer's acknowledgment a copy of the information statement signed by the consumer acknowledging receipt of the information statement.

14–1906.

(a) Every contract between a consumer and a credit services business for the purchase of the services of the credit services business shall **[be]**:

(1) BE in writing, dated, **AND** signed by the consumer~~[,]; and~~ **[shall]**

(2) ~~EXCEPT WHEN THE CREDIT SERVICES BUSINESS IS ENGAGED TO OBTAIN AN EXTENSION OF CREDIT FOR THE CONSUMER~~ FOR A CREDIT SERVICES BUSINESS PROVIDING THE SERVICES DESCRIBED IN § 14–1901(E)(1)(I) OF THIS SUBTITLE, include:

[(1)] (I) A conspicuous statement in size equal to at least 10–point bold type, in immediate proximity to the space reserved for the signature of the consumer as follows:

“You, the buyer, may cancel this contract at any time prior to midnight of the third business day after the date of the transaction. See the attached notice of cancellation form for an explanation of this right.”;

[(2)] (II) The terms and conditions of payment, including the total of all payments to be made by the consumer, whether to the credit services business or to some other person;

[(3)] (III) A complete and detailed description of the services to be performed and the results to be achieved by the credit services business for or on behalf of the consumer, including all guarantees and all promises of full or partial refunds and a list of the adverse information appearing on the consumer's credit report that the credit services business expects to have modified and the estimated date by which each modification will occur; and

[(4)] (IV) The principal business address of the credit services business and the name and address of its agent in this State authorized to receive service of process; **AND**

(3) FOR A CREDIT SERVICES BUSINESS PROVIDING THE SERVICES DESCRIBED IN § 14–1901(E)(1)(II) OF THIS SUBTITLE, INCLUDE:

(I) A STATEMENT OF THE CONSUMER'S RIGHT TO FILE A COMPLAINT UNDER § 14–1911 OF THIS SUBTITLE;

(II) THE ADDRESS OF THE COMMISSIONER WHERE A CONSUMER CAN FILE A COMPLAINT UNDER § 14-1911 OF THIS SUBTITLE;

(III) A STATEMENT THAT A BOND EXISTS AND THE CONSUMER’S RIGHT TO PROCEED AGAINST THE BOND UNDER THE CIRCUMSTANCES AND IN THE MANNER SET FORTH UNDER § 14-1910 OF THIS SUBTITLE; AND

(IV) THE PRINCIPAL BUSINESS ADDRESS OF THE CREDIT SERVICES BUSINESS.

(b) The contract shall be accompanied by a form completed in duplicate, captioned “NOTICE OF CANCELLATION”, which shall be attached to the contract and easily detachable, and which shall contain in at least 10–point bold type the following statement:

“NOTICE OF CANCELLATION

You may cancel this contract, without any penalty or obligation, at any time prior to midnight of the third business day after the date the contract is signed.

If you cancel, any payment made by you under this contract will be returned within 10 days following receipt by the seller of your cancellation notice.

To cancel this contract, mail or deliver a signed and dated copy of this cancellation notice, or any other written notice, to

(Name of seller)

At

(Address of seller)

.....

(Place of business)

Not later than midnight

(Date)

I hereby cancel this transaction.

.....

(Date)

(Buyer’s signature)”

(C) A CREDIT SERVICES BUSINESS PROVIDING THE SERVICES DESCRIBED IN § 14-1901(E)(1)(II) OF THIS SUBTITLE SHALL PROVIDE THE CONSUMER WITH A COPY OF THE CONTRACT BETWEEN THE CREDIT SERVICES BUSINESS AND THE CONSUMER BEFORE THE CONSUMER EXECUTES THE CONTRACT.

~~(e)~~ **(D)** A copy of the completed contract and all other documents the credit services business requires the consumer to sign shall be given by the credit services business to the consumer at the time they are signed.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 89**(Senate Bill 69)**

AN ACT concerning

Appraisal Management Companies – Annual Fee and Reports

FOR the purpose of establishing the Appraisal Management Company Annual Federal Registry Fee Fund; providing for the purpose of the Fund; providing for the administration of the Fund; providing that the Fund is a continuing, nonlapsing fund that is not subject to certain provisions of law; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; providing that the Fund consists of certain money; providing for the uses of the Fund; requiring the Fund to be invested and reinvested in a certain manner and the investment earnings to be credited to the General Fund; requiring the State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors to collect, deposit, and transmit certain fees to the Appraisal Subcommittee of the Federal Financial Institutions Examinations Council each year; providing that the schedule of certain fees is as established by the Appraisal Subcommittee; requiring the Commission to send a certain roster and a certain report to the Appraisal Subcommittee each year; defining certain terms; and generally relating to appraisal management companies.

BY adding to

Article – Business Occupations and Professions
Section 16–5B–19
Annotated Code of Maryland
(2018 Replacement Volume)

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

Article – Business Occupations and Professions**16–5B–19.**

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

(2) “AMC FEE” MEANS THE APPRAISAL MANAGEMENT COMPANY ANNUAL FEDERAL REGISTRY FEE.

(3) “APPRAISAL SUBCOMMITTEE” MEANS THE APPRAISAL SUBCOMMITTEE OF THE FEDERAL FINANCIAL INSTITUTIONS EXAMINATIONS COUNCIL.

(4) "FUND" MEANS THE APPRAISAL MANAGEMENT COMPANY ANNUAL FEDERAL REGISTRY FEE FUND.

(B) (1) THERE IS AN APPRAISAL MANAGEMENT COMPANY ANNUAL FEDERAL REGISTRY FEE FUND.

(2) THE PURPOSE OF THE FUND IS TO HOLD THE AMC FEE COLLECTED FROM EACH REGISTERED APPRAISAL MANAGEMENT COMPANY IN ACCORDANCE WITH § 1109(A)(4) OF THE FEDERAL FINANCIAL INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT ACT OF 1989, AS AMENDED BY THE DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT OF 2010, UNTIL TRANSMITTAL TO THE APPRAISAL SUBCOMMITTEE.

(3) THE DIRECTOR OF THE COMMISSION SHALL ADMINISTER THE FUND.

(4) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(II) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(5) THE FUND CONSISTS ONLY OF THE AMC FEE COLLECTED FROM EACH REGISTERED APPRAISAL MANAGEMENT COMPANY BY THE COMMISSION AND DEPOSITED IN THE FUND EACH YEAR.

(6) THE FUND MAY BE USED ONLY FOR THE HOLDING OF AMC FEES UNTIL TRANSMITTAL TO THE APPRAISAL SUBCOMMITTEE BY THE COMMISSION AT THE DESIGNATED TIME EACH YEAR.

(7) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(II) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.

(C) (1) EACH YEAR, THE COMMISSION SHALL:

(I) COLLECT FROM EACH REGISTERED APPRAISAL MANAGEMENT COMPANY THE AMC FEE AND DEPOSIT THE AMC FEE INTO THE FUND; AND

(II) TRANSMIT TO THE APPRAISAL SUBCOMMITTEE THE AMC FEES HELD IN THE FUND.

(2) THE SCHEDULE OF AMC FEES IS AS ESTABLISHED BY THE APPRAISAL SUBCOMMITTEE.

(D) EACH YEAR, THE COMMISSION SHALL SEND TO THE APPRAISAL SUBCOMMITTEE:

(1) A ROSTER OF THE APPRAISAL MANAGEMENT COMPANIES REGISTERED WITH THE COMMISSION; AND

(2) A REPORT ON ANY FULLY ADJUDICATED DISCIPLINARY ACTIONS TAKEN AGAINST OR ANY FINAL DECISIONS CONCERNING AN APPRAISAL MANAGEMENT COMPANY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 90

(House Bill 59)

AN ACT concerning

Financial Institutions – Commissioner of Financial Regulation – Debt Settlement Services

FOR the purpose of requiring registrants providing debt settlement services to obtain and maintain a valid unique identifier issued by the Nationwide Mortgage Licensing System and Registry (NMLS) and to transfer registration information to NMLS during a certain time period; requiring the Commissioner of Financial Regulation to establish a certain time period; requiring the Commissioner to notify certain registrants of the transfer period and provide certain registrants with certain instructions; requiring a certain applicant for the issuance of a registration or a renewal of a registration to apply for the registration through NMLS on or after a certain date or on or after the date that the Commissioner joins NMLS; decreasing certain fees to register as a debt settlement services provider; requiring a certain registrant to pay certain NMLS fees; altering the term of an initial registration and a renewal of a registration; repealing an outdated provision; defining a certain term; and generally relating to debt settlement services.

BY repealing and reenacting, without amendments,
Article – Financial Institutions
Section 12–1001(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2018 Supplement)

BY adding to
Article – Financial Institutions
Section 12–1001(l)
Annotated Code of Maryland
(2011 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 12–1004, 12–1006, and 12–1009
Annotated Code of Maryland
(2011 Replacement Volume and 2018 Supplement)

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

Article – Financial Institutions

12–1001.

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

(L) “UNIQUE IDENTIFIER” MEANS A NUMBER OR ANOTHER IDENTIFIER ASSIGNED BY NMLS.

12–1004.

(A) A person may not offer, provide, or attempt to provide debt settlement services unless the person:

- (1) Is registered with the Commissioner under this subtitle; or
- (2) Is exempt from registration under this subtitle.

(B) DURING THE TIME PERIOD ESTABLISHED BY THE COMMISSIONER UNDER SUBSECTION (C) OF THIS SECTION, EACH REGISTRANT SHALL:

(1) OBTAIN AND MAINTAIN A VALID UNIQUE IDENTIFIER ISSUED BY NMLS WHEN AN ACCOUNT IS CREATED WITH NMLS; AND

(2) TRANSFER REGISTRATION INFORMATION TO NMLS.

(C) (1) THE COMMISSIONER SHALL ESTABLISH A TIME PERIOD THAT IS NOT LESS THAN 2 MONTHS WITHIN WHICH A REGISTRANT MUST TRANSFER REGISTRATION INFORMATION TO NMLS.

(2) THE TIME PERIOD THAT THE COMMISSIONER ESTABLISHES UNDER THIS SUBSECTION SHALL BEGIN ON OR AFTER JULY 1, 2019.

(3) AT LEAST 30 DAYS BEFORE THE TRANSFER PERIOD BEGINS, THE COMMISSIONER SHALL:

(I) NOTIFY REGISTRANTS OF THE TRANSFER PERIOD; AND

(II) PROVIDE INSTRUCTIONS FOR THE TRANSFER OF REGISTRATION INFORMATION TO NMLS.

(D) SUBJECT TO SUBSECTION (B) OF THIS SECTION, AN APPLICANT FOR THE ISSUANCE OF A REGISTRATION OR A RENEWAL OF A REGISTRATION SHALL APPLY FOR THE INITIAL REGISTRATION OR THE RENEWAL OF THE REGISTRATION THROUGH NMLS:

(1) ON OR AFTER JULY 1, 2019; OR

(2) IF THE COMMISSIONER HAS NOT JOINED NMLS WITH RESPECT TO PERSONS REQUIRED TO BE REGISTERED UNDER THIS SUBTITLE AS OF JULY 1, 2019, ON OR AFTER THE DATE THAT THE COMMISSIONER JOINS, AS SPECIFIED BY THE COMMISSIONER BY PUBLIC NOTICE.

12-1006.

(A) A person registering as a debt settlement services provider with the Commissioner under this subtitle shall pay to the Commissioner a nonrefundable fee in the amount of:

(1) [\$1,000] ~~\$500~~ \$400 for the issuance of a registration under this subtitle; and

(2) [\$1,000] ~~\$500~~ \$400 for the renewal of a registration under this subtitle.

(B) IN ADDITION TO THE REGISTRATION FEE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, A REGISTRANT FOR THE ISSUANCE OF A REGISTRATION OR A RENEWAL OF A REGISTRATION SHALL PAY TO NMLS ANY FEES THAT NMLS IMPOSES IN CONNECTION WITH THE ISSUANCE OF THE REGISTRATION OR THE RENEWAL OF THE REGISTRATION.

12-1009.

(a) A registration issued under this subtitle expires on December 31 of each [odd-numbered] year [unless the registration is renewed for a 2-year term as provided in subsection (b) of this section].

(b) On or [before December] **AFTER NOVEMBER** 1 of the year [of expiration, a] **IN WHICH A REGISTRATION EXPIRES, THE** registration may be renewed for [a 2-year] **AN ADDITIONAL 1-YEAR** term if the registrant:

(1) Otherwise is entitled to be registered;

(2) Pays to the Commissioner the renewal fee established under § 12-1006 of this subtitle; [and]

(3) Submits to the Commissioner a renewal application on the form that the Commissioner requires; **AND**

(4) PAYS TO NMLS ANY FEES THAT NMLS IMPOSES IN CONNECTION WITH THE RENEWAL OF THE REGISTRATION.

[(c) A registration or a renewal of a registration with an expiration date of December 1, 2015, shall automatically extend and expire on June 1, 2016, without payment of an additional fee or submission of an application.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 91

(House Bill 60)

AN ACT concerning

Department of Labor, Licensing, and Regulation – Renaming

FOR the purpose of renaming the Department of Labor, Licensing, and Regulation to be the Maryland Department of Labor; renaming the Secretary of Labor, Licensing, and Regulation to be the Secretary of Labor; providing that the Maryland Department of Labor is the successor of the Department of Labor, Licensing, and Regulation; 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; providing that letterhead, business cards, and other documents reflecting the renaming of the Department of Labor, Licensing, and Regulation may not be used until all letterhead, business cards, and other documents already in print and reflecting the name of the Department of Labor, Licensing, and Regulation before the effective date of this Act are used; 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; and generally relating to the renaming of the Department of Labor, Licensing, and Regulation and the Secretary of Labor, Licensing, and Regulation.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 1–101(a)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 1–101(f) and (h); and 2–101 and 2–102(a) to be under the amended title
“Title 2. Maryland Department of Labor”
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–201(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–201(b)(13)
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)

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

Article – Business Regulation

1–101.

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

(f) “Department” means the **MARYLAND** Department of Labor[, Licensing, and Regulation].

(h) “Secretary” means the Secretary of Labor[, Licensing, and Regulation].

Title 2. **MARYLAND** Department of Labor[, Licensing, and Regulation].

2–101.

There is a **MARYLAND** Department of Labor[, Licensing, and Regulation], established as a principal department of the State government.

2–102.

(a) The head of the Department is the Secretary of Labor[, Licensing, and Regulation], who shall be appointed by the Governor with the advice and consent of the Senate.

Article – State Government

8–201.

(a) The Executive Branch of the State government shall have not more than 21 principal departments, each of which shall embrace a broad, functional area of that Branch.

(b) The principal departments of the Executive Branch of the State government are:

(13) Labor[, Licensing, and Regulation];

SECTION 2. AND BE IT FURTHER ENACTED, That, as provided in this Act:

(a) The Maryland Department of Labor is the successor of the Department of Labor, Licensing, and Regulation.

(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 3. AND BE IT FURTHER ENACTED, That nothing in this Act affects the term of office of an appointed or elected member of any board, commission, office, department, agency, or other unit. An individual who is a member of a unit on the effective date of this Act shall remain for the balance of the term to which appointed or elected, unless the member sooner dies, resigns, or is removed under provisions of law.

SECTION 4. 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 5. AND BE IT FURTHER ENACTED, That:

(1) the continuity of every board, 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 6. AND BE IT FURTHER ENACTED, That letterhead, business cards, and other documents reflecting the renaming of the Department of Labor, Licensing, and Regulation to be the Maryland Department of Labor may not be used until all letterhead, business cards, and other documents already in print and reflecting the name of the Department before the effective date of this Act have been used.

SECTION 7. 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 correction made in an editor's note following the section affected.

SECTION 8. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 92

(House Bill 61)

AN ACT concerning

**Financial Institutions – Commissioner of Financial Regulation – Mortgage
Lenders, Loan Servicers, and Loan Originators**

FOR the purpose of altering certain net worth requirements for certain applicants and licensees for certain mortgage lending, loan servicing, and loan origination activities; establishing certain net worth requirements for certain applicants and licensees acting as mortgage loan servicers for government–sponsored enterprises and other entities; authorizing the use of an irrevocable letter of credit from certain institutions to satisfy certain minimum net worth requirements under certain circumstances; providing that certain lines of credit may be used toward satisfying certain minimum net worth requirements under certain circumstances; prohibiting the use of a working capital line of credit toward satisfying certain minimum net worth requirements by certain applicants and licensees; requiring that an original irrevocable letter of credit be submitted to the Commissioner of Financial Regulation under certain circumstances; prohibiting revocation of an irrevocable letter of credit without prior written consent by the Commissioner; removing the requirement to reapply for a license by a licensee that fails to request approval of a change in location in a timely manner; extending the mandatory examination cycle period for certain licensees; altering certain provisions on the expiration of mortgage loan originator licenses; making stylistic changes; and generally relating to mortgage lenders and mortgage originators.

BY repealing and reenacting, without amendments,
Article – Financial Institutions
Section 1–101(a) and (q)
Annotated Code of Maryland
(2011 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 11–508.1(a) and (b), 11–512(c), 11–513(c)(2), 11–513.1(a), 11–515(a)(2), and
11–609
Annotated Code of Maryland
(2011 Replacement Volume and 2018 Supplement)

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

Article – Financial Institutions

1–101.

(a) In this article, unless the context clearly requires otherwise, the following words have the meanings indicated.

(q) “Nationwide Mortgage Licensing System and Registry” or “NMLS” means a multistate uniform licensing system developed and maintained by the Conference of State

Bank Supervisors, or by a subsidiary or an affiliate of the Conference of State Bank Supervisors, that may be used for the licensing and registration of persons required to be licensed or registered under this article or the Commercial Law Article.

11-508.1.

(a) An applicant for a new license or for the renewal of a license shall satisfy the Commissioner that the applicant or licensee has, and at all times will maintain, a minimum **TANGIBLE** net worth computed according to generally accepted accounting principles or, with respect to an applicant or licensee described in item (1) of this subsection, any other recognized comprehensive basis of accounting approved by the Commissioner:

(1) In the case of an applicant **THAT APPLIES TO ACT AS A MORTGAGE BROKER** or A licensee that [does not lend money secured by a dwelling or residential real estate] **ACTS AS A MORTGAGE BROKER**, in the amount of \$25,000; [and]

(2) **IN THE CASE OF AN APPLICANT THAT APPLIES TO ACT AS A MORTGAGE LOAN SERVICER THAT OPERATES AS AN APPROVED SERVICER FOR A GOVERNMENT-SPONSORED ENTERPRISE (GSE) OR A LICENSEE THAT ACTS AS A MORTGAGE SERVICER AND OPERATES AS AN APPROVED SERVICER FOR A GSE, IN THE LARGEST AMOUNT REQUIRED OF THE APPLICANT OR LICENSEE BY THE STANDARDS OF THE GSE;**

(3) **IN THE CASE OF AN APPLICANT THAT APPLIES TO ACT AS A MORTGAGE SERVICER THAT DOES NOT OPERATE AS AN APPROVED SERVICER FOR A GSE OR A LICENSEE THAT ACTS AS A MORTGAGE SERVICER THAT DOES NOT OPERATE AS AN APPROVED SERVICER FOR A GSE:**

(I) **\$100,000, IF THE UNPAID PRINCIPAL BALANCE OF THE ENTIRE SERVICING PORTFOLIO IS LESS THAN OR EQUAL TO \$50,000,000;**

(II) **\$250,000, IF THE UNPAID PRINCIPAL OF THE ENTIRE SERVICING PORTFOLIO IS GREATER THAN \$50,000,000 BUT LESS THAN OR EQUAL TO \$100,000,000;**

(III) **\$500,000, IF THE UNPAID PRINCIPAL BALANCE OF THE ENTIRE SERVICING PORTFOLIO IS GREATER THAN \$100,000,000 BUT LESS THAN OR EQUAL TO \$250,000,000; OR**

(IV) **\$1,000,000, IF THE UNPAID PRINCIPAL BALANCE OF THE ENTIRE SERVICING PORTFOLIO IS GREATER THAN \$250,000,000; AND**

[(2)] (4) In the case of an applicant **THAT APPLIES TO LEND MONEY SECURED BY A DWELLING OR RESIDENTIAL REAL ESTATE** or A licensee that lends money secured by a dwelling or residential real estate, in the amount of:

(i) \$25,000, if the applicant or licensee, in the 12 months prior to the license application or the renewal application, lent in the aggregate not more than \$1,000,000 secured by a dwelling or residential real estate;

(ii) \$50,000, if the applicant or licensee, in the 12 months prior to the license application or the renewal application, lent in the aggregate more than \$1,000,000, but not more than \$5,000,000 secured by a dwelling or residential real estate;

(iii) \$100,000, if the applicant or licensee, in the 12 months prior to the license application or the renewal application, lent in the aggregate more than \$5,000,000, but not more than \$10,000,000 secured by a dwelling or residential real estate; and

(iv) \$250,000, if the applicant or licensee, in the 12 months prior to the license application or the renewal application, lent in the aggregate more than \$10,000,000 secured by a dwelling or residential real estate.

(b) (1) Subject to paragraphs (2) [and], (3), AND (4) of this subsection, the minimum net worth requirements under subsection [(a)(2)] (A) of this section may be satisfied by the applicant or licensee having:

(i) Cash on deposit with a bank or depository institution;

(ii) A **WORKING CAPITAL** line of credit from a bank or depository institution;

(III) AN IRREVOCABLE LETTER OF CREDIT FROM A BANK OR DEPOSITORY INSTITUTION;

[(iii)] **(IV)** Other assets; or

[(iv)] **(V)** A combination of cash, a **WORKING CAPITAL** line of credit, **AN IRREVOCABLE LETTER OF CREDIT**, or other assets.

(2) If cash is used toward satisfying the minimum net worth requirements under subsection [(a)(2)] (A) of this section, the applicant or licensee shall submit to the Commissioner a bank letter verifying:

(i) The account balance;

(ii) The type of account in which the funds are held; and

(iii) That the funds are not encumbered or hypothecated in any way.

(3) (i) If a **WORKING CAPITAL** line of credit is used toward satisfying the minimum net worth requirements under subsection [(a)(2)] **(A)** of this section, the applicant or licensee shall submit to the Commissioner a copy of the line of credit agreement and the promissory note, **AND, SUBJECT TO ~~PARAGRAPHS~~ SUBPARAGRAPHS (II) AND (III) OF THIS SUBSECTION PARAGRAPH, A RESERVATION OF THE WORKING CAPITAL LINE OF CREDIT IN FAVOR OF THE COMMISSIONER BY THE BANK OR DEPOSITORY INSTITUTION.**

(ii) A **WORKING CAPITAL** line of credit may not be used toward satisfying more than 75% of the minimum net worth requirements under subsection [(a)(2)] **(A)** of this section.

(III) A WORKING CAPITAL LINE OF CREDIT MAY NOT BE USED TOWARD SATISFYING THE MINIMUM NET WORTH REQUIREMENTS UNDER SUBSECTION (A)(2) AND (3) OF THIS SECTION.

(4) (i) **IF AN IRREVOCABLE LETTER OF CREDIT IS USED TOWARD SATISFYING THE MINIMUM NET WORTH REQUIREMENTS UNDER SUBSECTION (A) OF THIS SECTION, THE APPLICANT OR LICENSEE SHALL SUBMIT TO THE COMMISSIONER THE ORIGINAL IRREVOCABLE LETTER OF CREDIT.**

(II) AN IRREVOCABLE LETTER OF CREDIT MAY NOT:

1. **TERMINATE PRIOR TO THE EXPIRATION OF A LICENSE; OR**

2. **BE MODIFIED OR REVOKED WITHOUT THE PRIOR WRITTEN CONSENT OF THE COMMISSIONER.**

11-512.

(c) In addition to any sanctions which may be imposed under this subtitle by the Commissioner, a licensee who fails to [timely] provide **IN A TIMELY MANNER** the notice required under subsection (a)(1) or (b)(1) of this section shall:

(1) For each such failure pay to the Commissioner a surcharge in the amount of \$500; and

(2) [File] **FOR A LICENSEE WHO FAILS TO PROVIDE IN A TIMELY MANNER THE NOTICE REQUIRED UNDER SUBSECTION (B)(1) OF THIS SECTION, FILE** with the Commissioner an application for a new license, together with all applicable application and investigation fees.

11-513.

(c) Notwithstanding subsection (a) of this section, on approval of the Commissioner, a licensee need not keep at the licensee's place of business any books and records otherwise required by the Commissioner under subsection (a) of this section if the licensee:

(2) Retains the records for at least ~~[25]~~ **61** months in a storage facility disclosed to the Commissioner.

11-513.1.

(a) A licensee shall submit to ~~[the Nationwide Mortgage Licensing System and Registry]~~ **NMLS** a call report once each quarter on the date, in the form, and containing the information required by ~~[the Nationwide Mortgage Licensing System and Registry]~~ **NMLS**.

11-515.

(a) (2) The schedule established by the Commissioner under paragraph (1)(i) of this subsection shall:

(i) Take into account:

1. The length of time the licensee has been engaged in business as a mortgage lender;

2. Any prior violations by the licensee of the mortgage lending law or regulations;

3. The nature and number of any complaints made against the licensee; and

4. The result of findings from any prior examination of the licensee; and

(ii) Provide that:

1. New licensees shall be examined within 18 months ~~[of]~~ **AFTER** the date the license is issued; and

2. Each licensee shall be examined at least once during any ~~[36-month]~~ **60-MONTH** period.

11-609.

(a) Subject to any regulations the Commissioner adopts in connection with the transition to [the Nationwide Mortgage Licensing System and Registry] **NMLS**, an initial license term shall:

- (1) [Be for a maximum period of 1 year;
- (2)] Begin on the first day the license is issued; and
- ~~[(3)]~~ **(2)** Expire on December 31 of the year [the license is issued]:

(I) IN WHICH THE LICENSE IS ISSUED, IF THE LICENSE IS ISSUED BEFORE NOVEMBER 1; OR

(II) SUCCEEDING THE YEAR IN WHICH THE LICENSE IS ISSUED, IF THE LICENSE IS ISSUED ON OR AFTER NOVEMBER 1.

(b) On or [before] **AFTER** November 1 of the year [of expiration, a license] **IN WHICH THE LICENSE EXPIRES, THE LICENSE** may be renewed **FOR AN ADDITIONAL 1-YEAR TERM**, if the licensee:

- (1) Subject to subsections [(e)] **(D)** and [(f)] **(E)** of this section, meets the minimum standards for the issuance of a license and otherwise is entitled to be licensed;
- (2) Pays to the Commissioner a renewal fee set by the Commissioner; and
- (3) Submits to the Commissioner:
 - (i) A renewal application on the form that the Commissioner requires; and
 - (ii) Satisfactory evidence of compliance with any continuing education requirements under this subtitle or set by regulations adopted by the Commissioner.

[(c)] Subject to any regulations the Commissioner adopts in connection with the transition to the Nationwide Mortgage Licensing System and Registry, a renewal term shall:

- (1) Be for a maximum period of 1 year;
- (2) Begin on January 1 of each year after the initial term; and
- (3) Expire on December 31 of the year the renewal term begins.]

[(d)] (C) In addition to the license renewal fee required under subsection (b)(2) of this section, an applicant for a license renewal shall pay to [the Nationwide Mortgage

Licensing System and Registry] **NMLS** any fees that [the Nationwide Mortgage Licensing System and Registry] **NMLS** imposes in connection with the renewal application.

[(e)] (D) Notwithstanding anything to the contrary in this section or § 11–605 of this subtitle, an applicant for renewal of a license who is duly licensed under this subtitle on July 1, 2009:

(1) May comply with the following requirements for renewal of the license on or before December 31, 2010:

(i) The fingerprinting and criminal history report requirement under § 11–604 of this subtitle;

(ii) The surety bond coverage requirement under § 11–619 of this subtitle; and

(iii) The prelicensing testing requirement under § 11–606.1 of this subtitle; and

(2) Is deemed to have satisfied the prelicensing educational course requirement under § 11–606 of this subtitle if the applicant completed 20 hours of continuing education courses approved by the Commissioner within 5 years prior to the expiration date of the applicant's current license.

[(f)] (E) If a license is surrendered voluntarily or is suspended or revoked, the Commissioner may not refund any part of the license fee regardless of the time remaining in the license term.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 93

(House Bill 107)

AN ACT concerning

Real Property – Residential Property Foreclosure Procedures

FOR the purpose of substituting the Commissioner of Financial Regulation for the Department of Labor, Licensing, and Regulation in certain provisions of law relating to the Foreclosed Property Registry; renumbering certain sections; making technical changes; and generally relating to foreclosure procedures.

BY renumbering

Article – Real Property

Section 7–105.2 through 7–105.11, 7–105.12 through 7–105.14, 14–126, 14–126.2, and 14–126.3, respectively

to be Section 7–105.4 through 7–105.13, 7–105.16 through 7–105.18, 7–105.3, 7–105.2, and 7–105.15, respectively

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

BY renumbering

Article – Real Property

Section 14–126.1

to be Section 7–105.14

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

(As enacted by Chapters 348 and 349 of the Acts of the General Assembly of 2018)

BY repealing and reenacting, with amendments,

Article – Real Property

Section 7–105(c) and 7–105.1(b)(2)(i)5.

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Real Property

Section 7–105.2, 7–105.5(b), 7–105.10, 7–105.11(a)(2), 7–105.12(a)(2), 7–105.14, and 7–105.17(c)

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

(As enacted by Section 1 of this Act)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 7–105.2 through 7–105.11, 7–105.12 through 7–105.14, 14–126, 14–126.1, 14–126.2, and 14–126.3, respectively, of Article – Real Property of the Annotated Code of Maryland be renumbered to be Section(s) 7–105.4 through 7–105.13, 7–105.16 through 7–105.18, 7–105.3, 7–105.14, 7–105.2, and 7–105.15, respectively.

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

Article – Real Property

7–105.

(c) A sale made pursuant to this section, §§ 7–105.1 through [7–105.8] **7–105.10** of this subtitle, or the Maryland Rules, after final ratification by the court and

grant of the property to the purchaser on payment of the purchase money, has the same effect as if the sale and grant were made under decree between the proper parties in relation to the mortgage or deed of trust and in the usual course of the court, and operates to pass all the title which the borrower had in the property at the time of the recording of the mortgage or deed of trust.

7-105.1.

(b) (2) (i) The secured party may petition the circuit court for leave to immediately commence an action to foreclose the mortgage or deed of trust if:

5. The property subject to the mortgage or deed of trust is property that is vacant and abandoned as provided under [§ 7-105.14] § 7-105.18 of this subtitle.

7-105.2.

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

[(2)] (2) “Department” means the Department of Labor, Licensing, and Regulation.

[(3)] (2) “Foreclosed Property Registry” means the Foreclosed Property Registry established by the [Department] **COMMISSIONER OF FINANCIAL REGULATION** under [§ 14-126.1] § 7-105.14 of this subtitle.

[(4)] (3) “Local jurisdiction” means:

- (i) A county; or
- (ii) A municipal corporation.

[(5)] (4) “Notice of foreclosure” means the notice described in subsection (b) of this section.

[(6)] (5) “Person authorized to make the sale” means the person designated under the Maryland Rules to sell residential property subject to foreclosure.

[(7)] (6) “Residential property” means real property improved by four or fewer dwelling units that are designed principally and are intended for human habitation.

(b) (1) Within 7 days of the filing of an order to docket or a complaint to foreclose a mortgage or deed of trust on a residential property by a person authorized to make the sale of the residential property, the person authorized to make the sale shall provide the [Department] **COMMISSIONER OF FINANCIAL REGULATION** with a notice of foreclosure as required under this subsection.

(2) The notice of foreclosure shall:

(i) Be in the form the [Department] **COMMISSIONER OF FINANCIAL REGULATION** requires, which may be the form of a registration with the Foreclosed Property Registry; and

(ii) Contain the following information regarding the property that is subject to foreclosure:

1. The street address;
2. The tax account number, if known;
3. Whether the property is vacant, if known;
4. The name, address, and telephone number of the owner or owners of the property, if known;
5. The name, address, and telephone number of the person authorized to make the sale; and
6. The name, address, and telephone number of a person authorized to manage and maintain the property before the foreclosure sale, if known.

(c) (1) A notice of foreclosure:

(i) Is not a public record as defined in § 4–101 of the General Provisions Article; and

(ii) Is not subject to Title 4 of the General Provisions Article.

(2) The [Department] **COMMISSIONER OF FINANCIAL REGULATION** may authorize access to a notice of foreclosure only to local jurisdictions, the agencies of local jurisdictions, and representatives of State agencies.

(3) Notwithstanding paragraphs (1) and (2) of this subsection, the [Department] **COMMISSIONER OF FINANCIAL REGULATION** or a local jurisdiction may provide information for a specific property described in a notice of foreclosure to:

- (i) A person who owns property on the same block; or
- (ii) A homeowners association or condominium in which the property is located.

(b) The person authorized to make a sale in an action to foreclose a mortgage or deed of trust shall give written notice of any proposed foreclosure sale to the holder of any subordinate mortgage, deed of trust, or other subordinate interest, including a judgment, in accordance with [§ 7–105.2] **§ 7–105.4** of this subtitle and the requirements of Maryland Rule 14–210.

7–105.10.

The entry of an order for resale on default by a purchaser at a sale under §§ 7–105 through [7–105.7] **7–105.9** of this subtitle and Title 14 of the Maryland Rules:

(1) Does not affect the prior ratification of the sale and does not restore to the mortgagor or former record owner any right or remedy that was extinguished by the prior sale and its ratification; and

(2) Extinguishes all interest of the defaulting purchaser in the real property being foreclosed and in the proceeds of the resale.

7–105.11.

(a) (2) “Bona fide tenant” means a tenant under a lease or tenancy described in [§ 7–105.6(b)(1)] **§ 7–105.8(B)(1)** of this subtitle.

7–105.12.

(a) (2) “Bona fide tenant” means a tenant under a lease or tenancy described in [§ 7–105.6(b)(1)] **§ 7–105.8(B)(1)** of this subtitle.

7–105.14.

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

[(2) “Department” means the Department of Labor, Licensing, and Regulation.]

[(3)] (2) “Foreclosed Property Registry” means the Foreclosed Property Registry established by the [Department] **COMMISSIONER OF FINANCIAL REGULATION** under subsection (b) of this section.

[(4)] (3) “Foreclosure purchaser” means the person identified as the purchaser on the report of sale required by Maryland Rule 14–305 for a foreclosure sale of residential property.

[(5)] (4) “Fund” means the Foreclosed Property Registry Fund established by the [Department] **COMMISSIONER OF FINANCIAL REGULATION** under subsection (i) of this section.

[(6)] (5) “Local jurisdiction” means:

- (i) A county; or
- (ii) A municipal corporation.

[(7)] (6) “Residential property” means real property improved by four or fewer dwelling units that are designed principally and are intended for human habitation.

(b) The **[Department] COMMISSIONER OF FINANCIAL REGULATION** shall establish and maintain an Internet–based Foreclosed Property Registry for information relating to foreclosure sales of residential property.

(c) At the time of a foreclosure sale of residential property, the person responsible for conducting the foreclosure shall obtain from the foreclosure purchaser a written acknowledgment of the requirements of this section.

(d) (1) Within 30 days after a foreclosure sale of residential property, a foreclosure purchaser shall submit an initial registration to the Foreclosed Property Registry.

(2) The initial registration shall:

(i) Be in the form the **[Department] COMMISSIONER OF FINANCIAL REGULATION** requires; and

(ii) Contain the following information:

1. The name, telephone number, and address of the foreclosure purchaser;
2. The street address of the property that is the subject of the foreclosure sale;
3. The date of the foreclosure sale;
4. Whether the property is a single–family or multifamily property;
5. The name and address of the person, including a substitute purchaser, who is authorized to accept legal service for the foreclosure purchaser;
6. To the best of the foreclosure purchaser’s knowledge at the time of registration:

A. Whether the residential property is vacant; and

B. The name, telephone number, and street address of the person who is responsible for the maintenance of the property; and

7. Whether the foreclosure purchaser has possession of the property.

(3) Within 30 days after a deed transferring title to the residential property has been recorded, the foreclosure purchaser shall submit a final registration to the Foreclosed Property Registry.

(4) The final registration shall:

(i) Be in the form the [Department] **COMMISSIONER OF FINANCIAL REGULATION** requires; and

(ii) Contain the following information as of the date of final registration:

1. The name, telephone number, and address of the owner on the deed;

2. The date of the ratification of the sale; and

3. The date the deed was recorded.

(5) The [Department] **COMMISSIONER OF FINANCIAL REGULATION** shall establish procedures that require a foreclosure purchaser, after submitting an initial registration, to submit to the Foreclosed Property Registry any change to the information required under paragraph (2)(ii) 5 through 7 of this subsection within 21 business days after the change is known to the purchaser.

(6) On receipt through the Foreclosed Property Registry of an initial registration or any change submitted under paragraph (5) of this subsection, the [Department] **COMMISSIONER OF FINANCIAL REGULATION** shall promptly notify, by electronic means, authorized users from the county and, if appropriate, the municipal corporation in which the property is located.

(e) (1) The filing fees for registering a residential property are:

(i) \$50 for an initial registration filed within the time period required under subsection (d)(1) of this section; and

(ii) \$100 for an initial registration filed after the time period required under subsection (d)(1) of this section.

(2) There is no fee for a final registration.

(3) A filing fee paid under paragraph (1) of this subsection is nonrefundable.

(4) A local jurisdiction may enact a local law that imposes a civil penalty for failure to register under this section in an amount not exceeding \$1,000.

(f) (1) Subject to paragraph (2) of this subsection, a local jurisdiction that, in accordance with any applicable building code or local ordinance, abates a nuisance on a residential property registered under this section or takes action to maintain a residential property registered under this section may collect the cost associated with the abatement or other action as a charge included on the residential property's property tax bill.

(2) (i) The cost associated with an abatement or other action taken under paragraph (1) of this subsection may not be included as a charge on the residential property's property tax bill unless the local jurisdiction provides advance written notice in accordance with subparagraph (ii) of this paragraph to:

1. The person identified in the registry who is authorized to accept legal service for the foreclosure purchaser; and

2. The person identified in the registry who is responsible for the maintenance of the property.

(ii) The notice described in subparagraph (i) of this paragraph shall:

1. Describe the intended abatement or other action the local jurisdiction intends to take; and

2. Be provided:

A. In accordance with the notice provisions of the applicable building code or local ordinance; or

B. If the applicable building code or local ordinance does not provide for notice, at least 30 days before the local jurisdiction abates the nuisance or takes action to maintain the property.

(g) (1) The Foreclosed Property Registry:

(i) Is not a public record as defined by § 4-101 of the General Provisions Article; and

(ii) Is not subject to Title 4 of the General Provisions Article.

(2) The [Department] **COMMISSIONER OF FINANCIAL REGULATION** may authorize access to the Foreclosed Property Registry only to local jurisdictions, their agencies, and representatives and State agencies.

(3) Notwithstanding paragraphs (1) and (2) of this subsection, the [Department] **COMMISSIONER OF FINANCIAL REGULATION** or a local jurisdiction may provide information for a specific property in the Foreclosed Property Registry to:

(i) A person who owns property on the same block; or

(ii) A homeowners association or condominium in which the property is located.

(h) Revenue collected from the filing fees required under subsection (e)(1) of this section shall be distributed to the Fund.

(i) (1) There is a Foreclosed Property Registry Fund in the [Department] **OFFICE OF THE COMMISSIONER OF FINANCIAL REGULATION**.

(2) The purpose of the Fund is to support the development, administration, and maintenance of the Foreclosed Property Registry established under this section.

(3) The [Department] **COMMISSIONER OF FINANCIAL REGULATION** shall administer the Fund.

(4) (i) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(ii) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(5) The Fund consists of:

(i) Revenue distributed to the Fund under subsection (h) of this section;

(ii) Investment earnings of the Fund;

(iii) Money appropriated in the State budget to the Fund; and

(iv) Any other money from any other source accepted for the benefit of the Fund.

(6) (i) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

- (ii) Any investment earnings of the Fund shall be paid into the Fund.

7–105.17.

(c) After the final ratification of the auditor’s report following a sale made in accordance with §§ 7–105.1 through [7–105.8] **7–105.10** of this subtitle or the Maryland Rules, a secured party or an appropriate party in interest may file a motion for a deficiency judgment if the proceeds of the sale, after deducting all costs and expenses allowed by the court, are insufficient to satisfy the debt and accrued interest.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 94

(House Bill 370)

AN ACT concerning

Department of Labor, Licensing, and Regulation – Police Force – Repeal

FOR the purpose of altering the definition of “police officer” in connection with provisions of law relating to the authority to make arrests to remove a member of the Department of Labor, Licensing, and Regulation Police Force; altering the definition of “law enforcement officer” in connection with provisions of law relating to the Maryland Police Training and Standards Commission and the Law Enforcement Officers’ Bill of Rights to remove a member of the Department of Labor, Licensing, and Regulation Police Force; altering the membership of the Law Enforcement Officers’ Pension System to remove a member of the Department of Labor, Licensing, and Regulation Police Force; altering the jurisdiction of the Maryland Capitol Police of the Department of General Services to include certain buildings and grounds administered by the Department of Labor, Licensing, and Regulation on a certain date; providing for the transfer of certain functions, powers, and duties of the Department of Labor, Licensing, and Regulation Police Force to the Maryland Capitol Police of the Department of General Services on a certain date; providing for the transfer of certain employees to the Maryland Capitol Police of the Department of General Services without diminution of certain rights, benefits, or employment or retirement status; requiring the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, to correct any cross–references or terminology rendered incorrect by this Act and to describe any such corrections in an editor’s note following the section affected; and generally relating to the Department of Labor, Licensing, and Regulation Police Force.

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 3–101(a) and 3–201(a)
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–101(e)(1) and 3–201(f)(1)
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 2–101(a)
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 2–101(c)
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 4–601 and 4–605
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 26–201 and 26–202(b)(1)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

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

Article – Public Safety

3–101.

- (a) In this subtitle the following words have the meanings indicated.
- (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.] 18. the police force of Morgan State University;

[20.] 19. the office of State Fire Marshal;

[21.] 20. the Ocean Pines Police Department;

[22.] 21. the police force of the Baltimore City Community College;

[23.] 22. the police force of the Hagerstown Community College;

[24.] 23. the Internal Investigation Unit of the Department of Public Safety and Correctional Services;

[25.] 24. the Warrant Apprehension Unit of the Division of Parole and Probation in the Department of Public Safety and Correctional Services; or

[26.] 25. the police force of the Anne Arundel Community College.

3–201.

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

(f) (1) “Police officer” means an individual who:

(i) is authorized to enforce the general criminal laws of the State;

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 police department, bureau, or force of a county;

4. the police department, bureau, or force of a municipal corporation;

5. the Maryland Transit Administration police force;

6. the Maryland Transportation Authority Police;

7. the police forces of the University System of Maryland;

8. the police force of Morgan State University;

9. the office of the sheriff of a county;
10. the police forces of the Department of Natural Resources;
11. the police force of the Maryland Capitol Police of the Department of General Services;
12. the police force of a State, county, or municipal corporation if the special police officers are appointed under Subtitle 3 of this title;
13. the Housing Authority of Baltimore City Police Force;
14. the Baltimore City School Police Force;
15. the Crofton Police Department;
16. [the police force of the Department of Labor, Licensing, and Regulation;
- 17.] the Washington Suburban Sanitary Commission Police Force;
- [18.] 17. the Ocean Pines Police Department;
- [19.] 18. the police force of the Baltimore City Community College;
- [20.] 19. the police force of the Hagerstown Community College;
- [21.] 20. the parole and probation employees of the Warrant Apprehension Unit of the Division of Parole and Probation in the Department who are authorized to make arrests; or
- [22.] 21. the police force of the Anne Arundel Community College.

Article – Criminal Procedure

2–101.

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

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

- (1) a member of the Department of State Police;
- (2) a member of the Police Department of Baltimore City;
- (3) a member of the Baltimore City School Police Force;
- (4) a member of the police department, bureau, or force of a county;
- (5) a member of the police department, bureau, or force of a municipal corporation;
- (6) a member of the Maryland Transit Administration Police Force or Maryland Transportation Authority Police Force;
- (7) a member of the University System of Maryland Police Force or Morgan State University Police Force;
- (8) a special police officer who is appointed to enforce the law and maintain order on or protect property of the State or any of its units;
- (9) a member of the Maryland Capitol Police of the Department of General Services;
- (10) the sheriff of a county whose usual duties include the making of arrests;
- (11) a regularly employed deputy sheriff of a county who is compensated by the county and whose usual duties include the making of arrests;
- (12) a member of the Natural Resources Police Force of the Department of Natural Resources;
- (13) an authorized employee of the Field Enforcement Bureau of the Comptroller's Office;
- (14) a member of the Maryland–National Capital Park and Planning Commission Park Police;
- (15) a member of the Housing Authority of Baltimore City Police Force;
- (16) a member of the Crofton Police Department;
- (17) a member of the WMATA Metro Transit Police, subject to the jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan Area Transit Authority Compact, which is codified at § 10–204 of the Transportation Article;
- (18) a member of the Intelligence and Investigative Division of the Department;

(19) a member of the State Forest and Park Service Police Force of the Department of Natural Resources;

(20) [a member of the Department of Labor, Licensing, and Regulation Police Force;

(21)] a member of the Washington Suburban Sanitary Commission Police Force;

[(22)] (21) a member of the Ocean Pines Police Department;

[(23)] (22) a member of the police force of the Baltimore City Community College;

[(24)] (23) a member of the police force of the Hagerstown Community College;

[(25)] (24) an employee of the Warrant Apprehension Unit of the Division of Parole and Probation in the Department; or

[(26)] (25) a member of the police force of the Anne Arundel Community College.

Article – State Finance and Procurement

4–601.

The Department has jurisdiction over and full police authority for the enforcement of the criminal laws and the parking and motor vehicle laws as to the operation, maintenance, and protection of:

(1) buildings and grounds that, on June 30, 1984, were administered by the Office of Annapolis Public Buildings and Grounds, and extending to the surrounding area that encompasses 1,000 feet in any direction from the boundary of those buildings and grounds;

(2) buildings and grounds that, on June 30, 1984, were administered by the Office of Baltimore Public Buildings and Grounds, and extending to the surrounding area that encompasses 1,000 feet in any direction from the boundary of those buildings and grounds;

(3) multiservice centers designated by law or by the Board of Public Works and extending to the surrounding area that encompasses 1,000 feet in any direction from the boundary of those multiservice centers; [and]

(4) **BUILDINGS AND GROUNDS THAT, ON JUNE 30, 2019, WERE ADMINISTERED BY THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION, AND EXTENDING TO THE SURROUNDING AREA THAT ENCOMPASSES 1,000 FEET IN ANY DIRECTION FROM THE BOUNDARY OF THOSE BUILDINGS; AND**

(5) other public improvements or grounds designated by law or by the Board of Public Works.

4–605.

(a) (1) In accordance with the provisions of the State Personnel and Pensions Article, the Secretary may establish a police and security force, known as the Maryland Capitol Police of the Department of General Services, to protect people and property on or about improvements, grounds, and multiservice centers under the jurisdiction of the Department, and in the surrounding areas of the buildings and grounds in [Annapolis and Baltimore City] **THE STATE** as described in § 4–601(1), (2), [and] (3), **AND (4)** of this subtitle.

(2) The Maryland Capitol Police of the Department of General Services may include sworn police officers.

(b) A member of the Maryland Capitol Police of the Department of General Services may not be involuntarily transferred from a site to another site.

(c) A member of the Maryland Capitol Police of the Department of General Services has the same powers as a sheriff or police officer under § 2–101 of the Criminal Procedure Article only if the member:

(1) meets the legal requirements set forth by the Maryland Police Training and Standards Commission; and

(2) is designated by the Department as a police officer.

Article – State Personnel and Pensions

26–201.

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

(1) an employee of the Department of Natural Resources commissioned by the Secretary of Natural Resources as:

(i) a Natural Resources police officer; or

(ii) a law enforcement officer, other than a Natural Resources police

officer;

- (2) a law enforcement officer employed by the Field Enforcement Bureau;
- (3) a member of the Maryland Transportation Authority Police Force who has the powers granted to a police officer under § 4–208 of the Transportation Article;
- (4) a deputy sheriff employed by the Baltimore City Sheriff’s Department;
- (5) a member of the University System of Maryland Police Force who has the powers granted to a police officer under § 13–601 of the Education Article;
- (6) a law enforcement officer or firefighter employed by a participating governmental unit that on or after July 1, 1999 has elected to participate in the Law Enforcement Officers’ Pension System;
- (7) the State Fire Marshal or a Deputy State Fire Marshal;
- (8) a member of the Morgan State University Police Force who has the powers granted to a police officer under § 14–106 of the Education Article;
- (9) a member of the BWI Airport Fire & Rescue Department;
- (10) a member of the Maryland Capitol Police of the Department of General Services who has the powers granted to a police officer under § 4–605 of the State Finance and Procurement Article;
- (11) an employee of the Maryland Department of Health commissioned by the Secretary of Health as a Maryland Department of Health police officer;
- (12) an employee of the Motor Vehicle Administration commissioned by the Secretary of Transportation as a Motor Vehicle Administration police officer;
- (13) [an employee of the Department of Labor, Licensing, and Regulation commissioned by the Secretary of Labor, Licensing, and Regulation as a Labor, Licensing, and Regulation police officer;
- (14)] a firefighter or law enforcement officer for the Martin State Airport employed by the Military Department;
- [(15)] (14) a police officer employed by the Division of Rehabilitation Services in the Department of Education, certified in accordance with the Maryland Police and Correctional Training Commissions;
- [(16)] (15) a firefighter or paramedic employed by the Salisbury Fire Department who is eligible to be a member as provided in Title 31, Subtitle 2A of this article;

[(17)] (16) an aviator employed by the Department of State Police to operate an aircraft for the State Emergency Medical System;

[(18)] (17) a member of the Maryland Transit Administration Police Force who has the powers granted to a police officer under § 7–207 of the Transportation Article;

[(19)] (18) an individual who is elected or appointed as the Baltimore City Sheriff and who does not elect to join the Employees' Pension System under Title 23 of this article within 6 months of the date the individual begins serving as the Baltimore City Sheriff;

[(20)] (19) a member of the Department of Public Safety and Correctional Services Intelligence and Investigative Division who has the powers granted to a police officer under § 10–701 of the Correctional Services Article;

[(21)] (20) a police officer employed by the Baltimore City Community College who has the power granted to a police officer under § 16–513 of the Education Article; or

[(22)] (21) an employee of the Warrant Apprehension Unit of the Division of Parole and Probation in the Department of Public Safety and Correctional Services who has the powers granted to a peace officer or police officer under § 6–106 of the Correctional Services Article.

(b) This subtitle does not apply to:

(1) a Maryland Transportation Authority police officer who transferred from the Employees' Retirement System to the Employees' Pension System on or after December 1, 1996;

(2) a deputy sheriff employed by the Baltimore City Sheriff's Department who transferred from the Employees' Retirement System to the Employees' Pension System on or after December 1, 1996;

(3) a member of the University System of Maryland Police Force who transferred from the Employees' Retirement System to the Employees' Pension System on or after December 1, 1997;

(4) a law enforcement officer or firefighter employed by a participating governmental unit who transferred from the Employees' Retirement System to the Employees' Pension System on or after December 1, 1997;

(5) a Maryland Port Administration police officer who transferred from the Employees' Retirement System to the Employees' Pension System on or after December 1, 1997;

(6) a State Fire Marshal or Deputy State Fire Marshal who transferred from the Employees' Retirement System to the Employees' Pension System on or after December 1, 1996;

(7) a member of the Morgan State University Police Force who transferred from the Employees' Retirement System to the Employees' Pension System on or after December 1, 1997;

(8) a member of the BWI Airport Fire & Rescue Department who transferred from the Employees' Retirement System to the Employees' Pension System on or after April 1, 1998;

(9) a member of the Maryland Capitol Police of the Department of General Services, Maryland Department of Health, **OR** Motor Vehicle Administration[, or Department of Labor, Licensing, and Regulation Police Force] who transferred from the Employees' Retirement System to the Employees' Pension System on or after April 1, 1998;

(10) a firefighter or law enforcement officer for the Martin State Airport employed by the Military Department who transferred from the Employees' Retirement System to the Employees' Pension System on or after April 1, 1998;

(11) a police officer employed by the Division of Rehabilitation Services in the Department of Education who:

(i) is certified in accordance with the Maryland Police and Correctional Training Commissions; and

(ii) transferred from the Employees' Retirement System to the Employees' Pension System on or after April 1, 1998;

(12) a firefighter or paramedic employed by the Salisbury Fire Department who transferred from the Employees' Retirement System to the Employees' Pension System on or after April 1, 1998;

(13) an aviator employed by the Department of State Police to operate an aircraft for the State Emergency Medical System who transferred from the Employees' Retirement System to the Employees' Pension System on or after April 1, 1998; or

(14) a police officer employed by the Baltimore City Community College who transferred from the Employees' Retirement System to the Employees' Pension System on or after December 1, 1996.

26–202.

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

this subtitle:

(i) who was employed by the Department of Natural Resources on July 1, 1990 and who elects membership on or before December 31, 2002;

(ii) who was employed by the Field Enforcement Division on June 30, 1995 and who elects membership on or before December 31, 2002;

(iii) who was employed by the Maryland Transportation Authority on June 30, 1997 and who elects membership on or before December 31, 2002;

(iv) who was employed by the Baltimore City Sheriff's Department on June 30, 1997 and who elects membership on or before December 31, 2002;

(v) who was employed by the University System of Maryland Police Force on June 30, 1999 and who elects membership on or before December 31, 2002;

(vi) who is employed by a participating governmental unit on the effective date of participation:

1. on or after July 1, 1999, but before July 1, 2017, for that participating governmental unit and who elects membership within 6 months of the effective date of participation; or

2. on or after July 1, 2017, for that participating governmental unit and who elects membership before the effective date of participation;

(vii) who was employed by the Maryland Port Administration Police Force and was subsequently transferred to and employed by the Maryland Transportation Authority Police Force on July 1, 1998 and who elects membership on or before December 31, 2002;

(viii) who was employed by the office of the State Fire Marshal on June 30, 1998 and who elects membership on or before December 31, 2002;

(ix) who was employed by the Morgan State University Police Force on June 30, 1999 and who elects membership on or before December 31, 2002;

(x) who was employed by the BWI Airport Fire & Rescue Department on June 30, 2000, and who elects membership on or before December 31, 2002;

(xi) who was employed by the Department of General Services, Maryland Department of Health, **OR** Motor Vehicle Administration[, and Department of Labor, Licensing, and Regulation Police Force] on June 30, 2000 and who elects membership on or before December 31, 2002;

(xii) who was employed by the Military Department as a firefighter at

Martin State Airport on June 30, 2001, and who elects membership on or before December 31, 2002;

(xiii) who was employed on June 30, 2002, by the Division of Rehabilitation Services in the Department of Education as a police officer certified in accordance with the Maryland Police and Correctional Training Commissions, and who elects membership on or before December 31, 2002;

(xiv) who was employed on June 30, 2004, by the Salisbury Fire Department as a firefighter or paramedic and who elects membership on or before December 31, 2004, if eligible under Title 31, Subtitle 2A of this article;

(xv) who was employed on June 30, 2005, by the Department of State Police as an aviator operating an aircraft for the State Emergency Medical System, and who elects membership on or before December 31, 2005;

(xvi) who was employed by the Military Department as a law enforcement officer at Martin State Airport on June 30, 2007, and who elects membership on or before December 31, 2007;

(xvii) who was a member of the Department of Public Safety and Correctional Services Intelligence and Investigative Division who has powers granted to a police officer under § 10–701 of the Correctional Services Article on June 30, 2007, and who elects membership on or before December 31, 2007;

(xviii) who was employed on July 1, 2008, as a police officer by the Baltimore City Community College Police Force and who elects membership on or before December 31, 2008; or

(xix) who was an employee of the Warrant Apprehension Unit of the Division of Parole and Probation in the Department of Public Safety and Correctional Services who has powers granted to a peace officer or police officer under § 6–106 of the Correctional Services Article on June 30, 2015, and who elects membership on or before December 31, 2015.

SECTION 2. 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 correction made in an editor's note following the section affected.

SECTION 3. AND BE IT FURTHER ENACTED, That the functions, powers, and duties of the Department of Labor, Licensing, and Regulation Police Force shall be transferred from the Department of Labor, Licensing, and Regulation to the Maryland Capitol Police of the Department of General Services on the effective date of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That all employees who are transferred to the Maryland Capitol Police of the Department of General Services 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, and employment or retirement status.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 95

(Senate Bill 908)

AN ACT concerning

Calvert County – State’s Attorney – Annual Salary

FOR the purpose of altering the salary of the State’s Attorney for Calvert County to be equal to the salary of a circuit court judge; providing for the application of this Act; and generally relating to the State’s Attorney for Calvert County.

BY repealing and reenacting, with amendments,
 Article – Criminal Procedure
 Section 15–405
 Annotated Code of Maryland
 (2018 Replacement Volume)

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

Article – Criminal Procedure

15–405.

(a) This section applies only in Calvert County.

(b) (1) The State’s Attorney’s salary is [90% of the salary of a judge of the District Court of Maryland] **EQUAL TO THE SALARY OF A CIRCUIT COURT JUDGE.**

(2) A salary increase shall take effect at the beginning of the elected term of office and may not increase during the term of office.

(c) (1) Subject to approval of the county commissioners, the State’s Attorney

shall appoint a deputy State's Attorney and an assistant State's Attorney, as needed.

(2) The county commissioners shall set the salaries of the deputy and assistant State's Attorneys.

(3) The deputy and assistant State's Attorneys:

(i) shall serve at the pleasure of the State's Attorney;

(ii) shall perform work as directed by the State's Attorney; and

(iii) may present cases to the grand jury, sign indictments and criminal informations, and perform other functions necessary to the operation of the Office.

(d) The State's Attorney shall serve full time and may not engage in the private practice of law.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the State's Attorney for Calvert County while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the State's Attorney for Calvert County shall take effect at the beginning of the next following term of office. This limitation does not apply to an individual appointed or elected after the effective date of this Act to fill out an unexpired term.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 96

(House Bill 623)

AN ACT concerning

Calvert County – Local Debt Bonding Authority

FOR the purpose of authorizing and empowering the County Commissioners of Calvert County, from time to time, to borrow not more than \$10,320,000 to finance the construction, improvement, or development of certain public buildings, roads, and 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, roads, and facilities, including but not limited to Little Cove Point Road, St. Leonard Road, the Solomons Volunteer Fire Department and Rescue Squad facility, wastewater treatment plant dewatering equipment, and the Headworks Pumping Station, 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, \$10,320,000 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, 2019.

Approved by the Governor, April 18, 2019.

Chapter 97

(Senate Bill 947)

AN ACT concerning

Calvert County – Correctional Officers’ Bill of Rights

FOR the purpose of applying the provisions of the Charles County Correctional Officers’ Bill of Rights to Calvert County; and generally relating to rights of a correctional officer in Calvert County.

BY repealing and reenacting, with amendments,

Article – Correctional Services

Section 11–1102 to be under the amended subtitle “Subtitle 11. Calvert County and Charles County Correctional Officers’ Bill of Rights”

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Correctional Services

Section 11–1104

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

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

Article – Correctional Services

Subtitle 11. **CALVERT COUNTY AND** Charles County Correctional Officers’ Bill of Rights.

11–1102.

This subtitle applies only in **CALVERT COUNTY AND** Charles County.

11–1104.

(a) (1) Except as provided in paragraph (2) of this subsection, a correctional officer has the same rights to engage in political activity as a State employee.

(2) The right of a correctional officer to engage in political activity does not apply when the correctional officer is on duty or acting in an official capacity.

(b) The Sheriff’s Office:

(1) may not prohibit secondary employment by a correctional officer; but

(2) may adopt reasonable regulations that relate to secondary employment by a correctional officer.

(c) A correctional officer may not be required or requested to disclose an item of the correctional officer's property, income, assets, source of income, debts, or personal or domestic expenditures, including those of a member of the correctional officer's family or household, unless:

- (1) the information is necessary to investigate a possible conflict of interest with respect to the performance of the correctional officer's official duties; or
- (2) the disclosure is required by federal or State law.

(d) A correctional officer may not be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to the correctional officer's employment or be threatened with that treatment because the correctional officer:

- (1) has exercised or demanded the rights granted by this subtitle; or
- (2) has lawfully exercised constitutional rights.

(e) A statute may not abridge and the Sheriff's Office may not adopt a regulation that prohibits the right of a correctional officer to bring suit that arises out of the correctional officer's duties as a correctional officer.

(f) A correctional officer may waive in writing any or all rights granted by this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 98

(Senate Bill 957)

AN ACT concerning

Calvert County – Office of the Sheriff – Correctional Deputies

FOR the purpose of authorizing a certain sheriff to appoint certain correctional deputies; providing that certain correctional deputies serve under a certain sheriff; requiring certain correctional officers to complete certain training provided by a certain commission; providing that certain correctional deputies may become merit system employees under certain circumstances; providing that certain correctional deputies may be dismissed without cause under certain circumstances; making stylistic

changes; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; and generally relating to correctional deputies in Calvert County.

BY repealing and reenacting, with amendments,
 Article – Courts and Judicial Proceedings
 Section 2–309(f)(2)
 Annotated Code of Maryland
 (2013 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,
 Article – Courts and Judicial Proceedings
 Section 2–318(a) and (b)
 Annotated Code of Maryland
 (2013 Replacement Volume and 2018 Supplement)
 (As enacted by Chapter 196 of the Acts of the General Assembly of 2019)

BY repealing and reenacting, with amendments,
 Article – Courts and Judicial Proceedings
 Section 2–318(c)(1) and (2)(i), (ii), and (iii)
 Annotated Code of Maryland
 (2013 Replacement Volume and 2018 Supplement)
 (As enacted by Chapter 196 of the Acts of the General Assembly of 2019)

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) (2) (I) The Sheriff may appoint deputy sheriffs **AND CORRECTIONAL DEPUTIES** in the number and at the salary approved by the County Commissioners.

(II) The deputy sheriffs **AND CORRECTIONAL DEPUTIES** shall serve under the direction of the Sheriff.

(III) Within [one] 1 year of their appointment, [they] **DEPUTY SHERIFFS AND CORRECTIONAL DEPUTIES** shall complete the course prescribed for police officers **OR CORRECTIONAL DEPUTIES** by the [Maryland Police Training and Standards Commission] **MARYLAND POLICE AND CORRECTIONAL TRAINING COMMISSIONS**.

(IV) 1. [The] **EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH**, deputy sheriffs **AND CORRECTIONAL DEPUTIES** funded by the County Commissioners will become merit system employees of the Calvert County Sheriff's Office [upon] **ON** completion of their initial probation period and may not be

dismissed without cause [, except the].

2. THE deputy sheriffs **AND CORRECTIONAL DEPUTIES** funded through grants or other sources may be dismissed without cause when the funding source is depleted.

(v) 1. There may be no honorary deputy sheriffs of Calvert County and no one is authorized to carry badges, certificates, or other materials for the purpose of identifying the bearer as an honorary deputy sheriff.

2. [However,] **NOTWITHSTANDING SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH,** the Sheriff may appoint as special deputy sheriffs any members of the police force of the towns of North Beach or Chesapeake Beach who shall have all of the powers and authority of the deputy sheriffs.

3. The County Commissioners are authorized to reimburse the towns of North Beach and Chesapeake Beach in whole or in part for services performed by the special deputy sheriffs outside the town limits.

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

Article – Courts and Judicial Proceedings

2–318.

(a) This section applies only in Calvert County.

(b) (1) The Sheriff of Calvert County shall receive an annual salary:

(i) Of \$90,480 for calendar year 2018; and

(ii) Beginning in calendar year 2019, equal to the salary of a Department of State Police lieutenant colonel, class code 5905 (grade 13, step 12).

(2) (i) On or after January 1, 2011, the County Commissioners of Calvert County may pay to the Sheriff additional compensation equal to the amount of contributions the County Commissioners would have made to the Calvert County Employees' Savings Plan on behalf of the Sheriff for the years of service the Sheriff accrued as the Sheriff prior to joining the Calvert County Employees' Savings Plan.

(ii) The amount payable in subparagraph (i) of this paragraph may be made in one or more payments as deemed appropriate by the County Commissioners.

(c) (1) The Sheriff may appoint deputy sheriffs **AND CORRECTIONAL DEPUTIES** in the number and at the salary approved by the County Commissioners.

(2) (i) [A deputy sheriff] **DEPUTY SHERIFFS AND CORRECTIONAL DEPUTIES** shall serve under the direction of the Sheriff.

(ii) Within 1 year of appointment, a deputy sheriff **OR CORRECTIONAL DEPUTY** shall complete the course prescribed for police officers **OR CORRECTIONAL DEPUTIES** by the [Maryland Police Training and Standards Commission] **MARYLAND POLICE AND CORRECTIONAL TRAINING COMMISSIONS**.

(iii) 1. Except as provided in subsubparagraph 2 of this subparagraph, a deputy sheriff **OR CORRECTIONAL DEPUTY** funded by the County Commissioners will become a merit system employee of the Calvert County Sheriff's Office on completion of the deputy sheriff's **OR CORRECTIONAL DEPUTY'S** initial probation period and may not be dismissed without cause.

2. A deputy sheriff **OR CORRECTIONAL DEPUTY** funded through grants or other sources may be dismissed without cause when the funding source is depleted.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of Chapter 196 of the Acts of the General Assembly of 2019. If Section 2 of this Act takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.

SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 3 of this Act, this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 99

(House Bill 1258)

AN ACT concerning

**Calvert County – Length of Service Award Program – Death Benefits
(Patricia Ann “Pat” Osburn Law)**

FOR the purpose of providing that a ~~qualified~~ volunteer of certain fire and rescue entities in Calvert County who dies in the line of duty is eligible for a certain death benefit under certain circumstances; altering a certain definition; 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 14–101
Article 5 – Public Local Laws of Maryland
(2002 Edition and August 2017 Supplement, as amended)

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, as amended)
(As enacted by Chapter 113 of the Acts of the General Assembly of 2018)

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

Article 5 – Calvert County

14–101.

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

(2) “Active volunteer member” means an individual who has accumulated a minimum of 60 points per calendar year in accordance with the point system set forth in this subtitle.

(3) “Certified volunteer” means an active volunteer member whose service credit is verified through an oath taken by a department.

(4) “Credit” means points used by a department to determine eligibility of an individual to qualify as an active volunteer member.

(5) “Department” means a volunteer fire, rescue, emergency medical services, rescue dive team, or advanced life support unit department or company in Calvert County, or any combination of those departments or companies.

(6) “Point” means a service credit value for activities toward the qualification of an individual as an active volunteer member.

(7) “Qualified volunteer” means an individual who is receiving benefits in accordance with the requirements of § 14–102(b), (c), (d), [or] (g), **OR (H)** of this subtitle.

(b) There is a length of service award program for qualified active volunteer members of the Calvert County volunteer fire, rescue, and emergency medical services departments.

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) 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.

(I) IN ADDITION TO ANY OTHER BENEFIT PROVIDED UNDER THIS SECTION, IN THE EVENT THAT A ~~QUALIFIED~~ VOLUNTEER DIES IN THE LINE OF DUTY, AS DETERMINED BY THE STATE WORKERS' COMPENSATION COMMISSION, THE ~~QUALIFIED~~ VOLUNTEER IS ELIGIBLE TO RECEIVE A DEATH BENEFIT OF \$6,000.

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 eligible to receive benefits on or after January 1, 2015.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 100

(Senate Bill 22)

AN ACT concerning

Insurance Regulation – Third Party Administrators – Life Insurance

FOR the purpose of altering the definitions of “administrator” and “plan” to apply certain provisions of law concerning the regulation of administrators of plans to administrators of plans for life insurance and administrators that act on behalf of life insurers; making conforming changes; and generally relating to the regulation of administrators of plans for life insurance and administrators that act on behalf of life insurers.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 8–301, 8–306, 8–309, 8–310, 8–312, 8–316, 8–320, and 8–321

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Insurance

Section 8–303

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

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

Article – Insurance

8–301.

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

(b) (1) “Administrator” means a person that, to the extent that the person acting for an insurer or plan sponsor, has:

(i) control over or custody of premiums, contributions, or any other money **ON BEHALF OF A LIFE INSURER OR** with respect to a plan, for any period of time; or

(ii) discretionary authority over the adjustment, payment, or settlement of benefit claims **ON BEHALF OF A LIFE INSURER OR** under a plan or over the investment of **A LIFE INSURER’S OR** a plan’s assets.

(2) “Administrator” does not include a person that:

(i) with respect to a particular plan:

1. is, or is an employee of, the plan sponsor;

2. is, or is an employee, insurance producer, managing general agent of, an insurer or health maintenance organization that insures or administers the plan; or

3. is an insurance producer that solicits, procures, or negotiates a plan for a plan sponsor and that has no authority over the adjustment, payment, or settlement of benefit claims under the plan or over the investment or handling of the plan’s assets;

(ii) is retained by the Life and Health Insurance Guaranty Corporation to administer a plan underwritten by an impaired insurer that is subject to an order of conservation, liquidation, or rehabilitation;

(iii) is a participant or beneficiary of a plan that provides for individual accounts and allows a participant or beneficiary to exercise investment control over assets in the participant's or beneficiary's account, and the participant or beneficiary exercises that investment control;

(iv) administers only plans that are subject to ERISA and that do not provide benefits through insurance, unless any of the plans administered is a multiple employer welfare arrangement as defined in § 514(b)(6)(A)(ii) of ERISA;

(v) is, or is an employee of, a bank, savings bank, trust company, savings and loan association, or credit union that is regulated under the laws of this State, another state, or the United States;

(vi) is, or is an employee of, a person that is registered as:

1. an investment adviser under the Investment Advisers Act of 1940 or the Maryland Securities Act;

2. a broker-dealer or transfer agent under the Securities Exchange Act of 1934 or the Maryland Securities Act; or

3. an investment company under the Investment Company Act of 1940; or

(vii) is, or is an employee of, the Maryland Health Benefit Exchange, including the Maryland Health Benefit Exchange's Consolidated Services Center.

(c) "Employee organization" means:

(1) a labor union or other labor organization;

(2) an agency or employee representation committee, association, group, or plan:

(i) in which employees participate; and

(ii) that exists for the purpose, wholly or partly, of dealing with employers about a plan or other matters incidental to employment relationships; or

(3) an employees' beneficiary association that is organized for the purpose, wholly or partly, to establish a plan.

(d) (1) “Employer” means a person that, in relation to a plan, acts directly as an employer or indirectly in the interest of an employer.

(2) “Employer” includes a group or association of employers acting for an employer.

(e) “ERISA” means the federal Employee Retirement Income Security Act of 1974.

(f) (1) “Plan” means a fund or other arrangement that is established, maintained, or contributed to by an employer, employee organization, or both, to the extent that the fund or arrangement was established or is maintained for the purpose of:

(i) providing for participants or beneficiaries, any of whom are residents of the State, through the purchase of insurance or otherwise:

1. medical, surgical, or hospital care or benefits;
2. benefits in the event of sickness, accident, disability, death, or unemployment;
3. vacation benefits;
4. apprenticeship or other training programs;
5. child care centers;
6. scholarship funds;
7. prepaid legal services;
8. severance pay arrangements; [or]
9. supplemental retirement income payments; or

10. LIFE INSURANCE; OR

(ii) providing retirement income to or allowing the deferral of income by employees, any of whom are residents of the State, until or after the termination of covered employment.

(2) “Plan” does not include a fund or arrangement established or maintained solely for the purpose of complying with the workers’ compensation laws of the State.

(g) “Plan sponsor” means:

- (1) the employer, for a plan established or maintained by a single employer;
- (2) the employee organization, for a plan established or maintained by an employee organization; or
- (3) the association, committee, joint board of trustees, or other similar group of representatives of the parties that establish or maintain the plan, for a plan established or maintained by two or more employers or jointly by one or more employers and one or more employee organizations.

8–303.

(a) A person must register with the Commissioner before the person acts as or represents itself as an administrator in the State.

(b) A person that would be an administrator subject to this subtitle but for the exemption under § 8–301(b)(2)(iv) of this subtitle shall provide to the Commissioner:

- (1) written notice that the person operates in the State; and
- (2) evidence satisfactory to the Commissioner that the person is complying with any applicable bonding requirements imposed by ERISA.

8–306.

(a) The bond required for an administrator under this subtitle must:

(1) provide protection to the plans **OR THE LIFE INSURER**, for which the administrator acts as an administrator, against loss because of acts of fraud or dishonesty on the part of the administrator, directly or through connivance with others; and

(2) be issued by an authorized corporate surety insurer that is an acceptable surety on federal bonds under authority granted by the Secretary of the Treasury.

(b) (1) Subject to this section, the amount of the bond shall be determined at the time an application for registration or renewal of registration is filed.

(2) To determine the amount of the bond:

(i) the average amount of money that the administrator and any predecessor of the administrator handled at any one time during the immediately preceding calendar year shall be considered; and

(ii) the average amount of money that the administrator expects to handle at any one time during the current calendar year shall be considered.

(3) The amount of the bond:

(i) may not be less than 10% of the average amount of money that the administrator expects to handle at any one time for **THE LIFE INSURER OR** all the plans that the administrator expects to administer during the coming year; and

(ii) subject to paragraph (4) of this subsection, may not be less than \$5,000 or more than \$500,000.

(4) After a hearing held under Title 2 of this article, the Commissioner may set the amount of the bond to exceed \$500,000, up to 10% of the average amount of money that the administrator expects to handle at any one time for all the plans that the administrator expects to administer during the coming year.

(c) Subject to approval by the Commissioner, the bond may be an individual bond or a blanket bond that covers a group or class.

(d) (1) An applicant need not file evidence of a bond as a condition of registration or renewal of registration if:

(i) the applicant only administers plans under which benefits are paid only from the general assets of an employee organization or of an employer; or

(ii) the applicant:

1. is a corporation organized and doing business under the laws of the United States or a state;

2. is authorized under the laws of the United States or a state to exercise trust powers or to engage in business as an insurer;

3. is subject to supervision or examination by a federal or State authority; and

4. at all times has a combined capital and surplus that exceeds \$1,000,000 or any greater amount set by regulation of the Commissioner.

(2) The Commissioner may waive the requirement for an applicant to file evidence of a bond as a condition of registration or renewal of registration if the Commissioner finds that:

(i) other arrangements, including providing letters of credit or similar instruments, would be adequate to protect the interests of plan participants and beneficiaries; or

(ii) the overall financial condition of the applicant would be adequate to protect the interests of plan participants and beneficiaries.

(e) Notwithstanding any other provision of the Code, an applicant that complies with this section and is registered as an administrator under this subtitle is not subject to any other bonding requirement imposed by the law of the State for the same activities that required the applicant to be registered and bonded under this subtitle.

8-309.

(a) Subject to the hearing provisions of Title 2 of this article, the Commissioner may deny a registration to an applicant or refuse to renew, suspend, or revoke the registration of a registrant if the applicant or registrant:

- (1) makes a material misstatement in an application for registration;
- (2) fraudulently or deceptively obtains or attempts to obtain a registration for the applicant or registrant or for another;
- (3) has been convicted of a felony or of a misdemeanor involving moral turpitude;
- (4) in connection with the administration of a plan **OR WITH ACTIVITIES ON BEHALF OF A LIFE INSURER**, commits fraud or engages in illegal or dishonest activities; or
- (5) violates any provision of this subtitle or a regulation adopted under it.

(b) This section does not limit any regulatory power of the Commissioner under Title 2 of this article.

8-310.

An administrator shall discharge the administrator's duties with respect to a plan **OR A LIFE INSURER**:

- (1) solely in the interest of providing to the plan's participants and beneficiaries the benefits to which they are entitled under the plan **OR ON BEHALF OF A LIFE INSURER**;
- (2) for the exclusive purpose of providing benefits to the plan's participants and beneficiaries and defraying reasonable expenses of administering the plan **OR ON BEHALF OF A LIFE INSURER**;
- (3) with the care, skill, prudence, and diligence that a prudent person acting in a similar capacity and under similar circumstances would use to conduct an enterprise of similar character and with similar aims;

(4) if applicable, by diversifying the investments of the plan **OR THE LIFE INSURER** to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so; and

(5) in accordance with the documents and instruments governing the plan **OR THE LIFE INSURER** to the extent that the documents and instruments are not inconsistent with this subtitle.

8–312.

(a) An administrator shall maintain adequate books and records about each plan administered by the administrator **OR ABOUT ACTIVITIES OF THE ADMINISTRATOR ON BEHALF OF A LIFE INSURER**:

(1) in accordance with prudent standards of record keeping; and

(2) for the duration of the agreement required by § 8–311 of this subtitle.

(b) Subject to any restrictions in the agreement required by § 8–311 of this subtitle on the proprietary rights of the parties in the books and records, the plan sponsor or insurer has the right to reasonable access to the books and records that is sufficient to allow the plan sponsor or insurer to fulfill its contractual obligations to the plan participants and beneficiaries.

(c) If an administrator ceases to administer a plan **OR CEASES TO ACT ON BEHALF OF A LIFE INSURER**, the administrator:

(1) shall deliver the books and records about the plan **OR ABOUT ACTIVITIES ON BEHALF OF THE LIFE INSURER** that are in the administrator's possession to the administrator's successor [or to], the plan sponsor, **OR THE INSURER**; or

(2) for 3 years after the administrator ceases to administer the plan **OR ACT ON BEHALF OF THE LIFE INSURER**:

(i) shall retain the books and records about the plan **OR ABOUT ACTIVITIES ON BEHALF OF THE LIFE INSURER**; and

(ii) shall provide access to the plan sponsor and insurer as provided under subsection (b) of this section.

8–316.

(a) With respect to a plan **OR THE LIFE INSURER**, an administrator, directly or indirectly:

(1) may not deal with the assets of the plan **OR THE LIFE INSURER** in the

administrator's own interest or for the administrator's own account;

(2) in a transaction involving the plan **OR THE LIFE INSURER**, may not act in any capacity on behalf of or represent in any capacity a party whose interests are adverse to the interests of **THE LIFE INSURER**, the plan, or [its] **THE PLAN'S** participants or beneficiaries;

(3) other than commissions or service fees received from an insurer, may not receive consideration for the administrator's own personal account from a party dealing with the plan **OR THE LIFE INSURER** in connection with a transaction involving the assets of the plan **OR THE LIFE INSURER**; or

(4) may not knowingly participate in or attempt to conceal an act or omission of another administrator involved in the administration of that plan **OR IN ACTIVITIES ON BEHALF OF THE LIFE INSURER**, knowing that the act or omission of the other administrator would be a violation of this subtitle.

(b) An administrator may not procure the bond required by this subtitle from a surety insurer or other company or through an insurance producer in whose business operations the administrator has direct or indirect control or significant financial interest.

(c) Notwithstanding subsection (a)(1) of this section, an administrator is not considered to have dealt with the assets of a plan in the administrator's own interest or for the administrator's own account solely because:

(1) the administrator held the assets, at interest for the benefit of the administrator, for an administratively reasonable period of time before remitting the assets to an insurer or other payee; or

(2) the compensation that the administrator receives for services necessary for establishing or operating the plan does not exceed reasonable compensation.

8-320.

(a) To enforce this subtitle and any regulation adopted under it, the Commissioner may issue an order that requires the violator to:

(1) cease and desist from the violation and further similar violations; and

(2) take specific affirmative action to correct the violation, including:

(i) the restitution of money, property, or other assets to a person aggrieved by the violation;

(ii) the restoration to the plan **OR THE LIFE INSURER** of profits realized by the administrator that have been made through use of assets of the plan **OR**

THE LIFE INSURER by the administrator; and

(iii) the removal of the administrator that committed the violation.

(b) (1) The Commissioner may file a petition in the circuit court of any county to enforce an order issued under this section.

(2) In an action brought by the Commissioner under this section, the Commissioner may recover for the use of the State reasonable attorney's fees and the costs of the action.

(c) (1) In addition to any other enforcement action taken by the Commissioner under this section, the Commissioner may impose a civil penalty of not more than \$10,000 for each violation of this subtitle.

(2) Notwithstanding paragraph (1) of this subsection, the Commissioner may impose a civil penalty of not more than \$1,000 per day for each day that a person is in violation of § 8–303(a) of this subtitle.

(3) In determining the amount of the civil penalty imposed under this subsection, the Commissioner shall consider:

(i) the seriousness of the violation;

(ii) the good faith of the violator;

(iii) the violator's history of previous violations;

(iv) the deleterious effect of the violation on the plan and its participants and beneficiaries;

(v) the assets of the violator; and

(vi) any other factors that relate to the determination of a financial penalty.

(d) This section does not limit any regulatory power of the Commissioner under Title 2 of this article.

8–321.

(a) With respect to a plan **OR ACTIVITIES ON BEHALF OF A LIFE INSURER**, an administrator who breaches a responsibility imposed on the administrator by this subtitle:

(1) is personally liable for the restitution of money, property, or other assets to a person aggrieved by the violation and for the restoration to the plan of any profits realized by the administrator that have been made through use of assets of the plan

by the administrator; and

(2) is subject to any other equitable or remedial relief that a court considers appropriate, including removal of the administrator.

(b) In addition to any liability that an administrator may have under subsection (a) of this section, the administrator is liable for a breach of responsibility under this subtitle by another administrator with respect to the same plan if the administrator:

(1) knowingly participates in or knowingly attempts to conceal an act or omission of the other administrator involved in the administration of the same plan, knowing that the act or omission of the other administrator would be a violation of this subtitle;

(2) by the administrator's failure to comply with § 8-310 of this subtitle, has enabled the other administrator to violate this subtitle; or

(3) knows of a violation of this subtitle by the other administrator, unless the administrator makes reasonable efforts under the circumstances to remedy the violation.

(c) (1) An administrator is not liable under this subtitle, by reason of a breach of responsibility, for a loss to a participant's or beneficiary's account if:

(i) the plan provides for individual accounts and allows a participant or beneficiary to exercise investment control over assets in the participant's or beneficiary's account;

(ii) the participant or beneficiary exercises that control; and

(iii) the loss or breach results from the participant's or beneficiary's exercise of that investment control.

(2) An administrator is not liable for a violation of this subtitle if the violation was committed before the administrator became an administrator or after the administrator ceased to be an administrator.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 101

(Senate Bill 28)

AN ACT concerning

**Health Insurance – Coverage Requirements for Behavioral Health Disorders –
Short-Term Limited Duration Insurance**

FOR the purpose of altering the definition of “health benefit plan” as it applies to certain provisions of law related to coverage requirements for the diagnosis and treatment of mental illness and emotional, drug use, and alcohol use disorders to include short-term limited duration health insurance; and generally relating to health insurance coverage for the diagnosis and treatment of mental illness and emotional, drug use, and alcohol use disorders.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–802
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

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

Article – Insurance

15–802.

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

(2) “Alcohol misuse” has the meaning stated in § 8–101 of the Health – General Article.

(3) “Drug misuse” has the meaning stated in § 8–101 of the Health – General Article.

(4) “Grandfathered health plan coverage” has the meaning stated in 45 C.F.R. § 147.140.

(5) “Health benefit plan” **MEANS:**

(i) for a group or blanket plan, [has the meaning stated] **A HEALTH BENEFIT PLAN AS DEFINED** in § 15–1401 of this title; [and]

(ii) for an individual plan, [has the meaning stated] **A HEALTH BENEFIT PLAN AS DEFINED** in § [15–1301] **15–1301(L)** of this title; **OR**

(III) SHORT-TERM LIMITED DURATION INSURANCE AS DEFINED

IN § 15–1301(S) OF THIS TITLE.

(6) “Managed care system” means a system of cost containment methods that a carrier uses to review and preauthorize a treatment plan developed by a health care provider for a covered individual in order to control utilization, quality, and claims.

(7) “Partial hospitalization” means the provision of medically directed intensive or intermediate short-term treatment:

- (i) to an insured, subscriber, or member;
- (ii) in a licensed or certified facility or program;
- (iii) for mental illness, emotional disorders, drug misuse, or alcohol misuse; and
- (iv) for a period of less than 24 hours but more than 4 hours in a day.

(8) “Small employer” has the meaning stated in § 31–101 of this article.

(b) With the exception of small employer grandfathered health plan coverage, this section applies to each individual, group, and blanket health benefit plan that is delivered or issued for delivery in the State by an insurer, a nonprofit health service plan, or a health maintenance organization.

(c) A health benefit plan subject to this section shall provide at least the following benefits for the diagnosis and treatment of a mental illness, emotional disorder, drug use disorder, or alcohol use disorder:

- (1) inpatient benefits for services provided in a licensed or certified facility, including hospital inpatient and residential treatment center benefits;
- (2) partial hospitalization benefits; and
- (3) outpatient and intensive outpatient benefits, including all office visits, diagnostic evaluation, opioid treatment services, medication evaluation and management, and psychological and neuropsychological testing for diagnostic purposes.

(d) (1) The benefits under this section are required only for expenses arising from the treatment of mental illnesses, emotional disorders, drug misuse, or alcohol misuse if, in the professional judgment of health care providers:

- (i) the mental illness, emotional disorder, drug misuse, or alcohol misuse is treatable; and
- (ii) the treatment is medically necessary.

(2) The benefits required under this section:

(i) shall be provided as one set of benefits covering mental illnesses, emotional disorders, drug misuse, and alcohol misuse;

(ii) shall comply with 45 C.F.R. § 146.136(a) through (d) and 29 C.F.R. § 2590.712(a) through (d);

(iii) subject to paragraph (3) of this subsection, may be delivered under a managed care system; and

(iv) for partial hospitalization under subsection (c)(2) of this section, may not be less than 60 days.

(3) The benefits required under this section may be delivered under a managed care system only if the benefits for physical illnesses covered under the health benefit plan are delivered under a managed care system.

(4) The processes, strategies, evidentiary standards, or other factors used to manage the benefits required under this section must be comparable as written and in operation to, and applied no more stringently than, the processes, strategies, evidentiary standards, or other factors used to manage the benefits for physical illnesses covered under the health benefit plan.

(5) An insurer, nonprofit health service plan, or health maintenance organization may not charge a copayment for methadone maintenance treatment that is greater than 50% of the daily cost for methadone maintenance treatment.

(e) An entity that issues or delivers a health benefit plan subject to this section shall provide on its Web site and annually in print to its insureds or members:

(1) notice about the benefits required under this section and the federal Mental Health Parity and Addiction Equity Act; and

(2) notice that the insured or member may contact the Administration for further information about the benefits.

(f) An entity that issues or delivers a health benefit plan subject to this section shall:

(1) post a release of information authorization form on its Web site; and

(2) provide a release of information authorization form by standard mail within 10 business days after a request for the form is received.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 102

(Senate Bill 29)

AN ACT concerning

Insurance – Licensure of Insurance Producers and Public Adjusters – Continuing Education Requirements

FOR the purpose of requiring insurance producers and public adjusters to complete the continuing education required under certain provisions of law not later than a certain number of days before the expiration of the license; requiring, rather than authorizing, the Commissioner to adopt certain regulations; requiring that certain regulations require providers of continuing education to submit certain evidence to the Maryland Insurance Commissioner within a certain time period; requiring the Commissioner to study and report on the adequacy and effectiveness of certain course offerings to certain committees of the General Assembly on or before a certain date; providing for a delayed effective date *for certain provisions of this Act*; and generally relating to the licensure of insurance producers and public adjusters.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 10–116 and 10–408

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

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

Article – Insurance

10–116.

(a) (1) Subject to subsections (b) and (c) of this section, the Commissioner shall require an insurance producer to receive continuing education as a condition of renewing the license of the insurance producer.

(2) AN INSURANCE PRODUCER SHALL COMPLETE THE CONTINUING EDUCATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION NOT LATER THAN ~~30~~ 15 DAYS BEFORE THE EXPIRATION DATE OF THE INSURANCE PRODUCER'S LICENSE.

[(2)] (3) (i) The Commissioner may not require an individual who holds a license to receive more than 24 hours of continuing education per renewal period.

(ii) If the individual holds a title insurance producer license, the Commissioner may not require the insurance producer to receive more than 16 hours of continuing education per renewal period.

(iii) If an insurance producer has held a license for 25 or more consecutive years as of October 1, 2008, the Commissioner may not require the insurance producer to receive more than 8 hours of continuing education per renewal period.

(iv) The Commissioner may not require an insurance producer to receive more than 16 hours of continuing education in a renewal period if the insurance producer is also a licensed funeral director or licensed mortician who:

1. sells only life insurance policies or annuity contracts that fund a pre-need contract as defined in § 7-101 of the Health Occupations Article; and
2. is not a viatical settlement broker as defined in § 8-601 of this article.

(v) Of the required hours of continuing education per renewal period required under subparagraphs (i), (ii), (iii), and (iv) of this paragraph, at least 3 hours shall relate directly to ethics.

[(3)] (4) Subject to paragraph **[(4)] (5)** of this subsection, an insurance producer may satisfy the continuing education requirements of this subsection by submitting to the Commissioner or Commissioner's designee:

(i) proof that the insurance producer has completed the required hours of continuing education for the applicable renewal period; or

(ii) proof that the insurance producer has completed at least 8 hours of continuing education for the applicable renewal period and an affidavit that, over the previous 25 consecutive years, the insurance producer continually:

1. has held a license in the State; and
2. has been employed in the selling of insurance in the State.

[(4)] (5) (i) To increase the level of education of insurance producers, an insurance producer shall obtain continuing education in the kind or subdivision of insurance for which the insurance producer has received a license.

(ii) Each insurance producer who possesses a license to sell health insurance and who sells long-term care insurance shall receive continuing education that directly relates to long-term care insurance.

(iii) Each insurance producer who possesses a license to sell property and casualty insurance and who sells flood insurance shall receive continuing education that directly relates to flood insurance.

(iv) Each insurance producer who possesses a license to sell property and casualty insurance and who sells, solicits, or negotiates bail bonds shall receive continuing education that directly relates to bail bond insurance.

(v) Each insurance producer who possesses a license to sell health insurance and who markets the Senior Prescription Drug Assistance Program or assists a Medicare beneficiary to enroll in the Senior Prescription Drug Assistance Program shall receive continuing education that directly relates to the Senior Prescription Drug Assistance Program.

[(5) (6)] If continuing education is required, the Commissioner may grant a waiver to an insurance producer who has requested a waiver for reasons that the Commissioner determines warrant the waiver.

[(6) (7)] An insurer may not prohibit one of its insurance producers from obtaining continuing education credits from any course approved by the Commissioner.

(b) The following individuals are exempt from the continuing education requirements under this section:

(1) employees of a health maintenance organization who are employed solely to solicit membership in the health maintenance organization under a contract between the health maintenance organization and the Maryland Department of Health;

(2) attorneys at law of the State who are qualified as title insurance producers and who do not hold a license in any other kind or subdivision of insurance;

(3) individuals who hold only a limited lines license to act as an insurance producer for limited line credit insurance; and

(4) insurance producers who hold only a limited lines license in any type of insurance designated by the Commissioner.

(c) A nonresident licensee shall be deemed to have met the continuing education requirements of this section if:

(1) the nonresident licensee satisfies the continuing education requirements of the home state of the nonresident licensee; and

(2) the home state of the nonresident licensee allows an insurance producer who is a resident of this State to satisfy the continuing education requirements of the home state on the same basis by meeting the continuing education requirements of this State.

(d) (1) The Commissioner may review all continuing education courses submitted and approve or disapprove courses.

(2) The Commissioner may not disapprove a continuing education course solely on the basis of the methodology or technology used to deliver instruction to individuals taking the course.

(d-1) (1) An insurance producer may obtain all or part of the credit hours of continuing education required for renewal of a license under this section from correspondence courses or online courses approved by the Commissioner.

(2) This subsection applies to all insurance producers who are required to receive continuing education as a condition of license renewal under this section, regardless of the kind or subdivision of insurance for which the insurance producer has received a license.

(e) **(1)** The Commissioner ~~may~~ **SHALL** adopt regulations to carry out this section.

(2) THE REGULATIONS ADOPTED BY THE COMMISSIONER UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL REQUIRE PROVIDERS OF CONTINUING EDUCATION TO SUBMIT EVIDENCE OF COURSE COMPLETION TO THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE WITHIN 10 DAYS AFTER COMPLETING A COURSE OF CONTINUING EDUCATION.

(f) This section does not limit the authority of the Commissioner to review, approve, or disapprove continuing education courses, examinations, and other matters relating to the education and qualification of insurance producers.

10-408.

(a) A license expires every other year on the date stated on the license unless renewed as provided in this section.

(b) At least 1 month before a license expires, the Commissioner shall send to the holder of the license, at the last known address or e-mail address of the holder on record a notice that states:

(1) the process for renewing the license;

(2) the date by which the Commissioner must receive the renewal application for the renewal to be issued and mailed before the license expires; and

(3) the amount of the renewal fee.

(c) Before a license expires, the holder of the license may renew it for an additional 2-year term, if the holder:

- (1) otherwise is entitled to a license;
- (2) files with the Commissioner a renewal application:
 - (i) on the form that the Commissioner provides; or
 - (ii) in an electronic format that the Commissioner approves;
- (3) completes the continuing education requirements under subsection (e) of this section; and
- (4) pays to the Commissioner the renewal fee required by § 2-112 of this article.

(d) A license renewed under this section for an individual shall have an expiration date that is the last day of the month in which the license holder was born.

(e) (1) The Commissioner shall require a public adjuster who is not a business entity to receive continuing education as a condition of renewing a license of the public adjuster.

(2) A PUBLIC ADJUSTER SHALL COMPLETE THE CONTINUING EDUCATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION NOT LATER THAN 30 DAYS BEFORE THE EXPIRATION DATE OF THE PUBLIC ADJUSTER'S LICENSE.

[(2)] (3) The public adjuster shall successfully complete 24 credit hours of approved continuing education for each 2-year license period as a condition for license renewal unless the Commissioner modifies the requirement by regulation.

[(3)] (4) Of the required hours of continuing education required for a renewal period under paragraph **[(2)] (3)** of this subsection, at least 3 hours shall relate directly to ethics.

[(4)] (5) The Commissioner may grant a waiver to a public adjuster who has requested a waiver for reasons that the Commissioner determines warrant the waiver.

[(5)] (6) This subsection may not apply to a holder of a license who has not been licensed for 1 full year before the end of the applicable continuing education period.

(f) A nonresident license holder shall be deemed to have met the continuing education requirements of this section if:

(1) the nonresident license holder satisfies the continuing education requirements of the home state of the nonresident license holder; and

(2) the home state of the nonresident license holder allows a public adjuster who is a resident of this State to satisfy the continuing education requirements of the home state on the same basis by meeting the continuing education requirements of this State.

(g) (1) If mailed, an application for renewal of a license shall be considered made in a timely manner if it is postmarked on or before the expiration date of the license.

(2) If submitted electronically, an application for renewal shall be considered made in a timely manner if, on or before the expiration date of the license, the application:

(i) is addressed properly or otherwise directed properly to an information processing system that the Administration has designated or uses for the purpose of receiving electronic applications and from which the Administration is able to retrieve the application;

(ii) is in a form capable of being processed by that system; and

(iii) 1. enters an information processing system outside the control of the sender or of a person that sent the electronic application on behalf of the sender; or

2. enters a region of the information processing system designated or used by the Administration that is under the control of the Administration or an agent of the Administration.

(h) (1) The Commissioner shall renew the license of each holder who meets the requirements of this section.

(2) If the holder of a license files an application for renewal before the license expires, the license shall remain in effect until:

(i) the Commissioner issues a renewal license; or

(ii) 5 days after the Commissioner refuses in writing to renew the license and serves notice of the refusal on the holder.

(i) The Commissioner may adopt regulations to carry out this section.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2019, the Maryland Insurance Commissioner, in consultation with the Independent Insurance Agents of Maryland, the Insurance Agents and Brokers of Maryland, the Maryland Association of Health Underwriters, and the National Association of Insurance and Financial Advisors of Maryland, shall study and report to the Senate Finance

Committee and the House Economic Matters Committee, in accordance with § 2-1246 of the State Government Article, on the adequacy and effectiveness of course offerings for insurance producer continuing education in the State, including an examination of the role of organizations of insurance producers in providing and reviewing such course offerings.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That *Section 1* of this Act shall take effect January 1, 2020.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect June 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 103

(Senate Bill 30)

AN ACT concerning

Insurance – Breach of Security of a Computer System – Notification Requirement

FOR the purpose of requiring certain carriers, under certain circumstances, to notify the Maryland Insurance Commissioner in a certain manner that a certain breach of the security of a system has occurred; requiring a carrier to provide the notice ~~as promptly as possible but not later than a certain number of hours after a certain determination~~ at a certain time; providing that compliance with certain provisions of this Act does not relieve a carrier from a duty to comply with certain other requirements of federal law or certain provisions of State law; defining certain terms; making a conforming change; and generally relating to notification requirements for carriers for breaches of security of computer systems.

BY adding to

Article – Health – General
Section 19-706(m)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY adding to

Article – Insurance
Section 4-406
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance
Section 14–102(g)
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

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

Article – Health – General

19–706.

(M) THE PROVISIONS OF § 4–406 OF THE INSURANCE ARTICLE APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.

Article – Insurance

4–406.

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

(2) ~~(H) “BREACH OF THE SECURITY OF A SYSTEM” MEANS THE UNAUTHORIZED ACQUISITION OF COMPUTERIZED DATA THAT COMPROMISES THE SECURITY, CONFIDENTIALITY, OR INTEGRITY OF THE PERSONAL INFORMATION MAINTAINED BY A CARRIER.~~

~~(H) “BREACH OF THE SECURITY OF A SYSTEM” DOES NOT INCLUDE THE GOOD FAITH ACQUISITION OF PERSONAL INFORMATION BY AN EMPLOYEE OR AGENT OF A CARRIER FOR THE PURPOSES OF THE BUSINESS, PROVIDED THAT THE PERSONAL INFORMATION IS NOT USED OR SUBJECT TO FURTHER UNAUTHORIZED DISCLOSURE HAS THE MEANING STATED IN § 14–3504 OF THE COMMERCIAL LAW ARTICLE.~~

(3) “CARRIER” MEANS:

- (I) AN INSURER;
- (II) A NONPROFIT HEALTH SERVICE PLAN;
- (III) A HEALTH MAINTENANCE ORGANIZATION;
- (IV) A DENTAL ORGANIZATION;
- (V) A MANAGED CARE ORGANIZATION;

(VI) A MANAGED GENERAL AGENT; AND

(VII) A THIRD PARTY ADMINISTRATOR.

(4) "PERSONAL INFORMATION" HAS THE MEANING STATED IN § 14-3501 OF THE COMMERCIAL LAW ARTICLE.

(B) (1) A CARRIER SHALL NOTIFY THE COMMISSIONER ON A FORM AND IN A MANNER APPROVED BY THE COMMISSIONER THAT A BREACH OF THE SECURITY OF A SYSTEM HAS OCCURRED IF THE CARRIER:

(I) CONDUCTS AN INVESTIGATION REQUIRED UNDER § 14-3504(B) OR (C) OF THE COMMERCIAL LAW ARTICLE; AND

(II) DETERMINES THAT THE BREACH OF THE SECURITY OF THE SYSTEM CREATES A LIKELIHOOD THAT PERSONAL INFORMATION HAS BEEN OR WILL BE MISUSED.

(2) THE CARRIER SHALL PROVIDE THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION AT THE SAME TIME THE CARRIER PROVIDES NOTICE TO THE OFFICE OF THE ATTORNEY GENERAL UNDER § 14-3504(H) OF THE COMMERCIAL LAW ARTICLE AS PROMPTLY AS POSSIBLE BUT IN NO EVENT LATER THAN 72 HOURS AFTER A DETERMINATION BY THE CARRIER THAT A BREACH OF THE SECURITY OF A SYSTEM HAS OCCURRED.

(C) COMPLIANCE WITH THIS SECTION DOES NOT RELIEVE A CARRIER FROM A DUTY TO COMPLY WITH ANY OTHER REQUIREMENTS OF FEDERAL LAW OR TITLE 14 OF THE COMMERCIAL LAW ARTICLE RELATING TO THE PROTECTION AND PRIVACY OF PERSONAL INFORMATION.

14-102.

(g) A corporation without capital stock organized for the purpose of establishing, maintaining, and operating a nonprofit health service plan through which health care providers provide health care services to subscribers to the plan under contracts that entitle each subscriber to certain health care services shall be governed and regulated by:

(1) this subtitle;

(2) Title 2, Subtitle 2 of this article and §§ 1-206, 3-127, and 12-210 of this article;

(3) Title 2, Subtitle 5 of this article;

- (4) §§ 4–113 [and], 4–114, AND 4–406 of this article;
- (5) Title 5, Subtitles 1, 2, 3, 4, and 5 of this article;
- (6) Title 7 of this article, except for § 7–706 and Subtitle 2 of Title 7;
- (7) Title 9, Subtitles 1, 2, and 4 of this article;
- (8) Title 10, Subtitle 1 of this article;
- (9) Title 27 of this article; and
- (10) any other provision of this article that:
 - (i) is expressly referred to in this subtitle;
 - (ii) expressly refers to this subtitle; or
 - (iii) expressly refers to nonprofit health service plans or persons subject to this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 104

(Senate Bill 31)

AN ACT concerning

Insurance – Insurance Holding Company Model Act

FOR the purpose of authorizing the Maryland Insurance Commissioner to act as ~~a~~ the group-wide supervisor for an internationally active insurance group; authorizing the Commissioner to acknowledge another regulatory official as ~~a~~ the group-wide supervisor for a certain internationally active insurance group; authorizing a certain insurance holding company system to request that the Commissioner make a certain determination or acknowledgment of a group-wide ~~supervision~~ supervisor for the system; requiring the Commissioner to identify a single group-wide ~~supervision~~ supervisor for an internationally active insurance group in cooperation with certain regulatory agencies; authorizing the Commissioner to make a certain determination or acknowledgment; requiring the Commissioner to consider certain factors when making a certain determination or acknowledgment; requiring the Commissioner to

make a certain decision in cooperation with and subject to the acknowledgment of certain other regulatory officials and in consultation with an internationally active insurance group; requiring that the Commissioner acknowledge a certain regulatory official as the group-wide supervisor of an internationally active insurance group under certain circumstances; requiring the Commissioner to make a certain determination or acknowledgment as to the appropriate single group-wide supervisor for an internationally active insurance group under certain circumstances; authorizing the Commissioner to collect certain information from certain insurers for certain purposes; requiring the Commissioner to provide certain notifications; requiring that an internationally active insurance group have at least a certain number of days to provide the Commissioner with certain information; requiring the Commissioner to publish certain information in the Maryland Register and on the Maryland Insurance Administration's website; authorizing the Commissioner to take certain actions with respect to an internationally active insurance group for which the Commissioner is the appropriate single group-wide supervisor; prohibiting certain agreements and documentation from serving as certain evidence; requiring that certain agreements include provisions for resolving certain disputes; authorizing the Commissioner to reasonably cooperate with certain other group-wide supervisors under certain circumstances; authorizing the Commissioner to refuse recognition of and cooperation with certain regulatory officials; authorizing the Commissioner to enter into certain agreements and obtain certain documentation from certain persons; requiring certain insurers to be liable for, and to pay, certain expenses; authorizing the Commissioner to adopt certain regulations; defining certain terms; and generally relating to the supervision of insurance holding companies.

BY adding to

Article – Insurance

Section 2–209.2

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

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

Article – Insurance

2–209.2.

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

(2) “GROUP-WIDE SUPERVISOR” MEANS A REGULATORY OFFICIAL:

(I) AUTHORIZED TO ENGAGE IN CONDUCTING AND COORDINATING GROUP-WIDE SUPERVISION ACTIVITIES FOR AN INTERNATIONALLY ACTIVE INSURANCE GROUP; AND

(II) WHOM THE COMMISSIONER DETERMINES OR ACKNOWLEDGES UNDER THIS SECTION TO HAVE SUFFICIENT SIGNIFICANT CONTACTS WITH AN INTERNATIONALLY ACTIVE INSURANCE GROUP.

(3) “INTERNATIONALLY ACTIVE INSURANCE GROUP” MEANS AN INSURANCE HOLDING COMPANY SYSTEM THAT:

(I) INCLUDES, AS A MEMBER OF THE INSURANCE HOLDING COMPANY SYSTEM, AN INSURER REGISTERED UNDER § 7-601 OF THIS ARTICLE; AND

(II) HAS:

1. PREMIUMS WRITTEN IN AT LEAST THREE COUNTRIES;

2. AT LEAST 10% OF ITS TOTAL GROSS WRITTEN PREMIUMS FROM PREMIUMS WRITTEN OUTSIDE THE UNITED STATES; AND

3. BASED ON A 3-YEAR ROLLING AVERAGE, TOTAL ASSETS OF AT LEAST \$50,000,000,000 OR TOTAL GROSS WRITTEN PREMIUMS OF AT LEAST \$10,000,000,000.

(4) “NAIC” MEANS THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COMMISSIONER IS AUTHORIZED TO ACT AS ~~THE~~ THE GROUP-WIDE SUPERVISOR FOR AN INTERNATIONALLY ACTIVE INSURANCE GROUP IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

(2) THE COMMISSIONER MAY ACKNOWLEDGE ANOTHER REGULATORY OFFICIAL AS ~~THE~~ THE GROUP-WIDE SUPERVISOR FOR AN INTERNATIONALLY ACTIVE INSURANCE GROUP THAT:

(I) DOES NOT HAVE SUBSTANTIAL INSURANCE OPERATIONS IN THE UNITED STATES;

(II) HAS SUBSTANTIAL INSURANCE OPERATIONS IN THE UNITED STATES, BUT NOT IN THE STATE; OR

(III) HAS SUBSTANTIAL INSURANCE OPERATIONS IN THE UNITED STATES AND IN THE STATE, IF THE COMMISSIONER DETERMINES BASED ON THE FACTORS SPECIFIED UNDER SUBSECTIONS (D)(2) AND (H) OF THIS SECTION THAT THE OTHER REGULATORY OFFICIAL IS ~~AN~~ THE APPROPRIATE GROUP-WIDE SUPERVISOR.

(C) AN INSURANCE HOLDING COMPANY SYSTEM THAT DOES NOT OTHERWISE QUALIFY AS AN INTERNATIONALLY ACTIVE INSURANCE GROUP MAY REQUEST THAT THE COMMISSIONER MAKE A DETERMINATION OR ACKNOWLEDGMENT OF A GROUP-WIDE SUPERVISOR UNDER THIS SECTION FOR THE INSURANCE HOLDING COMPANY SYSTEM.

(D) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IN COOPERATION WITH OTHER STATE, FEDERAL, AND INTERNATIONAL REGULATORY AGENCIES, THE COMMISSIONER SHALL IDENTIFY A SINGLE GROUP-WIDE SUPERVISOR FOR AN INTERNATIONALLY ACTIVE INSURANCE GROUP.

(II) THE COMMISSIONER MAY:

1. DETERMINE THAT THE COMMISSIONER IS THE APPROPRIATE SINGLE GROUP-WIDE SUPERVISOR FOR AN INTERNATIONALLY ACTIVE INSURANCE GROUP THAT CONDUCTS SUBSTANTIAL INSURANCE OPERATIONS IN THE STATE; OR

2. ACKNOWLEDGE THAT A REGULATORY OFFICIAL FROM ANOTHER JURISDICTION IS THE APPROPRIATE SINGLE GROUP-WIDE SUPERVISOR FOR AN INTERNATIONALLY ACTIVE INSURANCE GROUP.

(2) THE COMMISSIONER SHALL CONSIDER THE FOLLOWING FACTORS WHEN MAKING A DETERMINATION OR ACKNOWLEDGMENT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION:

(I) THE PLACE OF DOMICILE OF THE INSURERS, AS MEMBERS OF THE INTERNATIONALLY ACTIVE INSURANCE GROUP, THAT HOLD THE LARGEST SHARE OF THE INTERNATIONALLY ACTIVE INSURANCE GROUP'S WRITTEN PREMIUMS, ASSETS, OR LIABILITIES;

(II) THE PLACE OF DOMICILE OF THE TOP-TIERED INSURERS, AS MEMBERS OF THE INTERNATIONALLY ACTIVE INSURANCE GROUP;

(III) THE LOCATION OF THE EXECUTIVE OFFICES OR LARGEST OPERATIONAL OFFICES OF THE INTERNATIONALLY ACTIVE INSURANCE GROUP;

(IV) WHETHER ANOTHER REGULATORY OFFICIAL IS ACTING OR IS SEEKING TO ACT AS ~~A~~ THE GROUP-WIDE SUPERVISOR UNDER A REGULATORY SYSTEM THAT THE COMMISSIONER DETERMINES TO BE:

1. SUBSTANTIALLY SIMILAR TO THE REGULATORY SYSTEM PROVIDED UNDER THE LAWS OF THE STATE; OR

2. OTHERWISE SUFFICIENT IN PROVIDING FOR GROUP-WIDE SUPERVISION, ENTERPRISE RISK ANALYSIS, AND COOPERATION WITH OTHER REGULATORY OFFICIALS; AND

(V) WHETHER ANOTHER REGULATORY OFFICIAL ACTING OR SEEKING TO ACT AS ~~A~~ THE GROUP-WIDE SUPERVISOR PROVIDES THE COMMISSIONER WITH REASONABLY RECIPROCAL RECOGNITION AND COOPERATION.

(3) IN MAKING A DECISION TO ACKNOWLEDGE ANOTHER REGULATORY OFFICIAL AS THE APPROPRIATE SINGLE GROUP-WIDE SUPERVISOR OF AN INTERNATIONALLY ACTIVE INSURANCE GROUP UNDER PARAGRAPH (1)(II)2 OF THIS SUBSECTION, THE COMMISSIONER SHALL MAKE THE DECISION:

(I) IN COOPERATION WITH AND SUBJECT TO THE ACKNOWLEDGMENT OF OTHER REGULATORY OFFICIALS INVOLVED WITH SUPERVISION OF INSURERS THAT ARE MEMBERS OF THE INTERNATIONALLY ACTIVE INSURANCE GROUP; AND

(II) IN CONSULTATION WITH THE INTERNATIONALLY ACTIVE INSURANCE GROUP.

(E) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHEN ANOTHER REGULATORY OFFICIAL IS THE GROUP-WIDE SUPERVISOR FOR AN INTERNATIONALLY ACTIVE INSURANCE GROUP, THE COMMISSIONER SHALL ACKNOWLEDGE THAT REGULATORY OFFICIAL AS THE GROUP-WIDE SUPERVISOR OF THE INTERNATIONALLY ACTIVE INSURANCE GROUP.

(2) THE COMMISSIONER SHALL MAKE A DETERMINATION OR ACKNOWLEDGMENT UNDER SUBSECTION (D)(1)(II) OF THIS SECTION AS TO THE APPROPRIATE SINGLE GROUP-WIDE SUPERVISOR FOR AN INTERNATIONALLY ACTIVE INSURANCE GROUP IN THE EVENT OF A MATERIAL CHANGE IN THE INTERNATIONALLY ACTIVE INSURANCE GROUP THAT RESULTS IN:

(I) THE INSURERS DOMICILED IN THE STATE THAT ARE MEMBERS OF THE INTERNATIONALLY ACTIVE INSURANCE GROUP HOLDING THE

LARGEST SHARE OF THE INTERNATIONALLY ACTIVE INSURANCE GROUP'S PREMIUMS, ASSETS, OR LIABILITIES; OR

(II) THE STATE BEING THE PLACE OF DOMICILE OF THE TOP-TIERED INSURER OR INSURERS THAT ARE MEMBERS OF THE INTERNATIONALLY ACTIVE INSURANCE GROUP.

(F) (1) IN ACCORDANCE WITH § 7-605 OF THIS ARTICLE, THE COMMISSIONER MAY COLLECT FROM AN INSURER REGISTERED UNDER TITLE 7, SUBTITLE 6 OF THIS ARTICLE INFORMATION NECESSARY FOR THE COMMISSIONER TO DETERMINE WHETHER THE COMMISSIONER MAY:

(I) ACT AS ~~AN~~ THE GROUP-WIDE SUPERVISOR FOR AN INTERNATIONALLY ACTIVE INSURANCE GROUP; OR

(II) ACKNOWLEDGE THAT ANOTHER REGULATORY OFFICIAL IS THE APPROPRIATE REGULATORY OFFICIAL TO ACT AS THE GROUP-WIDE SUPERVISOR FOR AN INTERNATIONALLY ACTIVE INSURANCE GROUP.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, BEFORE ISSUING A DETERMINATION THAT AN INTERNATIONALLY ACTIVE INSURANCE GROUP IS SUBJECT TO GROUP-WIDE SUPERVISION BY THE COMMISSIONER, THE COMMISSIONER SHALL NOTIFY THE INSURER REGISTERED UNDER TITLE 7, SUBTITLE 6 OF THIS ARTICLE THAT IS A MEMBER OF THE INTERNATIONALLY ACTIVE INSURANCE GROUP AND THE ULTIMATE CONTROLLING PERSON WITHIN THE INTERNATIONALLY ACTIVE INSURANCE GROUP.

(II) AN INTERNATIONALLY ACTIVE INSURANCE GROUP SHALL HAVE AT LEAST 30 DAYS TO PROVIDE THE COMMISSIONER WITH ADDITIONAL INFORMATION PERTINENT TO THE COMMISSIONER'S PENDING DETERMINATION.

(3) THE COMMISSIONER SHALL PUBLISH IN THE MARYLAND REGISTER AND ON THE ADMINISTRATION'S WEBSITE THE IDENTITY OF INTERNATIONALLY ACTIVE INSURANCE GROUPS THAT THE COMMISSIONER HAS DETERMINED ARE SUBJECT TO GROUP-WIDE SUPERVISION BY THE COMMISSIONER.

(G) (1) IF THE COMMISSIONER IS THE APPROPRIATE SINGLE GROUP-WIDE SUPERVISOR FOR AN INTERNATIONALLY ACTIVE INSURANCE GROUP, THE COMMISSIONER MAY:

(I) ASSESS THE ENTERPRISE RISKS WITHIN THE INTERNATIONALLY ACTIVE INSURANCE GROUP TO ENSURE THAT:

1. THE MATERIAL FINANCIAL CONDITION AND LIQUIDITY RISKS TO THE INSURERS, AS MEMBERS OF THE INTERNATIONALLY ACTIVE INSURANCE GROUP, ARE IDENTIFIED BY MANAGEMENT; AND

2. REASONABLE AND EFFECTIVE MITIGATION MEASURES ARE IN PLACE;

(II) REQUEST FROM AN INSURER, AS A MEMBER OF AN INTERNATIONALLY ACTIVE INSURANCE GROUP, INFORMATION NECESSARY AND APPROPRIATE TO ASSESS ENTERPRISE RISK, INCLUDING INFORMATION ABOUT THE INSURERS, AS MEMBERS OF THE INTERNATIONALLY ACTIVE INSURANCE GROUP, REGARDING:

1. GOVERNANCE;
2. RISK ASSESSMENT;
3. MANAGEMENT;
4. CAPITAL ADEQUACY; AND
5. MATERIAL INTERCOMPANY TRANSACTIONS;

(III) COORDINATE AND, THROUGH THE AUTHORITY OF THE REGULATORY OFFICIALS OF THE JURISDICTIONS WHERE INSURERS, AS MEMBERS OF THE INTERNATIONALLY ACTIVE INSURANCE GROUP, ARE DOMICILED, COMPEL DEVELOPMENT AND IMPLEMENTATION OF REASONABLE MEASURES DESIGNED TO ENSURE THAT THE INTERNATIONALLY ACTIVE INSURANCE GROUP IS ABLE TO RECOGNIZE AND MITIGATE ENTERPRISE RISKS TO INSURERS, AS MEMBERS OF THE INTERNATIONALLY ACTIVE INSURANCE GROUP, IN A TIMELY MANNER;

(IV) COMMUNICATE WITH OTHER STATE, FEDERAL, AND INTERNATIONAL REGULATORY AGENCIES FOR INSURERS, AS MEMBERS OF THE INTERNATIONALLY ACTIVE INSURANCE GROUP, AND SHARE RELEVANT INFORMATION, SUBJECT TO THE CONFIDENTIALITY PROVISIONS OF ~~§ 7-605~~ § 7-106 OF THIS ARTICLE, THROUGH SUPERVISORY COLLEGES UNDER § 2-209.1 OF THIS SUBTITLE;

(V) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND TO PROVIDE THE BASIS FOR, OR CLARIFICATION OF, THE COMMISSIONER'S ROLE AS GROUP-WIDE SUPERVISOR, ENTER INTO AGREEMENTS WITH OR OBTAIN DOCUMENTATION FROM AN INSURER REGISTERED UNDER TITLE 7, SUBTITLE 6 OF THIS ARTICLE, ANY MEMBER OF THE INTERNATIONALLY ACTIVE INSURANCE GROUP,

OR ANY OTHER STATE, FEDERAL, OR INTERNATIONAL REGULATORY AGENCIES FOR MEMBERS OF THE INTERNATIONALLY ACTIVE INSURANCE GROUP;

~~(VI) REVIEW AGREEMENTS OR DOCUMENTATION THAT MAY NOT SERVE AS EVIDENCE IN ANY PROCEEDING THAT ANY INSURER OR PERSON IN AN INSURANCE HOLDING COMPANY SYSTEM NOT DOMICILED OR INCORPORATED IN THE STATE IS DOING BUSINESS IN THE STATE OR IS OTHERWISE SUBJECT TO JURISDICTION IN THE STATE; AND~~

~~(VII)~~ (VI) OVERSEE OTHER GROUP-WIDE SUPERVISION ACTIVITIES, CONSISTENT WITH THE AUTHORITY AND PURPOSE OF THIS SECTION, AS THE COMMISSIONER CONSIDERS NECESSARY.

(2) (I) ANY AGREEMENTS ENTERED INTO ~~UNDER PARAGRAPH (1)(V) OF THIS SUBSECTION~~ OR DOCUMENTATION OBTAINED UNDER PARAGRAPH ~~(1)(VI)~~ (1)(V) OF THIS SUBSECTION MAY NOT SERVE AS EVIDENCE IN ANY PROCEEDING THAT ANY INSURER OR PERSON OF AN INSURANCE HOLDING COMPANY SYSTEM NOT DOMICILED OR INCORPORATED IN THE STATE IS DOING BUSINESS IN THE STATE OR IS OTHERWISE SUBJECT TO JURISDICTION IN THE STATE.

(II) ANY AGREEMENTS ENTERED INTO UNDER PARAGRAPH (1)(V) OF THIS SUBSECTION SHALL INCLUDE PROVISIONS FOR RESOLVING DISPUTES WITH OTHER REGULATORY OFFICIALS.

(H) IF THE COMMISSIONER ACKNOWLEDGES THAT ANOTHER REGULATORY OFFICIAL FROM A JURISDICTION THAT IS NOT ACCREDITED BY THE NAIC IS THE GROUP-WIDE SUPERVISOR, THE COMMISSIONER MAY REASONABLY COOPERATE, THROUGH SUPERVISORY COLLEGES OR OTHERWISE, WITH GROUP-WIDE SUPERVISION UNDERTAKEN BY THE GROUP-WIDE SUPERVISOR, IF:

(1) THE COMMISSIONER'S COOPERATION IS IN COMPLIANCE WITH THE LAWS OF THE STATE;

(2) THE REGULATORY OFFICIAL ACKNOWLEDGED AS THE GROUP-WIDE SUPERVISOR RECOGNIZES AND COOPERATES WITH THE COMMISSIONER'S ACTIVITIES AS A GROUP-WIDE SUPERVISOR FOR OTHER INTERNATIONALLY ACTIVE INSURANCE GROUPS WHERE APPLICABLE; AND

(3) THE RECOGNITION AND COOPERATION IS REASONABLY RECIPROCAL.

(I) IF A REGULATORY OFFICIAL FROM A JURISDICTION THAT IS NOT ACCREDITED BY THE NAIC IS THE GROUP-WIDE SUPERVISOR BUT DOES NOT RECOGNIZE OR COOPERATE WITH THE COMMISSIONER'S ACTIVITIES AS A

GROUP-WIDE SUPERVISOR OR IS NOT REASONABLY RECIPROCAL, THE COMMISSIONER MAY REFUSE RECOGNITION AND COOPERATION.

(J) THE COMMISSIONER MAY ENTER INTO AGREEMENTS WITH OR OBTAIN DOCUMENTATION FROM:

(1) AN INSURER REGISTERED UNDER TITLE 7, SUBTITLE 6 OF THIS ARTICLE;

(2) AN AFFILIATE OF AN INSURER REGISTERED UNDER TITLE 7, SUBTITLE 6 OF THIS ARTICLE; AND

(3) OTHER STATE, FEDERAL, AND INTERNATIONAL REGULATORY AGENCIES FOR MEMBERS OF THE INTERNATIONALLY ACTIVE INSURANCE GROUP, THAT PROVIDE THE BASIS FOR, OR CLARIFY, A REGULATORY OFFICIAL'S ROLE AS GROUP-WIDE SUPERVISOR.

(K) A REGISTERED INSURER SUBJECT TO THIS SECTION SHALL BE LIABLE FOR, AND SHALL PAY, THE REASONABLE EXPENSES OF THE COMMISSIONER'S PARTICIPATION IN THE ADMINISTRATION OF THIS SECTION, INCLUDING THE ENGAGEMENT OF ATTORNEYS, ACTUARIES, AND ANY OTHER PROFESSIONALS AND REASONABLE TRAVEL EXPENSES.

(L) THE COMMISSIONER MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 105

(Senate Bill 44)

AN ACT concerning

Insurance – Corporate Governance Annual Disclosure Act

FOR the purpose of requiring certain insurers and insurance groups to submit to the Maryland Insurance Commissioner a certain Corporate Governance Annual Disclosure (CGAD) not later than a certain date each calendar year beginning in a certain year; requiring certain insurers to submit a certain CGAD in a certain

manner to the commissioner of the lead state for a certain insurance group; requiring that a CGAD contain a certain signature attesting to certain information; requiring certain insurers to submit a CGAD to the Commissioner on request; authorizing certain insurers and insurance groups to provide information regarding their corporate governance structures at certain levels and to consider certain criteria in determining for which level to provide the information; requiring certain insurers and insurance groups to indicate certain information under certain circumstances; authorizing the Commissioner to request additional information from a certain insurer or insurance group under certain circumstances; requiring that a certain review and any additional requests for information be made through the lead state in a certain manner under certain circumstances; providing that an insurer that includes certain information in another document submitted to the Commissioner may not be required to duplicate the information in the CGAD and is required to cross-reference in the CGAD the other document; requiring that certain insurers and insurance groups have discretion over the responses to a CGAD; requiring that the CGAD contain certain information; requiring that the insurer or insurance group maintain certain documentation and supporting information and make the documentation and supporting information available to the Commissioner under certain circumstances; providing for the confidentiality and privilege of certain documents and information contained in and relating to a CGAD; authorizing the sharing of certain documents and information relating to a CGAD under certain circumstances; prohibiting the Commissioner from making certain documents, materials, and information public except under certain circumstances; prohibiting certain persons from being allowed or required to testify in certain actions; requiring that certain persons be subject to certain confidentiality standards and requirements; authorizing the Commissioner to retain certain consultants for certain purposes; requiring that a third-party consultant verify to the Commissioner, with notice to the insurer, certain information; requiring the Commissioner to enter into a certain agreement with certain persons; requiring certain corporations to be governed and regulated by certain provisions of this Act; providing that certain provisions of this Act apply to managed care organizations and health maintenance organizations; establishing a certain penalty; authorizing the Commissioner to reduce a certain penalty under certain circumstances; authorizing the Commissioner to adopt certain regulations; providing for the application and construction of this Act; defining certain terms; establishing a certain short title; making conforming changes; and generally relating to corporate governance disclosures regarding insurers.

BY adding to

Article – Insurance

Section 4–501 through 4–509 to be under the new subtitle “Subtitle 5. Corporate Governance Annual Disclosure Act”

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 14–102(g)
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–102.6
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY adding to
Article – Health – General
Section 19–706(m)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

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

Article – Insurance

SUBTITLE 5. CORPORATE GOVERNANCE ANNUAL DISCLOSURE ACT.

4–501.

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

(B) “CORPORATE GOVERNANCE ANNUAL DISCLOSURE” OR “CGAD” MEANS A CONFIDENTIAL REPORT SUBMITTED BY AN INSURER OR THE INSURANCE GROUP OF WHICH THE INSURER IS A MEMBER IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBTITLE.

(C) “INSURANCE GROUP” MEANS THOSE INSURERS AND AFFILIATES INCLUDED WITHIN AN INSURANCE HOLDING COMPANY SYSTEM AS DEFINED IN § 7–101 OF THIS ARTICLE.

(D) (1) “INSURER” INCLUDES:

(I) EACH PERSON ENGAGED AS INDEMNITOR, SURETY, OR CONTRACTOR IN THE BUSINESS OF ENTERING INTO INSURANCE CONTRACTS;

(II) A NONPROFIT HEALTH SERVICE PLAN;

(III) A HEALTH MAINTENANCE ORGANIZATION;

(IV) A DENTAL PLAN ORGANIZATION; AND

(V) A MANAGED CARE ORGANIZATION.

(2) "INSURER" DOES NOT INCLUDE AN AGENCY, AN AUTHORITY, OR AN INSTRUMENTALITY OF THE UNITED STATES, ITS POSSESSIONS AND TERRITORIES, THE COMMONWEALTH OF PUERTO RICO, THE DISTRICT OF COLUMBIA, A STATE, OR A POLITICAL SUBDIVISION OF A STATE.

(E) "NAIC" MEANS THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS.

(F) "ORSA SUMMARY REPORT" HAS THE MEANING STATED IN § 32-101 OF THIS ARTICLE.

4-502.

(A) THE REQUIREMENTS OF THIS SUBTITLE APPLY ONLY TO INSURERS DOMICILED IN THIS STATE.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THIS SUBTITLE MAY NOT BE CONSTRUED TO REQUIRE OR IMPOSE CORPORATE GOVERNANCE STANDARDS AND INTERNAL PROCEDURES BEYOND THOSE WHICH ARE REQUIRED UNDER THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

(C) THIS SUBTITLE MAY NOT BE CONSTRUED TO LIMIT THE COMMISSIONER'S AUTHORITY, OR THE RIGHTS OR OBLIGATIONS OF A THIRD-PARTY UNDER TITLE 2, SUBTITLE 2 OF THIS ARTICLE.

4-503.

(A) (1) NOT LATER THAN JUNE 1 EACH CALENDAR YEAR BEGINNING IN 2020, AN INSURER OR THE INSURANCE GROUP OF WHICH THE INSURER IS A MEMBER AND FOR WHICH THE STATE IS THE LEAD STATE SHALL SUBMIT TO THE COMMISSIONER A CORPORATE GOVERNANCE ANNUAL DISCLOSURE THAT IS IN THE FORM AND CONTAINS THE INFORMATION REQUIRED BY REGULATION.

(2) IF AN INSURER IS A MEMBER OF AN INSURANCE GROUP AND THE STATE IS NOT THE LEAD STATE FOR THE INSURANCE GROUP, AS DETERMINED BY THE PROCEDURES SPECIFIED IN THE MOST RECENT FINANCIAL ANALYSIS HANDBOOK ADOPTED BY THE NAIC, THE INSURER SHALL SUBMIT A CGAD TO THE COMMISSIONER OF THE LEAD STATE FOR THE INSURANCE GROUP, IN ACCORDANCE WITH THE LAWS OF THE LEAD STATE, ~~AS DETERMINED BY THE PROCEDURES~~

~~SPECIFIED IN THE MOST RECENT FINANCIAL ANALYSIS HANDBOOK ADOPTED BY THE NAIC.~~

(B) A CGAD SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE A SIGNATURE OF THE ~~INSURER OR THE~~ CHIEF EXECUTIVE OFFICER OR CORPORATE SECRETARY OF THE INSURER OR THE INSURANCE GROUP OF WHICH THE INSURER IS A MEMBER ATTESTING, TO THE BEST OF THAT INDIVIDUAL'S BELIEF AND KNOWLEDGE, THAT:

(1) THE INSURER HAS IMPLEMENTED A CORPORATE GOVERNANCE STRUCTURE, POLICIES, AND PRACTICES; AND

(2) A COPY OF THE CGAD HAS BEEN PROVIDED TO THE INSURER'S BOARD OF DIRECTORS OR THE APPROPRIATE COMMITTEE OF THE BOARD OF DIRECTORS.

(C) ON REQUEST OF THE COMMISSIONER, AN INSURER THAT IS NOT REQUIRED TO SUBMIT A CGAD UNDER SUBSECTION (A)(1) OF THIS SECTION SHALL SUBMIT A CGAD TO THE COMMISSIONER.

(D) (1) DEPENDING ON HOW AN INSURER OR THE INSURANCE GROUP OF WHICH THE INSURER IS A MEMBER HAS STRUCTURED ITS CORPORATE GOVERNANCE SYSTEM, THE INSURER OR INSURANCE GROUP SUBMITTING A CGAD TO THE COMMISSIONER MAY PROVIDE INFORMATION REGARDING ITS CORPORATE GOVERNANCE STRUCTURE AT:

(I) THE ULTIMATE CONTROLLING PARENT LEVEL;

(II) AN INTERMEDIATE HOLDING COMPANY LEVEL; OR

(III) THE INDIVIDUAL LEGAL ENTITY LEVEL.

(2) IN DETERMINING THE LEVEL FOR WHICH INFORMATION WILL BE PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE INSURER OR INSURANCE GROUP MAY CONSIDER THE FOLLOWING CRITERIA:

(I) THE LEVEL AT WHICH THE INSURER'S OR INSURANCE GROUP'S RISK APPETITE IS DETERMINED;

(II) THE LEVEL AT WHICH FACTORS, SUCH AS EARNINGS, CAPITAL, LIQUIDITY, OPERATIONS, AND REPUTATION OF THE INSURER, ARE OVERSEEN COLLECTIVELY, AND AT WHICH LEVEL THE SUPERVISION OF THOSE FACTORS IS COORDINATED AND EXERCISED; OR

(III) THE LEVEL AT WHICH LEGAL LIABILITY FOR FAILURE OF GENERAL CORPORATE GOVERNANCE DUTIES WOULD BE PLACED.

(3) IF THE INSURER OR INSURANCE GROUP DETERMINES THE LEVEL OF REPORTING BASED ON THE CRITERIA LISTED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE INSURER OR INSURANCE GROUP SHALL INDICATE WHICH OF THE THREE CRITERIA WAS USED TO DETERMINE THE LEVEL OF REPORTING AND EXPLAIN ANY SUBSEQUENT CHANGES IN THE LEVEL FOR WHICH INFORMATION IS PROVIDED.

(E) IF A CGAD IS SUBMITTED TO A LEAD STATE UNDER SUBSECTION (A)(2) OF THIS SECTION, A REVIEW OF THE CGAD AND ANY ADDITIONAL REQUESTS FOR INFORMATION SHALL BE MADE THROUGH THE LEAD STATE, AS DETERMINED BY THE PROCEDURES SPECIFIED IN THE MOST RECENT FINANCIAL ANALYSIS HANDBOOK ADOPTED BY THE NAIC.

(F) AN INSURER THAT INCLUDES INFORMATION SUBSTANTIALLY SIMILAR TO THE INFORMATION REQUIRED UNDER THIS SUBTITLE IN ANOTHER DOCUMENT SUBMITTED TO THE COMMISSIONER, INCLUDING PROXY STATEMENTS FILED IN CONJUNCTION WITH FORM B REQUIREMENTS, OR OTHER STATE OR FEDERAL FILINGS PROVIDED TO THE ADMINISTRATION:

(1) MAY NOT BE REQUIRED TO DUPLICATE THE INFORMATION IN A CGAD; AND

(2) SHALL CROSS-REFERENCE IN THE CGAD THE OTHER DOCUMENT IN WHICH THE INFORMATION IS INCLUDED.

4-504.

(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN INSURER OR THE INSURANCE GROUP OF WHICH THE INSURER IS A MEMBER SHALL HAVE DISCRETION OVER THE RESPONSES TO A CGAD INQUIRY.

(2) THE CGAD SHALL CONTAIN THE MATERIAL INFORMATION NECESSARY TO PERMIT THE COMMISSIONER TO DEVELOP AN UNDERSTANDING OF THE CORPORATE GOVERNANCE STRUCTURE, POLICIES, AND PRACTICES OF THE INSURER OR INSURANCE GROUP.

(B) THE COMMISSIONER MAY REQUEST FROM AN INSURER OR THE INSURANCE GROUP OF WHICH THE INSURER IS A MEMBER ADDITIONAL INFORMATION THAT THE COMMISSIONER DETERMINES MATERIAL AND NECESSARY.

(C) THE INSURER OR THE INSURANCE GROUP OF WHICH THE INSURER IS A MEMBER SHALL:

(1) MAINTAIN DOCUMENTATION AND SUPPORTING INFORMATION;
AND

(2) MAKE THE DOCUMENTATION AND SUPPORTING INFORMATION AVAILABLE TO THE COMMISSIONER ON EXAMINATION OR ON REQUEST OF THE COMMISSIONER.

4-505.

(A) ANY DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION, INCLUDING A CGAD, RELATING TO AN INSURER AND IN THE POSSESSION OR CONTROL OF THE COMMISSIONER THAT IS OBTAINED BY, CREATED BY, OR DISCLOSED TO THE COMMISSIONER OR ANY OTHER PERSON UNDER THIS SUBTITLE:

(1) IS CONFIDENTIAL AND PRIVILEGED;

(2) IS NOT SUBJECT TO THE PUBLIC INFORMATION ACT;

(3) IS NOT SUBJECT TO SUBPOENA; AND

(4) IS NOT SUBJECT TO DISCOVERY OR ADMISSIBLE IN EVIDENCE IN ANY PRIVATE CIVIL ACTION.

(B) EXCEPT AS OTHERWISE PROVIDED BY THIS SUBTITLE, THE COMMISSIONER MAY NOT MAKE PUBLIC ANY DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION RELATING TO AN INSURER WITHOUT THE PRIOR WRITTEN CONSENT OF THE INSURER.

(C) THE COMMISSIONER MAY USE ANY DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION RELATING TO AN INSURER IN THE FURTHERANCE OF ANY REGULATORY OR LEGAL ACTION BROUGHT AS A PART OF THE DUTIES OF THE COMMISSIONER.

(D) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE WRITTEN CONSENT OF AN INSURER BEFORE THE COMMISSIONER MAY SHARE OR RECEIVE CONFIDENTIAL DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION THAT ASSIST IN THE PERFORMANCE OF THE REGULATORY DUTIES OF THE COMMISSIONER.

(E) THE COMMISSIONER AND ANY PERSON THAT RECEIVED CONFIDENTIAL DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION, THROUGH EXAMINATION OR OTHERWISE, WHILE ACTING UNDER THE AUTHORITY OF THE

COMMISSIONER, OR WITH WHOM THE DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION ARE SHARED UNDER THIS SUBTITLE MAY NOT BE ALLOWED OR REQUIRED TO TESTIFY IN ANY PRIVATE CIVIL ACTION CONCERNING THE CONFIDENTIAL DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION.

(F) (1) TO ASSIST IN THE PERFORMANCE OF THE REGULATORY DUTIES OF THE COMMISSIONER, THE COMMISSIONER MAY, ON REQUEST, SHARE DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION, INCLUDING CONFIDENTIAL AND PRIVILEGED DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION AS PROVIDED UNDER SUBSECTION (A) OF THIS SECTION WITH:

(I) OTHER STATE, FEDERAL, AND INTERNATIONAL FINANCIAL REGULATORY AGENCIES, INCLUDING MEMBERS OF ANY SUPERVISORY COLLEGE AS DEFINED IN § 2-209.1 OF THIS ARTICLE;

(II) THE NAIC; AND

(III) ANY THIRD-PARTY CONSULTANT THE COMMISSIONER DESIGNATES.

(2) THE COMMISSIONER MAY SHARE DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE RECIPIENT OF THE DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION:

(I) AGREES IN WRITING TO MAINTAIN THE CONFIDENTIALITY AND PRIVILEGED STATUS OF THE DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION; AND

(II) VERIFIES IN WRITING THAT THE RECIPIENT HAS THE LEGAL AUTHORITY TO MAINTAIN CONFIDENTIALITY AND PRIVILEGED STATUS OF THE DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION.

(G) (1) THE COMMISSIONER MAY RECEIVE DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION FROM:

(I) OTHER STATE, FEDERAL, AND INTERNATIONAL FINANCIAL REGULATORY AGENCIES, INCLUDING MEMBERS OF ANY SUPERVISORY COLLEGE AS DEFINED IN § 2-209.1 OF THIS ARTICLE; AND

(II) THE NAIC.

(2) THE COMMISSIONER SHALL MAINTAIN AS CONFIDENTIAL AND PRIVILEGED ANY DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION RECEIVED UNDER PARAGRAPH (1) OF THIS SECTION THAT THE COMMISSIONER RECEIVES WITH NOTICE OR THE UNDERSTANDING THAT THE DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION ARE CONFIDENTIAL AND PRIVILEGED UNDER THE LAWS OF THE JURISDICTION THAT IS THE SOURCE OF THE DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION.

(H) (1) THE SHARING OF INFORMATION AND DOCUMENTS BY THE COMMISSIONER UNDER THIS SUBTITLE MAY NOT CONSTITUTE A DELEGATION OF REGULATORY AUTHORITY OR RULEMAKING.

(2) THE COMMISSIONER IS SOLELY RESPONSIBLE FOR THE ADMINISTRATION, EXECUTION, AND ENFORCEMENT OF THE PROVISIONS OF THIS SUBTITLE.

(I) A WAIVER OF ANY APPLICABLE PRIVILEGE OR CLAIM OF CONFIDENTIALITY AND PRIVILEGES IN ANY DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION MAY NOT OCCUR AS A RESULT OF:

(1) THE DISCLOSURE OF THE DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION TO THE COMMISSIONER UNDER THIS SECTION; OR

(2) THE SHARING OF THE DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION UNDER THIS SUBTITLE.

4-506.

(A) (1) THE COMMISSIONER MAY RETAIN, AT AN INSURER'S EXPENSE, THIRD-PARTY CONSULTANTS AS MAY BE REASONABLY NECESSARY TO ASSIST THE COMMISSIONER IN:

(I) REVIEWING A CGAD AND DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION; OR

(II) DETERMINING AN INSURER'S COMPLIANCE WITH THIS SUBTITLE.

(2) THIRD-PARTY CONSULTANTS RETAINED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY INCLUDE ATTORNEYS, ACTUARIES, ACCOUNTANTS, AND ANY OTHER EXPERTS NOT OTHERWISE A PART OF THE COMMISSIONER'S STAFF.

(B) ANY PERSON RETAINED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(1) BE UNDER THE DIRECTION AND CONTROL OF THE COMMISSIONER; AND

(2) ACT IN A PURELY ADVISORY CAPACITY.

(C) THE NAIC AND ANY THIRD-PARTY CONSULTANT SHALL BE SUBJECT TO THE SAME CONFIDENTIALITY STANDARDS AND REQUIREMENTS AS THE COMMISSIONER.

(D) AS PART OF THE RETENTION PROCESS, A THIRD-PARTY CONSULTANT SHALL VERIFY TO THE COMMISSIONER, WITH NOTICE TO THE INSURER, THAT THE THIRD-PARTY CONSULTANT:

(1) IS FREE OF A CONFLICT OF INTEREST WITH THE INSURER; AND

(2) HAS INTERNAL PROCEDURES IN PLACE TO MONITOR COMPLIANCE REGARDING ANY CONFLICT AND TO COMPLY WITH THE CONFIDENTIALITY STANDARDS AND REQUIREMENTS UNDER THIS SUBTITLE.

(E) (1) THE COMMISSIONER SHALL ENTER INTO A WRITTEN AGREEMENT WITH THE NAIC OR A THIRD-PARTY CONSULTANT GOVERNING SHARING AND USE OF DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION SUBMITTED TO THE COMMISSIONER UNDER THIS SUBTITLE.

(2) THE WRITTEN AGREEMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) REQUIRE THE WRITTEN CONSENT OF AN INSURER BEFORE MAKING PUBLIC DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION SUBMITTED TO THE COMMISSIONER UNDER THIS SUBTITLE;

(II) SPECIFY PROCEDURES AND PROTOCOLS FOR MAINTAINING THE CONFIDENTIALITY AND SECURITY OF DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION SHARED WITH THE NAIC OR A THIRD-PARTY CONSULTANT UNDER THIS SUBTITLE;

(III) SPECIFY PROCEDURES AND PROTOCOLS FOR THE SHARING OF DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION BY THE NAIC ONLY WITH OTHER STATE REGULATORS FROM STATES IN WHICH AN INSURANCE GROUP HAS DOMICILED INSURERS;

(IV) SPECIFY THAT THE RECIPIENT OF ANY DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION:

1. AGREES IN WRITING TO MAINTAIN THE CONFIDENTIALITY AND PRIVILEGED STATUS OF THE DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION; AND

2. HAS VERIFIED IN WRITING THE LEGAL AUTHORITY TO MAINTAIN CONFIDENTIALITY;

(V) SPECIFY THAT:

1. OWNERSHIP OF THE DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION SHARED UNDER THIS SUBTITLE WITH THE NAIC OR A THIRD-PARTY CONSULTANT REMAINS WITH THE COMMISSIONER; AND

2. THE NAIC'S OR THIRD-PARTY CONSULTANT'S USE OF THE INFORMATION IS SUBJECT TO THE DIRECTION OF THE COMMISSIONER;

(VI) PROHIBIT THE NAIC AND ANY THIRD-PARTY CONSULTANT FROM STORING DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION SHARED UNDER THIS SUBTITLE IN A PERMANENT DATABASE AFTER THE UNDERLYING ANALYSIS IS COMPLETED;

(VII) REQUIRE THE NAIC AND ANY THIRD-PARTY CONSULTANT TO PROVIDE PROMPT NOTICE TO THE COMMISSIONER AND TO THE INSURER OR INSURANCE GROUP OF WHICH THE INSURER IS A MEMBER REGARDING ANY SUBPOENA, REQUEST FOR DISCLOSURE, OR REQUEST FOR PRODUCTION OF THE INSURER'S DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION; AND

(VIII) REQUIRE THE NAIC AND ANY THIRD-PARTY CONSULTANT TO CONSENT TO INTERVENTION BY AN INSURER IN ANY JUDICIAL OR ADMINISTRATIVE ACTION IN WHICH THE NAIC OR THE THIRD-PARTY CONSULTANT MAY BE REQUIRED TO DISCLOSE CONFIDENTIAL DOCUMENTS, MATERIALS, OR OTHER CGAD-RELATED INFORMATION ABOUT THE INSURER SHARED WITH THE NAIC OR THE THIRD-PARTY CONSULTANT UNDER THIS SUBTITLE.

4-507.

(A) SUBJECT TO § 2-210 OF THIS ARTICLE, AN INSURER THAT FAILS TO TIMELY SUBMIT A CGAD TO THE COMMISSIONER AS REQUIRED BY THIS SUBTITLE AND WITHOUT JUST CAUSE IS SUBJECT TO A PENALTY OF \$200 FOR EACH DAY THE VIOLATION CONTINUES, UP TO A MAXIMUM OF \$25,000.

(B) THE COMMISSIONER MAY REDUCE A PENALTY IMPOSED ON AN INSURER UNDER SUBSECTION (A) OF THIS SECTION IF THE INSURER DEMONSTRATES TO THE COMMISSIONER THAT THE IMPOSITION OF THE PENALTY WOULD CONSTITUTE A FINANCIAL HARDSHIP TO THE INSURER.

(C) THIS SECTION DOES NOT LIMIT THE AUTHORITY OF THE COMMISSIONER TO TAKE ANY OTHER ACTION AUTHORIZED BY THIS ARTICLE.

4-508.

THE COMMISSIONER MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

4-509.

THIS SUBTITLE MAY BE CITED AS THE CORPORATE GOVERNANCE ANNUAL DISCLOSURE ACT.

14-102.

(g) A corporation without capital stock organized for the purpose of establishing, maintaining, and operating a nonprofit health service plan through which health care providers provide health care services to subscribers to the plan under contracts that entitle each subscriber to certain health care services shall be governed and regulated by:

- (1) this subtitle;
- (2) Title 2, Subtitle 2 of this article and §§ 1-206, 3-127, and 12-210 of this article;
- (3) Title 2, Subtitle 5 of this article;
- (4) §§ 4-113 [and], 4-114, AND 4-503 of this article;
- (5) Title 5, Subtitles 1, 2, 3, 4, and 5 of this article;
- (6) Title 7 of this article, except for § 7-706 and Subtitle 2 of Title 7;
- (7) Title 9, Subtitles 1, 2, and 4 of this article;
- (8) Title 10, Subtitle 1 of this article;
- (9) Title 27 of this article; and
- (10) any other provision of this article that:

- (i) is expressly referred to in this subtitle;
- (ii) expressly refers to this subtitle; or
- (iii) expressly refers to nonprofit health service plans or persons subject to this subtitle.

Article – Health – General

15–102.6.

(a) **(1)** Subject to [subsection (b) of this section] **PARAGRAPH (2) OF THIS SUBSECTION**, the provisions of Title 7 of the Insurance Article apply to managed care organizations.

[(b)] **(2)** Before approving a transaction under § 7–306 of the Insurance Article, the Insurance Commissioner shall consult with the Secretary.

[(c)] **(3)** The Insurance Commissioner:

[(1)] **(I)** Shall adopt regulations establishing a reporting materiality threshold; and

[(2)] **(II)** May adopt regulations necessary to implement the provisions of this [section] **SUBSECTION**.

[(d)] **(4)** The provisions of this [section] **SUBSECTION** may not apply to any transaction preempted by federal law.

(B) THE PROVISIONS OF TITLE 4, SUBTITLE 5 OF THE INSURANCE ARTICLE APPLY TO MANAGED CARE ORGANIZATIONS.

19–706.

(M) THE PROVISIONS OF TITLE 4, SUBTITLE 5 OF THE INSURANCE ARTICLE APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 106**(Senate Bill 45)**

AN ACT concerning

Health Care Provider Malpractice Insurance – Authorization to Settle – Clarification

FOR the purpose of altering the settlement provision required to be included in policies of health care malpractice insurance to clarify that the insurer is authorized, without restriction, to negotiate and effect a compromise of claims unless the settlement amount exceeds the limits of the insurer's liability; and generally relating to malpractice insurance coverage for health care providers.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 19–104
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

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

Article – Insurance

19–104.

(a) Each policy that insures a health care provider against damages due to medical injury arising from providing or failing to provide health care shall contain provisions that:

(1) are consistent with the requirements of Title 3, Subtitle 2A of the Courts Article; and

(2) authorize the insurer, without restriction, to negotiate and effect a compromise of claims [within] **UNLESS THE SETTLEMENT AMOUNT EXCEEDS** the limits of the insurer's liability[, if the entire amount settled on is to be paid by the insurer].

(b) (1) An insurer may make payments to or on behalf of claimants for reasonable hospital and medical costs, loss of wages, and expenses for rehabilitation services and treatment, within the limits of the insurer's liability, before a final disposition of the claim.

(2) A payment made under this subsection:

(i) is not an admission of liability to or of damages sustained by a

claimant; and

(ii) does not prejudice the insurer or any other party with respect to any right, claim, or defense.

(c) (1) A policy issued or delivered under subsection (a) of this section may include coverage for the defense of a health care provider in a disciplinary hearing arising out of the practice of the health care provider profession if the cost of the included coverage is:

(i) itemized in the billing statement, invoice, or declarations page for the policy; and

(ii) reported to the Commissioner in a form and manner required by the Commissioner.

(2) A policy providing coverage for the defense of a health care provider in a disciplinary hearing arising out of the practice of the health care provider's profession may be offered and priced separately from a policy issued or delivered under subsection (a) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 107

(Senate Bill 46)

AN ACT concerning

Long-Term Care Insurance – Contingent Benefit Upon Lapse – Application

FOR the purpose of altering the application of certain provisions of law requiring a carrier to provide to an insured under a policy or contract of long-term care insurance a certain contingent benefit upon lapse under certain circumstances by applying the provisions only to certain policies or contracts issued before a certain date; and generally relating to long-term care insurance.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 18-116.1

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

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

Article – Insurance

18–116.1.

(A) THIS SECTION APPLIES ONLY TO POLICIES OR CONTRACTS OF LONG–TERM CARE INSURANCE ISSUED OR DELIVERED IN THE STATE BEFORE APRIL 1, 2003, FOR WHICH RATE INCREASE FILINGS HAVE BEEN APPROVED BY THE COMMISSIONER ON OR AFTER ~~OCTOBER 1, 2019~~ JUNE 1, 2019.

[(a)] (B) Subject to subsection **[(b)] (C)** of this section, a carrier shall provide to an insured under a policy or contract of long–term care insurance a contingent benefit upon lapse if:

- (1) the carrier increases the premium rate for the insured;
- (2) the insured has maintained the policy or contract of long–term care insurance through the carrier for at least 20 years; and
- (3) the insured terminates the policy or contract of long–term care insurance within 120 days after the date the premium rate increase becomes effective for the policy or contract of long–term care insurance maintained by the insured.

[(b)] (C) (1) The contingent benefit upon lapse required under subsection **[(a)] (B)** of this section shall be a paid–up coverage:

- (i) with no additional premiums due; and
- (ii) with a reduced lifetime maximum benefit equal to the sum of all premiums paid minus any claims paid.

(2) Except for the maximum lifetime benefit calculated in accordance with paragraph (1) of this subsection, all other benefits of the policy or contract of long–term care insurance in effect on the date of the lapse of the policy or contract shall remain unchanged and may not be increased after the date of the lapse of the policy or contract.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2019~~ June 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 108**(Senate Bill 47)**

AN ACT concerning

**Health Insurance – Technical Correction and Required Conformity With
Federal Law**

FOR the purpose of repealing an obsolete provision of law relating to certification of creditable coverage; requiring a certain carrier to provide an open enrollment period for certain individuals who lose access to health care services through ~~certain coverage provided to a pregnant woman's unborn child~~ a certain program, which is considered to occur on a certain date; requiring a certain carrier to provide an open enrollment period for certain individuals who lived in a service area where a certain qualified health plan was not available during a certain period of time; altering the definition of "full-time employee" for the purposes of certain provisions of law governing the Maryland Health Benefit Exchange; and generally relating to health insurance and required conformity with federal law.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 15–1202 ~~and~~ 15–1208.2(d)(4)(ii) and (x), and 31–101(e–1)

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Insurance

Section 15–1208.2(d)(1)

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

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

Article – Insurance

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) (B) This subtitle applies to any health benefit plan offered by an association, a professional 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.

15–1208.2.

(d) (1) A carrier shall provide an open enrollment period for each individual who experiences a triggering event described in paragraph (4) of this subsection.

(4) A triggering event occurs when:

(ii) an eligible employee or a dependent loses:

1. pregnancy–related coverage described under § 1902(a)(10)(A)(i)(IV) and (a)(10)(A)(ii)(IX) of the Social Security Act, which is considered to occur on the last day the eligible employee or dependent would have pregnancy–related coverage; OR

2. ~~ACCESS TO HEALTH CARE SERVICES THROUGH COVERAGE PROVIDED TO A PREGNANT WOMAN’S UNBORN CHILD, BASED ON THE DEFINITION OF A CHILD IN 42 C.F.R. § 457.10, WHICH IS CONSIDERED TO OCCUR ON THE LAST DAY THE ELIGIBLE EMPLOYEE OR DEPENDENT WOULD HAVE ACCESS TO HEALTH CARE SERVICES THROUGH THE UNBORN CHILD COVERAGE~~ A PROGRAM PROVIDING PRENATAL CARE OR SERVICES, WHICH IS CONSIDERED TO OCCUR ON THE LAST DAY THE ELIGIBLE EMPLOYEE OR DEPENDENT WOULD HAVE ACCESS TO HEALTH CARE SERVICES;

(x) an eligible employee or dependent gains access to new qualified health plans as a result of a permanent move and either:

1. had minimum essential coverage as described in 26 C.F.R. § 1.5000a-1(b) for 1 or more days during the 60 days before the date of the permanent move; [or]

2. lived in a foreign country or in a United States territory for 1 or more days during the 60 days before the date of the permanent move; OR

3. LIVED IN A SERVICE AREA WHERE NO QUALIFIED HEALTH PLAN WAS AVAILABLE THROUGH THE EXCHANGE:

A. FOR 1 OR MORE DAYS DURING THE 60 DAYS BEFORE THE DATE OF THE PERMANENT MOVE; OR

B. DURING THE ELIGIBLE EMPLOYEE’S OR DEPENDENT’S MOST RECENT PRECEDING OPEN ENROLLMENT PERIOD OR SPECIAL ENROLLMENT PERIOD.

31-101.

(e-1) (1) “Full-time employee” means, WITH RESPECT TO A CALENDAR MONTH, an employee OF A SMALL EMPLOYER who works, on average, at least 30 hours per week.

(2) “Full-time employee” does not include a seasonal employee [unless the employee works for the employer on more than 120 days during the taxable year] AS DEFINED IN FEDERAL LAW.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 109

(Senate Bill 48)

AN ACT concerning

Health Insurance – Referral to Specialists – Definition of Provider Panel

FOR the purpose of altering the definition of “provider panel” as it relates to certain provisions of health insurance law pertaining to referrals to specialists; and generally relating to provider panels and health insurance.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–830
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

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

Article – Insurance

15–830.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Carrier” means:
- (i) an insurer that offers health insurance other than long-term care insurance or disability insurance;
 - (ii) a nonprofit health service plan;
 - (iii) a health maintenance organization;
 - (iv) a dental plan organization; or
 - (v) except for a managed care organization as defined in Title 15, Subtitle 1 of the Health – General Article, any other person that provides health benefit plans subject to State regulation.
- (3) (i) “Member” means an individual entitled to health care benefits under a policy or plan issued or delivered in the State by a carrier.
- (ii) “Member” includes a subscriber.
- (4) “Nonphysician specialist” means a health care provider who:
- (i) is not a physician;
 - (ii) is licensed or certified under the Health Occupations Article; and
 - (iii) is certified or trained to treat or provide health care services for a specified condition or disease in a manner that is within the scope of the license or certification of the health care provider.
- (5) (I) “Provider panel” [has the meaning stated in § 15–112(a) of this title] **MEANS THE PROVIDERS THAT CONTRACT WITH A CARRIER EITHER DIRECTLY**

OR THROUGH A SUBCONTRACTING ENTITY TO PROVIDE HEALTH CARE SERVICES TO ENROLLEES OF THE CARRIER.

(II) “PROVIDER PANEL” DOES NOT INCLUDE AN ARRANGEMENT IN WHICH ANY PROVIDER MAY PARTICIPATE SOLELY BY CONTRACTING WITH THE CARRIER TO PROVIDE HEALTH CARE SERVICES AT A DISCOUNTED FEE-FOR-SERVICE RATE.

(6) “Specialist” means a physician who is certified or trained to practice in a specified field of medicine and who is not designated as a primary care provider by the carrier.

(b) (1) Each carrier that does not allow direct access to specialists shall establish and implement a procedure by which a member may receive a standing referral to a specialist in accordance with this subsection.

(2) The procedure shall provide for a standing referral to a specialist if:

(i) the primary care physician of the member determines, in consultation with the specialist, that the member needs continuing care from the specialist;

(ii) the member has a condition or disease that:

1. is life threatening, degenerative, chronic, or disabling; and
2. requires specialized medical care; and

(iii) the specialist:

1. has expertise in treating the life-threatening, degenerative, chronic, or disabling disease or condition; and

2. is part of the carrier’s provider panel.

(3) Except as provided in subsection (c) of this section, a standing referral shall be made in accordance with a written treatment plan for a covered service developed by:

(i) the primary care physician;

(ii) the specialist; and

(iii) the member.

(4) A treatment plan may:

- (i) limit the number of visits to the specialist;
- (ii) limit the period of time in which visits to the specialist are authorized; and
- (iii) require the specialist to communicate regularly with the primary care physician regarding the treatment and health status of the member.

(5) The procedure by which a member may receive a standing referral to a specialist may not include a requirement that a member see a provider in addition to the primary care physician before the standing referral is granted.

(c) (1) Notwithstanding any other provision of this section, a member who is pregnant shall receive a standing referral to an obstetrician in accordance with this subsection.

(2) After the member who is pregnant receives a standing referral to an obstetrician, the obstetrician is responsible for the primary management of the member's pregnancy, including the issuance of referrals in accordance with the carrier's policies and procedures, through the postpartum period.

(3) A written treatment plan may not be required when a standing referral is to an obstetrician under this subsection.

(d) (1) Each carrier shall establish and implement a procedure by which a member may request a referral to a specialist or nonphysician specialist who is not part of the carrier's provider panel in accordance with this subsection.

(2) The procedure shall provide for a referral to a specialist or nonphysician specialist who is not part of the carrier's provider panel if:

(i) the member is diagnosed with a condition or disease that requires specialized health care services or medical care; and

(ii) 1. the carrier does not have in its provider panel a specialist or nonphysician specialist with the professional training and expertise to treat or provide health care services for the condition or disease; or

2. the carrier cannot provide reasonable access to a specialist or nonphysician specialist with the professional training and expertise to treat or provide health care services for the condition or disease without unreasonable delay or travel.

(3) The procedure shall ensure that a request to obtain a referral to a specialist or nonphysician specialist who is not part of the carrier's provider panel is addressed in a timely manner that is:

- (i) appropriate for the member's condition; and

(ii) in accordance with the timeliness requirements for determinations made by private review agents under § 15–10B–06 of this title.

(4) The procedure may not be used by a carrier as a substitute for establishing and maintaining a sufficient provider network in accordance with § 15–112 of this title.

(5) Each carrier shall:

(i) have a system in place that documents all requests to obtain a referral to receive a covered service from a specialist or nonphysician specialist who is not part of the carrier's provider panel; and

(ii) provide the information documented under item (i) of this paragraph to the Commissioner on request.

(e) For purposes of calculating any deductible, copayment amount, or coinsurance payable by the member, a carrier shall treat services received in accordance with subsection (d) of this section as if the service was provided by a provider on the carrier's provider panel.

(f) A decision by a carrier not to provide access to or coverage of treatment or health care services by a specialist or nonphysician specialist in accordance with this section constitutes an adverse decision as defined under Subtitle 10A of this title if the decision is based on a finding that the proposed service is not medically necessary, appropriate, or efficient.

(g) (1) Each carrier shall file with the Commissioner a copy of each of the procedures required under this section, including:

(i) steps the carrier requires of a member to request a referral;

(ii) the carrier's timeline for decisions; and

(iii) the carrier's grievance procedures for denials.

(2) Each carrier shall make a copy of each of the procedures filed under paragraph (1) of this subsection available to its members:

(i) in the carrier's online network directory required under § 15–112(n)(1) of this title; and

(ii) on request.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 110

(Senate Bill 49)

AN ACT concerning

**Task Force to Study Cooperative Purchasing for Health Insurance –
Membership and Staffing**

FOR the purpose of removing the Maryland Insurance Commissioner, or the Commissioner's designee, from the membership of the Task Force to Study Cooperative Purchasing for Health Insurance; removing the requirement that the Maryland Insurance Administration provide staff for the Task Force; and generally relating to the Task Force to Study Cooperative Purchasing for Health Insurance.

BY repealing and reenacting, with amendments,
Chapter 307 of the Acts of the General Assembly of 2018
Section 2

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

Chapter 307 of the Acts of 2018

SECTION 2. AND BE IT FURTHER ENACTED, That:

- (a) There is a Task Force to Study Cooperative Purchasing for Health Insurance.
- (b) The Task Force consists of the following members:
 - (1) the Secretary of Budget and Management, or the Secretary's designee;
 - [(2) the Maryland Insurance Commissioner, or the Commissioner's designee;]
 - [(3)] **(2)** the Procurement Advisor;
 - [(4)] **(3)** the following members, appointed by the Governor:
 - (i) one representative of the Maryland Association of Counties;
 - (ii) one representative of the Maryland Association of Boards of Education;

- (iii) one representative of the Maryland Municipal League;
- (iv) one representative of the Maryland Public Purchasing Association;
- (v) one representative of the supplemental benefits industry;
- (vi) one representative of the Maryland Retired School Personnel Association; and
- (vii) one representative of Maryland Nonprofits;

[(5)] (4) one representative of the American Federation for State, County, and Municipal Employees, appointed by the President of the American Federation for State, County, and Municipal Employees Council 3;

[(6)] (5) one representative of the Maryland State Education Association, appointed by the President of the Association;

[(7)] (6) one representative of the American Federation for State, County, and Municipal Employees, appointed by the President of the American Federation for State, County, and Municipal Employees Council 67;

[(8)] (7) one representative of the Maryland State and D.C. AFL–CIO, appointed by the President of the Maryland State and D.C. AFL–CIO; and

[(9)] (8) one representative of the AFT–Maryland, appointed by the President of AFT–Maryland.

(c) The Procurement Advisor shall be the chair of the Task Force.

(d) The Department of Budget and Management [and the Maryland Insurance Administration] 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) In order to pool public employee health care purchasing by the State, counties, municipal corporations, and county boards to maximize value while maintaining a broad package of benefits and reasonable premiums, the Task Force shall:

- (1) study models of cooperative purchasing of health insurance;
 - (2) recommend the health insurance benefit options that should be offered to:
 - (i) nonprofit organizations that qualify and elect to participate in the State health plan;
 - (ii) county, municipal corporation, and county board employees;
 - (iii) a surviving spouse, child, or dependent parent of a county, municipal corporation, or county board employee who died while employed by the State; and
 - (iv) a retired county, municipal corporation, or county board employee;
 - (3) recommend ways to:
 - (i) minimize and combine administrative costs; and
 - (ii) transition the State, counties, municipal corporations, and county boards to new plans, as applicable, without adversely affecting the health benefits of any employee;
 - (4) recommend whether the State should limit the number of nonprofit organizations that may participate in the State health plan; and
 - (5) make any other recommendations to control health costs and offer a variety of health benefit plan choices.
- (g) On or before January 1, 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. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 111

(Senate Bill 50)

AN ACT concerning

Health Insurance – Form Filings – Review and Waiting Period Extensions

FOR the purpose of authorizing the Maryland Insurance Commissioner to extend a certain review period for up to a certain number of days for a certain filing made by a health maintenance organization if the Commissioner gives the health maintenance organization certain notice; providing that a certain filing may become effective on the date specified in a certain notice; authorizing the Commissioner to extend the period during which a certain amendment may not take effect for up to a certain number of days if the Commissioner gives a certain corporation certain notice; and generally relating to health insurance and filings made to the Maryland Insurance Commissioner.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 19–713(a)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–713(e) and (g)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,
Article – Insurance
Section 14–126(a)
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–126(b)
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

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

Article – Health – General

19–713.

(a) (1) Each health maintenance organization shall file with the Commissioner and pay the applicable filing fee as provided in § 2–112 of the Insurance Article, before they become effective:

(i) All rates that the health maintenance organization charges subscribers or groups of subscribers; and

(ii) The form and content of each contract between the health maintenance organization and its subscribers or groups of subscribers.

(2) (i) A health maintenance organization that offers a health benefit plan, as defined in § 11–601 of the Insurance Article, is subject to Title 11, Subtitle 6 of the Insurance Article for the health benefit plan.

(ii) If the provisions of Title 11, Subtitle 6 of the Insurance Article conflict with the provisions of this section, the provisions of Title 11, Subtitle 6 of the Insurance Article shall prevail.

(e) (1) If within 60 days after a filing made pursuant to this section, the Commissioner finds the filing does not meet the requirements of subsection (f) of this section, the filer shall be sent notice of disapproval specifying in what respects the Commissioner finds that the filing fails to meet the requirements of this section and stating that the filing shall not become effective.

(2) THE COMMISSIONER MAY EXTEND THE INITIAL REVIEW PERIOD DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION FOR UP TO AN ADDITIONAL 30 DAYS IF THE COMMISSIONER GIVES NOTICE TO THE HEALTH MAINTENANCE ORGANIZATION OF THE EXTENSION BEFORE THE INITIAL REVIEW PERIOD ENDS.

(3) The Commissioner may not issue a notice of disapproval of a filing under subsection (f) of this section without a statutory or regulatory basis for the disapproval and an explanation of the application of the statutory or regulatory basis which resulted in the disapproval.

(g) (1) Except as provided in paragraph (2) of this subsection, unless the Commissioner disapproves a filing under this section, the filing becomes effective:

(I) 60 days after the office of the Commissioner receives the filing;

(II) IF THE COMMISSIONER EXTENDS THE REVIEW PERIOD UNDER SUBSECTION (E)(2) OF THIS SECTION, ON THE DATE SPECIFIED IN THE NOTICE REQUIRED UNDER SUBSECTION (E)(2) OF THIS SECTION; or [on]

(III) ON any other date that the Commissioner sets.

(2) The Commissioner may adopt regulations to allow a type or kind of form to be effective upon receipt of the filing by the Commissioner.

(3) If a health maintenance organization uses a form which becomes

effective in accordance with the provisions of paragraph (2) of this subsection and the form would be subject to disapproval under subsection (f) of this section, the Commissioner may:

(i) Subsequently disapprove the form; and

(ii) Find the health maintenance organization to be in violation of § 19–729 of this subtitle and impose a penalty as provided in § 19–730 of this subtitle.

(4) If a health maintenance organization files a form with the Commissioner which becomes effective in accordance with the provisions of paragraph (2) of this subsection, the health maintenance organization shall pay the applicable filing fee provided in § 2–112 of the Insurance Article.

Article – Insurance

14–126.

(a) (1) A corporation subject to this subtitle may not amend its certificate of incorporation, bylaws, or the terms and provisions of contracts issued or proposed to be issued to subscribers to the plan until the proposed amendments have been submitted to and approved by the Commissioner and the applicable fees required by § 2–112 of this article have been paid.

(2) (i) A corporation subject to this subtitle may not change the table of rates charged or proposed to be charged to subscribers for a form of contract issued or to be issued for health care services until the proposed change has been submitted to and approved by the Commissioner.

(ii) 1. A nonprofit health service plan that offers a health benefit plan, as defined in § 11–601 of this article, is subject to Title 11, Subtitle 6 of this article for the health benefit plan.

2. If the provisions of Title 11, Subtitle 6 of this article conflict with the provisions of this section, the provisions of Title 11, Subtitle 6 of this article shall prevail.

(3) The Commissioner shall approve an amendment to the articles of incorporation or bylaws under paragraph (1) of this subsection unless the Commissioner determines the amendment is contrary to the public interest.

(b) (1) (i) An amendment may not take effect until 60 days after it is filed with the Commissioner.

(II) THE COMMISSIONER MAY EXTEND THE INITIAL WAITING PERIOD DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH FOR UP TO AN ADDITIONAL 30 DAYS IF THE COMMISSIONER GIVES TO A CORPORATION SUBJECT TO THIS SUBTITLE NOTICE OF THE EXTENSION BEFORE THE INITIAL WAITING

PERIOD ENDS.

[(ii)] (III) If an amendment is not accompanied by the information needed to support it and the Commissioner does not have sufficient information to determine whether the filing meets the requirements of this section, the Commissioner shall require the nonprofit health service plan to provide the needed information.

[(iii)] (IV) If the Commissioner requires additional information, the waiting period under this paragraph shall begin again on the date the needed information is provided.

[(iv)] (V) On written application by the nonprofit health service plan, the Commissioner may authorize an amendment that the Commissioner has reviewed to become effective before the expiration of the waiting period or any extension of the waiting period or at a later date.

(2) A filing is deemed approved unless disapproved by the Commissioner within the waiting period or any extension of the waiting period.

(3) (i) The Commissioner shall disapprove or modify the proposed change if:

1. the table of rates appears by statistical analysis and reasonable assumptions to be inadequate, unfairly discriminatory, or excessive in relation to benefits; or

2. the form contains provisions that are unjust, unfair, inequitable, inadequate, misleading, or deceptive or encourage misrepresentations of the coverage.

(ii) In determining whether to disapprove or modify the form or table of rates, the Commissioner shall consider, to the extent appropriate:

1. past and prospective loss experience within and outside the State;

2. underwriting practice and judgment;

3. a reasonable margin for reserve needs;

4. past and prospective expenses, both countrywide and those specifically applicable to the State; and

5. any other relevant factors within and outside the State.

(4) On the adoption of an amendment or change, after approval by the Commissioner, the corporation shall file with the Commissioner a copy of the amendment

or change that has been certified by at least two executive officers of the corporation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 112

(Senate Bill 73)

AN ACT concerning

Insurance – Life Insurance and Annuities – Record Retention

FOR the purpose of requiring insurers, except as otherwise provided in certain provisions of law, to maintain certain records for a certain minimum period of time after an individual or a group policy of life insurance or an individual or a group annuity is no longer in effect; and generally relating to the retention of records related to life insurance and annuities.

BY adding to

Article – Insurance

Section 16–120

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

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

Article – Insurance

16–120.

EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INSURER SHALL MAINTAIN RECORDS OF INSURANCE TRANSACTIONS RELATED TO EACH INDIVIDUAL OR GROUP POLICY OF LIFE INSURANCE AND EACH INDIVIDUAL OR GROUP ANNUITY FOR A PERIOD OF AT LEAST 7 YEARS AFTER THE POLICY OR ANNUITY IS NO LONGER IN EFFECT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 113**(House Bill 162)**

AN ACT concerning

**Medical Professional Liability Insurance Policies – Mandated Deductible Levels
– Limitation**

FOR the purpose of limiting the requirement that insurers that issue or deliver a medical professional liability insurance policies in the State offer, in addition to the basic policy, additional policies with certain deductibles to insurers that issue or deliver a policy with an annual premium of a certain amount or more; and generally relating to medical professional liability insurance policies.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 19–114
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

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

Article – Insurance

19–114.

(a) Each insurer that issues or delivers a medical professional liability insurance policy in the State **WITH AN ANNUAL PREMIUM OF \$5,000 OR MORE** shall offer at a minimum, in addition to the basic policy, additional policies with deductibles in the following amounts:

- (1) \$25,000;
- (2) \$50,000; and
- (3) \$100,000.

(b) In a policy with a deductible described in subsection (a) of this section, the insurer shall apply the deductible only to the liability of the insured under the policy.

(c) (1) An insurer that issues or delivers a medical professional liability insurance policy with a deductible described in subsection (a) of this section may cancel the policy for nonpayment of the deductible when the deductible is due and payable under the policy.

(2) A medical professional liability insurer that cancels a policy under paragraph (1) of this subsection is subject to the notice provisions under § 27–603 of this article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 114

(House Bill 379)

AN ACT concerning

Maryland Automobile Insurance Fund – Commercial Policies – Notice and Quotes

FOR the purpose of requiring the Maryland Automobile Insurance Fund to send certain notices of the expiration date of certain policies to certain policyholders at least a certain period before the expiration date; requiring the Fund to provide certain fund producers with a certain rewritten policy quote under certain circumstances and within a certain time period; and generally relating to commercial policies and the Maryland Automobile Insurance Fund.

BY adding to

Article – Insurance

Section 20–305

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

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

Article – Insurance

20–305.

(A) THE FUND SHALL PROVIDE EACH COMMERCIAL POLICYHOLDER WITH A NOTICE STATING THE EXPIRATION DATE OF THE CURRENT POLICY AT LEAST 45 DAYS BEFORE THE EXPIRATION OF THE CURRENT POLICY.

(B) IF A COMMERCIAL POLICYHOLDER REQUESTS A REWRITTEN POLICY

WITH THE FUND AND THE POLICYHOLDER'S FUND PRODUCER IS UNABLE TO GENERATE A NEW REWRITTEN POLICY QUOTE WITHOUT THE ASSISTANCE OF THE FUND, THE FUND SHALL PROVIDE THE POLICYHOLDER'S FUND PRODUCER WITH A REWRITTEN POLICY QUOTE WITHIN 7 DAYS AFTER THE FUND HAS RECEIVED ALL NECESSARY INFORMATION FROM THE FUND PRODUCER.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 115

(House Bill 276)

AN ACT concerning

Allegany County and Garrett County – School Buses – Length of Operation

FOR the purpose of altering the length of time a school vehicle may be operated in Allegany County and Garrett County; and generally relating to school vehicle operations in Allegany County and Garrett County.

BY repealing and reenacting, with amendments,
 Article – Education
 Section 7–804
 Annotated Code of Maryland
 (2018 Replacement Volume and 2018 Supplement)

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

Article – Education

7–804.

(a) In this section, “school vehicle” has the meaning stated in § 11–154 of the Transportation Article.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, unless it fails to meet the applicable school bus and motor vehicle safety standards, a school vehicle may be operated for 12 years.

(2) (i) In **ALLEGANY**, Calvert, Caroline, Cecil, Charles, Dorchester, **GARRETT**, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester counties, unless it fails to meet the applicable school bus and motor vehicle safety standards, a school vehicle may be operated for 15 years.

(ii) A school vehicle operating under subparagraph (i) of this paragraph shall be maintained as provided in subsection (c) of this section.

(3) Any school vehicle in operation or accepted before July 1, 2004, or under contract to be purchased before July 1, 2004, that meets the specifications of the Department and of the Motor Vehicle Administration for transit style school vehicles may be operated for 15 years.

(c) Notwithstanding the 12-year limitation in subsection (b)(1) of this section, a school vehicle may be operated for additional years if:

(1) The school vehicle is maintained under a preventive maintenance plan approved by the Motor Vehicle Administration and the Automotive Safety Enforcement Division of the Department of State Police that includes an inspection at the end of the 12th year and a minimum of 2 inspections by the Motor Vehicle Administration each year thereafter;

(2) Any structural repairs to the school vehicle necessitated by accident, metal fatigue, or any other cause are certified by an independent expert approved by the Motor Vehicle Administration to meet or exceed the manufacturer's original manufacturing standards;

(3) The school vehicle is equipped with:

(i) The body originally placed on the chassis by the manufacturer;

(ii) An 8 light warning system;

(iii) A left side stop arm;

(iv) A fire-retardant driver's seat;

(v) Fire-retardant barriers in the case of a school vehicle with a front engine; and

(vi) A fire-retardant rear seating area in the case of a school vehicle with a rear engine; and

(4) The State Superintendent grants approval.

(d) If a school vehicle passes an inspection that is required under subsection (c)(1) of this section:

(1) The inspection shall be valid in the county in which the inspection was completed; and

(2) If ownership of the school vehicle is transferred to a person who operates the school vehicle in a county in which school vehicles are authorized under subsection (b)(2) of this section to be operated for 15 years, the inspection shall be valid in that county for the length of time that the inspection would have been valid in the county where the inspection was completed.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 116

(Senate Bill 215)

AN ACT concerning

Allegany County and Garrett County – School Buses – Length of Operation

FOR the purpose of altering the length of time a school vehicle may be operated in Allegany County and Garrett County; and generally relating to school vehicle operations in Allegany County and Garrett County.

BY repealing and reenacting, with amendments,
 Article – Education
 Section 7–804
 Annotated Code of Maryland
 (2018 Replacement Volume and 2018 Supplement)

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

Article – Education

7–804.

(a) In this section, “school vehicle” has the meaning stated in § 11–154 of the Transportation Article.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, unless it fails to meet the applicable school bus and motor vehicle safety standards, a school vehicle may be operated for 12 years.

(2) (i) In **ALLEGANY**, Calvert, Caroline, Cecil, Charles, Dorchester, **GARRETT**, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester counties, unless it fails to meet the applicable school bus and motor vehicle safety standards, a school vehicle may be operated for 15 years.

(ii) A school vehicle operating under subparagraph (i) of this paragraph shall be maintained as provided in subsection (c) of this section.

(3) Any school vehicle in operation or accepted before July 1, 2004, or under contract to be purchased before July 1, 2004, that meets the specifications of the Department and of the Motor Vehicle Administration for transit style school vehicles may be operated for 15 years.

(c) Notwithstanding the 12-year limitation in subsection (b)(1) of this section, a school vehicle may be operated for additional years if:

(1) The school vehicle is maintained under a preventive maintenance plan approved by the Motor Vehicle Administration and the Automotive Safety Enforcement Division of the Department of State Police that includes an inspection at the end of the 12th year and a minimum of 2 inspections by the Motor Vehicle Administration each year thereafter;

(2) Any structural repairs to the school vehicle necessitated by accident, metal fatigue, or any other cause are certified by an independent expert approved by the Motor Vehicle Administration to meet or exceed the manufacturer's original manufacturing standards;

(3) The school vehicle is equipped with:

(i) The body originally placed on the chassis by the manufacturer;

(ii) An 8 light warning system;

(iii) A left side stop arm;

(iv) A fire-retardant driver's seat;

(v) Fire-retardant barriers in the case of a school vehicle with a front engine; and

(vi) A fire-retardant rear seating area in the case of a school vehicle with a rear engine; and

(4) The State Superintendent grants approval.

(d) If a school vehicle passes an inspection that is required under subsection (c)(1) of this section:

(1) The inspection shall be valid in the county in which the inspection was completed; and

(2) If ownership of the school vehicle is transferred to a person who operates the school vehicle in a county in which school vehicles are authorized under subsection (b)(2) of this section to be operated for 15 years, the inspection shall be valid in that county for the length of time that the inspection would have been valid in the county where the inspection was completed.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 117

(House Bill 243)

AN ACT concerning

Allegany County – Property Tax Credit – Cumberland Economic Development Corporation

FOR the purpose of authorizing the governing body of Allegany County and of a municipal corporation in Allegany County to grant, by law, a property tax credit against the county or municipal corporation property tax imposed on property owned by the Cumberland Economic Development Corporation; providing for the application of this Act; and generally relating to property tax credits in Allegany County.

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 9–302(b)(15) and (16)

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY adding to

Article – Tax – Property

Section 9–302(b)(17)

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

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

Article – Tax – Property

9–302.

(b) The governing body of Allegany County or of a municipal corporation in Allegany County may grant, by law, a property tax credit under this section against the county or municipal corporation property tax imposed on:

(15) property that is owned by the LaVale Swim Club, Inc.; [and]

(16) property that is:

(i) owned by:

1. The Lions Center, LLC;
2. The Lions Center I, LLC; or
3. The Lions Center II, LLC; and

(ii) known as The Lions Center for Rehabilitation and Extended Care; AND

(17) PROPERTY THAT IS OWNED BY THE CUMBERLAND ECONOMIC DEVELOPMENT CORPORATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019, and shall be applicable to all taxable years beginning after June 30, 2019.

Approved by the Governor, April 18, 2019.

Chapter 118

(Senate Bill 214)

AN ACT concerning

Allegany County – Property Tax Credit – Cumberland Economic Development Corporation

FOR the purpose of authorizing the governing body of Allegany County and of a municipal corporation in Allegany County to grant, by law, a property tax credit against the county or municipal corporation property tax imposed on property owned by the Cumberland Economic Development Corporation; providing for the application of this Act; and generally relating to property tax credits in Allegany County.

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 9–302(b)(15) and (16)

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY adding to

Article – Tax – Property

Section 9–302(b)(17)

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

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

Article – Tax – Property

9–302.

(b) The governing body of Allegany County or of a municipal corporation in Allegany County may grant, by law, a property tax credit under this section against the county or municipal corporation property tax imposed on:

(15) property that is owned by the LaVale Swim Club, Inc.; [and]

(16) property that is:

(i) owned by:

1. The Lions Center, LLC;
2. The Lions Center I, LLC; or
3. The Lions Center II, LLC; and

(ii) known as The Lions Center for Rehabilitation and Extended Care; AND

(17) PROPERTY THAT IS OWNED BY THE CUMBERLAND ECONOMIC DEVELOPMENT CORPORATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019, and shall be applicable to all taxable years beginning after June 30, 2019.

Approved by the Governor, April 18, 2019.

Chapter 119

(House Bill 407)

AN ACT concerning

Garrett County – Pretrial Release, Work Release, and Home Detention Programs

FOR the purpose of repealing the authority of the Board of County Commissioners and the Sheriff of Garrett County to establish and administer a home detention program and provide for other alternative sentencing options; authorizing the Sheriff of Garrett County to establish a certain pretrial release program and adopt certain regulations; authorizing a court to order a certain individual to participate in the pretrial release program; authorizing the court to make the order at certain times during a certain individual's pretrial detention; providing for eligibility for the pretrial release program; authorizing the Sheriff to establish and direct a certain work release program and adopt certain guidelines; authorizing a sentencing judge or certain other judge to order a certain individual to participate in the work release program under certain circumstances; authorizing the court to allow a certain inmate to leave certain confinement to participate in a certain program; requiring a certain inmate to be confined in certain circumstances; requiring the Sheriff or Sheriff's designee to collect, deduct from, and disburse certain earnings of a certain inmate for certain purposes; requiring the Sheriff to take certain actions with regard to a certain account balance; providing that a certain inmate is subject to certain sanctions in certain circumstances; requiring the Sheriff to establish and administer a certain home detention program and adopt certain regulations; authorizing a certain sentencing judge to allow a certain individual to participate in the home detention program; providing for eligibility for a certain home detention program; providing that a certain inmate is responsible for certain costs; authorizing the Sheriff to collect, waive, or reduce a certain fee; authorizing the Sheriff to make a certain determination; providing that a certain inmate is subject to certain penalties under certain circumstances; providing for the application of this Act; and generally relating to pretrial release, work release, and home detention programs in Garrett County.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 11–713

Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

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

Article – Correctional Services

11–713.

(a) This section applies only in Garrett County.

[(b) The Board of County Commissioners and the Sheriff of Garrett County may establish and administer a home detention program and provide for other alternative sentencing options.]

(B) (1) THE SHERIFF MAY:

(I) ESTABLISH A PRETRIAL RELEASE PROGRAM THAT OFFERS ALTERNATIVES TO PRETRIAL DETENTION; AND

(II) ADOPT REGULATIONS TO ADMINISTER THE PROGRAM.

(2) A COURT MAY ORDER AN INDIVIDUAL TO PARTICIPATE IN THE PRETRIAL RELEASE PROGRAM IF THE INDIVIDUAL:

(I) APPEARS BEFORE THE COURT AFTER BEING CHARGED AND DETAINED ON BOND; AND

(II) MEETS THE ELIGIBILITY REQUIREMENTS OF PARAGRAPH (4) OF THIS SUBSECTION.

(3) THE COURT MAY MAKE THE ORDER AT THE IMPOSITION OF BOND, ON REVIEW OF BOND, OR AT ANY OTHER TIME DURING THE INDIVIDUAL’S PRETRIAL DETENTION.

(4) AN INDIVIDUAL IS ELIGIBLE FOR THE PRETRIAL RELEASE PROGRAM IF THE INDIVIDUAL:

(I) IS RECOMMENDED TO THE COURT FOR PLACEMENT IN THE PROGRAM BY THE PROGRAM STAFF;

**(II) HAS NO OTHER CHARGES PENDING IN ANY JURISDICTION;
AND**

(III) IS NOT IN DETENTION FOR:

1. A CRIME OF VIOLENCE AS DEFINED IN § 14–101 OF THE CRIMINAL LAW ARTICLE; OR

2. THE CRIME OF ESCAPE UNDER § 9–404 OF THE CRIMINAL LAW ARTICLE.

(C) (1) THE SHERIFF’S OFFICE MAY:

(I) ESTABLISH AND DIRECT A WORK RELEASE PROGRAM; AND

(II) ADOPT GUIDELINES FOR THE OPERATION OF THE PROGRAM.

(2) (I) AT THE TIME OF SENTENCING, OR AT ANY TIME DURING AN INDIVIDUAL’S CONFINEMENT, THE SENTENCING JUDGE MAY ORDER THAT AN INDIVIDUAL PARTICIPATE IN THE WORK RELEASE PROGRAM, SUBJECT TO THE GUIDELINES ADOPTED BY THE SHERIFF.

(II) IF THE SENTENCING JUDGE IS UNABLE TO ACT AT THE TIME OF AN INMATE’S PETITION FOR WORK RELEASE, ANOTHER JUDGE OF THE COMMITTING COURT MAY ORDER THE INMATE TO PARTICIPATE IN THE WORK RELEASE PROGRAM.

(3) IN ORDERING AN INMATE TO PARTICIPATE IN THE WORK RELEASE PROGRAM, THE COURT MAY ALLOW THE INMATE TO LEAVE ACTUAL CONFINEMENT TO:

(I) WORK AT GAINFUL, PRIVATE EMPLOYMENT; OR

(II) PARTICIPATE IN AN EDUCATIONAL, REHABILITATIVE, OR TRAINING PROGRAM IN THE COUNTY.

(4) UNLESS THE COMMITTING COURT DIRECTS OTHERWISE, AN INMATE SHALL BE CONFINED IN THE DETENTION CENTER WHEN NOT PARTICIPATING IN THE WORK RELEASE PROGRAM.

(5) (I) THE SHERIFF OR THE SHERIFF’S DESIGNEE SHALL COLLECT THE EARNINGS OF AN INMATE IN THE WORK RELEASE PROGRAM, LESS PAYROLL DEDUCTIONS REQUIRED BY LAW.

(II) FROM THE EARNINGS OF THE INMATE, THE SHERIFF SHALL DEDUCT AND DISBURSE:

1. AN AMOUNT DETERMINED TO BE THE COST TO THE COUNTY FOR FOOD, LODGING, AND CLOTHING FOR THE INMATE;

2. THE ACTUAL COST OF NECESSARY FOOD AND TRAVEL AND OTHER EXPENSES INCIDENTAL TO THE INMATE'S PARTICIPATION IN THE PROGRAM;

3. ANY AMOUNT A COURT IMPOSES FOR A FINE, COST, OR RESTITUTION;

4. ANY AMOUNT THAT THE INMATE IS LEGALLY OBLIGATED OR REASONABLY DESIRES TO PAY FOR SUPPORT OF A DEPENDENT; AND

5. IF APPLICABLE, ANY AMOUNT THAT A COURT ORDERS THE INMATE TO REPAY TO THE STATE OR TO THE COUNTY FOR THE SERVICES OF AN ATTORNEY APPOINTED BY THE COURT.

(III) THE SHERIFF SHALL:

1. CREDIT TO THE INMATE'S ACCOUNT THE REMAINING BALANCE; AND

2. DISPOSE OF THE BALANCE IN THE INMATE'S ACCOUNT AS THE INMATE REASONABLY REQUESTS AND AS THE SHERIFF APPROVES.

(6) IF AN INMATE VIOLATES A TRUST OR A CONDITION THAT A JUDGE OR THE SHERIFF ESTABLISHES FOR CONDUCT OR EMPLOYMENT, AFTER AN ADMINISTRATIVE HEARING THAT UPHOLDS THE VIOLATION, THE INMATE IS SUBJECT TO:

(I) REMOVAL FROM THE WORK RELEASE PROGRAM; AND

(II) CANCELLATION OF ANY EARNED DIMINUTION OF THE INMATE'S TERM OF CONFINEMENT.

(D) (1) THE SHERIFF SHALL:

(I) ESTABLISH AND ADMINISTER A HOME DETENTION PROGRAM; AND

(II) ADOPT REGULATIONS FOR THE PROGRAM.

(2) AT THE TIME OF SENTENCING, OR AT ANY TIME DURING AN INDIVIDUAL'S CONFINEMENT, THE SENTENCING JUDGE MAY ALLOW AN INDIVIDUAL WHO IS CONVICTED OF A CRIME AND SENTENCED TO IMPRISONMENT TO PARTICIPATE IN THE HOME DETENTION PROGRAM.

(3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, AN INMATE IS ELIGIBLE FOR THE HOME DETENTION PROGRAM IF THE INMATE:

(I) IS RECOMMENDED FOR THE PROGRAM BY THE SENTENCING JUDGE; AND

(II) HAS NO OTHER CHARGES PENDING IN ANY JURISDICTION.

(4) AN INMATE IS NOT ELIGIBLE FOR THE HOME DETENTION PROGRAM IF THE INMATE:

(I) IS SERVING A SENTENCE FOR A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE; OR

(II) HAS BEEN FOUND GUILTY OF THE CRIME OF:

1. CHILD ABUSE UNDER § 3-601 OR § 3-602 OF THE CRIMINAL LAW ARTICLE; OR

2. ESCAPE UNDER § 9-404 OF THE CRIMINAL LAW ARTICLE.

(5) WHILE PARTICIPATING IN THE HOME DETENTION PROGRAM, AN INMATE IS RESPONSIBLE FOR:

(I) THE INMATE'S MEDICAL CARE AND RELATED EXPENSES; AND

(II) COSTS OF LODGING, FOOD, CLOTHING, TRANSPORTATION, RESTITUTION, AND TAXES.

(6) THE SHERIFF MAY:

(I) COLLECT A REASONABLE FEE FROM EACH INMATE PARTICIPATING IN THE HOME DETENTION PROGRAM; OR

(II) WAIVE OR REDUCE THE FEE.

(7) THE SHERIFF MAY DETERMINE THE MAXIMUM NUMBER OF INMATES THAT MAY PARTICIPATE IN THE HOME DETENTION PROGRAM.

(8) AN INMATE WHO KNOWINGLY VIOLATES A TERM OR A CONDITION OF THE HOME DETENTION PROGRAM IS SUBJECT TO THE PENALTIES PROVIDED UNDER § 11-726 OF THIS SUBTITLE AND OTHER DISCIPLINARY ACTION PROVIDED BY LAW.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 120

(Senate Bill 217)

AN ACT concerning

Garrett County – Pretrial Release, Work Release, and Home Detention Programs

FOR the purpose of repealing the authority of the Board of County Commissioners and the Sheriff of Garrett County to establish and administer a home detention program and provide for other alternative sentencing options; authorizing the Sheriff of Garrett County to establish a certain pretrial release program and adopt certain regulations; authorizing a court to order a certain individual to participate in the pretrial release program; authorizing the court to make the order at certain times during a certain individual's pretrial detention; providing for eligibility for the pretrial release program; authorizing the Sheriff to establish and direct a certain work release program and adopt certain guidelines; authorizing a sentencing judge or certain other judge to order a certain individual to participate in the work release program under certain circumstances; authorizing the court to allow a certain inmate to leave certain confinement to participate in a certain program; requiring a certain inmate to be confined in certain circumstances; requiring the Sheriff or Sheriff's designee to collect, deduct from, and disburse certain earnings of a certain inmate for certain purposes; requiring the Sheriff to take certain actions with regard to a certain account balance; providing that a certain inmate is subject to certain sanctions in certain circumstances; requiring the Sheriff to establish and administer a certain home detention program and adopt certain regulations; authorizing a certain sentencing judge to allow a certain individual to participate in the home detention program; providing for eligibility for a certain home detention program; providing

that a certain inmate is responsible for certain costs; authorizing the Sheriff to collect, waive, or reduce a certain fee; authorizing the Sheriff to make a certain determination; providing that a certain inmate is subject to certain penalties under certain circumstances; providing for the application of this Act; and generally relating to pretrial release, work release, and home detention programs in Garrett County.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 11–713
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

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

Article – Correctional Services

11–713.

(a) This section applies only in Garrett County.

[(b) The Board of County Commissioners and the Sheriff of Garrett County may establish and administer a home detention program and provide for other alternative sentencing options.]

(B) (1) THE SHERIFF MAY:

(I) ESTABLISH A PRETRIAL RELEASE PROGRAM THAT OFFERS ALTERNATIVES TO PRETRIAL DETENTION; AND

(II) ADOPT REGULATIONS TO ADMINISTER THE PROGRAM.

(2) A COURT MAY ORDER AN INDIVIDUAL TO PARTICIPATE IN THE PRETRIAL RELEASE PROGRAM IF THE INDIVIDUAL:

(I) APPEARS BEFORE THE COURT AFTER BEING CHARGED AND DETAINED ON BOND; AND

(II) MEETS THE ELIGIBILITY REQUIREMENTS OF PARAGRAPH (4) OF THIS SUBSECTION.

(3) THE COURT MAY MAKE THE ORDER AT THE IMPOSITION OF BOND, ON REVIEW OF BOND, OR AT ANY OTHER TIME DURING THE INDIVIDUAL’S PRETRIAL DETENTION.

(4) AN INDIVIDUAL IS ELIGIBLE FOR THE PRETRIAL RELEASE PROGRAM IF THE INDIVIDUAL:

(I) IS RECOMMENDED TO THE COURT FOR PLACEMENT IN THE PROGRAM BY THE PROGRAM STAFF;

(II) HAS NO OTHER CHARGES PENDING IN ANY JURISDICTION;
AND

(III) IS NOT IN DETENTION FOR:

1. A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE; OR

2. THE CRIME OF ESCAPE UNDER § 9-404 OF THE CRIMINAL LAW ARTICLE.

(c) (1) THE SHERIFF'S OFFICE MAY:

(I) ESTABLISH AND DIRECT A WORK RELEASE PROGRAM; AND

(II) ADOPT GUIDELINES FOR THE OPERATION OF THE PROGRAM.

(2) (I) AT THE TIME OF SENTENCING, OR AT ANY TIME DURING AN INDIVIDUAL'S CONFINEMENT, THE SENTENCING JUDGE MAY ORDER THAT AN INDIVIDUAL PARTICIPATE IN THE WORK RELEASE PROGRAM, SUBJECT TO THE GUIDELINES ADOPTED BY THE SHERIFF.

(II) IF THE SENTENCING JUDGE IS UNABLE TO ACT AT THE TIME OF AN INMATE'S PETITION FOR WORK RELEASE, ANOTHER JUDGE OF THE COMMITTING COURT MAY ORDER THE INMATE TO PARTICIPATE IN THE WORK RELEASE PROGRAM.

(3) IN ORDERING AN INMATE TO PARTICIPATE IN THE WORK RELEASE PROGRAM, THE COURT MAY ALLOW THE INMATE TO LEAVE ACTUAL CONFINEMENT TO:

(I) WORK AT GAINFUL, PRIVATE EMPLOYMENT; OR

(II) PARTICIPATE IN AN EDUCATIONAL, REHABILITATIVE, OR TRAINING PROGRAM IN THE COUNTY.

(4) UNLESS THE COMMITTING COURT DIRECTS OTHERWISE, AN INMATE SHALL BE CONFINED IN THE DETENTION CENTER WHEN NOT PARTICIPATING IN THE WORK RELEASE PROGRAM.

(5) (I) THE SHERIFF OR THE SHERIFF'S DESIGNEE SHALL COLLECT THE EARNINGS OF AN INMATE IN THE WORK RELEASE PROGRAM, LESS PAYROLL DEDUCTIONS REQUIRED BY LAW.

(II) FROM THE EARNINGS OF THE INMATE, THE SHERIFF SHALL DEDUCT AND DISBURSE:

1. AN AMOUNT DETERMINED TO BE THE COST TO THE COUNTY FOR FOOD, LODGING, AND CLOTHING FOR THE INMATE;

2. THE ACTUAL COST OF NECESSARY FOOD AND TRAVEL AND OTHER EXPENSES INCIDENTAL TO THE INMATE'S PARTICIPATION IN THE PROGRAM;

3. ANY AMOUNT A COURT IMPOSES FOR A FINE, COST, OR RESTITUTION;

4. ANY AMOUNT THAT THE INMATE IS LEGALLY OBLIGATED OR REASONABLY DESIRES TO PAY FOR SUPPORT OF A DEPENDENT; AND

5. IF APPLICABLE, ANY AMOUNT THAT A COURT ORDERS THE INMATE TO REPAY TO THE STATE OR TO THE COUNTY FOR THE SERVICES OF AN ATTORNEY APPOINTED BY THE COURT.

(III) THE SHERIFF SHALL:

1. CREDIT TO THE INMATE'S ACCOUNT THE REMAINING BALANCE; AND

2. DISPOSE OF THE BALANCE IN THE INMATE'S ACCOUNT AS THE INMATE REASONABLY REQUESTS AND AS THE SHERIFF APPROVES.

(6) IF AN INMATE VIOLATES A TRUST OR A CONDITION THAT A JUDGE OR THE SHERIFF ESTABLISHES FOR CONDUCT OR EMPLOYMENT, AFTER AN ADMINISTRATIVE HEARING THAT UPHOLDS THE VIOLATION, THE INMATE IS SUBJECT TO:

(I) REMOVAL FROM THE WORK RELEASE PROGRAM; AND

(II) CANCELLATION OF ANY EARNED DIMINUTION OF THE INMATE'S TERM OF CONFINEMENT.

(D) (1) THE SHERIFF SHALL:

(I) ESTABLISH AND ADMINISTER A HOME DETENTION PROGRAM; AND

(II) ADOPT REGULATIONS FOR THE PROGRAM.

(2) AT THE TIME OF SENTENCING, OR AT ANY TIME DURING AN INDIVIDUAL'S CONFINEMENT, THE SENTENCING JUDGE MAY ALLOW AN INDIVIDUAL WHO IS CONVICTED OF A CRIME AND SENTENCED TO IMPRISONMENT TO PARTICIPATE IN THE HOME DETENTION PROGRAM.

(3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, AN INMATE IS ELIGIBLE FOR THE HOME DETENTION PROGRAM IF THE INMATE:

(I) IS RECOMMENDED FOR THE PROGRAM BY THE SENTENCING JUDGE; AND

(II) HAS NO OTHER CHARGES PENDING IN ANY JURISDICTION.

(4) AN INMATE IS NOT ELIGIBLE FOR THE HOME DETENTION PROGRAM IF THE INMATE:

(I) IS SERVING A SENTENCE FOR A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE; OR

(II) HAS BEEN FOUND GUILTY OF THE CRIME OF:

1. CHILD ABUSE UNDER § 3-601 OR § 3-602 OF THE CRIMINAL LAW ARTICLE; OR

2. ESCAPE UNDER § 9-404 OF THE CRIMINAL LAW ARTICLE.

(5) WHILE PARTICIPATING IN THE HOME DETENTION PROGRAM, AN INMATE IS RESPONSIBLE FOR:

(I) THE INMATE'S MEDICAL CARE AND RELATED EXPENSES;
AND

(II) COSTS OF LODGING, FOOD, CLOTHING, TRANSPORTATION, RESTITUTION, AND TAXES.

(6) THE SHERIFF MAY:

(I) COLLECT A REASONABLE FEE FROM EACH INMATE PARTICIPATING IN THE HOME DETENTION PROGRAM; OR

(II) WAIVE OR REDUCE THE FEE.

(7) THE SHERIFF MAY DETERMINE THE MAXIMUM NUMBER OF INMATES THAT MAY PARTICIPATE IN THE HOME DETENTION PROGRAM.

(8) AN INMATE WHO KNOWINGLY VIOLATES A TERM OR A CONDITION OF THE HOME DETENTION PROGRAM IS SUBJECT TO THE PENALTIES PROVIDED UNDER § 11-726 OF THIS SUBTITLE AND OTHER DISCIPLINARY ACTION PROVIDED BY LAW.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 121

(House Bill 424)

AN ACT concerning

Washington County – Disposition of Marriage Ceremony Fee

FOR the purpose of requiring the clerk of the circuit court for Washington County to pay a certain portion of a certain fee for performing a marriage ceremony to the Washington County Historical Society, Incorporated; requiring the Washington County Historical Society, Incorporated, to report annually on the use of certain funds; authorizing certain entities to request an audit of certain records of the Washington County Historical Society, Incorporated; and generally relating to the distribution of the fee for performing a marriage ceremony in Washington County.

BY repealing and reenacting, without amendments,
Article – Family Law
Section 2-410(a)(1) and (2)

Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

BY adding to

Article – Family Law
Section 2–410(a)(11)
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

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

Article – Family Law

2–410.

(a) (1) Except as provided in this subsection, a judge, clerk, or deputy clerk may not receive any fee, remuneration, or gift for performing a marriage ceremony.

(2) (i) 1. A Maryland judge's fee for performing a marriage ceremony is a nonrefundable fee, payable to the clerk before a marriage license is issued, in the amount of \$30 in Cecil County and \$25 in any other county.

2. The clerk's or deputy clerk's fee for performing a marriage ceremony is \$30 in Cecil County and \$25 in any other county.

(ii) Except as provided in paragraph (10) of this subsection, each month the clerk shall pay \$10 of each fee collected under this section into the general fund of the county.

(iii) Except as otherwise provided in this subsection, the clerk shall retain the remainder of each fee and deposit and disburse it in the same manner as other fees collected by the clerk.

(11) (i) IN WASHINGTON COUNTY, FROM THE REMAINING \$15, THE CLERK SHALL PAY \$10 OF EACH FEE TO THE WASHINGTON COUNTY HISTORICAL SOCIETY, INCORPORATED.

(ii) THE WASHINGTON COUNTY HISTORICAL SOCIETY, INCORPORATED, SHALL REPORT ANNUALLY TO THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY AND THE MARYLAND HISTORICAL TRUST ON THE USE OF ALL FUNDS RECEIVED UNDER THIS SECTION.

(iii) THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY OR THE MARYLAND HISTORICAL TRUST MAY REQUEST AT ANY TIME AN

AUDIT OF THE FINANCIAL RECORDS OF THE WASHINGTON COUNTY HISTORICAL SOCIETY, INCORPORATED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 122**(Senate Bill 141)**

AN ACT concerning

Washington County – Disposition of Marriage Ceremony Fee

FOR the purpose of requiring the clerk of the circuit court for Washington County to pay a certain portion of a certain fee for performing a marriage ceremony to the Washington County Historical Society, Incorporated; requiring the Washington County Historical Society, Incorporated, to report annually on the use of certain funds; authorizing certain entities to request an audit of certain records of the Washington County Historical Society, Incorporated; and generally relating to the distribution of the fee for performing a marriage ceremony in Washington County.

BY repealing and reenacting, without amendments,

Article – Family Law

Section 2–410(a)(1) and (2)

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY adding to

Article – Family Law

Section 2–410(a)(11)

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

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

Article – Family Law

2–410.

(a) (1) Except as provided in this subsection, a judge, clerk, or deputy clerk may not receive any fee, remuneration, or gift for performing a marriage ceremony.

(2) (i) 1. A Maryland judge's fee for performing a marriage ceremony is a nonrefundable fee, payable to the clerk before a marriage license is issued, in the amount of \$30 in Cecil County and \$25 in any other county.

2. The clerk's or deputy clerk's fee for performing a marriage ceremony is \$30 in Cecil County and \$25 in any other county.

(ii) Except as provided in paragraph (10) of this subsection, each month the clerk shall pay \$10 of each fee collected under this section into the general fund of the county.

(iii) Except as otherwise provided in this subsection, the clerk shall retain the remainder of each fee and deposit and disburse it in the same manner as other fees collected by the clerk.

(11) (I) IN WASHINGTON COUNTY, FROM THE REMAINING \$15, THE CLERK SHALL PAY \$10 OF EACH FEE TO THE WASHINGTON COUNTY HISTORICAL SOCIETY, INCORPORATED.

(II) THE WASHINGTON COUNTY HISTORICAL SOCIETY, INCORPORATED, SHALL REPORT ANNUALLY TO THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY AND THE MARYLAND HISTORICAL TRUST ON THE USE OF ALL FUNDS RECEIVED UNDER THIS SECTION.

(III) THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY OR THE MARYLAND HISTORICAL TRUST MAY REQUEST AT ANY TIME AN AUDIT OF THE FINANCIAL RECORDS OF THE WASHINGTON COUNTY HISTORICAL SOCIETY, INCORPORATED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 123

(House Bill 700)

AN ACT concerning

Washington County – Code of Public Local Laws – Legalization

FOR the purpose of legalizing the 2019 edition of the Code of Public Local Laws of

Washington County, being Article 22 of the Code of Public Local Laws of Maryland, published under the direction of the Board of County Commissioners of Washington County; making provisions for the publication, sale, and distribution of the Code of Public Local Laws of Washington County; and generally relating to the legalization of the Code of Public Local Laws of Washington County.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the 2019 edition of the Code of Public Local Laws of Washington County, being Article 22 of the Code of Public Local Laws of Maryland, published under the direction of the Board of County Commissioners of Washington County is legalized. Any supplement to the 2019 Code of Public Local Laws of Washington County that may be published under the direction of the Board of County Commissioners of Washington County, is legalized. The Code shall contain all the public local laws relating to Washington County following the 2019 regular session of the General Assembly of Maryland. The Code shall be deemed and taken in all the courts of the State and by all public officials of the State and of its several political subdivisions to be evidence of the public local laws of Washington County in existence at the time of the compilation.

SECTION 2. AND BE IT FURTHER ENACTED, That the Board of County Commissioners of Washington County may make an appropriation to provide for the publication of this Code and the Board may provide for its sale and distribution.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 124

(Senate Bill 590)

AN ACT concerning

Washington County – Code of Public Local Laws – Legalization

FOR the purpose of legalizing the 2019 edition of the Code of Public Local Laws of Washington County, being Article 22 of the Code of Public Local Laws of Maryland, published under the direction of the Board of County Commissioners of Washington County; making provisions for the publication, sale, and distribution of the Code of Public Local Laws of Washington County; and generally relating to the legalization of the Code of Public Local Laws of Washington County.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the 2019 edition of the Code of Public Local Laws of Washington County, being Article 22 of the Code of Public Local Laws of Maryland, published under the direction of the Board

of County Commissioners of Washington County is legalized. Any supplement to the 2019 Code of Public Local Laws of Washington County that may be published under the direction of the Board of County Commissioners of Washington County, is legalized. The Code shall contain all the public local laws relating to Washington County following the 2019 regular session of the General Assembly of Maryland. The Code shall be deemed and taken in all the courts of the State and by all public officials of the State and of its several political subdivisions to be evidence of the public local laws of Washington County in existence at the time of the compilation.

SECTION 2. AND BE IT FURTHER ENACTED, That the Board of County Commissioners of Washington County may make an appropriation to provide for the publication of this Code and the Board may provide for its sale and distribution.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 125

(House Bill 701)

AN ACT concerning

Washington County – Alcoholic Beverages – Sunday Hours of Sale

FOR the purpose of altering the starting time on Sunday for the sale of alcoholic beverages for certain license holders in Washington County for certain purposes; and generally relating to alcoholic beverages in Washington County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 31–102

Annotated Code of Maryland

(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 31–2002(a), 31–2003(a), and 31–2004(a)

Annotated Code of Maryland

(2016 Volume and 2018 Supplement)

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

Article – Alcoholic Beverages

31–102.

This title applies only in Washington County.

31–2002.

(a) A holder of a Class A beer license may sell beer:

(1) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day;
and

(2) on Sunday, from [noon] **11 A.M.** to midnight, if a fee is paid.

31–2003.

(a) A holder of a Class A beer and light wine license may sell beer and light wine:

(1) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day;
and

(2) on Sunday, from [noon] **11 A.M.** to midnight, if a fee is paid.

31–2004.

(a) A holder of a Class A beer, wine, and liquor (off–sale) license may sell beer, wine, and liquor:

(1) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day;
and

(2) on Sunday, from [noon] **11 A.M.** to midnight, if a fee is paid.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 126**(Senate Bill 592)**

AN ACT concerning

Washington County – Gross Maximum Vehicle Weight – Warfordsburg Road

FOR the purpose of establishing that in Washington County, if approved by the county governing body, a vehicle with a gross maximum weight not exceeding a certain amount may use a certain portion of Warfordsburg Road.

BY repealing and reenacting, with amendments,
 Article – Transportation
 Section 24–108(a)(3)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2018 Supplement)

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

Article – Transportation

24–108.

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

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

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

A. Has at least 6 axles;

B. Is a truck tractor and semitrailer combination; and

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

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

(IV) IN WASHINGTON COUNTY, IF APPROVED BY THE COUNTY GOVERNING BODY, A VEHICLE WITH A GROSS MAXIMUM WEIGHT NOT EXCEEDING 95,000 POUNDS MAY USE WARFORDSBURG ROAD FROM THE LANCO–PENNLAND

DAIRY COOPERATIVE CHEESE FACTORY LOCATED AT 14738 WARFORDSBURG ROAD TO THE MARYLAND–PENNSYLVANIA BORDER.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 127

(Senate Bill 25)

AN ACT concerning

**Real Property – Conservation Easements, Covenants, Restrictions, and
Conditions – Recording Notice**

FOR the purpose of authorizing the Maryland Agricultural Land Preservation Foundation, the Maryland Historical Trust, the Maryland Environmental Trust, certain other land trusts, a county, and the Department of Natural Resources to record notice of certain easements, covenants, restrictions, and conditions in the land records of the county in which the property interest is located; specifying the information required to be provided in the notice; requiring that the notice be indexed for recording in a certain manner; stating that failure to record the notice in accordance with this Act does not impair the rights or interests of the holders of the easement, covenant, restriction, or condition; and generally relating to conservation easements, covenants, restrictions, and conditions.

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 3–2A–01(a) and (d)

Annotated Code of Maryland

(2018 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Real Property

Section 2–118

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

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

Article – Natural Resources

3-2A-01.

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

(d) “Land trust” means a qualified conservation organization that:

(1) Is a qualified organization under § 170(h)(3) of the Internal Revenue Code and regulations adopted under § 170(h)(3); and

(2) Has executed a cooperative agreement with the Maryland Environmental Trust.

Article – Real Property

2-118.

(a) Any restriction prohibiting or limiting the use of water or land areas, or any improvement or appurtenance thereto, for any of the purposes listed in subsection (b) of this section whether drafted in the form of an easement, covenant, restriction, or condition, creates an incorporeal property interest in the water or land areas, or the improvement or appurtenance thereto, so restricted, which is enforceable in both law and equity in the same manner as an easement or servitude with respect to the water or land areas, or the improvement or appurtenance thereto, if the restriction is executed in compliance with the requirements of this article for the execution of deeds or the Estates and Trusts Article for the execution of wills.

(b) A restriction as provided in subsection (a) of this section may be for any of the following purposes:

(1) Construction, placement, preservation, maintenance in a particular condition, alteration, removal, or decoration of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;

(2) Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or other materials;

(3) Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in a manner as to affect the surface or otherwise alter the topography of the area;

(4) Removal or destruction of trees, shrubs, or other vegetation;

(5) Surface use except for purposes of preserving the water or land areas, or the improvement or appurtenance thereto;

(6) Activities affecting drainage, flood control, water conservation, erosion control, soil conservation, or fish or wildlife habitat preservation;

(7) Preservation of exposure of solar energy devices; or

(8) Other acts or uses having any relation to the preservation of water or land areas or the improvement or appurtenance thereto.

(c) If the restriction is not granted for the benefit of any dominant tract of land, it is enforceable with respect to the servient land, both at law and in equity, as an easement in gross, and as such it is inheritable and assignable.

(d) A restriction provided for by this section may be extinguished or released, in whole or in part, in the same manner as other easements.

(e) If any grant, reservation, dedication, devise, or gift of any nature which clearly indicates the maker's intention to subject any interest or estate in property to public use for the preservation of agricultural, historic, or environmental qualities fails to specify a grantee, donee, legatee, or beneficiary to receive the same or specifies a grantee, donee, legatee, or beneficiary who is not legally capable of taking the interest or estate, it passes to the Maryland Agricultural Land Preservation Foundation, the Maryland Historical Trust, or the Maryland Environmental Trust in any proceedings under §§ 14–301 and 14–302 of the Estates and Trusts Article.

(f) (1) This subsection applies only to land that is subject to an agricultural land preservation easement granted to the Maryland Agricultural Land Preservation Foundation on or before December 31, 1999.

(2) Unless the deed granting the easement expressly provides otherwise, the grant of an agricultural land preservation easement governing two or more separate parcels of land owned by the same grantor under separate deeds or two or more parcels separately identified and described in the same deed does not consolidate the parcels for any other purpose, if the parcels are described separately in the deed granting the easement.

(3) Notwithstanding any other provision of law, one of the parcels of land described under paragraph (2) of this subsection:

(i) May be conveyed separately to a child of the original grantor with the approval of the Maryland Agricultural Land Preservation Foundation in accordance with § 2–513.2 of the Agriculture Article and the criteria, eligibility requirements, and procedure for an agricultural subdivision and corrective easement established by regulation by the Maryland Agricultural Land Preservation Foundation; but

(ii) Shall remain subject to the agricultural land preservation easement in perpetuity.

(G) (1) IF AN EASEMENT, COVENANT, RESTRICTION, OR CONDITION HAS BEEN GRANTED, DEVISED, DEDICATED, RESERVED, OR DONATED TO THE

MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION, THE MARYLAND HISTORICAL TRUST, THE MARYLAND ENVIRONMENTAL TRUST, ANOTHER LAND TRUST AS DEFINED IN § 3-2A-01 OF THE NATURAL RESOURCES ARTICLE, A COUNTY, OR THE DEPARTMENT OF NATURAL RESOURCES, A NOTICE OF THE EASEMENT, COVENANT, RESTRICTION, OR CONDITION MAY BE RECORDED IN THE LAND RECORDS OF THE COUNTY IN WHICH THE PROPERTY INTEREST IS LOCATED.

(2) A NOTICE RECORDED UNDER PARAGRAPH (1) OF THIS SUBSECTION MUST:

(I) STATE THE NAME AND CURRENT ADDRESS OF THE CURRENT HOLDER OF THE EASEMENT, COVENANT, RESTRICTION, OR CONDITION;

(II) CONTAIN A STATEMENT THAT THE EASEMENT, COVENANT, RESTRICTION, OR CONDITION IS STILL IN EFFECT AS OF THE DATE OF THE NOTICE;

(III) CONTAIN THE RECORDING INFORMATION FOR THE ORIGINAL EASEMENT, COVENANT, RESTRICTION, OR CONDITION AND THE RECORDING INFORMATION FOR ANY ASSOCIATED AMENDMENT OR CORRECTIVE DOCUMENT; AND

(IV) STATE THE NAME OF THE FEE SIMPLE OWNER OF THE LAND ENCUMBERED BY THE ORIGINAL EASEMENT, COVENANT, RESTRICTION, OR CONDITION AS OF THE DATE OF THE NOTICE.

(3) A NOTICE RECORDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE INDEXED AMONG THE LAND RECORDS UNDER THE NAME OF:

(I) THE HOLDER OF THE EASEMENT, COVENANT, RESTRICTION, OR CONDITION; AND

(II) THE FEE SIMPLE OWNER SPECIFIED IN THE NOTICE.

(4) FAILURE TO RECORD A NOTICE IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBSECTION DOES NOT IMPAIR THE RIGHTS OR INTERESTS OF THE HOLDERS OF THE EASEMENT, COVENANT, RESTRICTION, OR CONDITION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 128

(Senate Bill 56)

AN ACT concerning

Secretary of Agriculture – Regulation of Poultry to Protect Animal Health and Control Avian Influenza

FOR the purpose of authorizing the Secretary of Agriculture to provide an exemption from a certain annual licensing requirement to a certain live poultry market operator, production facility operator, or poultry dealer; altering the authority of the Secretary to adopt a certain animal health program; altering certain definitions; making stylistic changes; and generally relating to the regulation of poultry to protect animal health and to control avian influenza.

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 3–801 through 3–803 to be under the amended subtitle “Subtitle 8.

Regulation of Poultry to Protect Animal Health and Control Avian Influenza”

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)

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

Article – Agriculture

Subtitle 8. Regulation of Poultry to **PROTECT ANIMAL HEALTH AND** Control Avian Influenza.

3–801.

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

(b) “Live poultry market” means any facility **OR LOCATION** where [live poultry is gathered to be slaughtered and sold on site] **POULTRY:**

(1) IS OFFERED FOR SALE, SOLD, DISTRIBUTED, OR TRANSFERRED;
OR

(2) IS SLAUGHTERED AND SOLD ON–SITE.

(c) “Poultry” means any living domesticated bird ~~OR ITS HATCHING EGGS.~~

(d) “Poultry dealer” means a person who [is in the business of trading, selling, transporting, or moving poultry between a production facility and a live poultry market] **ENGAGES IN THE BUSINESS OF BUYING, SELLING, EXCHANGING, OR TRANSPORTING POULTRY BETWEEN A PRODUCTION FACILITY AND A LIVE POULTRY MARKET.**

(e) “Production facility” means the facility or farm that is the origin of poultry offered for sale at a live poultry market.

3–802.

(a) [Each] **EXCEPT AS PROVIDED BY THE SECRETARY, EACH** live poultry market operator, production facility operator, and poultry dealer shall obtain an annual license from the Secretary.

(b) Each license shall be effective until the following June 30, unless suspended or revoked.

3–803.

(A) In addition to [any of the powers provided in this article] **THE POWER** to protect the health of domestic animals **SET FORTH ELSEWHERE IN THIS ARTICLE, AND SUBJECT TO SUBTITLE 10 OF THIS TITLE**, the Secretary [has the authority to] **MAY** adopt an animal health protection program that is applicable to any live poultry market, production facility, and poultry dealer [and].

(B) AN ANIMAL HEALTH PROTECTION PROGRAM ADOPTED BY THE SECRETARY UNDER SUBSECTION (A) OF THIS SECTION MAY INCLUDE A PROGRAM that meets the regulatory requirements of the United States Department of Agriculture’s Uniform Standards for the Prevention and Control of H5 and H7 Low Pathogenicity Avian Influenza in the live bird marketing system.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 129

(Senate Bill 57)

AN ACT concerning

Agriculture – County Agricultural Land Preservation Programs

FOR the purpose of extending for a certain number of years the length of time a county may retain certain revenue from the agricultural land transfer tax for use in certain agricultural land preservation programs; requiring the Department of Planning and the Maryland Agricultural Land Preservation Foundation, in accordance with certain provisions of law, to review any update to a county's comprehensive plan or other change that may affect a certain area; clarifying that certain provisions of law apply to an application for recertification of a county agricultural land preservation program; specifying that a county that applies for certification or recertification of an agricultural land preservation program must include a priority preservation element in the county's comprehensive plan; and generally relating to county agricultural land preservation programs.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 2–504.1(d), 2–514(i), 2–516, and 2–518
Annotated Code of Maryland
(2016 Replacement Volume and 2018 Supplement)

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

Article – Agriculture

2–504.1.

(d) Duties of each agricultural preservation advisory board shall be:

(1) To advise the county governing body with respect to the establishment of agricultural districts and the approval of purchases of easements by the Foundation within the county;

(2) To assist the county governing body in reviewing the status of agricultural districts and land under easement;

(3) To advise the Foundation concerning county priorities for agricultural preservation;

(4) To approve or disapprove an application by the county for certification **OR RECERTIFICATION** under § 5–408 of the State Finance and Procurement Article;

(5) To promote preservation of agriculture within the county by offering information and assistance to farmers with respect to establishment of districts and purchase of easements;

(6) To meet at least annually with forest conservation district boards in order to work cooperatively to encourage the promotion and retention of farmland and woodland in their respective jurisdictions; and

- (7) To perform any other duties as assigned by the county governing body.

2-514.

(i) (1) If the request for termination is approved, two fair market value appraisals of the subject land shall be ordered by the Department of General Services at the direction of the Foundation at the expense of the landowner requesting termination of the easement.

(2) The subject land shall be appraised as of the date of the approval of the request for termination.

(3) The Department of General Services shall review the two appraisals and shall determine, subject to approval of the Board of Public Works, the fair market value of the subject land and shall issue a written statement as to the approved fair market value to the Foundation.

(4) (i) Upon receipt of the written statement from the Department of General Services, the Foundation shall issue a notification to the landowner of the approved fair market value.

(ii) The landowner shall have not more than 30 days from the date of the notification to elect to repurchase the easement for the fair market value as determined by the Department of General Services.

(5) (i) 1. No more than 180 days following the notification required under paragraph (4) of this subsection, the landowner may repurchase the easement by paying to the Foundation the difference between the approved fair market value and the agricultural value of the subject land.

2. For purposes of this paragraph, the fair market value is the same as set forth under § 2-511(b) of this subtitle.

(ii) For purposes of this paragraph, the agricultural value of the land is determined by the appraisal method that was in effect at the time the easement was acquired by the Foundation, either by the agricultural appraisal formula under § 2-511(d) of this subtitle or by an appraisal that determines the price as of the valuation date which a vendor, willing but not obligated to sell, would accept, and which a purchaser, willing but not obligated to buy, would pay for a farm unit with land comparable in quality and composition to the property being appraised.

(iii) 1. In the case of the termination of an easement that was originally purchased under a matching allotted purchase, the Foundation shall distribute to the contributing county a portion of the repurchase payment received under subparagraph (i) of this paragraph that is equal to the percentage of the original easement purchase price contributed by the county.

2. A. From the funds distributed to a county under this subparagraph, the county shall deposit in the county's special account for its agricultural land preservation program an amount that is at least equal to the percentage of the original easement purchase price that was paid out of the special account.

B. If any of the funds deposited in the county's special account have not been expended or committed within [3 years from the date of deposit into the special account] **THE PERIOD OF TIME PRESCRIBED IN § 13–306(C)(2) AND (D) OF THE TAX – PROPERTY ARTICLE**, the county collector shall remit those funds to the Comptroller for deposit in the Maryland Agricultural Land Preservation Fund as provided in § 13–306(d) of the Tax – Property Article.

3. The county shall deposit the balance of the funds distributed to it under this subparagraph in the county's general fund.

4. If an easement is terminated, the Foundation shall deposit its portion of the repurchase payment in the Maryland Agricultural Land Preservation Fund as provided under § 2–505 of this subtitle.

2–516.

The Foundation shall provide its approval or disapproval of an application by a county for certification **OR RECERTIFICATION** under § 5–408 of the State Finance and Procurement Article.

2–518.

(a) In this section, “area” means a priority preservation area.

(b) **(1)** A county may include a priority preservation area element in the county's comprehensive plan.

(2) A COUNTY THAT APPLIES FOR CERTIFICATION OR RECERTIFICATION UNDER § 5–408 OF THE STATE FINANCE AND PROCUREMENT ARTICLE SHALL INCLUDE A PRIORITY PRESERVATION AREA ELEMENT IN THE COUNTY'S COMPREHENSIVE PLAN.

(c) An area shall:

(1) (i) Contain productive agricultural or forest soils; or

(ii) Be capable of supporting profitable agricultural and forestry enterprises where productive soils are lacking;

(2) Be governed by local policies, ordinances, regulations, and procedures

that:

(i) Stabilize the agricultural and forest land base so that development does not convert or compromise agricultural or forest resources; and

(ii) Support the ability of working farms in the priority preservation area to engage in normal agricultural activities; and

(3) Be large enough to support normal agricultural and forestry activities in conjunction with the amount of development permitted by the county in the priority preservation area, as represented in its adopted comprehensive plan.

(d) An area may:

(1) Consist of a single parcel of land, multiple connected parcels of land, or multiple unconnected parcels of land; and

(2) Include rural legacy areas.

(e) A county's acreage goal for land to be preserved through easements and zoning within an area shall be equal to at least 80% of the remaining undeveloped land in the area, as calculated at the time of application for State certification of an area.

(f) Each time a county's comprehensive plan is updated, the update shall include an evaluation of:

(1) The county's progress toward meeting the goals of the Foundation;

(2) Any shortcomings in the county's ability to achieve the goals of the Foundation; and

(3) Past, current, and planned actions to correct any identified shortcomings.

(g) In accordance with § 5–408 of the State Finance and Procurement Article and any regulations adopted under the authority of that section, the Department of Planning and the Maryland Agricultural Land Preservation Foundation shall jointly certify an area.

(H) IN ACCORDANCE WITH § 5–408 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, THE DEPARTMENT OF PLANNING AND THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION SHALL REVIEW ANY UPDATE TO A COUNTY'S COMPREHENSIVE PLAN OR ANY OTHER CHANGE THAT MAY AFFECT AN AREA.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 130

(Senate Bill 58)

AN ACT concerning

**Maryland Agricultural Land Preservation Foundation – Board of Trustees and
Elimination of District Agreements**

FOR the purpose of *authorizing each ex officio member of the board of trustees of the Maryland Agricultural Land Preservation Foundation to appoint a designee to serve in the member's place on the board*; deleting obsolete references to district agreements within the Maryland Agricultural Land Preservation Foundation program; codifying the elimination of certain district agreements and the continuation of certain agricultural land preservation districts; *making conforming changes*; and generally relating to ~~the elimination of district agreements within~~ the Maryland Agricultural Land Preservation Foundation program.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section *2-503(a) and 2-504.1*
Annotated Code of Maryland
(2016 Replacement Volume and 2018 Supplement)

BY adding to
Article – Agriculture
Section 2-509.1
Annotated Code of Maryland
(2016 Replacement Volume and 2018 Supplement)

BY repealing
Chapter 650 of the Acts of the General Assembly of 2007
Section 2 and 3

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

Article – Agriculture

2-503.

(a) (1) The Maryland Agricultural Land Preservation Foundation shall be governed and administered by a board of trustees composed of [the]:

(I) THE State Treasurer, [who shall serve as an ex officio member.] the Comptroller, [who shall serve as an ex officio member,] the Secretary of Planning, [who shall serve as an ex officio member,] and the Secretary [who shall serve as an ex officio member, and nine], ALL OF WHOM SHALL SERVE AS EX OFFICIO MEMBERS;

(II) NINE members from the State at-large to be appointed by the Governor, at least six of whom shall be farmer representatives WHO ARE ENGAGED IN OR RETIRED FROM ACTIVE FARMING from different areas of the [State. The State Treasurer may appoint, as the Treasurer's designee, a deputy treasurer to serve on the board of trustees. The Secretary of Planning may appoint as the Secretary's designee an individual within the Department of Planning. All of the farmer representatives shall be actively engaged in or retired from active farming. Four of the six farmer representatives] STATE, AND FOUR OF WHOM shall be appointed as follows:

[(i)] 1. One from a list of three nominees submitted by the Maryland Agricultural Commission;

[(ii)] 2. One from a list of three nominees submitted by the Maryland Farm Bureau;

[(iii)] 3. One from a list of three nominees submitted by the Maryland State Grange; and

[(iv)] 4. One from a list of three nominees submitted by the Young Farmers Advisory Board; AND

(III) ANY DESIGNEE APPOINTED BY AN EX OFFICIO MEMBER UNDER PARAGRAPH (3) OF THIS SUBSECTION.

(2) Nominees under paragraph [(1)(iv)] (1)(II)4 of this subsection shall meet the requirements of § 2-1002(d) of this title.

(3) EACH EX OFFICIO MEMBER OF THE BOARD OF TRUSTEES MAY APPOINT A DESIGNEE TO SERVE IN THE MEMBER'S PLACE ON THE BOARD.

[(3)](4) The Governor shall appoint the chairman of the board, from among the nine at-large trustees.

(5) A majority of the members of the board serving at any one time constitutes a quorum for the transaction of business.

[(4)] (6) Notwithstanding the provisions of §§ 5–502 through 5–504 of the General Provisions Article, a person may be appointed to and serve on the board as an at-large member even if prior to the appointment the person sold an easement in the person’s agricultural land to the Foundation.

2–504.1.

(a) In each county containing productive agricultural land, the county governing body shall appoint an agricultural preservation advisory board.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, the agricultural preservation advisory board shall consist of five members, at least three of whom shall be owner–operators of commercial farms who earn 50 percent or more of their income from farming.

(2) In Worcester County, the agricultural preservation advisory board shall consist of seven members, at least four of whom shall be owner–operators of commercial farms who earn 50 percent or more of their income from farming.

(3) In St. Mary’s County, the agricultural preservation advisory board shall consist of five members, at least three of whom shall be actively pursuing the production of agricultural products for profit.

(c) (1) Except as provided in paragraph (2) of this subsection, each member of an agricultural preservation advisory board shall be appointed for a term of office of five years.

(2) In Charles County and in Worcester County, a member shall serve a term of office of 4 years.

(3) No member shall serve for more than two consecutive full terms.

(4) Appointment to fill a vacancy shall be for the remainder of the unexpired term.

(d) Duties of each agricultural preservation advisory board shall be:

(1) To advise the county governing body with respect to [the establishment of agricultural districts and] the approval of purchases of easements by the Foundation within the county;

(2) To assist the county governing body in reviewing the status of [agricultural districts and] land under easement;

(3) To advise the Foundation concerning county priorities for agricultural preservation;

(4) To approve or disapprove an application by the county for certification under § 5–408 of the State Finance and Procurement Article;

(5) To promote preservation of agriculture within the county by offering information and assistance to farmers with respect to [establishment of districts and] **THE** purchase of easements;

(6) To meet at least annually with forest conservation district boards in order to work cooperatively to encourage the promotion and retention of farmland and woodland in their respective jurisdictions; and

(7) To perform any other duties as assigned by the county governing body.

2–509.1.

(A) EFFECTIVE JULY 1, 2007, DISTRICTS MAY NOT BE A REQUIREMENT FOR THE EASEMENT APPLICATION PROCESS TO THE FOUNDATION.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AS OF JUNE 30, 2012, ALL DISTRICTS HELD BY THE FOUNDATION SHALL BE TERMINATED AND A LANDOWNER MAY NOT BE BOUND TO THE TERMS OF ANY FOUNDATION DISTRICT AGREEMENT.

(2) THE FOLLOWING AGRICULTURAL LAND PRESERVATION DISTRICTS SHALL REMAIN IN FORCE AND MAY NOT BE TERMINATED:

(I) ANY DISTRICT IN WHICH AN EASEMENT HAS BEEN TRANSFERRED TO THE FOUNDATION; AND

(II) ANY DISTRICT ESTABLISHED TO PROVIDE A PROPERTY TAX CREDIT TO A LANDOWNER.

Chapter 650 of the Acts of 2007

[SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) Effective July 1, 2007, districts may not be a requirement for the easement application process to the Maryland Agricultural Land Preservation Foundation; and

(b) Except as provided in Section 3 of this Act, as of June 30, 2012, all districts in the Maryland Agricultural Land Preservation Foundation shall be terminated and a landowner may not be bound to the terms of any Foundation district agreement.]

[SECTION 3. AND BE IT FURTHER ENACTED, That the following agricultural land preservation districts established under § 2–509 of the Agriculture Article or by a county shall remain in force and may not be terminated:

(a) Any district in which an easement has been transferred to the Foundation;
and

(b) Any district established by a county and a landowner for the purpose of providing a property tax credit to the landowner.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

Chapter 131

(House Bill 50)

AN ACT concerning

Department of Agriculture – Maryland Produce Safety Program

FOR the purpose of establishing the Maryland Produce Safety Program in the Department of Agriculture to reduce the risk of adverse impacts on human health from the consumption of contaminated produce; requiring the Program to conform with certain federal standards for growing, harvesting, packing, and holding produce for human consumption; requiring the Secretary of Agriculture to administer and enforce the Program; authorizing the Secretary of Agriculture to delegate certain enforcement authority to the Secretary of Health; authorizing the Secretary of Agriculture to grant a certain exemption and suspend or revoke a certain exemption in a certain manner; requiring certain farms to comply with the requirements of the Program under certain circumstances; requiring certain farms to keep certain records; specifying that certain records are confidential and not subject to disclosure under the Maryland Public Information Act; authorizing the Secretary of Agriculture to disclose certain records under certain circumstances, enter and inspect certain farms for certain purposes, issue and enforce certain stop–sale orders, bring an action for injunction under certain circumstances, and detain certain produce in a certain manner under certain circumstances; establishing certain condemnation procedures; authorizing the Secretary of Agriculture to issue a subpoena to compel testimony and the production of certain records, file a petition in a certain court for an order of contempt under certain circumstances, and apply for a certain administrative search warrant in a certain manner under certain circumstances; establishing certain penalties for certain violations; authorizing the Secretary of Agriculture to adopt certain regulations; defining certain terms; providing for the

termination of this Act under certain circumstances; requiring the Department to provide a certain notification; and generally relating to the Maryland Produce Safety Program.

BY adding to

Article – Agriculture

Section 16–101 through 16–111 to be under the new title “Title 16. Maryland Produce Safety Program”

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)

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

Article – Agriculture

TITLE 16. MARYLAND PRODUCE SAFETY PROGRAM.

16–101.

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

(B) “COVERED ACTIVITY” HAS THE MEANING STATED IN 21 C.F.R. § 112.3, AS AMENDED.

(C) “COVERED FARM” MEANS A FARM OR A FARM MIXED–TYPE FACILITY FOR WHICH, ON A ROLLING BASIS, THE AVERAGE ANNUAL MONETARY VALUE OF PRODUCE SOLD DURING THE PREVIOUS 3–YEAR PERIOD IS MORE THAN \$25,000, ADJUSTED FOR INFLATION USING 2011 AS THE BASELINE YEAR FOR CALCULATING THE ADJUSTMENT.

(D) “COVERED PRODUCE” HAS THE MEANING STATED IN 21 C.F.R. § 112.3, AS AMENDED.

(E) “FARM” HAS THE MEANING STATED IN 21 C.F.R. § 112.3, AS AMENDED.

(F) “FEDERAL STANDARDS” MEANS THE FEDERAL STANDARDS ESTABLISHED BY THE U.S. FOOD AND DRUG ADMINISTRATION UNDER 21 C.F.R. PART 112, AS AMENDED, FOR GROWING, HARVESTING, PACKING, AND HOLDING PRODUCE FOR HUMAN CONSUMPTION.

(G) “MIXED–TYPE FACILITY” HAS THE MEANING STATED IN 21 C.F.R. § 112.3, AS AMENDED.

(H) “PROGRAM” MEANS THE MARYLAND PRODUCE SAFETY PROGRAM.

(I) “QUALIFIED EXEMPTION” MEANS A QUALIFIED EXEMPTION GRANTED BY THE SECRETARY TO A FARM IN ACCORDANCE WITH 21 C.F.R. § 112.5, AS AMENDED.

16-102.

(A) THERE IS A MARYLAND PRODUCE SAFETY PROGRAM IN THE DEPARTMENT.

(B) THE PURPOSE OF THE PROGRAM IS TO REDUCE THE RISK OF ADVERSE IMPACTS ON HUMAN HEALTH FROM THE CONSUMPTION OF CONTAMINATED PRODUCE.

(C) THE PROGRAM SHALL CONFORM WITH THE FEDERAL STANDARDS FOR GROWING, HARVESTING, PACKING, AND HOLDING PRODUCE FOR HUMAN CONSUMPTION.

(D) (1) THE SECRETARY SHALL ADMINISTER AND ENFORCE THE PROGRAM.

(2) THE SECRETARY MAY:

(I) DELEGATE THE SECRETARY’S AUTHORITY TO ENFORCE THE STANDARDS FOR SPROUTS ESTABLISHED UNDER 21 C.F.R. PART 112, SUBPART M, TO THE SECRETARY OF HEALTH;

(II) GRANT A QUALIFIED EXEMPTION TO A FARM; AND

(III) ON NOTICE AND OPPORTUNITY TO BE HEARD, AND IN ACCORDANCE WITH 21 C.F.R. PART 112, SUBPART R, SUSPEND OR REVOKE A QUALIFIED EXEMPTION GRANTED TO A FARM BY THE SECRETARY.

16-103.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, WHEN CONDUCTING A COVERED ACTIVITY ON COVERED PRODUCE, A COVERED FARM SHALL COMPLY WITH THE REQUIREMENTS OF THE PROGRAM.

(B) WHEN CONDUCTING A COVERED ACTIVITY ON COVERED PRODUCE, A FARM THAT HAS A QUALIFIED EXEMPTION SHALL COMPLY WITH:

(1) THE REQUIREMENTS ESTABLISHED UNDER 21 C.F.R. PART 112, SUBPARTS A, O, Q, AND R, AS AMENDED; AND

(2) THE MODIFIED REQUIREMENTS ESTABLISHED UNDER 21 C.F.R. § 112.6(B).

16-104.

(A) A COVERED FARM, INCLUDING A FARM THAT HAS A QUALIFIED EXEMPTION, SHALL:

(1) KEEP AND MAINTAIN ACCURATE RECORDS IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROGRAM; AND

(2) MAKE ANY RECORD REQUIRED TO BE KEPT UNDER ITEM (1) OF THIS SUBSECTION AVAILABLE TO THE SECRETARY ON REQUEST.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ANY RECORD SUBMITTED TO THE SECRETARY UNDER SUBSECTION (A) OF THIS SECTION IS CONFIDENTIAL AND NOT SUBJECT TO DISCLOSURE UNDER THE MARYLAND PUBLIC INFORMATION ACT.

(2) THE SECRETARY MAY DISCLOSE RECORDS:

(I) TO THE U.S. FOOD AND DRUG ADMINISTRATION; AND

(II) IN ANY ENFORCEMENT PROCEEDING BY THE SECRETARY.

16-105.

(A) THE SECRETARY MAY:

(1) ENTER A COVERED FARM, INCLUDING A FARM THAT HAS A QUALIFIED EXEMPTION, AT A REASONABLE TIME, TO INSPECT FARM FACILITIES, COVERED PRODUCE INVENTORY, AND ANY RECORDS THAT ARE REQUIRED TO BE KEPT UNDER § 16-104 OF THIS TITLE;

(2) COPY ANY RECORD THAT IS REQUIRED TO BE KEPT UNDER § 16-104 OF THIS TITLE;

(3) TAKE A REASONABLE SAMPLE OF COVERED PRODUCE INVENTORY TO DETERMINE WHETHER THE FARM IS IN COMPLIANCE WITH THE REQUIREMENTS OF THE PROGRAM; AND

(4) ENTER A FARM THAT CLAIMS IT IS NOT SUBJECT TO THE REQUIREMENTS OF THE PROGRAM, BASED ON THE AVERAGE ANNUAL MONETARY VALUE OF PRODUCE SOLD BY THE FARM DURING THE PREVIOUS 3-YEAR PERIOD, TO INSPECT AND VERIFY THE FARM'S PRODUCE SALES RECORDS.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF THE SECRETARY FINDS THAT A FARM IS IN VIOLATION OF THE REQUIREMENTS OF THE PROGRAM, THE SECRETARY MAY ISSUE AND ENFORCE A WRITTEN OR PRINTED STOP-SALE ORDER TO THE FARM.

(2) A STOP-SALE ORDER ISSUED BY THE SECRETARY UNDER THIS SUBSECTION SHALL REMAIN IN EFFECT UNTIL THE SECRETARY:

(I) FINDS THE FARM TO BE IN COMPLIANCE WITH THE REQUIREMENTS OF THE PROGRAM; AND

(II) PROVIDES A WRITTEN RELEASE FROM THE STOP-SALE ORDER.

16-106.

THE SECRETARY MAY ADOPT REGULATIONS TO CARRY OUT THIS TITLE, INCLUDING REQUIREMENTS FOR THE REGISTRATION OF FARMS THAT ARE SUBJECT TO THIS TITLE.

16-107.

(A) THE SECRETARY MAY BRING AN ACTION FOR AN INJUNCTION AGAINST A PERSON TO:

(1) ENFORCE THE REQUIREMENTS OF THE PROGRAM;

(2) ENFORCE AN ORDER ISSUED BY THE SECRETARY UNDER THIS TITLE; OR

(3) PREVENT OR RESTRAIN A VIOLATION OF THIS TITLE.

(B) IN AN ACTION FOR AN INJUNCTION BROUGHT UNDER THIS SECTION, THE SECRETARY DOES NOT HAVE TO ALLEGE OR PROVE THAT:

(1) AN ADEQUATE REMEDY AT LAW DOES NOT EXIST; OR

(2) SUBSTANTIAL OR IRREPARABLE DAMAGE WOULD RESULT FROM THE CONTINUED VIOLATIONS.

(C) AN INJUNCTION INSTITUTED UNDER THIS SECTION SHALL BE ISSUED WITHOUT BOND.

16-108.

(A) IF THE SECRETARY FINDS THAT COVERED PRODUCE IS IN VIOLATION OF THE REQUIREMENTS OF THE PROGRAM, THE SECRETARY MAY DETAIN THE COVERED PRODUCE FOR A PERIOD THAT DOES NOT EXCEED 30 CONSECUTIVE DAYS.

(B) ANY COVERED PRODUCE DETAINED BY THE SECRETARY UNDER THIS SECTION SHALL BE DETAINED PENDING CONDEMNATION PROCEEDINGS OR NOTIFICATION OF ANY FEDERAL OR OTHER GOVERNMENTAL AUTHORITY HAVING JURISDICTION OVER THE COVERED PRODUCE.

(C) A PERSON MAY NOT REMOVE ANY COVERED PRODUCE DETAINED BY THE SECRETARY UNDER THIS SECTION UNTIL THE SECRETARY RELEASES THE COVERED PRODUCE.

16-109.

(A) IF THE SECRETARY FINDS THAT COVERED PRODUCE IS IN VIOLATION OF THE REQUIREMENTS OF THE PROGRAM, THE SECRETARY MAY FILE A PETITION FOR CONDEMNATION OF THE COVERED PRODUCE IN THE CIRCUIT COURT OF THE COUNTY IN WHICH THE COVERED PRODUCE WAS FOUND.

(B) IF A CIRCUIT COURT ISSUES AN ORDER FOR CONDEMNATION OF COVERED PRODUCE BASED ON A FINDING THAT THE PRODUCE IS ADULTERATED AND UNFIT FOR HUMAN CONSUMPTION, THE FINDING SHALL BE BASED ON SCIENTIFIC FACT, INFORMATION, OR CRITERIA.

(C) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, IF A CIRCUIT COURT ISSUES AN ORDER FOR CONDEMNATION OF COVERED PRODUCE UNDER THIS SECTION, THE COVERED PRODUCE SHALL BE DISPOSED OF IN THE MANNER THE COURT ORDERS.

(2) IF A CIRCUIT COURT ORDERS THE SALE OF COVERED PRODUCE:

(I) THE PROCEEDS FROM THE SALE, LESS THE EXPENSES ASSOCIATED WITH THE CONDEMNATION PROCEDURE, INCLUDING COURT COSTS, FEES, AND STORAGE COSTS, SHALL BE PAID INTO THE GENERAL FUND OF THE

STATE; AND

(II) THE SALE OF COVERED PRODUCE SHALL COMPLY WITH THE REQUIREMENTS OF THE PROGRAM.

(3) ON EXECUTION AND DELIVERY OF A GOOD AND SUFFICIENT BOND PROHIBITING THE SALE OR ANY OTHER DISPOSAL OF THE COVERED PRODUCE THAT WOULD VIOLATE THE REQUIREMENTS OF THE PROGRAM, THE CIRCUIT COURT MAY ORDER THAT THE COVERED PRODUCE BE DELIVERED TO THE OWNER OF THE COVERED PRODUCE, SUBJECT TO THE SUPERVISION OF THE SECRETARY.

(D) IF THE CIRCUIT COURT ORDERS COVERED PRODUCE TO BE CONDEMNED, AFTER THE COVERED PRODUCE IS RELEASED UNDER BOND OR DESTROYED, THE PERSON INTERVENING AS A CLAIMANT OF THE COVERED PRODUCE IS RESPONSIBLE FOR EXPENSES ASSOCIATED WITH THE CONDEMNATION PROCEDURE, INCLUDING COURT COSTS, FEES, AND STORAGE COSTS.

(E) (1) ALL PROCEEDINGS HELD UNDER THIS SECTION SHALL BE AT THE SUIT OF AND IN THE NAME OF THE STATE.

(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, TO THE EXTENT POSSIBLE, THE PROCEEDINGS FOR LIBEL ACTIONS SHALL CONFORM TO THE PROCEEDINGS FOR ADMIRALTY ACTIONS.

(3) EITHER PARTY IN A LIBEL ACTION MAY DEMAND A JURY TRIAL OF ANY ISSUE OF FACT JOINED IN ANY CASE.

(F) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT OR ALTER ANY OTHER AUTHORITY PROVIDED IN STATE OR FEDERAL LAW FOR CONDEMNATION OR SEIZURE.

16-110.

(A) THE SECRETARY MAY:

(1) ISSUE A SUBPOENA TO COMPEL TESTIMONY OR THE PRODUCTION OF ANY RECORD REQUIRED TO BE KEPT UNDER § 16-104 OF THIS TITLE; AND

(2) FILE A PETITION IN A COURT OF COMPETENT JURISDICTION FOR AN ORDER OF CONTEMPT AGAINST A PERSON THAT, WITHOUT LAWFUL EXCUSE, FAILS TO OBEY THE SUBPOENA.

(B) (1) THE SECRETARY MAY APPLY TO A JUDGE OF THE DISTRICT

COURT OR A CIRCUIT COURT FOR AN ADMINISTRATIVE SEARCH WARRANT TO ENTER A PRIVATE PREMISES TO CONDUCT ANY INSPECTION REQUIRED OR AUTHORIZED BY LAW TO DETERMINE COMPLIANCE WITH THE REQUIREMENTS OF THE PROGRAM.

(2) AN APPLICATION FOR AN ADMINISTRATIVE SEARCH WARRANT UNDER THIS SECTION SHALL:

(I) BE IN WRITING;

(II) BE VERIFIED BY THE APPLICANT; AND

(III) DESCRIBE THE PREMISES TO BE SEARCHED AND THE NATURE, SCOPE, AND PURPOSE OF THE SEARCH.

(3) A JUDGE WHO RECEIVES AN APPLICATION FOR AN ADMINISTRATIVE SEARCH WARRANT MAY ISSUE A WARRANT ON A FINDING THAT:

(I) THE SCOPE OF THE PROPOSED SEARCH IS REASONABLE;
AND

(II) A REQUEST TO ENTER THE PREMISES HAS OTHERWISE BEEN DENIED.

(4) (I) AN ADMINISTRATIVE SEARCH WARRANT ISSUED UNDER THIS SECTION SHALL SPECIFY THE LOCATION OF THE PREMISES TO BE SEARCHED.

(II) A SEARCH CONDUCTED IN ACCORDANCE WITH AN ADMINISTRATIVE SEARCH WARRANT ISSUED UNDER THIS SECTION MAY NOT EXCEED THE LIMITS SPECIFIED IN THE WARRANT.

(5) AN ADMINISTRATIVE SEARCH WARRANT ISSUED UNDER THIS SECTION SHALL BE EXECUTED AND RETURNED TO THE ISSUING JUDGE:

(I) WITHIN THE PERIOD SPECIFIED IN THE WARRANT, WHICH MAY NOT EXCEED 30 DAYS AFTER THE DATE OF ISSUANCE; OR

(II) WITHIN 15 DAYS AFTER THE DATE OF ISSUANCE, IF NO PERIOD IS SPECIFIED IN THE WARRANT.

16-111.

(A) A PERSON THAT VIOLATES THIS TITLE IS SUBJECT TO THE PENALTIES AND FINES SET FORTH IN TITLE 12 OF THIS ARTICLE.

(B) (1) INSTEAD OF OR IN ADDITION TO ANY OTHER PENALTY AUTHORIZED UNDER THIS ARTICLE, THE SECRETARY MAY IMPOSE A CIVIL PENALTY ON A PERSON NOT EXCEEDING \$5,000 FOR EACH VIOLATION OF:

(I) THIS TITLE; OR

(II) ANY ORDER ISSUED BY THE SECRETARY UNDER THIS TITLE.

(2) PENALTIES COLLECTED BY THE SECRETARY UNDER THIS SUBSECTION SHALL BE PAID INTO THE GENERAL FUND OF THE STATE.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) This Act shall be abrogated and of no further force and effect if:

(1) 21 C.F.R. Part 112 is repealed;

(2) the Department of Agriculture does not receive federal funding to implement this Act; or

(3) any federal funding received by the Department of Agriculture to implement this Act is exhausted.

(b) The Secretary of Agriculture shall notify the Department of Legislative Services within 5 days after an action under subsection (a) of this section occurs.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.
