

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 II

---

The Department of Legislative Services  
General Assembly of Maryland  
prepared this document.

For further information concerning this document contact:

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

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

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

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

TTY users may also contact the  
Maryland Relay Service to contact the General Assembly

E-mail: [libr@mlis.state.md.us](mailto:libr@mlis.state.md.us)

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

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

## Chapter 132

### (House Bill 1353)

AN ACT concerning

#### Agriculture – Nuisance Insects

FOR the purpose of authorizing the Secretary of Agriculture to implement, under certain circumstances, a program *to use a certain pesticide* to control or eliminate nuisance insects in the State; *requiring the program to be implemented on certain property; ~~authorizing~~ specifying that a certain notice be provided to certain entities and posted on certain social media sites; authorizing* the Secretary to carry out a certain project to control or eliminate nuisance insects if the county or municipality in which the nuisance insects are located agrees to pay a certain portion of certain costs; establishing the Nuisance Insects Fund as a special, nonlapsing fund; requiring the Secretary to remit certain payments to the Comptroller for deposit to the Fund; requiring the Secretary or the Secretary's designee to administer the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; repealing certain provisions of law relating to black fly management and control; authorizing the Secretary to adopt certain regulations; stating a certain finding of the General Assembly; defining certain terms; and generally relating to controlling or eliminating nuisance insects in the State.

BY adding to

Article – Agriculture

Section 5–1001 through 5–1005 to be under the new subtitle “Subtitle 10. Nuisance Insects”

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)

BY repealing

Article – Natural Resources

Section 8–2201 through 8–2205 and the subtitle “Subtitle 22. Black Fly Management and Control”

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 – Agriculture

#### SUBTITLE 10. NUISANCE INSECTS.

**5–1001.**

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

(B) “FUND” MEANS THE NUISANCE INSECTS FUND.

(C) (1) “NUISANCE INSECT” MEANS AN INSECT THAT IS DETERMINED BY THE SECRETARY TO PESTER OR ANNOY ONLY HUMANS.

(2) “NUISANCE INSECT” DOES NOT INCLUDE ~~AN~~:

(I) AN INSECT THAT IS A THREAT TO THE HEALTH OF HUMANS, ANIMALS, OR PLANTS; OR

(II) A POLLINATOR.

5-1002.

THE GENERAL ASSEMBLY FINDS THAT THE PROLIFERATION OF CERTAIN SPECIES OF INSECTS, INCLUDING THE GROUP SIMULIUM JENNINGSI, COMMONLY KNOWN AS BLACK FLIES, WHILE NOT POSING A DIRECT THREAT TO THE HEALTH OF HUMANS, ANIMALS, OR PLANTS, MAY CONSTITUTE A PUBLIC AND COMMON NUISANCE ON LAND AND WATERS USED FOR RECREATION, EMPLOYMENT, AND TOURISM.

5-1003.

(A) (1) SUBJECT TO AVAILABLE FUNDING IN THE STATE BUDGET AND SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE SECRETARY MAY IMPLEMENT A PROGRAM TO USE *BACILLUS THURINGIENSIS ISRAELENسيس* TO CONTROL OR ELIMINATE NUISANCE INSECTS IN THE STATE.

(2) THE PROGRAM SHALL BE IMPLEMENTED ON:

(I) STATE-OWNED PROPERTY;

(II) PROPERTY OWNED BY A LOCAL GOVERNMENT WITH THE CONSENT OF THE LOCAL GOVERNMENT; AND

(III) PRIVATE PROPERTY WITH THE CONSENT OF THE PROPERTY OWNER.

~~(2) (3) TO CARRY OUT THE PROGRAM, THE SECRETARY MAY AUTHORIZE ANY METHOD THE SECRETARY CONSIDERS NECESSARY TO CONTROL OR ELIMINATE NUISANCE INSECTS, INCLUDING THE APPLICATION OF PESTICIDES.;~~

(I) TREAT PROPERTY WITH AN AERIAL SPRAYING OR BACKPACK SPRAYING OF BACILLUS THURINGIENSIS ISRAELENسيس;

(II) CONDUCT FIELD STUDIES TO DETERMINE THE NEED FOR, LOCATION, AND TIME OF SPRAYING;

(III) SCHEDULE SPRAYING WHEN THE CONDITIONS ARE OPTIMAL FOR INGESTION BY NUISANCE INSECTS;

(IV) NOTIFY APPROPRIATE PERSONS OF THE DATE AND LOCATION OF AN UPCOMING SPRAYING; AND

(V) REVIEW THE EFFECTIVENESS OF SPRAYING.

(B) NOTICE PROVIDED UNDER SUBSECTION (A)(3)(IV) OF THIS SECTION SHALL, AT A MINIMUM, BE:

(1) PROVIDED TO:

(I) LOCAL PRESS OUTLETS;

(II) COUNTY AND LOCAL GOVERNMENTS THAT ARE IN THE AREA THAT WILL BE AFFECTED BY THE SPRAYING;

(III) EMERGENCY RESPONDERS AND ASSOCIATED AGENCIES THAT SERVICE THE AREA THAT WILL BE AFFECTED BY THE SPRAYING; AND

(IV) THE LOCAL RIVERKEEPER FOR THE AREA THAT WILL BE AFFECTED BY THE SPRAYING; AND

(2) POSTED ON APPROPRIATE SOCIAL MEDIA SITES.

(C) (1) THE SECRETARY MAY CARRY OUT A PROJECT TO USE BACILLUS THURINGIENSIS ISRAELENسيس TO CONTROL OR ELIMINATE NUISANCE INSECTS UNDER THIS SECTION IF THE COUNTY OR MUNICIPALITY IN WHICH THE NUISANCE INSECTS ARE LOCATED AGREES TO PAY 50% OF THE COSTS ASSOCIATED WITH THE PROJECT.

(2) THE SECRETARY SHALL REMIT ANY PAYMENT FROM A COUNTY OR MUNICIPALITY RECEIVED UNDER THIS SUBSECTION TO THE COMPTROLLER FOR DEPOSIT TO THE NUISANCE INSECTS FUND, ESTABLISHED UNDER § 5-1004 OF THIS SUBTITLE.

**5-1004.**

**(A) THERE IS A NUISANCE INSECTS FUND.**

**(B) THE PURPOSE OF THE FUND IS TO FACILITATE THE CONTROL OR ELIMINATION OF NUISANCE INSECTS IN THE STATE.**

**(C) THE SECRETARY OR THE SECRETARY'S DESIGNEE SHALL ADMINISTER THE FUND.**

**(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

**(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

**(E) THE FUND CONSISTS OF:**

**(1) ANY MONEY DISTRIBUTED TO THE FUND UNDER § 5-1003(B) OF THIS SUBTITLE;**

**(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**  
**AND**

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

**(F) THE FUND MAY BE USED ONLY TO COVER THE ACTUAL, DOCUMENTED DIRECT AND INDIRECT COSTS ASSOCIATED WITH CONTROLLING OR ELIMINATING NUISANCE INSECTS IN ACCORDANCE WITH A PROGRAM IMPLEMENTED UNDER § 5-1003 OF THIS SUBTITLE.**

**5-1005.**

**THE SECRETARY MAY ADOPT REGULATIONS TO IMPLEMENT THIS SUBTITLE.**

**Article – Natural Resources**

**[Subtitle 22. Black Fly Management and Control.]**

**[8-2201.**

(a) The General Assembly finds that the proliferation of certain species of the group *Simulium jenningsi*, commonly known as black flies, are a public and common nuisance on land and waters used for recreation, employment, and tourism.

(b) It is the intent of the General Assembly that the Department, in conjunction with the Department of Agriculture and the University of Maryland's Department of Entomology, significantly reduce the population of black flies in the State.]

[8-2202.

Subject to funding made available to the Department and the Department of Agriculture to implement the provisions of this subtitle, the Department may, in conjunction with the Department of Agriculture, implement a program to control the spread of black flies in the State.]

[8-2203.

(a) The program shall be implemented initially in Washington County on:

- (1) State-owned property;
- (2) Property owned by a local government with consent of the local government; and
- (3) Private property with consent of the property owner.

(b) The Department, in conjunction with the Department of Agriculture and the University of Maryland's Department of Entomology, may:

- (1) Treat the property with an aerial spraying or backpack spraying of *Bacillus thuringiensis israelensis*;
- (2) Conduct field studies to determine the need for, location, and timing of spraying;
- (3) Schedule spraying when the conditions are optimal for ingestion by the black flies;
- (4) Notify appropriate persons of the date and location of an upcoming spraying;
- (5) Review the effectiveness of the spraying; and
- (6) Conduct biomonitoring of aquatic macroinvertebrates and fish in selected streams to ensure there is no impact on the environment.]

[8-2204.

The Department and the Department of Agriculture may accept, use, or expend any aid, gift, or grant made available from any private or public source to implement the provisions of this subtitle.]

[8–2205.

The Department may, in conjunction with the Department of Agriculture, adopt regulations to implement the provisions of 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 133**

**(Senate Bill 52)**

AN ACT concerning

### **State Government – Strategic Energy Investment Program – Reporting**

FOR the purpose of altering certain planning and reporting requirements for the Strategic Energy Investment Program; repealing a certain reporting requirement; requiring a certain annual report to be provided to the Strategic Energy Investment Advisory Board; requiring certain information to be included in the annual report; and generally relating to the Strategic Energy Investment Program.

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 9–20B–01(a) through (c)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 9–20B–06 and 9–20B–12  
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**

9–20B–01.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Administration” means the Maryland Energy Administration.
- (c) “Board” means the Strategic Energy Investment Advisory Board established under § 9–20B–07 of this subtitle.

9–20B–06.

~~(a) On or before September 1, 2009, [and every 3 years thereafter,] the Administration shall develop a plan for expenditures covering the next 3 fiscal years.~~

**(A) ON OR BEFORE DECEMBER 31, 2019, THE ADMINISTRATION SHALL DEVELOP A PLAN FOR EXPENDITURES FOR FISCAL YEAR 2020 AND A PLAN FOR EXPENDITURES COVERING THE NEXT 3 FISCAL YEARS.**

(b) (1) The Administration shall hold one or more public meetings in conjunction with the development of a plan.

(2) The Administration:

(i) shall hold at least four public meetings across the State during the development of the initial plan under subsection (a) of this section, in the eastern, southern, central, and western parts of the State, respectively; and

(ii) is encouraged to solicit input from all regions of the State in developing subsequent plans under this section.

[(3) The Administration shall submit:

(i) each plan to the Board for review in a plan development year; and

(ii) a report to the Board on the implementation of the plan during years other than plan development years.]

9–20B–12.

(a) On or before January 1 of each year, the Administration shall report to the Governor, **TO THE BOARD**, and, in accordance with § 2–1246 of this article, to the General Assembly and the members of the Senate Finance Committee and the House Economic Matters Committee on the uses and expenditures of the Fund from the prior fiscal year.

(b) The report shall include:

(1) a detailed accounting of all amounts received by and disbursed from the Fund, including the amount and recipient of each grant awarded by the Administration, and identifying multiple grants awarded to the same person or the same address;

(2) all amounts used by the Administration for administrative purposes, including the funding source from which each amount was obtained;

(3) programs, projects, and activities included in each category under § 9–20B–05(g) of this subtitle;

(4) the status of programs, projects, activities, and investments implemented with funds from the Fund, including an evaluation of the impact of the programs, projects, activities, and investments that are directed to low–income or moderate–income residential sectors or to other particular classes of ratepayers;

(5) an estimate of electricity savings from the programs, projects, activities, and investments;

(6) the number of allowances sold in each auction;

(7) the average allowance price from each auction;

(8) an estimate of revenue from future auctions;

(9) an accounting of all amounts received or disbursed by the Fund from all other sources, including money received in accordance with orders issued and settlement agreements approved by the Public Service Commission; [and]

(10) recommendations for changes to the allocation of funds under § 9–20B–05(g) of this subtitle;

**(11) THE STATUS OF PROGRAMS AND EXPENDITURES IN THE CURRENT FISCAL YEAR; AND**

**(12) POSSIBLE OR EXPECTED PROGRAM INITIATIVES AND CHANGES IN LATER YEARS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## Chapter 134

### (Senate Bill 53)

AN ACT concerning

#### **State Finance and Procurement – Energy Performance Contracts**

FOR the purpose of providing that the Department of General Services is responsible for monitoring the status of certain energy performance contracts and reporting on that status to the Board of Public Works annually; requiring a primary procurement unit to consult with the Department before issuing a request for proposals for an energy performance contract; requiring the Department to review certain proposed requests for proposals for energy performance contracts; providing for the effective dates of certain provisions of this Act; providing for the termination of certain provisions of this Act; and generally relating to energy performance contracts.

BY repealing and reenacting, with amendments,  
 Article – State Finance and Procurement  
 Section 12–301 and 12–302  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – State Finance and Procurement  
 Section 12–301  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2018 Supplement)  
 (As enacted by Chapter 590 of the Acts of the General Assembly of 2017)

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

#### **Article – State Finance and Procurement**

12–302.

The [Maryland Energy Administration] **DEPARTMENT OF GENERAL SERVICES** shall be responsible for monitoring the status of active energy performance contracts and reporting that status to the Board annually.

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

#### **Article – State Finance and Procurement**

12–301.

(a) (1) Before issuing a request for proposals for an energy performance contract, a primary procurement unit shall consult with the [Maryland Energy Administration] **DEPARTMENT OF GENERAL SERVICES**.

(2) The [Maryland Energy Administration] **DEPARTMENT OF GENERAL SERVICES** shall review the proposed request to ensure that it meets with the State energy standards, preserves the State's flexibility to investigate and use economically justifiable new technologies, and is in conformance with the unit's energy conservation plan that has been developed in accordance with § 4–806 of this article.

(b) (1) Notwithstanding any other provision of law and subject to the approval and control of the Board of Public Works, a primary procurement unit of State government is authorized to enter into energy performance contracts of up to 15 years' duration.

(2) The Treasurer may enter into a capital lease to finance energy performance contracts as provided in Title 8, Subtitle 4 of this article.

(3) The payments and the total contract amount due under an energy performance contract or, in the case of a capital lease used to finance energy performance contracts, the capital lease payments may not exceed the actual energy savings realized as a result of the contract's performance.

(4) (i) Before approval of an energy performance contract, the Board:

1. shall ensure that the projected annual energy savings attributable to the project will exceed the projected annual capital lease payments or payments to the contractor under the contract; and

2. based on the review of the [Maryland Energy Administration] **DEPARTMENT OF GENERAL SERVICES**, shall determine whether the proposed energy technology is appropriate for the time period provided in the contract.

(ii) The Board may:

1. authorize the use of incentive contracts, including contracts that guarantee energy savings performance; and

2. require prospective contractors to furnish appropriate guarantees to ensure that projected savings are realized.

(iii) Any guarantees required under subparagraph (ii) of this paragraph may include a requirement that the contractor furnish a bond or other assurance to the State in an appropriate amount to guarantee projected performance and that the bond or other assurance be structured so that a failure to meet guaranteed performance savings will forfeit a portion of the bond or other assurance to match the shortfall in energy

savings.

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

**Article – State Finance and Procurement**

12–301.

(a) (1) Before issuing a request for proposals for an energy performance contract, a unit shall consult with the [Maryland Energy Administration] **DEPARTMENT OF GENERAL SERVICES** and the Chief Procurement Officer.

(2) The [Maryland Energy Administration] **DEPARTMENT OF GENERAL SERVICES** shall review the proposed request to ensure that it meets with the State energy standards, preserves the State’s flexibility to investigate and use economically justifiable new technologies, and is in conformance with the unit’s energy conservation plan that has been developed in accordance with § 4–806 of this article.

(b) (1) Notwithstanding any other provision of law and subject to the approval and control of the Board of Public Works and the Chief Procurement Officer, a unit of State government is authorized to enter into energy performance contracts of up to 15 years’ duration.

(2) The Treasurer may enter into a capital lease to finance energy performance contracts as provided in Title 8, Subtitle 4 of this article.

(3) The payments and the total contract amount due under an energy performance contract or, in the case of a capital lease used to finance energy performance contracts, the capital lease payments may not exceed the actual energy savings realized as a result of the contract’s performance.

(4) (i) Before approval of an energy performance contract, the Board:

1. shall ensure that the projected annual energy savings attributable to the project will exceed the projected annual capital lease payments or payments to the contractor under the contract; and

2. based on the review of the [Maryland Energy Administration] **DEPARTMENT OF GENERAL SERVICES**, shall determine whether the proposed energy technology is appropriate for the time period provided in the contract.

(ii) The Board may:

1. authorize the use of incentive contracts, including contracts that guarantee energy savings performance; and

2. require prospective contractors to furnish appropriate guarantees to ensure that projected savings are realized.

(iii) Any guarantees required under subparagraph (ii) of this paragraph may include a requirement that the contractor furnish a bond or other assurance to the State in an appropriate amount to guarantee projected performance and that the bond or other assurance be structured so that a failure to meet guaranteed performance savings will forfeit a portion of the bond or other assurance to match the shortfall in energy savings.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2019. It shall remain effective until the taking effect of Section 3 of this Act. If Section 3 of this Act takes effect, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect October 1, 2019, the effective date of Section 1 of Chapter 590 of the Acts of the General Assembly of 2017. If the effective date of Section 1 of Chapter 590 is amended, Section 3 of this Act shall take effect on the taking effect of Section 1 of Chapter 590.

SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions of Sections 4 and 5 of this Act, this Act shall take effect July 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## Chapter 135

### (House Bill 170)

AN ACT concerning

#### **Jane E. Lawton Conservation Loan Program – Eligible Borrowers**

FOR the purpose of altering the definition of “borrower” for the purpose of provisions of law governing the Jane E. Lawton Conservation Loan Program to include an eligible State agency; altering the purpose of the Jane E. Lawton Conservation Loan Program to include providing certain zero interest loans to certain borrowers, providing certain financial assistance to State agencies for certain projects, and ~~to include~~ providing certain financial assistance for projects that reduce greenhouse gas emissions; requiring that, if the borrower is a State agency, an application to receive a loan under the Jane E. Lawton Conservation Loan Program be signed by the head of the State agency; exempting State agencies from certain Jane E. Lawton Conservation Loan Program requirements; altering the purpose of the Jane E. Lawton Conservation Loan Program to include a certain objective; repealing the

State Agency Loan Program Fund; defining a certain term; altering the definition of “project” to allow Jane E. Lawton Conservation Loan Program loans to be used for certain improvements and modifications in structures used primarily for religious or fraternal activities; providing for the application of this Act; and generally relating to the Jane E. Lawton Conservation Loan Program and the State Agency Loan Program.

BY repealing and reenacting, without amendments,  
 Article – State Finance and Procurement  
 Section 6–226(a)(1) and (2)(i)  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2018 Supplement)

BY repealing  
 Article – State Finance and Procurement  
 Section 6–226(a)(2)(ii)5.  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – State Government  
 Section 9–20A–01, 9–20A–03, 9–20A–05, and 9–20A–06  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2018 Supplement)

BY renumbering  
 Article – State Finance and Procurement  
 Section 6–226(a)(2)(ii)6. through 113., respectively  
 to be Section 6–226(a)(2)(ii)5. through 112., respectively  
 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**

6–226.

(a) (1) Except as otherwise specifically provided by law or by regulation of the Treasurer, the Treasurer shall credit to the General Fund any interest on or other income from State money that the Treasurer invests.

(2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to

receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

[5. State Agency Loan Program Fund;]

### Article – State Government

9–20A–01.

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

(b) “Administration” means the Maryland Energy Administration.

(c) “Borrower” means an eligible **STATE AGENCY**, local jurisdiction, nonprofit organization, or eligible business that applies and qualifies for a loan under this Program.

(d) “Eligible business” means a commercial enterprise or business that is in good standing with the State Department of Assessments and Taxation and is:

(1) incorporated in the State; or

(2) registered to do business in the State.

(e) “Energy cost savings” means the actual reduction in operating expenses resulting from the installation, operation, and maintenance of a project financed under the Program.

(f) “Fund” means the Jane E. Lawton Conservation Fund.

(g) (1) “Local jurisdiction” means any county or municipality of the State.

(2) “Local jurisdiction” includes:

(i) a board of education of a county or municipality;

(ii) a special district that is established by State law and that operates within a single county;

(iii) a special district that is established by a county under public general law; and

(iv) an office, board, or department that is established in a county under State law and that is funded, under State law, at least in part by the county governing body.

(h) “Municipality” means any municipal corporation in the State that is subject to the provisions of Article XI–E of the Maryland Constitution or any duly authorized agency or instrumentality of the municipality.

(i) “Nonprofit organization” means a corporation, foundation, school, hospital, or other legal entity, no part of the net earnings of which inure to the benefit of any private shareholder or individual holding an interest in the entity.

(j) “Program” means the Jane E. Lawton Conservation Loan Program.

(k) [(1)] “Project” means one or more improvements or modifications that enhance the energy efficiency and reduce the operating expenses of a structure located in Maryland.

[(2)] “Project” does not include improvements or modifications for energy conservation or renewable energy generation in structures used primarily for religious or fraternal activities.]

**(L) (1) “STATE AGENCY” MEANS ANY PERMANENT OR TEMPORARY STATE OFFICE, DEPARTMENT, DIVISION OR UNIT, BUREAU, BOARD, COMMISSION, TASK FORCE, AUTHORITY, INSTITUTION, STATE COLLEGE OR UNIVERSITY, AND ANY OTHER UNIT OF STATE GOVERNMENT, WHETHER EXECUTIVE, LEGISLATIVE, OR JUDICIAL.**

**(2) “STATE AGENCY” INCLUDES ANY SUBUNITS OF STATE GOVERNMENT.**

9–20A–03.

The purpose of the Program is to provide financial assistance in the form of low interest **AND ZERO INTEREST** loans to nonprofit organizations, local jurisdictions, **STATE AGENCIES**, and eligible businesses for projects in order to:

- (1) promote energy conservation;
- (2) reduce consumption of fossil fuels;
- (3) improve energy efficiency; [and]
- (4) enhance energy–related economic development and stability in the nonprofit, commercial, and industrial sectors; **AND**

**(5) REDUCE GREENHOUSE GAS EMISSIONS.**

9–20A–05.

(a) (1) To receive a loan under the Program, a borrower must file an application with the Administration.

(2) If the borrower is an eligible business, the application must be signed by the chief operating officer or an authorized officer of the business.

(3) If the borrower is a local jurisdiction, the application must be signed by the chief elected officer of the county or municipality, or if none, by the governing body of the county or municipality in which the project is located.

(4) If the borrower is a public school, the application must be signed by the board of education of the county in which the project is located.

**(5) IF THE BORROWER IS A STATE AGENCY, THE APPLICATION MUST BE SIGNED BY THE HEAD OF THE STATE AGENCY.**

(b) The application shall contain any information the Administration determines is necessary, including:

(1) the projected cost to accomplish a proposed project;

(2) the amount of energy or fuel a proposed project is expected to save over a defined period of time after completion of the project;

(3) the anticipated environmental benefits in the form of reduced emissions or pollution attributable to the proposed project;

(4) the amount of cost savings expected to be generated over a defined period of time after completion of the proposed project;

(5) a description of the borrower's contribution to a proposed project as required by § 9–20A–06 of this subtitle; and

(6) any additional information relating to the borrower or the proposed project that may be required by the Administration in order to administer the Program.

9–20A–06.

(a) Loans from the Fund may be used for:

(1) the costs of implementing projects, including the costs of all necessary:

(i) technical assessments;

(ii) studies;

- (iii) surveys;
    - (iv) plans and specifications; and
    - (v) start-up, architectural, engineering, or other special services;
  - (2) the costs of procuring necessary technology, equipment, licenses, or materials; and
  - (3) the costs of construction, rehabilitation, or modification, including the purchase and installation of any necessary machinery, equipment, or furnishings.
- (b) Each borrower shall make a contribution to a project that is of a type and amount acceptable to the Administration.
- (c) [The] A borrower **OTHER THAN A STATE AGENCY** must document that the anticipated energy cost savings to the borrower over a defined period according to a methodology acceptable to the Administration after the completion of the project are greater than the total cost of the project to the borrower.
- (d) Loans made under the Program **TO A BORROWER OTHER THAN A STATE AGENCY** shall:
- (1) be repayable by the borrower from specified revenues that may include the energy cost savings generated by a project;
  - (2) bear interest at a rate that the Administration determines to be necessary and reasonable for the project; and
  - (3) be repayable in accordance with a schedule that the Administration sets, which may be on a deferred payment basis.
- (e) (1) A borrower **OTHER THAN A STATE AGENCY** shall provide assurances for the repayment of a loan.
- (2) The assurances:
    - (i) shall include a promissory note; and
    - (ii) may include superior or subordinate mortgage liens, guarantees of repayment, or other forms of collateral.
- (f) Loans may be made in conjunction with, or in addition to, financial assistance provided through other State or federal programs.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 6–226(a)(2)(ii)6 through 113, respectively, of Article – State Finance and Procurement of the Annotated Code of Maryland be renumbered to be Section(s) 6–226(a)(2)(ii)5 through 112, respectively.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any contract existing before the effective date of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

Approved by the Governor, April 18, 2019.

---

## Chapter 136

(House Bill 36)

AN ACT concerning

**Surface Mining – Zone of Dewatering Influence – ~~Water Supply Replacement~~  
Remedies**

FOR the purpose of requiring a certain surface mining permittee to immediately implement certain safety measures under certain circumstances; requiring a certain surface mining permittee to permanently replace a certain water supply within a certain zone of dewatering influence within a certain period of time under certain circumstances; authorizing a certain surface mining permittee to seek reimbursement for certain water supply replacement costs under certain circumstances; providing for the construction of certain provisions of law relating to a contested case hearing; making a stylistic change; correcting an obsolete cross-reference; and generally relating to the zone of dewatering influence around a surface mine.

BY repealing and reenacting, without amendments,  
Article – Environment  
Section 15–801(a), (e), (f), (g), (n), (p), and (u) and 15–812  
Annotated Code of Maryland  
(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Environment  
Section 15–813  
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 – Environment**

15–801.

- (a) In this subtitle the following words have the meanings indicated.
- (e) “Department” means the Department of the Environment.
- (f) “Land” means the surface of the land upon which surface mining is conducted.
- (g) “Landowner” means a person who possesses legal title to the land.
- (n) “Permittee” means a person who holds a valid permit to conduct surface mining and reclamation operations approved by the Department under § 15–810 of this subtitle.
- (p) “Pit” means the place any minerals are being mined by the surface mining method.
- (u) “Surface mining” means all of the following:
  - (1) The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals;
  - (2) Any activity or process constituting all or part of a process for the extraction or removal of minerals from their original location; or
  - (3) The extraction of sand, gravel, rock, stone, earth, or fill from borrow pits for highway construction purposes or other public facilities.

15–812.

- (a) The General Assembly finds that in certain regions of the State dewatering of surface mines located in karst terrain may significantly interfere with water supply wells and may cause in some instances sudden subsidence of land, known as sinkholes. Dewatering in karst terrain may result in property damage to landowners in a definable zone of dewatering influence around a surface mine.
- (b) It is the intent of the General Assembly to protect affected property owners in Baltimore, Carroll, Frederick, and Washington counties where karst terrain is found by directing the Department to establish zones of dewatering influence around surface mines in karst terrain and to administer a program requiring permittees to mitigate or compensate affected property owners in these counties.

15–813.

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

(2) “Dewater” or “dewatering” means to pump water out of a pit.

(3) “Karst terrain” means an irregular topography that is:

(i) Caused by a solution of limestone and other carbonate rock; and

(ii) Characterized by closed depressions, sinkholes, caverns, solution cavities, and underground channels that, partially or completely, may capture surface streams.

(4) “Lineaments” means the surface manifestation of cracks, fissures, fractures, and zones of weakness that, generally, are observable on aerial photographs as straight or nearly straight lines.

(b) (1) If a permittee is issued a water appropriation permit under § 5–502 of this article to dewater a pit located in karst terrain in Baltimore, Carroll, Frederick, and Washington counties, the Department shall establish, as a condition of the permittee’s surface mining permit under § 15–810 of this subtitle, a zone of dewatering influence around the surface mine.

(2) The areal extent of the zone of dewatering influence shall be based, as appropriate, on local topography, watersheds, aquifer limits, and other hydrogeologic factors, including the occurrence of natural fractures, cracks, crevices, lineaments, igneous dikes, changes in rock type, and variations in the water-bearing characteristics of formations.

(c) (1) Within the zone of dewatering influence established under subsection (b)(1) of this section, the permittee shall:

[(1)] (I) Replace, at no expense to the owner of real property that is affected by the surface mine dewatering, a water supply that fails as a result of declining ground water levels; ~~and~~

**(II) ON DISCOVERY OF A SUDDEN SUBSIDENCE OF THE SURFACE OF THE LAND, IMMEDIATELY IMPLEMENT APPROPRIATE SAFETY MEASURES TO PROTECT PUBLIC HEALTH AND SAFETY; AND**

[(2)] ~~(III)~~ (III) [Upon] ON a determination by the Department of proximate cause after the permittee has received proper notice and an opportunity to respond and provide information, pay monetary compensation to the affected property

owner or repair any property damage caused as a result of the sudden subsidence of the surface of the land.

**(2) A PERMITTEE SHALL PERMANENTLY REPLACE A WATER SUPPLY UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION WITHIN 45 DAYS OF THE DATE ON WHICH THE PERMITTEE KNEW OF THE WATER SUPPLY FAILURE.**

(d) (1) An individual domestic water supply within a zone of dewatering influence that is no longer capable of yielding water because of declining water levels shall be considered to be replaced adequately by a permittee if the permittee provides for the affected property owner a new or retrofitted well that is capable of meeting the minimum yield requirements established in regulations adopted by the Department of the Environment during the period of pit dewatering.

(2) A municipal, industrial, commercial, institutional, or farming water supply within a zone of dewatering influence that is no longer capable of yielding water because of declining water levels shall be considered to be replaced adequately by a permittee if the permittee provides for the affected property owner a new or retrofitted well or other alternative water supply that is capable of yielding water equal to the volume used or needed by the property owner before the disruption of water supply.

(e) (1) Real or personal property within the zone of dewatering influence in karst terrain in Baltimore, Carroll, Frederick, and Washington counties found by the Department to have been damaged as a result of sudden land surface subsidence shall be considered to be repaired adequately by a permittee if the permittee returns the damaged property to its condition before the subsidence of the surface of the land.

(2) If the damaged real or personal property is not capable of being restored to its pre-subsidence condition, the permittee shall compensate the owner of the real or personal property monetarily by the difference of the fair market value of the property as the property would exist but for the sudden land subsidence, and the fair market value of the property as a result of the damage.

(3) Notwithstanding the other provisions of this subsection, the permittee and the property owner may agree on monetary compensation or other mitigation in lieu of restoration.

(f) (1) The Department may not require a permittee to replace water supplies, as provided in this section, if the permittee demonstrates to the Department by clear and convincing evidence that the proximate cause of the loss of water supply is not the result of pit dewatering.

**(2) THE PERMITTEE MAY SEEK REIMBURSEMENT FOR THE COST OF A WATER SUPPLY REPLACEMENT FROM THE OWNER OF REAL PROPERTY THAT IS AFFECTED BY THE SURFACE MINE DEWATERING IF AFTER THE PERMITTEE REPLACES THE WATER SUPPLY IT IS DETERMINED THAT THE PERMITTEE'S**

**DEWATERING ACTIVITY IS NOT THE PROXIMATE CAUSE OF THE WATER SUPPLY FAILURE.**

(g) (1) The Department shall provide opportunity for a contested case hearing in accordance with [the provisions of § 5–204 of this article] **TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.**

(2) **THIS SUBSECTION MAY NOT BE CONSTRUED TO ~~WAIVE~~ STAY THE REQUIREMENT TO PERMANENTLY REPLACE A WATER SUPPLY OR IMPLEMENT APPROPRIATE SAFETY MEASURES IN ACCORDANCE WITH SUBSECTION ~~(C)(2)~~ (C) OF THIS SECTION.**

(h) The Department shall adopt regulations to establish an administrative process to expedite the resolution of water supply loss or property damage claims arising under this section.

(i) Compensation, restoration, or mitigation provided by this section does not apply to:

(1) Improvements that are made to real property within an established zone of dewatering influence following a final decision by the Department to issue a surface mining permit; or

(2) Improvements that are made to real property following the establishment of a zone of dewatering influence as a condition of an existing surface mine permit.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

**Chapter 137**

**(Senate Bill 54)**

AN ACT concerning

**Surface Mining – Zone of Dewatering Influence – ~~Contested Case Hearing~~  
Remedies**

FOR the purpose of requiring a certain surface mining permittee to immediately implement certain safety measures under certain circumstances; specifying that a certain provision of law requiring the Department of the Environment to provide

~~opportunity for a contested case hearing may not be construed to waive stay certain requirements under certain provisions of law relating to the zone of dewatering influence around a surface mine; correcting an obsolete cross-reference; making a stylistic change~~ requiring a certain surface mining permittee to permanently replace a certain water supply within a certain zone of dewatering influence within a certain period of time under certain circumstances; authorizing a certain surface mining permittee to seek reimbursement for certain water supply replacement costs under certain circumstances; providing for the construction of certain provisions of law relating to a contested case hearing; making a stylistic change; correcting an obsolete cross-reference; and generally relating to the zone of dewatering influence around a surface mine.

BY repealing and reenacting, without amendments,

Article – Environment

Section 15–801(a), (e), (f), (g), (n), (p), and (u) and 15–812

Annotated Code of Maryland

(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

Section 15–813

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 – Environment

#### 15–801.

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

(e) “Department” means the Department of the Environment.

(f) “Land” means the surface of the land upon which surface mining is conducted.

(g) “Landowner” means a person who possesses legal title to the land.

(n) “Permittee” means a person who holds a valid permit to conduct surface mining and reclamation operations approved by the Department under § 15–810 of this subtitle.

(p) “Pit” means the place any minerals are being mined by the surface mining method.

(u) “Surface mining” means all of the following:

(1) The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals;

(2) Any activity or process constituting all or part of a process for the extraction or removal of minerals from their original location; or

(3) The extraction of sand, gravel, rock, stone, earth, or fill from borrow pits for highway construction purposes or other public facilities.

15-812.

(a) The General Assembly finds that in certain regions of the State dewatering of surface mines located in karst terrain may significantly interfere with water supply wells and may cause in some instances sudden subsidence of land, known as sinkholes. Dewatering in karst terrain may result in property damage to landowners in a definable zone of dewatering influence around a surface mine.

(b) It is the intent of the General Assembly to protect affected property owners in Baltimore, Carroll, Frederick, and Washington counties where karst terrain is found by directing the Department to establish zones of dewatering influence around surface mines in karst terrain and to administer a program requiring permittees to mitigate or compensate affected property owners in these counties.

15-813.

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

(2) “Dewater” or “dewatering” means to pump water out of a pit.

(3) “Karst terrain” means an irregular topography that is:

(i) Caused by a solution of limestone and other carbonate rock; and

(ii) Characterized by closed depressions, sinkholes, caverns, solution cavities, and underground channels that, partially or completely, may capture surface streams.

(4) “Lineaments” means the surface manifestation of cracks, fissures, fractures, and zones of weakness that, generally, are observable on aerial photographs as straight or nearly straight lines.

(b) (1) If a permittee is issued a water appropriation permit under § 5-502 of this article to dewater a pit located in karst terrain in Baltimore, Carroll, Frederick, and Washington counties, the Department shall establish, as a condition of the permittee’s surface mining permit under § 15-810 of this subtitle, a zone of dewatering influence around the surface mine.

(2) The areal extent of the zone of dewatering influence shall be based, as appropriate, on local topography, watersheds, aquifer limits, and other hydrogeologic factors, including the occurrence of natural fractures, cracks, crevices, lineaments, igneous dikes, changes in rock type, and variations in the water-bearing characteristics of formations.

(c) **(1)** Within the zone of dewatering influence established under subsection (b)(1) of this section, the permittee shall:

~~(1)~~ **(1)** Replace, at no expense to the owner of real property that is affected by the surface mine dewatering, a water supply that fails as a result of declining ground water levels; ~~and~~

~~(2)~~ **(II)** ON DISCOVERY OF A SUDDEN SUBSIDENCE OF THE SURFACE OF THE LAND, IMMEDIATELY IMPLEMENT APPROPRIATE SAFETY MEASURES TO PROTECT PUBLIC HEALTH AND SAFETY; AND

~~(2)~~ ~~(3)~~ **(III)** [Upon] ON a determination by the Department of proximate cause after the permittee has received proper notice and an opportunity to respond and provide information, pay monetary compensation to the affected property owner or repair any property damage caused as a result of the sudden subsidence of the surface of the land.

**(2)** A PERMITTEE SHALL PERMANENTLY REPLACE A WATER SUPPLY UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION WITHIN 45 DAYS OF THE DATE ON WHICH THE PERMITTEE KNEW OF THE WATER SUPPLY FAILURE.

(d) (1) An individual domestic water supply within a zone of dewatering influence that is no longer capable of yielding water because of declining water levels shall be considered to be replaced adequately by a permittee if the permittee provides for the affected property owner a new or retrofitted well that is capable of meeting the minimum yield requirements established in regulations adopted by the Department of the Environment during the period of pit dewatering.

(2) A municipal, industrial, commercial, institutional, or farming water supply within a zone of dewatering influence that is no longer capable of yielding water because of declining water levels shall be considered to be replaced adequately by a permittee if the permittee provides for the affected property owner a new or retrofitted well or other alternative water supply that is capable of yielding water equal to the volume used or needed by the property owner before the disruption of water supply.

(e) (1) Real or personal property within the zone of dewatering influence in karst terrain in Baltimore, Carroll, Frederick, and Washington counties found by the Department to have been damaged as a result of sudden land surface subsidence shall be considered to be repaired adequately by a permittee if the permittee returns the damaged property to its condition before the subsidence of the surface of the land.

(2) If the damaged real or personal property is not capable of being restored to its pre-subsidence condition, the permittee shall compensate the owner of the real or personal property monetarily by the difference of the fair market value of the property as the property would exist but for the sudden land subsidence, and the fair market value of the property as a result of the damage.

(3) Notwithstanding the other provisions of this subsection, the permittee and the property owner may agree on monetary compensation or other mitigation in lieu of restoration.

(f) **(1)** The Department may not require a permittee to replace water supplies, as provided in this section, if the permittee demonstrates to the Department by clear and convincing evidence that the proximate cause of the loss of water supply is not the result of pit dewatering.

**(2) THE PERMITTEE MAY SEEK REIMBURSEMENT FOR THE COST OF A WATER SUPPLY REPLACEMENT FROM THE OWNER OF REAL PROPERTY THAT IS AFFECTED BY THE SURFACE MINE DEWATERING IF AFTER THE PERMITTEE REPLACES THE WATER SUPPLY IT IS DETERMINED THAT THE PERMITTEE'S DEWATERING ACTIVITY IS NOT THE PROXIMATE CAUSE OF THE WATER SUPPLY FAILURE.**

(g) **(1)** The Department shall provide opportunity for a contested case hearing in accordance with [the provisions of § 5-204 of this article] **TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.**

**(2) THIS SUBSECTION MAY NOT BE CONSTRUED TO ~~WAIVE~~ STAY THE REQUIREMENT TO PERMANENTLY REPLACE A WATER SUPPLY OR ~~REPAIR ANY PROPERTY DAMAGE~~ IMPLEMENT APPROPRIATE SAFETY MEASURES UNDER IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.**

(h) The Department shall adopt regulations to establish an administrative process to expedite the resolution of water supply loss or property damage claims arising under this section.

(i) Compensation, restoration, or mitigation provided by this section does not apply to:

(1) Improvements that are made to real property within an established zone of dewatering influence following a final decision by the Department to issue a surface mining permit; or

(2) Improvements that are made to real property following the establishment of a zone of dewatering influence as a condition of an existing surface mine permit.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## Chapter 138

### (Senate Bill 60)

AN ACT concerning

#### Vehicle Laws – Driver’s Licenses – Expiration and Renewal

FOR the purpose of repealing a requirement that a corrected driver’s license expire at the end of a certain time period; altering the period of time within which certain drivers are required to have taken an authorized vision test to qualify for renewal of a driver’s license; and generally relating to the expiration and renewal of driver’s licenses.

BY repealing and reenacting, without amendments,  
 Article – Transportation  
 Section 16–114.1(c)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Transportation  
 Section 16–114.1(d) and 16–115(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 – Transportation

16–114.1.

(c) If an individual other than one who holds a commercial driver’s license desires a corrected photo license in lieu of a correction card for a desired or required correction, the individual shall:

(1) Apply for a corrected photo license on the form required by the Administration;

- (2) Surrender the individual's original license; and
- (3) Pay the required fee.

(d) [(1) A corrected photo license issued under subsection (c) of this section to a driver at least 21 years old shall expire on the birth date of the licensee in the fifth year following the issuance of the license.

(2)] A corrected photo license issued under subsection (c) of this section to a driver under age 21 years shall expire 60 days after the driver's 21st birthday.

16–115.

(i) (1) Except as provided in paragraphs (2) and (3) of this subsection, the Administration shall require every individual applying for renewal of a driver's license to pass a vision test as prescribed by the Administration.

(2) (i) The Administration shall accept a certification of acceptable visual acuity from a licensed physician or optometrist instead of requiring the actual test provided for in this subsection.

(ii) The examination for which certification is made shall take place within 12 months of the date of application for renewal.

(3) An individual at least 21 years of age but under the age of 40 years may apply for renewal of a driver's license electronically or by mail or other means authorized by the Administration without taking a vision test if the applicant has passed a vision test authorized by the Administration within the previous [6] 9 years.

(4) (i) If the Administration has reason to believe that an individual is a safety hazard by reason of a vision deficiency, the Administration may require the vision test provided for in this subsection at a time other than renewal of a driver's license.

(ii) The Administration may adopt regulations to implement the provisions 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 139**

**(Senate Bill 70)**

AN ACT concerning

**Vehicle Laws – HOV Lanes – ~~Plug-In Electric Drive and~~ Hybrid Vehicles**

FOR the purpose of ~~altering the termination date for~~ repealing certain provisions of law authorizing certain ~~plug-in electric drive vehicles to use a high occupancy vehicle (HOV) lane under certain circumstances regardless of the number of passengers in the vehicle;~~ qualified hybrid vehicles to use a high occupancy vehicle (HOV) lane along a certain highway regardless of the number of passengers in the vehicle; ~~altering the termination date for certain provisions of law making certain authorizations regarding the use of certain HOV lanes by plug-in electric drive vehicles applicable to qualified hybrid vehicles;~~ providing for an abnormal effective date; and generally relating to the use of HOV lanes by ~~plug-in electric drive and~~ hybrid vehicles.

BY repealing and reenacting, ~~without~~ with amendments,  
 Article – Transportation  
 Section 21–314 and 25–108  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2018 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Chapter 491 of the Acts of the General Assembly of 2010, as amended by Chapters 64 and 65 of the Acts of the General Assembly of 2013, Chapter 734 of the Acts of the General Assembly of 2016, and Chapters 678 and 679 of the Acts of the General Assembly of 2018~~

~~Section 2~~

~~BY repealing and reenacting, with amendments,~~

~~Chapter 492 of the Acts of the General Assembly of 2010, as amended by Chapters 64 and 65 of the Acts of the General Assembly of 2013, Chapter 734 of the Acts of the General Assembly of 2016, and Chapters 678 and 679 of the Acts of the General Assembly of 2018~~

~~Section 2~~

~~BY repealing and reenacting, with amendments,~~

~~Chapter 734 of the Acts of the General Assembly of 2016, as amended by Chapters 678 and 679 of the Acts of the General Assembly of 2018~~

~~Section 4~~

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

**Article – Transportation**

21–314.

(a) In this section, “HOV lane” means a high occupancy vehicle lane, the use of which is restricted by a traffic control device during specified times to vehicles carrying at least a specified number of occupants.

(b) Except as provided in subsection (c) of this section, a person may not drive a vehicle in an HOV lane unless authorized by a traffic control device.

(c) ~~(1)~~ The following vehicles may be driven in an HOV lane at all times regardless of the number of passengers in or on the vehicle:

~~(i)~~ **(1)** A bus;

~~(ii)~~ **(2)** A motorcycle;

~~(iii)~~ **(3)** A plug-in electric drive vehicle displaying a valid permit issued under § 25–108 of this article; and

~~(iv)~~ **(4)** A tow truck that is properly registered in accordance with § 13–920 of this article and is using any visual signal that meets the requirements of § 22–218 of this article while responding to a call for service if an appropriate law enforcement agency has authorized the tow truck operator to use HOV lanes.

~~(2) A qualified hybrid vehicle displaying a valid permit issued under § 25–108 of this article may be driven in the portion of U.S. Route 50 designated as an HOV lane, between Interstate 95/Interstate 495 and U.S. Route 301, at all times regardless of the number of passengers in or on the vehicle.~~

25–108.

(a) In this section, “HOV lane” means a high occupancy vehicle lane, the use of which is restricted by a traffic control device during specified times to vehicles carrying at least a specified number of occupants.

(b) This section applies only to:

~~(1) A plug-in electric drive vehicle that has a maximum speed capability of at least 65 miles per hour; and~~

~~(2) A qualified hybrid vehicle as defined in § 23–202(b)(3) of this article.~~

(c) ~~(1)~~ Whenever the State Highway Administration designates a portion of a highway as an HOV lane, the HOV lane may be used at all times by plug-in electric drive vehicles that have obtained a permit from the Administration under this section, regardless of the number of passengers in the vehicle.

~~(2) For the portion of U.S. Route 50 designated as an HOV lane, between Interstate 95/Interstate 495 and U.S. Route 301, the HOV lane may be used at all times by qualified hybrid vehicles that have obtained a permit from the Administration under this section, regardless of the number of passengers in the vehicle.~~

(d) (1) The Administration, the State Highway Administration, and the Department of State Police shall consult to design a permit to designate a vehicle as a plug-in electric drive vehicle ~~or a qualified hybrid vehicle~~ authorized to use an HOV lane.

(2) The Administration may charge a fee, not to exceed \$20, for issuing a permit under this section.

(3) The Administration, on the recommendation of the State Highway Administration, may limit the number of permits issued to ensure HOV lane operations are not degraded to an unacceptable level.

(e) On or before January 1 of each year, the Administration and the State Highway Administration jointly shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on the effect of the use of the plug-in electric drive vehicle ~~and qualified hybrid vehicle~~ permits issued under this section on the operation of HOV lanes in the State.

~~Chapter 491 of the Acts of 2010, as amended by Chapters 64 and 65 of the Acts of 2013, Chapter 734 of the Acts of 2016, and Chapters 678 and 679 of the Acts of 2018~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010. It shall remain effective for a period of [12] 14 years AND 364 DAYS and, at the end of September [30] 29, [2022] 2025, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.~~

~~Chapter 492 of the Acts of 2010, as amended by Chapters 64 and 65 of the Acts of 2013, Chapter 734 of the Acts of 2016, and Chapters 678 and 679 of the Acts of 2018~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010. It shall remain effective for a period of [12] 14 years AND 364 DAYS and, at the end of September [30] 29, [2022] 2025, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.~~

~~Chapter 734 of the Acts of 2016, as amended by Chapters 678 and 679 of the Acts of 2018~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016. Section 2 of this Act shall remain effective for a period of [6] 2 years AND 364 DAYS and, at the end of September [30] 29, [2022] 2019, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~  
~~±~~ September 29, 2019.

**Approved by the Governor, April 18, 2019.**

---

## Chapter 140

### (Senate Bill 84)

AN ACT concerning

#### **Vehicle Laws – Certificate of Title Application – Signature Requirement**

FOR the purpose of repealing a requirement that a signature be in ink on an application for a certificate of title of a vehicle; and generally relating to certificates of title for vehicles.

BY repealing and reenacting, without amendments,  
Article – Transportation  
Section 13–104(a)(1)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 13–104(d)  
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**

13–104.

(a) (1) The application for a certificate of title of a vehicle shall be made by the owner of the vehicle on the form that the Administration requires.

(d) The application shall be signed [in ink] by:

(1) Each owner who is an individual;

(2) The individual cosigning the application on behalf of a minor in

accordance with subsection (b) of this section;

(3) An officer or authorized agent of the owner, if the owner is a business firm, association, or corporation;

(4) A partner or joint venturer, if the owner is a partnership or joint venture;

(5) An officer or authorized agent, if the owner is an unincorporated association, joint stock company, or other group described in § 6–406 of the Courts Article; or

(6) A trustee, if the owner is a trust.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## Chapter 141

### (House Bill 105)

AN ACT concerning

#### **Maryland Transportation Authority Facilities – Video Tolls – Collection**

FOR the purpose of prohibiting the Central Collection Unit in the Department of Budget and Management from collecting certain unpaid video tolls and associated civil penalties incurred by a person residing outside the State, except under certain circumstances; and generally relating to the collection of video tolls incurred by persons residing outside the State.

BY repealing and reenacting, with amendments,  
 Article – State Finance and Procurement  
 Section 3–302  
 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**

3–302.

(a) (1) Except as otherwise provided in subsection (b) of this section, paragraph (2)(ii) of this subsection, or in other law, the Central Collection Unit is responsible for the collection of each delinquent account or other debt that is owed to the State or any of its officials or units.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, an official or unit of the State government shall refer to the Central Collection Unit each debt for which the Central Collection Unit has collection responsibility under this subsection and may not settle the debt.

(ii) A public institution of higher education may not refer a delinquent student account or debt to the Central Collection Unit unless, in accordance with § 15–119 of the Education Article:

1. the delinquent account or debt has not been settled by the end of the late registration period of the semester after the student account became delinquent; or

2. the student has not entered into or made timely payments to satisfy an installment payment plan.

(3) For the purposes of this subtitle, a community college or board of trustees for a community college established or operating under Title 16 of the Education Article is a unit of the State.

(b) Unless, with the approval of the Secretary, a unit of the State government assigns the claim to the Central Collection Unit, the Central Collection Unit is not responsible for and may not collect:

(1) any taxes;

(2) any child support payment that is owed under § 5–308 of the Human Services Article;

(3) any unemployment insurance contribution or overpayment;

(4) any fine;

(5) any court costs;

(6) any forfeiture on bond;

(7) any money that is owed as a result of a default on a loan that the Department of Commerce or the Department of Housing and Community Development has made or insured;

(8) any money that is owed under Title 9, Subtitles 2, 3, and 4 and Title 20 of the Insurance Article; [or]

(9) any money that is owed under a delinquent account for unpaid video tolls and associated civil penalties and is recalled by the Maryland Transportation Authority under § 21–1414(h) of the Transportation Article; OR

**(10) ANY MONEY THAT IS OWED FOR UNPAID VIDEO TOLLS AND ASSOCIATED CIVIL PENALTIES UNDER § 21–1414 OF THE TRANSPORTATION ARTICLE UNDER A DELINQUENT ACCOUNT ASSOCIATED WITH A PERSON RESIDING OUTSIDE THE STATE.**

(c) The Central Collection Unit shall be responsible for the collection of each delinquent account or other debt that is owed to a community college established or operating under Title 16 of the Education Article if the board of trustees for the community college:

(1) adopts a resolution appointing the Central Collection Unit as the collector of delinquent accounts or other debt; and

(2) submits the resolution to the Central Collection Unit.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## Chapter 142

### (House Bill 180)

AN ACT concerning

#### **Motor Vehicle Administration – Licenses and Identification Cards – Electronic Credentials**

FOR the purpose of authorizing the Motor Vehicle Administration to issue electronic credentials to certain individuals; establishing that a credential holder satisfies certain license display requirements under certain circumstances; authorizing the Administration to enter into agreements with certain entities to facilitate the issuance, use, or verification of certain electronic credentials; authorizing the Administration to create a certain electronic credential; requiring the Administration to design the electronic credential in a certain manner; authorizing the Administration to operate a certain verification system; requiring a credential

holder's consent in order for a certain person to access the verification system and certain information; specifying the information that may be released through the verification system; authorizing a third party to administer certain systems on behalf of the Administration; authorizing the Administration to charge certain fees; authorizing the Administration to adopt certain regulations; authorizing an alcoholic beverages license holder or an employee of the license holder to accept an individual's electronic credential as proof of the individual's age; defining certain terms; altering certain definitions; and generally relating to licenses, identification cards, and the issuance of electronic credentials.

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 6–305

Annotated Code of Maryland

(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 11–116, 11–128, and 16–112

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY adding to

Article – Transportation

Section 16–1001 through 16–1005 to be under the new subtitle “Subtitle 10. Electronic Credentials”

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 – Alcoholic Beverages**

6–305.

A license holder or an employee of the license holder may accept as proof of an individual's age:

(1) if the individual is a resident of the State, the individual's driver's license or identification card as provided for in the Maryland Vehicle Law; [or]

(2) a United States military identification card; OR

**(3) THE INDIVIDUAL'S ELECTRONIC CREDENTIAL ISSUED BY THE MOTOR VEHICLE ADMINISTRATION UNDER TITLE 16, SUBTITLE 10 OF THE TRANSPORTATION ARTICLE.**

**Article – Transportation**

11–116.

(A) “Driver’s license” means any license or permit to drive a motor vehicle that is issued under Title 16 of this article.

(B) **“DRIVER’S LICENSE” DOES NOT INCLUDE AN ELECTRONIC CREDENTIAL ISSUED UNDER TITLE 16, SUBTITLE 10 OF THIS ARTICLE.**

11–128.

(A) “License”, as used in reference to the operation of a motor vehicle, means any:

(1) Driver’s license; and

(2) Any other license or permit to drive a motor vehicle that is issued under or granted by the laws of this State, including:

(i) Any temporary license;

(ii) A learner’s instructional permit;

(iii) A provisional license;

(iv) The privilege of any individual to drive a motor vehicle, whether or not that individual is formally licensed by this or any other jurisdiction;

(v) Any nonresident’s privilege to drive, as defined in this subtitle;  
and

(vi) A commercial driver’s license.

(B) **“LICENSE” DOES NOT INCLUDE AN ELECTRONIC CREDENTIAL ISSUED UNDER TITLE 16, SUBTITLE 10 OF THIS ARTICLE.**

16–112.

(a) **(1)** In this section[, “display”] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) “CREDENTIAL HOLDER” HAS THE MEANING STATED IN § 16–1001 OF THIS TITLE.**

**(3) “DISPLAY”** means the manual surrender of the licensee’s license into the hands of the demanding officer for inspection.

**(4) “ELECTRONIC CREDENTIAL” HAS THE MEANING STATED IN § 16–1001 OF THIS TITLE.**

(b) Each individual driving a motor vehicle on any highway in this State shall have his license with him.

(c) **(1)** Each individual driving a motor vehicle on any highway in this State shall display the license to any uniformed police officer who demands it.

**(2) A CREDENTIAL HOLDER IS DEEMED TO HAVE SATISFIED THE DISPLAY REQUIREMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION ONLY IF THE UNIFORMED POLICE OFFICER IS ABLE TO ACCESS THE VERIFICATION SYSTEM AUTHORIZED UNDER § 16–1003 OF THIS TITLE.**

(d) Each individual driving a motor vehicle on any highway in this State shall, if requested by the officer, sign his usual signature in the presence of the officer so that the officer may determine whether he is the licensee.

(e) A person may not give the name of another person or give a false or fictitious name to any uniformed police officer who is attempting to determine the identity of a driver of a motor vehicle.

#### **SUBTITLE 10. ELECTRONIC CREDENTIALS.**

##### **16–1001.**

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

**(B) “CREDENTIAL HOLDER” MEANS THE INDIVIDUAL TO WHOM AN ELECTRONIC CREDENTIAL IS ISSUED.**

**(C) “DATA FIELD” MEANS A DISCRETE PIECE OF INFORMATION PRINTED OR OTHERWISE APPEARING ON A LICENSE OR AN IDENTIFICATION CARD.**

**(D) “ELECTRONIC CREDENTIAL” MEANS AN ELECTRONIC REPRESENTATION OF A LICENSE, AN IDENTIFICATION CARD, OR A DATA FIELD.**

(E) "FULL PROFILE" MEANS ALL THE INFORMATION PROVIDED ON A LICENSE OR AN IDENTIFICATION CARD.

(F) "LIMITED PROFILE" MEANS A PORTION OF THE INFORMATION PROVIDED ON A LICENSE OR AN IDENTIFICATION CARD.

**16-1002.**

(A) THE ADMINISTRATION MAY ISSUE AN ELECTRONIC CREDENTIAL TO AN INDIVIDUAL IN ADDITION TO, AND NOT INSTEAD OF, A LICENSE OR AN IDENTIFICATION CARD IF THE ADMINISTRATION HAS ISSUED TO THE INDIVIDUAL:

(1) A LICENSE; OR

(2) AN IDENTIFICATION CARD UNDER § 12-301 OF THIS ARTICLE.

(B) THE ADMINISTRATION MAY ENTER INTO AGREEMENTS WITH AN AGENCY OF THE STATE, ANOTHER STATE, OR THE UNITED STATES TO FACILITATE THE ISSUANCE, USE, AND VERIFICATION OF ELECTRONIC CREDENTIALS ISSUED BY THE ADMINISTRATION OR ANOTHER STATE.

(C) THE ADMINISTRATION MAY CREATE AN ELECTRONIC CREDENTIAL THAT:

(1) IS CAPABLE OF PRODUCING BOTH A FULL PROFILE AND A LIMITED PROFILE; AND

(2) SATISFIES THE PURPOSE FOR WHICH THE PROFILE IS BEING PRESENTED.

(D) THE ADMINISTRATION SHALL DESIGN THE ELECTRONIC CREDENTIAL IN A MANNER THAT ALLOWS THE CREDENTIAL HOLDER TO MAINTAIN PHYSICAL POSSESSION OF THE DEVICE ON WHICH THE ELECTRONIC CREDENTIAL IS ACCESSED DURING VERIFICATION.

**16-1003.**

(A) THE ADMINISTRATION MAY OPERATE A VERIFICATION SYSTEM FOR ELECTRONIC CREDENTIALS.

(B) (1) ACCESS TO THE VERIFICATION SYSTEM AND ANY DATA FIELD BY A PERSON PRESENTED WITH AN ELECTRONIC CREDENTIAL REQUIRES THE CREDENTIAL HOLDER'S CONSENT.

(2) IF CONSENT IS GRANTED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE ADMINISTRATION MAY RELEASE THROUGH THE VERIFICATION SYSTEM:

(I) FOR A FULL PROFILE, ALL DATA FIELDS THAT APPEAR ON THE PHYSICAL CREDENTIAL THAT CORRESPONDS WITH THE ELECTRONIC CREDENTIAL THAT IS BEING VERIFIED; AND

(II) FOR A LIMITED PROFILE, ONLY THE DATA FIELDS REPRESENTED IN THE LIMITED PROFILE FOR THE PHYSICAL CREDENTIAL THAT CORRESPONDS WITH THE ELECTRONIC CREDENTIAL THAT IS BEING VERIFIED.

(C) A THIRD PARTY MAY ADMINISTER ON BEHALF OF THE ADMINISTRATION ANY SYSTEM DEVELOPED TO FACILITATE THE ISSUANCE, VERIFICATION, AND USE OF ELECTRONIC CREDENTIALS.

16-1004.

THE ADMINISTRATION MAY CHARGE A FEE FOR:

- (1) THE ISSUANCE OF AN ELECTRONIC CREDENTIAL; AND
- (2) THE USE OF AN ELECTRONIC VERIFICATION SYSTEM.

16-1005.

THE ADMINISTRATION MAY ADOPT REGULATIONS TO CARRY OUT 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 143

(Senate Bill 51)

AN ACT concerning

Maryland Heritage Areas Authority – Acquisition or Development Grants –  
Repeal of Target Investment Zones ~~– Repeal~~

FOR the purpose of repealing the identification and use of “target investment zones” by the Maryland Heritage Areas Authority for certain purposes; ~~removing a restriction on certain areas within~~ *repealing certain provisions under* which the Authority may make ~~certain grants~~ *acquisition or development grants under certain circumstances*; repealing a certain definition; *making stylistic changes*; and generally relating to the Maryland Heritage Areas Authority.

BY repealing and reenacting, without amendments,  
 Article – Financial Institutions  
 Section 13–1101(a)  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2018 Supplement)

BY repealing  
 Article – Financial Institutions  
 Section 13–1101(k)  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Financial Institutions  
 Section 13–1113(c)  
 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**

13–1101.

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

[(k) “Target investment zone” means a specific area:

(1) Located within a certified heritage area;

(2) Identified in a management plan approved by the Authority or through a process specified by the Authority; and

(3) Intended to attract significant private investment to the area in order to encourage demonstrable results and return on public investment within the area in a relatively short period of time.]

13–1113.

(c) [(1) Except as provided in paragraph (2) of this subsection, the Authority may make acquisition and development grants only for projects in a target investment zone within a certified heritage area for a period of up to 10 years after the day on which the Authority first approves funding for acquisition or development grants in:

(i) The target investment zone; or

(ii) That portion of the target investment zone added through a boundary amendment approved by the Authority.

(2) The Authority may make acquisition or development grants for a project in a target investment zone after the 10–year period described in paragraph (1) of this subsection, or outside a target investment zone, if the Authority determines that the project is essential for the success of the management plan for the certified heritage area.

(3)] An acquisition or development grant:

[(i)] (1) May not be used for any purpose other than implementation of the certified heritage area in conformity with the approved management plan; and

[(ii)] (2) May not exceed 50% of the total project cost for which the grant is awarded.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## Chapter 144

### (Senate Bill 55)

AN ACT concerning

#### **Department of Planning – Central Depository**

FOR the purpose of repealing a certain provision of law relating to the submission of certain plans to the Department of Planning; clarifying certain provisions of law relating to the plans, amendments, and revisions for which the Department is a depository; requiring a certain unit of government or a certain agency to submit to the Department ~~an electronic~~ a current version of certain plans, amendments, and revisions; requiring the Department to post on its website certain plans, amendments, and revisions; and generally relating to the central depository of land use plans.

BY repealing and reenacting, with amendments,  
 Article – State Finance and Procurement  
 Section 5–501  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2018 Supplement)

BY repealing  
 Article – State Finance and Procurement  
 Section 5–502  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2018 Supplement)

BY renumbering  
 Article – State Finance and Procurement  
 Section 5–503 through 5–509, respectively  
 to be Section 5–502 through 5–508, respectively  
 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**

5–501.

(A) The Department [shall establish a] **IS THE** central depository for all [general, area, and functional] **LAND USE** plans [related to this title,] and all amendments [or] **AND** revisions to [these plans, that are prepared by] **LAND USE PLANS ADOPTED BY:**

- (1) [any] A unit of the State government[, of];
- (2) A **UNIT OF** a regional government[, or of];
- (3) A **UNIT OF** a local government; or
- (2) (4) [any] **AN** interstate agency.

(B) **EACH UNIT OF GOVERNMENT OR AGENCY LISTED IN SUBSECTION (A) OF THIS SECTION SHALL SUBMIT TO THE DEPARTMENT ~~AN ELECTRONIC~~ A CURRENT VERSION OF ALL ADOPTED LAND USE PLANS AND ALL ADOPTED AMENDMENTS AND REVISIONS TO LAND USE PLANS.**

(C) **THE DEPARTMENT SHALL POST ON ITS WEBSITE A COPY OF ALL ADOPTED LAND USE PLANS AND ALL ADOPTED AMENDMENTS AND REVISIONS TO**

~~LAND USE PLANS RECEIVED BY THE DEPARTMENT IN ACCORDANCE WITH THIS SECTION THAT ARE SUBMITTED TO THE DEPARTMENT UNDER THIS SECTION IN AN ELECTRONIC FORMAT.~~

[5–502.

Each unit of the State government, of a regional government, or of a local government, and each interstate agency, shall submit to the Department the plans required by regulations adopted by the Secretary.]

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 5–503 through 5–509, respectively, of Article – State Finance and Procurement of the Annotated Code of Maryland be renumbered to be Section(s) 5–502 through 5–508, respectively.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## Chapter 145

(Senate Bill 61)

AN ACT concerning

### **Criminal Injuries Compensation Board – Claims – Electronic Filing**

FOR the purpose of authorizing a claimant to file a claim with the Criminal Injuries Compensation Board electronically in a certain manner; and generally relating to criminal injuries compensation claims.

BY repealing and reenacting, without amendments,

Article – Criminal Procedure

Section 11–801(a) and (b)

Annotated Code of Maryland

(2018 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 11–809(b)

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**

11–801.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Board” means the Criminal Injuries Compensation Board.

11–809.

- (b) (1) Claims shall be filed in the office of the Board:

- (I) in person [or];

- (II) by mail; OR

- (III) **ELECTRONICALLY, IN THE MANNER PROVIDED UNDER PROCEDURES ESTABLISHED BY THE BOARD.**

- (2) The Board shall:

- (i) accept for filing each claim that meets the requirements of this subtitle and the regulations of the Board; and

- (ii) notify the claimant within 10 days after receipt of the claim.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

**Chapter 146**

**(House Bill 179)**

AN ACT concerning

**Correctional Services – Patuxent Institution – Appointing Authority**

FOR the purpose of clarifying that the warden of Patuxent Institution is the appointing authority for correctional officers assigned to Patuxent Institution and staff attached to the office of the warden; and generally relating to Patuxent Institution.

BY repealing and reenacting, with amendments,  
Article – Correctional Services  
Section 4–204  
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**

4–204.

(a) The Institution shall have the following staff:

(1) two associate directors, one of whom is a competent psychiatrist with at least 3 years of experience in the practice or teaching of psychiatry and one of whom is a competent behavioral scientist with at least 3 years of experience in the practice or teaching of the individual's specialty in behavioral science;

(2) a warden;

(3) at least three additional psychiatrists or clinical psychologists;

(4) at least four State licensed certified social workers—clinical; and

(5) other professional and nonprofessional staff, as provided in the State budget.

(b) (1) The associate directors shall assist primarily in discharging the diagnostic and remediation functions of the Institution.

(2) The warden shall assist primarily in discharging the custodial function of the Institution.

(c) The staff members of the Institution are entitled to compensation as provided in the State budget.

(d) (1) Except as provided in paragraph (3) of this subsection or any other law, the staff members of the Institution are in the skilled service or professional service in the State Personnel Management System.

(2) With the approval of the Secretary, the Director shall appoint an individual to any position that the Secretary determines to be professional, including:

(i) each associate director;

- (ii) each social worker;
- (iii) each sociologist;
- (iv) each physician; and
- (v) each psychologist.

(3) The Director and each individual appointed under paragraph (2)(i) of this subsection are in the executive service, in the management service, or a special appointment in the State Personnel Management System.

**(4) THE WARDEN IS THE APPOINTING AUTHORITY FOR:**

**(I) CORRECTIONAL OFFICERS ASSIGNED TO THE INSTITUTION;**

**AND**

**(II) STAFF ATTACHED TO THE OFFICE OF THE WARDEN.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

**Chapter 147**

**(Senate Bill 74)**

AN ACT concerning

**Higher Education – Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship – Alterations**

FOR the purpose of repealing a certain requirement for applicants for and recipients of the Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship; and generally relating to the Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship.

BY repealing and reenacting, with amendments,  
 Article – Education  
 Section 18–603.1  
 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**

18–603.1.

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

(2) “Eligible institution” means a public or private nonprofit institution of higher education in the State that possesses a certificate of approval from the Commission.

(3) “Fund” means the Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship Fund.

(4) “Scholarship” means the Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship.

(b) There is a Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship.

(c) An individual may apply to the Office for the scholarship if the individual:

(1) Is a resident of Maryland;

(2) (i) Is accepted for admission or enrolled in the regular undergraduate program at an eligible institution; or

(ii) Is accepted for admission or enrolled in a 2–year terminal certificate program in which the course work is acceptable for transfer credit for an accredited baccalaureate program in an eligible institution; and

(3) Is actively engaged as a career or volunteer firefighter or ambulance or rescue squad member in an organized fire department or ambulance or rescue squad in the State.

(d) A scholarship awarded under this section:

(1) May be used for the tuition and mandatory fees at any eligible institution; and

(2) May be up to 100% of the equivalent annual tuition and mandatory fees of a resident undergraduate student at the 4–year public institution of higher education within the University System of Maryland, other than the University of Maryland University College and University of Maryland, Baltimore Campus, with the highest annual expenses for a full–time resident undergraduate for courses credited toward a degree in fire service technology, emergency medical technology, fire service management,

or public safety administration with a minor or concentration in fire service technology or fire service management.

(e) A scholarship recipient shall maintain a grade point average of at least 2.5 on a 4.0 scale.

(f) Each recipient of a scholarship under this section may hold the award for 5 years of full-time study or 8 years of part-time study.

[(g) A scholarship applicant or recipient shall file for federal and State financial aid by March 1 of each year.]

[(h) (G) A Senator or Delegate may authorize the Office to award all or a portion of the funds authorized under Subtitles 4 and 5 of this title to eligible recipients of scholarships awarded under this section.

[(i) (H) (1) Funds for the Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship shall be as provided in the annual budget of the Commission by the Governor.

(2) There is a Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship Fund in the Commission.

(3) The Commission shall administer the Fund.

(4) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(5) The State Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund.

(6) The Commission:

(i) May accept any gift or grant from any person or corporation for the Fund;

(ii) Shall use any gift or grant that it receives for a scholarship from the Fund; and

(iii) Shall deposit any gift or grant that it receives for the Fund with the State Treasurer.

(7) (i) At the end of the fiscal year, the Commission shall prepare an annual report on the Fund that includes an accounting of all financial receipts and expenditures to and from the Fund.

(ii) The Commission shall submit a copy of the report to the General

Assembly in accordance with § 2–1246 of the State Government Article.

**[(j)] (I)** A recipient of a scholarship shall work for at least 1 year as a volunteer or career firefighter or ambulance or rescue squad member in an organized fire department or ambulance or rescue squad in the State after completion of an eligible program in an eligible institution.

**[(k)] (J)** A scholarship recipient shall repay the Commission the funds received under this section if the recipient does not perform the service obligation required under subsection **[(j)] (I)** 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 148

### (House Bill 1352)

AN ACT concerning

#### **University System of Maryland – Academic Facilities Bonding Authority**

FOR the purpose of approving certain projects for the acquisition, development, and improvement of certain academic facilities for the University System of Maryland; approving the issuance of bonds by the University System of Maryland in a certain total principal amount for financing the projects; providing that the bonds issued under the authority of this Act are not a debt or obligation of the State or any of its subdivisions; and generally relating to academic facilities bonding authority of the University System of Maryland and certain projects.

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

(1) In accordance with § 19–102(d) of the Education Article, each of the following projects is approved as a project for an academic facility, and the University System of Maryland may issue, sell, and deliver bonds in the total principal amount of \$15,354,000 for the purposes of financing and refinancing the costs of the following projects:

Towson University (Baltimore County): New Science Facility

University of Maryland, Eastern Shore (Somerset County):

(i) Pharmacy and Health Professions

## (ii) Flood Mitigation Project

University of Maryland, Baltimore County (Baltimore County): Utility Upgrades

Southern Maryland Higher Education Center (St. Mary's County): Building III

(2) In accordance with § 19–102(d) of the Education Article, those system wide capital facilities renewal projects for existing academic facilities of the constituent institutions and centers of the University System of Maryland as are authorized by the Board of Regents hereby approved as facility renewal projects for academic facilities, and the University System of Maryland may issue, sell, and deliver bonds in the total principal amount of \$18,646,000 for the purposes of financing and refinancing the costs of those academic facilities renewal projects.

(3) The bonds issued under the authority of this Act do not create or constitute any indebtedness or obligation of the State or of any political subdivision thereof except for the University System of Maryland, and the bonds shall so state on their face. The bonds do not constitute a debt or obligation contracted by the General Assembly of Maryland or pledge the faith and credit of the State within the meaning of Article III, § 34 of the Maryland Constitution.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## Chapter 149

(Senate Bill 79)

AN ACT concerning

### **Public Ethics – Lobbyist Registration and Reporting – Mandatory Electronic Filing**

FOR the purpose of requiring a regulated lobbyist to file a registration and certain reports electronically with the State Ethics Commission; altering the manner in which a lobbyist is required to file a certain report with the Department of Legislative Services; repealing a requirement that the Department of Legislative Services forward a certain report to the State Ethics Commission; altering a requirement that the State Ethics Commission develop certain procedures regarding electronic filing

of certain reports filed by regulated lobbyists; and generally relating to public ethics and regulated lobbyists.

BY repealing and reenacting, with amendments,

Article – General Provisions

Section 5–704(a) and (g), 5–705(a)(1), 5–706(f), 5–708(c), 5–709(a) and (c), and 5–710(a)

Annotated Code of Maryland

(2014 Volume and 2018 Supplement)

BY adding to

Article – General Provisions

Section 5–707(e) and 5–709(e)

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 – General Provisions

5–704.

(a) (1) At the times specified in subsection (d) of this section, each regulated lobbyist shall register with the Ethics Commission [on a form provided by the Ethics Commission] **AS PROVIDED IN SUBSECTION (G) OF THIS SECTION.**

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

(g) (1) An individual [may] **SHALL** file a registration under this section electronically and without additional cost to the individual who files the registration.

(2) A registration filed electronically under paragraph (1) of this subsection shall include the oath and affirmation required under § 5–703 of this subtitle made by an electronic signature that:

(i) is a part of the registration form or attached to and made part of the registration form; and

(ii) is made expressly under the penalties for perjury.

(3) An oath or affirmation signed electronically under paragraph (2) of this subsection subjects the individual making the oath or affirmation to the penalties for perjury to the same extent as an oath or affirmation made by an individual in person before an individual authorized to administer oaths.

5-705.

(a) (1) A regulated lobbyist shall file **ELECTRONICALLY** with the Ethics Commission, under oath and for each registration, a separate report concerning the regulated lobbyist's lobbying activities:

(i) by May 31 of each year, to cover the period from November 1 of the previous year through April 30 of the current year; and

(ii) by November 30 of each year, to cover the period from May 1 through October 31 of that year.

5-706.

(f) The report shall be filed **ELECTRONICALLY** at the time and in the manner required for reports filed under § 5-705 of this subtitle.

5-707.

**(E) THE REPORT SHALL BE FILED ELECTRONICALLY AT THE TIME AND IN THE MANNER REQUIRED FOR REPORTS FILED UNDER § 5-705 OF THIS SUBTITLE.**

5-708.

(c) The report shall be filed **ELECTRONICALLY** at the time and in the manner required for reports filed under § 5-705 of this subtitle.

5-709.

(a) A regulated lobbyist who invites all members of a legislative unit to a meal or reception shall, at least 5 days before the date of the meal or reception:

(1) extend a written invitation to all members of the legislative unit; and

(2) register the meal or reception with the Department of Legislative Services [on a form] **BY FILING A REPORT ELECTRONICALLY AS** required by the Ethics Commission.

(c) (1) Based on information contained in a legislative unit registration report filed under subsection (a) of this section, the Department of Legislative Services shall publish once a week a list containing the date and location of each upcoming meal or reception and the name of the legislative unit invited.

(2) (i) The Department of Legislative Services shall allow public inspection of any legislative unit registration report required under this section during regular business hours.

(ii) [Within 3 business days after receipt of a legislative unit registration report required under this section, the Department of Legislative Services shall forward the original registration report to the Ethics Commission.

(iii)] The Department of Legislative Services shall maintain a photocopy or electronic copy of each registration report required under this section.

**(E) A REPORT REQUIRED UNDER THIS SECTION SHALL BE FILED ELECTRONICALLY IN THE MANNER REQUIRED FOR REPORTS FILED UNDER § 5–705 OF THIS SUBTITLE.**

5–710.

(a) The Ethics Commission shall develop procedures under which a report required under §§ 5–705 through 5–709 of this subtitle:

(1) [may] **SHALL** be filed electronically without additional cost to the individual who files the report; and

(2) shall be made available for public inspection electronically.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## **Chapter 150**

### **(House Bill 590)**

AN ACT concerning

#### **Howard County Board of Education – Election of Members**

##### **Ho. Co. 01–19**

FOR the purpose of requiring that certain members of the Howard County Board of Education be elected by the voters of certain districts and certain members be elected at large by the voters of the county; providing for the application of this Act; and generally relating to the election of the members of the Howard County Board of Education.

BY repealing and reenacting, with amendments,

Article – Education  
 Section 3–701(a) and (c)  
 Annotated Code of Maryland  
 (2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,  
 Article – Education  
 Section 3–701(b) and (d)  
 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

3–701.

(a) (1) The Howard County Board consists of:

- (i) Seven elected members; and
- (ii) One student member.

(2) The seven elected members shall be elected as follows:

(i) [Five members, each of whom resides in a different one of the five councilmanic districts in the county] **ONE MEMBER FROM EACH OF THE FIVE COUNCILMANIC DISTRICTS IN THE COUNTY, ELECTED BY THE VOTERS OF THAT DISTRICT;** and

(ii) Two members [who may reside anywhere in the county] **AT LARGE, ELECTED BY THE VOTERS OF THE COUNTY.**

(b) (1) A candidate who becomes an elected member of the county board shall be a resident and registered voter of Howard County.

(2) (i) Any elected member who no longer resides in Howard County may not continue as a member of the board.

(ii) Any member elected from a councilmanic district who no longer resides in that district may not continue as a member of the board.

(3) If the boundary line of a Howard County Council District is changed, the term of an incumbent member of the county board who no longer resides in that councilmanic district because of the change is not affected during this term.

(c) The seven elected members of the Howard County Board shall be elected:

(1) Beginning in 2020, at the general election every 2 years as required by subsection (d) of this section; and

(2) **[From Howard County at large by the voters of the entire county] AS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

(d) (1) (i) The terms of the elected members are staggered as provided in this subsection.

(ii) Each term of office begins on the first Monday in December after the election of a member and until a successor is elected and qualifies.

(2) (i) 1. The term of office of each member elected from a councilmanic district, beginning at the 2020 election, is 4 years.

2. The term of office of each member elected at large, beginning at the 2022 election, is 4 years.

(ii) The successors to the offices elected at the 2020 and 2022 elections, respectively, shall serve for a term of 4 years.

(3) Except as provided in paragraph (4) of this subsection and subject to the confirmation of the County Council, the County Executive of Howard County shall appoint a qualified individual to fill any vacancy for an elected member on the county board for the remainder of that term and until a successor is appointed and qualifies.

(4) If a vacancy for an elected member occurs before the date that is 1 year following the date of the member's election, the individual appointed under paragraph (3) of this subsection shall serve only until a successor is elected by the voters at the next general election.

(5) Candidates for the vacated office may be nominated at a primary election in the same manner as for any other position on the county board.

(6) The candidate receiving the vacated position shall take office on the first Monday in December after the election and shall continue to serve for the remainder of the vacated term and until a successor is elected and qualifies.

(7) Except as provided in this subsection, an election to fill a vacancy on the Howard County Board of Education shall be governed by §§ 8–801 through 8–806 of the Election Law Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to the election of the members of the Howard County Board of Education for the term of office that begins on December 7, 2020.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## Chapter 151

(House Bill 1306)

AN ACT concerning

**Howard County – Howard County Housing Commission – Subsidiary Entities**

**Ho. Co. 26–19**

FOR the purpose of providing that a nonprofit entity shall be deemed controlled by the Howard County Housing Commission under certain circumstances; altering the applicability of certain tax exemption provisions to include a subsidiary entity of a certain Howard County Housing Commission entity; defining a certain term; making stylistic changes; and generally relating to the Howard County Housing Commission.

BY repealing and reenacting, with amendments,  
 Article – Housing and Community Development  
 Section 12–104  
 Annotated Code of Maryland  
 (2006 Volume and 2018 Supplement)

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

**Article – Housing and Community Development**

12–104.

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

(2) “Baltimore Housing Authority entity” means an entity:

(i) that is controlled or wholly owned by the Housing Authority of Baltimore City; or

(ii) in which the Housing Authority of Baltimore City or an entity controlled or wholly owned by the Housing Authority of Baltimore City has an ownership interest, either directly or indirectly, through one or more wholly or partially owned subsidiary entities.

**(3) “HOWARD COUNTY HOUSING COMMISSION ENTITY” MEANS AN ENTITY:**

**(I) THAT IS CONTROLLED OR WHOLLY OWNED BY THE HOWARD COUNTY HOUSING COMMISSION; OR**

**(II) IN WHICH THE HOWARD COUNTY HOUSING COMMISSION OR AN ENTITY CONTROLLED OR WHOLLY OWNED BY THE HOWARD COUNTY HOUSING COMMISSION HAS AN OWNERSHIP INTEREST, EITHER DIRECTLY OR INDIRECTLY, THROUGH ONE OR MORE WHOLLY OR PARTIALLY OWNED SUBSIDIARY ENTITIES.**

**[(3)] (4) “Montgomery County Housing Authority entity” means an entity that is controlled or wholly owned by the Housing Opportunities Commission of Montgomery County.**

(b) (1) A nonprofit entity shall be deemed controlled by the Housing Authority of Baltimore City under subsection (a)(2) of this section if:

(i) the nonprofit entity is established by the Housing Authority of Baltimore City under § 12–502(h) of this title; and

(ii) the Housing Authority of Baltimore City:

1. has the power to appoint a majority of the board of directors of the nonprofit entity; or

2. is the sole member of the nonprofit entity.

**(2) A NONPROFIT ENTITY SHALL BE DEEMED CONTROLLED BY THE HOWARD COUNTY HOUSING COMMISSION UNDER SUBSECTION (A)(3) OF THIS SECTION IF:**

**(I) THE NONPROFIT ENTITY IS ESTABLISHED BY THE HOWARD COUNTY HOUSING COMMISSION UNDER § 12–502(H) OF THIS TITLE; AND**

**(II) THE HOWARD COUNTY HOUSING COMMISSION:**

**1. HAS THE POWER TO APPOINT A MAJORITY OF THE BOARD OF DIRECTORS OF THE NONPROFIT ENTITY; OR**

**2. IS THE SOLE MEMBER OF THE NONPROFIT ENTITY.**

**[(2)] (3)** A nonprofit entity shall be deemed controlled by the Housing Opportunities Commission of Montgomery County under subsection **[(a)(3)] (A)(4)** of this section if:

(i) the nonprofit entity is established by the Housing Opportunities Commission of Montgomery County under § 12–502(h) of this title; and

(ii) the Housing Opportunities Commission of Montgomery County:

1. has the power to appoint a majority of the board of directors of the nonprofit entity;

2. holds a majority of all managing member interests in the entity;

3. holds a majority of the general partner interests in the entity; or

4. holds a majority of all ownership interests in the entity.

(c) (1) In this subsection, “nonprofit housing corporation” means a nonprofit or charitable private corporation that provides safe and sanitary housing to persons of eligible income in such a way that the corporation works essentially like an authority under this Division II.

(2) Property is used for essential public and governmental purposes and is exempt from all taxes and special assessments of the State or a political subdivision if the property:

(i) belongs to an authority or a nonprofit housing corporation; or

(ii) is used as housing for persons of eligible income and is owned in whole or in part, directly or indirectly, through one or more wholly or partially owned subsidiary entities of a Baltimore Housing Authority entity; or

**(III) 1. IS USED, OR IF UNDER CONSTRUCTION WILL BE USED, AS HOUSING FOR PERSONS OF ELIGIBLE INCOME AND IS OWNED IN WHOLE OR IN PART, DIRECTLY OR INDIRECTLY, THROUGH ONE OR MORE WHOLLY OR PARTIALLY OWNED SUBSIDIARY ENTITIES OF A HOWARD COUNTY HOUSING COMMISSION ENTITY;**

**2. HAS IMPROVEMENTS, OR HAS IMPROVEMENTS UNDER CONSTRUCTION, LOCATED ON LAND THAT IS OWNED BY:**

**A. THE HOWARD COUNTY HOUSING COMMISSION; OR**

**B. AN ENTITY THAT IS CONTROLLED OR WHOLLY OWNED BY THE HOWARD COUNTY HOUSING COMMISSION; AND**

**3. HAS IMPROVEMENTS, OR HAS IMPROVEMENTS UNDER CONSTRUCTION, OWNED BY AN ENTITY:**

**A. FOR WHICH THE HOWARD COUNTY HOUSING COMMISSION PUBLICLY SOLICITED DEVELOPMENT PARTNERS PURSUANT TO ITS PROCUREMENT POLICIES; OR**

**B. THAT HAS A GENERAL PARTNER OR MANAGING MEMBER THAT IS CONTROLLED OR WHOLLY OWNED BY THE HOWARD COUNTY HOUSING COMMISSION; OR**

**[(iii)] (IV)** is used as housing for persons of eligible income and is owned by a Montgomery County Housing Authority entity.

(3) In lieu of those taxes and special assessments, an authority, a nonprofit housing corporation, a Baltimore Housing Authority entity, **A HOWARD COUNTY HOUSING COMMISSION ENTITY**, or a Montgomery County Housing Authority entity shall pay the political subdivision in which a housing project is wholly or partly located an amount, if any, that may be set by mutual agreement and that does not exceed the amount of regular taxes levied on similar property.

(d) (1) Except as provided in paragraph (2) or (3) of this subsection:

(i) all real property of an authority is exempt from levy and sale by virtue of an execution;

(ii) an execution or other judicial process may not issue against the real property; and

(iii) a judgment against an authority is not a charge or lien on the authority's real property.

(2) Paragraph (1) of this subsection does not limit a right to foreclose or otherwise enforce:

(i) a mortgage or deed of trust recorded against property of an authority; or

(ii) a pledge or lien given by an authority on its rents, fees, or revenues.

(3) This subsection does not deprive a political subdivision of its right to collect money agreed to be paid in lieu of taxes in the same manner as taxes are now or may be collected under State law and the laws of the political subdivision.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## Chapter 152

(House Bill 1406)

AN ACT concerning

**Howard County – Department of Correction – Authority to Establish Programs**

**Ho. Co. 29–19**

FOR the purpose of authorizing the Howard County Department of Correction to establish community service and pretrial services programs; authorizing a certain program to include a certain inmate's participation in a certain program; authorizing the Director of the Howard County Department of Correction to adopt regulations relating to the operation of certain programs; authorizing a certain judge or court to allow a certain individual to participate in a certain program under certain circumstances; authorizing a certain inmate to leave the Howard County Detention Center under certain circumstances; authorizing a certain inmate to continue regular employment or obtain new employment; requiring that a certain inmate be confined to the Howard County Detention Center under certain circumstances; requiring a certain inmate to make certain payments; providing that a certain inmate is not an agent or employee of a certain entity; providing that a certain inmate is subject to removal from a certain program and cancellation of certain diminution credits; altering an incorrect reference; and generally relating to the Howard County Department of Correction.

BY repealing and reenacting, with amendments,  
 Article – Correctional Services  
 Section 11–715  
 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**

11–715.

- (a) (1) In this section the following terms have the meanings indicated.
- (2) “Department” means the Howard County Department of Correction.
- (3) “Director” means the Director of the Howard County Department of Correction.
- (b) This section applies only in Howard County.
- (c) (1) The Department may establish [a work release program] **PROGRAMS FOR:**
- (I) WORK RELEASE;**
- (II) COMMUNITY SERVICE; AND**
- (III) PRETRIAL SERVICES.**
- (2) [The work release] A program **ESTABLISHED UNDER THIS SECTION** may include an inmate’s participation in a program of employment, rehabilitation, training, education, or home detention.
- (3) The Director may adopt regulations relating to the operation of [the work release] A program **ESTABLISHED UNDER THIS SECTION.**
- (d) (1) At the time of sentencing or at any time during an individual’s confinement, the sentencing judge if available, or otherwise the court may allow an individual to participate in [the work release] A program **ESTABLISHED UNDER THIS SECTION** if the individual:
- (i) has been sentenced to the custody of the Department; and
- (ii) has no other charges pending in any jurisdiction for a crime of violence as defined under [§ 14–101(c)] **§ 14–101** of the Criminal Law Article.
- (2) If the Department approves, an inmate in the custody of the Howard County Detention Center may leave the Center to participate in a [work release] program **ESTABLISHED UNDER THIS SECTION.**

(3) An inmate who has been designated to participate in a [work release] program **ESTABLISHED UNDER THIS SECTION** may:

- (i) continue regular employment; or
- (ii) obtain new employment.

(4) An inmate who has been sentenced to the custody of the Department shall be confined to the Howard County Detention Center:

- (i) except as provided in this section; or
- (ii) unless a court orders otherwise.

(e) An inmate who is employed while in a [work release] program **ESTABLISHED** under this section shall:

- (1) reimburse the Department by paying a fee based on:
  - (i) the Department's estimated cost of providing food and lodging to the inmate; and
  - (ii) the estimated expenses incurred by the Department because of the inmate's participation in the [work release] program; and
- (2) pay to the Director court-ordered payments for restitution.

(f) An inmate employed in the community under this section is not an agent or employee of the county, the Director, the court or any judicial officer, or any public officer of the county.

(g) An inmate who violates a condition or provision of trust that the court or the Department establishes is subject to:

- (1) removal from the [work release] program; and
- (2) cancellation of any earned diminution of the inmate's term of confinement.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## Chapter 153

### (House Bill 172)

AN ACT concerning

#### **Election Law – Voter Registration Deadlines ~~and Security of Voter Registration Information~~**

FOR the purpose of *repealing provisions of law that require the State Board of Elections and a local board of elections to be open for business during certain hours on a certain date*; altering the period during which voter registration is closed before an election; ~~requiring the State Board of Elections to adopt regulations that describe the best practices for storage and security of voter registration information received by certain persons; requiring certain persons who receive voter registration information to notify the State Administrator of Elections as soon as possible but not later than a certain number of days after becoming aware of a breach in the secure storage of the voter registration information; providing that certain persons who fail to report a breach in the secure storage of voter registration information in accordance with a certain provision of this Act are guilty of a misdemeanor and are subject to certain penalties on conviction; authorizing the State Board to impose a civil penalty not exceeding a certain amount on a person who fails to report a breach in the secure storage of voter registration information in accordance with a certain provision of this Act; requiring that the civil penalty be assessed in a certain manner and distributed to the Fair Campaign Financing Fund;~~ and generally relating to voter registration deadlines ~~and the security of voter registration information.~~

BY repealing and reenacting, with amendments,  
 Article – Election Law  
 Section ~~2-302 and~~ 3-302 ~~and 3-506~~  
 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**

##### 2-302.

(a) (1) The State Board shall be open for business during regular business hours on each State government workday.

(2) The State Board shall remain open until 9 p.m. on the last day for]:

(i) the filing of a certificate of candidacy for each election conducted under this article]; and

(ii) the close of voter registration prior to each election conducted under this article].

(b) (1) Each local board shall be open for business:

(i) on each day that is a county government workday in its county;

(ii) on each election day; and

(iii) until 9 p.m. on the last day for[:

1.] the filing of a certificate of candidacy for an election conducted in the county, if a certificate can be filed with the local board[;

2. the close of voter registration prior to each election held in the county; and

3. the filing of an application by a voter for a change in party affiliation].

(2) The members of each local board shall be available as needed on an election day and during the canvass of each election.

(3) The hours that a local board is open for business:

(i) may be the same as the regular business hours of its county government; or

(ii) for the convenience of the public, may be different from the regular business hours of its county government, except that the number of business hours the office is open each business day must be at least equivalent to the number of business hours that the county government is open.

3–302.

(a) **(1)** Except as provided under § 3–305 of this subtitle, registration is closed [beginning at 9 p.m. on the 21st day preceding an election until the 11th day after that election] **DURING THE PERIOD SPECIFIED IN THIS SUBSECTION.**

**(2) VOTER REGISTRATION CLOSURES BEGINNING ON THE 21ST DAY PRECEDING AN ELECTION AT:**

**(I) 5 P.M. FOR APPLICATIONS AND CHANGES TO VOTER REGISTRATION RECORDS SUBMITTED BY A METHOD OTHER THAN THROUGH THE STATE BOARD’S ONLINE VOTER REGISTRATION SYSTEM; AND**

(II) 11:59 P.M. FOR APPLICATIONS AND CHANGES TO VOTER REGISTRATION RECORDS SUBMITTED THROUGH THE STATE BOARD'S ONLINE VOTER REGISTRATION SYSTEM.

(3) VOTER REGISTRATION REOPENS ON THE 11TH DAY AFTER AN ELECTION.

(b) A voter registration application received when registration is closed shall be accepted and retained by a local board, but the registration of the applicant does not become effective until registration reopens.

(c) A voter registration application that is received by the local board after the close of registration shall be considered timely received for the next election provided:

(1) there is sufficient evidence, as determined by the local board pursuant to regulations adopted by the State Board, that the application was mailed on or before registration was closed for that election; or

(2) the application was submitted by the voter to the Motor Vehicle Administration, a voter registration agency, another local board, or the State Board prior to the close of registration.

~~§ 506.~~

~~(a) (1) A copy of a list of registered voters shall be provided to a Maryland registered voter on receipt of:~~

~~(i) a written application; and~~

~~(ii) a statement, signed under oath, that the list is not intended to be used for:~~

~~1. commercial solicitation; or~~

~~2. any other purpose not related to the electoral process.~~

~~(2) In consultation with the local boards, the State Board shall adopt regulations that specify:~~

~~(i) the time for a list to be provided under this subsection;~~

~~(ii) the authorization to be required for providing a list;~~

~~(iii) the fee to be paid for providing a list;~~

- ~~(iv) the information to be included on a list;~~
- ~~(v) that the residence address of an individual who is a participant in an address confidentiality program may not be disclosed;~~
- ~~(vi) that a participant in an address confidentiality program is not required to apply to the State Board to keep the individual's residence address confidential;~~
- ~~(vii) the format of the information; and~~
- ~~(viii) the medium or media on which the information is to be provided.~~

~~(b) (1) The State Administrator or a designee shall provide a copy of the statewide voter registration list and voter registration records to a jury commissioner on request and without charge by means agreed to with the Administrative Office of the Courts.~~

~~(2) On application of the Attorney General, a circuit court may compel compliance with paragraph (1) of this subsection.~~

~~(c) (1) THE STATE BOARD SHALL ADOPT REGULATIONS THAT DESCRIBE BEST PRACTICES FOR STORAGE AND SECURITY OF VOTER REGISTRATION INFORMATION BY A PERSON WHO RECEIVED THE VOTER REGISTRATION INFORMATION UNDER THIS SECTION.~~

~~(2) A PERSON WHO RECEIVED A LIST OF REGISTERED VOTERS UNDER THIS SECTION OR A PERSON WHO RECEIVED A LIST OF REGISTERED VOTERS FROM A PERSON WHO RECEIVED THE LIST UNDER THIS SECTION, AFTER BECOMING AWARE OF A BREACH IN THE SECURE STORAGE OF THE VOTER REGISTRATION INFORMATION, SHALL DISCLOSE THE BREACH TO THE STATE ADMINISTRATOR AS SOON AS POSSIBLE BUT NOT LATER THAN 4 DAYS AFTER BECOMING AWARE OF THE BREACH.~~

~~(d) (1) A person who knowingly allows a list of registered voters, under the person's control, to be used for any purpose not related to the electoral process is guilty of a misdemeanor and, on conviction, is subject to the penalties under Title 16 of this article.~~

~~(2) A PERSON WHO FAILS TO REPORT A BREACH IN THE SECURE STORAGE OF VOTER REGISTRATION INFORMATION IN ACCORDANCE WITH SUBSECTION (C)(2) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING \$25,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.~~

~~(2) (1) THE STATE BOARD MAY ASSESS A CIVIL PENALTY IN AN AMOUNT NOT EXCEEDING \$5,000 ON A PERSON WHO FAILS TO REPORT A BREACH IN~~

~~THE SECURE STORAGE OF VOTER REGISTRATION INFORMATION IN ACCORDANCE WITH SUBSECTION (C)(2) OF THIS SECTION.~~

~~(H) A CIVIL PENALTY UNDER THIS PARAGRAPH SHALL BE:~~

~~1. ASSESSED IN THE MANNER SPECIFIED IN § 13-604.1 OF THIS ARTICLE; AND~~

~~2. DISTRIBUTED TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 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 154

(House Bill 174)

AN ACT concerning

### Election Law – Absentee Ballot Requests – Last Four Digits of Social Security Number

FOR the purpose of altering a certain provision of law to require absent uniformed services voters and overseas voters as defined in the federal Uniformed and Overseas Citizens Absentee Voting Act and voters with a disability who do not have a Maryland driver's license or Maryland identification card and who use certain methods to request certain absentee ballots to provide the last four digits of the applicant's Social Security number, rather than the full Social Security number; and generally relating to information required to be provided with absentee ballot requests.

BY repealing and reenacting, with amendments,  
Article – Election Law  
Section 9–305  
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 – Election Law

9–305.

(a) A voter may request an absentee ballot by completing and submitting:

(1) the State Board approved absentee ballot application;

(2) a form provided under federal law;

(3) subject to subsection (b) of this section, a written request that includes:

(i) the voter's name, residence address, and signature; and

(ii) the address to which the ballot is to be mailed, if different from the residence address; or

(4) the accessible online absentee ballot application provided by the State Board.

(b) A voter who uses the online absentee ballot application to request that an absentee ballot be sent by any method or who uses any method to request to receive a blank absentee ballot through the Internet shall provide the following information:

(1) a Maryland driver's license number or Maryland identification card number, the last four digits of the applicant's Social Security number, and other information identified by the State Board that is not generally available to the public but is readily available to the applicant; or

(2) if the applicant is an absent uniformed services voter or overseas voter as defined in the federal Uniformed and Overseas Citizens Absentee Voting Act or a voter with a disability and does not have a Maryland driver's license or Maryland identification card, **[a] THE LAST FOUR DIGITS OF THE APPLICANT'S** Social Security number.

(c) An application for an absentee ballot must be received by a local board:

(1) if the voter requests the absentee ballot be sent by mail or facsimile transmission, not later than the Tuesday preceding the election, at the time specified in the guidelines;

(2) if the voter requests the absentee ballot be sent by the Internet, not later than the Friday preceding the election, at the time specified in the guidelines; or

(3) if the voter or the voter's duly authorized agent applies for an absentee ballot in person at the local board office, not later than the closing of the polls on election day.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

---

## Chapter 155

### (House Bill 176)

AN ACT concerning

#### **Election Law – ~~Certificates of Candidacy and Nomination~~ Candidates – Revisions**

FOR the purpose of requiring candidates nominated by a new political party to file a certificate of candidacy by a certain date and time, comply with certain requirements for a certificate of candidacy, and file a certificate of nomination with the appropriate board and on a certain form; requiring the presiding officers of a national party convention to file a certificate of nomination with the State Board of Elections within a certain time period after the conclusion of the national party convention; repealing the requirement for the Anne Arundel County Board of Education to provide certain notice to the State Board by a certain date; authorizing the State Administrator of Elections to designate temporary satellite locations to receive a certificate of candidacy; providing that a candidate nominated by a new political party under a certain provision of law is not required to file a declaration of intent; and generally relating to certificates of candidacy and nomination.

BY repealing and reenacting, with amendments,

Article – Election Law

Section 4–102(f), 5–301(g), ~~and 5–302~~ 5–302, and 5–703.1

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

BY repealing

Article – Election Law

Section 5–301(h)

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**

4–102.

(f) (1) Unless a new political party is required to hold a primary election to nominate its candidates under Title 8 of this article, the new political party may nominate its candidates in accordance with the constitution and bylaws adopted by the political party and submitted to the State Board.

**(2) THE CANDIDATES NOMINATED BY THE NEW POLITICAL PARTY SHALL:**

**(I) FILE A CERTIFICATE OF CANDIDACY NO LATER THAN 5 P.M. ON THE FIRST MONDAY IN AUGUST IN THE YEAR OF THE GENERAL ELECTION FOR THE OFFICE;**

**(II) COMPLY WITH THE REQUIREMENTS FOR A CERTIFICATE OF CANDIDACY UNDER TITLE 5, SUBTITLE 3 OF THIS ARTICLE; AND**

**(III) FILE WITH THE APPROPRIATE BOARD, ON A FORM THE STATE BOARD PRESCRIBES, A CERTIFICATE OF NOMINATION SIGNED BY THE OFFICERS OF THE NEW POLITICAL PARTY.**

5-301.

(g) (1) A candidate for President or Vice President of the United States nominated by a national party convention is not required to file a certificate of candidacy under this section.

(2) If more than one written notice naming different presidential and vice presidential nominees is provided to the State Board by persons purporting to be the presiding officer of the same party convention, the State Board shall require the chairman of the State party to provide written reaffirmation of the party's nominees within 5 days after the State Board's demand.

**(3) THE PRESIDING OFFICERS OF THE NATIONAL PARTY CONVENTION SHALL FILE A CERTIFICATE OF NOMINATION WITH THE STATE BOARD WITHIN 5 DAYS AFTER THE CONCLUSION OF THE NATIONAL PARTY CONVENTION.**

[(h) (1) On or before August 31 in the year in which a member of the Anne Arundel County Board of Education must stand for continuance in office, the Anne Arundel County Board of Education shall provide written notice to the State Board of the name of the member that is to be placed on the ballot at the next succeeding general election.

(2) An incumbent member of the Anne Arundel County Board of Education is not required to file a certificate of candidacy for an election for continuance in office.]

5-302.

- (a) A certificate of candidacy shall be filed under oath on the prescribed form.
- (b) The certificate of candidacy shall be filed with the State Board if the candidacy is for:
- (1) an office to be voted upon by the voters of the entire State;
  - (2) the General Assembly of Maryland;
  - (3) Representative in Congress;
  - (4) the office of judge of the circuit court for a county; or
  - (5) an office of elected delegate to a presidential national convention provided for under Title 8, Subtitle 5 of this article.

(c) (1) If the candidacy is for an office other than an office described in subsection (b) of this section, the certificate of candidacy shall be filed with the local board of the applicable county.

(2) In accordance with regulations adopted by the State Board, each local board shall provide the name and other required information for each candidate to the State Board.

**(D) THE STATE ADMINISTRATOR MAY DESIGNATE SATELLITE LOCATIONS FOR A TEMPORARY PERIOD TO RECEIVE A CERTIFICATE OF CANDIDACY.**

5-703.1.

(a) Except for a candidate for a nonpartisan county board of education, this section applies to any candidate for public office subject to this title.

(b) A candidate for a public office may be nominated by a political party under this subtitle if the political party is not required to nominate its candidates by party primary.

(c) (1) **THIS SUBSECTION DOES NOT APPLY TO A CANDIDATE NOMINATED BY A NEW POLITICAL PARTY UNDER § 4-102(F) OF THIS ARTICLE.**

(2) A candidate for public office who seeks political party nomination under this section shall file a declaration of intent to seek political party nomination.

~~[(2)] (3)~~ The declaration of intent shall be filed with the board at which the candidate files a certificate of candidacy under Subtitle 3 of this title.

~~[(3)] (4)~~ The declaration of intent shall be filed as follows:

(i) not later than the first Monday in July; and

(ii) for a special election to fill a vacancy:

1. for Representative in Congress, by the date and time specified in the Governor's proclamation; or

2. for a local public office, by the date and time specified in the county proclamation.

~~[(4)]~~ (5) A candidate who seeks nomination by political party may not be charged a fee for filing the declaration of intent.

(d) (1) A candidate for public office who seeks nomination by political party shall file a certificate of candidacy not later than 5 p.m. on the first Monday in August in the year of the general election for the office.

(2) Except for the time of filing, the certificate of candidacy for a candidate who seeks nomination by political party shall comply with the requirements for a certificate of candidacy under Subtitle 3 of this title.

(e) A candidate for nomination by political party may not have the candidate's name placed on the general election ballot unless the candidate files with the appropriate board, on a form the State Board prescribes, a certificate of nomination signed by the officers of the political party.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## Chapter 156

(House Bill 177)

AN ACT concerning

### Election Law – Judicial Proceedings Involving Local Boards of Elections – Notice

FOR the purpose of altering a certain provision that requires a local board of elections to provide to the State Board of Elections a copy of the complaint or other pleading that initiated a judicial proceeding in which a local board is a party by removing the

requirement that the copy be provided by certified mail; and generally relating to notice provided to the State Board of Elections of judicial proceedings involving a local board of elections.

BY repealing and reenacting, with amendments,

Article – Election Law

Section 2–105

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**

2–105.

In any judicial proceeding in which a local board is a party, the State Board:

(1) immediately after the action has been filed, shall be provided [by certified mail] by the local board with a copy of the complaint or other pleading that initiated the proceeding; and

(2) may join as a party to the proceeding.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## **Chapter 157**

**(House Bill 183)**

AN ACT concerning

**Prince George’s County – Property Tax Credit for Security Camera Systems**

**PG 413–19**

FOR the purpose of authorizing the governing body of Prince George’s County to grant, by law, a certain property tax credit against the county property tax imposed on residential or commercial real property equipped with security camera systems for a certain purpose; specifying the amount of the property tax credit, subject to certain limitations; authorizing the governing body of Prince George’s County to provide, by

law, for certain matters relating to the tax credit; providing for the application of this Act; and generally relating to a property tax credit in Prince George's County for certain security camera system costs.

BY adding to

Article – Tax – Property

Section 9–318(h)

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**

9–318.

**(H) (1) THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT AGAINST THE COUNTY PROPERTY TAX IMPOSED ON RESIDENTIAL OR COMMERCIAL REAL PROPERTY EQUIPPED WITH A SECURITY CAMERA SYSTEM ON THE EXTERIOR OF THE PROPERTY FOR THE PURPOSE OF CRIME PREVENTION OR REDUCTION.**

**(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE AMOUNT OF THE PROPERTY TAX CREDIT GRANTED UNDER THIS SUBSECTION IS EQUAL TO THE PURCHASE PRICE OF EACH SECURITY CAMERA, EXCLUDING THE COSTS OF INSTALLATION AND ACCESSORIES.**

**(II) FOR ANY TAXABLE YEAR, THE PROPERTY TAX CREDIT MAY NOT EXCEED THE LESSER OF:**

**1. \$200 PER SECURITY CAMERA; OR**

**2. \$500 FOR A RESIDENTIAL PROPERTY OR \$750 FOR A COMMERCIAL PROPERTY.**

**(3) THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY MAY PROVIDE, BY LAW, FOR:**

**(I) ADDITIONAL ELIGIBILITY CRITERIA FOR THE PROPERTY TAX CREDIT UNDER THIS SUBSECTION, INCLUDING SECURITY CAMERA SPECIFICATIONS;**

**(II) THE DURATION OF THE TAX CREDIT;**

**(III) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT; AND**

**(IV) ANY OTHER PROVISION NECESSARY TO CARRY OUT THE TAX CREDIT UNDER THIS SUBSECTION.**

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 158**

**(House Bill 188)**

AN ACT concerning

### **Prince George's County – Property Tax Credits – Grocery Stores**

**PG 409–19**

FOR the purpose of authorizing the governing body of Prince George's County to grant, by law, a property tax credit against the county property tax imposed on personal property of a grocery store that completes certain construction and is located in a certain healthy food priority area; requiring the governing body of Prince George's County to designate what constitutes a healthy food priority area for purposes of the tax credit based on certain factors; providing that the tax credit may not exceed a certain amount; authorizing the governing body of Prince George's County to provide, by law, for certain matters relating to the tax credit; defining certain terms; providing for the application of this Act; and generally relating to a property tax credit for grocery stores in Prince George's County.

BY adding to

Article – Tax – Property

Section 9–318(h)

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**

9-318.

**(H) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(II) “ELIGIBLE CONSTRUCTION” MEANS CONSTRUCTION OF A NEW GROCERY STORE OR ANY SUBSTANTIAL RENOVATION OF AN EXISTING GROCERY STORE.**

**(III) “GROCERY STORE” MEANS A STORE THAT HAS:**

**1. ALL MAJOR FOOD DEPARTMENTS, INCLUDING PRODUCE, MEAT, SEAFOOD, DAIRY, AND CANNED AND PACKAGED GOODS;**

**2. MORE THAN 50% OF TOTAL SALES DERIVED FROM FOOD SALES; AND**

**3. MORE THAN 50% OF TOTAL FLOOR SPACE DEDICATED TO FOOD SALES.**

**(2) THE GOVERNING BODY OF PRINCE GEORGE’S COUNTY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT UNDER THIS SUBSECTION AGAINST THE COUNTY PROPERTY TAX IMPOSED ON PERSONAL PROPERTY THAT IS OWNED BY A GROCERY STORE THAT:**

**(I) COMPLETES ELIGIBLE CONSTRUCTION; AND**

**(II) IS LOCATED IN A HEALTHY FOOD PRIORITY AREA.**

**(3) THE GOVERNING BODY OF PRINCE GEORGE’S COUNTY SHALL, BY ~~LAW~~ LOCAL ORDINANCE, DESIGNATE WHAT CONSTITUTES A HEALTHY FOOD PRIORITY AREA FOR PURPOSES OF THE TAX CREDIT UNDER THIS SUBSECTION, BASED ON THE FOLLOWING FACTORS:**

**(I) THE AVAILABILITY OF FRESH FRUIT, VEGETABLES, AND OTHER HEALTHY FOODS IN THE AREA;**

**(II) THE INCOME LEVELS OF LOCAL RESIDENTS;**

**(III) THE TRANSPORTATION NEEDS OF LOCAL RESIDENTS;**

**(IV) THE AVAILABILITY OF PUBLIC TRANSPORTATION;**

(V) ANY COMMENTS FROM MUNICIPAL GOVERNMENTS, IF APPLICABLE; AND

(VI) ANY OTHER FACTORS THAT THE GOVERNING BODY CONSIDERS RELEVANT.

(4) A PROPERTY TAX CREDIT GRANTED UNDER THIS SUBSECTION FOR A TAXABLE YEAR MAY NOT EXCEED THE AMOUNT OF PROPERTY TAX IMPOSED ON THE PERSONAL PROPERTY OF A GROCERY STORE IN THAT YEAR.

(5) THE GOVERNING BODY OF PRINCE GEORGE’S COUNTY MAY ESTABLISH, BY LAW:

(I) LIMITS ON THE CUMULATIVE AMOUNT OF PROPERTY TAX CREDITS GRANTED UNDER THIS SUBSECTION;

(II) ADDITIONAL LIMITATIONS ON THE AMOUNT OF THE CREDIT;

(III) ADDITIONAL ELIGIBILITY REQUIREMENTS FOR GROCERY STORES TO QUALIFY FOR THE TAX CREDIT UNDER THIS SUBSECTION;

(IV) ADDITIONAL CRITERIA FOR WHAT CONSTITUTES ELIGIBLE CONSTRUCTION THAT MAY QUALIFY A GROCERY STORE FOR THE TAX CREDIT UNDER THIS SUBSECTION; AND

(V) ANY OTHER PROVISIONS NECESSARY TO CARRY OUT THIS SUBSECTION.

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 159

(House Bill 221)

AN ACT concerning

Prince George’s County – Utility Services – Master Meters Task Force –  
Extension

FOR the purpose of extending the Task Force on the Use of Master Meters for Utility Services in Prince George's County by a certain period of time; extending the deadline for the Task Force to report its findings and recommendations to certain persons by a certain period of time; and generally relating to the Task Force on the Use of Master Meters for Utility Services in Prince George's County.

BY repealing and reenacting, without amendments,  
Chapter 128 of the Acts of the General Assembly of 2018  
Section 2(a)

BY repealing and reenacting, with amendments,  
Chapter 128 of the Acts of the General Assembly of 2018  
Section 2(g) and 4

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

#### **Chapter 128 of the Acts of 2018**

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force on the Use of Master Meters for Utility Services in Prince George's County.

(g) On or before December 31, [2018] **2019**, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the members of the Prince George's County Delegation to the General Assembly.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018. Section 2 of this Act shall remain effective for a period of [13 months] **2 YEARS AND 1 MONTH** and, at the end of June 30, [2019] **2020**, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

#### **Chapter 160**

**(House Bill 1155)**

AN ACT concerning

**Prince George’s County – ~~Illegal Littering~~ Disposal of Bulky Items – Penalties**

**PG 418-19**

FOR the purpose of ~~authorizing the governing body of Prince George’s County to impose, by ordinance, certain alternative penalties for illegal disposal of litter, including additional penalties for disposal of litter within a certain distance of certain bodies of water, authorizing for a first offense, and requiring for a second or subsequent offense, the Motor Vehicle Administration to suspend, for a certain period of time, the driver’s license of a person who is convicted of a certain litter disposal offense that occurs in Prince George’s County; providing for a certain hearing on the request of a licensee under certain circumstances~~ authorizing the governing body of Prince George’s County to adopt an ordinance to prohibit disposing of a bulky item in certain locations under certain circumstances; authorizing Prince George’s County to impose certain penalties for certain violations; defining a certain term; and generally relating to penalties for the illegal ~~littering~~ disposal of bulky items in Prince George’s County.

BY repealing and reenacting, without amendments,  
 Article – Criminal Law  
 Section 10-110(a) and (c)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Criminal Law  
 Section 10-110(f) and (j)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2018 Supplement)

~~BY adding to  
 Article – Transportation  
 Section 16-206.2  
 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**

10-110.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Bi-county unit” means:

- or
- (i) the Maryland–National Capital Park and Planning Commission;
  - (ii) the Washington Suburban Sanitary Commission.

**(3) (I) “BULKY ITEM” MEANS ANY DISCARDED FURNITURE, HOME OR INDUSTRIAL APPLIANCE, OR ABANDONED VEHICLE OR PART OF AN ABANDONED VEHICLE NOT DESIGNATED FOR DISPOSAL PURPOSES UNDER THE LAWS OF PRINCE GEORGE’S COUNTY.**

**(II) “BULKY ITEM” DOES NOT INCLUDE DISCARDING, DROPPING, OR SCATTERING OF SMALL QUANTITIES OF WASTE MATTER ORDINARILY CARRIED ON OR ABOUT THE PERSON, INCLUDING:**

- 1. BEVERAGE CONTAINERS AND CLOSURES;**
- 2. PACKAGING;**
- 3. WRAPPERS;**
- 4. WASTEPAPER;**
- 5. NEWSPAPERS;**
- 6. MAGAZINES; AND**
- 7. WASTE MATTER THAT ESCAPES OR IS ALLOWED TO ESCAPE FROM A CONTAINER, RECEPTACLE, OR PACKAGE.**

~~(3)~~ **(4)** “Litter” means all rubbish, waste matter, refuse, garbage, trash, debris, dead animals, or other discarded materials of every kind and description.

- ~~(4)~~ **(5)** “Public or private property” means:
- (i) the right-of-way of a road or highway;
  - (ii) a body of water or watercourse or the shores or beaches of a body of water or watercourse;
  - (iii) a park;
  - (iv) a parking facility;
  - (v) a playground;

right-of-way;

(vi) public service company property or transmission line

(vii) a building;

(viii) a refuge or conservation or recreation area;

(ix) residential or farm property; or

(x) timberlands or a forest.

(c) A person may not:

(1) dispose of litter on a highway or perform an act that violates the State Vehicle Laws regarding disposal of litter, glass, and other prohibited substances on highways; or

(2) dispose or cause or allow the disposal of litter on public or private property unless:

(i) the property is designated by the State, a unit of the State, or a political subdivision of the State for the disposal of litter and the person is authorized by the proper public authority to use the property; or

(ii) the litter is placed into a litter receptacle or container installed on the property.

(f) (1) A person who violates this section is subject to the penalties provided in this subsection.

(2) ~~SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION;~~

(i) A person who disposes of litter in violation of this section in an amount not exceeding 100 pounds or 27 cubic feet and not for commercial gain is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding \$1,500 or both.

(ii) A person who disposes of litter in violation of this section in an amount exceeding 100 pounds or 27 cubic feet, but not exceeding 500 pounds or 216 cubic feet, and not for commercial gain is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$12,500 or both.

(iii) A person who disposes of litter in violation of this section in an amount exceeding 500 pounds or 216 cubic feet or in any amount for commercial gain is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$30,000 or both.

~~(3) IF THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY ADOPTS AN ORDINANCE TO PROHIBIT LITTERING UNDER SUBSECTION (J) OF THIS SECTION, THE ORDINANCE MAY IMPOSE ALTERNATIVE PENALTIES FOR VIOLATIONS TO PROVIDE THAT:~~

~~(I) A PERSON WHO DISPOSES OF LITTER IN VIOLATION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:~~

~~1. FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 30 DAYS OR A \$2,500 FINE OR BOTH;~~

~~2. FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A \$5,000 FINE OR BOTH; AND~~

~~3. FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 5 YEARS OR A \$15,000 FINE OR BOTH; AND~~

~~(II) IN ADDITION TO THE PENALTIES PROVIDED UNDER ITEM (I) OF THIS PARAGRAPH, A PERSON WHO DISPOSES OF LITTER IN VIOLATION OF THIS SECTION AND WITHIN 100 FEET OF A RIVER, A STREAM, A RESERVOIR, OR ANY OTHER BODY OF WATER, IS SUBJECT TO:~~

~~1. FOR A FIRST OFFENSE, A \$1,000 ADDITIONAL FINE;~~

~~2. FOR A SECOND OFFENSE, A \$2,500 ADDITIONAL FINE;~~

~~AND~~

~~3. FOR A THIRD OR SUBSEQUENT OFFENSE, A \$5,000 ADDITIONAL FINE.~~

~~[(3)] (4)~~ In addition to the penalties provided under ~~[paragraph]~~ PARAGRAPHS (2) ~~AND (3)~~ of this subsection, a court may order the violator to:

(i) remove or render harmless the litter disposed of in violation of this section;

(ii) repair or restore any property damaged by, or pay damages for, the disposal of the litter in violation of this section;

(iii) perform public service relating to the removal of litter disposed of in violation of this section or to the restoration of an area polluted by litter disposed of in violation of this section; or

(iv) reimburse the State, county, municipal corporation, or bi-county unit for its costs incurred in removing the litter disposed of in violation of this section.

~~¶(4)¶ (5)~~ (i) If a person is convicted of a violation under this section and the person used a motor vehicle in the commission of the violation, the court shall notify the Motor Vehicle Administration of the violation.

(ii) The Chief Judge of the District Court and the Administrative Office of the Courts, in conjunction with the Motor Vehicle Administration, shall establish uniform procedures for reporting a violation under this paragraph.

(j) (1) The legislative body of a municipal corporation may:

(i) prohibit littering; and

(ii) classify littering as a municipal infraction under Title 6 of the Local Government Article.

(2) The governing bodies of Prince George's County, Calvert County, and Montgomery County may each adopt an ordinance to prohibit littering under this section and, for violations of the ordinance, may impose criminal penalties and civil penalties that do not exceed the criminal penalties and civil penalties specified in subsection (f)(1) through ~~¶(3)¶ (4)~~ of this section.

**(3) (I) THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY MAY ADOPT AN ORDINANCE TO PROHIBIT THE DISPOSAL OF A BULKY ITEM:**

**1. ON A HIGHWAY; OR**

**2. ON PUBLIC OR PRIVATE PROPERTY UNLESS THE PROPERTY IS DESIGNATED BY THE STATE, A UNIT OF THE STATE, OR A POLITICAL SUBDIVISION OF THE STATE FOR THE DISPOSAL OF BULKY ITEMS AND THE PERSON IS AUTHORIZED BY THE PROPER PUBLIC AUTHORITY TO USE THE PROPERTY.**

**(II) FOR VIOLATIONS OF THE ORDINANCE ADOPTED UNDER THIS PARAGRAPH, PRINCE GEORGE'S COUNTY MAY IMPOSE CRIMINAL PENALTIES AND CIVIL PENALTIES THAT DO NOT EXCEED THE CRIMINAL PENALTIES AND CIVIL PENALTIES SPECIFIED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH.**

**(III) A PERSON WHO DISPOSES OF A BULKY ITEM IN VIOLATION OF THIS PARAGRAPH IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

~~16-206.2.~~

~~(A) THIS SECTION APPLIES ONLY TO AN INDIVIDUAL CONVICTED OF A VIOLATION UNDER § 10-110 OF THE CRIMINAL LAW ARTICLE THAT OCCURS IN PRINCE GEORGE'S COUNTY.~~

~~(B) SUBJECT TO THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION, ON RECEIPT OF A NOTICE DESCRIBED UNDER § 10-110(F) OF THE CRIMINAL LAW ARTICLE THAT AN INDIVIDUAL LICENSED IN THE STATE HAS BEEN CONVICTED OF A VIOLATION UNDER § 10-110 OF THE CRIMINAL LAW ARTICLE FOR THE IMPROPER DISPOSAL OF LITTER AND THE INDIVIDUAL USED A MOTOR VEHICLE IN THE COMMISSION OF THE VIOLATION, THE ADMINISTRATION:~~

~~(1) FOR A FIRST OFFENSE, MAY SUSPEND THE INDIVIDUAL'S LICENSE FOR UP TO 60 DAYS; AND~~

~~(2) FOR A SECOND OR SUBSEQUENT OFFENSE, SHALL SUSPEND THE INDIVIDUAL'S LICENSE FOR NOT LESS THAN 60 DAYS AND NOT MORE THAN 1 YEAR.~~

~~(C) SUBJECT TO THE PROVISIONS OF TITLE 12, SUBTITLE 2 OF THIS ARTICLE, A LICENSEE MAY REQUEST A HEARING ON A SUSPENSION UNDER 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 161**

**(House Bill 324)**

AN ACT concerning

**Washington Suburban Sanitary Commission – Discrimination – Prohibited in  
Contracts**

**MC/PG 107-19**

FOR the purpose of prohibiting the Washington Suburban Sanitary Commission from entering into a contract unless the contract contains a certain nondiscrimination provision; requiring the Commission to provide a contractor a reasonable

opportunity to cure a certain defect in a contract or subcontract; authorizing the Commission to void a contract if a contractor fails to cure a certain defect; establishing that a contractor is entitled to the reasonable value of certain work and materials if the contractor fails to cure a certain defect; stating that a contract remains in force according to revised terms if a contractor cures a certain defect; authorizing the Commission to compel a contractor to continue performance under a contract under certain circumstances; establishing that the Commission is liable for no more than the reasonable value of certain work and materials provided by the contractor after a certain date if the Commission compels performance; requiring the Commission to deduct money paid under a certain contract from money due for the reasonable value of certain work and materials provided by the contractor after a certain date if the Commission compels performance; authorizing a contractor to void a subcontract if the subcontractor fails to comply with the requirements of a nondiscrimination provision; establishing that a contractor is liable for no more than the reasonable value of certain work and materials provided by a subcontractor if a contractor voids a subcontract under certain circumstances; repealing a certain provision requiring a nondiscrimination clause in certain contracts; and generally relating to the Washington Suburban Sanitary Commission and nondiscrimination provisions in contracts entered into by the Commission.

BY adding to

Article – Public Utilities

Section 17–402.1

Annotated Code of Maryland

(2010 Replacement Volume and 2018 Supplement)

BY repealing

Article – Public Utilities

Section 20–106

Annotated Code of Maryland

(2010 Replacement Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 20–106 of Article – Public Utilities of the Annotated Code of Maryland be repealed.

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

### **Article – Public Utilities**

#### **17–402.1.**

**(A) (1) THE COMMISSION MAY NOT ENTER INTO A CONTRACT UNLESS THE CONTRACT CONTAINS A PROVISION OBLIGING THE CONTRACTOR:**

(I) NOT TO DISCRIMINATE IN ANY MANNER AGAINST AN EMPLOYEE OR AN APPLICANT FOR EMPLOYMENT ON THE BASIS OF SEX, RACE, CREED, COLOR, AGE, MENTAL OR PHYSICAL DISABILITY, SEXUAL ORIENTATION, RELIGION, MARITAL STATUS, GENDER IDENTITY, OR NATIONAL ORIGIN; AND

(II) TO INCLUDE A SIMILAR NONDISCRIMINATION PROVISION IN ALL SUBCONTRACTS.

(2) (I) IF THE NONDISCRIMINATION PROVISION IS OMITTED FROM A CONTRACT OR SUBCONTRACT, THE COMMISSION SHALL PROVIDE THE CONTRACTOR A REASONABLE OPPORTUNITY TO CURE THE DEFECT, SUBJECT TO THIS SECTION.

(II) IF THE CONTRACTOR FAILS TO CURE THE DEFECT:

1. THE COMMISSION MAY DECLARE THE CONTRACT TO BE VOID; AND

2. THE CONTRACTOR IS ENTITLED TO THE REASONABLE VALUE OF WORK PERFORMED AND MATERIALS PROVIDED BY THE CONTRACTOR.

(III) IF THE CONTRACTOR CURES THE DEFECT, THE CONTRACT REMAINS IN FORCE ACCORDING TO ITS REVISED TERMS.

(B) (1) IN ACCORDANCE WITH THIS SECTION, THE COMMISSION MAY COMPEL A CONTRACTOR TO CONTINUE TO PERFORM UNDER A CONTRACT IF:

(I) THE CONTRACTOR WILLFULLY FAILS TO COMPLY WITH THE REQUIREMENTS OF A NONDISCRIMINATION PROVISION; AND

(II) THE CONTRACT IS PARTIALLY EXECUTORY.

(2) IF THE COMMISSION COMPELS PERFORMANCE UNDER THIS SUBSECTION, THE COMMISSION:

(I) IS LIABLE FOR NO MORE THAN THE REASONABLE VALUE OF WORK PERFORMED AND MATERIALS PROVIDED BY THE CONTRACTOR AFTER THE DATE ON WHICH THE BREACH OF CONTRACT WAS OR SHOULD HAVE BEEN DISCOVERED; AND

(II) SHALL DEDUCT ANY MONEY THAT HAS BEEN PAID UNDER THE CONTRACT FROM THE MONEY THAT COMES DUE UNDER ITEM (I) OF THIS PARAGRAPH.

**(c) (1) IF A SUBCONTRACTOR WILLFULLY FAILS TO COMPLY WITH THE REQUIREMENTS OF A NONDISCRIMINATION PROVISION, THE CONTRACTOR MAY DECLARE THE SUBCONTRACT TO BE VOID.**

**(2) IF A CONTRACTOR DECLARES A SUBCONTRACT TO BE VOID UNDER THIS SUBSECTION, THE CONTRACTOR IS LIABLE FOR NO MORE THAN THE REASONABLE VALUE OF WORK PERFORMED OR MATERIALS PROVIDED BY THE SUBCONTRACTOR.**

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## **Chapter 162**

**(House Bill 325)**

AN ACT concerning

### **Washington Suburban Sanitary Commission – Indirect Customer Assistance Program**

**MC/PG 105–19**

FOR the purpose of authorizing the Washington Suburban Sanitary Commission to establish an Indirect Customer Assistance Program for certain purposes; requiring the Commission to establish certain eligibility standards and processes for receiving certain assistance if the program is established; requiring the program to be funded from Commission revenues; requiring income eligibility standards for the program to be uniformly applied throughout the sanitary district; defining certain terms; and generally relating to customer assistance and rates of the Washington Suburban Sanitary Commission.

BY repealing and reenacting, with amendments,

Article – Public Utilities

Section 25–501

Annotated Code of Maryland

(2010 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 Utilities

25–501.

(a) The Commission shall set a service rate that the Commission considers necessary to provide funds for:

(1) maintaining, repairing, and operating its water supply and sewer systems, including the overhead expense and depreciation allowance; and

(2) making any payments to the District of Columbia, as specified in this title.

(b) The service rate:

(1) shall be chargeable against all properties for a connection with any line owned by the Commission;

(2) shall be uniform throughout the sanitary district; and

(3) may be changed as necessary.

**25–501.1.**

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

**(2) “INDIRECT CUSTOMER” MEANS AN INDIVIDUAL WHO:**

**(I) RECEIVES WATER SERVICE OR SEWER SERVICE OR BOTH FROM THE COMMISSION; BUT**

**(II) IS NOT BILLED BY THE COMMISSION FOR THE SERVICE.**

**(3) “RATEPAYER” MEANS AN INDIVIDUAL WHO RECEIVES A BILL DIRECTLY FROM THE COMMISSION FOR WATER SERVICE OR SEWER SERVICE OR BOTH.**

**[(c)] (B)** (1) Notwithstanding any other law, on or before July 1, 2015, the Commission shall establish a Customer Assistance Program to provide financial assistance with water and sewer bills to eligible ratepayers.

(2) **[(i)]** The Commission shall establish income eligibility standards for a ratepayer to receive financial assistance under this subsection.

[(ii) The income eligibility standards established under this paragraph shall be applied uniformly throughout the sanitary district.

(3) The Customer Assistance Program shall be funded from Commission revenues.]

**(C) (1) THE COMMISSION MAY ESTABLISH AN INDIRECT CUSTOMER ASSISTANCE PROGRAM.**

**(2) THE PURPOSE OF THE PROGRAM IS TO PROVIDE FINANCIAL ASSISTANCE TO ELIGIBLE INDIRECT CUSTOMERS FOR WATER AND SEWER SERVICE.**

**(3) IF THE COMMISSION ESTABLISHES A PROGRAM UNDER THIS SUBSECTION, THE COMMISSION SHALL ESTABLISH INCOME ELIGIBILITY STANDARDS AND A PROCESS FOR AN INDIRECT CUSTOMER TO RECEIVE FINANCIAL ASSISTANCE UNDER THE PROGRAM.**

**(D) (1) THE CUSTOMER ASSISTANCE PROGRAM AND THE INDIRECT CUSTOMER ASSISTANCE PROGRAM SHALL BE FUNDED FROM COMMISSION REVENUES.**

**(2) INCOME ELIGIBILITY STANDARDS FOR THE CUSTOMER ASSISTANCE PROGRAM AND THE INDIRECT CUSTOMER ASSISTANCE PROGRAM SHALL BE APPLIED UNIFORMLY THROUGHOUT THE SANITARY DISTRICT.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## **Chapter 163**

**(House Bill 326)**

AN ACT concerning

**Washington Suburban Sanitary Commission – Office of the Inspector General –  
Technical Changes**

**MC/PG 104–19**

FOR the purpose of correcting certain references to the Office of the Inspector General in statutes of the Washington Suburban Sanitary Commission; providing that certain

rights granted to certain Commission merit system employees are not provided to employees in the Office; providing that the Office shall review and approve certain costs for certain facilities designed and constructed by certain developers; correcting erroneous references to the executive director of the Commission in certain provisions of law regarding certain notification and action related to the failure of certain employees and officials to provide certain information or documentation to the Inspector General; and generally relating to the Office of the Inspector General in the Washington Suburban Sanitary Commission.

BY repealing and reenacting, with amendments,  
 Article – Public Utilities  
 Section 17–608(a), 18–201(a)(2), and 25–405(d)  
 Annotated Code of Maryland  
 (2010 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 Utilities

17–608.

(a) (1) On request from the inspector general, a Commission employee or official shall promptly provide to the inspector general any available document or other information concerning Commission operations, budget, programs, or vendor contracts.

(2) (i) The inspector general shall notify the Commission chair, vice chair, and [executive director] GENERAL MANAGER if any Commission employee or official fails to provide any information or document requested under this subsection with reasonable promptness.

(ii) The Commission chair, vice chair, or [executive director] GENERAL MANAGER shall take administrative action to produce compliance with a pending request for information by the inspector general as warranted and appropriate.

18–201.

(a) (2) The rights granted to Commission merit system employees under this subtitle do not apply to:

- (i) attorneys in the Office of the General Counsel;
- (ii) confidential employees;
- (iii) probationary employees;
- (iv) employees in the Office of the General Manager;

- GENERAL;**
- (v) employees in the [Internal Audit] Office **OF THE INSPECTOR**
  - (vi) employees in the Office of the Secretary; or
  - (vii) supervisors, as defined in § 2(11) of the National Labor Relations Act, 29 U.S.C. § 152(11).

25–405.

(d) The [Commission’s internal auditor] **OFFICE OF THE INSPECTOR GENERAL** shall review and approve the costs incurred by the developer.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## Chapter 164

(House Bill 352)

AN ACT concerning

**Property Tax Credits – Maryland–National Capital Park and Planning  
Commission Park Police Officers and Washington Suburban Sanitary  
Commission Police Officers**

**MC/PG 108–19**

FOR the purpose of altering the definition of “public safety officer” to include certain ~~park~~ police officers who are employed by the Maryland–National Capital Park and Planning Commission Park Police or the Washington Suburban Sanitary Commission Police Force for purposes of a certain property tax credit; providing for the application of this Act; and generally relating to property tax credits and ~~park~~ police officers of the Maryland–National Capital Park and Planning Commission Park Police and the Washington Suburban Sanitary Commission Police Force.

BY repealing and reenacting, with amendments,  
 Article – Tax – Property  
 Section 9–260  
 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**

9–260.

(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) “Public safety officer” means:

(i) a firefighter, an emergency medical technician, a correctional officer, a police officer, or a deputy sheriff employed full time by a public safety agency in the county or municipal corporation where the individual resides; [or]

(ii) a volunteer firefighter for a public safety agency in the county or municipal corporation where the individual resides; ~~OR~~

**(III) A PARK POLICE OFFICER EMPLOYED FULL TIME BY THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION WHO RESIDES IN MONTGOMERY COUNTY OR PRINCE GEORGE’S COUNTY; OR**

**(IV) A POLICE OFFICER EMPLOYED FULL TIME BY THE WASHINGTON SUBURBAN SANITARY COMMISSION WHO RESIDES IN MONTGOMERY COUNTY OR PRINCE GEORGE’S COUNTY.**

(b) 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 a dwelling located in the county or municipal corporation that is owned by a public safety officer if the public safety officer is otherwise eligible for the credit authorized under § 9–105 of this title.

(c) In any taxable year, the credit under this section may not exceed the lesser of:

(1) \$2,500 per dwelling; or

(2) the amount of property tax imposed on the dwelling.

(d) The governing body of a county or a municipal corporation may establish, by law:

(1) subject to subsection (c) of this section, the amount of the credit under this section;

- (2) the duration of the credit;
- (3) additional eligibility requirements for public safety officers to qualify for the credit;
- (4) procedures for the application and uniform processing of requests for the credit; and
- (5) any other provisions necessary to carry out this section.

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 165**

**(House Bill 662)**

AN ACT concerning

### **Maryland–National Capital Park and Planning Commission – Glenn Dale Hospital Property**

**MC/PG 110–19**

FOR the purpose of authorizing the Maryland–National Capital Park and Planning Commission to sell, lease, or otherwise transfer a certain portion of the Glenn Dale Hospital property to a person who will adaptively reuse ~~and redevelop~~ certain hospital campus buildings on the property; and generally relating to the disposition of the Glenn Dale Hospital property by the Maryland–National Capital Park and Planning Commission.

BY repealing and reenacting, with amendments,  
Article – Land Use  
Section 17–402  
Annotated Code of Maryland  
(2012 Volume and 2018 Supplement)

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

#### **Article – Land Use**

17–402.

(a) The Commission has acquired title to the entire parcel of property known as Glenn Dale Hospital for use in accordance with this section.

(b) (1) The Commission:

(i) shall maintain the approximately 150 acres that have not been developed as part of the existing hospital campus in the Commission's park system; and

(ii) may sell, lease, or otherwise transfer the approximately 60 acres that have been developed as a hospital campus to a person who will [use the property as a continuing care retirement community in accordance with Title 10, Subtitle 4 of the Human Services Article] **ADAPTIVELY REUSE ~~AND REDEVELOP~~, AT A MINIMUM, THE MAIN HOSPITAL CAMPUS BUILDINGS ON THE PROPERTY BY RETURNING THE PROPERTY TO A STATE OF UTILITY, THROUGH REPAIR AND ALTERATION, THAT:**

**1. GIVES THE PROPERTY AN EFFICIENT AND CONTEMPORARY USE; AND**

**2. PRESERVES PORTIONS AND FEATURES OF THE PROPERTY THAT ARE HISTORICALLY, ARCHITECTURALLY, AND CULTURALLY SIGNIFICANT.**

(2) If the Commission is unable to find a qualified person to carry out the intent of paragraph (1)(ii) of this subsection, the Commission shall retain possession of the approximately 60 acres until the General Assembly approves an alternate use.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## Chapter 166

(House Bill 678)

AN ACT concerning

**Maryland–National Capital Park and Planning Commission – Prince George's County Recreation ~~Program~~ Programs – Youth Sports Program and Division**

MC/PG 115–19

FOR the purpose of requiring the Prince George’s County Planning Board to offer a comprehensive youth sports program and to create a youth sports division as part of the county recreation ~~program programs~~; requiring the youth sports division to coordinate certain activities and incorporate youth sports activities into the recreation ~~program programs~~; and generally relating to the recreation ~~program programs~~ established by the Prince George’s County Planning Board.

BY repealing and reenacting, with amendments,

Article – Land Use

Section 25–801 and 25–802 to be under the amended subtitle “Subtitle 8. Prince George’s County Recreation Programs”

Annotated Code of Maryland

(2012 Volume and 2018 Supplement)

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

### Article – Land Use

#### Subtitle 8. Prince George’s County Recreation [Program] PROGRAMS.

25–801.

(a) The county planning board shall:

(1) provide an adequate and balanced program of recreation to serve the needs and interests of various age groups among the residents of the county; ~~and~~

**(2) OFFER A COMPREHENSIVE YOUTH SPORTS PROGRAM THAT PROVIDES A VARIETY OF SPORTS PROGRAMMING, LEAGUES, AND TEAMS THROUGHOUT THE COUNTY; AND**

~~(2)~~ **(3)** coordinate the ~~program~~ **PROGRAMS** with the Commission’s park functions.

(b) The county planning board may develop ~~a program~~ **PROGRAMS** of recreation that may include physical, social, mental, and creative opportunities that the county planning board considers appropriate to offer in:

(1) major recreation centers, playfields, athletic fields, playgrounds, tennis courts, baseball diamonds, swimming pools, golf courses, community centers, and social centers on publicly or privately owned land or buildings made available for these purposes or over which the county planning board has sole or joint jurisdiction; or

(2) land or buildings of a municipal corporation or political subdivision in the county, if the municipal corporation or political subdivision requests the services of the county planning board.

(c) (1) The county planning board may contract with recreation or sports groups or associations to incorporate the activities of the groups or associations into the ~~program~~ PROGRAMS established by the county planning board under this subtitle.

(2) **NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, AS PART OF THE ~~PROGRAM~~ PROGRAMS ESTABLISHED UNDER THIS SUBTITLE THE COUNTY PLANNING BOARD SHALL CREATE A YOUTH SPORTS DIVISION TO:**

(I) **COORDINATE YOUTH SPORTS PROGRAMMING, LEAGUES, AND TEAMS; AND**

(II) **INCORPORATE YOUTH SPORTS ACTIVITIES INTO THE ~~PROGRAM~~ PROGRAMS.**

25-802.

The county planning board, in the development and conduct of its recreation [program] PROGRAMS and in scheduling the use of publicly owned land or buildings for the conduct of the [program] PROGRAMS, shall cooperate with recognized and generally accepted agencies, groups, and organizations that may request to use the land or buildings.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

**Chapter 167**

**(House Bill 304)**

AN ACT concerning

**Montgomery County – Authority of County Council Over Inspector General –  
Montgomery College**

**MC 12-19**

FOR the purpose of authorizing the County Council of Montgomery County to enact a local law that grants to the Montgomery County Inspector General certain authority over

Montgomery College; and generally relating to the authority of the County Council of Montgomery County and the Montgomery County Inspector General.

BY adding to

The Public Local Laws of Montgomery County

Section 2–151A

Article 16 – Public Local Laws of Maryland

(2004 Edition and July–August 2018 Supplement, as amended)

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

### **Article 16 – Montgomery County**

#### **2–151A.**

**THE COUNTY COUNCIL MAY, BY LOCAL LAW, GRANT TO THE INSPECTOR GENERAL THE SAME AUTHORITY OVER MONTGOMERY COLLEGE THAT THE INSPECTOR GENERAL HAS OVER A DEPARTMENT OF COUNTY GOVERNMENT.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## **Chapter 168**

**(House Bill 344)**

AN ACT concerning

**Montgomery County – Authority of County Council Over Inspector General –  
Housing Opportunities Commission**

**MC 7–19**

FOR the purpose of authorizing the County Council of Montgomery County to enact a local law that grants to the Montgomery County Inspector General certain authority over the Housing Opportunities Commission of Montgomery County; and generally relating to the authority of the County Council of Montgomery County and the Montgomery County Inspector General.

BY adding to

The Public Local Laws of Montgomery County

Section 2-151A

Article 16 – Public Local Laws of Maryland

(2004 Edition and July–August 2018 Supplement, as amended)

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

**Article 16 – Montgomery County**

**2-151A.**

**THE COUNTY COUNCIL MAY, BY LOCAL LAW, GRANT TO THE INSPECTOR GENERAL THE SAME AUTHORITY OVER THE HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY THAT THE INSPECTOR GENERAL HAS OVER A DEPARTMENT OF COUNTY GOVERNMENT.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

**Chapter 169**

**(House Bill 563)**

AN ACT concerning

**Montgomery County – Gaming and Benefit Performances – Repeal**

**MC 14-19**

FOR the purpose of repealing certain obsolete provisions of law relating to certain gaming activities in Montgomery County; repealing a certain obsolete provisions provision of law relating to certain benefit performances in Montgomery County; and generally relating to gaming and benefit performances in Montgomery County.

BY repealing

The Public Local Laws of Montgomery County

Section 23-1 through 23-10 ~~and 30-4~~

Article 16 – Public Local Laws of Maryland

(2004 Edition and July – August 2018 Supplement, as amended)

BY repealing and reenacting, with amendments,

The Public Local Laws of Montgomery County

Section 30–4Article 16 – Public Local Laws of Maryland(2004 Edition and July – August 2018 Supplement, as amended)

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

**Article 16 – Montgomery County**

[23–1.

It shall be unlawful for any person or persons, or any house, company, or association or body corporate to play at any game of chance for any sum of money or other property of any value in the Montgomery County, which said act is hereby defined as gaming within the meaning of this chapter.]

[23–2.

It shall be unlawful for any person or any house to set up, keep, maintain or conduct any gaming table, or any house, vessel or place on land or on water within the limits of the county for the purpose of gaming as defined by section 23–1, or to operate any kind of device whatsoever intended for the purpose of gaming as defined in section 23–1. It shall also be unlawful for any person to deal at any gaming table or other place of gambling in the county or to manage or be interested financially in any gaming table, house or establishment maintained for gaming, in the county, or in the profits thereof.]

[23–3.

“Gambling paraphernalia” within the meaning of this chapter is hereby defined to include any table, apparatus, device, machine or article of any kind or description intended to be used for the purpose of gaming as defined by section 23–1. Money which shall be found on a table on which gaming is at the time being conducted shall be gambling paraphernalia within the meaning of this chapter. The possession of gambling paraphernalia as herein defined shall be a violation of this chapter. All gambling paraphernalia within the territorial limits of the county, as herein defined, and all money, currency or cash, whether gambling paraphernalia within the definition of this section or not, which is found to be used in betting or paying off bets or otherwise used in connection with gambling in violation of this section, or in violation of any other law of Montgomery County or the State of Maryland pertaining to gaming or gambling, shall be subject to seizure by the law officers of the county, and, upon conviction of the owner or possessor of such paraphernalia, money, currency or cash, the paraphernalia, money, currency or cash, shall be forfeited to the county and disposed of in accordance with the order of the court having jurisdiction to try violations of this chapter. The court is hereby authorized in its discretion to direct the sale of such paraphernalia and the payment of the proceeds into the police fund of the county, or, if such paraphernalia consists of money, the payment of the same directly into such fund.]

[23-4.

Every person who shall violate section 23-1, 23-2 or 23-3 is hereby declared to be a principal and not an accomplice, and conviction of any violator of this chapter may be had on the uncorroborated testimony of any other person who shall violate this chapter, even though such other person shall participate in the same act of gaming as the person so convicted, and every person engaged in gaming as defined in this chapter is hereby required to testify against any person indicted for violation of this chapter in connection with the act of gaming in question; provided, however, that no person so testifying shall be convicted or punished for violation of this chapter on his own testimony.]

[23-5.

Whenever any person shall charge on oath or affirmation before any justice of the peace within the county, or any grand jury within the county shall present that any person or house has violated the provisions of this chapter, and shall request such justice of the peace so to do, or in case of presentment by the grand jury, the grand jury shall request the court to direct the clerk of the court issuing the warrant, the justice of the peace or clerk of the court, upon the direction of the court as aforesaid, shall issue his warrant, in which the house, building or other place in which the violation is alleged to have occurred, shall be specifically described, directed to the sheriff or any member of the county police, commanding him thoroughly to search the described house, building or other place and the appurtenances thereof, and if any such shall there be found, to take into his possession and safely keep it to be produced as evidence when required and to be disposed of in accordance with the order of the court, all gambling paraphernalia as defined in section 23-3, and the sheriff or policeman shall forthwith report in writing all of the facts to the state's attorney for the county.]

[23-6.

In any indictment under this chapter for violation of the provisions of this chapter, it shall not be necessary to specify the particular act which any person or house committed in violation of this chapter, but it shall be sufficient for the purpose of such indictment to allege that the person or house engaged in gaming, or engaged in setting up, maintaining, keeping or conducting a gaming house or possessed gambling paraphernalia, as the case may be, in violation of this chapter. The circuit court of the county and the trial magistrates of the county are hereby given concurrent jurisdiction to try violations of this chapter.]

[23-7.

Any violation of any provisions of sections 23-1 through 23-6 shall be punished as a class A violation as set forth in section 1-19 of chapter 1 of the County Code. Each day a violation continues to exist shall constitute a separate offense.]

[23-8.

Any provisions of sections 237 to 264C of article 27 of the Annotated Code of Maryland, 1957, subject “crimes and punishments,” subtitle “gaming,” inconsistent herewith or contrary hereto, insofar as such sections are applicable to the county, are hereby repealed to the extent of such inconsistency or conflict.]

[23–9.

If any person shall within the county keep, set up, promote or be concerned as owner, agent, clerk or in any other manner, in managing, carrying on, promoting or advertising, directly or indirectly, any policy lottery, policy shop, or any lottery, or shall sell or transfer any chance, right or interest, tangible or intangible, in any policy lottery, or any lottery or shall sell or transfer any ticket, certificate, bill, token or other device, purporting or intended to guarantee or assure to any person or entitle him to a chance of drawing or obtaining a prize, to be drawn in any lottery, or in a game or device commonly known as policy lottery or policy or shall, for himself or another person, sell or transfer, or have in his possession for the purpose of sale or transfer, a chance or ticket in or share of a ticket in any lottery or any such bill, certificate, token or other device, he shall be fined upon conviction of each such offense not more than one thousand dollars (\$1,000.00) or be imprisoned not more than three (3) years, or both. The possession of any copy or record of any such chance, right or interest, or of any such ticket, certificate, bill, token or other device shall be prima facie evidence that the possessor of such copy or record did, at the time and place of such possession keep, set up or promote, or was at such time and place concerned as owner, agent, clerk or otherwise in managing, carrying on, promoting or advertising a policy lottery, policy shop or lottery.]

[23–10.

If any person shall within the county have in his possession, knowingly, any ticket, certificates, bill, slip, token, paper, writing or other device used or to be used, or adapted, devised or designed for the purpose of playing, carrying on or conducting any lottery, or the game or device commonly known as policy lottery or policy, he shall be subject to punishment for a class A violation as set forth in section 1–19 of chapter 1 of the County Code. Each day a violation continues to exist shall constitute a separate offense.]

‡30–4.

(a) A bona fide non-profit organization may conduct a performance for the exclusive benefit of a volunteer fire department, or a charitable, benevolent, patriotic, fraternal, educational, religious or civic object. A benefit performance includes an outdoor or indoor carnival, fair, picnic, dance, card party, bazaar, concert, contest, horse show, exhibition, lecture, barbecue, or dinner, to which the public is invited or admitted, with or without charge for admission. The net proceeds must benefit solely the non-profit organization.

~~(b) At a benefit performance, the organization or operator may award prizes in merchandise, conduct games of skill, dispose of merchandise or any other thing of value by auction or voting or by any mechanical device, such as a paddle wheel, wheel of fortune, bingo, or similar device. However, the organization or operator must not award prizes in money or tokens or certificates redeemable in money, in any game, auction, contest, or method which is prohibited under any State or County gaming law.~~

~~(e)~~ Before conducting any benefit performance, any organization must obtain from the Director of Permitting Services a written permit under this Chapter. A benefit performance must be managed by the organization that will benefit from it, and may be operated by or with a contractor of that organization.

~~(d)~~ **(C)** Any person who conducts a benefit performance in violation of this Section has committed a class A violation.†

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## Chapter 170

**(House Bill 564)**

AN ACT concerning

### **Montgomery County – Gaming – Bingo Games**

#### **MC 1–19**

FOR the purpose of allowing, in Montgomery County, an individual who is at least a certain age to conduct a bingo game involving cash prizes if the game is conducted at a certain residential property in a certain manner; and generally relating to gaming in Montgomery County.

BY adding to

Article – Criminal Law

Section 13–1803(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 – Criminal Law**

13–1803.

(C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, IN MONTGOMERY COUNTY, AN INDIVIDUAL WHO IS AT LEAST ~~21~~ 55 YEARS OLD MAY CONDUCT A BINGO GAME INVOLVING CASH PRIZES IF THE GAME:

(1) IS CONDUCTED NOT MORE THAN ONCE A WEEK IN A COMMON AREA OF A RESIDENTIAL PROPERTY THAT IS RESTRICTED TO RESIDENTS WHO ARE AT LEAST 55 YEARS OLD;

(2) ALLOWS A PLAYER TO COMPETE DIRECTLY AGAINST ONE OR MORE OTHER PLAYERS WHO ARE RESIDENTS OF THE RESIDENTIAL PROPERTY WHERE THE GAME IS HELD;

(3) DOES NOT ALLOW AN INDIVIDUAL OR AN ORGANIZATION TO BENEFIT FINANCIALLY IN ANY WAY, DIRECTLY OR INDIRECTLY, OTHER THAN FROM THE WINNINGS ACCRUED BY PARTICIPATING AS A PLAYER IN THE GAME;

(4) DOES NOT INVOLVE:

(I) A PLAYER'S USE OF AN ELECTRONIC DEVICE THAT CONNECTS TO THE INTERNET;

(II) THE USE OF PAID PUBLIC ADVERTISING OR PROMOTIONS;

(III) THE CHARGING OF A FEE FOR ADMISSION, A SEAT, ENTERTAINMENT, OR ANY OTHER FEE; OR

(IV) THE USE OF ANY MONEY, EXCEPT MONEY USED FOR PURCHASING BINGO CARDS OR FOOD OR DRINK; AND

(5) HAS A LIMIT OF \$1,000 ON THE TOTAL AMOUNT OF MONEY, TOKENS REPRESENTING MONEY, OR ANY OTHER THING OR CONSIDERATION OF VALUE THAT MAY BE WON BY ALL PLAYERS DURING ANY 24-HOUR PERIOD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

---

## Chapter 171

### (House Bill 242)

AN ACT concerning

#### Cecil County – Natural Resources – Hunting

FOR the purpose of ~~prohibiting the owner or lessee of privately owned land in Cecil County from placing, setting, maintaining, or operating certain hunting traps within a certain distance of certain permanent human residences;~~ authorizing the Department of Natural Resources to allow a person in ~~the county~~ Cecil County to hunt any game bird or game mammal, except migratory game birds, ~~wetland game birds, or quail;~~ on a Sunday on certain land during the open season for that game bird or game mammal; repealing an exception for wetland game birds from a certain authorization to allow a person in certain counties to hunt certain game birds or mammals on a Sunday on certain land during the open season for that game bird or game mammal; establishing for archery hunters in the county a safety zone of a certain size within which archery hunting may not take place except under certain circumstances; ~~repealing the prohibition against a person using, selling, possessing, setting, placing, or maintaining a snare trap in the county;~~ making certain stylistic changes; and generally relating to hunting in Cecil County.

BY repealing and reenacting, without amendments,

Article – Natural Resources  
Section 10–410(a)(1) and (g)(1)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources  
 Section ~~10–408.1 and 10–410(a)(8), (g)(3)(i), and (p)~~ 10–410(a)(8) and (g)(3)(i)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2018 Supplement)

~~BY repealing and reenacting, without amendments,~~

~~Article – Natural Resources~~  
~~Section 10–410(a)(1) and (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 – Natural Resources

~~10–408.1.~~

~~(a) A person, while trapping or attempting to trap animals, may not place, set, maintain, or operate any snares, body-gripping, or leghold traps within 150 yards of a permanent human residence.~~

~~(b) This section does not apply to:~~

~~(1) State and federal wetlands;~~

~~(2) Private wetlands as designated by the Department;~~

~~(3) Land which qualifies for agricultural assessments, as provided under § 8-200 of the Tax Property Article, and timberland and lands used for reforestation;~~

~~(4) Except in [Howard and Harford counties] **CECIL COUNTY, HARBORD COUNTY, OR HOWARD COUNTY**, owners and lessees of any privately owned land; and~~

~~(5) Owners and lessees of any privately owned land in [Howard and Harford counties] **CECIL COUNTY, HARBORD COUNTY, OR HOWARD COUNTY**, as long as a trap described in subsection (a) of this section is not within 150 yards of the permanent residence of another person.~~

~~(e) This section does not apply to the use of body-gripping traps with a jaw spread of less than 6 inches that are placed, maintained, and operated completely submerged in water.~~

~~(d) This section does not apply to the use of snap-type traps used to catch rats and mice.~~

10-410.

(a) (1) Except as otherwise provided in this subsection, a person may not hunt any game bird or mammal on Sundays.

(8) (i) This paragraph applies only in Allegany County, **CECIL COUNTY**, Garrett County, and Washington County.

(ii) The Department may allow a person to hunt any game bird or game mammal, except migratory game birds [and wetland game birds], ~~WETLAND GAME BIRDS, OR, IN CECIL COUNTY, QUAIL~~, on a Sunday during the open season for that game bird or game mammal on:

1. Private property, subject to § 10-411 of this subtitle; and
2. Public land that is designated for Sunday hunting by the

Department.

(g) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person, other than the owner or occupant, while hunting for any wild bird or mammal may not shoot or discharge any firearm or other deadly weapon within 150 yards, known as the “safety zone”, of a dwelling house, residence, church, or other building or camp occupied by human beings, or shoot at any wild bird or mammal while it is within this area, without the specific advance permission of the owner or occupant.

(3) (i) For archery hunters in Calvert County, Carroll County, **CECIL COUNTY**, Frederick County, Harford County, Montgomery County, or St. Mary’s County, the safety zone described in paragraph (1) of this subsection extends for 50 yards from a dwelling house, residence, church, or any other building or camp occupied by human beings.

~~(p) (1) (i) “Snare trap” means a device made of wire, synthetic cord, or other material that:~~

~~1. Is in the form of a noose with a slipknot, stop, swivel, or eyelet holes; and~~

~~2. Is designed or set with the intent of capturing an animal by the neck.~~

~~(ii) “Snare trap” includes:~~

~~1. A pole snare;~~

~~2. A hanging snare; and~~

~~3. A neck snare.~~

~~(2) (i) Except as provided in subparagraph (ii) of this paragraph, in Anne Arundel COUNTY, Baltimore COUNTY, Carroll COUNTY, [Cecil,] Harford COUNTY, Montgomery COUNTY, and Prince George’s [counties] COUNTY, a person may not use, sell, possess, set, place, or maintain a snare trap.~~

~~(ii) In Anne Arundel County, from July 1, 1990 through June 30, 1992, a person may sell or possess a snare trap.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

---

**Chapter 172****(Senate Bill 511)**

AN ACT concerning

**Cecil County – Correctional Deputy Sheriffs – Collective Bargaining**

FOR the purpose of authorizing certain correctional deputy sheriffs in the Office of the Sheriff of Cecil County to take part in or refrain from taking part in forming, joining, supporting, or participating in a labor organization and certain activities relating to the labor organization for the purpose of engaging in collective bargaining with the Sheriff and the County Executive of Cecil County; authorizing a certain labor organization to engage in collective bargaining with the Sheriff and the County Executive on behalf of certain correctional deputy sheriffs; making technical and conforming 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 collective bargaining and certain sworn correctional deputy sheriffs in the Office of the Sheriff of Cecil County.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 2–309(i)(4)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,  
Article – Courts and Judicial Proceedings  
Section 2–321(a)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2018 Supplement)  
(As enacted by Chapter \_\_\_\_ (S.B. 206) of the Acts of the General Assembly of 2019)

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 2–321(h)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2018 Supplement)  
(As enacted by Chapter \_\_\_\_ (S.B. 206) 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.

(i) (4) (i) 1. Except as provided in subparagraph 2 of this subparagraph, this paragraph applies only to all full-time sworn law enforcement deputy sheriffs in the Office of the Sheriff of Cecil County at the rank of [Captain] CAPTAIN and below **AND TO ALL FULL-TIME SWORN CORRECTIONAL DEPUTY SHERIFFS IN THE OFFICE OF THE SHERIFF OF CECIL COUNTY AT THE RANK OF LIEUTENANT AND BELOW.**

2. This paragraph does not apply to the chief deputy sheriff, community corrections director, detention center director, detention center deputy director, or law enforcement director in the Office of the Sheriff of Cecil County.

(ii) 1. A full-time sworn law enforcement deputy sheriff at the rank of [Captain] CAPTAIN and below may:

[1.] A. Take part in or refrain from taking part in forming, joining, supporting, or participating in a labor organization or its lawful activities;

[2.] B. Select a labor organization as the exclusive representative of the **LAW ENFORCEMENT** deputy sheriffs subject to this paragraph;

[3.] C. 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 **LAW ENFORCEMENT** deputy sheriffs subject to this paragraph;

[4.] D. Subject to item [2] B of this [subparagraph] **SUBSUBPARAGRAPH**, enter into a collective bargaining agreement, through the exclusive representative of the **LAW ENFORCEMENT** deputy sheriffs subject to this paragraph, covering the wages, benefits, and other working conditions of the **LAW ENFORCEMENT** deputy sheriffs subject to this paragraph, to the extent that the agreement does not impair the rights of the Sheriff set forth in subparagraph (v)4 of this paragraph; and

[5.] E. Decertify a labor organization as the exclusive representative of the **LAW ENFORCEMENT** deputy sheriffs subject to this paragraph.

**2. A FULL-TIME SWORN CORRECTIONAL DEPUTY SHERIFF AT THE RANK OF LIEUTENANT AND BELOW MAY:**

**A. TAKE PART IN OR REFRAIN FROM TAKING PART IN FORMING, JOINING, SUPPORTING, OR PARTICIPATING IN A LABOR ORGANIZATION OR ITS LAWFUL ACTIVITIES;**

**B. SELECT A LABOR ORGANIZATION AS THE EXCLUSIVE**

**REPRESENTATIVE OF THE CORRECTIONAL DEPUTY SHERIFFS SUBJECT TO THIS PARAGRAPH;**

**C. 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 CORRECTIONAL DEPUTY SHERIFFS SUBJECT TO THIS PARAGRAPH;**

**D. SUBJECT TO ITEM B OF THIS SUBSUBPARAGRAPH, ENTER INTO A COLLECTIVE BARGAINING AGREEMENT, THROUGH THE EXCLUSIVE REPRESENTATIVE OF THE CORRECTIONAL DEPUTY SHERIFFS SUBJECT TO THIS PARAGRAPH, COVERING THE WAGES, BENEFITS, AND OTHER WORKING CONDITIONS OF THE CORRECTIONAL DEPUTY SHERIFFS SUBJECT TO THIS PARAGRAPH, TO THE EXTENT THAT THE AGREEMENT DOES NOT IMPAIR THE RIGHTS OF THE SHERIFF SET FORTH IN SUBPARAGRAPH (V)4 OF THIS PARAGRAPH; AND**

**E. DECERTIFY A LABOR ORGANIZATION AS THE EXCLUSIVE REPRESENTATIVE OF THE CORRECTIONAL DEPUTY SHERIFFS SUBJECT TO THIS PARAGRAPH.**

(iii) 1. **A.** A labor organization seeking certification as an exclusive representative **OF THE SWORN LAW ENFORCEMENT DEPUTY SHERIFFS** must submit a petition to the Sheriff and the County Executive that is signed by more than 50% of the sworn law enforcement deputy sheriffs at the rank of [Captain] **CAPTAIN** and below indicating the desire of the **LAW ENFORCEMENT** deputy sheriffs subject to this paragraph to be represented exclusively by the labor organization for the purpose of collective bargaining.

**B. A LABOR ORGANIZATION SEEKING CERTIFICATION AS AN EXCLUSIVE REPRESENTATIVE OF THE CORRECTIONAL DEPUTY SHERIFFS MUST SUBMIT A PETITION TO THE SHERIFF AND THE COUNTY EXECUTIVE THAT IS SIGNED BY MORE THAN 50% OF THE SWORN CORRECTIONAL DEPUTY SHERIFFS AT THE RANK OF LIEUTENANT AND BELOW INDICATING THE DESIRE OF THE CORRECTIONAL DEPUTY SHERIFFS SUBJECT TO THIS PARAGRAPH TO BE REPRESENTED EXCLUSIVELY BY THE LABOR ORGANIZATION FOR THE PURPOSE OF COLLECTIVE BARGAINING.**

2. If the Sheriff and the County Executive do not challenge the validity of the petition within 20 calendar days following the receipt of the petition, the labor organization shall be deemed certified as the exclusive representative.

3. If the Sheriff or the County Executive challenge the validity of the petition, the American Arbitration Association shall appoint a neutral third party to conduct an election and to certify whether the labor organization has been selected as the exclusive representative by a majority of the votes cast in the election.

4. The costs associated with the appointment of a neutral third party shall be shared equally by the parties.

5. **A.** A labor organization shall be deemed decertified if a petition is submitted to the Sheriff and the County Executive that is signed by more than 50% of the full-time sworn law enforcement deputy sheriffs at the rank of [Captain] CAPTAIN and below indicating the desire of the LAW ENFORCEMENT deputy sheriffs to decertify the labor organization as the exclusive representative of the LAW ENFORCEMENT deputy sheriffs subject to this paragraph.

**B. A LABOR ORGANIZATION SHALL BE DEEMED DECERTIFIED IF A PETITION IS SUBMITTED TO THE SHERIFF AND THE COUNTY EXECUTIVE THAT IS SIGNED BY MORE THAN 50% OF THE FULL-TIME SWORN CORRECTIONAL DEPUTY SHERIFFS AT THE RANK OF LIEUTENANT AND BELOW INDICATING THE DESIRE OF THE CORRECTIONAL DEPUTY SHERIFFS TO DECERTIFY THE LABOR ORGANIZATION AS THE EXCLUSIVE REPRESENTATIVE OF THE CORRECTIONAL DEPUTY SHERIFFS SUBJECT TO THIS PARAGRAPH.**

(iv) 1. Following certification of an exclusive representative as provided in subparagraph (iii) of this paragraph, the certified labor organization and the Sheriff and the County Executive shall meet at reasonable times and engage in collective bargaining in good faith.

2. The certified labor organization, the Sheriff, and the County Executive shall make every reasonable effort to conclude negotiations on or before February 15 of the year in which a collective bargaining agreement is to take effect to allow for inclusion by the Sheriff of matters agreed [upon] ON in its budget request to the County Council.

3. **A.** If the certified labor organization and the Sheriff and the County Executive are unable to reach an agreement before the date set forth in subsubparagraph 2 of this subparagraph, either the certified labor organization or the Sheriff and the County Executive may seek nonbinding mediation through the Federal Mediation and Conciliation Service.

**B.** A party seeking nonbinding mediation under subsubsubparagraph A of this subparagraph shall give written notice to the other party and to the Federal Mediation and Conciliation Service at least 15 days prior to the start of the first mediation meeting.

**C.** The costs associated with the mediator or mediation

process shall be shared equally by the parties.

D. The certified labor organization, the Sheriff, and the County Executive shall engage in nonbinding mediation for at least 30 days unless they mutually agree in writing to termination or extension of the mediation or reach an agreement.

E. The contents of the mediation proceedings may not be disclosed by any of the parties or the mediator.

4. The County Council shall enact a local ordinance that allows for nonbinding arbitration if the certified labor organization, the Sheriff, and the County Executive are unable to reach an agreement through mediation under subsubparagraph 3 of this subparagraph.

(v) 1. A collective bargaining agreement shall contain all matters of agreement reached in the collective bargaining process.

2. A collective bargaining agreement may contain a grievance procedure providing for binding arbitration of grievances in reference to a labor contract, including grievances related to interpretation or breach of contract.

3. A collective bargaining agreement reached in accordance with this paragraph shall be in writing and signed by the certified representatives of the parties involved in the collective bargaining negotiations.

4. Except as provided in the code and regulations of Cecil County, the provisions of this subparagraph and any agreement made under it may not impair the right and the responsibility of the Sheriff to:

A. Determine the mission, budget, organization, numbers, types, classes, grades, and ranks of deputy sheriffs assigned, the services to be rendered, operations to be performed, and the technology to be used;

B. Set the standards of service and exercise control over operations, including the rights to determine work shifts and the number of deputy sheriffs on each shift;

C. Assign and retain deputy sheriffs in positions within the office;

D. Determine and set work projects, tours of duty, schedules, assignments, and methods, means, and personnel by which operations are conducted;

E. Determine and set technology needs, internal security practices, equipment, and the location of facilities;

F. Maintain and improve the efficiency and effectiveness of operations;

G. Hire, direct, supervise, promote, demote, discipline, assign, and with reasonable cause discharge full-time sworn law enforcement deputy sheriffs, with the exception that the promotional process for **LAW ENFORCEMENT** deputy sheriffs up to the rank of [Captain] **CAPTAIN** and the number and composition of trial boards for the discipline process for **LAW ENFORCEMENT** deputy sheriffs at the rank of [Captain] **CAPTAIN** and below are subject to collective bargaining;

**H. HIRE, DIRECT, SUPERVISE, PROMOTE, DEMOTE, DISCIPLINE, ASSIGN, AND WITH REASONABLE CAUSE DISCHARGE FULL-TIME SWORN CORRECTIONAL DEPUTY SHERIFFS, WITH THE EXCEPTION THAT THE PROMOTIONAL PROCESS FOR CORRECTIONAL DEPUTY SHERIFFS UP TO THE RANK OF LIEUTENANT AND THE NUMBER AND COMPOSITION OF TRIAL BOARDS FOR THE DISCIPLINE PROCESS FOR DEPUTY SHERIFFS AT THE RANK OF LIEUTENANT AND BELOW ARE SUBJECT TO COLLECTIVE BARGAINING;**

I. Determine and set the qualifications of deputy sheriffs for appointment and promotions; and

[I.] J. Determine and set the standards of conduct, and with consultation and input from the certified labor organization, adopt rules, orders, policies, regulations, and procedures on mutually agreed on subjects.

5. A collective bargaining agreement is not effective until it is ratified by the majority of votes cast by the deputy sheriffs in the bargaining unit and approved by the Sheriff, the County Executive, and the County Council.

(vi) Nothing in this paragraph may be construed to:

1. Authorize or otherwise allow a deputy sheriff to engage in a strike as defined in § 3-303 of the State Personnel and Pensions Article; and

2. Authorize the collection of mandatory membership fees from nonmembers of the employee organization.

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

### **Article – Courts and Judicial Proceedings**

2-321.

(a) This section applies only in Cecil County.

(h) (1) (i) Except as provided in subparagraph (ii) of this paragraph, this subsection applies only to all full-time sworn law enforcement deputy sheriffs in the Office of the Sheriff of Cecil County at the rank of [Captain] CAPTAIN and below **AND TO ALL FULL-TIME SWORN CORRECTIONAL DEPUTY SHERIFFS IN THE OFFICE OF THE SHERIFF OF CECIL COUNTY AT THE RANK OF LIEUTENANT AND BELOW.**

(ii) This subsection does not apply to the chief deputy sheriff, community corrections director, detention center director, detention center deputy director, or law enforcement director in the Office of the Sheriff of Cecil County.

(2) (I) A full-time sworn law enforcement deputy sheriff at the rank of [Captain] CAPTAIN and below may:

[(i)] 1. Take part in or refrain from taking part in forming, joining, supporting, or participating in a labor organization or its lawful activities;

[(ii)] 2. Select a labor organization as the exclusive representative of the **LAW ENFORCEMENT** deputy sheriffs subject to this subsection;

[(iii)] 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 paragraph (5)(iv)1 of this subsection through a labor organization certified as the exclusive representative of the **LAW ENFORCEMENT** deputy sheriffs subject to this subsection;

[(iv)] 4. Subject to item [(ii)] 2 of this [paragraph] **SUBPARAGRAPH**, enter into a collective bargaining agreement, through the exclusive representative of the deputy sheriffs subject to this subsection, covering the wages, benefits, and other working conditions of the **LAW ENFORCEMENT** deputy sheriffs subject to this subsection, to the extent that the agreement does not impair the rights of the Sheriff set forth in paragraph (5)(iv) of this subsection; and

[(v)] 5. Decertify a labor organization as the exclusive representative of the **LAW ENFORCEMENT** deputy sheriffs subject to this subsection.

(II) **A FULL-TIME SWORN CORRECTIONAL DEPUTY SHERIFF AT THE RANK OF LIEUTENANT AND BELOW MAY:**

1. **TAKE PART IN OR REFRAIN FROM TAKING PART IN FORMING, JOINING, SUPPORTING, OR PARTICIPATING IN A LABOR ORGANIZATION OR ITS LAWFUL ACTIVITIES;**

2. **SELECT A LABOR ORGANIZATION AS THE EXCLUSIVE REPRESENTATIVE OF THE CORRECTIONAL DEPUTY SHERIFFS SUBJECT TO THIS PARAGRAPH;**

**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 PARAGRAPH (5)(IV)1 OF THIS SUBSECTION THROUGH A LABOR ORGANIZATION CERTIFIED AS THE EXCLUSIVE REPRESENTATIVE OF THE CORRECTIONAL DEPUTY SHERIFFS SUBJECT TO THIS PARAGRAPH;**

**4. SUBJECT TO ITEM 2 OF THIS SUBPARAGRAPH, ENTER INTO A COLLECTIVE BARGAINING AGREEMENT, THROUGH THE EXCLUSIVE REPRESENTATIVE OF THE CORRECTIONAL DEPUTY SHERIFFS SUBJECT TO THIS PARAGRAPH, COVERING THE WAGES, BENEFITS, AND OTHER WORKING CONDITIONS OF THE CORRECTIONAL DEPUTY SHERIFFS SUBJECT TO THIS PARAGRAPH, TO THE EXTENT THAT THE AGREEMENT DOES NOT IMPAIR THE RIGHTS OF THE SHERIFF SET FORTH IN PARAGRAPH (5)(IV)1 OF THIS SUBSECTION; AND**

**5. DECERTIFY A LABOR ORGANIZATION AS THE EXCLUSIVE REPRESENTATIVE OF THE CORRECTIONAL DEPUTY SHERIFFS SUBJECT TO THIS PARAGRAPH.**

(3) (i) **1.** A labor organization seeking certification as an exclusive representative **OF THE SWORN LAW ENFORCEMENT DEPUTY SHERIFFS** must submit a petition to the Sheriff and the County Executive that is signed by more than 50% of the sworn law enforcement deputy sheriffs at the rank of [Captain] **CAPTAIN** and below indicating the desire of the deputy sheriffs subject to this subsection to be represented exclusively by the labor organization for the purpose of collective bargaining.

**2. A LABOR ORGANIZATION SEEKING CERTIFICATION AS AN EXCLUSIVE REPRESENTATIVE OF THE CORRECTIONAL DEPUTY SHERIFFS MUST SUBMIT A PETITION TO THE SHERIFF AND THE COUNTY EXECUTIVE THAT IS SIGNED BY MORE THAN 50% OF THE SWORN CORRECTIONAL DEPUTY SHERIFFS AT THE RANK OF LIEUTENANT AND BELOW INDICATING THE DESIRE OF THE CORRECTIONAL DEPUTY SHERIFFS SUBJECT TO THIS SUBSECTION TO BE REPRESENTED EXCLUSIVELY BY THE LABOR ORGANIZATION FOR THE PURPOSE OF COLLECTIVE BARGAINING.**

(ii) If the Sheriff and the County Executive do not challenge the validity of the petition within 20 calendar days following the receipt of the petition, the labor organization shall be deemed certified as the exclusive representative.

(iii) If the Sheriff or the County Executive challenge the validity of the petition, the American Arbitration Association shall appoint a neutral third party to conduct an election and to certify whether the labor organization has been selected as the

exclusive representative by a majority of the votes cast in the election.

(iv) The costs associated with the appointment of a neutral third party shall be shared equally by the parties.

(v) 1. A labor organization shall be deemed decertified if a petition is submitted to the Sheriff and the County Executive that is signed by more than 50% of the full-time sworn law enforcement deputy sheriffs at the rank of [Captain] CAPTAIN and below indicating the desire of the LAW ENFORCEMENT deputy sheriffs to decertify the labor organization as the exclusive representative of the LAW ENFORCEMENT deputy sheriffs subject to this subsection.

**2. A LABOR ORGANIZATION SHALL BE DEEMED DECERTIFIED IF A PETITION IS SUBMITTED TO THE SHERIFF AND THE COUNTY EXECUTIVE THAT IS SIGNED BY MORE THAN 50% OF THE FULL-TIME SWORN CORRECTIONAL DEPUTY SHERIFFS AT THE RANK OF LIEUTENANT AND BELOW INDICATING THE DESIRE OF THE CORRECTIONAL DEPUTY SHERIFFS TO DECERTIFY THE LABOR ORGANIZATION AS THE EXCLUSIVE REPRESENTATIVE OF THE CORRECTIONAL DEPUTY SHERIFFS SUBJECT TO THIS SUBSECTION.**

(4) (i) Following certification of an exclusive representative as provided in paragraph (3) of this subsection, the certified labor organization and the Sheriff and the County Executive shall meet at reasonable times and engage in collective bargaining in good faith.

(ii) The certified labor organization, the Sheriff, and the County Executive shall make every reasonable effort to conclude negotiations on or before February 15 of the year in which a collective bargaining agreement is to take effect to allow for inclusion by the Sheriff of matters agreed on in its budget request to the County Council.

(iii) 1. If the certified labor organization and the Sheriff and the County Executive are unable to reach an agreement before the date set forth in subparagraph (ii) of this paragraph, either the certified labor organization or the Sheriff and the County Executive may seek nonbinding mediation through the Federal Mediation and Conciliation Service.

2. A party seeking nonbinding mediation under subparagraph 1 of this subparagraph shall give written notice to the other party and to the Federal Mediation and Conciliation Service at least 15 days prior to the start of the first mediation meeting.

3. The costs associated with the mediator or mediation process shall be shared equally by the parties.

4. The certified labor organization, the Sheriff, and the County Executive shall engage in nonbinding mediation for at least 30 days unless they

mutually agree in writing to termination or extension of the mediation or reach an agreement.

5. The contents of the mediation proceedings may not be disclosed by any of the parties or the mediator.

(iv) The County Council shall enact a local ordinance that allows for nonbinding arbitration if the certified labor organization, the Sheriff, and the County Executive are unable to reach an agreement through mediation under subparagraph (iii) of this paragraph.

(5) (i) A collective bargaining agreement shall contain all matters of agreement reached in the collective bargaining process.

(ii) A collective bargaining agreement may contain a grievance procedure providing for binding arbitration of grievances in reference to a labor contract, including grievances related to interpretation or breach of contract.

(iii) A collective bargaining agreement reached in accordance with this subsection shall be in writing and signed by the certified representatives of the parties involved in the collective bargaining negotiations.

(iv) Except as provided in the code and regulations of the county, the provisions of this paragraph and any agreement made under it may not impair the right and the responsibility of the Sheriff to:

1. Determine the mission, budget, organization, numbers, types, classes, grades, and ranks of deputy sheriffs assigned, the services to be rendered, operations to be performed, and the technology to be used;

2. Set the standards of service and exercise control over operations, including the rights to determine work shifts and the number of deputy sheriffs on each shift;

3. Assign and retain deputy sheriffs in positions within the office;

4. Determine and set work projects, tours of duty, schedules, assignments, and methods, means, and personnel by which operations are conducted;

5. Determine and set technology needs, internal security practices, equipment, and the location of facilities;

6. Maintain and improve the efficiency and effectiveness of operations;

7. Hire, direct, supervise, promote, demote, discipline,

assign, and with reasonable cause discharge full-time sworn law enforcement deputy sheriffs, with the exception that the promotional process for **LAW ENFORCEMENT** deputy sheriffs up to the rank of [Captain] **CAPTAIN** and the number and composition of trial boards for the discipline process for **LAW ENFORCEMENT** deputy sheriffs at the rank of [Captain] **CAPTAIN** and below are subject to collective bargaining;

**8. HIRE, DIRECT, SUPERVISE, PROMOTE, DEMOTE, DISCIPLINE, ASSIGN, AND WITH REASONABLE CAUSE DISCHARGE FULL-TIME SWORN CORRECTIONAL DEPUTY SHERIFFS, WITH THE EXCEPTION THAT THE PROMOTIONAL PROCESS FOR CORRECTIONAL DEPUTY SHERIFFS UP TO THE RANK OF LIEUTENANT AND THE NUMBER AND COMPOSITION OF TRIAL BOARDS FOR THE DISCIPLINE PROCESS FOR DEPUTY SHERIFFS AT THE RANK OF LIEUTENANT AND BELOW ARE SUBJECT TO COLLECTIVE BARGAINING;**

**9.** Determine and set the qualifications of deputy sheriffs for appointment and promotions; and

**[9.] 10.** Determine and set the standards of conduct, and with consultation and input from the certified labor organization, adopt rules, orders, policies, regulations, and procedures on mutually agreed on subjects.

(v) A collective bargaining agreement is not effective until it is ratified by the majority of votes cast by the deputy sheriffs in the bargaining unit and approved by the Sheriff, the County Executive, and the County Council.

(6) Nothing in this subsection may be construed to:

(i) Authorize or otherwise allow a deputy sheriff to engage in a strike as defined in § 3–303 of the State Personnel and Pensions Article; and

(ii) Authorize the collection of mandatory membership fees from nonmembers of the employee organization.

**SECTION 3. AND BE IT FURTHER ENACTED,** That Section 2 of this Act shall take effect on the taking effect of Chapter \_\_\_\_\_ (S.B. 206) 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 173****(Senate Bill 133)**

AN ACT concerning

**Farm Area Motor Vehicles – Registration and Authorized Use**

FOR the purpose of repealing the termination date for certain provisions of law applicable to the registration and authorized use of farm area motor vehicles, including a provision increasing the radius from a farm within which a person may operate on a highway a motor vehicle registered as a farm area motor vehicle; making this Act an emergency measure; and generally relating to the registration and authorized use of farm area motor vehicles.

BY repealing and reenacting, without amendments,  
Article – Transportation  
Section 13–935(a)(1) and (2) and (f)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Chapter 146 of the Acts of the General Assembly of 2014  
Section 2

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

**Article – Transportation**

13–935.

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

(2) “Farm area motor vehicle” means a motor vehicle owned by a farmer and operated only on a farm or on a highway within a 25–mile radius of the farm.

(f) In applying for registration of a farm area motor vehicle under this section, the owner of the vehicle shall submit with the application, from the most recent federal tax filing of the owner, a copy of:

(1) Internal Revenue Service form 1040, schedule F; or

(2) Any other federal tax form showing active farming status, as determined by the Administration.

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. [It shall remain effective for a period of 5 years from the date it is enacted and, at the end of the 5–year period, 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 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.**

---

## **Chapter 174**

**(House Bill 331)**

AN ACT concerning

### **Farm Area Motor Vehicles – Registration and Authorized Use**

FOR the purpose of repealing the termination date for certain provisions of law applicable to the registration and authorized use of farm area motor vehicles, including a provision increasing the radius from a farm within which a person may operate on a highway a motor vehicle registered as a farm area motor vehicle; making this Act an emergency measure; and generally relating to the registration and authorized use of farm area motor vehicles.

BY repealing and reenacting, without amendments,  
Article – Transportation  
Section 13–935(a)(1) and (2) and (f)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Chapter 146 of the Acts of the General Assembly of 2014  
Section 2

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

**Article – Transportation**

13–935.

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

(2) “Farm area motor vehicle” means a motor vehicle owned by a farmer and operated only on a farm or on a highway within a 25–mile radius of the farm.

(f) In applying for registration of a farm area motor vehicle under this section, the owner of the vehicle shall submit with the application, from the most recent federal tax filing of the owner, a copy of:

(1) Internal Revenue Service form 1040, schedule F; or

(2) Any other federal tax form showing active farming status, as determined by the Administration.

**Chapter 146 of the Acts of 2014**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. [It shall remain effective for a period of 5 years from the date it is enacted and, at the end of the 5–year period, 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 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.**

---

**Chapter 175**

**(House Bill 401)**

AN ACT concerning

**Harford County – Hunting – Deer Management Permits**

FOR the purpose of authorizing an individual who hunts under a Deer Management Permit in Harford County to use certain firearms to hunt deer throughout the year, including all deer hunting seasons, in the locations and under the conditions set forth in the permit; authorizing an individual who hunts under a Deer Management Permit in Harford County to hunt deer on certain lands under certain conditions; and generally relating to hunting deer under a Deer Management Permit in Harford County.

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section 10–415(d)  
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 – Natural Resources

10–415.

(d) (1) In this subsection, “Deer Management Permit” means a permit issued by the Department authorizing the holder or an agent of the holder to hunt deer outside of deer hunting season for the purpose of preventing damage to crops.

(2) In Charles County, Calvert County, [and] St. Mary’s County, **AND HARFORD COUNTY**, an individual who hunts deer under a Deer Management Permit may:

(i) Use a shotgun or breech loading center fired rifle approved by the Department to hunt deer throughout the year, including all deer hunting seasons, in the locations and under the conditions set forth in the permit; and

(ii) On State land in Charles County, Calvert County, [or] St. Mary’s County, **OR HARFORD COUNTY** leased by the permit holder for the purpose of cultivating crops, hunt deer on the leased land in the locations and under the conditions set forth in the permit.

(3) To protect public safety and welfare, the Department may restrict the lands on which an individual may hunt deer under a Deer Management Permit.

(4) (i) This paragraph applies only in Frederick County.

(ii) Subject to the conditions set forth in a Deer Management Permit, a permittee may use a rifle approved by the Department to harvest deer throughout the year, including all deer hunting seasons.

(iii) In Frederick County Zone 1, as defined in COMAR 08.03.03.06A.(3)(g), an agent of a permittee may use a rifle to harvest deer throughout the year.

(iv) 1. This subparagraph applies only in Frederick County Zone 2, as defined in COMAR 08.03.03.06A.(3)(h).

2. Except as provided in subsubparagraph 3 of this subparagraph, an agent of a permittee may use a rifle to harvest deer in a period beginning October 1 and ending March 31.

3. In a deer firearms season, an agent of a permittee may harvest deer only by using the weapon approved for that season.

(v) The Department shall adopt regulations to implement this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## Chapter 176

### (Senate Bill 923)

AN ACT concerning

### Harford County – Hunting – Deer Management Permits

FOR the purpose of authorizing an individual who hunts under a Deer Management Permit in Harford County to use certain firearms to hunt deer throughout the year, including all deer hunting seasons, in the locations and under the conditions set forth in the permit; authorizing an individual who hunts under a Deer Management Permit in Harford County to hunt deer on certain lands under certain conditions; and generally relating to hunting deer under a Deer Management Permit in Harford County.

BY repealing and reenacting, with amendments,  
 Article – Natural Resources  
 Section 10–415(d)  
 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 – Natural Resources**

10–415.

(d) (1) In this subsection, “Deer Management Permit” means a permit issued by the Department authorizing the holder or an agent of the holder to hunt deer outside of deer hunting season for the purpose of preventing damage to crops.

(2) In Charles County, Calvert County, [and] St. Mary’s County, **AND HARBORD COUNTY**, an individual who hunts deer under a Deer Management Permit may:

(i) Use a shotgun or breech loading center fired rifle approved by the Department to hunt deer throughout the year, including all deer hunting seasons, in the locations and under the conditions set forth in the permit; and

(ii) On State land in Charles County, Calvert County, [or] St. Mary’s County, **OR HARBORD COUNTY** leased by the permit holder for the purpose of cultivating crops, hunt deer on the leased land in the locations and under the conditions set forth in the permit.

(3) To protect public safety and welfare, the Department may restrict the lands on which an individual may hunt deer under a Deer Management Permit.

(4) (i) This paragraph applies only in Frederick County.

(ii) Subject to the conditions set forth in a Deer Management Permit, a permittee may use a rifle approved by the Department to harvest deer throughout the year, including all deer hunting seasons.

(iii) In Frederick County Zone 1, as defined in COMAR 08.03.03.06A.(3)(g), an agent of a permittee may use a rifle to harvest deer throughout the year.

(iv) 1. This subparagraph applies only in Frederick County Zone 2, as defined in COMAR 08.03.03.06A.(3)(h).

2. Except as provided in subparagraph 3 of this subparagraph, an agent of a permittee may use a rifle to harvest deer in a period beginning October 1 and ending March 31.

3. In a deer firearms season, an agent of a permittee may harvest deer only by using the weapon approved for that season.

(v) The Department shall adopt regulations to implement this

subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## **Chapter 177**

### **(House Bill 803)**

AN ACT concerning

#### **Harford County – Alcoholic Beverages – Annual Financial Audit**

FOR the purpose of requiring the Board of License Commissioners for Harford County to submit a financial audit to certain individuals at a certain time each year for review; specifying that the financial audit is not subject to approval by certain individuals; and generally relating to alcoholic beverages in Harford County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 22–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY adding to  
Article – Alcoholic Beverages  
Section 22–205.1  
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**

22–102.

This title applies only in Harford County.

**22–205.1.**

**(A) AT THE END OF EACH FISCAL YEAR, THE BOARD SHALL SUBMIT A FINANCIAL AUDIT FOR REVIEW TO:**

(1) THE COUNTY EXECUTIVE; AND

(2) THE HARFORD COUNTY DELEGATION TO THE MARYLAND GENERAL ASSEMBLY, CONSISTING OF HARFORD COUNTY SENATORS AND DELEGATES.

(B) THE FINANCIAL AUDIT IS NOT SUBJECT TO APPROVAL BY THE COUNTY EXECUTIVE OR THE HARFORD COUNTY DELEGATION TO THE MARYLAND GENERAL ASSEMBLY, CONSISTING OF HARFORD COUNTY SENATORS AND DELEGATES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

---

## Chapter 178

(House Bill 954)

AN ACT concerning

### **Agriculture – Commercial Compost – Prohibition on Per Ton Inspection Fee**

FOR the purpose of prohibiting the Secretary of Agriculture from adopting regulations to establish or impose a per ton inspection fee on commercial compost distributed by a private entity in the State; providing for the termination of this Act; and generally relating to commercial compost distributed in the State.

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 6–221

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**

6–221.

(a) The Secretary shall adopt regulations in consultation with the State Department of the Environment to establish product standards for compost intended for commercial use and distribution.

(b) (1) The regulations adopted under subsection (a) of this section shall include:

and [(1)] (I) Certification requirements for operators of composting facilities;

[(2)] (II) A classification scheme for compost.

**(2) THE REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION MAY NOT ESTABLISH OR IMPOSE A PER TON INSPECTION FEE ON COMMERCIAL COMPOST DISTRIBUTED BY A PRIVATE ENTITY IN THE STATE.**

(c) To the greatest extent practicable, the regulations adopted under subsection (a) of this section shall be consistent with applicable national standards and with relevant standards which may have been developed in neighboring states.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019. It shall remain effective for a period of 3 years and, at the end of September 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 179

**(House Bill 1149)**

AN ACT concerning

### **Harford County – Alcoholic Beverages – Filing Period for Renewal Applications**

FOR the purpose of altering the time period within which an applicant is required to submit an application to renew an alcoholic beverages license in Harford County; and generally relating to alcoholic beverages in Harford County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 22–102

Annotated Code of Maryland

(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages  
Section 22–1801 and 22–1802  
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**

22–102.

This title applies only in Harford County.

22–1801.

(a) The following sections of Title 4, Subtitle 4 (“Renewal of Local Licenses”) of Division I of this article apply in the county without exception or variation:

- (1) § 4–402 (“Eligibility for renewal; process”);
- (2) § 4–403 (“Renewal application”);
- (3) § 4–406 (“Protests”);
- (4) § 4–407 (“Denial of renewal application”);
- (5) § 4–408 (“Issuance of renewed licenses”);
- (6) § 4–409 (“Multiple licenses”); and
- (7) § 4–410 (“Chain store, supermarket, or discount house”).

**(B) SECTION 4–404 (“FILING PERIOD FOR RENEWAL APPLICATION”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 22–1802 OF THIS SUBTITLE.**

**[(b)] (C)** [The following sections of Title 4, Subtitle 4 (“Renewal of Local Licenses”) of Division I of this article apply in the county:

- (1) § 4–404 (“Filing period for renewal application”), subject to § 22–1802 of this subtitle; and

(2) §] SECTION 4–405 (“Contents of renewal application”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, subject to § 22–1803 of this subtitle.

22–1802.

**(A) AN APPLICATION TO RENEW AN ANNUAL LICENSE SHALL BE FILED BETWEEN FEBRUARY 1 AND APRIL 1, INCLUSIVE.**

**(B)** The Board may consider a license renewal application received after April 1 for 30 days before it takes final action on the application.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## Chapter 180

**(House Bill 358)**

AN ACT concerning

### St. Mary’s County – Public Facility Bonds

FOR the purpose of authorizing and empowering the County Commissioners of St. Mary’s County, from time to time, to borrow not more than \$30,000,000 in order to finance the construction, improvement, or development of certain public facilities in St. Mary’s County, as herein defined, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, county, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and generally relating to the issuance and sale of such bonds.

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

That, as used herein, the term “County” means the body politic and corporate of the State of Maryland known as the County Commissioners of St. Mary’s County, and the term “construction, improvement, or development of public facilities” means the acquisition, alteration, construction, reconstruction, enlargement, equipping, expansion, extension, improvement, rehabilitation, renovation, upgrading, and repair of public buildings and facilities and public works projects, including, but not limited to, public works projects such as highways, roads, bridges and storm drains, public school buildings and facilities, boating facilities, shore erosion and other marine property, landfills, and recycling facilities, public operational buildings and facilities such as buildings and facilities for County administrative use, capital improvements to the Wicomico Shores Taxing District, County athletic facilities, the community college, community swimming pools, public safety, health, and social services, libraries, commuter air service facilities, refuse disposal buildings and facilities, and parks and recreation buildings and facilities, together with the costs of acquiring land or interests in land as well as any related architectural, financial, legal, planning, or engineering services.

SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby authorized to finance any part or all of the costs of the public facilities described in Section 1 of this Act, and to borrow money and incur indebtedness for that purpose, at one time or from time to time, in an amount not exceeding, in the aggregate, \$30,000,000, and to evidence such borrowing by the issuance and sale upon its full faith and credit of general obligation bonds in like par amount, which may be issued at one time or from time to time, in one or more groups or series, as the County may determine.

SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued in accordance with a resolution of the County, which shall describe generally the construction, improvement, or development of public facilities for which the proceeds of the bond sale are intended and the amount needed for those purposes. The County shall have and is hereby granted full and complete authority and discretion in the resolution to fix and determine with respect to the bonds of any issue: the designation, date of issue, denomination or denominations, form or forms, and tenor of the bonds which, without limitation, may be issued in registered form within the meaning of § 19–204 of the Local Government Article of the Annotated Code of Maryland, as amended; the rate or rates of interest payable thereon, or the method of determining the same, which may include a variable rate; the date or dates and amount or amounts of maturity, which need not be in equal par amounts or in consecutive annual installments, provided only that no bond of any issue shall mature later than 30 years from the date of its issue; the manner of selling the bonds, which may be at either public or private sale, for such price or prices as may be determined to be in the best interests of St. Mary’s County; the manner of executing and sealing the bonds, which may be by facsimile; the terms and conditions, if any, under which bonds may be tendered for payment or purchase prior to their stated maturity; the terms or conditions, if any, under which bonds may or shall be redeemed prior to their stated maturity; the place or places of payment of the principal of and the interest on the bonds, which may be at any bank or trust company within or without the State of Maryland; covenants relating to compliance with applicable requirements of federal income tax law, including (without limitation) covenants regarding the payment of rebate or penalties in lieu of rebate; covenants relating to compliance with applicable requirements of federal or state securities

laws; and generally all matters incident to the terms, conditions, issuance, sale, and delivery thereof.

The bonds may be made redeemable before maturity, at the option of the County, at such price or prices and under such terms and conditions as may be fixed by the County prior to the issuance of the bonds, either in the resolution or in a bond order pursuant to the bond resolution. The bonds may be issued in registered form and provision may be made for the registration of the principal only. In case any officer whose signature appears on any bond ceases to be such officer before the delivery thereof, such signature shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery. The bonds and the issuance and sale thereof shall be exempt from the provisions of §§ 19–205 and 19–206 of the Local Government Article of the Annotated Code of Maryland, as amended.

The County may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of any security for the bonds and for the purpose of securing any tender option that may be granted to holders of the bonds, all as may be determined and presented in the aforesaid resolution, which may (but need not) state as security for the performance by the County of any monetary obligations under such agreements the same security given by the County to bondholders for the performance by the County of its monetary obligations under the bonds.

If the County determines in the resolution to offer any of the bonds by solicitation of competitive bids at public sale, the resolution shall fix the terms and conditions of the public sale and shall adopt a form of notice of sale, which shall outline the terms and conditions, and a form of advertisement, which shall be published in one or more daily or weekly newspapers having a general circulation in the County and which may also be published in one or more journals having a circulation primarily among banks and investment bankers. At least one publication of the advertisement shall be made not less than 10 days before the sale of the bonds.

Upon delivery of any bonds to the purchaser or purchasers, payment therefor shall be made to the Treasurer of St. Mary's County or such other official of St. Mary's County as may be designated to receive such payment in a resolution passed by the County before such delivery.

SECTION 4. AND BE IT FURTHER ENACTED, That the net proceeds of the sale of bonds shall be used and applied exclusively and solely for the acquisition, construction, improvement, or development of public facilities for which the bonds are sold. If the amounts borrowed shall prove inadequate to finance the projects described in the resolution, the County may issue additional bonds with the limitations hereof for the purpose of evidencing the borrowing of additional funds for such financing, provided the resolution authorizing the sale of additional bonds shall so recite, but if the net proceeds of the sale of any issue of bonds exceed the amount needed to finance the projects described in the resolution, the excess funds so borrowed and not expended shall be applied to the payment of the next principal maturity of the bonds or to the redemption of any part of the bonds which have been made redeemable or to the purchase and cancellation of bonds,

unless the County shall adopt a resolution allocating the excess funds to the acquisition, construction, improvement, or development of other public facilities, as defined and within the limits set forth in this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby authorized shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest on the bonds as and when they become payable. In each and every fiscal year that any of the bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for or assure the payment, when due, of the principal of and interest on all the bonds maturing in each such fiscal year and, in the event the proceeds from the taxes so levied in any such fiscal year shall prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any such deficiency. The County may apply to the payment of the principal of and interest on any bonds issued hereunder any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality thereof, or from any other source, if such funds are granted for the purpose of assisting the County in financing the acquisition, construction, improvement, or development of the public facilities defined in this Act and, to the extent of any such funds received or receivable in any fiscal year, the taxes that are required to be levied under this Act may be reduced accordingly.

SECTION 6. AND BE IT FURTHER ENACTED, That the County is further authorized and empowered, at any time and from time to time, to issue its bonds in the manner hereinabove described for the purpose of refunding, by payment at maturity or upon purchase or redemption, any bonds issued hereunder. The validity of any such refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the obligations so refunded. The powers herein granted with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds. Such refunding bonds may be issued by the County in such an amount as shall be necessary for the purpose of providing it with funds to pay any of its outstanding bonds issued hereunder at maturity, for the purpose of providing it with funds to purchase in the open market any of its outstanding bonds issued hereunder, prior to the maturity thereof, or for the purpose of providing it with funds for the redemption prior to maturity of any outstanding bonds issued hereunder which are, by their terms, redeemable, for the purpose of providing it with funds to pay interest on any outstanding bonds issued hereunder prior to their payment at maturity of purchase or redemption in advance of maturity, or for the purpose of providing it with funds to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds issued hereunder. The proceeds of the sale of any such refunding bonds shall be segregated and set apart by the County as a separate trust fund to be used solely for the purpose of paying the purchase or redemption prices of the bonds to be refunded.

SECTION 7. AND BE IT FURTHER ENACTED, That the County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds have been executed and are available for such delivery, provided, however, that any such interim certificates or temporary bonds shall be issued in all respects subject to the restrictions and requirements set forth in this Act. The

County may, by appropriate resolution, provide for the replacement of any bonds issued hereunder which shall have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.

SECTION 8. AND BE IT FURTHER ENACTED, That any and all obligations issued pursuant to the authority of this Act, their transfer, the interest payable thereon, and any income derived therefrom in the hands of the holders thereof from time to time (including any profit made in the sale thereof) shall be and are hereby declared to be at all times exempt from State, county, municipal, or other taxation of every kind and nature whatsoever within the State of Maryland. Nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes.

SECTION 9. AND BE IT FURTHER ENACTED, That the authority to borrow money and issue bonds conferred on the County by this Act shall be deemed to provide an additional and alternative authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all Acts of the General Assembly of Maryland heretofore passed authorizing the County to borrow money are hereby continued to the extent that the powers contained in such Acts have not been exercised, and nothing contained in this Act may be construed to impair, in any way, the validity of any bonds that may have been issued by the County under the authority of any said Acts, and the validity of the bonds is hereby ratified, confirmed, and approved. This Act, being necessary for the welfare of the inhabitants of St. Mary's County, shall be liberally construed to effect the purposes hereof. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## **Chapter 181**

### **(House Bill 359)**

AN ACT concerning

#### **St. Mary's County – Building Authority Commission – Repeal**

FOR the purpose of repealing certain provisions of law that relate to the Building Authority Commission in St. Mary's County; and generally relating to the Building Authority Commission in St. Mary's County.

BY repealing

The Public Local Laws of St. Mary's County  
Section 26–18  
Article 19 – Public Local Laws of Maryland  
(2007 Edition and October 2014 Supplement, as amended)

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

**Article 19 – St. Mary's County**

[26–18.

A. There is a St. Mary's County Building Authority Commission as a body politic and corporate and public instrumentality of the County Commissioners of St. Mary's County. The County Commissioners may utilize the Commission to accomplish their public purposes as provided in this section.

B. The Commission is created and shall be operated and its powers exercised solely to accomplish the following public purposes of the County Commissioners of St. Mary's County:

(1) To acquire and take title to real property within the county.

(2) To acquire, construct, reconstruct, renovate, rehabilitate, expand or equip improvement on real property owned by the Commission.

(3) To lease real property and improvements thereon to the state, the county or any agency or instrumentality of either or any nonprofit corporation.

(4) To finance or refinance the acquisition, construction, reconstruction, renovation, rehabilitation, expansion, equipping or leasing of such real property and improvements thereon by the issuance and sale of limited obligation bonds.

C. Subject to the provisions of this section, the Commission may adopt an official seal, sue and be sued, make and enter into contracts and agreements, acquire, hold, transfer and dispose of any property or interest therein and exercise such other powers as the Board of County Commissioners confers upon it to implement the public purposes of this section. The exercise by the Commission of the powers conferred upon it shall be deemed to be the performance of an essential public function.

D. Members of the Commission shall be appointed by and shall serve at the pleasure of the County Commissioners. A member may be removed at any time, with or without cause.

E. Subject to the provisions of this section, the County Commissioners shall determine or approve all matters relating to the structure, organization and administration of the Commission, including:

- (1) The number, tenure, manner of appointment and compensation (if any) of its members.
- (2) The tenure and manner of election of its officers.
- (3) Staffing requirements and appointments.
- (4) The bylaws and procedures used by the Commission for the regulation of its affairs and the conduct of its business.

F. The Board of County Commissioners may appropriate funds to provide for the necessary expenses of the Commission.

G. The Commission, on behalf of the County Commissioners of St. Mary's County and with the approval of the Board of County Commissioners, may issue and sell its limited obligation bonds at any time and from time to time for the purpose of financing or refinancing the costs of acquiring, constructing, reconstructing, renovating, rehabilitating, expanding, equipping or leasing real property, and improvements thereon, pursuant to this section and for the purpose of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling and issuing the bonds, the funding of reserves and the payment of interest in such amounts and for such period as the Commission deems reasonable.

H. Bonds issued by the Commission shall be authorized by a resolution or resolutions of the Commission which shall specify, prescribe, determine, provide for and approve such matters, details, forms, documents or procedures as the Commission may deem appropriate to the authorization, sale, security, issuance, delivery or payment of or for the bonds.

I. The Commission may enter into a trust agreement with any trust company or bank having the powers of a trust company in order to secure the bonds through a pledge or assignment of revenues to be received by the Commission to pay the principal of, premium (if any) and interest on the bonds. As additional security for the payment of the principal of, premium (if any) on, and interest on the bonds, the Commission may convey or assign any real or personal property financed or refinanced out of the proceeds of the sale of the bonds. Such pledge, conveyance, or assignment shall be valid and binding against any person having a claim of any kind against the Commission, irrespective of whether the person has notice.

J. Bonds issued by the Commission shall bear such date or dates, mature at such time or times, not exceeding thirty (30) years from their respective dates, bear interest at such rate or rates, be payable at such time or times, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places and may be subject to such terms of redemption as the Commission shall determine. The bonds shall be sold in such manner, either at public or private (negotiated) sale, and upon

such terms, at, above or below par, as the Commission deems best. The bonds are not subject to the limitations of §§ 9, 10 or 11 of Article 31 of the Annotated Code of Maryland.

K. Bonds issued by the Commission and the interest on them are limited obligations of the Commission, the principal of, premium (if any) and interest on which are payable solely from rents or other revenues derived from the real property, and improvements thereon, acquired, constructed, reconstructed, renovated, rehabilitated, expanded, equipped, or leased by the Commission pursuant to this section, from any other funds made available to the Commission for such purpose and, in the event the trustee under the trust agreement securing such bonds holds any additional security for the payment of the principal of, premium (if any) on, and interest on the bonds, from the proceeds of such security. Neither the bonds issued by the Commission nor the interest on them shall ever constitute an indebtedness or a charge against the general credit of the Commission or the general credit or taxing power of the County Commissioners of St. Mary's County within the meaning of any constitutional or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the Commission or the County Commissioners of St. Mary's County, except to the extent that the county may be the lessee of the real property and improvements thereon with respect to which the bonds are issued.

L. The Commission shall be exempt from any payment of or liability for any and all ordinary taxes, whether federal, state or local, now or hereafter levied or imposed and any assessments or other governmental charges. The principal amount of bonds issued by the Commission, the interest payable on them, their transfer and any income derived from them, including any profit made in the sale or transfer of them, are and shall remain exempt from taxation of every kind and nature whatsoever by the State of Maryland or by any of its political subdivisions, municipal corporations or public agencies of any kind.

M. The net earnings of the Commission, aside from those necessary to pay debt service or to implement the public purposes of this section, may not inure to the benefit of any person other than the County Commissioners of St. Mary's County.

N. Subject to the provisions of this section and to any limitations imposed by law upon the impairment of contracts, the Board of County Commissioners may at any time change the structure, organization, procedures, programs or activities of the Commission or terminate the Commission. Upon termination of the Commission, title to all its property shall vest in and all obligations and assets of the Commission shall be transferred to and assumed by the County Commissioners of St. Mary's County.

O. Any action or determination of the Board of County Commissioners required or permitted by this section shall be taken or made solely by resolution of the Board.

P. Nothing contained in this section shall exempt the Commission from compliance with the requirements of §§ 19–101 et seq. of the Health–General Article of the Annotated Code of Maryland, relating to the construction of or expenditures by healthcare facilities.

Q. Notwithstanding any other provision of public general law or public local law:

(1) The Commission or any assignee of the Commission may bring suit in any court of competent jurisdiction against the state, the county, or any agency or instrumentality of either to enforce any lease or other agreement entered into between the Commission and the state, the county, or any agency or instrumentality of either; and

(2) The provisions of Sections 12–202 through 12–204 of the State Government Article, that relate to the waiver or bar of the defense of sovereign immunity and the satisfaction of final judgments rendered against the state or any agency or instrumentality of the state, apply to any lease or other agreement entered into between the Commission and the state or any agency or instrumentality of the state.

R. Leases.

(1) The county may enter into a lease or other agreement with the Commission in order to accomplish the public purposes of this section.

(2) Any lease or other agreement between the county and the Commission shall be on such terms and conditions as the Board of County Commissioners may determine and shall be legally binding upon the county and enforceable against the county in accordance with its terms.

(3) Any lease between the county and the Commission may be for a term of any number of years, and any rent thereunder may be payable from the general funds of the county or from any special funds as may be designated by the Board of County Commissioners.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

**Chapter 182**

**(House Bill 360)**

AN ACT concerning

**St. Mary's County – Alcoholic Beverages – Sunday Sales at a Bar or Counter**

FOR the purpose of repealing the prohibition against holders of certain alcoholic beverages licenses in St. Mary's County from selling certain alcoholic beverages at a bar or counter on Sunday; and generally relating to the sale of alcoholic beverages in St. Mary's County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 28–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages  
Section 28–2003 and 28–2004  
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**

28–102.

This title applies only in St. Mary’s County.

28–2003.

(a) A holder of a Class A beer and wine license may sell beer and wine on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(b) [(1) Except as provided in paragraph (2) of this subsection, a] **A** holder of a Class B beer and wine license may sell beer and wine on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

[(2) The license holder may not sell beer or wine at a bar or counter on Sunday.]

(c) Reserved.

(d) Reserved.

28–2004.

(a) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(b) [(1) Except as provided in paragraph (2) of this subsection, a] **A** holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

[(2) The license holder may not sell beer, wine, or liquor at a bar or counter on Sunday.]

(c) [(1) Except as provided in paragraph (2) of this subsection, a] **A** holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

[(2) The license holder may not sell beer, wine, or liquor at a bar or counter on Sunday.]

(d) A holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## Chapter 183

### (House Bill 388)

AN ACT concerning

#### **Charles County – Alcoholic Beverages – View of Licensed Premises**

FOR the purpose of limiting the hours within which certain individuals are required to provide a certain view of the interior of licensed premises where alcoholic beverages are served; ~~specifying that a certain view may be obstructed during a certain period of time for security purposes;~~ authorizing a license holder to install a protective covering over an exterior door or window of the licensed premises under certain circumstances; providing that this Act does not prevent an inspection and search of the licensed premises under certain circumstances; and generally relating to alcoholic beverages in Charles County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages  
 Section 18–102  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages  
 Section 18–1903

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**

18–102.

This title applies only in Charles County.

18–1903.

(a) A license holder or agent or employee of the license holder may sell alcoholic beverages only in a room having at least one plain glass window or door that allows an individual standing on the outside to observe the interior of the licensed premises [at] **DURING** all hours **OF OPERATION**.

(b) ~~(1)~~ [The] **DURING ALL HOURS OF OPERATION, THE** view afforded by the window or door may not be obstructed.

~~(2) **DURING THE HOURS THAT THE LICENSED PREMISES ARE NOT IN OPERATION, BLINDS, A CURTAIN, A SCREEN, OR ANY OTHER OBSTRUCTION MAY BE PLACED IN FRONT OF THE WINDOW OR DOOR FOR SECURITY PURPOSES.**~~

**(C) (1) A LICENSE HOLDER MAY INSTALL A PROTECTIVE COVERING OVER AN EXTERIOR DOOR OR WINDOW OF THE LICENSED PREMISES IF THE COVERING IS:**

**(I) USED ONLY WHEN THE LICENSED PREMISES IS NOT OCCUPIED;**

**(II) DESIGNED TO PROTECT THE LICENSED PREMISES FROM UNLAWFUL INTRUSION OR DESTRUCTION; AND**

**(III) SECURED ONLY FROM THE EXTERIOR OF THE LICENSED PREMISES.**

**(2) THIS SUBSECTION DOES NOT PREVENT AN INSPECTION AND SEARCH OF THE LICENSED PREMISES UNDER § 6–202 OF THIS ARTICLE.**

~~(e)~~ **(D)** A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$250 or imprisonment 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 184**

### **(Senate Bill 376)**

AN ACT concerning

#### **Carroll County – Public Facilities Bonds**

FOR the purpose of authorizing and empowering the County Commissioners of Carroll County, from time to time, to borrow not more than \$28,500,000 in order to finance the construction, improvement, or development of certain public facilities in Carroll County, including water and sewer projects, to finance loans for fire or emergency-related equipment, buildings, and other facilities of volunteer fire departments in the County, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; providing that such borrowing may be undertaken by the County in the form of installment purchase obligations executed and delivered by the County for the purpose of acquiring agricultural land and woodland preservation easements; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, County, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and generally relating to the issuance and sale of such bonds.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, as used herein, the term “County” means the body politic and corporate of the State of Maryland known as the County Commissioners of Carroll County, and the term “construction, improvement, or development of public facilities” means the acquisition, alteration, construction, reconstruction, enlargement, equipping, expansion, extension, improvement, rehabilitation, renovation, upgrading, and repair of public buildings and facilities and public works projects, including, but not limited to, public works projects such as roads, bridges and storm drains, public school buildings and facilities, landfills, Carroll Community College buildings and facilities, public operational buildings and facilities such

as buildings and facilities for County administrative use, public safety, health and social services, libraries, refuse disposal buildings and facilities, water and sewer infrastructure facilities, easements or similar or related rights in land that restrict the use of agricultural land or woodland to maintain the character of the land as agricultural land or woodland, and parks and recreation buildings and facilities, together with the costs of acquiring land or interests in land as well as any related architectural, financial, legal, planning, or engineering services.

SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby authorized to finance any part or all of the costs of the construction, improvements or development of public facilities described in Section 1 of this Act, to make loans to each and every volunteer fire department in the County upon such terms and conditions as may be determined by the County for the purpose of financing certain fire or emergency–related equipment, buildings, or other facilities of volunteer fire departments, and to borrow money and incur indebtedness for those purposes, at one time or from time to time, in an amount not exceeding, in the aggregate, \$28,500,000 and to evidence such borrowing by the issuance and sale upon its full faith and credit of general obligation bonds in like par amount, which may be issued at one time or from time to time, in one or more groups or series, as the County may determine.

SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued in accordance with a resolution of the County, which shall describe generally the construction, improvement, or development of public facilities, including water and sewer projects, the fire or emergency–related equipment, buildings, or other facilities of volunteer fire departments in the County for which the proceeds of the bond sale are intended and the amount needed for those purposes. The County shall have and is hereby granted full and complete authority and discretion in the resolution to fix and determine with respect to the bonds of any issue: the designation, date of issue, denomination or denominations, form or forms, and tenor of the bonds which, without limitation, may be issued in registered form within the meaning of § 19–204 of the Local Government Article, as amended; the rate or rates of interest payable thereon, or the method of determining the same, which may include a variable rate; the date or dates and amount or amounts of maturity, which need not be in equal par amounts or in consecutive annual installments, provided only that no bond of any issue shall mature later than 30 years from the date of its issue; the manner of selling the bonds, which may be at either public or private sale, for such price or prices as may be determined to be for the best interests of Carroll County; the manner of executing and sealing the bonds, which may be by facsimile; the terms and conditions of any loans made to volunteer fire departments; the terms and conditions, if any, under which bonds may be tendered for payment or purchase prior to their stated maturity; the terms or conditions, if any, under which bonds may or shall be redeemed prior to their stated maturity; the place or places of payment of the principal of and the interest on the bonds, which may be at any bank or trust company within or without the State of Maryland; covenants relating to compliance with applicable requirements of federal income tax law, including (without limitation) covenants regarding the payment of rebate or penalties in lieu of rebate; covenants relating to compliance with applicable requirements of federal or State securities laws; and generally all matters incident to the terms, conditions, issuance, sale, and delivery thereof.

The bonds may be made redeemable before maturity, at the option of the County, at such price or prices and under such terms and conditions as may be fixed by the County prior to the issuance of the bonds, either in the resolution or in subsequent resolutions. The bonds may be issued in registered form, and provision may be made for the registration of the principal only. In case any officer whose signature appears on any bond ceases to be such officer before the delivery thereof, such signature shall nevertheless be valid and sufficient for all purposes as if the officer had remained in office until such delivery. The bonds and the issuance and sale thereof shall be exempt from the provisions of §§ 19–205 and 19–206 of the Local Government Article, as amended.

The borrowing authorized by this Act may also be undertaken by the County in the form of installment purchase obligations executed and delivered by the County for the purpose of acquiring easements or similar or related rights in land that restrict the use of agricultural land or woodland to maintain the character of the land as agricultural or woodland. The form of installment purchase obligations, the manner of accomplishing the acquisition of easements, which may be the direct exchange of installment purchase obligations for easement, and all matters incident to the execution and delivery of the installment purchase obligations and acquisition of the easements by the County shall be determined in the resolution. Except where the provisions of this Act would be inapplicable to installment purchase obligations, the term “bonds” used in this Act shall include installment purchase obligations and matters pertaining to the bonds under this Act, such as the security for the payment of the bonds, the exemption of the bonds from State, County, municipal, or other taxation, and authorization to issue refunding bonds and the limitation on the aggregate principal amount of bonds authorized for issuance, shall be applicable to installment purchase obligations.

The County may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of any security for the bonds and for the purpose of securing any tender option that may be granted to holders of the bonds, all as may be determined and presented in the aforesaid resolution, which may (but need not) state as security for the performance by the County of any monetary obligations under such agreements the same security given by the County to bondholders for the performance by the County of its monetary obligations under the bonds.

If the County determines in the resolution to offer any of the bonds by solicitation of competitive bids at public sale, the resolution shall fix the terms and conditions of the public sale and shall adopt a form of notice of sale, which shall outline the terms and conditions, and a form of advertisement, which shall be published in one or more daily or weekly newspapers having a general circulation in the County and which may also be published in one or more journals having a circulation primarily among banks and investment bankers. At least one publication of the advertisement shall be made not less than 10 days before the sale of the bonds.

Upon delivery of any bonds to the purchaser or purchasers, payment therefor shall be made to the Comptroller of Carroll County or such other official of Carroll County as may be designated to receive such payment in a resolution passed by the County before

such delivery.

SECTION 4. AND BE IT FURTHER ENACTED, That the net proceeds of the sale of bonds shall be used and applied exclusively and solely for the acquisition, construction, improvement, or development of public facilities, including water and sewer projects, to make loans to volunteer fire departments for the financing of fire or emergency–related equipment, buildings, or other facilities of volunteer fire departments in the County for which the bonds are sold. If the amounts borrowed shall prove inadequate to finance the projects described in the resolution, the County may issue additional bonds with the limitations hereof for the purpose of evidencing the borrowing of additional funds for such financing, provided the resolution authorizing the sale of additional bonds shall so recite, but if the net proceeds of the sale of any issue of bonds exceed the amount needed to finance the projects described in the resolution, the excess funds so borrowed and not expended shall be applied to the payment of the next principal maturity of the bonds or to the redemption of any part of the bonds which have been made redeemable or to the purchase and cancellation of bonds, unless the County shall adopt a resolution allocating the excess funds to the acquisition, construction, improvement, or development of other public facilities, including water and sewer projects, or to the making of loans for fire or emergency–related equipment, buildings, or other facilities of volunteer fire departments in the County, as defined and within the limits set forth in this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby authorized shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest on the bonds as and when they become payable. In each and every fiscal year that any of the bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for or assure the payment, when due, of the principal of and interest on all the bonds maturing in each such fiscal year and, in the event the proceeds from the taxes so levied in any such fiscal year shall prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any such deficiency. The County may apply to the payment of the principal of and interest on any bonds issued hereunder any funds received by it as loan repayments from volunteer fire departments and any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality thereof, or from any other source, if such funds are granted for the purpose of assisting the County in financing the acquisition, construction, improvement, or development of the public facilities defined in this Act, including the water and sewer projects or the making of loans for the aforementioned fire or emergency–related equipment, buildings, or other facilities for volunteer fire departments in the County and, to the extent of any such funds received or receivable in any fiscal year, the taxes that are required to be levied may be reduced accordingly.

SECTION 6. AND BE IT FURTHER ENACTED, That the County is further authorized and empowered, at any time and from time to time, to issue its bonds in the manner herein above described for the purpose of refunding, by payment at maturity or upon purchase or redemption, any bonds issued hereunder. The validity of any such refunding bonds shall in no way be dependent upon or related to the validity or invalidity

of the obligations so refunded. The powers herein granted with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds. Such refunding bonds may be issued by the County for the purpose of providing it with funds to pay any of its outstanding bonds issued hereunder at maturity, for the purpose of providing it with funds to purchase in the open market any of its outstanding bonds issued hereunder, prior to the maturity thereof, or for the purpose of providing it with funds for the redemption prior to maturity of any outstanding bonds issued hereunder which are, by their terms, redeemable, for the purpose of providing it with funds to pay interest on any outstanding bonds issued hereunder prior to their payment at maturity of purchase or redemption in advance of maturity, or for the purpose of providing it with funds to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds issued hereunder. The proceeds of the sale of any such refunding bonds shall be segregated and set apart by the County as a separate trust fund to be used solely for the purpose of paying the purchase or redemption prices of the bonds to be refunded.

SECTION 7. AND BE IT FURTHER ENACTED, That the County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds have been executed and are available for such delivery, provided, however, that any such interim certificates or temporary bonds shall be issued in all respects subject to the restrictions and requirements set forth in this Act. The County may, by appropriate resolution, provide for the replacement of any bonds issued hereunder which shall have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.

SECTION 8. AND BE IT FURTHER ENACTED, That any and all obligations issued pursuant to the authority of this Act, their transfer, the interest payable thereon, and any income derived therefrom in the hands of the holders thereof from time to time (including any profit made in the sale thereof) shall be and are hereby declared to be at all times exempt from State, County, municipal, or other taxation of every kind and nature whatsoever within the State of Maryland. Nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes.

SECTION 9. AND BE IT FURTHER ENACTED, That the authority to borrow money and issue bonds conferred on the County by this Act shall be deemed to provide an additional and alternative authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all Acts of the General Assembly of Maryland heretofore passed authorizing the County to borrow money are hereby continued to the extent that the powers contained in such Acts have not been exercised, and nothing contained in this Act may be construed to impair, in any way, the validity of any bonds that may have been issued by the County under the authority of any said Acts, and the validity of the bonds is hereby ratified, confirmed, and approved. This Act, being necessary for the welfare of the inhabitants of Carroll County, shall be liberally construed to effect the purposes hereof. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## Chapter 185

### (House Bill 575)

AN ACT concerning

#### **Carroll County – Gaming Events – Repeal of Sunday Prohibition**

FOR the purpose of repealing the provision of law prohibiting in Carroll County the issuance of a permit authorizing the operation of a gaming event after a certain hour on a Sunday; ~~making this Act an emergency measure~~; and generally relating to gaming in Carroll County.

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 13–903  
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**

13–903.

(a) Before an organization may conduct a gaming event, the organization shall obtain a permit from the county commissioners.

(b) To conduct bingo or a gaming event an organization must be a bona fide:

- (1) religious organization;
- (2) fraternal organization;
- (3) civic organization;
- (4) war veterans' organization;
- (5) hospital;

- (6) amateur athletic organization;
- (7) charitable organization; or
- (8) volunteer fire company.

(c) (1) Before the county commissioners issue a permit, they shall determine whether the organization applying for the permit qualifies under this subtitle and the conditions of this subtitle are met.

(2) An application for a permit and the action taken by the county commissioners on that application are public records.

(d) (1) The permit shall state that the gaming event shall be managed and operated only by members of the organization holding the permit.

(2) A permit is not transferable.

(e) (1) A gaming event conducted under this section shall be conducted for the benefit of an organization listed in subsection (b) of this section.

(2) An individual or group of individuals may not benefit financially, or receive proceeds for personal use or benefit, from a gaming event conducted under this section.

(3) [A permit may not authorize the operation of a gaming event after 1 a.m. on Sunday.

(4)] (i) Except as provided in subparagraphs (ii) and (iv) of this paragraph, an organization conducting a gaming event may award a money prize not exceeding \$100 or merchandise not exceeding \$100 of value to any individual in any one game.

(ii) The maximum amount of a prize awarded in a raffle is governed by § 13-904(c) of this subtitle.

(iii) The maximum amount of a prize awarded in a paddle wheel or wheel of fortune game is governed by § 13-905(a) of this subtitle.

(iv) The maximum amount of a prize awarded in bingo is governed by § 13-908 of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three fifths of all the members elected to~~

~~each of the two Houses of the General Assembly, and shall take effect from the date it is enacted shall take effect June 1, 2019.~~

Approved by the Governor, April 18, 2019.

---

## Chapter 186

### (Senate Bill 258)

AN ACT concerning

#### **Carroll County – Gaming Events – Repeal of Sunday Prohibition**

FOR the purpose of repealing the provision of law prohibiting in Carroll County the issuance of a permit authorizing the operation of a gaming event after a certain hour on a Sunday; ~~making this Act an emergency measure~~; and generally relating to gaming in Carroll County.

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 13–903  
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**

13–903.

(a) Before an organization may conduct a gaming event, the organization shall obtain a permit from the county commissioners.

(b) To conduct bingo or a gaming event an organization must be a bona fide:

- (1) religious organization;
- (2) fraternal organization;
- (3) civic organization;
- (4) war veterans' organization;
- (5) hospital;

- (6) amateur athletic organization;
- (7) charitable organization; or
- (8) volunteer fire company.

(c) (1) Before the county commissioners issue a permit, they shall determine whether the organization applying for the permit qualifies under this subtitle and the conditions of this subtitle are met.

(2) An application for a permit and the action taken by the county commissioners on that application are public records.

(d) (1) The permit shall state that the gaming event shall be managed and operated only by members of the organization holding the permit.

(2) A permit is not transferable.

(e) (1) A gaming event conducted under this section shall be conducted for the benefit of an organization listed in subsection (b) of this section.

(2) An individual or group of individuals may not benefit financially, or receive proceeds for personal use or benefit, from a gaming event conducted under this section.

(3) [A permit may not authorize the operation of a gaming event after 1 a.m. on Sunday.

(4)] (i) Except as provided in subparagraphs (ii) and (iv) of this paragraph, an organization conducting a gaming event may award a money prize not exceeding \$100 or merchandise not exceeding \$100 of value to any individual in any one game.

(ii) The maximum amount of a prize awarded in a raffle is governed by § 13-904(c) of this subtitle.

(iii) The maximum amount of a prize awarded in a paddle wheel or wheel of fortune game is governed by § 13-905(a) of this subtitle.

(iv) The maximum amount of a prize awarded in bingo is governed by § 13-908 of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three fifths of all the members elected to~~

~~each of the two Houses of the General Assembly, and shall take effect from the date it is enacted~~ *shall take effect June 1, 2019.*

Approved by the Governor, April 18, 2019.

---

## Chapter 187

### (House Bill 1135)

AN ACT concerning

#### Carroll County – Gaming – Home Games – Bingo

FOR the purpose of adding bingo in Carroll County to the list of home games that an individual may conduct in a common area of a residential property under certain circumstances; and generally relating to gaming.

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 9–1C–01  
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

9–1C–01.

(A) Notwithstanding any other provision of the Criminal Law Article, an individual who is at least 21 years old may conduct a home game involving wagering if the home game:

(1) **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION**, is limited to mah jong or a card game;

(2) is conducted not more than once a week:

(i) in the place of residence of an individual who may also participate as a player in the home game; or

(ii) in a common area of a residential property that is restricted to residents who are at least 55 years old;

(3) allows a player to compete directly against one or more other players who share a preexisting social relationship;

(4) does not allow an individual to benefit financially in any way, directly or indirectly, other than from the winnings accrued by participating as a player in the game;

(5) does not involve:

(i) a player's use of an electronic device that connects to the Internet;

(ii) the use of paid public advertising or promotions;

(iii) the charging of a fee for admission, a seat, entertainment, or food and drink or any other fee; or

(iv) the use of any money except money used for wagering; and

(6) has a limit of \$1,000 on the total amount of money, tokens representing money, or any other thing or consideration of value that may be wagered by all players during any 24-hour period.

**(B) IN CARROLL COUNTY, A HOME GAME ~~OF BINGO IS ALLOWED~~ AUTHORIZED UNDER SUBSECTION (A) OF THIS SECTION MAY INCLUDE BINGO IF IT IS CONDUCTED IN A COMMON AREA OF A RESIDENTIAL PROPERTY THAT IS RESTRICTED TO RESIDENTS WHO ARE AT LEAST 55 YEARS OLD.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## Chapter 188

### (House Bill 620)

AN ACT concerning

#### **Dorchester County – Sunday Hunting – Deer Firearms Season**

FOR the purpose of authorizing the Department of Natural Resources to allow a person to hunt deer on private property on certain Sundays during the deer firearms season ~~on certain property~~ in Dorchester County, subject to certain provisions of law; and generally relating to Sunday deer hunting in Dorchester County.

BY repealing and reenacting, without amendments,  
 Article – Natural Resources  
 Section 10–410(a)(1)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2018 Supplement)

BY adding to  
 Article – Natural Resources  
 Section 10–410(a)(12)  
 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 – Natural Resources**

10–410.

(a) (1) Except as otherwise provided in this subsection, a person may not hunt any game bird or mammal on Sundays.

**(12) (I) THIS PARAGRAPH APPLIES ONLY IN DORCHESTER COUNTY.**

**(II) SUBJECT TO § §§ 10–411 AND 10–415 OF THIS SUBTITLE, THE DEPARTMENT MAY ALLOW A PERSON TO HUNT DEER ON PRIVATE PROPERTY ON THE SECOND AND THIRD SUNDAY OF THE DEER FIREARMS SEASON ~~ON:~~**

**~~1. PRIVATE PROPERTY, SUBJECT TO § 10–411 OF THIS SUBTITLE; AND~~**

**~~2. PUBLIC LAND THAT IS DESIGNATED FOR SUNDAY HUNTING BY THE DEPARTMENT.~~**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

---

**Chapter 189**

**(Senate Bill 888)**

AN ACT concerning

**Dorchester County – Sunday Hunting – Deer Firearms Season**

FOR the purpose of authorizing the Department of Natural Resources to allow a person to hunt deer on private property on certain Sundays during the deer firearms season ~~on certain property~~ in Dorchester County, subject to certain provisions of law; and generally relating to Sunday deer hunting in Dorchester County.

BY repealing and reenacting, without amendments,

Article – Natural Resources  
Section 10–410(a)(1)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

BY adding to

Article – Natural Resources  
Section 10–410(a)(12)  
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 – Natural Resources**

10–410.

(a) (1) Except as otherwise provided in this subsection, a person may not hunt any game bird or mammal on Sundays.

**(12) (I) THIS PARAGRAPH APPLIES ONLY IN DORCHESTER COUNTY.**

**(II) SUBJECT TO § ~~§§~~ 10–411 AND 10–415 OF THIS SUBTITLE, THE DEPARTMENT MAY ALLOW A PERSON TO HUNT DEER ON PRIVATE PROPERTY ON THE SECOND AND THIRD SUNDAY OF THE DEER FIREARMS SEASON ~~ON:~~**

**~~1. PRIVATE PROPERTY, SUBJECT TO § 10 411 OF THIS SUBTITLE; AND~~**

**~~2. PUBLIC LAND THAT IS DESIGNATED FOR SUNDAY HUNTING BY THE DEPARTMENT.~~**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

---

**Chapter 190**  
**(House Bill 618)**

AN ACT concerning

**Dorchester County – Sunday Hunting – Deer Bow Hunting Season**

FOR the purpose of authorizing the Department of Natural Resources to allow a person to hunt deer on private property during the bow hunting season ~~on certain property~~ on certain Sundays in Dorchester County, subject to certain provisions of law; making a conforming change; and generally relating to Sunday deer hunting in Dorchester County.

BY repealing and reenacting, without amendments,  
Article – Natural Resources  
Section 10–410(a)(1)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section 10–410(a)(2)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

BY adding to  
Article – Natural Resources  
Section 10–410(a)(12)  
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 – Natural Resources**

10–410.

(a) (1) Except as otherwise provided in this subsection, a person may not hunt any game bird or mammal on Sundays.

(2) The following persons may hunt the specified game birds and mammals on Sundays:

(i) A person using State certified raptors to hunt game birds or mammals during open season;

(ii) An unarmed person participating in an organized fox chase to chase foxes;

(iii) Provided that the provisions of § 10–906(b)(3) of this title are met, a person:

1. Using a regulated shooting ground under § 10–906 of this title to hunt the following pen-reared game birds:

A. Pheasants;

B. Bobwhite quail;

C. Chukar partridge;

D. Hungarian partridge;

E. Tower released flighted mallard ducks; and

F. Turkey on a regulated shooting ground that was permitted to release turkey before September 1, 1992; and

2. Having the written permission of the owner of the land or other person designated by the owner of the land, if the land is owned or leased by a person other than the person hunting on Sundays;

(iv) Subject to the provisions of § 10–411 of this subtitle, in Calvert, Caroline, Carroll, Charles, [Dorchester,] Harford, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester counties, a person hunting deer on private property with a bow and arrow or crossbow during open season on the last three Sundays in October and the second Sunday in November;

(v) In Calvert County, Caroline County, Carroll County, Charles County, Dorchester County, Kent County, and St. Mary's County, a person hunting turkey on private property on any Sunday during the spring turkey hunting season;

(vi) In Dorchester County, a person hunting turkey on public land that is designated for hunting by the Department on any Sunday during the spring turkey hunting season; and

(vii) A person hunting deer under a Deer Management Permit on any Sunday throughout the year, including all deer hunting seasons.

**(12) (I) THIS PARAGRAPH APPLIES ONLY IN DORCHESTER COUNTY.**

**(II) SUBJECT TO ~~§ §§ 10-411 AND 10-415~~ OF THIS SUBTITLE, THE DEPARTMENT MAY ALLOW A PERSON TO HUNT DEER ON PRIVATE PROPERTY ON A SUNDAY DURING THE BOW HUNTING SEASON FROM THE FIRST SUNDAY IN OCTOBER THROUGH THE SECOND SUNDAY IN JANUARY THE FOLLOWING YEAR, INCLUSIVE, ~~ON:~~**

~~1. PRIVATE PROPERTY, SUBJECT TO § 10-411 OF THIS SUBTITLE; AND~~

~~2. PUBLIC LAND THAT IS DESIGNATED FOR SUNDAY HUNTING BY THE DEPARTMENT.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

---

## Chapter 191

(Senate Bill 889)

AN ACT concerning

### Dorchester County – Sunday Hunting – Deer Bow Hunting Season

FOR the purpose of authorizing the Department of Natural Resources to allow a person to hunt deer on private property during the bow hunting season ~~on certain property~~ on certain Sundays in Dorchester County, subject to certain provisions of law; making a conforming change; and generally relating to Sunday deer hunting in Dorchester County.

BY repealing and reenacting, without amendments,  
 Article – Natural Resources  
 Section 10-410(a)(1)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Natural Resources

Section 10–410(a)(2)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

BY adding to  
Article – Natural Resources  
Section 10–410(a)(12)  
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 – Natural Resources**

10–410.

(a) (1) Except as otherwise provided in this subsection, a person may not hunt any game bird or mammal on Sundays.

(2) The following persons may hunt the specified game birds and mammals on Sundays:

(i) A person using State certified raptors to hunt game birds or mammals during open season;

(ii) An unarmed person participating in an organized fox chase to chase foxes;

(iii) Provided that the provisions of § 10–906(b)(3) of this title are met, a person:

1. Using a regulated shooting ground under § 10–906 of this title to hunt the following pen-reared game birds:

A. Pheasants;

B. Bobwhite quail;

C. Chukar partridge;

D. Hungarian partridge;

E. Tower released flighted mallard ducks; and

F. Turkey on a regulated shooting ground that was permitted to release turkey before September 1, 1992; and

2. Having the written permission of the owner of the land or other person designated by the owner of the land, if the land is owned or leased by a person other than the person hunting on Sundays;

(iv) Subject to the provisions of § 10–411 of this subtitle, in Calvert, Caroline, Carroll, Charles, [Dorchester,] Harford, Queen Anne’s, St. Mary’s, Somerset, Talbot, Wicomico, and Worcester counties, a person hunting deer on private property with a bow and arrow or crossbow during open season on the last three Sundays in October and the second Sunday in November;

(v) In Calvert County, Caroline County, Carroll County, Charles County, Dorchester County, Kent County, and St. Mary’s County, a person hunting turkey on private property on any Sunday during the spring turkey hunting season;

(vi) In Dorchester County, a person hunting turkey on public land that is designated for hunting by the Department on any Sunday during the spring turkey hunting season; and

(vii) A person hunting deer under a Deer Management Permit on any Sunday throughout the year, including all deer hunting seasons.

**(12) (I) THIS PARAGRAPH APPLIES ONLY IN DORCHESTER COUNTY.**

**(II) SUBJECT TO § §§ 10–411 AND 10–415 OF THIS SUBTITLE, THE DEPARTMENT MAY ALLOW A PERSON TO HUNT DEER ON PRIVATE PROPERTY ON A SUNDAY DURING THE BOW HUNTING SEASON FROM THE FIRST SUNDAY IN OCTOBER THROUGH THE SECOND SUNDAY IN JANUARY THE FOLLOWING YEAR, INCLUSIVE, ON:**

**~~1. PRIVATE PROPERTY, SUBJECT TO § 10–411 OF THIS SUBTITLE; AND~~**

**~~2. PUBLIC LAND THAT IS DESIGNATED FOR SUNDAY HUNTING BY THE DEPARTMENT.~~**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

---

**Chapter 192**

**(House Bill 619)**

AN ACT concerning

**Dorchester County – Sunday Hunting – Deer Muzzle Loader Season**

FOR the purpose of authorizing the Department of Natural Resources to allow a person to hunt deer on private property on Sundays during the deer muzzle loader season ~~on certain property~~ in Dorchester County, subject to certain provisions of law; and generally relating to Sunday deer hunting in Dorchester County.

BY repealing and reenacting, without amendments,  
 Article – Natural Resources  
 Section 10–410(a)(1)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2018 Supplement)

BY adding to  
 Article – Natural Resources  
 Section 10–410(a)(12)  
 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 – Natural Resources**

10–410.

(a) (1) Except as otherwise provided in this subsection, a person may not hunt any game bird or mammal on Sundays.

**(12) (I) THIS PARAGRAPH APPLIES ONLY IN DORCHESTER COUNTY.**

**(II) SUBJECT TO § §§ 10–411 AND 10–415 OF THIS SUBTITLE, THE DEPARTMENT MAY ALLOW A PERSON TO HUNT DEER ON PRIVATE PROPERTY ON A SUNDAY DURING THE DEER MUZZLE LOADER SEASON ~~ON:~~**

**~~1. PRIVATE PROPERTY, SUBJECT TO § 10–411 OF THIS SUBTITLE; AND~~**

**~~2. PUBLIC LAND THAT IS DESIGNATED FOR SUNDAY HUNTING BY THE DEPARTMENT.~~**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

---

**Chapter 193**

**(Senate Bill 890)**

AN ACT concerning

**Dorchester County – Sunday Hunting – Deer Muzzle Loader Season**

FOR the purpose of authorizing the Department of Natural Resources to allow a person to hunt deer on private property on Sundays during the deer muzzle loader season ~~on~~ ~~certain property~~ in Dorchester County, subject to certain provisions of law; and generally relating to Sunday deer hunting in Dorchester County.

BY repealing and reenacting, without amendments,

Article – Natural Resources  
Section 10–410(a)(1)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

BY adding to

Article – Natural Resources  
Section 10–410(a)(12)  
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 – Natural Resources**

10–410.

(a) (1) Except as otherwise provided in this subsection, a person may not hunt any game bird or mammal on Sundays.

**(12) (I) THIS PARAGRAPH APPLIES ONLY IN DORCHESTER COUNTY.**

**(II) SUBJECT TO § §§ 10–411 AND 10–415 OF THIS SUBTITLE, THE DEPARTMENT MAY ALLOW A PERSON TO HUNT DEER ON PRIVATE PROPERTY ON A SUNDAY DURING THE DEER MUZZLE LOADER SEASON ~~ON~~**

~~1. PRIVATE PROPERTY, SUBJECT TO § 10-411 OF THIS SUBTITLE; AND~~

~~2. PUBLIC LAND THAT IS DESIGNATED FOR SUNDAY HUNTING BY THE DEPARTMENT.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

---

## Chapter 194

(Senate Bill 336)

AN ACT concerning

### Somerset County – Commissioners – Residency Requirements

FOR the purpose of requiring each County Commissioner of Somerset County to reside in a certain commissioners' district for a certain amount of time before *the filing deadline for the* election as a Commissioner and during the term of office as Commissioner; prohibiting a Commissioner from continuing to serve during the current term of office if the Commissioner does not maintain a certain residency under certain circumstances; authorizing an incumbent Commissioner who no longer resides in a certain district due to a change in the district's boundaries to continue as a Commissioner for the remainder of the term of office; and generally relating to residency requirements for the County Commissioners of Somerset County.

BY repealing and reenacting, with amendments,

The Public Local Laws of Somerset County

Section 2-101

Article 20 – Public Local Laws of Maryland

(2015 Edition, as amended)

(As enacted by Chapters 167 and 168 of the Acts of the General Assembly of 2016)

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

### Article 20 – Somerset County

2-101.

(a) There are 5 County Commissioners for Somerset County, who hold office for 4 years and until their successors are elected and qualified.

**(B) (1) A COMMISSIONER ELECTED FROM A COMMISSIONERS' DISTRICT DESCRIBED IN § 2-102 OF THIS SUBTITLE MUST BE A RESIDENT OF THAT DISTRICT DURING:**

**(I) THE 6 MONTHS IMMEDIATELY PRECEDING THE FILING DEADLINE FOR THE ELECTION OF THE COMMISSIONER; AND**

**(II) THE FULL TERM OF OFFICE AS A COMMISSIONER.**

**(2) A COMMISSIONER FROM A COMMISSIONERS' DISTRICT WHO DOES NOT MAINTAIN RESIDENCY IN THAT DISTRICT MAY NOT CONTINUE AS A COUNTY COMMISSIONER AND THE OFFICE SHALL BE DEEMED VACANT.**

**(3) IF THE BOUNDARY OF A COMMISSIONERS' DISTRICT IS CHANGED, THE TERM OF AN INCUMBENT COMMISSIONER WHO NO LONGER RESIDES IN THAT DISTRICT BECAUSE OF THE CHANGE IS NOT AFFECTED DURING THAT TERM.**

**[(b)] (C) (1)** Except as provided in paragraph (2) of this subsection, each Commissioner shall receive an annual salary of \$8,500.

(2) The President of the County Commissioners shall receive an annual salary of \$9,500.

**[(c)] (D)** Each Commissioner may receive reimbursement of no more than \$3,000 a year for expenses incurred for any official duties. The County Commissioner shall submit a reimbursement voucher, signed by 3 of the 5 Commissioners.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## **Chapter 195**

**(House Bill 323)**

AN ACT concerning

**Somerset County – Commissioners – Residency Requirements**

FOR the purpose of requiring each County Commissioner of Somerset County to reside in a certain commissioners' district for a certain amount of time before the filing deadline for the election as a Commissioner and during the term of office as Commissioner; prohibiting a Commissioner from continuing to serve during the current term of office if the Commissioner does not maintain a certain residency under certain circumstances; authorizing an incumbent Commissioner who no longer resides in a certain district due to a change in the district's boundaries to continue as a Commissioner for the remainder of the term of office; and generally relating to residency requirements for the County Commissioners of Somerset County.

BY repealing and reenacting, with amendments,  
The Public Local Laws of Somerset County  
Section 2-101

Article 20 – Public Local Laws of Maryland  
(2015 Edition, as amended)

(As enacted by Chapters 167 and 168 of the Acts of the General Assembly of 2016)

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

**Article 20 – Somerset County**

2-101.

(a) There are 5 County Commissioners for Somerset County, who hold office for 4 years and until their successors are elected and qualified.

**(B) (1) A COMMISSIONER ELECTED FROM A COMMISSIONERS' DISTRICT DESCRIBED IN § 2-102 OF THIS SUBTITLE MUST BE A RESIDENT OF THAT DISTRICT DURING:**

**(I) THE 6 MONTHS IMMEDIATELY PRECEDING THE FILING DEADLINE FOR THE ELECTION OF THE COMMISSIONER; AND**

**(II) THE FULL TERM OF OFFICE AS A COMMISSIONER.**

**(2) A COMMISSIONER FROM A COMMISSIONERS' DISTRICT WHO DOES NOT MAINTAIN RESIDENCY IN THAT DISTRICT MAY NOT CONTINUE AS A COUNTY COMMISSIONER AND THE OFFICE SHALL BE DEEMED VACANT.**

**(3) IF THE BOUNDARY OF A COMMISSIONERS' DISTRICT IS CHANGED, THE TERM OF AN INCUMBENT COMMISSIONER WHO NO LONGER RESIDES IN THAT DISTRICT BECAUSE OF THE CHANGE IS NOT AFFECTED DURING THAT TERM.**

**[(b)] (C)** (1) Except as provided in paragraph (2) of this subsection, each Commissioner shall receive an annual salary of \$8,500.

(2) The President of the County Commissioners shall receive an annual salary of \$9,500.

**[(c)] (D)** Each Commissioner may receive reimbursement of no more than \$3,000 a year for expenses incurred for any official duties. The County Commissioner shall submit a reimbursement voucher, signed by 3 of the 5 Commissioners.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## Chapter 196

### (Senate Bill 206)

AN ACT concerning

#### **Code Revision – Courts – Sheriffs’ Salaries and Expenses**

FOR the purpose of revising, restating, and recodifying the laws of this State relating to sheriffs’ salaries and expenses; clarifying language; making certain technical and stylistic changes; providing for the construction of this Act; providing for the effect and construction of certain provisions of this Act; authorizing the publisher of the Annotated Code to make certain corrections in a certain manner; and generally relating to Maryland law relating to sheriffs.

BY renumbering

Article – Courts and Judicial Proceedings  
Section 2–309, 2–310, and 2–311, respectively  
to be Section 2–313, 2–309, and 2–310, respectively  
Annotated Code of Maryland  
(2013 Replacement Volume and 2018 Supplement)

BY adding to

Article – Courts and Judicial Proceedings  
New part designation “Part I. General Provisions” to immediately precede Section  
2–301  
Annotated Code of Maryland  
(2013 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Courts and Judicial Proceedings  
Section 2–301  
Annotated Code of Maryland  
(2013 Replacement Volume and 2018 Supplement)

BY adding to

Article – Courts and Judicial Proceedings  
New part designation “Part II. Sheriffs’ Salaries” to immediately precede Section  
2–313  
Annotated Code of Maryland  
(2013 Replacement Volume and 2018 Supplement)  
(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings  
Section 2–313  
Annotated Code of Maryland  
(2013 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 Sections(s) 2–309, 2–310, and 2–311, respectively, of Article – Courts and Judicial  
Proceedings of the Annotated Code of Maryland be renumbered to be Section(s) 2–313,  
2–309, and 2–310, respectively.

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

### **Article – Courts and Judicial Proceedings**

#### **PART I. GENERAL PROVISIONS.**

2–301.

(a) Except as provided in § 2–302 of this subtitle, the sheriff shall serve all papers directed to him according to their instructions, within the time set by the court.

(b) (1) A sheriff may serve papers in a county other than the county of which he is sheriff; or

(2) The clerk may send a paper to the sheriff of another county for service by him. After serving the paper the sheriff shall file a return with the court from which it was issued.

**2–311. RESERVED.**

**2–312. RESERVED.****PART II. SHERIFFS' SALARIES.****2–313.**

(a) The sheriff **AND DEPUTY SHERIFFS** of a county [and his deputies] shall [receive]:

(1) **RECEIVE** the annual salaries provided by this [section] **PART** for performing the duties required of them by the Constitution and the laws of this State[. They shall be]; **AND**

(2) **BE** reimbursed for expenses as provided by law.

(B) (1) **A DEPUTY SHERIFF SHALL PERFORM THE DUTIES INCIDENTAL TO THE OFFICE AS ARE ASSIGNED BY THE SHERIFF.**

(2) **ALL DEPUTY SHERIFFS' SALARIES SHALL BE PAID AT LEAST ONCE EACH MONTH.**

[(a–1)] (C) The government of each county shall [furnish]:

(1) **FURNISH** an office for the sheriff [and pay];

(2) **PAY** the necessary expenses for telephones, stationery, and [for] other purposes[.]; and [unless]

(3) **UNLESS** otherwise provided by law, [shall] provide for [the]:

(I) **THE** necessary traveling expenses of the sheriff for conveying prisoners to any penal institution in the State; and [other]

(II) **OTHER** necessary traveling expenses.

REVISOR'S NOTE: This section is derived without substantive change from former § 2–309(a), (a–1), and (z) of this subtitle.

In subsection (b)(2) of this section, the reference to “deputy sheriffs” salaries is added for clarity.

**2–314.**

(A) **THIS SECTION APPLIES ONLY IN ALLEGANY COUNTY.**

(b) [(1)] The Sheriff of Allegany County shall receive the salary set by the County Commissioners **OF ALLEGANY COUNTY** in accordance with Title 28, Subtitle 1 of the Local Government Article.

[(2)] (C) (1) The Sheriff shall appoint not less than five deputies at salaries determined by the Sheriff's budget who are under the county classified service[; at].

(2) **AT** least one of [these] **THE** deputies shall be assigned by the Sheriff to [execute]:

(I) **EXECUTE** process, orders, and directions for the juvenile court[.]; and [to perform]

(II) **PERFORM** the other duties the Sheriff assigns.

[(3)] (D) (1) If authorized by the County Commissioners, the Sheriff may employ a clerk–bookkeeper under the county classified service at a salary agreed [upon] **ON** by the Sheriff and the County Commissioners.

(2) The clerk–bookkeeper shall perform the duties assigned by the Sheriff, including the preparation of reports submitted by the Sheriff's Office to the grand jury or the County Commissioners.

[(4)] (E) If the Sheriff [of Allegany County] approves after considering personnel needs, the County Commissioners may authorize a deputy sheriff to perform off–duty services for any person who agrees to pay a fee, including [hourly]:

(1) **HOURLY** rates for off–duty service[, any];

(2) **ANY** necessary insurance to be determined by the **COUNTY** Commissioners[, any];

(3) **ANY** fringe benefits[.]; and [the]

(4) **THE** reasonable rental cost of uniforms or other equipment used by any off–duty personnel.

[(5)] (F) (1) The Sheriff, with the approval of the County Commissioners, may appoint a chief deputy sheriff who shall perform all legal functions of the Sheriff during any temporary absence, sickness, vacation, or vacancy of [Office] **OFFICE** of the Sheriff.

(2) The Sheriff may appoint as chief deputy a person who has not served

as a deputy sheriff.

**(3)** The chief deputy sheriff [shall]:

**(I)** **SHALL** serve at the Sheriff's pleasure[.]; and [is]

**(II)** **IS** not under the county classified service.

[(6) (i) **(G)** **(1)** This subsection does not apply to officers in the Sheriff's Office at a rank of lieutenant or above.

[(ii) **(2)** Deputies, officers, and civilian employees of the Sheriff's Office, including the [Allegany County] **COUNTY** jail, have the right to organize and bargain collectively with the Sheriff concerning wages and benefits, hours, working conditions, discipline procedures, and job security issues through a labor organization selected by the majority of the deputies, officers, and civilian employees.

[(iii) **(3)** The Sheriff shall meet with the labor organization and engage in good faith negotiations to reach a written agreement on wages and benefits, hours, working conditions, discipline procedures, and job security issues.

[(iv) **(4)** If the labor organization and the Sheriff are unable to reach an agreement during the collective bargaining process, either the labor organization or the Sheriff may seek nonbinding mediation through the Federal Mediation and Conciliation Service by giving at least 15 [days] **DAYS'** notice to the other party and to the Federal Mediation and Conciliation Service.

[(v) 1.] **(5)** **(I)** If the Sheriff and the labor organization are unable to agree to the interpretation or application of a written agreement entered under this subsection, the Sheriff or the labor organization may demand arbitration before a neutral labor arbitrator in accordance with this paragraph.

[2.] **(II)** An arbitration initiated under this paragraph shall be conducted before a single arbitrator.

[3.] **(III)** **1.** The arbitrator shall be selected to hear the dispute from a panel of seven arbitrators who are members of the National Academy of Arbitrators.

**2.** The panel shall be requested from the Federal Mediation and Conciliation Service.

[4.] **(IV)** The parties shall select an arbitrator by alternative strikes from the panel.

[5.] **(V)** The arbitrator selected may schedule a hearing,

issue subpoenas to compel the testimony of witnesses and the production of documents, administer oaths, and declare the record closed.

[6.] (VI) The written decision of the arbitrator shall be:

[A.] 1. Final and binding on the Sheriff, employee, and the labor organization to the extent the decision addresses wages and benefits; and

[B.] 2. Nonbinding to the extent the decision addresses hours, working conditions, discipline procedures, and job security issues.

[7.] (VII) The Sheriff and labor organization shall share equally in the costs of the arbitration proceeding.

[(vi)] (6) This subsection may not be construed to authorize an employee of the Sheriff's Office or of the [Allegany County] COUNTY jail to engage in a strike.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of the section.

Subsections (b) through (g) of this section are derived without substantive change from former § 2-309(b) this subtitle.

In subsection (b) of this section, the reference to the County Commissioners "of Allegany County" is added for clarity.

## 2-315.

(A) **THIS SECTION APPLIES ONLY IN ANNE ARUNDEL COUNTY.**

[(c) (1)] (B) The [annual salary of the] Sheriff of Anne Arundel County shall [be] **RECEIVE AN ANNUAL SALARY OF:**

[(i)] (1) \$128,657 for calendar year 2014; and

[(ii)] (2) \$133,000 for calendar year 2015 and each subsequent calendar year.

[(2) (i)] (C) (1) The Sheriff [of Anne Arundel County] shall appoint deputies at a salary as provided by the County Council **OF ANNE ARUNDEL COUNTY.**

[(ii)] (2) The Sheriff may appoint a chief deputy who shall serve at the pleasure of the Sheriff.

[(3)] (D) Employees in the Sheriff's Office shall be in the county merit

system.

**[(4)] (E)** In case of emergency, the Sheriff may temporarily deputize any able-bodied citizen to assist the Sheriff in carrying out the duties of the Sheriff's Office.

**[(5)] (F)** The Sheriff and the deputies whose duties require the use of automobiles shall be furnished at no expense with suitable automobiles and any necessary maintenance, repairs, or upkeep by the County Council.

**[(6) (i)] (G) (1)** The Sheriff may appoint part-time deputies as provided in the county budget.

**[(ii)] (2)** A part-time deputy appointed under this [paragraph] **SUBSECTION** may not work more than 24 hours per week.

**[(iii)] (3)** The Sheriff may set the rate of pay for a part-time deputy.

**[(iv)] (4)** A part-time deputy appointed under this [paragraph] **SUBSECTION** is not eligible for any benefits that are provided to county employees, including pension benefits, unless approved by the County Council.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of the section.

Subsections (b) through (g) of this section are derived without substantive change from former § 2-309(c) of this subtitle.

In subsection (c)(1) of this section, the reference to the County Council "of Anne Arundel County" is added for clarity.

## 2-316.

**(A) THIS SECTION APPLIES ONLY IN BALTIMORE CITY.**

**[(d) (1) (i)] (B)** [In Baltimore City, the Sheriff] **THE SHERIFF OF BALTIMORE CITY** shall receive [an]:

**(1)** AN expense allowance of \$750 two times per year; and [a]

**(2)** AN ANNUAL salary of:

**[1.] (I)** \$79,300 in calendar year 2007;

**[2.] (II)** \$84,600 in calendar year 2008;

[3.] (III) \$89,900 in calendar year 2009;

[4.] (IV) \$95,200 in calendar year 2010; and

[5.] (V) In calendar year 2011 and thereafter, no less than the salary of a Command Staff 2 in the Baltimore City Police Department at the midpoint in the pay scale.

[(ii)] (C) (1) The Sheriff[:

1. Shall] **SHALL** appoint [an]:

(I) **AN** undersheriff or chief deputy sheriff[, one];

(II) **ONE** assistant sheriff[, three];

(III) **THREE** deputy sheriff majors[, three];

(IV) **THREE** deputy sheriff captains[, six];

(V) **SIX** deputy sheriff lieutenants[, one];

(VI) **ONE** secretary sheriff[.]; and [one]

(VII) **ONE** fiscal clerk sheriff[; and].

[2.] (2) [May] **THE SHERIFF MAY** appoint up to a maximum of:

[A.] (I) 9 deputy sheriff sergeants;

[B.] (II) 103 deputy sheriffs;

[C.] (III) 2 domestic violence clerks; and

[D.] (IV) 2 domestic violence advocates.

[(iii)] 1.] (D) (1) Except [for deputy sheriffs, deputy sheriff sergeants, and deputy sheriff lieutenants] **AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION**, salaries for [these] employees **LISTED IN SUBSECTION (C) OF THIS SECTION** shall be set by the Secretary of Budget and Management.

[2.] (2) (I) Salaries for deputy sheriffs shall be set at a rate not less than the salary equivalent to grade 14 of the State pay scale.

[3.] (II) Salaries for deputy sheriff sergeants shall be set at a rate not less than the salary equivalent to grade 16 of the State pay scale.

[4.] (III) Salaries for deputy sheriff lieutenants shall be set at a rate not less than the salary equivalent to grade 18 of the State pay scale.

[(iv)] (E) (1) In addition to any other compensation received, each deputy sheriff shall receive an expense allowance of \$400 annually for:

[1.] (I) Ammunition for practice sessions at the range;

[2.] (II) Clothing allowance to defray the cost of dry cleaning and maintaining the clothing worn while on duty; and

[3.] (III) The purchase and maintenance of other items necessary to fulfill duties that currently are not furnished by the Baltimore City Sheriff's Department.

[(v)] (2) (I) A deputy sheriff who uses a personal automobile is entitled to a monthly automobile allowance at the same rate paid to other State employees.

(II) Any Sheriff who is assigned a city-owned automobile may not receive the monthly automobile expense allowance.

[(vi)] (3) (I) The Sheriff's Office shall also have assistants at the compensation provided for in the annual ordinance of estimates of Baltimore City.

(II) Provisions shall also be made in the ordinance for the expenses of the [Office of the Sheriff] **SHERIFF'S OFFICE**, including the purchase and maintenance of motor vehicles.

[(vii)] (4) The Mayor and City Council of Baltimore have the same power with respect to the salaries of the [Office of the Sheriff] **SHERIFF'S OFFICE** as they have under the city charter with respect to the salaries of all municipal departments.

[(viii)] (5) Employees of the Sheriff's Office, except the Sheriff, shall be selected according to the provisions of the State Personnel and Pensions Article.

[(2)] (F) (1) The Mayor and City Council shall pay monthly to the Sheriff [of Baltimore City] one twelfth of the amount provided in the ordinance of estimates for the expenses of the Sheriff's Office.

(2) Within 30 days after June 30th in each and every year the Sheriff [of Baltimore City] shall pay to the Mayor and City Council [of Baltimore] any of the unexpended expense funds advanced during the preceding year and render a detailed

account to the Mayor and City Council [of Baltimore] of all expense funds received and expended by [him] **THE SHERIFF**.

**(3)** The Mayor and City Council [of Baltimore] shall reimburse the State [of Maryland] for the administrative costs incurred because the employees of the Sheriff's Office [of Baltimore City] are in the State Personnel Management System.

**[(3)] (G)** During the course of [his] **A DEPUTY SHERIFF'S** employment, any deputy sheriff of [Baltimore City] **THE CITY** may ride in [Baltimore City] **THE CITY** on public transportation of the Maryland Transit Administration without paying any fare if [he] **THE DEPUTY SHERIFF** shows proper identification regarding [his position] **EMPLOYMENT** as a deputy sheriff.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of the section.

Subsections (b) through (g) of this section are derived without substantive change from former § 2-309(d) of this subtitle.

In the introductory language of subsection (b)(2) of this section, the reference to an "annual" salary is added for clarity.

In subsection (d)(1) of this section, the phrase "[e]xcept as provided in paragraph (2) of this subsection" is substituted for the former phrase "[e]xcept for deputy sheriffs, deputy sheriff sergeants, and deputy sheriff lieutenants" for clarity. Similarly, the reference to "employees listed in subsection (c) of this section" is substituted for the former reference to "these employees".

## 2-317.

### **(A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.**

**[(e)] (1) (B)** The Sheriff of Baltimore County shall receive an annual salary of:

**[(i)] (1)** \$75,000 for calendar year 2007;

**[(ii)] (2)** \$80,000 for calendar year 2008;

**[(iii)] (3)** \$85,000 for calendar year 2009; and

**[(iv)] (4)** \$90,000 for calendar year 2010 and each subsequent calendar year.

**[(2)] (C) (1)** The Sheriff shall appoint an under-sheriff and any

number of deputies and any clerical assistant required by the duties of the office.

(2) The Sheriff may also appoint a number of deputies to the ranks of chief deputy, captain, lieutenant, and sergeant as [his] **THE SHERIFF'S** duties and responsibilities require.

(3) The cost and expense of [these] **THE** supervisory, administrative, and clerical positions **LISTED IN PARAGRAPHS (1) AND (2) OF THIS SUBSECTION**, including salaries, shall be as provided in the budget of the county by the County Executive **OF BALTIMORE COUNTY** and as approved by the County Council **OF BALTIMORE COUNTY**.

(4) All full-time employees under this [subsection] **SECTION** are subject to the provisions of the county merit system and the rules and regulations passed by the County Council pursuant to the charter, as to qualifications, compensation, and other regulations.

(5) (I) [Part-time] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, PART-TIME** deputies may not be employed by the Sheriff's Office.

(II) 1. [However, the] **THE** Sheriff may appoint as part-time deputies persons employed in specific plants, institutions, colleges, and hospitals situated within [Baltimore County] **THE COUNTY** who are limited to service only within the particular facility where they are employed[, and who].

2. **A PART-TIME DEPUTY EMPLOYED UNDER THIS PARAGRAPH** may not be compensated by [Baltimore County] **THE COUNTY** for [their services] **THE PART-TIME DEPUTY'S SERVICE**.

[(3) (i)] (D) (1) This [paragraph] **SUBSECTION** applies to all full-time deputy sheriffs in the [Baltimore County] Sheriff's Office at the rank of lieutenant and below.

[(ii) 1.] (2) (I) Full-time deputy sheriffs at the rank of lieutenant and below may:

[A.] 1. Take part in or refrain from taking part in forming, joining, supporting, or participating in a labor organization or its lawful activities;

[B.] 2. Select a labor organization as their exclusive representation unit;

[C.] 3. Engage in collective bargaining with the Baltimore County Administration, or its designee, concerning wages and benefits, not regulated by the Sheriff, through a labor organization certified as their exclusive representation unit;

[D.] 4. Subject to [subsubparagraph 2] **SUBPARAGRAPH (II)** of this [subparagraph] **PARAGRAPH**, enter into a collective bargaining agreement, through their exclusive representation unit, covering those wages and benefits not regulated by the Sheriff; and

[E.] 5. Decertify a labor organization as their exclusive representation unit.

[2.] (II) Any additional funding required as a result of a negotiated collective bargaining agreement shall be subject to approval by the County Council.

[(iii) 1.] (3) (I) A labor organization shall be deemed certified as an exclusive representation unit if the following conditions are met:

[A.] 1. A petition for the labor organization to be recognized by the Baltimore County Administration is signed by at least 51% of the deputy sheriffs at the rank of lieutenant and below indicating their desire to be exclusively represented by the petitioner for the purpose of collective bargaining; and

[B.] 2. The petition is submitted to the Baltimore County Administration.

[2.] (II) If the Baltimore County Administration does not challenge the validity of the petition within 10 calendar days following the receipt of the petition, the labor organization shall be deemed certified as the exclusive representation unit.

[3.] (III) If the Baltimore County Administration challenges the validity of the petition, the American Arbitration Association shall be requested to appoint a third-party neutral to conduct an election and to certify whether the labor organization has been selected as the exclusive representation unit by a majority of the votes cast in the election.

[4.] (IV) The costs associated with the American Arbitration Association and the third-party neutral shall be shared equally by the parties.

[(iv) 1.] (4) (I) Following certification of an exclusive representation unit as provided in [subparagraph (iii)] **PARAGRAPH (3)** of this [paragraph] **SUBSECTION**, the parties shall meet at reasonable times and engage in collective bargaining in good faith.

[2.] (II) The parties shall make every reasonable effort to conclude negotiations in a timely manner to allow for inclusion by the [Office of the Sheriff] **SHERIFF'S OFFICE** of matters agreed on in its budget request to the County Council.

[(v) 1.] (5) (I) A collective bargaining agreement shall contain all matters of agreement reached in the collective bargaining process.

[2.] (II) The agreement may contain a grievance procedure providing for nonbinding arbitration of grievances.

[3.] (III) An agreement reached in accordance with this [subparagraph] PARAGRAPH shall be in writing and signed by the designated representatives of the parties involved in the collective bargaining negotiations.

[4. A.] (IV) 1. Subject to [subsubsubparagraph B] SUBSUBPARAGRAPH 2 of this [subsubparagraph] SUBPARAGRAPH, an agreement is not effective until it is ratified by a majority of the votes cast by the deputy sheriffs in the bargaining unit and the Baltimore County Administration.

[B.] 2. Additional funding, if any, required as a result of the agreement shall be subject to the approval of the County Council.

[(vi)] (6) Nothing in this [paragraph] SUBSECTION may be construed as authorizing or otherwise allowing a deputy sheriff to engage in a strike as defined in § 3–303 of the State Personnel and Pensions Article.

REVISOR’S NOTE: Subsection (a) of this section is new language added to clarify the scope of the section.

Subsections (b) through (d) of this section are derived without substantive change from former § 2–309(e) of this subtitle.

In subsection (c)(3) of this section, the references to the County Executive “of Baltimore County” and the County Council “of Baltimore County” are added for clarity.

## 2–318.

### (A) THIS SECTION APPLIES ONLY IN CALVERT COUNTY.

[(f) (1) (i)] (B) (1) The Sheriff of Calvert County shall receive an annual salary:

[1.] (I) Of \$90,480 for calendar year 2018; and

[2.] (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).

[(ii) 1.] (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 [of Calvert County] prior to joining the Calvert County Employees' Savings Plan.

[2.] (II) The amount payable in [subsubparagraph 1 of this subparagraph] **SUBPARAGRAPH (I) OF THIS PARAGRAPH** may be made in one or more payments as deemed appropriate by the County Commissioners.

(2) (C) (1) The Sheriff may appoint deputy sheriffs in the number and at the salary approved by the County Commissioners.

(2) (I) [The deputy sheriffs] **A DEPUTY SHERIFF** shall serve under the direction of the Sheriff.

(II) Within [one] 1 year of [their] appointment, [they] **A DEPUTY SHERIFF** shall complete the course prescribed for police officers by the Maryland Police Training and Standards Commission.

(III) 1. [The deputy sheriffs] **EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, A DEPUTY SHERIFF** funded by the County Commissioners will become A merit system [employees] **EMPLOYEE** of the Calvert County Sheriff's Office [upon] **ON** completion of [their] **THE DEPUTY SHERIFF'S** initial probation period and may not be dismissed without cause[, except the deputy sheriffs].

2. **A DEPUTY SHERIFF** funded through grants or other sources may be dismissed without cause when the funding source is depleted.

(IV) 1. [There] **EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THERE** may be no honorary deputy sheriffs of [Calvert County] **THE 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. A. [However, the] **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.

B. 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.

(3) (i) (D) (1) The Sheriff may appoint [1] **ONE** full-time assistant sheriff who shall:

[1.] (I) Serve under the direction of the Sheriff; and

[2.] (II) Be designated by the Sheriff as a line officer.

[(ii)] (2) The Sheriff shall appoint an individual to serve as the assistant sheriff who:

[1.] (I) Is an active duty deputy sheriff and holds the rank of a commissioned officer in the [Calvert County] Sheriff's Office; or

[2.] (II) Is not a current employee of the [Calvert County] Sheriff's Office.

[(iii) 1.] (3) (I) The appointment of the assistant sheriff is in the sole discretion of the Sheriff.

[2.] (II) The Sheriff may appoint the assistant sheriff without subjecting the candidate to a written examination.

[3.] (III) The assistant sheriff serves at the pleasure of the Sheriff.

[(iv) 1.] (4) (I) If the assistant sheriff was an active duty deputy sheriff in the [Calvert County] Sheriff's Office immediately before appointment, the assistant sheriff:

[A.] 1. Shall receive an annual salary set on appointment and each fiscal year thereafter as provided in the Sheriff's budget approved and adopted by the County Commissioners [of Calvert County];

[B.] 2. Shall retain full merit status; and

[C.] 3. At the end of an appointment, shall be placed at the highest rank on the approved Calvert County Deputy Sheriff Pay Scale and shall receive the salary reflected at the highest step within that highest rank.

[2.] (II) If the assistant sheriff was not an employee of the [Calvert County] Sheriff's Office immediately before appointment, the assistant sheriff:

[A.] 1. Shall receive an annual salary that is established through a mutual agreement between the Sheriff and the County Commissioners [of Calvert County];

[B.] 2. Shall be afforded all the benefits available to full-time employees in the [Calvert County] Sheriff's Office; and

[C.] 3. May not be given merit status.

[3.] (III) The annual salary set by the County Commissioners [of Calvert County] under [subsubparagraph 1A] SUBPARAGRAPH (I)1 of this [subparagraph] PARAGRAPH:

[A.] 1. Shall include the same cost of living adjustment, if any, approved by the County Commissioners [of Calvert County] for county merit employees; and

[B.] 2. May not be reduced from the prior fiscal year without cause.

[4.] (IV) The Sheriff may negotiate the salary of the assistant sheriff set by the County Commissioners [of Calvert County] under [subsubparagraph 1A] SUBPARAGRAPH (I)1 of this [subparagraph] PARAGRAPH.

[(4) (i)] (E) (1) Except as provided in [subparagraph (ii)] PARAGRAPH (2) of this [paragraph] SUBSECTION, any Sheriff [of Calvert County] who, since 1948, has served for three or more terms shall receive a pension when [he] THE SHERIFF leaves office [in]:

(I) IN the annual amount of \$150 for each year served[. This pension]; AND

(II) THAT shall be paid not less frequently than once a month.

[(ii)] (2) This [paragraph] SUBSECTION does not apply to a term of office that begins on or after July 1, 1988.

[(5) (i)] (F) (1) The County Commissioners [of Calvert County] may provide in their annual budget for a pension to be paid to the surviving spouse, if any, of any Sheriff [of Calvert County] who was in office as of October 1970.

[(ii)] (2) The pension shall be in the amount of \$250 a month and shall be paid to the surviving spouse, if any, for the life of that surviving spouse.

[(6) (i)] (G) (1) This paragraph applies to an individual who:

[1.] (I) On or after July 1, 2008, serves as the Sheriff [of Calvert County]; and

[2.] (II) As the Sheriff [of Calvert County] does not participate in the Employees' Pension System under Title 23 of the State Personnel and Pensions Article.

**[(ii)] (2)** An individual described in [subparagraph (i) of this paragraph] **PARAGRAPH (1) OF THIS SUBSECTION** may participate in the Calvert County Employees' Savings Plan.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of the section.

Subsections (b) through (g) of this section are derived without substantive change from former § 2-309(f) of this subtitle.

In subsection (b)(2)(i) of this section, the reference to the County Commissioners "of Calvert County" is added for clarity.

### **2-319.**

**(A) THIS SECTION APPLIES ONLY IN CAROLINE COUNTY.**

**[(g)] (1) (B)** The Sheriff of Caroline County shall receive an annual salary equal to 80% of the annual salary of the State's Attorney for Caroline County.

**[(2)] (i) (C) (1)** The [sheriff] **SHERIFF** may appoint:

**[1.] (I)** Deputy sheriffs and other personnel in accordance with the county budget; and

**[2.] (II)** A chief deputy sheriff, or the managerial equivalent, who shall serve at the pleasure of the [sheriff] **SHERIFF**.

**[(ii)] (2)** The [sheriff] **SHERIFF** may not refuse to reappoint a deputy sheriff without just cause.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of the section.

Subsections (b) and (c) of this section are derived without substantive change from former § 2-309(g) of this subtitle.

### **2-320.**

**(A) THIS SECTION APPLIES ONLY IN CARROLL COUNTY.**

**[(h)] (1) (B)** The Sheriff of Carroll County shall receive an annual salary [as follows] **OF**:

- [(i)] (1) \$90,000 beginning [on] December 1, 2014;
- [(ii)] (2) \$100,000 beginning December 4, 2018; and
- [(iii)] (3) \$110,000 beginning December 3, 2019, and thereafter.

[(2)] (C) (1) The Sheriff may employ the number of personnel necessary for the proper execution of the duties of office.

(2) Personnel shall receive the compensation set by the County Commissioners OF CARROLL COUNTY.

[(3)] (D) (1) Personnel employed by the Sheriff [shall]:

- (I) SHALL be placed on a probationary status; and [may]
- (II) MAY be dismissed by the Sheriff for any reason.

(2) After the probationary period, personnel may only be disciplined or dismissed for just cause:

(i) In accordance with the Law Enforcement Officers' Bill of Rights, if the employee's rights are covered under this bill of rights; or

(ii) In accordance with the personnel rules and regulations of the Carroll County Sheriff's Office, if the employee's rights are not covered under the Law Enforcement Officers' Bill of Rights.

[(4)] (E) Except for an appeal taken pursuant to the Law Enforcement Officers' Bill of Rights, an appeal by an aggrieved party shall be taken to the Circuit Court for Carroll County.

[(5)] (F) The Sheriff may also appoint a chief deputy and a warden who shall serve at the pleasure of the Sheriff.

[(6) (i)] (G) (1) Subject to [subparagraph (ii)] PARAGRAPH (2) of this [paragraph] SUBSECTION, the Sheriff [of Carroll County] may appoint special deputy sheriffs who are:

[1.] (I) Members of the police force of a Carroll County municipal corporation;

[2.] (II) Selected by the chief of police of the municipal corporation; and

[3.] (III) Verified by the chief of police of the municipal corporation as having achieved at least the minimum level of training for police duties in a municipality as designated by the Maryland Police Training and Standards Commission.

[(ii)] (2) The appointment of special deputy sheriffs under [subparagraph (i)] PARAGRAPH (1) of this [paragraph] SUBSECTION is subject to the following conditions:

[1.] (I) The Sheriff may assign the duties of special deputies;

[2.] (II) The Sheriff may terminate the appointment of a special deputy sheriff at will or on completion of the assignment for which the special deputy was appointed;

[3.] (III) A special deputy sheriff shall remain an employee of the municipal corporation for the purpose of unemployment insurance or employee benefits; and

[4.] (IV) The Sheriff's liability insurance coverage within its terms shall be provided to a special deputy sheriff under this [subsection] SECTION only when the special deputy is acting within the special deputy's official duties.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of the section.

Subsections (b) through (g) of this section are derived without substantive change from former § 2-309(h) of this subtitle.

In subsection (c)(2) of this section, the reference to the County Commissioners "of Carroll County" is added for clarity.

## 2-321.

(A) THIS SECTION APPLIES ONLY IN CECIL COUNTY.

[(i)] (1) [(i)] (B) (1) The Sheriff of Cecil County shall receive an annual salary of:

[1.] (I) \$71,500 for fiscal year 2015;

[2.] (II) \$75,075 for fiscal year 2016;

[3.] (III) \$77,350 for fiscal year 2017;

[4.] (IV) \$79,675 for fiscal year 2018;

[5.] (V) Except as provided in item [6] (VI) of this [subparagraph] PARAGRAPH, \$82,075 for fiscal year 2019; and

[6.] (VI) For each term of office beginning with the term that begins in fiscal year 2019, not less than \$100,000, as determined by the County Council of Cecil County.

[(ii)] (2) In addition, the Sheriff shall receive the benefits and reimbursements for reasonable expenses in the performance of duties as provided in the [Cecil County] COUNTY budget or by law, including, where appropriate:

[1.] (I) Reimbursements under the Standard State Travel Regulations; and

[2.] (II) Participation in the health care plan that is negotiated for county employees.

[(iii)] 1.] (C) (1) The Sheriff shall appoint [a]:

(I) A chief deputy sheriff[, a];

(II) A community corrections director[, a];

(III) A detention center director[, a];

(IV) A detention center deputy director[, a];

(V) A law enforcement director[, law];

(VI) LAW enforcement personnel[,]; and [a]

(VII) A personal secretary to the Sheriff.

[2.] (2) The Sheriff may remove the chief deputy sheriff, community corrections director, detention center director, detention center deputy director, law enforcement director, and personal secretary to the Sheriff at any time whether or not for cause.

[(iv)] (3) The Sheriff shall appoint full-time or part-time employees, as provided in the county budget, to perform the duties of the Sheriff's Office, including:

[1.] (I) Deputy sheriffs to perform law enforcement functions;

[2.] (II) Deputy sheriffs to perform correctional functions;

[3.] (III) Clerical and other civilian employees;

[4.] (IV) A director of the detention center; and

[5.] (V) A community corrections director.

[(v)] 1.] (D) (1) Except for the chief deputy sheriff, each employee of the Sheriff's Office shall serve a probationary period of 18 months.

[2.] (2) The Sheriff may extend the probationary period required under [subsubparagraph 1] PARAGRAPH (1) of this [subparagraph] SUBSECTION for cause.

[(vi)] (3) During the probationary period of an employee in the Sheriff's Office:

[1.] (I) The employee shall satisfactorily complete any certification or training program specified by the Sheriff; and

[2.] (II) The determination of an employee's qualifications and ability to serve in the position of a permanent non-probationary employee shall be within the sole discretion of the Sheriff.

[(vii)] (E) (1) Except for the chief deputy sheriff, community corrections director, detention center director, detention center deputy director, law enforcement director, law enforcement personnel, and personal secretary to the Sheriff, all employees of the Sheriff's department:

[1.] (I) Shall be governed by the rank, salary, and benefit structures of the [Cecil County] COUNTY personnel policy; and

[2.] (II) Except as provided in [subparagraph (viii)] PARAGRAPH (2) of this [paragraph, upon] SUBSECTION, ON completion of the probationary period, shall be subject to the [Cecil County] COUNTY personnel regulations and policies in all matters.

[(viii)] (2) Law enforcement officers and correctional officers of the Sheriff's Office may be terminated only for just cause.

[(ix)] (3) Nothing in this [subsection] SECTION shall affect the rights and protections accorded an employee under any other provision of law.

**[(2)] (F)** The county shall pay the cost of all necessary expenses incurred by the Sheriff and **[his] THE SHERIFF'S** staff.

**[(3)] (G)** The Sheriff **[of Cecil County]** shall have the authority to formulate and administer a plan that includes the method of supervision to use inmates the Sheriff deems eligible and selects to perform, under the supervision of State, county, or municipal employees, tasks the Sheriff assigns within the county or any incorporated municipality within the county.

**[(4) (i) 1.] (H) (1) (I)** Except as provided in **[subsubparagraph 2] SUBPARAGRAPH (II)** of this **[subparagraph] PARAGRAPH**, this **[paragraph] SUBSECTION** applies only to all full-time sworn law enforcement deputy sheriffs in the Office of the Sheriff of Cecil County at the rank of Captain and below.

**[2.] (II)** This **[paragraph] SUBSECTION** does not apply to the chief deputy sheriff, community corrections director, detention center director, detention center deputy director, or law enforcement director in the Office of the Sheriff of Cecil County.

**[(ii)] (2)** A full-time sworn law enforcement deputy sheriff at the rank of Captain and below may:

**[1.] (I)** Take part in or refrain from taking part in forming, joining, supporting, or participating in a labor organization or its lawful activities;

**[2.] (II)** Select a labor organization as the exclusive representative of the deputy sheriffs subject to this **[paragraph] SUBSECTION**;

**[3.] (III)** 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] PARAGRAPH (5)(IV)1** of this **[paragraph] SUBSECTION** through a labor organization certified as the exclusive representative of the deputy sheriffs subject to this **[paragraph] SUBSECTION**;

**[4.] (IV)** Subject to item **[2] (II)** of this **[subparagraph] PARAGRAPH**, enter into a collective bargaining agreement, through the exclusive representative of the deputy sheriffs subject to this **[paragraph] SUBSECTION**, covering the wages, benefits, and other working conditions of the deputy sheriffs subject to this **[paragraph] SUBSECTION**, to the extent that the agreement does not impair the rights of the Sheriff set forth in **[subparagraph (v)4] PARAGRAPH (5)(IV)** of this **[paragraph] SUBSECTION**; and

**[5.] (V)** Decertify a labor organization as the exclusive representative of the deputy sheriffs subject to this **[paragraph] SUBSECTION**.

**[(iii) 1.] (3) (I)** A labor organization seeking certification as an exclusive representative must submit a petition to the Sheriff and the County Executive that is signed by more than 50% of the sworn law enforcement deputy sheriffs at the rank of Captain and below indicating the desire of the deputy sheriffs subject to this **[paragraph] SUBSECTION** to be represented exclusively by the labor organization for the purpose of collective bargaining.

**[2.] (II)** If the Sheriff and the County Executive do not challenge the validity of the petition within 20 calendar days following the receipt of the petition, the labor organization shall be deemed certified as the exclusive representative.

**[3.] (III)** If the Sheriff or the County Executive challenge the validity of the petition, the American Arbitration Association shall appoint a neutral third party to conduct an election and to certify whether the labor organization has been selected as the exclusive representative by a majority of the votes cast in the election.

**[4.] (IV)** The costs associated with the appointment of a neutral third party shall be shared equally by the parties.

**[5.] (V)** A labor organization shall be deemed decertified if a petition is submitted to the Sheriff and the County Executive that is signed by more than 50% of the full-time sworn law enforcement deputy sheriffs at the rank of Captain and below indicating the desire of the deputy sheriffs to decertify the labor organization as the exclusive representative of the deputy sheriffs subject to this **[paragraph] SUBSECTION**.

**[(iv) 1.] (4) (I)** Following certification of an exclusive representative as provided in **[subparagraph (iii)] PARAGRAPH (3)** of this **[paragraph] SUBSECTION**, the certified labor organization and the Sheriff and the County Executive shall meet at reasonable times and engage in collective bargaining in good faith.

**[2.] (II)** The certified labor organization, the Sheriff, and the County Executive shall make every reasonable effort to conclude negotiations on or before February 15 of the year in which a collective bargaining agreement is to take effect to allow for inclusion by the Sheriff of matters agreed **[upon] ON** in its budget request to the County Council.

**[3. A.] (III) 1.** If the certified labor organization and the Sheriff and the County Executive are unable to reach an agreement before the date set forth in **[subsubparagraph 2] SUBPARAGRAPH (II)** of this **[subparagraph] PARAGRAPH**, either the certified labor organization or the Sheriff and the County Executive may seek nonbinding mediation through the Federal Mediation and Conciliation Service.

**[B.] 2.** A party seeking nonbinding mediation under **[subsubsubparagraph A] SUBSUBPARAGRAPH 1** of this **[subsubparagraph]**

**SUBPARAGRAPH** shall give written notice to the other party and to the Federal Mediation and Conciliation Service at least 15 days prior to the start of the first mediation meeting.

**[C.] 3.** The costs associated with the mediator or mediation process shall be shared equally by the parties.

**[D.] 4.** The certified labor organization, the Sheriff, and the County Executive shall engage in nonbinding mediation for at least 30 days unless they mutually agree in writing to termination or extension of the mediation or reach an agreement.

**[E.] 5.** The contents of the mediation proceedings may not be disclosed by any of the parties or the mediator.

**[4.] (IV)** The County Council shall enact a local ordinance that allows for nonbinding arbitration if the certified labor organization, the Sheriff, and the County Executive are unable to reach an agreement through mediation under **[subsubparagraph 3] SUBPARAGRAPH (III)** of this **[subparagraph] PARAGRAPH**.

**[(v) 1.] (5) (I)** A collective bargaining agreement shall contain all matters of agreement reached in the collective bargaining process.

**[2.] (II)** A collective bargaining agreement may contain a grievance procedure providing for binding arbitration of grievances in reference to a labor contract, including grievances related to interpretation or breach of contract.

**[3.] (III)** A collective bargaining agreement reached in accordance with this **[paragraph] SUBSECTION** shall be in writing and signed by the certified representatives of the parties involved in the collective bargaining negotiations.

**[4.] (IV)** Except as provided in the code and regulations of **[Cecil County] THE COUNTY**, the provisions of this **[subparagraph] PARAGRAPH** and any agreement made under it may not impair the right and the responsibility of the Sheriff to:

**[A.] 1.** Determine the mission, budget, organization, numbers, types, classes, grades, and ranks of deputy sheriffs assigned, the services to be rendered, operations to be performed, and the technology to be used;

**[B.] 2.** Set the standards of service and exercise control over operations, including the rights to determine work shifts and the number of deputy sheriffs on each shift;

**[C.] 3.** Assign and retain deputy sheriffs in positions within the office;

**[D.] 4.** Determine and set work projects, tours of duty,

schedules, assignments, and methods, means, and personnel by which operations are conducted;

[E.] 5. Determine and set technology needs, internal security practices, equipment, and the location of facilities;

[F.] 6. Maintain and improve the efficiency and effectiveness of operations;

[G.] 7. Hire, direct, supervise, promote, demote, discipline, assign, and with reasonable cause discharge full-time sworn law enforcement deputy sheriffs, with the exception that the promotional process for deputy sheriffs up to the rank of Captain and the number and composition of trial boards for the discipline process for deputy sheriffs at the rank of Captain and below are subject to collective bargaining;

[H.] 8. Determine and set the qualifications of deputy sheriffs for appointment and promotions; and

[I.] 9. Determine and set the standards of conduct, and with consultation and input from the certified labor organization, adopt rules, orders, policies, regulations, and procedures on mutually agreed on subjects.

[5.] (V) A collective bargaining agreement is not effective until it is ratified by the majority of votes cast by the deputy sheriffs in the bargaining unit and approved by the Sheriff, the County Executive, and the County Council.

[(vi)] (6) Nothing in this [paragraph] SUBSECTION may be construed to:

[1.] (I) Authorize or otherwise allow a deputy sheriff to engage in a strike as defined in § 3–303 of the State Personnel and Pensions Article; and

[2.] (II) Authorize the collection of mandatory membership fees from nonmembers of the employee organization.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of the section.

Subsections (b) through (h) of this section are derived without substantive change from former § 2–309(i) of this subtitle.

**2–322.**

**(A) THIS SECTION APPLIES ONLY IN CHARLES COUNTY.**

[(j)] (B) (1) The salary for the Sheriff of Charles County is equal to the salary

of a Department of State Police lieutenant colonel, at the highest available step for a lieutenant colonel under the Department of State Police pay plan in effect on the day prior to the day that the Sheriff begins a term of office.

(2) Any change in the salary paid under the Department of State Police pay plan during the term of [Office] OFFICE of the Sheriff may not apply to the incumbent Sheriff, but the changed rate shall take effect at the beginning of the next following term of office.

[(3) (i)] (C) (1) The Sheriff, in accordance with rules and regulations developed by the [Board of] County Commissioners OF CHARLES COUNTY and the Sheriff, shall appoint the number of deputy sheriffs that the [Board of] County Commissioners [of Charles County] and the Sheriff consider necessary.

[(ii)] (2) The salary schedule for the deputy sheriffs, based on rank and length of service, shall correspond to the Department of State Police salary schedule, including longevity steps.

[(iii)] (3) The salary schedule for the deputy sheriffs shall be revised to reflect any revisions made to the Department of State Police salary schedule.

[(iv) 1.] (4) (I) Except as provided in [subparagraph (v)] PARAGRAPH (5) of this [paragraph] SUBSECTION, the County Commissioners [of Charles County] shall appropriate the funds necessary to provide the salaries for deputy sheriffs specified in the salary schedule under [subparagraph (ii)] PARAGRAPH (2) of this [paragraph] SUBSECTION unless the County Commissioners declare a fiscal emergency under [subsubparagraph 2] SUBPARAGRAPH (II) of this [subparagraph] PARAGRAPH.

[2.] (II) After a discussion among the County Commissioners [of Charles County], the Sheriff, and the exclusive representatives of the bargaining units of sworn law enforcement officers and correctional officers of the Charles County Sheriff's Office, the County Commissioners [of Charles County] may declare a fiscal emergency by a majority vote of the County Commissioners following a public hearing.

[(v) 1.] (5) (I) If the Department of State Police grants step increases to its employees, the County Commissioners [of Charles County] are not required under [subparagraph (iv)] PARAGRAPH (4) of this [paragraph] SUBSECTION to grant step increases to the deputy sheriffs.

[2.] (II) Step increases for the deputy sheriffs are subject to appropriations by the County Commissioners [of Charles County].

[(4)] (D) (1) The books of the Sheriff shall be audited annually[, and copies].

(2) COPIES of the audit SHALL BE published by the County Commissioners in local newspapers.

[(5) (i)] (E) (1) This [paragraph] SUBSECTION applies to all full-time, merit system sworn law enforcement officers and correctional officers in the [Charles County] Sheriff's Office at a rank of sergeant or below.

[(ii)] (2) This [paragraph] SUBSECTION does not apply to the following employees in the [Charles County] Sheriff's Office:

[1.] (I) Sworn law enforcement officers or correctional officers in the [Charles County] Sheriff's Office at a rank of lieutenant or above;

[2.] (II) Employees in appointed positions;

[3.] (III) Civilian merit system employees;

[4.] (IV) Full-time reduced hours employees;

[5.] (V) Part-time employees;

[6.] (VI) Contractual employees;

[7.] (VII) Temporary employees;

[8.] (VIII) Emergency employees; or

[9.] (IX) Employees whose employment is administered under the county policies and procedures manual.

[(iii) 1.] (3) (I) A sworn law enforcement officer or correctional officer subject to this [paragraph] SUBSECTION has the right to:

[A.] 1. Take part in or refrain from taking part in forming, joining, supporting, or participating in any employee organization or its lawful activities;

[B.] 2. Be represented by an exclusive representative, if any, in collective bargaining; and

[C.] 3. Engage in other concerted activities for the purpose of collective bargaining.

[2.] (II) Sworn law enforcement officers and correctional officers subject to this [paragraph] SUBSECTION may seek recognition in order to organize and bargain collectively in good faith with the Sheriff or the Sheriff's designee concerning

the following matters:

[A.] 1. Compensation, excluding salary, wages, and those benefits determined, offered, administered, controlled, or managed by the County Commissioners [of Charles County];

[B.] 2. Leave, holidays, and vacations; and

[C.] 3. Hours, working conditions, and job security.

[3. A.] (III) 1. Sworn law enforcement officers subject to this [paragraph] **SUBSECTION** may seek recognition in order to organize and bargain collectively in good faith with the County Commissioners [of Charles County] and the Sheriff, or the Sheriff's designee, concerning merit step increases and those benefits determined, offered, administered, controlled, or managed by the County Commissioners [of Charles County].

[B.] 2. Correctional officers subject to this [paragraph] **SUBSECTION** may seek recognition in order to organize and bargain collectively in good faith with the County Commissioners [of Charles County] and the Sheriff, or the Sheriff's designee, concerning salary, wages, and those benefits determined, offered, administered, controlled, or managed by the County Commissioners [of Charles County].

[4. A.] (IV) 1. A sworn law enforcement officer or correctional officer who is a member of a bargaining unit with an exclusive representative may discuss any matter with the employer without the intervention of the exclusive representative.

[B.] 2. If a discussion under [subsubsubparagraph A] **SUBSUBPARAGRAPH 1** of this [subsubparagraph] **SUBPARAGRAPH** leads to a resolution or adjustment of a dispute, the resolution or adjustment may not be inconsistent with the terms of a collective bargaining agreement then in effect.

[5.] (V) 1. A sworn law enforcement officer or correctional officer who is not a member of a bargaining unit with an exclusive representative may be required to pay a proportional service fee for costs associated with the administration and enforcement of any agreement that benefits the affected employees.

2. An exclusive representative shall be selected in accordance with the procedures set forth in [subparagraph (v)] **PARAGRAPH (5)** of this [paragraph] **SUBSECTION**.

[6.] (VI) This [paragraph] **SUBSECTION** does not require that sworn law enforcement officers and correctional officers be represented by the same exclusive representative.

**[(iv)] (4)** The Sheriff and the **[Office of the Sheriff for Charles County] SHERIFF’S OFFICE**, through their appropriate officers and employees, may:

**[1.] (I)** Determine the:

**[A.] 1.** Mission;

**[B.] 2.** Budget;

**[C.] 3.** Organization;

**[D.] 4.** Numbers, types, and grades of employees assigned;

**[E.] 5.** Work projects, tours of duty, and methods, means, and personnel by which its operations are conducted;

**[F.] 6.** Technology needs;

**[G.] 7.** Internal security practices; and

**[H.] 8.** Relocation of its facilities;

**[2.] (II)** Maintain and improve the efficiency and effectiveness of governmental operations;

**[3.] (III)** Determine the services to be rendered, operations to be performed, and technology to be used;

**[4.] (IV)** Determine the overall methods, processes, means, and classes of work or personnel by which governmental operations are to be conducted;

**[5.] (V)** Hire, direct, supervise, and assign employees;

**[6. A.] (VI)** Promote, demote, discipline, discharge, retain, and lay off employees; **[and**

**B.] (VII)** Terminate employment because of lack of funds, lack of work, a determination by the employer that continued work would be inefficient or nonproductive, or for other legitimate reasons;

**[7.] (VIII)** Set the qualifications of employees for appointment and promotions;

**[8.] (IX)** Set standards of conduct;

[9.] (X) Adopt office rules, regulations, and procedures;

[10.] (XI) Provide a system of merit employment according to a standard of business efficiency; and

[11.] (XII) Take actions, not otherwise specified in this [paragraph] SUBSECTION, to carry out the mission of the [Office of the Sheriff of Charles County] SHERIFF'S OFFICE.

[(v) 1.] (5) (I) Except as provided in [subsubparagraph 2] SUBPARAGRAPH (II) of this [subparagraph] PARAGRAPH, an exclusive representative may not be recognized by the County Commissioners [of Charles County] or the Sheriff unless that representative is selected and certified by the Department of Labor, Licensing, and Regulation.

[2.] (II) Any petition to be recognized that is submitted on behalf of the sworn law enforcement officers shall be accompanied by a showing of interest supported by at least 51% of the sworn law enforcement officers indicating their desire to be exclusively represented by the petitioner for the purpose of collective bargaining.

[3.] (III) Any petition to be recognized that is submitted on behalf of the correctional officers shall be accompanied by a showing of interest supported by at least 51% of the correctional officers indicating their desire to be exclusively represented by the petitioner for the purpose of collective bargaining.

[4. A.] (IV) 1. Except as provided in [subsubsubparagraph B] SUBSUBPARAGRAPH 2 of this [subsubparagraph] SUBPARAGRAPH, an exclusive representative shall be deemed decertified if a petition is submitted to the County Commissioners [of Charles County] and the Sheriff that is signed by 51% of the sworn law enforcement officers or correctional officers indicating their desire to decertify the exclusive representative.

[B.] 2. If the exclusive representative wishes to challenge the validity of a petition submitted under [subsubsubparagraph A] SUBSUBPARAGRAPH 1 of this [subsubparagraph] SUBPARAGRAPH, within 20 days after submission of the petition, the exclusive representative may request a secret ballot election.

[C.] 3. The secret ballot election shall be conducted by an impartial umpire selected jointly by the participating parties from a list of umpires provided by the American Arbitration Association.

[D.] 4. The costs associated with the appointment of the impartial umpire shall be shared equally by the exclusive representative and [Charles County] THE COUNTY.

[E.] 5. If at least 51% of the employees in the bargaining unit vote in favor of decertification during the secret ballot election, the exclusive representative shall be decertified.

[(vi) 1. A.] (6) (I) 1. The Sheriff may designate at least one, but not more than four, individuals to represent the Sheriff in collective bargaining.

[B.] 2. If the County Commissioners [of Charles County] are a party to collective bargaining, the County Commissioners may designate at least one, but not more than four, individuals to represent the County Commissioners in collective bargaining.

[C.] 3. The exclusive representative shall designate at least one, but not more than four, individuals to represent the exclusive representative in collective bargaining.

[2.] (II) The parties shall meet at reasonable times and engage in collective bargaining in good faith.

[3.] (III) Negotiations or matters relating to negotiations shall be considered closed sessions under § 3–305 of the General Provisions Article.

[4.] (IV) The parties shall make every reasonable effort to conclude negotiations in a timely manner for inclusion by the Sheriff and the [Office of the Sheriff of Charles County] SHERIFF'S OFFICE in its budget request to the County Commissioners [of Charles County].

[5.] (V) Negotiations for an agreement shall begin on or before each September 1 of the year before the expiration of any existing agreement.

[(vii)] (7) To the extent that any matters negotiated between the Sheriff, the County Commissioners [of Charles County], and the collective bargaining unit require legislative approval or the appropriation of funds, the matters shall be recommended to the General Assembly for the approval of legislation or to the County Commissioners for the appropriation of funds.

[(viii)] (8) An agreement is not valid if it extends for less than 1 year or for more than 4 years.

[(ix) 1.] (9) (I) An agreement shall contain all matters of agreement reached in the collective bargaining process.

[2.] (II) An agreement may contain a grievance procedure for binding arbitration of the interpretation of contract terms and clauses.

[3. A.] (III) 1. An agreement reached in accordance with this [paragraph] SUBSECTION shall be in writing and signed by the designated representatives of the Sheriff and the exclusive representative involved in the collective bargaining negotiations.

[B.] 2. If the County Commissioners [of Charles County] are a party to the agreement, the agreement shall be signed by the County Commissioners in addition to the signatories required under [subsubsubparagraph A] SUBSUBPARAGRAPH 1 of this [subsubparagraph] SUBPARAGRAPH.

[4.] (IV) An agreement is not effective until it is ratified by:

[A.] 1. The Sheriff;

[B.] 2. If the County Commissioners [of Charles County] are a party to the collective bargaining, the County Commissioners; and

[C.] 3. A majority of the votes cast by the employees in the bargaining unit.

[5.] (V) A modification to an existing agreement is not valid unless it is in writing and ratified by:

[A.] 1. The Sheriff;

[B.] 2. If the County Commissioners [of Charles County] are a party to the collective bargaining, the County Commissioners; and

[C.] 3. A majority of the votes cast by the employees in the bargaining unit.

[(x)] (10) If there is a conflict between an existing collective bargaining agreement and a rule or regulation adopted by [Charles County] THE COUNTY, including merit system or other personnel regulations, the terms of the agreement shall prevail unless otherwise prohibited by law.

[(xi) 1.] (11) (I) If the exclusive representative, the Sheriff, and, if a party to collective bargaining, the County Commissioners are unable to reach an agreement on or before January 15, any party may seek mediation through the Federal Mediation and Conciliation Service.

[2.] (II) A party seeking mediation under [subsubparagraph 1] SUBPARAGRAPH (I) of this [subparagraph] PARAGRAPH shall provide written notice to the other parties and the Federal Mediation and Conciliation

Service at least 15 days before the anticipated first mediation meeting.

[3.] (III) The parties shall share the costs of the services of the mediator as follows:

[A.] 1. The exclusive representative shall pay half of the costs;

[B.] 2. If the County Commissioners and the Sheriff are both parties to the negotiations giving rise to the mediation, the County Commissioners and the Sheriff shall each pay one-quarter of the costs; and

[C.] 3. If the County Commissioners [of Charles County] are not a party to the negotiations giving rise to the mediation, the Sheriff shall pay half of the costs.

[4.] (IV) Costs incurred by a party to prepare, appear, or secure representation, expert witnesses, or evidence of any kind shall be borne exclusively by that party.

[5.] (V) The parties shall engage in mediation for at least 30 days unless the parties mutually agree in writing to the termination or extension of the mediation or reach an agreement.

[6.] (VI) The contents of a mediation proceeding under this [subparagraph] PARAGRAPH may not be disclosed by the parties or the mediator.

[(xii) 1.] (12) (I) If the exclusive representative, the Sheriff, and, if a party to collective bargaining, the County Commissioners [of Charles County] have not reached an agreement on or before March 1, or any later date determined by mutual agreement of the parties:

[A.] 1. Any party may declare a bargaining impasse;

[B.] 2. The party declaring a bargaining impasse under item [A] 1 of this [subsubparagraph] SUBPARAGRAPH shall request a list of arbitrators to be provided to the parties by the Federal Mediation and Conciliation Service or under the Labor Arbitration Rules of the American Arbitration Association; and

[C.] 3. Within 3 days after the parties' receipt of the list provided under item [B] 2 of this [subsubparagraph] SUBPARAGRAPH, the parties shall select an arbitrator by alternative striking of names from the list.

[2.] (II) On or before March 15, or any later date determined by mutual agreement of the parties, the parties shall submit to the arbitrator:

[A.] 1. A joint memorandum listing all items to which the parties previously agreed; and

[B.] 2. A separate proposed memorandum of each party's final offer presented in negotiations on all items to which the parties previously did not agree.

[3. A.] (III) 1. On or before March 30, or any later date determined by mutual agreement of the parties, the arbitrator shall hold a closed hearing on the parties' proposals at a time, date, and place within [Charles County] **THE COUNTY** selected by the arbitrator.

[B.] 2. At a hearing, each party may submit evidence and make oral and written arguments in support of the party's last final offer.

[4.] (IV) The arbitrator may:

[A.] 1. Give notice and hold hearings in accordance with the Maryland Administrative Procedure Act;

[B.] 2. Administer oaths and take testimony and other evidence; and

[C.] 3. Issue subpoenas.

[5.] (V) Once the parties have submitted their positions into the record, each party shall have an opportunity to revise its final position before the record is closed and the matter is submitted to the arbitrator for a determination.

[6.] (VI) On or before April 15, or any later date determined by mutual agreement of the parties, the arbitrator shall issue a report:

[A.] 1. Selecting the final offer submitted by the parties that the arbitrator determines to be more reasonable when viewed as a whole; and

[B.] 2. Stating the reasons that the arbitrator found the final offer to be more reasonable.

[7.] (VII) In determining which final offer is more reasonable under [subsubparagraph 6] **SUBPARAGRAPH (VI)** of this [subparagraph] **PARAGRAPH**, the arbitrator may consider only:

[A.] 1. Past collective bargaining agreements between the parties, including the bargaining history that led to the collective bargaining agreement and the precollective bargaining history of employee wages, hours, benefits, and other

working conditions;

[B.] 2. In an arbitration to which the exclusive representative of sworn law enforcement officers is a party, a comparison of wages, hours, benefits, and other conditions of employment of law enforcement officers employed in other jurisdictions in the State;

[C.] 3. In an arbitration to which the exclusive representative of sworn law enforcement officers is a party, a comparison of wages, hours, benefits, and other conditions of employment of law enforcement officers from the primary police or sheriff's departments in all counties in the State;

[D.] 4. In an arbitration to which the exclusive representative of correctional officers is a party, a comparison of wages, hours, benefits, and other conditions of employment of correctional officers employed in other jurisdictions in the State;

[E.] 5. A comparison of wages, hours, benefits, and other conditions of employment of employees working for [Charles County] **THE COUNTY**;

[F.] 6. The costs of the respective proposals of the parties;

[G.] 7. The condition of the General Operating Fund of Charles County, the ability of the Sheriff and [Charles County] **THE COUNTY** to finance any economic adjustments required under the proposed collective bargaining agreement, and the potential impact of the parties' final offers on the bond rating of [Charles County] **THE COUNTY**;

[H.] 8. The annual increase or decrease in consumer prices for goods and services as reflected in the most recent Consumer Price Index for the Washington–Arlington–Alexandria, DC–VA–MD–WV Metropolitan Statistical Area published by the federal Bureau of Labor Statistics;

[I.] 9. The annual increase or decrease in the cost of living in the statistical areas described in item [H] 8 of this [subsubparagraph] **SUBPARAGRAPH** as compared to the national average and to other comparable metropolitan areas;

[J.] 10. The annual increase or decrease in the cost of living in [Charles County] **THE COUNTY**;

[K.] 11. Recruitment and retention data;

[L.] 12. The special nature of the work performed by the employees in the bargaining unit, including hazards of employment, physical requirements, educational qualifications, job training and skills, shift assignments, and the demands

placed on those employees as compared to other [Charles County Sheriff] employees **OF THE SHERIFF'S OFFICE**;

[M.] 13. The interest and welfare of the public and the employees in the bargaining unit; and

[N.] 14. Stipulations of the parties regarding any of the items under this [subsubparagraph] **SUBPARAGRAPH**.

[8.] (VIII) The arbitrator may not:

[A.] 1. Receive or consider the history of collective bargaining related to the immediate dispute, including any offers of settlement not contained in the final offer submitted to the arbitrator, unless the parties mutually agree otherwise;

[B.] 2. Combine final offers or alter the final offer that the arbitrator selects, unless the parties mutually agree otherwise; or

[C.] 3. Select an offer in which the conditions of employment or the compensation, salaries, fees, or wages to be paid are unreasonable.

[9. A.] (IX) 1. The arbitrator shall submit the report issued under [subsubparagraph 6] **SUBPARAGRAPH (VI)** of this [subparagraph] **PARAGRAPH** to the County Commissioners, the Sheriff, and the exclusive representative.

[B.] 2. The recommendations of the arbitrator are not binding on the County Commissioners, the Sheriff, or the exclusive representative.

[C.] 3. Except as provided in [subsubsubparagraph D] **SUBSUBPARAGRAPH 4** of this [subsubparagraph] **SUBPARAGRAPH**, the Sheriff and, if a party to collective bargaining, the County Commissioners may adopt or reject a recommendation of the arbitrator.

[D.] 4. Subject to [subsubsubparagraph E] **SUBSUBPARAGRAPH 5** of this [subsubparagraph] **SUBPARAGRAPH**, if a recommendation of the arbitrator requires an appropriation of funds, only the County Commissioners may adopt or reject the recommendation.

[E.] 5. The County Commissioners may not accept a recommendation of the arbitrator that requires an appropriation of funds unless the County Commissioners and the Sheriff first agree on the funding source for the appropriation.

[F.] 6. The parties shall accept or reject the arbitrator's

recommendations within 30 days after the submission of the report to the parties under [subsubsubparagraph A] **SUBSUBPARAGRAPH 1** of this [subsubparagraph] **SUBPARAGRAPH**.

[10.] **(X)** The parties shall share the costs of the services of the arbitrator as follows:

[A.] **1.** The exclusive representative shall pay half of the costs;

[B.] **2.** If the County Commissioners and the Sheriff are both parties to the negotiations giving rise to the arbitration, the County Commissioners and the Sheriff shall each pay one-quarter of the costs; and

[C.] **3.** If the County Commissioners [of Charles County] are not a party to the negotiations giving rise to the arbitration, the Sheriff shall pay half of the costs.

[11.] **(XI)** Costs incurred by a party to prepare, appear, or secure representation, expert witnesses, or evidence of any kind shall be borne exclusively by that party.

[12.] **(XII)** Nothing in this [subparagraph] **PARAGRAPH** shall be construed to prohibit the parties from reaching a voluntary settlement on any unresolved issues at any time before or after the issuance of the recommendations by the arbitrator.

[(xiii)] **(13)** If a collective bargaining agreement expires after the exclusive representative has given notice of its desire to enter into collective bargaining for a successor collective bargaining agreement, the terms and conditions of the prior collective bargaining agreement shall remain in effect until the earlier of:

[1.] **(I)** The parties reaching a new agreement; or

[2.] **(II)** 180 days from the date the party or parties reject the arbitrator's recommendations.

[(xiv)] **(14)** If the parties fail to reach a new agreement within the 180-day time period under [subparagraph (xiii)2] **PARAGRAPH (13)(II)** of this [paragraph] **SUBSECTION**, the terms and conditions of the prior collective bargaining agreement shall cease to be effective.

[(xv)] **(15)** This [paragraph] **SUBSECTION** does not authorize a sworn law enforcement officer or correctional officer to engage in a strike as defined in § 3-303 of the State Personnel and Pensions Article.

[(xvi)] **(16)** Nothing in this [paragraph] **SUBSECTION** shall be

construed as subjecting disciplinary matters or the disciplinary process to negotiation as part of the collective bargaining process.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of the section.

Subsections (b) through (e) of this section are derived without substantive change from former § 2-309(j) of this subtitle.

In subsection (c)(1) of this section, the reference to the "County Commissioners of Charles County" is substituted for the former reference to the "Board of County Commissioners" for clarity.

## 2-323.

### (A) THIS SECTION APPLIES ONLY IN DORCHESTER COUNTY.

~~[(k)]~~ (B) (1) ~~[(i)]~~ The Sheriff of Dorchester County shall receive an annual salary equal to 80% of the annual salary of the State's Attorney for Dorchester County.

~~[(ii)]~~ (2) The Sheriff ~~[of Dorchester County]~~ shall be allowed the actual operating costs of the Sheriff's Office, including the maintenance of automobiles.

~~[(2)]~~ ~~[(i)]~~ (C) (1) The Sheriff shall appoint a chief deputy sheriff, or the managerial equivalent, who shall serve at the pleasure of the Sheriff.

~~[(ii)]~~ (2) If an employee of the Sheriff's Office is appointed as chief deputy sheriff and is subsequently removed from the chief deputy sheriff's position for other than cause, the person may resume the employment status held prior to the appointment to the chief deputy sheriff's position.

~~[(iii)]~~ (3) The chief deputy sheriff shall:

~~[1.]~~ (I) Perform all duties assigned by the Sheriff; and

~~[2.]~~ (II) If the Sheriff is temporarily incapacitated or there is a vacancy in the ~~[Office]~~ OFFICE of the Sheriff, perform all legal functions of the Sheriff.

~~[(iv)]~~ (4) If the Sheriff becomes incapacitated and the position of chief deputy sheriff is vacant, the County Council OF DORCHESTER COUNTY shall appoint an acting chief deputy sheriff to serve until the Sheriff is reactivated or replaced.

~~[(v)]~~ (5) The County Council shall approve the salary of the chief deputy sheriff.

~~[(3)]~~ ~~[(i)]~~ (D) (1) The Sheriff may appoint probationary deputy

sheriffs, deputy sheriffs, investigators, communications officers, secretaries, supervisors, administrators, and other staff as approved in the county budget.

**[(ii)] (2)** The County Council shall approve the salaries for all staff appointed by the Sheriff.

**[(iii)] (3)** The Sheriff may not refuse to reappoint a deputy sheriff without just cause.

**[(4)] (E)** The County Council may include in the merit system of the county the employees of the **[Dorchester County]** Sheriff's Office.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of the section.

Subsections (b) through (e) of this section are derived without substantive change from former § 2–309(k) of this subtitle.

In subsection (c)(4) of this section, the reference the County Council “of Dorchester County” is added for clarity.

## 2–324.

### **(A) THIS SECTION APPLIES ONLY IN FREDERICK COUNTY.**

**[(l)] (1) (i)] (B)** The Sheriff of Frederick County shall receive **[a]** AN ANNUAL salary of \$125,000.

**[(ii)] (C) (1)** The Sheriff shall appoint **[deputies]**:

**(I) DEPUTIES** as necessary, at salaries of at least \$2,400~~[,]~~; and **[jail]**

**(II) JAIL** wardens as necessary, at salaries of at least \$1,320 **[each]**.

**[(iii) 1.] (2) (I)** The Sheriff **[also]** may appoint additional temporary deputy sheriffs as the Sheriff considers necessary for the public safety, with the approval of the governing body of **[Frederick County] THE COUNTY**, by ordinance.

**[2.] (II)** The governing body, by ordinance, shall allow reasonable compensation for the temporary additional deputy sheriffs **[and the]**.

**(III) THE** temporary deputies may not serve longer than the occasion requires.

~~[(iv)]~~ **(3)** The Sheriff may appoint a chief deputy who shall serve at the pleasure of the Sheriff.

~~[(2)]~~ **(D)** Any deputy sheriff, with the exception of the chief deputy, appointed according to this section ~~[shall]:~~

**(1)** **SHALL** be placed on a probationary status for at least 18 months of continuous employment; and ~~[may]~~

**(2)** **MAY** be dismissed by the Sheriff for any reason during the probationary period.

~~[(3)]~~ **(E)** **(1)** All full-time civilian employees are subject to the county personnel regulations with regard to qualifications for hiring, promotion, compensation and disciplinary action.

**(2)** All deputy sheriffs, except the chief deputy, are subject to the county personnel regulations with regard to qualifications for hiring, promotion and compensation with regard to matters not covered by the Law Enforcement Officers' Bill of Rights.

~~[(4) (i)]~~ **(F)** **(1)** The Sheriff ~~[of Frederick County]~~ may appoint special deputy sheriffs who are:

**[1.] (I)** Members of the police force of a ~~[Frederick County]~~ municipality **IN THE COUNTY**;

**[2.] (II)** Selected by the chief of police of the municipality; and

**[3.] (III)** Verified by the chief of police of the municipality as having achieved at least the minimum level of training for police duties in a municipality as designated by the Maryland Police Training and Standards Commission.

~~[(ii)]~~ **(2)** The appointment of special deputy sheriffs under this ~~[paragraph]~~ **SUBSECTION** is subject to the following conditions:

**[1.] (I)** The Sheriff may assign the duties of special deputies;

**[2.] (II)** The Sheriff may terminate the appointment of the special deputy sheriff at will or on completion of the assignment for which the special deputy was appointed;

**[3.] (III)** The special deputy sheriff is not an employee of ~~[Frederick County]~~ **THE COUNTY** for the purpose of employment security or employee

benefits; and

[4.] (IV) County liability insurance coverage within its terms shall be provided to a special deputy sheriff under this [subsection] SECTION only when the special deputy is acting within the special deputy's official duties.

[(5) (i)] (G) (1) This [paragraph] SUBSECTION applies to all full-time deputy sheriffs in the Frederick County Sheriff's Office at the rank of sergeant and below.

[(ii) 1.] (2) Full-time deputy sheriffs at the rank of sergeant and below may:

[A.] (I) Take part in or refrain from taking part in forming, joining, supporting, or participating in a labor organization or its lawful activities;

[B.] (II) Select a labor organization as their exclusive representative;

[C.] (III) Engage in collective bargaining with the Sheriff, or the Sheriff's designee, concerning THOSE wages and benefits[,] not regulated by the Sheriff, through a labor organization certified as their exclusive representative;

[D.] (IV) Subject to [subsubparagraph 2 of this subparagraph] PARAGRAPH (3) OF THIS SUBSECTION, enter into a collective bargaining agreement, through their exclusive representative, covering those wages and benefits not regulated by the Sheriff; and

[E.] (V) Decertify a labor organization as their exclusive representative.

[2.] (3) Any additional funding required as a result of a negotiated collective bargaining agreement shall be subject to approval by the governing body of [Frederick County] THE COUNTY.

[3.] (4) The County Executive OF FREDERICK COUNTY, or the County Executive's designee:

[A.] (I) May not be a party to a collective bargaining agreement entered into under this [subparagraph] SUBSECTION; but

[B.] (II) May attend and participate in all collective bargaining sessions of the parties.

[(iii) 1.] (5) (I) A labor organization shall be deemed certified as

an exclusive representative if the following conditions are met:

[A.] 1. A petition for the labor organization to be recognized by the Sheriff is signed by at least 51% of the deputy sheriffs at the rank of sergeant and below indicating their desire to be exclusively represented by the petitioner for the purpose of collective bargaining; and

[B.] 2. The petition is submitted to the Sheriff.

[2.] (II) If the Sheriff does not challenge the validity of the petition within 10 calendar days following the receipt of the petition, the labor organization shall be deemed certified as the exclusive representative.

[3.] (III) If the Sheriff challenges the validity of the petition, the American Arbitration Association shall be requested to appoint a third party neutral to conduct an election and to certify whether the labor organization has been selected as the exclusive representative by a majority of the votes cast in the election.

[4.] (IV) The costs associated with the American Arbitration Association and the third party neutral shall be shared equally by the parties.

[(iv) 1.] (6) (I) Following certification of an exclusive representative as provided in [subparagraph (iii) of this paragraph] **PARAGRAPH (5) OF THIS SUBSECTION**, the parties shall meet at reasonable times and engage in collective bargaining in good faith.

[2.] (II) The parties shall make every reasonable effort to conclude negotiations in a timely manner to allow for inclusion by the [Office of the Sheriff] **SHERIFF'S OFFICE** of matters agreed [upon] **ON** in its budget request.

[(v) 1.] (7) (I) A collective bargaining agreement shall contain all matters of agreement reached in the collective bargaining process.

[2.] (II) The agreement may contain a grievance procedure providing for nonbinding arbitration of grievances.

[3.] (III) An agreement reached in accordance with this [subparagraph] **PARAGRAPH** shall be in writing and signed by the designated representatives of the parties involved in the collective bargaining negotiations.

[4. A.] (IV) Subject to [subsubsubparagraph B of this subsubsubparagraph] **SUBPARAGRAPH (V) OF THIS PARAGRAPH**, an agreement is not effective until it is ratified by a majority of the votes cast by the deputy sheriffs in the bargaining unit and the Sheriff.

[B.] (V) Additional funding, if any, required as a result of the agreement shall be subject to the approval of the governing body of [Frederick County] **THE COUNTY**.

[(vi)] (8) Nothing in this [paragraph] **SUBSECTION** may be construed as authorizing or otherwise allowing a deputy sheriff to engage in a strike as defined in § 3–303 of the State Personnel and Pensions Article.

[(6) (i)] (H) (1) This [paragraph] **SUBSECTION** applies to all full-time correctional officers in the [Frederick County] Sheriff's Office at the rank of sergeant and below.

[(ii) 1.] (2) Full-time correctional officers at the rank of sergeant and below may:

[A.] (I) Take part in or refrain from taking part in forming, joining, supporting, or participating in a labor organization or its lawful activities;

[B.] (II) Select a labor organization as their exclusive representative;

[C.] (III) Engage in collective bargaining with the Sheriff, or the Sheriff's designee, concerning **THOSE** wages and benefits[,] not regulated by the Sheriff, through a labor organization certified as their exclusive representative;

[D.] (IV) Subject to [subsubparagraph 2] **PARAGRAPH (3)** of this [subparagraph] **SUBSECTION**, enter into a collective bargaining agreement, through their exclusive representative, covering those wages and benefits not regulated by the Sheriff; and

[E.] (V) Decertify a labor organization as their exclusive representative.

[2.] (3) Any additional funding required as a result of a negotiated collective bargaining agreement shall be subject to approval by the governing body of [Frederick County] **THE COUNTY**.

[3.] (4) The County Executive, or the County Executive's designee:

[A.] (I) May not be a party to a collective bargaining agreement entered into under this [subparagraph] **SUBSECTION**; but

[B.] (II) May attend and participate in all collective bargaining sessions of the parties.

[(iii) 1.] **(5) (I)** A labor organization shall be deemed certified as an exclusive representative if the following conditions are met:

[A.] **1.** A petition for the labor organization to be recognized by the Sheriff is signed by at least 51% of the correctional officers at the rank of sergeant and below indicating their desire to be exclusively represented by the petitioner for the purpose of collective bargaining; and

[B.] **2.** The petition is submitted to the Sheriff.

[2.] **(II)** If the Sheriff does not challenge the validity of the petition within 10 calendar days following the receipt of the petition, the labor organization shall be deemed certified as the exclusive representative.

[3.] **(III)** If the Sheriff challenges the validity of the petition, the American Arbitration Association shall be requested to appoint a third party neutral to conduct an election and to certify whether the labor organization has been selected as the exclusive representative by a majority of the votes cast in the election.

[4.] **(IV)** The costs associated with the American Arbitration Association and the third party neutral shall be shared equally by the parties.

[(iv) 1.] **(6) (I)** Following certification of an exclusive representative as provided in [subparagraph (iii) of this paragraph] **PARAGRAPH (5) OF THIS SUBSECTION**, the parties shall meet at reasonable times and engage in collective bargaining in good faith.

[2.] **(II)** The parties shall make every reasonable effort to conclude negotiations in a timely manner to allow for inclusion by the [Office of the Sheriff] **SHERIFF'S OFFICE** of matters agreed on in its budget request to the governing body of [Frederick County] **THE COUNTY**.

[(v) 1.] **(7) (I)** A collective bargaining agreement shall contain all matters of agreement reached in the collective bargaining process.

[2.] **(II)** The agreement may contain a grievance procedure providing for nonbinding arbitration of grievances.

[3.] **(III)** An agreement reached in accordance with this [subparagraph] **PARAGRAPH** shall be in writing and signed by the designated representatives of the parties involved in the collective bargaining negotiations.

[4. A.] **(IV)** Subject to [subsubsubparagraph B of this subsubparagraph] **SUBPARAGRAPH (V) OF THIS PARAGRAPH**, an agreement is not

effective until it is ratified by a majority of the votes cast by the correctional officers in the bargaining unit and the Sheriff.

**[B.] (V)** Additional funding, if any, required as a result of the agreement shall be subject to the approval of the governing body of **[Frederick County]** **THE COUNTY**.

**[(vi)] (8)** Nothing in this **[paragraph]** **SUBSECTION** may be construed as authorizing or otherwise allowing a correctional officer to engage in a strike as defined in § 3–303 of the State Personnel and Pensions Article.

REVISOR’S NOTE: Subsection (a) of this section is new language added to clarify the scope of the section.

Subsections (b) through (h) of this section are derived without substantive change from former § 2–309(l) of this subtitle.

In subsection (b) of this section, the reference to an “annual” salary is added for clarity.

In subsection (c)(1)(ii) of this section, the reference to salaries of \$1,320 “each” is deleted as unnecessary.

In the introductory language of subsection (g)(4) of this section, the reference to the County Executive “of Frederick County” is added for clarity.

## **2–325.**

### **(A) THIS SECTION APPLIES ONLY IN GARRETT COUNTY.**

**[(m)] (B)** (1) **[(i)]** The Sheriff of Garrett County shall receive **AN ANNUAL SALARY OF:**

**[1.] (I)** \$28,250 for calendar year 1991;

**[2.] (II)** \$30,500 for calendar year 1992;

**[3.] (III)** \$32,750 for calendar year 1993;

**[4.] (IV)** \$35,000 for calendar year 1994; and

**[5.] (V)** For each subsequent year, the salary set by the County Commissioners **OF GARRETT COUNTY** in accordance with Chapter 91 of the Public Local Laws of Garrett County.

[(ii)] (2) The Sheriff is entitled to a sum set by the County Commissioners, for expenses.

[(2)] (C) (1) The Sheriff shall employ [deputies]:

(I) **DEPUTIES** as needed, within the budgetary limits, at salaries of at least \$5,200 each, one of whom shall act as warden of the jail[,]; and [a]

(II) A matron for the jail, who shall also perform clerical duties, at the salary set by the Sheriff.

(2) The Sheriff may employ additional special deputies whose compensation shall be approved by the County Commissioners.

[(3)] (D) (1) The Sheriff and the deputy sheriffs shall be allowed extra car mileage and out-of-county mileage at the rate of 14 cents per mile.

(2) [This] **THE** mileage allowance shall not be payable if the Sheriff's Office is furnished with automobiles.

[(4)] (E) (1) (I) The Sheriff shall be reimbursed for the expenses of boarding prisoners committed to the county jail, to be paid monthly [upon] **ON** vouchers submitted by [him] **THE SHERIFF** to the County Commissioners [of Garrett County].

(II) [He] **THE SHERIFF** shall also submit with [these] **THE** vouchers an affidavit sworn to by [him upon] **THE SHERIFF ON** personal knowledge showing for each day of the **IMMEDIATELY PRECEDING** month [just passed] the number of prisoners boarded by [him] **THE SHERIFF**.

(2) The Sheriff may appoint a cook for the jail who shall receive a salary of at least \$2,400.

(3) The Sheriff, deputies, and cook shall each receive an additional allowance of \$200 [per] A year for uniforms and cleaning.

[(5) (i)] (F) (1) This [paragraph] **SUBSECTION** does not apply to the Sheriff or chief deputy sheriff.

[(ii)] (2) Deputy sheriffs and other employees of the Sheriff's Office are included in the [Garrett County] **COUNTY** classified service system.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of the section.

Subsections (b) through (f) of this section are derived without substantive

change from former § 2–309(m) of this subtitle.

In subsection (b)(1)(v) of this section, the reference to the County Commissioners “of Garrett County” is added for clarity.

In subsection (e)(1)(ii) of this section, the reference to the “immediately preceding” month is substituted for the former reference to the month “just passed” for clarity.

## 2–326.

### (A) THIS SECTION APPLIES ONLY IN HARFORD COUNTY.

[(n) (1) (i)] **(B) (1)** Beginning December 1, 2018, the Sheriff of Harford County shall receive an annual salary of \$136,000, thereafter to be adjusted annually on July 1 in accordance with [subparagraph (ii) of this paragraph] **PARAGRAPH (2) OF THIS SUBSECTION.**

[(ii)] **(2) (I)** 1. On [and after] July 1, 2019, **AND EACH JULY 1 THEREAFTER**, the annual salary of the Sheriff [of Harford County] shall be adjusted annually to reflect the annual change in the “Consumer Price Index” for “All urban consumers” for the expenditure category “All items not seasonally adjusted”, and for all regions.

**2.** The Annual Consumer Price Index for the period ending each December, as published by the Bureau of Labor Statistics of the U.S. Department of Labor, shall be used to adjust the annual salary of the Sheriff [of Harford County] while in office.

[2.] **(II)** Notwithstanding [subsubparagraph 1 of this subparagraph] **SUBPARAGRAPH (I) OF THIS PARAGRAPH**, the adjustment to the annual salary of the Sheriff [of Harford County] may not exceed 3 percent in any fiscal year.

[(2)] **(C)** The Sheriff may not have employment outside of that position unless:

[(i)] **(1)** The employment is a part–time teaching position; and

[(ii)] **(2)** The total maximum yearly income from the outside employment under this [paragraph] **SUBSECTION** is \$2,500 or less.

[(3)] **(D)** The Sheriff shall appoint the number of deputies at the compensation provided in the county budget.

[(4)] **(E) (1)** The Sheriff may appoint as a special deputy sheriff:

(i) The chief of police of a Harford County municipality; or

(ii) A member of the police force of a Harford County municipality who is certified by the Maryland Police Training and Standards Commission.

**[(5) (2)]** A special deputy sheriff appointed under this subsection is not an employee of the Sheriff or of **[Harford County] THE COUNTY**.

**[(6) (i) (F) (1)]** Except as provided in **[subparagraph (ii) of this paragraph] PARAGRAPH (2) OF THIS SUBSECTION**, an employee of the Harford County Sheriff's Office may not be terminated without just cause.

**[(ii) (2)]** **[Subparagraph (i) of this paragraph] PARAGRAPH (1) OF THIS SUBSECTION** does not apply to:

**[1.] (I)** The chief deputy;

**[2.] (II)** A lieutenant colonel or major;

**[3.] (III)** The secretary for the Sheriff;

**[4.] (IV)** A deputy or employee on probationary status; or

**[5.] (V)** The warden of the Harford County Detention Center.

**[(7) (i) (G) (1)]** A lieutenant colonel or major serves at the pleasure of the Sheriff.

**[(ii) (2)]** A lieutenant colonel, major, or captain may not be reduced below the rank of lieutenant without just cause.

**[(8) (H)]** The Sheriff **[of Harford County]** shall have the authority to formulate and administer a plan that includes the method of supervision to use inmates from the Harford County Detention Center the Sheriff deems eligible and selects to perform, under the supervision of State, county, or municipal employees, tasks the Sheriff assigns within the county or any incorporated municipality within the county.

**[(9) (i) (I) (1)]** This **[paragraph] SUBSECTION** applies only to all full-time deputy sheriffs in the **[Office of the Sheriff of Harford County] SHERIFF'S OFFICE** at the rank of captain and below.

**[(ii) (2)]** Sworn law enforcement officers subject to this **[paragraph] SUBSECTION** shall have the right to organize and negotiate with the Harford

County Executive and the [Harford County] Sheriff with regard to wages and employee health care premium share not regulated by the Sheriff.

[(iii)] (3) Unless otherwise provided in this [paragraph] **SUBSECTION**, the right to organize and negotiate shall be conducted in accordance with §§ 38–5 through 38–8 of Chapter 38, Article I of the Harford County Code.

[(iv)] (4) The terms of any agreement with regard to wages and employee health care premium share not regulated by the Sheriff shall be set forth in a memorandum of agreement entered into between the Sheriff, the County Executive, and the employee organization.

[(v)] (5) An agreement with regard to wages and employee health care premium share not regulated by the Sheriff is not effective until the agreement is ratified by:

- [1.] (I) The Sheriff;
- [2.] (II) The County Executive; and
- [3.] (III) The employee organization.

[(vi)] (6) A modification to an existing memorandum of agreement is not valid unless the modification is in writing and ratified by:

- [1.] (I) The Sheriff;
- [2.] (II) The County Executive; and
- [3.] (III) The employee organization.

[(vii)] (7) If the Sheriff, the County Executive, and the employee organization are unable to reach an agreement by the dates set in Chapter 38, Article I of the Harford County Code, the procedures set forth in § 38–8(b) of the Harford County Code shall apply, with the County Executive and the employee organization as parties to the proceedings described under § 38–8(b) of the Harford County Code.

[(10) (i)] (J) (1) This [paragraph] **SUBSECTION** applies only to all full-time correctional officers in the [Office of the Sheriff of Harford County] **SHERIFF'S OFFICE** at the rank of captain and below.

[(ii)] (2) Correctional officers subject to this [paragraph] **SUBSECTION** shall have the right to organize and negotiate with the [Harford] County Executive and the [Harford County] Sheriff with regard to wages and employee health care premium share not regulated by the Sheriff.

[(iii)] (3) Unless otherwise provided in this [paragraph] SUBSECTION, the right to organize and negotiate shall be conducted in accordance with §§ 38–5 through 38–8 of Chapter 38, Article I of the Harford County Code.

[(iv)] (4) The terms of any agreement with regard to wages and employee health care premium share not regulated by the Sheriff shall be set in a memorandum of agreement entered into between the Sheriff, the County Executive, and the employee organization.

[(v)] (5) An agreement with regard to wages and employee health care premium share not regulated by the Sheriff is not effective until the agreement is ratified by:

- [1.] (I) The Sheriff;
- [2.] (II) The County Executive; and
- [3.] (III) The employee organization.

[(vi)] (6) A modification to an existing memorandum of agreement is not valid unless the modification is in writing and ratified by:

- [1.] (I) The Sheriff;
- [2.] (II) The County Executive; and
- [3.] (III) The employee organization.

[(vii)] (7) If the Sheriff, the County Executive, and the employee organization are unable to reach an agreement by the dates set in Chapter 38, Article I of the Harford County Code, the procedures set forth in § 38–8(b) of the Harford County Code shall apply, with the County Executive and the employee organization as parties to the proceedings described under § 38–8(b) of the Harford County Code.

REVISOR’S NOTE: Subsection (a) of this section is new language added to clarify the scope of the section.

Subsections (b) through (j) of this section are derived without substantive change from former § 2–309(n) of this article.

In subsection (b)(2)(i) of this section, the phrase “and each July 1 thereafter” is substituted for the former word “after” for clarity.

**(A) THIS SECTION APPLIES ONLY IN HOWARD COUNTY.**

**[(o) (1) (i)] (B)** The Sheriff of Howard County shall receive an annual salary [as follows] **OF:**

[1.] **(1)** \$85,000 each calendar year for calendar year 2010 through calendar year 2014;

[2.] **(2)** \$88,000 for calendar year 2015;

[3.] **(3)** \$91,000 for calendar year 2016;

[4.] **(4)** \$94,000 for calendar year 2017;

[5.] **(5)** \$97,000 for calendar year 2018;

[6.] **(6)** \$101,000 for calendar year 2019;

[7.] **(7)** \$105,000 for calendar year 2020;

[8.] **(8)** \$109,000 for calendar year 2021; and

[9.] **(9)** \$113,000 for calendar year 2022.

**[(ii) 1.] (C) (1)** The Sheriff shall appoint the number of deputies authorized by the county government.

[2.] **(2)** The compensation of the deputies shall be set by the county government.

**[(2)] (3) (i)** Each full-time deputy sheriff at the rank of lieutenant or below appointed by the Sheriff on or after October 1, 2005:

1. Shall be required by the Sheriff to serve an initial probationary period of 12 months; and

2. May be dismissed by the Sheriff for any reason only during the initial probationary period.

**(ii)** The Sheriff may extend the probationary period **FOR A DEPUTY SHERIFF** for reasonable cause.

**(iii)** During the probationary period, the Sheriff has exclusive discretion to determine whether a probationary deputy sheriff has the qualifications and ability to serve in the position of a permanent nonprobationary employee.

(iv) Each probationary deputy sheriff shall be required to complete the minimum number of hours mandated for law enforcement agencies established by the Maryland Police Training and Standards Commission.

(v) After the probationary period, a full-time deputy sheriff at a rank of lieutenant or below may be disciplined or dismissed only for just cause:

1. In accordance with the Law Enforcement Officers' Bill of Rights, if the employee's rights are covered under this bill of rights; or

2. In accordance with the personnel rules and regulations of the Howard County Sheriff's Office, if the employee's rights are not covered under the Law Enforcement Officers' Bill of Rights.

(vi) Except for an appeal taken pursuant to the Law Enforcement Officers' Bill of Rights, an appeal by an aggrieved party shall be taken to the Circuit Court for Howard County.

**[(3) (D) (1)]** The Sheriff may appoint additional temporary deputy sheriffs when necessary for the public safety [and the].

**(2) THE** county government shall allow [them] **THE TEMPORARY DEPUTY SHERIFFS** reasonable compensation.

**(3) [These deputies] A TEMPORARY DEPUTY SHERIFF** may not serve longer than the case actually requires.

**[(4) (E)]** The primary duties of the Sheriff are the following:

**[(i) (1)]** The security of the circuit court, and the performance of such duties as may be required of the Sheriff by that court;

**[(ii) (2)]** The service of process of writs, summonses, orders, petitions, subpoenas, warrants, orders to show cause, and other legal papers; and

**[(iii) (3)]** Additional duties, including law enforcement as may be requested by law enforcement or other criminal justice agencies, the circuit court, or the county government, when necessary for the public safety.

**[(5) (i) (F) (1)]** This [paragraph] **SUBSECTION** applies only to full-time deputy sheriffs in the [Office of the Sheriff of Howard County] **SHERIFF'S OFFICE** at the rank of corporal and below.

**[(ii) (2)]** A deputy sheriff may:

[1.] (I) Take part in or refrain from taking part in forming, joining, supporting, or participating in a labor organization or its lawful activities;

[2.] (II) Select a labor organization as the exclusive representative of the deputy sheriffs subject to this [paragraph] SUBSECTION;

[3.] (III) Engage in collective bargaining with the Sheriff [of Howard County], or the designee of the Sheriff, concerning wages, benefits, and other terms and conditions, except those terms and conditions expressly reserved by the Sheriff under [subparagraph (v)4A of this paragraph] PARAGRAPH (5)(IV)1 OF THIS SUBSECTION, through a labor organization certified as the exclusive representative of the deputy sheriffs subject to this [paragraph] SUBSECTION;

[4.] (IV) Subject to [item 2 of this subparagraph] ITEM (II) OF THIS PARAGRAPH, enter into a collective bargaining agreement, through the exclusive representative of the deputy sheriffs subject to this [paragraph] SUBSECTION, covering the wages, benefits, and other terms and conditions of employment of the deputy sheriffs subject to this [paragraph] SUBSECTION, except those terms and conditions expressly reserved by the Sheriff in [subparagraph (v)4 of this paragraph] PARAGRAPH (5)(IV) OF THIS SUBSECTION; and

[5.] (V) Decertify a labor organization as the exclusive representative of the deputy sheriffs subject to this [paragraph] SUBSECTION.

[(iii) 1.] (3) (I) A labor organization seeking certification as an exclusive representative must submit a petition to the Sheriff that is signed by at least 30% of the deputy sheriffs indicating the desire of the deputy sheriffs subject to this [paragraph] SUBSECTION to be represented exclusively by the labor organization for the purpose of collective bargaining.

[2.] (II) If the Sheriff does not challenge the validity of the petition within 30 calendar days following the receipt of the petition, the petition shall be submitted to the Commissioner of Labor and Industry to be approved by a consent election under Title 4, Subtitle 2, Part II of the Labor and Employment Article.

[3.] (III) If the Sheriff challenges the validity of the petition, either party may submit a request to the Commissioner of Labor and Industry to determine the validity of the petition and whether to conduct a consent election under Title 4, Subtitle 2, Part II of the Labor and Employment Article.

[4.] (IV) The costs associated with a determination by the Commissioner of Labor and Industry under [subsubparagraph 3 of this subparagraph] SUBPARAGRAPH (III) OF THIS PARAGRAPH shall be shared equally by the parties.

[5.] (V) A labor organization shall be deemed decertified if

a petition is submitted to the Sheriff that is signed by more than 50% of the deputy sheriffs indicating the desire of the deputy sheriffs to decertify the labor organization as the exclusive representative of the deputy sheriffs subject to this [paragraph] **SUBSECTION**.

[iv] 1.] **(4) (I)** Following certification of an exclusive representative as provided in [subparagraph (iii) of this paragraph] **PARAGRAPH (3) OF THIS SUBSECTION**, the certified labor organization and the Sheriff shall meet at reasonable times and engage in collective bargaining in good faith.

[2.] **(II)** The certified labor organization and the Sheriff shall make every reasonable effort to conclude negotiations on or before February 1 of the year in which a collective bargaining agreement is to take effect to allow for inclusion by the Sheriff of matters agreed on in its budget request to the County Executive **OF HOWARD COUNTY**.

[3. A.] **(III) 1.** If the certified labor organization and the Sheriff are unable to reach an agreement before the date set forth in [subsubparagraph 2 of this subparagraph] **SUBPARAGRAPH (II) OF THIS PARAGRAPH**, an impasse shall be deemed to have been reached, each side shall submit their best and final offers within 24 hours, and within 5 days after an impasse is reached the dispute, along with each side's best and final offer, shall be submitted to the Federal Mediation and Conciliation Service.

[B.] **2.** The mediator appointed by the Federal Mediation and Conciliation Service shall meet with the parties and make written findings of fact and recommendations for the resolution of the dispute by March 1.

[C.] **3.** The costs associated with the mediator or mediation process shall be shared equally by the parties.

[D.] **4.** Copies of the mediator's written findings and recommendations shall be sent to the Sheriff and certified labor organization.

[E.] **5.** The Sheriff and certified labor organization shall meet within 5 days after the conclusion of the mediation to reach a voluntary resolution of the dispute.

[F.] **6.** If no resolution is reached under [subsubsubparagraph E of this subsubparagraph] **SUBSUBPARAGRAPH 5 OF THIS SUBPARAGRAPH**, the Sheriff shall submit to the County Executive the best and final offer of each side and the mediator's findings and recommendations and the County Executive shall review all the materials before making a budget submission for the Sheriff's Office to the County Council **OF HOWARD COUNTY**.

[4. A.] **(IV) 1.** Any additional funding required as a result of a negotiated collective bargaining agreement is subject to approval by the County

Executive and County Council.

[B.] 2. A request for additional funding shall be submitted to the County Executive by the Sheriff within the time schedule provided in the agreement.

[C.] 3. The County Executive and County Council may approve or reject a request for additional funding in whole or in part.

[D.] 4. If any part of a request for additional funding is rejected, the entire agreement shall be returned to the parties for further bargaining, during which either party may renegotiate all or part of the agreement within the limits of the funding allocated by the County Executive and County Council and within a timetable established by the County Executive.

(v) 1.] (5) (I) A collective bargaining agreement shall contain all matters of agreement reached in the collective bargaining process.

[2.] (II) A collective bargaining agreement may contain a grievance procedure which shall apply only to questions concerning the interpretation or application of a specific provision of the agreement.

[3.] (III) A collective bargaining agreement reached in accordance with this [paragraph] SUBSECTION shall be in writing and signed by the certified representatives of the parties involved in the collective bargaining negotiations.

[4.] (IV) An agreement made under this [subparagraph] PARAGRAPH may not impair the right and the responsibility of the Sheriff to:

[A.] 1. Maintain the order and efficiency of the public service entrusted to the Sheriff and to operate and manage the affairs of the **SHERIFF'S** Office, including all rights and authority held by the Sheriff prior to signing a collective bargaining agreement except where abridged by an express provision of the agreement;

[B.] 2. Determine the purposes and objectives of each of the Sheriff's constituent offices and departments;

[C.] 3. Set the standards of services to be offered to the public;

[D.] 4. Determine and set work projects, tours of duty, schedules, assignments, and methods, means, personnel, and other resources by which operations are conducted;

[E.] 5. Determine and set technology needs, internal security practices, equipment, and the location of facilities;

[F.] 6. Exercise control and discretion over the Sheriff's Office and operations;

[G.] 7. Hire, promote, transfer, assign, or retain deputy sheriffs in positions within the SHERIFF'S Office;

[H.] 8. Establish work rules;

[I.] 9. Demote, suspend, discharge, or take any other appropriate disciplinary action against employees for just cause and in accordance with the county charter and other applicable law;

[J.] 10. Determine the mission, budget, organization, numbers, types, classes, grades, and ranks of deputy sheriffs assigned, the services to be rendered, operations to be performed, and the technology to be used;

[K.] 11. Set the standards of service and exercise control over operations, including the rights to determine work shifts and the number of deputy sheriffs on each shift;

[L.] 12. Determine and set the qualifications of deputy sheriffs for appointment and promotions;

[M.] 13. Set the standards of performance, appearance, and conduct;

[N.] 14. Judge skill, ability, and physical fitness;

[O.] 15. Create, eliminate, or consolidate job classifications, departments, or operations; and

[P.] 16. Control and regulate the use of all equipment and other property of the county.

[5.] (V) A collective bargaining agreement is not effective until it is ratified by the majority of votes cast by the deputy sheriffs in the bargaining unit and approved by the Sheriff.

[(vi)] (6) Nothing in this [paragraph] SUBSECTION may be construed to:

[1.] (I) Authorize or otherwise allow a deputy sheriff to engage in a strike as defined in § 3-303 of the State Personnel and Pensions Article; and

[2.] (II) Restrict in any way the authority of the County Executive or County Council to determine the budget for the Sheriff's Office.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of the section.

Subsections (b) through (f) of this section are derived without substantive change from former § 2–309(o) of this subtitle.

In subsection (c)(3)(ii) of this section, the reference to the probationary period “for a deputy sheriff” is added for clarity.

In subsection (f)(4)(ii) of this section, the reference to the County Executive “of Howard County” is added for clarity. Similarly, in subsection (f)(4)(iii)6 of this section, the reference to the County Council “of Howard County” is added.

## 2–328.

### (A) THIS SECTION APPLIES ONLY IN KENT COUNTY.

[(p) (1)] (B) The Sheriff of Kent County shall receive [a] AN ANNUAL salary equal to 80% of the annual salary of the State’s Attorney for Kent County.

[(2)] (C) At the discretion of the County Commissioners OF KENT COUNTY, the Sheriff shall receive county–owned automobiles as may be necessary to operate the Sheriff’s department.

[(3) (i)] (D) (1) The Sheriff shall appoint a chief deputy sheriff, or the managerial equivalent, who shall:

[1.] (I) Receive a salary of at least \$8,000; and

[2.] (II) Serve at the pleasure of the Sheriff.

[(ii)] (2) The Sheriff may not refuse to reappoint a deputy sheriff without just cause.

[(4)] (E) The Sheriff and the Sheriff’s deputies shall be paid allowances as the COUNTY Commissioners may deem necessary.

[(5)] (F) The County Commissioners [may]:

(1) MAY authorize additional deputies as necessary; and [shall]

(2) SHALL set their compensation at the time of their appointment.

[(6)] (G) (1) The County Commissioners may authorize the Sheriff to appoint as part–time deputies individuals employed in specific plants, schools, hospitals,

institutions, business enterprises, and land development tracts situated within [Kent County who are] **THE COUNTY**.

**(2) PART-TIME DEPUTIES APPOINTED UNDER PARAGRAPH (1) OF THIS SUBSECTION:**

**(I)** **ARE** limited to service only within the particular facility where they are employed[,]; and [who may]

**(II)** **MAY** not be compensated by [Kent County] **THE COUNTY** for their services.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of the section.

Subsections (b) through (g) of this section are derived without substantive change from former § 2-309(p) of this subtitle.

In subsection (b) of this section, the reference to "an annual" salary is added for clarity.

In subsection (c) of this section, the reference to the County Commissioners "of Kent County" is added for clarity.

In subsection (g)(2) of this section, the reference to "Part-time deputies appointed under paragraph (1) of this subsection" is added for clarity.

**2-329.**

**(A) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.**

[(q) (1)] **(B)** It is the intent of the General Assembly to:

[(i)] **(1)** Protect the right to bargain of the Montgomery County Executive and the Montgomery County Sheriff;

[(ii)] **(2)** Preserve a single master collective bargaining agreement to the extent that a single exclusive bargaining representative represents multiple units of employees covered under the Montgomery County Collective Bargaining Law; and

[(iii)] **(3)** Streamline, facilitate, and make more effective the collective bargaining process by ensuring that there shall be a single collective bargaining agreement with both the Montgomery County government and the Montgomery County Sheriff's Office if a single exclusive bargaining representative represents both [Montgomery County] **COUNTY** government employees and [Montgomery County Sheriff]

employees OF THE SHERIFF'S OFFICE.

**[(2) (C) (1)]** The Sheriff of Montgomery County shall receive a salary, subject to § 35 of Article III of the Maryland Constitution, and an allowance for expenses, as the County Council OF MONTGOMERY COUNTY provides in its annual budget.

**(2) (I)** The County Council shall provide an automobile for the use of the Sheriff and [his deputies] DEPUTY SHERIFFS for the general public work of the office [and the].

**(II)** THE expense of operating the automobile shall be paid by the county.

**[(3) (i) (D) (1)]** The Sheriff may appoint **[2] TWO** full-time assistant sheriffs and the number of deputies provided in the county budget.

**[(ii) (2)]** The Sheriff shall also appoint the other clerical and administrative employees provided in the county budget, all of whom shall be paid by the county.

**[(iii) 1.] (3) (I)** With the exception of the assistant sheriffs, all full-time deputy sheriffs of all ranks may, [upon] ON appointment, be required by the Sheriff to serve a probationary period of 12 months following attainment of sworn status.

**[2.] (II)** Civilian employees may, [upon] ON appointment, be required by the Sheriff to serve a probationary period of 6 months.

**[3.] (III)** The probationary period may be extended by the Sheriff for reasonable cause in accordance with an applicable collective bargaining agreement.

**[4.] (IV)** During the probationary period, the determination of the employee's qualifications and ability to serve in the position of a permanent, nonprobationary employee shall be within the exclusive discretion of the Sheriff, subject to the [Montgomery County] COUNTY merit system laws and personnel regulations.

**[(4) (i) (E) (1) (I)]** The Sheriff shall fix the compensation of, and may discharge, the deputy sheriffs, and other employees appointed, subject to budget limitations, the [Montgomery County] COUNTY merit system law, personnel regulations, or applicable collective bargaining agreement.

**(II)** The Sheriff shall fix the compensation of the assistant sheriffs subject to budget limitations.

**[(ii) (2) (I)]** Except for the assistant sheriffs, personnel

appointed by the Sheriff shall be considered for all purposes as [Montgomery County] COUNTY merit system employees and subject to the [Montgomery County] COUNTY merit system law, personnel regulations, and applicable collective bargaining agreement.

(II) Assistant sheriffs shall serve at the pleasure of the Sheriff and shall meet the qualifications of the Maryland Police Training and Standards Commission standards for law enforcement officers.

[(iii) 1.] (F) (1) Nonprobationary deputy sheriffs below the rank of lieutenant and nonprobationary civilian employees as defined in the Montgomery County Code, § 33–102(4), shall have the right to organize and bargain collectively in accordance with the Montgomery County Code, Chapter 33, Article VII, with regard to compensation, pension for active employees, fringe benefits, hours, and terms and conditions of employment, including performance evaluation procedures.

[2.] (2) Employees, other than the assistant sheriffs, are subject to the [Montgomery County] COUNTY merit system law and personnel regulations and may be excluded from those provisions only to the extent that the applicability of those provisions is made the subject of collective bargaining.

[3. A.] (3) (I) As to the employees described in [subsubparagraph 1 of this subparagraph] PARAGRAPH (1) OF THIS SUBSECTION, the [Montgomery] County Executive shall be considered the employer of the employees under the Montgomery County Code, Chapter 33, Article VII, only for the purpose of collective bargaining for compensation, pension, fringe benefits, and hours.

[B.] (II) If a single bargaining representative represents both [Montgomery County] COUNTY government employees and [Montgomery County Sheriff] employees OF THE SHERIFF'S OFFICE, any and all terms and conditions of employment set forth in any current and subsequent collective bargaining agreement between the [Montgomery County] COUNTY government and the bargaining representative shall be applicable to employees of the [Montgomery County Sheriff] SHERIFF'S OFFICE unless different terms and conditions of employment are negotiated by the Sheriff in accordance with [subsubparagraph 4 of this subparagraph] PARAGRAPH (4) OF THIS SUBSECTION.

[4. A.] (4) (I) The Sheriff shall be considered the employer for all other purposes and shall be considered the employer under the Montgomery County Code, Chapter 33, Article VII, for all other terms and conditions of employment.

[B.] (II) If a single bargaining representative represents both [Montgomery County] COUNTY government employees and [Montgomery County Sheriff] employees OF THE SHERIFF'S OFFICE, the Sheriff shall bargain only over particular matters, not involving compensation, pension, fringe benefits, and hours,

applicable to employees of the [Montgomery County Sheriff] **SHERIFF'S OFFICE**.

[C.] (III) If the Sheriff and the bargaining representative disagree over whether a matter is applicable to employees of the [Montgomery County Sheriff] **SHERIFF'S OFFICE**, the dispute shall be resolved by the Labor Relations Administrator appointed under Chapter 33, Article VII of the Montgomery County Code, following the procedures for the resolution of prohibited practices charges and consistent with the General Assembly's intent to preserve a single master collective bargaining agreement.

[5.] (5) There shall be only one collective bargaining agreement covering both [Montgomery County] **COUNTY** government employees and [Montgomery County Sheriff] employees **OF THE SHERIFF'S OFFICE** and any agreements reached under this [subparagraph] **PARAGRAPH** shall be included in an appendix or addendum to the agreement between the [Montgomery County] **COUNTY** government and the bargaining representative.

[(iv)] (6) Any required funding for the terms of an agreement negotiated by the Sheriff under [subparagraph (iii) of this paragraph] **THIS SUBSECTION** is subject to the budget and fiscal policies of [Montgomery County] **THE COUNTY**.

[(v)] (7) Except as provided in the [Montgomery County] **COUNTY** merit system law and personnel regulations, the provisions of [subparagraph (iii) of this paragraph] **THIS SUBSECTION** and any agreement made under it may not impair the right and responsibility of the Sheriff to:

[1.] (I) Determine the overall mission of the Sheriff's Office and, subject to the budget and fiscal policies of [Montgomery County] **THE COUNTY**, the Sheriff's Office budget;

[2.] (II) Maintain and improve the efficiency and effectiveness of operations;

[3.] (III) Determine the services to be rendered and the operations to be performed;

[4.] (IV) Determine the overall organizational structure, methods, processes, means, and personnel by which operations are to be conducted and the location of facilities;

[5.] (V) Direct and supervise employees;

[6.] (VI) Hire and select new employees;

[7.] (VII) Establish the standards governing promotion of

employees, subject to the [Montgomery County] COUNTY merit system law and personnel regulations;

[8.] (VIII) Relieve employees from duties because of lack of work or funds or under conditions when the employer determines continued work would be inefficient or nonproductive;

[9.] (IX) Take actions to carry out the mission of government in situations of emergency;

[10.] (X) Transfer, assign, and schedule employees;

[11.] (XI) Determine the size and composition of the workforce, subject to the county's budget and fiscal policies;

[12.] (XII) Set the standards of productivity and technology;

[13.] (XIII) Establish employee performance standards and evaluate employees;

[14.] (XIV) Make and implement systems for awarding outstanding service increments, extraordinary performance awards, and other merit awards, subject to the budget and fiscal policies of [Montgomery County] THE COUNTY;

[15.] (XV) Introduce new or improved technology, research, development, and services;

[16.] (XVI) Control and regulate the use of machinery, equipment, and other property and facilities of the Sheriff's Office;

[17.] (XVII) Maintain internal security standards;

[18.] (XVIII) Create, alter, combine, contract out, or abolish any operation, unit, or other division or service, except that:

[A.] 1. Contracting out work that will displace employees may not be undertaken by the employer unless 90 days prior to signing the contract, or on another date of notice as agreed to by the parties, written notice has been given to the certified representative and the contracting out of work shall be consistent with any applicable provision of the Montgomery County Code; and

[B.] 2. Any displacement of bargaining unit members shall be conducted in a manner that is consistent with any applicable provision of the Montgomery County Code and any applicable collective bargaining agreement;

[19.] (XIX) Suspend, discharge, or otherwise discipline:

[A.] 1. Sworn employees for cause under the Maryland Law Enforcement Officers' Bill of Rights; and

[B.] 2. Civilian employees, subject to the [Montgomery County] COUNTY merit system law and collective bargaining agreement where applicable, provided that, subject to § 404 of the Montgomery County Charter, any action to suspend, discharge, or otherwise discipline a civilian employee may be subject to the grievance procedure set forth in the collective bargaining agreement; and

[20.] (XX) Issue and enforce rules, policies, and regulations necessary to carry out the functions of this [subparagraph] PARAGRAPH and all other managerial functions that are not inconsistent with law or the terms of the collective bargaining agreement.

[(vi) 1.] (G) (1) Each assistant sheriff whose duty assignment requires the use of a motor vehicle shall [be]:

(I) BE reimbursed in such amounts as shall be set forth in the budget for expenses for traveling, transportation, or use of motor vehicles[, or may, in the alternative, be]; OR

(II) BE allowed the use of a publicly owned motor vehicle.

[2.] (2) Each deputy sheriff whose duty assignment requires the use of a motor vehicle shall [be]:

(I) BE reimbursed in an amount set forth in an applicable collective bargaining agreement for expenses for traveling, transportation, or use of motor vehicles[, or may, in the alternative, be]; OR

(II) BE allowed use of a publicly owned motor vehicle.

[(5)] (H) Deputy sheriffs are not entitled to any additional compensation for rendering services incident to their office.

(I) The County Council shall levy and collect annual taxes on the assessable property in the county in an amount sufficient to pay the salaries and allowances of the Sheriff and [the Sheriff's deputies] DEPUTY SHERIFFS.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of the section.

Subsections (b) through (i) of this section are derived without substantive

change from former § 2-309(q) of this subtitle.

In subsection (c)(1) of this section, the reference to the County Council “of Montgomery County” is added for clarity.

## 2-330.

### (A) THIS SECTION APPLIES ONLY IN PRINCE GEORGE’S COUNTY.

[(r)] (B) (1) The Sheriff of Prince George’s County shall[:

(i) Receive an] **RECEIVE:**

(I) **AN** annual salary of \$132,734 for calendar year 2013; and[, for]

(II) **FOR** calendar year 2014 and each subsequent calendar year, [the Sheriff’s] **AN** annual salary [shall] equal **TO** the salary of a circuit court judge[;].

[(ii) Be] (2) **THE SHERIFF SHALL:**

(I) **BE** provided with an automobile during the term as Sheriff for the use and work of the Sheriff’s Office, with adequate maintenance and insurance for the automobile to be at the cost of the county; and

[(iii)] (II) Receive not more than \$5,000 per year for expenses incurred in performing the duties of Sheriff, including training and education, an accounting of which shall be submitted to the County Director of Finance for approval.

[(2) (i)] (C) (1) (I) The Sheriff [of Prince George’s County] shall be provided with [4] **FOUR** full-time assistant sheriffs[, and all].

(II) **THE** assistant sheriffs shall be selected and appointed by the Sheriff and serve at the Sheriff’s pleasure.

(III) One of the assistant sheriffs shall be appointed as the chief assistant sheriff.

(IV) The assistant sheriffs shall be considered line officers, if so designated by the Sheriff.

[(ii)] (2) Each assistant sheriff shall **BE PROVIDED WITH:**

[1.] (I) [Be provided with an] **AN** automobile for [so long as they shall remain appointed assistant sheriff] **THE DURATION OF THE ASSISTANT SHERIFF’S APPOINTMENT**, for the use and work of the [Office of Sheriff] **SHERIFF’S**

OFFICE, with adequate maintenance and insurance of the automobile to be at the expense of the county; and

[2.] (II) [Be provided with an] AN expense allowance of not more than \$2,500 annually, an accounting of which shall be submitted to the County Director of Finance for approval.

[(iii)] (3) Each assistant sheriff may participate in the supplemental retirement program provided to deputy sheriffs by the county.

[(iv)] (4) The assistant sheriffs shall devote their full time and attention to the [Office of Sheriff] SHERIFF'S OFFICE.

[(v)] (5) (I) 1. Except as provided in [subparagraph (vi) of this paragraph] SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, the chief assistant sheriff shall receive an annual salary of \$71,091.

[(vi)] 2. The salary of a commissioned deputy sheriff appointed to the position of chief assistant sheriff shall be provided for by the Sheriff in the budget of the county.

(II) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE ASSISTANT SHERIFFS SHALL RECEIVE AN ANNUAL SALARY OF \$69,888.

2. THE SALARY OF COMMISSIONED DEPUTY SHERIFFS SERVING AS ASSISTANT SHERIFFS SHALL BE PROVIDED FOR BY THE SHERIFF IN THE BUDGET OF THE COUNTY.

[(vii)] (D) (1) The Sheriff and the assistant sheriffs shall be provided with an annual clothing allowance equal to that which is provided to deputy sheriffs of all ranks for the procurement, care, and upkeep of clothing and leather goods, and administered for that purpose.

[(viii) 1.] (2) (I) Except as provided in [subsubparagraph 2 of this subparagraph] SUBPARAGRAPH (II) OF THIS PARAGRAPH, the Sheriff, chief assistant sheriff, and assistant sheriffs shall receive each benefit, other than salary increases, that is negotiated for the deputy sheriffs by the Deputy Sheriffs' Association and granted to the management team of the [Prince George's County] Sheriff's Office.

[2.] (II) Any additional or increased benefit does not apply to the incumbent Sheriff, but shall take effect at the beginning of the next following term of office.

[(3)] (E) (1) (I) In addition to the assistant sheriffs, the Sheriff [of

Prince George's County] shall be provided with the number of full-time employees, including civilian employees and commissioned deputy sheriffs, as is deemed necessary and appropriate to carry out the duties and discharge of the Sheriff's Office.

(II) The cost and expense of the positions of the full-time employees, including the salaries, shall be provided for in the budget of the county.

[(4)] (2) (I) All full-time civilian employees shall be subject to the county personnel law.

(II) Civilian employees shall [have]:

1. **HAVE** the right to organize and bargain collectively[. Civilian employees shall be]; **AND**

2. **BE** subject to the Prince George's County Labor Code with regard to collective bargaining for compensation, including pension and fringe benefits, hours, and terms and conditions of employment.

(III) The County Executive **OF PRINCE GEORGE'S COUNTY** shall be considered the employer of the civilian employees only for the purpose of collective bargaining for compensation, including pension and fringe benefits, and hours.

(IV) 1. [The Sheriff] **SUBJECT TO THE PROVISIONS OF SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE SHERIFF** shall be considered the employer for purposes of collective bargaining for other terms and conditions of employment.

2. [However, any] **ANY** required funding for a collective bargaining agreement negotiated by the Sheriff shall be subject to the approval of the [County Executive] **COUNTY EXECUTIVE**.

[(5)] (F) (1) [With the exception of] **EXCEPT FOR** the assistant sheriffs, all full-time deputy sheriffs of all ranks, provided for the Sheriff in the budget of the county, [upon commencement of any position in the Sheriff's department] may be required by the Sheriff to serve a probationary period of 12 months **ON COMMENCEMENT OF ANY POSITION IN THE SHERIFF'S DEPARTMENT**.

(2) The probationary period may be extended by the Sheriff for reasonable cause.

(3) During the probationary period, the determination of the employee's qualifications and ability to serve in the position of a permanent, nonprobationary employee shall be within the exclusive discretion of the Sheriff.

(4) All probationary commissioned deputy sheriffs shall be required to complete the minimum number of hours as mandated [to] **FOR** other law enforcement agencies, as set by the Maryland Police Training and Standards Commission.

[(6) (i) (G) (1) [With the exception of] **EXCEPT FOR** the assistant sheriffs, all commissioned full-time employees, including deputy sheriffs of all ranks and court security officers, that are provided for by the Sheriff in the budget of the county, shall be subject to the county personnel law.

[(ii) Except as provided in subparagraph (iii) of this paragraph, the assistant sheriffs shall receive an annual salary of \$69,888.

(iii) The salary of commissioned deputy sheriffs serving as assistant sheriffs shall be provided for by the Sheriff in the budget of the county.]

[(7) (2) All nonprobationary commissioned full-time employees, including deputy sheriffs of all ranks, are subject to the Law Enforcement Officers' Bill of Rights.

(3) (I) All commissioned full-time employees, including deputy sheriffs of all ranks and court security officers, are also subject to the Labor Code of the county with regard to collective bargaining for compensation, including pension and other fringe benefits, hours, and terms and conditions of employment.

(II) The County Executive shall be considered the ["employer"] **EMPLOYER** of the deputy sheriffs and court security officers only for the purpose of collective bargaining for compensation, including pension and fringe benefits, and hours.

(III) 1. [The Sheriff] **SUBJECT TO THE PROVISIONS OF SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE SHERIFF** shall be considered the employer for purposes of collective bargaining for other terms and conditions of employment.

2. [However, any] **ANY** required funding for a collective bargaining agreement negotiated by the Sheriff shall be subject to the approval of the County Executive.

[(8) (i) (H) (1) The Sheriff and the [Sheriff's deputies] **DEPUTY SHERIFFS** shall be limited in their duties as law enforcement officers, as follows:

[1.] (I) The full power of arrest[, the];

(II) **THE** service of process of all writs, summonses, orders, petitions, subpoenas, warrants, rules to show cause, and all other legal papers;

[2.] (III) The care and supervision of prisoners at any of the county detention centers, hospitals, penal institutions, or other places of confinement;

[3.] (IV) The security of all State and county courts and the performance of such duties as may be required of them by the courts;

[4.] (V) The transportation of all legally detained persons;

[5.] (VI) The administration and enforcement of casino night permits as authorized by the governing body of the county; and

[6.] (VII) As of October 1, 2007, specific duties as authorized by the county governing body, including:

[A.] 1. Responding to domestic violence calls;

[B.] 2. Acting as school resource deputies in county schools; and

[C.] 3. Providing security for [Prince George's County] COUNTY public school sporting events and extracurricular activities that are held in the county, sponsored by a public school, and open to the public.

[(ii) 1.] (2) (I) The duties authorized in [subparagraph (i)6 of this paragraph] PARAGRAPH (1)(VII) OF THIS SUBSECTION shall be enumerated in a memorandum of understanding entered into by the Prince George's County Police Department and the Office of the Sheriff of Prince George's County.

[2.] (II) The memorandum of understanding [may]:

1. MAY be revised only by the county governing body[.]; AND

[3. The memorandum of understanding is]

2. IS in effect from the date it is signed by both parties, but not before October 1, 2007.

[(9)] (I) (1) [Neither] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, NEITHER the Sheriff [of Prince George's County] nor any [of the Sheriff's deputies shall] DEPUTY SHERIFF MAY conduct criminal investigations[, except:].

(2) THE SHERIFF OR A DEPUTY SHERIFF MAY CONDUCT CRIMINAL INVESTIGATIONS:

(i) In matters concerning the Sheriff's department;

(ii) On request of the courts;

(iii) As necessary for the administration and enforcement of casino night permits as authorized by the county governing body; [or] **AND**

(iv) In investigations arising out of or incident to normally assigned duties, including those duties authorized by the county governing body under [paragraph (8)(i)6 of this subsection] **SUBSECTION (H)(1)(VII) OF THIS SECTION.**

[(10)] **(3)** When [a] **THE** Sheriff or [Sheriff's deputy] **A DEPUTY SHERIFF** has commenced an investigation under paragraph [(9)(iv)] **(2)(IV)** of this subsection, the Sheriff or [the Sheriff's deputy] **DEPUTY SHERIFF SHALL:**

(i) [Shall immediately] **IMMEDIATELY** notify the appropriate law enforcement agency that has jurisdiction over the matter; and

(ii) [Shall transfer] **TRANSFER** the investigation to an appropriate law enforcement agency that has jurisdiction over the matter on request of the agency.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of the section.

Subsections (b) through (i) of this section are derived without substantive change from former § 2-309(r) of this subtitle.

In subsection (e)(2)(iii) of this section, the reference to the County Executive "of Prince George's County" is added for clarity.

## **2-331.**

**(A) THIS SECTION APPLIES ONLY IN QUEEN ANNE'S COUNTY.**

[(s) (1) (i)] **(B) (1)** The Sheriff of Queen Anne's County shall receive [a] **AN ANNUAL** salary set by the County Commissioners **OF QUEEN ANNE'S COUNTY** of at least \$10,000.

[(ii)] **(2)** The Sheriff shall appoint a chief deputy sheriff, or the managerial equivalent, who shall:

[1.] **(I)** Receive [a] **AN ANNUAL** salary set by the County Commissioners of at least \$4,500; and

[2.] **(II)** Serve at the pleasure of the Sheriff.

[(iii) 1.] **(3) (I)** The Sheriff may appoint the number of assistant deputy sheriffs as the County Commissioners approve, at ANNUAL salaries set by the County Commissioners of at least \$4,200.

[2.] **(II)** The Sheriff may not refuse to reappoint a deputy sheriff without just cause.

[(iv)] **(4)** The COUNTY Commissioners may appoint an assistant deputy sheriff, at [a] AN ANNUAL salary set by the County Commissioners of at least \$4,200.

[(2)] **(C)** The salaries are in lieu of all expenses, fees, costs, and charges, except for the board and keeping of prisoners in the county jail and other necessary operating expenses allowed by law or practice, including all expenses for transferring persons to and from penal institutions, places of confinement, and State institutions in the State under sentence or order of an authority.

[(3)] **(D)** The County Commissioners may include in the merit system of the county the employees of the Queen Anne's County Sheriff's Department.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of the section.

Subsections (b) through (d) of this section are derived without substantive change from former § 2-309(s) of this subtitle.

In subsection (b) of this section, the references to "annual" salaries are added for clarity.

In subsection (b)(1) of this section, the reference to the County Commissioners "of Queen Anne's County" is added for clarity.

## 2-332.

### **(A) THIS SECTION APPLIES ONLY IN ST. MARY'S COUNTY.**

[(t) (1)] **(B)** The [annual salary of the] Sheriff of St. Mary's County shall [be] RECEIVE AN ANNUAL SALARY OF:

[(i)] **(1)** \$100,000 for [the] calendar year 2015;

[(ii)] **(2)** \$102,000 for [the] calendar year 2016;

[(iii)] **(3)** \$104,040 for [the] calendar year 2017; and

[(iv)] (4) Beginning in calendar year 2018, equal to the salary of a Department of State Police lieutenant colonel (step 12).

[(2)] (C) The Sheriff shall devote full time to the duties of office.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of the section.

Subsections (b) and (c) of this section are derived without substantive change from former § 2–309(t) of this subtitle.

In subsection (b)(1), (2), and (3) of this section, the word “the” is deleted as surplusage.

### 2–333.

(A) **THIS SECTION APPLIES ONLY IN SOMERSET COUNTY.**

[(u)] (1) [(i)] (B) (1) The Sheriff of Somerset County shall receive [a] AN ANNUAL salary of not less than \$75,000 [and no].

(2) **THE SHERIFF MAY NOT RECEIVE AN** expense allowance.

[(ii)] (C) (1) [He] **THE SHERIFF** shall appoint a chief deputy who shall receive [a] AN ANNUAL salary of not less than \$7,500.

[(iii)] (2) Subject to the approval of the County Commissioners **OF SOMERSET COUNTY**, the Sheriff may appoint additional deputies at the compensation set by the County Commissioners prior to any appointment.

[(iv)] (3) Deputy sheriffs serve under the direction of the Sheriff.

[(v)] (4) Deputy sheriffs are required, within 1 year after their appointment, to complete successfully the course that the Maryland Police Training and Standards Commission prescribes for police officers.

[(vi)] 1.] (5) (I) Except as provided in [subsubparagraph 2] **SUBPARAGRAPH (II)** of this [subparagraph] **PARAGRAPH**, a deputy sheriff whose position is funded by the County Commissioners [becomes]:

1. **BECOMES** a merit system employee of the Office of Sheriff of Somerset County on completion of the deputy sheriff's initial probation period; and [may]

2. **MAY** not be dismissed without cause.

[2.] (II) A deputy sheriff whose position is funded through a grant or other source may be dismissed without cause after the funding source is depleted.

[(vii)] (6) (I) The County Commissioners may appoint a jail warden as the county jailer.

(II) Prior to the appointment of any individual, the County Commissioners shall establish an annual rate of compensation for the county jailer.

[(2)] (D) The Sheriff and [his deputies] **DEPUTY SHERIFFS** may wear uniforms when performing their official duties[, and the].

(E) **THE** automobiles used by the Sheriff's Office shall be equipped with a two-way radio.

[(3)] (F) The County Commissioners may pay for the uniforms, radios, automobiles, and operating expenses of the automobiles of the Sheriff's Office.

[(4)] (G) The County Commissioners may include in the merit system of the county the employees of the [Somerset County] Sheriff's Office.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of the section.

Subsections (b) through (g) of this section are derived without substantive change from former § 2-309(u) of this subtitle.

In subsections (b)(1) and (c)(1) of this section, the references to an "annual" salary are added for clarity.

In subsection (c)(2) of this section, the reference to the County Commissioners "of Somerset County" is added for clarity.

## 2-334.

(A) **THIS SECTION APPLIES ONLY IN TALBOT COUNTY.**

[(v) (1)] (B) The Sheriff of Talbot County shall receive a salary as set by the County Council **OF TALBOT COUNTY.**

[(2)] (C) The Sheriff may appoint, subject to the approval of the County Council, the number of deputies the Sheriff deems necessary at the compensation fixed by the County Council prior to the appointment.

[(3)] (D) The Sheriff may appoint a chief deputy sheriff, or the managerial equivalent, who shall serve at the pleasure of the Sheriff.

[(4)] (E) The Sheriff may not refuse to reappoint a deputy sheriff without just cause.

[(5)] (F) The Sheriff's Office shall be operated on a 24-hour daily basis.

[(6)] (G) The County Council may:

[(i)] (1) Require the Sheriff and deputy sheriffs to wear the uniforms and equipment prescribed by the County Council while on duty or performing an official act; and

[(ii) 1.] (2) (I) Issue the required uniforms and equipment to the Sheriff and deputy sheriffs; or

[2.] (II) Reimburse the Sheriff and deputy sheriffs for the purchase of uniforms and equipment.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of the section.

Subsections (b) through (g) of this section are derived without substantive change from former § 2-309(v) of this subtitle.

In subsection (b) of this section, the reference to the County Council "of Talbot County" is added for clarity.

## 2-335.

(A) **THIS SECTION APPLIES ONLY IN WASHINGTON COUNTY.**

[(w) (1) (i)] (B) The Sheriff of Washington County shall receive [a] AN ANNUAL salary of the greater of:

[1.] (1) \$100,000; or

[2.] (2) The salary set by the County Commissioners of Washington County under Title 28, Subtitle 2 of the Local Government Article.

[(ii)] (C) The Sheriff shall appoint a chief deputy at a salary level set by the County Commissioners.

[(iii)] (D) (1) The Sheriff may appoint deputy sheriffs and other personnel necessary to perform the duties of office at salary levels set by the County Commissioners in accordance with the county's budgetary process.

(2) (i) Any deputy sheriff appointed according to this subsection [shall]:

1. **SHALL** be placed on a probationary status for the first [two] **2** years of [his] **THE DEPUTY SHERIFF'S** employment[.]; and [may]

2. **MAY** be dismissed by the Sheriff for any reason during that probationary period.

(ii) At the conclusion of continuous employment for [two] **2** years, a deputy sheriff having the rank of major or below [has]:

1. **HAS** tenure[.]; and [may]

2. **MAY** be discharged by the Sheriff only for misfeasance, malfeasance, nonfeasance, or insubordination in office.

(3) If the Sheriff [of Washington County] approves after considering personnel needs, the County Commissioners may authorize a deputy sheriff to perform off-duty services for any person who agrees to pay a fee, including hourly rates for off-duty service, any necessary insurance to be determined by the **COUNTY** Commissioners, any fringe benefits, and the reasonable rental cost of uniforms or other equipment used by any off-duty personnel.

[(4) (i)] **(E)** (1) The Sheriff [of Washington County] may appoint special deputy sheriffs, including members of the police force of a Washington County municipality who are:

[1.] **(I)** Selected by the chief of police of the municipality;  
and

[2.] **(II)** Verified by the chief of police of the municipality as having achieved at least the minimum level of training for police duties in a municipality as designated by the Maryland Police Training and Standards Commission.

[(ii)] **(2)** The appointment of special deputy sheriffs is subject to the following conditions:

[1.] **(I)** The Sheriff shall assign the special deputy sheriff who is a member of the police force to duties in the municipality where the special deputy sheriff is a member of the police force or to duties in other areas of the county, including:

[A.] 1. Performing a vehicle traffic stop resulting from the special deputy sheriff's observation that the operation of the vehicle endangered human life;

[B.] 2. Stabilizing a traffic situation that is endangering human life;

[C.] 3. Stabilizing an emergency situation that involves the potential for loss of human life, bodily injury, or damage to property;

[D.] 4. Responding as an initial responder or an emergency responder after being dispatched by the Washington County Emergency Communications Center to a location outside the special deputy sheriff's jurisdiction but which the Emergency Communications Center believed was in the special deputy sheriff's jurisdiction;

[E.] 5. Responding to an emergency under a Mutual Aid and Assistance Agreement to which a municipality and the [Washington County] Sheriff's Office are parties and which is in effect at the time of the response or under a mutual aid agreement under § 2-105 of the Criminal Procedure Article if the special deputy sheriff is in compliance with the agreement;

[F.] 6. Serving on a task force that is jointly operated by a municipal police department and the [Washington County] Sheriff's Office; or

[G.] 7. Serving on a special response team that has been activated for a response outside the special deputy sheriff's jurisdiction;

[2.] (II) The Sheriff may terminate the appointment of the special deputy sheriff for cause or on completion of the assignment for which the special deputy sheriff was appointed;

[3.] (III) The special deputy sheriff is not an employee of [Washington County] THE COUNTY for the purpose of employment security or employee benefits; and

[4.] (IV) County liability insurance may be provided to a special deputy sheriff.

[(iii)] (3) Except as provided in [subparagraph (ii)1 of this paragraph] PARAGRAPH (2)(I) OF THIS SUBSECTION, designation as a special deputy sheriff does not authorize the special deputy sheriff to perform law enforcement duties outside the special deputy sheriff's jurisdiction.

[(iv)] (4) A special deputy sheriff is under the authority of the Sheriff [of Washington County] while the special deputy sheriff is performing duties as a special deputy sheriff.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of the section.

Subsections (b) through (e) of this section are derived without substantive change from former § 2-309(w) of this subtitle.

In the introductory language of subsection (b) of this section, the reference to an “annual” salary is added for clarity.

**2-336.**

**(A) THIS SECTION APPLIES ONLY IN WICOMICO COUNTY.**

**[(x) (1) (i)] (B)** The Sheriff of Wicomico County shall receive **[a] AN ANNUAL** salary of the greater of:

**[1.] (1)** \$58,000 in calendar year 1998 and thereafter; or

**[2.] (2)** The salary set by the County Council of Wicomico County before the start of the term of office.

**[(ii)] (C) (1) (I)** The Sheriff shall appoint a chief deputy at a salary set by the **[Wicomico]** County Council, payable in equal monthly installments.

**(II)** The chief deputy’s term of office coincides with the Sheriff’s **[and he] TERM OF OFFICE.**

**(III) THE CHIEF DEPUTY** may be removed by the Sheriff at any time.

**(2)** The Sheriff may appoint additional deputies as **[he] THE SHERIFF** and the County Council **[of Wicomico County]** deem necessary, each of whom shall receive the compensation prescribed by the personnel rules and regulations of the county.

**[(2)] (D) (1)** The Sheriff **[of Wicomico County]** shall be allowed an additional amount to defray all expenses of **[his] THE** office, including necessary automobile mileage allowance at the rate of at least 6 cents per mile for automobiles used by **[him and his deputies] THE SHERIFF AND DEPUTIES** in performing their official duties.

**(2) [However] NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION,** mileage **[shall] MAY** not be allowed if automobiles are furnished to the Sheriff by the County Council.

**(3)** Necessary expenses for telephone and telegraph, and clerical assistants will be allowed if approved by the County Council.

**[(3)] (E) (1) (I)** The Sheriff shall submit properly authenticated

requisitions containing a full and complete statement under oath setting forth all of the expenses for a month, including the names of all deputies and assistants, the amounts allowed to each and all other items of expense.

**(II)** [These sums] **THE REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH** are [in lieu] **INSTEAD** of all expenses, fees and costs now or [heretofore] **PREVIOUSLY** allowed the Sheriff for expense in carrying out the duties of [his] **THE** office, including the expenses of transferring prisoners to and from penal institutions and places of confinement in the State under the sentence or order of any authority.

**(2)** The County Council [shall] **MAY** not pay the Sheriff additional compensation for any services [he renders] **RENDERED** in discharging [his] official duties.

**(3)** The County Council is not liable for any other fee or compensation to the Sheriff.

**[(4)] (F)** The County Council shall levy each year sufficient funds to pay the salaries and expenses of the Sheriff's Office.

**[(5)] (G)** **(1)** All deputies, except the chief deputy, clerical [assistant] **ASSISTANTS**, and other employees employed **BY THE SHERIFF'S OFFICE** are subject to the "personnel provisions" of the charter of Wicomico County and subsequent rules and regulations passed by the County Council.

**(2)** If a **CHIEF** deputy **WHO WAS A DEPUTY** subject to the personnel provisions [is] **PRIOR TO BEING** promoted to chief deputy[, then on his removal] **IS REMOVED** from the office of chief deputy for other than cause, [he] **THAT PERSON** shall revert to a deputy with the same status [which he] **THAT THE PERSON** had prior to [his] **THE PERSON'S** appointment as chief deputy.

**(3)** A chief deputy who [is] **WAS** not a deputy subject to the personnel provisions prior to [his] appointment as chief deputy, if removed from office for any reason, [shall] **MAY** not automatically revert to a deputy.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of the section.

Subsections (b) through (g) of this section are derived without substantive change from former § 2-309(x) of this subtitle.

In the introductory language of subsection (b) of this section, the reference to an "annual" salary is added for clarity.

In subsection (e)(1)(ii) of this section, the reference to "[t]he requirements of subparagraph (i) of this paragraph" is substituted for the former reference to

“[t]hese sums” for clarity.

In subsection (g)(1) of this section, the reference to employees employed “by the Sheriff’s Office” is added for clarity.

In subsection (g)(2) of this section, the reference to “a chief deputy who was a deputy subject to the personnel provisions prior to being promoted to chief deputy” is substituted for the former reference to “a deputy subject to the personnel provisions [who] is promoted to chief deputy” for clarity and consistency within this part.

## 2-337.

### (A) THIS SECTION APPLIES ONLY IN WORCESTER COUNTY.

[(y)] (B) (1) [(i)] The Sheriff of Worcester County shall receive an annual salary as set by the County Commissioners **OF WORCESTER COUNTY** of at least \$85,000.

[(ii)] (2) The Sheriff shall appoint at least one chief deputy sheriff and as many deputy sheriffs and other personnel as are necessary to perform the duties of the office and are provided for in the county budget.

[(2)] (C) The County Commissioners [of Worcester County] shall pay all necessary expenses of the operation of the Sheriff’s Office through the county budget adopted in accordance with all applicable laws and budget procedures and subject to all applicable budget reviews.

[(3) (i)] (D) (1) The chief deputy sheriff shall serve at the pleasure of the Sheriff.

[(ii)] (2) If a chief deputy sheriff who was a Worcester County deputy sheriff prior to being appointed as chief deputy is removed from the office of chief deputy for other than cause, that person shall revert to a deputy sheriff with the same status that the person had prior to the person’s appointment as chief deputy.

[(iii)] (3) If a chief deputy sheriff who was not a Worcester County deputy sheriff prior to being appointed as chief deputy is removed from the office of chief deputy for any reason, that person may not automatically revert to a deputy sheriff after being removed as chief deputy.

[(4) (i)] (E) (1) Except as provided in this [subsection] **SECTION**, the personnel rules and regulations of [Worcester County] **THE COUNTY** as adopted by the County Commissioners shall apply to all employees of the [Sheriff of Worcester County] **SHERIFF’S OFFICE** other than the chief deputy sheriff, including deputy sheriffs, clerks, typists, animal control officers, and other necessary personnel.

**[(ii)] (2)** The appointment, disciplinary, and managerial functions of the County Commissioners as provided for in the personnel rules and regulations of [Worcester County] **THE COUNTY** shall be performed by the Sheriff in the case of all employees of the Sheriff's Office.

**[(5)] (F)** The Sheriff may adopt Sheriff's Office manuals, additional rules of conduct, dress, and decorum, and other procedures that shall apply to all employees and shall be conditions of employment with the Sheriff's Office.

**[(6)] (G)** An employee of the Sheriff's Office other than the chief deputy sheriff or a probationary employee may be disciplined or terminated for cause only in accordance with the provisions of this [subsection] **SECTION**, the regulations referred to in this [subsection] **SECTION**, or the Law Enforcement Officers' Bill of Rights.

**[(7)] (H) (1)** When a new Sheriff takes office, or at the beginning of a new term of office of a Sheriff, all deputies other than the chief deputy and all other employees in good standing shall remain in their positions and shall be considered reappointed or redeputized, subject to the provisions of this [subsection] **SECTION** and to the extent required.

**(2)** A Sheriff may not refuse to reappoint and redeputize a deputy sheriff without cause.

**[(8)] (I)** At the request of the Sheriff, the County Commissioners may provide in-kind support to the Sheriff relating to personnel matters.

**[(9)] (J)** The Sheriff shall have complete control over the employees of the Sheriff's Office, subject only to the provisions of this [subsection] **SECTION** and the reasonable application of the personnel rules and regulations of [Worcester County] **THE COUNTY** and the protections and benefits those policies provide.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of the section.

Subsections (b) through (j) of this section are derived without substantive change from former § 2-309(y) of this subtitle.

In subsection (b)(1) of this section, the reference to the County Commissioners "of Worcester County" is added for clarity.

**[(z)]** A deputy sheriff shall perform the duties incidental to the office as are assigned to him by the Sheriff. All salaries shall be paid at least once each month.]

#### GENERAL REVISOR'S NOTE TO PART

Throughout this part, specific references are substituted for former references

to “he”, “him”, and “his”, because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

SECTION 3. AND BE IT FURTHER ENACTED, That it is the intention of the General Assembly that, except as expressly provided in this Act, this Act shall be construed as a nonsubstantive revision, and may not otherwise be construed to render any substantive change in the law of the State.

SECTION 4. AND BE IT FURTHER ENACTED, That the Revisor’s Notes contained in this Act are not law and may not be considered to have been enacted as part of this Act.

SECTION 5. 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 6. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## Chapter 197

### (Senate Bill 398)

AN ACT concerning

#### Code Revision – Estates and Trusts

FOR the purpose of revising, restating, and recodifying the laws of the State relating to estates and trusts; clarifying language; making certain technical and stylistic changes; providing for the construction of this Act; providing for the effect and construction of certain provisions of this Act; authorizing the publisher of the Annotated Code of Maryland to make certain corrections in a certain manner; and generally relating to Maryland law relating to estates and trusts.

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 1–101(b), (d), (f), (h), (i), (j), (k), (m), (q), (r), (s), (t), and (v), 1–103(e), 1–105(a), 1–202, 1–203, 1–206, 1–207, 1–208(b), 1–209(b), 1–210(b) and (c), 1–401, 2–102(a), 2–105(b), 2–106(a), (d), and (e), 2–107, 2–108(a)(3), (b), (c)(2), (d)(1)(ii) and (iii) and (2), (k), (l)(3), (m)(2), and (o) through (y), 2–202, 2–204,

2–205(e), 2–207, 2–208(b) through (k), 2–301(a) and (b), 2–302, 2–303(b) and (c), 3–101, 3–104, 3–106(a), 3–108, 3–109, 3–110, 3–203(b), 3–204, 3–205, 3–207(a), 3–208(b), 3–301(b), 3–302(a), 3–303, 4–101, 4–102, 4–104, 4–105, 4–201, 4–202, 4–401, 4–402, 4–405, 4–406, 4–409, 4–410, 5–102(b), 5–103, 5–105(c)(5), 5–106, 5–201, 5–204, 5–205(b) and (c), 5–207, 5–301, 5–302, 5–304, 5–401, 5–402, 5–403(a), 5–404(a), 5–502(a), 5–503(b) and (c), 5–504(a), 5–602, 5–603, 5–604(b) and (c), 6–101, 6–102(b), (d), (f), and (h)(1), 6–103, 6–105(a), 6–201, 6–203(b) and (c), 6–204, 6–302, 6–303, 6–304, 6–306(a), (c), and (e), 6–308, 6–401(a), 6–403, 6–404, 7–101, 7–102, 7–103, 7–103.1(a) and (c), 7–104(a), 7–105, 7–201, 7–203, 7–204, 7–205, 7–301, 7–306, 7–307, 7–401(a) through (x), (z), and (aa), 7–402, 7–403, 7–404, 7–501(b), 7–502(a), 7–601(a), (b), and (c), 7–602(a) and (b), 7–603, 8–103(a) through (e), 8–104(b), (c), and (d), 8–105(b), 8–106(d)(1) and (2), 8–107(a), (b), and (c), 8–108, 8–109(a), (b), (c), (d), (g), (h), and (i), 8–110, 8–111, 8–112(a), (b), and (d), 8–114, ~~9–102(b) and (c)~~ 9–102, 9–103(a) and (b), 9–104(b) and (c), 9–106(b) and (c), 9–107(a), 9–109(a), (b), (c), and (d), 9–111, 9–112(a), (c), (d), and (e), 9–201(b)(2), 9–202(a)(2) and (b)(2), 9–203(e), 9–204(a), 10–101, 10–102, 10–104, 11–101, 11–103(a), 11–105(b) and (c), 11–108(a) and (e), 12–102, 12–103, 13–101(g) and (k), 13–102, 13–106(b), 13–201, 13–203(a) and (b), 13–205, 13–206(c)(1), 13–207, 13–208(e), 13–211(b), 13–212, 13–214(b)(3), 13–215, 13–216, 13–217(a), 13–218(a), 13–219, 13–220, 13–221(a) and (b), 13–222, 13–302(a), 13–401(b), (c), and (d), 13–405, 13–406(b) and (e), 13–407, 13–501, 13–503, 13–701, 13–702(a)(2), 13–703, 13–705(b) and (e), 13–707(a)(10), (b), (c), and (d), 13–708(b), 13–709(a), (c)(5) and (7), (d), (e), (f)(1), and (i), 13–801, 13–802, 13–803, 13–804, 13–805, 13–806, 14–302(a), 14–304, 15–102(c) through (o), (q) through (w), and (y), 15–103, 15–104(a) and (b), 15–105, 15–108, 15–110, 15–111, 15–112(a) and (c), 15–202 through 15–208, 15–301(c), 15–302, 15–303(1), 15–304, 15–305, 15–502(b), 15–503, 15–504(a) and (b), 15–505(a), 15–506, 15–507(b), 15–509, 15–510(b), 15–512, 15–513(b), 15–514(a) and (d)(3), 15–516(b) and (c), 15–518(a), (b), and (d), 15–519(d), 15–521(c), 15–522(c), 15–523, 16–101(b), (i), and (j), 16–102, 16–103, 16–106, 16–107, 16–108(a) and (c), and 16–110(a)

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 – Estates and Trusts

1–101.

(b) “Administrative probate” [is defined] **HAS THE MEANING STATED** in § 5–301 of this article.

(d) “Child” [is defined] **HAS THE MEANING STATED** in §§ 1–205 through 1–208 of this title.

(f) “Court” [is defined] **HAS THE MEANING STATED** in § 2–101 of this article.

(h) “Heir” [is] **MEANS** a person entitled to property of an intestate decedent pursuant to §§ 3–101 through 3–110 of this article.

(i) **(1)** “Interested person” [is] **MEANS:**

[(1)] **(I)** A person named as executor in a will;

[(2)] **(II)** A person serving as personal representative after judicial or administrative probate;

[(3)] **(III)** A legatee in being, not fully paid, whether [his] **THE LEGATEE’S** interest is vested or contingent;

[(4)] **(IV)** An heir even if the decedent dies testate, except that an heir of a testate decedent ceases to be an “interested person” when the register has given notice pursuant to § 2–210 or § 5–403(a) of this article; **OR**

**(V) AN HEIR OR LEGATEE WHOSE INTEREST IS CONTINGENT SOLELY ON WHETHER SOME OTHER HEIR OR LEGATEE SURVIVES THE DECEDENT BY A STATED PERIOD IF THE OTHER HEIR OR LEGATEE HAS DIED WITHIN THAT PERIOD.**

**(2)** [Interested person] **“INTERESTED PERSON”** includes [a person as above defined who is]

[(a)] **(I)** [a] **A** minor or other person under a disability[,]; or

[(b)] **(II)** [the] **THE** judicially appointed guardian, committee, conservator or trustee for such person, if any, and if none, then the parent or other person having assumed responsibility for such person.

[An heir or legatee whose interest is contingent solely on whether some other heir or legatee survives the decedent by a stated period is an interested person but only after the other heir or legatee has died within that period.]

(j) “Issue” [is defined] **HAS THE MEANING STATED** in § 1–209 of this title.

(k) “Judicial probate” [is defined] **HAS THE MEANING STATED** in § 5–401 of this article.

(m) **(1)** “Legatee” means a person who under the terms of a will would receive a legacy. [It]

(2) “LEGATEE” includes a trustee [but not].

(3) “LEGATEE” DOES NOT INCLUDE a beneficiary of an interest under the trust.

(q) (1) “Personal representative” includes an executor or administrator [but not].

(2) “PERSONAL REPRESENTATIVE” DOES NOT INCLUDE a special administrator.

(r) (1) “Property” includes both real and personal property, and any right or interest therein.

(2) “Property” refers to:

[(1)] (I) [all] ALL real and personal property of a decedent; and

[(2)] (II) [any] ANY right or interest therein which does not pass, at the time of the decedent’s death, to another person by the terms of the instrument under which it is held, or by operation of law.

(s) “Register” [is defined] HAS THE MEANING STATED in § 2–201 of this article.

(t) “Representation” [is defined] HAS THE MEANING STATED in § 1–210 of this title.

(v) “Trust company” means an institution that is authorized to exercise trust or fiduciary powers and that:

(1) Is organized under the laws of this State as a State bank, trust company, or savings bank; [or]

(2) Is organized under the laws of the United States and:

(i) Has its principal office in this State; [or]

(ii) 1. Has an office in this State that is not its principal office;  
and

2. Meets the definition of a trust institution under 12 U.S.C. § 1841(c)(2)(D); or

(iii) 1. Has an office in this State that is not its principal office;  
and

2. Accepts deposits at its office in this State; or

(3) Is organized under the laws of another state as a bank, trust company, or savings bank and:

(i) 1. Has an office in this State that is not its principal office;

2. Meets the definition of a trust institution under 12 U.S.C. § 1841(c)(2)(D); and

3. Is a direct or indirect subsidiary of a bank holding company that has a direct or indirect bank, trust company, or savings bank subsidiary that has an office in this State at which deposits are accepted; or

(ii) 1. Has an office in this State that is not its principal office;

and

2. Accepts deposits at its office in this State.

1-103.

(e) **(1)** A person, including a guardian or a guardian ad litem, may waive notice by a writing signed by [him or his] **THE PERSON OR THE PERSON'S** attorney and filed in the proceeding.

**(2)** A personal representative is not required to give notice to himself **OR HERSELF**.

1-105.

(a) **(1)** The purpose of the estates of decedents law is to simplify the administration of estates, to reduce the expenses of administration, to clarify the law governing estates of decedents, and to eliminate any provisions of prior law which are archaic, often meaningless under modern procedure and no longer useful.

**(2)** This article shall be liberally construed and applied to promote its underlying purpose.

1-202.

**(A) A SURVIVING SPOUSE IS NOT:**

**[(a) (1) [No] A person who has received an absolute divorce from the decedent or whose marriage to the decedent has been validly annulled [is a surviving spouse.];**

**[(b)] (2) [No] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,** A person who has voluntarily appeared in a proceeding in which an absolute divorce between the decedent and the survivor, or an annulment of their marriage was obtained, even though not recognized as valid in this State[, is a surviving spouse. This subsection does not apply if the parties to the divorce or annulment subsequently remarry each other.];

**[(c)] (3) [No] A** person who participates in a marriage ceremony with a third person, after a decree or judgment of divorce or annulment obtained by the decedent[, is a surviving spouse.]; **OR**

**[(d)] (4) [No] A** person who has been convicted of bigamy while married to the decedent [is a surviving spouse].

**(B) SUBSECTION (A)(2) OF THIS SECTION DOES NOT APPLY IF THE PARTIES TO THE DIVORCE OR ANNULMENT SUBSEQUENTLY REMARRY EACH OTHER.**

1–203.

**(A)** Degrees of relationship shall be reckoned according to the method of the civil law by beginning with either of the persons in question, ascending to the common ancestor, and then descending to the other person.

**(B)** One degree shall be counted for each step both ascending and descending.

1–206.

**(a) (1)** A child born or conceived during a marriage is presumed to be the legitimate child of both spouses.

**(2)** Except as provided in § 1–207 of this subtitle, a child born at any time after [his] **THE CHILD’S** parents have participated in a marriage ceremony with each other, even if the marriage is invalid, is presumed to be the legitimate child of both parents.

**(b) (1)** A child conceived by artificial insemination of a married woman with the consent of her husband is the legitimate child of both of them for all purposes.

**(2)** Consent of the husband is presumed.

1–207.

**(a) (1)** An adopted child shall be treated as a natural child of [his] **THE CHILD’S** adopting parent or parents.

(2) [On] **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, ON** adoption[, a child no longer shall] **A CHILD MAY NOT** be considered a child of either natural parent[, except that upon].

(3) **ON** adoption by the spouse of a natural parent, the child shall still be considered the child of that natural parent.

(b) A child who has been adopted more than once shall be considered to be a child of the parent or parents who have adopted [him] **THE CHILD** most recently and shall cease to be considered a child of [his] **THE CHILD'S** previous parents.

1-208.

(b) A child born to parents who have not participated in a marriage ceremony with each other shall be considered to be the child of [his] **THE** father only if the father:

(1) Has been judicially determined to be the father in an action brought under the statutes [relating] **THAT RELATE** to paternity proceedings;

(2) Has acknowledged himself, in writing, to be the father;

(3) Has openly and notoriously recognized the child to be his child; or

(4) Has subsequently married the mother and has acknowledged himself, orally or in writing, to be the father.

1-209.

(b) A person who is treated as a child of a person pursuant to §§ 1-205 through 1-208 of this subtitle shall be considered for all purposes as:

(1) A lineal descendant of the person; and

(2) [Subject to the exception in the first sentence] **EXCEPT AS PROVIDED IN SUBSECTION (A)** of this section, a lineal descendant of all persons of whom the person is a lineal descendant.

1-210.

(b) (1) In the case of issue of the decedent, the property shall be divided into as many equal shares as there are children of the decedent who survive the decedent and children of the decedent who did not survive the decedent but of whom issue did survive the decedent.

(2) Each child of the decedent who did survive the decedent shall receive one share and the issue of each child of the decedent who did not survive the decedent but

of whom issue did survive the decedent shall receive one share apportioned by applying to the children and other issue of each nonsurviving child of the decedent the pattern of representation provided for in this subsection for the children and other issue of the decedent and repeating that pattern with respect to succeeding generations until all shares are determined.

(c) (1) In the case of issue of a parent, grandparent, or great-grandparent of the decedent, the property shall be divided into as many equal shares as there are lineal descendants of either, or of both, of the pair of parents, grandparents, or great-grandparents, as the case may be, of the nearest degree of relationship to the decedent of whom any survived the decedent and who did so survive, and lineal descendants of the same degree who did not survive the decedent but of whom issue did survive the decedent.

(2) Each lineal descendant of the nearest degree surviving the decedent shall receive one share and the issue of each deceased lineal descendant of that degree who left issue surviving the decedent shall receive one share apportioned in the manner of representation set forth for issue of the decedent in subsection (b) of this section.

1–401.

(A) A provision in an account agreement, as defined in § 1–204(b)(2) of the Financial Institutions Article, for a transfer on death is nontestamentary and shall be effective according to the provisions of § 1–204 of the Financial Institutions Article.

(B) Transfers pursuant to § 1–204 of the Financial Institutions Article are effective in the form and manner prescribed by that section and are not to be considered testamentary.

2–102.

(a) (1) The court may [conduct]:

(I) CONDUCT judicial probate, direct the conduct of a personal representative, and pass orders which may be required in the course of the administration of an estate of a decedent[. It may summon]; AND

(II) SUMMON witnesses.

(2) The court may not, under pretext of incidental power or constructive authority, exercise any jurisdiction not expressly conferred.

2–105.

(b) (1) At the request of an interested person made within the time determined by the court, the issue of fact may be determined by a court of law.

(2) When the request is made before the court has determined the issue of fact, the court shall transmit the issue to a court of law.

2-106.

(a) (1) Except as provided in this section and unless a different time is prescribed by local law, the court shall be held in each county at the usual place of holding court in the county, on the second Tuesday of February, April, June, August, October, and December, and more often if need be, according to its own adjournment.

(2) One of the judges of the court, in the absence of the others, shall have power to hold court at a stated time of adjournment only for the purpose of adjourning.

(3) Two judges shall have full power to do an act which the court is or may be authorized by law to perform, and two of them shall have power to hold court on a day not named in an adjournment, on the application of a person having pressing business in the court, if notice be given to any interested person, and the register records that notice has been given.

(4) One of the judges, in the absence of the others on account of prolonged illness, or in case of vacancy, shall have full power to do an act which the court is authorized by law to do, provided there is attached to the proceedings or papers in each case a certificate signed by the register, certifying to the vacancy or prolonged illness of the judge or judges not attending court on that day.

(5) If the court does not meet on a day fixed for its meeting and is not adjourned as provided, the register shall adjourn the court from day to day until a meeting is had according to law.

(d) (1) Each judge of the Court for Prince George's County shall spend at least [three] 3 days each week in the conduct of the business of the Court.

(2) (I) [In] **SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,** IN Prince George's County, a judge of the Orphans' Court who is also an attorney-at-law has full power to do any act which the Court is or may be authorized to perform, including the power to hold court on a day not named in an adjournment.

(II) [However, upon] **ON** request of any interested party, two judges shall be required to act for the Court.

(3) If necessary to transact business before the Court, court may be convened 5 days each week.

(e) (1) In Harford County, the provisions of subsection (a) of this section do not apply.

(2) A judge of the Circuit Court for Harford County shall sit as the Orphans' Court for the County at the time or times established by the judges of the County Circuit Court and shall have full power to do any act which the Orphans' Court of the County is or shall be authorized to perform, including the power to hold court on a day not named in an adjournment.

2–107.

(a) (1) Except in Harford County and Montgomery County, the Governor shall designate and commission one of the three judges of the Court in each county as Chief Judge of the Court.

(2) Full power and authority are vested in each judge designated and commissioned as chief judge to act as chief judge.

(3) Any writ and other process tested in the name of the chief judge is valid for any purpose.

(b) (1) A reference in the estates of decedents law to the chief judge of the court of a county means, with regard to Harford County or Montgomery County, the judge of the circuit court then sitting as the Orphans' Court.

(2) A reference to the judges of the court in plural number means, with respect to Harford County or Montgomery County, the judge of the circuit court then sitting as the Orphans' Court, unless the section otherwise specifically provides.

2–108.

(a) (3) Mileage or travel expenses may not be allowed to a judge for attending sessions of [his] **THE JUDGE'S** court except as specifically provided.

(b) (1) Each of the judges of the Court for Allegany County shall receive an annual salary set by the County Commissioners in accordance with Title 28, Subtitle 1 of the Local Government Article.

(2) Each judge shall also receive an expense allowance in the amount of \$600 annually, to be paid at the rate of \$50 monthly.

(c) (2) Each judge shall also receive an expense allowance up to \$150 per month for personal expenses incidental to [his] **THE JUDGE'S** duties, to be paid by the Comptroller of Anne Arundel County each month [upon] **ON** presentation of an itemized voucher in accordance with rules and regulations prescribed by the Comptroller.

(d) (1) (ii) Each associate judge who was in active service on or after January 1, 1984 shall be paid after the termination of active service, if [he] **THE**

**ASSOCIATE JUDGE** is then at least 60 years of age or when [he] **THE ASSOCIATE JUDGE** shall attain 60 years of age, a pension or salary calculated at the rate of \$3,725 annually for each year, or a part of a year, of active service; but the maximum pension or salary for the service by an associate judge may not exceed \$37,250 annually.

(iii) 1. Each Chief Judge who was in active service on or after January 1, 1984, shall be paid, after the termination of active service, if [he] **THE CHIEF JUDGE** is then at least 60 years of age or when [he] **THE CHIEF JUDGE** shall attain 60 years of age, a pension or salary calculated at the rate of \$4,225 annually for each year, or a part of a year of active service; but the maximum pension or salary for the service by a Chief Judge may not exceed \$42,250 annually.

2. The pension or salary shall be paid by the City of Baltimore in the same manner as the salaries of the judges of the Court for the City are paid.

(2) (I) The surviving spouse of every elected judge of the Court of Baltimore City shall be paid [one half] **ONE-HALF** of the pension to which [his] **THE JUDGE'S** spouse was entitled at the time of [his] **THE JUDGE'S** death, or would have become entitled to by reason of attaining 60 years of age.

(II) In each instance, the pension shall be paid to the spouse until remarriage or death.

(III) The provisions of this subsection shall not apply in the case of a spouse who was married to a sitting judge for a period of less than [three] **3** years [prior to his] **BEFORE THE JUDGE'S** death, and to a retired judge for a period less than [three] **3** years before [his] **THE JUDGE'S** retirement.

(k) (1) Each of the judges of the Court for Dorchester County shall receive an annual salary as determined by the County Council, but not less than \$4,700.

(2) Each judge shall also receive an expense allowance as determined by the County Council, but not less than \$800 annually.

(l) (3) Each judge also shall receive reimbursement for expenses actually incurred in the performance of duties, up to \$700 per year, to be paid by the Board of County Commissioners each month [upon] **ON** presentation of an itemized voucher.

(m) (2) (I) Each judge shall be reimbursed for traveling to and from the sessions of the Court at the rate Garrett County pays for mileage.

(II) Each judge shall also receive an amount for expenses for every day's attendance on the sessions of the Court set by the Board of County Commissioners in accordance with §§ 32.43 and 32.44 of the Public Local Laws of Garrett County.

**[(o)] (N)** (1) Each associate judge of the Court for Howard County shall receive an annual compensation, to be paid monthly, of:

- (i) \$12,000 for fiscal year 2019;
- (ii) \$14,000 for fiscal year 2020;
- (iii) \$16,000 for fiscal year 2021; and
- (iv) \$18,000 for fiscal year 2022.

(2) The Chief Judge shall receive an annual compensation, to be paid monthly, of:

- (i) \$13,500 for fiscal year 2019;
- (ii) \$15,500 for fiscal year 2020;
- (iii) \$17,500 for fiscal year 2021; and
- (iv) \$19,500 for fiscal year 2022.

(3) Each judge shall also receive an expense allowance, in addition, up to \$50 per month, for personal expenses incidental to the judge's duties, to be paid by the Treasurer of Howard County each month on presentation of an itemized voucher.

**[(p)] (O)** (1) Each of the judges of the Court for Kent County shall receive a salary as set by the County Commissioners.

(2) (i) Each judge shall receive an allowance for travel expenses in accordance with the county budget.

(ii) The County Commissioners shall pay quarterly to each judge the travel allowance provided in subparagraph (i) of this paragraph.

**[(q)] (P)** The salary of each associate judge of the Court for Prince George's County shall be \$50,000 per annum, and the salary of the Chief Judge shall be \$55,000 per annum.

**[(r)] (Q)** (1) Each of the judges of the Court for Queen Anne's County shall receive a salary as set by the County Commissioners.

(2) (i) Each judge shall receive an allowance for travel expenses in accordance with the County budget.

(ii) The County Commissioners shall pay quarterly to each judge the travel allowance provided in subparagraph (i) of this paragraph.

**[(s)] (R)** (1) Each of the judges of the Court for St. Mary's County shall receive an annual salary of:

- (i) \$9,000 for the calendar year 2015;
- (ii) \$9,000 for the calendar year 2016;
- (iii) \$9,000 for the calendar year 2017; and
- (iv) \$9,000 for the calendar year 2018.

(2) Each judge shall also be allowed \$1,000 annually for traveling expenses, payable quarterly.

**[(t)] (S)** (1) The Chief Judge of the Court for Somerset County shall receive an annual salary of \$3,800 to be paid quarterly.

(2) Each of the associate judges of the Court for Somerset County shall receive an annual salary of \$3,400 to be paid quarterly.

(3) Each judge shall also receive a daily allowance for traveling expenses of \$34.50 for every day's attendance **[upon] ON** the sessions of the Court.

**[(u)] (T)** Each of the judges of the Court for Talbot County shall receive a salary as set by the County Council.

**[(v)] (U)** (1) As compensation each of the judges of the Court for Washington County shall receive an annual compensation as set by the County Commissioners of Washington County under Title 28, Subtitle 2 of the Local Government Article.

(2) The County Commissioners may provide for an expense allowance as the County Commissioners determine.

**[(w)] (V)** (1) Each judge of the Court for Wicomico County shall receive an annual salary of \$9,500 to be paid quarterly.

(2) Each judge shall also receive an annual allowance for traveling expenses of \$1,560 to be paid quarterly.

**[(x)] (W)** (1) The Board of County Commissioners of Worcester County shall determine the compensation for judges of the Court for Worcester County but the compensation may not be less than the sum of \$30 for every day's attendance **[upon] ON** the sessions of the Court.

(2) The judges shall also receive an allowance for traveling expenses of \$1,600 annually.

[(y)] (X) (1) Except in Montgomery, Frederick, Carroll, Talbot, Cecil, Kent, Queen Anne's, Baltimore, Garrett, and Harford counties and Baltimore City, and except as provided in paragraphs (3) and (4) of this subsection, a county shall pay a pension, in the same manner as salaries are paid during active service, to each judge of the Orphans' Court who:

- (i) Has terminated active service;
- (ii) Has reached 60 years of age; and
- (iii) Has completed at least two terms of office.

(2) Except as provided in this section, the salary or pension shall be the greater of:

- (i) \$1,200 annually; or
- (ii) An annual amount calculated at the rate of [4 percent] 4% of the last annual amount of compensation multiplied by the number of years or partial years of service, not exceeding 12 years.

(3) An Orphans' Court judge in Somerset County and Worcester County is eligible for a pension under this subsection only if [he] **THE JUDGE** is in office on or before July 1, 1979.

(4) In Wicomico County, an Orphans' Court judge who has completed at least 12 years in office is eligible for a pension under this subsection.

(5) In Prince George's County, the salary or pension to each Orphans' Court judge shall be the greater of:

- (i) \$1,200 annually; or
- (ii) An annual amount calculated at the rate of [4 percent] 4% of the last annual amount of compensation multiplied by the number of years or partial years of service, not exceeding 20 years.

(6) In Allegany County, the pension for an Orphans' Court judge shall be the greater of:

- (i) \$1,200 annually; or

(ii) 1. Except as provided in item 2 of this subparagraph, an annual amount calculated at the rate of [4 percent] 4% of the last annual amount of compensation multiplied by the number of years of service, not exceeding 24 years; or

2. An annual amount equal to two-thirds of the last annual amount of compensation if the judge has more than 16 years of service.

(7) The pension or salary may be suspended during any month the judge is a full-time employee of any county or of this State.

(8) Notwithstanding any provision of this section an Orphans' Court judge may not receive a pension under this section if [he] **THE JUDGE** is receiving any other State pension based on service as an Orphans' Court judge.

2-202.

(A) Each register shall devote [his] **THE REGISTER'S** full working time to the duties of [his] **THE REGISTER'S** office.

(B) [He] **THE REGISTER** shall not practice law during the term of [his] **THE REGISTER'S** office.

2-204.

(a) (1) At the time of assuming office, the register shall give bond to the State.

(2) The provisions of § 2-105(b), (d), (e), and (f) of the Courts Article shall be applicable to the bond.

(3) [It] **THE BOND** shall be for the term of [his] **THE REGISTER'S** office in the form and for the penalty the Comptroller prescribes, with the advice of the Legislative Auditor.

(4) The Comptroller may require that the penalty of a bond be supplemented or increased.

(b) If the register fails to give bond before [he] **THE REGISTER** acts as register, [he] **THE REGISTER** is guilty of a misdemeanor and [upon] **ON** conviction shall pay a fine of \$1,000.

2-205.

(e) (1) (I) If the fees and receipts of the office are insufficient in any fiscal year to pay all or a part of the expenses of the office and authorized salary of a register, the deficiency shall be funded from the taxes remitted to the Comptroller [of the treasury] by the register during that fiscal year.

(II) Written authority for the transfer of funds shall be first obtained from the Comptroller.

(2) In the event that tax collections for the fiscal year are insufficient, the Comptroller shall make up the deficit from excess fees remitted from all other registers.

2–207.

(a) (1) Every register shall return annually to the Comptroller a full and accurate account of the fees and receipts of [his] **THE REGISTER’S** office and of the expenses incident to the proper conduct of [his] **THE REGISTER’S** office.

(2) The account shall be verified and in the form and supported by the proof prescribed by the Comptroller.

(b) The excess of fees and receipts over expenses shall be delivered by the register to the Comptroller with each report.

(c) The Comptroller shall deposit the fees received under this section in the General Fund of the State.

2–208.

(b) (1) [He] **THE REGISTER** shall appoint deputies and clerks required for the efficient operation of [his] **THE REGISTER’S** office.

(2) Appointments and compensation of deputies and clerks shall be approved by the Comptroller.

(3) When qualified, every deputy shall have the power and authority to act in the place of the register and every act performed by a deputy shall have the force and effect as if performed by the register.

(c) (1) [He] **THE REGISTER** shall receive, file, and store safely every original paper and record left in [his] **THE REGISTER’S** custody, in a repository of the courthouse as the court may direct.

(2) The County Commissioners, County Council, or the Mayor and City Council of Baltimore shall provide and keep in repair the repository at its expense.

(d) (1) [He] **THE REGISTER** shall keep a proper docket showing the grant of letters and a short entry of every paper filed in the court and every order of the court or the register, setting forth the nature of the order or paper.

(2) The docket shall be similar in every respect to the dockets required to be kept in the offices of the equity courts.

(3) The dockets shall be subject to supervision, examination, and control as ordered by the Comptroller.

(e) [He] **THE REGISTER** shall make out and issue every summons, process, or order of the court and, in every respect, act under the control and direction of the court as the clerk of a court of law acts under the direction of the court of law.

(f) (1) [He] **THE REGISTER** shall issue and certify under the seal of the court a copy of any part of the proceedings in the court or in [his] **THE REGISTER'S** office which a person may demand.

(2) Unless otherwise provided by law or order of a court of competent jurisdiction, any person may, without charge, inspect, examine, and make memoranda or notes from an index or paper filed with the register.

(g) (1) Each register shall attend each meeting of the court and, under the direction of the court, make full and fair entries of court proceedings.

(2) [He] **THE REGISTER** may also record by photographic process in strong bound books every probated will, and record by photographic process every other paper filed in the court or in [his] **THE REGISTER'S** office in a manner, consistent with the provisions of § 2-211 of this subtitle, as may be prescribed by the Comptroller and the State Archives to insure uniformity throughout the State.

(h) Except Saturdays, Sundays, Fridays when a legal holiday falls on a Saturday, and legal holidays, [he] **THE REGISTER** shall attend [his] **THE REGISTER'S** office daily in person or by deputy unless prevented by sickness, accident or necessity.

(i) [He] **THE REGISTER** shall audit every account filed with [him] **THE REGISTER** and examine in detail every voucher which may be submitted to substantiate payments made by a personal representative.

(j) [He] **THE REGISTER** shall inform the court of a default in the past of a personal representative which may come to [his] **THE REGISTER'S** attention.

(k) [He] **THE REGISTER** shall keep a seal of the court and the register.

2-301.

(a) (1) The register may appoint a reasonable number of standing appraisers to serve at [his] **THE REGISTER'S** pleasure.

(2) Subject to the approval of the Comptroller, [he] **THE REGISTER** may fix the conditions of their employment and their remuneration.

(b) (1) If a register exercises [his] **THE REGISTER'S** authority to appoint standing appraisers, all property required to be independently appraised but not appraised by special appraisers under § 7–202(e) of this article shall be appraised by standing appraisers.

(2) If a register does not appoint standing appraisers, [he] **THE REGISTER** shall, with respect to any estate which contains property required to be independently appraised but not appraised by special appraisers, appoint general appraisers as provided in § 2–302 of this subtitle.

2–302.

(A) [Upon] **ON** application by the personal representative in accordance with § 7–202(b) of this article for the appointment of general appraisers, the register shall designate one or more qualified persons not related to the decedent nor interested in the administration.

(B) [Upon] **ON** designation of the general appraisers, the register shall issue a warrant authorizing and directing them jointly to appraise all property of the estate of the decedent required to be independently appraised but not specially appraised under § 7–202(e) of this article.

(C) If an appraiser shall fail to act, the register shall make a new designation and issue a new warrant [upon] **ON** application by the personal representative.

2–303.

(b) (1) The appraisal shall be in columnar form, and state generally each item that has been appraised and the value of each item in dollars and cents.

(2) [It] **THE APPRAISAL** shall contain a statement signed and verified by the appraisers certifying that they have impartially valued the property described in the appraisal to the best of their skill and judgment.

(c) The appraisal shall immediately [upon] **ON** completion and verification be delivered to the personal representative.

3–101.

Any part of the net estate of a decedent not effectively disposed of by [his] **THE DECEDENT'S** will shall be distributed by the personal representative to the heirs of the decedent in the order prescribed in this subtitle.

3-104.

(a) If there is no surviving issue [the net estate exclusive of the share of the surviving spouse, or the entire net estate if there is no surviving spouse, shall be distributed by the personal representative pursuant to the provisions of this section], **THE PERSONAL REPRESENTATIVE SHALL DISTRIBUTE, AS PRESCRIBED IN THIS SECTION:**

**(1) IF THERE IS A SURVIVING SPOUSE, THE NET ESTATE EXCLUSIVE OF THE SHARE OF THE SURVIVING SPOUSE; OR**

**(2) IF THERE IS NO SURVIVING SPOUSE, THE ENTIRE NET ESTATE.**

(b) Subject to §§ 3-111 and 3-112 of this subtitle, [it] **THE NET ESTATE** shall be distributed [to]:

**(1) TO** the surviving parents equally[, or if];

**(2) IF** only one parent survives, to the survivor; or [if]

**(3) IF** neither parent survives, to the issue of the parents, by representation.

(c) **(1)** If there is no surviving parent or issue of a parent, [it] **THE NET ESTATE** shall be distributed [one half to]:

**(I) ONE-HALF:**

**1. TO** the surviving paternal grandparents equally[, or if];

**2. IF** only one paternal grandparent survives, to the survivor[.]; or [if]

**3. IF** neither paternal grandparent survives, to the issue of the paternal grandparents, by representation[.]; and [one half to]

**(II) ONE-HALF:**

**1. TO** the surviving maternal grandparents equally[, or if];

**2. IF** only one maternal grandparent survives, to the survivor[.]; or [if]

**3. IF** neither maternal grandparent survives, to the issue of the maternal grandparents, by representation.

(2) In the event that neither of one pair of grandparents and none of the issue of either of that pair survives, the [one half] **ONE–HALF** share applicable shall be distributed to [the]:

(I) **THE** other pair of grandparents[, the];

(II) **THE** survivor of [them] **THE OTHER PAIR OF GRANDPARENTS**;  
or [the]

(III) **THE** issue of either of [them] **THE OTHER PAIR OF GRANDPARENTS**, in the same manner as prescribed for their half share.

(d) (1) If there is no surviving parent or issue of a parent, or surviving grandparent or issue of a grandparent, [it] **THE NET ESTATE** shall be distributed [one quarter] **ONE–QUARTER** to [each]:

(I) **EACH** pair of great–grandparents equally; [or all]

(II) **ALL** to the survivor[.]; or [if]

(III) **IF** neither survives, all to the issue of either or of both of that pair of great–grandparents, by representation.

(2) In the event that neither member of a pair of great–grandparents nor any issue of either of that pair survives, the quarter share applicable shall be distributed equally among the remaining pairs of great–grandparents or the survivor of a pair or issue of either of a pair of great–grandparents, in the same manner as prescribed for a quarter share.

(e) (1) **IN THIS SUBSECTION, “STEPCHILD” MEANS THE CHILD OF ANY SPOUSE OF THE DECEDENT, IF THE SPOUSE WAS NOT DIVORCED FROM THE DECEDENT.**

(2) If there is no surviving blood relative entitled to inherit under this section, [it] **THE NET ESTATE** shall be divided into as many equal shares as there are [stepchildren]:

(I) **STEPCHILDREN** of the decedent who survive the decedent; and  
[stepchildren]

(II) **STEPCHILDREN** of the decedent who did not survive the decedent but of whom issue did survive the decedent.

(3) (I) Each stepchild of the decedent who did survive the decedent shall receive one share [and the].

(II) **THE** issue of each stepchild of the decedent who did not survive the decedent but of whom issue did survive the decedent shall receive one share apportioned by applying the pattern of representation set forth in § 1–210 of this article. [As used in this subsection, “stepchild” shall mean the child of any spouse of the decedent if such spouse was not divorced from the decedent.]

3–106.

(a) If a [person] **DECEDENT** dies intestate as to a part of [his] **THE DECEDENT’S** net estate, property which [he] **THE DECEDENT** gave in [his] **THE DECEDENT’S** lifetime to an heir shall be treated as an advancement against the share of the latter of the net estate if declared in writing by the decedent or acknowledged in writing by the heir to be an advancement.

3–108.

(A) [Property] **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, PROPERTY** of an illegitimate person passes in accordance with the usual rules of intestate succession[.].

(B) [except that the] **THE** father or [his] **THE FATHER’S** relations **OF AN ILLEGITIMATE PERSON** can inherit only if the **ILLEGITIMATE** person is treated as the child of the father pursuant to § 1–208 of this article.

REVISOR’S NOTE: In subsection (b) of this section, the reference to the father or the father’s relations “of an illegitimate person” is added for clarity.

3–109.

A person who is related to the decedent through two lines of relationship is entitled to only a single share based on the relationship which would entitle [him] **THE PERSON** to the larger share.

3–110.

(A) If a descendant, ancestor, or descendant of an ancestor of the decedent, fails to survive the decedent by 30 full days, [he shall] **THE DESCENDANT, ANCESTOR, OR DESCENDANT OF AN ANCESTOR OF THE DECEDENT:**

(1) **SHALL** be considered to have predeceased the decedent for purposes of intestate succession[.]; and [is]

(2) IS not to be entitled to the rights of an heir.

(B) If the time of death of the decedent or of the descendant, ancestor, or descendant of an ancestor of the decedent, who would otherwise be an heir, or the times of death of both, cannot be determined, so that it cannot be established that [he] **THE DESCENDANT, ANCESTOR, OR DESCENDANT OF AN ANCESTOR OF THE DECEDENT** has survived the decedent by 30 full days, [that person shall] **THE DESCENDANT, ANCESTOR, OR DESCENDANT OF AN ANCESTOR OF THE DECEDENT MAY** not be considered to have survived for the required period.

3–203.

(b) Instead of property left to the surviving spouse by will, the surviving spouse may elect to take [a]:

(1) A one–third share of the net estate if there is also a surviving issue[.];  
or [a]

(2) A one–half share of the net estate if there is no surviving issue.

3–204.

(A) The right of election of the surviving spouse [is]:

(1) IS personal to [him. It is] **THE SURVIVING SPOUSE;**

(2) IS not transferable; and [cannot]

(3) **CANNOT** be exercised subsequent to [his] **THE** death **OF THE SURVIVING SPOUSE.**

(B) If the surviving spouse is under 18 years of age or under disability, the election may be exercised by order of the court having jurisdiction of the person or property of the spouse or person under disability.

3–205.

(A) The right of election of a surviving spouse may be waived before or after marriage by a written contract, agreement, or waiver signed by the party waiving the right of election.

(B) Unless it provides to the contrary, a waiver of “all rights” in the property or estate of a present or prospective spouse, or a complete property settlement entered into after or in anticipation of separation or divorce, is [a]:

(1) A waiver of any right to [his family] **THE WAIVING PARTY'S**:

(I) **FAMILY** allowance [as well as to his elective];

(II) **ELECTIVE** share by each spouse in the property of the spouse[, his right]; **AND**

(III) **RIGHT** to letters under § 5–104 of this article[, is an]; and

(2) **AN** irrevocable renunciation of any benefit which would pass to [him] **THE WAIVING PARTY** from the other by intestate succession, by statutory share, or by virtue of the provisions of a will executed before the waiver or property settlement.

3–207.

(a) An election to take an elective share of an estate of a decedent shall be [in]:

(1) **IN** writing [and signed];

(2) **SIGNED** by the surviving spouse or other person entitled to make the election pursuant to § 3–204 of this subtitle[.]; and [filed]

(3) **FILED** in the court in which the personal representative of the decedent was appointed.

3–208.

(b) (1) If there is an election to take an elective share, contribution to the payment of [it] **THE ELECTIVE SHARE** shall be prorated among all legatees.

(2) Instead of contributing an interest in specific property to the elective share, a legatee or legatees, but not the personal representative, may pay the surviving spouse in cash, or other property acceptable to the spouse, an amount equal to the fair market value of the surviving spouse's interest in specific property on the date or dates of distribution.

(3) (I) [Unless] **EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, UNLESS** specifically provided in the will, a legatee is not entitled to sequestration or compensation from another legatee, or from another part of the estate of the decedent[, except that an].

(II) **AN** interest renounced by the surviving spouse and not included in the share of the net estate received by the surviving spouse under this section may be subject to sequestration for the benefit of individuals who are the natural objects of the

bounty of the decedent, in order to avoid a substantial distortion of the intended dispositions of the testator.

3–301.

(b) A child described in subsection (a) of this section or issue, if any, of such child who does not survive the testator, is entitled to a share in the estate to be determined and paid in accordance with §§ 3–302 and 3–303 of this subtitle, if:

(1) The will contains a legacy for a child of the testator but makes no provision for a person who becomes a child of the testator subsequent to the execution of the will;

(2) The child was born, adopted, or legitimated after the execution of the will;

(3) The child, or [his] **THE CHILD’S** issue, survive the testator; and

(4) The will does not expressly state that the child, or **THE CHILD’S** issue, should be omitted.

3–302.

(a) A child permitted to share in the estate of a decedent under § 3–301 of this subtitle shall receive from the personal representative an amount equal to the lesser of:

(1) The distribution which the child would have taken in the event of intestacy; or

(2) The value of all legacies to children of the testator and issue of deceased children divided by the total number of children of the testator who survive [him] **THE TESTATOR** and deceased children leaving issue who take under this subtitle, including the pretermitted child.

3–303.

(A) Property distributed pursuant to § 3–302 of this subtitle shall be paid by the personal representative from the legacies of children of the testator and issue of deceased children who take by representation.

(B) (1) Each person shall contribute in the proportion which [his] **THE PERSON’S** legacy bears to all legacies of children of the testator and issue of deceased children taking by representation.

(2) Instead of contributing an interest in specific property to the pretermitted child, a legatee may pay the pretermitted child or [his] **THE CHILD’S** issue,

in cash or other property acceptable to the pretermitted child or [his] **THE CHILD'S** issue, an amount equal to the fair market value of the interest in specific property as of the date of death of the testator.

4-101.

Any person may make a will if [he] **THE PERSON** is 18 years of age or older, and legally competent to make a will.

4-102.

Except as provided in §§ 4-103 and 4-104 of this subtitle, every will shall be:

- (1) [in] **IN** writing[.];
- (2) [signed] **SIGNED** by the testator, or by some other person [for him] **FOR THE TESTATOR**, in [his] **THE TESTATOR'S** presence and by [his] **THE TESTATOR'S** express direction[.]; and
- (3) [attested] **ATTESTED** and signed by two or more credible witnesses in the presence of the testator.

4-104.

A will executed outside this State is properly executed if it is:

- (1) In writing;
- (2) Signed by the testator; and
- (3) Executed in conformity with [the]:
  - (I) **THE** provisions of § 4-102 of this subtitle[, or the];
  - (II) **THE** law of the domicile of the testator[.]; or [the]
  - (III) **THE** place where the will is executed.

4-105.

(A) [A] **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION**, A will, or any part of it, may not be revoked in [a] **ANY** manner [other than as provided in this section].

(B) **A WILL MAY BE REVOKED UNDER THE FOLLOWING CIRCUMSTANCES:**

(1) By provision in a subsequent, validly executed will [which] **THAT:**

(i) [revokes] **REVOKES** any prior will or part of it either expressly or by necessary implication[.]; or

(ii) [expressly] **EXPRESSLY** republishes an earlier will that had been revoked by an intermediate will but is still in existence;

(2) By burning, cancelling, tearing, or obliterating the [same] **WILL**, by the testator [himself], or by some other person in [his] **THE TESTATOR’S** presence and by [his] **THE TESTATOR’S** express direction and consent;

(3) By [the] subsequent marriage of the testator followed by the birth, adoption, or legitimation of a child by [him,] **THE TESTATOR** provided [such] **THE** child or [his] **THE CHILD’S** descendant survives the testator; and all wills executed [prior to such] **BEFORE THE** marriage shall be revoked; or

(4) By an absolute divorce of a testator and [his] **THE TESTATOR’S** spouse or the annulment of the marriage, either of which occurs subsequent to the execution of the testator’s will; and all provisions in the will relating to the spouse, and only those provisions, shall be revoked unless otherwise provided in the will or decree.

4–201.

(a) **(1)** A will may be deposited by the testator, or by [his] **THE TESTATOR’S** agent, for safekeeping with the register of the county where the testator resides.

**(2)** The register shall give a receipt for [it, upon] **THE WILL, ON** the payment of the required fee.

(b) **(1)** The will shall be enclosed in a sealed wrapper, which shall have endorsed on it “Will of,” followed by [the]:

**(I)** **THE** name of the testator[, his];

**(II)** **THE TESTATOR’S** address[.]; and [his]

**(III)** **THE TESTATOR’S** Social Security number, if available.

**(2)** The register shall endorse on [it the day when] **THE WILL:**

**(I)** **THE DATE IT WAS RECEIVED;** and [the]

**(II)** **THE NAME OF THE** person from whom it was received.

(3) The will is not to be delivered or opened except as provided in this subtitle.

(c) During the lifetime of the testator a deposited will may be delivered only to [him] **THE TESTATOR**, or to a person authorized by [him] **THE TESTATOR** in writing to receive it.

(d) [The will shall be opened by] **AFTER BEING INFORMED OF THE DEATH OF THE TESTATOR**, the register [after being informed of the death of the testator. The register shall notify] **SHALL:**

(1) **OPEN THE WILL;**

(2) **NOTIFY** the personal representative named in the will, and any other person the register considers appropriate, that the will is on deposit with the register[. The will shall be retained by the register];

(3) **RETAIN THE WILL** as a deposited will until **IT IS** offered for probate[. The register shall keep]; **AND**

(4) **KEEP** a photographic copy of a will transmitted elsewhere for probate.

4-202.

(A) After the death of a testator, a person having custody of [his] **THE TESTATOR'S** will shall deliver the instrument to the register for the county in which administration should be had pursuant to § 5-103 of this article.

(B) The custodian may inform an interested person of the contents of the will.

(C) A custodian who willfully fails or refuses to deliver a will to the register after being informed of the death of the testator is liable to a person aggrieved for the damages sustained by reason of the failure or refusal.

4-401.

A legatee, other than [his] **THE TESTATOR'S** spouse, who fails to survive the testator by 30 full days is considered to have predeceased the testator, unless the will of the testator [expressly]:

(1) **EXPRESSLY** creates a presumption that the legatee is considered to survive the testator; or [requires]

(2) **REQUIRES** that the legatee survives the testator for a stated period in order to take under the will and the legatee survives for the stated period.

4–402.

There is a presumption that a will passes all property the testator owns at the time of [his] **THE TESTATOR’S** death[. This includes], **INCLUDING** property acquired after the execution of the will.

4–405.

Unless a contrary intent is expressly indicated in the will, **A SPECIFIC LEGACY INCLUDES ADDITIONAL OR SUBSTITUTED SECURITIES** if [securities]:

(1) **SECURITIES** are the subject of a specific legacy [and after];

(2) **AFTER** the execution of the will other securities of the same or another entity are distributed to the testator because of [his] **THE TESTATOR’S** ownership of the original securities, whether as a result of a partial liquidation, stock dividend, stock split, merger, consolidation, reorganization, recapitalization, redemption, exchange, or other transaction[.]; and [if these]

(3) **THE** securities are part of the estate of the testator at [his] **THE TIME OF THE TESTATOR’S** death[, the specific legacy includes the additional or substituted securities].

4–406.

(A) Unless a contrary intent is expressly indicated in the will, a legacy of specific property shall pass subject to a security interest [or], lien, **OR RENEWAL, EXTENSION, OR REFINANCING OF A SECURITY INTEREST OR LIEN** on the property [which] **THAT** existed at the time of execution of the will [or which is a renewal, extension, or refinancing].

(B) If a security interest or lien is created or attaches initially after the execution of the will, the legatee is entitled to exoneration.

4–409.

A legacy for charitable use may not be void because of an uncertainty with respect to the donees [if]:

(1) [The] **IF THE** will making the legacy also contains directions for the formation of a corporation to take [it] **THE LEGACY**; and

(2) (I) [A] IF THE LEGACY IS IMMEDIATE AND NOT SUBJECT TO A LIFE ESTATE, A corporation is formed in accordance with the directions, capable and willing to receive and administer the legacy, within 12 months from the probate of the will[, if the legacy is immediate and not subject to a life estate.]; OR

(II) If the legacy is subject to a life estate, a corporation shall be formed at a time between probate of the will and the end of 12 months following the expiration of a life estate or life estates.

4-410.

Unless a contrary intent is expressly indicated in the will, in a legacy the FOLLOWING words MEAN A LACK OR A FAILURE OF ISSUE IN THE LIFETIME, OR AT THE TIME OF THE DEATH OF THE PERSON, AND NOT AN INDEFINITE FAILURE OF THE PERSON'S ISSUE:

(1) ["die] "DIE without issue"[, or];

(2) ["die] "DIE without leaving issue"[,]; or [other]

(3) OTHER words which may imply either a lack or a failure of issue of a person in [his] THE PERSON'S lifetime, or at the time of [his] THE PERSON'S death, or an indefinite failure of [his] THE PERSON'S issue[, mean a lack or a failure of issue in the lifetime, or at the time of the death of the person, and not an indefinite failure of his issue].

5-102.

(b) Except for a foreign personal representative, a person may not qualify as or exercise the powers and duties of a personal representative unless [he] THE PERSON has been appointed administratively or judicially.

5-103.

(a) The venue for administrative or judicial probate is in the county in which the decedent [had his domicile] WAS DOMICILED at the time of [his] death, or, if the decedent was not domiciled in Maryland, the county in which the petitioner believes the largest part in value of the property of the decedent in Maryland was located at the time of [his] death.

(b) (1) For the purpose of determining venue for the administration of the estate of a decedent who was not domiciled in Maryland at the time of [his] death, the situs of tangible personal property is its location.

(2) (I) The situs of intangible personal property is the location of the instrument evidencing a debt, obligation, stock, or chose in action.

(II) If there is no instrument, the residence of the debtor governs.

(3) The situs of an interest in property held in trust is any county where the trustee may be sued.

(c) (1) Probate proceedings concerning a decedent may not be maintained in more than one county.

(2) If a proceeding is commenced in more than one county, the court of the county where proceedings are filed first has exclusive jurisdiction to determine venue.

(3) If proper venue is finally determined to be in another county, the proceeding, including a will, petition, or any other paper filed, shall be transferred to the proper court.

5–105.

(c) Letters may not be granted to a person who, at the time a determination of priority is made, has filed with the register a declaration in writing that the person renounces the right to administer or is:

(5) A full-time judge of a court established under the laws of Maryland or the United States including[,] a judge of an orphans' or probate court, or a clerk of court, or a register, unless the person is the surviving spouse or is related to the decedent within the third degree; or

5–106.

(a) (1) [When] **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND SUBSECTION (B) OF THIS SECTION, WHEN** there are several eligible persons in a class entitled to letters, the court or register may grant letters to one of them, or to more than one of them, as necessary or convenient for the proper administration of the estate.

(2) [However, subject] **SUBJECT** to § 5–105 of this subtitle, all personal representatives named in the will or nominated in accordance with a power conferred in the will are entitled to probate.

(b) Within classes (3) through (10) of § 5–104 of this subtitle, letters may be granted to two or more persons in different classes provided that the person or class first entitled to letters consents.

REVISOR'S NOTE: In subsection (a)(1) of this section, the reference to "subsection (b) of this section" is added for clarity.

5–201.

(A) The petition for probate shall contain all knowledge or information of the petitioner with respect to the items listed in **SUBSECTION (B) OF** this section.

[(a)] (B) [It] **THE PETITION FOR PROBATE** shall state [the]:

(1) **THE** name, domicile, place, and date of death of the decedent[.];

[(b)] (2) [It shall state the] **THE** interest of the person filing the petition[.];

[(c)] (3) [It shall state the] **THE** county in which the decedent was domiciled at the time of [his] death, and[, if] **IF THE DECEDENT ~~IS~~ WAS** not domiciled in Maryland, the county in this State [which] **THAT** the petitioner believes was the situs of the largest part in value of the property of the decedent at the time of [his] death[.];

[(d)] (4) [It shall list all] **ALL** other proceedings filed in Maryland and elsewhere regarding the same estate[.];

[(e)] (5) [It shall state whether] **WHETHER** the decedent died testate or intestate, and:

[(1)] (I) 1. If **THE DECEDENT DIED** testate, there shall be exhibited with the petition the will or a copy of the will[.]; **OR**

2. If this exhibit cannot be produced, [a] **THERE SHALL BE EXHIBITED:**

A. A statement of the reasons for the inability **TO EXHIBIT THE WILL OR A COPY OF THE WILL**[, the];

B. **THE** name[,] and the address of the person in whose custody the documents may be[, a];

C. A statement of the provisions of the will as far as known to the petitioner[.]; and [a]

D. A statement of the manner in which the exhibit came into the hands of the petitioner as well as a statement that [he] **THE PETITIONER** knows of no later will; or

[(2)] (II) If **THE DECEDENT DIED** intestate, a statement of the extent of a search for a will[.]; **AND**

[(f)] **(6)** [It shall state the] **THE** names and addresses of all persons who are witnesses to the will referred to in [subsection (e)(1) of this section] **ITEM (5)(I) OF THIS SUBSECTION.**

REVISOR'S NOTE: In subsection (b)(5)(i)2A of this section, the reference to the inability "to exhibit the will or a copy of the will" is added for clarity.

5–204.

[(a)] The petition shall contain, as appropriate, a request for one or more of the **FOLLOWING** acts [stated in this section.]:

[(b)] **(1)** [It shall request the] **THE** probate or recording of a will exhibited with the petition or deposited with the register pursuant to Title 4, Subtitle 2 of this article[.];

[(c)] **(2)** [It shall request an] **AN** order directing witnesses to an alleged will to appear and give testimony regarding its execution[.];

[(d)] **(3)** [It shall request an] **AN** order requiring a person alleged to have custody of a will to deliver it to the court[.];

[(e)] **(4)** [It shall request an] **AN** order directing all interested persons to show cause why the provisions of a lost or destroyed will should not be admitted to probate as expressed in the petition[.];

[(f)] **(5)** [It shall request a] **A** finding that the decedent died intestate[.]; **AND**

[(g)] **(6)** [It shall request other] **OTHER** relief that the petitioner may consider appropriate.

5–205.

(b) **(1)** [It] **THE PETITION** shall request the grant of letters to the petitioner, if [the]:

**(I)** **THE** petition is filed by all of the persons named as executors in the will of a testate decedent[.]; or [if the]

**(II)** **THE** persons in classes higher in the order of priority set forth in § 5–104 of this title of those entitled to administer the estate of an intestate decedent join in the petition or consent in writing to the grant.

**(2)** The joinder or consent of a person who has renounced [his] **THE** right to administer is not necessary.

(c) [It] **THE PETITION** shall request an order requiring persons named as executors or entitled to administration to appear and qualify for appropriate letters.

5-207.

(a) (1) Regardless of whether a petition for probate has been filed, a verified petition to caveat a will may be filed at any time [prior to] **BEFORE** the expiration of [six] **6** months following the first appointment of a personal representative under a will, even if there be a subsequent judicial probate or appointment of a personal representative.

(2) If a different will is offered subsequently for probate, a petition to caveat the later offered will may be filed at a time within the later to occur of:

[1] (I) [Three] **3** months after the later probate; or

[2] (II) [Six] **6** months after the first appointment of a personal representative of a probated will.

(b) (1) If the petition to caveat is filed before the filing of a petition for probate, or after administrative probate, it has the effect of a request for judicial probate.

(2) If **THE PETITION TO CAVEAT IS** filed after judicial probate the matter shall be reopened and a new proceeding held as if only administrative probate had previously been determined.

(3) In either case **DESCRIBED IN PARAGRAPHS (1) AND (2) OF THIS SUBSECTION**, the provisions of Subtitle 4 of this title apply.

5-301.

(A) Administrative probate is a proceeding instituted by the filing of a petition for probate by an interested person before the register for the probate of a will or a determination of the intestacy of the decedent, and for the appointment of a personal representative.

(B) Subject to the provisions of § 5-402 of this title, the proceeding may be conducted without prior notice, and is final, to the extent provided in § 5-304 of this subtitle, subject to the right of an interested person to require judicial probate as provided in Subtitle 4 of this title.

5-302.

(A) [Upon] **ON** a request for administrative probate contained in a petition for probate, the register [may]:

(1) **MAY** admit a will to probate[,]; and [shall]

(2) **SHALL** appoint one or more personal representatives on the basis of the allegations contained in the petition.

(B) The register may require additional verified proof, [and it] **WHICH** shall be filed in the proceeding.

5–304.

(a) (1) Unless a timely request for judicial probate has been filed pursuant to subsection (b) of this section, or unless a request has been filed pursuant to § 5–402 of this title within [six] **6** months of administrative probate, any action taken after administrative probate shall be final and binding as to all interested persons.

(2) Except as provided in subsection (b) of this section, a defect in a petition or proceeding relating to administrative probate shall not affect the probate or the grant of letters.

(b) An administrative probate may be set aside and a proceeding for judicial probate instituted if, following a request by an interested person within 18 months of the death of decedent, the court finds that:

(1) The proponent of a later offered will, in spite of the exercise of reasonable diligence in efforts to locate any will, was actually unaware of the existence of a will at the time of the prior probate;

(2) The notice provided in § 2–210 of this article was not given to such interested person nor did [he] **THE INTERESTED PERSON** have actual notice of the petition for probate; or

(3) There was fraud, material mistake, or substantial irregularity in the prior probate proceeding.

5–401.

(A) Judicial probate is a proceeding instituted by [the]:

(1) **THE** filing of a petition for probate by an interested person, or creditor, with the court for the probate of a will; or [a]

(2) **A** determination of the intestacy of the decedent, and for the appointment of a personal representative.

(B) The proceeding is conducted after notice as provided in § 5–403 of this subtitle, and is final except as provided in § 5–406 of this subtitle.

(C) If no petition is filed within a reasonable time the register may file it with the approval of the court.

5-402.

A proceeding for judicial probate shall be instituted at any time before administrative probate or within the period after administrative probate provided by § 5-304 of this title[.]:

[(a)] (1) At the request of an interested person;

[(b)] (2) By a creditor in the event that there has been no administrative probate;

[(c)] (3) If it appears to the court or the register that the petition for administrative probate is materially incomplete or incorrect in any respect;

[(d)] (4) If the will has been torn, mutilated, burned in part, or marked in a way as to make a significant change in the meaning of the will; **OR**

[(e)] (5) If it is alleged that a will is lost or destroyed.

5-403.

(a) (1) Notice that judicial probate has been requested shall be given promptly by the register to all interested persons as shown in the documents in [his] **THE REGISTER'S** file.

(2) The petitioner shall advise the register of the names and addresses of all interested persons of whom [he may learn prior to] **THE REGISTER** PETITIONER LEARNS BEFORE the granting of judicial probate, and the register shall give notice to the persons in the manner prescribed by § 1-103(a)(1) of this article.

(3) In addition, the register shall publish a notice in a newspaper of general circulation in the county where judicial probate is requested, once a week for [two] **2** successive weeks.

5-404.

(a) (1) A hearing for judicial probate is a plenary proceeding conducted in accordance with the provisions of § 2-105 of this article.

(2) [It] **A HEARING FOR JUDICIAL PROBATE** shall adjudicate the issues raised in the hearing and shall determine the testamentary capacity of the decedent if [he] **THE DECEDENT** died testate.

(3) After the hearing **FOR JUDICIAL PROBATE** the court shall appoint one or more personal representatives and shall, if appropriate, revoke, modify, or confirm action taken at the administrative or any prior judicial probate.

5–502.

(a) Any foreign personal representative may exercise in Maryland all powers of [his] **THE** office, and may sue and be sued in Maryland, subject to any statute or rule relating to nonresidents.

5–503.

(b) A foreign personal representative shall:

(1) Publish once a week for [three] **3** successive weeks a notice in a newspaper of general circulation in each county in which real or leasehold property of the decedent was located, [announcing his] **CONTAINING:**

(I) **THE FOREIGN PERSONAL REPRESENTATIVE’S** appointment[, his];

(II) **THE FOREIGN PERSONAL REPRESENTATIVE’S** name and address[, the];

(III) **THE** name and address of [his] **THE FOREIGN PERSONAL REPRESENTATIVE’S** Maryland agent for service of process on file with the register in each county where real or leasehold property was located[, the];

(IV) **THE** name of the court [which] **THAT** appointed [him, a] **THE FOREIGN PERSONAL REPRESENTATIVE;**

(V) **A** brief description of all real and leasehold property owned by the decedent in the county[, the];

(VI) **THE** date of the decedent’s death[.]; and [containing the]

(VII) **THE** following statement: All persons having claims against the decedent must present their claims to the undersigned, or file them with the register of wills on or before the earlier of the following dates:

[i] 1. 6 months from the date of the decedent’s death; or

**[(ii)] 2.** **[Two] 2** months after the foreign personal representative mails or otherwise delivers to the creditor a copy of this published notice or other written notice, notifying the creditor that **[his] THE CREDITOR'S** claim will be barred unless **[he] THE CREDITOR** presents the claim within **[two] 2** months from the mailing or other delivery of the notice;

(2) Record in each appropriate office of the register a certification that **[he] THE FOREIGN PERSONAL REPRESENTATIVE** has published notice as required; and

(3) Promptly after a proceeding under this subtitle has been instituted, comply with the provisions of § 7–103.1 of this article.

(c) **(1)** Within the time periods provided under subsection (b) of this section, a creditor may file with the register a written statement of **[his] THE CREDITOR'S** claim, in the form set forth in § 8–104(c) of this article, and if a foreign personal representative has instituted a proceeding under this subtitle deliver or mail a copy of the statement to the personal representative.

**(2) (I)** The register shall maintain a book known as the “Claims Against Nonresident Decedents” book in which every claim and release shall be recorded.

**(II)** Unless and until a release of a validly recorded claim has been recorded, or the claim has finally been determined in favor of the personal representative, the claim shall constitute a lien against the real and leasehold property owned by the decedent in the county at **[his] THE TIME OF** death for a period of 12 years from date of death.

**(III)** If the personal representative is empowered by the will to sell the property the claim shall constitute a lien against the net proceeds from the sale.

5–504.

(a) **(1)** A foreign personal representative administering an estate which has property located in Maryland **THAT IS** subject to Maryland inheritance taxes shall file with the register of the county in which the foreign personal representative believes the largest part in value of the property is located**[, a]**:

**(I)** A copy of **[his] THE PERSON'S** appointment as personal representative **[and of the]**;

**(II)** **THE** will of the decedent, if there is a will, authenticated pursuant to 28 U.S.C. § 1738**[, together with a]**; **AND**

**(III)** A verified application **[which] THAT** shall **[describe]**:

1. **DESCRIBE** all the property owned by the estate in Maryland and known to the foreign personal representative[,]; and [set]

2. **SET** forth the market value and the basis [upon] **ON** which that value has been determined.

(2) The register shall proceed to fix the amount of the inheritance tax due and may require other evidence of value, or make an independent investigation, as [he] **THE REGISTER** considers appropriate.

(3) The determination of the register is final, subject to appeal to the Maryland Tax Court.

5–602.

A petition for administration of a small estate may be filed by any person entitled to administration pursuant to § 5–104 of this title and shall contain, in addition to the information required by §§ 5–201 and 5–202 of this title:

[(a)] (1) A statement that the petitioner has made a diligent search to discover all property and debts of the decedent;

[(b)] (2) A list of the known property and its value;

[(c)] (3) A list of the known creditors of the decedent, with the amount of each claim, including contingent and disputed claims; **AND**

[(d)] (4) A statement of any legal proceedings pending in which the decedent was a party.

5–603.

(a) If the register finds that the petition and additional information filed in the proceeding is accurate, [he] **THE REGISTER** shall:

(1) Direct that the petitioner serve as personal representative of the small estate and issue additional letters of administration as needed;

(2) Direct the immediate payment of the allowable funeral expenses as provided in § 8–106 of this article and the family allowances provided in § 3–201 of this article;

(3) Direct sale of property as may be necessary to satisfy expenses and allowances; and

(4) If it appears that there will be property remaining after the payments, expenses and allowances, admit a will to probate and direct that notice be given in accordance with subsection (b) of this section.

(b) (1) If the register directs a proceeding in accordance with subsection (a)(4) of this section, unless notice of the appointment of a personal representative appointed under Subtitle 3 or Subtitle 4 of this title has been published one or more times, notice shall be given once in the form required by § 7–103 of this article, but the period within which objection must be made to the action is 30 days from the date of publication of notice and the period within which claims must be filed is the earlier of the following dates:

(i) 6 months after the date of the decedent’s death; or

(ii) 30 days after the personal representative mails or otherwise delivers to the creditor a copy of a notice in the form required by § 7–103 of this article or other written notice, notifying the creditor that [his] **THE CREDITOR’S** claim will be barred unless [he] **THE CREDITOR** presents the claim within 30 days from the mailing or other delivery of the notice.

**(2) [The] IN DELIVERING A COPY OF A NOTICE TO THE CREDITOR UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE** personal representative shall comply with the provisions of § 7–103.1 of this article.

**[(2)] (3)** If the register directs a proceeding in accordance with subsection (a)(4) of this section and if notice of the appointment of a personal representative appointed under Subtitle 3 or Subtitle 4 of this title has been published one or more times, the notice provisions of § 7–103 of this article and the time limits specified therein shall apply.

REVISOR’S NOTE: In subsection (b)(2) of this section, the phrase “[i]n delivering a copy of a notice to the creditor under paragraph (1)(ii) of this subsection” is added for clarity.

5–604.

(b) **(1)** After the expiration of 60 days following publication of the notice required by § 5–603(b) of this subtitle, the personal representative shall file proof of publication of the notice and a list of all claims, including contingent and disputed claims, and the amount of each filed since the original petition.

**(2)** The court shall hear objections filed pursuant to the notice and, if satisfied that all action taken pursuant to this subtitle is proper, shall direct the petitioner to pay all proper claims, expenses, and family allowance and to distribute the net estate in accordance with the will or, if the decedent died intestate, in accordance with Title 3, Subtitle 1 of this article.

(c) The personal representative does not incur any personal liability by [his] payment of claims or distribution of assets in accordance with this subtitle if, at the time of payment or distribution, [he] **THE REPRESENTATIVE** has no actual knowledge of a valid unbarred claim [which] **THAT** has not been filed with the register.

6–101.

As a condition to [his] **A PERSONAL REPRESENTATIVE’S** appointment, [a] **THE** personal representative shall file:

[(a)] (1) [a] **A** statement of acceptance of the duties of the office[.];

[(b)] (2) [any] **ANY** required bond[.]; and

[(c)] (3) [a] **A** written consent to personal jurisdiction in any action brought in the State against [him] **THE PERSONAL REPRESENTATIVE** as personal representative or arising out of [his] **THE PERSONAL REPRESENTATIVE’S** duties, where service of process is effected pursuant to the Maryland Rules at [his] **THE** address **OF THE PERSONAL REPRESENTATIVE** shown in the proceedings.

6–102.

(b) (1) Even if a personal representative is excused from giving bond, a bond shall be given in an amount [which] **THAT** the register or the court considers sufficient to secure the payment of the debts and Maryland inheritance taxes payable by the personal representative.

(2) The bond shall be conditioned accordingly.

[(2)] (3) Even if a bond is not required as a condition of the appointment of a personal representative, the court may require a bond during the administration [upon] **ON** the petition of an interested person or creditor and for good cause shown.

(d) (1) The surety on the bond may be a corporation authorized to act as a surety in the State or one or more individuals approved by the register.

(2) Unless otherwise ordered by the court, all sureties and the personal representatives are jointly and severally liable on the bond.

(f) (1) Every bond executed by a personal representative shall be filed in the office of the register.

(2) A person may obtain a copy of the bond certified by the register.

(h) (1) The bond shall be substantially in the following form:

The condition of the above obligation is such, that if ..... shall well and truly perform the office of the personal representative of ....., late of ....., deceased, according to law, and shall in all respects discharge the duties required of [him] **THE PERSONAL REPRESENTATIVE** by law as personal representative without any injury or damage to any person interested in the faithful performance of the office, then the above obligation shall be void; it is otherwise to be in full force and effect.

6–103.

(A) After appointment, letters shall be issued to the personal representative by the register.

(B) Letters shall contain:

[(a)] (1) The name and location of the court or register by whom appointment was made;

[(b)] (2) The name of the decedent and the personal representative;

[(c)] (3) The date of [his] **THE REPRESENTATIVE'S** appointment;

[(d)] (4) The date of probate of the will admitted to probate in the proceeding;

[(e)] (5) The signature of the register and the seal of the court; and

[(f)] (6) [Date] **THE DATE THE** certificate was issued.

6–105.

(a) The duties and powers of a personal representative commence [upon] **ON** the issuance of [his] **THE PERSONAL REPRESENTATIVE'S** letters, but when done in good faith, [his] **THE PERSONAL REPRESENTATIVE'S** acts occurring [prior to] **BEFORE** appointment have the same effect as those occurring after.

6–201.

(A) A person to whom letters are first issued has exclusive authority under the letters until [his] **THE PERSON'S** appointment is terminated or modified.

(B) If, in the absence of termination or modification, letters are afterwards issued to another, the first appointed personal representative may recover any property of the estate in the hands of, and demand and secure an accounting from, the personal representative subsequently appointed, but the acts of the latter done in good faith before notice of the first letters, are not void for want of validity of appointment.

6–203.

(b) The provisions of subsection (a) of this section do not apply if:

(1) The act involved is receiving or receipting for property due the estate;

(2) All personal representatives cannot readily be consulted in the time reasonably available for emergency action;

(3) A personal representative has validly delegated to a copersonal representative [his] **THE PERSONAL REPRESENTATIVE’S** power to act; or

(4) The will or a statute provides otherwise.

(c) Persons dealing with a copersonal representative without knowledge that [he] **THE COPERSONAL REPRESENTATIVE** is not the sole personal representative are as fully protected as if the person with whom they dealt had been the sole personal representative.

6–204.

Unless the will otherwise provides:

[(a)] (1) Every power exercisable by copersonal representatives may be exercised by the survivors or survivor of them when the appointment of one is terminated; and

[(b)] (2) [where] **WHERE** one of two or more nominated as copersonal representatives is not appointed, those appointed may exercise all the powers incident to the office.

6–302.

The appointment of a personal representative shall be terminated in accordance with Title 10 of this article and may be terminated sooner by [his] **THE PERSONAL REPRESENTATIVE’S** death, disability, resignation, or removal as provided in §§ 6–303 through 6–307 of this subtitle.

6–303.

(a) Termination ends the right and power pertaining to the office of personal representative as conferred by will or by the estates of decedents law.

**(B)** A personal representative whose appointment has been terminated shall:

(1) Unless otherwise ordered by the court, perform acts necessary to protect property belonging to the estate; and

- (2) Deliver the property to the successor representative.

**[(b)] (C)** Termination does not discharge a personal representative from liability for transactions or omissions occurring before termination, or relieve **[him] THE PERSONAL REPRESENTATIVE** of the duty to protect property subject to **[his] THE PERSONAL REPRESENTATIVE'S** control, and to account for and deliver the property to **[his] THE PERSONAL REPRESENTATIVE'S** successor.

**(D)** Termination does not affect the personal jurisdiction to which **[he] THE PERSONAL REPRESENTATIVE** has given consent pursuant to § 6–101 of this title in proceedings which may be commenced against **[him] THE PERSONAL REPRESENTATIVE** arising out of the performance of **[his] THE PERSONAL REPRESENTATIVE'S** duties as personal representative.

**[(c)] (E)** All lawful acts of a personal representative before the termination of **[his] THE PERSONAL REPRESENTATIVE'S** appointment remain valid and effective.

6–304.

**(A)** The appointment of a personal representative shall be terminated by **[his] THE PERSONAL REPRESENTATIVE'S** death or a judicial determination of **[his] THE PERSONAL REPRESENTATIVE'S** disability.

**(B)** In either case, unless there is a surviving personal representative the personal representative of a deceased personal representative or the person appointed to protect the estate of a personal representative under legal disability shall **[have]:**

**(1) HAVE** the duty to protect property belonging to the estate being administered by the deceased or disabled personal representative**[, shall have];**

**(2) HAVE** the power to perform acts necessary for the protection of property**[, shall immediately];**

**(3) IMMEDIATELY** account for and deliver the property to a successor personal representative or special administrator**[,];** and **[shall immediately]**

**(4) IMMEDIATELY** apply to the court for the appointment of a special administrator or successor personal representative to carry on the administration of the estate **[which] THAT** was being administered by the deceased or disabled personal representative.

6–306.

(a) A personal representative shall be removed from office [upon] **ON** a finding by the court that [he] **THE PERSONAL REPRESENTATIVE**:

(1) Misrepresented material facts in the proceedings leading to [his] **THE PERSONAL REPRESENTATIVE’S** appointment;

(2) Willfully disregarded an order of the court;

(3) Is unable or incapable, with or without [his] **THE PERSONAL REPRESENTATIVE’S** own fault, to discharge [his] **THE PERSONAL REPRESENTATIVE’S** duties and powers effectively;

(4) Has mismanaged property;

(5) Has failed to maintain on file with the register a currently effective designation of an appropriate local agent for service of process as described in § 5–105(c)(6) of this article; or

(6) Has failed, without reasonable excuse, to perform a material duty pertaining to the office.

(c) **(1)** A hearing shall be conducted by the court [prior to] **BEFORE** the removal of a personal representative.

**(2)** The hearing may be held [on]:

**(I)** **ON** the motion of the court[, on];

**(II)** **ON THE** motion of the register[.]; or [on]

**(III)** **ON THE** written petition of an interested person.

**(3)** Notice of hearing shall be given by the register to all interested persons.

**(4)** After notice has been given to the personal representative, [he] **THE PERSONAL REPRESENTATIVE** may exercise only the powers of a special administrator as permitted by § 6–403 of this title.

(e) A personal representative who is removed from office shall account for and immediately deliver the property belonging to the estate to [his] **THE PERSONAL REPRESENTATIVE’S** successor or special administrator.

(A) A personal representative whose appointment is terminated may receive for [his] **THE PERSONAL REPRESENTATIVE'S** services the compensation awarded by the court at the time of the termination of [his] **THE PERSONAL REPRESENTATIVE'S** appointment.

(B) [It] **THE COMPENSATION AWARDED BY THE COURT** may not exceed an appropriate proportion of the statutory limit allowable under § 7-601 of this article.

6-401.

(a) [Upon] **ON** the filing of a petition by an interested party, a creditor, or the register, or [upon] **ON** the motion of the court, a special administrator may be appointed by the court [whenever]:

(1) **IF** it is necessary to protect property [prior to] **BEFORE** the appointment and qualification of a personal representative; or [upon]

(2) **ON** the termination of appointment of a personal representative and [prior to] **BEFORE** the appointment of a successor personal representative.

6-403.

(A) A special administrator shall collect, manage, and preserve property and account to the personal representative [upon his] **ON THE PERSONAL REPRESENTATIVE'S** appointment.

(B) A special administrator [shall]:

(1) **SHALL** assume all duties unperformed by a personal representative imposed under Title 7, Subtitles 2, 3, and 5 of this article[.]; and [has]

(2) **HAS** all powers necessary to collect, manage, and preserve property.

(C) In addition, a special administrator has the other powers designated from time to time by court order.

6-404.

(A) The appointment of a special administrator terminates [upon]:

(1) **ON** the appointment of a personal representative; or [in]

(2) **IN** the manner prescribed in Subtitle 3 of this title.

(B) The powers of a special administrator may be suspended or terminated in the same manner as prescribed in Subtitle 3 of this title for the suspension and termination of the powers, or the removal, of a personal representative.

7–101.

(a) (1) A personal representative is [a]:

(I) A fiduciary[.]; AND

(II) [He is under] **UNDER** a general duty to settle and distribute the estate of the decedent in accordance with the terms of the will and the estates of decedents law as expeditiously and with as little sacrifice of value as is reasonable under the circumstances.

(2) [He] **A PERSONAL REPRESENTATIVE** shall use the authority conferred [upon him] **ON THE PERSONAL REPRESENTATIVE** by [the]:

(I) **THE** estates of decedents law[, by the];

(II) **THE** terms of the will[, by orders];

(III) **ORDERS** in proceedings to which [he] **THE PERSONAL REPRESENTATIVE** is A party[.]; and [by the]

(IV) **THE** equitable principles generally applicable to fiduciaries, fairly considering the interests of all interested persons and creditors.

(b) Unless the time of distribution is extended by order of court for good cause shown, the personal representative shall distribute all the assets of the estate of which [he] **THE PERSONAL REPRESENTATIVE** has taken possession or control within the time provided in § 7–305 of this title for rendering [his] **THE** first account.

(c) The personal representative does not incur any personal liability [by his] **FOR THE** payment of claims or distribution of assets even if [he] **THE PERSONAL REPRESENTATIVE** does not consider claims for injuries to the person prosecuted under the provisions of § 8–103(e) or § 8–104 of this article, if at the time of payment or distribution:

(1) [He] **THE PERSONAL REPRESENTATIVE** had no actual knowledge of the claim; and

(2) The plaintiff had not filed on time [his] A claim with the register.

7–102.

(A) A personal representative has a right to and shall take possession or control of the estate of the decedent, except that property in the possession of the person presumptively entitled to it as heir or legatee shall be possessed by the personal representative only when reasonably necessary for purposes of administration.

(B) The request by a personal representative for delivery of property possessed by the heir or legatee is conclusive evidence, in an action against the heir or legatee for possession, that the possession of the property by the personal representative is reasonably necessary for purposes of administration.

(C) The personal representative may maintain an action to recover possession of property or to determine its title.

7-103.

(a) (1) After the appointment of a personal representative, the register shall have a notice of the appointment published in a newspaper of general circulation in the county of appointment once a week in [three] 3 successive weeks, announcing the appointment and address of the personal representative, and notifying creditors of the estate to present their claims.

(2) The personal representative shall file or have filed with the register a certification that a notice has been published.

(B) The notice OF APPOINTMENT shall be substantially in the FOLLOWING form [provided in this section.]:

[(b)] "To all persons interested in the estate of .....:

This is to give notice that the undersigned, ..... whose address is ..... was, on ....., appointed personal representative of the estate of ..... who died on ..... (with) (without) a will.

All persons having any objection to the appointment (or to the probate of the will of the decedent) shall file the same with the register of wills on or before [six] 6 months from the date of the appointment.

All persons having claims against the decedent must present their claims to the undersigned, or file them with the register of wills on or before the earlier of the following dates:

(1) 6 months from the date of the decedent's death; or

(2) [Two] 2 months after the personal representative mails or otherwise delivers to the creditor a copy of this published notice or other written notice, notifying the creditor that [his] THE CREDITOR'S claim will be barred unless [he] THE CREDITOR presents the claim within [two] 2 months from the mailing or other delivery of the notice.

Any claim not filed on or before that date, or any extension provided by law, is unenforceable thereafter.

.....

## Personal representative

Date of first publication:  
 .....”.

7–103.1.

(a) Promptly after appointment, the personal representative of a decedent’s estate shall:

(1) Make a reasonably diligent effort to ascertain the names and addresses of the decedent’s creditors; and

(2) Mail or otherwise deliver a notice to those creditors whose names and addresses [he] **THE PERSONAL REPRESENTATIVE** has ascertained of the time within which their claims may be presented under § 8–103(a) of this article.

(c) (1) The failure of a creditor to receive notice under this section shall not extend the time within which the creditor may present [his] **A** claim beyond 6 months from the date of the decedent’s death.

(2) The personal representative, individually and on behalf of the estate, [shall] **IS** not [be] liable for failing under this section to ascertain or notify a creditor or for giving notice to a person who is not a creditor of the decedent.

7–104.

(a) Not later than 20 days after [his] **THE** appointment [the] **OF A** personal representative, **THE PERSONAL REPRESENTATIVE** shall deliver to the register the text of the first published newspaper notice of [his] **THE** appointment and shall advise the register of the names and addresses of the heirs of the decedent and of the legatees to the extent known by [him] **THE PERSONAL REPRESENTATIVE**, so that the register may issue the notices provided in § 2–210 of this article.

7–105.

Whenever a personal representative discovers that a document previously filed by [him] **THE PERSONAL REPRESENTATIVE** or a predecessor personal representative is incomplete or erroneous, [he] **THE PERSONAL REPRESENTATIVE** shall promptly file a revised and corrected document with the register, reciting the correct information if known by [him] **THE PERSONAL REPRESENTATIVE**.

7–201.

(A) Subject to the provisions of § 7–205 of this subtitle, and within [three] **3** months after [his] **THE** appointment **OF A PERSONAL REPRESENTATIVE**, [a] **THE** personal representative shall prepare and file an inventory of property owned by the

decedent at the time of [his] **THE DEATH OF THE DECEDENT**, listing each item in reasonably descriptive detail, and indicating its fair market value as of the date of the death of the decedent, and the type and amount of any encumbrance that may exist with reference to the item.

(B) The inventory shall include:

(1) Real property;

(2) Tangible personal property, excluding:

and [(a)] (I) [wearing] **WEARING** apparel, other than furs and jewelry;

[(b)] (II) [provisions] **PROVISIONS** for consumption by the family;

(3) Corporate stocks;

(4) Debts owed to the decedent, including bonds and notes;

(5) Bank accounts, building, savings and loan association shares, and money;

(6) Debts owed to the decedent by the personal representative; and

(7) Any other interest in tangible or intangible property owned by the decedent which passes by testate or intestate succession.

7-203.

[Whenever property not included in the original inventory comes to the knowledge of a personal representative, or whenever the personal representative learns that the value indicated in the original inventory for an item is erroneous or misleading, he] **A PERSONAL REPRESENTATIVE** shall make a supplemental inventory or appraisal of [the] **AN** item showing the market value as of the date of the death of the decedent, or the revised market value, and the appraisals or other data relied [upon] **ON** and shall file [it] **THE SUPPLEMENTAL INVENTORY OR APPRAISAL** with the court **IF**:

(1) **PROPERTY NOT INCLUDED IN THE ORIGINAL INVENTORY COMES TO THE KNOWLEDGE OF THE PERSONAL REPRESENTATIVE; OR**

(2) **THE PERSONAL REPRESENTATIVE LEARNS THAT THE VALUE INDICATED IN THE ORIGINAL INVENTORY FOR THE ITEM IS ERRONEOUS OR MISLEADING.**

7–204.

(A) At any time before [the] AN estate is closed, the State or an interested person may petition the court for revision of a value assigned to an item of inventory and the court may require revision as it considers appropriate.

(B) Unless the personal representative has filed [the] A petition UNDER SUBSECTION (A) OF THIS SECTION, the court shall hold a hearing [upon it] ON THE PETITION.

7–205.

Within [three] 3 months of the date of [his] THE appointment OF A SUCCESSOR PERSONAL REPRESENTATIVE, [a] THE successor personal representative shall return [either a]:

(1) A new inventory to stand in place of the inventory filed by [his] THE predecessor PERSONAL REPRESENTATIVE; or [a]

(2) A written consent to be answerable for the items as listed and valued in the inventory filed by [his] THE predecessor PERSONAL REPRESENTATIVE.

7–301.

A personal representative shall file written accounts of [his] THE PERSONAL REPRESENTATIVE’S management and distribution of property at the times and in the manner prescribed in this subtitle, with a certification that [he] THE PERSONAL REPRESENTATIVE has mailed or delivered a notice of the filing to all interested persons.

7–306.

[Upon failure] IF A PERSONAL REPRESENTATIVE FAILS to render an account or to file a certificate as required UNDER THIS SUBTITLE, [a] THE personal representative [may]:

(1) MAY be removed as provided in § 6–306 of this article[. In addition, he is]; AND

(2) IS liable to interested persons as provided in § 7–403 of this title.

REVISOR’S NOTE: In the introductory language of this section, the phrase “[i]f a personal representative fails to render an account or to file a certificate as required under this subtitle” is substituted for the former phrase “[u]pon failure to render an account or to file a certificate as required” for clarity.

7-307.

(a) (1) Inheritance taxes with respect to a distribution shall be paid by the personal representative to the register.

(2) An inheritance tax due in connection with a legacy or intestate share shall be paid at the time of accounting for its distribution.

(3) Failure to pay the inheritance tax when due or to make full disclosure of the information necessary to the determination by the register of the tax due may subject a personal representative to reduction or forfeiture of commissions by the court unless good cause to the contrary is shown.

(4) Failure to pay the inheritance tax when due subjects the bond of the personal representative to liability.

(b) (1) [Upon] **ON** payment of the inheritance taxes as determined by the register to be due, the personal representative is entitled to receive a certificate reciting that the taxes have been paid.

(2) If requested by the personal representative, the certificate shall set forth in detail items of real or leasehold property [upon] **FOR** which the inheritance taxes have been paid.

(3) The certificate may be filed among the permanent records of the estate maintained by the register.

7-401.

(a) (1) In the performance of a personal representative's duties pursuant to § 7-101 of this title, a personal representative may exercise all of the power or authority conferred [upon] **ON** the personal representative by statute or in the will, without application to, the approval of, or ratification by the court.

(2) Except as validly limited by the will or by an order of court, a personal representative may, in addition to the power or authority contained in the will and to other common-law or statutory powers, exercise the powers enumerated in this section.

(b) [He] **A PERSONAL REPRESENTATIVE** may retain assets owned by the decedent pending distribution or liquidation, including those in which the representative is personally interested or which are otherwise improper for trust investment.

(c) (1) [He] **A PERSONAL REPRESENTATIVE** may hold a security in the name of a nominee or in other form without disclosure of the interest of the estate.

(2) [In this case, the] **A personal representative WHO HOLDS A SECURITY IN THE NAME OF A NOMINEE OR IN OTHER FORM WITHOUT DISCLOSURE OF THE INTEREST OF THE ESTATE** is liable for a wrongful act of the nominee in connection with the security held.

(d) [He] **A PERSONAL REPRESENTATIVE** may receive assets from fiduciaries or other sources.

(e) [He] **A PERSONAL REPRESENTATIVE** may deposit funds for the account of the estate, including money received from the sale of assets, in checking accounts, in insured interest-bearing accounts, or in short-term loan arrangements which may be reasonable for use by a trustee.

(f) [He] **A PERSONAL REPRESENTATIVE** may agree to deposit assets of the estate with a financial institution so that the assets cannot be withdrawn or transferred without:

- (1) The written consent of the surety on the bond; or
- (2) An order of court.

(g) [He] **A PERSONAL REPRESENTATIVE** may satisfy written charitable pledges of the decedent.

(h) [He] **A PERSONAL REPRESENTATIVE** may pay a valid claim as provided in this article or effect a fair and reasonable compromise with a creditor or obligee, or extend or renew an obligation due by the estate.

(i) [He] **A PERSONAL REPRESENTATIVE** may pay the funeral expenses of the decedent in accordance with the procedures provided in § 8–106 of this article, including the cost of burial space and a tombstone or marker, and the cost of perpetual care.

(j) [He] **A PERSONAL REPRESENTATIVE** may pay taxes, assessments, and other expenses incident to the administration of the estate.

(k) [He] **A PERSONAL REPRESENTATIVE** may insure the property of the estate against damage, loss, and liability, and [himself, as] **THE** personal representative[,] against liability in respect to third persons.

(l) [He] **A PERSONAL REPRESENTATIVE** may vote stocks or other securities in person or by general or limited proxy.

(m) [He] **A PERSONAL REPRESENTATIVE** may sell or exercise stock subscription, conversion or option rights, consent to or oppose, directly or through a committee or agent, the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise.

(n) [He] **A PERSONAL REPRESENTATIVE** may invest in, sell, mortgage, pledge, exchange, or lease property.

(o) [He] **A PERSONAL REPRESENTATIVE** may borrow money.

(p) [He] **A PERSONAL REPRESENTATIVE** may [release]:

(1) **RELEASE** or terminate a mortgage or security interest, if the obligation secured by the mortgage or security interest was fully satisfied during the lifetime of the decedent or during the administration of the estate[. He may also extend]; **OR**

(2) **EXTEND** or renew any obligation owed to the estate.

(q) If assets of the estate are encumbered by a mortgage, pledge, lien, or other security interest and if it appears to be in the best interests of the estate, [he] **A PERSONAL REPRESENTATIVE** may pay the encumbrance, or convey or transfer the assets to the creditor in satisfaction of [his] **THE** security interest **OF THE CREDITOR**, in whole or in part, whether or not the holder of the encumbrance has filed a claim.

(r) Regardless of a contrary provision in the will, [he] **A PERSONAL REPRESENTATIVE** may execute, [upon] **ON** the written demand of the owner of a redeemable leasehold or subleasehold estate, a full and valid conveyance of the reversion or subreversion held by the estate.

(s) [He] **A PERSONAL REPRESENTATIVE** may continue an unincorporated business or venture in which the decedent was engaged at the time of [his] **THE DECEDENT'S** death:

(1) In the same business form for a period of not more than [four] **4** months from the date of appointment of a personal representative, where continuation is a reasonable means of preserving the value of the business including goodwill;

(2) In the same business form for an additional period of time that may be approved by order of court, in a proceeding to which all persons interested in the estate are parties; or

(3) Throughout the period of administration, if the business is incorporated after the death of the decedent.

(t) [He] **A PERSONAL REPRESENTATIVE** may incorporate a business or venture in which the decedent was engaged at the time of [his] **THE DECEDENT'S** death if none of the probable distributees of the business who are competent adults objects to its incorporation and retention in the estate.

(u) [He] **A PERSONAL REPRESENTATIVE** may convert a sole proprietorship the decedent was engaged in at the time of [his] **THE DECEDENT’S** death to a limited liability company and may become a limited partner in any partnership or a member in any limited liability company, including a single member limited liability company.

(v) [He] **A PERSONAL REPRESENTATIVE** may perform the contracts of the decedent that continue as obligations of the estate, and execute and deliver deeds or other documents under circumstances as the contract may provide.

(w) [He] **A PERSONAL REPRESENTATIVE** may exercise options, rights, and privileges contained in a life insurance policy, annuity, or endowment contract constituting property of the estate, including the right to obtain the cash surrender value, convert the policy to another type of policy, revoke a mode of settlement, and pay a part or all of the premiums on the policy or contract.

(x) [He] **A PERSONAL REPRESENTATIVE** may employ, for reasonable compensation, auditors, investment advisors, or persons with special skills, to advise or assist [him] in the performance of [his] **THE** administration duties **OF THE PERSONAL REPRESENTATIVE**.

(z) If the decedent died testate, [he] **A PERSONAL REPRESENTATIVE** may designate [himself] **THE PERSONAL REPRESENTATIVE** on documents as an executor, or if the decedent died intestate, as an administrator.

(aa) [He] **A PERSONAL REPRESENTATIVE** may make partial and final distributions, in cash, in kind, or both, from time to time during the administration.

7–402.

(A) The personal representative may petition the court for permission to act in any matter relating to the administration of the estate.

(B) The court may pass any order it considers proper.

7–403.

(A) If the exercise of power concerning the estate is improper, the personal representative is liable for breach of [his] **THE** fiduciary duty **OF THE PERSONAL REPRESENTATIVE** to interested persons for resulting damage or loss to the same extent as a trustee of an express trust.

(B) The exercise of power **OF A PERSONAL REPRESENTATIVE** in violation of a court order, or contrary to the provisions of the will may be a breach of duty.

(C) The rights of purchasers and others dealing with a personal representative are determined as provided in § 7-404 of this subtitle and are not necessarily affected by the fact that the personal representative breached [his] **THE** fiduciary duty **OF THE PERSONAL REPRESENTATIVE** in the transaction.

7-404.

(A) In the absence of actual knowledge or of reasonable cause to inquire as to whether the personal representative is improperly exercising [his] **THE** power **OF THE PERSONAL REPRESENTATIVE**, a person dealing with the personal representative is not bound to inquire whether the personal representative is properly exercising [his] **THE** power, and is protected as if the personal representative properly exercised the power.

(B) A person is not bound to see to the proper application of estate assets paid or delivered to a personal representative.

7-501.

(b) (1) Exceptions to an account must be filed with the register within 20 days of the approval of the account by the court.

(2) Exceptions may not be filed concerning an item which has become final and binding under § 7-502 of this subtitle.

(3) Copies of exceptions shall be mailed by the exceptant to the personal representative.

7-502.

(a) (1) The personal representative shall give written notice **IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION** to each creditor who has filed a claim under § 8-104 of this article which is still open and to all interested persons of a claim, petition, or other request which could result, directly or indirectly, in the payment of a debt, commission, fee, or other compensation to or for the benefit of the personal representative or the attorney for the estate.

(2) The notice shall [state]:

(I) **STATE** the amount requested[, and set];

(II) **SET** forth in reasonable detail the basis for the request[. It shall also state]; **AND**

(III) **STATE** that a request for hearing may be made within 20 days after the notice is sent.

7-601.

(a) (1) A personal representative or special administrator is entitled to reasonable compensation for services.

(2) If a will provides a stated compensation for the personal representative, additional compensation shall be allowed if the provision is insufficient in the judgment of the court.

(3) The personal representative or special administrator may renounce at any time all or a part of the right to compensation.

(b) (1) Unless the will provides a larger measure of compensation, [upon] ON petition filed in reasonable detail by the personal representative or special administrator the court may allow the commissions it considers appropriate.

(2) The commissions **AUTHORIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION** may not exceed those computed in accordance with the **FOLLOWING** table [in this subsection.]:

If the property subject to administration is:	The commission may not exceed:
Not over \$20,000 .....	9%
Over \$20,000 .....	\$1,800 plus 3.6% of the excess over \$20,000

(c) Within 30 days a personal representative, special administrator, or unsuccessful exceptant may appeal the allowance to the circuit court, which shall determine the adequacy of the commissions and increase, but not in excess of the [above schedule] **COMMISSIONS COMPUTED IN ACCORDANCE WITH THE TABLE IN SUBSECTION (B)(2) OF THIS SECTION**, or decrease them.

7-602.

(a) An attorney is entitled to reasonable compensation for legal services rendered by [him] **THE ATTORNEY** to the estate [and/or] **OR** the personal representative **OR BOTH**.

(b) (1) [Upon] **ON** the filing of a petition in reasonable detail by the personal representative or the attorney, the court may allow a counsel fee to an attorney employed by the personal representative for legal services.

(2) The compensation shall be fair and reasonable in the light of all the circumstances to be considered in fixing the fee of an attorney.

7-603.

When a personal representative or person nominated as personal representative defends or prosecutes a proceeding in good faith and with just cause, [he] **THE PERSONAL REPRESENTATIVE OR PERSON NOMINATED AS PERSONAL REPRESENTATIVE** shall be entitled to receive [his] necessary expenses and disbursements from the estate regardless of the outcome of the proceeding.

8–103.

(a) Except as otherwise expressly provided by statute with respect to claims of the United States [and] **OR** the State, [all claims] **A CLAIM** against an estate of a decedent, whether due or to become due, absolute or contingent, liquidated or unliquidated, founded on contract, tort, or other legal basis, [are] **IS** forever barred against the estate, the personal representative, and the heirs and legatees, unless presented within the earlier of the following dates:

(1) 6 months after the date of the decedent's death; or

(2) 2 months after the personal representative mails or otherwise delivers to the creditor a copy of a notice in the form required by § 7–103 of this article or other written notice, notifying the creditor that [his] **THE** claim will be barred unless [he] **THE CREDITOR** presents the claim within 2 months [from] **AFTER** the mailing or other delivery of the notice.

(b) A claim for slander against an estate of a decedent [which] **THAT** arose before the death of the decedent is barred even if an action was commenced against and service of process was effected on the decedent before [his] **THE DECEDENT'S** death.

(c) A claim against the estate based on the conduct of or a contract with a personal representative is barred unless an action is commenced against the estate within [six] **6** months [of] **AFTER** the date the claim arose.

(d) Nothing in this section shall affect or prevent an action or proceeding to enforce a mortgage, pledge, judgment or other lien, or security interest [upon] **ON** property of the estate.

(e) If the decedent had been duly served with process before [his] **THE DECEDENT'S** death, nothing in this section shall affect an action for injuries to the person [and/or] **OR** damage to property [which] **THAT** was commenced against the decedent.

**REVISOR'S NOTE:** In the introductory language of subsection (a) of this section, the reference to claims of "the United States or the State" is substituted for the former reference to claims of "the United States and the State" for accuracy.

8–104.

(b) (1) The claimant may deliver or mail to the personal representative a verified written statement of the claim indicating its basis, the name and address of the claimant, and the amount claimed.

(2) If the claim is not yet due, the date when it will become due shall be stated.

(3) If the claim is contingent, the nature of the contingency shall be stated.

(4) If the claim is secured, the security shall be described.

(5) The failure of the claimant to comply with the provisions of this section or with the reasonable requests of the personal representative for additional information may be a basis for disallowance of a claim in the discretion of the court.

(c) (1) The claimant may file a verified written statement of the claim, substantially in the **FOLLOWING** form [contained in this subsection.]:

**“CLAIM AGAINST ESTATE OF DECEDENT**

**THE BELOW-NAMED CREDITOR CERTIFIES THAT THERE IS DUE AND OWING BY \_\_\_\_\_, DECEASED, IN ACCORDANCE WITH THE STATEMENT OF ACCOUNT ATTACHED AS A PART OF THIS STATEMENT, THE SUM OF \_\_\_\_\_, TOGETHER WITH INTEREST AT THE RATE OF \_\_\_\_\_ FROM \_\_\_\_\_ UNTIL PAID, AND THAT THE ACCOUNT IS CORRECT AS STATED AND IS UNPAID.**

**ON BEHALF OF THE BELOW NAMED CREDITOR, I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE INFORMATION AND REPRESENTATIONS MADE IN THE CLAIM AND THE ACCOUNT ARE TRUE AND CORRECT ACCORDING TO MY KNOWLEDGE, INFORMATION, AND BELIEF.**

\_\_\_\_\_  
(NAME OF CREDITOR)

\_\_\_\_\_  
(SIGNATURE OF CREDITOR OR PERSON AUTHORIZED TO MAKE VERIFICATION ON BEHALF OF CREDITOR)”.

(2) If the claim is filed [prior to] **BEFORE** the appointment of the personal representative, the claimant may file [his] **THE** claim [with]:

(I) **WITH** the register in the county in which the decedent was domiciled; or [in]

(II) IN any county in which [he] THE DECEDENT resided on the date of [his] THE DECEDENT’S death or in which real property or a leasehold interest in real property of the decedent is located.

(3) If the claim is filed after the appointment of the personal representative, the claimant shall file [his] THE claim with the register of the county in which probate proceedings are being conducted and shall deliver or mail a copy of the statement to the personal representative.

[CLAIM AGAINST ESTATE OF DECEDENT.

The below-named creditor certifies that there is due and owing by ..., deceased, in accordance with the statement of account attached as a part of this statement the sum of ..., together with interest at the rate of ... from ... until paid, and that the account is correct as stated and is unpaid.

On behalf of the below-named creditor, I do solemnly declare and affirm under the penalties of perjury that the information and representations made in the claim, and the account are true and correct according to my knowledge, information, and belief.

.....  
(Name of Creditor)

.....  
(Signature of creditor or person  
authorized to make verification  
on behalf of creditor)]

(d) (1) When a cause survives death, the claimant is not required to file a claim under subsection (b) or (c) of this section.

(2) [He] THE CLAIMANT may commence an action against the estate or against a person to whom property has been distributed, but the commencement of the action [must] SHALL occur within the time limited for the filing of claims.

8-105.

(b) (1) A preference [shall] MAY not be given in the payment of a claim over another claim of the same class.

(2) A claim due and payable is not entitled to a preference over claims not yet due.

8-106.

(d) (1) If the funeral expenses are not paid within [six] 6 months, the creditor may petition the court to require the personal representative to show cause why [he] THE PERSONAL REPRESENTATIVE should not be compelled to make the payment.

(2) If the court finds that the claim is valid, it shall fix the amount due and shall order the personal representative to make payment within [ten] **10** days after the order is served [upon] **ON** the personal representative.

8–107.

(a) If a personal representative intends to disallow, in whole or in part, a claim that has been presented within the appropriate time and in the form prescribed in § 8–104(b) or (c) of this subtitle, [he] **THE PERSONAL REPRESENTATIVE** shall mail notice to each claimant stating:

(1) That the claim has been disallowed in whole or in a stated amount; or

(2) That the personal representative will petition the court to determine whether the claim should be allowed.

(b) **(1)** If the claim is disallowed in whole or in a stated amount, the claimant is forever barred to the extent of the disallowance unless [he] **THE CLAIMANT** files a petition for allowance in the court or commences an action against the personal representative or against one or more of the persons to whom property has been distributed.

**(2)** The action shall be commenced within 60 days after the mailing of notice by the personal representative.

**(3)** The notice shall warn the claimant concerning the time limitation.

(c) **(1)** If no action is taken by the personal representative disallowing a claim in whole or in part under subsection (a) of this section, [upon] **ON** the petition of the personal representative or a claimant, the court shall allow or disallow in whole or in part a claim or claims presented to the personal representative or filed with the register in due time and not barred by subsection (a) of this section.

**(2)** Notice in this proceeding shall be given to the claimant, the personal representative, and interested persons as the court directs by order entered at the time the proceeding is commenced.

8–108.

(a) **(1)** [Upon] **ON** the expiration of 6 months from the date of the decedent's death, the personal representative shall pay the claims allowed against the estate in the order of priority prescribed in § 8–105 of this subtitle.

**(2)** The court may extend the time for payment for good cause shown.

**(3)** A person with a valid unbarred claim or with a valid unbarred judgment who has not been paid may petition the court for an order directing the personal

representative to pay the claim to the extent that funds of the estate are available for payment.

(b) The personal representative may pay, at any time, a just claim [which] **THAT** has not been barred, with or without formal presentation, but [he] **THE PERSONAL REPRESENTATIVE** is personally liable to another claimant whose claim is allowed and who is injured by the payment if:

(1) The payment was made before the expiration of the time limit stated in subsection (a) of this section and the personal representative failed to require the payee to give adequate security to refund any part of the payment necessary to pay other claimants; or

(2) The payment was made in a manner to deprive the injured claimant of [his] **THE CLAIMANT'S** priority as a result of negligence or [wilful] **WILLFUL** fault of the personal representative.

8–109.

(a) The individual liability of a personal representative to third parties arising from the administration of the estate is that of an agent for a disclosed principal, as distinguished from [his] **THE PERSONAL REPRESENTATIVE'S** fiduciary accountability to the estate.

(b) A personal representative is not individually liable on contracts properly entered into in [his] **THE PERSONAL REPRESENTATIVE'S** fiduciary capacity in the course of administration of the estate unless [he] **THE PERSONAL REPRESENTATIVE** expressly agrees to be.

(c) A personal representative is not individually liable for obligations arising from possession or control of property of the estate or for torts committed in the course of administration of the estate unless [he] **THE PERSONAL REPRESENTATIVE** is personally at fault.

(d) Claims based [upon] **ON** contracts, obligations, and torts of the types described in subsections (b) and (c) of this section may be allowed against the estate whether or not the personal representative is individually liable.

(g) When the court allows a claim against the personal representative individually, the allowance has the same effect as a judgment against [him] **THE PERSONAL REPRESENTATIVE**.

(h) **(1)** A personal representative may appoint a meeting of creditors whose claims have been filed under the provisions of § 8–104(b) or (c) of this subtitle on a day designated by order of the court.

(2) Written notice of the time, date, place, and purpose of the meeting shall be given at least [ten] **10** days before the date **OF THE MEETING**.

(3) The approval of part or all of the claims of creditors represented at the meeting shall be made under the direction and control of the court, and the payment of a claim as approved by court order shall protect and indemnify the personal representative acting in obedience to it.

(4) [The] **A COURT** order **ISSUED UNDER PARAGRAPH (3) OF THIS SUBSECTION** is subject to appeal.

(i) [No] **AN** action [shall] **MAY NOT** be brought to charge a personal representative [upon] **ON** any special promise to answer damages out of [his] **THE PERSONAL REPRESENTATIVE'S** own estate, unless the contract or agreement [upon] **ON** which the action is brought, or some memorandum or note of it, is in writing and signed by the party to be charged, or some other person lawfully authorized by [him] **THE PERSONAL REPRESENTATIVE**.

REVISOR'S NOTE: In subsection (h)(2) of this section, the reference to the date "of the meeting" is added for clarity.

8–110.

(a) [Upon] **ON** proof of an unsecured claim [which] **THAT** will become due at some future time, and [which] **THAT** has not been compromised pursuant to § 7–401 of this article or authority conferred by the will, the court shall direct the investment of an amount [which] **THAT** will provide for the payment of the claim when it becomes due.

(b) When a creditor holds a security for an allowable claim due at some future time [he] **THE CREDITOR** may rely on [his] **THE CREDITOR'S** rights under § 8–111 of this subtitle or may file [his] **A** claim as an unsecured claim not yet due, with the right of withdrawing the claim [prior to] **BEFORE** the taking of action [upon] **ON** it, and rely on [his] **THE CREDITOR'S** rights as provided in § 8–111 of this subtitle after the withdrawal.

8–111.

(a) (1) Payment of a secured claim shall be [upon] **ON** the basis of the full amount if the creditor shall surrender [his] **THE CREDITOR'S** security.

(2) If payment is not made on [this basis] **THE BASIS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION**, it shall be made as provided in subsection (b) or (c) of this section.

(b) If during administration, the creditor exhausts the security before receiving payment, [he] **THE CREDITOR** is entitled to the full amount of [his] **THE CREDITOR'S** allowed claim less the amount realized [upon] **ON** exhausting the security.

(c) If the creditor has not then exhausted, or does not have the right to exhaust [his] **THE CREDITOR'S** security, [he] **THE CREDITOR** is entitled to the full amount of [his] **THE CREDITOR'S** allowed claim less the value of the security determined by agreement, or as the court determines.

8-112.

(a) **(1)** If a contingent claim becomes absolute before the distribution of the estate, [it] **THE CONTINGENT CLAIM** shall be paid in the same manner as absolute claims of the same class.

**(2)** In other cases, if a petition is filed with the court by the personal representative or the claimant, the court may provide for payment in the manner provided in subsections (b), (c), (d), or (e) of this section.

(b) The creditor and personal representative may determine, by agreement, arbitration, or compromise, the value of the claim according to its probable present worth, and, [upon] **ON** approval by the court, [it] **THE VALUE OF THE CLAIM** may be allowed and paid in the same manner as an absolute claim.

(d) **(1)** The court may order distribution of the estate as though the contingent claim did not exist, but the distributees are liable to the creditor to the extent of the estate received by them, if the contingent claim becomes absolute.

**(2)** The court may require the distributees to give bond for the satisfaction of their liability to the contingent creditor.

8-114.

(a) An execution or a levy [shall] **MAY** not issue nor be made against property of the estate under a judgment against a decedent or a personal representative.

(b) The provisions of this section do not apply to the enforcement of mortgages, pledges, liens, or other security interests [upon] **ON** property in an appropriate proceeding.

9-102.

(a) A trustee appointed by will to execute a trust contained in it may decline to accept the appointment by filing a statement of renunciation with the register of the county in which the will is admitted to probate before [he] **THE TRUSTEE** receives property or performs an act pursuant to the trust.

(b) (1) Unless the will provides otherwise, the trust shall thereafter be administered as if the trustee had not been appointed.

(2) The renunciation [shall] **MAY** not be construed to release or impair the right of the person to a legacy under the will by which [he] **THE PERSON** was appointed trustee, unless the legacy is expressly declared in the will to be compensation for [his] **THE PERSON'S** services as trustee.

(c) Unless the will provides otherwise, in all cases not provided for in this section, a trustee may renounce or resign [his] **THE TRUSTEE'S** trust only in accordance with the Maryland Rules.

9–103.

(a) [As used in] **IN** this section, “legacy” or “legacies” [may] **DOES** not include assets passing by the exercise of the decedent of a testamentary power of appointment.

(b) (1) Unless a contrary intent is expressed in the will and except as provided in §§ 3–208 and 3–303 of this article and subsection (c) of this section, shares of legatees abate without preference or priority as between real and personal property, in the **FOLLOWING** order [provided in this subsection.]:

[(1)] (I) Property not disposed of by the will[.];

[(2)] (II) Residuary legacies[.];

[(3)] (III) General legacy, other than items [(4), (5), and (6) of this subsection,] **(IV), (V), AND (VI) OF THIS PARAGRAPH;**

[(4)] (IV) General legacy to dependents of testator[.];

[(5)] (V) General legacy to creditor of testator in satisfaction of a just debt[.];

[(6)] (VI) General legacy to surviving spouse of testator[.]; **AND**

[(7)] (VII) Specific and demonstrative legacies.

(2) Abatement within each classification is in proportion to the amounts of property each of the legatees or heirs would have received, had full distribution of the property been made in accordance with the terms of the will.

9–104.

(b) A specific legatee shall receive distribution of the legacy given to [him] **THE SPECIFIC LEGATEE**.

(c) A family allowance or that [portion] **PART** of an intestate share, statutory share, or legacy that is otherwise payable in cash may be satisfied by value in kind provided:

(1) The person entitled to the payment has not demanded payment in cash;

(2) The property distributed in kind is valued at fair market value as of the date of its distribution; and

(3) A residuary legatee has not requested that the asset in question remain a part of the residue of the estate.

9-106.

(b) **(1)** Unless the distribution can no longer be questioned because of adjudication or limitations, a distributee of property improperly distributed is liable to return the property received if [he] **THE DISTRIBUTEE** has it or its value.

**(2)** If a distributee has disposed of property improperly distributed to [him his] **THE DISTRIBUTEE, THE DISTRIBUTEE'S** liability is the lower of the value of the property on the date of distribution or the value on the date of disposition.

(c) **(1)** If property distributed in kind is sold to a purchaser for value by a distributee who has received an instrument or deed of distribution from the personal representative, the purchaser takes good title free of claims of the estate and incurs no personal liability to the estate.

**(2)** To be protected under [this provision] **PARAGRAPH (1) OF THIS SUBSECTION**, a purchaser need not inquire whether a personal representative acted properly in respect to a distribution in kind.

9-107.

(a) **(1)** When two or more heirs or legatees are entitled to distribution of undivided interests in property of the estate, the personal representative or one or more of the heirs or legatees may petition the court [prior to] **BEFORE** the formal or informal closing of the estate, to make partition.

**(2)** After notice to the interested heirs or legatees, the court shall partition the property in the same manner as provided by law for civil actions of partition.

9-109.

(a) (1) Whenever money is distributable by a personal representative to a minor and there is no judicially appointed guardian of the property of the minor, the court may order that the cash be deposited in a banking institution or insured savings and loan association formed under the laws of the [state] **STATE** or in the [state] **STATE** under the laws of the United States, in which it may draw interest, in the name of the minor, subject to the further order of the court.

(2) The banking institution or association shall be named in the order.

(3) The personal representative shall deliver the account book to the person or to such person, including the register, as the personal representative with the approval of the court, considers responsible and appropriate.

(4) When the minor reaches the age of 18 or a guardian is appointed, the funds deposited and the account book shall be delivered to the minor, or to the guardian.

(b) (1) In addition to the procedures in subsection (a) of this section, whenever a personal representative is required to distribute property to a minor as defined in § 13–301(k) of this article, the personal representative, with the approval of the court, may transfer the property to a custodian who shall hold or dispose of the property in accordance with the provisions of the Maryland Uniform Transfers to Minors Act.

(2) The personal representative shall, subject to the approval of the court, designate the custodian, who shall be an adult or a trust company.

(c) Whenever a personal representative is required to distribute tangible personal property to a person under **THE AGE OF** 18 years [of age] and there is no guardian of the minor, the personal representative may distribute it to the person whom the personal representative, with the approval of the court, considers responsible and appropriate, and under the conditions set forth in the order of the court.

(d) If a guardian has been appointed for a minor, payment may be made to the guardian [upon] **ON** the filing of a copy of [his] **THE GUARDIAN’S** authority authenticated pursuant to 28 U.S.C. § 1738.

9–111.

[Upon] **ON** making a distribution, a personal representative may, but is not required to, obtain a verified release from the heir or legatee.

9–112.

(a) (1) If the personal representative cannot obtain agreement from all interested persons entitled to share in the distribution of the property, [he] **THE PERSONAL REPRESENTATIVE** may apply to the court to make distribution.

(2) The court shall designate a day and direct the giving of notice to all interested persons concerned.

(3) The court may appoint two disinterested individuals, not related to the interested persons to make an appropriate division for distribution, or recommend to the court a sale of part or all of the property, and the court shall direct the distribution it considers appropriate.

(c) [In the event] **IF** the personal representative has reason to believe that there may be one or more interested persons whose names or addresses are not known to [him] **THE PERSONAL REPRESENTATIVE**, or if it is not known to [him] **THE PERSONAL REPRESENTATIVE** if an interested person is still surviving, [he] **THE PERSONAL REPRESENTATIVE** may appoint a meeting of all interested persons to be held on a day the court designates.

(d) (1) The personal representative shall give notice to all interested persons known to [him] **THE PERSONAL REPRESENTATIVE**, and shall publish a notice of the meeting once a week in [three] **3** successive weeks, in a newspaper of general circulation in the county of [his] **THE PERSONAL REPRESENTATIVE'S** appointment, stating the time, date, place, and purpose of the meeting which shall be held no sooner than 20 days after the first publication.

(2) The personal representative shall also take other steps and make other efforts to learn the names and addresses of additional interested persons as the court considers appropriate under the circumstances.

(e) (1) On the date of the meeting, distribution of the net estate shall be made under the direction and control of the court.

(2) Distribution by the personal representative in accordance with the direction of the court at the meeting protects and indemnifies the personal representative acting in obedience to it.

9–201.

(b) “Beneficiary designation” means an instrument, other than an instrument creating a trust, naming the beneficiary of:

(2) An account with a designation for payment [upon] **ON** death;

9–202.

(a) (2) A person may disclaim the interest or power even if the creator imposed a spendthrift provision or similar restriction [upon] **ON** transfer or a restriction or limitation on the right to disclaim.

(b) (2) A fiduciary may disclaim the interest or power even if the creator imposed a spendthrift provision or similar restriction [upon] **ON** transfer or a restriction or limitation on the right to disclaim, or an instrument other than the instrument that created the fiduciary relationship imposed a restriction or limitation on the right to disclaim.

9–203.

(e) [Upon] **ON** the disclaimer of a preceding interest, a future interest held by a person other than the disclaimant takes effect as if the disclaimant had died or ceased to exist immediately before the time of distribution, but a future interest held by the disclaimant is not accelerated in possession or enjoyment.

9–204.

(a) [Upon] **ON** the death of a holder of jointly held property, a surviving holder may disclaim in whole or in part, the greater of:

(1) A fractional share of the property determined by dividing the number one by the number of joint holders alive immediately before the death of the holder to whose death the disclaimer relates; or

(2) All of the property except that part of the value of the entire interest attributable to the contribution furnished by the disclaimant.

10–101.

(a) **(1)** The final approval of the final account automatically closes the estate.

**(2)** If the final account so requests, it also automatically terminates the appointment of the personal representative.

(b) **(1)** If the appointment is not terminated by the final account, a personal representative may, after the time has passed for presenting claims which arose [prior to] **BEFORE** the death of the decedent, petition the court for an order to terminate [his] **THE PERSONAL REPRESENTATIVE’S** appointment as personal representative.

**(2)** After notice to all interested persons including creditors who have presented their claims and legatees who have not been paid in full, the court may enter an appropriate order if a written request for a hearing has not been filed within 20 days.

10–102.

**(A)** After an estate has been closed, a claim not barred may be prosecuted against one or more of the persons to whom property has been distributed.

(B) An heir or legatee shall not be liable to claimants for amounts in excess of the value of [his] **THE HEIR'S OR LEGATEE'S** distribution, valued at the time of distribution or the time of filing suit, whichever is lower.

(C) (1) An heir or legatee has a right of contribution against other heirs and legatees[; between them].

(2) **BETWEEN THE HEIRS AND LEGATEES UNDER PARAGRAPH (1) OF THIS SUBSECTION**, each shall bear the cost of satisfaction of unbarred claims as if the claim had been satisfied before distribution.

10-104.

(A) If property is discovered after an estate has been closed and the appointment of the personal representative has been terminated pursuant to § 10-101 of this subtitle, the court, [upon] **ON** petition of an interested person and [upon] **ON** such notice as it may direct, may appoint the same or a successor personal representative and make other appropriate orders.

(B) Further proceedings shall be conducted pursuant to the provisions of the estates of decedents law as may be applicable, but no claim previously barred may be asserted in the reopened administration.

11-101.

(A) Any contingent remainder arising under any will or inter vivos transfer shall be capable of taking effect, regardless of the determination of any preceding estate of freehold, in the same manner and in all respects as if the determination had not happened.

(B) It is not necessary to appoint trustees to support the contingent remainder in order to prevent the destruction of it.

11-103.

(a) (1) In applying the rule against perpetuities to an interest limited to take effect at or after the termination of one or more life estates in, or lives of, persons in being when the period of the rule commences to run, the validity of the interest shall be determined on the basis of facts existing at the termination of one or more life estates or lives.

(2) In this section an interest which must terminate not later than the death of one or more persons is a "life estate" even though it may terminate at an earlier date.

11-105.

(b) (1) Death benefits may be made payable to the trustee under a trust agreement, or declaration of trust in existence at the time of the death of the insured, employee, or annuitant.

(2) The death benefits shall be held and disposed of by the trustee in accordance with the terms of the trust as they appear in writing on the date of the death of the insured, employee, or annuitant.

(3) It is not necessary to the validity of a trust agreement or declaration of trust, whether revocable or irrevocable, that it have a trust corpus other than the right of the trustee to receive death benefits.

(c) (1) Death benefits may be made payable to the trustee named, or to be named, in a will of the insured or the owner of the policy, or the employee covered by the plan or contract whether or not the will is in existence at the time of the designation.

(2) [Upon] **ON** the admission of the will to probate, and the payment of the benefits to the trustee, the benefits shall be held, administered, and disposed of in accordance with the terms of the testamentary trust created by the will.

11–108.

(a) (1) Unless the instrument creating a power of appointment expressly provides to the contrary, the power may be wholly or partially released as to all or a portion of the assets subject to it by an instrument signed by the person holding the power and attested by two witnesses.

(2) If the person is under 18 years of age or is otherwise under disability, a release pursuant to this section may be executed by order of the court having jurisdiction of the person or property of the person under disability.

(e) (1) The register or clerk shall [index]:

(I) **INDEX** and record the release in the same manner as the instrument creating the power of appointment was recorded; and [shall make]

(II) **MAKE** a reference in the margin of the place of recording of the original instrument of the date and place of recording of the release.

(2) The releases shall be subject to the usual fees for indexing and recordation, but shall not be subject to a recordation tax now or hereafter imposed.

12–102.

(a) Unless otherwise specifically provided in another section of the estates of decedents law, the provisions of the estates of decedents law apply as provided in this section.

(b) **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,** Titles 1, 3, 5, 6, 7, 8, 9, and 10 of this article apply to the estate of any decedent dying on or after January 1, 1970[, except the].

**(2) THE** last sentence of § 7-502(a) of this article shall apply only if the personal representative gives [the] notice **AS REQUIRED** after July 1, 1974.

(c) Title 2 of this article applies, in every instance, on and after January 1, 1970.

(d) **(1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH,** Title 4 of this article applies to any will executed on or after 12:01 a.m. on January 1, 1970[, except that §].

**(II) SECTION 4-105** of this article applies to any act or acts of revocation occurring on or after January 1, 1970.

**(2) (I) [As] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AS** to the rules relating to any will executed before January 1, 1970, the law before January 1, 1970 shall be applicable[, except that §].

**(II) SECTION 4-403** of this article applies to the legacy of any testator who dies on or after July 1, 1983.

**(3) (I)** The provisions of § 4-411 of this article apply to a legacy made by a testator living on June 1, 1959, or born after that date without regard to the date of the execution of the will, the trust instrument, or an amendment to [it] **THE WILL OR TRUST INSTRUMENT.**

**(II)** Section 4-411 of this article [shall] **MAY** not be construed as casting doubt [upon] **ON** the validity of:

**[(1)] 1.** [a] A legacy made by a testator who died [prior to] **BEFORE** June 1, 1959[.]; or

**[(2)] 2.** [a] A legacy [which] **THAT** does not come within the provisions of the section.

(e) **(1)** Section 11-101 of this article applies to a will or inter vivos transfer executed on or after July 1, 1929.

[(f)] (2) Section 11–102(b)(2) of this article applies to a will or inter vivos instrument executed on or after January 1, 1970.

[(g)] (3) Section 11–103 of this article applies to:

[(1)] (I) [an] AN inter vivos instrument [which] THAT took effect on or after June 1, 1960;

[(2)] (II) [a] A will where the testator died after [that date] JUNE 1, 1960; or

[(3)] (III) [any] ANY appointment made after [that date] JUNE 1, 1960, including an appointment by inter vivos instrument or will under powers created before [that date] JUNE 1, 1960.

[(h)] (4) Section 11–104 of this article applies to a will or inter vivos conveyance executed after May 31, 1912.

[(i)] (5) Section 11–106 of this article applies to the estate of any decedent dying on or after June 1, 1967.

[(j)] (6) (I) Section 11–107 of this article applies to the estate of any decedent dying on or after January 1, 1970.

(II) As to the estate of a decedent dying between October 1, 1964 and December 31, 1969, the provisions of Chapter 918 of the Acts of 1965 apply.

[(k)] (7) Section 11–108 of this article applies to any releases executed on or after January 1, 1970.

[(l)] Section 7–308 of the Tax – General Article applies to the estate of any decedent dying on or after June 1, 1965.]

[(m)] (8) Every provision of Title 11 of this article not specifically mentioned in this [section] SUBSECTION became applicable on January 1, 1970.

**(F) SECTION 7–308 OF THE TAX – GENERAL ARTICLE APPLIES TO THE ESTATE OF ANY DECEDENT DYING ON OR AFTER JUNE 1, 1965.**

REVISOR’S NOTE: In subsection (b)(2) of this section, the reference to “notice as required” is substituted for the former reference to “the notice” for clarity.

12–103.

Except as otherwise provided in this title[, the]:

(1) **THE** administration on or after July 1, 1974 of estates of persons who died before July 1, 1974 shall be governed by those statutes in effect before July 1, 1974[,]; and [the]

(2) **THE** administration on or after January 1, 1970 of estates of persons who died before January 1, 1970 shall be governed by those statutes in effect before January 1, 1970.

13-101.

(g) “Emergency” means that a person is living in conditions which present a substantial risk of death or immediate and serious physical harm to [himself] **THE PERSON** or others.

(k) (1) “Interested person” means the guardian, the heirs of the minor or disabled person, any governmental agency paying benefits to the minor or disabled person, or any person or agency eligible to serve as guardian of the disabled person under § 13-707 of this title.

(2) If an interested person is also a minor or a disabled person, [interested person] “**INTERESTED PERSON**” also includes a judicially appointed guardian, committee, conservator, or trustee for that person, or, if none, the parent or other person having assumed responsibility for that person.

13-102.

(A) The purposes of this title are [to]:

(1) **TO** simplify the administration of the estates of minors and disabled persons[, to];

(2) **TO** reduce the expenses of administration[, to];

(3) **TO** clarify the law governing the estates of minors and disabled persons[,]; and [to]

(4) **TO** eliminate certain provisions of existing law which are archaic, often meaningless under modern procedures, and no longer useful.

(B) This article shall be liberally construed and applied to promote its underlying purposes.

13-106.

(b) (1) The orphans' court, under the pretext of incidental power or constructive authority, may not exercise jurisdiction not expressly conferred by law.

(2) The orphans' court is governed by the provisions of §§ 2–102 through 2–105 of this article.

13–201.

(a) [Upon] **ON** petition, and after any notice or hearing prescribed by law or the Maryland Rules, the court may appoint a guardian of the property of a minor or a disabled person.

(b) A guardian shall be appointed if the court determines that:

(1) A minor owns or is entitled to property that requires management or protection; or

(2) Funds are needed for [his] **THE MINOR'S** support, care, welfare, and education and protection is necessary or desirable to obtain or provide funds.

(c) A guardian shall be appointed if the court determines that:

(1) The person is unable to manage [his] **EFFECTIVELY THE PERSON'S** property and affairs [effectively] because of physical or mental disability, disease, habitual drunkenness, addiction to drugs, imprisonment, compulsory hospitalization, detention by a foreign power, or disappearance; and

(2) The person has or may be entitled to property or benefits which require proper management.

13–203.

(a) (1) While a petition for appointment of a guardian or other protective order is pending, the court may preserve and apply the property of the alleged disabled person or minor as may be required.

(2) The court need not give notice to other persons.

(b) (1) The court may not exercise the power conferred by subsection (a) of this section unless it appears from specific facts shown by affidavit that immediate, substantial, and irreparable injury will result to the applicant or to the minor or disabled person before an adversary hearing can be held.

(2) The court may communicate informally with the minor or disabled person [prior to] **BEFORE** taking action.

- (3) Any order shall be served immediately on the minor or disabled person.

13-205.

An adjudication under this subtitle shall have no bearing on the issue of [capacity of] **WHETHER** the alleged disabled person [to care for his own person] **HAS THE CAPACITY FOR SELF-CARE**.

REVISOR'S NOTE: The reference to the issue of "whether the alleged disabled person has the capacity for self-care" is substituted for the former reference to the issue of "capacity of the alleged disabled person to care for his own person" for clarity and to avoid the use of gender-specific terminology.

13-206.

(c) (1) **(I)** The appointment and qualification of a guardian vests in [him] **THE GUARDIAN** title to all property of the minor or protected person that is held at the time of appointment or acquired later.

**(II)** The appointment is not a transfer or alienation within the meaning of any federal or State statute or regulation, insurance policy, pension plan, contract, will, or trust instrument that imposes restrictions on or penalties for transfer or alienation by the minor or disabled person of [his] **THE MINOR OR DISABLED PERSON'S** rights or interest.

**(III)** A guardian shall utilize powers conferred by this subtitle to perform [the] services, exercise [his] discretion, and discharge [his] **THE GUARDIAN'S** duties for the best interest of the minor or disabled person or [his] **THE MINOR OR DISABLED PERSON'S** dependents.

13-207.

(a) Persons are entitled to appointment as guardian for a minor or disabled person according to the following priorities:

(1) A conservator, committee, guardian of property, or other like fiduciary appointed by any appropriate court of any foreign jurisdiction in which the minor or disabled person resides;

(2) A person or corporation nominated by the minor or disabled person if [the]:

**(I)** **THE** designation was signed by the minor or disabled person [after his 16th birthday] **WHEN THE MINOR OR DISABLED PERSON WAS AT LEAST 16 YEARS OLD[,]; and[, in]**

(II) IN the opinion of the court, [he] **THE MINOR OR DISABLED PERSON** had sufficient mental capacity to make an intelligent choice at the time [he] **THE DESIGNATION WAS** executed [the designation];

(3) [His] **THE MINOR OR DISABLED PERSON’S** spouse;

(4) [His] **THE MINOR OR DISABLED PERSON’S** parents;

(5) A person or corporation nominated by the will of a deceased parent;

(6) [His] **THE MINOR OR DISABLED PERSON’S** children;

(7) The persons who would be [his] **THE MINOR OR DISABLED PERSON’S** heirs if [he] **THE MINOR OR DISABLED PERSON** were dead;

(8) A person or corporation nominated by a person [who], [or] institution, organization, or public agency [which,] **THAT** is caring for [him] **THE MINOR OR DISABLED PERSON**;

(9) A person or corporation nominated by a governmental agency [which] **THAT** is paying benefits to [him] **THE MINOR OR DISABLED PERSON**; and

(10) Any other person considered appropriate by the court.

(b) (1) A person specified in a priority in subsection (a)(1), (3), (4), (6) or (7) of this section may waive and nominate in writing a person or corporation to serve in [his] **THE SPECIFIED PERSON’S** stead.

(2) A nominee of a person holding a priority has the same priority as the person making the nomination.

(c) (1) Among persons with equal priority, the court shall select the one best qualified of those willing to serve.

(2) For good cause the court may pass over a person with priority and appoint a person with less priority or no priority.

(d) (1) [Nonresidence] **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, NONRESIDENCE** does not disqualify any person from serving as guardian.

(2) Any nonresident who is appointed cannot qualify until [he has on file] **THE NONRESIDENT FILES** with the register or clerk an irrevocable designation by [him] **THE NONRESIDENT** of an appropriate person who resides in the State on whom service of process may be made in the same manner and with the effect as if it were served personally in the State on the nonresident.

(e) The court may not name an official or employee of a local department of social services, the State Department of Human Services, a local area agency on aging as defined in § 10–101 of the Human Services Article, or the Department of Aging as guardian of the estate.

13–208.

(e) (1) The penalty of the bond [shall] **MAY** not be greater than the aggregate value of the property of the estate under the control of the guardian, less the value of securities or money deposited in a financial institution as defined in § 13–301(h) of this title under arrangements requiring an order of the court for their removal, and the value of any land which the guardian, by express limitation of power, lacks power to sell or convey without court authorization.

(2) The court may, in lieu of sureties on a bond, accept other security for the performance of the bond, including a pledge of securities or a mortgage of land.

(3) The court may at any time, subject to the maximum penalty provided by this section, require the amount of the bond, or the type or value of security, to be changed.

(4) The approval of a new bond [shall] **MAY** not discharge a bond filed previously from any liability which may have accrued before approval.

13–211.

(b) Unless the alleged disabled person has **CHOSEN** counsel [of his own choice], the court shall appoint an attorney to represent [him] **THE ALLEGED DISABLED PERSON** in the proceeding.

13–212.

[In the administration of the estate and the exercise of his powers, a] **A** guardian shall exercise the care and skill of [a man] **A PERSON** of ordinary prudence dealing with [his] **THE PERSON’S** own property **IN THE ADMINISTRATION OF THE ESTATE AND THE EXERCISE OF THE GUARDIAN’S POWERS.**

13–214.

(b) (3) Income and principal also may be paid or applied [for]:

(I) **FOR** the benefit of persons legally dependent [upon] **ON** the minor or disabled person; and[, with]

(II) **WITH** the approval of the court, for the benefit of other persons maintained and supported in whole or in part by the disabled person [prior to] **BEFORE** the appointment of a guardian.

13–215.

(A) Any limitation on the powers of a guardian contained in a will or other instrument which nominated a guardian should ordinarily be imposed by the court on the guardian.

(B) If the court limits any power conferred on the guardian by § 13–214 of this subtitle or § 15–102 of this article, the limitation shall be endorsed [upon his] **ON THE** letters of appointment.

13–216.

(a) If the exercise of a power is improper, the guardian is liable for breach of [his] **THE GUARDIAN’S** fiduciary duty to the minor or disabled person or to interested persons for resulting damage or loss to the same extent as a trustee of an express trust.

(b) The rights of purchasers and others dealing with a guardian shall be determined as provided in § 13–219 of this subtitle and are not necessarily affected by [the fact that the guardian breached his] **THE GUARDIAN’S BREACH OF** fiduciary duty in the transaction.

13–217.

(a) **(1)** Letters of guardianship may be recorded in the land records of the county of residence of the minor or disabled person and of any other county where there is real estate in which the estate has an interest.

**(2)** The recordation has the same effect as notice as recording a conveyance from the minor or disabled person to the guardian.

13–218.

(a) **(1)** Except in unusual circumstances and as provided in subsection (b) of this section, the guardian is entitled to the same compensation and reimbursement for actual and necessary expenses as the trustee of a trust.

**(2)** No petition or hearing is required to entitle the guardian to compensation and expenses.

**(3)** [Upon] **ON** the petition of any interested person and [upon] **ON** a finding by the court that unusual circumstances exist, the court may increase or decrease compensation.

13-219.

(A) In the absence of actual knowledge or of reasonable cause to inquire whether the guardian is improperly exercising [his] **THE GUARDIAN'S** power, a person dealing with the guardian need not inquire whether the guardian is exercising it properly, and is protected as if the guardian properly exercised the power, except that every person is charged with actual knowledge of any limitations endorsed on the letters of guardianship.

(B) A person need not see to the proper application of estate assets paid or delivered to a guardian.

13-220.

(a) The appointment of a guardian terminates when the guardianship terminates under § 13-221 of this subtitle and may be terminated sooner by [his] **THE GUARDIAN'S** death, disability, resignation, or removal.

(b) Termination of appointment of a guardian has the effects provided in this section.

(C) (1) (I) Termination ends the right and power pertaining to the office of guardian.

(II) Unless otherwise ordered by the court, a guardian whose appointment has been terminated shall perform acts necessary to protect the estate and deliver the property to the successor guardian.

(2) Subject to the provisions of the Maryland Rules, termination does not discharge a guardian from liability for transactions or omissions occurring before termination, or relieve [him] **THE GUARDIAN** of the duty to preserve, account for, and deliver to [his] A successor property subject to [his] **THE GUARDIAN'S** control.

(3) All lawful acts of a guardian before the termination of [his] appointment shall remain valid and effective.

[(c)] (D) (1) The death of a guardian or the decree of a court of competent jurisdiction that [he] A **GUARDIAN** is under legal disability shall terminate [his] **THE GUARDIAN'S** appointment.

(2) The personal representative of a deceased guardian or the person appointed to protect the estate of a guardian under legal disability shall [have]:

(I) **HAVE** the duty to protect property belonging to the estate being administered by the deceased or disabled guardian[.];

**[(1)] (II)** [He shall have] **HAVE** the power to perform acts necessary for the protection of property[.];

**[(2)] (III)** [He shall immediately] **IMMEDIATELY** account for and deliver the property to a successor guardian[.]; **AND**

**[(3)] (IV)** [He shall apply] **APPLY** immediately to the court for the appointment of a successor guardian to carry on the administration of the estate which was being administered by the deceased or disabled guardian in accordance with the Maryland Rules.

**[(d)] (E)** A guardian who desires to resign [his] **THE GUARDIAN’S** office may do so in accordance with the provisions of the same Maryland Rules by which a fiduciary may resign [his] **THE FIDUCIARY’S** office.

13–221.

(a) The minor or disabled person, [his] **THE MINOR’S OR DISABLED PERSON’S** personal representative, the guardian, or any other interested person may petition the court to terminate the guardianship proceedings.

(b) A guardianship proceeding shall terminate [upon] **ON**:

(1) The cessation of the minority or disability;

(2) The death or presumptive death of the minor or disabled person;

(3) Transfer of all the assets of the estate to a foreign fiduciary; or

(4) Other good cause for termination as may be shown to the satisfaction of the court.

13–222.

(a) **(1)** A guardian, conservator, committee, or other similar fiduciary, appointed by the appropriate court of another jurisdiction to manage the property of a protected person who is a resident of that jurisdiction, may exercise in the State all powers of [his] **THE** office, including the power to [sell]:

**(I)** **SELL**, purchase, or mortgage real estate in the State[, collect];  
**AND**

**(II)** **COLLECT**, receipt for, [and] take possession of [money], **AND REMOVE TO THE OTHER JURISDICTION**:

1. **MONEY** due[, tangible];

2. **TANGIBLE** personal property[.]; or [an]

3. **AN** instrument evidencing a debt, **AN** obligation, **A** stock, or **A** chose in action located in the State[, and remove it to the other jurisdiction].

(2) Subject to any statute or rule relating to nonresidents, [he] **THE GUARDIAN, CONSERVATOR, COMMITTEE, OR OTHER SIMILAR FIDUCIARY, APPOINTED BY THE APPROPRIATE COURT OF ANOTHER JURISDICTION**, may sue and be sued in the State.

(b) Before receiving actual notice of the pendency of a guardianship proceeding in the State, a person who has changed [his] **THE PERSON'S** position by relying on the powers granted by this section may not be prejudiced by the pendency of the proceeding.

13-302.

(a) This subtitle applies to a transfer that refers to [this subtitle] **THE MARYLAND UNIFORM TRANSFERS TO MINORS ACT** in the designation under § 13-309(a) of this subtitle by which the transfer is made if at the time of the transfer the transferor, the minor, or the custodian is a resident of this State or the custodial property is located in this State.

REVISOR'S NOTE: In subsection (a) of this section, the reference to "the Maryland Uniform Transfers to Minors Act" is substituted for the former reference to "this subtitle" for consistency with § 13-309(a) of this subtitle.

13-401.

(b) "Minor" means any person under 18 years of age:

(1) [who] **WHO** actually resided in the State at the time of the happening of the occurrence out of which the claim, action, or judgment arises[.]; or

(2) [who] **WHO** actually resides in the State at the time money is paid to [him] **THE MINOR** or to any person acting for [him] **THE MINOR** because of a claim, action, or judgment in tort.

(c) "Net sum" means [the]:

(1) **THE** net amount due the minor or to any person acting for [him] **THE MINOR** after the deduction of the fee of the attorney and expenses[.]; **OR**

(2) If the minor is not represented by an attorney, [it means] the amount due to the minor or to any person acting for [him] **THE MINOR**, by or on behalf of any person liable.

(d) “The person responsible for the payment of the money” means:

(1) The attorney, if the minor or any person acting for [him] **THE MINOR** is represented by an attorney; or

(2) Any defendant, insurer, or the State under the provisions of the [unsatisfied] **UNSATISFIED** Claim and Judgment Fund Law, if the minor or any person acting for [him] **THE MINOR** is not represented by an attorney.

13–405.

(a) Except [upon] **ON** the order of a circuit court, the financial institution specified in § 13–404(b) of this subtitle may not allow the withdrawal of any of the money except to pay it to the minor [upon his] **ON THE MINOR’S** attainment of the age of 18 years or to pay to the personal representative of [his] **THE MINOR’S** estate [upon] **ON** the death of the minor [prior to his] **BEFORE THE MINOR’S** attaining the age of 18 years.

(b) Payment by any institution or association in accordance with an order of the court, or to a minor on or after [his attaining the age of 18 years] **THE MINOR’S 18TH BIRTHDAY**, or to the personal representative after the death of the minor, is a complete discharge of liability of the institution or association for the money paid.

13–406.

(b) (1) The petition shall be verified and state in detail the purposes for which the withdrawal of the money is desired.

(2) [Upon] **ON** receiving a petition, the court shall make any inquiry necessary before granting or denying the petition in whole or in part.

(e) In its order [upon] **ON** a petition, the court may direct the institution where the funds of the minor are on deposit to make its check to the order of:

(1) The trustee for the use of the minor; or

(2) The person, firm, or organization which has performed or is to perform a service for or furnish goods to the minor.

13–407.

The trustee provided for in this subtitle need not file any accounts of [his] trusteeship with any court.

13-501.

(a) (1) Any person, including but not limited to a personal representative or trustee, who is under a duty to pay or deliver money or tangible personal property to a minor may perform the duty by paying or delivering the money or chattel to the guardian of the minor.

(2) If there is no guardian, or if [he] **THE GUARDIAN** is unknown, payment or delivery in amounts or values not exceeding \$5,000 per annum may be made to the parent or grandparent of the minor with whom [he] **THE MINOR** resides.

(3) If there is no guardian, parent, or grandparent with whom the minor resides, payment or delivery in amounts or values not exceeding \$5,000 per annum may be made to a parent or other person standing in loco parentis with the minor, or deposited in a financial institution described in § 13-301(h) of this title.

(4) The payor is not under a duty to inquire whether the minor has a guardian.

(b) (1) A deposit in a financial institution shall be in the sole name of the minor.

(2) The minor may not withdraw any funds [without]:

(i) **WITHOUT** an order of court; or [until he attains his]

(ii) **UNTIL THE MINOR ATTAINS** majority.

(c) (1) Other than the minor or a financial institution, a person receiving money or property for a minor shall apply the money to the support and education of the minor.

(2) [He] **A PERSON RECEIVING MONEY OR PROPERTY FOR A MINOR** may not ~~pay himself~~ ~~RETAIN FUNDS OR HERSELF~~ except for reimbursement for out-of-pocket expenses for goods and services furnished by others which are necessary for the support of the minor.

(3) Any excess sums shall be preserved for future support of the minor, and any balance not so used and any tangible chattels received for the minor shall be turned over to the minor when [he] **THE MINOR** attains majority.

(d) (1) If a person owes money or property to a minor and pays or delivers it in accordance with this section [he], **THE PERSON** is not responsible for the proper application of the money or property.

(2) A release for any distribution signed by the distributee is a valid release.

~~REVISOR'S NOTE: In subsection (c)(2) of this section, the reference to a person "retain[ing] funds" is substituted for the former reference to a person "pay[ing] himself" for clarity and to avoid the use of gender-specific terminology.~~

13-503.

(a) (1) A minor who holds title to property as a tenant by the entirety with a spouse who has reached the age of majority is authorized to join with the spouse in any deed as defined in § 1-101 of the Real Property Article, note, or financing statement in the same manner and effect as an adult.

(2) This subsection does not affect any right granted in subsection (b) of this section.

(b) A war veteran or member of the armed services, who is a minor, eligible for the benefits of the Servicemen's Readjustment Act of 1944, and amendments to it, for the purpose of obtaining the benefits of the Act, may **[mortgage]:**

(1) **MORTGAGE** real estate [owned by him, buy] **THE ELIGIBLE MINOR OWNS;**

(2) **BUY** real estate and execute a mortgage to cover the purchase money[, execute];

(3) **EXECUTE** a deed for the sale of real estate purchased, or execute notes [or make];

(4) **MAKE** other agreements and do other things as necessary to obtain the benefits of the Act, and amendments to it[.]; and [also may execute]

(5) **EXECUTE** releases of claims in the same manner and effect as an adult.

(c) (1) A minor who [has reached his 15th birthday may] **IS AT LEAST 15 YEARS OLD:**

(I) **MAY** contract for annuities and for life or health insurance on [his] **THE MINOR'S** own life or body, or on the person of another in whom the minor has an insurable interest[. He may];

(II) **MAY** exercise all rights and powers with respect to or under the contract for the annuity or for insurance [upon his] **ON THE MINOR'S** own life or body, or

any contract the minor effected on the person of another issued to the minor as described as though of full legal age of 18 years[. He may surrender his];

(III) **MAY SURRENDER ANY** interest in the contract and give a valid discharge for any benefit accruing or money payable under it[. He is];

(IV) **IS** not entitled to rescind, avoid, or repudiate the contract, or any exercise of a right or privilege because of [his] minority[. He is]; **AND**

(V) **IS** not bound by any unperformed agreement to pay, by promissory note or otherwise, any premium on any insurance contract.

(2) If an estate of a minor is being administered by a guardian, no contract is binding [upon] **ON** the estate as to payment of premiums, unless consented to by the guardian.

(3) Any annuity contract or policy of life or health insurance shall be made payable either to the minor or to [his] **THE MINOR'S** estate or to a person having an insurable interest in the life of the minor.

(4) The provisions of this subsection also apply with respect to property, casualty, and surety insurance contracted for by a minor who [has reached his 15th birthday upon his] **IS AT LEAST 15 YEARS OLD ON THE MINOR'S** own property, liabilities, or other interests.

(d) The absence of specific mention in this subtitle of any power or right granted by law to a minor who [has reached his 15th birthday prior to] **IS AT LEAST 15 YEARS OLD BEFORE** the enactment of this subtitle is not intended to affect the existence of the power or right.

13-701.

(A) Unless prohibited by agreement or court order, the surviving parent of a minor may appoint by will one or more guardians and successor guardians of the person of an unmarried minor.

(B) The guardian need not be approved by or qualify in any court.

13-702.

(a) (2) If the minor [has attained his 14th birthday] **IS AT LEAST 14 YEARS OLD**, and if the person otherwise is qualified, the court shall appoint a person designated by the minor, unless the decision is not in the best interests of the minor.

13-703.

(A) The guardian of the person of a minor [shall] **MAY** not be required to post any bond or to file any accounts.

(B) Unless otherwise provided by the will appointing a guardian of the person, [he shall] **THE GUARDIAN OF THE PERSON MAY** not be entitled to any compensation for serving as guardian of the person.

13–705.

(b) A guardian of the person shall be appointed if the court determines from clear and convincing evidence that [a]:

(1) A person lacks sufficient understanding or capacity to make or communicate responsible **PERSONAL** decisions [concerning his person], including provisions for health care, food, clothing, or shelter, because of any mental disability, disease, habitual drunkenness, or addiction to drugs[.]; and [that no]

(2) **NO** less restrictive form of intervention is available [which] **THAT** is consistent with the person’s welfare and safety.

(e) (1) (I) The person alleged to be disabled is entitled to be present at the hearing unless [he] **THE PERSON** has knowingly and voluntarily waived the right to be present or cannot be present because of physical or mental incapacity.

(II) Waiver or incapacity may not be presumed from nonappearance but shall be determined on the basis of factual information supplied to the court by counsel or a representative appointed by the court.

(2) The person alleged to be disabled is also entitled to present evidence and to cross–examine witnesses.

(3) The issue may be determined at a closed hearing without a jury if the person alleged to be disabled or [his] **THE PERSON’S** counsel so requests and all hearings herein shall be confidential and sealed unless otherwise ordered by a court of competent jurisdiction for good cause shown.

REVISOR’S NOTE: In subsection (b)(1) of this section, the reference to “personal decisions” is substituted for the former reference to “decisions concerning his person” for clarity and to avoid the use of gender–specific terminology.

13–707.

(a) Persons are entitled to appointment as guardian of the person according to the following priorities:

(10) (I) For adults less than 65 years old, the director of the local department of social services or, for adults 65 years old or older, the Secretary of Aging or the director of the area agency on aging, except in those cases where the department of social services has been appointed guardian of the person [prior to] **BEFORE** age 65[.]; **AND**

(II) [Upon] **ON** appointment as guardian **UNDER ITEM (I) OF THIS ITEM**, directors of local departments of social services, directors of area agencies on aging, and the Secretary of Aging may delegate responsibilities of guardianship to staff persons whose names and positions have been registered with the court.

(b) (1) A person specified in a priority in subsection (a)(2), (3), (5), or (6) of this section may waive and nominate in writing a person, agency, or corporation to serve in [his] **THE PERSON'S** stead.

(2) A nominee of a person holding priority has the same priority as the person making the nomination.

(c) (1) (I) Among persons with equal priority the court shall select the one best qualified of those willing to serve.

(II) For good cause, the court may pass over a person with priority and appoint a person with a lower priority.

(2) If a guardian of the estate has been appointed, the court may select [him] **THE GUARDIAN OF THE ESTATE** to be guardian of the person, regardless of priority.

(d) (1) [Nonresidence] **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, NONRESIDENCE** does not disqualify any person from serving as guardian of the person.

(2) [However, a] **A** nonresident who is appointed may not qualify until [he has on file] **THE NONRESIDENT FILES** with the register or clerk an irrevocable designation by [him] **THE NONRESIDENT** of an appropriate person who resides in the State on whom service of process may be made in the same manner and with the same effect as if it were served personally in the State on the nonresident.

13-708.

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

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

(2) The right to custody of the disabled person and to establish the disabled person's place of abode within and without the State, provided there is court authorization for any change in the classification of abode, except that, except as provided under § 10–611 of the Health – General Article, no one may be committed to a mental facility without an involuntary commitment proceeding as provided by law;

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

(4) If it is in the best interest of the disabled person, the duty to foster and preserve family relationships including, as appropriate, assisting to arrange visitation and communication by telephone calls, personal mail, and electronic communications;

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

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

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

(8) **(I)** The duty to file an annual or biannual report with the court indicating the present place of residence and health status of the ward, the guardian's plan for preserving and maintaining the future well-being of the ward, and the need for continuance or cessation of the guardianship or for any alteration in the powers of the guardian[.]; **AND**

**(II) ON RECEIPT OF A REPORT UNDER ITEM (I) OF THIS ITEM:**

~~(H)~~ 1. The ~~court shall~~ ~~DUTY TO~~ renew the appointment of the guardian if [it] **THE COURT** is satisfied that the grounds for the original appointment stated in § 13–705(b) of this subtitle continue to exist[.];

2. If the court believes such grounds may not exist, ~~[it]~~ **THE COURT** shall ~~THE DUTY TO~~ hold a hearing, similar to that provided for in § 13-705 of this subtitle, at which the guardian shall be required to prove that such grounds exist[.];

3. If the court does not make these findings, ~~[it]~~ **THE COURT** shall ~~THE DUTY TO~~ order the discontinuance of the guardianship of the person[.]; **AND**

4. If the guardian declines to participate in the hearing, the ~~court may]~~ ~~POWER TO~~ appoint another guardian to replace ~~[him]~~ **THE GUARDIAN** pursuant to the priorities in § 13-707(a) of this subtitle; and

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

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

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

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

13-709.

(a) **(1)** [When] **A LAW ENFORCEMENT OFFICER SHALL TRANSPORT AN ADULT TO AN APPROPRIATE MEDICAL FACILITY, WHICH SHALL IMMEDIATELY NOTIFY THE NEXT OF KIN AND THE DIRECTOR, WHEN,** from personal observation of [a law enforcement] **THE** officer, it appears probable that [an]:

**(I)** **THE** adult will suffer immediate and serious physical injury or death if not immediately placed in a health care facility[, that the];

**(II)** **THE** adult is incapable of giving consent[.]; and [that it]

**(III)** **IT** is not possible to follow the procedures of this section[, the officer shall transport the person to an appropriate medical facility which shall immediately notify the next of kin and the director].

**(2)** [This] **THE** medical care **PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION** may not be rendered in a State mental [hospital] **FACILITY** other than, in an appropriate case, the Walter P. Carter Community Mental Health and Retardation Center and the Highland Health Facility unless authorized by the courts in a civil commitment proceeding.

(3) (I) The director shall file a petition **FOR ANY ADULT TRANSFERRED UNDER THIS SUBSECTION** pursuant to subsection (b) of this section within 24 hours after the transfer of the person has taken place.

(II) The court shall hold a hearing on the petition and render its decision within 48 hours after the transfer has occurred.

(c) In issuing an emergency order, the court shall adhere to the following limitations:

(5) (I) Notwithstanding the provisions of paragraphs (3) and (4) of this subsection, the court may extend the terms of the emergency order and the appointment of the temporary guardian until appointment of a guardian of the person pursuant to § 13–705 of this subtitle, [upon] **ON** petition of the temporary guardian, the director, or the Secretary of Aging, as appropriate, and after a showing that the conditions found to exist in subsection (b) of this section will probably continue beyond the expiration of the extended emergency order[. Such];

(II) A petition **UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH** shall be filed before the expiration of the [six–day] **6–DAY** period provided for in paragraph (3) of this subsection and shall be accompanied by a petition for appointment of a guardian of the person pursuant to § 13–705 of this subtitle[. Such]; **AND**

(III) A petition for appointment of a guardian of the person **UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH** shall be heard on an expedited basis no more than 60 days after the filing of the petition;

(7) (I) To implement an emergency order, the court may authorize forcible entry of the premises of the person for the purpose of rendering protective services or transporting the person to another location for the provision of [such] **PROTECTIVE** services only after a showing to the court that attempts to gain voluntary access to the premises have failed and forcible entry is necessary[.]; **AND**

(II) Persons making authorized forcible entry **UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH** shall be accompanied by a law enforcement officer, the director or [his] **THE DIRECTOR’S** representative, and if appropriate, a representative of the local department of health.

(d) The petition for an emergency order shall set forth [the]:

(1) **THE** name, address, and interest of the petitioner; [the]

(2) **THE** name, age, and address of the person in need of protective services; [the]

(3) **THE** nature of the person's disability, if determinable; [the]

(4) **THE** proposed protective services; [the]

(5) **THE** petitioner's reasonable belief, together with **SUPPORTIVE** facts [supportive thereof], as to the existence of the facts stated in subsection (b)(1) through (3) of this section; and [facts]

(6) **FACTS** showing **THE** petitioner's attempts to obtain the person's consent to the services and the outcomes of [such] **THE** attempts.

(e) (1) Notice of the filing of [such] **THE** petition **FOR AN EMERGENCY ORDER** shall be given as required in the Maryland Rules and to the director.

(2) [Such] **THE** notice shall be given in language reasonably understandable by the intended recipients at least 24 hours [prior to] **BEFORE** the hearing for emergency intervention.

(3) The court may waive the 24-hour notice requirement [upon] **ON** a showing that:

[(1)] (I) [immediate] **IMMEDIATE** and reasonably foreseeable physical harm to the person or others will result from the 24-hour delay[.]; and

[(2)] (II) [reasonable] **REASONABLE** attempts have been made to give [such] notice.

(4) Notice of the court's final order shall be given to the same parties **AS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION**.

(f) (1) The hearing on a petition for an emergency order for protective services shall be held under the following conditions:

(i) 1. The person shall be present unless [he] **THE PERSON** has knowingly and voluntarily waived the right to be present or cannot be present because of physical or mental incapacity[.]; **AND**

2. Waiver or incapacity may not be presumed from nonappearance but shall be determined on the basis of factual information supplied to the court by counsel or a representative appointed by the court[.];

(ii) 1. The person has the right to counsel whether or not [he] **THE PERSON** is present at the hearing[.];

2. Subject to paragraph (2) of this subsection, if the person is indigent or lacks the capacity to waive counsel, the court shall appoint counsel[.]; **AND**

3. [Where] **IF** the person is indigent, the State shall pay reasonable attorney’s fees[.]; **AND**

(iii) 1. The person may present evidence and cross-examine witnesses[.]; **AND**

2. [This] **THE** hearing shall be held no earlier than 24 hours after the notice required in subsection (e) of this section has been given, unless such notice has been waived by the court.

(i) **(1)** [Where] **IF** protective services are rendered on the basis of an emergency order, the temporary guardian shall submit a report describing the circumstances including the name, place, date, and nature of the services, and the use of forcible entry, if any, to the court and the director.

**(2)** [This] **THE** report **UNDER THIS SUBSECTION** shall become part of the court record.

REVISOR’S NOTE: In subsection (a)(2) of this section, the reference to a State “mental facility” is substituted for the former reference to a State “mental hospital” to use the defined term for the title.

In subsection (a)(3)(i) of this section, the reference to filing a petition “for any adult transferred under this subsection” is added for clarity.

In subsection (e)(4) of this section, the reference to notice being given to the same parties “as required under paragraph (1) of this subsection” is added for clarity.

13–801.

(a) The [Administrator] **SECRETARY** of Veterans Affairs shall be an interested person in [any]:

**(1)** **ANY** proceeding for the appointment, removal, or discharge of any guardian who is receiving or expects to receive any money from the [Veterans Administration] **U.S. DEPARTMENT OF VETERANS AFFAIRS** for a minor or disabled person who is a [Veterans Administration] **U.S. DEPARTMENT OF VETERANS AFFAIRS** beneficiary; and [in any]

**(2)** **ANY** suit or other proceeding affecting in any manner the administration by the guardian of the estate of any present or former beneficiary which

includes assets derived in whole or in part from benefits paid by the [Veterans Administration] **U.S. DEPARTMENT OF VETERANS AFFAIRS** to the guardian or [his] **THE GUARDIAN'S** predecessor for the beneficiary.

(b) Notice of a suit or proceeding shall be given to the office of the [Veterans Administration] **U.S. DEPARTMENT OF VETERANS AFFAIRS** having jurisdiction over the area in which the suit or proceeding is pending at least 15 days [prior to] **BEFORE** any hearing unless notice is waived in writing.

13-802.

If a petition is filed for the appointment of a guardian for a minor who is a [Veterans Administration] **U.S. DEPARTMENT OF VETERANS AFFAIRS** beneficiary, a certificate of the [Administrator] **SECRETARY** or [his] **THE SECRETARY'S** authorized representative, setting forth the age of the minor as shown by the records of the [Veterans Administration] **U.S. DEPARTMENT OF VETERANS AFFAIRS** and the fact that appointment of a guardian is a condition precedent to the payment of any moneys due the minor from the [Veterans Administration] **U.S. DEPARTMENT OF VETERANS AFFAIRS** shall be prima facie evidence of the necessity for the appointment.

13-803.

(a) [If the Veterans Administration] **THE COURT, ON THE REQUEST OF THE U.S. DEPARTMENT OF VETERANS AFFAIRS, SHALL REQUIRE A GUARDIAN, OTHER THAN A CORPORATE GUARDIAN, TO FURNISH A BOND, PREFERABLY A CORPORATE SURETY BOND WITH SURETIES APPROVED BY THE COURT, CONDITIONED ON FAITHFUL DISCHARGE OF ALL DUTIES OF THE GUARDIANSHIP ACCORDING TO LAW, IF:**

(1) **THE U.S. DEPARTMENT OF VETERANS AFFAIRS** is paying or planning to pay benefits to a person to be protected because of a legal disability; or [if the]

(2) **A person TO BE PROTECTED BECAUSE OF A LEGAL DISABILITY** has an estate [which] **THAT** includes assets derived in whole or in part from benefits paid by the [Veterans Administration] **U.S. DEPARTMENT OF VETERANS AFFAIRS** to the guardian or [his] **THE GUARDIAN'S** predecessor for the benefit of the person[, the court, upon the request of the Veterans Administration, shall require a guardian, other than a corporate guardian, to furnish a bond, preferably a corporate surety bond with sureties approved by the court, conditioned upon faithful discharge of all duties of the guardianship according to law].

(b) (1) The amount of the bond may not be less than the estate derived from [Veterans Administration] **U.S. DEPARTMENT OF VETERANS AFFAIRS** benefits paid to the guardian or [his] **THE GUARDIAN'S** predecessor and anticipated income of the

beneficiary from the [Veterans Administration] **U.S. DEPARTMENT OF VETERANS AFFAIRS** during the ensuing year, less the value of securities or money deposited with an insured financial institution, as defined in § 13–301(h) of this title, under arrangements requiring an order of the court for their removal, and the value of any land which the guardian, by express limitation of power, lacks powers to sell or convey without court authorization.

(2) The court for good cause shown may require the amount of the bond to be changed.

(3) Bond premiums shall be charged against the estate of the beneficiary.

13–804.

(a) Every guardian of a beneficiary who is receiving benefits from the [Veterans Administration] **U.S. DEPARTMENT OF VETERANS AFFAIRS** or whose estate includes assets derived in whole or in part from benefits paid by the [Veterans Administration] **U.S. DEPARTMENT OF VETERANS AFFAIRS** to the guardian or [his] **THE GUARDIAN’S** predecessor for the beneficiary shall file:

(1) (I) Annual accounts with each interested person or with the court[.];

**OR**

(II) If [he] **THE GUARDIAN** does not file an accounting with the court, [he] **THE GUARDIAN** shall file with the court a written verification that [he] **THE GUARDIAN** has delivered the accounting to each interested person[.];

(2) A final account of [his] **THE GUARDIAN’S** administration with the court [upon his] **ON THE GUARDIAN’S** resignation or removal or [upon] **ON** the termination of the minority or disability[.]; **AND**

(3) Intermediate accounts at the times as the court may direct.

(b) (1) (I) The guardian, at the time of filing any account with the court, shall exhibit all securities or investments [held by him] **THE GUARDIAN HOLDS** to the judge or clerk of the court of [his] **THE GUARDIAN’S** appointment [who].

(II) **THE JUDGE OR CLERK OF THE COURT OF THE GUARDIAN’S APPOINTMENT** shall endorse on the account and copy a certificate that the securities or investments shown therein as held by the guardian were each exhibited to [him] **THE JUDGE OR CLERK OF THE COURT** and noting any omission or discrepancy.

(2) (I) The guardian may exhibit the securities or investments to an officer of the bank or other depository where the securities or investments are held for safekeeping, to the judge or clerk of a court of record in this State, to an authorized

representative of the corporation which is surety on [his] **THE GUARDIAN'S** bond, or [upon] **ON** request of the guardian or other interested party, to any other reputable person designated by the court[, who].

(II) **ANY PERSON TO WHOM THE GUARDIAN EXHIBITED SECURITIES OR INVESTMENTS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH** shall certify in writing that [he] **THE PERSON** has examined the securities or investments and identified them with those described in the account and shall note any omission or discrepancies.

(3) The certificate, and the certificate of an official of the bank in which are deposited any funds for which the guardian is accountable, showing the amount on deposit, shall be prepared and signed in duplicate and one of each shall be filed by the guardian with [his] **THE GUARDIAN'S** account.

(c) (1) At the time of filing in the court any account, a certified copy of it and a signed duplicate of each certificate filed with the court shall be sent by the guardian to the office of the [Veterans Administration] **U.S. DEPARTMENT OF VETERANS AFFAIRS** having jurisdiction over the area in which the court is located.

(2) A duplicate signed copy or a certified copy of any petition, motion or other pleading pertaining to an account, or to any matter other than an account which is filed in a guardianship proceeding, in which the [Administrator] **SECRETARY** of Veterans Affairs is an interested person, shall be furnished by the persons filing it to the proper office of the [Veterans Administration] **U.S. DEPARTMENT OF VETERANS AFFAIRS**.

13-805.

(a) Every guardian of a [Veterans Administration] **U.S. DEPARTMENT OF VETERANS AFFAIRS** beneficiary shall invest the surplus funds of the estate of the beneficiary derived from [Veterans Administration] **U.S. DEPARTMENT OF VETERANS AFFAIRS** benefits paid to the guardian or the guardian's predecessor for the beneficiary in securities or property authorized under the laws of this State but only upon prior order of the court.

(b) [The] **NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE** funds may be invested, without prior court authorization, in:

(1) Direct unconditional interest-bearing obligations of this State or of the United States;

(2) Banks and savings and loan associations whose deposits are federally insured;

(3) Obligations the interest and principal of which are unconditionally guaranteed by the United States; or

(4) Securities of, or other interests in, any no-load open-end management type investment company or investment trust registered under the provisions of the federal Investment Company Act of 1940, 15 U.S.C. § 80a-1, et seq., if:

(i) The portfolio of the no-load open-end management type investment company or investment trust is limited to obligations of the United States government and to repurchase agreements fully collateralized by United States government obligations;

(ii) The no-load open-end management type investment company or investment trust takes delivery of that collateral, either directly or through an authorized custodian; and

(iii) The no-load open-end management type investment company or investment trust does not impose a contingent deferred sales charge or distribution charge.

(c) A signed duplicate or certified copy of the petition for authority to invest shall be furnished the proper office of the [Veterans Administration] **U.S. DEPARTMENT OF VETERANS AFFAIRS**, and notice of hearing upon it shall be given the office.

13-806.

No commission or compensation may be allowed a guardian of a [Veterans Administration] **U.S. DEPARTMENT OF VETERANS AFFAIRS** beneficiary on the money or other assets received from a prior fiduciary nor [upon] **ON** the amount received from liquidation of loans or other investments if the money, assets, loans or investments were derived in whole or in part from benefits paid by the [Veterans Administration] **U.S. DEPARTMENT OF VETERANS AFFAIRS** to the guardian or [his] **THE GUARDIAN'S** predecessor for the beneficiary.

#### GENERAL REVISOR'S NOTE TO SUBTITLE

Throughout this subtitle, the references to the "U.S. Department of Veterans Affairs" and the "Secretary" are substituted for the former references to the "Veterans Administration" and the "Administrator" to reflect the current name of the department and its head.

14-302.

(a) [If a trust for charity is or becomes illegal, or impossible or impracticable of enforcement or if a devise or bequest for charity, at the time it was intended to become effective, is illegal, or impossible or impracticable of enforcement, and if the settlor or testator manifested a general intention to devote the property to charity, a] **A** court of

equity, on application of any trustee, or any interested person, or the Attorney General of the State, may order an administration of [the] A trust, devise or bequest as nearly as possible to fulfill the general charitable intention of the settlor or testator:

**(1) (I) IF THE TRUST FOR CHARITY IS OR BECOMES ILLEGAL OR IMPOSSIBLE OR IMPRACTICABLE OF ENFORCEMENT; OR**

~~(2)~~ ~~(I)~~ **(II) IF THE DEVISE OR BEQUEST FOR CHARITY, AT THE TIME IT WAS INTENDED TO BECOME EFFECTIVE, IS ILLEGAL OR IMPOSSIBLE OR IMPRACTICABLE OF ENFORCEMENT; AND**

~~(I)~~ **(2) IF THE SETTLOR OR TESTATOR MANIFESTED A GENERAL INTENTION TO DEVOTE THE PROPERTY TO CHARITY.**

14-304.

**(A)** Notwithstanding any provisions to the contrary in the governing instrument, the trustee or trustees of any charitable remainder trust created after July 31, 1969 with the consent of each beneficiary named in the governing instrument, without application to any court, may amend the governing instrument to conform to the provision of § 664 of the Internal Revenue Code by executing a written amendment to the trust for the purpose.

**(B)** Consent is not required as to individual named beneficiaries not living at the time of amendment.

**(C)** In the case of an individual beneficiary not competent to give consent, the consent of a guardian, appointed by a court of competent jurisdiction, shall be treated as consent of the beneficiary.

**(D)** In the case of any amendment to a trust created by will, the amendment, if provided in the amendment, may be considered to apply as of the date of death of the testator.

15-102.

(c) [He] **A FIDUCIARY** may invest in, sell, mortgage, exchange, or lease any property, real or personal.

(d) [He] **A FIDUCIARY** may borrow money for the purpose of protecting property and pledge property as security for the loan.

(e) [He] **A FIDUCIARY** may effect a fair and reasonable compromise with any debtor, obligor, creditor or obligee, or extend or renew any obligation by or to the fiduciary estate.

(f) [He] **A FIDUCIARY** may retain assets owned by the minor or disabled person, in the case of a guardian, or owned by the decedent or the grantor, in the case of a trustee or otherwise coming into the hands of the fiduciary pending distribution or liquidation, including those in which the fiduciary is personally interested or which are otherwise improper for trust investment.

(g) [He] **A FIDUCIARY** may receive assets from any sources, including other fiduciaries.

(h) **(1)** [He] **A FIDUCIARY** may perform the contracts of the decedent or disabled person that continue as obligations of the fiduciary estate.

**(2)** In performing an enforceable contract to convey or lease land the fiduciary may execute and deliver a deed or conveyance for cash payment of all sums remaining due, or for the note of the purchaser for the sum remaining due secured by a mortgage or deed of trust on the land, as the contract may provide.

(i) [He] **A FIDUCIARY** may satisfy written charitable pledges of the disabled person or decedent.

(j) [He] **A FIDUCIARY** may deposit funds for the account of the fiduciary estate in checking accounts, in insured interest-bearing accounts, or in short-term loan arrangements.

(k) [He] **A FIDUCIARY** may vote securities in person or by general or limited proxy, or enter into or participate in a voting trust or agreement of shareholder.

(l) [He] **A FIDUCIARY** may insure the property of the fiduciary estate against damage, loss and liability, and himself **OR HERSELF**, as fiduciary against liability in respect to third persons.

(m) [He] **A FIDUCIARY** may pay taxes, assessments and other expenses incident to the administration of the fiduciary estate.

(n) [He] **A FIDUCIARY** may sell or exercise stock subscription, conversion or option rights, consent to or oppose, directly or through a committee or other agent, the reorganization, consolidation, merger, dissolution or liquidation of a corporation or other business enterprises.

(o) [He] **A FIDUCIARY** may employ for reasonable compensation agents, attorneys, auditors, investment advisors or other persons with special skills, to advise or assist the fiduciary in the performance of [his] **THE** administrative duties **OF THE FIDUCIARY**, but no attorney's fee in an amount exceeding \$50 shall be paid in a fiduciary estate administered under court jurisdiction unless the amount of the fee has been first approved by order of court.

(q) [He] A FIDUCIARY may continue as or become a limited partner in any partnership or a member in any limited liability company, including a single member limited liability company.

(r) [He] A FIDUCIARY may incorporate any business or venture which forms a part of the fiduciary estate.

(s) [He] A FIDUCIARY may convert a sole proprietorship the decedent was engaged in at the time of [his] THE DECEDENT'S death to a limited liability company.

(t) [He] A FIDUCIARY may exercise options, rights and privileges contained in a life insurance policy, annuity, or endowment contract constituting property of the fiduciary estate, including the right to obtain the cash surrender value, convert a policy to another type of policy, revoke any mode of settlement, and pay any part or all of the premiums on the policy or contract.

(u) [He] A FIDUCIARY may pay any valid claim.

(v) If any assets of the fiduciary estate are encumbered by mortgage, pledge, lien, or other security interest, [he] A FIDUCIARY may pay the encumbrance or any part of it, renew, or extend an obligation secured by the encumbrance, or convey or transfer the assets to the creditor in satisfaction of [his] THE security interest OF THE CREDITOR, in whole or in part, if the act appears to be in the best interest of the fiduciary estate.

(w) [He] A FIDUCIARY may release or terminate any mortgage or security interest, if the obligation secured by the mortgage or security interest has been fully satisfied.

(y) [He ] A FIDUCIARY may hold a security in the name of a nominee or in other form without disclosure of the interest of the fiduciary estate, but the fiduciary shall be liable for a wrongful act of the nominee in connection with the security so held.

15-103.

(a) Whenever [any] securities are deposited or exchanged, or tendered for deposit or exchanged by [any] A fiduciary under [any] A reorganization agreement or plan of reorganization, [any] A committee formulating, proposing, or carrying out [any] A plan or soliciting deposits or exchanges under [any] AN agreement or plan, any depository with or through which the deposit or exchange of [any] securities may be made, solicited, requested or permitted, and [any] A person to whom or to which securities are to be delivered pursuant to [any] AN agreement or A plan, may accept, receive, hold and ultimately dispose of [any] THE securities in accordance with the authorization or instructions of the fiduciary depositing or exchanging securities or tendering them for deposit or exchange under [any] A reorganization agreement or plan of reorganization, without [any] AN obligation to

inquire whether [or not any] A fiduciary is authorized to make A deposit or exchange or is committing a breach of [his] **THE** obligation as fiduciary in so doing.

(b) No committee, depositary, or ultimate recipient is liable in any way of any kind to [any] A person for [any] **AN** action taken, suffered, or permitted with respect to [any] securities in accordance with the authorization or instructions given by [any] A fiduciary depositing or exchanging [them] **THE SECURITIES** or tendering [them] **THE SECURITIES** for deposit or exchange, unless the committee, depositary, or ultimate recipient has actual knowledge that [any] A fiduciary is committing a breach of [his] **FIDUCIARY** trust in making the deposit or exchange, or has knowledge of facts that the action or conduct of the committee, depositary, or ultimate recipient amounts to bad faith.

15–104.

(a) **(1)** [Regardless of] **NOTWITHSTANDING** any other provision of law, [any] A fiduciary holding securities in [its] A fiduciary capacity, [any] A bank or trust company holding securities as a custodian or agent, and [any] A bank or trust company holding securities as custodian for a fiduciary, is authorized to deposit or arrange for the deposit of the securities in a securities clearing corporation, regardless of whether [or not] the depositor owns capital stock of the clearing corporation.

**(2)** When securities are [so] deposited **IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION**, certificates representing securities of the same class of the same issuer may be merged and held in bulk in the name of the nominee of the clearing corporation with any other securities deposited in the clearing corporation by [any] A person regardless of the ownership of the securities, and certificates of small denomination may be merged into one or more certificates of larger denomination.

**(3)** The records of the fiduciary and the records of the bank or trust company acting as custodian, as agent or as custodian for a fiduciary shall show at all times the name of the party for whose account the securities are [so] deposited.

**(4)** Title to the securities may be transferred by bookkeeping entry on the books of the clearing corporation without physical delivery of certificates representing the securities.

(b) **(1)** A bank or trust company depositing securities pursuant to this section is subject to the rules and regulations as, in the case of State chartered institutions, the Commissioner of Financial Regulation and, in the case of national banking associations, the [comptroller of the currency] **COMPTROLLER OF THE CURRENCY** may issue from time to time.

**(2)** A bank or trust company acting as custodian for a fiduciary, on demand by the fiduciary, shall certify in writing to the fiduciary the securities [so] deposited **IN**

ACCORDANCE WITH THIS SECTION by the bank or trust company in the clearing corporation for the account of the fiduciary.

15-105.

(a) [Any] A fiduciary, or party of whom a bond, undertaking or other obligation is required, may agree or arrange with [his] A surety for a general or a special deposit for safekeeping of any money, assets and other property, for which [he] THE FIDUCIARY is or may be responsible, with a bank, savings bank, safe deposit or trust company authorized by law to do business and situate in the county in which [his] THE FIDUCIARY'S bond is filed.

(b) [The] A deposit shall be made in a manner as to prevent the withdrawal or alienation of money, assets, or other property, or any part of it, without the written consent of the surety, or an order of a court, made on notice to the surety as the court directs.

15-108.

(a) [Any] A fiduciary making A distribution or delivery of any property, in conformity to [any] A decree or order of court passed pursuant to the Maryland Rules, shall be protected from [any] A claim in respect to [it] THE PROPERTY by an absent or unknown beneficiary or life tenant proceeded against under the Maryland Rules, or [his] THE heirs, personal representatives, or assigns OF AN ABSENT OR UNKNOWN BENEFICIARY OR LIFE TENANT.

(b) Nothing in this section limits [any] A similar protection granted to fiduciaries by applicable laws in effect [prior to] BEFORE the passage of the Maryland Rules.

15-110.

(a) In addition to any other means of enforcing [its] A COURT order, the court [which] THAT has ordered a fiduciary to give countersecurity pursuant to the Maryland Rules may compel compliance with [its] THE COURT order by attachment and sequestration.

(b) If the fiduciary fails to give countersecurity within the time fixed by the court, and is removed:

(1) The register of wills may bring suit on the bond of the fiduciary to recover taxes and costs; and

(2) If the register does not bring suit on the bond, and a new fiduciary is appointed [in his place], the new fiduciary may bring suit on the bond of the removed fiduciary.

REVISOR'S NOTE: In subsection (b)(2) of this section, the former reference to a new fiduciary being appointed "in his place" is deleted as surplusage.

15–111.

The discharge of a fiduciary who has resigned [his] **THE FIDUCIARY'S** office pursuant to the Maryland Rules does not release the fiduciary, or [his] sureties **OF THE FIDUCIARY**, [if any,] from liability to any of the cestui que trustent, or other persons, for acts, defaults, or omissions of duty occurring while the fiduciary was in office.

15–112.

(a) (1) A court shall remove a fiduciary who has:

(i) Willfully misrepresented material facts leading to [his] **THE** appointment **OF THE FIDUCIARY** or to other action by the court in reference to the fiduciary estate;

(ii) Willfully disregarded an order of court;

(iii) Shown [himself] **TO BE** incapable, with or without fault to properly perform the duties of [his] **THE** office **OF FIDUCIARY**; or

(iv) Breached [his] **THE FIDUCIARY** duty of good faith or loyalty in the management of property of the fiduciary estate.

(2) A court may remove a fiduciary who has:

(i) Negligently failed to file a bond within the time required by rule or order of court;

(ii) Negligently failed to obey an order of court; or

(iii) Failed to perform any [of his duties as] fiduciary **DUTY**, or to competently administer the fiduciary estate.

(c) The provisions of this section [shall] **MAY** not apply to personal representatives.

15–202.

**(A)** A person who in good faith pays or transfers to a fiduciary any money or other property which the fiduciary is authorized to receive, is not responsible for the proper application of [it] **THE MONEY OR PROPERTY** by the fiduciary[; and any].

(B) A right or title **TO MONEY OR OTHER PROPERTY** acquired from [the] A fiduciary in consideration of payment or transfer is not invalid in consequence of a misapplication by the fiduciary.

15-203.

(A) [If] **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IF** any negotiable instrument payable or indorsed to a fiduciary is indorsed by the fiduciary, or if any negotiable instrument payable or indorsed to [his] **THE FIDUCIARY'S** principal is indorsed by a fiduciary empowered to indorse the instrument on behalf of [his] **THE** principal, the indorsee is not bound to inquire whether the fiduciary is committing a breach of [his] **THE** obligation as fiduciary in indorsing or delivering the instrument, and is not chargeable with notice that the fiduciary is committing a breach of [his] **THE** obligation as fiduciary unless [he] **THE INDORSEE** takes the instrument with actual knowledge of the breach or with knowledge of the facts that [his] **THE** action **OF THE INDORSEE** in taking the instrument amounts to bad faith.

(B) If[, however, the] **AN** instrument is transferred by the fiduciary in payment of or as security for a personal debt of the fiduciary to the actual knowledge of the creditor, or is transferred in any transaction known by the transferee to be for the personal benefit of the fiduciary, the creditor or other transferee is liable to the principal if the fiduciary in fact commits a breach of [his] **THE** obligation as fiduciary in transferring the instrument.

15-204.

(A) [If] **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IF** a check or other bill of exchange is drawn by a fiduciary or in the name of [his] **THE FIDUCIARY'S** principal by a fiduciary empowered to draw the instrument in the name of [his] **THE** principal, the payee is not bound to inquire whether the fiduciary is committing a breach of [his] **THE** obligation as fiduciary in drawing or delivering the instrument, and is not chargeable with notice that the fiduciary is committing a breach of [his] **THE** obligation as fiduciary unless [he] **THE PAYEE** takes the instrument with actual knowledge of the breach or with knowledge of the facts that [his] **THE** action **OF THE PAYEE** in taking the instrument amounts to bad faith.

(B) If[, however, the] **AN** instrument is payable to a personal creditor of the fiduciary and delivered to the creditor in payment of or as security for a personal debt of the fiduciary to the actual knowledge of the creditor, for the personal benefit of the fiduciary, the creditor or other payee is liable to the principal if the fiduciary in fact commits a breach of [his] **THE** obligation as fiduciary in drawing or delivering the instrument.

15-205.

If a check or other bill of exchange is drawn by a fiduciary or in the name of [his] **THE FIDUCIARY'S** principal by a fiduciary empowered to draw the instrument in the name

of [his] **THE** principal, payable to the fiduciary personally, or payable to a third person and [by him] transferred **BY THE THIRD PERSON** to the fiduciary, and is thereafter transferred by the fiduciary, whether in payment of a personal debt of the fiduciary or otherwise, the transferee is not bound to inquire whether the fiduciary is committing a breach of [his] **THE** obligation as fiduciary in transferring the instrument, and is not chargeable with notice that the fiduciary is committing a breach of [his] **THE** obligation as fiduciary unless [he] **THE TRANSFEREE** takes the instrument with actual knowledge of the breach or with knowledge of the facts that [his] **THE** action **OF THE TRANSFEREE** in taking the instrument amounts to bad faith.

15–206.

(A) [If] **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IF** a deposit is made in a bank to the credit of a fiduciary, the bank is authorized to pay the amount of the deposit or any part of it [upon] **ON** the check of the fiduciary, signed with the name in which the deposit is entered, without being liable to the principal, unless the bank pays the check with actual knowledge that the fiduciary is committing a breach of [his] **THE** obligation as fiduciary in drawing the check or with knowledge of the facts that [its] **THE** action **OF THE BANK** in paying the check amounts to bad faith.

(B) If[, however, the] A check is payable to the drawee bank and is delivered to [it] **THE BANK** in payment of or as security for a personal debt of the fiduciary to it, the bank is liable to the principal if the fiduciary in fact commits a breach of [his] **THE** obligation as fiduciary in drawing or delivering the check.

15–207.

(A) [If] **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IF** a check is drawn [upon] **ON** the **BANK** account of [his] **THE** principal [in a bank] **OF A FIDUCIARY** by a fiduciary who is empowered to draw checks [upon] **ON** the account of the principal, the bank is authorized to pay the check without being liable to the principal, unless the bank pays the check with actual knowledge that the fiduciary is committing a breach of [his] **THE** obligation as fiduciary in drawing the check, or with knowledge of the facts that [its] **THE** action **OF THE BANK** in paying the check amounts to bad faith.

(B) If[, however, the] A check is payable to the drawee bank and is delivered to [it] **THE BANK** in payment of or as security for a personal debt of the fiduciary to it, the bank is liable to the principal if the fiduciary in fact commits a breach of [his] **THE** obligation as fiduciary in drawing or delivering the check.

15–208.

(A) [If] **THIS SECTION APPLIES IF** a fiduciary makes a deposit in a bank to [his] **THE FIDUCIARY’S** personal credit of [checks drawn by him upon]:

(1) **CHECKS DRAWN BY THE FIDUCIARY ON** an account in [his own] **THE** name **OF THE FIDUCIARY** as fiduciary[, or of checks];

(2) **CHECKS** payable to [him] **THE FIDUCIARY** as fiduciary[, or of checks];

(3) **CHECKS** drawn by [him upon] **THE FIDUCIARY ON** an account in the name of [his] **THE FIDUCIARY'S** principal, if [he] **THE FIDUCIARY** is empowered to draw checks [thereon] **ON THE ACCOUNT**[, or of checks];

(4) **CHECKS** payable to [his] **THE** principal **OF A FIDUCIARY** and indorsed by [him] **THE FIDUCIARY**, if [he] **THE FIDUCIARY** is empowered to indorse the checks[, if he otherwise makes a deposit of]; **OR**

(5) **OTHER** funds held by [him] **THE FIDUCIARY** as fiduciary[, the].

(B) A bank receiving [the] A deposit **IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION** may not be bound to inquire whether the fiduciary is committing [thereby] a breach of [his] **THE** obligation as fiduciary[;] and [the bank] is authorized to pay the amount of the deposit or any part [thereof upon] **OF THE DEPOSIT ON** the personal check of the fiduciary without being liable to the principal, unless the bank receives the deposit or pays the check with actual knowledge that the fiduciary is committing a breach of [his] **THE** obligation as fiduciary in making the deposit or in drawing the check, or with knowledge of the facts that [its] **THE** action **OF THE BANK** in receiving the deposit or paying the check amounts to bad faith.

15-301.

(c) "Claims" includes a claim of any interest by a legatee of a decedent, distributee, heir, or creditor, a beneficiary under a trust, a ward, a beneficial owner of a security registered in the name of a nominee, or a minor owner of a security registered in the name of a custodian, or a claim of any similar interest, whether the claim is asserted by the claimant or by a fiduciary or by any other authorized person on [his] behalf **OF THE CLAIMANT**, and includes a claim that the transfer would be in breach of fiduciary duties.

15-302.

A corporation or transfer agent registering a security in the name of a person who is a fiduciary or who is described as a fiduciary [is]:

(1) **IS** not bound to inquire into the existence, extent, or correct description of the fiduciary relationship; and [thereafter the corporation and its transfer agent may]

(2) **MAY** assume without inquiry that the newly registered owner continues to be the fiduciary until the corporation or transfer agent receives written notice

that the fiduciary is no longer acting as [such] **THE FIDUCIARY** with respect to the particular security.

15–303.

Except as otherwise provided in this subtitle, a corporation or transfer agent making a transfer of a security pursuant to an assignment by a fiduciary:

(1) May assume without inquiry that the assignment, even though to the fiduciary [himself] or to [his] **A nominee OF THE FIDUCIARY**, is within [his] **THE** authority and capacity **OF THE FIDUCIARY** and is not in breach of [his fiduciary] **THE** duties **OF THE FIDUCIARY**;

15–304.

**(A)** A corporation or transfer agent making a transfer pursuant to an assignment by a fiduciary who is not the registered owner shall obtain the following evidence of appointment or incumbency:

(1) In the case of a fiduciary appointed or qualified by a court, a certificate issued by or under the direction or supervision of that court or an officer thereof and dated within 60 days before the transfer; or

(2) In any other case, a copy of a document showing the appointment or a certificate issued by or on behalf of a person reasonably believed by the corporation or transfer agent to be responsible or, in the absence of such a document or certificate, other evidence reasonably deemed by the corporation or transfer agent to be appropriate. **[Corporations and transfer agents]**

**(B)** **A CORPORATION OR TRANSFER AGENT** may adopt standards with respect to evidence of appointment or incumbency under [this] subsection **(A) OF THIS SECTION IF THE** [provided such] standards are not manifestly unreasonable.

**(C)** Neither the corporation nor transfer agent is charged with notice of the contents of [any] **A** document obtained pursuant to this [paragraph] **SECTION** except to the extent that the contents relate directly to the appointment or incumbency.

15–305.

(a) **(1)** A person asserting a claim of beneficial interest adverse to the transfer of a security pursuant to an assignment by a fiduciary may give the corporation or transfer agent written notice of the claim. **[The]**

**(2)** A corporation or transfer agent is not put on notice unless the written notice identifies the claimant, the registered owner, and the issue of which the security is

a part, provides an address for communications directed to the claimant and is received before the transfer.

**(3)** Nothing in this subtitle relieves the corporation or transfer agent of any liability for making or refusing to make the transfer after it is so put on notice, unless it proceeds in the manner authorized in subsection (b) of this section.

(b) **(1)** As soon as practicable after the presentation of a security for transfer pursuant to an assignment by a fiduciary, a corporation or transfer agent which has received notice of a claim of beneficial interest adverse to the transfer may send notice of the presentation by registered or certified mail to the claimant at the address given by [him] **THE CLAIMANT**.

**(2)** If [the] A corporation or transfer agent [so] mails [such] a notice [it] **AS AUTHORIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE CORPORATION OR TRANSFER AGENT** shall withhold the transfer for 30 days after the mailing and shall then make the transfer unless restrained by a court order.

15-502.

(b) **(1)** In exercising a discretionary power of administration regarding a matter within the scope of this subtitle, whether granted by the terms of a trust, a will, or this subtitle, a fiduciary shall administer a trust or estate impartially, based on what is fair and reasonable to all of the beneficiaries, except to the extent that the terms of the trust or the will clearly manifest an intention that the fiduciary shall or may favor one or more of the beneficiaries.

**(2)** A determination in accordance with this subtitle is presumed to be fair and reasonable to all of the beneficiaries.

15-503.

**(A)** [After] **THE RULES IN SUBSECTIONS (B) THROUGH (E) OF THIS SECTION APPLY:**

**(1)** **IN THE CASE OF AN ESTATE, AFTER** a decedent dies[, in the case of an estate,]; or [after]

**(2)** **AFTER** an income interest in a trust ends[, the following rules apply:].

**(B)** **(1)** [(i)] A fiduciary of an estate or of a terminating income interest shall [determine]:

**(I)** **DETERMINE** the amount of net income and net principal receipts received from property specifically given to a beneficiary under the rules in Parts

III through V of this subtitle which apply to trustees and the rules in [paragraph (4)] **SUBSECTION (E)** of this section[. The fiduciary shall distribute]; **AND**

**(II) DISTRIBUTE** the net income and net principal receipts to the beneficiary who is to receive the specific property.

**[(ii)] (2) [1.]** If the income and principal receipts from the specific property are not sufficient to pay the taxes, ordinary repairs, and other expenses of management and operation relating to the property, or if there are no income or principal receipts, then expenses in excess of income and principal receipts shall be charged to and paid by the beneficiary who is to receive the specific property immediately [upon] **ON** written demand of the personal representative, or at the option of the beneficiary, charged against a share of the estate to which the beneficiary may be entitled.

**[2.] (3) (I)** If the beneficiary who is to receive the specific property fails to make payment to the personal representative within 15 days from the date of written demand, the personal representative may sell at either public or private sale the specific property to satisfy the excess charges, taxes, and expenses accrued.

**(II)** Proceeds of the sale in excess of the charges, taxes, and expenses, including the expenses of the sale, shall subsequently be distributed to the beneficiary in full satisfaction of the right to receive the specific property.

**(III)** If the proceeds of the sale are insufficient to satisfy charges, taxes, and expenses incident to the specific property, then the personal representative may pay the excess expenses, taxes, and other charges out of the residuary estate.

**[(2)] (C)** A fiduciary shall determine the remaining net income of a decedent's estate or a terminating income interest under the rules in Parts III through V of this subtitle which apply to trustees and by:

**[(i)] (1)** Including in net income all income from property used to discharge liabilities;

**[(ii)] (2)** Paying from income or principal, in the fiduciary's discretion, fees of attorneys, accountants, and fiduciaries; court costs and other expenses of administration; and interest on death taxes, but the fiduciary may pay those expenses from income of property passing to a trust for which the fiduciary claims an estate tax marital or charitable deduction only to the extent that the payment of those expenses from income will not cause the reduction or loss of the deduction; and

**[(iii)] (3)** Paying from principal all other disbursements made or incurred in connection with the settlement of a decedent's estate or the winding up of a terminating income interest, including debts, funeral expenses, disposition of remains, family allowances, and death taxes and related penalties that are apportioned to the estate or terminating income interest by the will, the terms of the trust, or applicable law.

**[(3)] (D)** A fiduciary shall distribute the remaining net income in the manner described in § 15–504 of this subtitle to all other beneficiaries, including a beneficiary who receives a pecuniary amount in trust, even if the beneficiary holds an unqualified power to withdraw assets from the trust or other presently exercisable general power of appointment over the trust, but excluding a beneficiary other than a surviving spouse who receives a pecuniary amount that is not in trust.

**[(4)] (E) (1)** A fiduciary may not reduce principal or income receipts from property described in **[paragraph (1)] SUBSECTION (B)** of this section because of a payment described in § 15–523 or § 15–524 of this subtitle to the extent that the will, the terms of the trust, or applicable law requires the fiduciary to make the payment from assets other than the property or to the extent that the fiduciary recovers or expects to recover the payment from a third party.

**(2)** The net income and principal receipts from the property are determined by including all of the amounts the fiduciary receives or pays with respect to the property, whether those amounts accrued or became due on or after the date of a decedent’s death or an income interest’s terminating event, and by making a reasonable provision for amounts that the fiduciary believes the estate or terminating income interest may become obligated to pay after the property is distributed.

15–504.

**(a) (1)** Each beneficiary described in **[§ 15–503(3)] § 15–503(D)** of this subtitle is entitled to receive a portion of the net income equal to the beneficiary’s fractional interest in undistributed principal assets, using values as of the distribution date.

**(2)** If a fiduciary makes more than one distribution of assets to beneficiaries to whom this section applies, each beneficiary, including one who does not receive part of the distribution, is entitled, as of each distribution date, to the net income the fiduciary has received after the date of death or terminating event or earlier distribution date but has not distributed as of the current distribution date.

**(b)** In determining a beneficiary’s share of net income**[, the following rules apply]**:

**(1)** The beneficiary is entitled to receive a portion of the net income equal to the beneficiary’s fractional interest in the undistributed principal assets immediately before the distribution date, including assets that later may be sold to meet principal obligations**[.]**;

**(2)** The beneficiary’s fractional interest in the undistributed principal assets shall be calculated without regard to property specifically given to a beneficiary and property required to pay pecuniary amounts not in trust**[.]**;

(3) The beneficiary's fractional interest in the undistributed principal assets shall be calculated on the basis of the aggregate value of those assets as of the distribution date without reducing the value by any unpaid principal obligation[.]; AND

(4) The distribution date for purposes of this section may be the date as of which the fiduciary calculates the value of the assets if that date is reasonably near the date on which assets are actually distributed.

15-505.

(a) (1) An income beneficiary is entitled to net income from the date on which the income interest begins.

(2) An income interest begins on the date specified in the terms of the trust or, if no date is specified, on the date an asset becomes subject to a trust or successive income interest.

15-506.

(a) A trustee shall allocate an income receipt or disbursement other than one to which [§ 15-503(1)] § 15-503(B) of this subtitle applies to principal if its due date occurs before a decedent dies in the case of an estate or before an income interest begins in the case of a trust or successive income interest.

(b) (1) A trustee shall allocate an income receipt or disbursement to income if its due date occurs on or after the date on which a decedent dies or an income interest begins and it is a periodic due date.

(2) An income receipt or disbursement shall be treated as accruing from day to day if its due date is not periodic or it has no due date.

(3) The portion of the receipt or disbursement accruing before the date on which a decedent dies or an income interest begins shall be allocated to principal and the balance shall be allocated to income.

(c) (1) An item of income or an obligation is due on the date the payer is required to make a payment.

(2) If a payment date is not stated, there is no due date for the purposes of this subtitle.

(3) Distributions to shareholders or other owners from an entity to which § 15-508 of this subtitle applies are deemed to be due on the date fixed by the entity for determining who is entitled to receive the distribution or, if no date is fixed, on the declaration date for the distribution.

(4) A due date is periodic for receipts or disbursements that must be paid at regular intervals under a lease or an obligation to pay interest or if an entity customarily makes distributions at regular intervals.

15-507.

(b) (1) [When] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, WHEN** a mandatory income interest ends, the trustee shall pay to a mandatory income beneficiary who survives that date, or the estate of a deceased mandatory income beneficiary whose death causes the interest to end, the beneficiary's share of the undistributed income that is not disposed of under the terms of the trust [unless the].

(2) **IF A** beneficiary has an unqualified power to revoke more than [5 percent] **5%** of the trust immediately before the income interest ends[. In the latter case], the undistributed income from the portion of the trust that may be revoked [must] **SHALL** be added to principal.

15-509.

(A) A trustee shall allocate to income an amount received as a distribution of income from a trust or an estate in which the trust has an interest other than a purchased interest, and shall allocate to principal an amount received as a distribution of principal from such a trust or estate.

(B) If a trustee purchases an interest in a trust that is an investment entity, or a decedent or donor transfers an interest in such a trust to a trustee, § 15-508 or § 15-522 of this subtitle applies to a receipt from the trust.

15-510.

(b) (1) A trustee who accounts separately for a business or other activity may determine the extent to which its net cash receipts must be retained for working capital, the acquisition or replacement of fixed assets, and other reasonably foreseeable needs of the business or activity, and the extent to which the remaining net cash receipts are accounted for as principal or income in the trust's general accounting records.

(2) If a trustee sells assets of the business or other activity, other than in the ordinary course of the business or activity, the trustee shall account for the net amount received as principal in the trust's general accounting records to the extent the trustee determines that the amount received is no longer required in the conduct of the business.

15-512.

(A) To the extent that a trustee accounts for receipts from rental property pursuant to this section, the trustee shall allocate to income an amount received as rent of

real or personal property, including an amount received for cancellation or renewal of a lease.

**(B)** An amount received as a refundable deposit, including a security deposit or a deposit that is to be applied as rent for future periods, [must] **SHALL** be added to principal and held subject to the terms of the lease and is not available for distribution to a beneficiary until the trustee's contractual obligations have been satisfied with respect to that amount.

15–513.

(b) **(1)** A trustee shall allocate to principal an amount received from the sale, redemption, or other disposition of an obligation to pay money to the trustee more than 1 year after it is purchased or acquired by the trustee, including an obligation whose purchase price or value when it is acquired is less than its value at maturity.

**(2)** If the obligation matures within 1 year after it is purchased or acquired by the trustee, an amount received in excess of its purchase price or its value when acquired by the trust [must] **SHALL** be allocated to income.

15–514.

(a) Except as [otherwise] provided in subsection (b) of this section, a trustee shall [allocate]:

**(1)** **ALLOCATE** to principal the proceeds of a life insurance policy or other contract in which the trust or its trustee is named as beneficiary, including a contract that insures the trust or its trustee against loss for damage to, destruction of, or loss of title to a trust asset[. The trustee shall allocate]; **AND**

**(2)** **ALLOCATE** dividends on an insurance policy:

**(I)** **IF THE PREMIUMS ON THE INSURANCE POLICY ARE PAID FROM INCOME**, to income [if the premiums on the policy are paid from income.]; and

**(II)** **IF THE PREMIUMS ON THE INSURANCE POLICY ARE PAID FROM PRINCIPAL**, to principal [if the premiums are paid from principal].

(d) **(3)** **(I)** The increment in value is distributable to the beneficiary who was the income beneficiary at the time of the increment from the first principal cash available or, if none is available, when realized by sale, redemption, or other disposition.

**(II)** Whenever unrealized increment is distributed as income, but out of principal, the principal shall be reimbursed for the increment when realized.

15-516.

(b) (1) To the extent that a payment is characterized as interest, a dividend, or a payment made in lieu of interest or a dividend, a trustee shall allocate the payment to income.

(2) The trustee shall allocate to principal the balance of the payment and any other payment received in the same accounting period that is not characterized as interest, a dividend, or an equivalent payment.

(c) (1) If no part of a payment is characterized as interest, a dividend, or an equivalent payment, and all or part of the payment is required to be made, a trustee shall allocate to income [10 percent] **10%** of the part that is required to be made during the accounting period and the balance to principal.

(2) If no part of a payment is required to be made or the payment received is the entire amount to which the trustee is entitled, the trustee shall allocate the entire payment to principal.

(3) For purposes of this subsection, a payment is not “required to be made” to the extent that it is made because the trustee exercises a right of withdrawal.

15-518.

(a) To the extent that a trustee accounts for receipts from an interest in minerals or other natural resources pursuant to this section, the trustee shall allocate them as follows:

(1) If received as nominal delay rental or nominal annual rent on a lease, a receipt [must] **SHALL** be allocated to income[.];

(2) If received from a production payment, a receipt [must] **SHALL** be allocated [to income if]:

(I) **IF** and to the extent that the agreement creating the production payment provides a factor for interest or its equivalent[.], **TO INCOME; AND**

(II) The balance [must] **SHALL** be allocated to principal[.];

(3) If an amount received as a royalty, shut-in-well payment, take-or-pay payment, bonus, or delay rental is more than nominal, [90 percent must] **90% SHALL** be allocated to principal and the balance to income[.]; **AND**

(4) If an amount is received from a working interest or any other interest not provided for in paragraph (1), (2), or (3) of this subsection, [90 percent] **90%** of the net amount received [must] **SHALL** be allocated to principal and the balance to income.

(b) **(1)** An amount received on account of an interest in water that is renewable [must] **SHALL** be allocated to income.

**(2)** If the water is not renewable, [90 percent] **90%** of the amount [must] **SHALL** be allocated to principal and the balance to income.

(d) **(1)** If a trust owns an interest in minerals, water, or other natural resources on October 1, 2000, the trustee may allocate receipts from the interest as provided in this subtitle or in the manner used by the trustee before October 1, 2000.

**(2)** If the trust acquires an interest in minerals, water, or other natural resources after October 1, 2000, the trustee shall allocate receipts from the interest as provided in this subtitle.

15-519.

(d) **(1)** If a trust owns an interest in timberland on October 1, 2001, the trustee may allocate net receipts from the sale of timber and related products as provided in this subtitle or in the manner used by the trustee before October 1, 2000.

**(2)** If the trust acquires an interest in timberland after October 1, 2000, the trustee shall allocate net receipts from the sale of timber and related products as provided in this subtitle.

15-521.

(c) **(1)** If a trustee grants an option to buy property from the trust, whether or not the trust owns the property when the option is granted, grants an option that permits another person to sell property to the trust, or acquires an option to buy property for the trust or an option to sell an asset owned by the trust, and the trustee or other owner of the asset is required to deliver the asset if the option is exercised, an amount received for granting the option shall be allocated to principal.

**(2)** An amount paid to acquire the option shall be paid from principal.

**(3)** A gain or loss realized [upon] **ON** the exercise of an option, including an option granted to a settlor of the trust for services rendered, shall be allocated to principal.

15-522.

(c) (1) If a trust receives one or more payments in exchange for the trust's entire interest in an asset-backed security in one accounting period, the trustee shall allocate the payments to principal.

(2) If a payment is one of a series of payments that will result in the liquidation of the trust's interest in the security over more than one accounting period, the trustee shall allocate [10 percent] **10%** of the payment to income and the balance to principal.

15-523.

A trustee shall make the following disbursements from income to the extent that they are not disbursements to which [§ 15-503(2)(ii) or (iii)] **§ 15-503(C)(2) OR (3)** of this subtitle apply:

(1) Regular compensation of the trustee on income, if determined in accordance with § 14.5-708(b) of this article;

(2) That portion of the regular compensation of the trustee, if the compensation is determined in a manner other than in accordance with § 14.5-708(b) and (c) of this article, and that portion of the compensation of any person providing investment advisory or custodial services to the trustee, as the trustee determines is fair and reasonable in accordance with § 15-502(b) of this subtitle;

(3) One-half of all expenses for accountings, judicial proceedings, or other matters that involve both the income and remainder interests;

(4) All of the other ordinary expenses incurred in connection with the administration, management, or preservation of trust property and the distribution of income, including interest, ordinary repairs, regularly recurring taxes assessed against principal, and expenses of a proceeding or other matter that concerns primarily the income interest; and

(5) Recurring premiums on insurance covering the loss of a principal asset or the loss of income from or use of the asset.

16-101.

(b) "Beneficiary form" means a registration of a security which indicates the present owner of the security and the intention of the owner regarding the person who will become the owner of the security [upon] **ON** the death of the owner.

(i) (1) "Security" means a share, participation, or other interest in property, in a business, or in an obligation of an enterprise or other issuer[, and].

(2) “SECURITY” includes a certificated security, an uncertificated security, and a security account.

(j) (1) “Security account” means:

(i) [a] A reinvestment account associated with a security, a securities account with a broker, a cash balance in a brokerage account, cash, interest, earnings, or dividends earned or declared on a security in an account, a reinvestment account, or a brokerage account, whether or not credited to the account before the owner’s death[.];

(ii) [a] A cash balance or other property held for or due to the owner of security as a replacement for or product of an account security, whether or not credited to the account before the owner’s death[.]; or

(iii) [a] A securities account maintained by a trust company for one or more customers.

(2) “Security account” does not include:

(i) [an] AN account as defined in § 1–204(b)(2) of the Financial Institutions Article[.]; or

(ii) [a] A securities account held by a trust company as a fiduciary as defined in § 15–101 of this article.

16–102.

(A) Only individuals whose registration of a security shows sole ownership by one individual or multiple ownership by two or more with right of survivorship, rather than as tenants in common, may obtain registration in beneficiary form.

(B) Multiple owners of a security registered in beneficiary form hold as joint tenants with right of survivorship, as tenants by the entireties, or as owners of community property held in survivorship form, and not as tenants in common.

16–103.

(A) A security may be registered in beneficiary form if the form is authorized by this or a similar statute of the state of organization of the issuer or registering entity, the location of the registering entity’s principal office, the office of its transfer agent or its office making the registration, or by this or a similar statute of the law of the state listed as the owner’s address at the time of registration.

(B) A registration governed by the law of a jurisdiction in which this or similar legislation is not in force or was not in force when a registration in beneficiary form was made is nevertheless presumed to be valid and authorized as a matter of contract law.

16–106.

(A) The designation of a TOD beneficiary on a registration in beneficiary form has no effect on ownership until the owner's death.

(B) A registration of a security in beneficiary form may be canceled or changed at any time by the sole owner or all then surviving owners without the consent of the beneficiary.

16–107.

(A) On death of a sole owner or the last to die of all multiple owners, ownership of securities registered in beneficiary form passes to the beneficiary or beneficiaries who survive all owners.

(B) On proof of death of all owners and compliance with any applicable requirements of the registering entity, a security registered in beneficiary form may be reregistered in the name of the beneficiary or beneficiaries who survived the death of all owners.

(C) Until division of the security after the death of all owners, multiple beneficiaries surviving the death of all owners hold their interests as tenants in common.

(D) If no beneficiary survives the death of all owners, the security belongs to the estate of the deceased sole owner or the estate of the last to die of all multiple owners.

16–108.

(a) (1) A registering entity is not required to offer or to accept a request for security registration in beneficiary form.

(2) If a registration in beneficiary form is offered by a registering entity, the owner requesting registration in beneficiary form assents to the protections given to the registering entity by this title.

(c) (1) A registering entity is discharged from all claims to a security by the estate, creditors, heirs, or devisees of a deceased owner if it registers a transfer of the security in accordance with § 16–107 of this title and does so in good faith reliance on:

(i) [the] **THE** registration[.];

(ii) [this] **THIS** title[.]; and

(iii) [information] **INFORMATION** provided to it by affidavit of the personal representative of the deceased owner, or by the surviving beneficiary or by the surviving beneficiary's representatives, or other information available to the registering entity.

(2) The protections of this title do not extend to a reregistration or payment made after a registering entity has received written notice from any claimant to any interest in the security objecting to implementation of a registration in beneficiary form.

(3) No other notice or other information available to the registering entity affects its right to protection under this title.

16–110.

(a) (1) A registering entity offering to accept registrations in beneficiary form may establish the terms and conditions under which it will receive requests **FOR:**

(i) [for registrations] **REGISTRATIONS** in beneficiary form[.]; and

(ii) [for implementation] **IMPLEMENTATION** of registrations in beneficiary form, including requests for cancellation of previously registered TOD beneficiary designations and requests for reregistration to effect a change of beneficiary.

(2) The terms and conditions established under this subsection may provide for proving death, avoiding or resolving any problems concerning fractional shares, designating primary and contingent beneficiaries, and substituting a named beneficiary's descendants to take in the place of the named beneficiary in the event of the beneficiary's death.

(3) (I) Substitution may be indicated by appending to the name of the primary beneficiary the letters LDPS, standing for "lineal descendants per stirpes".

(II) This designation substitutes a deceased beneficiary's descendants who survive the owner for a beneficiary who fails to so survive, the descendants to be identified and to share in accordance with the law of the beneficiary's domicile at the owner's death governing inheritance by descendants of an intestate.

(4) Other forms of identifying beneficiaries who are to take on one or more contingencies, and rules for providing proofs and assurances needed to satisfy reasonable concerns by registering entities regarding conditions and identities relevant to accurate implementation of registrations in beneficiary form, may be contained in a registering entity's terms and conditions.

Throughout this article, specific references are substituted for former references to “he”, “him”, and “his”, because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

Also throughout this article, specific references are substituted for former references to “it” for clarity.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intention of the General Assembly that this Act shall be construed as a nonsubstantive revision and may not otherwise be construed to render any substantive change in the law of the State.

SECTION 3. AND BE IT FURTHER ENACTED, That the Revisor’s Notes contained in this Act are not law and may not be considered to have been enacted as part of this Act.

SECTION 4. 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 in an editor’s note following the section affected.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## **Chapter 198**

### **(Senate Bill 347)**

AN ACT concerning

#### **State Athletic Commission – Sunset Extension**

FOR the purpose of continuing the State Athletic Commission in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Commission; requiring that an evaluation of the Commission and the statutes and regulations that relate to the Commission be performed on or before a certain date; and generally relating to the State Athletic Commission.

BY repealing and reenacting, with amendments,  
Article – Business Regulation  
Section 4–208

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

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 8–403(a)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 8–403(b)(5)  
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**

4–208.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this subtitle and Subtitle 3 of this title and all regulations adopted under this subtitle and Subtitle 3 of this title shall terminate on July 1, [2021] **2031**.

### **Article – State Government**

8–403.

(a) On or before December 15 of the evaluation year specified, the Department shall:

(1) conduct a preliminary evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each preliminary evaluation conducted.

(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to preliminary evaluation in the evaluation year specified:

(5) Athletic Commission, State (§ 4–201 of the Business Regulation Article: [2018] **2028**);

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.

---

**Chapter 199**  
**(House Bill 951)**

AN ACT concerning

**Security Systems Technicians – Sunset Extension**

FOR the purpose of continuing the licensing and regulation of security systems technicians in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Secretary of State Police to license and regulate security systems technicians; requiring that an evaluation of the licensing and regulation of security systems technicians be performed on or before a certain date; and generally relating to the licensing and regulation of security systems technicians.

BY repealing and reenacting, with amendments,  
Article – Business Occupations and Professions  
Section 18–701  
Annotated Code of Maryland  
(2018 Replacement Volume)

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 8–403(a)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 8–403(b)(51)  
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 Occupations and Professions**

18–701.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this title and all regulations adopted under this title shall terminate and be of no further force and effect after July 1, [2021] **2031**.

### Article – State Government

8–403.

(a) On or before December 15 of the evaluation year specified, the Department shall:

(1) conduct a preliminary evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each preliminary evaluation conducted.

(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to preliminary evaluation in the evaluation year specified:

(51) security systems technicians, licensing and regulation of (§ 18–201 of the Business Occupations and Professions Article: [2018] **2028**);

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## Chapter 200

(Senate Bill 439)

AN ACT concerning

### State Board of Barbers – Sunset Extension

FOR the purpose of continuing the State Board of Barbers in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; and generally relating to the State Board of Barbers.

BY repealing and reenacting, with amendments,  
Article – Business Occupations and Professions

Section 4–702  
Annotated Code of Maryland  
(2018 Replacement Volume)

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 8–403(a)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 8–403(b)(7)  
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 Occupations and Professions**

4–702.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this title and all regulations adopted under this title shall terminate and be of no effect after July 1, [2021] **2024**.

### **Article – State Government**

8–403.

(a) On or before December 15 of the evaluation year specified, the Department shall:

(1) conduct a preliminary evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each preliminary evaluation conducted.

(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to preliminary evaluation in the evaluation year specified:

(7) Barbers, State Board of (§ 4–201 of the Business Occupations and Professions Article: [2018] **2021**);

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

October 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## Chapter 201

### (House Bill 952)

AN ACT concerning

#### State Board of Cosmetologists – Sunset Extension

FOR the purpose of continuing the State Board of Cosmetologists in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; and generally relating to the State Board of Cosmetologists.

BY repealing and reenacting, with amendments,  
Article – Business Occupations and Professions  
Section 5–702  
Annotated Code of Maryland  
(2018 Replacement Volume)

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 8–403(a)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 8–403(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 Occupations and Professions

5–702.

Subject to the evaluation and reestablishment provisions of the Maryland Program

Evaluation Act, this title and all regulations adopted under this title shall terminate and be of no effect after July 1, [2021] **2024**.

### Article – State Government

8–403.

(a) On or before December 15 of the evaluation year specified, the Department shall:

(1) conduct a preliminary evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each preliminary evaluation conducted.

(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to preliminary evaluation in the evaluation year specified:

(13) Cosmetologists, State Board of (§ 5–201 of the Business Occupations and Professions Article: [2018] **2021**);

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## Chapter 202

(House Bill 821)

AN ACT concerning

### **State Retirement and Pension System – ~~Investment Management Fees Carried~~ Interest – Reporting**

FOR the purpose of ~~altering a requirement that the Board of Trustees for the State Retirement and Pension System provide a quarterly estimate of certain external investment management services; prohibiting the Board of Trustees from incurring fees for external investment management services that exceed a certain amount in a fiscal year; exempting from the prohibition certain fees incurred under a contract entered into on or before a certain date; prohibiting the Board of Trustees from entering into an agreement on or after a certain date that would pay certain investment management fees; requiring a certain report to include information on the payment of certain investment management fees; requiring a certain report to~~

~~include information for certain previous fiscal years; stating the intent of the General Assembly regarding fees for investment of State Retirement and Pension System assets; and generally relating to investment management fees of the State Retirement and Pension System requiring a report by the Board of Trustees for the State Retirement and Pension System to include the amount of carried interest on certain assets; requiring the report, for a certain year, to include information for certain previous fiscal years; and generally relating to a certain report by the Board of Trustees for the State Retirement and Pension System.~~

~~BY repealing and reenacting, without amendments,  
Article – State Personnel and Pensions  
Section ~~21-123(e)~~ and ~~21-315(a)(2), (b), and (c)(2)~~  
Annotated Code of Maryland  
(~~2015 Replacement Volume and 2018 Supplement~~)~~

BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section ~~21-315(d) and (g)~~ 21-315(g)  
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

~~21-123.~~

~~(e) (1) The Board of Trustees may invest assets of the several systems subject to the conditions that it imposes.~~

~~(2) The Board of Trustees shall include the conditions that it adopts under paragraph (1) of this subsection in the investment policy manual required by § 21-116(e) of this subtitle.~~

~~21-315.~~

~~(a) The Board of Trustees shall credit to the expense fund of each State system its pro rata share of:~~

~~(2) the amounts authorized by the Board of Trustees under this section for investment management services, including personnel and operational expenses of the Investment Division; and~~

~~(b) (1) The Board of Trustees shall pay from the expense fund of each State system its pro rata share of:~~

~~(i) the administrative and operational expenses of the Board of Trustees and the State Retirement Agency, in accordance with the annual State budget;~~

~~(ii) the amounts as authorized by the Board of Trustees necessary for investment management services, including personnel and operational expenses of the Investment Division; and~~

~~(iii) the amounts as authorized by the Board of Trustees necessary to implement a closing agreement with the Internal Revenue Service regarding former members of the Employees' Retirement System or the Teachers' Retirement System who elected to become members of or participate in those State systems under former Article 73B, §§ 2-206 and 3-206 of the Code.~~

~~(2) The amounts for the personnel and operational expenses of the Investment Division shall be paid out of the accumulation fund of each State system on a pro rata basis and may not be paid by participating employers as provided in § 21-316 of this subtitle.~~

~~(d) (1) (I) Each quarter of the fiscal year the Board of Trustees shall estimate one fourth of [an amount, not exceeding 0.5% of the market value as of the last day of the preceding quarter of invested assets that are externally managed exclusive of assets invested in real estate or alternative investments, necessary to procure and retain investment management services other than external real estate or alternative investment management services] THE AMOUNT NECESSARY TO PROCURE AND RETAIN EXTERNAL INVESTMENT MANAGEMENT SERVICES, SUBJECT TO THE LIMITATIONS OF SUBPARAGRAPH (H) OF THIS PARAGRAPH.~~

~~(H) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD OF TRUSTEES MAY NOT PAY FEES IN A FISCAL YEAR FOR EXTERNAL INVESTMENT MANAGEMENT OF SYSTEM ASSETS THAT EXCEED 0.45% OF THE MARKET VALUE OF INVESTED ASSETS AS OF THE LAST DAY OF THE PRECEDING FISCAL YEAR.~~

~~[(2) The Board of Trustees is not limited in the amount of investment manager fees that the Board of Trustees may pay as necessary for external real estate or alternative investment management services.]~~

~~(2) PARAGRAPH (1) OF THIS SUBSECTION MAY NOT LIMIT THE INVESTMENT MANAGEMENT FEES THE BOARD OF TRUSTEES MAY PAY FOR EXTERNAL INVESTMENT MANAGEMENT OF SYSTEM ASSETS UNDER AN AGREEMENT ENTERED INTO ON OR BEFORE JUNE 30, 2019.~~

~~(3) ON OR AFTER JULY 1, 2019, THE BOARD OF TRUSTEES MAY NOT ENTER INTO AN AGREEMENT FOR EXTERNAL INVESTMENT MANAGEMENT SERVICES THAT WOULD PAY FEES FOR UNREALIZED INVESTMENT GAINS.~~

~~(e) (2) The amounts estimated under subsection (d) of this section shall be paid into the expense funds of the several systems during the ensuing year on a pro rata basis according to the total assets held by each system.~~

21-315.

(g) (1) (I) On or before December 31 of each year, the Board of Trustees shall report to the General Assembly the actual amount spent for investment management services during the preceding fiscal year.

(II) THE REPORT REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE THE AMOUNT OF CARRIED INTEREST ~~FEES~~ ON ANY ASSETS OF THE SYSTEM.

(2) On or before December 31 each year, the Board of Trustees shall report to the General Assembly the actual amount spent for Investment Division operations during the preceding fiscal year.

SECTION 2. AND BE IT FURTHER ENACTED, That the report required under § 21-315(g)(1) of the State Personnel and Pensions Article due on December 31, 2019, shall include information for fiscal years 2015 through 2019.

~~SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Board of Trustees for the State Retirement and Pension System utilize low-fee, passive investment strategies in the management of system assets, consistent with its fiduciary responsibilities.~~

SECTION ~~4.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.

---

## Chapter 203

### (House Bill 63)

AN ACT concerning

#### State Retirement and Pension System – Maryland Pension Administration System – Member Contributions

FOR the purpose of requiring a participating employer to submit supporting payroll data to the State Retirement Agency regarding a member's contributions at the time contributions are paid to the Board of Trustees for the State Retirement and Pension

System; clarifying certain penalty provisions; making conforming changes; making clarifying changes; and generally relating to providing member contributions and supporting payroll data to the State Retirement Agency.

BY repealing and reenacting, with amendments,  
 Article – State Personnel and Pensions  
 Section 21–314(c) and (d)  
 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**

21–314.

(c) (1) In this subsection, “compensation” means a member’s earnable compensation as provided in § 20–101 of this article and includes the amount earned by the member for all pay periods ending during a calendar year even if an amount is paid to the member after December 31 of the calendar year.

(2) [(i)] As each payroll is paid ~~or~~ **AND** in a manner that the Board of Trustees prescribes each participating employer shall:

(i) certify to the Board of Trustees, and the proper fiscal officer of the participating employer shall pay to the Board of Trustees, the member contributions deducted from the compensation of each member employed by the participating employer or made under an employer pickup program[.]; **AND**

(ii) [Within 5 working days after the payment of each payroll, each participating employer shall] submit to the State Retirement Agency supporting payroll data required by the State Retirement Agency in a format specified by the State Retirement Agency.

(d) (1) A participating employer that does not pay the member contributions certified under this section **AND SUBMIT THE SUPPORTING PAYROLL DATA** to the Board of Trustees [within the time required] **AS EACH PAYROLL IS PAID AND IN A MANNER PRESCRIBED BY THE BOARD OF TRUSTEES** is liable for:

(i) a penalty of 10% of the ~~amounts~~ **MEMBER CONTRIBUTIONS** due; ~~and~~

(ii) interest on delinquent ~~amounts~~ **MEMBER CONTRIBUTIONS** at 10% a year until paid;

~~(2) A participating employer that does not submit supporting payroll data as required by the State Retirement Agency [within the time required] is liable for:~~

~~(i) (III)~~ a [late charge of] \$250 PENALTY for each payroll for which the supporting data is [late] NOT SUBMITTED; and

~~(ii) (IV)~~ interest on [delinquent late charges] ~~A PENALTY THE PENALTY ASSESSED UNDER ITEM (III) OF THIS PARAGRAPH~~ at 10% per year if the [late charge] PENALTY is not paid by the date certified by the State Retirement Agency.

(3) The Secretary of the Board of Trustees may allow a grace period for payment of the amounts due or submission of supporting payroll data as required under this section not to exceed 10 working days.

(4) On notification by the Secretary of the Board of Trustees that a delinquency exists, the State Comptroller immediately shall set off the delinquent amount against any money due or coming due to the delinquent participating employer.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## Chapter 204

### (Senate Bill 120)

AN ACT concerning

#### **State Retirement and Pension System – Designation of Beneficiary**

FOR the purpose of altering a requirement for designating a beneficiary of a member, former member, or retiree of the State Retirement and Pension System; providing an option for a member, former member, or retiree to designate a beneficiary through an electronic process; altering a certain definition; making conforming changes; and generally relating to designation of a beneficiary with the State Retirement and Pension System.

BY repealing and reenacting, without amendments,  
Article – State Personnel and Pensions  
Section 20–101(a), 24–401.1(i)(1), and 26–401.1(i)(1)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – State Personnel and Pensions  
 Section 20–101(n), 24–401.1(i)(2), and 26–401.1(i)(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 Personnel and Pensions**

20–101.

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

(n) “Designated beneficiary” means a person named as beneficiary [in an acknowledged written designation filed with the Board of Trustees] by a member, former member, or a retiree **BY FILING:**

**(1) AN ACKNOWLEDGED WRITTEN DESIGNATION WITH THE STATE RETIREMENT AGENCY; OR**

**(2) A PROPERLY COMPLETED FORM SUBMITTED THROUGH THE STATE RETIREMENT AGENCY’S SECURE ACCESS PARTICIPANT PORTAL WITH AN ELECTRONIC SIGNATURE AFFIXED IN THE REQUIRED MANNER AND FORMAT.**

24–401.1.

(i) (1) Subject to paragraphs (2), (3), and (4) of this subsection, on termination of a DROP member’s participation in the DROP, the Board of Trustees shall pay to the DROP member or, if the DROP member has died, the designated beneficiary of the DROP member, the amount accrued in the DROP for the DROP member under subsection (h)(2) of this section, reduced by any withholding taxes remitted to the Internal Revenue Service or other taxing authority, in a lump sum.

(2) The designated beneficiary of a DROP member is:

(i) the DROP member’s surviving spouse;

(ii) if there is not a surviving spouse or if the surviving spouse dies before the youngest child is 18 years old, each child of the deceased DROP member who is under 18 years old; or

(iii) if there is not a surviving spouse or a child who is under 18 years old, the [person named as a beneficiary in an acknowledged written designation filed with the Board of Trustees by the DROP member] **DROP MEMBER’S DESIGNATED**

**BENEFICIARY.**

26–401.1.

(i) (1) Subject to paragraphs (2), (3), and (4) of this subsection, on termination of a DROP member's participation in the DROP, the Board of Trustees shall pay to the DROP member or, if the DROP member has died, the designated beneficiary of the DROP member, the amount accrued in the DROP for the DROP member under subsection (h)(2) of this section, reduced by any withholding taxes remitted to the Internal Revenue Service or other taxing authority, in a lump sum.

(2) The designated beneficiary of a DROP member is:

(i) the DROP member's surviving spouse;

(ii) if there is not a surviving spouse or if the surviving spouse dies before the youngest child is 18 years old, each child of the deceased DROP member who is under 18 years old; or

(iii) if there is not a surviving spouse or a child who is under 18 years old, the [person named as a beneficiary in an acknowledged written designation filed with the Board of Trustees by the DROP member] **DROP MEMBER'S DESIGNATED BENEFICIARY.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

**Chapter 205****(House Bill 265)**

AN ACT concerning

**Alternate Contributory Pension Selection – Return to Employment**

FOR the purpose of allowing an individual to resume participation in the Alternate Contributory Pension Selection in the Employees' Pension System or Teachers' Pension System if the individual has been separated from employment and has accrued a certain amount of eligibility service; clarifying a period of time after which an individual may resume participation in the Alternate Contributory Pension Selection if the individual has been separated from employment for military service; providing for the application of this Act; requiring certain service credit earned in the Reformed Contributory Pension Benefit to be credited to the Alternate

Contributory Pension Selection; and generally relating to participation in the Alternate Contributory Pension Selection in the Employees' Pension System and Teachers' Pension System.

BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 23–215.1(a)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,  
Article – State Personnel and Pensions  
Section 23–215.1(b)  
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

23–215.1.

(a) This section applies to a member who:

(1) on or before June 30, 2011, is subject to the Alternate Contributory Pension Selection;

(2) (i) is separated from employment for 4 years or less;

(ii) 1. is separated from employment [for more than 4 years] for military service that meets the requirements of the federal Uniformed Services Employment and Reemployment Rights Act; and

2. resumes employment within 1 year of leaving military service in a position that is included in the Employees' Pension System or Teachers' Pension System; or

(iii) [1. is separated from employment for more than 4 years; and

2. on or before June 30, 2011, accrues] **IS SEPARATED FROM EMPLOYMENT WITH** the minimum eligibility service needed to be eligible for a vested allowance in the Alternate Contributory Pension Selection under Title 29, Subtitle 3 of this article;

(3) does not withdraw the member's accumulated contributions; and

(4) does not become a retiree.

(b) A member described in subsection (a) of this section who resumes employment in a position that is included in the Employees' Pension System or Teachers' Pension System, shall resume participation in the Alternate Contributory Pension Selection if the employer participates in the Alternate Contributory Pension Selection.

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

(a) This Act shall be construed to apply retroactively and shall be applied to and interpreted to affect an individual who meets the requirements of this Act and who resumed employment in a position included in the Employees' Pension System or Teachers' Pension System on or after July 1, 2011.

(b) Any service credit earned under the Reformed Contributory Pension Benefit by an individual who meets the requirements of this Act shall be credited to the member or former member in the Alternate Contributory Pension Selection if the member or former member has not withdrawn the member's accumulated contributions.

**SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.**

**Approved by the Governor, April 18, 2019.**

---

**Chapter 206**

**(Senate Bill 186)**

AN ACT concerning

**State Retirement and Pension System – Designated Beneficiary Change –  
Rescission**

FOR the purpose of authorizing certain retirees of the State Retirement and Pension System to rescind a request to change a designated beneficiary by sending certain notice to the State Retirement Agency before a certain allowance payment normally becomes due; allowing a retiree who rescinds a certain change of designated beneficiary in a timely manner to receive the allowance payable prior to the change of designated beneficiary, without a certain retroactive adjustment; making conforming changes; and generally relating to designation of a beneficiary with the State Retirement and Pension System.

BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 21–404

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**

21–404.

- (a) This section does not apply to the Judges' Retirement System.
- (b) To change a designated beneficiary, a retiree shall:
  - (1) complete the appropriate form that the Board of Trustees provides; and
  - (2) file the form with the Board of Trustees.
- (c) Subject to [subsection (d)] **SUBSECTIONS (D) AND (E)** of this section, if a retiree changes a designated beneficiary, the Board of Trustees shall recompute the allowance for the election based on the value of the balance in the retiree's annuity reserve and pension reserve when the change is made.

**(D) (1) THIS SUBSECTION APPLIES ONLY TO A RETIREE WHO ELECTED THE OPTIONAL FORM OF ALLOWANCE PAYABLE UNDER § 21–403(B) (OPTION 2), § 21–403(C) (OPTION 3), § 21–403(E) (OPTION 5), OR § 21–403(F) (OPTION 6) OF THIS SUBTITLE.**

**(2) A RETIREE MAY RESCIND A REQUEST TO CHANGE THE DESIGNATED BENEFICIARY AND RESTORE THE RETIREE'S PRIOR DESIGNATION OF BENEFICIARY BY SENDING WRITTEN NOTICE TO THE STATE RETIREMENT AGENCY THAT IS RECEIVED BY THE STATE RETIREMENT AGENCY BEFORE THE SECOND ALLOWANCE PAYMENT NORMALLY BECOMES DUE AFTER THE CHANGE OF BENEFICIARY.**

**(3) A RETIREE WHO RESCINDS A CHANGE OF DESIGNATED BENEFICIARY IN A TIMELY MANNER UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL RECEIVE, AFTER THE RESCISSION, THE ALLOWANCE PAYABLE PRIOR TO THE CHANGE OF DESIGNATED BENEFICIARY, WITHOUT RETROACTIVE ADJUSTMENT OF ANY ALLOWANCE PAYMENT MADE WHILE THE RESCINDED DESIGNATION OF BENEFICIARY WAS IN EFFECT.**

- [(d)] (E) (1) This subsection applies to a retiree if:**

(i) the retiree elected the optional form of allowance payable under § 21–403(e) (Option 5) or § 21–403(f) (Option 6) of this subtitle;

(ii) the retiree’s designated beneficiary dies before the retiree; and

(iii) after the death of the designated beneficiary, the retiree elects to change the designated beneficiary.

(2) The Board of Trustees shall recompute the reduced allowance payable to a retiree and the retiree’s new designated beneficiary using:

(i) the retiree’s basic allowance at the time of the new beneficiary designation;

(ii) the retiree’s age at the time of the new beneficiary designation;  
and

(iii) the age of the new designated beneficiary.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## **Chapter 207**

### **(House Bill 267)**

AN ACT concerning

#### **Optional Retirement Program – Regulations**

FOR the purpose of requiring the Board of Trustees for the State Retirement and Pension System to adopt and maintain a written plan document for the optional retirement program; authorizing the Board of Trustees to adopt certain regulations; and generally relating to the optional retirement program.

BY repealing and reenacting, without amendments,  
Article – State Personnel and Pensions  
Section 30–201  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions

Section 30–203  
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**

30–201.

(a) There is an optional retirement program in which eligible employees may participate.

(b) Under the program, annuity contracts offered by a designated company that provide retirement and death benefits may be purchased for participating employees.

(c) (1) The Board of Trustees shall administer the program to the extent provided in this title.

(2) The State Retirement Agency shall carry out the administrative duties of the Board of Trustees.

(d) The program shall be offered by each employing institution.

30–203.

The Board of Trustees shall **ADOPT AND MAINTAIN A WRITTEN PLAN DOCUMENT FOR THE PROGRAM AND MAY** adopt regulations that [are] **IT DEEMS** necessary to carry out this title.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

**Chapter 208**

**(Senate Bill 828)**

AN ACT concerning

**Employees', Teachers', and Correctional Officers' Systems – Active Members –  
Death Benefits**

FOR the purpose of allowing a certain surviving child of a member of the Employees' Retirement System, Employees' Pension System, Teachers' Retirement System, or Teachers' Pension System to participate in the State Employee and Retiree Health and Welfare Benefits program if the child receives a certain allowance; prohibiting a certain death benefit from being paid if a certain allowance is paid for a death; requiring a certain death benefit to be paid if certain individuals waive the payment of a certain allowance; providing certain survivor benefits to surviving children of certain members of the State Retirement and Pension System; providing for the payment of a certain allowance to surviving children of a member when there is no surviving spouse; providing for the distribution of a certain allowance to surviving children; making conforming changes; and generally relating to death benefits for active members in the State Retirement and Pension System.

BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 2–507(e), 29–202, 29–205, and 29–206  
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**

2–507.

(e) The surviving child or dependent parent of a State employee who at the time of death was a member of the Employees' Retirement System, Employees' Pension System, Teachers' Retirement System, or Teachers' Pension System and who was killed **OR DIED** while employed by the State may enroll and participate in the health insurance benefit options established under the Program as long as the child or parent is receiving an allowance under Title 29, Subtitle 2 of this article.

29–202.

(a) (1) (i) Subject to subparagraph (ii) of this paragraph, when the Board of Trustees receives proof of death of an individual who died while employed as a member, the Board of Trustees shall pay to the designated beneficiary or, if there is no designated beneficiary, to the member's estate the amounts specified in this subsection.

(ii) If a member designates more than one beneficiary, on the death of the member, the Board of Trustees shall pay the amounts specified in this subsection in equal shares to each of the designated beneficiaries.

(2) Subject to paragraph (1) of this subsection, the Board of Trustees shall pay the member's accumulated contributions.

(3) Subject to paragraph (1) of this subsection, the Board of Trustees shall pay an amount equal to the member's annual earnable compensation at death if the member dies in the course of the performance of duty or the member has at least 1 year of eligibility service.

(b) (1) A death benefit under this section may not be paid for the death of a member of the State Police Retirement System if a special death benefit under § 29–204 of this subtitle is paid for that death.

(2) A death benefit under this section may not be paid for the death of a member of the Correctional Officers' Retirement System if a special death benefit under § 29–204.1 of this subtitle is paid for that death.

(3) A death benefit under this section may not be paid for the death of a member of the Employees' Retirement System, Employees' Pension System, Teachers' Retirement System, or Teachers' Pension System if a special death benefit under § 29–204.2 of this subtitle is paid for that death.

(4) A death benefit under this section may not be paid for the death of a member of the Law Enforcement Officers' Pension System if a special death benefit under § 29–203 of this subtitle is paid for that death.

**(5) A DEATH BENEFIT UNDER THIS SECTION MAY NOT BE PAID FOR THE DEATH OF A MEMBER IF A RETIREMENT ALLOWANCE UNDER § 29–205 OR § 29–206 OF THIS SUBTITLE IS PAID FOR THAT DEATH.**

**(6) (I)** If all individuals who are eligible for a special death benefit under § 29–203, § 29–204, § 29–204.1, or § 29–204.2 elect to waive the payment of a special death benefit, a benefit shall be paid in accordance with subsection (a) of this section.

**(II) IF ALL INDIVIDUALS WHO ARE ELIGIBLE FOR AN ALLOWANCE UNDER § 29–205 OR § 29–206 OF THIS SUBTITLE ELECT TO WAIVE THE PAYMENT OF AN ALLOWANCE, A BENEFIT SHALL BE PAID IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.**

(c) The Board of Trustees may provide the death benefit as group life insurance if the Board of Trustees finds that the designated beneficiaries would receive a more favorable tax treatment of the death benefit.

29–205.

(a) This section applies to [the surviving spouse of] an individual who died while employed as a member [of]:

(1) **(I)** OF the Correctional Officers' Retirement System;

[(2)] (II) OF the Employees' Retirement System;

[(3)] (III) OF the Local Fire and Police System, if the member had transferred from the Employees' Retirement System; or

[(4)] (IV) OF the Teachers' Retirement System; AND

(2) (I) WHO WAS ELIGIBLE TO RETIRE; OR

(II) WHO WAS AT LEAST 55 YEARS OLD WITH AT LEAST 15 YEARS OF ELIGIBILITY SERVICE.

(b) Except as provided in subsections ~~(e) and (d)~~ (D) AND (E) of this section, a MEMBER'S surviving spouse, ~~CHILD UNDER THE AGE OF 26 YEARS, OR DISABLED CHILD~~ may elect to receive one of the following, ~~IN ACCORDANCE WITH SUBSECTIONS (E) THROUGH (C) OF THIS SECTION:~~

(1) the death benefit, under § 29–202 of this subtitle; or

(2) an allowance equal to the amount payable under Option 2 as described in § 21–403 of this article[, if:

(i) the spouse is the sole primary designated beneficiary; and

(ii) the member:

1. was eligible to retire; or

2. was at least 55 years old with at least 15 years of eligibility service].

(C) (1) EXCEPT AS PROVIDED IN SUBSECTIONS (D) AND (E) OF THIS SECTION, WHEN THE BOARD OF TRUSTEES RECEIVES PROOF OF A DEATH OF A MEMBER DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION AND THERE IS NO SURVIVING SPOUSE, A CHILD UNDER THE AGE OF 26 YEARS OR A DISABLED CHILD OF THE MEMBER MAY ELECT TO RECEIVE AN ALLOWANCE IN ACCORDANCE WITH THIS SUBSECTION.

(2) IF AN ELECTION IS MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD OF TRUSTEES SHALL PAY, IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION, AN ALLOWANCE EQUAL TO 50% OF THE BASIC ALLOWANCE THE MEMBER WAS ELIGIBLE TO RECEIVE UNDER DIVISION II OF THIS ARTICLE TO ANY CHILDREN OF THE DECEASED MEMBER WHO ARE UNDER THE AGE OF 26 YEARS OR DISABLED, AS DEFINED UNDER § 72(M)(7) OF THE INTERNAL REVENUE CODE.

**(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, IF THE BOARD OF TRUSTEES PAYS AN ALLOWANCE UNDER THIS SUBSECTION TO MORE THAN ONE CHILD, THE BOARD OF TRUSTEES SHALL DIVIDE THE ALLOWANCE AMONG THE CHILDREN IN A MANNER THAT PROVIDES FOR PAYMENTS TO CONTINUE UNTIL:**

- 1. EACH CHILD HAS DIED; OR**
- 2. EACH CHILD BECOMES 26 YEARS OLD.**

**(II) NOTWITHSTANDING SUBPARAGRAPH (I)2 OF THIS PARAGRAPH, A SURVIVING CHILD WHO IS DISABLED SHALL CONTINUE TO RECEIVE AN ALLOWANCE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH PAST THE AGE OF 26 YEARS, IF THE CHILD CONTINUES TO BE DISABLED.**

**(III) 1. IF A SURVIVING CHILD RECEIVING AN ALLOWANCE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS DISABLED, AS DEFINED UNDER § 72(M)(7) OF THE INTERNAL REVENUE CODE, THE BOARD OF TRUSTEES SHALL PAY TO THE DISABLED SURVIVING CHILD AN ALLOWANCE EQUAL TO THE TOTAL OF THE ALLOWANCES PAID UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AFTER:**

**A. ALL OTHER NONDISABLED SURVIVING CHILDREN HAVE DIED; OR**

**B. THE YOUNGEST NONDISABLED SURVIVING CHILD BECOMES 26 YEARS OLD.**

**2. IF MORE THAN ONE SURVIVING CHILD IS DISABLED, AS DEFINED UNDER § 72(M)(7) OF THE INTERNAL REVENUE CODE, THE RETIREMENT ALLOWANCE PAYABLE UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL BE DIVIDED EQUALLY AMONG THE DISABLED CHILDREN.**

**(4) BEFORE THE PAYMENT OF AN ALLOWANCE UNDER THIS SUBSECTION, IF ALL INDIVIDUALS WHO ARE ELIGIBLE TO RECEIVE A DEATH BENEFIT UNDER THIS SUBSECTION ELECT TO WAIVE THE PAYMENT OF AN ALLOWANCE, A BENEFIT SHALL BE PAID IN ACCORDANCE WITH § 29-202(A) OF THIS SUBTITLE.**

**(D)** A death benefit under this section may not be paid for the death of a member of the Correctional Officers' Retirement System if a special death benefit under § 29-204.1 of this subtitle is payable or has been paid for that death.

~~(d)~~ **(E)** A death benefit under this section may not be paid for the death of a member of the Employees' Retirement System or Teachers' Retirement System if a special death benefit under § 29-204.2 of this subtitle is payable or has been paid for that death.

~~(E) WHEN THE BOARD OF TRUSTEES RECEIVES PROOF OF DEATH OF A MEMBER DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION, AND AN ELECTION FOR AN ALLOWANCE IS MADE UNDER SUBSECTION (B) OF THIS SECTION, THE BOARD OF TRUSTEES SHALL PAY AN ALLOWANCE EQUAL TO THE AMOUNT PAYABLE UNDER OPTION 2 AS DESCRIBED IN § 21-403 OF THIS ARTICLE:~~

~~(1) TO THE SURVIVING SPOUSE; OR~~

~~(2) IF THERE IS NO SURVIVING SPOUSE, TO ANY CHILDREN OF THE DECEASED MEMBER WHO ARE UNDER THE AGE OF 26 YEARS OR DISABLED, AS DEFINED UNDER § 72(M)(7) OF THE INTERNAL REVENUE CODE, IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION.~~

~~(F) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, IF THE BOARD OF TRUSTEES PAYS AN ALLOWANCE UNDER THIS SECTION TO MORE THAN ONE CHILD, THE BOARD OF TRUSTEES SHALL DIVIDE THE ALLOWANCE AMONG THE CHILDREN IN A MANNER THAT PROVIDES FOR PAYMENTS TO CONTINUE UNTIL:~~

~~(i) EACH CHILD HAS DIED; OR~~

~~(ii) EACH CHILD BECOMES 26 YEARS OLD.~~

~~(2) NOTWITHSTANDING PARAGRAPH (1)(ii) OF THIS SUBSECTION, A SURVIVING CHILD WHO IS DISABLED SHALL CONTINUE TO RECEIVE AN ALLOWANCE UNDER PARAGRAPH (1) OF THIS SUBSECTION PAST THE AGE OF 26 YEARS, IF THE CHILD CONTINUES TO BE DISABLED.~~

~~(3) (i) IF A SURVIVING CHILD RECEIVING AN ALLOWANCE UNDER PARAGRAPH (1) OF THIS SUBSECTION IS DISABLED, AS DEFINED UNDER § 72(M)(7) OF THE INTERNAL REVENUE CODE, THE BOARD OF TRUSTEES SHALL PAY TO THE DISABLED SURVIVING CHILD AN ALLOWANCE EQUAL TO THE TOTAL OF THE ALLOWANCES PAID UNDER PARAGRAPH (1) OF THIS SUBSECTION AFTER:~~

~~1. ALL OTHER NONDISABLED SURVIVING CHILDREN HAVE DIED; OR~~

~~2. THE YOUNGEST NONDISABLED SURVIVING CHILD BECOMES 26 YEARS OLD.~~

~~(H) IF MORE THAN ONE SURVIVING CHILD IS DISABLED, AS DEFINED UNDER § 72(M)(7) OF THE INTERNAL REVENUE CODE, THE RETIREMENT ALLOWANCE PAYABLE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE DIVIDED EQUALLY AMONG THE DISABLED CHILDREN.~~

~~(C) BEFORE THE PAYMENT OF AN ALLOWANCE UNDER THIS SECTION, IF ALL INDIVIDUALS WHO ARE ELIGIBLE TO RECEIVE A DEATH BENEFIT UNDER THIS SECTION ELECT TO WAIVE THE PAYMENT OF AN ALLOWANCE, A BENEFIT SHALL BE PAID IN ACCORDANCE WITH § 29-202(A) OF THIS SUBTITLE.~~

29-206.

(a) This section applies to [the surviving spouse of] an individual who died while employed as a member [of]:

(1) (I) OF the Employees' Pension System;

[(2)] (II) OF the Teachers' Pension System; or

[(3)] (III) OF the Local Fire and Police System, if the member had not transferred from the Employees' Retirement System; AND

(2) (I) WHO WAS ELIGIBLE TO RETIRE;

(II) WHO HAD AT LEAST 25 YEARS OF ELIGIBILITY SERVICE; OR

(III) WHO:

1. WAS NOT SUBJECT TO THE REFORMED CONTRIBUTORY PENSION BENEFIT AND WAS AT LEAST 55 YEARS OLD WITH AT LEAST 15 YEARS OF ELIGIBILITY SERVICE; OR

2. WAS SUBJECT TO THE REFORMED CONTRIBUTORY PENSION BENEFIT AND WAS AT LEAST 60 YEARS OLD WITH AT LEAST 15 YEARS OF ELIGIBILITY SERVICE.

(b) Except as provided in subsection ~~(e)~~ (D) of this section, a MEMBER'S surviving spouse, ~~CHILD UNDER THE AGE OF 26 YEARS, OR DISABLED CHILD~~ may elect to receive one of the following, ~~IN ACCORDANCE WITH SUBSECTIONS (D) THROUGH (F) OF THIS SECTION:~~

(1) the death benefit under § 29-202 of this subtitle; or

(2) an allowance equal to the amount payable under Option 2 as described in § 21-403 of this article[, if:

- (i) the spouse is the sole primary designated beneficiary; and
- (ii) the member:
  - 1. was eligible to retire;
  - 2. had at least 25 years of eligibility service; or
  - 3. was at least 55 years old with at least 15 years of eligibility service].

**(C) (1) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, WHEN THE BOARD OF TRUSTEES RECEIVES PROOF OF A DEATH OF A MEMBER DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION AND THERE IS NO SURVIVING SPOUSE, A CHILD UNDER THE AGE OF 26 YEARS OR A DISABLED CHILD OF THE MEMBER MAY ELECT TO RECEIVE AN ALLOWANCE IN ACCORDANCE WITH THIS SUBSECTION.**

**(2) IF AN ELECTION IS MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD OF TRUSTEES SHALL PAY, IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION, AN ALLOWANCE EQUAL TO 50% OF THE BASIC ALLOWANCE THE MEMBER WAS ELIGIBLE TO RECEIVE UNDER DIVISION II OF THIS ARTICLE TO ANY CHILDREN OF THE DECEASED MEMBER WHO ARE UNDER THE AGE OF 26 YEARS OR DISABLED, AS DEFINED UNDER § 72(M)(7) OF THE INTERNAL REVENUE CODE.**

**(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, IF THE BOARD OF TRUSTEES PAYS AN ALLOWANCE UNDER THIS SUBSECTION TO MORE THAN ONE CHILD, THE BOARD OF TRUSTEES SHALL DIVIDE THE ALLOWANCE AMONG THE CHILDREN IN A MANNER THAT PROVIDES FOR PAYMENTS TO CONTINUE UNTIL:**

- 1. EACH CHILD HAS DIED; OR**
- 2. EACH CHILD BECOMES 26 YEARS OLD.**

**(II) NOTWITHSTANDING SUBPARAGRAPH (I)2 OF THIS PARAGRAPH, A SURVIVING CHILD WHO IS DISABLED SHALL CONTINUE TO RECEIVE AN ALLOWANCE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH PAST THE AGE OF 26 YEARS, IF THE CHILD CONTINUES TO BE DISABLED.**

**(III) 1. IF A SURVIVING CHILD RECEIVING AN ALLOWANCE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS DISABLED, AS DEFINED UNDER § 72(M)(7) OF THE INTERNAL REVENUE CODE, THE BOARD OF TRUSTEES SHALL PAY**

TO THE DISABLED SURVIVING CHILD AN ALLOWANCE EQUAL TO THE TOTAL OF THE ALLOWANCES PAID UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AFTER:

A. ALL OTHER NONDISABLED SURVIVING CHILDREN HAVE DIED; OR

B. THE YOUNGEST NONDISABLED SURVIVING CHILD BECOMES 26 YEARS OLD.

2. IF MORE THAN ONE SURVIVING CHILD IS DISABLED, AS DEFINED UNDER § 72(M)(7) OF THE INTERNAL REVENUE CODE, THE RETIREMENT ALLOWANCE PAYABLE UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL BE DIVIDED EQUALLY AMONG THE DISABLED CHILDREN.

(4) BEFORE THE PAYMENT OF AN ALLOWANCE UNDER THIS SUBSECTION, IF ALL INDIVIDUALS WHO ARE ELIGIBLE TO RECEIVE A DEATH BENEFIT UNDER THIS SUBSECTION ELECT TO WAIVE THE PAYMENT OF AN ALLOWANCE, A BENEFIT SHALL BE PAID IN ACCORDANCE WITH § 29-202(A) OF THIS SUBTITLE.

~~(D)~~ (D) A death benefit under this section may not be paid for the death of a member of the Employees' Pension System or Teachers' Pension System if a special death benefit under § 29-204.2 of this subtitle is payable or has been paid for that death.

~~(D) WHEN THE BOARD OF TRUSTEES RECEIVES PROOF OF DEATH OF A MEMBER DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION, AND AN ELECTION FOR AN ALLOWANCE IS MADE UNDER SUBSECTION (B) OF THIS SECTION, THE BOARD OF TRUSTEES SHALL PAY AN ALLOWANCE EQUAL TO THE AMOUNT PAYABLE UNDER OPTION 2 AS DESCRIBED IN § 21-403 OF THIS ARTICLE;~~

~~(1) TO THE SURVIVING SPOUSE; OR~~

~~(2) IF THERE IS NO SURVIVING SPOUSE, TO ANY CHILDREN OF THE DECEASED MEMBER WHO ARE UNDER THE AGE OF 26 YEARS OR DISABLED, AS DEFINED UNDER § 72(M)(7) OF THE INTERNAL REVENUE CODE, IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION.~~

~~(E) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, IF THE BOARD OF TRUSTEES PAYS AN ALLOWANCE UNDER THIS SECTION TO MORE THAN ONE CHILD, THE BOARD OF TRUSTEES SHALL DIVIDE THE ALLOWANCE AMONG THE CHILDREN IN A MANNER THAT PROVIDES FOR PAYMENTS TO CONTINUE UNTIL:~~

~~(i) EACH CHILD HAS DIED; OR~~

~~(H) EACH CHILD BECOMES 26 YEARS OLD.~~

~~(2) NOTWITHSTANDING PARAGRAPH (1)(H) OF THIS SUBSECTION, A SURVIVING CHILD WHO IS DISABLED SHALL CONTINUE TO RECEIVE AN ALLOWANCE UNDER PARAGRAPH (1) OF THIS SUBSECTION PAST THE AGE OF 26 YEARS, IF THE CHILD CONTINUES TO BE DISABLED.~~

~~(3) (I) IF A SURVIVING CHILD RECEIVING AN ALLOWANCE UNDER PARAGRAPH (1) OF THIS SUBSECTION IS DISABLED, AS DEFINED UNDER § 72(M)(7) OF THE INTERNAL REVENUE CODE, THE BOARD OF TRUSTEES SHALL PAY TO THE DISABLED SURVIVING CHILD AN ALLOWANCE EQUAL TO THE TOTAL OF THE ALLOWANCES PAID UNDER PARAGRAPH (1) OF THIS SUBSECTION AFTER:~~

~~1. ALL OTHER NONDISABLED SURVIVING CHILDREN HAVE DIED; OR~~

~~2. THE YOUNGEST NONDISABLED SURVIVING CHILD BECOMES 26 YEARS OLD.~~

~~(H) IF MORE THAN ONE SURVIVING CHILD IS DISABLED, AS DEFINED UNDER § 72(M)(7) OF THE INTERNAL REVENUE CODE, THE RETIREMENT ALLOWANCE PAYABLE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE DIVIDED EQUALLY AMONG THE DISABLED CHILDREN.~~

~~(F) BEFORE THE PAYMENT OF AN ALLOWANCE UNDER THIS SECTION, IF ALL INDIVIDUALS WHO ARE ELIGIBLE TO RECEIVE A DEATH BENEFIT UNDER THIS SECTION ELECT TO WAIVE THE PAYMENT OF AN ALLOWANCE, A BENEFIT SHALL BE PAID IN ACCORDANCE WITH § 29-202(A) 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 209

(House Bill 862)

AN ACT concerning

State Police Retirement System – Employment of Retirees – Clarifications

FOR the purpose of clarifying certain provisions of law related to the employment of certain ~~retirees~~ *individuals* who are receiving certain ~~retirement~~ allowances from the State Police Retirement System; making conforming changes; and generally relating to the employment of certain retirees of the State Police Retirement System.

BY repealing

Article – State Personnel and Pensions  
Section 24–405 and 24–405.1  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

BY adding to

Article – State Personnel and Pensions  
Section 24–405  
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**

[24–405.

(a) Except as provided in § 24–405.1 of this subtitle and subject to subsections (b) and (c) of this section, an individual who is receiving a service retirement allowance or vested allowance may accept employment with a participating employer on a temporary basis, if:

- (1) the employment is not in a regularly allocated position; and
- (2) the individual immediately notifies the Board of Trustees:
  - (i) of the individual’s intention to accept the employment; and
  - (ii) of the compensation that the individual will receive.

(b) (1) This subsection does not apply to:

(i) an individual who has been retired for 5 years, beginning on January 1, after the date the individual retires; or

(ii) an individual who participates in the Deferred Retirement Option Program established under § 24–401.1 of this subtitle.

(2) (i) Subject to subparagraph (ii) of this paragraph, the Board of Trustees shall reduce an individual’s allowance by the amount that the sum of the

individual's initial annual basic allowance and the individual's annual compensation exceeds the average final compensation used to compute the basic allowance.

(ii) 1. Any reduction taken to a retiree's allowance under this subsection may not exceed an amount that would reduce the retiree's allowance to less than what is required to be deducted for the retiree's monthly State-approved medical insurance premiums.

2. If a reduction for a calendar year taken under subparagraph 1 of this subparagraph is less than the reduction required under subparagraph (i) of this paragraph, the Board of Trustees shall recover from the retiree an amount equal to the reduction required under subparagraph (i) of this paragraph less the reduction taken under subparagraph 1 of this subparagraph.

(c) For purposes of this section, employment is not on a temporary basis if, in any 12-month period, an individual works:

- (1) full time for more than 6 months; or
- (2) part time for the equivalent of more than 6 months of full-time work.]

#### 24-405.

**(A) SUBJECT TO SUBSECTION (C) OF THIS SECTION, AND EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, ~~A RETIREE~~ AN INDIVIDUAL WHO IS RECEIVING A SERVICE RETIREMENT ALLOWANCE OR A VESTED ~~RETIREMENT~~ ALLOWANCE MAY ACCEPT EMPLOYMENT WITH A PARTICIPATING EMPLOYER ON A PERMANENT, CONTRACTUAL, OR TEMPORARY BASIS IF THE ~~RETIREE~~ INDIVIDUAL IMMEDIATELY NOTIFIES THE BOARD OF TRUSTEES:**

**(1) OF THE ~~RETIREE'S~~ INDIVIDUAL'S INTENTION TO ACCEPT THE EMPLOYMENT; AND**

**(2) OF THE COMPENSATION THAT THE ~~RETIREE~~ INDIVIDUAL WILL RECEIVE.**

**(B) ~~A RETIREE~~ AN INDIVIDUAL WHO ACCEPTS EMPLOYMENT ON A PERMANENT OR CONTRACTUAL BASIS IS NOT SUBJECT TO A REDUCTION TO THE ~~RETIREE'S~~ INDIVIDUAL'S ~~RETIREMENT~~ ALLOWANCE.**

**(C) (1) (I) FOR PURPOSES OF THIS SECTION, EMPLOYMENT IS NOT ON A TEMPORARY BASIS IF, IN ANY 12-MONTH PERIOD, ~~A RETIREE~~ AN INDIVIDUAL WORKS:**

1. FULL TIME FOR MORE THAN 6 MONTHS; OR

2. PART TIME FOR THE EQUIVALENT OF MORE THAN 6 MONTHS OF FULL-TIME WORK.

(II) ~~A RETIREE~~ AN INDIVIDUAL MAY ACCEPT EMPLOYMENT UNDER THIS SECTION ON A TEMPORARY BASIS ONLY IF THE EMPLOYMENT IS NOT IN A REGULARLY ALLOCATED POSITION.

(2) THE ~~RETIREMENT~~ ALLOWANCE OF ~~A RETIREE~~ AN INDIVIDUAL WHO ACCEPTS EMPLOYMENT ON A TEMPORARY BASIS IS SUBJECT TO A REDUCTION AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION.

(3) THE BOARD OF TRUSTEES SHALL REDUCE THE ALLOWANCE OF ~~A RETIREE~~ AN INDIVIDUAL WHO ACCEPTS EMPLOYMENT ON A TEMPORARY BASIS BY THE AMOUNT BY WHICH THE SUM OF THE ~~RETIREE'S~~ INDIVIDUAL'S INITIAL ANNUAL BASIC ALLOWANCE AND THE ~~RETIREE'S~~ INDIVIDUAL'S ANNUAL COMPENSATION EXCEEDS THE AVERAGE FINAL COMPENSATION USED TO COMPUTE THE BASIC ALLOWANCE.

(4) (I) ANY REDUCTION TAKEN TO ~~A RETIREE'S~~ AN ALLOWANCE UNDER PARAGRAPH (3) OF THIS SUBSECTION MAY NOT REDUCE THE ~~RETIREE'S~~ ALLOWANCE TO LESS THAN THE AMOUNT REQUIRED TO BE DEDUCTED FOR THE ~~RETIREE'S~~ INDIVIDUAL'S MONTHLY STATE-APPROVED MEDICAL INSURANCE PREMIUMS.

(II) IF A REDUCTION FOR A CALENDAR YEAR TAKEN UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS LESS THAN THE REDUCTION REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE BOARD OF TRUSTEES SHALL RECOVER FROM THE ~~RETIREE~~ INDIVIDUAL AN AMOUNT EQUAL TO THE REDUCTION REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION LESS THE REDUCTION TAKEN UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(5) PARAGRAPH (2) OF THIS SUBSECTION DOES NOT APPLY TO:

(I) ~~A RETIREE~~ AN INDIVIDUAL WHO HAS BEEN RETIRED FOR 5 YEARS, BEGINNING ON JANUARY 1, AFTER THE DATE THE INDIVIDUAL RETIRES; OR

(II) ~~A RETIREE~~ AN INDIVIDUAL WHO PARTICIPATES IN THE DEFERRED RETIREMENT OPTION PROGRAM ESTABLISHED UNDER § 24-401.1 OF THIS SUBTITLE.

(D) A RETIREE WHO IS RECEIVING A SERVICE RETIREMENT ALLOWANCE UNDER THIS TITLE MAY NOT BE EMPLOYED BY THE STATE OR OTHER

**PARTICIPATING EMPLOYER ON A PERMANENT, TEMPORARY, OR CONTRACTUAL BASIS WITHIN 45 DAYS OF THE DATE THE RETIREE RETIRED.**

[24–405.1.

An individual who is receiving a service retirement allowance under this title may not be employed by the State or other participating employer on a permanent, temporary, or contractual basis within 45 days of the date the individual retired.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## **Chapter 210**

**(Senate Bill 486)**

AN ACT concerning

### **State Retirement and Pension System – Workers’ Compensation Offset**

FOR the purpose of requiring the Board of Trustees for the State Retirement and Pension System to adjust a certain reduction of a retiree’s accidental or special disability retirement benefit to reflect any offset awarded to the retiree’s employer by the Workers’ Compensation Commission; making conforming changes; and generally relating to the effect of workers’ compensation benefits on retirement benefits.

BY repealing and reenacting, without amendments,  
Article – Labor and Employment  
Section 9–610(a)  
Annotated Code of Maryland  
(2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 29–118  
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 – Labor and Employment**

9–610.

(a) (1) Except for benefits subject to an offset under § 29–118 of the State Personnel and Pensions Article, if a statute, charter, ordinance, resolution, regulation, or policy, regardless of whether part of a pension system, provides a benefit to a covered employee of a governmental unit or a quasi–public corporation that is subject to this title under § 9–201(2) of this title or, in case of death, to the dependents of the covered employee, payment of the benefit by the employer satisfies, to the extent of the payment, the liability of the employer and the Subsequent Injury Fund for payment of similar benefits under this title.

(2) If a benefit paid under paragraph (1) of this subsection is less than the benefits provided under this title, the employer, the Subsequent Injury Fund, or both shall provide an additional benefit that equals the difference between the benefit paid under paragraph (1) of this subsection and the benefits provided under this title.

(3) The computation of an additional benefit payable under paragraph (2) of this section shall be done at the time of the initial award and may not include any cost of living adjustment after the initial award.

### Article – State Personnel and Pensions

29–118.

(a) (1) Except as otherwise provided in this subsection, this section applies to a retiree and any designated beneficiary.

(2) (i) This section does not apply to:

1. a retiree of a participating governmental unit, or a designated beneficiary of that retiree; or

2. a retiree of the Employees' Pension System or the Employees' Retirement System who receives a disability retirement benefit as a former employee of a county board of education or the Board of School Commissioners of Baltimore City, or a designated beneficiary of that retiree.

(ii) A retiree described in subparagraph (i) of this paragraph, or a designated beneficiary of that retiree is subject to § 9–610 of the Labor and Employment Article.

(b) (1) **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION**, the Board of Trustees shall reduce an accidental or special disability retirement benefit by any related workers' compensation benefits paid or payable after the effective date of retirement if the workers' compensation benefits:

(i) are paid or payable while a pension is paid or payable; and

(ii) are for an accidental personal injury arising out of and in the course of the retiree's employment by a participating employer.

**(2) (I) THIS PARAGRAPH APPLIES TO A RETIREE WHO WAS ORIGINALLY AWARDED AN ORDINARY DISABILITY RETIREMENT BENEFIT, BUT WHOSE BENEFIT WAS LATER CONVERTED TO AN ACCIDENTAL OR SPECIAL DISABILITY RETIREMENT BENEFIT BY THE BOARD OF TRUSTEES.**

**(II) IF THE RETIREE WAS AWARDED RELATED WORKERS' COMPENSATION BENEFITS PAID OR PAYABLE AFTER THE EFFECTIVE DATE OF RETIREMENT, THE BOARD OF TRUSTEES SHALL ADJUST ITS REDUCTION OF THE RETIREE'S ACCIDENTAL OR SPECIAL DISABILITY RETIREMENT BENEFIT UNDER PARAGRAPH (1) OF THIS SUBSECTION TO REFLECT ANY OFFSET AWARDED TO THE RETIREE'S EMPLOYER BY THE WORKERS' COMPENSATION COMMISSION FOR THE ORIGINAL ORDINARY DISABILITY RETIREMENT BENEFIT.**

**[(2)] (3)** A retirement allowance may not be reduced:

(i) to be less than the sum of the retiree's annuity and the amount authorized to be deducted for health insurance premiums; or

(ii) for workers' compensation benefits that are reimbursements for legal fees, medical expenses, or other payments made to third parties and not to the retiree.

(c) The retirement allowance to be reduced under this section is the retirement allowance at retirement without any cost-of-living adjustment [and is retroactive].

**(D) SUBJECT TO SUBSECTION (B)(2) OF THIS SECTION, THE RETIREMENT ALLOWANCE TO BE REDUCED UNDER THIS SECTION IS RETROACTIVE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Approved by the Governor, April 18, 2019.**

---

## Chapter 211

**(Senate Bill 581)**

AN ACT concerning

**Economic, Housing, and Community Development Tax Credits – Opportunity Zone Enhancement Program Incentives**

FOR the purpose of extending certain benefits under the More Jobs for Marylanders Program to businesses that locate or expand in opportunity zones in the State; extending the termination date of the Program; altering the maximum aggregate credit amounts of initial tax credit certificates the Department of Commerce may issue from the More Jobs for Marylanders Tax Credit Reserve Fund in a fiscal year; altering the calculation the Governor shall use in determining the amount to include in the budget for the More Jobs for Marylanders Tax Credit Reserve Fund; altering the information required to be contained in a certain report on the More Jobs for Marylanders Tax Credit; altering the maximum aggregate amount of sales and use tax refunds the Department of Commerce may issue from the More Jobs for Marylanders Sales and Use Tax Refund Reserve Fund in a fiscal year; altering the calculation of the amount of the property tax credit under the Program; establishing the Opportunity Zone Enhancement Program in the Department of Commerce; expanding certain economic development tax credits administered by the Department of Commerce under certain circumstances; requiring the Department of Commerce to administer the tax credit enhancements under the Program; requiring the Department of Commerce to maintain and publish certain information on its website, subject to certain limitations; authorizing a certain additional tax credit under the heritage structure rehabilitation tax credit program for certain commercial rehabilitations that qualify as certain opportunity zone projects; requiring the Director of the Maryland Historical Trust, in consultation with the Smart Growth Subcabinet, to adopt certain regulations specifying certain criteria and procedures; increasing by a certain amount the maximum tax credit allowed for certain rehabilitations under certain circumstances; making a certain tax credit transferable and refundable under certain circumstances; prohibiting the Director from issuing initial tax credit certificates for targeted projects before a certain date and for more than a certain amount; altering the name of the heritage structure rehabilitation tax credit; extending for a certain number of years the termination date of a certain credit; authorizing the Mayor and City Council of Baltimore City or the governing body of a county or municipal corporation to grant a property tax credit on a certain assessment of qualified opportunity zone business property under certain circumstances; authorizing the governing body of a county or municipal corporation to provide, by law, for certain matters relating to the credit; requiring a county or municipal corporation to provide certain reports to the General Assembly on or before certain dates; authorizing the Department of Commerce to provide financial assistance to certain projects in certain opportunity zones in certain counties under certain circumstances; requiring the Department of Housing and Community Development to report to certain committees of the General Assembly on or before a certain date each year; requiring the Division of Development Finance within the Department of Housing and Community Development to conduct certain outreach; authorizing the Department of Housing and Community Development to provide financial assistance to certain business and revitalization projects in certain opportunity zones in certain counties under certain circumstances; authorizing the availability of certain tax credits in certain opportunity zones in certain counties

under certain circumstances; requiring the approval of a municipal corporation or a political subdivision for a certain proposed project affecting an opportunity zone in certain counties under certain circumstances; authorizing certain growth-related projects without the approval of the Board of Public Works under certain circumstances; allowing a credit against the State income tax for certain qualified workforce housing in opportunity zones; providing for allocation of the aggregate available credit amount among qualified workforce housing projects by the Secretary of Housing and Community Development; limiting the aggregate credit amount that may be allocated for any fiscal year; establishing the Qualified Workforce Housing Tax Credit Reserve Fund; authorizing the Governor to include certain appropriations for the fund in the annual budget bill; requiring the Comptroller to transfer certain amounts from the fund to the General Fund of the State under certain circumstances; requiring the Secretary to adopt certain regulations; authorizing the Secretary, in consultation with the Comptroller, to adopt certain regulations providing for the recapture of the tax credit under certain circumstances; allowing unused credits to be claimed in subsequent taxable years under certain circumstances; requiring the Secretary to report to the General Assembly on or before a certain date each year; requiring the Department of Commerce to report to the General Assembly on or before a certain date; requiring the Department of Planning to conduct and report the findings of a certain feasibility study to the Governor and the General Assembly on or before a certain date; providing for the application of this Act; altering and defining certain terms; and generally relating to ~~an~~ opportunity ~~zone~~ zones, ~~enhancement program in the Department of Commerce and the heritage structure rehabilitation tax credit~~ and certain economic, housing, and community development programs.

BY repealing and reenacting, with amendments,

Article – Corporations and Associations

Section 1-203.1(b)

Annotated Code of Maryland

(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Economic Development

Section 4-704(a), 5-704(a)(1), 5-1303(a)(1), 6-301(f), 6-402(b)(1), 6-801, and 6-803 through 6-805

Annotated Code of Maryland

(2018 Replacement Volume)

BY adding to

Article – Economic Development

Section 6-1001 through ~~6-1009~~ 6-1008 to be under the new subtitle “Subtitle 10. Opportunity Zone Enhancement Program”

Annotated Code of Maryland

(2018 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement  
Section ~~5A-303(a) through (e)~~ 5-7B-06, 5A-303, and 7-314(o)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Tax – General  
Section 10-741(a)(1) and 11-411(b) and (d)  
Annotated Code of Maryland  
(2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General  
Section 10-741(a)(9) and (10) and (b) through (e) and ~~11-411(d)~~  
Annotated Code of Maryland  
(2016 Replacement Volume and 2018 Supplement)

BY adding to

Article – Tax – General  
Section 10-749  
Annotated Code of Maryland  
(2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Tax – Property  
Section 9-110(a)(1) and 9-229(b)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

BY adding to

Article – Tax – Property  
Section 9-110(a)(5) and (7) and 9-263  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – Property  
Section 9-110(a)(5) and (6) and (b), 9-229(a) and (f), and 9-230(b)(4)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

BY adding to

Article – Housing and Community Development  
Section 2-301 to be under the new subtitle “Subtitle 3. Miscellaneous Reporting  
Requirements”; 4-2501 through 4-2505 to be under the new subtitle “Subtitle  
25. Qualified Workforce Housing Tax Credit”; and 4-104  
Annotated Code of Maryland

(2006 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Housing and Community Development

Section 4–223(a), 4–508(g)(1), 6–201, 6–206(b), 6–301, 6–303(b), 6–304(b), and

6–305(b)

Annotated Code of Maryland

(2006 Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Housing and Community Development

Section 4–508(a) and 6–305(a)

Annotated Code of Maryland

(2006 Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section 5–7B–01(c)(1)(iii)

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 – Corporations and Associations**

1–203.1.

(b) A qualified business entity that is a new business entity in a Tier I [county] AREA, as defined under the More Jobs for Marylanders Program established under Title 6, Subtitle 8 of the Economic Development Article, is not subject to the fees enumerated in § 1–203 of this subtitle.

### **Article – Economic Development**

6–801.

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

(b) “Benefit year” means a taxable year in which a qualified business entity claims a program benefit established under § 6–805 of this subtitle.

(c) (1) “Business entity” means a person conducting or operating a trade or business that is:

(I) primarily engaged in activities that, in accordance with the North American Industrial Classification System (NAICS), United States Manual, United

States Office of Management and Budget, 2012 Edition, would be included in Sector 31, 32, or 33; OR

**(II) LOCATED IN AN OPPORTUNITY ZONE.**

**(2) “Business entity” does not include:**

**(I) a refiner, as defined in § 10–101 of the Business Regulation Article; OR**

**(II) A PERSON CONDUCTING OR OPERATING A TRADE OR BUSINESS THAT IS:**

**1. PROVIDING ADULT ENTERTAINMENT, AS DETERMINED BY THE DEPARTMENT;**

**2. PRIMARILY ENGAGED IN RETAIL ACTIVITIES, UNLESS THE PERSON IS OPERATING A GROCERY STORE LOCATED IN AN OPPORTUNITY ZONE; OR**

**3. PRIMARILY ENGAGED IN THE SALE OR DISTRIBUTION OF ALCOHOLIC BEVERAGES.**

**(d) “Eligible project” means a facility operated by a business entity in a Tier I [county] AREA or Tier II [county] AREA.**

**(e) “Existing business entity” means a business entity that is located in the State at the time it notifies the Department under § 6–803(c) of this subtitle.**

**(F) “GROCERY STORE” HAS THE MEANING STATED IN § 9–254 OF THE TAX – PROPERTY ARTICLE.**

**[(f)] (G) “New business entity” means a business entity that is not located in the State at the time it notifies the Department under § 6–803(b) of this subtitle.**

**(H) “OPPORTUNITY ZONE” MEANS AN AREA THAT HAS BEEN DESIGNATED AS A QUALIFIED OPPORTUNITY ZONE IN THE STATE UNDER § 1400Z–1 OF THE INTERNAL REVENUE CODE.**

**[(g)] (I) “Program” means the More Jobs for Marylanders Program established under this subtitle.**

**[(h)] (J) “Qualified business entity” means a new business entity or an existing business entity operating an eligible project under this subtitle.**

[(i)] (K) (1) “Qualified position” means a position that:

(i) is full-time and of indefinite duration;

(ii) **1. EXCEPT AS PROVIDED IN ITEM 2 OF THIS ITEM, FOR A POSITION IN A FACILITY THAT IS LOCATED IN AN OPPORTUNITY ZONE, PAYS AN AVERAGE ANNUAL SALARY THAT EXCEEDS \$50,000; OR**

**2. FOR A POSITION IN A FACILITY ~~THAT IS NOT LOCATED IN AN OPPORTUNITY ZONE~~ OF A BUSINESS ENTITY DESCRIBED UNDER SUBSECTION (C)(1)(I) OF THIS SECTION, pays at least 120% of the State minimum wage;**

(iii) is located in a facility;

(iv) is newly created at a single facility in the State; and

(v) is filled.

(2) “Qualified position” does not include a position that is:

(i) created when an employment function is shifted from an existing facility of a business entity in the State to another facility of the same business entity if the position is not a net new job in the State;

(ii) created through a change in ownership of a trade or business;

(iii) created through a consolidation, merger, or restructuring of a business entity if the position is not a net new job in the State;

(iv) created when an employment function is contractually shifted from an existing business entity to another business entity in the State if the position is not a net new job in the State; or

(v) filled for a period of less than 12 months.

[(j)] (L) “Tier I [county] AREA” means:

(1) a Tier I county, as defined in § 1-101 of this article; [or]

(2) a county designated by the Department that is not a county described in item (1) of this subsection, not to exceed three counties; OR

**(3) AN OPPORTUNITY ZONE.**

[(k)] (M) “Tier II [county] AREA” means [a county] AN AREA that is not [a county] AN AREA described in subsection [(j)] (L) of this section.

6-803.

(a) A business entity may apply to the Department to enroll an eligible project in the Program if the eligible project:

(1) is in a Tier I [county] AREA and the business entity intends to create at least five qualified positions at the project location; or

(2) is in a Tier II [county] AREA and the business entity intends to create at least 10 qualified positions at the project location.

(b) (1) A new business entity may not be certified as a qualified business entity unless the new business entity:

(i) notifies the Department of its intent to seek designation of an eligible project before establishing its facility in the State; and

(ii) offers an ongoing job skills enhancement training program or postsecondary education program that is approved by the Department.

(2) The Department may certify a new business entity as a qualified business entity after the new business entity provides the required notice under paragraph (1)(i) of this subsection, applies to the Department under paragraph (3) of this subsection, and establishes and operates an eligible project.

(3) A new business entity shall submit to the Department an application containing at least the following information:

(i) the anticipated date of the establishment and initial operation of the facility and the nature of its operations;

(ii) the expected location of the facility;

(iii) the estimated number of qualified positions to be created and qualified employees to be hired and the anticipated payroll of the new qualified employees; and

(iv) any other information the Department requires.

(c) (1) An existing business entity may apply to be certified as a qualified business entity if the existing business entity increases the number of qualified positions as required under subsection (a) of this section for an eligible project in a Tier I AREA or A Tier II [county] AREA.

(2) An existing business entity may not be certified as a qualified business entity unless the business entity:

(i) notifies the Department of its intent to seek designation of an eligible project prior to hiring any employees to fill the qualified positions necessary to meet the requirements of this subtitle; and

(ii) offers an ongoing job skills enhancement training program or postsecondary education program that is approved by the Department.

(3) An existing business entity shall submit an application to the Department containing at least the following information:

(i) the number of full-time employees existing before the expansion and the payroll of the existing employees;

(ii) the estimated number of qualified positions to be created and qualified employees to be hired and the anticipated payroll of the new qualified employees; and

(iii) any other information that the Department requires.

(d) A business entity must begin hiring the employees to fill the qualified positions necessary to meet the requirements of this subtitle within 12 months after it notifies the Department of its intent to seek designation of an eligible project.

6-804.

(a) The Program benefits authorized under this section may be claimed by a qualified business entity for up to 10 consecutive benefit years.

(b) On enrollment in the Program:

(1) a new business entity in a Tier I [county] AREA is eligible for:

(i) a credit against the State income tax, established under § 10-741(b) of the Tax – General Article;

(ii) a credit against the State property tax, established under § 9-110 of the Tax – Property Article;

(iii) a refund of sales and use tax paid during the immediately preceding taxable year, as provided under § 11-411 of the Tax – General Article; and

(iv) a waiver of fees charged by the State Department of Assessments and Taxation, established under § 1-203.1 of the Corporations and Associations Article; and

(2) except as provided in subsection (c) of this section, an existing business entity that operates an eligible project is eligible for a credit against the State income tax, established under § 10-741(b) of the Tax – General Article.

(c) The income tax credit established under § 10-741(b) of the Tax – General Article is not available to an existing business entity if the entity moves its facility to another county in the State on or after June 1, 2017.

(d) If the number of qualified positions at the eligible project decreases to a number less than the number established in the first benefit year, the project shall be removed from the Program and all program benefits terminate.

6-805.

(a) The Department shall provide to a qualified business entity a certificate that:

(1) certifies the eligible project that is enrolled in the Program;

(2) provides the duration of the certification; and

(3) provides any additional information necessary for the Comptroller and Department to administer the Program.

(b) The Department may not provide a qualified business entity a certificate on or after June 1, [2020] ~~2025~~ 2022.

#### **SUBTITLE 10. OPPORTUNITY ZONE ENHANCEMENT PROGRAM.**

**6-1001.**

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

**(B) “LEVEL 1 OPPORTUNITY ZONE ENHANCEMENT” MEANS AN ENHANCED TAX CREDIT UNDER THE PROGRAM FOR WHICH A QUALIFIED OPPORTUNITY ZONE BUSINESS OR QUALIFIED OPPORTUNITY FUND IS ELIGIBLE IF THE FOLLOWING INFORMATION IS PROVIDED TO THE DEPARTMENT:**

**(1) THE DATE OF THE QUALIFIED OPPORTUNITY FUND’S INVESTMENT IN THE QUALIFIED OPPORTUNITY ZONE BUSINESS AND THE AMOUNT OF THE INVESTMENT;**

**(2) THE TOTAL PROJECT OR BUSINESS INVESTMENT, INCLUDING ANY LEVERAGE;**

(3) THE ADDRESS AND CENSUS TRACT OF THE QUALIFIED OPPORTUNITY ZONE BUSINESS AND THE QUALIFIED OPPORTUNITY FUND;

(4) THE NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM CODE FOR THE QUALIFIED OPPORTUNITY ZONE BUSINESS;

(5) AN IMPACT REPORT, INCLUDING BOTH QUALITATIVE AND QUANTITATIVE DATA ON THE INVESTMENT AND ITS PROGRESS; AND

(6) ANY OTHER INFORMATION REQUESTED BY THE DEPARTMENT THAT MEETS THE TRANSPARENCY GOALS OF THE PROGRAM.

(C) “LEVEL 2 OPPORTUNITY ZONE ENHANCEMENT” MEANS AN ENHANCED TAX CREDIT UNDER THE PROGRAM FOR WHICH A QUALIFIED OPPORTUNITY ZONE BUSINESS OR QUALIFIED OPPORTUNITY FUND IS ELIGIBLE IF:

(1) THE REQUIREMENTS FOR A LEVEL 1 OPPORTUNITY ZONE ENHANCEMENT ARE MET;

(2) (I) ACCOUNTABILITY TO RESIDENTS OF THE COMMUNITIES IN THE OPPORTUNITY ZONE IS MAINTAINED THROUGH THEIR REPRESENTATION ON ANY GOVERNING BOARD OR ADVISORY BOARD OF THE QUALIFIED OPPORTUNITY ZONE BUSINESS; OR

(II) A COMMUNITY BENEFITS AGREEMENT IS NEGOTIATED AND AGREED TO BY COMMUNITY GROUPS OR STRATEGIC INDUSTRY PARTNERSHIPS, AS DEFINED UNDER § 11-701 OF THE LABOR AND EMPLOYMENT ARTICLE, IN THE OPPORTUNITY ZONE AND THE QUALIFIED OPPORTUNITY FUND THAT SPECIFIES A RANGE OF COMMUNITY BENEFITS THAT THE FUND AGREES TO PROVIDE AS PART OF THE DEVELOPMENT PROJECT, INCLUDING WORKFORCE DEVELOPMENT OR LOCAL HIRING REQUIREMENTS; AND

(3) (I) FOR A QUALIFIED OPPORTUNITY ZONE BUSINESS ~~LOCATED~~ ~~IN~~ LOCATED ENTIRELY WITHIN AN OPPORTUNITY ZONE IN A MUNICIPAL CORPORATION, THE MUNICIPAL CORPORATION, BY RESOLUTION OR BY LETTER, DELIVERED TO THE DEPARTMENT BY THE MUNICIPAL CORPORATION’S AUTHORIZED DESIGNEE, APPROVES THE PROVISION OF THE ENHANCED TAX CREDITS UNDER THE PROGRAM WITHIN THE MUNICIPAL CORPORATION; OR

~~(II)~~ (II) FOR A QUALIFIED OPPORTUNITY ZONE BUSINESS ~~LOCATED~~ IN AN OPPORTUNITY ZONE THAT IS NOT LOCATED ENTIRELY WITHIN A MUNICIPAL CORPORATION, THE COUNTY, BY RESOLUTION OR BY LETTER, DELIVERED TO THE DEPARTMENT BY THE COUNTY’S AUTHORIZED DESIGNEE,

APPROVES THE PROVISION OF THE ENHANCED TAX CREDITS UNDER THE PROGRAM WITHIN THE COUNTY.

(D) "OPPORTUNITY ZONE" MEANS AN AREA THAT HAS BEEN DESIGNATED AS A QUALIFIED OPPORTUNITY ZONE IN THE STATE UNDER § 1400Z-1 OF THE INTERNAL REVENUE CODE.

~~(D)~~ (E) "PROGRAM" MEANS THE OPPORTUNITY ZONE ENHANCEMENT PROGRAM IN THE DEPARTMENT ESTABLISHED UNDER § 6-1002 OF THIS SUBTITLE THAT ALLOWS ENHANCED TAX CREDITS UNDER:

(1) § 6-304 OF THIS TITLE (JOB CREATION);

(2) § 6-403 OF THIS TITLE (ONE MARYLAND ECONOMIC DEVELOPMENT);

(3) § 10-702 OF THE TAX – GENERAL ARTICLE (WAGES PAID IN AN ENTERPRISE ZONE);

(4) § 10-725 OF THE TAX – GENERAL ARTICLE (BIOTECHNOLOGY INVESTMENT INCENTIVE);

(5) § 10-733 OF THE TAX – GENERAL ARTICLE (CYBERSECURITY INVESTMENT INCENTIVE); AND

(6) § 10-741 OF THE TAX – GENERAL ARTICLE (MORE JOBS FOR MARYLANDERS); ~~AND~~

~~(7) § 9-103.1 OF THE TAX – PROPERTY ARTICLE (QUALIFIED PROPERTY IN A REGIONAL INSTITUTION STRATEGIC ENTERPRISE ZONE).~~

~~(C) "QUALIFIED MARYLAND OPPORTUNITY ZONE" MEANS A GEOGRAPHICAL AREA DESIGNATED AND IN EFFECT AS A QUALIFIED OPPORTUNITY ZONE IN THE STATE UNDER § 1400Z-1 OF THE INTERNAL REVENUE CODE.~~

~~(D) "QUALIFIED MARYLAND OPPORTUNITY ZONE BUSINESS" MEANS A TRADE OR BUSINESS IN WHICH SUBSTANTIALLY ALL OF THE TANGIBLE PROPERTY USED IN THE TRADE OR BUSINESS IS QUALIFIED MARYLAND OPPORTUNITY ZONE BUSINESS PROPERTY.~~

~~(E) "QUALIFIED MARYLAND OPPORTUNITY ZONE BUSINESS PROPERTY" MEANS TANGIBLE PROPERTY USED IN A TRADE OR BUSINESS OF A QUALIFIED OPPORTUNITY FUND IF:~~

~~(1) THE PROPERTY WAS ACQUIRED BY THE QUALIFIED OPPORTUNITY FUND BY PURCHASE, AS DEFINED IN § 179(D)(2) OF THE INTERNAL REVENUE CODE, AFTER DECEMBER 31, 2018;~~

~~(2) (I) THE ORIGINAL USE OF THE PROPERTY IN THE QUALIFIED MARYLAND OPPORTUNITY ZONE COMMENCES WITH THE QUALIFIED OPPORTUNITY FUND; OR~~

~~(II) THE QUALIFIED OPPORTUNITY FUND SUBSTANTIALLY IMPROVES THE PROPERTY; AND~~

~~(3) DURING SUBSTANTIALLY ALL OF THE QUALIFIED OPPORTUNITY FUND'S HOLDING PERIOD OF THE PROPERTY, SUBSTANTIALLY ALL THE USE OF THE PROPERTY WAS IN A QUALIFIED MARYLAND OPPORTUNITY ZONE.~~

~~(F) "QUALIFIED MARYLAND OPPORTUNITY ZONE PROPERTY" MEANS PROPERTY THAT IS QUALIFIED MARYLAND OPPORTUNITY ZONE:~~

~~(1) STOCK;~~

~~(2) PARTNERSHIP INTEREST; OR~~

~~(3) BUSINESS PROPERTY.~~

~~(G) "QUALIFIED OPPORTUNITY FUND" MEANS AN INVESTMENT VEHICLE THAT IS ORGANIZED AS A CORPORATION OR PARTNERSHIP FOR THE PURPOSE OF INVESTING IN QUALIFIED OPPORTUNITY ZONE PROPERTY UNDER § 1400Z-1 OF THE INTERNAL REVENUE CODE, OTHER THAN ANOTHER QUALIFIED OPPORTUNITY ZONE FUND, THAT HOLDS AT LEAST 90% OF ITS ASSETS IN QUALIFIED MARYLAND OPPORTUNITY ZONE PROPERTY, DETERMINED BY THE AVERAGE OF THE PERCENTAGE OF QUALIFIED MARYLAND OPPORTUNITY ZONE PROPERTY HELD IN THE FUND AS MEASURED:~~

~~(1) ON THE LAST DAY OF THE FIRST 6 MONTH PERIOD OF THE TAXABLE YEAR OF THE FUND; AND~~

~~(2) ON THE LAST DAY OF THE TAXABLE YEAR OF THE FUND.~~

~~(H) "TIER 1 OPPORTUNITY ZONE ENHANCEMENT" MEANS AN ENHANCED TAX CREDIT UNDER THE PROGRAM FOR WHICH A QUALIFIED MARYLAND OPPORTUNITY ZONE BUSINESS OR QUALIFIED OPPORTUNITY FUND IS ELIGIBLE IF THE FOLLOWING INFORMATION IS PROVIDED TO THE DEPARTMENT:~~

~~(1) THE DATE OF THE QUALIFIED OPPORTUNITY FUND'S INVESTMENT IN THE QUALIFIED MARYLAND OPPORTUNITY ZONE BUSINESS AND THE AMOUNT OF THE INVESTMENT;~~

~~(2) THE TOTAL PROJECT OR BUSINESS INVESTMENT, INCLUDING ANY LEVERAGE;~~

~~(3) THE ADDRESS AND CENSUS TRACT OF THE QUALIFIED MARYLAND OPPORTUNITY ZONE BUSINESS AND THE QUALIFIED OPPORTUNITY FUND;~~

~~(4) THE NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM CODE FOR THE QUALIFIED MARYLAND OPPORTUNITY ZONE BUSINESS;~~

~~(5) AN IMPACT REPORT, INCLUDING BOTH QUALITATIVE AND QUANTITATIVE DATA ON THE INVESTMENT AND ITS PROGRESS; AND~~

~~(6) ANY OTHER INFORMATION REQUESTED BY THE DEPARTMENT THAT MEETS THE TRANSPARENCY GOALS OF THE PROGRAM.~~

~~(I) "TIER 2 OPPORTUNITY ZONE ENHANCEMENT" MEANS AN ENHANCED TAX CREDIT UNDER THE PROGRAM FOR WHICH A QUALIFIED MARYLAND OPPORTUNITY ZONE BUSINESS OR QUALIFIED OPPORTUNITY FUND IS ELIGIBLE IF:~~

~~(1) THE REQUIREMENTS FOR A TIER 1 OPPORTUNITY ZONE ENHANCEMENT ARE MET; AND~~

~~(2) (I) ACCOUNTABILITY TO RESIDENTS OF THE COMMUNITIES IN THE QUALIFIED MARYLAND OPPORTUNITY ZONE IS MAINTAINED THROUGH THEIR REPRESENTATION ON ANY GOVERNING BOARD OR ADVISORY BOARD OF THE QUALIFIED MARYLAND OPPORTUNITY ZONE BUSINESS; OR~~

~~(II) A COMMUNITY BENEFITS AGREEMENT IS NEGOTIATED AND AGREED TO BY COMMUNITY GROUPS IN THE QUALIFIED MARYLAND OPPORTUNITY ZONE AND THE QUALIFIED OPPORTUNITY FUND THAT SPECIFIES A RANGE OF COMMUNITY BENEFITS THAT THE FUND AGREES TO PROVIDE AS PART OF THE DEVELOPMENT PROJECT, INCLUDING WORKFORCE DEVELOPMENT OR LOCAL HIRING REQUIREMENTS.~~

(F) "QUALIFIED OPPORTUNITY FUND" HAS THE MEANING STATED IN § 1400Z-2 OF THE INTERNAL REVENUE CODE.

(G) "QUALIFIED OPPORTUNITY ZONE BUSINESS" HAS THE MEANING STATED IN § 1400Z-2 OF THE INTERNAL REVENUE CODE.

**(H) “QUALIFIED OPPORTUNITY ZONE BUSINESS PROPERTY” HAS THE MEANING STATED IN § 1400Z-2 OF THE INTERNAL REVENUE CODE.**

**(I) “QUALIFIED OPPORTUNITY ZONE PROPERTY” HAS THE MEANING STATED IN § 1400Z-2 OF THE INTERNAL REVENUE CODE.**

**6-1002.**

**(A) THERE IS AN OPPORTUNITY ZONE ENHANCEMENT PROGRAM IN THE DEPARTMENT.**

**(B) THE DEPARTMENT SHALL ADMINISTER THE TAX CREDIT ENHANCEMENTS OFFERED UNDER THE PROGRAM.**

**(C) (1) THE DEPARTMENT SHALL PUBLISH ON ITS WEBSITE INFORMATION ABOUT THE PROGRAM AND INFORMATION REPORTED BY A QUALIFIED OPPORTUNITY FUND RECEIVING ENHANCED TAX CREDITS UNDER THE PROGRAM.**

**(2) THE INFORMATION PUBLISHED ON THE WEBSITE MAY NOT INCLUDE ANY PROPRIETARY OR CONFIDENTIAL INFORMATION.**

**(D) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE, INCLUDING CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR A ~~THE~~ LEVEL 1 OR ~~THE~~ LEVEL 2 OPPORTUNITY ZONE ENHANCEMENT.**

**6-1003.**

**(A) IN THIS SECTION, “REVITALIZATION AREA” HAS THE MEANING STATED IN § 6-301 OF THIS TITLE.**

**(B) FOR A QUALIFIED ~~MARYLAND~~ OPPORTUNITY ZONE BUSINESS THAT QUALIFIES FOR A JOB CREATION TAX CREDIT UNDER § 6-304 OF THIS TITLE:**

**(1) THE ~~THE~~ LEVEL 1 OPPORTUNITY ZONE ENHANCEMENT IS EQUAL TO:**

**(I) ~~\$3,150~~ \$3,075 MULTIPLIED BY THE NUMBER OF QUALIFIED EMPLOYEES WORKING IN A FACILITY NOT LOCATED IN A REVITALIZATION AREA; AND**

**(II) ~~\$5,250~~ \$5,125 MULTIPLIED BY THE NUMBER OF QUALIFIED EMPLOYEES WORKING IN A FACILITY LOCATED IN A REVITALIZATION AREA; AND**

(2) THE ~~THE~~ LEVEL 2 OPPORTUNITY ZONE ENHANCEMENT IS EQUAL TO:

(I) \$3,300 MULTIPLIED BY THE NUMBER OF QUALIFIED EMPLOYEES WORKING IN A FACILITY NOT LOCATED IN A REVITALIZATION AREA; AND

(II) \$5,500 MULTIPLIED BY THE NUMBER OF QUALIFIED EMPLOYEES WORKING IN A FACILITY LOCATED IN A REVITALIZATION AREA.

(C) THE ENHANCED MULTIPLIER AUTHORIZED UNDER SUBSECTION (B) OF THIS SECTION IS IN SUBSTITUTION FOR AND NOT IN ADDITION TO THE MULTIPLIER UNDER § 6-304(B)(1) OF THIS TITLE.

#### 6-1004.

(A) IN THIS SECTION, “ELIGIBLE ECONOMIC DEVELOPMENT PROJECT”, “ELIGIBLE PROJECT COST”, “PROJECT TAX CREDIT”, AND “QUALIFIED POSITION” HAVE THE MEANINGS STATED IN § 6-401 OF THIS TITLE.

(B) FOR A QUALIFIED ~~MARYLAND~~ OPPORTUNITY ZONE BUSINESS THAT QUALIFIES FOR THE ONE MARYLAND PROJECT TAX CREDIT UNDER § 6-403 OF THIS TITLE AND CREATES AT LEAST 50 QUALIFIED POSITIONS:

(1) THE ~~THE~~ LEVEL 1 OPPORTUNITY ZONE ENHANCEMENT INCREASES THE MAXIMUM CREDIT ALLOWED UNDER § 6-403(B)(1)(II)1 OF THIS TITLE TO THE LESSER OF ~~\$5,250,000~~ \$5,125,000 OR THE TOTAL ELIGIBLE PROJECT COST FOR THE ELIGIBLE ECONOMIC DEVELOPMENT PROJECT, LESS THE AMOUNT OF THE CREDIT PREVIOUSLY TAKEN FOR THE PROJECT IN PRIOR TAXABLE YEARS; AND

(2) THE ~~THE~~ LEVEL 2 OPPORTUNITY ZONE ENHANCEMENT INCREASES THE MAXIMUM CREDIT ALLOWED UNDER § 6-403(B)(1)(II)1 OF THIS TITLE TO THE LESSER OF \$5,500,000 OR THE TOTAL ELIGIBLE PROJECT COST FOR THE ELIGIBLE ECONOMIC DEVELOPMENT PROJECT, LESS THE AMOUNT OF THE CREDIT PREVIOUSLY TAKEN FOR THE PROJECT IN PRIOR TAXABLE YEARS.

#### 6-1005.

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

(2) “ECONOMICALLY DISADVANTAGED INDIVIDUAL”, “FOCUS AREA EMPLOYEE”, AND “QUALIFIED EMPLOYEE” HAVE THE MEANINGS STATED IN § 10-702 OF THE TAX – GENERAL ARTICLE.

(3) “ENTERPRISE ZONE” AND “FOCUS AREA” HAVE THE MEANINGS STATED IN § 5-701 OF THIS ARTICLE.

(B) FOR A QUALIFIED ~~MARYLAND~~ OPPORTUNITY ZONE BUSINESS THAT QUALIFIES FOR AN INCOME TAX CREDIT FOR WAGES PAID IN AN ENTERPRISE ZONE UNDER § 10-702(C) AND (D) OF THE TAX – GENERAL ARTICLE:

(1) THE ~~THIR~~ LEVEL 1 OPPORTUNITY ZONE ENHANCEMENT IS:

(I) UP TO ~~\$1,100~~ \$1,025 OF THE WAGES PAID TO EACH QUALIFIED EMPLOYEE; AND

(II) FOR WAGES PAID TO EACH QUALIFIED EMPLOYEE WHO IS AN ECONOMICALLY DISADVANTAGED INDIVIDUAL, THE CREDIT ALLOWED UNDER § 10-702(C) AND (D) IS INCREASED BY ~~10%~~ 7.5% IN EACH OF THE 3 TAXABLE YEARS IN WHICH THE CREDIT IS CLAIMED; AND

(2) THE ~~THIR~~ LEVEL 2 OPPORTUNITY ZONE ENHANCEMENT IS:

(I) UP TO \$1,200 OF THE WAGES PAID TO EACH QUALIFIED EMPLOYEE; AND

(II) FOR WAGES PAID TO EACH QUALIFIED EMPLOYEE WHO IS AN ECONOMICALLY DISADVANTAGED INDIVIDUAL, THE CREDIT ALLOWED UNDER § 10-702(E) OF THE TAX – GENERAL ARTICLE IS INCREASED BY 10% IN EACH OF THE 3 TAXABLE YEARS IN WHICH THE CREDIT IS CLAIMED.

(C) FOR A QUALIFIED ~~MARYLAND~~ OPPORTUNITY ZONE BUSINESS THAT QUALIFIES FOR AN INCOME TAX CREDIT FOR WAGES PAID IN A FOCUS AREA UNDER § 10-702(E) OF THE TAX – GENERAL ARTICLE:

(1) THE ~~THIR~~ LEVEL 1 OPPORTUNITY ZONE ENHANCEMENT IS:

(I) UP TO ~~\$1,650~~ \$1,540 OF THE WAGES PAID TO EACH FOCUS AREA EMPLOYEE; AND

(II) FOR WAGES PAID TO EACH FOCUS AREA EMPLOYEE WHO IS AN ECONOMICALLY DISADVANTAGED INDIVIDUAL, THE CREDIT ALLOWED UNDER § 10-702(E) OF THE TAX – GENERAL ARTICLE IS INCREASED BY ~~10%~~ 7.5% IN EACH OF THE 3 TAXABLE YEARS IN WHICH THE CREDIT IS CLAIMED; AND

(2) THE ~~THE~~ LEVEL 2 OPPORTUNITY ZONE ENHANCEMENT IS:

(I) UP TO \$1,750 OF THE WAGES PAID TO EACH FOCUS AREA EMPLOYEE; AND

(II) FOR WAGES PAID TO EACH FOCUS AREA EMPLOYEE WHO IS AN ECONOMICALLY DISADVANTAGED INDIVIDUAL, THE CREDIT ALLOWED UNDER § 10-702(E) OF THE TAX – GENERAL ARTICLE IS INCREASED BY 10% IN EACH OF THE 3 TAXABLE YEARS IN WHICH THE CREDIT IS CLAIMED.

(D) THE ENHANCED MULTIPLIERS AUTHORIZED UNDER SUBSECTIONS (B)(1)(I) AND (2)(I) AND (C)(1)(I) AND (2)(I) OF THIS SECTION ARE IN SUBSTITUTION FOR AND NOT IN ADDITION TO THE MULTIPLIERS UNDER § 10-702(E) OF THE TAX – GENERAL ARTICLE.

6-1006.

(A) IN THIS SECTION, “INVESTMENT”, “QUALIFIED INVESTOR”, AND “QUALIFIED MARYLAND BIOTECHNOLOGY COMPANY” HAVE THE MEANINGS STATED IN § 10-725 OF THE TAX – GENERAL ARTICLE.

(B) FOR A QUALIFIED OPPORTUNITY FUND THAT IS A QUALIFIED INVESTOR IN A QUALIFIED MARYLAND BIOTECHNOLOGY COMPANY UNDER § 10-725 OF THE TAX – GENERAL ARTICLE, IF THE QUALIFIED MARYLAND BIOTECHNOLOGY COMPANY IS LOCATED IN AN OPPORTUNITY ZONE:

(1) THE ~~THE~~ LEVEL 1 OPPORTUNITY ZONE ENHANCEMENT IS ~~75%~~ 65% OF THE INVESTMENT IN A QUALIFIED MARYLAND BIOTECHNOLOGY COMPANY IN ANY COUNTY, NOT TO EXCEED ~~\$600,000~~ \$575,000; AND

(2) THE ~~THE~~ LEVEL 2 OPPORTUNITY ZONE ENHANCEMENT IS 75% OF THE INVESTMENT IN THE QUALIFIED MARYLAND BIOTECHNOLOGY COMPANY IN ANY COUNTY, NOT TO EXCEED \$750,000.

(C) THE ENHANCED TAX CREDIT PERCENTAGES AND MAXIMUMS AUTHORIZED UNDER SUBSECTION (B) OF THIS SECTION ARE IN SUBSTITUTION FOR AND NOT IN ADDITION TO THE PERCENTAGES AND MAXIMUMS UNDER § 10-725(D) OF THE TAX – GENERAL ARTICLE.

6-1007.

(A) IN THIS SECTION, “INVESTMENT”, “QUALIFIED INVESTOR”, AND “QUALIFIED MARYLAND CYBERSECURITY COMPANY” HAVE THE MEANINGS STATED IN § 10-733 OF THE TAX – GENERAL ARTICLE.

(B) FOR A QUALIFIED OPPORTUNITY FUND THAT IS A QUALIFIED INVESTOR IN A QUALIFIED MARYLAND CYBERSECURITY COMPANY UNDER § 10-733 OF THE TAX – GENERAL ARTICLE, IF THE QUALIFIED MARYLAND CYBERSECURITY COMPANY IS LOCATED IN AN OPPORTUNITY ZONE IN A COUNTY OTHER THAN ALLEGANY COUNTY, DORCHESTER COUNTY, GARRETT COUNTY, OR SOMERSET COUNTY:

(1) THE ~~THE~~ LEVEL 1 OPPORTUNITY ZONE ENHANCEMENT IS 33% OF THE INVESTMENT IN A QUALIFIED MARYLAND CYBERSECURITY COMPANY, NOT TO EXCEED \$300,000; AND

(2) THE ~~THE~~ LEVEL 2 OPPORTUNITY ZONE ENHANCEMENT IS 50% OF THE INVESTMENT IN THE QUALIFIED MARYLAND CYBERSECURITY COMPANY, NOT TO EXCEED \$500,000.

(C) THE ENHANCED TAX CREDIT PERCENTAGES AND MAXIMUMS AUTHORIZED UNDER SUBSECTION (B) OF THIS SECTION ARE IN SUBSTITUTION FOR AND NOT IN ADDITION TO THE PERCENTAGES AND MAXIMUMS UNDER § 10-733(D) OF THE TAX – GENERAL ARTICLE.

6-1008.

(A) IN THIS SECTION, “ELIGIBLE PROJECT” AND “QUALIFIED POSITION” HAVE THE MEANINGS STATED IN § 6-801 OF THIS ARTICLE.

(B) FOR A QUALIFIED ~~MARYLAND~~ OPPORTUNITY ZONE BUSINESS THAT QUALIFIES FOR A MORE JOBS FOR MARYLANDERS PROGRAM TAX CREDIT UNDER § 10-741(B) OF THE TAX – GENERAL ARTICLE:

(1) THE ~~THE~~ LEVEL 1 OPPORTUNITY ZONE ENHANCEMENT IS EQUAL TO 6% OF THE TOTAL AMOUNT OF WAGES PAID FOR EACH QUALIFIED POSITION AT AN ELIGIBLE PROJECT; AND

(2) THE ~~THE~~ LEVEL 2 OPPORTUNITY ZONE ENHANCEMENT IS EQUAL TO 6.25% OF THE TOTAL AMOUNT OF WAGES PAID FOR EACH QUALIFIED POSITION AT AN ELIGIBLE PROJECT.

(C) THE ENHANCED TAX CREDIT PERCENTAGES AUTHORIZED UNDER SUBSECTION (B) OF THIS SECTION ARE IN SUBSTITUTION FOR AND NOT IN ADDITION

**TO THE STATE EMPLOYER WITHHOLDING AMOUNT UNDER § 10-741(B) OF THE TAX – GENERAL ARTICLE.**

**Article – State Finance and Procurement**

5A-303.

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

(2) “Affordable housing” means a project or undertaking that has received an allocation of federal low-income housing tax credits by the Department of Housing and Community Development.

**(3) “AGRICULTURAL STRUCTURE” MEANS A CERTIFIED HISTORIC STRUCTURE THAT IS USED OR WAS USED AS AN AGRICULTURAL FACILITY OR FOR PURPOSES RELATED TO AGRICULTURE.**

~~(3)~~ **(4)** “Business entity” means:

(i) a person conducting or operating a trade or business in the State;

or

(ii) an organization operating in Maryland that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code.

~~(4)~~ **(5)** “Certified heritage area” has the meaning stated in § 13-1101 of the Financial Institutions Article.

~~(5)~~ **(6)** (i) “Certified historic structure” means a structure that is located in the State and is:

1. listed in the National Register of Historic Places;

2. designated as a historic property under local law and determined by the Director to be eligible for listing on the National Register of Historic Places;

3. A. located in a historic district listed on the National Register of Historic Places or in a local historic district that the Director determines is eligible for listing on the National Register of Historic Places; and

B. certified by the Director as contributing to the significance of the district; or

4. located in a certified heritage area and certified by the Maryland Heritage Areas Authority as contributing to the significance of the certified heritage area.

(ii) “Certified historic structure” does not include a structure that is owned by the State, a political subdivision of the State, or the federal government.

~~(6)~~ **(7)** “Certified rehabilitation” means a completed rehabilitation of a certified historic structure that the Director certifies is a substantial rehabilitation in conformance with the rehabilitation standards of the United States Secretary of the Interior.

~~(7)~~ **(8)** (i) “Commercial rehabilitation” means a rehabilitation of a structure other than a single-family, owner-occupied residence.

(ii) “Commercial rehabilitation” does not include a small commercial project.

~~(8)~~ **(9)** “Director” means the Director of the Maryland Historical Trust.

~~(9)~~ **(10)** “Financial assistance” means action by the State or a State unit to award grants, loans, loan guarantees, or insurance to a public or private entity to finance, wholly or partly, a project that involves or may result in building construction, building alteration, or land disturbance.

~~(10)~~ **(11)** “High performance building” means a building that:

(i) meets or exceeds the current version of the U.S. Green Building Council’s LEED (Leadership in Energy and Environmental Design) green building rating system gold rating; or

(ii) achieves at least a comparable numeric rating according to a nationally recognized, accepted, and appropriate numeric sustainable development rating system, guideline, or standard approved by the Secretaries of Budget and Management and General Services under § 3-602.1 of this article.

~~(11)~~ **(12)** (i) “Historic property” means a district, site, building, structure, monument, or object significant to:

1. the prehistory or history of the State; or

2. the upland or underwater archeology, architecture, engineering, or culture of the State.

(ii) “Historic property” includes related artifacts, records, and remains.

**(13) “LEVEL 1 OPPORTUNITY ZONE PROJECT” MEANS A SMALL COMMERCIAL PROJECT OR COMMERCIAL REHABILITATION COMPLETED BY A QUALIFIED OPPORTUNITY ZONE BUSINESS IF THE FOLLOWING INFORMATION IS PROVIDED TO THE DIRECTOR:**

**(I) THE DATE OF THE QUALIFIED OPPORTUNITY FUND’S INVESTMENT IN THE OPPORTUNITY ZONE PROJECT AND THE AMOUNT OF THE INVESTMENT;**

**(II) THE TOTAL PROJECT OR BUSINESS INVESTMENT, INCLUDING ANY LEVERAGE;**

**(III) THE ADDRESS AND CENSUS TRACT OF THE QUALIFIED OPPORTUNITY ZONE BUSINESS AND THE QUALIFIED OPPORTUNITY FUND;**

**(IV) THE NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM CODE FOR THE QUALIFIED OPPORTUNITY ZONE BUSINESS;**

**(V) AN IMPACT REPORT, INCLUDING BOTH QUALITATIVE AND QUANTITATIVE DATA ON THE QUALIFIED OPPORTUNITY FUND’S INVESTMENT IN THE OPPORTUNITY ZONE PROJECT AND ITS PROGRESS; AND**

**(VI) ANY OTHER INFORMATION REQUESTED BY THE DIRECTOR.**

**(14) “LEVEL 2 OPPORTUNITY ZONE PROJECT” MEANS A SMALL COMMERCIAL PROJECT OR COMMERCIAL REHABILITATION COMPLETED BY A QUALIFIED OPPORTUNITY ZONE BUSINESS IF:**

**(I) THE REQUIREMENTS FOR A LEVEL 1 OPPORTUNITY ZONE PROJECT ARE MET;**

**(II) 1. ACCOUNTABILITY TO RESIDENTS OF THE COMMUNITIES IN THE QUALIFIED OPPORTUNITY ZONE IS MAINTAINED THROUGH THEIR REPRESENTATION ON ANY GOVERNING BOARD OR ANY ADVISORY BOARD OF THE QUALIFIED OPPORTUNITY ZONE BUSINESS; OR**

**2. A COMMUNITY BENEFITS AGREEMENT IS NEGOTIATED AND AGREED TO BY COMMUNITY GROUPS OR STRATEGIC INDUSTRY PARTNERSHIPS, AS DEFINED UNDER § 11-701 OF THE LABOR AND EMPLOYMENT ARTICLE, IN THE OPPORTUNITY ZONE AND THE QUALIFIED OPPORTUNITY ZONE BUSINESS THAT SPECIFIES A RANGE OF COMMUNITY BENEFITS THAT THE BUSINESS AGREES TO PROVIDE AS PART OF THE DEVELOPMENT PROJECT; AND**

**(III) 1. FOR AN OPPORTUNITY ZONE PROJECT LOCATED ~~IN~~ ENTIRELY WITHIN A MUNICIPAL CORPORATION, THE MUNICIPAL CORPORATION, BY RESOLUTION OR BY LETTER, DELIVERED TO THE DIRECTOR BY THE MUNICIPAL CORPORATION'S AUTHORIZED DESIGNEE, APPROVES THE PROVISION WITHIN THE MUNICIPAL CORPORATION OF THE ENHANCED TAX CREDITS UNDER THIS SECTION; OR**

**2. FOR AN OPPORTUNITY ZONE PROJECT THAT IS NOT LOCATED ~~IN~~ ENTIRELY WITHIN A MUNICIPAL CORPORATION, THE COUNTY, BY RESOLUTION OR BY LETTER, DELIVERED TO THE DIRECTOR BY THE COUNTY'S AUTHORIZED DESIGNEE, APPROVES THE PROVISION WITHIN THE COUNTY OF THE ENHANCED TAX CREDITS UNDER THIS SECTION.**

~~(12)~~ **(15)** “Local historic district” means a district that the governing body of a county or municipal corporation, or the Mayor and City Council of Baltimore, has designated under local law as historic.

~~(13)~~ **(16)** “National register structure” means a structure that is:

(i) listed on the National Register of Historic Places; or

(ii) located in a historic district listed on the National Register of Historic Places and certified by the Director as contributing to the significance of the district.

**(17) “OPPORTUNITY ZONE PROJECT” MEANS A CERTIFIED REHABILITATION WITHIN A GEOGRAPHICAL AREA DESIGNATED AND IN EFFECT AS A QUALIFIED OPPORTUNITY ZONE IN THE STATE UNDER § 1400Z-1 OF THE INTERNAL REVENUE CODE.**

~~(14)~~ **(18)** “Political subdivision” means a county or municipal corporation of the State.

**(19) “POST-WORLD WAR II STRUCTURE” MEANS A CERTIFIED HISTORIC STRUCTURE THAT WAS BUILT AFTER DECEMBER 31, 1944, BUT BEFORE JANUARY 1, 1970.**

**(20) “QUALIFIED OPPORTUNITY FUND” HAS THE MEANING STATED IN § 6-1001 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

~~(15)~~ **(21)** “QUALIFIED ~~MARYLAND~~ OPPORTUNITY ZONE” HAS THE MEANING STATED IN § 6-1001 OF THE ECONOMIC DEVELOPMENT ARTICLE.

~~(16)~~ **(22)** “~~QUALIFIED MARYLAND~~ **QUALIFIED MARYLAND** OPPORTUNITY ZONE BUSINESS” HAS THE MEANING STATED IN § 6-1001 OF THE ECONOMIC DEVELOPMENT ARTICLE.

~~(17)~~ “~~QUALIFIED OPPORTUNITY FUND~~” ~~HAS THE MEANING STATED IN § 6-1001 OF THE ECONOMIC DEVELOPMENT ARTICLE.~~

~~[(15)]~~ ~~(18)~~ **(23)** “Qualified rehabilitation expenditure” means any amount that:

- (i) is properly chargeable to a capital account;
- (ii) is expended in the rehabilitation of a structure that by the end of the calendar year in which the certified rehabilitation is completed is a certified historic structure;
- (iii) is expended in compliance with a plan of proposed rehabilitation that has been approved by the Director; and
- (iv) is not funded, financed, or otherwise reimbursed by any:
  1. State or local grant;
  2. grant made from the proceeds of tax-exempt bonds issued by the State, a political subdivision of the State, or an instrumentality of the State or of a political subdivision of the State;
  3. State tax credit other than the tax credit under this section; or
  4. other financial assistance from the State or a political subdivision of the State, other than a loan that must be repaid at an interest rate that is greater than the interest rate on general obligation bonds issued by the State at the most recent bond sale prior to the time the loan is made.

~~[(16)]~~ ~~(19)~~ **(24)** (i) “Single-family, owner-occupied residence” means a structure or a portion of a structure occupied by the owner and the owner’s immediate family as their primary or secondary residence.

- (ii) “Single-family, owner-occupied residence” includes:
  1. a residential unit in a cooperative project owned by or leased to a cooperative housing corporation, as defined in § 5-6B-01 of the Corporations and Associations Article, and leased for exclusive occupancy to, and occupied by, a member of the corporation and the member’s immediate family under a proprietary lease; or

2. a small commercial project.

~~[(17)] **(20)** **(25)**~~ (i) “Small commercial project” means a rehabilitation of a structure ~~primarily used for commercial, income-producing purposes if the qualified rehabilitation expenditures do not exceed \$500,000.~~

~~(ii) “Small commercial project” includes a structure that is used for both commercial and residential rental purposes.~~

~~(iii) “Small commercial project” does not include a structure that is used solely for residential purposes **IF**:~~

**(I) THE QUALIFIED REHABILITATION EXPENDITURES DO NOT EXCEED ~~\$50,000~~ \$500,000; AND**

**(II) 1. THE STRUCTURE IS PRIMARILY USED FOR COMMERCIAL, INCOME-PRODUCING PURPOSES;**

**2. THE STRUCTURE:**

**A. IS A RESIDENTIAL UNIT IN A CONSECUTIVE SERIES OF SIMILAR RESIDENTIAL UNITS THAT ARE ARRANGED IN A ROW, SIDE BY SIDE; AND**

**B. IS SOLD AS PART OF A DEVELOPMENT PROJECT FOR EXCLUSIVE OCCUPANCY TO, AND OCCUPIED BY, THE RESIDENT; OR**

**3. THE STRUCTURE IS A TARGETED PROJECT.**

~~[(18)] **(21)** **(26)**~~ “Smart Growth Subcabinet” means the Smart Growth Subcabinet established under Title 9, Subtitle 14 of the State Government Article.

~~[(19)] **(22)** **(27)**~~ “State unit” has the meaning stated in § 11-101 of the State Government Article.

~~[(20)] **(23)** **(28)**~~ “Substantial rehabilitation” means rehabilitation of a structure for which the qualified rehabilitation expenditures, during the 24-month period selected by the individual or business entity ending with or within the taxable year, exceed:

(i) for single-family, owner-occupied residential property, \$5,000;  
or

(ii) for all other property, the greater of:

1. the adjusted basis of the structure; or

2. \$25,000.

**(29) “TARGETED PROJECT” MEANS A REHABILITATION OF:**

**(I) AN AGRICULTURAL STRUCTURE; OR**

**(II) A POST-WORLD WAR II STRUCTURE.**

~~**(24) “TIER 1 OPPORTUNITY ZONE PROJECT” MEANS A SMALL COMMERCIAL PROJECT OR COMMERCIAL REHABILITATION COMPLETED BY A QUALIFIED MARYLAND OPPORTUNITY ZONE BUSINESS IF THE FOLLOWING INFORMATION IS PROVIDED TO THE DIRECTOR:**~~

~~**(I) THE DATE OF THE QUALIFIED OPPORTUNITY FUND’S INVESTMENT IN THE OPPORTUNITY ZONE PROJECT AND THE AMOUNT OF THE INVESTMENT;**~~

~~**(II) THE TOTAL PROJECT OR BUSINESS INVESTMENT, INCLUDING ANY LEVERAGE;**~~

~~**(III) THE ADDRESS AND CENSUS TRACT OF THE QUALIFIED MARYLAND OPPORTUNITY ZONE BUSINESS AND THE QUALIFIED OPPORTUNITY FUND;**~~

~~**(IV) THE NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM CODE FOR THE QUALIFIED MARYLAND OPPORTUNITY ZONE BUSINESS;**~~

~~**(V) AN IMPACT REPORT, INCLUDING BOTH QUALITATIVE AND QUANTITATIVE DATA ON THE QUALIFIED OPPORTUNITY FUND’S INVESTMENT IN THE OPPORTUNITY ZONE PROJECT AND ITS PROGRESS; AND**~~

~~**(VI) ANY OTHER INFORMATION REQUESTED BY THE DIRECTOR.**~~

~~**(25) “TIER 2 OPPORTUNITY ZONE PROJECT” MEANS A SMALL COMMERCIAL PROJECT OR COMMERCIAL REHABILITATION COMPLETED BY A QUALIFIED MARYLAND OPPORTUNITY ZONE BUSINESS IF:**~~

~~**(I) THE REQUIREMENTS FOR A TIER 1 OPPORTUNITY ZONE PROJECT ARE MET; AND**~~

~~**(II) 1. ACCOUNTABILITY TO RESIDENTS OF THE COMMUNITIES IN THE QUALIFIED MARYLAND OPPORTUNITY ZONE IS MAINTAINED THROUGH THEIR REPRESENTATION ON ANY GOVERNING BOARD OR ANY ADVISORY BOARD OF THE QUALIFIED MARYLAND OPPORTUNITY ZONE BUSINESS; OR**~~

~~2. A COMMUNITY BENEFITS AGREEMENT IS NEGOTIATED AND AGREED TO BY COMMUNITY GROUPS IN THE QUALIFIED MARYLAND OPPORTUNITY ZONE AND THE QUALIFIED MARYLAND OPPORTUNITY ZONE BUSINESS THAT SPECIFIES A RANGE OF COMMUNITY BENEFITS THAT THE BUSINESS AGREES TO PROVIDE AS PART OF THE DEVELOPMENT PROJECT.~~

(b) (1) The Director, in consultation with the Smart Growth Subcabinet, shall adopt regulations to:

(i) establish procedures and standards for certifying historic structures and rehabilitations under this section;

(ii) for commercial rehabilitations, establish an application process for the award of initial credit certificates for ~~heritage structure rehabilitation~~ **HISTORIC REVITALIZATION** tax credits consistent with the requirements of this subsection;

(iii) for commercial rehabilitations, establish criteria, consistent with the requirements of this subsection, for evaluating, comparing, and rating plans of proposed rehabilitation that have been determined by the Director to conform with the rehabilitation standards of the United States Secretary of the Interior;

(iv) for commercial rehabilitations, establish a competitive award process for the award of initial credit certificates for ~~heritage structure rehabilitation~~ **HISTORIC REVITALIZATION** tax credits that favors the award of tax credits for rehabilitation projects that:

1. are consistent with and promote current growth and development policies and programs of the State;

2. are located in areas targeted by the State for additional revitalization and economic development opportunities due to the focusing of State resources and incentives;

3. are located in areas where the political subdivision has implemented regulatory streamlining or other development incentives that foster redevelopment and revitalization in priority funding areas, as defined in Title 5, Subtitle 7B of this article, and the appropriate local governing body or the planning board or commission, if designated by the local governing body, has certified to the Smart Growth Subcabinet those regulatory streamlining or other development incentives; and

4. include affordable and workforce housing options;

(v) for commercial rehabilitations, establish procedures to announce to the public the selection of a rehabilitation project for an award of an initial credit certificate not later than 60 days after the selection is made;

(vi) for commercial rehabilitations, determine whether the certified rehabilitation:

1. is a high performance building; or
2. qualifies as affordable housing **OR A ~~TIER~~ TIER LEVEL 1 OR TIER LEVEL 2 OPPORTUNITY ZONE PROJECT**;

(vii) for commercial rehabilitations, establish a required external marker or, at a minimum, an internal marker for the rehabilitation project that identifies that the rehabilitation was funded by ~~heritage structure rehabilitation~~ **HISTORIC REVITALIZATION** tax credits;

(viii) as provided in paragraph (7) of this subsection, charge reasonable fees to certify historic structures and rehabilitations under this subtitle;

(ix) for commercial rehabilitations, require documentation that the applicant has ownership or site control of the structure in order to demonstrate the ability to meet the requirement to begin work as required under subsection (c)(3)(i)1 of this section;

(x) for commercial rehabilitations, provide a time limit for approval of the additional tax credit for high performance buildings [or], affordable housing, **OR ~~TIER~~ TIER LEVEL 1 OR TIER LEVEL 2 OPPORTUNITY ZONE PROJECTS** provided for in subsection (c)(1)(ii) of this section; [and]

**~~(XI) FOR COMMERCIAL REHABILITATIONS, ESTABLISH PROCEDURES FOR THE TRANSFER OF THE TAX CREDIT UNDER SUBSECTION (C)(6) OF THIS SECTION;~~**

~~(xi)~~ **(XI)** for small commercial projects:

1. establish conditions regarding the percentage of the structure that may be used for residential rental purposes if the structure is used for both commercial and residential rental purposes; ~~and~~

2. **SPECIFY CRITERIA FOR DETERMINING WHETHER A CERTIFIED HISTORIC STRUCTURE IS:**

- A. **AN AGRICULTURAL STRUCTURE; OR**

- B. **A POST-WORLD WAR II STRUCTURE; AND**

- ~~2~~ **3.** specify criteria and procedures for the issuance of initial credit certificates under subsection (e) of this section; **AND**

~~(XII)~~ ~~(XIII)~~ **(XII)** SPECIFY CRITERIA AND PROCEDURES FOR APPROVAL OF ENHANCED BENEFITS UNDER THIS SECTION FOR ~~THE~~ LEVEL 1 AND ~~THE~~ LEVEL 2 OPPORTUNITY ZONE PROJECTS.

(2) The Director may not certify that a rehabilitation is a certified rehabilitation eligible for a tax credit provided under this section unless the individual or business entity seeking certification states under oath the amount of the individual's or business entity's qualified rehabilitation expenditures.

(3) Each year, the Director may accept applications for approval of plans of proposed commercial rehabilitations and for the award of initial credit certificates for the fiscal year that begins July 1 of that year.

(4) (i) Except as provided in subsection (e) of this section, a small commercial project shall be treated as a single-family, owner-occupied residential property, including the limitation on the amount of the tax credit provided in subsection (c)(2)(ii) of this section.

(ii) A small commercial project is subject to the credit recapture provision in subsection (f) of this section.

(5) (i) For commercial rehabilitations, the Director may not accept an application for approval of plans of proposed rehabilitation if:

1. any substantial part of the proposed rehabilitation work has begun; or

2. the applicant for a commercial rehabilitation has previously submitted three or more applications for commercial rehabilitations with total proposed rehabilitations exceeding \$500,000 in that year.

(ii) For commercial rehabilitations, the Director may accept an application for approval of plans of a proposed rehabilitation for which a substantial part of the proposed rehabilitation work has begun if the rehabilitation work has been approved under the federal historic tax credit.

(6) Except as provided in subsection (d)(3)(iii) of this section, not more than 60% of the total credit amounts under initial credit certificates issued for any fiscal year may be issued for projects in a single county or Baltimore City.

(7) (i) The Director shall adopt regulations to charge reasonable fees to certify historic structures and rehabilitations under this section which shall include:

1. a minimum fee for the second phase of the application process;

2. for a commercial rehabilitation project, a final fee that may not exceed 3% of the amount of the award of an initial credit certificate; and

3. for any other rehabilitation project, a final fee that may not exceed 3% of the amount of the credit for which the rehabilitation would be eligible based on the greater of the estimated or final qualified rehabilitation expenditures for the rehabilitation.

(ii) The Director shall set the level of the fees so that the projected proceeds from the fees will cover the costs to the Trust of administering the credit under this section and the federal historic tax credit.

(iii) If a fee charged for a commercial rehabilitation is not received by the Trust within 90 days after the Trust sends notice to the applicant that the fee is due, the Trust may not:

1. issue an initial credit certificate for the commercial rehabilitation; or

2. accept an application for a commercial rehabilitation from the applicant during the 3 fiscal years following the fiscal year in which the fee was not received.

(iv) The proceeds from the fees shall be deposited in a special fund, to be used only for the purposes of paying the costs of administering the credit under this section and the federal historic tax credit.

(v) Any unused balance of the fund at the end of each fiscal year shall be transferred to the Reserve Fund established under subsection (d) of this section and shall increase the amount of the initial credit certificates that the Trust may issue for the following fiscal year.

(8) If an initial credit certificate expires or is otherwise unclaimed as provided for under this section, the amount of the credit certificate shall:

(i) remain in the Reserve Fund established under subsection (d) of this section; and

(ii) increase the amount of the initial credit certificates that the Trust may issue for the following fiscal year.

(c) (1) (i) Except as otherwise provided in this section, for the taxable year in which a certified rehabilitation is completed, an individual or business entity may claim a tax credit in an amount equal to 20% of the individual's or business entity's qualified rehabilitation expenditures for the rehabilitation.

(ii) For a commercial rehabilitation, an individual or business entity may claim an additional tax credit in an amount equal to 5% of the individual's or business entity's qualified rehabilitation expenditures if the certified rehabilitation is a certified historic structure and:

1. is a high performance building; or
2. qualifies as affordable housing **OR A ~~TIER~~ LEVEL 1 OPPORTUNITY ZONE PROJECT**.

**(III) FOR A COMMERCIAL REHABILITATION, A BUSINESS ENTITY MAY CLAIM AN ADDITIONAL TAX CREDIT IN AN AMOUNT EQUAL TO 7.5% OF THE BUSINESS ENTITY'S QUALIFIED REHABILITATION EXPENDITURES IF THE CERTIFIED REHABILITATION IS A CERTIFIED HISTORIC STRUCTURE AND QUALIFIES AS A ~~TIER~~ LEVEL 2 OPPORTUNITY ZONE PROJECT.**

(2) (i) For any commercial rehabilitation, the State tax credit allowed under this section may not exceed the lesser of:

1. **A. \$3,000,000 FOR ANY COMMERCIAL REHABILITATION OTHER THAN A ~~TIER~~ LEVEL 1 OR TIER LEVEL 2 OPPORTUNITY ZONE PROJECT;**

**B. \$3,150,000 FOR A ~~TIER~~ LEVEL 1 OPPORTUNITY ZONE PROJECT; OR**

**C. \$3,300,000 FOR A ~~TIER~~ LEVEL 2 OPPORTUNITY ZONE PROJECT; or**

2. the maximum amount specified under the initial credit certificate issued for the rehabilitation.

(ii) For a rehabilitation other than a commercial rehabilitation, the State tax credit allowed under this section may not exceed:

1. **\$50,000 FOR A REHABILITATION OTHER THAN A ~~TIER~~ LEVEL 1 OR TIER LEVEL 2 OPPORTUNITY ZONE PROJECT;**

**2. \$55,000 FOR A ~~TIER~~ LEVEL 1 OPPORTUNITY ZONE PROJECT; OR**

**3. \$60,000 FOR A ~~TIER~~ LEVEL 2 OPPORTUNITY ZONE PROJECT.**

(iii) For the purposes of the limitation under subparagraph (i) of this paragraph, the following shall be treated as a single commercial rehabilitation:

1. the phased rehabilitation of the same structure or property; or
2. the separate rehabilitation of different components of the same structure or property.

(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:

1. within 18 months after the initial credit certificate was issued, the applicant has not notified the Trust, in writing, that the commercial rehabilitation has begun;

2. the commercial rehabilitation is not completed within 30 months after the initial credit certificate was issued; or

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 of this paragraph; or

- B. the date to which the Director postponed the expiration date under subparagraph (ii) of this paragraph.

(ii) For reasonable cause, the Director may postpone:

1. the 30-month expiration date under subparagraph (i)2 of this paragraph for an initial credit certificate for a commercial rehabilitation; or

2. if the commercial rehabilitation was completed prior to the expiration of the initial credit certificate, the deadline under subparagraph (i)3 of this paragraph for submission of a request for final certification.

(4) If the tax credit allowed under this section in any taxable year exceeds the total tax otherwise payable by the business entity or the individual for that taxable year, the individual or business entity may claim a refund in the amount of the excess.

(5) The State credit allowed under this section may be allocated among the partners, members, or shareholders of an entity in any manner agreed to by those persons in writing.

~~(6) (i) IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DIRECTOR UNDER THIS SECTION, THE AMOUNT OF THE STATE TAX CREDIT ALLOWED, BUT NOT USED, FOR COMMERCIAL REHABILITATIONS UNDER THIS SECTION MAY BE TRANSFERRED IN WHOLE OR IN PART TO ANY INDIVIDUAL OR BUSINESS ENTITY.~~

~~(H) 1. FOR THE TAXABLE YEAR OF ANY TRANSFER UNDER THIS PARAGRAPH, THE TRANSFEREE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY APPLY THE TAX CREDIT AGAINST THE TOTAL TAX OTHERWISE PAYABLE BY THE TRANSFEREE IN THAT TAXABLE YEAR.~~

~~2. IF THE TAX CREDIT EXCEEDS THE STATE INCOME TAX OF THE TRANSFEREE IN ANY TAXABLE YEAR, THE TRANSFEREE:~~

~~A. MAY CLAIM A REFUND IN THE AMOUNT OF THE EXCESS; OR~~

~~B. MAY TRANSFER THE REMAINDER OF THE TAX CREDIT TO ANY INDIVIDUAL OR BUSINESS ENTITY.~~

(d) (1) In this subsection, “Reserve Fund” means the [Heritage Structure Rehabilitation] HISTORIC REVITALIZATION Tax Credit Reserve Fund established under paragraph (2) of this subsection.

(2) (i) There is a [Heritage Structure Rehabilitation] HISTORIC REVITALIZATION Tax Credit Reserve Fund that is a continuing, nonlapsing special fund that is not subject to § 7–302 of this article.

(ii) The money in the Fund shall be invested and reinvested by the Treasurer, and interest and earnings shall be credited to the General Fund.

(iii) If the fees paid in any fiscal year are less than the directly related administrative costs of operating the [Heritage Structure Rehabilitation] HISTORIC REVITALIZATION Tax Credit Program, funds in the Reserve Fund shall be used for the directly related administrative costs of the Program.

(3) (i) Subject to the provisions of this subsection, the Director shall issue an initial credit certificate for each commercial rehabilitation for which a plan of proposed rehabilitation is approved and the fees charged under subsection (b)(7)(i) of this section are paid.

(ii) An initial credit certificate issued under this subsection shall state the maximum amount of credit under this section for which the commercial rehabilitation may qualify.

(iii) 1. Except as otherwise provided in this subparagraph and in subsection (b)(7)(v) of this section, for any fiscal year, the Director may not issue initial credit certificates for credit amounts in the aggregate totaling more than the amount appropriated to the Reserve Fund for that fiscal year in the State budget as approved by the General Assembly.

2. If the aggregate credit amounts under initial credit certificates issued in a fiscal year total less than the amount appropriated to the Reserve Fund for that fiscal year as a result of the limitation under subsection (b)(6) of this section, any excess amount may be issued under initial credit certificates for projects in a county or Baltimore City in the same fiscal year, without regard to the limitation under subsection (b)(6) of this section.

3. Subject to subparagraph 2 of this subparagraph, if the aggregate credit amounts under initial credit certificates issued in a fiscal year total less than the amount appropriated to the Reserve Fund for that fiscal year, any excess amount shall remain in the Reserve Fund and may be issued under initial credit certificates for the next fiscal year.

4. For any fiscal year, if funds are transferred from the Reserve Fund under the authority of any provision of law other than paragraph (4) of this subsection, the maximum credit amounts in the aggregate for which the Director may issue initial credit certificates shall be reduced by the amount transferred.

5. In each fiscal year, the Director shall estimate the amount of fees to be collected based on the amount appropriated to the Reserve Fund and reserve the difference between the estimated fees and estimated directly related administrative costs of the Program to be used to administer the Program.

6. If the reservation of funds to administer the Program under subparagraph 5 of this subparagraph is not necessary to cover the directly related administrative costs of the Program, any excess amount shall remain in the Reserve Fund and may be issued under initial credit certificates for the next fiscal year.

(iv) For each of fiscal years 2018 through [2022] 2024, the Governor shall include in the budget bill an appropriation to the Reserve Fund.

(v) Notwithstanding the provisions of § 7-213 of this article, the Governor may not reduce an appropriation [to] FOR the Reserve Fund in the State budget as approved by the General Assembly.

(vi) The Director may not issue an initial credit certificate for any fiscal year after fiscal year [2022] 2024.

(4) (i) Except as provided in this paragraph, money appropriated to the Reserve Fund shall remain in the Fund.

(ii) 1. Within 15 days after the end of each calendar quarter, the Trust shall notify the Comptroller as to each commercial rehabilitation completed and certified during the quarter:

A. the maximum credit amount stated in the initial credit certificate for the project; and

B. the final certified credit amount for the project.

2. On notification that a project has been certified, the Comptroller shall transfer an amount equal to the maximum credit amount stated in the initial credit certificate for the project from the Reserve Fund to the General Fund.

(iii) 1. On or before October 1 of each year, the Trust shall notify the Comptroller as to the maximum credit amount stated in the initial credit certificate for each commercial rehabilitation for which the initial credit certificate has expired under subsection (c)(3) of this section as of the end of the prior fiscal year.

2. On notification that the initial credit certificate for a project has expired under subsection (c)(3) of this section, the Comptroller shall transfer an amount equal to the maximum credit amount stated in the initial credit certificate for the project from the Reserve Fund to the General Fund.

(e) (1) Subject to the provisions of this subsection, the Director shall issue an initial credit certificate for each approved small commercial project on a first-come, first-served basis.

(2) An initial credit certificate issued under this subsection shall state the maximum amount of tax credit for which the applicant is eligible.

(3) (I) The Director may not issue an initial credit certificate under this subsection[:

(i) prior to January 1, 2015; or

(ii)] after the aggregate amount of initial credit certificates issued for small commercial projects totals \$4,000,000.

**(II) FOR A TARGETED PROJECT, THE DIRECTOR MAY NOT ISSUE AN INITIAL CREDIT CERTIFICATE UNDER THIS SUBSECTION:**

**1. AFTER THE AGGREGATE AMOUNT OF INITIAL CREDIT CERTIFICATES ISSUED FOR AGRICULTURAL STRUCTURES TOTALS \$1,000,000; OR**

**2. AFTER THE AGGREGATE AMOUNT OF INITIAL CREDIT CERTIFICATES ISSUED FOR POST-WORLD WAR II STRUCTURES TOTALS \$1,000,000.**

(f) (1) (i) In this subsection the following words have the meanings indicated.

(ii) 1. “Dispose of” means to transfer legal title or, in the case of a leasehold, the leasehold interest.

2. “Dispose of” includes to sell in a sale-and-leaseback transaction, to transfer on the foreclosure of a security interest, or to transfer by gift.

3. “Dispose of” does not include to transfer title or the leasehold interest to a creditor on creation of a security interest.

(iii) “Disqualifying work” means work that:

1. is performed on a certified rehabilitation; and

2. if performed as part of the rehabilitation certified under this section, would have made the rehabilitation ineligible for certification.

(2) The credit allowed under this section shall be recaptured as provided in paragraph (3) of this subsection if, during the taxable year in which a certified rehabilitation is completed or any of the 4 taxable years succeeding the taxable year in which the certified rehabilitation is completed:

(i) any disqualifying work is performed on the certified rehabilitation; or

(ii) for a commercial rehabilitation, the certified rehabilitation is complete and has been disposed of.

(3) (i) 1. If the disqualifying work is performed or the certified rehabilitation is disposed of during the taxable year in which the certified rehabilitation was completed, 100% of the credit shall be recaptured.

2. If the disqualifying work is performed or the certified rehabilitation is disposed of during the first full year succeeding the taxable year in which the certified rehabilitation was completed, 80% of the credit shall be recaptured.

3. If the disqualifying work is performed or the certified rehabilitation is disposed of during the second full year succeeding the taxable year in which the certified rehabilitation was completed, 60% of the credit shall be recaptured.

4. If the disqualifying work is performed or the certified rehabilitation is disposed of during the third full year succeeding the taxable year in which the certified rehabilitation was completed, 40% of the credit shall be recaptured.

5. If the disqualifying work is performed or the certified rehabilitation is disposed of during the fourth full year succeeding the taxable year in which the certified rehabilitation was completed, 20% of the credit shall be recaptured.

(ii) The individual or business entity that claimed the tax credit shall pay the amount to be recaptured as determined under subparagraph (i) of this paragraph as taxes payable to the State for the taxable year in which the disqualifying work is performed or the certified rehabilitation is disposed of.

(g) (1) The Comptroller may determine, under the process for return examination and audit under §§ 13–301 and 13–302 of the Tax – General Article:

(i) the amount of rehabilitation expenditures used in calculating the credit;

(ii) whether such expenditures are qualified rehabilitation expenditures under this section; and

(iii) whether the credit is allowable as claimed.

(2) The authority of the Comptroller to examine and audit a tax return does not limit the authority of the Director to determine whether a rehabilitation qualifies as a certified rehabilitation or whether a certificate of certified rehabilitation has been properly issued.

(3) The Comptroller may adopt regulations to require that an entity other than a corporation claim the tax credit on the tax return filed by that entity.

(4) (i) Except as otherwise provided in this paragraph, the credit under this section may be claimed for the year a certified rehabilitation is completed, only if the Director has, by the time the return is filed, issued a certificate of completion for the certified rehabilitation.

(ii) A taxpayer claiming the credit may amend a return for the year the certified rehabilitation was completed to account for a certificate issued subsequent to the filing of the original return.

(iii) An amended return shall be filed within the period allowed under the Tax – General Article for filing refund claims.

(iv) The provisions of this paragraph do not extend the period in which a certified rehabilitation must be completed to be eligible for a tax credit under this section.

(v) An amended return may account for an amended certification issued by the Director for a certified rehabilitation.

(h) A refund payable under subsection (c) of this section:

(1) operates to reduce the income tax revenue from corporations if the person entitled to the refund is a corporation subject to the income tax under Title 10 of the Tax – General Article;

(2) operates to reduce insurance premium tax revenues if the person entitled to the refund is subject to taxation under Title 6 of the Insurance Article; and

(3) operates to reduce the income tax revenue from individuals if the person entitled to the refund is:

(i) an individual subject to the income tax under Title 10 of the Tax – General Article; or

(ii) an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code.

(i) (1) On or before December 15 of each fiscal year, the Director shall report to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly, on:

(i) the initial credit certificates awarded for commercial rehabilitations and small commercial projects under this section for that fiscal year;

(ii) the tax credits awarded for certified rehabilitations completed in the preceding fiscal year;

(iii) whether the tax credits awarded for certified rehabilitations completed in the preceding fiscal year were located in:

1. a local historic district; or

2. a national register district; and

(iv) the estimated amount of directly related administrative costs reserved in the Reserve Fund, the estimated amount of fees to be collected, the actual directly related administrative costs, and the actual amount of fees collected.

(2) The report required under paragraph (1) of this subsection shall include for each initial credit certificate awarded for the fiscal year for a commercial rehabilitation:

(i) the name of the owner or developer of the commercial rehabilitation;

(ii) the name and address of the proposed or certified rehabilitation and the county where the project is located;

(iii) the dates of receipt and approval by the Director of all applications regarding the project, including applications:

1. for certification that a structure or property will qualify as a certified historic structure; and

2. for approval of the proposed rehabilitation; and

(iv) the maximum amount of the credit stated in the initial credit certificate for the project and the estimated rehabilitation expenditures stated in the application for approval of the plan of proposed rehabilitation.

(3) The report required under paragraph (1) of this subsection shall include for each certified commercial rehabilitation completed during the preceding fiscal year:

(i) the name of the owner or developer of the commercial rehabilitation;

(ii) the name and address of the certified rehabilitation and the county where the project is located;

(iii) the dates of receipt and approval by the Director of all applications regarding the project; and

(iv) 1. the maximum amount of the credit stated in the initial credit certificate for the project and the estimated rehabilitation expenditures stated in the application for approval of the plan of proposed rehabilitation; and

2. the actual qualified rehabilitation expenditures and the final amount of the credit for which the project qualified.

(4) The report required under paragraph (1) of this subsection shall summarize for each category of certified rehabilitations:

(i) the total number of applicants for:

1. certification that a structure or property will qualify as a certified historic structure;

2. approval of plans of proposed rehabilitations; or

3. certification of the completed rehabilitations;

(ii) the number of proposed projects for which plans of proposed rehabilitation were approved; and

(iii) the total estimated rehabilitation expenditures stated in approved applications for approval of plans of proposed rehabilitation and the total qualified rehabilitation expenditures for completed rehabilitations certified.

(5) The information required under paragraph (4) of this subsection shall be provided in the aggregate and separately for each of the following categories of certified rehabilitations:

- (i) owner-occupied single family residential structures;
- (ii) small commercial projects; and
- (iii) commercial rehabilitations.

(j) (1) Subject to the provisions of this subsection, the provisions of this section and the tax credit authorized under this section shall terminate as of July 1, [2022] 2024.

(2) On and after July 1, [2022] 2024:

(i) the tax credit authorized under this section may be claimed for:

1. a rehabilitation project, other than a commercial rehabilitation, for which an application for approval of a plan of proposed rehabilitation was received by the Director on or before June 30, [2022] 2024; or

2. a commercial rehabilitation for which an initial credit certificate has been awarded under subsection (d) of this section; and

(ii) the Director shall continue to report to the Governor and the General Assembly as required under subsection (i) of this section for as long as any rehabilitation project for which the tax credit may be claimed remains incomplete.

### Article – Tax – General

10-741.

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

(9) “Tier I [county] AREA” has the meaning stated in § 6-801 of the Economic Development Article.

(10) “Tier II [county] AREA” has the meaning stated in § 6-801 of the Economic Development Article.

(b) (1) Subject to the limitations of this section, an individual or corporation that is a new business entity that operates an eligible project in a Tier I [county] AREA or

an existing business entity that operates an eligible project may claim a credit against the State income tax equal to the amount stated in the final tax credit certificate approved by the Department for an eligible project.

(2) The amount of the credit authorized under paragraph (1) of this subsection is equal to the product of:

(i) the State employer withholding amount, which is equal to the highest tax rate listed in § 10–105(a) of this title; and

(ii) the total amount of wages paid for each qualified position at an eligible project.

(3) If the tax credit allowed under this section in any taxable year exceeds the total tax otherwise payable by the qualified business entity for that taxable year, the qualified business entity may claim a refund in the amount of the excess.

(c) (1) On enrollment in the More Jobs for Marylanders Program established under Title 6, Subtitle 8 of the Economic Development Article, a qualified business entity shall apply to the Department for a tax credit certificate.

(2) The application shall be in the form and shall contain the information the Department requires.

(3) (i) Subject to subsections (d) and (e) of this section, the Department may issue a tax credit certificate to a qualified business entity in an amount not to exceed the amount determined under subsection (b)(2) of this section.

(ii) In determining the allocation of the aggregate tax credit amounts available in a fiscal year as provided under subsection (d) of this section, the Department shall give priority to applications for eligible projects in a Tier I [county] AREA, as defined under § 6–801 of the Economic Development Article.

(d) (1) In this subsection, “Reserve Fund” means the More Jobs for Marylanders Tax Credit Reserve Fund established under paragraph (2) of this subsection.

(2) (i) There is a More Jobs for Marylanders Tax Credit Reserve Fund that is a special continuing, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(ii) The money in the Reserve Fund shall be invested and reinvested by the Treasurer, and interest and earnings shall be credited to the General Fund.

(3) (i) Subject to the limitations of this subsection, the Department shall issue an initial tax credit certificate in an amount equal to a percentage of total wages paid for each qualified position at an eligible project as calculated under subsection (b)(2) of this section.

(ii) An initial tax credit certificate issued under this subsection shall state the maximum amount of tax credit for which the qualified business entity is eligible.

(iii) 1. Except as otherwise provided in this subparagraph, for any fiscal year, the Department may not issue initial tax credit certificates for credit amounts in the aggregate totaling more than ~~[\$9,000,000]~~ ~~\$11,000,000~~ in a fiscal year.

2. If the aggregate credit amounts under initial tax credit certificates issued in a fiscal year total less than the maximum provided under subparagraph 1 of this subparagraph, any excess amount shall remain in the Reserve Fund and may be issued under initial tax credit certificates for the next fiscal year.

3. For any fiscal year, if funds are transferred from the Reserve Fund under the authority of any provision of law other than under paragraph (4) of this subsection, the maximum credit amounts in the aggregate for which the Department may issue initial tax credit certificates shall be reduced by the amount transferred.

(iv) For fiscal year 2019 and each fiscal year thereafter, the Governor shall include in the annual budget bill an appropriation to the Reserve Fund in an amount that is no less than the amount the Department reports is necessary under subsection (e) of this section to:

1. maintain the current level of manufacturing activity in the State; [and]

2. attract new manufacturing activity to the State; AND

3. ATTRACT NEW BUSINESSES TO AND ENCOURAGE THE EXPANSION OF EXISTING BUSINESSES WITHIN OPPORTUNITY ZONES IN THE STATE.

(v) Notwithstanding the provisions of § 7-213 of the State Finance and Procurement Article, the Governor may not reduce an appropriation to the Reserve Fund in the State budget as approved by the General Assembly.

(vi) Based on an amount equal to a percentage of the total actual wages paid for each qualified position at an eligible project as calculated under subsection (b)(2) of this section, the Department shall issue a final tax credit certificate to the qualified business entity.

(4) (i) Except as provided in this paragraph, money appropriated to the Reserve Fund shall remain in the Fund.

(ii) 1. Within 15 days after the end of each calendar quarter, the Department shall notify the Comptroller as to each final credit certificate issued during the quarter:

A. the maximum credit amount stated in the initial tax credit certificate for the qualified business entity; and

B. the final certified credit amount for the qualified business entity.

2. On notification that a final credit amount has been certified, the Comptroller shall transfer an amount equal to the credit amount stated in the initial tax credit certificate for the qualified business entity from the Reserve Fund to the General Fund.

(e) On or before July 1 each year, the Department shall report to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly on the amount of tax credits necessary to:

(1) maintain the current level of manufacturing activity in the State; [and]

(2) attract new manufacturing activity to the State; AND

(3) ATTRACT NEW BUSINESSES TO AND ENCOURAGE THE EXPANSION OF EXISTING BUSINESSES WITHIN OPPORTUNITY ZONES IN THE STATE.

11–411.

(b) Except as provided in § 6–805(b) of the Economic Development Article and subject to subsection (c) of this section, a qualified business entity is entitled to a refund for the amount of sales and use tax paid by the qualified business entity during the immediately preceding calendar year for a sale of qualified personal property or services made on or after January 1, 2018, if the qualified personal property or services are purchased by the qualified business entity solely for use at an eligible project while the project is enrolled in the Program.

(d) (1) There is a More Jobs for Marylanders Sales and Use Tax Refund Reserve Fund that is a special continuing, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(2) The money in the Reserve Fund shall be invested and reinvested by the State Treasurer, and interest and earnings shall be credited to the General Fund.

(3) The Department shall issue a refund in an amount equal to the amount claimed by the qualified business entity under subsection (c) of this section.

(4) (i) Except as otherwise provided in this paragraph, for any fiscal year, the Department may not issue sales and use tax refunds in amounts in the aggregate totaling more than ~~[\$1,000,000]~~ \$1,250,000 in a fiscal year.

(ii) If the aggregate amount of sales and use tax refunds issued in a fiscal year totals less than the maximum provided under subparagraph (i) of this paragraph, any excess amount shall be transferred to the More Jobs for Marylanders Tax Credit Reserve Fund established under § 10-741 of this article.

(iii) For any fiscal year, if funds are transferred from the Reserve Fund under authority of any provision of law, the maximum amounts in the aggregate for which the Department may issue sales and use tax refunds shall be reduced by the amount transferred.

(5) For fiscal year 2019 and each fiscal year thereafter, the Governor shall include in the annual budget bill an appropriation to the Reserve Fund.

(6) Notwithstanding the provisions of § 7-213 of the State Finance and Procurement Article, the Governor may not reduce an appropriation to the Reserve Fund in the State budget as approved by the General Assembly.

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

~~Article – Economic Development~~

~~6-1009.~~

~~(A) FOR A QUALIFIED MARYLAND OPPORTUNITY ZONE BUSINESS THAT QUALIFIES FOR THE REGIONAL INSTITUTION STRATEGIC ENTERPRISE ZONE PROPERTY TAX CREDIT UNDER § 9-103.1 OF THE TAX – PROPERTY ARTICLE:~~

~~(1) THE TIER 1 OPPORTUNITY ZONE ENHANCEMENT IS EQUAL TO 90% OF THE AMOUNT OF PROPERTY TAX IMPOSED ON THE QUALIFIED MARYLAND OPPORTUNITY ZONE BUSINESS PROPERTY FOR THE DURATION OF THE CREDIT; AND~~

~~(2) THE TIER 2 OPPORTUNITY ZONE ENHANCEMENT IS EQUAL TO 100% OF THE AMOUNT OF PROPERTY TAX IMPOSED ON THE QUALIFIED MARYLAND OPPORTUNITY ZONE BUSINESS PROPERTY FOR THE DURATION OF THE CREDIT.~~

~~(B) THE ENHANCED TAX CREDIT PERCENTAGES AUTHORIZED UNDER SUBSECTION (A) OF THIS SECTION ARE IN SUBSTITUTION FOR AND NOT IN ADDITION TO THE PERCENTAGES UNDER § 9-103.1 OF THE TAX – PROPERTY ARTICLE.~~

Article – Tax – Property

9-110.

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

**(5) “OPPORTUNITY ZONE” HAS THE MEANING STATED IN § 6-801 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

~~[(5)] (6)~~ “Qualified business entity” means a new business entity operating an eligible project in a Tier I [county] AREA, as defined under § 6-801 of the Economic Development Article.

**(7) “QUALIFIED POSITION” HAS THE MEANING STATED IN § 6-801 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

~~[(6)] (8)~~ “Qualified property” means real property where an eligible project is located.

(b) (1) There is a credit against the State property tax under this section imposed on real property owned by a qualified business entity enrolled in the More Jobs for Marylanders Program established under Title 6, Subtitle 8 of the Economic Development Article.

~~(2) The property tax credit provided under this section is equal to THE LESSER OF:~~

~~(I) 100% of all State property tax that is due; OR~~

~~(II) IF THE QUALIFIED PROPERTY IS LOCATED IN AN OPPORTUNITY ZONE, AN AMOUNT NOT EXCEEDING \$250 PER QUALIFIED POSITION FILLED AT THE QUALIFIED PROPERTY.~~

(2) (I) [The] WITH RESPECT TO QUALIFIED PROPERTY OF A BUSINESS ENTITY DESCRIBED UNDER § 6-801(C)(1)(I) OF THE ECONOMIC DEVELOPMENT ARTICLE, THE property tax credit provided under this section is equal to 100% of all State property tax that is due.

(II) WITH RESPECT TO QUALIFIED PROPERTY OF A BUSINESS ENTITY OTHER THAN A BUSINESS ENTITY DESCRIBED UNDER § 6-801(C)(1)(I) OF THE ECONOMIC DEVELOPMENT ARTICLE, THE PROPERTY TAX CREDIT PROVIDED UNDER THIS SECTION IS EQUAL TO THE LESSER OF:

1. 100% OF ALL STATE PROPERTY TAX THAT IS DUE; OR

2. AN AMOUNT NOT EXCEEDING \$250 PER QUALIFIED POSITION FILLED AT THE QUALIFIED PROPERTY.

(3) The property tax credit provided under this section does not affect the amount of the county or municipal corporation property tax imposed on the property.

9-229.

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

**(2) “OPPORTUNITY ZONE” MEANS AN AREA THAT HAS BEEN DESIGNATED AS A QUALIFIED OPPORTUNITY ZONE IN THE STATE UNDER § 1400Z-1 OF THE INTERNAL REVENUE CODE.**

~~[(2)]~~ **(3)** “Property tax attributable to an increase in an assessment” means the additional property tax required to be paid as a result of the increase in the assessment, calculated before the application of the credit under this section but after the application of any other credit allowed under this title.

~~[(3)]~~ **(4)** “Qualified brownfields site” has the meaning stated in § 5-301 of the Economic Development Article.

~~[(4)]~~ **(5)** “Taxing jurisdiction” means:

(i) a county or Baltimore City; or

(ii) a municipal corporation.

(b) (1) (i) A taxing jurisdiction may elect to participate in the Brownfields Revitalization Incentive Program under Title 5, Subtitle 3 of the Economic Development Article through the enactment of legislation that grants property tax credits in accordance with the requirements of this section.

(ii) If a taxing jurisdiction elects to participate in the Program in accordance with this section, the taxing jurisdiction shall notify the Department of Commerce.

(2) If a taxing jurisdiction elects to participate in the Brownfields Revitalization Incentive Program in accordance with this section, the property tax credits under this section shall also apply to the State property tax in that jurisdiction in the same percentage and for the same duration as provided for the property tax of the taxing jurisdiction.

(f) In a designated enterprise zone **OR OPPORTUNITY ZONE**, a taxing jurisdiction may extend the tax credit authorized under this section up to an additional 5 years.

9-263.

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

**(2) “BASE YEAR” MEANS THE TAXABLE YEAR IMMEDIATELY BEFORE THE TAXABLE YEAR IN WHICH A PROPERTY TAX CREDIT UNDER THIS SECTION IS TO BE GRANTED.**

**(3) (I) “BASE YEAR VALUE” MEANS THE VALUE OF THE PROPERTY USED TO DETERMINE THE ASSESSMENT ON WHICH THE PROPERTY TAX ON REAL PROPERTY WAS IMPOSED FOR THE BASE YEAR.**

**(II) “BASE YEAR VALUE” DOES NOT INCLUDE THE VALUE OF ANY NEW REAL PROPERTY THAT WAS FIRST ASSESSED IN THE BASE YEAR.**

**(4) “ELIGIBLE ASSESSMENT” MEANS THE DIFFERENCE BETWEEN THE BASE YEAR VALUE AND THE ACTUAL VALUE AS DETERMINED BY THE DEPARTMENT FOR THE APPLICABLE TAXABLE YEAR IN WHICH THE TAX CREDIT UNDER THIS SECTION IS TO BE GRANTED.**

**(5) “QUALIFIED OPPORTUNITY FUND” HAS THE MEANING STATED IN § 1400Z-2 OF THE INTERNAL REVENUE CODE.**

**(6) “QUALIFIED OPPORTUNITY ZONE BUSINESS PROPERTY” HAS THE MEANING STATED IN § 1400Z-2 OF THE INTERNAL REVENUE CODE.**

**(B) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY GRANT, BY LAW, A TAX CREDIT UNDER THIS SECTION AGAINST THE PROPERTY TAX IMPOSED ON THE ELIGIBLE ASSESSMENT OF A QUALIFIED OPPORTUNITY ZONE BUSINESS PROPERTY IF THE PROPERTY WAS VACANT FOR AT LEAST 12 MONTHS BEFORE THE ACQUISITION OF THE PROPERTY BY A QUALIFIED OPPORTUNITY FUND.**

**(C) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY ESTABLISH, BY LAW:**

**(1) THE AMOUNT AND DURATION OF THE CREDIT UNDER THIS SECTION;**

**(2) ADDITIONAL ELIGIBILITY CRITERIA FOR THE CREDIT UNDER THIS SECTION;**

**(3) PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE CREDIT; AND**

**(4) ANY OTHER PROVISIONS NECESSARY TO CARRY OUT THIS SECTION.**

**(D) ON OR BEFORE JANUARY 1 OF THE CALENDAR YEAR FOLLOWING THE YEAR IN WHICH THE OPPORTUNITY ZONE TAX CREDIT IS INITIATED, AND EACH JANUARY 1 THEREAFTER, A COUNTY OR MUNICIPAL CORPORATION THAT GRANTS A TAX CREDIT UNDER THIS SECTION SHALL SUBMIT A REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE WAYS AND MEANS COMMITTEE THAT DESCRIBES:**

**(1) THE TAX CREDIT PROGRAM; AND**

**(2) THE ECONOMIC IMPACT OF THE TAX CREDITS GRANTED UNDER THIS SECTION ON THE OPPORTUNITY ZONES.**

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

**Article – Economic Development**

4-704.

(a) The Secretary may designate an area as an arts and entertainment district only if the area is a contiguous geographic area that is wholly within:

**(1) a priority funding area as provided under § 5-7B-02 of the State Finance and Procurement Article; OR**

**(2) A QUALIFIED OPPORTUNITY ZONE DESIGNATED UNDER § 1400Z-1 OF THE INTERNAL REVENUE CODE IN ALLEGANY COUNTY, GARRETT COUNTY, SOMERSET COUNTY, OR WICOMICO COUNTY.**

5-704.

(a) (1) The Secretary may only designate an area as an enterprise zone if the area:

**(i) is in a priority funding area OR IN A QUALIFIED OPPORTUNITY ZONE UNDER § 1400Z-1 OF THE INTERNAL REVENUE CODE IN ALLEGANY COUNTY, GARRETT COUNTY, SOMERSET COUNTY, OR WICOMICO COUNTY or meets an exception under Title 5, Subtitle 7B of the State Finance and Procurement Article; and**

**(ii) satisfies at least one of the requirements specified in paragraph (2) of this subsection.**

5-1303.

(a) The Secretary may only designate an area as a BRAC Revitalization and Incentive Zone if the area:

(1) is located within a priority funding area as defined by Title 5, Subtitle 7B of the State Finance and Procurement Article OR A QUALIFIED OPPORTUNITY ZONE DESIGNATED UNDER § 1400Z-1 OF THE INTERNAL REVENUE CODE IN ALLEGANY COUNTY, GARRETT COUNTY, SOMERSET COUNTY, OR WICOMICO COUNTY;

6-301.

(f) “State priority funding area” means:

(1) a municipal corporation;

(2) Baltimore City;

(3) a sustainable community, as defined in § 6-301 of the Housing and Community Development Article;

(4) an enterprise zone designated by the Secretary under § 5-704 of this article;

(5) an enterprise zone designated by the United States government under 42 U.S.C. §§ 11501 through 11505;

(6) those areas of the State located between Interstate Highway 495 and the District of Columbia;

(7) those areas of the State located between Interstate Highway 695 and Baltimore City;

(8) any area in a county designated by the county as a priority funding area under § 5-7B-03(c) of the State Finance and Procurement Article; [and]

(9) that portion of the Port Land Use Development Zone, as defined in § 6-501 of the Transportation Article, that has been designated as an area appropriate for growth in a county comprehensive master plan; AND

**(10) A QUALIFIED OPPORTUNITY ZONE DESIGNATED UNDER § 1400Z-1 OF THE INTERNAL REVENUE CODE IN ALLEGANY COUNTY, GARRETT COUNTY, SOMERSET COUNTY, OR WICOMICO COUNTY.**

6-402.

(b) To be eligible for a project tax credit, a person shall:

(1) establish or expand a business facility that:

(i) is located in a Tier I county; and

(ii) 1. A. is located in a priority funding area under § 5-7B-02 of the State Finance and Procurement Article; or

[2.] B. is eligible for funding outside of a priority funding area under § 5-7B-05 or § 5-7B-06 of the State Finance and Procurement Article; OR

2. IS LOCATED IN A QUALIFIED OPPORTUNITY ZONE DESIGNATED UNDER § 1400Z-1 OF THE INTERNAL REVENUE CODE IN ALLEGANY COUNTY, GARRETT COUNTY, SOMERSET COUNTY, OR WICOMICO COUNTY;

### Article – Housing and Community Development

#### SUBTITLE 3. MISCELLANEOUS REPORTING REQUIREMENTS.

#### 2-301.

ON OR BEFORE DECEMBER 1, 2019, AND EACH DECEMBER 1 THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON:

(1) WITH RESPECT TO FINANCIAL ASSISTANCE PROVIDED UNDER TITLE 4, SUBTITLE 2 OF THIS ARTICLE:

(I) THE NUMBER OF PROJECTS THAT QUALIFIED AS BUSINESS PROJECTS UNDER § 4-223 OF THIS ARTICLE;

(II) THE LOCATION OF EACH BUSINESS PROJECT, INCLUDING WHETHER THE BUSINESS PROJECT IS LOCATED:

1. IN AN AREA DESIGNATED AS A PRIORITY FUNDING AREA UNDER § 5-7B-02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; OR

2. ONLY IN A QUALIFIED OPPORTUNITY ZONE DESIGNATED UNDER § 1400Z-1 OF THE INTERNAL REVENUE CODE; AND

(III) THE AMOUNT OF GRANTS OR LOANS PROVIDED FOR THE DEVELOPMENT OF EACH BUSINESS PROJECT;

**(2) WITH RESPECT TO THE STRATEGIC DEMOLITION AND SMART GROWTH IMPACT FUND ESTABLISHED UNDER § 4-508 OF THIS ARTICLE:**

**(I) THE NUMBER AND AMOUNT OF GRANTS AND LOANS PROVIDED TO GOVERNMENT AGENCIES AND COMMUNITY DEVELOPMENT ORGANIZATIONS DURING THE IMMEDIATELY PRECEDING FISCAL YEAR; AND**

**(II) THE LOCATION OF EACH REVITALIZATION PROJECT FOR WHICH A GRANT OR LOAN WAS PROVIDED, INCLUDING WHETHER THE REVITALIZATION PROJECT IS LOCATED:**

**1. IN AN AREA DESIGNATED AS A SUSTAINABLE COMMUNITY; OR**

**2. ONLY IN A QUALIFIED OPPORTUNITY ZONE DESIGNATED UNDER § 1400Z-1 OF THE INTERNAL REVENUE CODE;**

**(3) WITH RESPECT TO THE COMMUNITY LEGACY PROGRAM ESTABLISHED UNDER TITLE 6, SUBTITLE 2 OF THIS ARTICLE:**

**(I) THE LOCATION OF EACH COMMUNITY LEGACY PROJECT, INCLUDING WHETHER THE COMMUNITY LEGACY PROJECT IS LOCATED:**

**1. IN A SUSTAINABLE COMMUNITY; OR**

**2. ONLY IN AN ELIGIBLE OPPORTUNITY ZONE; AND**

**(II) THE AMOUNT OF FINANCIAL ASSISTANCE PROVIDED FOR EACH COMMUNITY LEGACY PROJECT; AND**

**(4) WITH RESPECT TO THE BUSINESS DEVELOPMENT PROGRAM ESTABLISHED UNDER TITLE 6, SUBTITLE 3 OF THIS ARTICLE:**

**(I) THE NAMES OF APPROVED ENTITIES AWARDED FINANCIAL ASSISTANCE UNDER THAT PROGRAM;**

**(II) THE LOCATION OF THE APPROVED ENTITY'S OPERATION, INCLUDING WHETHER THE APPROVED ENTITY'S OPERATION IS LOCATED:**

**1. IN A PRIORITY FUNDING AREA; OR**

**2. ONLY IN AN ELIGIBLE OPPORTUNITY ZONE; AND**

**(III) THE AMOUNT OF EACH FINANCIAL ASSISTANCE AWARD.**

4-104.

THE DIVISION SHALL CONDUCT OUTREACH TO FACILITATE THE INVESTMENT BY QUALIFIED OPPORTUNITY FUNDS, AS DEFINED IN § 1400Z-2 OF THE INTERNAL REVENUE CODE, IN URBAN, SUBURBAN, AND RURAL NEIGHBORHOODS IN THE STATE.

4-223.

(a) A project qualifies as a business project if the project is:

(1) located in:

(I) an area designated as a priority funding area under § 5-7B-02 of the State Finance and Procurement Article; OR

(II) A QUALIFIED OPPORTUNITY ZONE DESIGNATED UNDER § 1400Z-1 OF THE INTERNAL REVENUE CODE IN ALLEGANY COUNTY, GARRETT COUNTY, SOMERSET COUNTY, OR WICOMICO COUNTY; and

(2) (i) acquired, owned, developed, constructed, reconstructed, rehabilitated, or improved by a person or an entity for the purposes of carrying on a business whether or not for profit; or

(ii) eligible for funding from the Neighborhood Business Development Fund under § 6-310 of this article.

4-508.

(a) In this section, “Fund” means the Strategic Demolition and Smart Growth Impact Fund.

(g) (1) The Fund may be used only to provide grants and loans to government agencies and community development organizations for interior and exterior demolition, land assembly, architecture and engineering, and site development for revitalization projects in an area designated as:

(I) a Sustainable Community; OR

(II) A QUALIFIED OPPORTUNITY ZONE DESIGNATED UNDER § 1400Z-1 OF THE INTERNAL REVENUE CODE IN ALLEGANY COUNTY, GARRETT COUNTY, SOMERSET COUNTY, OR WICOMICO COUNTY.

6-201.

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

(b) “Application” means an application to the Secretary that includes a request to:

(1) designate an area as a sustainable community;

(2) approve a sustainable community plan; or

(3) approve a community legacy project.

(c) “Community development financial institution” has the meaning stated in 12 U.S.C. § 4702.

(d) “Community development organization” means an entity that meets the qualifications of § 6–203 of this subtitle.

(e) “Community legacy agreement” means an agreement between the Department and a sponsor to develop a sustainable community plan or to implement one or more community legacy projects in a designated sustainable community **OR AN ELIGIBLE OPPORTUNITY ZONE.**

(f) “Community legacy project” includes [projects] **A PROJECT IN A SUSTAINABLE COMMUNITY OR AN ELIGIBLE OPPORTUNITY ZONE** to:

(1) create, improve, or preserve housing opportunities by acquiring, constructing, rehabilitating, or improving new or existing residential properties;

(2) demolish buildings or improvements strategically to enhance the use of land;

(3) create, improve, or preserve commercial or mixed–use development, including an appropriate combination of properties related to business, housing, open–space, and institutional uses;

(4) develop public infrastructure that is incidental to the implementation of a community legacy project, such as streets, parking, public utilities, landscaping, lighting, and improvements to pedestrian and bicycle circulation;

(5) encourage and develop cooperative ownership or control of open space;

(6) develop or create strategies designed to increase investment in existing communities, including outreach activities to attract business, capital, residents, and visitors and the development and maintenance of resources directly related to the development of a sustainable community plan or the implementation of a community legacy project;

(7) engage in landbanking or otherwise acquire or improve vacant buildings or unimproved land;

(8) provide financial assistance for neighborhood intervention projects; or

(9) develop other plans or implement other projects as the Department considers necessary to further the purposes of this subtitle.

**(G) “ELIGIBLE OPPORTUNITY ZONE” MEANS AN AREA DESIGNATED AS A QUALIFIED OPPORTUNITY ZONE UNDER § 1400Z–1 OF THE INTERNAL REVENUE CODE THAT IS LOCATED IN ALLEGANY COUNTY, GARRETT COUNTY, SOMERSET COUNTY, OR WICOMICO COUNTY.**

**[(g)] (H) “Financial assistance” includes:**

(1) a grant;

(2) a loan;

(3) a reduction in the principal obligation of or rate of interest payable on a loan or portion of a loan;

(4) a prepayment of interest on a subordinate or superior loan or portion of a loan;

(5) an assurance;

(6) a guarantee; or

(7) any other form of credit enhancement.

**[(h)] (I) “Landbanking” means acquiring or holding improved and unimproved property:**

(1) in anticipation of future development of the property; or

(2) to keep the future use of the property and improvements affordable.

**[(i)] (J) “Priority funding area” means an area designated as a priority funding area under § 5–7B–02 of the State Finance and Procurement Article.**

**[(j)] (K) “Program” means the Community Legacy Program established by this subtitle.**

**[(k)] (L) “Smart Growth Subcabinet” means the subcabinet established under § 9–1406 of the State Government Article.**

[(1)] (M) “Sustainable community” means the part of a priority funding area that:

(1) as determined by the Smart Growth Subcabinet, satisfies the requirements of § 6–205 of this subtitle;

(2) has been designated as a BRAC Revitalization and Incentive Zone under Title 5, Subtitle 13 of the Economic Development Article; or

(3) has been designated a transit-oriented development under § 7–101 of the Transportation Article.

[(m)] (N) “Sustainable community plan” means a plan consisting of one or more community legacy projects or other revitalization projects to prevent or reverse the decline of or disinvestment in a sustainable community through improvements in residential, commercial, or other public or private properties.

6–206.

(b) (1) The Department shall provide written notice to the political subdivision in which the proposed project is located.

(2) Except as provided in paragraph (5) of this subsection, the Department may not approve an application unless the political subdivision in which the proposed project is located approves the application by:

(i) resolution; or

(ii) letter, delivered to the Department by the political subdivision’s authorized designee, expressing support for the plan or project.

(3) If an application affects a sustainable community **OR AN ELIGIBLE OPPORTUNITY ZONE** entirely within a municipal corporation, the approval must come from the municipal corporation rather than the surrounding county.

(4) If an application affects a sustainable community **OR AN ELIGIBLE OPPORTUNITY ZONE** within more than one political subdivision, each political subdivision must approve it by:

(i) resolution; or

(ii) letter, delivered to the Department by the political subdivision’s authorized designee, expressing support for the plan or project.

(5) If the Department does not receive notice of approval or denial of an application from the affected jurisdictions within 45 days after notice of the proposed project is given in accordance with paragraph (1) of this subsection, the Department may approve the application.

6-301.

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

(b) (1) "Development costs" means the costs incurred to develop, redevelop, or expand a neighborhood business development project.

(2) "Development costs" includes the costs of:

(i) necessary studies, surveys, plans, and specifications;

(ii) architectural, engineering, or other special services, including flood plain studies, environmental audits, and critical area or wetland assessments;

(iii) land and improvements;

(iv) site preparation;

(v) construction, reconstruction, and rehabilitation;

(vi) machinery, equipment, and furnishings;

(vii) essential operating costs, including working capital and occupancy expenses;

(viii) indemnity and surety bonds and premiums on insurance;

(ix) temporary relocation expenses; and

(x) other costs determined to be acceptable by the Department.

**(C) "ELIGIBLE OPPORTUNITY ZONE" MEANS AN AREA DESIGNATED AS A QUALIFIED OPPORTUNITY ZONE UNDER § 1400Z-1 OF THE INTERNAL REVENUE CODE THAT IS LOCATED IN ALLEGANY COUNTY, GARRETT COUNTY, SOMERSET COUNTY, OR WICOMICO COUNTY.**

**[(c)] (D) "Food desert" means the part of a priority funding area OR AN ELIGIBLE OPPORTUNITY ZONE designated by the Secretary under § 6-308(c) of this subtitle.**

**[(d)] (E) "Fund" means the Neighborhood Business Development Fund.**

[(e)] (F) “Microenterprise” means a business that qualifies as a microenterprise under § 6–302 of this subtitle.

[(f)] (G) “Priority funding area” means an area designated as a priority funding area under § 5–7B–02 of the State Finance and Procurement Article.

[(g)] (H) “Program” means the Neighborhood Business Development Program.

[(h)] (I) (1) “Project” means a neighborhood business development project that receives financial assistance from the Fund.

(2) “Project” includes a microenterprise project that receives financial assistance from the Fund.

[(i)] (J) “Small business” means a business that qualifies as a small business under § 6–302 of this subtitle.

[(j)] (K) “Sustainable community” means the part of a priority funding area that:

(1) as determined by the Smart Growth Subcabinet, satisfies the requirements of § 6–205 of this title;

(2) has been designated as a BRAC Revitalization and Incentive Zone under Title 5, Subtitle 13 of the Economic Development Article; or

(3) has been designated a transit-oriented development under § 7–101 of the Transportation Article.

6–303.

(b) The purposes of the Program are:

(1) in priority funding areas OR ELIGIBLE OPPORTUNITY ZONES, to:

(i) help develop, redevelop, or expand small businesses and microenterprises;

(ii) stimulate investment by the private sector;

(iii) invest in revitalization projects for small businesses and microenterprises; and

(iv) stimulate political subdivisions to participate in developing and expanding small businesses and microenterprises; and

(2) in food deserts or parts of priority funding areas OR ELIGIBLE OPPORTUNITY ZONES that serve food deserts, to help create small businesses and other food-related enterprises that provide fresh fruits, vegetables, and other healthy foods to residents in the food desert.

6-304.

(b) The Business Development Program shall provide financial assistance to projects in priority funding areas OR ELIGIBLE OPPORTUNITY ZONES.

6-305.

(a) (1) A small business, nonprofit organization, or microenterprise may apply for financial assistance under the Business Development Program.

(2) The Department shall review each application.

(b) An applicant may qualify for financial assistance for a project in a priority funding area OR AN ELIGIBLE OPPORTUNITY ZONE if the application demonstrates that:

(1) the financial assistance from the Fund is the minimum amount necessary to make the project financially feasible;

(2) the project is ready to proceed when it receives financial assistance from the Business Development Program; and

(3) any food desert project includes a plan to seek out sources of Maryland-grown produce and Maryland produced foods.

### Article - State Finance and Procurement

5-7B-01.

(c) (1) "Growth-related project" means only the items set forth below:

(iii) funding by the Department of Commerce under any of the following:

1. the Maryland Industrial Development Financing Authority, authorized under Title 5, Subtitle 4 of the Economic Development Article;

2. the Maryland Small Business Development Financing Authority, authorized under Title 5, Subtitle 5 of the Economic Development Article;

3. the former Maryland Energy Financing Act, authorized under former Article 83A, Title 6, Subtitle 4 of the Code, succeeded by the Maryland Industrial Development Financing Authority;

4. the Economic Development Opportunities Program Fund, authorized under § 7–314 of this article;

5. the former Maryland Competitive Advantage Financing Fund, authorized under former Article 83A, Title 5, Subtitle 13 of the Code; and

6. the Maryland Economic Development Assistance Authority and Fund, authorized under Title 5, Subtitle 3 of the Economic Development Article;

5–7B–06.

(a) The State may provide funding for a growth–related project not in a priority funding area without receiving approval from the Board of Public Works as provided under § 5–7B–05 of this subtitle for:

(1) a project that is required to protect public health or safety;

(2) a project involving federal funds, to the extent compliance with this subtitle would conflict or be inconsistent with federal law; [or]

(3) a growth–related project related to a commercial or industrial activity which, due to its operational or physical characteristics, shall be located away from other development, including:

(i) a natural resource based industry;

(ii) an industry relating to:

1. agricultural operations, as defined in § 7–101 of the Labor and Employment Article;

2. forestry activities; or

3. mineral extraction;

(iii) an industry that is proximate to:

1. an airport facility;

2. a port facility;

3. a railroad facility;

4. a transit facility; or
5. a major highway interchange; or

(iv) a tourism facility or museum that is required to be located away from other development due to necessary proximity to specific historic, natural, or cultural resources; OR

**(4) A GROWTH-RELATED PROJECT INVOLVING FUNDING FOR A PROJECT UNDER:**

**(I) § 7-314 OF THIS ARTICLE;**

**(II) TITLE 5, SUBTITLE 3, SUBTITLE 4, OR SUBTITLE 5 OF THE ECONOMIC DEVELOPMENT ARTICLE; OR**

**(III) TITLE 6, SUBTITLE 2 OR SUBTITLE 3 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.**

(b) A procedure for notification, review, and comment on exceptions proposed under this section shall be established jointly by the applicable State agency and the Department of Planning.

7-314.

**(o) (1) THIS SUBSECTION DOES NOT APPLY TO AN ECONOMIC DEVELOPMENT OPPORTUNITY LOCATED IN AN AREA DESIGNATED AS A QUALIFIED OPPORTUNITY ZONE UNDER § 1400Z-1 OF THE INTERNAL REVENUE CODE IN ALLEGANY COUNTY, GARRETT COUNTY, SOMERSET COUNTY, OR WICOMICO COUNTY.**

**(2) In the case of an economic development opportunity located outside a priority funding area as established under Title 5, Subtitle 7B of this article, the Department shall first comply with the provisions of that subtitle before making a request for approval by the Legislative Policy Committee under this section.**

### **Article - Tax - Property**

9-230.

**(b) (4) To qualify for a tax credit under this section, the new or expanded premises must be located in:**

(I) a priority funding area as designated in Title 5, Subtitle 7B of the State Finance and Procurement Article; OR

(II) A QUALIFIED OPPORTUNITY ZONE DESIGNATED UNDER § 1400Z-1 OF THE INTERNAL REVENUE CODE IN ALLEGANY COUNTY, GARRETT COUNTY, SOMERSET COUNTY, OR WICOMICO COUNTY.

*SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:*

*Article – Housing and Community Development*

*SUBTITLE 25. QUALIFIED WORKFORCE HOUSING TAX CREDIT.*

*4-2501.*

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

*(B) “OPPORTUNITY ZONE” MEANS AN AREA THAT HAS BEEN DESIGNATED AS A QUALIFIED OPPORTUNITY ZONE IN THE STATE UNDER § 1400Z-1 OF THE INTERNAL REVENUE CODE.*

*(C) “QUALIFIED WORKFORCE HOUSING PROJECT” MEANS A WORKFORCE HOUSING PROJECT IN AN OPPORTUNITY ZONE THAT MEETS REQUIREMENTS FOR ELIGIBILITY FOR THE STATE TAX CREDIT AS SPECIFIED IN REGULATIONS THAT THE SECRETARY ADOPTS UNDER § 4-2502 OF THIS SUBTITLE.*

*(D) “STATE TAX CREDIT” MEANS THE INCOME TAX CREDIT ALLOWED UNDER § 10-749 OF THE TAX – GENERAL ARTICLE.*

*(E) “WORKFORCE HOUSING” HAS THE MEANING STATED IN § 4-1801 OF THIS TITLE.*

*4-2502.*

*(A) THE OWNER OF A QUALIFIED WORKFORCE HOUSING PROJECT OR THE DEVELOPER OF A PROPOSED PROJECT THAT WILL BECOME A QUALIFIED WORKFORCE HOUSING PROJECT MAY APPLY TO THE SECRETARY FOR ALLOCATION TO THE PROJECT OF A PORTION OF THE STATE TAX CREDIT.*

*(B) AN APPLICATION UNDER THIS SECTION SHALL BE MADE IN THE FORM AND MANNER AND CONTAIN ANY INFORMATION THAT THE SECRETARY REQUIRES BY REGULATION.*

(C) (1) THE SECRETARY MAY REQUIRE THAT THE OWNER OF A QUALIFIED WORKFORCE HOUSING PROJECT, AS A CONDITION TO RECEIVING AN ALLOCATION OF THE STATE TAX CREDIT, ENTER INTO A WRITTEN REGULATORY AGREEMENT WITH THE SECRETARY UNDER TERMS AND CONDITIONS SET BY THE SECRETARY, REGARDING THE USE OF THE PROJECT.

(2) THE SECRETARY MAY REQUIRE THAT ANY AGREEMENT REQUIRED BY THE SECRETARY UNDER THIS SUBSECTION BE FILED IN THE OFFICIAL LAND RECORDS OF THE COUNTY WHERE THE PROJECT IS LOCATED.

(3) THE SECRETARY AND ANY LOCAL AGENCY OR AUTHORITY DESIGNATED BY THE SECRETARY MAY ENFORCE AN AGREEMENT REQUIRED BY THE SECRETARY UNDER THIS SECTION IN THE EVENT THE OWNER FAILS TO SATISFY ANY OF THE REQUIREMENTS OF THE AGREEMENT.

(4) THE SECRETARY MAY NOT REQUIRE THAT THE OWNER OF A QUALIFIED WORKFORCE HOUSING PROJECT, AS A CONDITION TO RECEIVING AN ALLOCATION OF THE STATE TAX CREDIT, USE THE BONDING AUTHORITY OF THE STATE.

(D) THE SECRETARY SHALL ADOPT:

(1) REGULATIONS OR POLICIES ESTABLISHING CRITERIA BY WHICH THE STATE TAX CREDIT WILL BE ALLOCATED AMONG QUALIFIED WORKFORCE HOUSING PROJECTS; AND

(2) ANY OTHER REGULATIONS NECESSARY TO ADMINISTER THE PROVISIONS OF THIS SUBTITLE.

(E) ANY PROJECT THAT RECEIVES AN ALLOCATION OF A PORTION OF THE STATE TAX CREDIT SHALL BE RESTRICTED IN OCCUPANCY AS SPECIFIED IN THE REGULATIONS ADOPTED BY THE SECRETARY UNDER SUBSECTION (D) OF THIS SECTION FOR A PERIOD OF AT LEAST 30 YEARS BEGINNING WITH THE FIRST TAXABLE YEAR IN WHICH A STATE TAX CREDIT IS CLAIMED BY THE OWNER.

4-2503.

(A) (1) THE MAXIMUM AGGREGATE AVAILABLE STATE TAX CREDIT THAT MAY BE ALLOCATED FOR EACH FISCAL YEAR EQUALS THE LESSER OF:

(I) THE AMOUNT APPROPRIATED FOR THE QUALIFIED WORKFORCE HOUSING TAX CREDIT RESERVE FUND FOR THAT FISCAL YEAR IN THE STATE BUDGET AS APPROVED BY THE GENERAL ASSEMBLY; OR

(II) \$4,000,000.

(2) THE SECRETARY MAY ALLOCATE THE AGGREGATE AVAILABLE STATE TAX CREDIT FOR A FISCAL YEAR AMONG PROJECTS TO BE QUALIFIED WORKFORCE HOUSING PROJECTS TO BE PLACED IN SERVICE DURING OR AFTER THAT FISCAL YEAR.

(3) ANY PART OF THE AGGREGATE AVAILABLE STATE TAX CREDIT FOR ANY FISCAL YEAR THAT IS NOT ALLOCATED BY THE SECRETARY IN THAT FISCAL YEAR MAY BE CARRIED OVER AND ALLOCATED FOR ANY SUBSEQUENT FISCAL YEAR.

(B) (1) IN THIS SUBSECTION, "RESERVE FUND" MEANS THE QUALIFIED WORKFORCE HOUSING TAX CREDIT RESERVE FUND ESTABLISHED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(2) (I) THERE IS A QUALIFIED WORKFORCE HOUSING TAX CREDIT RESERVE FUND.

(II) THE RESERVE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(III) THE MONEY IN THE RESERVE FUND SHALL BE INVESTED AND REINVESTED BY THE STATE TREASURER, AND INTEREST AND EARNINGS SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.

(3) (I) 1. EXCEPT AS OTHERWISE PROVIDED IN THIS SUBPARAGRAPH, FOR ANY FISCAL YEAR, THE SECRETARY MAY NOT ALLOCATE TAX CREDITS UNDER THIS SUBTITLE IN THE AGGREGATE TOTALING MORE THAN THE AMOUNT APPROPRIATED FOR THE RESERVE FUND FOR THAT FISCAL YEAR IN THE STATE BUDGET AS APPROVED BY THE GENERAL ASSEMBLY.

2. IF THE AGGREGATE CREDIT AMOUNTS ALLOCATED IN A FISCAL YEAR TOTAL LESS THAN THE AMOUNT APPROPRIATED FOR THE RESERVE FUND FOR THAT FISCAL YEAR, ANY EXCESS AMOUNT SHALL REMAIN IN THE RESERVE FUND AND MAY BE ALLOCATED FOR THE NEXT FISCAL YEAR.

3. FOR ANY FISCAL YEAR, IF FUNDS ARE TRANSFERRED FROM THE RESERVE FUND UNDER THE AUTHORITY OF ANY PROVISION OF LAW OTHER THAN PARAGRAPH (4) OF THIS SUBSECTION, THE MAXIMUM CREDIT AMOUNTS IN THE AGGREGATE THAT THE SECRETARY MAY ALLOCATE SHALL BE REDUCED BY THE AMOUNT TRANSFERRED.

(II) FOR EACH FISCAL YEAR, THE GOVERNOR MAY INCLUDE IN THE BUDGET BILL AN APPROPRIATION FOR THE RESERVE FUND.

(III) NOTWITHSTANDING THE PROVISIONS OF § 7-213 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, THE GOVERNOR MAY NOT REDUCE AN APPROPRIATION FOR THE RESERVE FUND IN THE STATE BUDGET AS APPROVED BY THE GENERAL ASSEMBLY.

(4) (I) EXCEPT AS PROVIDED IN THIS PARAGRAPH, MONEY APPROPRIATED FOR THE RESERVE FUND SHALL REMAIN IN THE RESERVE FUND.

(II) 1. WITHIN 15 DAYS AFTER THE END OF EACH CALENDAR QUARTER, AS TO EACH QUALIFIED WORKFORCE HOUSING PROJECT FOR WHICH A FINAL CREDIT CERTIFICATE WAS ISSUED DURING THE QUARTER, THE DEPARTMENT SHALL NOTIFY THE COMPTROLLER OF:

A. THE MAXIMUM CREDIT AMOUNT INITIALLY ALLOCATED TO THE PROJECT; AND

B. THE FINAL CERTIFIED CREDIT AMOUNT FOR THE PROJECT.

2. ON NOTIFICATION THAT THE FINAL CREDIT FOR A PROJECT HAS BEEN CERTIFIED, THE COMPTROLLER SHALL TRANSFER AN AMOUNT EQUAL TO THE CREDIT AMOUNT INITIALLY ALLOCATED TO THE PROJECT FROM THE RESERVE FUND TO THE GENERAL FUND OF THE STATE.

4-2504.

(A) ON OR BEFORE THE LAST DAY OF THE TAXABLE YEAR IN WHICH A QUALIFIED WORKFORCE HOUSING PROJECT THAT HAS BEEN ALLOCATED A PART OF THE STATE TAX CREDIT UNDER THIS SUBTITLE IS PLACED IN SERVICE, THE OWNER SHALL:

(1) NOTIFY THE SECRETARY THAT THE PROJECT HAS BEEN PLACED IN SERVICE; AND

(2) CERTIFY THAT THE PROJECT IS A QUALIFIED WORKFORCE HOUSING PROJECT ELIGIBLE FOR THE STATE TAX CREDIT.

(B) WITHIN 15 DAYS AFTER NOTIFICATION THAT A PROJECT HAS BEEN PLACED IN SERVICE, THE SECRETARY SHALL ISSUE TO THE OWNER A FINAL CREDIT CERTIFICATE FOR THE PROJECT STATING THE FINAL CREDIT AMOUNT FOR THE

PROJECT, NOT TO EXCEED THE CREDIT AMOUNT INITIALLY ALLOCATED TO THE PROJECT.

(C) THE SECRETARY SHALL:

(1) DETERMINE WHETHER ANY EVENT HAS OCCURRED IN VIOLATION OF THIS SUBTITLE OR REGULATIONS ADOPTED UNDER THIS SUBTITLE THAT MAKES THE PROJECT INELIGIBLE FOR THE STATE TAX CREDIT OR OTHERWISE TRIGGERS THE RECAPTURE OF ANY STATE TAX CREDIT AS PROVIDED UNDER § 10-749 OF THE TAX – GENERAL ARTICLE; AND

(2) PROMPTLY NOTIFY THE COMPTROLLER OF THE OCCURRENCE OF THE EVENT.

4-2505.

ON OR BEFORE DECEMBER 31 EACH YEAR, THE SECRETARY SHALL REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY:

(1) THE NUMBER OF QUALIFIED WORKFORCE HOUSING PROJECTS THAT RECEIVED A TAX CREDIT ALLOCATION DURING THE YEAR;

(2) THE NUMBER OF HOUSING UNITS SUPPORTED BY EACH QUALIFIED WORKFORCE HOUSING PROJECT THAT RECEIVED A TAX CREDIT ALLOCATION DURING THE YEAR;

(3) A DESCRIPTION OF EACH QUALIFIED WORKFORCE HOUSING PROJECT THAT INCLUDES:

(I) THE GEOGRAPHIC LOCATION OF THE PROJECT;

(II) DEMOGRAPHIC INFORMATION ON AND INCOME LEVELS OF THE RESIDENTS INTENDED TO BE SERVED BY THE PROJECT; AND

(III) THE RENT THAT IS AUTHORIZED TO BE CHARGED FOR A UNIT IN THE PROJECT; AND

(4) HOUSING MARKET AND DEMOGRAPHIC INFORMATION THAT DEMONSTRATES HOW EACH QUALIFIED WORKFORCE HOUSING PROJECT IS ADDRESSING THE NEED FOR WORKFORCE HOUSING WITHIN THE COMMUNITIES THAT THE PROJECT IS INTENDED TO SERVE.

10-749.

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

(2) "QUALIFIED WORKFORCE HOUSING PROJECT" HAS THE MEANING STATED IN § 4-2501 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

(3) "SECRETARY" MEANS THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT.

(B) AN INDIVIDUAL OR A CORPORATION MAY CLAIM A CREDIT AGAINST THE STATE INCOME TAX IN THE AMOUNT DETERMINED UNDER SUBSECTION (C) OF THIS SECTION FOR A QUALIFIED WORKFORCE HOUSING PROJECT.

(C) (1) THE CREDIT UNDER THIS SECTION EQUALS THE AMOUNT DETERMINED UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR EACH QUALIFIED WORKFORCE HOUSING PROJECT.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE AMOUNT ALLOWED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR EACH QUALIFIED WORKFORCE HOUSING PROJECT EQUALS THE AMOUNT STATED IN THE FINAL CREDIT CERTIFICATE ISSUED BY THE SECRETARY UNDER TITLE 4, SUBTITLE 25 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

(II) THE CREDIT AMOUNT ALLOWED FOR A PROJECT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY BE CLAIMED IN FULL FOR THE FIRST TAXABLE YEAR THE PROJECT IS PLACED IN SERVICE.

(D) IF THE CREDIT ALLOWED UNDER THIS SECTION IN ANY TAXABLE YEAR EXCEEDS THE STATE INCOME TAX FOR THAT TAXABLE YEAR, AN INDIVIDUAL OR A CORPORATION MAY APPLY THE EXCESS AS A CREDIT AGAINST THE STATE INCOME TAX FOR SUCCEEDING TAXABLE YEARS UNTIL THE EARLIER OF:

(1) THE FULL AMOUNT OF THE EXCESS IS USED; OR

(2) THE EXPIRATION OF THE NINTH TAXABLE YEAR AFTER THE TAXABLE YEAR IN WHICH THE FINAL CREDIT CERTIFICATE WAS ISSUED.

(E) AN INDIVIDUAL OR A CORPORATION CLAIMING THE STATE TAX CREDIT FOR A QUALIFIED WORKFORCE HOUSING PROJECT SHALL SUBMIT WITH THE INDIVIDUAL'S OR CORPORATION'S INCOME TAX RETURN A COPY OF THE FINAL

**CREDIT CERTIFICATE FOR THE PROJECT ISSUED BY THE SECRETARY UNDER TITLE 4, SUBTITLE 25 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.**

**(F) THE SECRETARY, IN CONSULTATION WITH THE COMPTROLLER, MAY ADOPT REGULATIONS PROVIDING FOR THE RECAPTURE OF THE STATE TAX CREDITS ALLOWED UNDER THIS SECTION FOR A QUALIFIED WORKFORCE HOUSING PROJECT THAT FAILS TO CONTINUE TO MEET THE REQUIREMENTS OF TITLE 4, SUBTITLE 25 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.**

**(G) AN INDIVIDUAL OR A CORPORATION MAY NOT CLAIM THE CREDIT ALLOWED UNDER THIS SECTION FOR A PROJECT FOR ANY TAXABLE YEAR IN WHICH THE OWNER OF THE PROJECT IS IN DEFAULT UNDER ANY REGULATORY AGREEMENT REQUIRED WITH RESPECT TO THE PROJECT UNDER § 4-2502 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.**

SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That, on or before December 1, 2019, the Department of Commerce shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on, for the immediately preceding 6 months:

(1) the programs for which a Level 1 or Level 2 opportunity zone enhancement under Title 6, Subtitle 10 of the Economic Development Article, as enacted by Section 1 of this Act, was claimed;

(2) the number of projects under each program for which a Level 1 or Level 2 opportunity zone enhancement under Title 6, Subtitle 10 of the Economic Development Article, as enacted by Section 1 of this Act, was claimed and the type of opportunity zone enhancement claimed; and

(3) the location of each project for which a Level 1 or Level 2 opportunity zone enhancement under Title 6, Subtitle 10 of the Economic Development Article, as enacted by Section 1 of this Act, was claimed.

SECTION ~~5~~ 6. AND BE IT FURTHER ENACTED, That the Department of Planning shall:

(1) conduct a feasibility study on the development of an online application for the historic revitalization tax credit that integrates with applications administered by the Department of Housing and Community Development for the Community Legacy Program and the Baltimore Regional Neighborhood Initiative Program; and

(2) report the findings of the feasibility study to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly on or before July 1, 2020.

SECTION ~~6~~ 7. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be applicable to all taxable years beginning after December 31, 2018.

SECTION ~~3~~ ~~7~~ 8. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall be applicable to all taxable years beginning after June 30, 2019.

SECTION 8. 9. AND BE IT FURTHER ENACTED, That ~~Section 3~~ Sections 3 and 4 of this Act shall take effect July 1, 2019.

SECTION ~~4~~ ~~9~~ 10. AND BE IT FURTHER ENACTED, That, except as provided in Section 8 9 of this Act, this Act shall take effect June 1, 2019, ~~and, except as provided in Section 3 of this Act, shall be applicable to all taxable years beginning after December 31, 2018.~~

Approved by the Governor, April 30, 2019.

---

## Chapter 212

(House Bill 1124)

AN ACT concerning

### State Government – Regulations Impacting Small Businesses ~~Economic Impact Analyses~~

FOR the purpose of ~~requiring certain units to make a certain certification regarding certain local regulations; requiring that the units must include a certain statement in certain proposed regulations; requiring the Department of Budget and Management to provide certain training regarding economic impact analyses to certain units; altering the period before a proposed regulation is submitted to the Maryland Register and to the Joint Committee on Administrative, Executive, and Legislative Review; requiring a certain promulgating units unit to establish a certain electronic registry for certain purposes; requiring a promulgating unit to post a proposed regulation or the scope of a proposed regulation on the registry if the proposed regulation has a unit's website by a certain date and provide an opportunity for certain comments if the promulgating unit estimates that the proposed regulation will have a certain significant small business impact; requiring a certain promulgating unit to notify certain parties when a proposed regulation or the scope of a proposed regulation is posted on a certain electronic registry the unit's website; requiring a certain unit to post a proposed regulation on a certain electronic registry by a certain date; requiring a certain unit promulgating unit to create prepare, update, and post on the unit's website a certain compliance guide to assist small businesses in complying with a certain proposed regulation; establishing certain conditions that must be considered and certain actions that may be taken by a State unit in assessing a civil penalty against a small business for a violation of a State statute or regulation; requiring the Governor to designate a certain unit to study certain matters and to submit a report to certain committees of the General Assembly on or~~

~~before a certain date; repealing provisions of law relating to the Advisory Council on the Impact of Regulations on Small Businesses; repealing a requirement that a promulgating unit take certain actions if the promulgating unit estimates that a proposed regulation will have a certain significant small business impact; repealing provisions establishing the Advisory Council and its purpose; repealing provisions relating to the membership, chair, staffing, meetings, and duties of the Advisory Council; repealing certain reporting requirements; repealing certain definitions; making conforming changes; providing for the delayed effective date of certain provisions of this Act; and generally relating to regulations and small businesses in the State.~~

BY repealing and reenacting, without amendments,  
 Article – State Government  
 Section 2-1505.2(a), ~~and (b), and (f) through (j)~~ and 10-224(a)  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2018 Supplement)

~~BY repealing and reenacting, with amendments,  
 Article – State Government  
 Section 2-1505.2(d) and (e), 10-110, 10-224(b), and 10-1001  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2018 Supplement)~~

BY adding to  
 Article – State Government  
 Section 2-1505.2(k)  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 10-101, 10-110(d), and 10-224(b)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 10-110  
Annotated Code of Maryland  
(2014 Replacement Volume and 2018 Supplement)  
(As enacted by Section 1 of this Act)

BY repealing  
Article – Economic Development  
Section 3-501 through 3-508 and the subtitle “Subtitle 5. Advisory Council on the  
Impact of Regulations on Small Businesses”  
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 – State Government**

2–1505.2.

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

(2) “Committee” means the Joint Committee on Administrative, Executive, and Legislative Review.

(3) “Economic impact analysis” means an estimate of the cost or the economic benefit to small businesses that may be affected by a regulation proposed by an agency pursuant to Title 10, Subtitle 1 of this article.

(4) “Economic impact analysis rating” means an estimate that a proposed regulation will have:

- (i) minimal or no economic impact on small businesses; or
- (ii) meaningful economic impact on small businesses.

(5) “Small business” means a corporation, partnership, sole proprietorship, or other business entity, including its affiliates, that:

- (i) is independently owned and operated;
- (ii) is not dominant in its field; and
- (iii) employs 50 or fewer full–time employees.

(b) (1) An economic impact analysis rating and an economic impact analysis, as appropriate, shall be prepared by the appropriate Executive Branch agency for each regulation that the agency proposes for adoption pursuant to Title 10, Subtitle 1 of this article.

(2) A copy of the economic impact analysis rating and the economic impact analysis required under this subsection shall be submitted by the appropriate agency:

(i) to the Department of Legislative Services no later than the time the agency submits the regulation to the Committee to allow the Department to comment on the economic impact analysis rating and the economic impact analysis; and

(ii) to the Committee at the time the agency submits the regulation to the Committee.

~~(d) The economic impact analysis rating and the economic impact analysis required under this section shall include:~~

~~(1) estimates directly relating to the following factors, as appropriate:~~

~~[(1)] (I) cost of providing goods and services;~~

~~[(2)] (II) effect on the workforce;~~

~~[(3)] (III) effect on the cost of housing;~~

~~[(4)] (IV) efficiency in production and marketing;~~

~~[(5)] (V) capital investment, taxation, competition, and economic development; and~~

~~[(6)] (VI) consumer choice; AND~~

~~(2) A CERTIFICATION STATING WHETHER ANY EXISTING REGULATION OF A COMPARABLE NATURE THAT IS AT LEAST AS STRINGENT AS THE PROPOSED REGULATION HAS BEEN ADOPTED BY A UNIT OF A LOCAL GOVERNMENT.~~

~~(e) (1) The Executive Branch agency or the Department of Legislative Services preparing the economic impact analysis rating and the economic impact analysis required under this section shall consult with, as appropriate:~~

~~(i) other units of State government;~~

~~(ii) units of local government; and~~

~~(iii) business, trade, consumer, labor, and other groups impacted by or having an interest in the regulation.~~

~~(2) On request of the Executive Director of the Department of Legislative Services, a unit of the State or a local government shall provide the Department with assistance or information in the preparation of an economic impact analysis rating and economic impact analysis.~~

~~(3) IF THE PROMULGATING UNIT CERTIFIES THAT AN EXISTING REGULATION OF A COMPARABLE NATURE THAT IS AT LEAST AS STRINGENT AS THE PROPOSED REGULATION HAS BEEN ADOPTED BY A UNIT OF A LOCAL GOVERNMENT, THE UNIT MAY INCLUDE IN ITS PROPOSED REGULATION A STATEMENT THAT~~

~~COMPLIANCE WITH THE LOCAL REGULATION WILL CONSTITUTE COMPLIANCE WITH THE PROPOSED REGULATION.~~

~~(f) The Department of Legislative Services shall:~~

~~(1) comment on the economic impact analysis rating and economic impact analysis prepared by the appropriate Executive Branch agency; and~~

~~(2) transmit its comment to the Committee.~~

~~(g) The Department of Legislative Services shall revise the economic impact analysis rating and economic impact analysis consistent with an amended version of a regulation.~~

~~(h) (1) The Department of Legislative Services shall keep a copy of each economic impact analysis rating and economic impact analysis for 3 years after preparation of the rating or the analysis.~~

~~(2) The copies shall be reasonably available for public inspection.~~

~~(i) Economic impact analysis ratings and economic impact analyses shall be published in the Maryland Register at the same time as:~~

~~(1) a notice of proposed adoption of a regulation is published in the Maryland Register; or~~

~~(2) a notice of emergency adoption for a regulation is published in the Maryland Register.~~

~~(j) The validity of an enactment of a regulation is not affected by the presence, absence, or content of an economic impact analysis rating or an economic impact analysis.~~

**(K) (1) THE DEPARTMENT OF BUDGET AND MANAGEMENT SHALL ENTER INTO AN AGREEMENT WITH AN APPROPRIATE ENTITY TO PROVIDE TRAINING TO PROMULGATING UNITS *EXECUTIVE BRANCH AGENCIES* ON THE PREPARATION OF THE ECONOMIC *IMPACT* ANALYSES REQUIRED UNDER THIS SECTION.**

**(2) THE TRAINING REQUIRED TO BE PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE PROVIDED AT LEAST ONCE EVERY 2 YEARS.**

10-110.

~~(a) Except for subsection (d) of this section, this section does not apply to a regulation adopted under § 10-111(b) of this subtitle.~~

~~(b) At least 15 days before the date a proposed regulation is submitted to the Maryland Register for publication under § 10-112 of this subtitle, the promulgating unit shall submit to the State Children's Environmental Health and Protection Advisory Council established under § 13-1503 of the Health - General Article for review any proposed regulations identified by the promulgating unit as having an impact on environmental hazards affecting the health of children.~~

~~(c) At least [15] 30 days before the date a proposed regulation is submitted to the Maryland Register for publication under § 10-112 of this subtitle, the promulgating unit shall submit to the Advisory Council on the Impact of Regulations on Small Businesses established under § 3-502 of the Economic Development Article for review each proposed regulation and the estimated impact of the proposed regulation on small businesses identified by the promulgating unit.~~

(d) (1) At least [15] 30 days before the date a proposed regulation is submitted to the Maryland Register for publication under § 10-112 of this subtitle, the promulgating unit shall submit the proposed regulation to the Committee and the Department of Legislative Services.

(2) (i) If the proposed regulation, either in whole or in part, submitted to the Committee and the Department of Legislative Services in accordance with paragraph (1) of this subsection includes an increase or decrease in a fee for a license to practice any business activity, business or health occupation, or business or health profession licensed or otherwise regulated under State law, the promulgating unit shall include clearly written explanatory reasons that justify the increase or decrease in the fee.

(ii) If a regulation submitted under subparagraph (i) of this paragraph proposes an increase in a fee for a license, the written justification also shall include information about:

1. the amount of money needed by the promulgating unit to operate effectively or to eliminate an imbalance between the revenues and expenditures of the unit;
2. the most recent year in which the promulgating unit had last increased its fees;
3. the structure of the promulgating unit as to whether it is one that retains the license fees it receives or passes them through to a national organization or association that creates and administers a uniform licensing examination that is taken by anyone in the United States who is seeking a license to practice a particular occupation or profession or business activity issued by the promulgating unit;
4. measures taken by the promulgating unit to avoid or mitigate the necessity of a fee increase and the results of those measures;

5. special circumstances about the activities and responsibilities of the promulgating unit, including investigations of individuals licensed by the unit, that have had an adverse impact on the unit's operating expenses;

6. consideration given by the promulgating unit to the hardship a license fee increase may have on individuals and trainees licensed or regulated by the unit; and

7. actions taken by the promulgating unit to elicit the opinions of the individuals who are licensed by the promulgating unit and the members of the public as to the effectiveness and performance of the promulgating unit.

(3) If the promulgating unit estimates that the proposed regulation will have a significant small business impact, the unit shall:

(i) identify each provision in the proposed regulation that will have a significant small business impact;

(ii) quantify or describe the range of potential costs of the proposed regulation on small businesses in the State;

(iii) identify how many small businesses may be impacted by the proposed regulation;

(iv) identify any alternative provisions the unit considered that may have a less significant impact on small businesses in the State and the reason the alternative was not proposed;

(v) identify the beneficial impacts of the regulation, including to public health, safety, and welfare, or to the environment; [and]

**(VI) ESTABLISH AN ELECTRONIC REGISTRY THAT ALLOWS ANY SMALL BUSINESS, NONPROFIT ORGANIZATION, OR OTHER INTERESTED PARTY TO REGISTER TO RECEIVE AN ELECTRONIC NOTIFICATION WHEN THE PROPOSED REGULATION OR THE SCOPE OF THE PROPOSED REGULATION IS POSTED ON THE UNIT'S WEBSITE IN ACCORDANCE WITH ITEM (VII) OF THIS PARAGRAPH;**

**(VII) POST THE PROPOSED REGULATION OR THE SCOPE OF THE PROPOSED REGULATION AND THE REGULATION'S ESTIMATED SMALL BUSINESS IMPACT ON THE UNIT'S WEBSITE AT LEAST 15 DAYS BEFORE THE DATE THE PROPOSED REGULATION IS SUBMITTED TO THE COMMITTEE, AND THE DEPARTMENT OF LEGISLATIVE SERVICES, AND THE ADVISORY COUNCIL IN ACCORDANCE WITH THIS SECTION, AND PROVIDE AN OPPORTUNITY FOR COMMENTS ON THE UNIT'S PROPOSAL;**

(VIII) ON POSTING A PROPOSED REGULATION OR THE SCOPE OF A  
THE PROPOSED REGULATION ON THE UNIT'S WEBSITE IN ACCORDANCE WITH ITEM  
(VII) OF THIS PARAGRAPH, NOTIFY THE PARTIES REGISTERED IN THE ELECTRONIC  
REGISTRY ESTABLISHED UNDER ITEM (VI) OF THIS PARAGRAPH THAT THE  
PROPOSED REGULATION OR THE SCOPE OF THE PROPOSED REGULATION HAS BEEN  
POSTED;

(IX) PREPARE A COMPLIANCE GUIDE WRITTEN IN CLEAR, PLAIN  
ENGLISH TO ASSIST SMALL BUSINESSES IN COMPLYING WITH THE PROPOSED  
REGULATION, UPDATE THE GUIDE AS NEEDED UNTIL THE REGULATION IS FINAL,  
AND POST THE GUIDE ON THE UNIT'S WEBSITE; AND

[(vi)] (X) coordinate with the Advisory Council not later than the  
date the proposed regulation is submitted to the Committee, the Department of Legislative  
Services, and the Advisory Council in accordance with this section.

~~(e) (1) The Committee is not required to take any action with respect to a  
proposed regulation submitted to it pursuant to subsection (d) of this section.~~

~~(2) Failure by the Committee to approve or disapprove the proposed  
regulation during the period of preliminary review provided by subsection (d) of this section  
may not be construed to mean that the Committee approves or disapproves the proposed  
regulation.~~

~~(3) During the preliminary review period, the Committee may take any  
action relating to the proposed regulation that the Committee is authorized to take under  
§§ 10-111.1 and 10-112 of this subtitle.~~

~~(4) (i) If the Advisory Council submits to the Committee and the  
Department of Legislative Services a written statement of its findings that a proposed  
regulation will have a significant small business impact as required by § 3-505 of the  
Economic Development Article, the Committee and the Department of Legislative Services  
shall review the findings.~~

~~(ii) After notification that a proposed regulation will have a  
significant small business impact, any member of the Committee may request a hearing on  
the proposed regulation.~~

~~(iii) If a member requests a hearing, the Committee:~~

~~1. shall hold a hearing; and~~

~~2. may request that the promulgating unit delay adoption of  
the regulation.~~

~~(f) Prior to the date specified in subsection (d) of this section, the promulgating unit is encouraged to:~~

~~(1) submit the proposed regulation to the Committee and to consult with the Committee concerning the form and content of that regulation; and~~

~~(2) submit the proposed regulation to the Advisory Council and to consult with the Advisory Council concerning the estimated small business impact of the regulation and ways to reduce the small business impact.~~

10-224.

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

(2) “Business” means a trade, professional activity, or other business that is conducted for profit.

(3) “Nonprofit organization” means an organization that is exempt or eligible for exemption from taxation under § 501(c)(3) of the Internal Revenue Code.

(b) This section applies only to:

(1) an agency operating statewide;

(2) a business that, on the date when the contested case or civil action is initiated[:

(i) is independently owned and operated; and

(ii) has less than 50 employees, including, if a corporation owns 50% or more of the stock of the business, each employee of the corporation], **MEETS THE DEFINITION OF A SMALL BUSINESS UNDER § 2-1505.2 OF THIS ARTICLE;** and

(3) a nonprofit organization.

~~10-1001.~~

~~(a) In this section, “unit” means an officer or other entity in the Executive Branch.~~

~~(b) (1) Unless otherwise provided by statute or regulation, a unit of State government authorized by law to impose a civil penalty up to a specific dollar amount for violation of any statute or regulation shall consider the following in setting the amount of the penalty:~~

~~[(1)] (1) the severity of the violation for which the penalty is to be assessed;~~

~~{(2)} (H) the good faith of the violator; [and]~~

~~{(3)} (HH) any history of prior violations; AND~~

~~(IV) IF THE VIOLATOR MEETS THE DEFINITION OF A SMALL BUSINESS UNDER § 2-1505.2 OF THIS ARTICLE, ADDITIONALLY CONSIDER:~~

~~1. WAIVING THE PENALTY IF THE VIOLATOR CORRECTS THE VIOLATION WITHIN 30 DAYS AFTER THE FINDING OF THE VIOLATION;~~

~~2. DEPENDING ON THE VIOLATOR'S FINANCIAL CAPACITY, IMPOSING A LESSER PENALTY THAN WOULD BE IMPOSED ON A LARGER BUSINESS ENTITY IN A COMPARABLE INDUSTRY; OR~~

~~3. CREDITING THE COSTS OF CORRECTING THE VIOLATION AGAINST THE PENALTY ASSESSED AGAINST THE VIOLATOR.~~

~~(2) PARAGRAPH (1)(IV) OF THIS SUBSECTION MAY NOT APPLY TO A VIOLATOR THAT HAS BEEN THE SUBJECT OF MULTIPLE ENFORCEMENT ACTIONS BY A STATE OR LOCAL UNIT THAT:~~

~~(I) INVOLVE WILLFUL OR CRIMINAL CONDUCT; OR~~

~~(II) POSE SERIOUS HEALTH, SAFETY, OR ENVIRONMENTAL THREATS.~~

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

~~(a) The Governor shall designate an appropriate department, office, or other unit to study:~~

~~(1) the feasibility, methods, and costs of requiring all State units to allow small businesses to submit by electronic means any payments, forms, reports, or other documentation required by regulation; and~~

~~(2) the ability of State agencies to collect and share information regarding the impact of regulations on small businesses.~~

~~(b) The study shall include:~~

~~(1) assessing data currently collected by State agencies to determine if necessary and appropriate information is being collected;~~

~~(2) analyzing the capabilities of State information technology systems to provide aggregate data;~~

~~(3) reviewing and recommending appropriate amendments to State statutes and regulations to identify legal limitations that may prevent State units from sharing relevant information with other State units;~~

~~(4) providing recommendations for data sharing agreements among State units; and~~

~~(5) providing recommendations for adequate security measures for sharing data among State units.~~

~~(e) On or before June 30, 2020, the designated unit shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Finance Committee and the House Economic Matters Committee on the results of the study and the implementation of this Act.~~

### Article – State Government

#### 10-101.

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

*(b) “Administrator” means the Administrator of the Division of State Documents.*

*[(c) “Advisory Council” means the Advisory Council on the Impact of Regulations on Small Businesses established under § 3-502 of the Economic Development Article.]*

*[(d)] (C) “Committee” means the Joint Committee on Administrative, Executive, and Legislative Review.*

*[(e)] (D) “Local government unit” means:*

*(1) a county;*

*(2) a municipal corporation;*

*(3) a special district that is established by State law and that operates within a single county;*

*(4) a special district that is established by a county pursuant to public general law; or*

*(5) an office, board, or department that is established in each county under State law and that is funded, pursuant to State law, at least in part by the county governing body.*

[(f)] (E) “Mandate” means a directive in a regulation that requires a local government unit to perform a task or assume a responsibility that has a discernible fiscal impact on the local government unit.

[(g)] (F) “Register” means the Maryland Register.

[(h)] (G) (1) “Regulation” means a statement or an amendment or repeal of a statement that:

(i) has general application;

(ii) has future effect;

(iii) is adopted by a unit to:

1. detail or carry out a law that the unit administers;

2. govern organization of the unit;

3. govern the procedure of the unit; or

4. govern practice before the unit; and

(iv) is in any form, including:

1. a guideline;

2. a rule;

3. a standard;

4. a statement of interpretation; or

5. a statement of policy.

(2) “Regulation” does not include:

(i) a statement that:

1. concerns only internal management of the unit; and

2. does not affect directly the rights of the public or the procedures available to the public;

(ii) a response of the unit to a petition for adoption of a regulation, under § 10–123 of this subtitle; or

(iii) a declaratory ruling of the unit as to a regulation, order, or statute, under Subtitle 3 of this title.

(3) “Regulation”, as used in §§ 10–110 and 10–111.1 of this subtitle, means all or any portion of a regulation.

[(i) (1) “Significant small business impact” means a determination by the Advisory Council that a proposed regulation is likely to have a meaningful effect on the revenues or profits of a significant number of small businesses or a significant percentage of small businesses within a single industry in the State.

(2) “Significant small business impact” does not include an impact resulting from a proposed regulation that is necessary to comply with federal law, unless the Advisory Council determines that the regulation is more stringent than federal law, in accordance with § 3–505 of the Economic Development Article.]

[(j)] (H) “Small business” has the meaning stated in § 2–1505.2 of this article.

[(k)] (I) “Substantively” means in a manner substantially affecting the rights, duties, or obligations of:

- (1) a member of a regulated group or profession; or
- (2) a member of the public.

[(l)] (J) “Unit” means an officer or unit authorized by law to adopt regulations.

10–110.

(a) Except for subsection [(d)] (C) of this section, this section does not apply to a regulation adopted under § 10–111(b) of this subtitle.

(b) At least 15 days before the date a proposed regulation is submitted to the Maryland Register for publication under § 10–112 of this subtitle, the promulgating unit shall submit to the State Children’s Environmental Health and Protection Advisory Council established under § 13–1503 of the Health – General Article for review any proposed regulations identified by the promulgating unit as having an impact on environmental hazards affecting the health of children.

[(c) At least 15 days before the date a proposed regulation is submitted to the Maryland Register for publication under § 10–112 of this subtitle, the promulgating unit shall submit to the Advisory Council on the Impact of Regulations on Small Businesses established under § 3–502 of the Economic Development Article for review each proposed regulation and the estimated impact of the proposed regulation on small businesses identified by the promulgating unit.]

[(d)] (C) (1) At least 15 days before the date a proposed regulation is submitted to the Maryland Register for publication under § 10–112 of this subtitle, the promulgating unit shall submit the proposed regulation to the Committee and the Department of Legislative Services.

(2) (i) If the proposed regulation, either in whole or in part, submitted to the Committee and the Department of Legislative Services in accordance with paragraph (1) of this subsection includes an increase or decrease in a fee for a license to practice any business activity, business or health occupation, or business or health profession licensed or otherwise regulated under State law, the promulgating unit shall include clearly written explanatory reasons that justify the increase or decrease in the fee.

(ii) If a regulation submitted under subparagraph (i) of this paragraph proposes an increase in a fee for a license, the written justification also shall include information about:

1. the amount of money needed by the promulgating unit to operate effectively or to eliminate an imbalance between the revenues and expenditures of the unit;

2. the most recent year in which the promulgating unit had last increased its fees;

3. the structure of the promulgating unit as to whether it is one that retains the license fees it receives or passes them through to a national organization or association that creates and administers a uniform licensing examination that is taken by anyone in the United States who is seeking a license to practice a particular occupation or profession or business activity issued by the promulgating unit;

4. measures taken by the promulgating unit to avoid or mitigate the necessity of a fee increase and the results of those measures;

5. special circumstances about the activities and responsibilities of the promulgating unit, including investigations of individuals licensed by the unit, that have had an adverse impact on the unit's operating expenses;

6. consideration given by the promulgating unit to the hardship a license fee increase may have on individuals and trainees licensed or regulated by the unit; and

7. actions taken by the promulgating unit to elicit the opinions of the individuals who are licensed by the promulgating unit and the members of the public as to the effectiveness and performance of the promulgating unit.

(3) If the promulgating unit estimates that the proposed regulation will have a significant small business impact, the unit shall:

[(i)] identify each provision in the proposed regulation that will have a significant small business impact;

[(ii)] quantify or describe the range of potential costs of the proposed regulation on small businesses in the State;

[(iii)] identify how many small businesses may be impacted by the proposed regulation;

[(iv)] identify any alternative provisions the unit considered that may have a less significant impact on small businesses in the State and the reason the alternative was not proposed;

[(v)] identify the beneficial impacts of the regulation, including to public health, safety, and welfare, or to the environment;]

[(vi)] (I) establish an electronic registry that allows any small business or other interested party to register to receive an electronic notification when the proposed regulation or the scope of the proposed regulation is posted on the unit's website in accordance with item [(vii)] (II) of this paragraph;

[(vii)] (II) post the proposed regulation or the scope of the proposed regulation on the unit's website at least 15 days before the date the proposed regulation is submitted to the Committee and the Department of Legislative Services in accordance with this section and provide an opportunity for comments on the unit's proposal;

[(viii)] (III) on posting a proposed regulation or the scope of the proposed regulation on the unit's website in accordance with item [(vii)] (II) of this paragraph, notify the parties registered in the electronic registry established under item [(vi)] (I) of this paragraph that the proposed regulation or the scope of the proposed regulation has been posted; AND

[(ix)] (IV) prepare a compliance guide written in clear, plain English to assist small businesses in complying with the proposed regulation, update the guide as needed until the regulation is final, and post the guide on the unit's website]; and

[(x)] coordinate with the Advisory Council not later than the date the proposed regulation is submitted to the Committee, the Department of Legislative Services, and the Advisory Council in accordance with this section].

[(e)] (D) (1) The Committee is not required to take any action with respect to a proposed regulation submitted to it pursuant to subsection [(d)] (C) of this section.

(2) Failure by the Committee to approve or disapprove the proposed regulation during the period of preliminary review provided by subsection [(d)] (C) of this

section may not be construed to mean that the Committee approves or disapproves the proposed regulation.

(3) During the preliminary review period, the Committee may take any action relating to the proposed regulation that the Committee is authorized to take under §§ 10–111.1 and 10–112 of this subtitle.

[(4) (i) If the Advisory Council submits to the Committee and the Department of Legislative Services a written statement of its findings that a proposed regulation will have a significant small business impact as required by § 3–505 of the Economic Development Article, the Committee and the Department of Legislative Services shall review the findings.

(ii) After notification that a proposed regulation will have a significant small business impact, any member of the Committee may request a hearing on the proposed regulation.

(iii) If a member requests a hearing, the Committee:

1. shall hold a hearing; and
2. may request that the promulgating unit delay adoption of the regulation.]

[(f)] (E) Prior to the date specified in subsection [(d)] (C) of this section, the promulgating unit is encouraged to[

(1) submit the proposed regulation to the Committee and to consult with the Committee concerning the form and content of that regulation]; and

(2) submit the proposed regulation to the Advisory Council and to consult with the Advisory Council concerning the estimated small business impact of the regulation and ways to reduce the small business impact].

SECTION 3. AND BE IT FURTHER ENACTED, That ~~this Act shall take effect July 1, 2019~~ Section(s) 3–501 through 3–508 and the subtitle “Subtitle 5. Advisory Council on the Impact of Regulations on Small Businesses” of Article – Economic Development of the Annotated Code of Maryland be repealed.

SECTION 4. AND BE IT FURTHER ENACTED, That Sections 2 and 3 of this Act shall take effect October 1, 2021.

SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect July 1, 2019.

**Approved by the Governor, April 30, 2019.**

## Chapter 213

(House Bill 1246)

AN ACT concerning

### ~~Plug-In Electric Drive Vehicle Excise Tax Credit~~ Clean Cars Act of 2019

FOR the purpose of ~~making the vehicle excise tax credit for the purchase of certain plug-in electric drive vehicles permanent; authorizing certain individuals or business entities that do not receive a tax credit in a certain fiscal year to claim the credit during the next fiscal year; authorizing the tax credit, up to a certain amount, for the purchase of certain used vehicles; requiring the Maryland Energy Administration to use the Maryland Strategic Energy Investment Fund to reimburse the Transportation Trust Fund for certain reductions in revenues; requiring the Comptroller, each fiscal year, to transfer a certain amount from the Maryland Strategic Energy Investment Fund to the Transportation Trust Fund; codifying a certain limit on the total amount of credits allowed; repealing obsolete provisions; and generally relating to a vehicle excise tax credit for plug-in electric drive~~ expanding the vehicle excise tax credit for the purchase of certain plug-in electric drive vehicles to include the purchase of certain fuel cell electric vehicles; providing for the credit for a plug-in electric drive vehicle and a fuel cell electric vehicle; prohibiting a person from selling hydrogen as a motor fuel in the State if the hydrogen was produced in a certain manner; altering the name, membership, and required activities of the Maryland Electric Vehicle Infrastructure Council; requiring the Council to issue an interim report on or before a certain date; increasing, for a certain fiscal year, the amount that a certain fund must reimburse the Transportation Trust Fund; increasing the total amount of credits that may be allowed during a certain fiscal year; defining a certain term; providing for a delayed effective date for certain provisions of this Act; correcting an obsolete reference; repealing certain obsolete provisions; making stylistic changes; and generally relating to electric vehicles.

~~BY repealing and reenacting, without amendments,~~

~~Article — State Government  
Section 9-20B-05(a)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2018 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article — State Government  
Section 9-20B-05(f)(8) and (9)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2018 Supplement)~~

~~BY adding to~~

~~Article – State Government  
Section 9–20B–05(f)(9)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2018 Supplement)~~

BY adding to

Article – Business Regulation  
Section 10–321.1  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

BY adding to

Article – Transportation  
Section 11–125.1  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation  
Section 11–145.1  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation  
Section 13–815  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Chapter 400 of the Acts of the General Assembly of 2011, as amended by Chapters  
64 and 65 of the Acts of the General Assembly of 2013 and Chapter 378 of  
the Acts of the General Assembly of 2015  
Section 1

BY repealing and reenacting, with amendments,

Chapter 401 of the Acts of the General Assembly of 2011, as amended by Chapters  
64 and 65 of the Acts of the General Assembly of 2013 and Chapter 378 of  
the Acts of the General Assembly of 2015  
Section 1

BY repealing and reenacting, with amendments,

Chapter 359 of the Acts of the General Assembly of 2014, as amended by Chapters  
362 and 363 of the Acts of the General Assembly of 2017  
Section 2

BY repealing and reenacting, with amendments,

Chapter 360 of the Acts of the General Assembly of 2014, as amended by Chapters 362 and 363 of the Acts of the General Assembly of 2017  
Section 2

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

~~Article — State Government~~

~~9-20B-05.~~

~~(a) There is a Maryland Strategic Energy Investment Fund.~~

~~(f) The Administration shall use the Fund:~~

~~(8) to provide grants to encourage combined heat and power projects at industrial facilities; [and]~~

~~(9) IN ACCORDANCE WITH § 13-815 OF THE TRANSPORTATION ARTICLE, TO REIMBURSE THE TRANSPORTATION TRUST FUND ESTABLISHED UNDER § 3-216 OF THE TRANSPORTATION ARTICLE FOR PART OF THE REDUCTION IN REVENUES THAT RESULTS FROM THE VEHICLE EXCISE TAX CREDIT FOR QUALIFIED PLUG-IN ELECTRIC DRIVE VEHICLES; AND~~

~~[(0)] (10) to pay the expenses of the Program.~~

~~Article — Transportation~~

~~13-815.~~

~~(a) In this section, “excise tax” means the tax imposed under § 13-809 of this subtitle.~~

~~(b) This section applies only to a plug-in electric drive vehicle that:~~

~~(1) Has not been modified from original manufacturer specifications;~~

~~(2) Is acquired for use or lease by the taxpayer and not for resale;~~

~~(3) Has a total purchase price not exceeding \$60,000;~~

~~(4) Has a battery capacity of at least 5.0 kilowatt-hours; and~~

~~(5) Is purchased [new and titled for the first time] on or after July 1, 2017[, but before July 1, 2020].~~

~~(e) (1) Subject to [available funding] PARAGRAPH (2) OF THIS SUBSECTION, a credit is allowed against the excise tax imposed for a plug-in electric drive vehicle.~~

~~(2) FOR EACH FISCAL YEAR, THE TOTAL AMOUNT OF CREDITS ALLOWED AGAINST THE EXCISE TAX MAY NOT EXCEED \$8,000,000.~~

~~(3) IF A CREDIT IS NOT ALLOWED AS A RESULT OF THE LIMITATION UNDER THIS SUBSECTION, THE INDIVIDUAL OR BUSINESS ENTITY MAY CLAIM THE CREDIT DURING THE NEXT FISCAL YEAR.~~

~~(d) The credit allowed under this section may not exceed the lesser of:~~

~~(1) The product of \$100 times the number of kilowatt-hours of battery capacity of the vehicle; or~~

~~(2) (I) FOR A VEHICLE PURCHASED NEW AND TITLED FOR THE FIRST TIME, \$3,000; OR~~

~~(II) \$1,500.~~

~~(e) The credit allowed under this section is limited to the acquisition of:~~

~~(1) One vehicle per individual; and~~

~~(2) 10 vehicles per business entity.~~

~~(f) A credit may not be claimed under this section:~~

~~(1) For a vehicle unless the vehicle is registered in the State; or~~

~~(2) Unless the manufacturer has already conformed to any applicable State or federal laws or regulations governing clean fuel vehicle or electric vehicle purchases applicable during the calendar year in which the vehicle is titled.~~

~~(g) FOR EACH FISCAL YEAR, THE COMPTROLLER SHALL TRANSFER THE LESSER OF \$8,000,000 OR THE ACTUAL TOTAL AMOUNT OF CREDITS ALLOWED AGAINST THE EXCISE TAX UNDER THIS SECTION FROM THE MARYLAND STRATEGIC ENERGY INVESTMENT FUND ESTABLISHED UNDER § 9-20B-05 OF THE STATE GOVERNMENT ARTICLE TO THE TRANSPORTATION TRUST FUND ESTABLISHED UNDER § 3-216 OF THIS ARTICLE.~~

~~(h) The Motor Vehicle Administration shall administer the credit under this section.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal years 2018, 2019, and 2020, respectively, the lesser of \$2,400,000 or the actual total amount of credits allowed against the excise tax shall be transferred from the Strategic Energy Investment Fund established under § 9-20B-05 of the State Government Article to the Transportation Trust Fund to offset a reduction in revenues from the vehicle excise tax credit for qualified plug-in electric drive vehicles under § 13-815 of the Transportation Article, as enacted by this Act. The total amount of credits allowed against the excise tax may not exceed \$3,000,000 during the course of any fiscal year.]~~

~~Chapter 360 of the Acts of 2014, as amended by Chapters 362 and 363 of the Acts of 2017~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal years 2018, 2019, and 2020, respectively, the lesser of \$2,400,000 or the actual total amount of credits allowed against the excise tax shall be transferred from the Strategic Energy Investment Fund established under § 9-20B-05 of the State Government Article to the Transportation Trust Fund to offset a reduction in revenues from the vehicle excise tax credit for qualified plug-in electric drive vehicles under § 13-815 of the Transportation Article, as enacted by this Act. The total amount of credits allowed against the excise tax may not exceed \$3,000,000 during the course of any fiscal year.]~~

Article – Business Regulation

10-321.1.

A PERSON MAY NOT SELL HYDROGEN AS MOTOR FUEL IN THE STATE IF THE HYDROGEN WAS PRODUCED BY NATURAL GAS REFORMING.

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

Article – Transportation

11-125.1.

“FUEL CELL ELECTRIC VEHICLE” MEANS A MOTOR VEHICLE THAT:

- (1) IS MADE BY A MANUFACTURER;
- (2) IS MANUFACTURED PRIMARILY FOR USE ON PUBLIC STREETS, ROADS, AND HIGHWAYS;
- (3) IS RATED AT NOT MORE THAN 8,500 POUNDS UNLOADED GROSS WEIGHT;

**(4) HAS A MAXIMUM SPEED CAPABILITY OF AT LEAST 55 MILES PER HOUR;**

**(5) IS POWERED ENTIRELY BY ELECTRICITY, PRODUCED BY COMBINING HYDROGEN AND OXYGEN, THAT RUNS THE MOTOR;**

**(6) HAS AN OPERATING RANGE OF AT LEAST 100 MILES; AND**

**(7) PRODUCES ONLY WATER VAPOR AND HEAT AS BY-PRODUCTS.**

11-145.1.

(a) “Plug-in electric drive vehicle” means a motor vehicle that:

(1) Is made by a manufacturer;

(2) Is manufactured primarily for use on public streets, roads, and highways;

(3) Is rated at not more than 8,500 pounds unloaded gross vehicle weight;

(4) Has a maximum speed capability of at least 55 miles per hour; and

(5) Is propelled to a significant extent by an electric motor that draws electricity from a battery that:

(i) Has a capacity of not less than 4 kilowatt-hours for 4-wheeled motor vehicles and not less than 2.5 kilowatt-hours for 2-wheeled or 3-wheeled motor vehicles; and

(ii) Is capable of being recharged from an external source of electricity.

(b) “Plug-in electric drive vehicle” includes a qualifying vehicle that has been modified from original manufacturer specifications.

13-815.

(a) In this section, “excise tax” means the tax imposed under § 13-809 of this subtitle.

(b) This section applies only to [a]:

(1) A plug-in electric drive vehicle that:

[(1)] (I) Has not been modified from original manufacturer specifications;

[(2)] (II) Is acquired for use or lease by the taxpayer and not for resale;

[(3)] (III) Has a total purchase price not exceeding ~~[\$60,000]~~ **\$63,000**;

[(4)] (IV) Has a battery capacity of at least 5.0 kilowatt–hours; and

[(5)] (V) Is purchased new and titled for the first time on or after July 1, 2017, but before July 1, 2020; AND

(2) A FUEL CELL ELECTRIC VEHICLE THAT:

(I) HAS NOT BEEN MODIFIED FROM ORIGINAL MANUFACTURER SPECIFICATIONS;

(II) IS ACQUIRED FOR USE OR LEASE BY THE TAXPAYER AND NOT FOR RESALE;

(III) HAS A TOTAL PURCHASE PRICE NOT EXCEEDING **\$63,000**;  
AND

(IV) IS PURCHASED NEW AND TITLED FOR THE FIRST TIME ON OR AFTER JULY 1, 2017, BUT BEFORE JULY 1, 2020.

(c) Subject to available funding, a credit is allowed against the excise tax imposed for a plug–in electric drive vehicle OR FUEL CELL ELECTRIC VEHICLE.

(d) The credit allowed under this section ~~f~~may not exceed the lesser of:

(1) ~~The product of \$100 times the number of kilowatt hours of battery capacity~~ AMOUNT OF EXCISE TAX PAID FOR THE PURCHASE of the vehicle; or

(2) ~~IS~~ \$3,000.

(e) The credit allowed under this section is limited to the acquisition of:

(1) One vehicle per individual; and

(2) 10 vehicles per business entity.

(f) A credit may not be claimed under this section:

(1) For a vehicle unless the vehicle is registered in the State; or

(2) Unless the manufacturer has already conformed to any applicable State or federal laws or regulations governing clean-fuel vehicle or electric vehicle purchases applicable during the calendar year in which the vehicle is titled.

(g) The Motor Vehicle Administration shall administer the credit under this section.

**Chapter 400 of the Acts of 2011, as amended by Chapters 64 and 65 of the Acts of 2013 and Chapter 378 of the Acts of 2015**

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

(a) In this section, [“electric vehicle” or “EV” means any mode of electric drive transportation that is not operated on rails.] “ZERO EMISSION ELECTRIC VEHICLE” INCLUDES:

(1) A PLUG-IN ELECTRIC DRIVE VEHICLE AS DEFINED IN § 11-145.1 OF THE TRANSPORTATION ARTICLE; AND

(2) A FUEL CELL ELECTRIC VEHICLE AS DEFINED IN § 11-125.1 OF THE TRANSPORTATION ARTICLE.

(b) There is a Maryland ZERO EMISSION Electric Vehicle Infrastructure Council.

(c) The Council consists of the following members:

(1) One member 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 Transportation or the Secretary’s designee;

(4) The Secretary of Planning or the Secretary’s designee;

(5) The Secretary of the Environment or the Secretary’s designee;

(6) The Secretary of [Business and Economic Development] COMMERCE or the Secretary’s designee;

(7) The Executive Director of the Technical Staff of the Maryland Public Service Commission or the Executive Director’s designee;

(8) The Director of the Maryland Energy Administration or the Director's designee; and

(9) The following members appointed by the Governor:

(i) One representative of an institution of higher education in the State with expertise in energy, transportation, or the environment;

(ii) Two representatives of the Maryland Association of Counties, including:

1. A representative who resides in a rural region of the State; and

2. A representative who resides in an urban or suburban region of the State;

(iii) Two representatives of the Maryland Municipal League, including:

1. A representative who resides in a rural region of the State; and

2. A representative who resides in an urban or suburban region of the State;

(iv) One representative of the Baltimore Electric Vehicle Initiative;

(v) Two representatives of electric companies in the State;

(vi) One representative of [an] A PLUG-IN electric DRIVE vehicle manufacturer;

(vii) One representative of a manufacturer of PLUG-IN electric DRIVE vehicle charging stations;

(viii) ONE REPRESENTATIVE OF MANUFACTURERS OF FUEL CELL ELECTRIC VEHICLES;

(IX) ONE REPRESENTATIVE OF MANUFACTURERS OF FUEL CELL ELECTRIC VEHICLE INFRASTRUCTURE EQUIPMENT;

(X) One representative of fleet vehicle operators;

[(ix)] (XI) One representative of electrical workers;

[(x)] (XII) One representative of the environmental community;

[(xi)] (XIII) One public member with expertise in energy or transportation policy;

[(xii)] (XIV) One representative of the Maryland Automobile Dealers Association; and

[(xiii)] (XV) One representative of the retail electric supplier community.

(d) The Governor shall designate the chair or cochairs of the Council.

(e) The Department of Transportation shall provide staff support to the Council with the assistance of the Maryland Energy Administration and Maryland Public Service Commission.

(f) A member of the Council:

(1) May not receive compensation as a member of the Council; but

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

(g) The Council shall:

(1) Develop an action plan to facilitate the successful integration of ZERO EMISSION electric vehicles into the State's transportation network;

(2) Assist in developing and coordinating statewide standards for streamlined permitting and installation of residential and commercial [EV] ELECTRIC VEHICLE charging AND HYDROGEN REFUELING stations and supply equipment;

(3) Develop a recommendation for a statewide ELECTRIC VEHICLE charging AND HYDROGEN REFUELING infrastructure plan, including placement opportunities for public charging AND HYDROGEN REFUELING stations;

(4) Increase consumer awareness and demand for ZERO EMISSION electric vehicles through public outreach;

(5) Make recommendations regarding monetary and nonmonetary incentives to support ZERO EMISSION electric vehicle ownership and maximize private sector investment in ZERO EMISSION electric vehicles;

(6) Develop targeted policies to support fleet purchases of ZERO EMISSION electric vehicles;

(7) Develop charging solutions for existing and future multidwelling units;

(8) DEVELOP MODEL PROCUREMENT PRACTICES FOR LIGHT-DUTY VEHICLES THAT INCLUDE AN EVALUATION OF THE VEHICLE LIFECYCLE COSTS INCLUSIVE OF ESTIMATED FUEL COST OVER THE ANTICIPATED LIFE OF THE VEHICLE;

[(8)] (9) Encourage local and regional efforts to promote the use of electric vehicles and attract federal funding for State and local [EV] ZERO EMISSION ELECTRIC VEHICLE programs;

[(9)] (10) Recommend policies that support [EV] ZERO EMISSION ELECTRIC VEHICLE charging AND HYDROGEN REFUELING from clean energy sources;

[(10)] (11) Recommend a method of displaying pricing information at public charging AND HYDROGEN REFUELING stations;

[(11)] (12) Establish performance measures for meeting [EV-related] ZERO EMISSION ELECTRIC VEHICLE-RELATED employment, infrastructure, and regulatory goals; and

[(12)] (13) Pursue other goals and objectives that promote the utilization of ZERO EMISSION electric vehicles in the State.

(h) (1) On or before December 1, 2013, December 1, 2014, December 1, 2015, December 1, 2016, December 1, 2017, [and] December 1, 2018, AND DECEMBER 1, 2019, the Council shall submit interim reports of its work and recommendations to the Governor and, [subject to] IN ACCORDANCE WITH § 2-1246 of the State Government Article, the General Assembly.

(2) On or before June 30, 2020, the Council shall submit a final report of its work and recommendations to the Governor and, [subject to] IN ACCORDANCE WITH § 2-1246 of the State Government Article, the General Assembly.

**Chapter 401 of the Acts of 2011, as amended by Chapters 64 and 65 of the Acts of 2013 and Chapter 378 of the Acts of 2015**

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

(a) In this section, [“electric vehicle” or “EV” means any mode of electric drive transportation that is not operated on rails.] “ZERO EMISSION ELECTRIC VEHICLE” INCLUDES:

(1) A PLUG-IN ELECTRIC DRIVE VEHICLE AS DEFINED IN § 11-145.1 OF THE TRANSPORTATION ARTICLE; AND

(2) A FUEL CELL ELECTRIC VEHICLE AS DEFINED IN § 11-125.1 OF THE TRANSPORTATION ARTICLE.

(b) There is a Maryland ZERO EMISSION Electric Vehicle Infrastructure Council.

(c) The Council consists of the following members:

(1) One member 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 Transportation or the Secretary's designee;

(4) The Secretary of Planning or the Secretary's designee;

(5) The Secretary of the Environment or the Secretary's designee;

(6) The Secretary of [Business and Economic Development] COMMERCE or the Secretary's designee;

(7) The Executive Director of the Technical Staff of the Maryland Public Service Commission or the Executive Director's designee;

(8) The Director of the Maryland Energy Administration or the Director's designee; and

(9) The following members appointed by the Governor:

(i) One representative of an institution of higher education in the State with expertise in energy, transportation, or the environment;

(ii) Two representatives of the Maryland Association of Counties, including:

1. A representative who resides in a rural region of the State;

and

2. A representative who resides in an urban or suburban

region of the State;

including:

and

region of the State;

manufacturer;

DRIVE vehicle charging stations;

(viii) ONE REPRESENTATIVE OF MANUFACTURERS OF FUEL CELL ELECTRIC VEHICLES;

(IX) ONE REPRESENTATIVE OF MANUFACTURERS OF FUEL CELL ELECTRIC VEHICLE INFRASTRUCTURE EQUIPMENT;

(X) One representative of fleet vehicle operators;

[(ix)] (XI) One representative of electrical workers;

[(x)] (XII) One representative of the environmental community;

[(xi)] (XIII) One public member with expertise in energy or transportation policy;

[(xii)] (XIV) One representative of the Maryland Automobile Dealers Association; and

[(xiii)] (XV) One representative of the retail electric supplier community.

(d) The Governor shall designate the chair or cochairs of the Council.

(e) The Department of Transportation shall provide staff support to the Council with the assistance of the Maryland Energy Administration and Maryland Public Service Commission.

(f) A member of the Council:

(1) May not receive compensation as a member of the Council; but

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

(g) The Council shall:

(1) Develop an action plan to facilitate the successful integration of ZERO EMISSION electric vehicles into the State's transportation network;

(2) Assist in developing and coordinating statewide standards for streamlined permitting and installation of residential and commercial [EV] ELECTRIC VEHICLE charging AND HYDROGEN REFUELING stations and supply equipment;

(3) Develop a recommendation for a statewide ELECTRIC VEHICLE charging AND HYDROGEN REFUELING infrastructure plan, including placement opportunities for public charging AND HYDROGEN REFUELING stations;

(4) Increase consumer awareness and demand for ZERO EMISSION electric vehicles through public outreach;

(5) Make recommendations regarding monetary and nonmonetary incentives to support ZERO EMISSION electric vehicle ownership and maximize private sector investment in ZERO EMISSION electric vehicles;

(6) Develop targeted policies to support fleet purchases of ZERO EMISSION electric vehicles;

(7) Develop charging solutions for existing and future multidwelling units;

(8) **DEVELOP MODEL PROCUREMENT PRACTICES FOR LIGHT-DUTY VEHICLES THAT INCLUDE AN EVALUATION OF THE VEHICLE LIFECYCLE COSTS INCLUSIVE OF ESTIMATED FUEL COST OVER THE ANTICIPATED LIFE OF THE VEHICLE;**

~~[(8)]~~ (9) Encourage local and regional efforts to promote the use of electric vehicles and attract federal funding for State and local [EV] ZERO EMISSION ELECTRIC VEHICLE programs;

~~[(9)]~~ (10) Recommend policies that support [EV] ZERO EMISSION ELECTRIC VEHICLE charging AND HYDROGEN REFUELING from clean energy sources;

[(10)] (11) Recommend a method of displaying pricing information at public charging AND HYDROGEN REFUELING stations;

[(11)] (12) Establish performance measures for meeting [EV-related] ZERO EMISSION ELECTRIC VEHICLE-RELATED employment, infrastructure, and regulatory goals; and

[(12)] (13) Pursue other goals and objectives that promote the utilization of ZERO EMISSION electric vehicles in the State.

(h) (1) On or before December 1, 2013, December 1, 2014, December 1, 2015, December 1, 2016, December 1, 2017, [and] December 1, 2018, AND DECEMBER 1, 2019, the Council shall submit interim reports of its work and recommendations to the Governor and, [subject to] IN ACCORDANCE WITH § 2-1246 of the State Government Article, the General Assembly.

(2) On or before June 30, 2020, the Council shall submit a final report of its work and recommendations to the Governor and, [subject to] IN ACCORDANCE WITH § 2-1246 of the State Government Article, the General Assembly.

#### Chapter 359 of the Acts of 2014, as amended by Chapters 362 and 363 of the Acts of 2017

SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal [years 2018, 2019, and] YEAR 2020[, respectively,] the lesser of [\$2,400,000] \$6,000,000 or the actual total amount of credits allowed against the excise tax shall be transferred from the Strategic Energy Investment Fund established under § 9-20B-05 of the State Government Article to the Transportation Trust Fund to offset a reduction in revenues from the vehicle excise tax credit for qualified plug-in electric drive vehicles AND FUEL CELL ELECTRIC VEHICLES under § 13-815 of the Transportation Article, as enacted by this Act. [The] FOR FISCAL YEAR 2020, THE total amount of credits allowed against the excise tax may not exceed [\$3,000,000 during the course of any fiscal year] \$6,000,000.

#### Chapter 360 of the Acts of 2014, as amended by Chapters 362 and 363 of the Acts of 2017

SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal [years 2018, 2019, and] YEAR 2020[, respectively,] the lesser of [\$2,400,000] \$6,000,000 or the actual total amount of credits allowed against the excise tax shall be transferred from the Strategic Energy Investment Fund established under § 9-20B-05 of the State Government Article to the Transportation Trust Fund to offset a reduction in revenues from the vehicle excise tax credit for qualified plug-in electric drive vehicles AND FUEL CELL ELECTRIC VEHICLES under § 13-815 of the Transportation Article, as enacted by this Act. [The] FOR FISCAL YEAR 2020, THE total amount of credits

allowed against the excise tax may not exceed [~~\$3,000,000 during the course of any fiscal year~~] **\$6,000,000**.

*SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect July 1, 2026.*

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 214

### (House Bill 595)

AN ACT concerning

#### **Workers' Compensation – Medical Presumptions**

FOR the purpose of altering the types of cancer that are considered occupational diseases suffered in the line of duty and are compensable in a certain manner; and generally relating to the occupational disease presumption for cancers under the workers' compensation law.

BY repealing and reenacting, with amendments,  
Article – Labor and Employment  
Section 9–503(c)  
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 – Labor and Employment**

9–503.

(c) A paid firefighter, paid firefighting instructor, paid rescue squad member, paid advanced life support unit member, or a sworn member of the Office of the State Fire Marshal employed by an airport authority, a county, a fire control district, a municipality, or the State or a volunteer firefighter, volunteer fire fighting instructor, volunteer rescue squad member, or volunteer advanced life support unit member who is a covered employee under § 9–234 of this title is presumed to be suffering from an occupational disease that was suffered in the line of duty and is compensable under this title if the individual:

(1) has leukemia or prostate, rectal, throat, multiple myeloma, non-Hodgkin's lymphoma, brain, testicular, **BLADDER, KIDNEY OR RENAL CELL**, or breast cancer that is caused by contact with a toxic substance that the individual has encountered in the line of duty;

(2) has completed at least 10 years of service as a firefighter, firefighting instructor, rescue squad member, or advanced life support unit member or in a combination of those jobs in the department where the individual currently is employed or serves;

(3) is unable to perform the normal duties of a firefighter, firefighting instructor, rescue squad member, or advanced life support unit member in the department where the individual currently is employed or serves because of the cancer or leukemia disability; and

(4) in the case of a volunteer firefighter, volunteer fire fighting instructor, volunteer rescue squad member, or volunteer advanced life support unit member, has met a suitable standard of physical examination before becoming a firefighter, firefighting instructor, rescue squad member, or advanced life support unit member.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 215

### (House Bill 604)

AN ACT concerning

#### **Workers' Compensation – Medical Presumptions for Diseases and Cancer – Eligibility**

*(Firefighter Jesse McCollough's McCullough's Cancer Protection Law)*

FOR the purpose of altering the circumstances under which certain firefighters, fire fighting instructors, rescue squad members, advanced life support unit members, and sworn members of the Office of the State Fire Marshal are presumed to be suffering from an occupational disease that was suffered in the line of duty and is compensable under the workers' compensation law; making stylistic changes; providing for the application of this Act; and generally relating to the occupational disease presumptions under the workers' compensation law.

BY repealing and reenacting, with amendments,  
 Article – Labor and Employment  
 Section 9–503(c)

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 – Labor and Employment**

9–503.

(c) A paid firefighter, paid fire fighting instructor, paid rescue squad member, paid advanced life support unit member, or a sworn member of the Office of the State Fire Marshal employed by an airport authority, a county, a fire control district, a municipality, or the State or a volunteer firefighter, volunteer fire fighting instructor, volunteer rescue squad member, or volunteer advanced life support unit member who is a covered employee under § 9–234 of this title is presumed to be suffering from an occupational disease that was suffered in the line of duty and is compensable under this title if ~~the individual:~~

(1) **THE INDIVIDUAL** has leukemia or prostate, rectal, throat, multiple myeloma, non–Hodgkin’s lymphoma, brain, testicular, or breast cancer that is caused by contact with a toxic substance that the individual has encountered in the line of duty;

(2) **THE INDIVIDUAL** has completed at least 10 years of **CUMULATIVE** service **WITHIN THE STATE** as a firefighter, A fire fighting instructor, A rescue squad member, or AN advanced life support unit member or in a combination of those jobs [in the department where the individual currently is employed or serves]; ~~AND~~

~~[(3) is unable to perform the normal duties of a firefighter, fire fighting instructor, rescue squad member, or advanced life support unit member in the department where the individual currently is employed or serves because of the cancer or leukemia disability; and]~~ **HAS THE CANCER OR LEUKEMIA WHICH RESULTS IN PARTIAL OR TOTAL DISABILITY OR DEATH; AND**

~~[(4)]~~ ~~(3)~~ in the case of a volunteer firefighter, volunteer fire fighting instructor, volunteer rescue squad member, or volunteer advanced life support unit member, **THE INDIVIDUAL** has met a suitable standard of physical examination before becoming a firefighter, fire fighting instructor, rescue squad member, or advanced life support unit member.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any claim filed before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.

---

## Chapter 216

(Senate Bill 646)

AN ACT concerning

**Workers' Compensation – Medical Presumptions for Diseases and Cancer –  
Eligibility  
(Firefighter Jesse McCullough's McCullough's Cancer Protection Law)**

FOR the purpose of altering the circumstances under which certain firefighters, fire fighting instructors, rescue squad members, advanced life support unit members, and sworn members of the Office of the State Fire Marshal are presumed to be suffering from an occupational disease that was suffered in the line of duty and is compensable under the workers' compensation law; making stylistic changes; providing for the application of this Act; and generally relating to the occupational disease presumptions under the workers' compensation law.

BY repealing and reenacting, with amendments,  
Article – Labor and Employment  
Section 9–503(c)  
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 – Labor and Employment

9–503.

(c) A paid firefighter, paid fire fighting instructor, paid rescue squad member, paid advanced life support unit member, or a sworn member of the Office of the State Fire Marshal employed by an airport authority, a county, a fire control district, a municipality, or the State or a volunteer firefighter, volunteer fire fighting instructor, volunteer rescue squad member, or volunteer advanced life support unit member who is a covered employee under § 9–234 of this title is presumed to be suffering from an occupational disease that was suffered in the line of duty and is compensable under this title if ~~the individual~~:

(1) **THE INDIVIDUAL** has leukemia or prostate, rectal, throat, multiple myeloma, non–Hodgkin's lymphoma, brain, testicular, or breast cancer that is caused by contact with a toxic substance that the individual has encountered in the line of duty;

(2) **THE INDIVIDUAL** has completed at least 10 years of **CUMULATIVE** service **WITHIN THE STATE** as a firefighter, A fire fighting instructor, A rescue squad member, or AN advanced life support unit member or in a combination of those jobs [in the department where the individual currently is employed or serves]; ~~AND~~

~~{(3) is unable to perform the normal duties of a firefighter, fire fighting instructor, rescue squad member, or advanced life support unit member in the department where the individual currently is employed or serves because of the cancer or leukemia disability; and}~~ **THE CANCER OR LEUKEMIA RESULTS IN PARTIAL OR TOTAL DISABILITY OR DEATH; AND**

~~{(4)}~~ ~~(3)~~ in the case of a volunteer firefighter, volunteer fire fighting instructor, volunteer rescue squad member, or volunteer advanced life support unit member, **THE INDIVIDUAL** has met a suitable standard of physical examination before becoming a firefighter, fire fighting instructor, rescue squad member, or advanced life support unit member.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any claim filed before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 217

(House Bill 178)

AN ACT concerning

### **Maryland Stadium Authority – Ocean City Convention Facility – Renovation**

FOR the purpose of authorizing the Maryland Stadium Authority to provide for the renovation of the Ocean City Convention facility; altering the authority of the Board of Public Works to approve an issuance of certain bonds related to the Ocean City Convention facility without receiving authorization by the General Assembly; altering the requirement that the Authority, with certain exceptions, comply with certain requirements to finance certain activities; altering certain contribution amounts, allocations of savings, and leasehold ownership allocations that must be contained in a certain lease or other written agreement with Ocean City; altering the contents required in a certain deed, lease, or written agreement with Ocean City; altering the responsibility of certain operating deficits, certain capital

improvements, and certain capital contribution amounts that must be contained in a certain written agreement with Ocean City; providing that an agreement entered into between Ocean City and the Authority in accordance with the provisions of this Act shall supersede certain prior agreements; and generally relating to the Maryland Stadium Authority and the Ocean City Convention facility.

BY repealing and reenacting, without amendments,  
 Article – Economic Development  
 Section 10–628(a)  
 Annotated Code of Maryland  
 (2018 Replacement Volume)

BY repealing and reenacting, with amendments,  
 Article – Economic Development  
 Section 10–628(c) and 10–643  
 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**

10–628.

(a) Except as provided in subsections (b) and (c) of this section and subject to the prior approval of the Board of Public Works, the Authority may issue bonds at any time for any corporate purpose of the Authority, including the establishment of reserves and the payment of interest.

(c) (1) Unless authorized by the General Assembly, the Board of Public Works may not approve an issuance by the Authority of bonds, whether taxable or tax exempt, that constitute tax supported debt or nontax supported debt if, after issuance, there would be outstanding and unpaid more than the following face amounts of the bonds for the purpose of financing acquisition, construction, renovation, and related expenses for construction management, professional fees, and contingencies in connection with:

- (i) the Baltimore Convention facility – \$55,000,000;
- (ii) the Hippodrome Performing Arts facility – \$20,250,000;
- (iii) the Montgomery County Conference facility – \$23,185,000;
- (iv) the Ocean City Convention facility – **[\$17,340,000]**  
**\$24,500,000;** and
- (v) Baltimore City public school facilities – \$1,100,000,000.

(2) (i) The limitation under paragraph (1)(i) of this subsection applies to the aggregate principal amount of bonds outstanding as of June 30 of any year.

(ii) Refunded bonds may not be included in the determination of an outstanding aggregate amount under this paragraph.

10–643.

(a) Except as allowed by § 10–639 of this subtitle, to finance site acquisition [and], construction, **AND RENOVATION** of any segment of an Ocean City Convention facility, the Authority shall comply with this section.

(b) The Authority shall provide to the fiscal committees of the General Assembly, at least 45 days before seeking approval of the Board of Public Works for each bond issue or other borrowing, a comprehensive financing plan for the relevant segment of the facility, including the effect of the financing plan on financing options for other segments of the facility.

(c) The Authority shall obtain the approval of the Board of Public Works of the proposed bond issue and the financing plan.

(d) The Authority shall secure a lease or other written agreement with Ocean City, as approved by the Board of Public Works, under which:

(1) Ocean City agrees to:

(i) issue bonds not later than the date of the Authority's bond issuance as authorized under § 10–628 of this subtitle; and

(ii) contribute **[\$14,700,000] \$15,000,000** of the proceeds from the sale of the bonds for the capital costs of the expansion of the Ocean City Convention Center;

(2) the Authority agrees to:

(i) issue bonds as authorized under § 10–628 of this subtitle; and

(ii) contribute **[\$14,700,000 of]** the proceeds from the sale of the bonds **AFTER DEDUCTION OF THE COST OF ISSUANCE**, for the capital costs of the expansion of the Ocean City Convention Center;

(3) Ocean City and the Authority agree that if the actual capital costs of the expansion of the Ocean City Convention Center are less than **[\$29,400,000] \$37,500,000**, the **PERCENTAGE OF** savings shall be allocated **IN PROPORTION TO THE CAPITAL COSTS CONTRIBUTIONS MADE IN ACCORDANCE WITH THIS SUBSECTION**[:

- (i) one-half to the Authority; and
- (ii) one-half to Ocean City];

(4) Ocean City agrees to provide the Ocean City Convention site, as defined in § 10–601 of this subtitle, for the expansion and renovation of the Ocean City Convention facility;

(5) Ocean City and the Authority shall:

(I) each own a [50%] PERCENTAGE OF leasehold interest as tenants in common in the improvements comprising the existing Ocean City Convention Center and the Ocean City Convention Center expansion for the duration of any bonds issued as authorized under § 10–628 of this subtitle and for 20 years thereafter; and

(II) ALLOCATE THE PERCENTAGE OF LEASEHOLD OWNERSHIP INTEREST UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AS FOLLOWS:

1. A. 60% TO THE AUTHORITY; AND

B. 40% TO OCEAN CITY; OR

2. PERCENTAGES AS MAY BE REQUIRED FOR BONDS ISSUED UNDER THE AUTHORIZATION PROVIDED IN § 10–628 OF THIS SUBTITLE; AND

(6) Ocean City and the Authority agree not to sell, assign, mortgage, pledge, or encumber the Ocean City Convention facility, or any leasehold interest in the facility, without the prior consent of the other, except for liens in favor of their respective bondholders.

(e) The Authority shall secure a deed, lease, or written agreement with Ocean City, as approved by the Board of Public Works, authorizing the Authority to:

(1) design, construct, and equip, or contract for the design, construction, and equipping of the Ocean City Convention facility **RENOVATION AND** expansion; and

(2) pledge the Ocean City Convention facility and the Ocean City Convention site or the leasehold interest in the facility as security for the Authority's bonds.

(f) (1) The Authority shall secure a written agreement with Ocean City, as approved by the Board of Public Works:

(i) in which Ocean City agrees to:

1. subject to paragraph (2) of this subsection, market, promote, and operate the Ocean City Convention facility in a manner that maximizes the

facility's economic return;

2. maintain and repair the facility so as to keep it in first class operating condition; and

3. be solely responsible for all operating deficits and capital improvements[:

A. before the completion of the expanded and renovated Ocean City Convention facility; and

B.] 20 years after the repayment of the Ocean City Convention facility bonds issued by the Authority; and

(ii) that includes provisions that:

1. protect the respective investment of the Authority and Ocean City;

2. require:

A. the Authority to contribute one-half and Ocean City to contribute one-half to operating deficits; and

B. the Authority and Ocean City each to contribute **[\$50,000] \$100,000** each year to a capital improvement reserve fund, for the period beginning on the completion of the expanded and renovated Ocean City Convention facility and continuing during the period that the Ocean City Convention facility bonds issued by the Authority are outstanding and for 20 years thereafter; and

3. provide for remedies on default, including the right of the Authority, if a material default by Ocean City is not corrected after a reasonable notice and cure period, to:

A. immediately assume responsibility for maintenance and repairs of the Ocean City Convention facility; and

B. offset the costs of the maintenance and repairs against other amounts owed by the Authority to Ocean City, whether under the operating agreement with Ocean City or otherwise.

(2) Paragraph (1)(i)1 of this subsection may not be construed to require gambling activities in the Ocean City Convention facility.

SECTION 2. AND BE IT FURTHER ENACTED, That an agreement entered into between Ocean City and the Maryland Stadium Authority in accordance with the provisions of this Act shall supersede any prior agreements between Ocean City and the

Maryland Stadium Authority required under Title 10, Subtitle 6 of the Economic Development Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 218

(Senate Bill 177)

AN ACT concerning

### **Maryland Stadium Authority – Ocean City Convention Facility – Renovation**

FOR the purpose of authorizing the Maryland Stadium Authority to provide for the renovation of the Ocean City Convention facility; altering the authority of the Board of Public Works to approve an issuance of certain bonds related to the Ocean City Convention facility without receiving authorization by the General Assembly; altering the requirement that the Authority, with certain exceptions, comply with certain requirements to finance certain activities; altering certain contribution amounts, allocations of savings, and leasehold ownership allocations that must be contained in a certain lease or other written agreement with Ocean City; altering the contents required in a certain deed, lease, or written agreement with Ocean City; altering the responsibility of certain operating deficits, certain capital improvements, and certain capital contribution amounts that must be contained in a certain written agreement with Ocean City; providing that an agreement entered into between Ocean City and the Authority in accordance with the provisions of this Act shall supersede certain prior agreements; and generally relating to the Maryland Stadium Authority and the Ocean City Convention facility.

BY repealing and reenacting, without amendments,

Article – Economic Development

Section 10–628(a)

Annotated Code of Maryland

(2018 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Economic Development

Section 10–628(c) and 10–643

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

10–628.

(a) Except as provided in subsections (b) and (c) of this section and subject to the prior approval of the Board of Public Works, the Authority may issue bonds at any time for any corporate purpose of the Authority, including the establishment of reserves and the payment of interest.

(c) (1) Unless authorized by the General Assembly, the Board of Public Works may not approve an issuance by the Authority of bonds, whether taxable or tax exempt, that constitute tax supported debt or nontax supported debt if, after issuance, there would be outstanding and unpaid more than the following face amounts of the bonds for the purpose of financing acquisition, construction, renovation, and related expenses for construction management, professional fees, and contingencies in connection with:

(i) the Baltimore Convention facility – \$55,000,000;

(ii) the Hippodrome Performing Arts facility – \$20,250,000;

(iii) the Montgomery County Conference facility – \$23,185,000;

(iv) the Ocean City Convention facility – **[\$17,340,000]  
\$24,500,000**; and

(v) Baltimore City public school facilities – \$1,100,000,000.

(2) (i) The limitation under paragraph (1)(i) of this subsection applies to the aggregate principal amount of bonds outstanding as of June 30 of any year.

(ii) Refunded bonds may not be included in the determination of an outstanding aggregate amount under this paragraph.

10–643.

(a) Except as allowed by § 10–639 of this subtitle, to finance site acquisition **[and]**, construction, **AND RENOVATION** of any segment of an Ocean City Convention facility, the Authority shall comply with this section.

(b) The Authority shall provide to the fiscal committees of the General Assembly, at least 45 days before seeking approval of the Board of Public Works for each bond issue or other borrowing, a comprehensive financing plan for the relevant segment of the facility, including the effect of the financing plan on financing options for other segments of the facility.

(c) The Authority shall obtain the approval of the Board of Public Works of the proposed bond issue and the financing plan.

(d) The Authority shall secure a lease or other written agreement with Ocean City, as approved by the Board of Public Works, under which:

(1) Ocean City agrees to:

(i) issue bonds not later than the date of the Authority's bond issuance as authorized under § 10-628 of this subtitle; and

(ii) contribute **[\$14,700,000] \$15,000,000** of the proceeds from the sale of the bonds for the capital costs of the expansion of the Ocean City Convention Center;

(2) the Authority agrees to:

(i) issue bonds as authorized under § 10-628 of this subtitle; and

(ii) contribute **[\$14,700,000 of]** the proceeds from the sale of the bonds **AFTER DEDUCTION OF THE COST OF ISSUANCE**, for the capital costs of the expansion of the Ocean City Convention Center;

(3) Ocean City and the Authority agree that if the actual capital costs of the expansion of the Ocean City Convention Center are less than **[\$29,400,000] \$37,500,000**, the **PERCENTAGE OF** savings shall be allocated **IN PROPORTION TO THE CAPITAL COSTS CONTRIBUTIONS MADE IN ACCORDANCE WITH THIS SUBSECTION**[:

(i) one-half to the Authority; and

(ii) one-half to Ocean City];

(4) Ocean City agrees to provide the Ocean City Convention site, as defined in § 10-601 of this subtitle, for the expansion and renovation of the Ocean City Convention facility;

(5) Ocean City and the Authority shall:

**(I)** each own a **[50%] PERCENTAGE OF** leasehold interest as tenants in common in the improvements comprising the existing Ocean City Convention Center and the Ocean City Convention Center expansion for the duration of any bonds issued as authorized under § 10-628 of this subtitle and for 20 years thereafter; and

**(II) ALLOCATE THE PERCENTAGE OF LEASEHOLD OWNERSHIP INTEREST UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AS FOLLOWS:**

**1. A. 60% TO THE AUTHORITY; AND**

**B. 40% TO OCEAN CITY; OR****2. PERCENTAGES AS MAY BE REQUIRED FOR BONDS ISSUED UNDER THE AUTHORIZATION PROVIDED IN § 10-628 OF THIS SUBTITLE; AND**

(6) Ocean City and the Authority agree not to sell, assign, mortgage, pledge, or encumber the Ocean City Convention facility, or any leasehold interest in the facility, without the prior consent of the other, except for liens in favor of their respective bondholders.

(e) The Authority shall secure a deed, lease, or written agreement with Ocean City, as approved by the Board of Public Works, authorizing the Authority to:

(1) design, construct, and equip, or contract for the design, construction, and equipping of the Ocean City Convention facility **RENOVATION AND** expansion; and

(2) pledge the Ocean City Convention facility and the Ocean City Convention site or the leasehold interest in the facility as security for the Authority's bonds.

(f) (1) The Authority shall secure a written agreement with Ocean City, as approved by the Board of Public Works:

(i) in which Ocean City agrees to:

1. subject to paragraph (2) of this subsection, market, promote, and operate the Ocean City Convention facility in a manner that maximizes the facility's economic return;

2. maintain and repair the facility so as to keep it in first class operating condition; and

3. be solely responsible for all operating deficits and capital improvements[:

A. before the completion of the expanded and renovated Ocean City Convention facility; and

B.] 20 years after the repayment of the Ocean City Convention facility bonds issued by the Authority; and

(ii) that includes provisions that:

1. protect the respective investment of the Authority and Ocean City;

2. require:

A. the Authority to contribute one-half and Ocean City to contribute one-half to operating deficits; and

B. the Authority and Ocean City each to contribute ~~[\$50,000]~~ **\$100,000** each year to a capital improvement reserve fund, for the period beginning on the completion of the expanded and renovated Ocean City Convention facility and continuing during the period that the Ocean City Convention facility bonds issued by the Authority are outstanding and for 20 years thereafter; and

3. provide for remedies on default, including the right of the Authority, if a material default by Ocean City is not corrected after a reasonable notice and cure period, to:

A. immediately assume responsibility for maintenance and repairs of the Ocean City Convention facility; and

B. offset the costs of the maintenance and repairs against other amounts owed by the Authority to Ocean City, whether under the operating agreement with Ocean City or otherwise.

(2) Paragraph (1)(i)1 of this subsection may not be construed to require gambling activities in the Ocean City Convention facility.

SECTION 2. AND BE IT FURTHER ENACTED, That an agreement entered into between Ocean City and the Maryland Stadium Authority in accordance with the provisions of this Act shall supersede any prior agreements between Ocean City and the Maryland Stadium Authority required under Title 10, Subtitle 6 of the Economic Development Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 219

(Senate Bill 727)

AN ACT concerning

**Health – Professional and Volunteer Firefighter Innovative Cancer Screening Technologies Program**

FOR the purpose of establishing the Professional and Volunteer Firefighter Innovative Cancer Screening Technologies Program; requiring the Maryland Department of Health to administer the Program; authorizing the Department to adopt certain regulations; providing for the purpose and goals of the Program; authorizing local fire departments and volunteer fire companies and departments to apply to the Department for certain grants; requiring a county in which a volunteer fire company or department is located to assist volunteer companies or departments in filing certain applications; requiring the Department to issue a request for certain applications for grants each year; specifying the contents of the application; requiring the Department to develop a certain weighting formula; requiring the Department to prioritize awarding grants to certain applicants; requiring the Department to award the grants on a pro rata basis under certain circumstances; requiring the Governor, for certain fiscal years, to include certain appropriations of money in the annual budget bill for the Program; providing that certain appropriations and expenditures are subject to audit by the Office of Legislative Audits; requiring the Department to report to certain committees of the General Assembly on or before a certain date each year; defining a certain term; and generally relating to the Professional and Volunteer Firefighter Innovative Cancer Screening Technologies Program.

BY adding to

Article – Health – General

Section 13–3901 through 13–3907 to be under the new subtitle “Subtitle 39. Professional and Volunteer Firefighter Innovative Cancer Screening Technologies Program”

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. PROFESSIONAL AND VOLUNTEER FIREFIGHTER INNOVATIVE  
CANCER SCREENING TECHNOLOGIES PROGRAM.**

**13–3901.**

**IN THIS SUBTITLE, “PROGRAM” MEANS THE PROFESSIONAL AND VOLUNTEER FIREFIGHTER INNOVATIVE CANCER SCREENING TECHNOLOGIES PROGRAM.**

**13–3902.**

**(A) THERE IS A PROFESSIONAL AND VOLUNTEER FIREFIGHTER INNOVATIVE CANCER SCREENING TECHNOLOGIES PROGRAM IN THE DEPARTMENT.**

**(B) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM.**

**(C) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS SUBTITLE.**

**13-3903.**

**(A) THE PURPOSE OF THE PROGRAM IS TO PROVIDE GRANTS TO LOCAL FIRE DEPARTMENTS AND VOLUNTEER FIRE COMPANIES AND DEPARTMENTS TO PROCURE INNOVATIVE CANCER SCREENING TESTS THAT ARE NOT OTHERWISE CONDUCTED DURING ROUTINE PHYSICAL EXAMINATIONS OR COVERED BY INSURANCE TO PROFESSIONAL FIREFIGHTERS EMPLOYED BY A LOCAL FIRE DEPARTMENT AND VOLUNTEER FIREFIGHTERS WHO SERVE IN A VOLUNTEER FIRE COMPANY OR DEPARTMENT.**

**(B) THE GOAL OF THE PROGRAM IS TO REDUCE CANCER MORTALITY AMONG PROFESSIONAL AND VOLUNTEER FIREFIGHTERS WHILE ADVANCING THE ADOPTION OF NOVEL TECHNOLOGIES THAT MAY ALSO BENEFIT THE HEALTH OF MARYLANDERS AND THE ECONOMY OF THE STATE.**

**13-3904.**

**(A) (1) A LOCAL FIRE DEPARTMENT OR A VOLUNTEER FIRE COMPANY OR DEPARTMENT MAY APPLY TO THE DEPARTMENT FOR A GRANT UNDER THE PROGRAM.**

**(2) THE COUNTY IN WHICH A VOLUNTEER FIRE COMPANY OR DEPARTMENT IS LOCATED SHALL ASSIST VOLUNTEER FIRE COMPANIES OR DEPARTMENTS IN FILING APPLICATIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(B) EACH YEAR, THE DEPARTMENT SHALL ISSUE A REQUEST FOR APPLICATIONS FROM LOCAL FIRE DEPARTMENTS AND VOLUNTEER FIRE COMPANIES OR DEPARTMENTS FOR GRANTS OFFERED UNDER THE PROGRAM.**

**(C) AN APPLICATION SUBMITTED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION SHALL INCLUDE, AT MINIMUM:**

**(1) THE NAMES AND QUALIFICATIONS OF COMPETENT HEALTH CARE PROVIDERS THAT ARE ADVISING THE APPLICANT ON THE SELECTION AND ADMINISTRATION OF CANCER SCREENING TESTS;**

(2) THE NUMBER OF FIREFIGHTERS PROPOSED TO BE SCREENED AND THE CRITERIA FOR SELECTING THOSE FIREFIGHTERS THAT THE APPLICANT HAS DETERMINED TO BE AT THE HIGHEST CANCER RISK BASED ON THE LATEST SCIENTIFIC AND MEDICAL RESEARCH REPORTS; AND

(3) A DESCRIPTION OF EACH TEST PROPOSED TO BE PROCURED BY THE APPLICANT, INCLUDING:

(I) THE CLAIMED ACCURACY AND RELIABILITY OF THE TEST;

(II) THE SCIENTIFIC AND CLINICAL EVIDENCE SUPPORTING THE CLAIMED ACCURACY AND RELIABILITY;

(III) WHETHER THE TEST EMPLOYS INNOVATIVE OR NOVEL TECHNOLOGIES, SUCH AS DNA SEQUENCING, GENOMICS, PROTEOMICS, METABOLOMICS, MACHINE LEARNING, ARTIFICIAL INTELLIGENCE, BIG DATA ANALYTICS, OR OTHER STATE-OF-THE-ART TECHNOLOGY;

(IV) WHETHER THE TEST HAS THE ABILITY TO SIMULTANEOUSLY SCREEN FOR TWO OR MORE CANCER TYPES FOR WHICH FIREFIGHTERS HAVE A HIGHER INCIDENCE OR DEATH RATE;

(V) THE COST OF THE TEST; AND

(VI) WHETHER THE TEST IS DEVELOPED, MANUFACTURED, OR COMMERCIALIZED BY A BUSINESS ENTITY LOCATED IN THE STATE.

13-3905.

(A) THE DEPARTMENT SHALL DEVELOP A WEIGHTING FORMULA BY WHICH TO RATE EACH APPLICATION RECEIVED UNDER § 13-3904 OF THIS SUBTITLE.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE DEPARTMENT SHALL PRIORITIZE AWARDED GRANTS TO APPLICANTS BASED ON THE QUALITY OF THE APPLICATION AND THE DEGREE TO WHICH THE TESTS PROPOSED TO BE PROCURED BY THE APPLICANT MEET THE FOLLOWING CRITERIA:

(1) THE SCIENTIFIC AND CLINICAL EVIDENCE SUPPORTING THE CLAIMED ACCURACY AND RELIABILITY OF THE TEST;

(2) WHETHER THE TEST EMPLOYS INNOVATIVE OR NOVEL TECHNOLOGIES;

(3) THE ABILITY OF THE TEST TO SIMULTANEOUSLY SCREEN FOR TWO OR MORE CANCER TYPES;

(4) THE COST-EFFECTIVENESS OF THE TEST; AND

(5) WHETHER THE TEST IS DEVELOPED, MANUFACTURED, OR COMMERCIALIZED BY A BUSINESS ENTITY LOCATED IN THE STATE.

(C) IF THE DEPARTMENT RECEIVES APPLICATIONS FOR GRANTS TOTALING MORE THAN THE AMOUNT OF FUNDS APPROPRIATED FOR THE PROGRAM FOR A FISCAL YEAR, THE DEPARTMENT SHALL AWARD THE GRANTS ON A PRO RATA BASIS.

13-3906.

(A) FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE AT LEAST ~~\$500,000~~ \$100,000 IN THE ANNUAL BUDGET FOR THE PROGRAM.

(B) APPROPRIATIONS AND EXPENDITURES MADE FOR THE PURPOSE OF IMPLEMENTING THE PROGRAM, INCLUDING THE USE OF ANY FUNDS RECEIVED BY A PERSON UNDER ANY COMPONENT OF THE PROGRAM, ARE SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE AUDITS AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

13-3907.

ON OR BEFORE DECEMBER 1, 2020, AND EACH DECEMBER 1 THEREAFTER, THE DEPARTMENT SHALL 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:

(1) THE NUMBER OF INDIVIDUALS WHO HAVE BEEN SCREENED THROUGH THE PROGRAM;

(2) THE TYPES OF TESTS USED TO SCREEN THOSE INDIVIDUALS;

(3) THE COSTS OF THE TESTS; AND

(4) THE TYPES OF CANCERS DETECTED BY THE TESTS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 30, 2019.

## Chapter 220

(Senate Bill 472)

AN ACT concerning

### General Provisions – Commemorative ~~Days Months~~ – Caribbean ~~Day in~~ Maryland Heritage Month

FOR the purpose of requiring the Governor annually to proclaim a certain ~~day month~~ as Caribbean ~~Day in Maryland~~ Heritage Month; requiring the proclamation to urge certain organizations to observe Caribbean ~~Day in Maryland~~ Heritage Month properly; and generally relating to Caribbean ~~Day in Maryland~~ Heritage Month.

BY renumbering

Article – General Provisions

Section ~~7-414 through 7-417~~ 7-504 through 7-506, respectively  
to be Section ~~7-415 through 7-418~~ 7-505 through 7-507, respectively

Annotated Code of Maryland  
(2014 Volume and 2018 Supplement)

BY adding to

Article – General Provisions

Section ~~7-414~~ 7-504

Annotated Code of Maryland  
(2014 Volume and 2018 Supplement)

### Preamble

WHEREAS, Maryland is home to a substantial number of Caribbean Americans; and

WHEREAS, Caribbean Americans have greatly enriched Maryland's cultural diversity, are very beneficial to its economy, and have contributed to our proud heritage; and

WHEREAS, It is appropriate that Maryland celebrate the heritage and contribution of its Caribbean American people; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) ~~7-414 through 7-417~~ 7-504 through 7-506, respectively, of Article – General Provisions of the Annotated Code of Maryland be renumbered to be Section(s) ~~7-415 through 7-418~~ 7-505 through 7-507, respectively.

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

### Article – General Provisions

~~7-414. 7-504.~~

(A) THE GOVERNOR ANNUALLY SHALL PROCLAIM THE ~~FIRST MONDAY IN~~ MONTH OF AUGUST AS ~~CARIBBEAN DAY IN MARYLAND~~ HERITAGE MONTH IN RECOGNITION OF THE CONTRIBUTIONS THAT CARIBBEAN AMERICANS HAVE MADE TO THE STATE.

(B) THE PROCLAMATION SHALL URGE EDUCATIONAL AND CULTURAL ORGANIZATIONS TO OBSERVE ~~CARIBBEAN DAY IN MARYLAND~~ HERITAGE MONTH PROPERLY WITH APPROPRIATE PROGRAMS, CEREMONIES, AND ACTIVITIES.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 30, 2019.

---

## Chapter 221

(House Bill 1425)

AN ACT concerning

### **Maryland Stadium Authority – Development of Supplemental Facilities to Benefit Camden Yards**

FOR the purpose of authorizing the Maryland Stadium Authority to prepare certain studies that relate to the development of certain supplemental facilities within Baltimore City to benefit the sports facilities at Camden Yards; authorizing the Authority to undertake certain activities that relate to the studies, solely or in cooperation with certain other entities, and using certain money; authorizing the Authority, subject to the approval of the Board of Public Works and review by the Legislative Policy Committee, to develop certain supplemental facilities and supplemental facility sites to directly or indirectly benefit the sports facilities at Camden Yards and specifying certain powers included in the authorization; authorizing the Authority to acquire certain property or a certain interest in property in a certain manner and subject to annual appropriations and certain provisions of law; requiring the Authority to notify the governing body of Baltimore City of the Authority's intent to acquire certain property and to provide a certain comment period; establishing that certain contracts require the prior approval of the Board of Public Works; authorizing the Authority to issue certain bonds to finance site acquisition for and construction of any portion of a certain supplemental facility, subject to certain limitations; requiring the Authority to provide a certain financing plan to certain committees of the General Assembly at least a certain amount of time before seeking approval of

the Board of Public Works for a certain bond issue or other borrowing; specifying that a certain bond issued to finance a supplemental facility is a limited obligation of the Authority payable solely from certain pledged money and is not a debt, liability, moral obligation, or pledge of the faith and credit or the taxing power of the State, the Authority, or any other governmental unit; establishing the Supplemental Facilities Fund as a continuing, nonlapsing fund; specifying the purpose and contents of the Fund; specifying the purpose for which the Fund may be used; exempting the Fund from a certain provision of law requiring interest earnings on State money in special funds to accrue to the General Fund of the State; limiting the amount of debt that may be issued by the Authority to finance certain supplemental facilities; including nontax supported debt in a certain debt limit; defining certain terms; and generally relating to the Maryland Stadium Authority and the development of supplemental facilities to benefit Camden Yards.

BY repealing and reenacting, without amendments,

Article – Economic Development

Section 10–601(a), (b), (d), (m), (n), and (ee) and 10–628(a)

Annotated Code of Maryland

(2018 Replacement Volume)

BY adding to

Article – Economic Development

Section 10–601(ff), (gg), and (hh), 10–622.1 through 10–622.5, and 10–657.1

Annotated Code of Maryland

(2018 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Economic Development

Section 10–601(ff), 10–620(e), and 10–628(c)

Annotated Code of Maryland

(2018 Replacement Volume)

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.

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.

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

Preamble

WHEREAS, Camden Yards, site of the home stadiums of the Orioles and the Ravens, is vital to the State and Baltimore City; and

WHEREAS, Since the late 1980s, the Maryland Stadium Authority has successfully managed the development and operation of Camden Yards; and

WHEREAS, The Maryland Stadium Authority wants to ensure the continuing location of the Orioles and the Ravens at Camden Yards, beyond the teams' current lease terms that will expire after the next three seasons and nine seasons, respectively; and

WHEREAS, The State has made, and continues to make, significant investments of financial resources in the development, maintenance, and improvement of Camden Yards; and

WHEREAS, Other metropolitan areas where major league professional sports teams are located have turned the urban environments surrounding their stadiums into communities with thriving entertainment, sports, retail, and other mixed-use venues that directly and indirectly support the professional sports teams and their state and local economies; and

WHEREAS, The Maryland Stadium Authority can coordinate State, local, and private development resources to plan and develop the area around Camden Yards to further support the facilities at Camden Yards and the State and local economy; now, therefore,

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

**Article – Economic Development**

10–601.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Authority” means the Maryland Stadium Authority.
- (d) “Baltimore City” means, as the context requires:
  - (1) the geographic area of the City of Baltimore; or
  - (2) the Mayor and City Council of Baltimore.

(m) “Bond” includes a note, an interim certificate, refunding bond, and any other evidence of obligation issued under this subtitle.

(n) “Camden Yards” means the area comprising approximately 85 acres in Baltimore City bounded by Camden Street on the north, Russell Street on the west, Ostend Street on the south, and Howard Street and Interstate 395 on the east.

(ee) (1) “Sports facility” means:

(i) a stadium primarily for professional football, major league professional baseball, or both, in the Baltimore metropolitan region, as defined in § 13–301 of this article;

(ii) practice fields or other areas where professional football or major league professional baseball teams practice or perform; and

(iii) offices for professional football and major league professional baseball teams or franchises.

(2) “Sports facility” includes parking lots, garages, and any other property adjacent and directly related to an item listed in paragraph (1) of this subsection.

**(FF) “SUPPLEMENTAL FACILITIES FUND” MEANS THE SUPPLEMENTAL FACILITIES FUND ESTABLISHED UNDER § 10–657.1 OF THIS SUBTITLE.**

**(GG) (1) “SUPPLEMENTAL FACILITY” MEANS A STRUCTURE OR OTHER IMPROVEMENT DEVELOPED IN BALTIMORE CITY OUTSIDE CAMDEN YARDS.**

**(2) “SUPPLEMENTAL FACILITY” DOES NOT INCLUDE THE BALTIMORE CONVENTION FACILITY OR THE HIPPODROME PERFORMING ARTS FACILITY.**

**(HH) “SUPPLEMENTAL FACILITY SITE” MEANS THE SITE OF ANY SUPPLEMENTAL FACILITY.**

**[(ff)] (II) “Tax supported debt” has the meaning stated in § 8–104 of the State Finance and Procurement Article.**

10–620.

(e) (1) This subsection does not apply to the Camden Yards site, Baltimore Convention site, Ocean City Convention site, Hippodrome Performing Arts site, [or] any Baltimore City public school site, **OR ANY SUPPLEMENTAL FACILITY SITE.**

(2) The Authority and any Authority affiliate is subject to applicable planning, zoning, and development regulations to the same extent as a private commercial or industrial enterprise.

**10-622.1.**

**(A) (1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE AUTHORITY MAY PREPARE STUDIES THAT RELATE TO THE DEVELOPMENT OF SUPPLEMENTAL FACILITIES THAT DIRECTLY OR INDIRECTLY BENEFIT THE SPORTS FACILITIES AT CAMDEN YARDS.**

**(2) THE STUDIES MAY INCLUDE SITE STUDIES, FEASIBILITY STUDIES, ARCHITECTURAL PROGRAMS AND DESIGN, BUDGET ESTIMATES, VALUE ENGINEERING, AND ESTIMATED PROJECT SCHEDULES.**

**(B) THE ACTIVITIES AUTHORIZED UNDER THIS SECTION:**

**(1) ARE LIMITED TO SITES WITHIN BALTIMORE CITY; AND**

**(2) MAY BE UNDERTAKEN SOLELY BY THE AUTHORITY OR BY THE AUTHORITY IN COOPERATION WITH BALTIMORE CITY, OTHER UNITS OF THE STATE, THE PROFESSIONAL FOOTBALL OR MAJOR LEAGUE BASEBALL FRANCHISES AT CAMDEN YARDS, OR OTHER ENTITIES;**

**(C) THE AUTHORITY MAY ENTER INTO CONTRACTS, AGREEMENTS, AND MEMORANDA, RETAIN CONSULTANTS, AND MAKE RECOMMENDATIONS RELATING TO ACTIVITIES AUTHORIZED UNDER THIS SECTION.**

**(D) FOR ACTIVITIES AUTHORIZED UNDER THIS SECTION, THE AUTHORITY SHALL USE MONEY THAT IS:**

**(1) APPROPRIATED FOR THE PARTICULAR PURPOSE;**

**(2) PROVIDED BY PUBLIC OR PRIVATE ENTITIES; OR**

**(3) WITH APPROVAL FROM THE BUDGET COMMITTEES, UP TO \$1,000,000 OF THE AUTHORITY'S AVAILABLE NONBUDGETED MONEY IN EACH FISCAL YEAR.**

**10-622.2.**

**(A) SUBJECT TO THE APPROVAL OF THE BOARD OF PUBLIC WORKS AND REVIEW BY THE LEGISLATIVE POLICY COMMITTEE, THE AUTHORITY MAY DEVELOP SUPPLEMENTAL FACILITIES AND SUPPLEMENTAL FACILITY SITES TO DIRECTLY OR INDIRECTLY BENEFIT THE SPORTS FACILITIES AT CAMDEN YARDS.**

**(B) THE AUTHORITY GRANTED UNDER SUBSECTION (A) OF THIS SECTION INCLUDES THE POWER TO:**

**(1) DEVELOP, ESTABLISH, ACQUIRE, OWN, LEASE, IMPROVE, OPERATE AS LANDLORD, REGULATE, MAINTAIN, SELL, TRANSFER, OR OTHERWISE DISPOSE OF PROPERTY ACQUIRED UNDER THIS SECTION; AND**

**(2) ENTER INTO PARTNERSHIPS WITH BALTIMORE CITY, UNITS OF THE STATE OR LOCAL GOVERNMENT, OR PRIVATE DEVELOPERS.**

**10-622.3.**

**(A) SUBJECT TO ANNUAL APPROPRIATIONS AND THIS SUBTITLE, THE AUTHORITY MAY ACQUIRE IN ITS OWN NAME, BY GIFT OR PURCHASE, ANY PROPERTY OR INTEREST IN PROPERTY NECESSARY OR CONVENIENT TO DEVELOP SUPPLEMENTAL FACILITIES AND SUPPLEMENTAL FACILITY SITES TO DIRECTLY OR INDIRECTLY BENEFIT CAMDEN YARDS.**

**(B) THE AUTHORITY SHALL NOTIFY BALTIMORE CITY OF THE AUTHORITY'S INTENT TO ACQUIRE PROPERTY UNDER THIS SECTION AND PROVIDE BALTIMORE CITY AT LEAST 30 DAYS IN WHICH TO SUBMIT COMMENTS ON THE PROPOSED ACQUISITION.**

**10-622.4.**

**A CONTRACT TO ACQUIRE ANY PROPERTY OR DEMOLISH AN EXISTING STRUCTURE THAT RELATES TO THE DEVELOPMENT OF A SUPPLEMENTAL FACILITY SITE OR A CONTRACT FOR THE CONSTRUCTION OF A SUPPLEMENTAL FACILITY REQUIRES THE PRIOR APPROVAL OF THE BOARD OF PUBLIC WORKS.**

**10-622.5.**

**(A) EXCEPT AS ALLOWED BY § 10-639 OF THIS SUBTITLE, THE AUTHORITY MAY ISSUE BONDS SUBJECT TO §§ 10-628(A) AND (C) AND 10-629 THROUGH 10-636 OF THIS SUBTITLE TO FINANCE SITE ACQUISITION FOR AND CONSTRUCTION OF ANY PORTION OF A SUPPLEMENTAL FACILITY.**

**(B) THE AUTHORITY SHALL PROVIDE TO THE FISCAL COMMITTEES OF THE GENERAL ASSEMBLY, AT LEAST 45 DAYS BEFORE SEEKING APPROVAL OF THE BOARD OF PUBLIC WORKS FOR EACH BOND ISSUE OR OTHER BORROWING, A COMPREHENSIVE FINANCING PLAN FOR THE RELEVANT SEGMENT OF A SUPPLEMENTAL FACILITY, INCLUDING THE EFFECT OF THE FINANCING PLAN ON FINANCING OPTIONS FOR OTHER SEGMENTS OF THE SUPPLEMENTAL FACILITY.**

**(C) (1) A BOND ISSUED TO FINANCE A SUPPLEMENTAL FACILITY:**

**(I) IS A LIMITED OBLIGATION OF THE AUTHORITY PAYABLE SOLELY FROM MONEY PLEDGED BY THE AUTHORITY TO THE PAYMENT OF THE PRINCIPAL OF AND THE PREMIUM AND INTEREST ON THE BOND OR MONEY MADE AVAILABLE TO THE AUTHORITY FOR THAT PURPOSE;**

**(II) IS NOT A DEBT, LIABILITY, OR PLEDGE OF THE FAITH AND CREDIT OR THE TAXING POWER OF THE STATE, THE AUTHORITY, OR ANY OTHER GOVERNMENTAL UNIT; AND**

**(III) MAY NOT GIVE RISE TO ANY PECUNIARY LIABILITY OF THE STATE, THE AUTHORITY, OR ANY OTHER GOVERNMENTAL UNIT.**

**(2) THE ISSUANCE OF A BOND TO FINANCE A SUPPLEMENTAL FACILITY IS NOT DIRECTLY, INDIRECTLY, OR CONTINGENTLY A MORAL OR OTHER OBLIGATION OF THE STATE, THE AUTHORITY, OR ANY OTHER GOVERNMENTAL UNIT TO LEVY OR PLEDGE ANY TAX OR TO MAKE AN APPROPRIATION TO PAY THE BOND.**

**(3) EACH BOND SHALL STATE ON ITS FACE THE PROVISIONS OF PARAGRAPHS (1) AND (2) OF THIS SUBSECTION.**

10-628.

(a) Except as provided in subsections (b) and (c) of this section and subject to the prior approval of the Board of Public Works, the Authority may issue bonds at any time for any corporate purpose of the Authority, including the establishment of reserves and the payment of interest.

(c) (1) Unless authorized by the General Assembly, the Board of Public Works may not approve an issuance by the Authority of bonds, whether taxable or tax exempt, that constitute tax supported debt or nontax supported debt if, after issuance, there would be outstanding and unpaid more than the following face amounts of the bonds for the purpose of financing acquisition, construction, renovation, and related expenses for construction management, professional fees, and contingencies in connection with:

- (i) the Baltimore Convention facility – \$55,000,000;
- (ii) the Hippodrome Performing Arts facility – \$20,250,000;
- (iii) the Montgomery County Conference facility – \$23,185,000;
- (iv) the Ocean City Convention facility – \$17,340,000; [and]

(v) Baltimore City public school facilities – \$1,100,000,000; AND

**(VI) SUPPLEMENTAL FACILITIES – \$25,000,000.**

(2) (i) The limitation under paragraph (1)(i) of this subsection applies to the aggregate principal amount of bonds outstanding as of June 30 of any year.

(ii) Refunded bonds may not be included in the determination of an outstanding aggregate amount under this paragraph.

**10-657.1.**

**(A) THERE IS A SUPPLEMENTAL FACILITIES FUND.**

**(B) (1) THE SUPPLEMENTAL FACILITIES FUND IS A CONTINUING, NONLAPSING FUND THAT SHALL BE AVAILABLE IN PERPETUITY TO IMPLEMENT THIS SUBTITLE CONCERNING SUPPLEMENTAL FACILITIES.**

**(2) THE AUTHORITY SHALL:**

**(I) USE THE SUPPLEMENTAL FACILITIES FUND AS A REVOLVING FUND FOR CARRYING OUT THE PROVISIONS OF THIS SUBTITLE CONCERNING SUPPLEMENTAL FACILITIES; AND**

**(II) PAY ANY AND ALL EXPENSES FROM THE SUPPLEMENTAL FACILITIES FUND THAT ARE INCURRED BY THE AUTHORITY RELATED TO A SUPPLEMENTAL FACILITY.**

**(C) (1) TO THE EXTENT CONSIDERED APPROPRIATE BY THE AUTHORITY, THE RECEIPTS OF A SUPPLEMENTAL FACILITY SHALL BE PLEDGED TO AND CHARGED WITH THE FOLLOWING RELATING TO THE SUPPLEMENTAL FACILITY:**

**(I) THE PAYMENT OF DEBT SERVICE ON AUTHORITY BONDS;**

**(II) ALL REASONABLE CHARGES AND EXPENSES RELATED TO AUTHORITY BORROWING; AND**

**(III) THE MANAGEMENT OF AUTHORITY OBLIGATIONS.**

**(2) THE PLEDGE SHALL BE EFFECTIVE AS PROVIDED IN § 10-634 OF THIS SUBTITLE AND ANY APPLICABLE AUTHORITY RESOLUTION.**

**(D) THE SUPPLEMENTAL FACILITIES FUND CONSISTS OF:**

(1) FUNDS APPROPRIATED FOR DEPOSIT TO THE SUPPLEMENTAL FACILITIES FUND;

(2) PROCEEDS FROM THE SALE OF BONDS CONCERNING SUPPLEMENTAL FACILITIES;

(3) REVENUES COLLECTED OR RECEIVED FROM ANY SOURCE UNDER THIS SUBTITLE RELATED TO SUPPLEMENTAL FACILITIES; AND

(4) ANY ADDITIONAL MONEY MADE AVAILABLE FROM ANY PUBLIC OR PRIVATE SOURCE FOR THE PURPOSES ESTABLISHED FOR THE SUPPLEMENTAL FACILITIES FUND.

(E) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE SUPPLEMENTAL FACILITIES FUND IN THE SAME MANNER AS OTHER STATE FUNDS.

(2) ANY INVESTMENT EARNINGS SHALL BE CREDITED TO THE SUPPLEMENTAL FACILITIES FUND.

(3) NO PART OF THE SUPPLEMENTAL FACILITIES FUND MAY REVERT OR BE CREDITED TO THE GENERAL FUND OR ANY SPECIAL FUND OF THE STATE.

#### 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 SUPPLEMENTAL FACILITIES FUND.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 30, 2019.

---

**Chapter 222**

**(House Bill 679)**

AN ACT concerning

**Workplace Harassment – Prohibitions, Liability, and Enforcement, and  
Prevention Training**

FOR the purpose of prohibiting certain individuals granted special access to the State legislative complex from unlawfully harassing or discriminating against certain individuals; requiring the Department of General Services, if requested by a certain individual, to revoke access granted to a person who violates a certain provision of this Act or a regulated lobbyist who violates a certain provision of law; altering the definition of “employee” for the purposes of certain laws governing discrimination in employment; altering the definition of “employer” for the purposes of certain laws governing discrimination in employment to include certain employers when an employee files a complaint alleging harassment; prohibiting an employer from engaging in harassment of an employee; providing that an employer is liable for certain acts or omissions and under certain circumstances in an action concerning a violation of certain provisions of law based on harassment; altering the time period within which a certain complaint alleging harassment is required to be filed; providing that a complaint filed with a local human relations commission within a certain time period is deemed to have complied with a certain provision of this Act; altering the time period within which a complainant may bring a certain civil action alleging harassment; providing that certain required sexual harassment prevention training for State employees of a unit of the University System of Maryland may consist of webinar, computer-based, or online training under certain circumstances; specifying that a certain representative designated for a unit of the University System of Maryland shall be the unit’s Title IX Coordinator; defining certain terms; providing for the construction and application of this Act; and generally relating to workplace harassment.

BY repealing and reenacting, with amendments,  
Article – General Provisions  
Section 5–508  
Annotated Code of Maryland  
(2014 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 20–601, 20–606(a), 20–1004, and 20–1013(a)

Annotated Code of Maryland  
(2014 Replacement Volume and 2018 Supplement)

BY adding to

Article – State Government  
Section 20–611  
Annotated Code of Maryland  
(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions  
Section 2–203.1(c) and (d)(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 – General Provisions

5–508.

(a) This section does not apply to a State official of the Legislative Branch or a State official of the Judicial Branch.

(b) A State official may not, based on any characteristic protected by law, unlawfully harass or discriminate against:

- (1) an official or employee;
- (2) an intern, a page, or a fellow in any branch of State government;
- (3) an individual regulated lobbyist; or
- (4) a credentialed member of the press.

**(C) (1) IN THIS SUBSECTION, “STATE LEGISLATIVE COMPLEX” MEANS THE FOLLOWING STATE–OCCUPIED BUILDINGS:**

- (I) THE STATE HOUSE;**
- (II) THE DEPARTMENT OF LEGISLATIVE SERVICES BUILDING;**
- (III) THE HOUSE OF DELEGATES OFFICE BUILDING; AND**
- (IV) THE SENATE OFFICE BUILDINGS.**

**(2) IF AN INDIVIDUAL WHO IS EXEMPT FROM REGISTRATION UNDER § 5–702(B)(1) OF THIS TITLE IS GRANTED SPECIAL ACCESS TO THE STATE LEGISLATIVE COMPLEX, THE INDIVIDUAL MAY NOT, BASED ON ANY CHARACTERISTIC PROTECTED BY LAW, UNLAWFULLY HARASS OR DISCRIMINATE AGAINST:**

- (I) AN OFFICIAL OR EMPLOYEE;**
- (II) AN INTERN, A PAGE, OR A FELLOW IN ANY BRANCH OF STATE GOVERNMENT;**
- (III) ANOTHER INDIVIDUAL REGULATED LOBBYIST; OR**
- (IV) A CREDENTIALLED MEMBER OF THE PRESS.**

**(3) THE DEPARTMENT OF GENERAL SERVICES SHALL REVOKE THE SPECIAL ACCESS TO THE STATE LEGISLATIVE COMPLEX GRANTED TO A PERSON WHO VIOLATES THIS SUBSECTION OR A REGULATED LOBBYIST WHO VIOLATES § 5–714 OF THIS SUBTITLE IF THE REVOCATION IS REQUESTED BY:**

- (I) THE SPEAKER OF THE HOUSE OR THE SPEAKER’S DESIGNEE;**
- (II) THE PRESIDENT OF THE SENATE OR THE PRESIDENT’S DESIGNEE; OR**
- (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LEGISLATIVE SERVICES OR THE EXECUTIVE DIRECTOR’S DESIGNEE.**

### **Article – State Government**

20–601.

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

(b) (1) “Disability” means:

- (i) 1. a physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy; or
- 2. a mental impairment or deficiency;
- (ii) a record of having a physical or mental impairment as otherwise defined under this subsection; or

(iii) being regarded as having a physical or mental impairment as otherwise defined under this subsection.

(2) “Disability” includes:

(i) 1. any degree of paralysis, amputation, or lack of physical coordination;

2. blindness or visual impairment;

3. deafness or hearing impairment;

4. muteness or speech impediment; and

5. physical reliance on a service animal, wheelchair, or other remedial appliance or device; and

(ii) retardation and any other mental impairment or deficiency that may have necessitated remedial or special education and related services.

(c) (1) “Employee” means:

**(I)** an individual employed by an employer; **OR**

**(II) AN INDIVIDUAL WORKING AS AN INDEPENDENT CONTRACTOR FOR AN EMPLOYER.**

(2) Unless the individual is subject to the State or local civil service laws, “employee” does not include:

(i) an individual elected to public office;

(ii) [an individual chosen by an elected officer to be on the officer’s personal staff;

(iii)] an appointee on the policy making level; or

[(iv)] **(III)** an immediate adviser with respect to the exercise of the constitutional or legal powers of an elected office.

(d) (1) “Employer” means:

(i) a person that:

1. is engaged in an industry or business; and

2. **A.** has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year; **OR**

**B. IF AN EMPLOYEE HAS FILED A COMPLAINT ALLEGING HARASSMENT, HAS ONE OR MORE EMPLOYEES FOR EACH WORKING DAY IN EACH OF 20 OR MORE CALENDAR WEEKS IN THE CURRENT OR PRECEDING CALENDAR YEAR; and**

(ii) an agent of a person described in item (i) of this paragraph.

(2) “Employer” includes the State to the extent provided in this title.

(3) Except for a labor organization, “employer” does not include a bona fide private membership club that is exempt from taxation under § 501(c) of the Internal Revenue Code.

(e) (1) “Employment agency” means:

(i) a person that regularly undertakes with or without compensation to procure:

1. employees for an employer; or

2. opportunities for employees to work for an employer; and

(ii) an agent of a person described in item (i) of this paragraph.

(2) Except for the United States Employment Service and the system of State and local employment services receiving federal assistance, “employment agency” does not include a unit of the United States, the State, or a political subdivision of the State.

(f) “Genetic information” has the meaning stated in § 27–909(a)(3) of the Insurance Article.

(g) “Genetic test” has the meaning stated in § 27–909(a)(5) of the Insurance Article.

**(H) “HARASSMENT” INCLUDES HARASSMENT BASED ON RACE, COLOR, RELIGION, ANCESTRY OR NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY, AND RETAINS ITS JUDICIALLY DETERMINED MEANING, EXCEPT TO THE EXTENT IT IS EXPRESSLY OR IMPLIEDLY CHANGED IN THIS SUBTITLE.**

**[(h)] (I)** (1) “Labor organization” means:

(i) a labor organization engaged in an industry; and

(ii) an agent of an organization described in item (i) of this paragraph.

(2) “Labor organization” includes:

(i) an organization of any kind, an agency, or an employee representation committee, group, association, or plan:

1. in which employees participate; and

2. that exists, wholly or partly, for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment; and

(ii) a conference, general committee, joint or system board, or joint council that is subordinate to a national or international labor organization.

**[(i)] (J)** “Religion” includes all aspects of religious observances, practice, and belief.

20–606.

(a) An employer may not:

(1) fail or refuse to hire, discharge, or otherwise discriminate against any individual with respect to the individual’s compensation, terms, conditions, or privileges of employment because of:

(i) the individual’s race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, genetic information, or disability unrelated in nature and extent so as to reasonably preclude the performance of the employment; or

(ii) the individual’s refusal to submit to a genetic test or make available the results of a genetic test;

(2) limit, segregate, or classify its employees or applicants for employment in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the individual’s status as an employee because of:

(i) the individual’s race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, genetic information, or disability unrelated in nature and extent so as to reasonably preclude the performance of the employment; or

(ii) the individual's refusal to submit to a genetic test or make available the results of a genetic test;

(3) request or require genetic tests or genetic information as a condition of hiring or determining benefits; [or]

(4) fail or refuse to make a reasonable accommodation for the known disability of an otherwise qualified employee; **OR**

**(5) ENGAGE IN HARASSMENT OF AN EMPLOYEE.**

**20-611.**

**IN AN ACTION ALLEGING A VIOLATION OF THIS SUBTITLE BASED ON HARASSMENT, AN EMPLOYER IS LIABLE:**

**(1) FOR THE ACTS OR OMISSIONS TOWARD AN EMPLOYEE OR APPLICANT FOR EMPLOYMENT COMMITTED BY AN INDIVIDUAL WHO:**

**(I) UNDERTAKES OR RECOMMENDS TANGIBLE EMPLOYMENT ACTIONS AFFECTING THE EMPLOYEE OR AN APPLICANT FOR EMPLOYMENT, INCLUDING HIRING, FIRING, PROMOTING, DEMOTING, AND REASSIGNING THE EMPLOYEE OR AN APPLICANT FOR EMPLOYMENT; OR**

**(II) DIRECTS, SUPERVISES, OR EVALUATES THE WORK ACTIVITIES OF THE EMPLOYEE; OR**

**(2) IF THE NEGLIGENCE OF THE EMPLOYER LED TO THE HARASSMENT OR CONTINUATION OF HARASSMENT.**

**20-1004.**

(a) Any person claiming to be aggrieved by an alleged discriminatory act may file a complaint with the Commission.

(b) The complaint shall:

(1) be in writing;

(2) state:

(i) the name and address of the person or State or local unit alleged to have committed the discriminatory act; and

(ii) the particulars of the alleged discriminatory act;

- (3) contain any other information required by the Commission; and
- (4) be signed by the complainant under oath.

(c) (1) **(I) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A complaint shall be filed within 6 months after the date on which the alleged discriminatory act occurred.**

**[(2)] (II) A complaint filed with a federal or local human relations commission within 6 months after the date on which the alleged discriminatory act occurred shall be deemed to have complied with SUBPARAGRAPH (I) OF this [subsection] PARAGRAPH.**

**(2) (I) A COMPLAINT ALLEGING HARASSMENT AGAINST AN EMPLOYER SHALL BE FILED WITHIN 2 YEARS AFTER THE DATE ON WHICH THE ALLEGED HARASSMENT OCCURRED.**

**(II) A COMPLAINT FILED WITH A FEDERAL HUMAN RELATIONS COMMISSION WITHIN 6 MONTHS OR A LOCAL HUMAN RELATIONS COMMISSION WITHIN 2 YEARS AFTER THE DATE ON WHICH THE ALLEGED HARASSMENT OCCURRED SHALL BE DEEMED TO HAVE COMPLIED WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

(d) The Commission, on its own motion, and by action of at least three commissioners, may issue a complaint in its name in the same manner as if the complaint had been filed by an individual, if:

- (1) the Commission has received reliable information from an individual that a person has been or is engaged in a discriminatory act; and
- (2) after a preliminary investigation by the Commission's staff authorized by the chair or vice-chair, the Commission is satisfied that the information warrants the filing of a complaint.

20-1013.

(a) In addition to the right to make an election under § 20-1007 of this subtitle, a complainant may bring a civil action against the respondent alleging an unlawful employment practice, if:

- (1) the complainant initially filed a timely administrative charge or a complaint under federal, State, or local law alleging an unlawful employment practice by the respondent;

(2) at least 180 days have elapsed since the filing of the administrative charge or complaint; and

(3) (I) **EXCEPT AS PROVIDED IN ITEM (II) OF THIS PARAGRAPH**, the civil action is filed within 2 years after the alleged unlawful employment practice occurred;  
**OR**

(II) **IF THE COMPLAINT IS ALLEGING HARASSMENT, THE CIVIL ACTION IS FILED WITHIN 3 YEARS AFTER THE ALLEGED HARASSMENT OCCURRED.**

### Article – State Personnel and Pensions

#### 2–203.1.

(c) (1) Each State employee shall complete at least a cumulative 2 hours of in–person or virtual, interactive training on sexual harassment prevention within:

(i) 6 months after the employee’s initial appointment; and

(ii) every 2–year period thereafter.

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

(i) information on the federal and State laws concerning the prohibition of sexual harassment;

(ii) best practices in prevention and correction of sexual harassment, abusive conduct, and retaliation;

(iii) remedies and procedures available to victims of sexual harassment in employment; and

(iv) additional training for supervisors regarding information on:

1. properly responding to complaints of sexual harassment and preventing further abuse and retaliation; and

2. creating and maintaining a workplace culture in which sexual harassment is not tolerated.

**(3) (I) THIS PARAGRAPH APPLIES ONLY TO A UNIT OF THE UNIVERSITY SYSTEM OF MARYLAND.**

**(II) THE TRAINING REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY CONSIST OF WEBINAR, COMPUTER–BASED, OR ONLINE TRAINING.**

~~(H)~~ (III) IF THE TRAINING REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION CONSISTS OF WEBINAR, COMPUTER-BASED, OR ONLINE TRAINING, THE TRAINING ALSO SHALL INCLUDE AN EVALUATIVE COMPONENT THAT:

1. ENSURES EMPLOYEE ENGAGEMENT IN THE TRAINING;  
AND  
2. ASSESSES EMPLOYEE COMPREHENSION OF TRAINING OBJECTIVES.

(d) (1) (i) Each unit shall designate a representative to coordinate with the Commission to implement the training State employees are required to complete under subsection (c) of this section.

(ii) FOR A UNIT OF THE UNIVERSITY SYSTEM OF MARYLAND, THE REPRESENTATIVE DESIGNATED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE THE UNIT'S TITLE IX COORDINATOR.

(III) A unit may incorporate the training into existing employment training for new employees and supervisors.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to preempt or prevail over any local ordinance, resolution, law, or rule that requires that an employer have more than one employee for purposes of a complaint alleging employment discrimination based on sexual harassment.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.

---

## Chapter 223

(Senate Bill 467)

AN ACT concerning

**Forestry – Mel Noland Fellowship Program – Establishment**

FOR the purpose of establishing the Mel Noland Fellowship Program in the Department of Natural Resources; establishing the purpose of the Fellowship Program; requiring the Department to develop criteria for the selection of fellows and ~~receiving~~ managing organizations; requiring the Department to select a certain managing organization; requiring the Department and managing organization to select a certain number of fellows and ~~place them in receiving organizations working in certain areas~~ support them in their matriculation in certain fields of study at an institution of higher education; authorizing the Department or managing organization to require a fellow to complete certain tasks; requiring a fellow to receive a certain stipend ~~in addition to a certain salary~~; providing for the use of certain funds; renaming a certain special fund to be the Mel Noland Woodland Incentives and Fellowship Fund; expanding the authorized uses of the Fund to include funding the Fellowship Program; expanding the sources of the Fund; requiring the Governor to appropriate a certain amount to the Fund for certain fiscal years; requiring the Department to direct a certain amount from the Fund to the Fellowship Program for certain purposes in certain fiscal years; defining certain terms; altering certain definitions; and generally relating to the Mel Noland Fellowship Program.

BY repealing and reenacting, without amendments,

Article – Natural Resources  
Section 5–301(a)  
Annotated Code of Maryland  
(2018 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Natural Resources  
Section 5–301(g) and 5–307 to be under the amended subtitle “Subtitle 3. Woodland Incentives and Mel Noland Fellowship Programs”  
Annotated Code of Maryland  
(2018 Replacement Volume)

BY adding to

Article – Natural Resources  
Section 5–308  
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**

Subtitle 3. Woodland Incentives [Program] AND MEL NOLAND FELLOWSHIP PROGRAMS.

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

(g) “Mel Noland Woodland Incentives **AND FELLOWSHIP** Fund” means the special fund established in the State Treasury under § 5–307 of this subtitle.

5–307.

(a) In this section, “Fund” means the Mel Noland Woodland Incentives **AND FELLOWSHIP** Fund.

(b) There is a Mel Noland Woodland Incentives **AND FELLOWSHIP** Fund in the Department.

(c) The purpose of the Fund is to finance [the]:

**(1) THE** Woodland Incentives Program and the cost–share assistance established under this subtitle; **AND**

**(2) THE MEL NOLAND FELLOWSHIP PROGRAM ESTABLISHED UNDER THIS SUBTITLE.**

(d) The Department shall administer the Fund.

(e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

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

(f) **(1)** The Fund consists of:

**[(1)] (I)** As provided in § 13–306 of the Tax – Property Article, up to \$200,000 annually of the proceeds of the tax imposed by § 13–302 of the Tax – Property Article that are attributable to the taxation of instruments of writing that transfer title to parcels of land that are entirely woodland;

**[(2)] (II)** Revenues collected by the Department from the payment of charges imposed for Department assistance in implementation of an approved practice;

**[(3)] (III)** Money distributed from the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund under § 8–2A–04 of this article; **[and]**

**[(4)] (IV)** Subject to approval by the Secretary and the Board of Public Works, a portion of the revenues derived from the forestry practices on designated lands

owned and managed by the Department, that are conducted in accordance with applicable State law and regulation; AND

**(V) MONEY APPROPRIATED TO THE FUND UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

**(2) FOR FISCAL YEAR 2021 AND EACH SUBSEQUENT FISCAL YEAR, THE GOVERNOR SHALL APPROPRIATE \$50,000 TO THE FUND.**

(g) The Department shall use the Fund:

(1) To help fund the Woodland Incentives Program and the cost-share assistance established under this subtitle;

**(2) TO FUND THE MEL NOLAND FELLOWSHIP PROGRAM ESTABLISHED UNDER THIS SUBTITLE;**

**(3)** For administrative costs calculated in accordance with § 1-103(b)(2) of this article;

**[(3)] (4)** To offset the costs of the Forest and Park Service for developing and approving forest stewardship plans on privately owned forest lands;

**[(4)] (5)** To provide annual grants to the forest conservancy district boards under § 5-605 of this title, to help facilitate their respective outreach efforts to encourage forest land owners to develop forest stewardship and other forest conservation management plans;

**[(5)] (6)** To establish a forest health emergency contingency program to help:

(i) Maintain the health and vitality of publicly owned and privately owned forest lands; and

(ii) Prevent or control large degradation caused by natural threats;

**[(6)] (7)** To provide financial assistance, as provided in the State budget, for the administration of an urban and community forestry program established under § 5-426 of this title, including:

(i) Increasing the number of communities with tree canopy goals;

(ii) Facilitating compliance with the Chesapeake Bay Program's forestry targets;

(iii) Supporting the use of urban tree canopy expansion for air quality improvement purposes; and

(iv) Helping achieve implementation of Regional Greenhouse Gas Initiative offset opportunities in urban areas;

**[(7) (8)]** To help fund a forest marketing and utilization program in the Department to provide financial assistance to help support, stimulate, and market innovative and creative ways to enhance the production of value-added wood products;

**[(8) (9)]** To help the Department, in cooperation with appropriate public and private sector entities, develop and expand:

- (i) A forest mitigation banking system;
- (ii) A carbon credit or carbon sequestration program;
- (iii) A clean water credit trading system;
- (iv) An environmental services credit trading program; and
- (v) A renewable energy credit trading system; and

**[(9) (10)]** To help offset administrative costs for providing staff assistance to the Sustainable Forestry Council established under § 5-204 of this title.

(h) The amount of revenues collected under subsection **[(f)(1) (F)(1)(I)]** of this section shall be included in the report required under § 16-103 of the Local Government Article.

(i) **(1)** The amount of the grants under subsection **[(g)(4) (G)(5)]** of this section shall be determined by the Department and eligibility for the grants shall be contingent on each board providing an in-kind match as certified by the Secretary.

**(2) FOR FISCAL YEAR 2021 AND EACH SUBSEQUENT FISCAL YEAR, THE DEPARTMENT SHALL DIRECT \$50,000 FROM THE FUND TO THE MEL NOLAND FELLOWSHIP PROGRAM FOR THE PURPOSE OF:**

**(I) PAYING STIPENDS TO FELLOWS, IN ACCORDANCE WITH § 5-308 OF THIS SUBTITLE; AND**

**(II) OFFSETTING THE COST ~~TO THE DEPARTMENT OF~~ ADMINISTERING THE MEL NOLAND FELLOWSHIP PROGRAM, INCLUDING THE COST OF RECRUITING, SELECTING, AND ~~MANAGING~~ SUPERVISING FELLOWS.**

(j) On or before September 30 of each year, the Department 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 use of funds credited to the Fund, including an identification of and the reasons for those revenues derived from forestry practices on designated lands owned and managed by the Department that were not credited to the Fund.

(k) (1) The Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any investment earnings of the Fund shall be credited to the General Fund of the State.

(l) Expenditures from the Fund may be made only in accordance with the State budget.

### **5-308.**

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

**(2) “FELLOW” MEANS AN INDIVIDUAL SELECTED TO PARTICIPATE IN THE FELLOWSHIP PROGRAM.**

**(3) “FELLOWSHIP PROGRAM” MEANS THE MEL NOLAND FELLOWSHIP PROGRAM.**

**(4) “~~RECEIVING~~ MANAGING ORGANIZATION” MEANS AN ORGANIZATION ~~WHERE A FELLOW IS PLACED~~ SELECTED BY THE DEPARTMENT TO COORDINATE THE ADMINISTRATION OF THE FELLOWSHIP PROGRAM WITH THE DEPARTMENT.**

**(B) THERE IS A MEL NOLAND FELLOWSHIP PROGRAM IN THE DEPARTMENT.**

**(C) THE PURPOSE OF THE FELLOWSHIP PROGRAM IS TO SUPPORT ~~THE PROFESSIONAL DEVELOPMENT OF INDIVIDUALS BEGINNING A CAREER IN FORESTRY MANAGEMENT~~ STUDENTS SEEKING A CAREER IN FIELDS RELATING TO NATURAL RESOURCES AS THEY MATRICULATE AND GRADUATE FROM AN INSTITUTION OF HIGHER EDUCATION.**

**(D) THE DEPARTMENT SHALL DEVELOP CRITERIA FOR THE SELECTION OF:**

**(1) FELLOWS; AND**

(2) ~~RECEIVING~~ MANAGING ORGANIZATIONS.

(E) THE DEPARTMENT SHALL SELECT A MANAGING ORGANIZATION WITH WHICH THE DEPARTMENT SHALL COORDINATE TO ADMINISTER THE FELLOWSHIP PROGRAM UNDER THIS SECTION.

~~(E) (F)~~ (1) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, EACH YEAR, THE DEPARTMENT AND THE MANAGING ORGANIZATION SHALL SELECT TWO FELLOWS AND PLACE THEM IN RECEIVING ORGANIZATIONS SUPPORT THEM IN THEIR MATRICULATION IN A NATURAL RESOURCES FIELD AT AN INSTITUTION OF HIGHER EDUCATION.

(2) ONE FELLOW SHALL BE PLACED AT A RECEIVING ORGANIZATION WORKING IN THE AREA OF FORESTRY MANAGEMENT SEEKING A DEGREE TO WORK IN THE FIELD OF NATURAL RESOURCES MANAGEMENT.

(3) ONE FELLOW SHALL BE PLACED AT A RECEIVING ORGANIZATION WORKING IN THE AREA OF SEEKING A DEGREE TO WORK IN THE FIELD OF URBAN AND COMMUNITY FORESTRY.

(G) THE DEPARTMENT OR THE MANAGING ORGANIZATION MAY REQUIRE A FELLOW TO COMPLETE TASKS RELATED TO THE FELLOWSHIP PROGRAM IN ADDITION TO THE FELLOW'S COURSE OF STUDY.

~~(F) (H)~~ (1) ~~IN ADDITION TO ANY SALARY PROVIDED BY THE RECEIVING ORGANIZATION, A~~ A FELLOW SHALL RECEIVE AN ANNUAL STIPEND OF \$20,000 PAID FROM THE MEL NOLAND WOODLAND INCENTIVES AND FELLOWSHIP FUND.

(2) ANY FUNDS REMAINING AFTER THE STIPENDS UNDER PARAGRAPH (1) OF THIS SUBSECTION ARE DISTRIBUTED FROM THE GOVERNOR'S APPROPRIATION REQUIRED UNDER § 5-307 OF THIS SUBTITLE SHALL BE USED FOR THE ADMINISTRATION OF THE FELLOWSHIP PROGRAM, INCLUDING THE RECRUITMENT, SELECTION, AND SUPERVISION OF THE FELLOWS BY THE DEPARTMENT AND THE MANAGING ORGANIZATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 30, 2019.

AN ACT concerning

**Estates and Trusts – Administration of Estates – Waiver of Fees – Required**

FOR the purpose of requiring, rather than authorizing, a register of wills to waive certain fees for the administration of an estate if certain real property subject to administration in this State is to be transferred to a certain individual or is encumbered by a lien and subject to sale under certain provisions of law, and the estate is unable to pay the fees by reason of poverty; providing for the prospective application of this Act; and generally relating to fees for estate administration.

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 2–206(a)

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 – Estates and Trusts**

2–206.

(a) (1) In this subsection, “poverty” means:

(i) At the time of the decedent’s death, the decedent’s family household income was less than 50% of the median family income for the State as reported in the Federal Register; or

(ii) The personal representative is represented by an attorney retained through the Maryland Legal Services Corporation.

(2) The registers of wills are entitled to charge and collect for the performance of their duties the fees in this section.

(3) A register of wills [may] **SHALL** waive any fees under this section for the administration of an estate if:

(i) The real property of the decedent subject to administration in the State is:

1. To be transferred to an heir of the decedent who resides on the property; or

2. Encumbered by a lien against the property and subject to

sale under Title 14, Subtitle 8 of the Tax – Property Article; and

- (ii) The estate is unable to pay the fees by reason of poverty.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any estate opened before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## **Chapter 225**

**(Senate Bill 484)**

AN ACT concerning

### **Tax Liens – Expiration**

FOR the purpose of providing that certain liens for certain unpaid taxes continue for a certain number of years; increasing the number of years that a lien for unpaid inheritance tax continues; reducing the number of years that a lien for unpaid inheritance tax that is attributable to certain property continues; providing that certain liens for unpaid real and personal property taxes terminate after a certain number of years; providing that a lien on property attributable to a certain deferment of property tax terminates after a certain number of years; and generally relating to tax liens.

BY repealing and reenacting, with amendments,  
Article – Tax – General  
Section 13–806  
Annotated Code of Maryland  
(2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Tax – Property  
Section 14–804  
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 – General**

13–806.

(a) Unless another date is specified by law and except for a lien under subsection (b) of this section, a lien arises on the date of notice that the tax is due and continues **UNTIL THE EARLIER OF:**

- (1) the date on which the lien is:
  - [(1)] (I) satisfied; or
  - [(2)] (II) released by the tax collector because the lien is:
    - [(i)] 1. unenforceable by reason of lapse of time; or
    - [(ii)] 2. uncollectible; **OR**
- (2) ~~12~~ **20 YEARS AFTER THE DATE OF NOTICE ASSESSMENT.**

(b) (1) Except as otherwise provided in this subsection, a lien for unpaid inheritance tax:

- (i) arises on the date of distribution; and
- (ii) continues for [4] ~~12~~ **20** years.

(2) If the property is subject to a special valuation under § 7–211 of this article, a lien:

- (i) arises on the date on which the interest in the property vests in possession; and
- (ii) continues for [4] ~~12~~ **20** years.

(3) If the unpaid inheritance tax is attributable to the disqualification of property that was qualified for special valuation or exemption under § 7–211 of this article, the lien:

- (i) arises on the date on which the decedent died; and
- (ii) continues for [20] ~~12~~ **20** years.

**Article – Tax – Property**

14–804.

(a) **(1)** [All] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ALL** unpaid taxes on real property shall be, until paid, liens on the real property in respect to which they are imposed from the date they became or become payable.

**(2) A LIEN ON REAL PROPERTY UNDER PARAGRAPH (1) OF THIS SUBSECTION TERMINATES ~~12~~ 20 YEARS AFTER THE DATE THAT THE LIEN ATTACHES TO THE REAL PROPERTY.**

(b) **(1)** All unpaid tax on personal property is a lien on the personal property and on the real property of the owner of the personal property in the same manner in which taxes on real property are now liens on the real property with respect to which they are imposed in all subdivisions of the State; provided that the lien will attach to the real property only after the notice has been recorded and indexed among the judgment records in the office of the clerk of the circuit court in the county where the land lies, or is recorded and indexed on the tax rolls of the subdivision. Any subdivision, in lieu of recording in the appropriate court, may use a lien reporting system, and any subdivision so doing shall provide, on request, a lien report or memorandum with respect to any particular person.

**(2) A LIEN ON PERSONAL PROPERTY OR REAL PROPERTY UNDER PARAGRAPH (1) OF THIS SUBSECTION TERMINATES ~~12~~ 20 YEARS AFTER THE DATE THAT THE LIEN ATTACHES TO THE PROPERTY.**

(c) **(1)** The county property tax deferred under § 10–201 of this article is a lien on the property for which the deferral was granted.

**(2) A LIEN ON PROPERTY UNDER PARAGRAPH (1) OF THIS SUBSECTION TERMINATES ~~12~~ 20 YEARS AFTER THE DATE THAT THE LIEN ATTACHES TO THE PROPERTY.**

(d) **(1)** The unpaid balance of a deferral granted under § 10–202 of this article is a lien on the property for which the deferral was granted.

**(2) A LIEN ON PROPERTY UNDER PARAGRAPH (1) OF THIS SUBSECTION TERMINATES ~~12~~ 20 YEARS AFTER THE DATE THAT THE LIEN ATTACHES TO THE PROPERTY.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 30, 2019.

---

## Chapter 226

### (House Bill 1072)

AN ACT concerning

#### Transportation Network Companies – Insurance

FOR the purpose of authorizing the Motor Vehicle Administration to accept, under certain circumstances, certain forms of security from a transportation network company in place of a certain insurance policy; requiring transportation network companies to provide evidence of certain security to the Public Service Commission under certain circumstances; defining certain terms; making ~~a~~ conforming ~~change~~ changes; and generally relating to insurance for transportation network companies.

BY repealing and reenacting, with amendments,  
 Article – Public Utilities  
 Section ~~10-405(e)~~ 10-405(a), (b), (c), (d), and (e)  
 Annotated Code of Maryland  
 (2010 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Transportation  
 Section 17-103  
 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 – Public Utilities

10-405.

(a) (1) An operator, a transportation network company on behalf of the operator, or a combination of both shall maintain primary motor vehicle insurance, OR OTHER SECURITY UNDER § 17-103(A)(3) OF THE TRANSPORTATION ARTICLE, that:

(i) recognizes that the operator is a transportation network operator or otherwise uses a motor vehicle to transport passengers for hire; and

(ii) covers the operator while the operator is providing transportation network services.

(2) (i) The following motor vehicle insurance requirements shall apply while an operator is providing transportation network services:

1. security of at least:

A. for the payment of claims for bodily injury or death arising from an accident, up to \$50,000 for any one person and up to \$100,000 for any two or more persons, in addition to interest and costs; and

B. for the payment of claims for property of others damaged or destroyed in an accident, up to \$25,000, in addition to interest and costs;

2. uninsured motorist insurance coverage required under § 19-509 of the Insurance Article; and

3. personal injury protection coverage required under § 19-505 of the Insurance Article; and

(ii) The coverage requirements under this paragraph may be satisfied by motor vehicle insurance maintained by:

1. an operator;

2. a transportation network company; or

3. both an operator and a transportation network company.

(b) If insurance **OR OTHER SECURITY** is provided by both the transportation network company and the operator under subsection (a) of this section, the insurance maintained by the transportation network operator is primary.

(c) The insurance **OR OTHER SECURITY** maintained by a transportation network company shall provide the coverage required under subsection (a) of this section from the first dollar of a claim and provide for the duty to defend the claim in the event the insurance maintained by an operator under subsection (a) of this section has coverage that has been canceled or has lapsed or is otherwise not in force.

(d) (1) A transportation network company **THAT PROCURES INSURANCE FROM AN ADMITTED INSURER OR A NONADMITTED INSURER** shall:

(i) verify that the coverage required under subsection (a) of this section is maintained at all times; and

(ii) provide to the Commission and the Insurance Commissioner, annually upon each renewal:

1. a valid certificate of insurance coverage that meets the requirements of subsection (a) of this section and that:

A. is prepared by the insurer;

B. is signed by an officer of the insurer;

C. is in a form acceptable to the Commission;

D. states the name and home office address of the insurer providing coverage to the transportation network company;

E. states the effective dates of the coverage;

F. states a general description of the coverage; and

G. includes a certification of a policy provision that will notify the Commission and the Insurance Commissioner of any termination of coverage at least 60 days in advance of the effective date of the termination; and

2. the underlying policy for the coverage required under subsection (a) of this section.

(2) (i) The Commission may consult with the Insurance Commissioner concerning the provisions of the underlying policy provided to the Commission and the Insurance Commissioner under paragraph (1)(ii)2 of this subsection.

(ii) 1. Records provided to the Commission by a transportation network company under this section are not subject to release under the Maryland Public Information Act or any other law.

2. The Commission and the Insurance Commissioner may not disclose records or information provided to the Commission and the Insurance Commissioner under this section to any person unless the disclosure is required by subpoena or court order.

3. If a subpoena or court order requires the Commission or the Insurance Commissioner to disclose information provided to the Commission or the Insurance Commissioner under this section, the Commission or the Insurance Commissioner, as appropriate, promptly shall notify the transportation network company before disclosing the information.

**(3) A TRANSPORTATION NETWORK COMPANY THAT MAINTAINS SECURITY UNDER § 17–103 OF THE TRANSPORTATION ARTICLE SHALL PROVIDE THE COMMISSION WITH EVIDENCE OF THE REQUIRED SECURITY.**

(e) [Insurance] SUBJECT TO § 17–103(A) OF THE TRANSPORTATION ARTICLE, INSURANCE required under subsection (a) of this section shall be issued by:

(1) an insurer authorized to do business in the State; or

(2) solely with respect to insurance maintained by a transportation network company, an eligible surplus lines insurer:

- (i) in accordance with the requirements of Title 3, Subtitle 3 of the Insurance Article; and
- (ii) having an A.M. Best financial strength rating of A– or better.

### **Article – Transportation**

17–103.

(a) (1) Except as provided in paragraph (2) **OR (3)** of this subsection, the form of security required under this subtitle is a vehicle liability insurance policy written by an insurer authorized to write these policies in this State.

(2) The Administration may accept another form of security in place of a vehicle liability insurance policy if it finds that the other form of security adequately provides the benefits required by subsection (b) of this section.

**(3) (I) 1. IN THIS PARAGRAPH THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**2. “AFFILIATE” MEANS ANY COMPANY THAT CONTROLS, IS CONTROLLED BY, OR IS UNDER COMMON CONTROL WITH ANOTHER COMPANY.**

**3. “PROVIDE TAXICAB SERVICES”, “TRANSPORTATION NETWORK COMPANY”, AND “TRANSPORTATION NETWORK OPERATOR” HAVE THE MEANINGS STATED IN § 10–101 OF THE PUBLIC UTILITIES ARTICLE.**

**(II) THE ADMINISTRATION MAY ACCEPT ANOTHER FORM OF SECURITY FROM A TRANSPORTATION NETWORK COMPANY IN PLACE OF AN INSURANCE POLICY REQUIRED BY § 10–405 OF THE PUBLIC UTILITIES ARTICLE IF:**

**1. THE OTHER FORM OF SECURITY ADEQUATELY PROVIDES THE BENEFITS REQUIRED BY § 10–405 OF THE PUBLIC UTILITIES ARTICLE; AND**

**2. THE TRANSPORTATION NETWORK COMPANY IS AN AFFILIATE OF A COMPANY THAT PROVIDES TAXICAB SERVICES AND HAS NO FEWER THAN 26 NOR MORE THAN 300 TRANSPORTATION NETWORK OPERATORS.**

~~[(3)](4)~~ The Administration shall, by regulation, assess each self-insurer an annual sum which may not exceed \$750, and which shall be used for actuarial studies and audits to determine financial solvency.

(b) The security required under this subtitle shall provide for at least:

(1) The payment of claims for bodily injury or death arising from an accident of up to \$30,000 for any one person and up to \$60,000 for any two or more persons, in addition to interest and costs;

(2) The payment of claims for property of others damaged or destroyed in an accident of up to \$15,000, in addition to interest and costs;

(3) Unless waived under § 19–506 of the Insurance Article or rejected under § 19–506.1 of the Insurance Article, the benefits described under § 19–505 of the Insurance Article as to basic required primary coverage;

(4) The benefits required under § 19–509 or § 19–509.1 of the Insurance Article as to required additional coverage; and

(5) For vehicles subject to the provisions of § 25–111.1 of this article, the security requirements adopted under 49 C.F.R., Part 387.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 227

**(House Bill 748)**

AN ACT concerning

### **Vehicle Laws – Electric Low Speed Scooters**

FOR the purpose of establishing that an electric low speed scooter is considered to be a bicycle for the purposes of the Maryland Vehicle Law; defining the term “electric low speed scooter”; providing that an electric low speed scooter is not considered to be a motorized minibike, a motor scooter, or a motor vehicle for the purposes of the Maryland Vehicle Law; altering the defined term “scooter” by limiting the term to nonmotorized vehicles; establishing that the operator of an electric low speed scooter may ride by standing on a platform designed to carry the operator; and generally relating to electric low speed scooters.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 11–104

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

(As enacted by ~~Chapter 294~~ Chapters 294 and 392 of the Acts of the General Assembly of 2014)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 11–134.4(b), 11–134.5(b), 11–135(b), 11–154.1, and 21–1203

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY adding to

Article – Transportation

Section 11–117.2

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation

Section 21–1202 and 25–102(a)(8)

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**

11–104.

“Bicycle” means:

- (1) A vehicle that:
  - (i) Is designed to be operated by human power;
  - (ii) Has two or three wheels, of which one is more than 14 inches in diameter; and
  - (iii) Has a drive mechanism other than by pedals directly attached to a drive wheel;
- (2) An electric bicycle; **[or]**

- (3) A moped; OR
- (4) AN ELECTRIC LOW SPEED SCOOTER.

**11-117.2.****(A) “ELECTRIC LOW SPEED SCOOTER” MEANS A VEHICLE THAT:**

- (1) IS DESIGNED TO TRANSPORT ONLY THE OPERATOR;
- (2) WEIGHS LESS THAN 100 POUNDS;
- (3) HAS SINGLE WHEELS IN TANDEM OR A COMBINATION OF ONE OR TWO WHEELS AT THE FRONT AND REAR OF THE VEHICLE;
- (4) IS EQUIPPED WITH HANDLEBARS AND A PLATFORM DESIGNED TO BE STOOD ON WHILE RIDING;
- (5) IS SOLELY POWERED BY AN ELECTRIC MOTOR AND HUMAN POWER; AND
- (6) IS CAPABLE OF OPERATING AT A SPEED OF UP TO ~~25~~ 20 MILES PER HOUR ~~ON A SMOOTH LEVEL SURFACE BY AN OPERATOR WEIGHING 175 POUNDS.~~

**(B) “ELECTRIC LOW SPEED SCOOTER” DOES NOT INCLUDE:**

- (1) AN ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE; OR
- (2) AN ELECTRIC WHEELCHAIR OR OTHER MOBILITY AID USED BY A DISABLED INDIVIDUAL.

**11-134.4.****(b) “Motorized minibike” does not include:**

- (1) A motor scooter;
- (2) A moped;
- (3) A farm tractor; [or]
- (4) An electric bicycle; OR
- (5) AN ELECTRIC LOW SPEED SCOOTER.

11-134.5.

(b) “Motor scooter” does not include [a]:

**(1) AN ELECTRIC LOW SPEED SCOOTER; OR**

**(2) A vehicle that has been manufactured for off-road use, including a motorcycle and an all-terrain vehicle.**

11-135.

(b) “Motor vehicle” does not include:

(1) A moped, as defined in § 11-134.1 of this subtitle;

(2) A motor scooter, as defined in § 11-134.5 of this subtitle; [or]

(3) An electric bicycle, as defined in § 11-117.1 of this subtitle; **OR**

**(4) AN ELECTRIC LOW SPEED SCOOTER, AS DEFINED IN § 11-117.2 OF THIS SUBTITLE.**

11-154.1.

“Scooter” means a two-wheeled **NONMOTORIZED** vehicle that:

(1) Has handlebars; and

(2) Is designed to be stood on by the operator.

21-1202.

(a) Every person operating a bicycle or a motor scooter in a public bicycle area has all the rights granted to and is subject to all the duties required of the driver of a vehicle by this title, including the duties set forth in § 21-504 of this title, except:

(1) As otherwise provided in this subtitle; and

(2) For those provisions of this title that by their very nature cannot apply.

(b) (1) Subject to paragraphs (2) and (3) of this subsection, a person has the rights and is subject to the restrictions applicable to pedestrians under this title while the person is lawfully operating a bicycle, play vehicle, or unicycle:

(i) On a sidewalk or sidewalk area; or

(ii) In or through a crosswalk.

(2) At an intersection, a person operating a bicycle, play vehicle, or unicycle is subject to all traffic control signals, as provided in §§ 21–202 and 21–203 of this title.

(3) Section 21–506 of this title does not apply to a person operating a bicycle, play vehicle, or unicycle.

21–1203.

(a) The operator of a bicycle or a motor scooter may ride the bicycle or motor scooter only [on]:

(1) **ON** or astride a permanent and regular seat securely attached to it; **OR**

(2) **FOR AN ELECTRIC LOW SPEED SCOOTER, BY STANDING ON A PLATFORM DESIGNED TO CARRY THE OPERATOR.**

(b) A bicycle may not carry any passenger unless it is designed for and equipped with a seat securely attached to it for each passenger.

(c) A motor scooter may not carry any passenger unless it is designed for and equipped with a seat securely attached to it and footrests for each passenger.

25–102.

(a) The provisions of the Maryland Vehicle Law do not prevent a local authority, in the reasonable exercise of its police power, from exercising the following powers as to highways under its jurisdiction:

(8) Regulating the operation of bicycles, requiring them to be registered, and imposing a registration fee;

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 228

(House Bill 1123)

AN ACT concerning

**Agriculture – Hemp Research and Production**

FOR the purpose of altering the name of the Industrial Hemp Pilot Program to be the Hemp Research Pilot Program; establishing the Hemp Farming Program; establishing the purposes of the Hemp Farming Program; requiring the Department of Agriculture to administer the Hemp Farming Program; establishing the Hemp Farming Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Department to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; requiring interest earnings of the Fund to be credited to the Fund; exempting the Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State; requiring the Department, in consultation with the Governor and the Attorney General, to establish a certain plan for monitoring and regulating the production of hemp in the State; requiring the Department to submit a certain plan to the Secretary of the U.S. Department of Agriculture; requiring the Department to establish a procedure for licensing the production of hemp in accordance with a certain plan; authorizing the Department to set certain fees; requiring the Department to pay certain fees into the Fund; prohibiting a person from producing hemp in the State unless the person is licensed by the Department or the Secretary of the U.S. Department of Agriculture; requiring the Department to report certain violations to the Attorney General and the U.S. Attorney; requiring the Department to require a person to correct certain violations in a certain manner under certain circumstances; prohibiting a person from producing hemp in the State for a certain period of time for certain violations; requiring the Department to adopt certain regulations; requiring the Department to amend certain regulations, procedures, or applications under the Hemp Research Pilot Program under certain circumstances; declaring the intent of the General Assembly; providing for the application of certain provisions of this Act; altering certain definitions; defining certain terms; making a stylistic change; making conforming changes; requiring the Department, in consultation with the Natalie M. LaPrade Medical Cannabis Commission, to adopt regulations to protect certain hemp growers and medical cannabis growers from the risk of cross-pollination; ~~making this Act an emergency measure;~~ and generally relating to hemp research and hemp production.

BY repealing and reenacting, without amendments,  
Article – Criminal Law  
Section 5–101(a) and (r)(1)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 5–101(r)(2)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 14–101 and 14–102 to be under the amended title “Title 14. Hemp”

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)

BY adding to

Article – Agriculture

New subtitle designation “Subtitle 1. Definitions” immediately preceding Section 14–101; Section 14–201 to be under the new subtitle “Subtitle 2. Hemp Research Pilot Program”; and 14–301 through 14–309 to be under the new subtitle “Subtitle 3. Hemp Production”

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.

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.

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**

5–101.

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

(r) (1) “Marijuana” means:

(i) all parts of any plant of the genus *Cannabis*, whether or not the plant is growing;

- (ii) the seeds of the plant;
- (iii) the resin extracted from the plant; and
- (iv) each compound, manufactured product, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin.

(2) “Marijuana” does not include:

- (i) the mature stalks of the plant;
- (ii) fiber produced from the mature stalks;
- (iii) oil or cake made from the seeds of the plant;
- (iv) except for resin, any other compound, manufactured product, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake;
- (v) the sterilized seed of the plant that is incapable of germination;

or

(vi) [the plant *Cannabis sativa* L. and any part of such plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis] **HEMP AS DEFINED IN § 14-101 OF THE AGRICULTURE ARTICLE.**

### Article – Agriculture

Title 14. [Industrial] Hemp.

#### SUBTITLE 1. DEFINITIONS.

14-101.

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

[(b) “Independent testing laboratory” has the meaning stated in § 13-3301 of the Health – General Article.]

**(B) “FUND” MEANS THE HEMP FARMING FUND ESTABLISHED UNDER § 14-304 OF THIS TITLE.**

(c) (1) [“Industrial hemp”] **“HEMP”** means the plant *Cannabis sativa* L. and any part of [such] **THAT** plant, **INCLUDING ALL DERIVATIVES, EXTRACTS, CANNABINOIDS, ISOMERS, ACIDS, SALTS, AND SALTS OF ISOMERS**, whether growing or

not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis.

(2) [“Industrial hemp”] **“HEMP”** does not include any plant or part of a plant intended for a use that is regulated under Title 13, Subtitle 33 of the Health – General Article.

**(D) “HEMP PRODUCT” MEANS A PRODUCT DERIVED FROM HEMP PRODUCED IN ACCORDANCE WITH SUBTITLE 3 OF THIS TITLE.**

**(E) “INDEPENDENT TESTING LABORATORY” HAS THE MEANING STATED IN § 13-3301 OF THE HEALTH – GENERAL ARTICLE.**

[(d)] **(F)** “Institution of higher education” has the meaning stated in the federal Higher Education Act of 1965.

[(e) “Program” means the Industrial Hemp Pilot Program established under § 14-102 of this subtitle.]

## **SUBTITLE 2. HEMP RESEARCH PILOT PROGRAM.**

**14-201.**

**IN THIS SUBTITLE, “PROGRAM” MEANS THE HEMP RESEARCH PILOT PROGRAM.**

[14-102.] **14-202.**

(a) There is [an Industrial] **A Hemp RESEARCH** Pilot Program.

(b) The purpose of the Program is to authorize and facilitate the research of [industrial] hemp and any aspect of growing, cultivating, harvesting, processing, manufacturing, transporting, marketing, or selling [industrial] hemp for agricultural[, industrial,] or commercial purposes.

(c) The Department or an institution of higher education that submits an application to the Department in a manner determined by the Department may grow, cultivate, harvest, process, manufacture, transport, market, or sell [industrial] hemp under the Program if the [industrial] hemp is grown or cultivated to further agricultural research or academic research purposes.

(d) (1) The Department shall certify and register a site that will be used to grow or cultivate [industrial] hemp under the Program.

(2) The Department may charge a fee of up to \$250 to certify and register a site that will be used to grow or cultivate [industrial] hemp.

(e) In order to carry out the purpose of the Program:

(1) To the extent necessary, the Department or an institution of higher education may contract with a person to grow or cultivate [industrial] hemp; and

(2) A person that grows or cultivates [industrial] hemp under the Program may purchase or otherwise obtain seeds that produce plants that meet the definition of [“industrial] “hemp” under § 14–101 of this subtitle.

(f) (1) In accordance with paragraph (2) of this subsection and subject to paragraphs (3) and (4) of this subsection, a person that grows or cultivates [industrial] hemp under the Program shall:

(i) Verify that the plants grown or cultivated by the person meet the definition of [“industrial] “hemp” under § 14–101 of this subtitle;

(ii) Maintain all records of verification at the site that is used to grow or cultivate [industrial] hemp; and

(iii) Make all records available for inspection by:

1. The Department; or

2. The institution of higher education that contracted with the person under subsection (e)(1) of this section to grow or cultivate [industrial] hemp.

(2) The verification required under this subsection shall include:

(i) Documentation from an independent testing laboratory registered under § 13–3311 of the Health – General Article; or

(ii) Documentation from the institution of higher education that contracted with the person under subsection (e)(1) of this section to grow or cultivate [industrial] hemp.

(3) An independent testing laboratory or an institution of higher education that provides verification documentation under paragraph (2) of this subsection shall conduct on–site inspections to perform the testing necessary for the verification.

(4) The frequency of the verification required under this subsection shall be determined by:

(i) The Department; or

(ii) The institution of higher education that contracted with a person under subsection (e)(1) of this section to grow or cultivate [industrial] hemp.

(g) Notwithstanding any other provision of law:

(1) [Industrial hemp] **HEMP** grown or cultivated under the Program is an agricultural product that may be:

(i) Possessed in the State; and

(ii) Sold, distributed, transported, marketed, or processed in the State or outside the State; and

(2) [Industrial hemp] **HEMP** grown, cultivated, and harvested in a state that authorizes the growth, cultivation, and harvesting of [industrial] hemp may be processed, manufactured, transported, marketed, or sold in the State under the Program.

(h) The Department or an institution of higher education may collect and publish data and research on [industrial] hemp, including data and research on the growth, cultivation, production, and processing of [industrial] hemp and products derived from [industrial] hemp.

(i) The Department shall adopt regulations to carry out this subtitle.

### **SUBTITLE 3. HEMP PRODUCTION.**

#### **14-301.**

**IN THIS SUBTITLE, “PROGRAM” MEANS THE HEMP FARMING PROGRAM.**

#### **14-302.**

**IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT:**

**(1) HEMP BE ESTABLISHED AS AN AGRICULTURAL COMMODITY;**

**(2) HEMP PRODUCED IN ACCORDANCE WITH THIS SUBTITLE MAY BE:**

**(I) POSSESSED IN THE STATE; AND**

**(II) SOLD, DISTRIBUTED, TRANSPORTED, MARKETED, MANUFACTURED, OR PROCESSED IN THE STATE OR OUTSIDE THE STATE; AND**

**(3) HEMP PRODUCED OUTSIDE THE STATE IN A STATE THAT AUTHORIZES THE PRODUCTION OF HEMP MAY BE SOLD, DISTRIBUTED, TRANSPORTED, MARKETED, MANUFACTURED, OR PROCESSED IN THE STATE.**

**14-303.**

**(A) THERE IS A HEMP FARMING PROGRAM.**

**(B) THE PURPOSE OF THE PROGRAM IS TO:**

**(1) PROMOTE THE PRODUCTION OF HEMP IN THE STATE;**

**(2) PROMOTE THE COMMERCIAL SALE OF HEMP PRODUCTS IN THE STATE OR OUTSIDE THE STATE;**

**(3) FACILITATE THE RESEARCH OF HEMP AND HEMP PRODUCTS BETWEEN INSTITUTIONS OF HIGHER EDUCATION AND THE PRIVATE SECTOR; AND**

**(4) MONITOR AND REGULATE THE PRODUCTION OF HEMP IN THE STATE.**

**(C) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM.**

**14-304.**

**(A) THERE IS A HEMP FARMING FUND.**

**(B) THE PURPOSE OF THE FUND IS TO DEFRAY THE COSTS OF ADMINISTERING AND ENFORCING THE PROGRAM.**

**(C) THE DEPARTMENT SHALL ADMINISTER THE FUND.**

**(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

**(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

**(E) THE FUND CONSISTS OF:**

**(1) REVENUE DISTRIBUTED TO THE FUND UNDER § 14-306 OF THIS SUBTITLE;**

**(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

(3) INTEREST EARNINGS OF THE FUND; AND

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

(F) THE FUND MAY BE USED ONLY FOR THE COSTS ASSOCIATED WITH ADMINISTERING AND ENFORCING THE PROGRAM.

(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

14-305.

(A) THE DEPARTMENT, IN CONSULTATION WITH THE GOVERNOR AND THE ATTORNEY GENERAL, SHALL ESTABLISH A PLAN FOR MONITORING AND REGULATING THE PRODUCTION OF HEMP IN THE STATE.

(B) (1) THE PLAN REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:

(I) A PRACTICE TO MAINTAIN, FOR A PERIOD OF NOT LESS THAN 3 CALENDAR YEARS, RELEVANT INFORMATION REGARDING THE LAND ON WHICH HEMP IS PRODUCED, INCLUDING A LEGAL DESCRIPTION OF THE LAND;

(II) A PROCEDURE FOR TESTING, USING POSTDECARBOXYLATION OR ANOTHER SIMILARLY RELIABLE METHOD, THE DELTA-9-TETRAHYDROCANNABINOL CONCENTRATION LEVELS OF HEMP PRODUCED IN THE STATE;

(III) A PROCEDURE FOR THE EFFECTIVE DISPOSAL OF:

1. PLANTS, WHETHER GROWING OR NOT, THAT ARE PRODUCED IN VIOLATION OF THIS SUBTITLE; AND

2. PRODUCTS DERIVED FROM PLANTS THAT ARE PRODUCED IN VIOLATION OF THIS SUBTITLE;

(IV) A PROCEDURE FOR THE ENFORCEMENT OF THIS SUBTITLE;

(v) A PROCEDURE FOR CONDUCTING ANNUAL INSPECTIONS THAT INCLUDE, AT A MINIMUM, A RANDOM SAMPLE OF HEMP PRODUCERS TO VERIFY THAT HEMP IS BEING PRODUCED IN ACCORDANCE WITH THIS SUBTITLE;

(vi) A PROCEDURE FOR SUBMITTING TO THE SECRETARY OF THE U.S. DEPARTMENT OF AGRICULTURE WITHIN 30 DAYS OF RECEIPT BY THE DEPARTMENT:

1. THE CONTACT INFORMATION FOR EACH PERSON LICENSED TO PRODUCE HEMP;

2. THE LEGAL DESCRIPTION OF THE LAND ON WHICH HEMP IS PRODUCED; AND

3. THE STATUS OF EACH LICENSE AND ANY CHANGES TO THE STATUS OF A LICENSE; AND

(vii) A CERTIFICATION THAT THE STATE HAS THE RESOURCES AND PERSONNEL TO CARRY OUT THE PRACTICES AND PROCEDURES REQUIRED UNDER THE PLAN.

(2) THE PLAN REQUIRED UNDER SUBSECTION (A) OF THIS SECTION MAY INCLUDE ANY OTHER PRACTICE OR PROCEDURE THAT IS CONSISTENT WITH FEDERAL LAW.

(c) (1) THE DEPARTMENT SHALL SUBMIT THE PLAN REQUIRED UNDER SUBSECTION (A) OF THIS SECTION TO THE SECRETARY OF THE U.S. DEPARTMENT OF AGRICULTURE FOR APPROVAL.

(2) IF THE SECRETARY OF THE U.S. DEPARTMENT OF AGRICULTURE DOES NOT APPROVE THE PLAN SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL:

(i) AMEND THE PLAN; AND

(ii) SUBMIT THE AMENDED PLAN TO THE SECRETARY OF THE U.S. DEPARTMENT OF AGRICULTURE.

14-306.

(A) THE DEPARTMENT SHALL ESTABLISH A PROCEDURE FOR LICENSING THE PRODUCTION OF HEMP IN ACCORDANCE WITH THE PLAN ESTABLISHED UNDER § 14-305 OF THIS SUBTITLE.

(B) THE DEPARTMENT MAY SET REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF LICENSES AND OTHER SERVICES THE DEPARTMENT PROVIDES UNDER THIS SUBTITLE.

(C) THE DEPARTMENT SHALL PAY ALL FUNDS COLLECTED UNDER THIS SECTION INTO THE FUND.

14-307.

THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

14-308.

(A) THIS SECTION DOES NOT APPLY TO AN INSTITUTION OF HIGHER EDUCATION OR A PERSON THAT PRODUCES HEMP UNDER THE HEMP RESEARCH PILOT PROGRAM IN ACCORDANCE WITH SUBTITLE 2 OF THIS TITLE.

(B) A PERSON MAY NOT PRODUCE HEMP IN THE STATE UNLESS THE PERSON IS LICENSED BY:

- (1) THE DEPARTMENT; OR
- (2) THE SECRETARY OF THE U.S. DEPARTMENT OF AGRICULTURE.

14-309.

(A) (1) A PERSON MAY NOT KNOWINGLY:

(I) FAIL TO COMPLY WITH THE DEPARTMENT'S PLAN FOR MONITORING AND REGULATING THE PRODUCTION OF HEMP ESTABLISHED UNDER § 14-305 OF THIS SUBTITLE;

(II) MISREPRESENT OR FAIL TO PROVIDE THE LEGAL DESCRIPTION OF LAND ON WHICH HEMP IS PRODUCED;

(III) PRODUCE HEMP WITHOUT A VALID LICENSE; OR

(IV) PRODUCE PLANTS, OR ANY PART OF A PLANT, THAT EXCEEDS A DELTA-9-TETRAHYDROCANNABINOL CONCENTRATION OF 0.3% ON A DRY WEIGHT BASIS.

(2) THE DEPARTMENT SHALL REPORT A PERSON THAT KNOWINGLY VIOLATES THIS SUBTITLE TO THE ATTORNEY GENERAL AND THE U.S. ATTORNEY.

**(B) (1) IF THE DEPARTMENT DETERMINES THAT A PERSON NEGLIGENTLY VIOLATED THIS SUBTITLE, THE DEPARTMENT SHALL REQUIRE THE PERSON TO CORRECT THE VIOLATION, INCLUDING REQUIRING THAT:**

**(I) THE VIOLATION BE CORRECTED BY A REASONABLE DATE;**  
AND

**(II) THE PERSON REPORT TO THE DEPARTMENT, AT A FREQUENCY DETERMINED BY THE DEPARTMENT AND FOR A PERIOD OF NOT LESS THAN 2 CALENDAR YEARS, TO VERIFY COMPLIANCE WITH THIS SUBTITLE.**

**(2) IF A PERSON IS FOUND BY THE DEPARTMENT TO HAVE NEGLIGENTLY VIOLATED THIS SUBTITLE THREE TIMES IN A 4-YEAR PERIOD, THE PERSON MAY NOT PRODUCE HEMP IN THE STATE FOR A PERIOD OF 5 YEARS BEGINNING ON THE DATE OF THE THIRD VIOLATION.**

#### **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 HEMP FARMING FUND.**

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Agriculture shall amend any regulation, procedure, or application under the Hemp Research Pilot Program that is not consistent with:

(1) the federal Controlled Substances Act; and

(2) any federal authorization to research or produce hemp.

SECTION 3. AND BE IT FURTHER ENACTED, That the Department of Agriculture, in consultation with the Natalie M. LaPrade Medical Cannabis Commission, shall adopt regulations to protect hemp growers licensed under this Act and medical cannabis growers licensed under § 13–3306 of the Health – General Article from the risk of cross-pollination. The regulations adopted under this section may include the establishment of buffer zones around licensed medical cannabis growing facilities.

~~SECTION 3. 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted shall take effect June 1, 2019.~~

Approved by the Governor, April 30, 2019.

---

## Chapter 229

(House Bill 602)

AN ACT concerning

### Insurance – Investments of Insurers Other Than Life Insurers – Real Estate

FOR the purpose of requiring that certain reserve investments serve a certain purpose; authorizing certain reserve investments to include fee simple or improved leasehold real estate or interests in limited partnerships formed for a certain purpose only under certain circumstances; prohibiting the cost of certain reserve investments, alone or in combination with the value of certain other real estate, from exceeding certain percentages of the admitted assets of a certain insurer; requiring that certain reserve investments be valued in a certain manner and at a certain rate except as otherwise required by the Maryland Insurance Commissioner; prohibiting the admitted value of certain reserve investments from exceeding the depreciated value of the property; and generally relating to real estate investments of insurers other than life insurers.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 5–605(a) and 5–608(n)

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

5-605.

(a) In addition to investments otherwise excluded under this article, an insurer may not directly or indirectly invest in or lend its funds on security of:

(1) obligations, stock, or other securities of a corporation, association, or other business unit that is insolvent at the time of the acquisition or loan, except securities eligible for investment under § 5-608 of this subtitle;

(2) a mortgage or deed of trust, or real property or an interest in real property, that does not come within the class of investments specified in § 5-608(j), (k), (l), [and] (m), AND (N) of this subtitle;

(3) the capital stock of the insurer;

(4) stocks, bonds, or other securities issued by a corporation, other than an insurer, if a majority of the stock having voting powers of the issuing corporation is owned directly or indirectly by or for the benefit of one or more officers or directors of the insurer; or

(5) an investment that the Commissioner finds is against public policy or designed to evade a prohibition of this section.

5-608.

(n) (1) **[The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, reserve investments of an insurer may include real estate FOR THE ACCOMMODATION OF BUSINESS only if the real estate:**

(i) consists of the land and the building on the land in which the insurer has its principal office;

(ii) is necessary for the insurer's convenient accommodation in transacting business;

(iii) is acquired to satisfy loans, mortgages, liens, judgments, decrees, or other debts previously owed to the insurer in the course of business;

(iv) is acquired as partial payment of the consideration for the sale of real property owned by the insurer if the transaction causes a net reduction in the investment of the insurer in real property; or

(v) is additional real property and equipment incident to real property that is necessary or convenient to enhance the market value of real property previously acquired or held by the insurer under item (iii) or (iv) of this paragraph.

**(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE RESERVE INVESTMENTS OF AN INSURER MAY INCLUDE FEE-SIMPLE OR IMPROVED LEASEHOLD REAL ESTATE, OR INTERESTS IN LIMITED PARTNERSHIPS FORMED FOR THE DEVELOPMENT OR OWNERSHIP OF FEE-SIMPLE OR IMPROVED LEASEHOLD REAL ESTATE, ONLY IF THE INVESTMENT:**

**1. IS ACQUIRED AS AN INVESTMENT FOR THE PRODUCTION OF INCOME;**

**2. IS ACQUIRED TO BE IMPROVED OR DEVELOPED AS AN INVESTMENT FOR THE PRODUCTION OF INCOME; AND**

**3. DOES NOT INCLUDE PROPERTY TO BE USED PRIMARILY FOR MINING, RECREATIONAL, AMUSEMENT, HOTEL, OR CLUB PURPOSES.**

**(II) 1. THE COST OF EACH PARCEL OF FEE-SIMPLE OR IMPROVED LEASEHOLD REAL ESTATE OR LIMITED PARTNERSHIP INTEREST ACQUIRED UNDER THIS PARAGRAPH, INCLUDING THE COST TO THE INSURER OF IMPROVING OR DEVELOPING THE REAL ESTATE, MAY NOT EXCEED:**

**A. 1% OF THE ADMITTED ASSETS OF THE INSURER; AND**

**B. IN COMBINATION WITH THE VALUE OF ALL OF THE REAL ESTATE ACQUIRED OR HELD BY THE INSURER, 10% OF THE ADMITTED ASSETS OF THE INSURER.**

**2. EXCEPT AS OTHERWISE REQUIRED BY THE COMMISSIONER, EACH PARCEL OF FEE-SIMPLE OR IMPROVED LEASEHOLD REAL ESTATE HELD BY AN INSURER DIRECTLY OR THROUGH A LIMITED PARTNERSHIP UNDER THIS PARAGRAPH SHALL BE VALUED ON THE BOOKS OF THE INSURER AS OF DECEMBER 31 EACH YEAR AT AN AMOUNT THAT INCLUDES THE WRITE-DOWN COST OF THE PROPERTY, EXCLUSIVE OF LAND COST, BUT INCLUSIVE OF ALL IMPROVEMENTS OR DEVELOPMENT COSTS, AT A RATE THAT AVERAGES AT LEAST 2% PER YEAR OF THE COST OF THE PROPERTY FOR EACH YEAR OR PART OF A YEAR THAT THE PROPERTY IS HELD.**

**3. THE ADMITTED VALUE OF EACH PARCEL OF FEE-SIMPLE OR IMPROVED LEASEHOLD REAL ESTATE HELD UNDER THIS PARAGRAPH MAY NOT EXCEED THE DEPRECIATED VALUE OF THE PROPERTY.**

**[(2)] (3) Unless the Commissioner certifies that the interests of the insurer will suffer materially by a forced sale of the real property and the Commissioner**

extends the time for disposal of the real property in the certificate:

(i) real property acquired under paragraph (1)(i) and (ii) of this subsection must be disposed of within 5 years after the real property ceases to be necessary for the convenient accommodation of the insurer in transacting business; and

(ii) real property acquired under paragraph (1)(iii) and (iv) of this subsection must be disposed of within 5 years after the date of acquisition.

~~[(3)] (4)~~ An insurer may not acquire real property under paragraph (1)(i), (ii), or (iv) or ~~[(2)] (3)~~ of this subsection except with the approval of the Commissioner.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 230

**(House Bill 522)**

AN ACT concerning

### **Public Health – Food Establishments – Licensing**

FOR the purpose of providing that certain regulations adopted by the Maryland Department of Health establishing a certain licensing system is a rescindable, rather than nonrescindable, alternative to regulation under a certain provision of law; authorizing the Department to adopt certain regulations governing excluded organizations; requiring an excluded organization to meet certain requirements under certain circumstances; extending the number of consecutive days of operation authorized under a license to operate a temporary food service facility before the license expires; altering certain definitions; and generally relating to the licensing of food establishments.

~~BY repealing and reenacting, with amendments,~~

~~Article – Health – General~~

~~Section 21–301(c) and (h), 21–304(a), 21–305(b), and 21–309(a)(4) and (b)(2)~~

~~Annotated Code of Maryland~~

~~(2015 Replacement Volume and 2018 Supplement)~~

BY repealing and reenacting, without amendments,

Article – Health – General

Section 21–301(a), 21–305(a), and 21–309(a)(1)

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 21–301(e) and (h), 21–304(a), 21–305(b), and 21–309(a)(4) and (b)(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 – Health – General**

21–301.

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

(e) “Excluded organization” means:

(1) A bona fide nonprofit fraternal, civic, war veterans’, religious, or charitable organization or corporation that does not serve food to the public more often than 4 days per week except that once a year an organization may serve food to the public for up to [14] **30** consecutive days; and

(2) A volunteer fire company that does not serve food to the public more often than 4 days per week except that once a year a volunteer fire company may serve food to the public for up to 30 consecutive days.

(h) (1) “Food service facility” means:

(i) A place where food or drink is prepared for sale or service on the premises or elsewhere; or

(ii) Any operation where food is served to or provided for the public, with or without charge.

(2) “Food service facility” includes a micro market licensed under Title 17, Subtitle 17 of the Business Regulation Article.

(3) “Food service facility” does not include:

(i) A kitchen in a private home where food is prepared at no charge for guests in the home, for guests at a social gathering, or for service to unemployed, homeless, or other disadvantaged populations;

(ii) A food preparation or serving area where [only nonpotentially hazardous] food[, as defined by the United States Food and Drug Administration,] is prepared or served only by an excluded organization;

(iii) A location in a farmer's market or at a public festival or event where raw agricultural products, as defined in § 21-304(d)(1)(iii) of this subtitle, are sold; or

(iv) A cottage food business.

21-304.

(a) (1) The Department shall adopt rules and regulations necessary to carry out the provisions of this subtitle.

(2) For excluded organizations, the Department:

(i) Shall adopt separate regulations that establish minimum standards that:

1. Ensure food integrity and safety;
2. Preserve public health; and
3. Control foodborne illnesses; [and]

(ii) May adopt separate regulations that establish a licensing system, with appropriate standards, that excluded organizations may voluntarily choose to submit to as a [nonrescindable] **RESCINDABLE** alternative to regulation under item (i) of this paragraph; **AND**

**(III) MAY ADOPT REGULATIONS GOVERNING EXCLUDED ORGANIZATIONS SERVING POTENTIALLY HAZARDOUS FOOD PREPARED IN A PRIVATE KITCHEN.**

21-305.

(a) Except as otherwise provided in this subtitle, a person may not operate a food establishment unless the person is licensed by the Department.

(b) (1) A separate license is required for each food establishment that a person owns or operates.

(2) Except in Baltimore City, the provisions of this subsection may require a license for each location where vending machines are operated, but may not require a separate license for each individual vending machine.

(3) Except in Baltimore City, vending machine locations used exclusively for prepackaged and commercially sealed foods that are not potentially hazardous, as defined by regulation, are not required to be licensed.

(4) In Baltimore City, a license may be required for each individual vending machine.

(5) ~~(1)~~ **(1)** An excluded organization may operate a food establishment without a license unless the excluded organization has been issued a license under § 21–304(a)(2)(ii) of this subtitle.

~~(2)~~ **(II)** **IF THE DEPARTMENT ADOPTS REGULATIONS GOVERNING EXCLUDED ORGANIZATIONS SERVING POTENTIALLY HAZARDOUS FOODS PREPARED IN A PRIVATE KITCHEN, AN EXCLUDED ORGANIZATION SHALL MEET ANY REQUIREMENTS IN THE REGULATIONS.**

(6) A license is not required for a person who:

(i) Produces shell eggs;

(ii) Sells the shell eggs directly to the public; and

(iii) Is registered with or inspected by the Secretary of Agriculture under § 4–310 or § 4–311.1 of the Agriculture Article.

(7) Except as provided in § 21–304 of this subtitle, nothing in this subtitle shall preempt the right of a county to require a permit under the authority provided by a local law, ordinance, or regulation if this subtitle does not require the food establishment to obtain a State license.

21–309.

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

(4) “Temporary food service facility” means a food service facility which operates during a period of time of not more than **[14] 30** consecutive days at a fixed location in conjunction with a fair, carnival, public exhibition, construction project, recreational facility, or similar gathering.

(b) (2) Except as provided in § 10–226 of the State Government Article, a license to operate a temporary food service facility expires at the conclusion of the underlying event or after **[14] 30** consecutive days of operation, whichever is earlier, or as provided by local law, ordinance, or regulation in accordance with § 21–304(b) and (c) of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.

---

## Chapter 231

(Senate Bill 147)

AN ACT concerning

### Public Health – Disposition of Remains – Forfeiture or Waiver of Right of Disposition

FOR the purpose of adding an adult grandchild of a certain decedent to the list of persons who have the right to arrange for the final disposition of the body of the decedent; requiring a person to forfeit the right of final disposition of the body of a decedent and that the right pass to the next qualifying person under certain circumstances; providing that a certain person's right of disposition may be restored under certain circumstances; authorizing a person to waive the right of final disposition and requiring the right to pass to the next qualifying person under certain circumstances; prohibiting funeral directors, morticians, and funeral establishments from being held civilly liable for acting in reliance on this Act; providing for the construction of this Act; making conforming changes; and generally relating to the right of final disposition of the body of a decedent.

BY repealing and reenacting, ~~without~~ with amendments,  
Article – Health – General  
Section 5–509(c) and (d)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

BY adding to  
Article – Health – General  
Section 5–509(g)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, ~~without~~ with amendments,  
Article – Health Occupations  
Section 7–410(c) and (d)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2018 Supplement)

BY adding to

Article – Health Occupations  
Section 7–410(g)  
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 – Health – General**

5–509.

(c) Unless a person has knowledge that contrary directions have been given by the decedent, if a decedent has not executed a document under subsection (a) of this section, the following persons, in the order of priority stated, have the right to arrange for the final disposition of the body of the decedent, including by cremation under § 5–502 of this subtitle:

- (1) The surviving spouse or domestic partner of the decedent;
- (2) An adult child of the decedent;
- (3) A parent of the decedent;
- (4) An adult brother or sister of the decedent;
- (5) AN ADULT GRANDCHILD OF THE DECEDENT;**

~~(5)~~ **(6)** A person acting as a representative of the decedent under a signed authorization of the decedent;

~~(6)~~ **(7)** The guardian of the person of the decedent at the time of the decedent's death, if one has been appointed; or

~~(7)~~ **(8)** In the absence of any person under items (1) through ~~(6)~~ **(7)** of this subsection, any other person willing to assume the responsibility to act as the authorizing agent for purposes of arranging the final disposition of the decedent's body, including the personal representative of the decedent's estate, after attesting in writing that a good faith effort has been made to no avail to contact the individuals under items (1) through ~~(6)~~ **(7)** of this subsection.

(d) (1) Subject to paragraph (2) of this subsection, if a decedent has more than one survivor under subsection (c)(1) through [(4)] (5) of this section, any adult child, parent, ~~or~~ adult brother or sister, **OR ADULT GRANDCHILD** of the decedent who confirms in writing to a practitioner that all of the other members of the same class have been notified may serve as the authorizing agent for purposes of § 5–502 of this subtitle unless the practitioner

receives a written objection to the cremation from another member of that class within 24 hours.

(2) If a decedent has more than one survivor under subsection (c)(1) through [(4)] (5) of this section, the majority of a class may serve as the authorizing agent.

**(G) (1) THIS SUBSECTION MAY NOT BE CONSTRUED TO REQUIRE A LICENSED MORTICIAN, LICENSED FUNERAL DIRECTOR, OR LICENSED FUNERAL ESTABLISHMENT TO MAKE ANY NOTIFICATION REGARDING THE RIGHT OF DISPOSITION.**

**(2) A PERSON SHALL FORFEIT THE RIGHT OF FINAL DISPOSITION OF THE BODY OF A DECEDENT UNDER SUBSECTION (C) OF THIS SECTION AND THE RIGHT SHALL PASS TO THE NEXT QUALIFYING PERSON, IF THE PERSON:**

**(I) DOES NOT EXERCISE THE RIGHT OF DISPOSITION WITHIN ~~3~~ 7 DAYS AFTER NOTIFICATION BY A FUNERAL ESTABLISHMENT OF THE DEATH OF THE DECEDENT, OR WITHIN ~~4~~ 10 DAYS AFTER THE DECEDENT'S DEATH, WHICHEVER IS EARLIER;**

~~**(II) IS THE SPOUSE OF THE DECEDENT AND A PETITION TO DISSOLVE THE MARRIAGE IS PENDING IN A COURT AT THE TIME OF THE DECEDENT'S DEATH; OR**~~

~~**(III) (II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IS CHARGED WITH FIRST- OR SECOND-DEGREE MURDER OR VOLUNTARY MANSLAUGHTER IN CONNECTION WITH THE DECEDENT'S DEATH AND THE CHARGES ARE KNOWN TO THE FUNERAL DIRECTOR; OR**~~

**(III) IS THE SUBJECT OF AN ACTIVE INTERIM, TEMPORARY, OR FINAL PROTECTIVE ORDER AND THE DECEDENT WAS A PERSON ELIGIBLE FOR RELIEF, AS DEFINED UNDER § 4-501 OF THE FAMILY LAW ARTICLE, UNDER THE ORDER, AND A COPY OF THE ORDER IS PRESENTED TO THE FUNERAL DIRECTOR.**

**(3) ~~UNLESS FINAL DISPOSITION HAS ALREADY OCCURRED,~~ A A PERSON WHOSE RIGHT OF DISPOSITION WAS FORFEITED UNDER PARAGRAPH ~~(2)(III)~~ (2)(II) OF THIS SUBSECTION SHALL HAVE THE RIGHT RESTORED, IF:**

**(I) THE CRIMINAL CHARGES ARE DISMISSED; OR**

**(II) THE PERSON IS ACQUITTED OF THE CRIMINAL CHARGES.**

(4) A PERSON MAY WAIVE THE RIGHT OF FINAL DISPOSITION OF THE BODY OF A DECEDENT UNDER SUBSECTION (C) OF THIS SECTION AND THE RIGHT SHALL PASS TO THE NEXT QUALIFYING PERSON, IF:

(I) THE PERSON WAIVES THE RIGHT OF DISPOSITION IN WRITING; AND

(II) THE WRITING IS SUBMITTED TO THE PRACTITIONER OR FUNERAL ESTABLISHMENT.

(5) A PRACTITIONER OR FUNERAL ESTABLISHMENT MAY NOT BE HELD CIVILLY LIABLE FOR ACTING IN RELIANCE ON THIS SUBSECTION.

### Article – Health Occupations

7-410.

(c) Unless a person has knowledge that contrary directions have been given by the decedent, if a decedent has not executed a document under subsection (a) of this section, the following persons, in the order of priority stated, have the right to arrange for the final disposition of the body of the decedent under this section and are liable for the reasonable costs of preparation, care, and disposition of the decedent:

(1) The surviving spouse or domestic partner, as defined in § 1-101 of the Health – General Article, of the decedent;

(2) An adult child of the decedent;

(3) A parent of the decedent;

(4) An adult brother or sister of the decedent;

**(5) AN ADULT GRANDCHILD OF THE DECEDENT;**

~~(5)~~ **(6)** A person acting as a representative of the decedent under a signed authorization of the decedent;

~~(6)~~ **(7)** The guardian of the person of the decedent at the time of the decedent's death, if a guardian has been appointed; or

~~(7)~~ **(8)** In the absence of any person under items (1) through ~~(6)~~ **(7)** of this subsection, any other person willing to assume the responsibility to act as the authorizing agent for purposes of arranging the final disposition of the decedent's body, including the personal representative of the decedent's estate, after attesting in writing that a good faith effort has been made to no avail to contact the persons described in items (1) through ~~(6)~~ **(7)** of this subsection.

(d) (1) Subject to paragraph (2) of this subsection, if a decedent has more than one survivor under subsection (c)(1) through [(4)] (5) of this section, any adult child, parent, ~~or~~ adult brother or sister, **OR ADULT GRANDCHILD** of the decedent who confirms in writing to a licensee that all of the other members of the same class have been notified may serve as the authorizing agent unless the licensee receives a written objection from another member of that class.

(2) If a decedent has more than one survivor under subsection (c)(1) through [(4)] (5) of this section, the majority of a class may serve as the authorizing agent.

(G) (1) **THIS SUBSECTION MAY NOT BE CONSTRUED TO REQUIRE A LICENSED MORTICIAN, LICENSED FUNERAL DIRECTOR, OR LICENSED FUNERAL ESTABLISHMENT TO MAKE ANY NOTIFICATION REGARDING THE RIGHT OF FINAL DISPOSITION OF THE BODY OF A DECEDENT.**

(2) **A PERSON SHALL FORFEIT THE RIGHT OF FINAL DISPOSITION OF THE BODY OF A DECEDENT UNDER SUBSECTION (C) OF THIS SECTION AND THE RIGHT SHALL PASS TO THE NEXT QUALIFYING PERSON, IF THE PERSON:**

(I) **DOES NOT EXERCISE THE RIGHT OF DISPOSITION WITHIN ~~3~~ 7 DAYS AFTER NOTIFICATION BY A FUNERAL ESTABLISHMENT OF THE DEATH OF THE DECEDENT, OR WITHIN 4 10 DAYS AFTER THE DECEDENT'S DEATH, WHICHEVER IS EARLIER;**

~~(II) IS THE SPOUSE OF THE DECEDENT AND A PETITION TO DISSOLVE THE MARRIAGE IS PENDING IN A COURT AT THE TIME OF THE DECEDENT'S DEATH; OR~~

~~(III)~~ (II) **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IS CHARGED WITH FIRST- OR SECOND-DEGREE MURDER OR VOLUNTARY MANSLAUGHTER IN CONNECTION WITH THE DECEDENT'S DEATH AND THE CHARGES ARE KNOWN TO THE FUNERAL DIRECTOR; OR**

(III) **IS THE SUBJECT OF AN ACTIVE INTERIM, TEMPORARY, OR FINAL PROTECTIVE ORDER AND THE DECEDENT WAS A PERSON ELIGIBLE FOR RELIEF, AS DEFINED UNDER § 4-501 OF THE FAMILY LAW ARTICLE, UNDER THE ORDER, AND A COPY OF THE ORDER IS PRESENTED TO THE FUNERAL DIRECTOR.**

(3) ~~UNLESS FINAL DISPOSITION HAS ALREADY OCCURRED, A~~ **A PERSON WHOSE RIGHT OF DISPOSITION WAS FORFEITED UNDER PARAGRAPH ~~(2)~~(III) (2)(II) OF THIS SUBSECTION SHALL HAVE THE RIGHT RESTORED, IF:**

(I) **THE CRIMINAL CHARGES ARE DISMISSED; OR**

(II) THE PERSON IS ACQUITTED OF THE CRIMINAL CHARGES.

(4) A PERSON MAY WAIVE THE RIGHT OF FINAL DISPOSITION OF THE BODY OF A DECEDENT UNDER SUBSECTION (C) OF THIS SECTION AND THE RIGHT SHALL PASS TO THE NEXT QUALIFYING PERSON, IF:

(I) THE PERSON WAIVES THE RIGHT OF DISPOSITION IN WRITING; AND

(II) THE WRITING IS SUBMITTED TO THE PRACTITIONER OR FUNERAL ESTABLISHMENT.

(5) A LICENSED MORTICIAN, LICENSED FUNERAL DIRECTOR, OR LICENSED FUNERAL ESTABLISHMENT MAY NOT BE HELD CIVILLY LIABLE FOR ACTING IN RELIANCE ON THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.

---

## Chapter 232

(House Bill 218)

AN ACT concerning

### Public Health – Disposition of Remains – Forfeiture or Waiver of Right of Disposition

FOR the purpose of adding an adult grandchild of a certain decedent to the list of persons who have the right to arrange for the final disposition of the body of the decedent; requiring a person to forfeit the right of final disposition of the body of a decedent and that the right pass to the next qualifying person under certain circumstances; providing that a certain person's right of disposition may be restored under certain circumstances; authorizing a person to waive the right of final disposition and requiring the right to pass to the next qualifying person under certain circumstances; prohibiting funeral directors, morticians, and funeral establishments from being held civilly liable for acting in reliance on this Act; providing for the construction of this Act; making conforming changes; and generally relating to the right of final disposition of the body of a decedent.

BY repealing and reenacting, ~~without~~ with amendments,

Article – Health – General  
 Section 5–509(c) *and (d)*  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2018 Supplement)

BY adding to  
 Article – Health – General  
 Section 5–509(g)  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, ~~without~~ *with* amendments,  
 Article – Health Occupations  
 Section 7–410(c) *and (d)*  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2018 Supplement)

BY adding to  
 Article – Health Occupations  
 Section 7–410(g)  
 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 – Health – General**

5–509.

(c) Unless a person has knowledge that contrary directions have been given by the decedent, if a decedent has not executed a document under subsection (a) of this section, the following persons, in the order of priority stated, have the right to arrange for the final disposition of the body of the decedent, including by cremation under § 5–502 of this subtitle:

- (1) The surviving spouse or domestic partner of the decedent;
- (2) An adult child of the decedent;
- (3) A parent of the decedent;
- (4) An adult brother or sister of the decedent;
- (5) AN ADULT GRANDCHILD OF THE DECEDENT;**

~~(5)~~ **(6)** A person acting as a representative of the decedent under a signed authorization of the decedent;

~~(6)~~ **(7)** The guardian of the person of the decedent at the time of the decedent's death, if one has been appointed; or

~~(7)~~ **(8)** In the absence of any person under items (1) through ~~(6)~~ **(7)** of this subsection, any other person willing to assume the responsibility to act as the authorizing agent for purposes of arranging the final disposition of the decedent's body, including the personal representative of the decedent's estate, after attesting in writing that a good faith effort has been made to no avail to contact the individuals under items (1) through ~~(6)~~ **(7)** of this subsection.

*(d) (1) Subject to paragraph (2) of this subsection, if a decedent has more than one survivor under subsection (c)(1) through ~~[(4)] (5)~~ of this section, any adult child, parent, ~~[or] adult brother or sister, OR ADULT GRANDCHILD of the decedent who confirms in writing to a practitioner that all of the other members of the same class have been notified may serve as the authorizing agent for purposes of § 5-502 of this subtitle unless the practitioner receives a written objection to the cremation from another member of that class within 24 hours.~~*

*(2) If a decedent has more than one survivor under subsection (c)(1) through ~~[(4)] (5)~~ of this section, the majority of a class may serve as the authorizing agent.*

**(G) (1) THIS SUBSECTION MAY NOT BE CONSTRUED TO REQUIRE A LICENSED MORTICIAN, LICENSED FUNERAL DIRECTOR, OR LICENSED FUNERAL ESTABLISHMENT TO MAKE ANY NOTIFICATION REGARDING THE RIGHT OF DISPOSITION.**

**(2) A PERSON SHALL FORFEIT THE RIGHT OF FINAL DISPOSITION OF THE BODY OF A DECEDENT UNDER SUBSECTION (C) OF THIS SECTION AND THE RIGHT SHALL PASS TO THE NEXT QUALIFYING PERSON, IF THE PERSON:**

**(I) DOES NOT EXERCISE THE RIGHT OF DISPOSITION WITHIN ~~3~~ 7 DAYS AFTER NOTIFICATION BY A FUNERAL ESTABLISHMENT OF THE DEATH OF THE DECEDENT, OR WITHIN ~~4~~ 10 DAYS AFTER THE DECEDENT'S DEATH, WHICHEVER IS EARLIER;**

~~**(II) IS THE SPOUSE OF THE DECEDENT AND A PETITION TO DISSOLVE THE MARRIAGE IS PENDING IN A COURT AT THE TIME OF THE DECEDENT'S DEATH; OR**~~

~~**(III) (II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IS CHARGED WITH FIRST- OR SECOND-DEGREE MURDER OR VOLUNTARY**~~

**MANSLAUGHTER IN CONNECTION WITH THE DECEDENT'S DEATH AND THE CHARGES ARE KNOWN TO THE FUNERAL DIRECTOR; OR**

**(III) IS THE SUBJECT OF AN ACTIVE INTERIM, TEMPORARY, OR FINAL PROTECTIVE ORDER AND THE DECEDENT WAS A PERSON ELIGIBLE FOR RELIEF, AS DEFINED UNDER § 4-501 OF THE FAMILY LAW ARTICLE, UNDER THE ORDER AND A COPY OF THE ORDER IS PRESENTED TO THE FUNERAL DIRECTOR.**

**(3) ~~UNLESS FINAL DISPOSITION HAS ALREADY OCCURRED, A~~ A PERSON WHOSE RIGHT OF DISPOSITION WAS FORFEITED UNDER PARAGRAPH ~~(2)(III)~~ **(2)(II)** OF THIS SUBSECTION SHALL HAVE THE RIGHT RESTORED, IF:**

**(I) THE CRIMINAL CHARGES ARE DISMISSED; OR**

**(II) THE PERSON IS ACQUITTED OF THE CRIMINAL CHARGES.**

**(4) A PERSON MAY WAIVE THE RIGHT OF FINAL DISPOSITION OF THE BODY OF A DECEDENT UNDER SUBSECTION (C) OF THIS SECTION AND THE RIGHT SHALL PASS TO THE NEXT QUALIFYING PERSON, IF:**

**(I) THE PERSON WAIVES THE RIGHT OF DISPOSITION IN WRITING; AND**

**(II) THE WRITING IS SUBMITTED TO THE PRACTITIONER OR FUNERAL ESTABLISHMENT.**

**(5) A PRACTITIONER OR FUNERAL ESTABLISHMENT MAY NOT BE HELD CIVILLY LIABLE FOR ACTING IN RELIANCE ON THIS SUBSECTION.**

### **Article – Health Occupations**

7-410.

(c) Unless a person has knowledge that contrary directions have been given by the decedent, if a decedent has not executed a document under subsection (a) of this section, the following persons, in the order of priority stated, have the right to arrange for the final disposition of the body of the decedent under this section and are liable for the reasonable costs of preparation, care, and disposition of the decedent:

(1) The surviving spouse or domestic partner, as defined in § 1-101 of the Health – General Article, of the decedent;

(2) An adult child of the decedent;

(3) A parent of the decedent;

(4) An adult brother or sister of the decedent;

**(5) AN ADULT GRANDCHILD OF THE DECEDENT;**

~~(5)~~ **(6)** A person acting as a representative of the decedent under a signed authorization of the decedent;

~~(6)~~ **(7)** The guardian of the person of the decedent at the time of the decedent's death, if a guardian has been appointed; or

~~(7)~~ **(8)** In the absence of any person under items (1) through ~~(6)~~ **(7)** of this subsection, any other person willing to assume the responsibility to act as the authorizing agent for purposes of arranging the final disposition of the decedent's body, including the personal representative of the decedent's estate, after attesting in writing that a good faith effort has been made to no avail to contact the persons described in items (1) through ~~(6)~~ **(7)** of this subsection.

*(d) (1) Subject to paragraph (2) of this subsection, if a decedent has more than one survivor under subsection (c)(1) through ~~[(4)] (5)~~ of this section, any adult child, parent, ~~[or] adult brother or sister, OR ADULT GRANDCHILD~~ of the decedent who confirms in writing to a licensee that all of the other members of the same class have been notified may serve as the authorizing agent unless the licensee receives a written objection from another member of that class.*

*(2) If a decedent has more than one survivor under subsection (c)(1) through ~~[(4)] (5)~~ of this section, the majority of a class may serve as the authorizing agent.*

**(G) (1) THIS SUBSECTION MAY NOT BE CONSTRUED TO REQUIRE A LICENSED MORTICIAN, LICENSED FUNERAL DIRECTOR, OR LICENSED FUNERAL ESTABLISHMENT TO MAKE ANY NOTIFICATION REGARDING THE RIGHT OF FINAL DISPOSITION OF THE BODY OF A DECEDENT.**

**(2) A PERSON SHALL FORFEIT THE RIGHT OF FINAL DISPOSITION OF THE BODY OF A DECEDENT UNDER SUBSECTION (C) OF THIS SECTION AND THE RIGHT SHALL PASS TO THE NEXT QUALIFYING PERSON, IF THE PERSON:**

**(I) DOES NOT EXERCISE THE RIGHT OF DISPOSITION WITHIN ~~3~~ 7 DAYS AFTER NOTIFICATION BY A FUNERAL ESTABLISHMENT OF THE DEATH OF THE DECEDENT, OR WITHIN ~~4~~ 10 DAYS AFTER THE DECEDENT'S DEATH, WHICHEVER IS EARLIER;**

**~~(H) IS THE SPOUSE OF THE DECEDENT AND A PETITION TO DISSOLVE THE MARRIAGE IS PENDING IN A COURT AT THE TIME OF THE DECEDENT'S DEATH; OR~~**

~~(H)~~ **(II)** SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IS CHARGED WITH FIRST- OR SECOND-DEGREE MURDER OR VOLUNTARY MANSLAUGHTER IN CONNECTION WITH THE DECEDENT'S DEATH AND THE CHARGES ARE KNOWN TO THE FUNERAL DIRECTOR; OR

**(III)** IS THE SUBJECT OF AN ACTIVE INTERIM, TEMPORARY, OR FINAL PROTECTIVE ORDER AND THE DECEDENT WAS A PERSON ELIGIBLE FOR RELIEF, AS DEFINED UNDER § 4-501 OF THE FAMILY LAW ARTICLE, UNDER THE ORDER AND A COPY OF THE ORDER IS PRESENTED TO THE FUNERAL DIRECTOR.

**(3)** ~~UNLESS FINAL DISPOSITION HAS ALREADY OCCURRED, A~~ **A** PERSON WHOSE RIGHT OF DISPOSITION WAS FORFEITED UNDER PARAGRAPH ~~(2)(H)~~ **(2)(II)** OF THIS SUBSECTION SHALL HAVE THE RIGHT RESTORED, IF:

**(I)** THE CRIMINAL CHARGES ARE DISMISSED; OR

**(II)** THE PERSON IS ACQUITTED OF THE CRIMINAL CHARGES.

**(4)** A PERSON MAY WAIVE THE RIGHT OF FINAL DISPOSITION OF THE BODY OF A DECEDENT UNDER SUBSECTION (C) OF THIS SECTION AND THE RIGHT SHALL PASS TO THE NEXT QUALIFYING PERSON, IF:

**(I)** THE PERSON WAIVES THE RIGHT OF DISPOSITION IN WRITING; AND

**(II)** THE WRITING IS SUBMITTED TO THE PRACTITIONER OR FUNERAL ESTABLISHMENT.

**(5)** A LICENSED MORTICIAN, LICENSED FUNERAL DIRECTOR, OR LICENSED FUNERAL ESTABLISHMENT MAY NOT BE HELD CIVILLY LIABLE FOR ACTING IN RELIANCE ON THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.

---

## Chapter 233

(Senate Bill 146)

## Commercial Driver's Licenses – Recognition, Prevention, and Reporting of Human Trafficking

FOR the purpose of ~~requiring the Motor Vehicle Administration to include questions on the recognition, prevention, and effective reporting of human trafficking as part of the commercial driver's license knowledge test;~~ requiring commercial driver's license training schools to include training on the recognition, prevention, and effective reporting of human trafficking as part of the curriculum; requiring the Administration to include content on the recognition, prevention, and effective reporting of human trafficking in its Commercial Driver's License Manual; requiring the Administration to provide ~~content~~ *information* on the recognition, prevention, and effective reporting of human trafficking from the Manual to applicants renewing their commercial driver's licenses; and generally relating to commercial driver's licenses.

~~BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 16–807(b)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)~~

BY adding to  
Article – Transportation  
Section 16–807.2  
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

~~16–807.~~

~~(b) (1) Except as provided in § 16–807.1 of this subtitle, an individual may not be issued a commercial driver's license until the individual has passed the knowledge and skill tests for driving a commercial motor vehicle which complies with the minimum federal standards established by the federal Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99–570), and has satisfied all other requirements of that act as well as any other requirements of this title.~~

~~(2) The tests shall be prescribed and conducted at the direction of the Administration AND, IN ADDITION TO FEDERAL REQUIREMENTS, SHALL INCLUDE QUESTIONS ON THE RECOGNITION, PREVENTION, AND EFFECTIVE REPORTING OF HUMAN TRAFFICKING.~~

~~(3) The Administration shall adopt regulations to waive the skill test required under paragraph (1) of this subsection in a manner consistent with 49 C.F.R. § 383.77.~~

## 16-807.2.

(A) A COMMERCIAL DRIVER'S LICENSE TRAINING SCHOOL SHALL INCLUDE AS PART OF ITS CURRICULUM EDUCATION AND TRAINING ON THE RECOGNITION, PREVENTION, AND EFFECTIVE REPORTING OF HUMAN TRAFFICKING.

(B) THE ADMINISTRATION SHALL:

(1) INCLUDE AS PART OF ITS COMMERCIAL DRIVER'S LICENSE MANUAL CONTENT ON THE RECOGNITION, PREVENTION, AND EFFECTIVE REPORTING OF HUMAN TRAFFICKING; AND

(2) ~~ON REQUEST, PROVIDE~~ PROVIDE TO AN APPLICANT RENEWING A COMMERCIAL DRIVER'S LICENSE ~~CONTENT~~ INFORMATION FROM THE MANUAL ON THE RECOGNITION, PREVENTION, AND EFFECTIVE REPORTING OF HUMAN TRAFFICKING.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.

---

## Chapter 234

(Senate Bill 532)

AN ACT concerning

### Insurance – Formation of Domestic Insurers – Number of Directors

FOR the purpose of reducing the minimum number of members that a certain type of domestic insurance company is required to have on its board of directors; and generally relating to the formation of a domestic insurance company.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 3-103

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**

3–103.

(a) A domestic insurer may be formed for insurance purposes under Title 2 of the Corporations and Associations Article.

(b) A domestic insurer may be formed either as a mutual insurer or stock insurer, as stated in its articles of incorporation.

(c) (1) Each policyholder of a domestic mutual insurer, other than a holder of a reinsurance contract, is a member of the mutual insurer, with each right and obligation of membership.

(2) Each policy shall state the provisions of paragraph (1) of this subsection.

(3) Any person, government, governmental unit, state, or political subdivision may be a member of a domestic, foreign, or alien mutual insurer.

(4) An officer, stockholder, trustee, or legal representative of a member:

(i) may be recognized as acting in a representative capacity for or on behalf of the member for the purpose of the membership; and

(ii) is not personally liable on the insurance contract for acting in that representative capacity.

(5) A Maryland corporation may participate as a member of a mutual insurer incidentally to the purpose for which the corporation is organized.

(d) (1) Each member of a domestic mutual insurer is entitled to one vote, or to the number of votes the bylaws provide, based on:

(i) the insurance in force;

(ii) the number of policies held; or

(iii) the amount of premium paid.

(2) Only the policyholder under a group policy is a member of the mutual insurer and is entitled to vote at the meetings of the mutual insurer.

(e) **(1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**

SUBSECTION, THE board of directors of a domestic insurer shall have at least nine members.

**(2) THE BOARD OF DIRECTORS OF A DOMESTIC FINANCIAL GUARANTY INSURANCE COMPANY THAT IS PROHIBITED FROM ISSUING NEW POLICIES OF FINANCIAL GUARANTY INSURANCE SHALL HAVE AT LEAST FIVE MEMBERS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 235

(Senate Bill 643)

AN ACT concerning

### Criminal Procedure – Forfeiture Proceeds – Appropriation Percentage and Reporting

FOR the purpose of altering the percentage of proceeds the Governor is required to appropriate to the Maryland Department of Health from certain proceeds deposited in the General Fund from certain forfeitures for the purpose of funding drug treatment and education programs; requiring the Governor’s Office of Crime Control and Prevention (GOCCP) to include in a certain report to the Governor and the General Assembly the total amount deposited in the General Fund from certain forfeitures and how the funds were spent; and generally relating to forfeitures.

BY repealing and reenacting, with amendments,  
 Article – Criminal Procedure  
 Section 12–405 and 12–602(f)  
 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

12–405.

Notwithstanding any other provision of law, the Governor shall appropriate [20%]

100% of the proceeds deposited in the General Fund of the State under this subtitle to the Maryland Department of Health for the purpose of funding drug treatment and education programs.

12–602.

(f) (1) **GOCCP SHALL INCLUDE IN THE AGGREGATE REPORT THE TOTAL AMOUNT FROM FORFEITURES DEPOSITED IN THE GENERAL FUND OF THE STATE UNDER § 12–405 OF THIS TITLE THAT WERE APPROPRIATED TO THE MARYLAND DEPARTMENT OF HEALTH FOR THE PURPOSE OF FUNDING DRUG TREATMENT AND EDUCATION PROGRAMS AND HOW THE FUNDS WERE SPENT.**

(2) GOCCP may include, with the aggregate report of MSAC, recommendations to the legislature to improve forfeiture statutes to better ensure that forfeiture proceedings are reported and handled in a manner that is fair to crime victims, innocent property owners, secured interest holders, citizens, and taxpayers.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 236

(House Bill 28)

AN ACT concerning

### **Natural Resources – Shellfish Nursery Operations – Wetlands License Requirements**

FOR the purpose of exempting under certain circumstances certain activities and the use of certain equipment associated with a shellfish nursery operation from the requirement to obtain certain licenses or permits from the Department of the Environment or the Board of Public Works; establishing that the use of certain equipment that is attached to a pier and associated with a shellfish nursery operation is not included as a nonwater–dependent project for the purposes of the requirement to obtain a State or tidal wetlands license; providing that the installation of certain equipment that is attached to a pier for the cultivation of shellfish seed under a certain permit is a lawful use on private wetlands; altering the criteria for determining persons eligible for a shellfish nursery permit and locations where a shellfish nursery may be established; altering a certain definition; defining a certain term; and generally relating to wetlands license requirements for shellfish nursery operations.

BY repealing and reenacting, without amendments,  
 Article – Environment  
 Section 16–101(a), 16–104(b)(1) and (2), and 16–202(a)  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Environment  
 Section 16–101(i) ~~and 16–202(h)~~, 16–202(h), and 16–304  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Natural Resources  
 Section 4–11A–23  
 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 – Environment

16–101.

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

(i) (1) “Nonwater–dependent project” means a temporary or permanent structure that, by reason of its intrinsic nature, use, or operation, does not require location in, on, or over State or private wetlands.

(2) “Nonwater–dependent project” includes:

- (i) A dwelling unit on a pier;
- (ii) A restaurant, a shop, an office, or any other commercial building or use on a pier;
- (iii) A temporary or permanent roof or covering on a pier;
- (iv) A pier used to support a nonwater–dependent use; and
- (v) A small–scale renewable energy system on a pier, including:
  - 1. A solar energy system and its photovoltaic cells, solar panels, or other necessary equipment;

2. A geothermal energy system and its geothermal heat exchanger or other necessary equipment; and

3. A wind energy system and its wind turbine, tower, base, or other necessary equipment.

(3) “Nonwater–dependent project” does not include:

(i) A fuel pump or other fuel–dispensing equipment on a pier;

(ii) A sanitary sewage pump or other wastewater removal equipment on a pier; [or]

**(III) A PUMP, A PIPE, OR ANY OTHER EQUIPMENT ATTACHED TO A PIER AND ASSOCIATED WITH A SHELLFISH NURSERY OPERATION UNDER A PERMIT ISSUED BY THE DEPARTMENT OF NATURAL RESOURCES UNDER § 4–11A–23 OF THE NATURAL RESOURCES ARTICLE; OR**

[(iii)] **(IV)** An office on a pier for managing marina operations, including monitoring vessel traffic, registering vessels, providing docking services, and housing electrical or emergency equipment related to marina operations.

16–104.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection and notwithstanding any other provision of law, the Board of Public Works may not issue a license to authorize a nonwater–dependent project located on State wetlands.

(2) The Board of Public Works may issue a license to authorize a nonwater–dependent project located on State wetlands if the project:

(i) 1. Involves a commercial activity that is permitted as a secondary or accessory use to a permitted primary commercial use;

2. Is not located on a pier that is attached to residentially, institutionally, or industrially used property;

3. Avoids and minimizes impacts to State or private wetlands and other aquatic resources;

4. Is located in:

A. An intensely developed area and the project is authorized under a program amendment to a local jurisdiction’s critical area program approved on or after July 1, 2013, if the approved program amendment includes necessary changes to the

local jurisdiction's zoning, subdivision, and other ordinances so as to be consistent with or more restrictive than the requirements provided under this paragraph; or

B. An area that has been excluded from a local critical area program if the exclusion has been adopted or approved by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays;

5. Is approved by the local planning and zoning authorities after the local jurisdiction's program amendment under item 4A of this item, if applicable, has been approved;

6. Allows or enhances public access to State wetlands;

7. Does not expand beyond the length, width, or channelward encroachment of the pier on which the project is constructed;

8. Has a height of up to 18 feet unless the project is located at a marina and the Secretary recommends additional height;

9. Is up to 1,000 square feet in total area;

10. Is not located in, on, or over vegetated tidal wetlands, submerged aquatic vegetation, a natural oyster bar, a public shellfish fishery area, a Yates Bar, or an area with rare, threatened, or endangered species or species in need of conservation; and

11. Does not adversely impact a fish spawning or nursery area or an historic waterfowl staging area; or

(ii) 1. Is located on a pier that was in existence on or before December 31, 2012;

2. Satisfies all of the requirements under item (i)1 through 8 of this paragraph; and

3. If applicable, has a temporary or permanent roof or covering that is up to 1,000 square feet in total area.

16–202.

(a) A person may not dredge or fill on State wetlands without a license.

(h) The provisions of this section do not apply to any operation for:

(1) Dredging and filling being conducted as of July 1, 1970, as authorized under the terms of an appropriate permit or license granted under the provisions of existing State and federal law;

(2) Dredging of seafood products by any licensed operator, harvesting of seaweed, or mosquito control and abatement as approved by the Department of Agriculture;

(3) Improvement of wildlife habitat or agricultural drainage ditches as approved by an appropriate unit;

(4) Routine maintenance or repair of existing bulkheads, provided that there is no addition or channelward encroachment; [or]

(5) Aquaculture activities occurring under a lease issued by the Department of Natural Resources under Title 4, Subtitle 11A of the Natural Resources Article; OR

**(6) INSTALLING A PUMP, A PIPE, OR ANY OTHER EQUIPMENT ATTACHED TO A PIER FOR THE CULTIVATION OF SHELLFISH SEED IN A SHELLFISH NURSERY UNDER A PERMIT ISSUED BY THE DEPARTMENT OF NATURAL RESOURCES UNDER § 4-11A-23 OF THE NATURAL RESOURCES ARTICLE, PROVIDED THAT THE PUMP, PIPE, OR OTHER EQUIPMENT DOES NOT REQUIRE INCREASING THE LENGTH, WIDTH, OR CHANNELWARD ENCROACHMENT OF THE PIER.**

16-304.

Notwithstanding any regulation adopted by the Secretary to protect private wetlands, the following uses are lawful on private wetlands:

(1) Conservation of soil, vegetation, water, fish, shellfish, and wildlife;

(2) Trapping, hunting, fishing, and catching shellfish, if otherwise legally permitted;

(3) Exercise of riparian rights to improve land bounding on navigable water, to preserve access to the navigable water, or to protect the shore against erosion;

(4) Reclamation of fast land owned by a natural person and lost during the person's ownership of the land by erosion or avulsion to the extent of provable preexisting boundaries. The right to reclaim lost fast land relates only to fast land lost after January 1, 1972. The burden of proof that the loss occurred after this date is on the owner of the land; [and]

(5) Routine maintenance and repair of existing bulkheads, provided that there is no addition or channelward encroachment; AND

**(6) INSTALLING A PUMP, A PIPE, OR ANY OTHER EQUIPMENT ATTACHED TO A PIER FOR THE CULTIVATION OF SHELLFISH SEED IN A SHELLFISH NURSERY UNDER A PERMIT ISSUED BY THE DEPARTMENT OF NATURAL RESOURCES**

**UNDER § 4-11A-23 OF THE NATURAL RESOURCES ARTICLE, PROVIDED THAT THE PUMP, PIPE, OR OTHER EQUIPMENT DOES NOT REQUIRE INCREASING THE LENGTH, WIDTH, OR CHANNELWARD ENCROACHMENT OF THE PIER.**

**Article – Natural Resources**

4-11A-23.

(a) **(1)** In this section[, “permit”] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2)** **“PERMIT”** means a shellfish nursery permit.

**(3)** **“PIER” HAS THE MEANING STATED IN § 16-101 OF THE ENVIRONMENT ARTICLE.**

(b) A person may not engage in the commercial rearing of shellfish seed outside an area leased under this subtitle without first obtaining a permit from the Department.

(c) For a shellfish nursery to be located on land, the Department may issue a permit only to the owner or legal tenant of the property or to a person with the permission of the property owner.

(d) **(1)** For a shellfish nursery to be located in waters of the State outside a leased area, the Department may issue a permit only:

(i) To the owner of a [wharf] **PIER** or other structure constructed on or about the water and approved by the U.S. Army Corps of Engineers, or to a person with the permission of the owner of the [wharf] **PIER** or other structure; and

(ii) For the cultivation of shellfish seed within 20 feet of the [wharf] **PIER** or other structure, in an area of water not exceeding 200 square feet.

**(2)** A person is not required to obtain a water column lease or a submerged land lease for a permitted in-water shellfish nursery operation.

**(3)** Shellfish nursery products are exempt from water quality classifications and restrictions established by the Department of the Environment under the National Shellfish Sanitation Program.

**(4)** **A PERSON CULTIVATING SHELLFISH SEED USING A PUMP, A PIPE, OR ANY OTHER EQUIPMENT ATTACHED TO A PIER IN ACCORDANCE WITH A PERMIT ISSUED UNDER THIS SECTION IS NOT REQUIRED TO OBTAIN A TIDAL WETLANDS LICENSE OR PERMIT FROM THE DEPARTMENT OF THE ENVIRONMENT OR A STATE WETLANDS LICENSE FROM THE BOARD OF PUBLIC WORKS UNDER TITLE 16 OF THE**

**ENVIRONMENT ARTICLE, PROVIDED THAT THE PUMP, PIPE, OR OTHER EQUIPMENT DOES NOT REQUIRE INCREASING THE LENGTH, WIDTH, OR CHANNELWARD ENCROACHMENT OF THE PIER.**

(e) (1) To obtain a permit, a person shall:

(i) Complete and submit an application to the Department on a form prescribed by the Department; and

(ii) Pay a nonrefundable application fee established by the Department in consultation with the Aquaculture Coordinating Council.

(2) The application fee may not exceed the cost of processing the permit.

(f) The Department may, as it considers necessary to protect the public health, safety, and welfare:

(1) Deny a permit application for reasonable cause; or

(2) Include conditions in a permit.

(g) (1) The term of a shellfish nursery permit is 5 years.

(2) The Department may revoke or suspend a permit issued under this section at any time for noncompliance with the requirements of this section, regulations adopted under this section, or the conditions of the permit.

(h) A permit holder shall allow the Department to inspect at reasonable hours any facilities, equipment, or shellfish that are part of the permit holder's shellfish nursery operations.

(i) The Department may 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 30, 2019.**

---

**Chapter 237**

**(Senate Bill 939)**

AN ACT concerning

**Natural Resources – Shellfish Nursery Operations – Wetlands License  
Requirements**

FOR the purpose of exempting under certain circumstances certain activities and the use of certain equipment associated with a shellfish nursery operation from the requirement to obtain certain licenses or permits from the Department of the Environment or the Board of Public Works; establishing that the use of certain equipment that is attached to a pier and associated with a shellfish nursery operation is not included as a nonwater-dependent project for the purposes of the requirement to obtain a State or tidal wetlands license; providing that the installation of certain equipment that is attached to a pier for the cultivation of shellfish seed under a certain permit is a lawful use on private wetlands; altering the criteria for determining persons eligible for a shellfish nursery permit and locations where a shellfish nursery may be established; altering a certain definition; defining a certain term; and generally relating to wetlands license requirements for shellfish nursery operations.

BY repealing and reenacting, without amendments,  
 Article – Environment  
 Section 16–101(a), 16–104(b)(1) and (2), and 16–202(a)  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Environment  
 Section 16–101(i) ~~and 16–202(h)~~, 16–202(h), and 16–304  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Natural Resources  
 Section 4–11A–23  
 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 – Environment**

16–101.

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

(i) (1) “Nonwater-dependent project” means a temporary or permanent structure that, by reason of its intrinsic nature, use, or operation, does not require location in, on, or over State or private wetlands.

- (2) “Nonwater–dependent project” includes:
- (i) A dwelling unit on a pier;
  - (ii) A restaurant, a shop, an office, or any other commercial building or use on a pier;
  - (iii) A temporary or permanent roof or covering on a pier;
  - (iv) A pier used to support a nonwater–dependent use; and
  - (v) A small–scale renewable energy system on a pier, including:
    - 1. A solar energy system and its photovoltaic cells, solar panels, or other necessary equipment;
    - 2. A geothermal energy system and its geothermal heat exchanger or other necessary equipment; and
    - 3. A wind energy system and its wind turbine, tower, base, or other necessary equipment.

- (3) “Nonwater–dependent project” does not include:
- (i) A fuel pump or other fuel–dispensing equipment on a pier;
  - (ii) A sanitary sewage pump or other wastewater removal equipment on a pier; [or]

**(III) A PUMP, A PIPE, OR ANY OTHER EQUIPMENT ATTACHED TO A PIER AND ASSOCIATED WITH A SHELLFISH NURSERY OPERATION UNDER A PERMIT ISSUED BY THE DEPARTMENT OF NATURAL RESOURCES UNDER § 4–11A–23 OF THE NATURAL RESOURCES ARTICLE; OR**

**[(iii)] (IV)** An office on a pier for managing marina operations, including monitoring vessel traffic, registering vessels, providing docking services, and housing electrical or emergency equipment related to marina operations.

16–104.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection and notwithstanding any other provision of law, the Board of Public Works may not issue a license to authorize a nonwater–dependent project located on State wetlands.

(2) The Board of Public Works may issue a license to authorize a nonwater-dependent project located on State wetlands if the project:

- (i) 1. Involves a commercial activity that is permitted as a secondary or accessory use to a permitted primary commercial use;
2. Is not located on a pier that is attached to residentially, institutionally, or industrially used property;
3. Avoids and minimizes impacts to State or private wetlands and other aquatic resources;
4. Is located in:
  - A. An intensely developed area and the project is authorized under a program amendment to a local jurisdiction's critical area program approved on or after July 1, 2013, if the approved program amendment includes necessary changes to the local jurisdiction's zoning, subdivision, and other ordinances so as to be consistent with or more restrictive than the requirements provided under this paragraph; or
  - B. An area that has been excluded from a local critical area program if the exclusion has been adopted or approved by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays;
5. Is approved by the local planning and zoning authorities after the local jurisdiction's program amendment under item 4A of this item, if applicable, has been approved;
6. Allows or enhances public access to State wetlands;
7. Does not expand beyond the length, width, or channelward encroachment of the pier on which the project is constructed;
8. Has a height of up to 18 feet unless the project is located at a marina and the Secretary recommends additional height;
9. Is up to 1,000 square feet in total area;
10. Is not located in, on, or over vegetated tidal wetlands, submerged aquatic vegetation, a natural oyster bar, a public shellfish fishery area, a Yates Bar, or an area with rare, threatened, or endangered species or species in need of conservation; and
11. Does not adversely impact a fish spawning or nursery area or an historic waterfowl staging area; or

- (ii) 1. Is located on a pier that was in existence on or before December 31, 2012;
2. Satisfies all of the requirements under item (i)1 through 8 of this paragraph; and
3. If applicable, has a temporary or permanent roof or covering that is up to 1,000 square feet in total area.

16–202.

(a) A person may not dredge or fill on State wetlands without a license.

(h) The provisions of this section do not apply to any operation for:

(1) Dredging and filling being conducted as of July 1, 1970, as authorized under the terms of an appropriate permit or license granted under the provisions of existing State and federal law;

(2) Dredging of seafood products by any licensed operator, harvesting of seaweed, or mosquito control and abatement as approved by the Department of Agriculture;

(3) Improvement of wildlife habitat or agricultural drainage ditches as approved by an appropriate unit;

(4) Routine maintenance or repair of existing bulkheads, provided that there is no addition or channelward encroachment; [or]

(5) Aquaculture activities occurring under a lease issued by the Department of Natural Resources under Title 4, Subtitle 11A of the Natural Resources Article; **OR**

**(6) INSTALLING A PUMP, A PIPE, OR ANY OTHER EQUIPMENT ATTACHED TO A PIER FOR THE CULTIVATION OF SHELLFISH SEED IN A SHELLFISH NURSERY UNDER A PERMIT ISSUED BY THE DEPARTMENT OF NATURAL RESOURCES UNDER § 4–11A–23 OF THE NATURAL RESOURCES ARTICLE, PROVIDED THAT THE PUMP, PIPE, OR OTHER EQUIPMENT DOES NOT REQUIRE INCREASING THE LENGTH, WIDTH, OR CHANNELWARD ENCROACHMENT OF THE PIER.**

16–304.

Notwithstanding any regulation adopted by the Secretary to protect private wetlands, the following uses are lawful on private wetlands:

(1) Conservation of soil, vegetation, water, fish, shellfish, and wildlife;

(2) Trapping, hunting, fishing, and catching shellfish, if otherwise legally permitted;

(3) Exercise of riparian rights to improve land bounding on navigable water, to preserve access to the navigable water, or to protect the shore against erosion;

(4) Reclamation of fast land owned by a natural person and lost during the person's ownership of the land by erosion or avulsion to the extent of provable preexisting boundaries. The right to reclaim lost fast land relates only to fast land lost after January 1, 1972. The burden of proof that the loss occurred after this date is on the owner of the land; [and]

(5) Routine maintenance and repair of existing bulkheads, provided that there is no addition or channelward encroachment; AND

**(6) INSTALLING A PUMP, A PIPE, OR ANY OTHER EQUIPMENT ATTACHED TO A PIER FOR THE CULTIVATION OF SHELLFISH SEED IN A SHELLFISH NURSERY UNDER A PERMIT ISSUED BY THE DEPARTMENT OF NATURAL RESOURCES UNDER § 4-11A-23 OF THE NATURAL RESOURCES ARTICLE, PROVIDED THAT THE PUMP, PIPE, OR OTHER EQUIPMENT DOES NOT REQUIRE INCREASING THE LENGTH, WIDTH, OR CHANNELWARD ENCROACHMENT OF THE PIER.**

#### Article – Natural Resources

4-11A-23.

(a) (1) In this section[, “permit”] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) **“PERMIT”** means a shellfish nursery permit.

(3) **“PIER”** HAS THE MEANING STATED IN § 16-101 OF THE ENVIRONMENT ARTICLE.

(b) A person may not engage in the commercial rearing of shellfish seed outside an area leased under this subtitle without first obtaining a permit from the Department.

(c) For a shellfish nursery to be located on land, the Department may issue a permit only to the owner or legal tenant of the property or to a person with the permission of the property owner.

(d) (1) For a shellfish nursery to be located in waters of the State outside a leased area, the Department may issue a permit only:

(i) To the owner of a [wharf] PIER or other structure constructed on or about the water and approved by the U.S. Army Corps of Engineers, or to a person with the permission of the owner of the [wharf] PIER or other structure; and

(ii) For the cultivation of shellfish seed within 20 feet of the [wharf] PIER or other structure, in an area of water not exceeding 200 square feet.

(2) A person is not required to obtain a water column lease or a submerged land lease for a permitted in-water shellfish nursery operation.

(3) Shellfish nursery products are exempt from water quality classifications and restrictions established by the Department of the Environment under the National Shellfish Sanitation Program.

**(4) A PERSON CULTIVATING SHELLFISH SEED USING A PUMP, A PIPE, OR ANY OTHER EQUIPMENT ATTACHED TO A PIER IN ACCORDANCE WITH A PERMIT ISSUED UNDER THIS SECTION IS NOT REQUIRED TO OBTAIN A TIDAL WETLANDS LICENSE OR PERMIT FROM THE DEPARTMENT OF THE ENVIRONMENT OR A STATE WETLANDS LICENSE FROM THE BOARD OF PUBLIC WORKS UNDER TITLE 16 OF THE ENVIRONMENT ARTICLE, PROVIDED THAT THE PUMP, PIPE, OR OTHER EQUIPMENT DOES NOT REQUIRE INCREASING THE LENGTH, WIDTH, OR CHANNELWARD ENCROACHMENT OF THE PIER.**

(e) (1) To obtain a permit, a person shall:

(i) Complete and submit an application to the Department on a form prescribed by the Department; and

(ii) Pay a nonrefundable application fee established by the Department in consultation with the Aquaculture Coordinating Council.

(2) The application fee may not exceed the cost of processing the permit.

(f) The Department may, as it considers necessary to protect the public health, safety, and welfare:

(1) Deny a permit application for reasonable cause; or

(2) Include conditions in a permit.

(g) (1) The term of a shellfish nursery permit is 5 years.

(2) The Department may revoke or suspend a permit issued under this section at any time for noncompliance with the requirements of this section, regulations adopted under this section, or the conditions of the permit.

(h) A permit holder shall allow the Department to inspect at reasonable hours any facilities, equipment, or shellfish that are part of the permit holder's shellfish nursery operations.

(i) The Department may 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 30, 2019.**

---

## Chapter 238

(House Bill 841)

AN ACT concerning

### **Aquaculture – Submerged Aquatic Vegetation – Placement of Shellfish, Bags, Nets, and Structures**

FOR the purpose of authorizing a leaseholder of certain aquaculture leases to, with prior written approval from the Department of Natural Resources, place shellfish, bags, nets, and structures on submerged aquatic vegetation, subject to certain requirements and limitations; requiring the Department to submit a certain annual report to the Aquaculture Coordinating Council, the Chesapeake Bay Program, and the General Assembly on or before a certain date for a certain period of time; providing for the termination of this Act; and generally relating to aquaculture leases and submerged aquatic vegetation.

BY repealing and reenacting, with amendments,

Article – Natural Resources  
Section 4–11A–10(c)  
Annotated Code of Maryland  
(2018 Replacement Volume)

BY adding to

Article – Natural Resources  
Section 4–11A–10(c–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 – Natural Resources**

4-11A-10.

(c) A leaseholder may not:

- (1) Place shellfish, bags, nets, or structures on submerged aquatic vegetation **WITHOUT PRIOR WRITTEN APPROVAL FROM THE DEPARTMENT**;
- (2) Plant or harvest shellfish within 500 yards of any stationary blind or blind site that is occupied and being used for hunting migratory waterfowl;
- (3) Sublease a lease;
- (4) Transfer a lease without the approval of the Department;
- (5) Harvest shellfish between the hours of sunset and sunrise; or
- (6) Place unlawfully harvested oysters on a lease.

**(C-1) IN APPROVING THE PLACEMENT OF SHELLFISH, BAGS, NETS, OR STRUCTURES ON SUBMERGED AQUATIC VEGETATION UNDER SUBSECTION (C)(1) OF THIS SECTION, THE DEPARTMENT:**

**(1) MAY NOT AUTHORIZE HARVESTING BY DREDGE IN AREAS WHERE SUBMERGED AQUATIC VEGETATION IS PRESENT;**

**(2) SHALL AUTHORIZE FOR WATER COLUMN LEASES THE PLACEMENT OF SHELLFISH, BAGS, NETS, OR STRUCTURES IN AT LEAST 10% OF THE AREA WHERE SUBMERGED AQUATIC VEGETATION IS PRESENT; AND**

**(3) SHALL AUTHORIZE HARVEST BY DIVING IN AREAS ON ANY SUBMERGED LAND LEASE WHERE SUBMERGED AQUATIC VEGETATION IS PRESENT.**

SECTION 2. AND BE IT FURTHER ENACTED, That on or before June 1, 2020, and each June 1 for the next 4 years thereafter, the Department of Natural Resources shall report to the Aquaculture Coordinating Council, the Chesapeake Bay Program, and, in accordance with § 2-1246 of the State Government Article, the General Assembly on:

(1) the ~~impact~~ farm-level and cumulative impacts that placing shellfish, bags, nets, or structures on submerged aquatic vegetation ~~without~~ with prior written approval from the Department has had on submerged aquatic vegetation and leaseholders;

(2) the number of leases that have submerged aquatic vegetation present in the lease area and the species, density, and aerial extent of submerged aquatic vegetation in those leases; ~~and~~

(3) characteristics of gear types and the nature and frequency of aquaculture practices used on leases where submerged aquatic vegetation is present; and

(4) any other information the Department considers necessary.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019. It shall remain effective for a period of 5 years and 1 month and, at the end of June 30, 2024, 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 30, 2019.**

---

## Chapter 239

(Senate Bill 292)

AN ACT concerning

### Property Tax Credit – Public Safety Officer – Definition

FOR the purpose of altering the definition of “public safety officer” to include certain volunteer emergency medical technicians for purposes of a certain property tax credit; providing for the application of this Act; and generally relating to the definition of a public safety officer.

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 9–260

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

9–260.

(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) “Public safety officer” means:

(i) a firefighter, an emergency medical technician, a correctional

officer, a police officer, or a deputy sheriff employed full time by a public safety agency in the county or municipal corporation where the individual resides; or

(ii) a volunteer firefighter **OR A VOLUNTEER EMERGENCY MEDICAL TECHNICIAN** for a public safety agency in the county or municipal corporation where the individual resides.

(b) 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 a dwelling located in the county or municipal corporation that is owned by a public safety officer if the public safety officer is otherwise eligible for the credit authorized under § 9–105 of this title.

(c) In any taxable year, the credit under this section may not exceed the lesser of:

- (1) \$2,500 per dwelling; or
- (2) the amount of property tax imposed on the dwelling.

(d) The governing body of a county or a municipal corporation may establish, by law:

- (1) subject to subsection (c) of this section, the amount of the credit under this section;
- (2) the duration of the credit;
- (3) additional eligibility requirements for public safety officers to qualify for the credit;
- (4) procedures for the application and uniform processing of requests for the credit; and
- (5) any other provisions necessary to carry out this section.

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 30, 2019.**

---

## Chapter 240

**(House Bill 477)**

AN ACT concerning

**Property Tax Credit – Public Safety Officer – Definition**

FOR the purpose of altering the definition of “public safety officer” to include certain volunteer emergency medical technicians for purposes of a certain property tax credit; providing for the application of this Act; and generally relating to the definition of a public safety officer.

BY repealing and reenacting, with amendments,  
Article – Tax – Property  
Section 9–260  
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**

9–260.

(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) “Public safety officer” means:

(i) a firefighter, an emergency medical technician, a correctional officer, a police officer, or a deputy sheriff employed full time by a public safety agency in the county or municipal corporation where the individual resides; or

(ii) a volunteer firefighter **OR A VOLUNTEER EMERGENCY MEDICAL TECHNICIAN** for a public safety agency in the county or municipal corporation where the individual resides.

(b) 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 a dwelling located in the county or municipal corporation that is owned by a public safety officer if the public safety officer is otherwise eligible for the credit authorized under § 9–105 of this title.

(c) In any taxable year, the credit under this section may not exceed the lesser of:

(1) \$2,500 per dwelling; or

(2) the amount of property tax imposed on the dwelling.

(d) The governing body of a county or a municipal corporation may establish, by law:

(1) subject to subsection (c) of this section, the amount of the credit under this section;

(2) the duration of the credit;

(3) additional eligibility requirements for public safety officers to qualify for the credit;

(4) procedures for the application and uniform processing of requests for the credit; and

(5) any other provisions necessary to carry out this section.

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 30, 2019.**

---

## Chapter 241

### (House Bill 1350)

AN ACT concerning

#### **Property Tax Assessments – Conservation Property – Alteration of Definition**

FOR the purpose of altering the definition of “conservation property” for property tax assessment purposes to include certain land subject to a perpetual conservation easement; providing for the application of this Act; and generally relating to the assessment of conservation property in Maryland.

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 8–209.1

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 – Tax – Property**

8-209.1.

[(a) In this section:

(1) subject to item (2) of this subsection, “conservation property” has the meaning stated in § 9-107 of this article; and

(2) “conservation property” includes:

(i) land that is subject to a perpetual conservation easement that was accepted and approved by the Board of Public Works on or before June 30, 1986; and

(ii) land as to which the property tax credit under § 9-107 of this article is granted, even after the expiration of the tax credit.]

**(A) IN THIS SECTION, “CONSERVATION PROPERTY” MEANS LAND THAT IS SUBJECT TO A PERPETUAL CONSERVATION EASEMENT, INCLUDING AN EASEMENT THAT IS SOLD OR DONATED:**

**(1) ~~SOLD~~ TO THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION;**

**(2) ~~DONATED~~ TO THE MARYLAND ENVIRONMENTAL TRUST;**

**(3) TO A LAND TRUST AS DEFINED IN § 3-2A-01 OF THE NATURAL RESOURCES ARTICLE; OR**

**~~(3) (4) ~~SOLD OR DONATED~~ UNDER ANOTHER PUBLIC ~~OR PRIVATE~~ LAND CONSERVATION OR PRESERVATION PROGRAM.~~**

(b) Conservation property shall be valued at a rate equivalent to the highest rate that is used to value land that is eligible for agricultural use assessment under § 8-209 of this subtitle.

(c) Notwithstanding § 8-209(c) of this subtitle, conservation property is not required to be actively used for farm or agricultural purposes to be eligible for valuation as provided in this section.

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 30, 2019.**

---

**Chapter 242**  
**(Senate Bill 390)**

AN ACT concerning

**Natural Resources – Sunday Hunting – ~~Deer~~ St. Mary's County**

FOR the purpose of authorizing the Department of Natural Resources to allow a person to hunt ~~deer on a Sunday throughout the deer hunting season on public land designated by the Department or private property, subject to certain requirements and limitations;~~ game birds or mammals on a Sunday during the open season for that game bird or mammal on private property or certain public land in St. Mary's County under certain circumstances; and generally relating to Sunday ~~deer~~ hunting in St. Mary's County.

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section 10–410(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 – Natural Resources**

10–410.

(a) (1) Except as otherwise provided in this subsection, a person may not hunt any game bird or mammal on Sundays.

(2) The following persons may hunt the specified game birds and mammals on Sundays:

(i) A person using State certified raptors to hunt game birds or mammals during open season;

(ii) An unarmed person participating in an organized fox chase to chase foxes;

(iii) Provided that the provisions of § 10–906(b)(3) of this title are met, a person:

1. Using a regulated shooting ground under § 10–906 of this title to hunt the following pen-reared game birds:

- A. Pheasants;
- B. Bobwhite quail;
- C. Chukar partridge;
- D. Hungarian partridge;
- E. Tower released flighted mallard ducks; and
- F. Turkey on a regulated shooting ground that was permitted to release turkey before September 1, 1992; and

2. Having the written permission of the owner of the land or other person designated by the owner of the land, if the land is owned or leased by a person other than the person hunting on Sundays;

(iv) Subject to the provisions of § 10–411 of this subtitle, in Calvert, Caroline, Carroll, Charles, Dorchester, Harford, Queen Anne's, ~~St. Mary's~~, Somerset, Talbot, Wicomico, and Worcester counties, a person hunting deer on private property with a bow and arrow or crossbow during open season on the last three Sundays in October and the second Sunday in November;

(v) In Calvert County, Caroline County, Carroll County, Charles County, Dorchester County, **AND** Kent County, ~~and St. Mary's County~~, a person hunting turkey on private property on any Sunday during the spring turkey hunting season;

(vi) In Dorchester County, a person hunting turkey on public land that is designated for hunting by the Department on any Sunday during the spring turkey hunting season; and

(vii) A person hunting deer under a Deer Management Permit on any Sunday throughout the year, including all deer hunting seasons.

(3) Subject to the provisions of § 10–415 of this subtitle, in Calvert County, Caroline County, Charles County, Harford County, Queen Anne's County, ~~St. Mary's County~~, Somerset County, and Worcester County, a person may hunt deer on private property on:

- (i) The first Sunday of the bow hunting season in November; and
- (ii) Each Sunday in the deer firearms season.

(4) Provided that the provisions of § 10–415 of this subtitle are met and subject to paragraph (5) of this subsection, the Department may allow a person to hunt deer on private property on the first Sunday of:

- (i) The bow hunting season in November; and
- (ii) The deer firearms season.

(5) Subject to paragraphs (10) and (11) of this subsection, the Sunday deer hunting provisions under paragraph (4) of this subsection do not apply:

(i) In Baltimore, Howard, Kent, Montgomery, and Prince George's counties; and

(ii) In Baltimore City.

(6) (i) This paragraph applies only in Carroll County.

(ii) Subject to §§ 10–411 and 10–415 of this subtitle, the Department may allow a person to hunt deer on a Sunday on private property from the first Sunday in October through the second Sunday in January of the following year, inclusive.

(7) A person who is 16 years of age or younger may hunt deer with a firearm on a Sunday through participation in the junior deer hunt established under § 10–405(a) of this subtitle.

(8) (i) This paragraph applies only in Allegany County, Garrett County, ~~ST. MARY'S COUNTY,~~ and Washington County.

(ii) The Department may allow a person to hunt any game bird or game mammal, except migratory game birds and wetland game birds, on a Sunday during the open season for that game bird or game mammal on:

1. Private property, subject to § 10–411 of this subtitle; and
2. Public land that is designated for Sunday hunting by the

Department.

(9) (i) This paragraph applies only in Frederick County.

(ii) Subject to § 10–415 of this subtitle, the Department may allow a person to hunt deer on a Sunday from the first Sunday in October through the second Sunday in January of the following year, inclusive, on:

1. Private property, subject to § 10–411 of this subtitle; and
2. Public land that is designated for Sunday hunting by the

Department.

(10) (i) This paragraph applies only in Kent County.

(ii) Subject to §§ 10–411 and 10–415 of this subtitle and subparagraph (iii) of this paragraph, the Department may allow a person to hunt deer on a Sunday on private property throughout all deer hunting seasons.

(iii) 1. Except as provided in subparagraph 2 of this subparagraph, during firearms season, the Department may allow a person to hunt deer on a Sunday only from 30 minutes before sunrise until 10:30 a.m.

2. The time restrictions under this subparagraph do not apply:

A. To a participant in the junior deer hunt under § 10–405(a) of this subtitle; and

B. On private land only on one Sunday designated by the Department during the firearms season.

(11) (i) This paragraph applies only in Montgomery County.

(ii) Subject to § 10–415 of this subtitle, the Department may allow a person to hunt deer on a Sunday throughout the deer hunting season on private property, subject to § 10–411 of this subtitle.

(iii) 1. Except as provided in subparagraph 2 of this subparagraph, the Department may allow a person to hunt deer on a Sunday under this paragraph only from 30 minutes before sunrise until 10:30 a.m.

2. The time restrictions under this subparagraph do not apply:

A. To a participant in the junior deer hunt under § 10–405(a) of this subtitle;

B. On private land only on one Sunday designated by the Department during deer bow hunting season; and

C. On private land only on one Sunday designated by the Department during the firearms season.

**(12) (I) THIS PARAGRAPH APPLIES ONLY IN ST. MARY'S COUNTY.**

**(II) THE DEPARTMENT MAY ALLOW A PERSON TO HUNT ANY GAME BIRD OR GAME MAMMAL, EXCEPT MIGRATORY GAME BIRDS, ON A SUNDAY DURING THE OPEN SEASON FOR THAT GAME BIRD OR GAME MAMMAL ON:**

- 1. EXCEPT IN STATE PARKS, PUBLIC LAND DESIGNATED BY THE DEPARTMENT; OR**
- 2. PRIVATE PROPERTY, SUBJECT TO § 10-411 OF THIS SUBTITLE.**

~~(12) SUBJECT TO THE REQUIREMENTS AND LIMITATIONS OTHERWISE PROVIDED IN THIS SUBSECTION, THE DEPARTMENT MAY ALLOW A PERSON TO HUNT DEER ON A SUNDAY THROUGHOUT THE DEER HUNTING SEASON ON PUBLIC LAND DESIGNATED BY THE DEPARTMENT OR PRIVATE PROPERTY.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 30, 2019.

---

## Chapter 243

(House Bill 588)

AN ACT concerning

### Continuing Care Retirement Communities – Mediation – Representation by Counsel

FOR the purpose of repealing the prohibition against a community care retirement community provider, subscriber, or group of subscribers being represented by counsel during a certain mediation procedure; and generally relating to continuing care retirement communities and mediation.

BY repealing and reenacting, with amendments,  
 Article – Human Services  
 Section 10-428  
 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

10-428.

(a) A provider shall establish an internal grievance procedure to address a subscriber's grievance.

(b) The internal grievance procedure shall at least:

(1) allow a subscriber or group of subscribers collectively to submit a written grievance to the provider;

(2) require the provider to send a written acknowledgment to the subscriber or group of subscribers within 5 days after receipt of the written grievance;

(3) require the provider to assign personnel to investigate the grievance;

(4) give a subscriber or group of subscribers who file a written grievance the right to meet with management of the provider within 30 days after receipt of the written grievance to present the grievance; and

(5) require the provider to respond in writing within 45 days after receipt of the written grievance regarding the investigation and resolution of the grievance.

(c) (1) Within 30 days after the conclusion of an internal grievance procedure established under this section, a subscriber, group of subscribers, or provider may seek mediation through one of the Community Mediation Centers in the State or another mediation provider.

(2) If a provider, subscriber, or group of subscribers seeks mediation under paragraph (1) of this subsection[:

(i)], the mediation shall be nonbinding[; and

(ii) the provider, subscriber, or group of subscribers may not be represented by counsel].

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

**Chapter 244**

**(Senate Bill 698)**

AN ACT concerning

**Continuing Care Retirement Communities – Mediation – Representation by  
Counsel**

FOR the purpose of repealing the prohibition against a community care retirement community provider, subscriber, or group of subscribers being represented by counsel during a certain mediation procedure; and generally relating to continuing care retirement communities and mediation.

BY repealing and reenacting, with amendments,

Article – Human Services

Section 10–428

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**

10–428.

(a) A provider shall establish an internal grievance procedure to address a subscriber's grievance.

(b) The internal grievance procedure shall at least:

(1) allow a subscriber or group of subscribers collectively to submit a written grievance to the provider;

(2) require the provider to send a written acknowledgment to the subscriber or group of subscribers within 5 days after receipt of the written grievance;

(3) require the provider to assign personnel to investigate the grievance;

(4) give a subscriber or group of subscribers who file a written grievance the right to meet with management of the provider within 30 days after receipt of the written grievance to present the grievance; and

(5) require the provider to respond in writing within 45 days after receipt of the written grievance regarding the investigation and resolution of the grievance.

(c) (1) Within 30 days after the conclusion of an internal grievance procedure established under this section, a subscriber, group of subscribers, or provider may seek mediation through one of the Community Mediation Centers in the State or another mediation provider.

(2) If a provider, subscriber, or group of subscribers seeks mediation under

paragraph (1) of this subsection[:

(i)], the mediation shall be nonbinding[; and

(ii) the provider, subscriber, or group of subscribers may not be represented by counsel].

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 245

### (Senate Bill 227)

AN ACT concerning

### Insurance – Principle–Based Reserves

FOR the purpose of altering the exemptions that the Maryland Insurance Commissioner may provide to certain domestic insurance companies from certain reserve requirements; authorizing the Commissioner to exempt a certain domestic insurance company from certain requirements if the company meets certain principle–based reserve exemption criteria; repealing certain exemptions to certain reserve requirements; and generally relating to insurance companies and required reserves.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 5–317

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

5–317.

(a) The Commissioner may exempt a specific product form or product line of a domestic company that holds a certificate of authority issued by the Commissioner and is doing business only in the State from the requirements of § 5–313 of this subtitle if:

(1) the Commissioner has issued an exemption in writing to the company;

(2) the exemption has not been revoked in writing by the Commissioner;  
and

(3) the company computes reserves:

(i) using assumptions and methods used before the operative date of the valuation manual; and

(ii) in accordance with any requirements established by the Commissioner by regulation.

(b) (1) A company that is granted an exemption under subsection (a) of this section is subject to § 5–201 of this title and §§ 5–302 through 5–312 of this subtitle.

(2) With respect to a company that is granted an exemption under subsection (a) of this section, any reference to § 5–313 of this subtitle found in § 5–201.1 of this title and §§ 5–302 through 5–312 of this subtitle is not applicable.

(c) The Commissioner may exempt a domestic company that holds a certificate of authority issued by the Commissioner and is doing business in the State from the requirements of §§ 5–314 and 5–315 of this subtitle if[

(1) the domestic company has less than \$500,000,000 of ordinary life premiums and, if the domestic company is a member of a group of life insurers, the group has combined ordinary life premiums of less than \$1,000,000,000;

(2) (i) the domestic company reported total adjusted capital of at least 450% of the authorized control level risk–based capital in the most recent risk–based capital report; and

(ii) the appointed actuary has provided an unqualified opinion on the reserves for the prior calendar year; and

(3) any universal life insurance policies with secondary guarantees issued or assumed by the domestic company with an issue date on or after the operative date of the valuation manual do not exceed 5% of the total in–force reserves for the domestic company] **THE COMPANY MEETS THE LIFE PRINCIPLE–BASED RESERVES EXEMPTION CRITERIA IN THE VALUATION MANUAL.**

(d) For purposes of subsection (c) of this section, ordinary life premiums are measured as direct premium plus reinsurance assumed from an unaffiliated company, as reported in the annual statement for the prior calendar year.

(e) (1) A domestic company that meets the requirements of subsection (c) of this section shall:

(i) compute reserves:

1. using assumptions and methods used before the operative date of the valuation manual; and

2. in accordance with any requirements established by the Commissioner in regulation; and

(ii) file, before July 1 of each year, a statement with the Commissioner certifying that the domestic company meets the requirements of subsection (c) of this section for the current calendar year based on premiums and other values from the financial statements for the prior calendar year.

(2) Before September 1 of each year, the Commissioner may reject a statement filed under paragraph (1)(ii) of this subsection and require a domestic company to comply with the valuation manual requirements for life insurance reserves.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 246

**(House Bill 493)**

AN ACT concerning

**Crimes – Solicitation and Conspiracy to Commit Murder – ~~Penalty~~ Resulting in Death  
(Stacey’s Law)**

FOR the purpose of ~~providing that the statute of limitations for the crime of solicitation to commit murder in the first degree where the death of another did not occur is 3 years; providing that a person who solicits another or conspires with another to commit murder in the first degree is guilty of a felony, if the death of another occurs as a result of the solicitation or conspiracy; establishing a certain penalty; providing for the application of this Act; clarifying that a person who solicits another or conspires with another to commit murder in the first degree is guilty of murder in the first degree if the death of another occurs as a result of the solicitation or conspiracy; and generally relating to solicitation and conspiracy to commit murder.~~

BY repealing and reenacting, with amendments,  
~~Article – Courts and Judicial Proceedings  
Section 5 – 106(ff)~~

~~Annotated Code of Maryland  
(2013 Replacement Volume and 2018 Supplement)~~

~~BY adding to~~

Article – Criminal Law

Section ~~2-211~~ 2-201

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 – Courts and Judicial Proceedings**~~

~~5-106.~~

~~(ff) The statute of limitations for the prosecution of the crime of solicitation to commit murder in the first degree in violation of § 2-201 of the Criminal Law Article WHERE THE DEATH OF ANOTHER DID NOT OCCUR, murder in the second degree in violation of § 2-204 of the Criminal Law Article, arson in the first degree in violation of § 6-102 of the Criminal Law Article, or arson in the second degree in violation of § 6-103 of the Criminal Law Article is 3 years.~~

~~**Article – Criminal Law**~~

~~2-211.~~

~~(A) A PERSON WHO SOLICITS ANOTHER OR CONSPIRES WITH ANOTHER TO COMMIT MURDER IN THE FIRST DEGREE, IF THE DEATH OF ANOTHER OCCURS AS A RESULT OF THE SOLICITATION OR CONSPIRACY, IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING LIFE.~~

~~(B) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY CRIME BASED ON THE ACT ESTABLISHING A VIOLATION OF THIS SECTION.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any offense occurring before the effective date of this Act.~~

Article – Criminal Law

2-201.

(a) A murder is in the first degree if it is:

- (1) a deliberate, premeditated, and willful killing;
  - (2) committed by lying in wait;
  - (3) committed by poison; or
  - (4) committed in the perpetration of or an attempt to perpetrate:
    - (i) arson in the first degree;
    - (ii) burning a barn, stable, tobacco house, warehouse, or other outbuilding that:
      - 1. is not parcel to a dwelling; and
      - 2. contains cattle, goods, wares, merchandise, horses, grain, hay, or tobacco;
    - (iii) burglary in the first, second, or third degree;
    - (iv) carjacking or armed carjacking;
    - (v) escape in the first degree from a State correctional facility or a local correctional facility;
    - (vi) kidnapping under § 3-502 or § 3-503(a)(2) of this article;
    - (vii) mayhem;
    - (viii) rape;
    - (ix) robbery under § 3-402 or § 3-403 of this article;
    - (x) sexual offense in the first or second degree;
    - (xi) sodomy; or
    - (xii) a violation of § 4-503 of this article concerning destructive devices.
- (b) (1) A person who commits a murder in the first degree is guilty of a felony and on conviction shall be sentenced to:
- (i) imprisonment for life without the possibility of parole; or
  - (ii) imprisonment for life.

(2) Unless a sentence of imprisonment for life without the possibility of parole is imposed in compliance with § 2–203 of this subtitle and § 2–304 of this title, the sentence shall be imprisonment for life.

**(C) A PERSON WHO SOLICITS ANOTHER OR CONSPIRES WITH ANOTHER TO COMMIT MURDER IN THE FIRST DEGREE IS GUILTY OF MURDER IN THE FIRST DEGREE IF THE DEATH OF ANOTHER OCCURS AS A RESULT OF THE SOLICITATION OR CONSPIRACY.**

SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.

---

## Chapter 247

(Senate Bill 198)

AN ACT concerning

**Crimes – Solicitation *and* Conspiracy to Commit Murder – ~~Penalty~~ *Resulting in Death*  
(*Stacey’s Law*)**

FOR the purpose of ~~repealing the statute of limitations for the crime of solicitation to commit murder in the first degree; providing that a person who solicits another or conspires with another to commit murder in the first degree is guilty of a felony; establishing a certain penalty; providing for the application of this Act; clarifying that a person who solicits another or conspires with another to commit murder in the first degree is guilty of murder in the first degree if the death of another occurs as a result of the solicitation or conspiracy; and generally relating to solicitation *and* conspiracy to commit murder.~~

BY repealing and reenacting, with amendments,  
~~Article – Courts and Judicial Proceedings  
 Section 5–106(ff)  
 Annotated Code of Maryland  
 (2013 Replacement Volume and 2018 Supplement)~~

~~BY adding to~~  
 Article – Criminal Law  
 Section ~~2–211~~ 2–201  
 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 – Courts and Judicial Proceedings~~

~~5-106.~~

~~(ff) The statute of limitations for the prosecution of the crime of solicitation to commit [murder in the first degree in violation of § 2-201 of the Criminal Law Article,] murder in the second degree in violation of § 2-204 of the Criminal Law Article, arson in the first degree in violation of § 6-102 of the Criminal Law Article, or arson in the second degree in violation of § 6-103 of the Criminal Law Article is 3 years.~~

~~Article – Criminal Law~~

~~2-211.~~

~~A PERSON WHO SOLICITS ANOTHER OR CONSPIRES WITH ANOTHER TO COMMIT MURDER IN THE FIRST DEGREE IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING LIFE.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any offense occurring before the effective date of this Act.~~

Article – Criminal Law

2-201.

(a) A murder is in the first degree if it is:

(1) a deliberate, premeditated, and willful killing;

(2) committed by lying in wait;

(3) committed by poison; or

(4) committed in the perpetration of or an attempt to perpetrate:

(i) arson in the first degree;

(ii) burning a barn, stable, tobacco house, warehouse, or other outbuilding that:

1. is not parcel to a dwelling; and

2. contains cattle, goods, wares, merchandise, horses, grain, hay, or tobacco;

(iii) burglary in the first, second, or third degree;

(iv) carjacking or armed carjacking;

(v) escape in the first degree from a State correctional facility or a local correctional facility;

(vi) kidnapping under § 3-502 or § 3-503(a)(2) of this article;

(vii) mayhem;

(viii) rape;

(ix) robbery under § 3-402 or § 3-403 of this article;

(x) sexual offense in the first or second degree;

(xi) sodomy; or

(xii) a violation of § 4-503 of this article concerning destructive devices.

(b) (1) A person who commits a murder in the first degree is guilty of a felony and on conviction shall be sentenced to:

(i) imprisonment for life without the possibility of parole; or

(ii) imprisonment for life.

(2) Unless a sentence of imprisonment for life without the possibility of parole is imposed in compliance with § 2-203 of this subtitle and § 2-304 of this title, the sentence shall be imprisonment for life.

**(C) A PERSON WHO SOLICITS ANOTHER OR CONSPIRES WITH ANOTHER TO COMMIT MURDER IN THE FIRST DEGREE IS GUILTY OF MURDER IN THE FIRST DEGREE IF THE DEATH OF ANOTHER OCCURS AS A RESULT OF THE SOLICITATION OR CONSPIRACY.**

SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.

## Chapter 248

### (House Bill 672)

AN ACT concerning

#### **Housing – Local Housing Grant Program for Homeless Veterans and Survivors of Domestic Violence**

FOR the purpose of establishing the Local Housing Grant Program for Homeless Veterans and Survivors of Domestic Violence to provide certain grants for housing voucher funds to counties for use to house homeless veterans and survivors of domestic violence; requiring the Department of Housing and Community Development to distribute certain grants to counties under certain circumstances, establish procedures for receiving and evaluating certain grant applications, monitor the operation of the grants, and adopt certain regulations; authorizing the Governor to include ~~at least a certain amount of money~~ funding in the annual budget for the Program; specifying that the money is supplemental to and is not intended to take the place of certain funding; authorizing the Department to establish preferences under the Program for counties that take certain actions; defining a certain term; and generally relating to the Local Housing Grant Program for Homeless Veterans and Survivors of Domestic Violence.

BY adding to

Article – Housing and Community Development

Section 4–2501 through 4–2505 to be under the new subtitle “Subtitle 25. Local Housing Grant Program for Homeless Veterans and Survivors of Domestic Violence”

Annotated Code of Maryland

(2006 Volume and 2018 Supplement)

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

#### **Article – Housing and Community Development**

#### **SUBTITLE 25. LOCAL HOUSING GRANT PROGRAM FOR HOMELESS VETERANS AND SURVIVORS OF DOMESTIC VIOLENCE.**

**4–2501.**

**IN THIS SUBTITLE, “PROGRAM” MEANS THE LOCAL HOUSING GRANT PROGRAM FOR HOMELESS VETERANS AND SURVIVORS OF DOMESTIC VIOLENCE.**

**4–2502.**

(A) THERE IS A LOCAL HOUSING GRANT PROGRAM FOR HOMELESS VETERANS AND SURVIVORS OF DOMESTIC VIOLENCE.

(B) THE PURPOSE OF THE PROGRAM IS TO PROVIDE GRANTS FOR HOUSING VOUCHER FUNDS TO COUNTIES FOR USE TO HOUSE HOMELESS VETERANS AND SURVIVORS OF DOMESTIC VIOLENCE.

4-2503.

THE DEPARTMENT SHALL:

(1) DISTRIBUTE GRANTS TO COUNTIES THAT MAY APPLY UNDER THE PROGRAM FOR RAPID OR PERMANENT HOUSING VOUCHER FUNDS FOR HOMELESS VETERANS AND SURVIVORS OF DOMESTIC VIOLENCE;

(2) ESTABLISH PROCEDURES FOR RECEIVING AND EVALUATING GRANT APPLICATIONS FROM COUNTIES UNDER THE PROGRAM;

(3) MONITOR THE OPERATION OF THE GRANTS; AND

(4) ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

4-2504.

(A) FOR FISCAL YEAR 2020 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR MAY INCLUDE ~~AT LEAST \$2,000,000~~ FUNDING IN THE ANNUAL BUDGET FOR THE PROGRAM.

(B) MONEY EXPENDED FROM THE PROGRAM IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED BY THE DEPARTMENT TO ADDRESS HOMELESSNESS.

4-2505.

THE DEPARTMENT MAY ESTABLISH PREFERENCES UNDER THE PROGRAM FOR COUNTIES THAT:

(1) ENACT AN ORDINANCE THAT PROHIBITS DISCRIMINATION IN HOUSING ON THE BASIS OF SOURCE OF INCOME;

(2) ADOPT A HOUSING FIRST POLICY, AS DEFINED BY THE DEPARTMENT; OR

**(3) PROVIDE AN ADDITIONAL 25% COUNTY DEDICATED FUNDING OR VOUCHER MATCH.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 249

(Senate Bill 810)

AN ACT concerning

### **Housing – Local Housing Grant Program for Homeless Veterans and Survivors of Domestic Violence**

FOR the purpose of establishing the Local Housing Grant Program for Homeless Veterans and Survivors of Domestic Violence to provide certain grants for housing voucher funds to counties for use to house homeless veterans and survivors of domestic violence; requiring the Department of Housing and Community Development to distribute certain grants to counties under certain circumstances, establish procedures for receiving and evaluating certain grant applications, monitor the operation of the grants, and adopt certain regulations; authorizing the Governor to include ~~at least a certain amount of money~~ funding in the annual budget for the Program; specifying that the money is supplemental to and is not intended to take the place of certain funding; authorizing the Department to establish preferences under the Program for counties that take certain actions; defining a certain term; and generally relating to the Local Housing Grant Program for Homeless Veterans and Survivors of Domestic Violence.

BY adding to

Article – Housing and Community Development

Section 4–2501 through 4–2505 to be under the new subtitle “Subtitle 25. Local Housing Grant Program for Homeless Veterans and Survivors of Domestic Violence”

Annotated Code of Maryland

(2006 Volume and 2018 Supplement)

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

### **Article – Housing and Community Development**

**SUBTITLE 25. LOCAL HOUSING GRANT PROGRAM FOR HOMELESS VETERANS AND SURVIVORS OF DOMESTIC VIOLENCE.**

**4-2501.**

**IN THIS SUBTITLE, “PROGRAM” MEANS THE LOCAL HOUSING GRANT PROGRAM FOR HOMELESS VETERANS AND SURVIVORS OF DOMESTIC VIOLENCE.**

**4-2502.**

**(A) THERE IS A LOCAL HOUSING GRANT ~~INCENTIVE~~ PROGRAM FOR HOMELESS VETERANS AND SURVIVORS OF DOMESTIC VIOLENCE.**

**(B) THE PURPOSE OF THE PROGRAM IS TO PROVIDE GRANTS FOR HOUSING VOUCHER FUNDS TO COUNTIES FOR USE TO HOUSE HOMELESS VETERANS AND SURVIVORS OF DOMESTIC VIOLENCE.**

**4-2503.**

**THE DEPARTMENT SHALL:**

**(1) DISTRIBUTE GRANTS TO COUNTIES THAT MAY APPLY UNDER THE PROGRAM FOR RAPID OR PERMANENT HOUSING VOUCHER FUNDS FOR HOMELESS VETERANS AND SURVIVORS OF DOMESTIC VIOLENCE;**

**(2) ESTABLISH PROCEDURES FOR RECEIVING AND EVALUATING GRANT APPLICATIONS FROM COUNTIES UNDER THE PROGRAM;**

**(3) MONITOR THE OPERATION OF THE GRANTS; AND**

**(4) ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.**

**4-2504.**

**(A) FOR FISCAL YEAR 2020 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR MAY INCLUDE ~~AT LEAST \$2,000,000~~ FUNDING IN THE ANNUAL BUDGET FOR THE PROGRAM.**

**(B) MONEY EXPENDED FROM THE PROGRAM IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED BY THE DEPARTMENT TO ADDRESS HOMELESSNESS.**

**4-2505.**

THE DEPARTMENT MAY ESTABLISH PREFERENCES UNDER THE PROGRAM FOR COUNTIES THAT:

(1) ENACT AN ORDINANCE THAT PROHIBITS DISCRIMINATION IN HOUSING ON THE BASIS OF SOURCE OF INCOME;

(2) ADOPT A HOUSING FIRST POLICY, AS DEFINED BY THE DEPARTMENT; OR

(3) PROVIDE AN ADDITIONAL 25% COUNTY DEDICATED FUNDING OR VOUCHER MATCH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.

---

## Chapter 250

(Senate Bill 478)

AN ACT concerning

**Property Tax – Vehicles Valued as Stock in Business – ~~Alteration of Tax Credit~~  
and Notification on Annexation**

FOR the purpose of ~~requiring that certain notice be provided to commercial property owners in a certain area; altering the calculation of a certain property tax credit that the governing body of a county or municipal corporation is required to grant against the county or municipal corporation property tax imposed on vehicles valued as stock in business beginning on a certain date; providing for the retroactive application of this Act~~ authorizing the governing body of a county or municipal corporation to grant a certain property tax credit against the county or municipal corporation property tax imposed on vehicles valued as stock in business beginning on a certain date; ~~requiring the governing body of a certain municipal corporation to grant a certain property tax credit against the municipal corporation property tax imposed on vehicles valued as stock in business beginning on a certain date;~~ and generally relating to ~~the~~ *notification of municipal annexation and a* property tax credit for vehicles valued as stock in business.

BY repealing and reenacting, with amendments,

Article – Local Government

Section 4-406

Annotated Code of Maryland

(2013 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Tax – Property  
Section 9–108  
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 – Local Government**

4–406.

(a) After an annexation resolution is introduced, the chief executive and administrative officer of the municipality shall publish notice in accordance with the requirements of this section that:

(1) briefly and accurately describes the proposed annexation and the applicable conditions and circumstances; and

(2) specifies the date, time, and place that the legislative body sets for the public hearing on the proposed annexation.

**(b) AFTER AN ANNEXATION RESOLUTION IS INTRODUCED, THE CHIEF EXECUTIVE OR THE ADMINISTRATIVE OFFICER OF THE MUNICIPALITY SHALL NOTIFY COMMERCIAL PROPERTY OWNERS IN THE AREA TO BE ANNEXED OF:**

**(1) ALL PERSONAL PROPERTY TAXES AND FEES IMPOSED BY THE MUNICIPALITY; AND**

**(2) THE DATE, TIME, AND PLACE THAT THE LEGISLATIVE BODY SETS FOR THE PUBLIC HEARING ON THE PROPOSED ANNEXATION.**

**(C) (1) Public notice of the annexation resolution shall be published:**

**(i) 1. at least four times; or**

**2. if the total area of the proposed annexation is 25 acres or less, at least two times;**

**(ii) at not less than weekly intervals; and**

**(iii) in at least one newspaper of general circulation in the municipality and the area to be annexed.**

(2) The public hearing shall be:

(i) set no sooner than 15 days after the final required publication of the public notice; and

(ii) held in the municipality or the area to be annexed.

**[(c)] (D)** Immediately after the first publication of the public notice, the municipality shall provide a copy of the public notice to:

(1) the governing body of the county in which the municipality is located;  
and

(2) any regional or State planning agency with jurisdiction in the county.

**[(d)] (E)** The county and any regional or State planning agency with jurisdiction in the county has the right to be heard before the public at the hearing on the proposed annexation.

**[(e)] (F)** (1) The public hearing may be rescheduled for or continued to a later date not more than 30 days after:

(i) the date when the hearing was originally scheduled; or

(ii) the date on which the hearing began but was not completed.

(2) If the hearing is rescheduled or continued, public notice shall be published:

(i) at least 7 days before the date of the rescheduled or continued hearing; and

(ii) in a newspaper of general circulation in the municipality and the area to be annexed.

(3) The public notice shall:

(i) briefly and accurately describe the area to be annexed; and

(ii) specify the date, time, and place of the rescheduled or continued public hearing.

### Article – Tax – Property

(a) ~~The EXCEPT AS PROVIDED IN SUBJECT TO SUBSECTIONS (B) AND (C) SUBSECTION (B) OF THIS SECTION, THE~~ governing body of a county or municipal corporation shall grant a property tax credit under this section against the applicable county or municipal property tax imposed on vehicles valued as stock in business in an amount equal to:

(1) for the taxable year beginning July 1, 1990, 25% of the tax imposed on those vehicles; ~~and~~

(2) for the taxable year beginning July 1, 1991 ~~and each taxable year thereafter~~, ~~THROUGH THE TAXABLE YEAR BEGINNING JULY 1, 2015 2018~~, 50% of the tax imposed on those vehicles; ~~AND~~

~~(3) FOR THE TAXABLE YEAR BEGINNING JULY 1, 2016 2019, AND EACH TAXABLE YEAR THEREAFTER, 100% 75% OF THE TAX IMPOSED ON THOSE VEHICLES.~~

(b) ~~FOR~~ IN ADDITION TO THE PROPERTY TAX CREDIT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, FOR THE TAXABLE YEAR BEGINNING JULY 1, 2019, AND EACH TAXABLE YEAR THEREAFTER, THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY GRANT A PROPERTY TAX CREDIT UNDER THIS SECTION AGAINST THE APPLICABLE COUNTY OR MUNICIPAL PROPERTY TAX IMPOSED ON VEHICLES VALUED AS STOCK IN BUSINESS IN AN AMOUNT EQUAL UP TO 100% OF THE TAX IMPOSED ON THOSE VEHICLES.

~~(C) FOR THE TAXABLE YEAR BEGINNING JULY 1, 2019, AND EACH TAXABLE YEAR THEREAFTER, THE GOVERNING BODY OF THE CITY OF COLLEGE PARK SHALL GRANT A PROPERTY TAX CREDIT UNDER THIS SECTION AGAINST THE APPLICABLE MUNICIPAL PROPERTY TAX IMPOSED ON VEHICLES VALUED AS STOCK IN BUSINESS IN AN AMOUNT EQUAL TO 50% OF THE TAX IMPOSED ON THOSE VEHICLES.~~

~~(D)~~ In addition to ~~any~~ THE PROPERTY TAX credit required under subsection (a) of this section, the governing body of a county or municipal corporation shall grant a property tax credit under this section against the applicable county or municipal property tax imposed on vehicles valued as stock in business in an amount equal to any increase in property tax resulting from an increase in the percent of assessment over the percent of assessment which was in effect for fiscal year 1989.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019, ~~and shall be construed to apply retroactively and shall be applied to and interpreted to affect all taxable years beginning after June 30, 2016.~~

Approved by the Governor, April 30, 2019.

**Chapter 251****(House Bill 1021)**

AN ACT concerning

**Business Occupations and Professions – Barbers – Additional Students**

FOR the purpose of increasing the number of students authorized to work under the supervision of a master barber; and generally relating to the practice of barbering and the provision of barber–stylist services.

BY repealing and reenacting, without amendments,  
Article – Business Occupations and Professions  
Section 4–101(a), (h), (j), (l), and (m)  
Annotated Code of Maryland  
(2018 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article – Business Occupations and Professions  
Section 4–301.2  
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 – Business Occupations and Professions**

4–101.

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

(h) (1) “License” means, unless the context requires otherwise, a license issued by the Board to practice barbering or to provide barber–stylist services.

(2) “License” includes, unless the context requires otherwise, each of the following licenses:

- (i) a master barber license;
- (ii) a barber license; and
- (iii) a barber–stylist limited license.

(j) “Master barber” means a barber who:

- (1) has at least 15 months experience as a licensed barber; and
- (2) has passed a test approved by the Board.

(l) (1) “Practice barbering” means to provide to an individual for compensation the service of:

- (i) cutting, razor cutting, styling, relaxing, body waving, shampooing, or coloring the hair;
- (ii) shaving or trimming the beard;
- (iii) massaging the face;
- (iv) designing, fitting, or cutting a hairpiece; or
- (v) performing any other similar procedure on the hair, beard, face, or hairpiece of the individual.

(2) “Practice barbering” does not include:

- (i) the mere sale of wigs or hairpieces; or
- (ii) the services performed by an employee under the supervision of a master barber in a barbershop that holds a barbershop permit that are restricted to:
  1. shampooing;
  2. removal of a hair solution;
  3. sterilization of equipment; or
  4. similar activities.

(m) “Provide barber–stylist services” means to provide to an individual for compensation the service of:

- (1) cutting, razor cutting, or styling the hair;
- (2) shaving or trimming the beard;
- (3) massaging the face; or
- (4) performing any other similar procedure on the hair, beard, or face of the individual.

4-301.2.

(a) Subject to the provisions of this section, a student who has completed at least 850 hours of training while enrolled in public school courses in barbering may practice barbering or provide barber–stylist services without a license.

(b) A student may practice barbering or provide barber–stylist services under this section only if the student:

(1) is enrolled in an approved barbering program and has a record of satisfactory school performance and school attendance, as determined by the local education agency;

(2) has a letter of authorization signed by the student’s teacher or work–study coordinator, to practice barbering or to provide barber–stylist services in a specific licensed barbershop;

(3) practices barbering or provides barber–stylist services only in that specific licensed barbershop; and

(4) while practicing barbering or providing barber–stylist services, works under the direct supervision of an individual who is a licensed master barber who agrees to periodically report on the progress of the student to the barbering teacher or the work–study coordinator.

(c) Under this section, there may not be more than [one student] **THREE STUDENTS** working under the supervision of a licensed master barber.

(d) A barbershop may pay a student for work authorized under this section.

(e) A student authorized under this section to practice barbering or to provide barber–stylist services without a license shall conspicuously display a letter of authorization, as required by this section, at the student’s work station in the specified licensed barbershop.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 252

(Senate Bill 856)

AN ACT concerning

### Juvenile Justice Reform Council

FOR the purpose of establishing the Juvenile Justice Reform Council ~~in the Governor's Office of Crime Control and Prevention~~; providing for the composition, chair, and staffing of the Council; prohibiting a member of the Council from receiving certain compensation, but authorizing the reimbursement of certain expenses; establishing the duties of the Council; requiring the Council to report its findings and recommendations to the Governor and General Assembly on or before ~~a certain date~~ *certain dates*; providing for the termination of this Act; and generally relating to the Juvenile Justice Reform Council.

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

(a) There is a Juvenile Justice Reform Council ~~in the Governor's Office of Crime Control and Prevention~~.

(b) The Council consists of the following members:

(1) three members of the Senate of Maryland, appointed by the President of the Senate;

(2) three members of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of Public Safety and Correctional Services, or the Secretary's designee;

(4) the Secretary of Juvenile Services, or the Secretary's designee;

(5) the Attorney General of Maryland, or the Attorney General's designee;

(6) the Public Defender of Maryland, or the Public Defender's designee;

(7) a representative of the Maryland Judiciary, appointed by the Chief Judge of the Court of Appeals;

(8) the Secretary of Human Services, or the Secretary's designee;

(9) the Secretary of Health, or the Secretary's designee;

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

(11) the following members, appointed by the Governor:

- systems;
- (i) a national expert on youth justice issues;
  - (ii) a representative of a foundation with expertise in juvenile justice systems;
  - (iii) a representative of local law enforcement agencies;
  - (iv) a representative of the Maryland State's Attorneys Association;
  - (v) a representative of a youth services bureau; ~~and~~
  - (vi) a representative from a crime victims organization; and
  - (vii) two individuals under the age of 30 years who were under the supervision of the Department of Juvenile Services but who are no longer under the supervision of the Department; and

~~(vi)~~ ~~(vii)~~ (viii) any other member with expertise relevant to the work of the Council.

- (c) The Governor shall appoint the chair of the Council.
- (d) The Department of Legislative Services shall provide staff for the Council.
- (e) A member of the Council:
  - (1) may not receive compensation as a member of the Council; but
  - (2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.
- (f) The Council shall:
  - (1) convene an advisory stakeholder group that includes organizations with experience in:
    - (i) juvenile justice policy reform;
    - (ii) advocating for groups with disproportionate contact with the criminal justice system and juvenile justice system;
    - (iii) advocating for victims of crime; and
    - (iv) restorative justice;
  - (2) working with the advisory stakeholder group, conduct roundtable discussion forums seeking public input in all geographic regions of the State;

(3) using a data-driven approach, develop a statewide framework of policies to invest in strategies to increase public safety and reduce recidivism of youth offenders; ~~and~~

(4) research best practices for the treatment of juveniles who are subject to the criminal and juvenile justice systems;

(5) identify and make recommendations to limit or otherwise mitigate risk factors that contribute to juvenile contact with the criminal and juvenile justice systems;  
and

(6) request technical assistance from the ~~Council of State Governments Justice Center to develop the policy framework~~ Abell Foundation, the Annie E. Casey Foundation, the Council of State Governments, the Vera Institute of Justice, or another similar organization.

(g) (1) On or before December 1, 2019, the Council shall submit an interim report on 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, 2020, the Council shall ~~report~~ submit a final report on its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019. It shall remain effective for a period of 2 years and 1 month and, at the end of June 30, 2021, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 253

### (House Bill 606)

AN ACT concerning

### Juvenile Justice Reform Council

FOR the purpose of establishing the Juvenile Justice Reform Council ~~in the Governor's Office of Crime Control and Prevention;~~ providing for the composition, chair, and staffing of the Council; prohibiting a member of the Council from receiving certain compensation, but authorizing the reimbursement of certain expenses; specifying the duties of the Council; requiring the Council to report its findings and

recommendations to the Governor and the General Assembly on or before ~~a certain date~~ ~~certain dates~~ *certain dates*; providing for the termination of this Act; and generally relating to the Juvenile Justice Reform Council.

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

(a) There is a Juvenile Justice Reform Council ~~in the Governor's Office of Crime Control and Prevention.~~

(b) The Council consists of the following members:

(1) three members of the Senate of Maryland, appointed by the President of the Senate;

(2) three members of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of Public Safety and Correctional Services, or the Secretary's designee;

(4) the Secretary of Juvenile Services, or the Secretary's designee;

(5) the Attorney General of Maryland, or the Attorney General's designee;

(6) the Public Defender of Maryland, or the Public Defender's designee;

(7) a representative of the Maryland Judiciary, appointed by the Chief Judge of the Court of Appeals;

(8) the Secretary of Human Services, or the Secretary's designee;

(9) the Secretary of Health, or the Secretary's designee;

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

(11) the following members, appointed by the Governor:

(i) a national expert on youth justice issues;

(ii) a representative of a foundation with expertise in juvenile systems;

(iii) a representative of local law enforcement agencies;

(iv) a representative of the Maryland State's Attorneys' Association;

(v) a representative of a youth services provider bureau;

~~(vi) two individuals under the age of 30 years who were under the supervision of the Department of Juvenile Services, but who are no longer under the supervision of the Department~~ a representative from a crime victims organization; and

(vii) two individuals under the age of 30 years who were under the supervision of the Department of Juvenile Services but who are no longer under the supervision of the Department; and

~~(viii)~~ (viii) any other member with expertise relevant to the work of the Council.

(c) The Governor shall appoint the chair of the Council.

(d) The ~~Governor's Office of Crime Control and Prevention~~ Department of Legislative Services shall provide staff for the Council.

(e) A member of the Council:

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

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

(f) The Council shall:

(1) convene an advisory stakeholder group that includes organizations with experience in:

(i) juvenile justice policy reform;

(ii) advocating for groups with disproportionate contact with the juvenile justice and criminal justice systems;

(iii) advocating for victims of crime; and

(iv) restorative justice;

(2) working with the advisory stakeholder group, conduct roundtable discussion forums seeking public input in all geographic regions of the State;

(3) using a data-driven approach, develop a statewide framework of policies to invest in strategies to increase public safety and reduce recidivism of youth offenders; ~~and~~

(4) research best practices for the treatment of juveniles who are subject to the criminal and juvenile justice systems;

(5) identify and make recommendations to limit or otherwise mitigate risk factors that contribute to juvenile contact with the criminal and juvenile justice systems; and

~~(4) (6)~~ request technical assistance from the Abell Foundation, the Annie E. Casey Foundation, the Abell Foundation, the Annie E. Casey Foundation, the Council of State Governments, the Vera Institute of Justice, or another similar organization Council of State Governments, the Vera Institute of Justice, or another similar organization.

~~(h) (1) On or before December 1, 2019, the Council shall submit an interim report on its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.~~

~~(2) (g) (1) On or before December 1, 2019, the Council shall submit an interim report on 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, 2020, the Council shall report submit a final report on submit a final report on its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019. It shall remain effective for a period of 2 years and 1 month and, at the end of June 30, 2021, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, April 30, 2019.

---

## Chapter 254

(House Bill 1401)

AN ACT concerning

### Vehicle Laws – Overweight Vehicles – ~~Heavyweight~~ Heavy Weight Port Corridor Permit

FOR the purpose of authorizing the ~~State Highway Administration to designate any highway within a certain radius of the Port of Baltimore to be part of a heavyweight port corridor~~ Secretary of Transportation to determine that a vehicle or combination of vehicles transporting certain freight is an indivisible load authorized to obtain a certain overweight vehicle permit under certain circumstances; establishing certain conditions for a vehicle issued a permit under this Act, including a requirement to

travel only on roads designated as being part of a “heavy weight port corridor”;  
establishing a certain maximum gross vehicle weight for a vehicle with a permit for  
traveling on a ~~heavyweight~~ heavy weight port corridor; ~~authorizing certain vehicles~~  
~~to operate on a heavyweight heavy weight port corridor~~ requiring the Secretary to  
adopt certain regulations for the issuance of permits under this Act; and generally  
relating to a ~~heavyweight~~ heavy weight port corridor permit.

BY adding to

Article – Transportation

Section 24–109(i) and 24–113.3

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article – Transportation~~

~~Section 24–113.1~~

~~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 – Transportation

24–109.

~~(1) (1) THE STATE HIGHWAY ADMINISTRATION MAY DESIGNATE ANY HIGHWAY WITHIN A 10 MILE RADIUS OF THE PORT OF BALTIMORE TO BE PART OF A HEAVYWEIGHT PORT CORRIDOR.~~

~~(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE SECTION, THE GROSS VEHICLE WEIGHT OF A VEHICLE FOR WHICH A PERMIT IS ISSUED UNDER § ~~24–113.1~~ 24–113.3 OF THIS SUBTITLE FOR TRAVEL ON A DESIGNATED HEAVYWEIGHT PORT TRAVELING ALONG A DESIGNATED HEAVY WEIGHT PORT CORRIDOR MAY NOT EXCEED 100,000 POUNDS.~~

~~24–113.1.~~

~~(a) Notwithstanding any other provision of this title, and subject to subsections (b) and (c) of this section, the Secretary, by regulation, may determine that a combination of vehicles carrying manifested international freight as the only load of the vehicle in a sealed, seagoing container on a semitrailer is carrying an indivisible load provided that:~~

~~(1) A vehicle issued a permit under this section may not exceed:~~

~~(I) 22,400 pounds gross maximum weight for a single axle, 44,000 pounds gross maximum weight for 2 consecutive axles, or 90,000 pounds gross maximum weight; OR~~

~~(II) FOR A VEHICLE TRAVELING ON A HEAVYWEIGHT PORT CORRIDOR ESTABLISHED UNDER § 24-109(I) OF THIS SUBTITLE, 100,000 POUNDS GROSS MAXIMUM WEIGHT; and~~

~~(2) A vehicle issued a permit under this section may be operated only on:~~

~~(i) FOR VEHICLES DESCRIBED IN ITEM (1)(I) OF THIS SUBSECTION:~~

~~1. Those parts of the interstate and State systems of highways that are designated by the Secretary in conjunction with the United States Department of Transportation; OR~~

~~{(ii)} 2. Any other highway, authorized by the Secretary, that is the shortest practical route between a highway designated pursuant to [subparagraph (i)] ITEM 1 of this [paragraph] ITEM and:~~

~~{1.} A. A truck terminal;~~

~~{2.} B. A port or other point of origin or destination; or~~

~~{3.} C. For a distance not to exceed one mile, facilities for food, fuel, repairs, or rest; OR~~

~~(H) FOR A VEHICLE DESCRIBED IN ITEM (1)(II) OF THIS SUBSECTION, A HEAVYWEIGHT PORT CORRIDOR.~~

~~(b) (1) The Secretary shall adopt regulations, consistent with the provisions of this section, for the issuance of permits for vehicles described under subsection (a) of this section.~~

~~(2) The regulations adopted under this subsection may set fees and shall establish maximum axle and gross weight limits, routes, and other necessary criteria.~~

~~(c) The authority granted under the provisions of this section may not be exercised unless and until the Secretary determines in writing that its exercise:~~

~~(1) Is required to provide access to or egress from the Port of Baltimore for international freight;~~

~~(2) Will not cause extraordinary damage to roads and bridges in the State or require extraordinary expense for the maintenance of those roads and bridges;~~

~~(3) Will not cause undue adverse environmental impact upon or unduly disrupt residential neighborhoods; and~~

~~(4) Will not impair highway safety.~~

### 24-113.3.

(A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THE SECRETARY, BY REGULATION, MAY DETERMINE THAT A VEHICLE OR COMBINATION OF VEHICLES TRANSPORTING MANIFESTED INTERNATIONAL FREIGHT AS THE ONLY LOAD OF THE VEHICLE OR COMBINATION OF VEHICLES IN A SEALED, SEAGOING CONTAINER ON A SEMITRAILER IS TRANSPORTING AN INDIVISIBLE LOAD, PROVIDED THAT THE VEHICLE OR COMBINATION OF VEHICLES IS ISSUED A PERMIT UNDER THIS SECTION AND:

(1) IS CARRYING NOT MORE THAN 100,000 POUNDS GROSS MAXIMUM VEHICLE WEIGHT;

(2) HAS THE MINIMUM NUMBER OF AXLES REQUIRED BY THE PERMIT;

(3) DOES NOT EXCEED THE MAXIMUM AXLE WEIGHT OR AXLE SPACING REQUIREMENTS, AS ESTABLISHED BY REGULATION OR SPECIFIED ON THE PERMIT;

(4) IS TRAVELING ONLY DURING THE HOURS AS ESTABLISHED BY REGULATION OR SPECIFIED ON THE PERMIT;

(5) ADHERES TO A UNIQUE MAXIMUM SPEED LIMIT SPECIFIED ON THE PERMIT; AND

(6) IS TRAVELING ONLY ON STATE OR COUNTY HIGHWAYS THAT ARE:

(I) ON THE SPECIFIC ROUTE ESTABLISHED BY REGULATION AND SPECIFIED ON THE PERMIT BETWEEN THE SEAGIRT MARINE TERMINAL AND A DESTINATION AUTHORIZED BY THE SECRETARY, WITH NO DEVIATION FROM THE SPECIFIC ROUTE; AND

(II) SPECIFICALLY DESIGNATED BY THE SECRETARY AS BEING PART OF A “HEAVY WEIGHT PORT CORRIDOR”.

**(B) (1) THE SECRETARY SHALL ADOPT REGULATIONS, CONSISTENT WITH THIS SECTION, FOR THE ISSUANCE OF PERMITS FOR VEHICLES DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION.**

**(2) THE REGULATIONS ADOPTED UNDER THIS SUBSECTION:**

**(I) MAY SET PERMIT FEES; AND**

**(II) SHALL ESTABLISH AXLE AND GROSS WEIGHT REQUIREMENTS, ROUTES, AND OTHER NECESSARY CRITERIA.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.

---

## Chapter 255

(Senate Bill 1038)

AN ACT concerning

**State Highway Administration – Overweight Vehicle Permits  
Vehicle Laws – Overweight Vehicles – Heavy Weight Port Corridor Permit**

FOR the purpose of authorizing the ~~State Highway Administration to issue permits allowing certain overweight vehicles to operate on certain highways designated by the Administration; establishing certain terms for a permit; establishing a certain annual fee for the permit; defining a certain term; and generally relating to State Highway Administration permits for overweight vehicles~~ Secretary of Transportation to determine that a vehicle or combination of vehicles transporting certain freight is an indivisible load authorized to obtain a certain overweight vehicle permit under certain circumstances; establishing certain conditions for a vehicle issued a permit under this Act, including a requirement to travel only on roads designated as being part of a “heavy weight port corridor”; establishing a certain maximum gross vehicle weight for a vehicle with a permit for traveling on a heavy weight port corridor; establishing a certain maximum gross vehicle weight for a vehicle with a permit for traveling on a heavy weight port corridor; requiring the Secretary to adopt certain regulations for the issuance of permits under this Act; and generally relating to a heavy weight port corridor permit.

BY adding to

Article – Transportation

Section ~~24-112.2~~ 24-109(i) and 24-113.3

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

~~24-112.2.~~

~~(A) IN THIS SECTION, “HEAVY WEIGHT CORRIDOR” MEANS A MOTOR VEHICLE ROUTE COMPRISING ONE OR MORE HIGHWAYS THAT:~~

~~(1) HAVE A LOAD RATING OF AT LEAST 40 TONS (80,000 POUNDS) BUT NOT EXCEEDING 50 TONS (100,000 POUNDS); AND~~

~~(2) ARE SPECIFICALLY DESIGNATED BY THE STATE HIGHWAY ADMINISTRATION.~~

~~(B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THE STATE HIGHWAY ADMINISTRATION MAY ISSUE A PERMIT AUTHORIZING AN OVERWEIGHT VEHICLE THAT HAS AT LEAST SIX AXLES TO USE A HEAVY WEIGHT CORRIDOR.~~

~~(C) A PERMIT ISSUED UNDER THIS SECTION:~~

~~(1) AUTHORIZES THE PERMITTED VEHICLE TO CARRY UP TO 50 TONS (100,000 POUNDS);~~

~~(2) SHALL BE VALID FOR A 12-MONTH PERIOD FROM THE DATE OF ISSUANCE;~~

~~(3) MAY BE RENEWED BY THE PERMIT HOLDER ON EXPIRATION;~~

~~(4) AUTHORIZES THE PERMIT HOLDER TO OPERATE THE OVERWEIGHT VEHICLE ON A HEAVY WEIGHT CORRIDOR AT ALL TIMES OF THE DAY, WITHOUT RESTRICTION; AND~~

~~(5) HAS AN ANNUAL FEE OF \$100.~~

24-109.

(I) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE GROSS VEHICLE WEIGHT OF A VEHICLE FOR WHICH A PERMIT IS ISSUED UNDER § 24-113.3 OF THIS SUBTITLE FOR TRAVELING ALONG A DESIGNATED HEAVY WEIGHT PORT CORRIDOR MAY NOT EXCEED 100,000 POUNDS.

24-113.3.

(A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THE SECRETARY, BY REGULATION, MAY DETERMINE THAT A VEHICLE OR COMBINATION OF VEHICLES TRANSPORTING MANIFESTED INTERNATIONAL FREIGHT AS THE ONLY LOAD OF THE VEHICLE OR COMBINATION OF VEHICLES IN A SEALED, SEAGOING CONTAINER ON A SEMITRAILER IS TRANSPORTING AN INDIVISIBLE LOAD, PROVIDED THAT THE VEHICLE OR COMBINATION OF VEHICLES IS ISSUED A PERMIT UNDER THIS SECTION AND:

(1) IS CARRYING NOT MORE THAN 100,000 POUNDS GROSS MAXIMUM VEHICLE WEIGHT;

(2) HAS THE MINIMUM NUMBER OF AXLES REQUIRED BY THE PERMIT;

(3) DOES NOT EXCEED THE MAXIMUM AXLE WEIGHT OR AXLE SPACING REQUIREMENTS, AS ESTABLISHED BY REGULATION OR SPECIFIED ON THE PERMIT;

(4) IS TRAVELING ONLY DURING THE HOURS AS ESTABLISHED BY REGULATION OR SPECIFIED ON THE PERMIT;

(5) ADHERES TO A UNIQUE MAXIMUM SPEED LIMIT SPECIFIED ON THE PERMIT; AND

(6) IS TRAVELING ONLY ON STATE OR COUNTY HIGHWAYS THAT ARE:

(I) ON THE SPECIFIC ROUTE ESTABLISHED BY REGULATION AND SPECIFIED ON THE PERMIT BETWEEN THE SEAGIRT MARINE TERMINAL AND A DESTINATION AUTHORIZED BY THE SECRETARY, WITH NO DEVIATION FROM THE SPECIFIC ROUTE; AND

(II) SPECIFICALLY DESIGNATED BY THE SECRETARY AS BEING PART OF A "HEAVY WEIGHT PORT CORRIDOR".

(B) (1) THE SECRETARY SHALL ADOPT REGULATIONS, CONSISTENT WITH THIS SECTION, FOR THE ISSUANCE OF PERMITS FOR VEHICLES DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION.

(2) THE REGULATIONS ADOPTED UNDER THIS SUBSECTION:

(I) MAY SET PERMIT FEES; AND

(II) SHALL ESTABLISH AXLE AND GROSS WEIGHT REQUIREMENTS, ROUTES, AND OTHER NECESSARY CRITERIA.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.

---

**Chapter 256**

**(House Bill 795)**

AN ACT concerning

**Workers' Compensation – Provision of Medical Services and Treatment – Notification to Seek Treatment Permanent Partial Disability – Baltimore City Deputy Sheriffs**

FOR the purpose of ~~requiring a covered employee, under certain circumstances, to provide the claimant's employer, the employer's insurer, or the Uninsured Employer's Fund certain notification at least a certain number of days before undergoing medical treatment; requiring that medical treatment sought by the covered employee be presumed to be unrelated to an accidental personal injury except under certain circumstances if the notification required under a certain provision of this Act is not provided; making a stylistic change; making a conforming change; and generally relating to the provision of medical services and treatment under the workers' compensation law~~ providing for enhanced workers' compensation benefits for a Baltimore City deputy sheriff for a compensable permanent partial disability of less than a certain number of weeks; providing for the application of this Act; and generally relating to workers' compensation benefits for Baltimore City deputy sheriffs.

BY repealing and reenacting, with amendments,  
 Article – Labor and Employment  
 Section ~~9-660~~ 9-628(a)(9) and (10)  
 Annotated Code of Maryland  
 (2016 Replacement Volume and 2018 Supplement)

BY adding to  
Article – Labor and Employment  
Section 9-628(a)(11)  
Annotated Code of Maryland  
(2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Labor and Employment  
Section 9–628(h) and 9–629  
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 – Labor and Employment**

~~9–660.~~

~~(a) [In] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IN addition to the compensation provided under this subtitle, if a covered employee has suffered an accidental personal injury, compensable hernia, or occupational disease the employer or [its] THE EMPLOYER’S insurer promptly shall provide to the covered employee, as the Commission may require:~~

- ~~(1) medical, surgical, or other attendance or treatment;~~
- ~~(2) hospital and nursing services;~~
- ~~(3) medicine;~~
- ~~(4) crutches and other apparatus; and~~
- ~~(5) artificial arms, feet, hands, and legs and other prosthetic appliances.~~

~~(B) (1) IF A COVERED EMPLOYEE SEEKS MEDICAL TREATMENT FOR AN ACCIDENTAL PERSONAL INJURY AND THE COVERED EMPLOYEE HAS NOT FILED A CLAIM OR NO ISSUES OF COMPENSABILITY ARE PENDING BEFORE THE COMMISSION, THE COVERED EMPLOYEE SHALL PROVIDE NOTIFICATION, INCLUDING COPIES OF ANY RELEVANT MEDICAL REPORTS, TO THE EMPLOYER, THE EMPLOYER’S INSURER, OR THE UNINSURED EMPLOYER’S FUND AT LEAST 30 BUSINESS DAYS BEFORE UNDERGOING MEDICAL TREATMENT.~~

~~(2) IF THE NOTIFICATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS NOT PROVIDED, THE MEDICAL TREATMENT SOUGHT BY THE COVERED EMPLOYEE SHALL BE PRESUMED TO BE UNRELATED TO THE ACCIDENTAL PERSONAL INJURY UNLESS THE COMMISSION DETERMINES THAT THE MEDICAL TREATMENT WAS EMERGENT.~~

~~[(b)] (C) The employer or its insurer shall provide the medical services and treatment required under subsection (a) of this section for the period required by the nature of the accidental personal injury, compensable hernia, or occupational disease.~~

~~[(c)] (D)~~ Except as provided in ~~§ 9-736(b) and (c)~~ of this title, any award or order of the Commission under this section may not be construed to:

- ~~(1) reopen any case; or~~
- ~~(2) allow any previous award to be changed.~~

~~[(d)] (E)~~ (1) A provider who provides medical service or treatment to a covered employee under subsection (a) of this section shall submit to the employer or the employer's insurer a bill for providing medical service or treatment within 12 months from the later of the date:

- ~~(i) medical service or treatment was provided to a covered employee;~~
- ~~(ii) the claim for compensation was accepted by the employer or the employer's insurer; or~~
- ~~(iii) the claim for compensation was determined by the Commission to be compensable.~~

~~(2) The employer or the employer's insurer may not be required to pay a bill submitted after the time period required under paragraph (1) of this subsection unless:~~

~~(i) the provider files an application for payment with the Commission within 3 years from the later of the date:~~

~~1. medical service or treatment was provided to the covered employee;~~

~~2. the claim for compensation was accepted by the employer or the employer's insurer; or~~

~~3. the claim for compensation was determined by the Commission to be compensable; and~~

~~(ii) the Commission excuses the untimely submission for good cause.~~

9-628.

(a) In this section, "public safety employee" means:

(9) a Baltimore County deputy sheriff, but only when the deputy sheriff sustains an accidental personal injury that arises out of and in the course and scope of performing duties directly related to:

(i) courthouse security;

- (ii) prisoner transportation;
  - (iii) service of warrants;
  - (iv) personnel management; or
  - (v) other administrative duties; [or]
- (10) a State correctional officer; OR
- (11) A BALTIMORE CITY DEPUTY SHERIFF.**

(h) If a public safety employee is awarded compensation for less than 75 weeks, the employer or its insurer shall pay the public safety employee compensation at the rate set for an award of compensation for a period greater than or equal to 75 weeks but less than 250 weeks under § 9-629 of this subtitle.

9-629.

If a covered employee is awarded compensation for a period equal to or greater than 75 weeks but less than 250 weeks, the employer or its insurer shall pay the covered employee weekly compensation that equals two-thirds of the average weekly wage of the covered employee but does not exceed one-third of the State average weekly wage.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any claims arising from events occurring before the effective date of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 257

(House Bill 454)

AN ACT concerning

### Sales and Use Tax – List of Tangible Personal Property and Services – Publication

FOR the purpose of requiring the Comptroller to publish on the Comptroller's website a certain list of tangible personal property and services the sale or use of which is subject to the sales and use tax; requiring the Comptroller to update the list with a

certain frequency and in a certain manner; and generally relating to the sales and use tax.

BY adding to

Article – Tax – General

Section 11–109

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**

**11–109.**

**(A) THE COMPTROLLER SHALL PUBLISH ON THE COMPTROLLER’S WEBSITE, AS A GENERAL GUIDE FOR VENDORS, A COMPREHENSIVE LIST OF TANGIBLE PERSONAL PROPERTY AND SERVICES THE SALE OR USE OF WHICH ARE SUBJECT TO THE SALES AND USE TAX.**

**(B) THE COMPTROLLER SHALL UPDATE THE LIST PUBLISHED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION AT LEAST QUARTERLY AND DETAIL ANY ADDITIONS, DELETIONS, OR REVISIONS TO THE LIST.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

**Chapter 258**

**(Senate Bill 247)**

AN ACT concerning

**Rental and Replacement Vehicles – Age–Based Service Determinations –  
Prohibition**

FOR the purpose of prohibiting under certain circumstances a rental vehicle company from, solely on the basis of age, refusing to rent a vehicle to an individual or charging an individual a higher rental fee than normally charged; prohibiting under certain circumstances an auto repair facility or a vehicle dealer from, solely on the basis of age, refusing to loan a replacement vehicle to an individual or charging an individual

a higher fee for a replacement vehicle than normally charged; defining certain terms; and generally relating to age-based service determinations for rental and replacement vehicles.

BY repealing and reenacting, without amendments,

Article – Transportation

Section 18–102(a)(2)(i) and 18–108(a)(1)

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY adding to

Article – Transportation

Section 18–109

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**

18–102.

(a) (2) (i) In this paragraph, “replacement vehicle” means a vehicle that is loaned by an auto repair facility or a dealer, or that an individual rents temporarily, to use while a vehicle owned by the individual is not in use because of loss, as “loss” is defined in that individual’s applicable private passenger automobile insurance policy, or because of breakdown, repair, service, or damage.

18–108.

(a) (1) In this section, “rental vehicle company” means a person that rents a motor vehicle to a consumer.

18–109.

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

(2) “RENTAL VEHICLE COMPANY” HAS THE MEANING STATED IN § 18–108 OF THIS TITLE.

(3) “REPLACEMENT VEHICLE” HAS THE MEANING STATED IN § 18–102 OF THIS TITLE.

(B) IF A VEHICLE OWNED BY AN INDIVIDUAL WHO IS AT LEAST 18 YEARS OLD IS NOT IN USE BECAUSE OF A REPAIR OF THE VEHICLE COVERED BY A WARRANTY, A ~~THE REPAIR OR~~ RECALL OF THE VEHICLE, OR A REPAIR OF THE VEHICLE AS A RESULT OF THE RECALL:

(1) A RENTAL VEHICLE COMPANY MAY NOT, SOLELY ON THE BASIS OF THE AGE OF THE INDIVIDUAL:

(I) REFUSE TO RENT A VEHICLE TO THE INDIVIDUAL; OR

(II) CHARGE THE INDIVIDUAL A HIGHER RENTAL FEE THAN NORMALLY CHARGED; AND

(2) AN AUTO REPAIR FACILITY OR A VEHICLE DEALER MAY NOT, SOLELY ON THE BASIS OF THE AGE OF THE INDIVIDUAL:

(I) REFUSE TO LOAN A REPLACEMENT VEHICLE TO THE INDIVIDUAL; OR

(II) CHARGE THE INDIVIDUAL A HIGHER FEE FOR A REPLACEMENT VEHICLE THAN NORMALLY CHARGED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.

---

## Chapter 259

(House Bill 349)

AN ACT concerning

~~Limited Fishing Guide License Natural Resources – Payment for Service~~  
Special Charter Boat License – Alteration

FOR the purpose of ~~authorizing a person to accept consideration for services as a certain fishing guide if the person is guiding certain boats or vessels that are propelled by oars or paddles and possesses a certain license; prohibiting a certain person guided under a certain license from being required to possess a certain license; and generally relating to limited fishing guide licenses~~ specifying that a certain special charter boat license issued by the Department of Natural Resources is valid for certain individuals on a single vessel operated by a certain licensed fishing guide and for

certain individuals on a vessel under the guidance of a certain licensed fishing guide in tidal waters of the State; and generally relating to special charter boat licenses.

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section ~~4-210~~ 4-745(d)(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 – Natural Resources

#### ~~4-210.~~

~~(a) Except for a person employed to operate a vessel for a master fishing guide under § 4-701(e) of this title or a person permitted to operate a charter boat under § 4-210.2 of this subtitle, any person who desires to accept direct or indirect consideration for providing services as a fishing guide shall obtain a license.~~

~~(b) In addition to any license required by this section, a person may not furnish any service as a fishing guide that requires operating a boat or vessel as part of that service without first obtaining appropriate federal licenses to operate a vessel carrying passengers for hire.~~

~~(c) A person who is required to be licensed under this section must have all appropriate federal and State licenses in the person's possession whenever performing services as a fishing guide.~~

~~(d) A commercial fishing guide shall be required to submit reports monthly on forms provided by the Department.~~

~~(e) (1) The Secretary may establish by regulation vessel marking, first aid, and safety requirements with which all licensed fishing guides shall comply.~~

~~(2) The Department may suspend, revoke, or refuse to issue a license for failure to comply with the terms of the license.~~

~~(f) The Department may issue a tidal fish license under § 4-701 of this title and a freshwater fishing guide license under § 4-210.1 of this subtitle.~~

~~(g) (1) The Department may issue a limited fishing guide license that is applicable in all waters of the State to allow a license holder to guide:~~

~~(i) Anglers in up to 3 boats or vessels that:~~

~~1. Have 1 or 2 occupants; and~~

~~2. Are propelled by oars or paddles; or~~

~~(ii) 1. Except as provided in item 2 of this item, up to 10 anglers fishing from shore or on foot in the water; or~~

~~2. Any number of anglers who are participating in an educational or recreational program sponsored by a State, local, or municipal government and who are fishing from shore or on foot in the water.~~

~~(2) (i) [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii) OF THIS PARAGRAPH, A person may not accept any consideration for services as a fishing guide licensed under this subsection unless the person and all persons being guided possess, as applicable, an angler's license issued under § 4-604 of this title or a Chesapeake Bay and coastal sport fishing license issued under § 4-745 of this title.~~

~~(H) 1. A PERSON MAY ACCEPT CONSIDERATION FOR SERVICES AS A FISHING GUIDE LICENSED UNDER THIS SUBSECTION IF THE PERSON:~~

~~A. IS GUIDING ANGLERS IN ACCORDANCE WITH PARAGRAPH (1)(i) OF THIS SUBSECTION; AND~~

~~B. POSSESSES, AS APPLICABLE, AN ANGLER'S LICENSE ISSUED UNDER § 4-604 OF THIS TITLE OR A CHESAPEAKE BAY AND COASTAL SPORT FISHING LICENSE ISSUED UNDER § 4-745 OF THIS TITLE.~~

~~2. A PERSON BEING GUIDED UNDER PARAGRAPH (1)(i) OF THIS SUBSECTION MAY NOT BE REQUIRED TO POSSESS AN ANGLER'S LICENSE ISSUED UNDER § 4-604 OF THIS TITLE OR A CHESAPEAKE BAY AND COASTAL SPORT FISHING LICENSE ISSUED UNDER § 4-745 OF THIS TITLE.~~

~~(3) A recreational angler under the guidance of a limited fishing guide in tidal waters may not:~~

~~(i) Catch or possess the species of fish known as the striped bass or rockfish in the tidal waters designated in § 4-210.1(f) of this subtitle; and~~

~~(ii) From March 1 through May 31, catch or attempt to catch the species of fish known as the striped bass or rockfish in spawning areas and rivers, including all waters north of a line from Abbey Point to Worton Point, including the Sassafras River, Bohemia River, Elk River, Northeast River, Susquehanna River, Susquehanna Flats, and the Chesapeake and Delaware Canal.~~

~~(h) (1) The fee for a limited fishing guide license under subsection (g) of this section shall be:~~

- ~~(i) For a resident, \$50; and~~
- ~~(ii) For a nonresident, \$100.~~

~~(2) All fees collected by the Department under this subsection shall be used for monitoring the freshwater fishery.~~

4-745.

(d) (1) The Department may provide by regulation for issuance of a special charter boat license that shall be effective for not more than 1 year and shall expire on August 31 and that would be valid for all individuals on a [charter boat] SINGLE VESSEL operated by a [licensed] fishing guide LICENSED UNDER § 4-210.1 OR § 4-701 OF THIS TITLE OR FOR ALL INDIVIDUALS ON A VESSEL UNDER THE GUIDANCE OF A FISHING GUIDE LICENSED UNDER § 4-210 OF THIS TITLE in tidal waters of the State. The fee shall be:

- (i) For 6 fishermen or less..... \$240.
- (ii) For 7 or more fishermen..... \$290.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.

---

**Chapter 260**

(Senate Bill 361)

AN ACT concerning

~~Limited Fishing Guide License~~ Natural Resources – ~~Payment for Service~~ Special Charter Boat License – Alteration

FOR the purpose of ~~authorizing a person to accept consideration for services as a certain fishing guide if the person is guiding certain boats or vessels that are propelled by oars or paddles and possesses a certain license; prohibiting a certain person guided under a certain license from being required to possess a certain license; and generally relating to limited fishing guide licenses~~ specifying that a certain special charter boat license issued by the Department of Natural Resources is valid for certain individuals on a single vessel operated by a certain licensed fishing guide and for certain individuals on a vessel under the guidance of a certain licensed fishing guide in tidal waters of the State; and generally relating to special charter boat licenses.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section ~~4-210~~ 4-745(d)(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 – Natural Resources

#### ~~4-210.~~

~~(a) Except for a person employed to operate a vessel for a master fishing guide under § 4-701(r) of this title or a person permitted to operate a charter boat under § 4-210.2 of this subtitle, any person who desires to accept direct or indirect consideration for providing services as a fishing guide shall obtain a license.~~

~~(b) In addition to any license required by this section, a person may not furnish any service as a fishing guide that requires operating a boat or vessel as part of that service without first obtaining appropriate federal licenses to operate a vessel carrying passengers for hire.~~

~~(c) A person who is required to be licensed under this section must have all appropriate federal and State licenses in the person's possession whenever performing services as a fishing guide.~~

~~(d) A commercial fishing guide shall be required to submit reports monthly on forms provided by the Department.~~

~~(e) (1) The Secretary may establish by regulation vessel marking, first aid, and safety requirements with which all licensed fishing guides shall comply.~~

~~(2) The Department may suspend, revoke, or refuse to issue a license for failure to comply with the terms of the license.~~

~~(f) The Department may issue a tidal fish license under § 4-701 of this title and a freshwater fishing guide license under § 4-210.1 of this subtitle.~~

~~(g) (1) The Department may issue a limited fishing guide license that is applicable in all waters of the State to allow a license holder to guide:~~

~~(i) Anglers in up to 3 boats or vessels that:~~

~~1. Have 1 or 2 occupants; and~~

~~2. Are propelled by oars or paddles; or~~

~~(ii) 1. Except as provided in item 2 of this item, up to 10 anglers fishing from shore or on foot in the water; or~~

~~2. Any number of anglers who are participating in an educational or recreational program sponsored by a State, local, or municipal government and who are fishing from shore or on foot in the water.~~

~~(2) (i) [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A person may not accept any consideration for services as a fishing guide licensed under this subsection unless the person and all persons being guided possess, as applicable, an angler's license issued under § 4-604 of this title or a Chesapeake Bay and coastal sport fishing license issued under § 4-745 of this title.~~

~~(H) 1. A PERSON MAY ACCEPT CONSIDERATION FOR SERVICES AS A FISHING GUIDE LICENSED UNDER THIS SUBSECTION IF THE PERSON:~~

~~A. IS GUIDING ANGLERS IN ACCORDANCE WITH PARAGRAPH (1)(I) OF THIS SUBSECTION; AND~~

~~B. POSSESSES, AS APPLICABLE, AN ANGLER'S LICENSE ISSUED UNDER § 4-604 OF THIS TITLE OR A CHESAPEAKE BAY AND COASTAL SPORT FISHING LICENSE ISSUED UNDER § 4-745 OF THIS TITLE.~~

~~2. A PERSON BEING GUIDED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION MAY NOT BE REQUIRED TO POSSESS AN ANGLER'S LICENSE ISSUED UNDER § 4-604 OF THIS TITLE OR A CHESAPEAKE BAY AND COASTAL SPORT FISHING LICENSE ISSUED UNDER § 4-745 OF THIS TITLE.~~

~~(3) A recreational angler under the guidance of a limited fishing guide in tidal waters may not:~~

~~(i) Catch or possess the species of fish known as the striped bass or rockfish in the tidal waters designated in § 4-210.1(f) of this subtitle; and~~

~~(ii) From March 1 through May 31, catch or attempt to catch the species of fish known as the striped bass or rockfish in spawning areas and rivers, including all waters north of a line from Abbey Point to Worton Point, including the Sassafras River, Bohemia River, Elk River, Northeast River, Susquehanna River, Susquehanna Flats, and the Chesapeake and Delaware Canal.~~

~~(h) (1) The fee for a limited fishing guide license under subsection (g) of this section shall be:~~

~~(i) For a resident, \$50; and~~

~~(ii) For a nonresident, \$100.~~

~~(2) All fees collected by the Department under this subsection shall be used for monitoring the freshwater fishery.~~

4-745.

*(d) (1) The Department may provide by regulation for issuance of a special charter boat license that shall be effective for not more than 1 year and shall expire on August 31 and that would be valid for all individuals on a [charter boat] SINGLE VESSEL operated by a [licensed] fishing guide LICENSED UNDER § 4-210.1 OR § 4-701 OF THIS TITLE OR FOR ALL INDIVIDUALS ON A VESSEL UNDER THE GUIDANCE OF A FISHING GUIDE LICENSED UNDER § 4-210 OF THIS TITLE in tidal waters of the State. The fee shall be:*

*(i) For 6 fishermen or less ..... \$240.*

*(ii) For 7 or more fishermen ..... \$290.*

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.

---

**Chapter 261**

**(Senate Bill 95)**

AN ACT concerning

**Natural Resources – Recreational License Donation Program and Fund –  
~~Program Extension and Monetary Donations via Electronic Licensing Revisions~~  
Program Extension and Fund Name Change**

FOR the purpose of ~~changing the name of the Recreational License Donation Fund to the Healing Heroes Hunting and Fishing Fund; requiring the Department of Natural Resources to establish a process for an individual purchasing certain licenses and stamps in a certain manner to make a voluntary monetary donation to the Recreational License Donation Fund; requiring the Department to collect donations and deposit them into the Fund; authorizing the Fund to be used for grants to certain eligible sponsor organizations that provide recreational hunting or fishing opportunities for Gold Star recipients or certain disabled persons; authorizing the Department to make grants to eligible sponsor organizations; specifying the purposes for which a grant awarded to an eligible sponsor organization may be used; expanding the contents of the Fund to include donations made under this Act;~~

~~defining a certain term; making conforming changes; extending the termination date for certain provisions of law establishing the recreational license donation program; providing for the termination of this Act; making a stylistic change; and generally relating to the recreational license donation program and the Healing Heroes Hunting and Fishing Fund.~~

BY repealing and reenacting, with amendments,  
 Article – Natural Resources  
 Section ~~1-403 and 1-405(h)~~ 1-405  
 Annotated Code of Maryland  
 (2018 Replacement Volume)

BY repealing and reenacting, with amendments,  
 Chapter 424 of the Acts of the General Assembly of 2016  
 Section 4

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

### Article – Natural Resources

~~1-403.~~

~~(a) Notwithstanding any other provision of this article, the Department may develop and implement an electronic system for the sale and issuance of licenses, permits, and registrations and the recording and releasing of security interests.~~

~~(b) The electronic system may include provisions for:~~

~~(1) Recording titling and registration data;~~

~~(2) Recording and releasing liens without the issuance of a security interest filing; and~~

~~(3) Recording information relating to an application for a license, permit, or registration.~~

~~(c) The Department shall develop the electronic system consistent with the statewide information technology master plan developed under Title 3A, Subtitle 3 of the State Finance and Procurement Article.~~

~~[(d) The Department may adopt regulations to:~~

~~(1) Implement the electronic system authorized under this section; and~~

~~(2) Determine the appropriate fee levels that may be charged by a vendor and by the Department for the electronic transmission service.]~~

~~(D) (1) THE DEPARTMENT SHALL ESTABLISH A PROCESS THROUGH WHICH AN INDIVIDUAL WHO PURCHASES AN ANGLER'S LICENSE, A CHESAPEAKE BAY AND COASTAL SPORT FISHING LICENSE, OR A HUNTING LICENSE AND ANY CORRESPONDING STAMPS THROUGH THE ELECTRONIC SYSTEM MAY MAKE A VOLUNTARY MONETARY DONATION TO THE RECREATIONAL LICENSE DONATION HEALING HEROES HUNTING AND FISHING FUND AT THE TIME OF PURCHASE.~~

~~(2) THE DEPARTMENT SHALL COLLECT THE DONATIONS RECEIVED UNDER PARAGRAPH (1) OF THIS SUBSECTION AND DEPOSIT THEM INTO THE RECREATIONAL LICENSE DONATION HEALING HEROES HUNTING AND FISHING FUND.~~

~~(3) THE DONATION PROCESS ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION:~~

~~(I) SHALL BE MADE AVAILABLE ONLY TO AN INDIVIDUAL PURCHASING DIRECTLY THROUGH THE ELECTRONIC SYSTEM; AND~~

~~(H) MAY NOT BE MADE AVAILABLE TO AN INDIVIDUAL PURCHASING THROUGH AN AUTHORIZED VENDOR.~~

~~(e) (1) (i) The Department shall establish a process through which an individual who purchases a license, permit, or registration through the electronic system may make a voluntary monetary donation to the Chesapeake Bay Trust and the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund at the time the license, permit, or registration is purchased.~~

~~(ii) The donation process established in subparagraph (i) of this paragraph:~~

~~1. Shall be made available only to an individual purchasing directly through the electronic system; and~~

~~2. May not be made available to an individual purchasing through an authorized vendor.~~

~~(2) The Department shall:~~

~~(i) Collect any donations made under this subsection; and~~

~~(ii) Distribute the proceeds of the donations as follows:~~

~~1. 50% to the Chesapeake Bay Trust established under § 8-1002 of this article; and~~

~~2. 50% to the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund established under § 8-2A-02 of this article.~~

~~(3) (i) The Chesapeake Bay Trust may use the funds it receives under this subsection only to provide grants and other resources to nonprofit organizations, community associations, civic groups, schools, or public agencies for projects to enhance or promote:~~

~~1. Public education, including the publication or production of educational materials, concerning the Chesapeake Bay, the Maryland coastal bays, the Youghiogheny watershed, and other natural resources;~~

~~2. The preservation or enhancement of water quality and fish or wildlife habitat;~~

~~3. The restoration of aquatic or land resources;~~

~~4. Reforestation; and~~

~~5. Training in environmental studies or enhancement.~~

~~(ii) Funds distributed to the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund may be used to provide financial assistance necessary to advance Maryland's progress in meeting the goals established in the 2014 Chesapeake Bay Watershed Agreement and to restore the health of the Atlantic Coastal Bays by focusing on nonpoint source pollution control projects, as authorized under Title 8, Subtitle 2A of this article.~~

~~(4) On or before December 1 each year, the Department shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on the collection, distribution, and expenditure of any voluntary monetary donations made under this subsection in the previous fiscal year.~~

~~(F) THE DEPARTMENT MAY ADOPT REGULATIONS TO:~~

~~(1) IMPLEMENT THE ELECTRONIC SYSTEM AUTHORIZED UNDER THIS SECTION; AND~~

~~(2) DETERMINE THE APPROPRIATE FEE LEVELS THAT MAY BE CHARGED BY A VENDOR AND BY THE DEPARTMENT FOR THE ELECTRONIC TRANSMISSION SERVICE.~~

1-405.

~~(a) (1) In this section[,] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) “ELIGIBLE SPONSOR ORGANIZATION” MEANS A NONPROFIT CHARITABLE ORGANIZATION THAT PROVIDES RECREATIONAL HUNTING OR FISHING OPPORTUNITIES FOR GOLD STAR RECIPIENTS, DISABLED VETERANS, DISABLED MEMBERS OF THE ARMED FORCES OF THE UNITED STATES, OR PERMANENTLY DISABLED PERSONS WHO REQUIRE THE USE OF A WHEELCHAIR.~~

~~(3) “Gold Star recipient” means a recipient of the U.S. Department of Defense Gold Star for surviving spouses, parents, and next of kin of members of the armed forces of the United States who lost their lives in combat.~~

~~(b) A person may purchase and donate an angler’s license, a Chesapeake Bay and coastal sport fishing license, or a hunting license and any corresponding stamps for issuance in accordance with this section.~~

~~(c) (1) The Department may issue a donated license or stamp only for use by a Gold Star recipient, a disabled veteran, a disabled member of the armed forces of the United States, or a permanently disabled person who requires the use of a wheelchair.~~

~~(2) A recipient of a donated license or stamp shall be sponsored by a nonprofit charitable organization that provides recreational hunting or fishing opportunities for Gold Star recipients, disabled veterans, disabled members of the armed forces of the United States, or permanently disabled persons who require the use of a wheelchair.] AN ELIGIBLE SPONSOR ORGANIZATION.~~

~~(3) A recipient of a donated hunting license is subject to the hunting safety requirements under § 10–301.1 of this article.~~

~~(d) Only one eligible person may hunt under the authority of a donated license or stamp during one recreational license year.~~

~~(e) The Department:~~

~~(1) May not charge a fee for the issuance of a donated license or stamp; and~~

~~(2) May issue a donated license or stamp to an eligible resident or nonresident of the State.~~

~~(f) On or before October 1, 2017, and each year thereafter, the Department shall post on its website the names of the persons who donated recreational licenses or stamps in the previous recreational license years, unless a person who donates a license or stamp requests anonymity.~~

~~(g) (1) THE DEPARTMENT MAY USE FUNDS DONATED UNDER THIS SECTION TO MAKE GRANTS TO ELIGIBLE SPONSOR ORGANIZATIONS.~~

~~(2) A GRANT AWARDED UNDER THIS SUBSECTION MAY BE USED ONLY TO PAY CAPITAL, OPERATIONAL, OR PROGRAMMING COSTS INCURRED BY AN ELIGIBLE SPONSOR ORGANIZATION IN PROVIDING RECREATIONAL HUNTING AND FISHING OPPORTUNITIES FOR GOLD STAR RECIPIENTS, DISABLED VETERANS, DISABLED MEMBERS OF THE ARMED FORCES OF THE UNITED STATES, OR PERMANENTLY DISABLED PERSONS WHO REQUIRE THE USE OF A WHEELCHAIR.~~

~~(H)~~ The Department shall adopt regulations to implement this section, including regulations establishing eligibility requirements for ~~{donors}~~.

~~(1) DONORS, sponsors, and recipients of donated recreational licenses and stamps; AND~~

~~(2) APPLICANTS FOR GRANTS TO ELIGIBLE SPONSOR ORGANIZATIONS.~~

~~(h) (H) (h)~~ (1) In this subsection, “Fund” means the ~~Recreational License Donation~~ HEALING HEROES HUNTING AND FISHING Fund.

(2) There is a ~~Recreational License Donation~~ HEALING HEROES HUNTING AND FISHING Fund.

(3) The purpose of the Fund is to provide recreational hunting and fishing opportunities for Gold Star recipients, disabled veterans, disabled members of the armed forces of the United States, and permanently disabled persons who require the use of a wheelchair.

(4) The Secretary shall administer the Fund.

(5) (i) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(ii) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(6) The Fund consists of:

(i) Revenue collected by the Department for the purchase and donation of recreational hunting or fishing licenses or stamps under this section;

(ii) ~~DONATIONS COLLECTED BY THE DEPARTMENT UNDER § 1–403(D) OF THIS SUBTITLE;~~

~~(III)~~ Money appropriated in the State budget to the Fund; and

~~[(iii)] (iv)~~ Any other money from any other source accepted for the benefit of the Fund.

(7) The Fund may be used only for ~~donated~~.

~~(i) DONATED~~ *donated* recreational hunting or fishing licenses or stamps for use by Gold Star recipients, disabled veterans, disabled members of the armed forces of the United States, or permanently disabled persons who require the use of a wheelchair; ~~AND~~

~~(ii) GRANTS TO ELIGIBLE SPONSOR ORGANIZATIONS, IN ACCORDANCE WITH SUBSECTION (G) OF THIS SECTION.~~

(8) (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.

(9) Expenditures from the Fund may be made only in accordance with the State budget.

(10) Money expended from the Fund for donated recreational licenses or stamps ~~AND GRANTS TO ELIGIBLE SPONSOR ORGANIZATIONS~~ is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for ~~recreational licenses or stamps for use by PROVIDING RECREATIONAL HUNTING AND FISHING OPPORTUNITIES FOR~~ *recreational licenses or stamps for use by* Gold Star recipients, disabled veterans, disabled members of the armed forces of the United States, or permanently disabled persons who require the use of a wheelchair.

### Chapter 424 of the Acts of 2016

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016. It shall remain effective for a period of [3] 6 years and, at the end of June 30, [2019] 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. It shall remain effective until the taking effect of the termination provision in Section 4 of Chapter 424 of the Acts of the General Assembly of 2016, as enacted by Section 1 of this Act. If that termination provision takes effect, 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 30, 2019.

---

## Chapter 262

(Senate Bill 317)

AN ACT concerning

### **Estates and Trusts – Share of Intestate Estate Inherited by Surviving Spouse** **(~~Chuck's Law~~)**

FOR the purpose of altering the share of the intestate estate of a decedent inherited by a surviving spouse under certain circumstances; providing for the application of this Act; and generally relating to intestate property inherited by a surviving spouse.

BY repealing and reenacting, with amendments,  
Article – Estates and Trusts  
Section 3–102  
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 – Estates and Trusts**

3–102.

- (a) The share of a surviving spouse shall be as provided in this section.
- (b) If there is a surviving minor child, the share shall be one-half.
- (c) If there is no surviving minor child, but there is surviving issue, the share shall be the first \$40,000 plus one-half of the residue.
- (d) If there is no surviving issue but a surviving parent, **AND THE SURVIVING SPOUSE AND THE DECEDENT HAD BEEN MARRIED FOR LESS THAN ~~10~~ 5 YEARS**, the share shall be the first \$40,000 plus one-half of the residue.
- (E) IF THERE IS NO SURVIVING ISSUE BUT A SURVIVING PARENT, AND THE SURVIVING SPOUSE AND THE DECEDENT HAD BEEN MARRIED FOR AT LEAST ~~10~~ 5 YEARS, THE SHARE SHALL BE THE WHOLE ESTATE.**
- [(e)] (F)** If there is no surviving issue or parent, the share shall be the whole estate.

**[(f)] (G)** For the purposes of this section, the net estate shall be calculated without a deduction for the tax as defined in § 7–308 of the Tax – General Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any estate of a decedent who died before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## **Chapter 263**

**(Senate Bill 286)**

AN ACT concerning

### **Department of Legislative Services – Publication of Municipal Charter Amendments and Local Laws of Charter and Code Counties**

FOR the purpose of repealing a certain requirement that the Department of Legislative Services publish and index the titles of certain municipal charter amendments and local laws of charter and code counties in the Session Laws of the General Assembly; requiring the Department to publish the titles or the full text of municipal charter amendments and local laws of charter and code counties on the General Assembly website; making certain conforming changes; and generally relating to the publication requirements of the Department of Legislative Services regarding municipal charter amendments and local laws of charter and code counties.

BY repealing and reenacting, with amendments,  
Article – Local Government  
Section 4–214, 4–311(c), 9–207(c), and 9–315(c)  
Annotated Code of Maryland  
(2013 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 2–1243(a)  
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 – Local Government**

4–214.

(a) When the public proclamation under § 4–209(d) of this subtitle is made, the county commissioners or county council shall send the information concerning the municipal charter to the Department of Legislative Services, as provided in § 4–109 of this title.

(b) The municipal charter is subject to the requirements of §§ 4–310 and 4–311 of this title[, including the printing and indexing in the laws enacted by the General Assembly].

(c) The exact text of the municipal charter, including any amendments, shall be included in any edition or codification of the municipal charter.

4–311.

(c) The Department of Legislative Services shall:

(1) arrange in a logical and convenient order the titles **OR THE FULL TEXT** of the laws of the municipalities that amend the municipal charters; **AND**

(2) [print] **PUBLISH ON THE GENERAL ASSEMBLY WEBSITE** each title, identified as a title of the laws of the municipality, [in the Session Laws of the General Assembly for its regular session in that year; and

(3) index each title with or in a supplemental volume to the laws enacted by the General Assembly] **OR THE FULL TEXT OF EACH LAW OF THE MUNICIPALITIES THAT AMENDS THE MUNICIPAL CHARTERS.**

9–207.

(c) The Department of Legislative Services shall:

(1) arrange in a logical and convenient order the titles **OR THE FULL TEXT** of the laws of each charter county that amends its county code; **AND**

(2) [print] **PUBLISH ON THE GENERAL ASSEMBLY WEBSITE** each title, identified as a title of the laws of a charter county that amends its county code, [in the Session Laws of the General Assembly for its regular session in that year; and

(3) index each title with or in a supplemental volume to the laws enacted by the General Assembly] **OR THE FULL TEXT OF THE LAWS OF EACH CHARTER COUNTY THAT AMENDS ITS COUNTY CODE.**

9–315.

(c) The Department of Legislative Services shall:

(1) arrange in a logical and convenient order the titles **OR THE FULL TEXT** of the laws of each code county that amends its code of public local laws; **AND**

(2) **[print] PUBLISH ON THE GENERAL ASSEMBLY WEBSITE** each title, identified as a title of the laws of a code county that amends its code of public local laws, **[in the Session Laws of the General Assembly for its regular session in that year; and**

(3) index each title with or in a supplemental volume to the laws enacted by the General Assembly] **OR THE FULL TEXT OF THE LAWS OF EACH CODE COUNTY THAT AMENDS ITS CODE OF PUBLIC LOCAL LAWS.**

#### **Article – State Government**

2–1243.

(a) (1) After each regular session, the Department shall compile and index:

(i) the laws that are enacted during that session;

(ii) the executive orders that have been adopted pursuant to Article II, § 24 of the Maryland Constitution since the last compilation; **AND**

(iii) the certificates of the State Board of Elections as to the referendum vote on a law, if the vote has not been published previously[; and

(iv) the titles of laws and statements of referendum on laws of each municipal corporation, code county, and charter county that have been delivered to the Department as required by law].

(2) After each special session, the Department shall compile and index the laws that are enacted during that session.

SECTION 2. **AND BE IT FURTHER ENACTED**, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

**Chapter 264**

**(Senate Bill 393)**

AN ACT concerning

**Atlantic States Marine Fisheries Compact – Amendment I – Adoption**

FOR the purpose of repealing a certain contingency relating to the adoption of a certain amendment to the Atlantic States Marine Fisheries Compact; entering the State into a certain amendment to the Atlantic States Marine Fisheries Compact; providing for the withdrawal of the State from the amendment; and generally relating to the Atlantic States Marine Fisheries Compact.

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 4–301 Amendment I

Annotated Code of Maryland

(2018 Replacement Volume)

(As enacted by Chapter 123 of the Acts of the General Assembly of 1978)

BY repealing

Chapter 123 of the Acts of the General Assembly of 1978

Section 2

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

**Article – Natural Resources**

4–301.

**Amendment I**

The states consenting to this amendment agree that any two or more of them may designate the Atlantic States Marine Fisheries Commission as a joint regulatory agency with such powers as they may jointly confer from time to time for the regulation of the fishing operations of the citizens and vessels of such designating states with respect to specific fisheries in which such states have a common interest. The representatives of such states on the Atlantic States Marine Fisheries Commission shall constitute a separate section of such commission for the exercise of the additional powers so granted provided that the states so acting shall appropriate additional funds for this purpose. The creation of such section as a joint regulatory agency shall not deprive the states participating therein of any of their privileges or powers or responsibilities in the Atlantic States Marine Fisheries Commission under the general compact (consented to by Public Law 721, 81st Congress, 2nd Session, approved August 19, 1950).

**Chapter 123 of the Acts of 1978**

[SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not take effect

until a similar Act is passed by the states participating in the Atlantic States Marine Fisheries Compact; that those states are requested to concur in this Act of the General Assembly of Maryland by the passage of a similar Act; and that upon that event the Governor of the State of Maryland shall issue a proclamation declaring this Act valid and effective.]

SECTION 2. AND BE IT FURTHER ENACTED, That the State of Maryland hereby enters into an amendment of the Atlantic States Marine Fisheries Compact with any one or more of the states of Maine, New Hampshire, Connecticut, Rhode Island, New York, New Jersey, Delaware, Virginia, North Carolina, South Carolina, Georgia, Massachusetts, Florida, and such other states as may become party to the compact for the purpose of authorizing the states that ratify this amendment to establish joint regulations of specific fisheries common to those states through the Atlantic States Marine Fisheries Commission and their representatives on that body. Notice of intention to withdraw from this amendment shall be:

- (1) executed and transmitted by the Governor;
- (2) in accordance with Article XII of the Atlantic States Marine Fisheries Compact; and
- (3) effective as to this State with those states that similarly ratify this amendment.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## **Chapter 265**

**(Senate Bill 140)**

AN ACT concerning

### **Washington County – Archery Hunting – Safety Zone**

FOR the purpose of altering the size of the safety zone for archery hunters in Washington County within which archery hunting may not take place except under certain circumstances; requiring that an archery hunter in Washington County be in a certain position when hunting any wild bird or mammal within a certain distance of certain buildings; and generally relating to the archery hunting safety zone in Washington County.

BY repealing and reenacting, with amendments,

Article – Natural Resources  
Section 10–410(g)  
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 – Natural Resources**

10–410.

(g) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person, other than the owner or occupant, while hunting for any wild bird or mammal may not shoot or discharge any firearm or other deadly weapon within 150 yards, known as the “safety zone”, of a dwelling house, residence, church, or other building or camp occupied by human beings, or shoot at any wild bird or mammal while it is within this area, without the specific advance permission of the owner or occupant.

(2) A person, while hunting for any wild bird or mammal, may not shoot or discharge any firearm within 300 yards of a public or nonpublic school during school hours or at a time when a school–approved activity is taking place.

(3) (i) For archery hunters in Calvert County, Carroll County, Frederick County, Harford County, Montgomery County, [or] St. Mary’s County, **OR WASHINGTON COUNTY**, the safety zone described in paragraph (1) of this subsection extends for 50 yards from a dwelling house, residence, church, or any other building or camp occupied by human beings.

(ii) For archery hunters in Anne Arundel County, the safety zone described in paragraph (1) of this subsection extends for 100 yards from a dwelling house, residence, church, or any other building or camp occupied by human beings.

(4) During any open hunting season, a person, other than the owner or occupant, may not hunt or chase willfully any wild bird or mammal within the safety zone without the specific advance permission of the owner or occupant.

(5) In Harford County, an archery hunter shall use a tree stand when hunting any wild bird or mammal within 50 to 100 yards of a dwelling house, residence, church, public or nonpublic school, or other building or camp occupied by human beings.

(6) In Montgomery County **OR WASHINGTON COUNTY**, an archery hunter shall be in an elevated position that allows the hunter to shoot in a downward trajectory when hunting any wild bird or mammal within 50 to 100 yards of a dwelling house, residence, church, public or nonpublic school, or other building or camp occupied by human beings.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 30, 2019.

---

**Chapter 266**

**(Senate Bill 26)**

AN ACT concerning

**State Department of Assessments and Taxation – Expedited Document Processing**

FOR the purpose of authorizing the State Department of Assessments and Taxation to adopt certain regulations regarding processing documents on an expedited basis and to charge certain fees; and generally relating to expedited document processing by the State Department of Assessments and Taxation.

BY repealing and reenacting, with amendments,  
Article – Corporations and Associations  
Section 1–203(b)(8) and 1–203.2  
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 – Corporations and Associations**

1–203.

(b) (8) [For] **SUBJECT TO § 1–203.2(C) OF THIS SUBTITLE, FOR** processing each of the following documents on an expedited basis, the additional fee is as indicated:

Recording any document, including financing statements, or submitting for preclearance any document listed in paragraph (1) or (4) of this subsection, if processing under § 1–203.2(b)(1) of this subtitle is requested.....\$425

Recording any document, including financing statements, or submitting for preclearance any document listed in paragraph (1) or (4) of this subsection, if processing under § 1–203.2(b)(1) is not requested.....\$50

Certificate of status of a corporation, partnership, limited partnership, limited liability partnership, or limited liability company, or a name reservation....\$20

Certified list of the charter documents of a Maryland corporation or any certificate of a Maryland limited partnership, limited liability partnership, or limited liability company recorded or filed with the Department.....\$20

A copy of any document recorded or filed with the Department, or a corporate abstract.....\$20

Application for a ground rent redemption or a ground rent extinguishment, or payment of a redemption or extinguishment amount to the former owner of the ground rent.....\$50

1-203.2.

(a) On payment of the fee provided in § 1-203(b)(8) of this subtitle, the Department shall process documents on an expedited basis as provided in subsection (b) of this section.

(b) [(1) The] **SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE** Department shall [process]:

**(1) PROCESS** documents filed with the Department at least 2 hours before the Department’s close of business within 2 hours after the documents are received[.]; **AND**

(2) To the extent practicable, [the Department shall] process all other documents on the same day that the documents are received.

(c) **(1)** The Department shall adopt regulations governing the manner of filing and processing of documents on an expedited basis, including reasonable limitations on filing documents of unusual volume or length.

**(2) THE DEPARTMENT MAY:**

**(I) ADOPT REGULATIONS ESTABLISHING:**

**1. EXPEDITED DOCUMENT PROCESSING TIERS; OR**

**2. ADDITIONAL METHODS OF EXPEDITED DOCUMENT PROCESSING; AND**

**(II) CHARGE REASONABLE FEES FOR SERVICES PROVIDED IN ACCORDANCE WITH THIS PARAGRAPH.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.

---

**Chapter 267**

**(Senate Bill 59)**

AN ACT concerning

**State Department of Assessments and Taxation – Notices and Orders – E-Mail**

FOR the purpose of authorizing the supervisor of assessments for a county to e-mail under a certain circumstance certain notices to the owner or resident agent of certain income producing properties; authorizing the Department of Assessments and Taxation to notify the owners of certain property by e-mail under a certain circumstance that a certain statement has not been received; authorizing the supervisor to serve a certain notice on certain owners or other appropriate persons by e-mail under a certain circumstance; authorizing the notice of annual assessment of personal property to be served by e-mail under a certain circumstance; authorizing the Department to send a certain notice of assessment by e-mail under a certain circumstance; authorizing the Department, supervisor, or property tax assessment appeal board to send certain notices and orders by e-mail under a certain circumstance; repealing the authority of the Department, supervisor, or property tax assessment appeal board to deliver certain notices and orders; making conforming changes; and generally relating to authorizing certain notices and orders to be sent by e-mail.

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 8–105(b)(3) and (c), 8–402(a) and (b), 8–409(a) and (b), 8–419(c)(3),  
14–507(b), and 14–510(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 – Tax – Property**

8–105.

(b) (3) For income producing real property that is designated under paragraph (2) of this subsection, the supervisor shall:

(i) include in the notice a statement that a penalty may be assessed under subsection (e) of this section if the owner of real property valued at over \$5,000,000 fails to file the income and expense information required under this subsection; and

(ii) send the notice [by first class certified mail] to the owner as determined from the assessment rolls or the owner's registered agent **BY:**

**1. FIRST-CLASS CERTIFIED MAIL; OR**

**2. E-MAIL, IF WITHIN THE PAST 3 YEARS THE RECIPIENT HAS PROVIDED TO THE DEPARTMENT AN E-MAIL ADDRESS ~~FOR RECEIVING NOTICES AND REQUESTED TO RECEIVE THE NOTICES BY E-MAIL.~~**

(c) (1) For income producing real property that has a value in excess of \$5,000,000 as listed on the assessment roll that is designated under subsection (b)(2) of this section, if the income and expense statement required under subsection (b) of this section is not received by May 15, the Department shall [send a letter by first class certified mail to the owner notifying] **NOTIFY** the owner that the statement has not been received and that if the statement is still not received by June 15, the penalty specified in subsection (e) of this section will be assessed.

**(2) THE DEPARTMENT SHALL SEND THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE OWNER BY:**

**(I) FIRST-CLASS CERTIFIED MAIL; OR**

**(II) E-MAIL, IF WITHIN THE PAST 3 YEARS THE RECIPIENT HAS PROVIDED TO THE DEPARTMENT AN E-MAIL ADDRESS ~~FOR RECEIVING NOTICES AND REQUESTED TO RECEIVE THE NOTICES BY E-MAIL.~~**

**[(2)] (3)** For property other than the property described in paragraph (1) of this subsection, upon request, an extension of up to 30 days may be granted by the supervisor for the filing required by subsection (b) of this section.

8-402.

(a) (1) The notice required by § 8-401 of this subtitle shall be served on the owner or other appropriate person:

(i) by leaving a copy of the notice at the person's residence;

(ii) by sending a copy of the notice by United States mail to the mailing address of the owner;

(iii) by personal service by the sheriff in the same manner as original service is required in a civil action; [or]

**(IV) BY E-MAIL, IF WITHIN THE PAST 3 YEARS THE RECIPIENT HAS PROVIDED TO THE DEPARTMENT AN E-MAIL ADDRESS ~~FOR RECEIVING NOTICES~~ AND REQUESTED TO RECEIVE THE NOTICES BY E-MAIL; OR**

**[(iv)] (V)** if the owner is unknown, not residing at the real property, or cannot be found by:

1. delivering a copy of the notice to a person in possession of the real property; or
2. posting a copy of the notice at a conspicuous location on the real property.

(2) Though not a condition precedent to the validity of the value in the notice, if the mailing **OR E-MAIL** address of an owner not residing at the real property is known, the notice shall be sent to that address.

(b) If a notice is **[mailed] SENT** under this section, the supervisor shall retain a record of the date of **[mailing] SENDING** and the name and address of the person to whom the notice is sent.

8-409.

(a) The notice required by § 8-408 of this subtitle shall be served on the owner or other appropriate person by:

- (1) sending a copy of the notice by:

**(I)** United States mail to the mailing address of the owner; or

**(II) E-MAIL, IF WITHIN THE PAST 3 YEARS THE RECIPIENT HAS PROVIDED TO THE DEPARTMENT AN E-MAIL ADDRESS ~~FOR RECEIVING NOTICES~~ AND REQUESTED TO RECEIVE THE NOTICES BY E-MAIL; OR**

(2) if the owner is a nonresident of the State, or unknown or cannot be found, delivering a copy of the notice to a person in possession of the personal property.

(b) When a notice is **[mailed] SENT** under this section, the Department or supervisor shall retain a record of the date of **[mailing] SENDING** and the name and address of the person to whom the notice is sent.

8-419.

(c) (3) If action is taken under paragraph (2) of this subsection, the Department shall **[mail] SEND** a notice of assessment to the owner **BY:**

(I) MAIL; OR

(II) E-MAIL, IF WITHIN THE PAST 3 YEARS THE RECIPIENT HAS PROVIDED TO THE DEPARTMENT AN E-MAIL ADDRESS ~~FOR RECEIVING NOTICES~~ AND REQUESTED TO RECEIVE THE NOTICES BY E-MAIL.

(4) The notice may be appealed as provided by Title 14, Subtitle 5 of this article.

14-507.

(b) The Department, supervisor, or property tax assessment appeal board shall [deliver or mail, postage prepaid,] SEND the notices and orders requested under subsection (a) of this section to the address specified by the party in interest BY:

(1) MAIL; OR

(2) E-MAIL, IF THE RECIPIENT HAS PROVIDED AN E-MAIL ADDRESS TO THE DEPARTMENT AND REQUESTED TO RECEIVE THE NOTICES AND ORDERS BY E-MAIL.

14-510.

(c) If a person submits a request that meets the requirements of § 14-507 of this subtitle, the supervisor's or the board's action or refusal to act does not operate against the person until a statement of the order in the action or refusal to act is [mailed] SENT to [the] AN address specified by the person.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 30, 2019.

---

## Chapter 268

(House Bill 465)

AN ACT concerning

**State Department of Assessments and Taxation – Distribution of Recordation  
and Transfer Tax Revenues**

FOR the purpose of altering the distribution of revenue from certain recordation taxes and local transfer taxes collected by the State Department of Assessments and Taxation; and generally relating to the distribution of revenue from certain recordation and local transfer taxes.

BY repealing and reenacting, with amendments,  
Article – Tax – Property  
Section 12–110(d) and 13–404(d)  
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**

12–110.

(d) (1) The Department shall deduct the cost of administering the recordation tax from the taxes collected under this title and credit those revenues to the fund established under § 1–203.3 of the Corporations and Associations Article.

(2) After deducting the revenues required under paragraph (1) of this subsection, the recordation tax collected under §§ 12–103(d) and 12–117 of this title shall be [paid to the Comptroller. The Comptroller shall distribute the revenue to the counties in the ratio that the recordation tax collected in the prior fiscal year in each county bears to the total recordation tax collected in all counties in that year] **DISTRIBUTED TO THE COUNTY IN WHICH THE PROPERTY IS LOCATED.**

13–404.

(d) [(1)] The Department shall:

[(i)] (1) collect any county transfer tax imposed under subsection (a) of this section; [and

(ii) promptly remit the county transfer tax collected together with copies of supporting documents to the Comptroller.

(2) From the revenue received, the Comptroller shall:]

[(i)] (2) deduct the cost to the Department of collecting county transfer tax under this section; and

[(ii)] (3) distribute the remainder of the revenue to the county in which the property that is transferred is located.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 30, 2019.

---

## Chapter 269

(Senate Bill 62)

AN ACT concerning

### **Uninsured Employers' Fund – ~~Solvency and Suspension and Resumption of Assessments~~ – Repeal Study**

FOR the purpose of ~~repealing a certain provision of law providing that the payment of assessments to the Uninsured Employers' Fund by employers and insurers is suspended when the amount of the Fund equals at least a certain amount; repealing the requirement that the Director of the Fund notify self-insured employers and insurers of the suspension of the payment of assessments; repealing the requirement that the payment of assessments resume under certain circumstances; repealing the requirement that the Director of the Fund notify self-insured employers and insurers of the resumption of the payment of certain assessments; making a conforming change; and generally relating to the assessments paid to~~ requiring the Executive Director of the Uninsured Employers' Fund to report to certain committees of the General Assembly on or before a certain date; and generally relating to the Uninsured Employers' Fund.

~~BY repealing and reenacting, with amendments,  
Article — Labor and Employment  
Section 9-1007(b)  
Annotated Code of Maryland  
(2016 Replacement Volume and 2018 Supplement)~~

~~BY repealing  
Article — Labor and Employment  
Section 9-1011  
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 — Labor and Employment~~

~~9-1007.~~

~~(b) [Notwithstanding the limit on the balance of the Fund under § 9-1011 of this subtitle, if] IF the Board determines that the reserves of the Fund are inadequate to meet anticipated losses, the Board may direct the Commission to assess an additional 1% under subsection (a) of this section.~~

~~§ 9-1011.~~

~~(a) (1) When the amount of the Fund equals at least \$5,000,000, the payment of assessments by employers and insurers is suspended.~~

~~(2) The Director shall notify each self-insured employer and insurer of the suspension of the payment of assessments under paragraph (1) of this subsection.~~

~~(b) (1) Payment of assessments shall be resumed if:~~

~~(i) the amount of the Fund becomes less than \$3,000,000 because of payments made under § 9-1002 of this subtitle or other payments; or~~

~~(ii) the Director determines that payments that are likely to be made from the Fund in the next 3 months will reduce the amount of the Fund to less than \$3,000,000.~~

~~(2) When the payment of assessments is to be resumed under paragraph (1) of this subsection, the Director shall notify each self-insured employer and insurer that payment of assessments is to:~~

~~(i) resume on a specified date; and~~

~~(ii) continue until the amount of the Fund becomes at least \$5,000,000.]~~

(a) On or before October 1, 2019, the Executive Director of the Uninsured Employers' Fund shall report to the Senate Finance Committee, the House Economic Matters Committee, and the Joint Committee on Workers' Compensation Benefit and Insurance Oversight, in accordance with § 2-1246 of the State Government Article, on:

(1) the solvency of the Uninsured Employers' Fund, including the Fund's solvency during the period from October 1, ~~2009, 2012,~~ through ~~September 30, August 31,~~ 2019, both inclusive; and

(2) whether the General Assembly should ~~increase~~ *adjust* or provide authority to ~~increase~~ *adjust* the assessment required under § 9-1007 of the Labor and Employment Article.

(b) The report required under subsection (a) of this section shall include:

~~(1) a discussion and analysis of claims made against of payments for compensation to claimants made from the Uninsured Employers' Fund and payments made from the Fund, including types of claims and amounts paid, from October 1, 2009, September 1, 2017, through September 30, August 31, 2019, both inclusive; and~~

~~(2) a discussion and analysis of the Uninsured Employers' Fund's prospective liabilities, including; and~~

~~(3) a discussion of Bethlehem Steel Corporation hearing loss claims for compensation.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 30, 2019.

---

## Chapter 270

(Senate Bill 72)

AN ACT concerning

### Membership – Department of Juvenile Services State Advisory Board

FOR the purpose of expanding the membership of the State Advisory Board for the Department of Juvenile Services; requiring certain members appointed to the Board from the general public to meet certain requirements; and generally relating to the State Advisory Board for the Department of Juvenile Services.

BY repealing and reenacting, with amendments,  
 Article – Human Services  
 Section 9–212  
 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

9–212.

(a) The State Advisory Board consists of the following [19] 21 members appointed by the Governor:

- (1) one representative of the Department;
  - (2) one representative of the State Department of Education;
  - (3) one representative of the Maryland Department of Health;
  - (4) one representative of the Department of State Police;
  - (5) one representative of the Social Services Administration of the Department of Human Services;
  - (6) one representative of a private child welfare agency;
  - (7) one representative of a youth services bureau;
  - (8) three representatives of the State judiciary;
  - (9) one representative of the General Assembly recommended by the President of the Senate;
  - (10) one representative of the General Assembly recommended by the Speaker of the House; [and]
  - (11) ONE REPRESENTATIVE OF THE MARYLAND STATE’S ATTORNEYS’ ASSOCIATION;**
  - (12) ONE REPRESENTATIVE OF THE MARYLAND OFFICE OF THE PUBLIC DEFENDER; AND**
  - [(11)] (13) seven members of the general public.**
- (b) Of the seven members from the general public:
- (1) three shall be chosen on the basis of their interest in and experience with minors and juvenile problems;
  - (2) [three] **TWO** shall:
    - (i) at the time of appointment to a first term, be at least 16 years old and under the age of 25 years; and
    - (ii) include at least one individual who has been under the jurisdiction of the Department; ~~AND~~

(3) ONE SHALL BE AN INDIVIDUAL WHO IS A PARENT OR GUARDIAN OF A YOUTH WHO HAS BEEN UNDER THE JURISDICTION OF THE DEPARTMENT; AND

(4) ONE SHALL BE A VICTIM ADVOCATE.

(c) (1) The term of a member is 3 years.

(2) The terms of the members are staggered as required by the terms provided for members of the State Advisory Board on October 1, 2007.

(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 who serves two consecutive full 3-year terms may not be reappointed for 3 years after completion of those terms.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 271

### (House Bill 169)

AN ACT concerning

#### **State Advisory Board for Juvenile Services – Duties and Access to Records**

FOR the purpose of expanding the duties of the State Advisory Board for Juvenile Services to include the examination and review of fatalities involving children under the supervision of the Department of Juvenile Services for a certain purpose; establishing that a prohibition against the disclosure of a court record pertaining to a certain child does not prohibit access to and confidential use of the court record by the State Advisory Board for Juvenile Services for certain purposes; and generally relating to the State Advisory Board for Juvenile Services and juvenile records.

BY repealing and reenacting, with amendments,

Article – Human Services

Section 9-215

Annotated Code of Maryland

(2007 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 3–8A–27(b)  
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 – Human Services**

9–215.

In addition to its other duties specified in this title, the State Advisory Board shall:

- (1) consult with and advise the Secretary on:
  - (i) each aspect of the juvenile services program in the State;
  - (ii) the educational programs and services of the Department;
  - (iii) programs designed to divert children from the juvenile justice system; and
  - (iv) the treatment and programming needs of females in the juvenile justice system;
- (2) recommend to the Secretary policies and programs to improve juvenile services in the State;
- (3) participate in interpreting for the public the objectives of the Department; [and]
- (4) participate in planning the development and use of available resources to meet the needs of the Department; **AND**

**(5) EXAMINE AND REVIEW FATALITIES INVOLVING CHILDREN UNDER THE SUPERVISION OF THE DEPARTMENT FOR THE PURPOSE OF ADVISING THE SECRETARY ON POLICIES AND PROGRAMS TO PREVENT FATALITIES, INCLUDING:**

**(I) A DEATH CAUSED BY A CHILD UNDER THE SUPERVISION OF THE DEPARTMENT, IF THE CHILD IS CONVICTED OR ADJUDICATED FOR THE DEATH; AND**

**(II) THE DEATH OF A CHILD UNDER THE SUPERVISION OF THE**

**DEPARTMENT.****Article – Courts and Judicial Proceedings**

3–8A–27.

(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 Health Department's Office of Youth Violence Prevention:

(i) If the Baltimore City Health Department's Office of Youth Violence Prevention is providing treatment or care to a child who is the subject of the record, for a purpose relevant to the provision of the treatment or care;

(ii) If the record concerns a child convicted of a crime or adjudicated delinquent for an act that caused a death or near fatality; or

(iii) If the record concerns a victim of a crime of violence, as defined in § 14–101 of the Criminal Law Article, who is a child residing in Baltimore City, for the purpose of developing appropriate programs and policies aimed at reducing violence against children in Baltimore City.

(9) 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 Baltimore Police Department to a child who is the subject of the record, for a purpose relevant to the provision of the programs and services and the development of a comprehensive treatment plan.

(10) (i) The Baltimore City Health Department's Office of Youth Violence Prevention or 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.

(ii) Within 180 days after the Baltimore City Health Department's Office of Youth Violence Prevention or the Baltimore City Mayor's Office on Criminal Justice accesses a court record under this subsection, the Baltimore City Health Department's Office of Youth Violence Prevention or the Baltimore City Mayor's Office on Criminal Justice shall submit a report to the court detailing the purposes for which the record was used.

**(11) THIS SUBSECTION DOES NOT PROHIBIT ACCESS TO AND CONFIDENTIAL USE OF A COURT RECORD BY THE STATE ADVISORY BOARD FOR JUVENILE SERVICES IF THE BOARD IS PERFORMING THE FUNCTIONS DESCRIBED UNDER § 9–215(5) OF THE HUMAN SERVICES ARTICLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 30, 2019.**

**Chapter 272****(Senate Bill 877)**

AN ACT concerning

**Waterway Improvement Fund – Public Boating Construction Projects –  
Financing Limits**

FOR the purpose of increasing the maximum cost of a certain construction project that may be wholly financed with funds from the Waterway Improvement Fund; making certain stylistic changes; and generally relating to the Waterway Improvement Fund.

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section 8–708(a) and (b)  
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 – Natural Resources**

8–708.

(a) **(1)** Except as provided in § 8–708.1 of this subtitle, projects for dredging and marking channels and harbors, construction of jetties and breakwaters, and clearing debris, aquatic vegetation, and obstructions in navigable waters, as well as construction of marine facilities located within lands owned by the Department and construction of pump–out stations for use by the general boating public at public and private marinas, shall be financed solely by the Waterway Improvement Fund.

**(2)** Any funds available from the federal government, any governing body, or any gift also may be used for [these] **THE purposes INCLUDED IN PARAGRAPH (1) OF THIS SUBSECTION.**

(b) **(1)** Except for the construction of pump–out stations for use by the general boating public at public and private marinas, the governing body and the Waterway Improvement Fund jointly shall finance projects to construct marine facilities beneficial to the boating public.

**(2)** [The] **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,** THE contribution of the Waterway Improvement Fund shall be limited to not more than 50% of the cost of each project.

(3) [However, the] **THE** Waterway Improvement Fund may finance completely any construction project beneficial to the boating public which costs [less than \$100,000] **\$250,000 OR LESS**, regardless of its location.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 273

### (House Bill 469)

AN ACT concerning

#### **Supplemental Retirement Plans – Investments – Procurement of Investment Management Services**

FOR the purpose of requiring the Board of Trustees of the Maryland Teachers and State Employees Supplemental Retirement Plans to make certain arrangements for the safe custody of investments; exempting certain agreements with managers and custodians of assets in certain investment elections authorized under the statements of investment policy adopted by the Board from certain provisions of the procurement law; making a clarifying change; and generally relating to the Maryland Teachers and State Employees Supplemental Retirement Plans.

BY repealing and reenacting, with amendments,  
 Article – State Personnel and Pensions  
 Section 35–302  
 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**

35–302.

(a) Assets of the supplemental retirement plans may be deposited and invested in accordance with the investment elections allowed under the supplemental retirement plans **AS SELECTED AND DETERMINED BY THE BOARD IN ACCORDANCE WITH THE STATEMENTS OF INVESTMENT POLICY ADOPTED BY THE BOARD FROM TIME TO TIME**

notwithstanding any other law limiting the types of investments that may be made with State funds or imposing conditions on the deposit of State funds.

**(B) THE BOARD SHALL MAKE ARRANGEMENTS FOR THE SAFE CUSTODY, DOMESTIC OR GLOBAL, OF INVESTMENTS WITH ONE OR MORE DULY QUALIFIED CUSTODIAN BANKS OR TRUST COMPANIES.**

**(C) EXCEPT AS PROVIDED IN TITLE 12, SUBTITLE 4 AND TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, TITLE 10 AND DIVISION II OF THE STATE FINANCE AND PROCUREMENT ARTICLE DO NOT APPLY TO THE SUPPLEMENTAL RETIREMENT PLANS FOR:**

**(1) SERVICES OF MANAGERS TO INVEST THE ASSETS DEPOSITED AND INVESTED IN INVESTMENT OPTIONS OF THE SUPPLEMENTAL RETIREMENT PLANS IN ACCORDANCE WITH THE STATEMENTS OF INVESTMENT POLICY ADOPTED BY THE BOARD FROM TIME TO TIME;**

**(2) EXPENDITURES TO MANAGE, MAINTAIN, AND ENHANCE THE VALUE OF ASSETS DEPOSITED AND INVESTED IN INVESTMENT OPTIONS OF THE SUPPLEMENTAL RETIREMENT PLANS SELECTED IN ACCORDANCE WITH THE STATEMENTS OF INVESTMENT POLICY ADOPTED BY THE BOARD FROM TIME TO TIME; AND**

**(3) EXPENDITURES FOR THE SAFE CUSTODY, DOMESTIC OR GLOBAL, OF ASSETS DEPOSITED AND INVESTED IN INVESTMENT OPTIONS OF THE SUPPLEMENTAL RETIREMENT PLANS SELECTED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.**

**[(b)] (D)** (1) (i) The Board shall attempt to use to the greatest extent feasible minority business enterprises to provide brokerage and investment management services to the Board consistent with minority business purchasing standards applicable to units of State government under the State Finance and Procurement Article and consistent with the fiduciary duties of the Board.

(ii) For purposes of this subsection, brokerage and investment management services shall include services relating to all allocated asset classes.

(2) (i) To assist it in achieving the goal described under paragraph (1) of this subsection, the Board shall undertake measures to remove any barriers that limit full participation by minority business enterprises in brokerage and investment management services opportunities afforded under this title.

(ii) The measures undertaken by the Board shall include the use of a wide variety of media, including the Maryland Teachers and State Employees Supplemental Retirement Plans' Web site, to provide notice to a broad and varied range of

potential providers about the brokerage and investment management services opportunities afforded by the Maryland Teachers and State Employees Supplemental Retirement Plans.

(3) In consultation with the Governor's Office of Small, Minority, and Women Business Affairs, the Board shall develop guidelines to assist the Board in identifying and evaluating qualified minority business enterprises in order to help the Maryland Teachers and State Employees Supplemental Retirement Plans achieve the objective for greater use of minority business enterprises for brokerage and investment management services.

(4) On or before September 1 each year, the Board shall submit a report to the Governor's Office of Small, Minority, and Women Business Affairs and, subject to § 2-1246 of the State Government Article, the General Assembly on:

(i) the identity of the minority business enterprise brokerage and investment management services firms used by the Board in the immediately preceding fiscal year;

(ii) the percentage and dollar value of the assets that are under the control of the Board that are under the investment control of minority business enterprise brokerage and investment management services firms for each allocated asset class; and

(iii) the measures the Board undertook in the immediately preceding fiscal year in accordance with paragraph (2)(ii) of this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 274

(House Bill 570)

AN ACT concerning

~~Behavioral Health Programs~~ ***Outpatient Mental Health Centers – Medical Directors – Telehealth***

FOR the purpose of requiring that regulations adopted under certain provisions of law regulating behavioral health programs include provisions authorizing a behavioral health program *licensed as an outpatient mental health center* ~~located in a federally designated health professional shortage area to satisfy any regulatory requirement that the medical director be on-site through the medical director's use of telehealth~~

to satisfy any regulatory requirement that a medical director be on-site through the use of telehealth by the director; and generally relating to medical directors of ~~behavioral health programs~~ outpatient mental health centers providing services through telehealth.

BY repealing and reenacting, with amendments,  
 Article – Health – General  
 Section 7.5–402  
 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

7.5–402.

(a) Regulations adopted under this subtitle shall include:

- (1) The requirements for licensure of a behavioral health program;
- (2) The process for a behavioral health program to apply for a license;
- (3) A description of the behavioral health programs that are required to be licensed;
- (4) Any requirements for the governance of a behavioral health program, including [a]:

(I) A provision prohibiting a conflict of interest between the interests of the provider and those of the individual receiving services; AND

(II) A PROVISION AUTHORIZING A BEHAVIORAL HEALTH PROGRAM LICENSED AS AN OUTPATIENT MENTAL HEALTH CENTER ~~LOCATED IN A FEDERALLY DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREA~~ TO SATISFY ANY REGULATORY REQUIREMENT THAT THE MEDICAL DIRECTOR BE ~~ON-SITE~~ ON-SITE THROUGH THE MEDICAL DIRECTOR'S USE OF TELEHEALTH BY THE DIRECTOR;

(5) Provisions for inspections of a behavioral health program, including inspection and copying of the records of a behavioral health program in accordance with State and federal law; and

(6) Provisions for denials, sanctions, suspensions, and revocations of licenses, including imposition of civil monetary penalties, and notice and an opportunity to be heard.

(b) (1) The Secretary may require a behavioral health program to be granted accreditation by an accreditation organization approved by the Secretary under Title 19, Subtitle 23 of this article as a condition of licensure under regulations adopted under this subtitle.

(2) By becoming licensed in accordance with paragraph (1) of this subsection, a program agrees to comply with all applicable standards of the accreditation organization.

(c) Regulations adopted under this subtitle may include provisions setting reasonable fees for applying for a license and for the issuance and renewal of licenses.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.

---

## Chapter 275

(Senate Bill 178)

AN ACT concerning

~~Behavioral Health Programs~~ ***Outpatient Mental Health Centers – Medical Directors – Telehealth***

FOR the purpose of requiring that regulations adopted under certain provisions of law regulating behavioral health programs include provisions authorizing ~~a medical director of a behavioral health program~~ *licensed as an outpatient mental health center located in a federally designated health professional shortage area to provide services through telehealth, and prohibiting a behavioral health program located in a federally designated health professional shortage area from requiring a medical director to provide services onsite* to satisfy any regulatory requirement that a ~~medical director be onsite through the use of telehealth by the director~~; and generally relating to medical directors of ~~behavioral health programs~~ *outpatient mental health centers* providing services through telehealth.

BY repealing and reenacting, with amendments,  
 Article – Health – General  
 Section 7.5–402  
 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**

7.5–402.

(a) Regulations adopted under this subtitle shall include:

- (1) The requirements for licensure of a behavioral health program;
- (2) The process for a behavioral health program to apply for a license;
- (3) A description of the behavioral health programs that are required to be licensed;
- (4) Any requirements for the governance of a behavioral health program, including [a]:

(I) A provision prohibiting a conflict of interest between the interests of the provider and those of the individual receiving services; AND

~~(II) A PROVISION AUTHORIZING A MEDICAL DIRECTOR OF A BEHAVIORAL HEALTH PROGRAM LICENSED AS AN OUTPATIENT MENTAL HEALTH CENTER LOCATED IN A FEDERALLY DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREA TO PROVIDE SERVICES THROUGH TELEHEALTH; AND~~

~~(III) A PROVISION PROHIBITING A BEHAVIORAL HEALTH PROGRAM LOCATED IN A FEDERALLY DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREA FROM REQUIRING A MEDICAL DIRECTOR TO BE ONSITE TO SATISFY ANY REGULATORY REQUIREMENT THAT THE MEDICAL DIRECTOR BE ONSITE THROUGH THE USE OF TELEHEALTH BY THE DIRECTOR;~~

(5) Provisions for inspections of a behavioral health program, including inspection and copying of the records of a behavioral health program in accordance with State and federal law; and

(6) Provisions for denials, sanctions, suspensions, and revocations of licenses, including imposition of civil monetary penalties, and notice and an opportunity to be heard.

(b) (1) The Secretary may require a behavioral health program to be granted accreditation by an accreditation organization approved by the Secretary under Title 19, Subtitle 23 of this article as a condition of licensure under regulations adopted under this subtitle.

(2) By becoming licensed in accordance with paragraph (1) of this subsection, a program agrees to comply with all applicable standards of the accreditation organization.

(c) Regulations adopted under this subtitle may include provisions setting reasonable fees for applying for a license and for the issuance and renewal of licenses.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.

---

## Chapter 276

(Senate Bill 509)

AN ACT concerning

### Property Tax – In Rem Foreclosure ~~and Sale and Sale~~ – Vacant and Abandoned Property

FOR the purpose of requiring a tax collector to withhold from tax sale certain real property designated by a county or municipal corporation for foreclosure and sale under a certain process; authorizing a county or municipal corporation to initiate an in rem foreclosure and sale of certain real property for delinquent taxes; ~~requiring~~ authorizing a county or municipal corporation to enact certain laws authorizing in rem foreclosure and sale of certain real property; ~~requiring~~ authorizing the county or municipal corporation to commence an in rem foreclosure action; prohibiting the county or municipal corporation from commencing an in rem foreclosure action until tax on real property has been delinquent for a certain period and the right to appeal a certain notice has tolled; ~~requiring the county or municipal corporation to send certain notice to certain taxing agencies before filing a certain complaint; requiring a taxing agency receiving a certain notice to certify certain information to the county or municipal corporation within a certain period of time~~; requiring certain taxes to be included in the foreclosure action; ~~requiring a county or municipal corporation to obtain a certain lien release or make a certain payment before filing a certain action~~; requiring the county or municipal corporation to file the foreclosure action in a certain circuit court and send notice and a copy of the complaint to each interested party within a certain period of time and in a certain manner; requiring the complaint for an in rem foreclosure to include certain information; allowing the complaint for an in rem foreclosure to be amended for certain purposes; providing that an interested party has a certain right to cure certain delinquent taxes and liens on the real property under certain circumstances; requiring a hearing on the in rem foreclosure complaint to be conducted at a certain time; providing that an interested party has the right to be heard at the hearing; requiring the court to enter a certain

~~judgment on a certain finding; requiring the judgment to be recorded in certain land records; providing that title acquired in a certain foreclosure proceeding shall be a certain absolute or fee simple title except under certain circumstances; providing that a judgment in an action under this Act is binding and conclusive, regardless of legal disability, on certain persons; requiring the county or municipal corporation to sell at public auction real property after entry of a certain judgment; specifying the time of the sale; specifying the minimum bid for the sale; requiring the property to be sold to the highest bidder; authorizing a county or municipal corporation to bid the minimum bid under certain circumstances; requiring the county or municipal corporation to deposit certain excess bid amounts in escrow; requiring certain funds to be distributed to interested parties in a certain manner; requiring the county or municipal corporation to provide certain notice to the court of a sale; establishing that a sale of certain properties is final and binding requiring the county or municipal corporation to report certain information to the court; requiring the Court of Appeals to adopt certain rules; prohibiting a county or municipality from filing an in rem foreclosure action in accordance with this Act until the Court of Appeals have adopted certain rules; defining certain terms; and generally relating to in rem foreclosure and sale ~~and sale~~ of tax delinquent vacant and abandoned property.~~

BY repealing and reenacting, without amendments,

Article – Tax – Property

Section 14–801(d)

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 14–811(a)

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY adding to

Article – Tax – Property

Section 14–811(e) and 14–873 through ~~14–878~~ 14–876 to be under the new part “Part V. Judicial In Rem Tax Foreclosure”

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

14–801.

(d) (1) “Tax” means any tax, or charge of any kind due to the State or any of its political subdivisions, or to any other taxing agency, that by law is a lien against the real property on which it is imposed or assessed.

(2) “Tax” includes interest, penalties, and service charges.

14-811.

(a) Except as provided in [subsection (b)] **SUBSECTIONS (B) AND (E)** of this section, the collector may withhold from sale any property, when the total taxes on the property, including interest and penalties, amount to less than \$250 in any 1 year.

**(E) THE COLLECTOR SHALL WITHHOLD FROM SALE UNDER THIS PART OF THIS SUBTITLE ANY REAL PROPERTY DESIGNATED BY THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION FOR FORECLOSURE AND SALE UNDER PART V OF THIS SUBTITLE.**

14-871. RESERVED.

14-872. RESERVED.

#### **PART V. JUDICIAL IN REM TAX FORECLOSURE.**

14-873.

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

**(B) “INTERESTED PARTY” MEANS:**

**(1) THE PERSON WHO LAST APPEARS AS OWNER OF THE REAL PROPERTY ON THE COLLECTOR’S TAX ROLL;**

**(2) A MORTGAGEE OF THE PROPERTY OR ASSIGNEE OF A MORTGAGE OF RECORD;**

**(3) A HOLDER OF A BENEFICIAL INTEREST IN A DEED OF TRUST RECORDED AGAINST THE REAL PROPERTY;**

**(4) A TAXING AGENCY THAT HAS THE AUTHORITY TO COLLECT TAX ON THE REAL PROPERTY; OR**

**~~(4)~~ (5) ANY PERSON HAVING AN INTEREST IN THE REAL PROPERTY WHOSE IDENTITY AND ADDRESS ARE:**

(I) REASONABLY ASCERTAINABLE FROM THE COUNTY LAND RECORDS; OR

(II) REVEALED BY A FULL TITLE SEARCH CONSISTING OF AT LEAST 50 YEARS.

(C) “TAX” HAS THE MEANING STATED IN § 14–801 OF THIS SUBTITLE.

14–874.

~~(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A COUNTY OR MUNICIPAL CORPORATION MAY DESIGNATE REAL PROPERTY TO BE SOLD UNDER THIS PART.~~

~~(B) ONLY REAL PROPERTY THAT CONSISTS OF A VACANT LOT OR IMPROVED PROPERTY CITED AS VACANT AND UNFIT FOR HABITATION ON A HOUSING OR BUILDING VIOLATION NOTICE MAY BE SOLD UNDER THIS PART.~~

(A) REAL PROPERTY MAY BE SUBJECT TO FORECLOSURE AND SALE UNDER THIS PART ONLY IF:

(1) THE PROPERTY CONSISTS OF A VACANT LOT OR IMPROVED PROPERTY CITED AS VACANT AND UNSAFE OR UNFIT FOR HABITATION OR OTHER AUTHORIZED USE ON A HOUSING OR BUILDING VIOLATION NOTICE; AND

(2) THE TOTAL AMOUNT OF LIENS FOR UNPAID TAXES ON THE PROPERTY EXCEEDS THE LESSER OF THE TOTAL VALUE OF THE PROPERTY AS LAST DETERMINED BY THE DEPARTMENT OR AS DETERMINED BY AN APPRAISAL REPORT PREPARED NOT MORE THAN 6 MONTHS BEFORE THE FILING OF A COMPLAINT UNDER THIS SECTION BY A REAL ESTATE APPRAISER WHO IS LICENSED UNDER TITLE 16 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.

~~(C) (A) (B) (1) A COUNTY OR MUNICIPAL CORPORATION SHALL MAY AUTHORIZE BY LAW AN IN REM FORECLOSURE AND SALE IN ACCORDANCE WITH THIS PART.~~

(2) A LAW THAT AUTHORIZES AN IN REM FORECLOSURE ~~AND SALE~~ SHALL:

(I) STATE THE DATE AFTER WHICH REAL PROPERTY MAY BE SUBJECT TO IN REM FORECLOSURE ~~AND SALE~~ UNDER THIS PART;

(II) ESTABLISH CRITERIA FOR DESIGNATING REAL PROPERTY TO BE FORECLOSED ~~AND SOLD~~ UNDER THIS PART;

(III) AUTHORIZE THE COUNTY OR MUNICIPAL CORPORATION TO FILE A COMPLAINT FOR AN IN REM FORECLOSURE UNDER THIS PART; AND

(IV) INCLUDE ADMINISTRATIVE RULES AND PROCEDURES NECESSARY TO CARRY OUT AN IN REM FORECLOSURE ~~AND SALE~~ UNDER THIS PART.

~~(B)~~ (C) (1) SUBJECT TO SUBSECTION ~~(E)~~ (D) OF THIS SECTION, A COUNTY OR MUNICIPAL CORPORATION MAY AUTHORIZE, BY LAW, THE SALE OF REAL PROPERTY AFTER AN IN REM FORECLOSURE AND DESIGNATE REAL PROPERTY TO BE SOLD UNDER THIS PART.

(2) A LAW THAT AUTHORIZES A SALE OF REAL PROPERTY AFTER AN IN REM FORECLOSURE SHALL:

(I) STATE THE DATE AFTER WHICH THE REAL PROPERTY MAY BE SUBJECT TO SALE AFTER AN IN REM FORECLOSURE UNDER THIS PART;

(II) ESTABLISH CRITERIA FOR DESIGNATING REAL PROPERTY TO BE SOLD UNDER THIS PART; AND

(III) INCLUDE ADMINISTRATIVE RULES AND PROCEDURES NECESSARY TO CARRY OUT A SALE UNDER THIS PART.

~~(E)~~ (D) ONLY REAL PROPERTY THAT CONSISTS OF A VACANT LOT OR IMPROVED PROPERTY CITED AS VACANT AND UNSAFE OR UNFIT FOR HABITATION OR OTHER AUTHORIZED USE ON A HOUSING OR BUILDING VIOLATION NOTICE MAY BE SOLD UNDER THIS PART.

14-875.

(A) ~~AFTER REAL PROPERTY IS DESIGNATED FOR SALE UNDER THIS PART, THE~~ A COUNTY OR MUNICIPAL CORPORATION ~~SHALL~~ MAY FILE A COMPLAINT FOR AN IN REM FORECLOSURE ACTION IN ACCORDANCE WITH THIS PART.

(B) THE COUNTY OR MUNICIPAL CORPORATION MAY NOT FILE A COMPLAINT FOR AN IN REM FORECLOSURE ACTION UNLESS:

(1) THE TAX ON THE REAL PROPERTY HAS BEEN DELINQUENT FOR AT LEAST 6 MONTHS; AND

(2) THE RIGHT TO APPEAL THE NOTICE OF THE PROPERTY AS VACANT AND UNSAFE OR UNFIT HAS TOLLED.

~~(C) (1) AT LEAST 60 DAYS BEFORE FILING A COMPLAINT FOR AN IN REM FORECLOSURE, THE COUNTY OR MUNICIPAL CORPORATION SHALL NOTIFY ALL OTHER TAXING AGENCIES THAT HAVE THE AUTHORITY TO COLLECT TAX ON THE REAL PROPERTY OF THE COUNTY'S OR MUNICIPAL CORPORATION'S INTENTION TO FILE A COMPLAINT FOR AN IN REM FORECLOSURE OF THE REAL PROPERTY.~~

~~(2) WITHIN 30 DAYS AFTER RECEIVING NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION, A TAXING AGENCY SHALL CERTIFY TO THE COUNTY OR MUNICIPAL CORPORATION A STATEMENT OF ALL TAXES DUE TO THE TAXING AGENCY.~~

~~(3) ALL TAXES CERTIFIED IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION SHALL:~~

~~(i) (1) BE INCLUDED IN THE FORECLOSURE ACTION; AND~~

~~(ii) (2) CEASE TO BE A LIEN AGAINST THE REAL PROPERTY IF A JUDGMENT IS ENTERED FORECLOSING THE EXISTING INTERESTS OF ALL INTERESTED PARTIES IN THE REAL PROPERTY.~~

~~(4) BEFORE FILING THE COMPLAINT UNDER SUBSECTION (D) OF THIS SECTION, THE COUNTY OR MUNICIPAL CORPORATION SHALL:~~

~~(i) OBTAIN A LIEN RELEASE FROM THE STATE FOR ANY LIENS FOR UNPAID STATE PROPERTY TAXES, INTEREST, AND PENALTIES; OR~~

~~(ii) PAY TO THE STATE, IN ACCORDANCE WITH § 4-202 OF THIS ARTICLE, ANY UNPAID STATE PROPERTY TAXES, INTEREST, AND PENALTIES.~~

(D) THE COUNTY OR MUNICIPAL CORPORATION SHALL:

(1) FILE THE COMPLAINT FOR AN IN REM FORECLOSURE IN THE CIRCUIT COURT OF THE COUNTY WHERE THE REAL PROPERTY IS LOCATED; AND

(2) WITHIN 5 DAYS AFTER FILING THE COMPLAINT, SEND NOTICE AND A COPY OF THE COMPLAINT TO EACH INTERESTED PARTY BY FIRST-CLASS MAIL AND CERTIFIED MAIL, POSTAGE PREPAID, RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE UNITED STATES POSTAL SERVICE.

(E) THE COMPLAINT FOR AN IN REM FORECLOSURE SHALL INCLUDE:

(1) THE IDENTITY OF THE COUNTY OR MUNICIPAL CORPORATION ON BEHALF OF WHICH THE COMPLAINT IS FILED;

(2) THE NAME AND ADDRESS OF THE COUNTY OR MUNICIPAL CORPORATION;

(3) A DESCRIPTION OF THE REAL PROPERTY AS IT APPEARS IN THE COUNTY LAND RECORDS;

(4) THE TAX IDENTIFICATION NUMBER OF THE REAL PROPERTY;

(5) A STATEMENT THAT THE TAXES ARE DELINQUENT AT THE TIME OF THE FILING;

(6) THE AMOUNT OF TAXES THAT ARE DELINQUENT AS OF THE DATE OF FILING;

(7) THE NAMES AND LAST KNOWN ADDRESSES OF ALL INTERESTED PARTIES IN THE REAL PROPERTY AND, IF APPLICABLE, A STATEMENT THAT THE ADDRESS OF A PARTICULAR INTERESTED PARTY IN THE REAL PROPERTY IS UNKNOWN;

(8) A STATEMENT THAT THE REAL PROPERTY IS A VACANT LOT OR IMPROVED PROPERTY CITED AS VACANT AND UNSAFE OR UNFIT FOR HABITATION OR OTHER AUTHORIZED USE ON A HOUSING OR BUILDING VIOLATION NOTICE;

(9) COPIES OF ANY VIOLATION NOTICE CITED UNDER PARAGRAPH (8) OF THIS SUBSECTION;

(10) A REQUEST THAT THE CIRCUIT COURT NOT SCHEDULE A HEARING ON THE COMPLAINT UNTIL 30 DAYS AFTER THE DATE THAT THE COMPLAINT IS FILED; AND

(11) A REQUEST THAT THE CIRCUIT COURT ENTER A JUDGMENT THAT FORECLOSES THE EXISTING INTERESTS OF ALL INTERESTED PARTIES IN THE REAL PROPERTY AND ORDERS OWNERSHIP OF THE REAL PROPERTY TO BE ~~SOLD AT PUBLIC AUCTION~~ TRANSFERRED TO THE COUNTY OR MUNICIPAL CORPORATION.

(F) A COMPLAINT FOR AN IN REM FORECLOSURE MAY BE AMENDED TO INCLUDE ALL TAXES THAT BECOME DELINQUENT AFTER THE COMMENCEMENT OF THE IN REM FORECLOSURE ACTION.

(G) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN INTERESTED PARTY HAS THE RIGHT TO CURE THE DELINQUENT TAXES AND LIENS ON THE REAL PROPERTY BY PAYING ALL PAST DUE FEES, PAYMENTS, AND PENALTIES AT ANY TIME BEFORE THE ENTRY OF THE FORECLOSURE JUDGMENT.

**(2) THE RIGHT TO CURE THE DELINQUENT TAXES AND LIENS ON THE REAL PROPERTY EXTINGUISHES ONCE THE FORECLOSURE JUDGMENT IS ENTERED.**

14-876.

(A) A CIRCUIT COURT MAY NOT SET A HEARING FOR AN IN REM FORECLOSURE UNTIL 30 DAYS AFTER THE COMPLAINT FOR AN IN REM FORECLOSURE IS FILED.

(B) AT THE HEARING, ANY INTERESTED PARTY SHALL HAVE THE RIGHT TO BE HEARD AND TO CONTEST THE DELINQUENCY OF THE TAXES AND THE ADEQUACY OF THE PROCEEDINGS.

(C) IF THE CIRCUIT COURT FINDS THAT THE COUNTY OR MUNICIPAL CORPORATION SENT NOTICE AND A COPY OF THE COMPLAINT TO EACH INTERESTED PARTY IN ACCORDANCE WITH § 14-875(D) OF THIS SUBTITLE AND THAT THE INFORMATION SET FORTH IN THE COMPLAINT IS ACCURATE, THE COURT SHALL:

(1) ENTER A JUDGMENT THAT:

(I) PROPER NOTICE HAS BEEN PROVIDED TO ALL INTERESTED PARTIES; AND

(II) THE REAL PROPERTY IS A VACANT LOT OR AN IMPROVED PROPERTY CITED AS VACANT AND UNSAFE OR UNFIT FOR HABITATION OR OTHER AUTHORIZED USE ON A HOUSING OR BUILDING VIOLATION NOTICE; AND

(2) ORDER THAT OWNERSHIP OF THE REAL PROPERTY BE ~~SOLD IN ACCORDANCE WITH THIS PART~~ TRANSFERRED TO THE COUNTY OR MUNICIPAL CORPORATION ON BEHALF OF WHICH THE COMPLAINT WAS FILED.

(D) (1) ~~THE ENTRY OF A JUDGMENT UNDER SUBSECTION (C) OF THIS SECTION SHALL BE RECORDED IN THE LAND RECORDS OF THE COUNTY OR BALTIMORE CITY~~ THE COUNTY OR MUNICIPAL CORPORATION SHALL RECORD A JUDGMENT UNDER SUBSECTION (C) OF THIS SECTION IN THE LAND RECORDS OF THE COUNTY.

(2) THE TITLE ACQUIRED IN AN IN REM FORECLOSURE PROCEEDING SHALL BE AN ABSOLUTE OR FEE SIMPLE TITLE INCLUDING THE RIGHT, TITLE, AND INTEREST OF EACH OF THE DEFENDANTS IN THE PROCEEDING WHOSE PROPERTY HAS BEEN FORECLOSED UNLESS A DIFFERENT TITLE IS SPECIFIED IN THE JUDGMENT ENTERED.

(3) A JUDGMENT IN AN ACTION UNDER THIS PART IS BINDING AND CONCLUSIVE, REGARDLESS OF LEGAL DISABILITY, ON:

(I) ALL PERSONS, KNOWN AND UNKNOWN, WHO WERE PARTIES TO THE ACTION AND WHO HAD A CLAIM TO THE PROPERTY, WHETHER PRESENT OR FUTURE, VESTED OR CONTINGENT, LEGAL OR EQUITABLE, OR SEVERAL OR UNDIVIDED; AND

(II) ALL PERSONS WHO WERE NOT PARTIES TO THE ACTION AND HAD A CLAIM TO THE PROPERTY THAT WAS NOT RECORDED AT THE TIME THAT THE ACTION WAS COMMENCED.

~~14-877.~~

~~(A) (1) AFTER ENTRY OF JUDGMENT UNDER § 14-876 OF THIS SUBTITLE, THE COUNTY OR MUNICIPAL CORPORATION SHALL SELL, IN ACCORDANCE WITH THE MARYLAND RULES, THE REAL PROPERTY AT PUBLIC AUCTION.~~

~~(2) THE REAL PROPERTY MAY NOT BE SOLD UNTIL 45 DAYS AFTER THE ENTRY OF JUDGMENT.~~

~~(B) THE MINIMUM BID FOR THE SALE OF THE REAL PROPERTY SHALL BE BASED ON THE FAIR MARKET VALUE OF THE REAL PROPERTY, AS DETERMINED BY THE COUNTY OR MUNICIPAL CORPORATION.~~

~~(C) (1) THE REAL PROPERTY SHALL BE SOLD TO THE PERSON MAKING THE HIGHEST BID.~~

~~(2) THE PERSON MAKING THE HIGHEST BID SHALL PAY THE FULL BID AMOUNT TO THE COUNTY OR MUNICIPAL CORPORATION.~~

~~(3) IF THE MINIMUM BID IS NOT MADE OR EXCEEDED, THE COUNTY OR MUNICIPAL CORPORATION THAT FILED THE COMPLAINT MAY BID THE MINIMUM BID PRICE AND PURCHASE THE REAL PROPERTY.~~

~~(D) (1) IF THE HIGHEST BID EXCEEDS THE MINIMUM BID AMOUNT, THE COUNTY OR MUNICIPAL CORPORATION SHALL DEPOSIT THE FUNDS IN EXCESS OF THE MINIMUM BID IN AN ESCROW ACCOUNT.~~

~~(2) THE CIRCUIT COURT SHALL DISTRIBUTE THE FUNDS DEPOSITED INTO ESCROW TO THE INTERESTED PARTIES IN THE ORDER OF PRIORITY OF THE INTERESTS OF THE INTERESTED PARTIES.~~

~~(E) AFTER THE SALE, THE COUNTY OR MUNICIPAL CORPORATION SHALL FILE A NOTICE INFORMING THE CIRCUIT COURT OF THE SALE AND STATING THE DATE OF THE SALE.~~

~~(F) THE SALE OF REAL PROPERTY UNDER THIS SECTION IS FINAL AND BINDING ON THE MAKER OF THE HIGHEST BID.~~

~~14-878.~~

~~(A) WITHIN 90 DAYS AFTER EACH SALE, THE COUNTY OR MUNICIPAL CORPORATION SHALL FILE A REPORT OF THE SALE WITH THE CIRCUIT COURT.~~

~~(B) THE REPORT SHALL IDENTIFY THE SALE THAT TOOK PLACE, THE SALE PRICE, AND THE IDENTITY OF THE PURCHASER.~~

~~(C) THE COUNTY OR MUNICIPAL CORPORATION MAY CONSOLIDATE MULTIPLE SALE REPORTS.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That the Court of Appeals shall adopt rules to carry out the provisions of this Act.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That a county or municipality may not file a complaint for an in rem foreclosure action in accordance with this Act until the rules adopted by the Court of Appeals under Section 2 of this Act are effective.~~

SECTION 4. 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.

---

## Chapter 277

(Senate Bill 634)

AN ACT concerning

### Electric Cooperatives – Powers – Conducting or Communications Facilities

FOR the purpose of authorizing an electric cooperative to construct, maintain, or operate or allow others to construct, maintain, or operate certain conducting or communications facilities along, on, under, or across certain property under certain circumstances; requiring an electric cooperative to allocate certain costs in a certain manner and for a certain purpose; requiring an electric cooperative to give certain notice to certain property owners at least a certain amount of time before constructing

certain facilities in a certain electric easement or making capacity available for certain services in the electric easement; providing for the contents of a certain notice; providing for the application of this Act; defining a certain term; and generally relating to the powers of electric cooperatives.

BY repealing and reenacting, with amendments,  
 Article – Corporations and Associations  
 Section 5–607  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2018 Supplement)

BY adding to  
Article – Corporations and Associations  
Section 5–641.1  
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 – Corporations and Associations

5–607.

- (a) A cooperative has the power to:
- (1) Sue and be sued in its corporate name;
  - (2) Have perpetual existence;
  - (3) Adopt and alter a corporate seal;
  - (4) Generate, manufacture, purchase, acquire, accumulate, and transmit electricity;
  - (5) Distribute, sell, supply, and dispose of electricity to:
    - (i) Its members;
    - (ii) Governmental agencies and political subdivisions; and
    - (iii) Other persons not exceeding 10% of the number of its members;
  - (6) Assist persons to whom the cooperative supplies or will supply electricity in wiring their premises by:
    - (i) Providing financing or other assistance; or

(ii) Wiring or causing the premises to be wired;

(7) Assist persons to whom the cooperative supplies or will supply electricity in acquiring and installing electrical and plumbing appliances, equipment, fixtures, and apparatus by:

(i) Providing financing or other assistance;

(ii) Wiring or causing the premises to be wired; or

(iii) Purchasing, acquiring, leasing as lessor or lessee, selling, distributing, installing, and repairing electrical and plumbing appliances, equipment, fixtures, and apparatus;

(8) Assist persons to whom the cooperative supplies or will supply electricity in constructing, equipping, maintaining, and operating electric cold storage or processing plants, by providing financing or other assistance;

(9) Construct, purchase, lease as lessee, or otherwise acquire electric transmission and distribution lines or systems, electric generating plants, electric cold storage or processing plants, electric plants, and any other assets considered necessary, convenient, or appropriate to accomplish the purpose for which the cooperative is organized;

(10) Equip, maintain, and operate electric transmission and distribution lines or systems, electric generating plants, electric cold storage or processing plants, electric plants, and any other assets considered necessary, convenient, or appropriate to accomplish the purpose for which the cooperative is organized;

(11) Sell, assign, convey, lease as lessor, mortgage, pledge, or otherwise dispose of or encumber electric transmission and distribution lines or systems, electric generating plants, electric cold storage or processing plants, electric plants, and any other assets considered necessary, convenient, or appropriate to accomplish the purpose for which the cooperative is organized;

**(12) CONSTRUCT, MAINTAIN, OR OPERATE OR ALLOW OTHERS TO CONSTRUCT, MAINTAIN, OR OPERATE CONDUCTING OR COMMUNICATIONS FACILITIES THAT FURNISH TELECOMMUNICATIONS, BROADBAND INTERNET ACCESS, OR RELATED SERVICES, ALONG, ON, UNDER, OR ACROSS:**

**(I) REAL PROPERTY, PERSONAL PROPERTY, RIGHTS-OF-WAY, AND EASEMENTS OWNED, HELD, OR OTHERWISE USED BY THE COOPERATIVE; AND**

**(II) PUBLICLY OWNED LANDS, ROADWAYS, AND PUBLIC WAYS, WITH THE PRIOR CONSENT OF THE GOVERNING BODY OF THE MUNICIPAL**

**CORPORATION OR COUNTY IN WHICH THE FACILITIES ARE PROPOSED TO BE CONSTRUCTED AND UNDER ANY REASONABLE REGULATIONS AND CONDITIONS IMPOSED BY THE GOVERNING BODY OF THE MUNICIPAL CORPORATION OR COUNTY;**

[(12)] (13) Purchase, lease as lessee, or otherwise acquire, use and exercise, and sell, assign, convey, mortgage, pledge, or otherwise dispose of or encumber, franchises, rights, privileges, licenses, and easements;

[(13)] (14) Borrow money and otherwise contract indebtedness, issue notes, bonds, and other evidences of indebtedness, and secure the payment of those instruments by mortgage, pledge, or deed of trust, or any other encumbrance on any of its assets, revenues, or income;

[(14)] (15) Construct, maintain, and operate electric transmission and distribution lines along, on, under, and across publicly owned lands, roadways, and public ways, with the prior consent of the governing body of the municipal corporation or county in which the lines are proposed to be constructed and under any reasonable regulations and conditions required in the consent;

[(15)](16) Exercise the power of condemnation in the manner provided by the law of this State for the exercise of that power by other corporations that construct or operate electric transmission and distribution lines or systems;

[(16)] (17) Become a member of or own stock in other cooperatives or corporations;

[(17)] (18) Conduct its business and exercise its powers in any state, territory, district, and possession of the United States and in any foreign country;

[(18)] (19) Adopt, amend, and repeal bylaws; and

[(19)] (20) Do any other act and exercise any other power that may be necessary, convenient, or appropriate to accomplish the purpose for which the cooperative is organized.

(b) A cooperative that furnishes electric cold storage or processing plant service is not considered to be distributing, selling, supplying, or disposing of electricity under subsection (a)(5)(iii) of this section solely on that account.

**(C) TO ENSURE THAT ELECTRIC CUSTOMERS DO NOT SUBSIDIZE THE COST OF BROADBAND SERVICES, AN ELECTRIC COOPERATIVE SHALL ALLOCATE PROPERLY ALL COSTS INCURRED UNDER SUBSECTION (A)(12) OF THIS SECTION BETWEEN ELECTRICITY-RELATED SERVICES AND BROADBAND SERVICES.**

**(A) IN THIS SECTION, “ELECTRIC EASEMENT” MEANS AN EASEMENT HELD BY A COOPERATIVE FOR THE SITING OF ELECTRIC FACILITIES, REGARDLESS OF WHETHER THE EASEMENT IS FOR THE EXCLUSIVE BENEFIT OF THE COOPERATIVE OR FOR USE BY OTHER UTILITY COMPANIES.**

**(B) THIS SECTION APPLIES ONLY TO A COOPERATIVE IN THE EXERCISE OF ITS AUTHORITY UNDER § 5-607(A)(12) OF THIS SUBTITLE TO CONSTRUCT, MAINTAIN, OR OPERATE CONDUCTING OR COMMUNICATIONS FACILITIES WITHIN AN ELECTRIC EASEMENT THAT DOES NOT EXPRESSLY PROVIDE FOR THE CONSTRUCTION, MAINTENANCE, OR OPERATION OF CONDUCTING OR COMMUNICATIONS FACILITIES WITHIN THE EASEMENT.**

**(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A COOPERATIVE SHALL GIVE NOTICE TO EACH OWNER OF PROPERTY SUBJECT TO AN ELECTRIC EASEMENT AT LEAST 60 DAYS BEFORE THE COOPERATIVE:**

**(I) CONSTRUCTS CONDUCTING OR COMMUNICATIONS FACILITIES WITHIN THE EASEMENT; OR**

**(II) MAKES CAPACITY AVAILABLE FOR TELECOMMUNICATIONS, BROADBAND INTERNET ACCESS, OR RELATED SERVICES WITHIN THE ELECTRIC EASEMENT.**

**(2) THE COOPERATIVE SHALL GIVE THE NOTICE REQUIRED UNDER THIS SUBSECTION BY:**

**(I) POSTING NOTICE ON THE COOPERATIVE’S WEBSITE; AND**

**(II) INCLUDING THE NOTICE WITH BILLING INFORMATION SUCH AS A BILL INSERT OR BILL MESSAGE.**

**(3) THE COOPERATIVE SHALL GIVE THE NOTICE REQUIRED UNDER THIS SECTION AT THE NEXT FOLLOWING ANNUAL MEMBER MEETING OF THE COOPERATIVE AFTER THE NOTICE HAS BEEN GIVEN UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

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

**(I) A STATEMENT INDICATING THE COOPERATIVE’S INTENT TO USE THE ELECTRIC EASEMENT BY:**

**1. CONSTRUCTING NEW CONDUCTING OR COMMUNICATIONS FACILITIES; OR**

**2. MAKING CAPACITY AVAILABLE FOR TELECOMMUNICATIONS, BROADBAND INTERNET ACCESS, OR RELATED SERVICES THROUGH EXISTING FACILITIES; AND**

**(II) A WRITTEN PLAN FOR MAKING BROADBAND INTERNET SERVICE AVAILABLE WITHIN THE COOPERATIVE'S SERVICE TERRITORY.**

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 all real property, rights-of-way, and easements held by an electric cooperative on and after the effective date of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

**Chapter 278**

**(House Bill 808)**

AN ACT concerning

**Weed Control – Noxious Weeds – Regulations and Penalties**

FOR the purpose of repealing a certain list of plants considered to be noxious weeds in the State; requiring the Secretary of Agriculture to adopt regulations to establish a list of plants considered to be noxious weeds in the State; altering a certain condition under which the Secretary may designate a certain plant as a noxious weed; specifying that certain criminal penalties apply to certain violations; establishing certain administrative penalties for certain violations; requiring certain administrative penalties to be distributed to a special fund to be used only for certain purposes; making conforming, stylistic, and clarifying changes; and generally relating to weed control in the State.

BY repealing and reenacting, with amendments,  
 Article – Agriculture  
 Section 9–401, 9–402, and 9–405  
 Annotated Code of Maryland  
 (2016 Replacement Volume and 2018 Supplement)

BY adding to  
 Article – Agriculture  
 Section 9–406

Annotated Code of Maryland  
(2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,  
Article – Agriculture  
Section 12–101 through 12–103  
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

9–401.

(a) The existence of growth of certain species of plants is declared to be noxious.

(b) The [following] **SECRETARY SHALL ADOPT REGULATIONS TO ESTABLISH A LIST OF** plants **THAT** are considered to be noxious weeds in the State[:

(1) Thistles belonging to the asteraceae or compositae family, including Canada, musk, nodding, plumeless, and bull thistle;

(2) Johnsongrass (sorghum halepense) or hybrids that contain Johnsongrass as a parent; and

(3) Shatter cane and wild cane (sorghum bicolor)].

9–402.

The Secretary may:

(1) [Make investigations, studies, and determinations he deems advisable in order to ascertain the] **INVESTIGATE, STUDY, AND MAKE A DETERMINATION ON:**

(I) **THE** extent of growth and infestation of a noxious weed[,] **OR** other weed species in the State[, and the]; **AND**

(II) **THE** effect of the **NOXIOUS WEED OR OTHER WEED** species on agricultural production;

(2) [Following public hearing] **BY REGULATION**, designate as **A** noxious [weeds other species of plants which] **WEED ANY PLANT THAT** adversely [affect] **AFFECTS** or [threaten] **THREATENS** agricultural production[, and carry out practices necessary to bring about control or abatement of the species, or both];

(3) Institute programs [of] **OR CARRY OUT PRACTICES NECESSARY FOR THE control and eradication OF A NOXIOUS WEED;**

(4) Enter into agreements with [any] A county [and] **OR OTHER POLITICAL** subdivision of the State, [with any] AN adjoining state, [and with agencies] **OR AN AGENCY** of the federal government to [effect] **IMPLEMENT** a program [of] **FOR THE control and eradication OF A NOXIOUS WEED;**

(5) Accept, use, or expend any aid, gift, grant, or loan made available from any private or public source to carry out the provisions of this subtitle; and

(6) Following a public hearing declare a quarantine to control or eradicate any exotic plant, which means a plant species not previously known to occur in the State or known to be of only limited distribution in the State, as determined by the Secretary.

9-405.

**(A) (1) [Each] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, EACH failure to comply with the provisions of this subtitle IS A VIOLATION OF THIS SUBTITLE.**

**(2) EACH VIOLATION** shall be reported to the State's Attorney for the county in which the violation occurs.

**(3)** The State's Attorney shall prosecute all violations and bring an action to enjoin any nuisance.

**(B) (1) [However, a] A landowner or other person who possesses and manages [the] land INFESTED WITH A NOXIOUS WEED** may enter into a written agreement with the Secretary [which] **THAT** sets forth a program for the eradication or control of a noxious weed[, and if].

**(2) IF** all **OF** the terms and conditions of [the] AN agreement **UNDER PARAGRAPH (1) OF THIS SUBSECTION** are met, there is no violation of this subtitle as to the land covered by the agreement.

9-406.

**(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON WHO VIOLATES THIS SUBTITLE IS SUBJECT TO THE PENALTIES AND FINES SET FORTH IN TITLE 12 OF THIS ARTICLE.**

**(B) (1) INSTEAD OF PURSUING THE PENALTIES AND FINES SET FORTH IN TITLE 12 OF THIS ARTICLE, THE SECRETARY MAY IMPOSE ON ANY PERSON WHO**

**VIOLATES THIS SUBTITLE A PENALTY OF:**

- (I) FOR A FIRST VIOLATION, NOT MORE THAN \$500;**
- (II) FOR A SECOND VIOLATION, NOT MORE THAN \$1,000; OR**
- (III) FOR A THIRD OR SUBSEQUENT VIOLATION, NOT MORE THAN \$2,000.**

**(2) PENALTIES COLLECTED UNDER THIS SUBSECTION SHALL BE DISTRIBUTED TO A SPECIAL FUND, TO BE USED ONLY FOR THE CONTROL AND ERADICATION OF A NOXIOUS WEED.**

12–101.

Any person who violates any provision of this article is guilty of a misdemeanor. Unless another penalty specifically is provided elsewhere in this article, the person, upon conviction, is subject to a fine not exceeding \$500, or imprisonment not exceeding three months, or both, with costs imposed in the discretion of the court.

12–102.

Unless another penalty specifically is provided elsewhere in this article, any person found guilty of a second or subsequent violation of any provision of the same title, is subject to a fine not exceeding \$1,000, or imprisonment not exceeding one year, or both, with costs imposed in the discretion of the court. For the purposes of this section, a second or subsequent violation is one which has occurred within two years of any prior violation of this title and which arises out of a separate set of circumstances.

12–103.

In addition to any administrative penalty provided in this article, violation of any rule or regulation adopted by the Secretary pursuant to the provisions of this article is a misdemeanor and is punishable as provided in §§ 12–101 and 12–102 of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 30, 2019.**

AN ACT concerning

**Public Safety – Solar Photovoltaic Systems – Lockout Tag Requirement *and Study***

FOR the purpose of requiring a company that ~~leases~~ *installs* solar photovoltaic systems to install a certain lockout tag containing a safety warning under certain circumstances; ~~requiring a certain company to provide a certain customer with a certain lockout tag for a solar photovoltaic system that has previously been installed; providing for the enforcement of this Act; establishing a penalty for certain violations of this Act; specifying that a local government shall retain certain funds;~~ defining certain terms; *requiring the Department of Labor, Licensing, and Regulation to make a certain report to certain committees of the General Assembly on or before a certain date;* and generally relating to safety warnings for solar photovoltaic installations.

BY adding to

Article – Public Safety  
Section 12–705  
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**

**12–705.**

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

~~(2) “KNIFE BLADE DISCONNECT SWITCH BOX” MEANS A CONTROL SWITCH FOR A SOLAR PHOTOVOLTAIC INSTALLATION AT A RESIDENTIAL PROPERTY.~~

~~(3)~~ ~~“LOCKOUT,”~~ “LOCKOUT TAG” MEANS A TAG THAT:

~~(1)~~ (1) SEALS A KNIFE BLADE DISCONNECT SWITCH BOX CLOSED;

~~(2)~~ (2) IS ATTACHED TO THE EXTERIOR OF THE KNIFE BLADE DISCONNECT SWITCH BOX WITH A METAL OR PLASTIC STRAP; AND

~~(3)~~ (3) INCLUDES A SAFETY WARNING ABOUT THE POTENTIAL FOR ELECTROCUTION IF AN INDIVIDUAL REMOVES THE LOCKOUT TAG OR TOUCHES THE CONTENTS OF THE KNIFE BLADE DISCONNECT SWITCH BOX.

(B) ~~(1)~~ A COMPANY THAT ~~LEASES~~ INSTALLS SOLAR PHOTOVOLTAIC SYSTEMS SHALL INSTALL A LOCKOUT TAG AT EACH RESIDENTIAL INSTALLATION AT THE TIME OF INSTALLATION.

~~(2) A COMPANY THAT HAS PREVIOUSLY INSTALLED A SOLAR PHOTOVOLTAIC SYSTEM ON A RESIDENTIAL PROPERTY SHALL PROVIDE THE CUSTOMER WITH A LOCKOUT TAG WITH DIRECTIONS ON HOW THE LOCKOUT TAG SHOULD BE ATTACHED TO THE KNIFE BLADE DISCONNECT SWITCH BOX.~~

~~(C) (1) A COMPANY THAT LEASES SOLAR PHOTOVOLTAIC SYSTEMS SUBJECT TO THIS SECTION IS SUBJECT TO A CIVIL PENALTY OF AT LEAST \$100 BUT NOT MORE THAN \$500 IF THE COMPANY FAILS TO:~~

~~(I) INSTALL A LOCKOUT TAG ON A NEW INSTALLATION; OR~~

~~(II) PROVIDE TO A CUSTOMER A LOCKOUT TAG FOR A SOLAR PHOTOVOLTAIC SYSTEM THAT THE COMPANY PREVIOUSLY INSTALLED.~~

~~(2) THE INDIVIDUAL WHO IS REQUIRED TO INSPECT A SOLAR PHOTOVOLTAIC SYSTEM FOR COMPLIANCE WITH APPLICABLE CODE STANDARDS SHALL ENFORCE THE REQUIREMENT UNDER SUBSECTION (B) OF THIS SECTION.~~

~~(3) THE LOCAL GOVERNMENT THAT PERFORMS OR OVERSEES THE INSPECTION REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL RETAIN ANY PENALTY COLLECTED FOR A VIOLATION OF THIS SECTION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 1, 2019, the Department of Labor, Licensing, and Regulation shall report to the House Economic Matters Committee and the Senate Finance Committee, in accordance with § 2-1246 of the State Government Article, on:

(1) the advisability of requiring:

(i) the provision of lockout tags, as defined in § 12-705(a) of the Public Safety Article as enacted by Section 1 of this Act, to residential customers with solar photovoltaic systems installed on their property;

(ii) the provision of notice about the safety benefits of lockout tags to residential customers with solar photovoltaic systems installed on their property; and

(iii) any other more effective method of making customers aware of the safety benefits of lockout tags to residential customers with solar photovoltaic systems installed on their property; and

(2) the most effective method of implementing any recommendation made under item (1) of this section.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 280

**(House Bill 685)**

AN ACT concerning

### **Video Lottery Terminals – Minority Business Participation Goals – Enforcement and Reporting**

FOR the purpose of altering the date by which certain provisions of law relating to minority business participation goals for certain applicants or licensees are of no effect and may not be enforced; altering a deadline for a certain reporting requirement; and generally relating to video lottery terminals and minority business participation.

BY repealing and reenacting, with amendments,  
 Article – State Government  
 Section 9–1A–10  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Chapter 335 of the Acts of the General Assembly of 2018  
 Section 2

BY repealing and reenacting, with amendments,  
 Chapter 336 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:

#### **Article – State Government**

9–1A–10.

- (a) (1) (i) An applicant or a licensee is subject to:

1. the minority business participation goal established for a unit by the Special Secretary for the Office of Small, Minority, and Women Business Affairs under § 14–302(a)(1)(ii) of the State Finance and Procurement Article; and

2. any other corresponding provisions of law under Title 14, Subtitle 3 of the State Finance and Procurement Article.

(ii) The minority business participation goal shall apply to:

1. construction related to video lottery terminals; and

2. procurement related to the operation of video lottery terminals, including procurement of equipment and ongoing services.

(2) If the county in which a video lottery facility will be located has higher minority business participation requirements than the State as described in paragraph (1) of this subsection, the applicant shall meet the county's minority business participation requirements to the extent possible.

(3) A county in which a video lottery facility will be located may impose local business, local minority business participation, and local hiring requirements to the extent authorized by local law and permitted by the United States Constitution.

(4) Any collective bargaining agreement or agreements, including a project labor agreement or a neutrality agreement, entered into by an applicant or licensee may not negate the requirements of this subsection.

(5) If an applicant for employment at a video lottery facility believes that the applicant has been discriminated against in the employment process, the applicant may appeal the employment decision to the local human relations board in the county where the facility is located.

(6) Notwithstanding any collective bargaining agreement or agreements, a licensee shall:

(i) provide health insurance coverage for its employees; and

(ii) give a preference to hiring qualified employees from the communities within 10 miles of the video lottery facility.

(7) A licensee shall:

(i) provide retirement benefits for its employees; and

(ii) if the licensee is a racetrack licensee, provide retirement benefits to its video lottery operation employees that are equivalent to the level of benefits provided to the racetrack employees who are eligible under the Maryland Racetrack Employees

Pension Fund.

(8) Notwithstanding any collective bargaining agreement or agreements, if the licensee is a racetrack location, the licensee shall provide health insurance coverage to all employees of the racetrack, including the employees of the racetrack on the backstretch of the racetrack.

(b) (1) The Commission shall ensure that a video lottery operation licensee complies with the requirements of subsection (a)(1) and (2) of this section as a condition of holding the video lottery operation license.

(2) The Governor's Office of Small, Minority, and Women Business Affairs shall monitor a licensee's compliance with subsection (a)(1) and (2) of this section.

(3) The Governor's Office of Small, Minority, and Women Business Affairs shall report to the Commission at least every 6 months on the compliance of licensees with subsection (a)(1) and (2) of this section.

(4) If the Governor's Office of Small, Minority, and Women Business Affairs reports that a licensee is not in compliance with subsection (a)(1) and (2) of this section, the Commission may take immediate action to ensure the compliance of the licensee.

(c) On or after July 1, [2019] **2020**, the provisions of subsections (a)(1) and (2) and (b) of this section and any regulations adopted under subsections (a)(1) and (2) and (b) of this section shall be of no effect and may not be enforced.

### **Chapter 335 of the Acts of 2018**

SECTION 2. AND BE IT FURTHER ENACTED, That the agency designated by the Board of Public Works under § 14-303(b) of the State Finance and Procurement Article to certify and decertify minority business enterprises, in consultation with the General Assembly and the Office of the Attorney General, shall initiate a study of the Minority Business Enterprise Program to evaluate the Program's continued compliance with the requirements of the decision of *Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989) and any subsequent federal or constitutional requirements. In preparation for the study, the State Lottery and Gaming Control Commission shall require video lottery operation license applicants and licensees to provide any information necessary to perform the study. The study shall also evaluate race-neutral programs or other methods that can be used to address the needs of minority investors and minority businesses. The final report on the study shall be submitted to the Legislative Policy Committee on or before [December 14, 2018,] **DECEMBER 13, 2019**, so that the General Assembly may review the report before the [2019] **2020** Session.

### **Chapter 336 of the Acts of 2018**

SECTION 2. AND BE IT FURTHER ENACTED, That the agency designated by the Board of Public Works under § 14-303(b) of the State Finance and Procurement Article to

certify and decertify minority business enterprises, in consultation with the General Assembly and the Office of the Attorney General, shall initiate a study of the Minority Business Enterprise Program to evaluate the Program's continued compliance with the requirements of the decision of *Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989) and any subsequent federal or constitutional requirements. In preparation for the study, the State Lottery and Gaming Control Commission shall require video lottery operation license applicants and licensees to provide any information necessary to perform the study. The study shall also evaluate race-neutral programs or other methods that can be used to address the needs of minority investors and minority businesses. The final report on the study shall be submitted to the Legislative Policy Committee on or before [December 14, 2018,] **DECEMBER 13, 2019**, so that the General Assembly may review the report before the [2019] **2020** Session.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 281

### (Senate Bill 421)

AN ACT concerning

### **Video Lottery Terminals – Minority Business Participation Goals – Enforcement and Reporting**

FOR the purpose of altering the date by which certain provisions of law relating to minority business participation goals for certain applicants or licensees are of no effect and may not be enforced; altering a deadline for a certain reporting requirement; and generally relating to video lottery terminals and minority business participation.

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 9–1A–10  
Annotated Code of Maryland  
(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Chapter 335 of the Acts of the General Assembly of 2018  
Section 2

BY repealing and reenacting, with amendments,  
Chapter 336 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:

**Article – State Government**

9–1A–10.

(a) (1) (i) An applicant or a licensee is subject to:

1. the minority business participation goal established for a unit by the Special Secretary for the Office of Small, Minority, and Women Business Affairs under § 14–302(a)(1)(ii) of the State Finance and Procurement Article; and

2. any other corresponding provisions of law under Title 14, Subtitle 3 of the State Finance and Procurement Article.

(ii) The minority business participation goal shall apply to:

1. construction related to video lottery terminals; and

2. procurement related to the operation of video lottery terminals, including procurement of equipment and ongoing services.

(2) If the county in which a video lottery facility will be located has higher minority business participation requirements than the State as described in paragraph (1) of this subsection, the applicant shall meet the county's minority business participation requirements to the extent possible.

(3) A county in which a video lottery facility will be located may impose local business, local minority business participation, and local hiring requirements to the extent authorized by local law and permitted by the United States Constitution.

(4) Any collective bargaining agreement or agreements, including a project labor agreement or a neutrality agreement, entered into by an applicant or licensee may not negate the requirements of this subsection.

(5) If an applicant for employment at a video lottery facility believes that the applicant has been discriminated against in the employment process, the applicant may appeal the employment decision to the local human relations board in the county where the facility is located.

(6) Notwithstanding any collective bargaining agreement or agreements, a licensee shall:

(i) provide health insurance coverage for its employees; and

(ii) give a preference to hiring qualified employees from the communities within 10 miles of the video lottery facility.

(7) A licensee shall:

(i) provide retirement benefits for its employees; and

(ii) if the licensee is a racetrack licensee, provide retirement benefits to its video lottery operation employees that are equivalent to the level of benefits provided to the racetrack employees who are eligible under the Maryland Racetrack Employees Pension Fund.

(8) Notwithstanding any collective bargaining agreement or agreements, if the licensee is a racetrack location, the licensee shall provide health insurance coverage to all employees of the racetrack, including the employees of the racetrack on the backstretch of the racetrack.

(b) (1) The Commission shall ensure that a video lottery operation licensee complies with the requirements of subsection (a)(1) and (2) of this section as a condition of holding the video lottery operation license.

(2) The Governor's Office of Small, Minority, and Women Business Affairs shall monitor a licensee's compliance with subsection (a)(1) and (2) of this section.

(3) The Governor's Office of Small, Minority, and Women Business Affairs shall report to the Commission at least every 6 months on the compliance of licensees with subsection (a)(1) and (2) of this section.

(4) If the Governor's Office of Small, Minority, and Women Business Affairs reports that a licensee is not in compliance with subsection (a)(1) and (2) of this section, the Commission may take immediate action to ensure the compliance of the licensee.

(c) On or after July 1, [2019] 2020, the provisions of subsections (a)(1) and (2) and (b) of this section and any regulations adopted under subsections (a)(1) and (2) and (b) of this section shall be of no effect and may not be enforced.

### Chapter 335 of the Acts of 2018

SECTION 2. AND BE IT FURTHER ENACTED, That the agency designated by the Board of Public Works under § 14–303(b) of the State Finance and Procurement Article to certify and decertify minority business enterprises, in consultation with the General Assembly and the Office of the Attorney General, shall initiate a study of the Minority Business Enterprise Program to evaluate the Program's continued compliance with the requirements of the decision of *Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989) and any subsequent federal or constitutional requirements. In preparation for the study, the State Lottery and Gaming Control Commission shall require video lottery operation license applicants and licensees to provide any information necessary to perform the study. The

study shall also evaluate race-neutral programs or other methods that can be used to address the needs of minority investors and minority businesses. The final report on the study shall be submitted to the Legislative Policy Committee on or before [December 14, 2018,] **DECEMBER 13, 2019**, so that the General Assembly may review the report before the [2019] **2020** Session.

### Chapter 336 of the Acts of 2018

SECTION 2. AND BE IT FURTHER ENACTED, That the agency designated by the Board of Public Works under § 14-303(b) of the State Finance and Procurement Article to certify and decertify minority business enterprises, in consultation with the General Assembly and the Office of the Attorney General, shall initiate a study of the Minority Business Enterprise Program to evaluate the Program's continued compliance with the requirements of the decision of *Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989) and any subsequent federal or constitutional requirements. In preparation for the study, the State Lottery and Gaming Control Commission shall require video lottery operation license applicants and licensees to provide any information necessary to perform the study. The study shall also evaluate race-neutral programs or other methods that can be used to address the needs of minority investors and minority businesses. The final report on the study shall be submitted to the Legislative Policy Committee on or before [December 14, 2018,] **DECEMBER 13, 2019**, so that the General Assembly may review the report before the [2019] **2020** Session.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 282

(House Bill 1189)

AN ACT concerning

### Home Energy Assistance – Critical Medical Needs Program

FOR the purpose of establishing the Critical Medical Needs Program in the Office of Home Energy Programs of the Family Investment Administration within the Department of Human Services; requiring the Office to implement and administer the Program; requiring the Office to partner with certain agencies and organizations in administering the Program; stating the purpose of the Program; specifying the function of the Program; specifying the duties of the Office in administering the Program; requiring the Department to adopt certain regulations; defining certain terms; and generally relating to the Critical Medical Needs Program.

BY renumbering

Article – Human Services

Section 5–5A–08

to be Section 5–5A–09

Annotated Code of Maryland

(2007 Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Human Services

Section 5–5A–01(a), (d), and (e), 5–5A–02, 5–5A–06, and 5–5A–07

Annotated Code of Maryland

(2007 Volume and 2018 Supplement)

BY adding to

Article – Human Services

Section 5–5A–08

Annotated Code of Maryland

(2007 Volume and 2018 Supplement)

#### Preamble

WHEREAS, The State has long recognized the vital importance of electricity and heating for all households in Maryland; and

WHEREAS, The State has recognized that limited income households have additional challenges in paying their energy bills in full and in a timely manner; and

WHEREAS, The Public Service Commission is required to adopt regulations related to the termination of service to low-income customers, and provide annual reports to the General Assembly regarding the best way to address the problem of assuring adequate gas and electric service for low-income residential customers; and

WHEREAS, The State has established an Electric Universal Service Program to provide assistance with electricity bills to low-income households, as a supplement to the federally funded Low-Income Heating and Energy Assistance Program, and required the Public Service Commission to provide annual reports to the General Assembly on the projected needs of low-income households for bill and arrearage assistance; and

WHEREAS, The State has provided assistance to low-income households to reduce energy usage, and therefore energy bills, through its administration of the federally funded Weatherization Assistance Program and the EmPOWER Maryland Program; and

WHEREAS, Government agencies and nonprofit organizations have found that additional challenges with energy bills exist for individuals with critical medical needs and limited or reduced household income; and

WHEREAS, The loss of electricity or heat can aggravate an existing serious illness or prevent the use of life–support equipment for a household member, thereby posing an actual threat to a person’s health and safety; and

WHEREAS, The typical processing times for energy assistance applications can result in loss of service or extend a period of service loss to the detriment of these individuals’ health and well–being; and

WHEREAS, In response to concerns about the serious health impacts of service loss on medically vulnerable individuals, the Office of People’s Counsel, the Cancer Support Foundation, certain gas and electric companies, the Office of Home Energy Programs of the Family Investment Administration within the Department of Human Services, the Department of Housing and Community Development, and certain nonprofit organizations established a Critical Medical Needs Pilot Program in 2015 through a cooperative partnership; and

WHEREAS, The partners developed this pilot program with the goal of expediting assistance to medically vulnerable individuals, continuing or restoring energy services to these households, and reducing barriers to the energy assistance application process by training navigators, who are representatives of medical facilities and assistance agencies and organizations, to assist in expediting the energy assistance application process; and

WHEREAS, 200 navigators have been trained since the pilot program’s inception by the partners to provide assistance to medically vulnerable individuals and their households, and another 300 navigators from various agencies and medical facilities are waiting for training based on their expressed interest; and

WHEREAS, The pilot program has been successful in delivering expedited assistance to maintain or restore energy services to medically vulnerable individuals; and

WHEREAS, While the pilot program has been successful, it operates only in certain gas and electric service territories in the State, and the lack of status as a formal agency program acts as an impediment to statewide extension of the program, to training of additional navigators throughout the State, and to the assurance that the success in delivery of expedited assistance can be maintained; and

WHEREAS, A formal agency program to remove barriers to the energy assistance application process and to expedite access to assistance for medically vulnerable households would help to maintain or restore energy services and, thereby, avoid adverse health impacts for household members with critical medical needs; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 5–5A–08 of Article – Human Services of the Annotated Code of Maryland be renumbered to be Section(s) 5–5A–09.

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

**Article – Human Services**

5–5A–01.

- (a) In this subtitle the following words have the meanings indicated.
- (d) “Office” means the Office of Home Energy Programs.
- (e) “Program” means the Energy Assistance Program.

5–5A–02.

There is an Office of Home Energy Programs in the Administration.

5–5A–06.

- (a) (1) The Office shall maintain liaison with:
  - (i) the United States Department of Health and Human Services;
  - (ii) local government units concerned with energy programs;
  - (iii) citizens’ groups;
  - (iv) utility vendors and major fuel vendors in the State; and
  - (v) any other state, federal, and local units.
- (2) The Office shall:
  - (i) consult with and advise the local entities described in paragraph (1) of this subsection regarding their energy assistance programs;
  - (ii) work at all levels of government to carry out this subtitle; and
  - (iii) consult with all utility vendors and major fuel vendors in the State when developing and implementing the Program.
- (b) The Office shall:
  - (1) collect and assemble information relating to energy assistance available from other units of the State and federal governments;
  - (2) disseminate information to further energy assistance;

(3) identify all utility vendors and major fuel vendors in the State and attempt to obtain their voluntary cooperation with the Program;

(4) establish and maintain a State information service that utilizes a toll-free telephone number to provide the public with information about the Program and the location of the nearest local energy assistance office; and

(5) establish a mechanism for monitoring the effectiveness of the Program to determine whether eligible households are aware of and have access to a local energy assistance office.

(c) (1) Consistent with this subtitle and other applicable laws, the Office may enter into contracts or assume any other function necessary to carry out this subtitle.

(2) The Office may enter into contracts for any study or research activity that is necessary and proper.

5-5A-07.

(a) (1) The Office shall:

(i) carry out an energy emergency crisis intervention program to prevent low-income households, including the near poor, the elderly, households with children, and those on fixed incomes from experiencing danger to health or survival as a result of an energy emergency;

(ii) establish intake procedures for those experiencing an energy emergency;

(iii) establish guidelines for the income and program eligibility of applicants; and

(iv) identify local public or private agencies to administer the crisis intervention program.

(2) (i) The Office shall make payments to fuel vendors and utility vendors that have provided service to persons qualifying for the crisis intervention program.

(ii) The amount of assistance shall be based on need.

(b) (1) The Office shall carry out one or more fuel and utility assistance programs to make payments on behalf of qualified households to defray fuel and utility costs.

(2) The Office shall determine program and income eligibility guidelines.

- (3) The amount of assistance shall be based on need.

**5-5A-08.**

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

**(2) “CMN PROGRAM” MEANS THE CRITICAL MEDICAL NEEDS PROGRAM ESTABLISHED UNDER THIS SECTION.**

**(3) “CRITICAL MEDICALLY VULNERABLE INDIVIDUAL” MEANS AN INDIVIDUAL WHO:**

**(I) HAS A SEVERE HEALTH CONDITION THAT WILL BE AGGRAVATED DUE TO THE TERMINATION OR NONCONTINUATION OF ELECTRIC OR GAS SERVICE OR NEEDS THE USE OF LIFE-SUPPORT EQUIPMENT AS DOCUMENTED AND CERTIFIED IN ACCORDANCE WITH REGULATIONS ON A CERTIFICATION OF SERIOUS ILLNESS OR LIFE SUPPORT FORM SUBMITTED TO THE APPROPRIATE ELECTRIC OR GAS COMPANY;**

**(II) HAS OR WILL HAVE THEIR ELECTRIC OR GAS SERVICE TERMINATED FOR NONPAYMENT; AND**

**(III) IS UNABLE TO COMPLETE THE ENERGY ASSISTANCE APPLICATIONS UNDER AVAILABLE ENERGY ASSISTANCE PROGRAMS, INCLUDING ENERGY EFFICIENCY PROGRAMS OFFERED BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.**

**(4) “NAVIGATOR” MEANS A REPRESENTATIVE FROM A MEDICAL FACILITY OR FROM A PUBLIC OR PRIVATE ASSISTANCE AGENCY OR ORGANIZATION WHO:**

**(I) IS IN PERSONAL CONTACT WITH A CRITICAL MEDICALLY VULNERABLE INDIVIDUAL; AND**

**(II) ASSISTS THE CRITICAL MEDICALLY VULNERABLE INDIVIDUAL IN THE ENERGY ASSISTANCE APPLICATION PROCESS.**

**(B) (1) THERE IS A CMN PROGRAM IN THE OFFICE.**

**(2) THE OFFICE SHALL IMPLEMENT AND ADMINISTER THE CMN PROGRAM.**

(3) IN ADMINISTERING THE CMN PROGRAM, THE OFFICE SHALL PARTNER WITH THE OFFICE OF PEOPLE'S COUNSEL, THE FUEL FUND OF CENTRAL MARYLAND, THE CANCER SUPPORT FOUNDATION, ELECTRIC AND GAS COMPANIES, NONPROFIT ORGANIZATIONS, OTHER STATE AGENCIES, THE HEALTH CARE COMMUNITY, AND ANY OTHER ORGANIZATION THAT THE OFFICE DETERMINES APPROPRIATE.

(4) THE PURPOSE OF THE CMN PROGRAM IS TO REDUCE THE BARRIERS TO THE ENERGY ASSISTANCE APPLICATION PROCESS FOR CRITICAL MEDICALLY VULNERABLE INDIVIDUALS AND THEIR HOUSEHOLDS IN OBTAINING STATE AND FEDERAL FINANCIAL ASSISTANCE FOR THEIR ELECTRIC, GAS, OR OTHER ENERGY SOURCE BILLS SO THAT THEIR ELECTRIC, GAS, OR OTHER ENERGY SOURCE SERVICE CONTINUES OR IS RESTORED.

(C) (1) THE CMN PROGRAM SHALL FACILITATE ASSISTANCE TO CRITICAL MEDICALLY VULNERABLE INDIVIDUALS AND THEIR HOUSEHOLDS IN OBTAINING STATE AND FEDERAL FINANCIAL ASSISTANCE FOR THEIR ELECTRIC, GAS, OR OTHER SOURCE ENERGY BILLS THROUGH NAVIGATORS.

(2) THE OFFICE SHALL DETERMINE QUALIFICATIONS AND ESTABLISH TRAINING REQUIREMENTS FOR NAVIGATORS.

(3) THE OFFICE SHALL TRAIN NAVIGATORS OR FACILITATE THE TRAINING OF NAVIGATORS BY OTHERS.

(D) ~~THE~~ IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN THE CODE OF MARYLAND REGULATIONS, THE OFFICE SHALL WORK WITH ELECTRIC AND GAS COMPANIES TO IMPLEMENT, FOR CRITICAL MEDICALLY VULNERABLE INDIVIDUALS:

(1) A MEDICAL HOLD ON ELECTRIC OR GAS SERVICE OR AN EXPEDITED PROCESS TO GRANT THE EXTENSION OF ELECTRIC OR GAS SERVICE FOR THOSE WHO WILL HAVE THEIR ELECTRIC OR GAS SERVICES TERMINATED; AND

(2) AN EXPEDITED PROCESS FOR THE RESTORATION OF ELECTRIC OR GAS SERVICE FOR THOSE WHO HAVE HAD THEIR ELECTRIC OR GAS SERVICE TERMINATED.

(E) THE OFFICE SHALL ESTABLISH A TRACKING SYSTEM OF THE STATUS OF CRITICAL MEDICALLY VULNERABLE INDIVIDUALS WHO PARTICIPATE IN THE CMN PROGRAM.

(F) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 283

(Senate Bill 425)

AN ACT concerning

### Home Energy Assistance – Critical Medical Needs Program

FOR the purpose of establishing the Critical Medical Needs Program in the Office of Home Energy Programs of the Family Investment Administration within the Department of Human Services; requiring the Office to implement and administer the Program; requiring the Office to partner with certain agencies and organizations in administering the Program; stating the purpose of the Program; specifying the function of the Program; specifying the duties of the Office in administering the Program; requiring the Department to adopt certain regulations; defining certain terms; and generally relating to the Critical Medical Needs Program.

BY renumbering

Article – Human Services  
Section 5–5A–08  
to be Section 5–5A–09  
Annotated Code of Maryland  
(2007 Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Human Services  
Section 5–5A–01(a), (d), and (e), 5–5A–02, 5–5A–06, and 5–5A–07  
Annotated Code of Maryland  
(2007 Volume and 2018 Supplement)

BY adding to

Article – Human Services  
Section 5–5A–08  
Annotated Code of Maryland  
(2007 Volume and 2018 Supplement)

Preamble

WHEREAS, The State has long recognized the vital importance of electricity and heating for all households in Maryland; and

WHEREAS, The State has recognized that limited income households have additional challenges in paying their energy bills in full and in a timely manner; and

WHEREAS, The Public Service Commission is required to adopt regulations related to the termination of service to low-income customers, and provide annual reports to the General Assembly regarding the best way to address the problem of assuring adequate gas and electric service for low-income residential customers; and

WHEREAS, The State has established an Electric Universal Service Program to provide assistance with electricity bills to low-income households, as a supplement to the federally funded Low-Income Heating and Energy Assistance Program, and required the Public Service Commission to provide annual reports to the General Assembly on the projected needs of low-income households for bill and arrearage assistance; and

WHEREAS, The State has provided assistance to low-income households to reduce energy usage, and therefore energy bills, through its administration of the federally funded Weatherization Assistance Program and the EmPOWER Maryland Program; and

WHEREAS, Government agencies and nonprofit organizations have found that additional challenges with energy bills exist for individuals with critical medical needs and limited or reduced household income; and

WHEREAS, The loss of electricity or heat can aggravate an existing serious illness or prevent the use of life-support equipment for a household member, thereby posing an actual threat to a person's health and safety; and

WHEREAS, The typical processing times for energy assistance applications can result in loss of service or extend a period of service loss to the detriment of these individuals' health and well-being; and

WHEREAS, In response to concerns about the serious health impacts of service loss on medically vulnerable individuals, the Office of People's Counsel, the Cancer Support Foundation, certain gas and electric companies, the Office of Home Energy Programs of the Family Investment Administration within the Department of Human Services, the Department of Housing and Community Development, and certain nonprofit organizations established a Critical Medical Needs Pilot Program in 2015 through a cooperative partnership; and

WHEREAS, The partners developed this pilot program with the goal of expediting assistance to medically vulnerable individuals, continuing or restoring energy services to these households, and reducing barriers to the energy assistance application process by training navigators, who are representatives of medical facilities and assistance agencies and organizations, to assist in expediting the energy assistance application process; and

WHEREAS, 200 navigators have been trained since the pilot program's inception by the partners to provide assistance to medically vulnerable individuals and their households, and another 300 navigators from various agencies and medical facilities are waiting for training based on their expressed interest; and

WHEREAS, The pilot program has been successful in delivering expedited assistance to maintain or restore energy services to medically vulnerable individuals; and

WHEREAS, While the pilot program has been successful, it operates only in certain gas and electric service territories in the State, and the lack of status as a formal agency program acts as an impediment to statewide extension of the program, to training of additional navigators throughout the State, and to the assurance that the success in delivery of expedited assistance can be maintained; and

WHEREAS, A formal agency program to remove barriers to the energy assistance application process and to expedite access to assistance for medically vulnerable households would help to maintain or restore energy services and, thereby, avoid adverse health impacts for household members with critical medical needs; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 5–5A–08 of Article – Human Services of the Annotated Code of Maryland be renumbered to be Section(s) 5–5A–09.

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

#### **Article – Human Services**

5–5A–01.

- (a) In this subtitle the following words have the meanings indicated.
- (d) “Office” means the Office of Home Energy Programs.
- (e) “Program” means the Energy Assistance Program.

5–5A–02.

There is an Office of Home Energy Programs in the Administration.

5–5A–06.

- (a) (1) The Office shall maintain liaison with:
  - (i) the United States Department of Health and Human Services;
  - (ii) local government units concerned with energy programs;

- (iii) citizens' groups;
- (iv) utility vendors and major fuel vendors in the State; and
- (v) any other state, federal, and local units.

(2) The Office shall:

- (i) consult with and advise the local entities described in paragraph (1) of this subsection regarding their energy assistance programs;
- (ii) work at all levels of government to carry out this subtitle; and
- (iii) consult with all utility vendors and major fuel vendors in the State when developing and implementing the Program.

(b) The Office shall:

- (1) collect and assemble information relating to energy assistance available from other units of the State and federal governments;
- (2) disseminate information to further energy assistance;
- (3) identify all utility vendors and major fuel vendors in the State and attempt to obtain their voluntary cooperation with the Program;
- (4) establish and maintain a State information service that utilizes a toll-free telephone number to provide the public with information about the Program and the location of the nearest local energy assistance office; and
- (5) establish a mechanism for monitoring the effectiveness of the Program to determine whether eligible households are aware of and have access to a local energy assistance office.

(c) (1) Consistent with this subtitle and other applicable laws, the Office may enter into contracts or assume any other function necessary to carry out this subtitle.

(2) The Office may enter into contracts for any study or research activity that is necessary and proper.

5-5A-07.

(a) (1) The Office shall:

- (i) carry out an energy emergency crisis intervention program to prevent low-income households, including the near poor, the elderly, households with

children, and those on fixed incomes from experiencing danger to health or survival as a result of an energy emergency;

(ii) establish intake procedures for those experiencing an energy emergency;

(iii) establish guidelines for the income and program eligibility of applicants; and

(iv) identify local public or private agencies to administer the crisis intervention program.

(2) (i) The Office shall make payments to fuel vendors and utility vendors that have provided service to persons qualifying for the crisis intervention program.

(ii) The amount of assistance shall be based on need.

(b) (1) The Office shall carry out one or more fuel and utility assistance programs to make payments on behalf of qualified households to defray fuel and utility costs.

(2) The Office shall determine program and income eligibility guidelines.

(3) The amount of assistance shall be based on need.

#### **5-5A-08.**

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

**(2) “CMN PROGRAM” MEANS THE CRITICAL MEDICAL NEEDS PROGRAM ESTABLISHED UNDER THIS SECTION.**

**(3) “CRITICAL MEDICALLY VULNERABLE INDIVIDUAL” MEANS AN INDIVIDUAL WHO:**

**(I) HAS A SEVERE HEALTH CONDITION THAT WILL BE AGGRAVATED DUE TO THE TERMINATION OR NONCONTINUATION OF ELECTRIC OR GAS SERVICE OR NEEDS THE USE OF LIFE-SUPPORT EQUIPMENT AS DOCUMENTED AND CERTIFIED IN ACCORDANCE WITH REGULATIONS ON A CERTIFICATION OF SERIOUS ILLNESS OR LIFE SUPPORT FORM SUBMITTED TO THE APPROPRIATE ELECTRIC OR GAS COMPANY;**

**(II) HAS OR WILL HAVE THEIR ELECTRIC OR GAS SERVICE TERMINATED FOR NONPAYMENT; AND**

(III) IS UNABLE TO COMPLETE THE ENERGY ASSISTANCE APPLICATIONS UNDER AVAILABLE ENERGY ASSISTANCE PROGRAMS, INCLUDING ENERGY EFFICIENCY PROGRAMS OFFERED BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

(4) "NAVIGATOR" MEANS A REPRESENTATIVE FROM A MEDICAL FACILITY OR FROM A PUBLIC OR PRIVATE ASSISTANCE AGENCY OR ORGANIZATION WHO:

(I) IS IN PERSONAL CONTACT WITH A CRITICAL MEDICALLY VULNERABLE INDIVIDUAL; AND

(II) ASSISTS THE CRITICAL MEDICALLY VULNERABLE INDIVIDUAL IN THE ENERGY ASSISTANCE APPLICATION PROCESS.

(B) (1) THERE IS A CMN PROGRAM IN THE OFFICE.

(2) THE OFFICE SHALL IMPLEMENT AND ADMINISTER THE CMN PROGRAM.

(3) IN ADMINISTERING THE CMN PROGRAM, THE OFFICE SHALL PARTNER WITH THE OFFICE OF PEOPLE'S COUNSEL, THE FUEL FUND OF CENTRAL MARYLAND, THE CANCER SUPPORT FOUNDATION, ELECTRIC AND GAS COMPANIES, NONPROFIT ORGANIZATIONS, OTHER STATE AGENCIES, THE HEALTH CARE COMMUNITY, AND ANY OTHER ORGANIZATION THAT THE OFFICE DETERMINES APPROPRIATE.

(4) THE PURPOSE OF THE CMN PROGRAM IS TO REDUCE THE BARRIERS TO THE ENERGY ASSISTANCE APPLICATION PROCESS FOR CRITICAL MEDICALLY VULNERABLE INDIVIDUALS AND THEIR HOUSEHOLDS IN OBTAINING STATE AND FEDERAL FINANCIAL ASSISTANCE FOR THEIR ELECTRIC, GAS, OR OTHER ENERGY SOURCE BILLS SO THAT THEIR ELECTRIC, GAS, OR OTHER ENERGY SOURCE SERVICE CONTINUES OR IS RESTORED.

(C) (1) THE CMN PROGRAM SHALL FACILITATE ASSISTANCE TO CRITICAL MEDICALLY VULNERABLE INDIVIDUALS AND THEIR HOUSEHOLDS IN OBTAINING STATE AND FEDERAL FINANCIAL ASSISTANCE FOR THEIR ELECTRIC, GAS, OR OTHER SOURCE ENERGY BILLS THROUGH NAVIGATORS.

(2) THE OFFICE SHALL DETERMINE QUALIFICATIONS AND ESTABLISH TRAINING REQUIREMENTS FOR NAVIGATORS.

(3) THE OFFICE SHALL TRAIN NAVIGATORS OR FACILITATE THE TRAINING OF NAVIGATORS BY OTHERS.

(D) ~~THE~~ IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN THE CODE OF MARYLAND REGULATIONS, THE OFFICE SHALL WORK WITH ELECTRIC AND GAS COMPANIES TO IMPLEMENT, FOR CRITICAL MEDICALLY VULNERABLE INDIVIDUALS:

(1) A MEDICAL HOLD ON ELECTRIC OR GAS SERVICE OR AN EXPEDITED PROCESS TO GRANT THE EXTENSION OF ELECTRIC OR GAS SERVICE FOR THOSE WHO WILL HAVE THEIR ELECTRIC OR GAS SERVICES TERMINATED; AND

(2) AN EXPEDITED PROCESS FOR THE RESTORATION OF ELECTRIC OR GAS SERVICE FOR THOSE WHO HAVE HAD THEIR ELECTRIC OR GAS SERVICE TERMINATED.

(E) THE OFFICE SHALL ESTABLISH A TRACKING SYSTEM OF THE STATUS OF CRITICAL MEDICALLY VULNERABLE INDIVIDUALS WHO PARTICIPATE IN THE CMN PROGRAM.

(F) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.

---

## Chapter 284

(House Bill 1065)

AN ACT concerning

### Maryland Commercial Receivership Act

FOR the purpose of authorizing a court to appoint a receiver under certain circumstances; providing that a certain mortgagee is entitled to appointment of a receiver; requiring a court to appoint a receiver under certain circumstances; authorizing a court to condition appointment of a receiver on the giving of certain security under certain circumstances; authorizing a court to appoint a certain person as an ancillary receiver for certain property; specifying certain requirements an ancillary receiver must meet; authorizing a court to issue a certain order; establishing the rights,

powers, and duties of an ancillary receiver; prohibiting a court from appointing a certain person as a receiver; providing that a person is disqualified from appointment as a receiver under certain circumstances; authorizing a certain person to nominate a person to serve as receiver; specifying that a court is not bound by a certain nomination; authorizing a court to determine whether or not a receiver must post a certain bond or security with the court; providing that a certain bond may meet certain requirements; establishing the authority of a court that appoints a receiver under this Act; establishing the powers, duties, and rights of a receiver; requiring a certain claim submitted by a creditor to meet certain requirements; providing for the effectiveness of a certain assignment of a certain claim; requiring the court to respond to a certain claim and authorizing the court to order certain actions; requiring that a certain distribution of receivership property be made in a certain manner; prohibiting a receiver from engaging certain professionals without court approval; requiring a certain request to disclose certain information to the court; providing that a certain person is not disqualified from certain engagement under certain circumstances; authorizing a court to disqualify a certain person if the court makes a certain determination about a conflict of interest; providing that this Act does not prevent a receiver from serving in the receivership in a certain capacity; requiring a certain person or a receiver to file a certain itemized statement with the court; requiring a court to set a certain hearing under certain circumstances; authorizing a court to order a certain sale; providing that a certain transfer of property may be free and clear of a certain lien or other interest in the property under certain circumstances; providing that a certain lien or other interest attaches to certain proceeds in a certain manner; authorizing a certain purchase of property by a creditor under certain circumstances; providing that a certain reversal or modification of a certain order does not have certain effects; authorizing a court to condition assumption or rejection of a certain contract on certain terms and conditions; providing that a certain performance of a certain contract does not constitute a certain assumption or agreement or prevent a certain action; authorizing a court to order a receiver to assume or reject a certain contract under certain circumstances; providing that a certain obligation or liability must be treated in a certain manner; providing that a certain rejection of a certain contract shall be effective at a certain time and treated in a certain manner; providing that a certain right to possess or use property shall terminate on rejection of a certain contract; requiring a certain claim for damages to be submitted before the later of the time for submitting a certain claim or a certain number of days after entry of a certain order; providing for the effects of a certain rejection of a certain contract; prohibiting a receiver from assuming or assigning a certain contract under certain circumstances; authorizing a receiver to assign a certain contract under certain circumstances; prohibiting a receiver from rejecting a certain lease under certain circumstances; providing that a certain entry of an order appointing a receiver shall operate as a stay of a certain act; authorizing a court to order a certain stay under certain circumstances; prohibiting a court from ordering a certain stay under certain circumstances; providing that certain matters are not stayed under certain circumstances; authorizing a certain person to apply to the court for relief from a stay under certain circumstances; providing for the termination of a certain stay under certain circumstances; authorizing a court to void a certain act and take

certain actions against a person who violates a certain stay under certain circumstances; requiring a person who has certain possession, custody, or control of certain property to turn the property over to the receiver under certain circumstances; authorizing a certain creditor to retain possession, custody, or control of certain property under certain circumstances; providing that a certain person may not satisfy a certain debt in a certain manner; authorizing a court to sanction as civil contempt a certain failure; requiring a certain owner to take certain actions under certain circumstances; providing for the application of certain provisions of this Act regarding the duties of a certain owner; authorizing a court to take certain actions after a certain failure to perform a certain duty; providing that certain property is subject to a certain security agreement; providing that a certain request or application by a mortgagee does not have certain effects; requiring that a certain assignee for the benefit of creditors be treated as a certain receiver; requiring certain property to be treated in a certain manner; authorizing the court to issue a certain order under certain circumstances; requiring a certain motion to be served in a certain manner and on certain persons; ~~authorizing a certain party to file a certain appeal under certain circumstances and in a certain manner~~ authorizing a court to direct an entry of a final order under certain circumstances; establishing certain reporting requirements; authorizing a court to award certain fees and expenses and order a certain person to pay certain fees and expenses; providing that a receiver is entitled to certain defenses and immunities; requiring a person to receive certain approval from a court before taking certain actions; authorizing a court to remove a receiver under certain circumstances; requiring a court to replace a certain receiver; providing that a receiver is discharged under certain circumstances; requiring a receivership to terminate automatically under certain circumstances; authorizing a court to discharge a receiver and terminate the court's administration of the receivership under certain circumstances; repealing certain provisions of law regarding an assignee for the benefit of creditors; establishing a certain short title; providing for the application of this Act; defining certain terms; and generally relating to the Maryland Commercial Receivership Act.

BY repealing and reenacting, without amendments,  
Article – Commercial Law  
Section 15–101 and 15–102  
Annotated Code of Maryland  
(2013 Replacement Volume and 2018 Supplement)

BY repealing  
Article – Commercial Law  
Section 15–103  
Annotated Code of Maryland  
(2013 Replacement Volume and 2018 Supplement)

BY adding to  
Article – Commercial Law  
Section 24–101 through 24–801 to be under the new title “Title 24. Maryland Commercial Receivership Act”

Annotated Code of Maryland  
(2013 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Corporations and Associations  
Section 3–416  
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 – Commercial Law**

15–101.

(a) (1) For purposes of this section the following words, as used in federal bankruptcy laws, have the meanings indicated.

(2) “The case” means the assignment for the benefit of creditors proceeding or the receivership proceeding, whichever is applicable;

(3) “Commencement of the case” means commencement of the assignment for the benefit of creditors proceeding or receivership proceeding;

(4) “The court” means the court in which the assignment for the benefit of creditors proceeding or receivership proceeding is filed;

(5) “Date of the filing of the petition” means the date of the commencement of the assignment for the benefit of creditors proceeding or receivership proceeding;

(6) “Debtor” means the insolvent as that term is defined in subsection (b) of this section;

(7) (i) “The estate” means the estate that is created when an assignee for the benefit of creditors or a receiver of the assets of an insolvent is appointed;

(ii) “The estate” includes all property, assets, interests, and rights with respect to which the assignee or receiver is acting as a fiduciary;

(8) “Order for relief” means the order appointing the assignee for the benefit of creditors or the receiver of the assets of an insolvent;

(9) “Petition” means the pleading filed to commence the assignment for the benefit of creditors proceeding or receivership proceeding;

(10) “Trustee” means the assignee for the benefit of creditors or receiver of the assets of an insolvent; and

(11) Other words, including “insolvent” and “insider”, when used in federal bankruptcy law shall have the meanings set forth in the definition section of the federal bankruptcy law or as interpreted by the federal courts applying federal bankruptcy law.

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

(2) “Insolvent” means the assignor in an assignment for the benefit of creditors proceeding or the insolvent with respect to whose affairs a receiver has been appointed.

(3) “Judicial lien” means a lien obtained by judgment, levy, sequestration, or other legal or equitable process or proceeding.

(c) Any assignee for the benefit of creditors or receiver of the assets of an insolvent shall be vested with full title to all the property and assets of the insolvent and with full power to enforce obligations or liabilities in favor of the insolvent.

(d) All preferences, payments, transfers, and obligations made or suffered by the insolvent which are fraudulent, void, or voidable under any act of the Congress of the United States relating to bankruptcy are fraudulent, void, or voidable, respectively, under this subtitle to the same extent that they would be fraudulent, void, or voidable under applicable federal bankruptcy law.

(e) Any assignee for the benefit of creditors or receiver of the assets of an insolvent may set aside any:

(1) Fraudulent conveyance as defined in Subtitle 2 of this title; and

(2) Preference, payment, transfer, or obligation that is fraudulent, void, or voidable under subsection (d) of this section.

(f) Any assignee for the benefit of creditors or receiver of the assets of an insolvent has, as of the date of the commencement of the proceeding, the rights:

(1) Of a creditor that extends credit to the insolvent at the time of the commencement of the proceeding and that obtains, at such time and with respect to such credit, a judicial lien on all property on which a creditor on a simple contract could have obtained such a judicial lien, whether or not such a creditor exists;

(2) Of a creditor that extends credit to the insolvent at the time of the commencement of the proceeding and obtains, at such time and with respect to such credit, an execution against the insolvent that is returned unsatisfied at such time, whether or not such a creditor exists;

(3) Of a bona fide purchaser of real property, other than fixtures, from the insolvent, against whom applicable law permits such transfer to be perfected, that obtains the status of a bona fide purchaser and has perfected such transfer at the time of the commencement of the proceeding, whether or not such a purchaser exists; and

(4) To avoid any preference, payment, transfer, or obligation that is fraudulent, void, or voidable under subsection (d) of this section.

15–102.

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

(2) “Person” includes an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(3) “Wages” means all remuneration paid to any employee for his employment, including the cash value of all remuneration paid in any medium other than cash.

(b) The property of an insolvent who makes an assignment for the benefit of creditors or who has his property taken by a receiver under a decree of a court in an insolvency proceeding shall be applied to the following, in the order stated:

(1) Costs and expenses of the administration of the trust or insolvency proceeding which the court approves;

(2) Wages of an employee and health, welfare, and pension contributions contracted for in place of wages, earned not more than three months before the assignment or institution of the insolvency proceeding;

(3) Lien claims of the State, a county, municipal corporation, or other political subdivision of the State perfected or recorded before the assignment or institution of the insolvency proceeding, and claims of persons having judicial liens on property of the insolvent recorded more than four months before the assignment or institution of the insolvency proceeding;

(4) Unsecured claims of individuals, to the extent of \$900 for each individual, arising from the deposit, before the commencement of the case, of money in connection with the purchase, lease, or rental of property, or the purchase of services, for the personal, family, or household use of the individuals, that were not delivered or provided;

(5) Rent for any interest in real property in the State due not more than three months before the execution of the assignment or institution of the insolvency proceeding;

(6) Charges in connection with the transportation of goods advanced by one common carrier to another on behalf of a consignor or consignee not more than three months before the assignment or institution of the insolvency proceeding;

(7) Taxes not included in paragraph (3) of this subsection; and

(8) Claims of unsecured creditors.

(c) For the purpose of subsection (b)(1) of this section, the landlord's claim for rent for any interest in real property in this State due not more than three months before the execution of the assignment or institution of the insolvency proceeding shall be considered a perfected lien on the distrainable property of the insolvent to the same extent as if distress for rent was levied by the landlord before the assignment or the institution of the insolvency proceeding.

[15–103.

(a) Title to property may not pass to an assignee for the benefit of creditors until the assignee files a bond as required by the Maryland Rules. If the assignee makes a sale before filing a bond, the sale is not valid and does not pass title to the property sold.

(b) If all other legal requirements were met, a conveyance made by an assignee for the benefit of creditors when two sureties on the bond were required is valid even though a bond was given with only one surety.

(c) A sale by an assignee for the benefit of creditors is not valid unless ratified by the court.]

## **TITLE 24. MARYLAND COMMERCIAL RECEIVERSHIP ACT.**

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

**24–101.**

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

**(B) “AFFILIATE” MEANS:**

**(1) WITH RESPECT TO AN INDIVIDUAL:**

**(I) THE SPOUSE OF THE INDIVIDUAL;**

**(II) A LINEAL ANCESTOR OR DESCENDANT, WHETHER BY BLOOD OR ADOPTION, OF:**

1. THE INDIVIDUAL; OR
2. THE SPOUSE OF THE INDIVIDUAL;

(III) THE SPOUSE OF AN ANCESTOR OR A DESCENDANT DESCRIBED IN ITEM (II) OF THIS ITEM;

(IV) A SIBLING, AN AUNT, AN UNCLE, A GREAT AUNT, A GREAT UNCLE, A FIRST COUSIN, A NIECE, A NEPHEW, A GRANDNIECE, OR A GRANDNEPHEW OF THE INDIVIDUAL, WHETHER RELATED BY THE WHOLE OR THE HALF BLOOD OR ADOPTION, OR A SPOUSE OF ANY OF THE LISTED INDIVIDUALS; OR

(V) ANY OTHER INDIVIDUAL OCCUPYING THE RESIDENCE OF THE INDIVIDUAL; OR

(2) WITH RESPECT TO A PERSON OTHER THAN AN INDIVIDUAL:

(I) ANOTHER PERSON THAT, DIRECTLY OR INDIRECTLY, CONTROLS, IS CONTROLLED BY, OR IS UNDER COMMON CONTROL WITH THE PERSON;

(II) AN OFFICER, A DIRECTOR, A MANAGER, A MEMBER, A PARTNER, AN EMPLOYEE, OR A TRUSTEE OR ANY OTHER FIDUCIARY OF THE PERSON; OR

(III) A SPOUSE OF, OR AN INDIVIDUAL OCCUPYING THE RESIDENCE OF, AN INDIVIDUAL DESCRIBED IN ITEM (I) OR (II) OF THIS ITEM.

(C) "COUNTERPARTY" MEANS ANY OTHER PARTY TO AN EXECUTORY CONTRACT OR UNEXPIRED LEASE WITH THE OWNER.

(D) "COURT" MEANS THE COURT IN WHICH A RECEIVERSHIP IS FILED.

(E) "EXECUTORY CONTRACT" MEANS A CONTRACT, INCLUDING A LEASE, UNDER WHICH:

(1) THE OBLIGATIONS OF ALL PARTIES ARE NOT FULLY PERFORMED; AND

(2) THE FAILURE OF A PARTY TO COMPLETE PERFORMANCE OF THE PARTY'S OBLIGATIONS WOULD CONSTITUTE A MATERIAL BREACH.

(F) “GOVERNMENTAL UNIT” MEANS AN OFFICE, A DEPARTMENT, A DIVISION, A BUREAU, A BOARD, A COMMISSION, OR ANY OTHER UNIT OF THE STATE OR SUBDIVISION OF THE STATE.

(G) “INTELLECTUAL PROPERTY” MEANS, TO THE EXTENT PROTECTED BY APPLICABLE LAW:

- (1) A TRADE SECRET;
- (2) AN INVENTION, PROCESS, DESIGN, OR PLANT;
- (3) A PATENT APPLICATION;
- (4) A PLANT VARIETY;
- (5) A WORK OF AUTHORSHIP;
- (6) A MASK WORK; OR
- (7) A TRADEMARK OR SERVICE MARK.

(H) “LIEN” MEANS AN INTEREST IN PROPERTY THAT SECURES PAYMENT OR PERFORMANCE OF AN OBLIGATION.

(I) “MASTER SERVICE LIST” MEANS THE LIST A RECEIVER IS REQUIRED TO FILE WITH THE COURT UNDER § 24–501(C) OF THIS TITLE.

(J) (1) “MORTGAGE” MEANS A RECORD, BY ANY TITLE, THAT CREATES OR PROVIDES FOR A CONSENSUAL LIEN ON REAL PROPERTY OR RENT, EVEN IF THE RECORD ALSO CREATES OR PROVIDES FOR A LIEN ON PERSONAL PROPERTY.

(2) “MORTGAGE” INCLUDES:

- (I) AN INDEMNITY MORTGAGE;
- (II) A DEED OF TRUST; AND
- (III) AN INDEMNITY DEED OF TRUST.

(K) “MORTGAGEE” MEANS A PERSON ENTITLED TO ENFORCE AN OBLIGATION SECURED BY A MORTGAGE.

(L) “MORTGAGOR” MEANS A PERSON THAT GRANTS A MORTGAGE OR A SUCCESSOR IN OWNERSHIP OF THE REAL PROPERTY DESCRIBED IN THE MORTGAGE.

(M) "OWNER" MEANS THE PERSON FOR WHOSE PROPERTY OR BUSINESS A RECEIVER IS APPOINTED.

(N) "PERSON" INCLUDES AN INDIVIDUAL, AN ESTATE, A BUSINESS, A NONPROFIT ENTITY, A PUBLIC CORPORATION, A GOVERNMENTAL UNIT, AN INSTRUMENTALITY, AND ANY OTHER LEGAL ENTITY.

(O) "PROCEEDS" MEANS:

(1) WHATEVER IS ACQUIRED ON THE SALE, LEASE, LICENSE, EXCHANGE, OR OTHER DISPOSITION OF RECEIVERSHIP PROPERTY;

(2) WHATEVER IS COLLECTED ON, OR DISTRIBUTED ON ACCOUNT OF, RECEIVERSHIP PROPERTY;

(3) RIGHTS ARISING OUT OF RECEIVERSHIP PROPERTY;

(4) TO THE EXTENT OF THE VALUE OF RECEIVERSHIP PROPERTY, CLAIMS ARISING OUT OF THE LOSS, NONCONFORMITY, OR INTERFERENCE WITH THE USE OF, DEFECTS OR INFRINGEMENT OF RIGHTS IN, OR DAMAGE TO THE PROPERTY; OR

(5) TO THE EXTENT OF THE VALUE OF RECEIVERSHIP PROPERTY AND TO THE EXTENT PAYABLE TO THE OWNER OR MORTGAGEE, INSURANCE PAYABLE BY REASON OF:

(I) THE LOSS OR NONCONFORMITY OF THE PROPERTY;

(II) DEFECTS OR INFRINGEMENT OF RIGHTS IN THE PROPERTY;

OR

(III) DAMAGE TO THE PROPERTY.

(P) (1) "PROPERTY" MEANS ALL OF A PERSON'S RIGHT, TITLE, AND INTEREST, BOTH LEGAL AND EQUITABLE, IN REAL AND PERSONAL PROPERTY, TANGIBLE AND INTANGIBLE, WHEREVER LOCATED AND HOWEVER ACQUIRED.

(2) "PROPERTY" INCLUDES PROCEEDS, PRODUCTS, OFFSPRING, RENT, AND PROFITS OF OR FROM THE PROPERTY.

(3) "PROPERTY" DOES NOT INCLUDE:

(I) ANY POWER THAT THE OWNER MAY EXERCISE SOLELY FOR THE BENEFIT OF ANOTHER PERSON; OR

**(II) PROPERTY IMPRESSED WITH A TRUST, EXCEPT TO THE EXTENT THAT THE OWNER HAS A RESIDUAL INTEREST.**

**(Q) “RECEIVER” MEANS A PERSON APPOINTED BY THE COURT UNDER § 24–201(A) OF THIS TITLE, AND SUBJECT TO THE COURT’S AUTHORITY, TO TAKE POSSESSION OF, MANAGE, AND, IF AUTHORIZED BY THIS TITLE OR COURT ORDER, TRANSFER, SELL, LEASE, LICENSE, EXCHANGE, COLLECT, OR OTHERWISE DISPOSE OF RECEIVERSHIP PROPERTY.**

**(R) “RECEIVERSHIP” MEANS A PROCEEDING IN WHICH A RECEIVER IS APPOINTED.**

**(S) (1) “RECEIVERSHIP PROPERTY” MEANS THE PROPERTY OR BUSINESS OF AN OWNER THAT IS DESCRIBED IN THE ORDER APPOINTING A RECEIVER OR A SUBSEQUENT ORDER.**

**(2) “RECEIVERSHIP PROPERTY” INCLUDES ANY PRODUCTS, OFFSPRING, PROFITS, AND PROCEEDS OF THE PROPERTY.**

**(T) “RECORD” MEANS INFORMATION THAT IS:**

**(1) (I) WRITTEN ON A TANGIBLE MEDIUM; OR**

**(II) STORED ON AN ELECTRONIC OR ANY OTHER MEDIUM; AND**

**(2) RETRIEVABLE IN PERCEIVABLE FORM.**

**(U) “RENT” MEANS:**

**(1) A SUM PAYABLE FOR THE RIGHT TO POSSESS OR OCCUPY, OR FOR THE ACTUAL POSSESSION OR OCCUPATION OF, REAL PROPERTY OF ANOTHER PERSON;**

**(2) A SUM PAYABLE TO A MORTGAGOR OR AN OWNER UNDER A POLICY OF RENTAL–INTERRUPTION INSURANCE COVERING REAL PROPERTY;**

**(3) A CLAIM ARISING OUT OF A DEFAULT IN THE PAYMENT OF A SUM PAYABLE FOR THE RIGHT TO POSSESS OR OCCUPY REAL PROPERTY OF ANOTHER PERSON;**

**(4) A SUM PAYABLE TO TERMINATE AN AGREEMENT TO POSSESS OR OCCUPY REAL PROPERTY OF ANOTHER PERSON;**

(5) A SUM PAYABLE TO A MORTGAGOR OR AN OWNER FOR PAYMENT OR REIMBURSEMENT OF EXPENSES INCURRED IN OWNING, OPERATING, AND MAINTAINING REAL PROPERTY, OR CONSTRUCTING OR INSTALLING IMPROVEMENTS ON REAL PROPERTY; OR

(6) ANOTHER SUM PAYABLE UNDER AN AGREEMENT RELATING TO THE REAL PROPERTY OF ANOTHER PERSON THAT CONSTITUTES RENT UNDER STATE LAW.

(V) "SECURED OBLIGATION" MEANS AN OBLIGATION THE PAYMENT OR PERFORMANCE OF WHICH IS SECURED BY A SECURITY AGREEMENT.

(W) "SECURITY AGREEMENT" MEANS AN AGREEMENT THAT CREATES OR PROVIDES FOR A LIEN ON REAL OR PERSONAL PROPERTY.

(X) "SIGN" MEANS, WITH PRESENT INTENT TO AUTHENTICATE OR ADOPT A RECORD:

(1) TO EXECUTE OR ADOPT A TANGIBLE SYMBOL; OR

(2) TO ATTACH TO OR LOGICALLY ASSOCIATE WITH THE RECORD AN ELECTRONIC SOUND, A SYMBOL, OR A PROCESS.

(Y) (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, PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, OR ANY TERRITORY OR INSULAR POSSESSION SUBJECT TO THE JURISDICTION OF THE UNITED STATES.

(2) WHEN CAPITALIZED, "STATE" MEANS MARYLAND.

(Z) "TIMESHARE INTEREST" MEANS AN INTEREST THAT:

(1) HAS A DURATION OF MORE THAN 3 YEARS;

(2) GRANTS THE HOLDER OF THE INTEREST THE RIGHT TO USE AND OCCUPY AN ACCOMMODATION, A FACILITY, OR A RECREATIONAL SITE, WHETHER IMPROVED OR NOT; AND

**(3) ENDURES FOR A SPECIFIC PERIOD THAT IS LESS THAN A FULL YEAR DURING ANY GIVEN YEAR.**

**24-102.**

**UNLESS DISPLACED BY A PARTICULAR PROVISION OF THIS TITLE, THE PRINCIPLES OF LAW AND EQUITY SUPPLEMENT THIS TITLE.**

**24-103.**

**(A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OR (C) OF THIS SECTION, THIS TITLE APPLIES TO:**

**(1) A RECEIVERSHIP FOR AN INTEREST IN REAL PROPERTY AND ANY PERSONAL PROPERTY THAT IS:**

**(i) RELATED TO THE REAL PROPERTY; OR**

**(ii) USED IN OPERATING THE REAL PROPERTY;**

**(2) A RECEIVERSHIP ESTABLISHED UNDER § 3-411 OR § 3-415 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE; OR**

**(3) ANY OTHER RECEIVERSHIP IN WHICH A RECEIVER IS APPOINTED TO TAKE POSSESSION AND CONTROL OF ALL OR SUBSTANTIALLY ALL OF A PERSON'S PROPERTY WITH AUTHORITY TO LIQUIDATE THE PROPERTY AND, IN THE CASE OF A BUSINESS FOR WHICH THE RECEIVER IS APPOINTED, WIND UP THE AFFAIRS OF THE BUSINESS.**

**(B) THIS TITLE DOES NOT APPLY TO A RECEIVERSHIP FOR AN INTEREST IN REAL PROPERTY IMPROVED BY ONE TO FOUR DWELLING UNITS UNLESS:**

**(1) THE INTEREST IS USED FOR AGRICULTURAL, COMMERCIAL, INDUSTRIAL, OR MINERAL EXTRACTION PURPOSES, OTHER THAN INCIDENTAL USES BY AN OWNER OCCUPYING THE PROPERTY AS THE OWNER'S PRIMARY RESIDENCE;**

**(2) THE INTEREST SECURES AN OBLIGATION INCURRED AT A TIME WHEN THE PROPERTY WAS USED OR PLANNED FOR USE FOR AGRICULTURAL, COMMERCIAL, INDUSTRIAL, OR MINERAL EXTRACTION PURPOSES;**

**(3) THE OWNER PLANNED OR IS PLANNING TO DEVELOP THE PROPERTY INTO ONE OR MORE DWELLING UNITS TO BE SOLD OR LEASED IN THE ORDINARY COURSE OF THE OWNER'S BUSINESS; OR**

(4) THE OWNER IS COLLECTING OR HAS THE RIGHT TO COLLECT RENT OR ANY OTHER INCOME FROM THE PROPERTY FROM A PERSON OTHER THAN AN AFFILIATE OF THE OWNER.

(C) THIS TITLE DOES NOT APPLY TO A RECEIVERSHIP AUTHORIZED BY A LOCAL LAW OR A STATE LAW OTHER THAN THIS TITLE IN WHICH THE RECEIVER IS A GOVERNMENTAL UNIT ~~OR~~, A PERSON ACTING IN AN OFFICIAL CAPACITY ON BEHALF OF THE GOVERNMENTAL UNIT, OR A PERSON APPOINTED AS RECEIVER AT THE REQUEST OF THE GOVERNMENTAL UNIT, UNLESS:

(1) THE GOVERNMENTAL UNIT ~~OR~~, THE PERSON ACTING IN AN OFFICIAL CAPACITY ON BEHALF OF THE UNIT, OR THE PERSON APPOINTED AS RECEIVER AT THE REQUEST OF THE GOVERNMENTAL UNIT ELECTS TO HAVE THE PROVISIONS OF THIS TITLE APPLY TO THE RECEIVERSHIP;

(2) A COURT, FOR GOOD CAUSE, ORDERS THAT THE PROVISIONS OF THIS TITLE APPLY TO THE RECEIVERSHIP; OR

(3) THE LAW AUTHORIZING THE RECEIVERSHIP IN WHICH THE RECEIVER IS A GOVERNMENTAL UNIT OR A PERSON ACTING IN AN OFFICIAL CAPACITY ON BEHALF OF THE GOVERNMENTAL UNIT PROVIDES THAT THIS TITLE APPLIES TO THE RECEIVERSHIP.

(D) SUBSECTION (C)(2) OF THIS SECTION DOES NOT APPLY TO A DELINQUENCY PROCEEDING INITIATED BY THE MARYLAND INSURANCE COMMISSIONER UNDER TITLE 9, SUBTITLE 2 OF THE INSURANCE ARTICLE.

#### SUBTITLE 2. APPOINTMENT OF RECEIVER.

24-201.

(A) A COURT MAY APPOINT A RECEIVER:

(1) BEFORE JUDGMENT, TO PROTECT A PARTY THAT DEMONSTRATES AN APPARENT RIGHT TO PROPERTY THAT IS THE SUBJECT OF THE ACTION, IF THE PROPERTY OR THE REVENUE-PRODUCING POTENTIAL OF THE PROPERTY:

(I) IS BEING SUBJECTED TO OR IS IN DANGER OF WASTE, LOSS, DISSIPATION, OR IMPAIRMENT; OR

(II) HAS BEEN OR IS ABOUT TO BE THE SUBJECT OF A FRAUDULENT CONVEYANCE VOIDABLE UNDER TITLE 15, SUBTITLE 2 OF THIS ARTICLE;

**(2) AFTER JUDGMENT, TO:**

**(I) CARRY THE JUDGMENT INTO EFFECT; OR**

**(II) PRESERVE NONEXEMPT PROPERTY:**

**1. PENDING APPEAL; OR**

**2. WHEN AN EXECUTION HAS BEEN RETURNED UNSATISFIED AND THE OWNER REFUSES TO APPLY THE PROPERTY IN SATISFACTION OF THE JUDGMENT;**

**(3) IN AN ACTION SEEKING DISSOLUTION OF A CORPORATION UNDER § 3-411 OR § 3-415 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE; OR**

**(4) TO A RECEIVERSHIP UNDER § 24-103(A)(3) OF THIS TITLE.**

**(B) (1) IN CONNECTION WITH OR ANTICIPATION OF A FORECLOSURE OR ANY OTHER ENFORCEMENT OF A MORTGAGE, A MORTGAGEE IS ENTITLED TO THE APPOINTMENT OF A RECEIVER.**

**(2) ON REQUEST, A COURT SHALL APPOINT A RECEIVER FOR THE MORTGAGED PROPERTY IF:**

**(I) THERE IS A DEFAULT UNDER THE MORTGAGE; AND**

**(II) 1. APPOINTMENT OF A RECEIVER IS NECESSARY TO PROTECT THE PROPERTY FROM WASTE, LOSS, TRANSFER, DISSIPATION, OR IMPAIRMENT;**

**2. THE MORTGAGOR AGREED IN A SIGNED RECORD, INCLUDING THE MORTGAGE OR AN ASSIGNMENT OF LEASES AND RENTS, TO THE APPOINTMENT OF A RECEIVER ON DEFAULT;**

**3. THE OWNER AGREED, AFTER DEFAULT AND IN A SIGNED RECORD, TO THE APPOINTMENT OF A RECEIVER;**

**4. THE PROPERTY AND ANY OTHER COLLATERAL HELD BY THE MORTGAGEE ARE NOT SUFFICIENT TO SATISFY THE SECURED OBLIGATION;**

**5. THE OWNER FAILS TO TURN OVER TO THE MORTGAGEE PROCEEDS OR RENT THE MORTGAGEE WAS ENTITLED TO COLLECT; OR**

**6. THE HOLDER OF A SUBORDINATE LIEN OBTAINS THE APPOINTMENT OF A RECEIVER FOR THE PROPERTY.**

**(C) (1) A COURT MAY CONDITION APPOINTMENT OF A RECEIVER WITHOUT PRIOR NOTICE UNDER § 24-501(B)(1) OF THIS TITLE, OR WITHOUT A PRIOR HEARING UNDER § 24-501(B)(2) OF THIS TITLE, ON THE GIVING OF SECURITY BY THE PERSON SEEKING THE APPOINTMENT FOR:**

**(I) THE PAYMENT OF DAMAGES;**

**(II) REASONABLE ATTORNEY'S FEES; OR**

**(III) IF THE COURT CONCLUDES THAT THE APPOINTMENT WAS NOT JUSTIFIED, COSTS INCURRED BY ANY PERSON.**

**(2) IF THE COURT LATER CONCLUDES THAT THE APPOINTMENT WAS JUSTIFIED, THE COURT SHALL RELEASE THE SECURITY.**

**24-202.**

**(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A COURT MAY APPOINT AS AN ANCILLARY RECEIVER FOR PROPERTY LOCATED IN THE STATE OR SUBJECT TO THE JURISDICTION OF THE COURT FOR WHICH A RECEIVER COULD BE APPOINTED UNDER THIS TITLE:**

**(1) A RECEIVER APPOINTED IN ANOTHER STATE; OR**

**(2) A NOMINEE OF THE RECEIVER IN THE OTHER STATE.**

**(B) AN ANCILLARY RECEIVER UNDER SUBSECTION (A) OF THIS SECTION SHALL:**

**(1) BE ELIGIBLE TO SERVE AS A RECEIVER UNDER § 24-203 OF THIS SUBTITLE; AND**

**(2) FURTHER THE PERSON'S POSSESSION, CUSTODY, CONTROL, OR DISPOSITION OF PROPERTY SUBJECT TO THE RECEIVERSHIP IN THE OTHER STATE.**

**(C) A COURT MAY ISSUE AN ORDER THAT GIVES EFFECT TO AN ORDER ENTERED IN ANOTHER STATE APPOINTING OR DIRECTING A RECEIVER.**

**(D) UNLESS THE COURT ORDERS OTHERWISE, AN ANCILLARY RECEIVER APPOINTED UNDER SUBSECTION (A) OF THIS SECTION HAS THE RIGHTS, POWERS, AND DUTIES OF A RECEIVER APPOINTED UNDER THIS TITLE.**

24-203.

(A) A COURT MAY NOT APPOINT A PERSON AS A RECEIVER UNLESS THE PERSON PROVIDES A STATEMENT UNDER PENALTY OF PERJURY THAT THE PERSON IS NOT DISQUALIFIED UNDER SUBSECTION (B) OF THIS SECTION.

(B) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON IS DISQUALIFIED FROM APPOINTMENT AS A RECEIVER IF THE PERSON:

(1) IS AN AFFILIATE OF A PARTY;

(2) HAS A MATERIAL FINANCIAL INTEREST IN THE OUTCOME OF THE ACTION, OTHER THAN COMPENSATION THE COURT MAY ALLOW THE RECEIVER;

(3) HAS A DEBTOR-CREDITOR RELATIONSHIP WITH A PARTY;

(4) HOLDS AN EQUITY INTEREST IN A PARTY, OTHER THAN A NONCONTROLLING INTEREST IN A PUBLICLY TRADED COMPANY;

(5) IS OR WAS A DIRECTOR, AN OFFICER, OR AN EMPLOYEE OF THE OWNER WITHIN 2 YEARS IMMEDIATELY PRECEDING THE APPOINTMENT OF THE RECEIVER;

(6) (I) HAS BEEN CONVICTED OF A FELONY OR ANY OTHER CRIME INVOLVING MORAL TURPITUDE; OR

(II) IS SUPERVISED BY OR AN EMPLOYEE OF A PERSON WHO HAS BEEN CONVICTED OF A FELONY OR ANY OTHER CRIME OF MORAL TURPITUDE;

(7) (I) HAS BEEN FOUND LIABLE IN CIVIL COURT FOR FRAUD, BREACH OF FIDUCIARY DUTY, THEFT, OR SIMILAR MISCONDUCT; OR

(II) IS CONTROLLED BY A PERSON WHO HAS BEEN FOUND LIABLE IN CIVIL COURT FOR FRAUD, BREACH OF FIDUCIARY DUTY, THEFT, OR SIMILAR MISCONDUCT; OR

(8) OTHERWISE HAS AN INTEREST MATERIALLY ADVERSE TO AN INTEREST OF A PARTY OR THE RECEIVERSHIP ESTATE, OR OF ANY CREDITOR OR EQUITY SECURITY HOLDER, BY REASON OF ANY DIRECT OR INDIRECT RELATIONSHIP TO, CONNECTION WITH, OR INTEREST IN THE OWNER.

(C) (1) A PERSON IS NOT DISQUALIFIED FROM APPOINTMENT AS A RECEIVER SOLELY BECAUSE THE PERSON:

(I) WAS APPOINTED AS A RECEIVER OF ANOTHER RECEIVERSHIP;

(II) IS OWED COMPENSATION IN AN UNRELATED MATTER INVOLVING A PARTY;

(III) WAS ENGAGED BY A PARTY IN A MATTER UNRELATED TO THE RECEIVERSHIP;

(IV) IS AN INDIVIDUAL OBLIGATED TO A PARTY ON A DEBT THAT:

1. IS NOT IN DEFAULT; AND
2. WAS INCURRED PRIMARILY FOR PERSONAL, FAMILY, OR HOUSEHOLD PURPOSES; OR

(V) MAINTAINS WITH A PARTY A DEPOSIT ACCOUNT AS DEFINED IN § 9-102(A)(29) OF THIS ARTICLE.

(2) NOTWITHSTANDING SUBSECTION (B)(5) OF THIS SECTION, A PERSON WHO IS OR WAS A DIRECTOR, AN OFFICER, OR AN EMPLOYEE OF THE OWNER WITHIN 2 YEARS IMMEDIATELY PRECEDING THE APPOINTMENT OF THE RECEIVER IS NOT DISQUALIFIED FROM APPOINTMENT AS A RECEIVER IF THE COURT:

(I) APPOINTS THE PERSON AS A RECEIVER; AND

(II) DETERMINES THAT:

1. THE APPOINTMENT WOULD BE IN THE BEST INTEREST OF THE RECEIVERSHIP ESTATE; AND

2. THE PERSON IS NOT DISQUALIFIED FOR A REASON LISTED IN SUBSECTION (B)(1) THROUGH (4) OR (B)(6) THROUGH (8) OF THIS SECTION.

(D) (1) A PERSON SEEKING APPOINTMENT OF A RECEIVER MAY NOMINATE A PERSON TO SERVE AS RECEIVER.

(2) A COURT IS NOT BOUND BY A NOMINATION RECEIVED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

**24-204.****(A) THE COURT MAY:**

**(1) REQUIRE A RECEIVER TO POST A BOND OR SECURITY WITH THE COURT;**

**(2) AUTHORIZE A RECEIVER TO ACT WITHOUT POSTING A BOND OR OTHER SECURITY; OR**

**(3) AUTHORIZE A RECEIVER TO ACT BEFORE THE RECEIVER POSTS ANY BOND REQUIRED BY THE COURT.**

**(B) IF A COURT REQUIRES A BOND TO BE POSTED UNDER SUBSECTION (A) OF THIS SECTION, THE BOND SHALL BE:**

**(1) CONDITIONED ON THE FAITHFUL DISCHARGE OF THE RECEIVER'S DUTIES;**

**(2) WITH ONE OR MORE SURETIES APPROVED BY THE COURT;**

**(3) IN AN AMOUNT THE COURT SPECIFIES; AND**

**(4) EFFECTIVE AS OF THE DATE OF THE RECEIVER'S APPOINTMENT.**

**(C) THE COURT MAY ALSO AUTHORIZE A RECEIVER TO ACT WITHOUT POSTING A BOND OR OTHER SECURITY.**

**24-205.****(A) A COURT THAT APPOINTS A RECEIVER UNDER THIS TITLE:**

**(1) HAS EXCLUSIVE JURISDICTION TO DIRECT THE RECEIVER AND DETERMINE ANY CONTROVERSY RELATED TO THE RECEIVERSHIP OR RECEIVERSHIP PROPERTY WHEREVER LOCATED WITHIN THE STATE, INCLUDING ALL CONTROVERSIES RELATING TO:**

**(I) THE COLLECTION, PRESERVATION, IMPROVEMENT, DISPOSITION, AND DISTRIBUTION OF RECEIVERSHIP PROPERTY;**

**(II) THE EXERCISE OF THE RECEIVER'S POWERS; OR**

**(III) THE PERFORMANCE OF THE RECEIVER'S DUTIES; AND**

(2) MAY, ON MOTION BY A PARTY IN INTEREST OR ON ITS OWN INITIATIVE, ASSIGN THE RECEIVERSHIP TO A JUDGE WHO SHALL BE RESPONSIBLE FOR THE ENTIRE CASE DURING THE COURSE OF THE RECEIVERSHIP.

**SUBTITLE 3. RIGHTS, POWERS, AND DUTIES OF A RECEIVER.**

**24-301.**

(A) EXCEPT AS LIMITED BY COURT ORDER OR A LAW OF THE STATE OTHER THAN THIS TITLE, A RECEIVER MAY:

(1) COLLECT, CONTROL, MANAGE, CONSERVE, AND PROTECT RECEIVERSHIP PROPERTY;

(2) OPERATE A BUSINESS CONSTITUTING RECEIVERSHIP PROPERTY, INCLUDING PRESERVATION, USE, SALE, LEASE, LICENSE, EXCHANGE, COLLECTION, OR DISPOSITION OF THE PROPERTY IN THE ORDINARY COURSE OF BUSINESS;

(3) IN THE ORDINARY COURSE OF BUSINESS:

(I) INCUR UNSECURED DEBT FOR THE RECEIVER'S PRESERVATION, USE, SALE, LEASE, LICENSE, EXCHANGE, COLLECTION, OR DISPOSITION OF THE BUSINESS OR RECEIVERSHIP PROPERTY; OR

(II) PAY ORDINARY, REASONABLE, AND NECESSARY EXPENSES FOR THE RECEIVER'S PRESERVATION, USE, SALE, LEASE, LICENSE, EXCHANGE, COLLECTION, OR DISPOSITION OF THE BUSINESS OR RECEIVERSHIP PROPERTY;

(4) EMPLOY AND DISCHARGE AGENTS, CONTRACTORS, AND EMPLOYEES THAT ARE NECESSARY TO MANAGE, OPERATE, PRESERVE, IMPROVE, SECURE, AND MARKET THE BUSINESS OR RECEIVERSHIP PROPERTY;

(5) ASSERT A RIGHT, CLAIM, CAUSE OF ACTION, PRIVILEGE, OR DEFENSE OF THE OWNER THAT RELATES TO THE BUSINESS OR RECEIVERSHIP PROPERTY, AND, IN THE CASE OF A RECEIVERSHIP UNDER § 24-103(A) OF THIS TITLE, THE CLAIM, CAUSE OF ACTION, PRIVILEGE, OR DEFENSE SHALL NOT BE BARRED BY THE DOCTRINE OF PARI DELICTO;

(6) SEEK AND OBTAIN INSTRUCTION FROM THE COURT REGARDING:

(I) MANAGING OR DISPOSING OF THE BUSINESS OR RECEIVERSHIP PROPERTY;

(II) EXERCISING THE POWERS OF THE RECEIVER; OR

**(III) PERFORMING THE DUTIES OF THE RECEIVER;**

**(7) AFTER BEING ISSUED A SUBPOENA, WITH RESPECT TO THE RECEIVERSHIP PROPERTY OR ANY OTHER MATTER THAT MAY AFFECT ADMINISTRATION OF THE RECEIVERSHIP, COMPEL A PERSON TO:**

**(I) SUBMIT TO EXAMINATION UNDER OATH; OR**

**(II) PRODUCE AND ALLOW INSPECTION AND COPYING OF RECORDS OR OTHER TANGIBLE PROPERTY;**

**(8) ENGAGE A PROFESSIONAL AS PROVIDED IN § 24–303 OF THIS SUBTITLE;**

**(9) APPLY TO A COURT OF ANOTHER STATE FOR APPOINTMENT AS ANCILLARY RECEIVER WITH RESPECT TO RECEIVERSHIP PROPERTY LOCATED IN THAT STATE;**

**(10) IN A RECEIVERSHIP UNDER § 24–103(A)(2) OR (3) OF THIS TITLE, EXERCISE ANY RIGHTS OR POWERS PROVIDED FOR IN § 15–101 OF THIS ARTICLE; OR**

**(11) EXERCISE ANY OTHER POWER CONFERRED BY COURT ORDER, THIS TITLE, OR A LAW OF THE STATE OTHER THAN THIS TITLE.**

**(B) WITH COURT APPROVAL, A RECEIVER MAY:**

**(1) INCUR DEBT ON AN UNSECURED OR SECURED BASIS FOR THE USE OR BENEFIT OF THE BUSINESS OR RECEIVERSHIP PROPERTY, OTHER THAN IN THE ORDINARY COURSE OF BUSINESS, AND ANY SECURED DEBT SHALL BE SUBJECT TO EXISTING LIENS;**

**(2) PAY OBLIGATIONS INCURRED BEFORE THE RECEIVER'S APPOINTMENT IF AND TO THE EXTENT THAT:**

**(I) THE PAYMENT IS DETERMINED TO BE REASONABLE AND NECESSARY FOR THE PRESERVATION OF THE BUSINESS OR RECEIVERSHIP PROPERTY; AND**

**(II) THE FUNDS USED UNDER THIS ITEM ARE NOT SUBJECT TO ANY LIEN IN FAVOR OF A CREDITOR WHO HAS NOT CONSENTED TO THE PAYMENT, OR WHOSE INTEREST IS NOT ADEQUATELY PROTECTED;**

**(3) MAKE IMPROVEMENTS TO RECEIVERSHIP PROPERTY;**

(4) USE OR TRANSFER RECEIVERSHIP PROPERTY, OTHER THAN IN THE ORDINARY COURSE OF BUSINESS, UNDER § 24-304 OF THIS SUBTITLE;

(5) ASSUME, REJECT, OR ASSUME AND ASSIGN AN EXECUTORY CONTRACT OF THE OWNER UNDER § 24-305 OF THIS SUBTITLE;

(6) PAY COMPENSATION TO:

(I) THE RECEIVER UNDER § 24-601 OR § 24-602 OF THIS TITLE;

OR

(II) TO EACH PROFESSIONAL ENGAGED BY THE RECEIVER UNDER § 24-303 OF THIS SUBTITLE;

(7) RECOMMEND ALLOWANCE OR DISALLOWANCE OF A CLAIM OF A CREDITOR UNDER § 24-302 OF THIS SUBTITLE;

(8) ABANDON ANY PROPERTY THAT IS BURDENSOME OR NOT OF MATERIAL VALUE TO THE RECEIVERSHIP; AND

(9) MAKE A DISTRIBUTION OF RECEIVERSHIP PROPERTY UNDER § 24-302 OF THIS SUBTITLE.

(C) A RECEIVER SHALL:

(1) PREPARE AND RETAIN APPROPRIATE BUSINESS RECORDS, INCLUDING A RECORD OF EACH RECEIPT, DISBURSEMENT, AND DISPOSITION OF THE BUSINESS OR RECEIVERSHIP PROPERTY;

(2) ACCOUNT FOR THE BUSINESS OR RECEIVERSHIP PROPERTY, INCLUDING THE PROCEEDS OF A SALE, A LEASE, A LICENSE, AN EXCHANGE, A COLLECTION, OR ANY OTHER DISPOSITION OF THE RECEIVERSHIP PROPERTY;

(3) IF THE RECEIVERSHIP INCLUDES REAL PROPERTY, FILE IN THE LAND RECORDS OF THE COUNTY WHERE THE REAL PROPERTY IS LOCATED A COPY OF THE ORDER APPOINTING THE RECEIVER, AND IF A LEGAL DESCRIPTION IS NOT INCLUDED IN THE ORDER, INCLUDE A LEGAL DESCRIPTION OF THE REAL PROPERTY;

(4) DISCLOSE TO THE COURT ANY FACT ARISING DURING THE RECEIVERSHIP THAT WOULD DISQUALIFY THE RECEIVER UNDER § 24-203 OF THIS TITLE; AND

**(5) PERFORM ANY DUTY IMPOSED BY COURT ORDER, THIS TITLE, OR A LAW OF THE STATE OTHER THAN THIS TITLE.**

**(D) THE POWERS AND DUTIES OF A RECEIVER MAY BE EXPANDED, MODIFIED, OR LIMITED BY COURT ORDER.**

**24-302.**

**(A) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, A RECEIVER SHALL GIVE NOTICE OF THE APPOINTMENT OF THE RECEIVER TO CREDITORS OF THE OWNER IF:**

**(1) THE RECEIVERSHIP IS A RECEIVERSHIP UNDER § 24-103(A)(2) OR (3) OF THIS TITLE; OR**

**(2) ORDERED BY A COURT.**

**(B) (1) THE RECEIVER SHALL PROVIDE THE NOTICE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION:**

**(I) TO EACH CREDITOR HOLDING A CLAIM AGAINST THE OWNER THAT AROSE BEFORE THE APPOINTMENT OF THE RECEIVER; AND**

**(II) BY:**

**1. FIRST-CLASS MAIL OR OTHER COMMERCIALY REASONABLE DELIVERY METHOD TO THE LAST KNOWN ADDRESS OF THE CREDITOR AND THE CREDITOR'S ATTORNEY, IF KNOWN; AND**

**2. PUBLICATION AS DIRECTED BY THE COURT.**

**(2) (I) THE NOTICE SHALL SPECIFY THE DATE BY WHICH THE CREDITOR MUST SUBMIT THE CLAIM TO THE RECEIVER.**

**(II) UNLESS THE COURT EXTENDS THE PERIOD FOR SUBMITTING A CLAIM, THE DATE SPECIFIED IN THE NOTICE SHALL BE AT LEAST 120 DAYS AFTER THE LATER OF THE DATE OF:**

**1. THE NOTICE; OR**

**2. THE MOST RECENT PUBLICATION AS DIRECTED BY THE COURT UNDER PARAGRAPH (1)(II)2 OF THIS SUBSECTION.**

(III) UNLESS THE COURT ORDERS OTHERWISE, A CLAIM THAT IS NOT SUBMITTED WITHIN THE APPROPRIATE TIME PERIOD UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH IS NOT ENTITLED TO A DISTRIBUTION FROM THE RECEIVERSHIP PROPERTY.

(C) A CLAIM SUBMITTED BY A CREDITOR UNDER THIS SECTION SHALL:

- (1) STATE THE NAME AND ADDRESS OF THE CREDITOR;
- (2) STATE THE AMOUNT AND BASIS OF THE CREDITOR'S CLAIM;
- (3) IDENTIFY ANY PROPERTY SECURING THE CREDITOR'S CLAIM;
- (4) BE SIGNED BY THE CREDITOR UNDER PENALTY OF PERJURY; AND
- (5) INCLUDE A COPY OF ANY RECORD ON WHICH THE CREDITOR'S CLAIM IS BASED.

(D) AN ASSIGNMENT BY A CREDITOR OF A CLAIM AGAINST THE OWNER IS EFFECTIVE AGAINST THE RECEIVER ONLY IF THE ASSIGNEE GIVES TIMELY NOTICE OF THE ASSIGNMENT TO THE RECEIVER IN A SIGNED RECORD.

(E) (1) AT ANY TIME BEFORE ENTRY OF AN ORDER APPROVING A RECEIVER'S FINAL REPORT, THE RECEIVER MAY FILE WITH THE COURT AN OBJECTION TO A CLAIM OF A CREDITOR, STATING THE BASIS FOR THE OBJECTION.

(2) THE COURT SHALL ALLOW OR DISALLOW THE CLAIM.

(F) IF THE COURT CONCLUDES THAT RECEIVERSHIP PROPERTY IS LIKELY TO BE INSUFFICIENT TO SATISFY CLAIMS OF EACH CREDITOR HOLDING A PERFECTED LIEN ON THE PROPERTY, THE COURT MAY ORDER THAT:

(1) THE RECEIVER DOES NOT NEED TO GIVE NOTICE OF THE APPOINTMENT UNDER SUBSECTION (A) OF THIS SECTION TO ALL UNSECURED CREDITORS OF THE OWNER, BUT ONLY TO THE UNSECURED CREDITORS AS THE COURT DIRECTS; AND

(2) AN UNSECURED CREDITOR DOES NOT NEED TO SUBMIT A CLAIM UNDER THIS SECTION.

(G) (1) SUBJECT TO § 24-701 OF THIS TITLE, A DISTRIBUTION OF RECEIVERSHIP PROPERTY TO A CREDITOR HOLDING A PERFECTED LIEN ON THE PROPERTY SHALL BE MADE IN ACCORDANCE WITH THE CREDITOR'S PRIORITY UNDER APPLICABLE LAW.

**(2) A DISTRIBUTION OF RECEIVERSHIP PROPERTY TO A CREDITOR WITH AN ALLOWED UNSECURED CLAIM SHALL BE MADE AS THE COURT DIRECTS.**

**24-303.**

**(A) (1) A RECEIVER SHALL OBTAIN COURT APPROVAL BEFORE ENGAGING ANY ATTORNEY, ACCOUNTANT, APPRAISER, AUCTIONEER, BROKER, OR OTHER PROFESSIONAL TO ASSIST THE RECEIVER IN PERFORMING THE RECEIVER'S DUTIES AND ADMINISTERING RECEIVERSHIP PROPERTY.**

**(2) THE RECEIVER MAY REQUEST APPOINTMENT OF A PROFESSIONAL TO PROVIDE SERVICES TO THE RECEIVERSHIP.**

**(3) A REQUEST UNDER THIS SECTION SHALL DISCLOSE TO THE COURT:**

**(I) THE IDENTITY AND QUALIFICATIONS OF THE PROFESSIONAL;**

**(II) THE SCOPE AND NATURE OF THE PROPOSED ENGAGEMENT;**

**(III) ANY POTENTIAL CONFLICT OF INTEREST; AND**

**(IV) THE PROPOSED COMPENSATION.**

**(B) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF THE AGREEMENT IS DISCLOSED TO THE COURT, A PERSON IS NOT DISQUALIFIED FROM ENGAGEMENT UNDER THIS SECTION SOLELY BECAUSE OF THE PERSON'S ENGAGEMENT BY, REPRESENTATION OF, OR OTHER RELATIONSHIP WITH THE RECEIVER, A CREDITOR, OR ANY OTHER PARTY.**

**(II) THE COURT MAY DISQUALIFY A PERSON UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IF THE COURT DETERMINES THAT THERE IS AN ACTUAL CONFLICT OF INTEREST.**

**(2) THIS TITLE DOES NOT PREVENT A RECEIVER FROM SERVING IN THE RECEIVERSHIP AS AN ATTORNEY, AN ACCOUNTANT, AN AUCTIONEER, OR A BROKER WHEN PROVIDING THE SERVICES THAT WILL BE IN THE BEST INTEREST OF THE RECEIVERSHIP ESTATE.**

**(C) (1) UNLESS OTHERWISE ORDERED BY THE COURT, A RECEIVER OR A PROFESSIONAL ENGAGED UNDER SUBSECTION (A) OF THIS SECTION SHALL FILE WITH THE COURT AN ITEMIZED STATEMENT OF:**

- (I) THE TIME SPENT;
- (II) THE WORK PERFORMED;
- (III) THE BILLING RATE OF EACH PERSON WHO PERFORMED THE WORK; AND
- (IV) AN ITEMIZED LIST OF EXPENSES.

(2) UNLESS OBJECTIONS ARE FILED WITH THE COURT WITHIN THE TIME SPECIFIED IN THE MARYLAND RULES, OR UNLESS OTHERWISE ORDERED BY THE COURT, THE RECEIVER MAY PAY THE FEES AND EXPENSES RELATED TO THE SERVICES OF THE PROFESSIONAL OR THE RECEIVER.

(3) THE COURT SHALL SET A HEARING FOR ANY TIMELY FILED OBJECTIONS AS THE COURT CONSIDERS APPROPRIATE.

(D) (1) TO THE EXTENT FUNDS ARE AVAILABLE, THE RECEIVER SHALL PAY THE AMOUNT AUTHORIZED IN ACCORDANCE WITH THIS SECTION.

(2) IN A RECEIVERSHIP ESTABLISHED UNDER § 24-103(A)(1) OF THIS TITLE IN WHICH THE PROPERTY IS SUBJECT TO A SINGLE MORTGAGE, A RECEIVER MAY PAY FEES AND EXPENSES AGREED TO AND STIPULATED BY THE MORTGAGOR.

24-304.

(A) A RECEIVER MAY USE RECEIVERSHIP PROPERTY OTHER THAN IN THE ORDINARY COURSE OF BUSINESS IF:

(1) THE RECEIVER FILES A MOTION WITH THE COURT TO USE RECEIVERSHIP PROPERTY OTHER THAN IN THE COURSE OF ORDINARY BUSINESS; AND

(2) THE COURT GRANTS THE MOTION.

(B) (1) A RECEIVER MAY TRANSFER RECEIVERSHIP PROPERTY OTHER THAN IN THE ORDINARY COURSE OF BUSINESS BY SALE, LEASE, LICENSE, EXCHANGE, OR OTHER DISPOSITION OF THE RECEIVERSHIP PROPERTY IF:

(I) THE RECEIVER FILES A MOTION WITH THE COURT TO TRANSFER RECEIVERSHIP PROPERTY OTHER THAN IN THE ORDINARY COURSE OF BUSINESS; AND

**(II) THE COURT GRANTS THE MOTION.**

**(2) SUBJECT TO SUBSECTIONS (C) AND (D) OF THIS SECTION, UNLESS THE AGREEMENT OF SALE PROVIDES OTHERWISE, THE COURT MAY ORDER A SALE UNDER THIS SECTION TO BE FREE AND CLEAR OF A LIEN OR OTHER INTEREST, INCLUDING:**

**(I) THE LIEN OF A PERSON THAT OBTAINED APPOINTMENT OF THE RECEIVER;**

**(II) ANY SUBORDINATE LIEN;**

**(III) ANY RIGHT OF REDEMPTION; OR**

**(IV) ANY OTHER LEGAL OR EQUITABLE INTEREST.**

**(3) A TRANSFER UNDER THIS SUBSECTION MAY OCCUR BY MEANS OTHER THAN A PUBLIC AUCTION SALE.**

**(C) (1) THIS SUBSECTION APPLIES TO A RECEIVERSHIP UNDER § 24-103(A)(1) OF THIS TITLE.**

**(2) A RECEIVER MAY TRANSFER RECEIVERSHIP PROPERTY UNDER SUBSECTION (B) OF THIS SECTION FREE AND CLEAR OF ANY LIEN OF THE PERSON THAT OBTAINED THE APPOINTMENT OF THE RECEIVER AND ANY SENIOR LIEN ONLY IF IN EACH CASE THE RECEIVER OBTAINS THE CONSENT OF THE HOLDER OF THE LIEN.**

**(3) A TRANSFER UNDER THIS SUBSECTION SHALL BE SUBJECT TO:**

**(I) IF THE RECEIVER DOES NOT OBTAIN THE CONSENT OF THE HOLDER OF THE LIEN, ANY SENIOR LIEN;**

**(II) ANY RESIDENTIAL LEASE; AND**

**(III) NOTWITHSTANDING § 7-105.6(C) OF THE REAL PROPERTY ARTICLE, ANY NONRESIDENTIAL LEASE THAT WOULD NOT BE TERMINATED BY A FORECLOSURE SALE OF THE LIEN OF THE PERSON THAT OBTAINED THE APPOINTMENT OF THE RECEIVER.**

**(D) (1) THIS SUBSECTION APPLIES TO A RECEIVERSHIP UNDER § 24-103(A)(2) OR (3) OF THIS TITLE.**

**(2) A RECEIVER MAY TRANSFER RECEIVERSHIP PROPERTY UNDER SUBSECTION (B) OF THIS SECTION FREE AND CLEAR OF ANY LIEN ONLY IF:**

**(I) THE RECEIVER OBTAINS THE CONSENT OF:**

**1. THE HOLDER OF ANY LIEN OF THE PERSON THAT OBTAINED THE APPOINTMENT OF THE RECEIVER; AND**

**2. THE CONSENT OF ANY SENIOR LIENHOLDER; OR**

**(II) THE PRICE AT WHICH THE RECEIVERSHIP PROPERTY IS TO BE SOLD IS GREATER THAN THE AMOUNT SECURED BY ANY LIEN HELD BY THE PERSON THAT OBTAINED THE APPOINTMENT OF THE RECEIVER, PLUS THE AMOUNT OF ANY SENIOR LIEN.**

**(3) A TRANSFER OF RECEIVERSHIP PROPERTY MAY BE FREE AND CLEAR OF A NONRESIDENTIAL LEASE IF THE TENANT OF THE NONRESIDENTIAL LEASE HAS THE RIGHTS PROVIDED TO THE TENANT UNDER § 24-305(H)(2) OF THIS TITLE.**

**(E) (1) THIS SUBSECTION APPLIES TO THE SALE OR EXCHANGE OF RECEIVERSHIP PROPERTY UNDER SUBSECTION (B) OF THIS SECTION.**

**(2) BEFORE FILING A MOTION TO SELL OR EXCHANGE RECEIVERSHIP PROPERTY, THE RECEIVER SHALL PERFORM OR OBTAIN A COMPLETE SEARCH OF THE PUBLIC RECORDS TO DETERMINE THE HOLDERS OF LIENS AND OTHER INTERESTS IN THE RECEIVERSHIP PROPERTY.**

**(3) IF THE REQUESTED SALE OR EXCHANGE IS FOR REAL PROPERTY, THE SEARCH SHALL:**

**(I) COVER A TIME PERIOD OF AT LEAST 40 YEARS IMMEDIATELY BEFORE THE MOTION IS FILED; AND**

**(II) BE IN ACCORDANCE WITH GENERALLY ACCEPTED STANDARDS OF TITLE EXAMINATION.**

**(4) THE MOTION SHALL INCLUDE AN AFFIDAVIT BY THE PERSON MAKING THE SEARCH IDENTIFYING THE HOLDERS OF LIENS AND OTHER INTERESTS.**

**(5) THE RECEIVER SHALL UPDATE THE MASTER SERVICE LIST BASED ON THE SEARCH TO INCLUDE ANY PERSON NOT PREVIOUSLY INCLUDED.**

**(6) (I) IF THE RECEIVER RECEIVES ACTUAL NOTICE AT ANY TIME BEFORE THE SALE THAT THERE IS A PERSON HOLDING A LIEN OR OTHER INTEREST IN THE PROPERTY WHO IS NOT INCLUDED ON THE MASTER SERVICE LIST AND WHOSE IDENTITY AND ADDRESS ARE REASONABLY ASCERTAINABLE, THE RECEIVER SHALL GIVE NOTICE OF THE TIME, PLACE, AND TERMS OF SALE TO THE PERSON AS PROMPTLY AS REASONABLY PRACTICABLE.**

**(II) THE NOTICE MAY BE GIVEN IN ANY MANNER REASONABLY CALCULATED TO INFORM THE PERSON OF THE SALE, INCLUDING BY TELEPHONE OR ELECTRONIC TRANSMISSION.**

**(F) A LIEN OR OTHER INTEREST IN RECEIVERSHIP PROPERTY THAT IS EXTINGUISHED BY A TRANSFER UNDER SUBSECTION (B) OF THIS SECTION ATTACHES TO THE PROCEEDS OF THE TRANSFER WITH THE SAME VALIDITY, PERFECTION, AND PRIORITY AS THE LIEN OR OTHER INTEREST IN THE PROPERTY IMMEDIATELY BEFORE THE TRANSFER, EVEN IF THE PROCEEDS ARE NOT SUFFICIENT TO SATISFY ALL OBLIGATIONS SECURED BY THE LIEN OR OTHER INTEREST.**

**(G) A CREDITOR HOLDING A VALID LIEN ON THE RECEIVERSHIP PROPERTY TO BE TRANSFERRED MAY PURCHASE THE RECEIVERSHIP PROPERTY AND OFFSET AGAINST THE PURCHASE PRICE ALL OR PART OF THE ALLOWED AMOUNT SECURED BY THE LIEN IF:**

**(1) THE CREDITOR TENDERS FUNDS SUFFICIENT TO SATISFY IN FULL THE REASONABLE EXPENSES OF THE TRANSFER; AND**

**(2) THE OBLIGATION IS SECURED BY A SENIOR LIEN THAT IS EXTINGUISHED BY THE TRANSFER.**

**(H) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THIS SUBSECTION APPLIES TO A REVERSAL OR MODIFICATION OF AN ORDER APPROVING A TRANSFER UNDER SUBSECTION (B) OF THIS SECTION.**

**(II) THIS SUBSECTION DOES NOT APPLY IF THE COURT STAYED THE ORDER BEFORE THE TRANSFER.**

**(2) REGARDLESS OF WHETHER A PERSON KNEW BEFORE THE TRANSFER OF THE REQUEST FOR REVERSAL OR MODIFICATION, A REVERSAL OR MODIFICATION OF AN ORDER APPROVING A TRANSFER DOES NOT:**

**(I) AFFECT THE VALIDITY OF THE TRANSFER TO A PERSON THAT ACQUIRED THE RECEIVERSHIP PROPERTY IN GOOD FAITH; OR**

(II) REVIVE AGAINST THE PERSON ANY LIEN OR OTHER INTEREST EXTINGUISHED BY THE TRANSFER.

24-305.

(A) (1) (I) AT ANY TIME BEFORE A COURT'S APPROVAL OF A FINAL REPORT UNDER § 24-602 OF THIS TITLE, A RECEIVER MAY ASSUME OR REJECT AN EXECUTORY CONTRACT OF THE OWNER IF THE RECEIVER HAS PROVIDED NOTICE OF THE CONTRACT AND AN OPPORTUNITY FOR A HEARING TO THE COUNTERPARTY TO THE CONTRACT.

(II) IF THE REQUIREMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS NOT SATISFIED, THE EXECUTORY CONTRACT SHALL BE DEEMED REJECTED.

(2) (I) THE COURT MAY CONDITION THE ASSUMPTION OR REJECTION OF AN EXECUTORY CONTRACT ON THE TERMS AND CONDITIONS THAT THE COURT DETERMINES ARE JUST AND PROPER UNDER THE PARTICULAR CIRCUMSTANCES OF THE CASE, EXCEPT THAT A CONDITION TO ASSUMPTION SHALL BE A PROMPT CURE OF ALL EXISTING MONETARY DEFAULTS.

(II) A RECEIVER'S PERFORMANCE OF AN EXECUTORY CONTRACT BEFORE A COURT ORDER AUTHORIZING THE ASSUMPTION OR REJECTION OF THE CONTRACT DOES NOT CONSTITUTE AN ASSUMPTION OF THE CONTRACT OR AN AGREEMENT TO ASSUME OR OTHERWISE PREVENT THE RECEIVER FROM SEEKING THE COURT'S AUTHORITY TO REJECT THE CONTRACT.

(B) NOTWITHSTANDING THE TIME PERIOD FOR ASSUMPTION OR REJECTION OF AN EXECUTORY CONTRACT UNDER SUBSECTION (A) OF THIS SECTION, THE COURT, FOR CAUSE, MAY ORDER THE RECEIVER TO ASSUME OR REJECT AN EXECUTORY CONTRACT AT ANY TIME AFTER THE RECEIVER'S APPOINTMENT.

(C) ANY OBLIGATION OR LIABILITY INCURRED BY A RECEIVER AS A RESULT OF THE RECEIVER'S ASSUMPTION OF AN EXECUTORY CONTRACT SHALL BE TREATED AS AN EXPENSE OF THE RECEIVERSHIP.

(D) (1) A RECEIVER'S REJECTION OF AN EXECUTORY CONTRACT SHALL BE:

(I) EFFECTIVE ON ENTRY OF AN ORDER OF REJECTION; AND

(II) TREATED AS A BREACH OF THE CONTRACT OCCURRING IMMEDIATELY BEFORE THE ENTRY OF THE ORDER APPOINTING THE RECEIVER.

**(2) THE RECEIVER'S RIGHT TO POSSESS OR USE RECEIVERSHIP PROPERTY UNDER AN EXECUTORY CONTRACT SHALL TERMINATE ON REJECTION OF THE CONTRACT.**

**(3) A CLAIM FOR DAMAGES FOR REJECTION OF AN EXECUTORY CONTRACT SHALL BE SUBMITTED BEFORE THE LATER OF:**

**(I) THE TIME FOR SUBMITTING A CLAIM IN THE RECEIVERSHIP CASE; OR**

**(II) 30 DAYS AFTER ENTRY OF THE ORDER APPROVING THE REJECTION.**

**(E) A RECEIVER MAY NOT ASSUME AN EXECUTORY CONTRACT OF THE OWNER WITHOUT THE CONSENT OF THE COUNTERPARTY TO THE CONTRACT IF:**

**(1) NOTWITHSTANDING THE ABSENCE OF ANY PROVISION IN THE CONTRACT EXPRESSLY RESTRICTING OR PROHIBITING AN ASSIGNMENT OF THE OWNER'S RIGHTS OR THE PERFORMANCE OF THE OWNER'S DUTIES, APPLICABLE LAW WOULD EXCUSE A PARTY, OTHER THAN THE OWNER, FROM ACCEPTING PERFORMANCE FROM OR RENDERING PERFORMANCE TO ANYONE OTHER THAN THE OWNER;**

**(2) THE CONTRACT IS A CONTRACT TO:**

**(I) MAKE A LOAN TO OR FOR THE BENEFIT OF THE OWNER;**

**(II) EXTEND CREDIT OR FINANCIAL ACCOMMODATION TO OR FOR THE BENEFIT OF THE OWNER; OR**

**(III) ISSUE A SECURITY; OR**

**(3) THE CONTRACT EXPIRES BEFORE THE RECEIVER'S ASSUMPTION OF THE CONTRACT BY THE CONTRACT'S OWN TERMS OR UNDER APPLICABLE LAW.**

**(F) A RECEIVER MAY NOT ASSIGN AN EXECUTORY CONTRACT WITHOUT ASSUMING THE CONTRACT, ABSENT THE CONSENT OF THE COUNTERPARTY TO THE CONTRACT.**

**(G) (1) THIS SUBSECTION APPLIES TO A REJECTION BY THE RECEIVER OF AN EXECUTORY CONTRACT FOR:**

(I) THE SALE OF REAL PROPERTY UNDER WHICH THE OWNER IS THE SELLER AND THE PURCHASER IS IN POSSESSION OF THE REAL PROPERTY;

(II) THE SALE OF A REAL PROPERTY TIMESHARE INTEREST UNDER WHICH THE OWNER IS THE SELLER;

(III) THE LICENSE OF INTELLECTUAL PROPERTY RIGHTS UNDER WHICH THE OWNER IS THE LICENSOR; OR

(IV) THE LEASE OF REAL PROPERTY IN WHICH THE OWNER IS THE LANDLORD.

(2) IF THE RECEIVER REJECTS AN EXECUTORY CONTRACT:

(I) A PURCHASER, LICENSEE, OR TENANT:

1. MAY TREAT THE REJECTION AS A TERMINATION OF THE CONTRACT, LICENSE AGREEMENT, OR LEASE; OR

2. A. MAY REMAIN IN POSSESSION IN ACCORDANCE WITH THE TERMS OF THE CONTRACT, LICENSE AGREEMENT, OR LEASE, AND FOR A LEASE, ANY RENEWAL OR EXTENSION OF THE LEASE IN ACCORDANCE WITH THE TERMS OF THE LEASE; AND

B. SHALL CONTINUE TO PERFORM ALL OBLIGATIONS ARISING UNDER THE CONTRACT, LICENSE AGREEMENT, OR LEASE AS AND WHEN THEY BECOME DUE, BUT MAY OFFSET AGAINST ANY PAYMENTS FOR ANY DAMAGES OCCURRING AS A RESULT OF THE REJECTION AFTER THE REJECTION OCCURS;

(II) A PURCHASER OF REAL PROPERTY:

1. IS ENTITLED TO RECEIVE FROM THE RECEIVER ANY DEED OR OTHER INSTRUMENT OF CONVEYANCE THAT THE OWNER IS OBLIGATED TO DELIVER UNDER THE EXECUTORY CONTRACT WHEN THE PURCHASER BECOMES ENTITLED TO RECEIVE THE DEED OR OTHER INSTRUMENT OF CONVEYANCE; AND

2. THE DEED OR OTHER INSTRUMENT OF CONVEYANCE HAS THE SAME FORCE AND EFFECT AS IF DELIVERED BY THE OWNER;

(III) A PURCHASER, LICENSEE, OR TENANT THAT ELECTS TO REMAIN IN POSSESSION UNDER THE TERMS OF THIS SUBSECTION HAS NO RIGHTS AGAINST THE RECEIVER ON ACCOUNT OF ANY DAMAGES ARISING FROM THE RECEIVER'S REJECTION EXCEPT AS EXPRESSLY PROVIDED IN THIS SUBSECTION; AND

**(IV) A PURCHASER OF REAL PROPERTY THAT ELECTS TO TREAT REJECTION OF ANY EXECUTORY CONTRACT AS A TERMINATION HAS A LIEN AGAINST THE OWNER'S INTEREST IN THE REAL PROPERTY FOR THE RECOVERY OF ANY PORTION OF THE PURCHASE PRICE THAT THE PURCHASER HAS PAID.**

**(H) IF AT THE TIME A RECEIVER IS APPOINTED THE OWNER HAS THE RIGHT TO ASSIGN AN EXECUTORY CONTRACT RELATING TO RECEIVERSHIP PROPERTY, THE RECEIVER MAY ASSIGN THE CONTRACT WITH COURT APPROVAL IF THE RECEIVER:**

**(1) ASSUMES THE CONTRACT; AND**

**(2) PROMPTLY CURES ALL MONETARY DEFAULTS UNDER THE CONTRACT.**

**(I) A RECEIVER MAY NOT REJECT AN UNEXPIRED LEASE OF REAL PROPERTY UNDER WHICH THE OWNER IS THE LANDLORD IF:**

**(1) THE TENANT OCCUPIES THE LEASED PREMISES AS THE TENANT'S PRIMARY RESIDENCE;**

**(2) THE RECEIVER WAS APPOINTED AT THE REQUEST OF A PERSON OTHER THAN A MORTGAGEE; OR**

**(3) (I) THE RECEIVER WAS APPOINTED AT THE REQUEST OF A MORTGAGEE; AND**

**(II) 1. THE LEASE IS SUPERIOR TO THE LIEN OF THE MORTGAGE;**

**2. THE TENANT HAS AN ENFORCEABLE AGREEMENT WITH THE MORTGAGEE OR THE HOLDER OF A SENIOR LIEN UNDER WHICH THE TENANT'S OCCUPANCY WILL NOT BE DISTURBED AS LONG AS THE TENANT PERFORMS THE TENANT'S OBLIGATIONS UNDER THE LEASE;**

**3. THE MORTGAGEE HAS CONSENTED TO THE LEASE, EITHER IN A SIGNED RECORD OR BY THE MORTGAGEE'S FAILURE TO TIMELY OBJECT THAT THE LEASE VIOLATED A PROVISION OF THE MORTGAGE; OR**

**4. A. THE TERMS OF THE LEASE WERE COMMERCIALY REASONABLE AT THE TIME THE LEASE WAS AGREED TO BY THE TENANT AND THE LANDLORD; AND**

**B. THE TENANT DID NOT KNOW OR HAVE REASON TO KNOW THAT THE LEASE VIOLATED A PROVISION OF THE MORTGAGE.**

**(J) SECTION 4A-606 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE MAY NOT BE AFFECTED BY A RECEIVER'S REJECTION OF AN EXECUTORY CONTRACT UNDER THIS SECTION.**

**SUBTITLE 4. EFFECT OF RECEIVERSHIP.**

**24-401.**

**(A) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION OR ORDERED BY THE COURT, THE ENTRY OF AN ORDER APPOINTING A RECEIVER UNDER § 24-103(A)(2) OR (3) OF THIS TITLE SHALL OPERATE AS A STAY OF AN ACT TO:**

**(1) COMMENCE OR CONTINUE A JUDICIAL, ADMINISTRATIVE, OR OTHER ACTION OR PROCEEDING AGAINST THE OWNER THAT WAS OR COULD HAVE BEEN COMMENCED BEFORE ENTRY OF THE ORDER;**

**(2) COLLECT, ASSESS, OR RECOVER A CLAIM AGAINST THE OWNER THAT AROSE BEFORE ENTRY OF THE ORDER;**

**(3) OBTAIN POSSESSION OF, EXERCISE CONTROL OVER, OR ENFORCE A JUDGMENT AGAINST THE RECEIVERSHIP PROPERTY OBTAINED BEFORE ENTRY OF THE ORDER; OR**

**(4) CREATE, PERFECT, OR ENFORCE A LIEN OR OTHER CLAIM AGAINST THE RECEIVERSHIP PROPERTY THAT AROSE BEFORE ENTRY OF THE ORDER.**

**(B) (1) ~~A~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A COURT MAY ORDER A STAY OF AN ACT AGAINST OR RELATING TO AN OWNER IF THE STAY IS NECESSARY TO:**

**~~(1)~~ (I) PROTECT THE RECEIVERSHIP PROPERTY OR BUSINESS; OR**

**~~(2)~~ (II) FACILITATE ADMINISTRATION OF THE RECEIVERSHIP.**

**(2) A COURT MAY NOT ORDER A STAY UNDER PARAGRAPH (1) OF THIS SUBSECTION, WITH RESPECT TO A GOVERNMENTAL UNIT COMMENCING OR CONTINUING AN ACTION OR PROCEEDING TO ENFORCE ITS POLICE OR REGULATORY POWER, THAT INCLUDES ENFORCING A NONMONETARY JUDGMENT.**

**(C) UNLESS AN ORDER IS ENTERED UNDER SUBSECTION (B) OF THIS SECTION, THE FOLLOWING MATTERS ARE NOT STAYED:**

**(1) AN ACT TO FORECLOSE OR OTHERWISE ENFORCE A MORTGAGE BY THE PERSON SEEKING APPOINTMENT OF THE RECEIVER;**

**(2) AN ACT TO PERFECT, MAINTAIN, OR CONTINUE THE PERFECTION OF AN INTEREST IN RECEIVERSHIP PROPERTY;**

**(3) COMMENCEMENT OR CONTINUATION OF A CRIMINAL PROCEEDING;**

**(4) COMMENCEMENT OR CONTINUATION OF AN ACTION OR A PROCEEDING BY A GOVERNMENTAL UNIT TO ENFORCE ITS POLICE OR REGULATORY POWER;**

**(5) ENFORCEMENT OF A JUDGMENT OTHER THAN A MONEY JUDGMENT IN AN ACTION OR A PROCEEDING BY A GOVERNMENTAL UNIT TO ENFORCE ITS POLICE OR REGULATORY POWER;**

**(6) ESTABLISHMENT BY A GOVERNMENTAL UNIT OF A TAX LIABILITY AGAINST THE OWNER OR RECEIVERSHIP PROPERTY OR AN APPEAL OF THE LIABILITY;**

**(7) THE EXERCISE OF THE RIGHT OF SETOFF OR RECOUPMENT;**

**(8) THE COMMENCEMENT OF A BANKRUPTCY CASE UNDER TITLE 11 OF THE UNITED STATES CODE; OR**

**(9) ANY OTHER MATTER PROVIDED UNDER 11 U.S.C. § 362(B) TO THE EXTENT NOT INCONSISTENT WITH ANY PROVISION OF THIS SECTION.**

**(D) A PERSON WHOSE ACT IS STAYED UNDER THIS SECTION MAY APPLY TO THE COURT FOR RELIEF FROM THE STAY FOR CAUSE SHOWN.**

**(E) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION, THE STAY SHALL TERMINATE AS TO RECEIVERSHIP PROPERTY WHEN:**

**(1) THE PROPERTY IS NO LONGER RECEIVERSHIP PROPERTY; OR**

**(2) THE COURT ENTERS:**

**(I) AN ORDER APPROVING THE FINAL REPORT; OR**

(II) AN ORDER DISMISSING THE CASE.

(F) THE COURT MAY VOID AN ACT THAT VIOLATES A STAY UNDER THIS SECTION.

(G) IF A PERSON WILLFULLY VIOLATES A STAY UNDER THIS SECTION, THE COURT MAY:

(1) AWARD THE RECEIVER ACTUAL DAMAGES CAUSED BY THE VIOLATION, INCLUDING REASONABLE FEES AND COSTS; AND

(2) SANCTION THE VIOLATION AS CIVIL CONTEMPT.

24-402.

(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AND UNLESS OTHERWISE ORDERED BY A COURT, A PERSON THAT HAS POSSESSION, CUSTODY, OR CONTROL OF RECEIVERSHIP PROPERTY SHALL TURN THE RECEIVERSHIP PROPERTY OVER TO THE RECEIVER ON DEMAND OF THE RECEIVER.

(2) IF A CREDITOR HAS POSSESSION, CUSTODY, OR CONTROL OF RECEIVERSHIP PROPERTY AND THE VALIDITY, PERFECTION, OR PRIORITY OF THE CREDITOR'S LIEN ON THE RECEIVERSHIP PROPERTY DEPENDS ON THE CREDITOR'S POSSESSION, CUSTODY, OR CONTROL, SUBJECT TO § 24-401(C)(2) OF THIS SUBTITLE, THE CREDITOR MAY RETAIN POSSESSION, CUSTODY, OR CONTROL UNTIL THE COURT ENTERS AN ORDER PROVIDING ADEQUATE PROTECTION OF THE CREDITOR'S LIEN.

(B) A PERSON THAT HAS NOTICE OF THE APPOINTMENT OF A RECEIVER AND OWES A DEBT THAT IS RECEIVERSHIP PROPERTY MAY NOT SATISFY THE DEBT BY PAYMENT TO THE OWNER.

(C) IN THE ABSENCE OF A BONA FIDE DISPUTE WITH RESPECT TO THE RECEIVER'S OR THE RESPONDENT'S RIGHT TO POSSESSION, CUSTODY, OR CONTROL OF RECEIVERSHIP PROPERTY, THE COURT MAY SANCTION AS CIVIL CONTEMPT A PERSON'S FAILURE TO TURN THE PROPERTY OVER WHEN REQUIRED BY THIS SECTION.

24-403.

(A) EXCEPT AS PROVIDED BY COURT ORDER, AN OWNER SHALL:

(1) ASSIST AND COOPERATE WITH THE RECEIVER IN ADMINISTERING THE RECEIVERSHIP AND DISCHARGING THE RECEIVER'S DUTIES;

(2) PRESERVE AND TURN OVER TO THE RECEIVER ALL RECEIVERSHIP PROPERTY IN THE OWNER'S POSSESSION, CUSTODY, OR CONTROL, INCLUDING ALL DEPOSITORY AND INVESTMENT ACCOUNTS;

(3) IDENTIFY AND TURN OVER ALL RECORDS AND OTHER INFORMATION RELATING TO RECEIVERSHIP PROPERTY, INCLUDING ALL PASSWORDS, KEYS, ALARM CODES, AUTHORIZATIONS, OR OTHER INFORMATION NEEDED TO OBTAIN OR MAINTAIN ACCESS TO OR CONTROL OF RECEIVERSHIP PROPERTY;

(4) MAKE AVAILABLE AND TURN OVER TO THE RECEIVER THE RECORDS AND INFORMATION IN THE OWNER'S POSSESSION, CUSTODY, OR CONTROL, INCLUDING ALL FINANCIAL RECORDS, ACCOUNTING RECORDS, BANK STATEMENTS, LEASES, AND CONTRACTS;

(5) AFTER BEING ISSUED A SUBPOENA, SUBMIT TO EXAMINATION BY THE RECEIVER THAT IS UNDER OATH REGARDING THE ACTS, CONDUCT, PROPERTY, LIABILITIES, AND FINANCIAL CONDITION OF THE OWNER OR ANY MATTER RELATING TO RECEIVERSHIP PROPERTY OR THE RECEIVERSHIP;

(6) REFRAIN FROM ENTERING THE RECEIVERSHIP PROPERTY AT ANY TIME WITHOUT THE PRIOR EXPRESS WRITTEN CONSENT OF THE RECEIVER;

(7) REFRAIN FROM INTERFERING WITH, OBSTRUCTING, OR PREVENTING IN ANY WAY THE RECEIVER'S ACTIONS REGARDING THE RECEIVERSHIP PROPERTY; AND

(8) PERFORM ANY DUTY IMPOSED BY COURT ORDER, THIS TITLE, OR A LAW OF THE STATE OTHER THAN THIS TITLE.

(B) IF AN OWNER IS A PERSON OTHER THAN AN INDIVIDUAL, THIS SECTION APPLIES TO:

(1) ANY PERSON ACTING IN CONCERT WITH THE OWNER AND THE OWNER'S AGENTS; AND

(2) EACH OFFICER, DIRECTOR, MANAGER, MEMBER, PARTNER, TRUSTEE, AFFILIATE, SUBSIDIARY, OR OTHER PERSON EXERCISING OR HAVING THE POWER TO EXERCISE CONTROL OVER THE AFFAIRS OF THE OWNER.

(C) IF A PERSON KNOWINGLY FAILS TO PERFORM A DUTY IMPOSED BY THIS SECTION, THE COURT MAY:

- (1) **AWARD THE RECEIVER:**
  - (I) **ACTUAL DAMAGES CAUSED BY THE PERSON'S FAILURE;**
  - (II) **REASONABLE ATTORNEY'S FEES; AND**
  - (III) **COSTS; OR**
- (2) **SANCTION THE FAILURE AS CIVIL CONTEMPT.**

**24-404.**

**EXCEPT AS OTHERWISE PROVIDED BY A LAW OF THE STATE OTHER THAN THIS TITLE, PROPERTY THAT A RECEIVER OR AN OWNER ACQUIRES AFTER APPOINTMENT OF THE RECEIVER IS SUBJECT TO A SECURITY AGREEMENT ENTERED INTO BEFORE THE APPOINTMENT TO THE SAME EXTENT AS IF THE COURT HAD NOT APPOINTED THE RECEIVER.**

**24-405.**

**A REQUEST BY A MORTGAGEE FOR THE APPOINTMENT OF A RECEIVER, THE APPOINTMENT OF A RECEIVER, OR THE APPLICATION BY A MORTGAGEE OF RECEIVERSHIP PROPERTY OR PROCEEDS TO THE SECURED OBLIGATION DOES NOT:**

- (1) **MAKE THE MORTGAGEE A MORTGAGEE IN POSSESSION OF THE REAL PROPERTY;**
- (2) **MAKE THE MORTGAGEE AN AGENT OF THE OWNER;**
- (3) **CONSTITUTE AN ELECTION OF REMEDIES THAT PRECLUDES A LATER ACTION TO ENFORCE THE SECURED OBLIGATION;**
- (4) **MAKE THE SECURED OBLIGATION UNENFORCEABLE; OR**
- (5) **LIMIT ANY RIGHT AVAILABLE TO THE MORTGAGEE WITH RESPECT TO THE SECURED OBLIGATION.**

**24-406.**

**(A) AN ASSIGNEE FOR THE BENEFIT OF CREDITORS SHALL BE TREATED AS A RECEIVER APPOINTED UNDER § 24-201(A)(3) OF THIS TITLE.**

**(B) THE PROPERTY ASSIGNED SHALL BE TREATED AS RECEIVERSHIP PROPERTY.**

(C) EXCEPT FOR § 24–201 OF THIS TITLE, THIS TITLE SHALL GOVERN ALL PROCEEDINGS FOLLOWING THE FILING OF THE ASSIGNMENT.

**SUBTITLE 5. AUTHORITY OF THE COURT.**

**24–501.**

(A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE COURT MAY ISSUE AN ORDER UNDER THIS TITLE ONLY AFTER NOTICE AND AN OPPORTUNITY FOR A HEARING.

(B) THE COURT MAY ISSUE AN ORDER UNDER THIS TITLE:

(1) IF THE CIRCUMSTANCES REQUIRE ISSUANCE OF AN ORDER BEFORE NOTICE IS GIVEN, WITHOUT PRIOR NOTICE;

(2) IF THE CIRCUMSTANCES REQUIRE ISSUANCE OF AN ORDER BEFORE A HEARING IS HELD, AFTER NOTICE AND WITHOUT A PRIOR HEARING; OR

(3) IF NO INTERESTED PARTY TIMELY REQUESTS A HEARING, AFTER NOTICE AND WITHOUT A HEARING.

(C) THE RECEIVER SHALL FILE PERIODICALLY WITH THE COURT A MASTER SERVICE LIST CONSISTING OF THE NAMES, MAILING ADDRESSES, AND, WHERE AVAILABLE, FACSIMILE NUMBERS AND E-MAIL ADDRESSES OF:

(1) THE RESPONDENT;

(2) THE RECEIVER;

(3) ALL PERSONS JOINED AS PARTIES IN THE RECEIVERSHIP;

(4) ALL PERSONS KNOWN BY THE RECEIVER TO HAVE ASSERTED ANY OWNERSHIP OF OR LIEN IN RECEIVERSHIP PROPERTY;

(5) ALL PERSONS THAT HAVE FILED A NOTICE OF APPEARANCE IN ACCORDANCE WITH THIS SECTION; AND

(6) ANY ATTORNEY OF RECORD.

(D) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AND UNLESS THE COURT ORDERS OTHERWISE, A MOTION SHALL BE SERVED IN ACCORDANCE WITH THE MARYLAND RULES ON:

- (1) ALL PERSONS ON THE MASTER SERVICE LIST;
- (2) ALL PERSONS THAT HAVE ASSERTED AN OWNERSHIP INTEREST OR LIEN IN RECEIVERSHIP PROPERTY THAT IS THE SUBJECT OF THE MOTION;
- (3) ALL PERSONS THAT ARE IDENTIFIED IN THE MOTION AS DIRECTLY AFFECTED BY THE RELIEF REQUESTED; AND
- (4) ANY OTHER PERSON AS THE COURT MAY DIRECT.

24-502.

~~(A) A PARTY MAY FILE AN APPEAL FROM AN INTERLOCUTORY ORDER WITH THE COURT OF SPECIAL APPEALS FROM ANY COURT ORDER IN A RECEIVERSHIP PROCEEDING BY FILING AN APPLICATION FOR LEAVE TO APPEAL UNDER THE PROCEDURE SET FORTH IN MARYLAND RULE 8-204.~~

~~(B) THE COURT, ON REQUEST OF THE COURT OF SPECIAL APPEALS, SHALL SUBMIT TO THE COURT OF SPECIAL APPEALS A WRITTEN CERTIFICATION STATING WHETHER, IN ITS OPINION:~~

~~(1) THE INTERLOCUTORY ORDER INVOLVES A CONTROLLING QUESTION OF LAW AS TO WHICH THERE IS A SUBSTANTIAL GROUND FOR DIFFERENCE OF OPINION; AND~~

~~(2) WHETHER AN IMMEDIATE APPEAL OF THE INTERLOCUTORY ORDER MAY MATERIALLY ADVANCE THE ULTIMATE CONCLUSION OF THE RECEIVERSHIP PROCEEDING.~~

~~(C) AFTER RECEIVING A WRITTEN CERTIFICATION FROM THE COURT, THE COURT OF SPECIAL APPEALS SHALL DETERMINE WHETHER TO GRANT OR DENY THE APPLICATION FOR LEAVE TO APPEAL.~~

IF AN ORDER ENTERED IN A PROCEEDING UNDER THIS TITLE IS NOT A FINAL ORDER AND THE COURT DETERMINES IN A WRITTEN ORDER THAT THERE IS NO JUST REASON FOR DELAY, THE COURT MAY DIRECT THE ENTRY OF A FINAL ORDER AS SET FORTH IN MARYLAND RULE 2-602(B).

#### SUBTITLE 6. REPORTING.

24-601.

- (A) A RECEIVER:

- (1) MAY FILE AN INTERIM REPORT; OR
- (2) IF ORDERED BY THE COURT, SHALL FILE AN INTERIM REPORT.

(B) THE INTERIM REPORT UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:

- (1) THE ACTIVITIES OF THE RECEIVER SINCE APPOINTMENT OR A PREVIOUS INTERIM REPORT;
- (2) RECEIPTS AND DISBURSEMENTS, INCLUDING ANY PAYMENT MADE OR PROPOSED TO BE MADE TO A PROFESSIONAL ENGAGED BY THE RECEIVER;
- (3) RECEIPTS AND DISPOSITIONS OF RECEIVERSHIP PROPERTY;
- (4) FEES AND EXPENSES OF THE RECEIVER AND, IF NOT FILED SEPARATELY, A REQUEST FOR APPROVAL OF PAYMENT OF THE FEES AND EXPENSES; AND
- (5) ANY OTHER INFORMATION REQUIRED BY THE COURT.

**24-602.**

(A) ON COMPLETION OF A RECEIVER'S DUTIES, THE RECEIVER SHALL FILE A FINAL REPORT THAT INCLUDES:

- (1) A DESCRIPTION OF THE ACTIVITIES OF THE RECEIVER DURING THE COURSE OF THE RECEIVERSHIP;
- (2) A LIST OF RECEIVERSHIP PROPERTY AT THE COMMENCEMENT OF THE RECEIVERSHIP AND ANY RECEIVERSHIP PROPERTY RECEIVED DURING THE RECEIVERSHIP;
- (3) A LIST OF DISBURSEMENTS, INCLUDING PAYMENTS TO PROFESSIONALS ENGAGED BY THE RECEIVER;
- (4) A LIST OF DISPOSITIONS OF RECEIVERSHIP PROPERTY;
- (5) A LIST OF DISTRIBUTIONS MADE OR PROPOSED TO BE MADE FROM THE RECEIVERSHIP PROPERTY FOR CREDITOR CLAIMS;
- (6) IF NOT FILED SEPARATELY, A REQUEST FOR APPROVAL OF THE PAYMENT OF FEES AND EXPENSES OF THE RECEIVER; AND

(7) ANY OTHER INFORMATION REQUIRED BY THE COURT.

(B) THE RECEIVER IS DISCHARGED IF:

(1) A COURT APPROVES A FINAL REPORT FILED UNDER SUBSECTION (A) OF THIS SECTION; AND

(2) THE RECEIVER DISTRIBUTES ALL RECEIVERSHIP PROPERTY.

#### **SUBTITLE 7. ACTIONS AGAINST RECEIVER AND TERMINATION OF RECEIVERSHIP.**

##### **24-701.**

(A) A COURT MAY AWARD TO A RECEIVER FROM RECEIVERSHIP PROPERTY OR PROCEEDS THE REASONABLE AND NECESSARY FEES AND EXPENSES OF PERFORMING THE DUTIES AND EXERCISING THE POWERS OF THE RECEIVER.

(B) A COURT MAY ORDER ONE OR MORE OF THE FOLLOWING PERSONS TO PAY THE REASONABLE AND NECESSARY FEES AND EXPENSES OF THE RECEIVERSHIP, INCLUDING REASONABLE ATTORNEY'S FEES AND COSTS:

(1) A PERSON THAT REQUESTED THE APPOINTMENT OF THE RECEIVER, IF THE RECEIVERSHIP DOES NOT PRODUCE SUFFICIENT FUNDS TO PAY THE FEES AND EXPENSES; OR

(2) A PERSON WHOSE CONDUCT WOULD HAVE JUSTIFIED THE APPOINTMENT OF THE RECEIVER UNDER § 24-201(A)(1) OF THIS TITLE.

##### **24-702.**

(A) A RECEIVER IS ENTITLED TO ALL DEFENSES AND IMMUNITIES UNDER APPLICABLE STATE LAW FOR AN ACT OR OMISSION WITHIN THE SCOPE OF THE RECEIVER'S APPOINTMENT.

(B) A PERSON SHALL RECEIVE APPROVAL FROM THE COURT THAT APPOINTED THE RECEIVER BEFORE TAKING THE FOLLOWING ACTIONS:

(1) AN ACTION AGAINST THE RECEIVER PERSONALLY BASED ON AN ACT OR OMISSION IN ADMINISTERING RECEIVERSHIP PROPERTY; AND

(2) AN ACTION BY A PERSON OTHER THAN THE RECEIVER AGAINST A PROFESSIONAL PERSON THAT HAS PROVIDED SERVICES TO THE RECEIVER BASED ON AN ACT OR OMISSION IN PERFORMING THE SERVICES.

**24-703.**

(A) A COURT MAY REMOVE A RECEIVER FOR CAUSE ON ITS OWN MOTION OR THE MOTION OF AN INTERESTED PARTY.

(B) A COURT SHALL REPLACE A RECEIVER THAT DIES, RESIGNS, OR IS REMOVED.

(C) A RECEIVER REPLACED UNDER SUBSECTION (B) OF THIS SECTION IS DISCHARGED IF A COURT FINDS THAT A RECEIVER THAT RESIGNS OR IS REMOVED, OR THE REPRESENTATIVE OF A DECEASED RECEIVER, HAS:

(1) ACCOUNTED FULLY FOR AND TURNED OVER TO THE SUCCESSOR RECEIVER ALL RECEIVERSHIP PROPERTY; AND

(2) FILED A REPORT OF ALL RECEIPTS AND DISBURSEMENTS DURING THE SERVICE OF THE REPLACED RECEIVER.

(D) ON THE TRANSFER OF TITLE TO ANY RECEIVERSHIP PROPERTY, THE RECEIVERSHIP SHALL TERMINATE AUTOMATICALLY AS TO RECEIVERSHIP PROPERTY SUBJECT TO THE REQUIREMENTS OF § 24-602 OF THIS TITLE.

(E) A COURT MAY DISCHARGE A RECEIVER AND TERMINATE THE COURT'S ADMINISTRATION OF THE RECEIVERSHIP PROPERTY IF THE COURT FINDS THAT:

(1) APPOINTMENT OF THE RECEIVER WAS IMPROVIDENT; OR

(2) THE CIRCUMSTANCES NO LONGER WARRANT CONTINUATION OF THE RECEIVERSHIP.

**SUBTITLE 8. SHORT TITLE.****24-801.**

**THIS TITLE MAY BE CITED AS THE MARYLAND COMMERCIAL RECEIVERSHIP ACT.**

**Article – Corporations and Associations****3-416.**

[The] EXCEPT AS PROVIDED IN § 24-203 OF THE COMMERCIAL LAW ARTICLE, THE court may appoint any person as receiver, including an officer, director, or stockholder of the corporation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.

---

## Chapter 285

### (House Bill 145)

AN ACT concerning

#### Hospitals – Patient’s Bill of Rights

FOR the purpose of requiring each administrator of a hospital to provide patients with a certain patient’s bill of rights; requiring each administrator of a hospital to provide certain patients with a translator, an interpreter, or another accommodation to provide certain assistance to patients; requiring each administrator of a hospital to conspicuously post copies of the patient’s bill of rights on the hospital’s website and in areas of the hospital accessible to patients and visitors; requiring each administrator of a hospital to provide annual training to certain staff members to ensure the staff’s knowledge and understanding of the patient’s bill of rights; requiring a certain statement to be written in plain language; altering the rights that are required to be included in a patient’s bill of rights; requiring the Office of Health Care Quality to monitor certain compliance; requiring the Office to report to the General Assembly on or before a certain date ~~each year~~; declaring the intent of the General Assembly; defining a certain term; making a technical change; and generally relating to hospitals and a patient’s bill of rights.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19–342

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

19–342.

**(A) IN THIS SECTION, “PATIENT” INCLUDES AN INPATIENT, AN OUTPATIENT, AND AN EMERGENCY SERVICES PATIENT.**

**(B) THE GENERAL ASSEMBLY INTENDS TO PROMOTE THE HEALTH, SAFETY, AND WELL-BEING OF PATIENTS AND TO FOSTER BETTER COMMUNICATION BETWEEN PATIENTS AND HEALTH CARE PROVIDERS IN HOSPITALS THROUGH THE USE OF A PATIENT’S BILL OF RIGHTS THAT SPECIFIES THE ETHICAL AND HUMANE TREATMENT THE PATIENT HAS A RIGHT TO EXPECT.**

**[(a)] (C) Each administrator of a hospital [is responsible for making available] SHALL:**

**(1) PROVIDE to each patient in the hospital a WRITTEN copy of the patient’s bill of rights that [the]:**

**(I) THE hospital adopts under [the] Joint Commission [on Accreditation of Hospitals’] guidelines OR GUIDELINES ISSUED BY A NATIONALLY RECOGNIZED HOSPITAL ACCREDITATION ORGANIZATION APPROVED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES CONDITIONS OF PARTICIPATION; AND**

**(II) COMPLIES WITH SUBSECTION (D) OF THIS SECTION;**

**(2) IF A PATIENT DOES NOT SPEAK ENGLISH, OR REQUIRES THE PATIENT’S BILL OF RIGHTS IN AN ALTERNATIVE FORMAT, ~~OR IS ILLITERATE,~~ PROVIDE A TRANSLATOR, AN INTERPRETER, OR ANOTHER ACCOMMODATION TO ASSIST THE PATIENT IN UNDERSTANDING AND EXERCISING THE RIGHTS INCLUDED IN THE PATIENT’S BILL OF RIGHTS;**

**(3) CONSPICUOUSLY POST COPIES OF THE PATIENT’S BILL OF RIGHTS ON THE HOSPITAL’S WEBSITE AND IN AREAS ~~OF THE HOSPITAL ACCESSIBLE TO PATIENTS, INCLUDING THE ADMITTING OFFICE~~ THAT ARE ACCESSIBLE TO PATIENTS AND VISITORS, WHICH MAY INCLUDE ADMITTING OFFICES, PATIENT FLOORS, PATIENT ROOMS, THE OUTPATIENT DEPARTMENT, AND EMERGENCY SERVICES WAITING AREAS; AND**

**(4) PROVIDE ANNUAL TRAINING TO ALL PATIENT CARE STAFF MEMBERS TO ENSURE THE STAFF’S KNOWLEDGE AND UNDERSTANDING OF THE PATIENT’S BILL OF RIGHTS.**

**[(b)] (D) The patient’s bill of rights shall AT A MINIMUM include a statement, IN PLAIN LANGUAGE, that a patient has a right to [expect and receive appropriate assessment, management, and treatment of pain as an integral component of the patient’s care]:**

**(1) RECEIVE CONSIDERATE, RESPECTFUL, AND COMPASSIONATE CARE;**

(2) BE PROVIDED CARE IN A SAFE ENVIRONMENT FREE FROM ALL FORMS OF ABUSE AND NEGLECT, INCLUDING VERBAL, MENTAL, PHYSICAL, AND SEXUAL ABUSE;

(3) HAVE A MEDICAL SCREENING EXAM AND BE PROVIDED STABILIZING TREATMENT FOR EMERGENCY MEDICAL CONDITIONS AND LABOR;

(4) BE FREE FROM RESTRAINTS AND SECLUSION UNLESS NEEDED FOR SAFETY;

(5) BE TOLD THE NAMES AND JOBS OF THE HEALTH CARE TEAM MEMBERS INVOLVED IN THE PATIENT'S CARE IF STAFF SAFETY IS NOT A CONCERN;

(6) HAVE RESPECT SHOWN FOR THE PATIENT'S PERSONAL VALUES, BELIEFS, AND WISHES;

(7) BE TREATED WITHOUT DISCRIMINATION BASED ON RACE, COLOR, NATIONAL ORIGIN, ETHNICITY, AGE, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, PHYSICAL OR MENTAL DISABILITY, RELIGION, LANGUAGE, OR ABILITY TO PAY;

(8) BE PROVIDED A LIST OF PROTECTIVE AND ADVOCACY SERVICES WHEN NEEDED;

(9) RECEIVE INFORMATION ABOUT THE PATIENT'S HOSPITAL AND PHYSICIAN CHARGES AND ASK FOR AN ESTIMATE OF HOSPITAL CHARGES BEFORE CARE IS PROVIDED AND AS LONG AS PATIENT CARE IS NOT IMPEDED;

(10) RECEIVE INFORMATION IN A MANNER THAT IS UNDERSTANDABLE BY THE PATIENT, WHICH MAY INCLUDE:

(I) SIGN AND FOREIGN LANGUAGE INTERPRETERS;

(II) ALTERNATIVE FORMATS, INCLUDING LARGE PRINT, BRAILLE, AUDIO RECORDINGS, AND COMPUTER FILES; AND

(III) VISION, SPEECH, HEARING, AND OTHER TEMPORARY AIDS AS NEEDED, WITHOUT CHARGE;

(11) RECEIVE INFORMATION FROM THE PATIENT'S DOCTOR OR ~~HEALTH CARE TEAM MEMBER~~ OTHER HEALTH CARE PRACTITIONERS ABOUT THE PATIENT'S DIAGNOSIS, PROGNOSIS, TEST RESULTS, POSSIBLE OUTCOMES OF CARE, AND UNANTICIPATED OUTCOMES OF CARE;

(12) ACCESS THE PATIENT'S MEDICAL RECORDS IN ACCORDANCE WITH HIPAA NOTICE OF PRIVACY PRACTICES;

(13) BE INVOLVED IN THE PATIENT'S PLAN OF CARE;

(14) ~~HAVE PAIN MANAGED~~ BE SCREENED, ASSESSED, AND TREATED FOR PAIN;

(15) REFUSE CARE;

(16) ~~HAVE~~ IN ACCORDANCE WITH HOSPITAL VISITATION POLICIES, HAVE AN INDIVIDUAL OF THE PATIENT'S CHOICE REMAIN WITH THE PATIENT FOR EMOTIONAL SUPPORT DURING THE PATIENT'S HOSPITAL STAY, CHOOSE THE INDIVIDUALS WHO MAY VISIT THE PATIENT, AND CHANGE THE PATIENT'S MIND ABOUT THE INDIVIDUALS WHO MAY VISIT;

(17) APPOINT AN INDIVIDUAL OF THE PATIENT'S CHOICE TO MAKE HEALTH CARE DECISIONS FOR THE PATIENT, IF THE PATIENT IS UNABLE TO DO SO;

(18) MAKE OR CHANGE AN ADVANCE DIRECTIVE;

(19) GIVE INFORMED CONSENT BEFORE ANY NONEMERGENCY CARE IS PROVIDED, INCLUDING THE BENEFITS AND RISKS OF THE CARE, ALTERNATIVES TO THE CARE, AND THE BENEFITS AND RISKS OF THE ALTERNATIVES TO THE CARE;

(20) AGREE OR REFUSE TO TAKE PART IN MEDICAL RESEARCH STUDIES, WITHOUT THE AGREEMENT OR REFUSAL AFFECTING THE PATIENT'S CARE;

(21) ALLOW OR REFUSE TO ALLOW PICTURES OF THE PATIENT FOR PURPOSES OTHER THAN THE PATIENT'S CARE;

(22) EXPECT PRIVACY AND CONFIDENTIALITY IN CARE DISCUSSIONS AND TREATMENTS;

(23) BE PROVIDED A COPY OF THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT NOTICE OF PRIVACY PRACTICES; AND

(24) FILE A COMPLAINT ABOUT CARE AND HAVE THE COMPLAINT REVIEWED WITHOUT THE COMPLAINT AFFECTING THE PATIENT'S CARE.

(E) THE OFFICE OF HEALTH CARE QUALITY SHALL MONITOR THE COMPLIANCE OF EACH HOSPITAL WITH THE REQUIREMENTS OF THIS SECTION.

~~(F) ON OR BEFORE JANUARY 1 EACH YEAR JANUARY 1, 2021, THE OFFICE OF HEALTH CARE QUALITY SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE COMPLIANCE OF HOSPITALS WITH THE REQUIREMENTS OF THIS SECTION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2021, the Maryland Department of Health shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the compliance of hospitals with the requirements of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.

---

## Chapter 286

(Senate Bill 301)

AN ACT concerning

### Hospitals – Patient’s Bill of Rights

FOR the purpose of requiring each administrator of a hospital to provide patients with a certain patient’s bill of rights; requiring each administrator of a hospital to provide certain patients with a translator, an interpreter, or another accommodation to provide certain assistance to patients; requiring each administrator of a hospital to conspicuously post copies of the patient’s bill of rights on the hospital’s website and in areas of the hospital accessible to patients and visitors; requiring each administrator of a hospital to provide annual training to certain staff members to ensure the staff’s knowledge and understanding of the patient’s bill of rights; requiring a certain statement to be written in plain language; altering the rights that are required to be included in a patient’s bill of rights; requiring the Office of Health Care Quality to monitor certain compliance; requiring the Office to report to the General Assembly on or before a certain date ~~each year~~; declaring the intent of the General Assembly; defining a certain term; making a technical change; and generally relating to hospitals and a patient’s bill of rights.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19–342

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**

19–342.

**(A) IN THIS SECTION, “PATIENT” INCLUDES AN INPATIENT, AN OUTPATIENT, AND AN EMERGENCY SERVICES PATIENT.**

**(B) THE GENERAL ASSEMBLY INTENDS TO PROMOTE THE HEALTH, SAFETY, AND WELL-BEING OF PATIENTS AND TO FOSTER BETTER COMMUNICATION BETWEEN PATIENTS AND HEALTH CARE PROVIDERS IN HOSPITALS THROUGH THE USE OF A PATIENT’S BILL OF RIGHTS THAT SPECIFIES THE ETHICAL AND HUMANE TREATMENT THE PATIENT HAS A RIGHT TO EXPECT.**

**[(a)] (C) Each administrator of a hospital [is responsible for making available] SHALL:**

**(1) PROVIDE to each patient in the hospital a WRITTEN copy of the patient’s bill of rights that [the]:**

**(I) THE hospital adopts under [the] Joint Commission [on Accreditation of Hospitals’] guidelines OR GUIDELINES ISSUED BY A NATIONALLY RECOGNIZED HOSPITAL ACCREDITATION ORGANIZATION APPROVED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES CONDITIONS OF PARTICIPATION; AND**

**(II) COMPLIES WITH SUBSECTION (D) OF THIS SECTION;**

**(2) IF A PATIENT DOES NOT SPEAK ENGLISH, OR REQUIRES THE PATIENT’S BILL OF RIGHTS IN AN ALTERNATIVE FORMAT, ~~OR IS ILLITERATE,~~ PROVIDE A TRANSLATOR, AN INTERPRETER, OR ANOTHER ACCOMMODATION TO ASSIST THE PATIENT IN UNDERSTANDING AND EXERCISING THE RIGHTS INCLUDED IN THE PATIENT’S BILL OF RIGHTS;**

**(3) CONSPICUOUSLY POST COPIES OF THE PATIENT’S BILL OF RIGHTS ON THE HOSPITAL’S WEBSITE AND IN AREAS ~~OF THE HOSPITAL ACCESSIBLE TO PATIENTS, INCLUDING THE ADMITTING OFFICE~~ THAT ARE ACCESSIBLE TO PATIENTS AND VISITORS, WHICH MAY INCLUDE ADMITTING OFFICES, PATIENT FLOORS, PATIENT ROOMS, THE OUTPATIENT DEPARTMENT, AND EMERGENCY SERVICES WAITING AREAS; AND**

**(4) PROVIDE ANNUAL TRAINING TO ALL PATIENT CARE STAFF MEMBERS TO ENSURE THE STAFF'S KNOWLEDGE AND UNDERSTANDING OF THE PATIENT'S BILL OF RIGHTS.**

**[(b)] (D)** The patient's bill of rights shall **AT A MINIMUM** include a statement, **IN PLAIN LANGUAGE**, that a patient has a right to [expect and receive appropriate assessment, management, and treatment of pain as an integral component of the patient's care]:

**(1) RECEIVE CONSIDERATE, RESPECTFUL, AND COMPASSIONATE CARE;**

**(2) BE PROVIDED CARE IN A SAFE ENVIRONMENT FREE FROM ALL FORMS OF ABUSE AND NEGLECT, INCLUDING VERBAL, MENTAL, PHYSICAL, AND SEXUAL ABUSE;**

**(3) HAVE A MEDICAL SCREENING EXAM AND BE PROVIDED STABILIZING TREATMENT FOR EMERGENCY MEDICAL CONDITIONS AND LABOR;**

**(4) BE FREE FROM RESTRAINTS AND SECLUSION UNLESS NEEDED FOR SAFETY;**

**(5) BE TOLD THE NAMES AND JOBS OF THE HEALTH CARE TEAM MEMBERS INVOLVED IN THE PATIENT'S CARE IF STAFF SAFETY IS NOT A CONCERN;**

**(6) HAVE RESPECT SHOWN FOR THE PATIENT'S PERSONAL VALUES, BELIEFS, AND WISHES;**

**(7) BE TREATED WITHOUT DISCRIMINATION BASED ON RACE, COLOR, NATIONAL ORIGIN, ETHNICITY, AGE, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, PHYSICAL OR MENTAL DISABILITY, RELIGION, LANGUAGE, OR ABILITY TO PAY;**

**(8) BE PROVIDED A LIST OF PROTECTIVE AND ADVOCACY SERVICES WHEN NEEDED;**

**(9) RECEIVE INFORMATION ABOUT THE PATIENT'S HOSPITAL AND PHYSICIAN CHARGES AND ASK FOR AN ESTIMATE OF HOSPITAL CHARGES BEFORE CARE IS PROVIDED AND AS LONG AS PATIENT CARE IS NOT IMPEDED;**

**(10) RECEIVE INFORMATION IN A MANNER THAT IS UNDERSTANDABLE BY THE PATIENT, WHICH MAY INCLUDE:**

**(i) SIGN AND FOREIGN LANGUAGE INTERPRETERS;**

(II) ALTERNATIVE FORMATS, INCLUDING LARGE PRINT, BRAILLE, AUDIO RECORDINGS, AND COMPUTER FILES; AND

(III) VISION, SPEECH, HEARING, AND OTHER TEMPORARY AIDS AS NEEDED, WITHOUT CHARGE;

(11) RECEIVE INFORMATION FROM THE PATIENT'S DOCTOR OR ~~HEALTH CARE TEAM MEMBER~~ OTHER HEALTH CARE PRACTITIONERS ABOUT THE PATIENT'S DIAGNOSIS, PROGNOSIS, TEST RESULTS, POSSIBLE OUTCOMES OF CARE, AND UNANTICIPATED OUTCOMES OF CARE;

(12) ACCESS THE PATIENT'S MEDICAL RECORDS IN ACCORDANCE WITH HIPAA NOTICE OF PRIVACY PRACTICES;

(13) BE INVOLVED IN THE PATIENT'S PLAN OF CARE;

(14) ~~HAVE PAIN MANAGED~~ BE SCREENED, ASSESSED, AND TREATED FOR PAIN;

(15) REFUSE CARE;

(16) ~~HAVE~~ IN ACCORDANCE WITH HOSPITAL VISITATION POLICIES, HAVE AN INDIVIDUAL OF THE PATIENT'S CHOICE REMAIN WITH THE PATIENT FOR EMOTIONAL SUPPORT DURING THE PATIENT'S HOSPITAL STAY, CHOOSE THE INDIVIDUALS WHO MAY VISIT THE PATIENT, AND CHANGE THE PATIENT'S MIND ABOUT THE INDIVIDUALS WHO MAY VISIT;

(17) APPOINT AN INDIVIDUAL OF THE PATIENT'S CHOICE TO MAKE HEALTH CARE DECISIONS FOR THE PATIENT, IF THE PATIENT IS UNABLE TO DO SO;

(18) MAKE OR CHANGE AN ADVANCE DIRECTIVE;

(19) GIVE INFORMED CONSENT BEFORE ANY NONEMERGENCY CARE IS PROVIDED, INCLUDING THE BENEFITS AND RISKS OF THE CARE, ALTERNATIVES TO THE CARE, AND THE BENEFITS AND RISKS OF THE ALTERNATIVES TO THE CARE;

(20) AGREE OR REFUSE TO TAKE PART IN MEDICAL RESEARCH STUDIES, WITHOUT THE AGREEMENT OR REFUSAL AFFECTING THE PATIENT'S CARE;

(21) ALLOW OR REFUSE TO ALLOW PICTURES OF THE PATIENT FOR PURPOSES OTHER THAN THE PATIENT'S CARE;

(22) EXPECT PRIVACY AND CONFIDENTIALITY IN CARE DISCUSSIONS AND TREATMENTS;

(23) BE PROVIDED A COPY OF THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT NOTICE OF PRIVACY PRACTICES; AND

(24) FILE A COMPLAINT ABOUT CARE AND HAVE THE COMPLAINT REVIEWED WITHOUT THE COMPLAINT AFFECTING THE PATIENT'S CARE.

(E) THE OFFICE OF HEALTH CARE QUALITY SHALL MONITOR THE COMPLIANCE OF EACH HOSPITAL WITH THE REQUIREMENTS OF THIS SECTION.

~~(F) ON OR BEFORE JANUARY 1 EACH YEAR, THE OFFICE OF HEALTH CARE QUALITY SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE COMPLIANCE OF HOSPITALS WITH THE REQUIREMENTS OF THIS SECTION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2021, the Maryland Department of Health shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the compliance of hospitals with the requirements of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.

---

## Chapter 287

(Senate Bill 707)

AN ACT concerning

### Motor Vehicles – Temporary In-Transit Registration

FOR the purpose of authorizing the Motor Vehicle Administration to issue a temporary in-transit registration that allows a nonresident owner of a vehicle to operate the vehicle on a highway in the State only for the purpose of transporting the vehicle to a jurisdiction outside the State for titling and registration; establishing that an application for a temporary in-transit registration may be made only by a nonresident vehicle owner and only on a certain form; authorizing the Administration to determine the period for which a temporary in-transit registration is valid; requiring the Administration to determine the fee to apply for a temporary in-transit registration; establishing that ~~only~~ the Administration or

licensed title service agents may issue temporary in–transit registrations; establishing that a temporary in–transit registration may be issued only after the vehicle owner has furnished to the Administration or title service agent proof of identity, vehicle ownership, and insurance; prohibiting the Administration or a title service agent from issuing more than one temporary in–transit registration for ~~any~~ each vehicle sales transaction; requiring the Administration to adopt certain regulations; providing for a delayed effective date; and generally relating to in–transit motor vehicle registration.

BY adding to

Article – Transportation

Section 13–405.1

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 – Transportation

#### 13–405.1.

(A) ON APPLICATION AND PAYMENT OF THE REQUIRED FEE, THE ADMINISTRATION MAY ISSUE A TEMPORARY IN–TRANSIT REGISTRATION TO ALLOW A NONRESIDENT OWNER OF A VEHICLE TO OPERATE THE VEHICLE ON A HIGHWAY IN THE STATE ONLY FOR THE PURPOSE OF TRANSPORTING THE VEHICLE TO A JURISDICTION OUTSIDE THE STATE IN WHICH THE VEHICLE IS TO BE TITLED AND REGISTERED.

(B) AN APPLICATION FOR A TEMPORARY IN–TRANSIT REGISTRATION MAY BE MADE ONLY:

- (1) BY A NONRESIDENT OWNER OF A VEHICLE; AND
- (2) ON THE FORM THE ADMINISTRATION REQUIRES.

(C) A TEMPORARY IN–TRANSIT REGISTRATION MAY BE ISSUED FOR A PERIOD DETERMINED BY THE ADMINISTRATION.

(D) THE FEE FOR A TEMPORARY IN–TRANSIT REGISTRATION SHALL BE ESTABLISHED BY THE ADMINISTRATION.

(E) (1) ~~ONLY~~ THE ADMINISTRATION OR A LICENSED TITLE SERVICE AGENT MAY ISSUE A TEMPORARY IN–TRANSIT REGISTRATION.

(2) A TEMPORARY IN-TRANSIT REGISTRATION MAY BE ISSUED ONLY AFTER THE VEHICLE OWNER HAS FURNISHED TO THE ADMINISTRATION OR TITLE SERVICE AGENT PROOF OF IDENTITY, VEHICLE OWNERSHIP, AND INSURANCE.

(3) ~~A~~ THE ADMINISTRATION OR A TITLE SERVICE AGENT MAY NOT ISSUE MORE THAN ONE TEMPORARY IN-TRANSIT REGISTRATION FOR ~~ANY~~ EACH VEHICLE SALES TRANSACTION.

(F) THE ADMINISTRATION SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2019~~ ~~June~~ July 1, 2020.

Approved by the Governor, April 30, 2019.

---

## Chapter 288

(Senate Bill 136)

AN ACT concerning

### Corporations – Corporate Records and Electronic Transmission

FOR the purpose of authorizing certain records of a corporation to be maintained by means of any information storage device, method, or electronic network or database, including a distributed electronic network or database, under certain circumstances; requiring a corporation to convert a record maintained in a certain manner into a clearly legible written form on request of a certain person; providing that, if the records of a corporation are maintained in a certain manner, a certain clearly legible written form of a record shall be admissible as evidence and accepted for certain purposes, under certain circumstances; providing that a certain electronic transmission is not effective until the later of the posting of certain information to a certain electronic network or database or the giving of a certain notice; authorizing certain communications, consents, and requests to be made by means of a certain electronic transmission; making conforming changes; altering a certain definition; and generally relating to corporate records and electronic transmissions.

BY repealing and reenacting, without amendments,  
Article – Corporations and Associations  
Section 1-101(a)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Corporations and Associations

Section 1–101(m), 2–111, 2–209, 2–210(c), 2–313, 2–504(a) and (c), 2–505, 2–510,  
2–512, and 2–513

Annotated Code of Maryland

(2014 Replacement Volume and 2018 Supplement)

BY adding to

Article – Corporations and Associations

Section 2–114 and 2–115

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 – Corporations and Associations**

1–101.

(a) In this article, unless the context clearly requires otherwise, the following words have the meanings indicated.

(m) (1) “Electronic transmission” means any form of communication, not directly involving the physical transmission of paper, that creates a record that:

(i) May be retained, retrieved, and reviewed by a recipient of the communication; and

(ii) May be reproduced directly in paper form by a recipient through an automated process.

(2) “Electronic transmission” includes:

(i) Electronic mail;

(ii) Facsimile transmission; [and]

(iii) Internet transmission; **AND**

**(IV) THE USE OF OR PARTICIPATION IN ONE OR MORE ELECTRONIC NETWORKS OR DATABASES, INCLUDING ONE OR MORE DISTRIBUTED ELECTRONIC NETWORKS OR DATABASES.**

2–111.

(a) Each corporation shall [keep] **MAINTAIN, OR CAUSE TO BE MAINTAINED ON ITS BEHALF**, correct and complete:

(1) Books and records of its accounts and transactions; and

(2) Minutes of the proceedings of its stockholders and board of directors and of any executive or other committee when exercising any of the powers of the board of directors.

(b) (1) The books and records of a corporation may be in written form or in any other form [which can be converted within a reasonable time into written form for visual inspection] **THAT COMPLIES WITH § 2-114 OF THIS SUBTITLE.**

(2) Minutes shall be recorded in written form but may be maintained in the form of a reproduction **OR IN ANY OTHER FORM THAT COMPLIES WITH § 2-114 OF THIS SUBTITLE.**

#### **2-114.**

**(A) THIS SECTION APPLIES TO ANY BOOKS OR RECORDS MAINTAINED BY OR ON BEHALF OF A CORPORATION, INCLUDING:**

**(1) BYLAWS;**

**(2) MINUTES OF THE PROCEEDINGS OF THE STOCKHOLDERS;**

**(3) ANNUAL STATEMENTS OF AFFAIRS;**

**(4) STOCK LEDGERS;**

**(5) RECORDS OF ISSUANCES, TRANSFERS, AND CANCELLATIONS OF SHARES OF STOCK; AND**

**(6) VOTING TRUST AGREEMENTS.**

**(B) THE RECORDS OF A CORPORATION MAY BE MAINTAINED BY MEANS OF ANY INFORMATION STORAGE DEVICE, METHOD, OR ELECTRONIC NETWORK OR DATABASE, INCLUDING A DISTRIBUTED ELECTRONIC NETWORK OR DATABASE, IF:**

**(1) THE RECORDS CAN BE CONVERTED WITHIN A REASONABLE TIME INTO CLEARLY LEGIBLE WRITTEN FORM FOR VISUAL INSPECTION; AND**

**(2) WITH RESPECT TO RECORDS MAINTAINED ON AN ELECTRONIC LEDGER OR DISTRIBUTED ELECTRONIC LEDGER, THE RECORDS CAN BE USED FOR**

**THE PURPOSE OF:**

(I) MAKING A PROPER DETERMINATION WITH RESPECT TO STOCKHOLDERS UNDER § 2-511(A) OF THIS TITLE; AND

(II) PREPARING A LIST OF STOCKHOLDERS IN ACCORDANCE WITH § 2-513(B)(2) OF THIS TITLE.

(C) A CORPORATION SHALL CONVERT A RECORD MAINTAINED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION INTO A CLEARLY LEGIBLE WRITTEN FORM ON REQUEST OF ANY PERSON WHO IS ENTITLED TO INSPECT THE RECORD UNDER THIS TITLE.

(D) (1) THIS SUBSECTION APPLIES TO RECORDS OF A CORPORATION THAT ARE MAINTAINED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

(2) IF A WRITTEN FORM ACCURATELY PORTRAYS A RECORD, A CLEARLY LEGIBLE WRITTEN FORM PREPARED FROM OR BY MEANS OF THE INFORMATION STORAGE DEVICE, METHOD, OR ELECTRONIC NETWORK OR DATABASE USED TO MAINTAIN THE RECORD SHALL BE ADMISSIBLE AS EVIDENCE AND ACCEPTED FOR ALL OTHER PURPOSES TO THE SAME EXTENT THAT AN ORIGINAL WRITTEN RECORD OF THE SAME INFORMATION WOULD HAVE BEEN.

**2-115.**

(A) THIS SECTION APPLIES TO THE ELECTRONIC TRANSMISSION, BY MEANS OF AN ELECTRONIC NETWORK OR DATABASE, INCLUDING A DISTRIBUTED ELECTRONIC NETWORK OR DATABASE, OF ANY COMMUNICATION, CONSENT, OR REQUEST UNDER THIS TITLE, INCLUDING:

(1) A STATEMENT OF THE INFORMATION, IN ACCORDANCE WITH § 2-210(C) OF THIS TITLE;

(2) AN ANNUAL STATEMENT OF THE AFFAIRS OF A CORPORATION, IN ACCORDANCE WITH § 2-313(B) OF THIS TITLE;

(3) CORPORATE DOCUMENTS, IN ACCORDANCE WITH § 2-512 OF THIS TITLE; AND

(4) ANY NOTICE TO A STOCKHOLDER.

(B) AN ELECTRONIC TRANSMISSION DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION IS NOT EFFECTIVE UNTIL THE LATER OF:

**(1) THE POSTING OF THE INFORMATION TO THE ELECTRONIC NETWORK OR DATABASE; OR**

**(2) THE GIVING OF A SEPARATE NOTICE TO THE INTENDED RECIPIENT OF THE INFORMATION THAT THE INFORMATION HAS BEEN POSTED TO THE ELECTRONIC NETWORK OR DATABASE.**

2-209.

(a) Each corporation shall maintain, **OR CAUSE TO BE MAINTAINED ON ITS BEHALF**, a stock ledger which contains:

(1) The name and address of each stockholder; and

(2) The number of shares of stock of each class [which] **OR SERIES THAT** the stockholder holds.

(b) The stock ledger may be in written form or in any other form [which can be converted within a reasonable time into written form for visual inspection] **THAT COMPLIES WITH § 2-114 OF THIS TITLE.**

(c) The original or a duplicate of the stock ledger shall be [kept] **MAINTAINED:**

**(1) BY THE CORPORATION** at the principal office of the corporation or at any other office or agency specified in the bylaws; **OR**

**(2) BY OR ON BEHALF OF THE CORPORATION IN ANY FORM THAT COMPLIES WITH § 2-114 OF THIS TITLE.**

2-210.

(c) (1) Unless the charter or bylaws provide otherwise, the board of directors of a corporation may authorize the issue of some or all of the shares of any or all of its classes or series without certificates.

(2) The authorization under paragraph (1) of this subsection does not affect shares already represented by certificates until they are surrendered to the corporation.

(3) For shares issued without certificates, on request by a stockholder, the corporation shall send the stockholder, without charge, a [written] statement **IN WRITING OR BY ELECTRONIC TRANSMISSION** of the information required on certificates by § 2-211 of this subtitle.

2-313.

(a) The president or, if provided in the bylaws, some other executive officer of each corporation shall prepare, **OR CAUSE TO BE PREPARED**, annually a full and correct statement of the affairs of the corporation, to include a balance sheet and a financial statement of operations for the preceding fiscal year.

(b) Except as provided in subsection (c) of this section, the statement of affairs shall be submitted at the annual meeting of stockholders and, within 20 days after the meeting[, placed]:

(1) **PLACED** on file at the corporation's principal office or at any other office or agency specified in the bylaws of the corporation, in written form; or

(2) **OTHERWISE MAINTAINED BY OR ON BEHALF OF THE CORPORATION** in any other form that [may be converted within a reasonable time into written form for visual inspection] **COMPLIES WITH § 2-114 OF THIS TITLE.**

(c) If a corporation is not required to hold an annual meeting of stockholders under a charter or bylaw provision adopted in accordance with § 2-501 of this title, **WITHIN 120 DAYS AFTER THE END OF THE FISCAL YEAR**, the statement of affairs shall be [placed]:

(1) **PLACED** on file at the corporation's principal office or at any other office or agency specified in the bylaws of the corporation[, within 120 days after the end of the fiscal year,] in written form; or

(2) **OTHERWISE MAINTAINED BY OR ON BEHALF OF THE CORPORATION** in any other form that [may be converted within a reasonable time into written form for visual inspection] **COMPLIES WITH § 2-114 OF THIS TITLE.**

2-504.

(a) Not less than 10 nor more than 90 days before each stockholders' meeting, the secretary of the corporation shall give, **OR CAUSE TO BE GIVEN**, notice in writing or by electronic transmission of the meeting to:

(1) Each stockholder entitled to vote at the meeting; and

(2) Each other stockholder entitled to notice of the meeting.

(c) (1) For purposes of this section, notice is given to a stockholder when it is:

(i) Personally [delivered] **PROVIDED** to the stockholder;

(ii) Left at the stockholder's residence or usual place of business;

(iii) Mailed to the stockholder at the stockholder's address as it appears on the records of the corporation; or

(iv) Transmitted to the stockholder by an electronic transmission to any address or number of the stockholder at which the stockholder receives electronic transmissions.

(2) **[If] UNLESS THE CHARTER OR BYLAWS PROVIDE OTHERWISE, IF** a corporation has received a request from a stockholder that notice not be sent by electronic transmission, the corporation may not provide notice to the stockholder by electronic transmission.

2-505.

(a) Except as provided in subsection (b) of this section, any action required or permitted to be taken at a meeting of the stockholders may be taken without a meeting if a unanimous consent which sets forth the action is:

(1) **[Given] PROVIDED** in writing or by electronic transmission by each stockholder entitled to vote on the matter; and

(2) Filed in paper or electronic form with the records of stockholders meetings.

(b) (1) Unless the charter requires otherwise, the holders of any class of stock, other than common stock entitled to vote generally in the election of directors, may take action or consent to any action by **[delivering] PROVIDING** a consent in writing or by electronic transmission of the stockholders entitled to cast not less than the minimum number of votes that would be necessary to authorize or take the action at a stockholders meeting if the corporation gives notice of the action to each holder of the class of stock not later than 10 days after the effective time of the action.

(2) If authorized by the charter of a corporation, the holders of common stock entitled to vote generally in the election of directors may take action or consent to any action by **[delivering] PROVIDING** a consent in writing or by electronic transmission of the stockholders entitled to cast not less than the minimum number of votes that would be necessary to authorize or take the action at a stockholders meeting if the corporation gives notice of the action not later than 10 days after the effective date of the action to each holder of the class of common stock and to each stockholder who, if the action had been taken at a meeting, would have been entitled to notice of the meeting.

(c) Any consent authorized by this section shall be **[delivered] PROVIDED** to the corporation by delivery to its principal office in the State, its resident agent, or the officer or agent of the corporation that **[has custody of the book] MAINTAINS, OR CAUSES TO BE MAINTAINED ON BEHALF OF THE CORPORATION, THE RECORDS** in which proceedings

of minutes of stockholders meetings are recorded.

(d) A stockholder may [deliver] **PROVIDE** the consent authorized by this section [in]:

(1) **BY ELECTRONIC TRANSMISSION; OR**

(2) **IN** paper form, by hand, **OR** by certified or registered mail, return receipt requested[, or by electronic transmission].

(e) The board of directors may adopt reasonable procedures for [delivering] **PROVIDING** consents instead of holding a meeting under this section.

(f) (1) A [written] consent [may not take effect] **UNDER THIS SECTION IS NOT EFFECTIVE** unless [written] consents [signed] **AUTHORIZED** by a sufficient number of stockholders to take action are [delivered] **PROVIDED** to the corporation **IN WRITING OR BY ELECTRONIC TRANSMISSION** within 60 days after the date of the earliest consent in accordance with procedures adopted under subsection (e) of this section.

(2) (i) A person, whether or not then a stockholder, may assent to an action by a consent that will be effective at a future time that is no later than 60 days after the consent is [delivered] **PROVIDED** to the corporation or its agent.

(ii) The effective time of a consent under this paragraph may include a time determined on the happening of an event that occurs no later than 60 days after the consent is [delivered] **PROVIDED** to the corporation or its agent.

(iii) A consent under this paragraph shall be deemed to have been given at the effective time if the person:

1. Is a stockholder at the effective time; and
2. Did not revoke the consent before the effective time.

(3) Unless otherwise provided in the consent, a consent under this subsection is revocable before the effective time.

(g) Any charter documents filed with the Department in accordance with an action taken under this section may provide that the action was approved by the stockholders in the manner provided by this section.

2-510.

One or more stockholders of a corporation may confer the right to vote or otherwise represent their stock to a trustee by:

(1) Entering into a written voting trust agreement which specifies the terms and conditions of the voting trust;

(2) **[Depositing] PROVIDING** an executed copy of the **VOTING TRUST** agreement **[with] TO** the corporation at its principal office **OR BY ELECTRONIC TRANSMISSION**; and

(3) Transferring their stock for purposes of the agreement to a trustee.

2-512.

(a) Any stockholder, holder of a voting trust certificate in a corporation, or his agent, on **[written]** request **PROVIDED IN WRITING OR BY ELECTRONIC TRANSMISSION**, may inspect and copy during usual business hours any of the following corporate documents:

(1) Bylaws;

(2) Minutes of the proceedings of the stockholders;

(3) Annual statements of affairs; and

(4) Voting trust agreements **[deposited with] PROVIDED TO** the corporation **[at the corporation's principal office]** in accordance with § 2-510(2) of this subtitle.

(b) Within 7 days after a request for documents made under subsection (a) of this section is **[presented] PROVIDED** to an officer **[or] OF A CORPORATION**, the resident agent of a corporation, **OR AN AGENT DESIGNATED BY A CORPORATION TO MAINTAIN CORPORATE DOCUMENTS ON THE CORPORATION'S BEHALF**, the corporation shall **[have]:**

(1) **HAVE** the requested documents available on file at its principal office;

**OR**

(2) **MAKE THE REQUESTED DOCUMENTS AVAILABLE BY ELECTRONIC TRANSMISSION.**

(c) (1) Any stockholder or holder of a voting trust certificate in a corporation other than an open-ended investment company may **[present] PROVIDE** to any officer **[or] OF THE CORPORATION**, **THE** resident agent of the corporation, **OR ANY AGENT DESIGNATED BY THE CORPORATION TO MAINTAIN CORPORATE DOCUMENTS ON THE CORPORATION'S BEHALF**, a **[written]** request **IN WRITING OR BY ELECTRONIC TRANSMISSION** for a statement showing all stock and securities issued by the corporation during a specified period of not more than 12 months before the date of the request.

(2) Within 20 days after a request is made under this subsection, the corporation shall prepare and have available on file at its principal office **OR MAKE AVAILABLE BY ELECTRONIC TRANSMISSION** a sworn statement of its president or treasurer or one of its vice-presidents or assistant treasurers which states:

(i) The number of shares or amounts of each class of stock or other securities issued during the specified period;

(ii) The consideration received per share or unit, which may be aggregated as to all issuances for the same consideration per share or unit; and

(iii) The value of any consideration other than money as set in a resolution of the board of directors.

2-513.

(a) One or more persons who together are and for at least six months have been stockholders of record or holders of voting trust certificates of at least 5 percent of the outstanding stock of any class of a corporation may:

(1) In person or by agent, on [written] request **IN WRITING OR BY ELECTRONIC TRANSMISSION**, inspect and copy during usual business hours the corporation's books of account and its stock ledger;

(2) [Present] **PROVIDE** to any officer [or] **OF THE CORPORATION, THE** resident agent of the corporation, **OR ANY AGENT DESIGNATED BY THE CORPORATION TO MAINTAIN CORPORATE DOCUMENTS ON THE CORPORATION'S BEHALF**, a [written] request **IN WRITING OR BY ELECTRONIC TRANSMISSION** for a statement of its affairs; and

(3) In the case of any corporation which does not maintain the original or a duplicate stock ledger at its principal office, [present] **PROVIDE** to any officer [or] **OF THE CORPORATION, THE** resident agent of the corporation, **OR ANY AGENT DESIGNATED BY THE CORPORATION TO MAINTAIN CORPORATE DOCUMENTS ON THE CORPORATION'S BEHALF**, a [written] request **IN WRITING OR BY ELECTRONIC TRANSMISSION** for a list of its stockholders.

(b) Within 20 days after a request for information is made under subsection (a) of this section, the corporation shall prepare and have available on file at its principal office **OR MAKE AVAILABLE BY ELECTRONIC TRANSMISSION**:

(1) In the case of a request for a statement of affairs, a statement verified under oath by its president or treasurer or one of its vice-presidents or assistant treasurers which sets forth in reasonable detail the corporation's assets and liabilities as of a reasonably current date; and

(2) In the case of a request for a list of stockholders, a list verified under oath by one of its officers or its stock transfer agent or registrar which sets forth the name and address of each stockholder and the number of shares of each class which the stockholder holds.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 289

(Senate Bill 137)

AN ACT concerning

### **Corporations – Maryland General Corporation Law – Miscellaneous Provisions**

FOR the purpose of clarifying voting procedures in certain cumulative voting elections; clarifying the term of a certain director of a corporation elected to fill a vacancy; altering the authority of certain holders of stock to take, and the circumstances in which the holders of stock may take, certain action or consent to a certain action by delivering a consent in writing or by electronic transmission; altering a certain voting process of stockholders of different classes; clarifying the status of certain shares of stock issued prior to the effective date of articles of amendment increasing the authorized stock of the corporation; clarifying the time by which a parent corporation is required to provide a certain notice in a certain merger; altering a certain notice requirement for a certain parent corporation in a certain merger; providing that a certain merger is effected under certain circumstances, rather than authorizing the merger to be effected under certain circumstances; altering a certain notice requirement for a certain acquiring entity in a certain merger; specifying the effective time of a certain merger or consolidation involving a foreign limited partnership, a foreign limited liability company, or a foreign partnership; altering the powers of a real estate investment trust; defining a certain term; making a conforming change; and generally relating to the Maryland General Corporation Law and real estate investment trusts.

BY renumbering

Article – Corporations and Associations

Section 1–101(n) through (dd), respectively

to be Section 1–101(o) through (ee), respectively

Annotated Code of Maryland

(2014 Replacement Volume and 2018 Supplement)

BY adding to

Article – Corporations and Associations  
Section 1–101(n)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Corporations and Associations  
Section 2–406(b), 2–407(c), 2–418(e)(2), 2–505(b), 2–506(b), 3–106(d)(1),  
3–106.1(c)(1) and (e)(1), 3–113(b)(1), and 8–301(4)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Corporations and Associations  
Section 3–804(c)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 1–101(n) through (dd), respectively, of Article – Corporations and Associations of the Annotated Code of Maryland be renumbered to be Section(s) 1–101(o) through (ee), respectively.

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

### **Article – Corporations and Associations**

1–101.

**(N) “ENTIRE BOARD OF DIRECTORS” MEANS THE NUMBER OF INDIVIDUALS WHO ARE DIRECTORS OF THE CORPORATION.**

2–406.

(b) Unless the charter of the corporation provides otherwise:

(1) If the stockholders of any class or series are entitled separately to elect one or more directors, a director elected by a class or series may not be removed without cause except by the affirmative vote of a majority of all the votes of that class or series;

(2) If a corporation has cumulative voting for the election of directors and [less] **FEWER** than [the entire board is] **ALL DIRECTORS ARE** to be removed, a director may not be removed without cause if the votes cast against the director’s removal would be sufficient to elect the director if then cumulatively voted at an election of the entire board of directors, or, if there is more than one class of directors, at an election of the class of

directors of which the director is a member; and

(3) If the directors have been divided into classes, a director may not be removed without cause.

2-407.

(c) (1) **[A] UNLESS THE CORPORATION HAS ELECTED TO BE SUBJECT TO § 3-804(C)(3) OF THIS ARTICLE,** A director elected by the board of directors to fill a vacancy serves until the next annual meeting of stockholders and until his successor is elected and qualifies.

(2) A director elected by the stockholders to fill a vacancy which results from the removal of a director serves for the balance of the term of the removed director.

2-418.

(e) (2) Such determination shall be made:

(i) By the board of directors by a majority vote of a quorum consisting of directors not, at the time, parties to the proceeding, or, if such a quorum cannot be obtained, then by a majority vote of a committee of the board consisting solely of one or more directors not, at the time, parties to such proceeding and who were duly designated to act in the matter by a majority vote of the **[full] ENTIRE board OF DIRECTORS** in which the designated directors who are parties may participate;

(ii) By special legal counsel selected by the board of directors or a committee of the board by vote as set forth in subparagraph (i) of this paragraph, or, if the requisite quorum of the full board cannot be obtained therefor and the committee cannot be established, by a majority vote of the full board in which directors who are parties may participate; or

(iii) By the stockholders.

2-505.

(b) (1) Unless the charter requires otherwise, the holders of any class **OR SERIES** of stock, other than **SHARES OF** common stock entitled to vote generally in the election of directors, may take action or consent to any action by delivering a consent in writing or by electronic transmission of the stockholders entitled to cast not less than the minimum number of votes that would be necessary to authorize or take the action at a stockholders meeting **AT WHICH ALL STOCKHOLDERS ENTITLED TO VOTE ON THE ACTION WERE PRESENT AND VOTED** if the corporation gives notice of the action to each holder of the class **OR SERIES** of stock not later than 10 days after the effective time of the action.

(2) If authorized by the charter of a corporation, the holders of **SHARES OF** common stock entitled to vote generally in the election of directors may take action or consent to any action by delivering a consent in writing or by electronic transmission of the stockholders entitled to cast not less than the minimum number of votes that would be necessary to authorize or take the action at a stockholders meeting **AT WHICH ALL STOCKHOLDERS ENTITLED TO VOTE ON THE ACTION WERE PRESENT AND VOTED** if the corporation gives notice of the action not later than 10 days after the effective date of the action to each holder of **SHARES OF** the class **OR SERIES** of common stock and to each stockholder who, if the action had been taken at a meeting, would have been entitled to notice of the meeting.

2–506.

(b) Subject to other provisions of this article, unless the charter of a corporation provides otherwise, if two or more classes **OR SERIES** of stock are entitled to vote separately on any matter for which this article requires approval by two-thirds of all the votes entitled to be cast, the matter shall be approved by two-thirds of all the votes of each class **OR SERIES ENTITLED TO VOTE ON THE MATTER**.

3–106.

(d) (1) Unless waived by all stockholders who, except for the application of this section, would be entitled to vote on the merger, at least **[30] 20 BUSINESS** days before the articles are filed with the Department[,], a parent corporation which owns less than all of the outstanding stock of the subsidiary as of immediately before the effective time of the merger must have given notice of the transaction to each of the subsidiary's stockholders of record who, except for the application of this section, would be entitled to vote on the merger on the date of giving of the notice or on a record date fixed for that purpose which is not more than 10 days before the date of giving notice.

3–106.1.

(c) (1) Notwithstanding § 3–105 of this subtitle, unless the charter of a corporation or declaration of trust of a real estate investment trust provides otherwise, a merger of a subject corporation with or into an acquiring entity **[may be] IS** effected under this section if:

(i) The shares of the subject corporation are registered under the Securities Exchange Act of 1934 immediately prior to the execution of the agreement to merge by the subject corporation;

(ii) The agreement to merge expressly allows or requires the merger to be effected under this section and provides that the merger shall be effected following the consummation of the offer described in item (iii) of this paragraph;

(iii) Subject to paragraph (2) of this subsection, an acquiring entity

consummates a tender or exchange offer for any and all of the outstanding shares of the subject corporation that would, except for the application of this section, entitle the holder of the outstanding shares to vote on the merger on the terms provided in the agreement to merge;

(iv) Following the consummation of the offer, the stock irrevocably accepted for purchase or exchange in accordance with the offer and received by the depository before the expiration of the offer, together with the stock otherwise owned by the acquiring entity, a person that owns, directly or indirectly, all of the outstanding equity interest in the acquiring entity, and a direct or indirect wholly owned subsidiary of the acquiring entity or a person that owns, directly or indirectly, all of the outstanding equity interest in the acquiring entity, equals at least that percentage of the shares, and of each class or series of the shares, of the subject corporation that would, except for the application of this section, be required to approve the merger under this article and the charter of the subject corporation;

(v) The acquiring entity merges with or into the subject corporation;  
and

(vi) Each outstanding share of each class or series of shares of the subject corporation that is the subject of and not irrevocably accepted for purchase or exchange in the offer is converted in the merger into, or into the right to receive, the same amount and kind of cash, property, rights, or securities paid for shares of the class or series of shares of the subject corporation irrevocably accepted for purchase or exchange in the offer.

(e) (1) Unless waived by all stockholders who, except for the application of this section, would be entitled to vote on the merger, at least **[30] 20 BUSINESS** days before the articles are filed with the Department, an acquiring entity that owns less than all of the outstanding shares of the subject corporation as of immediately before the effective time of the merger must have given notice of the transaction to each of the subject corporation's stockholders of record who, except for the application of this section, would be entitled to vote on the merger on the date that notice is given or on a record date fixed for that purpose that is not more than 10 days before the date that notice is given.

3-113.

(b) (1) If the successor in a consolidation or merger is a foreign corporation **[or]**, a foreign business trust, **A FOREIGN LIMITED PARTNERSHIP, A FOREIGN LIMITED LIABILITY COMPANY, OR A FOREIGN PARTNERSHIP**, the consolidation or merger is effective as of the later of:

(i) The time specified by the law of the place where the successor is organized; or

(ii) The time the Department accepts the articles of consolidation or merger for record.

3–804.

(c) (1) Notwithstanding any provision in the charter or bylaws, this subsection applies to a vacancy that results from:

- (i) An increase in the size of the board of directors; or
- (ii) The death, resignation, or removal of a director.

(2) Each vacancy on the board of directors of a corporation may be filled only by the affirmative vote of a majority of the remaining directors in office, even if the remaining directors do not constitute a quorum.

(3) Any director elected to fill a vacancy shall hold office:

- (i) For the remainder of the full term of the class of directors in which the vacancy occurred; and
- (ii) Until a successor is elected and qualifies.

8–301.

A real estate investment trust has the power to:

(4) Make contracts AND GUARANTEES, incur liabilities, and borrow money;

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 290

(Senate Bill 780)

AN ACT concerning

### Transfer Tax – Transfers by Governmental Entities

FOR the purpose of clarifying certain provisions of law relating to the application of the transfer tax to certain instruments of writing that transfer property from or to certain governmental entities; and generally relating to exemptions from the transfer tax.

BY repealing and reenacting, without amendments,  
 Article – Tax – Property  
 Section 13–207(a)(1)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2018 Supplement)

BY adding to  
 Article – Tax – Property  
 Section 13–207(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 – Tax – Property**

13–207.

(a) An instrument of writing is not subject to transfer tax to the same extent that it is not subject to recordation tax under:

(1) § 12–108(a) of this article (Transfer to government or public agency);

**(C) AN INSTRUMENT OF WRITING IS NOT SUBJECT TO THE TRANSFER TAX, IF THE INSTRUMENT OF WRITING TRANSFERS PROPERTY FROM:**

**(1) THE UNITED STATES;**

**(2) THE STATE;**

**(3) AN AGENCY OF THE STATE; OR**

**(4) A POLITICAL SUBDIVISION IN THE STATE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

Approved by the Governor, April 30, 2019.

AN ACT concerning

**Trusts – Maryland Trust Act – Methods of Notice**

FOR the purpose of authorizing a trustee to provide notice to a person under the Maryland Trust Act by certain methods; requiring a trustee to receive authorization in writing from a person entitled to receive notice before providing notice by certain alternative methods; authorizing a person to revoke a trustee's authorization to provide notice by an alternative method; authorizing a trustee to provide notice by an alternative method until the trustee's authorization to provide notice by an alternative method is revoked; requiring a trustee to provide notice to a person by a certain method if the trustee knows or should know that the person did not receive notice; authorizing a trustee to provide a person certain notice in a certain manner; making conforming changes; making a technical correction; defining a certain term; and generally relating to notice under the Maryland Trust Act.

BY renumbering

Article – Estates and Trusts  
Section 14.5–103(f) through (bb), respectively  
to be Section 14.5–103(g) through (cc), respectively  
Annotated Code of Maryland  
(2017 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Estates and Trusts  
Section 14.5–103(a)  
Annotated Code of Maryland  
(2017 Replacement Volume and 2018 Supplement)

BY adding to

Article – Estates and Trusts  
Section 14.5–103(f)  
Annotated Code of Maryland  
(2017 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Estates and Trusts  
Section 14.5–109 and 14.5–813  
Annotated Code of Maryland  
(2017 Replacement Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 14.5–103(f) through (bb), respectively, of Article – Estates and Trusts of the Annotated Code of Maryland be renumbered to be Section(s) 14.5–103(g) through (cc), respectively.

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

**Article – Estates and Trusts**

14.5–103.

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

(F) **“DELIVERY ADDRESS” MEANS:**

(1) **THE LAST KNOWN PLACE OF RESIDENCE OR PLACE OF BUSINESS OF A PERSON;**

(2) **A FACSIMILE NUMBER PROVIDED BY A PERSON FOR THE PURPOSE OF RECEIVING NOTICE; OR**

(3) **AN E–MAIL ADDRESS PROVIDED BY A PERSON FOR THE PURPOSE OF RECEIVING NOTICE.**

14.5–109.

(a) (1) Notice to a person under this title or the sending of a document to a person under this title shall be accomplished in a manner reasonably suitable under the circumstances and likely to result in receipt of the notice or document.

(2) Permissible methods of notice to a person or for sending a document to a person under this title include first–class mail, personal delivery, or delivery to the [last known place of residence or place of business of the person] **PERSON’S DELIVERY ADDRESS.**

(3) (i) This paragraph applies to:

1. The proposed termination of a trust;
2. The proposed modification of the administrative or dispositive terms of a trust;
3. The proposed combination of two or more trusts into a single trust;
4. The proposed division of a trust into two or more separate trusts;
5. The proposed resignation of a trustee or cotrustee; ~~or~~

6. The proposed transfer of the principal place of administration of a trust; OR

**7. THE NOTICE REQUIRED TO BE GIVEN TO A QUALIFIED BENEFICIARY UNDER § 14.5–813 OF THIS TITLE.**

(ii) Notwithstanding paragraphs (1) and (2) of this subsection, a trustee shall provide notice to a person under this title:

1. By personal service; [or]

2. By certified mail **OR FIRST-CLASS MAIL**, postage prepaid, return receipt requested;

**3. BY COURIER DELIVERY SERVICE, DELIVERY SERVICE PREPAID, DELIVERY CONFIRMATION REQUESTED; OR**

**4. IF A PERSON ENTITLED TO RECEIVE NOTICE UNDER THIS TITLE AGREES, IN WRITING, TO ACCEPT AN ALTERNATIVE METHOD OF NOTICE:**

**A. BY FIRST-CLASS MAIL, POSTAGE PREPAID; ~~OR~~**

**B. BY FACSIMILE TRANSMISSION FROM A FACSIMILE DEVICE THAT PRODUCES A CONFIRMATION PAGE THAT SPECIFIES THE DATE AND TIME OF A SUCCESSFUL FACSIMILE TRANSMISSION; OR**

**C. BY E-MAIL, ACKNOWLEDGMENT REQUESTED.**

(iii) 1. A PERSON MAY REVOKE THE TRUSTEE'S AUTHORIZATION TO PROVIDE NOTICE BY AN ALTERNATIVE METHOD UNDER SUBPARAGRAPH (ii)4 OF THIS PARAGRAPH BY PROVIDING NOTICE TO THE TRUSTEE IN A METHOD SPECIFIED UNDER SUBPARAGRAPH (ii)1 THROUGH 3 OF THIS PARAGRAPH.

2. A TRUSTEE AUTHORIZED TO PROVIDE NOTICE BY AN ALTERNATIVE METHOD UNDER SUBPARAGRAPH (ii)4 OF THIS PARAGRAPH MAY CONTINUE TO PROVIDE NOTICE BY AN ALTERNATIVE METHOD UNTIL THE PERSON ENTITLED TO RECEIVE NOTICE REVOKES AUTHORIZATION.

(iv) IF A TRUSTEE WHO PROVIDES NOTICE BY AN ALTERNATIVE METHOD UNDER SUBPARAGRAPH (ii)4 OF THIS PARAGRAPH KNOWS OR SHOULD KNOW THAT THE PERSON DID NOT RECEIVE NOTICE, THE TRUSTEE SHALL PROVIDE NOTICE TO THE PERSON BY A METHOD SPECIFIED UNDER SUBPARAGRAPH (ii)1 THROUGH 3 OF THIS PARAGRAPH.

(b) [Notice otherwise] **EXCEPT AS EXPRESSLY PROVIDED IN THIS TITLE, NOTICE** required under this title or a document [otherwise] required to be sent under this title need not be provided:

(1) To a person whose identity [or], location, **OR DELIVERY ADDRESS** is unknown to and not reasonably ascertainable by the trustee; or

(2) By a person to himself or herself.

(c) Notice under this title or the sending of a document under this title may be waived in writing by the person to be notified or sent the document.

(d) Notice of a judicial proceeding under this title shall be given as provided in the applicable rules of civil procedure.

14.5–813.

(a) Unless unreasonable under the circumstances, a trustee shall promptly respond to the request of a qualified beneficiary for information related to the administration of the trust, including a copy of the trust instrument.

(b) (1) A trustee:

(i) Within 60 days after accepting a trusteeship, shall notify the qualified beneficiaries of the acceptance and of the trustee's name, address, and telephone number; and

(ii) Within 90 days after the date the trustee acquires knowledge of the creation of an irrevocable trust, or the date the trustee acquires knowledge that a formerly revocable trust has become irrevocable, whether by the death of the settlor or otherwise, shall notify the qualified beneficiaries of the trust's existence, of the identity of the settlor or settlors, of the right to request a copy of the trust instrument, and of the right to a trustee's report as provided in subsection (c) of this section.

(2) [Notwithstanding § 14.5–109 of this title, notice] **NOTICE** required under this subsection shall be:

(i) To the extent the names and locations **OR DELIVERY ADDRESSES** of the qualified beneficiaries are known to the trustee:

1. By delivery of the notice to the qualified beneficiaries personally; or

2. By sending the notice to the qualified beneficiaries at their [last known address by certified mail, postage prepaid, return receipt requested]

**DELIVERY ADDRESS BY A METHOD OF NOTICE SPECIFIED IN § 14.5–109(A)(3)(II) OF THIS TITLE; and**

(ii) If the name, location OR DELIVERY ADDRESS, or both of a qualified beneficiary is not known to the trustee, by publication in a newspaper of general circulation in the county where the trust property is located once a week for 3 successive weeks.

(c) (1) On request by a qualified beneficiary, a trustee shall send to the qualified beneficiary annually and at the termination of the trust a report of the trust property, liabilities, receipts, and disbursements, including the source and amount of the compensation of the trustee, a listing of the trust assets, and, if feasible, the respective market values of the trust assets.

(2) On a vacancy in a trusteeship, unless a cotrustee remains in office, the former trustee shall send a report to the qualified beneficiaries that request the report.

(3) A personal representative, a guardian, or an attorney-in-fact may send the qualified beneficiaries a report on behalf of the former trustee.

(d) (1) A qualified beneficiary may waive the right to a trustee's report or other information otherwise required to be furnished under this section.

(2) A qualified beneficiary, with respect to future reports and other information, may withdraw a waiver previously given.

(3) If a trustee is a qualified beneficiary of the trust for which the trustee is serving, the trustee is not required to provide himself or herself a trustee's report or other information required to be furnished under this section.

(e) Subsection (b) of this section does not apply to a trustee that accepts a trusteeship before January 1, 2015, to an irrevocable trust created before January 1, 2015, or to a revocable trust that becomes irrevocable before January 1, 2015.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

**Chapter 292****(Senate Bill 945)**

AN ACT concerning

**Sales and Use Tax – Taxable Services – Telephone Answering Service**

FOR the purpose of defining “telephone answering service” for the purpose of establishing that the service is taxable under the sales and use tax only if the service is provided in a certain manner; establishing that a telephone answering service is not a taxable service if certain acts are only incidental to and a certain percentage of certain gross receipts; making this Act an emergency measure; and generally relating to the sales and use tax.

BY repealing and reenacting, without amendments,  
 Article – Tax – General  
 Section 11–101(a) and (m)(7)  
 Annotated Code of Maryland  
 (2016 Replacement Volume and 2018 Supplement)

BY adding to  
 Article – Tax – General  
 Section 11–101(m–1)  
 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**

11–101.

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

(m) “Taxable service” means:

(7) a telephone answering service;

**(M–1) (1) “TELEPHONE ANSWERING SERVICE” MEANS A SERVICE PROVIDED TO A CUSTOMER THAT CONSISTS EXCLUSIVELY OF THE TAKING OF MESSAGES, EITHER BY AN AUTOMATED SYSTEM OR BY A LIVE OPERATOR, AND TRANSMITTING THE MESSAGES TO THE CUSTOMER.**

**(2) “TELEPHONE ANSWERING SERVICE” DOES NOT INCLUDE THE PHYSICAL ACT OF ANSWERING A TELEPHONE ON BEHALF OF A CUSTOMER, IF THE ACT IS INCIDENTAL TO AND LESS THAN 5% OF THE SERVICE PROVIDER’S TOTAL GROSS RECEIPTS IN A CALENDAR YEAR.**

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 30, 2019.**

---

## **Chapter 293**

**(Senate Bill 283)**

AN ACT concerning

### **Sales and Use Tax – Cleaning of Commercial or Industrial Buildings – Community Property Exemption**

FOR the purpose of providing an exemption from the sales and use tax for the cleaning of a commercial or industrial building if the building is owned by a certain entity and used for certain purposes; providing that the exemption does not apply if the building or a proportionate share of the building is used for certain purposes; making this Act an emergency measure; and generally relating to an exemption from the sales and use tax for the cleaning of commercial or industrial buildings.

BY repealing and reenacting, without amendments,  
Article – Tax – General  
Section 11–101(a), (c), and (m)(3)  
Annotated Code of Maryland  
(2016 Replacement Volume and 2018 Supplement)

BY adding to  
Article – Tax – General  
Section 11–235  
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**

11–101.

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

(c) “Cleaning of a commercial or industrial building” means the following services performed to a commercial or industrial building:

- (1) floor, carpet, wall, window, ceiling, and exterior cleaning; and
  - (2) janitorial services.
- (m) "Taxable service" means:
- (3) cleaning of a commercial or industrial building;

**11-235.**

**(A) THE SALES AND USE TAX DOES NOT APPLY TO THE CLEANING OF A COMMERCIAL OR INDUSTRIAL BUILDING IF THE BUILDING IS OWNED BY A COMMON OWNERSHIP COMMUNITY OR RETIREMENT COMMUNITY AND USED FOR:**

- (1) CLASSROOMS;**
- (2) DINING;**
- (3) EXERCISE;**
- (4) FOOD PREPARATION OR COOKING;**
- (5) MEETINGS OR GATHERINGS;**
- (6) OFFICES USED BY THE COMMON OWNERSHIP COMMUNITY FOR MANAGEMENT OF THE COMMUNITY;**
- (7) RECREATION;**
- (8) SECURITY;**
- (9) SPORTS;**
- (10) STORAGE; OR**
- (11) ANY OTHER COMMON USE.**

**(B) THE EXEMPTION UNDER SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO THE CLEANING OF A COMMERCIAL OR INDUSTRIAL BUILDING OR THE PROPORTIONATE SHARE OF THE BUILDING THAT IS USED FOR A PURPOSE THAT REQUIRES THE COLLECTION OF THE SALES AND USE TAX UNDER THIS TITLE.**

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 30, 2019.**

---

## **Chapter 294**

**(House Bill 1154)**

AN ACT concerning

### **Maryland Personal Information Protection Act – Security Breach Notification Requirements – Modifications**

FOR the purpose of altering the applicability of certain security breach investigation requirements to certain businesses; altering the applicability of certain security breach notification requirements to a certain owner or licensee of computerized data; prohibiting a certain business from charging a certain owner or licensee of computerized data a fee for providing information that the owner or licensee needs to provide a certain notification; prohibiting a certain owner or licensee from using certain information for certain purposes; and generally relating to the Maryland Personal Information Protection Act.

BY repealing and reenacting, with amendments,  
Article – Commercial Law  
Section 14–3504  
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**

14–3504.

(a) In this section:

(1) “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 business; and

(2) “Breach of the security of a system” does not include the good faith acquisition of personal information by an employee or agent of a business for the purposes of the business, provided that the personal information is not used or subject to further unauthorized disclosure.

(b) (1) A business that owns [or], licenses, **OR MAINTAINS** computerized data that includes personal information of an individual residing in the State, when it discovers or is notified [of] **THAT IT INCURRED** a breach of the security of a system, shall conduct in good faith a reasonable and prompt investigation to determine the likelihood that personal information of the individual has been or will be misused as a result of the breach.

(2) **[If] SUBJECT TO SUBSECTION (C)(4) OF THIS SECTION, IF**, after the investigation is concluded, the business determines that the breach of the security of the system creates a likelihood that personal information has been or will be misused, the **[business] OWNER OR LICENSEE OF THE COMPUTERIZED DATA** shall notify the individual of the breach.

(3) Except as provided in subsection (d) of this section, the notification required under paragraph (2) of this subsection shall be given as soon as reasonably practicable, but not later than 45 days after the business concludes the investigation required under paragraph (1) of this subsection.

(4) If after the investigation required under paragraph (1) of this subsection is concluded, the business determines that notification under paragraph (2) of this subsection is not required, the business shall maintain records that reflect its determination for 3 years after the determination is made.

(c) (1) A business that maintains computerized data that includes personal information of an individual residing in the State that the business does not own or license, when it discovers or is notified of a breach of the security of a system, shall notify, as soon as practicable, the owner or licensee of the personal information of the breach of the security of a system.

(2) Except as provided in subsection (d) of this section, the notification required under paragraph (1) of this subsection shall be given as soon as reasonably practicable, but not later than 45 days after the business discovers or is notified of the breach of the security of a system.

(3) A business that is required to notify an owner or licensee of personal information of a breach of the security of a system under paragraph (1) of this subsection shall share with the owner or licensee information relative to the breach.

**(4) (1) IF THE BUSINESS THAT INCURRED THE BREACH OF THE SECURITY OF A SYSTEM IS NOT THE OWNER OR LICENSEE OF THE COMPUTERIZED DATA, THE BUSINESS MAY NOT CHARGE THE OWNER OR LICENSEE OF THE COMPUTERIZED DATA A FEE FOR PROVIDING INFORMATION THAT THE OWNER OR**

LICENSEE NEEDS TO MAKE A NOTIFICATION UNDER SUBSECTION (B)(2) OF THIS SECTION.

(II) THE OWNER OR LICENSEE OF THE COMPUTERIZED DATA MAY NOT USE INFORMATION RELATIVE TO THE BREACH OF THE SECURITY OF A SYSTEM FOR PURPOSES OTHER THAN ~~PROVIDING:~~

~~1. PROVIDING NOTIFICATION OF THE BREACH OR PROTECTING;~~

~~2. PROTECTING OR SECURING PERSONAL INFORMATION; OR~~

~~3. PROVIDING NOTIFICATION TO NATIONAL INFORMATION SECURITY ORGANIZATIONS CREATED FOR INFORMATION-SHARING AND ANALYSIS OF SECURITY THREATS, TO ALERT AND AVERT NEW OR EXPANDED BREACHES.~~

(d) (1) The notification required under subsections (b) and (c) of this section may be delayed:

(i) If a law enforcement agency determines that the notification will impede a criminal investigation or jeopardize homeland or national security; or

(ii) To determine the scope of the breach of the security of a system, identify the individuals affected, or restore the integrity of the system.

(2) If notification is delayed under paragraph (1)(i) of this subsection, notification shall be given as soon as reasonably practicable, but not later than 30 days after the law enforcement agency determines that it will not impede a criminal investigation and will not jeopardize homeland or national security.

(e) The notification required under subsection (b) of this section may be given:

(1) By written notice sent to the most recent address of the individual in the records of the business;

(2) By electronic mail to the most recent electronic mail address of the individual in the records of the business, if:

(i) The individual has expressly consented to receive electronic notice; or

(ii) The business conducts its business primarily through Internet account transactions or the Internet;

(3) By telephonic notice, to the most recent telephone number of the individual in the records of the business; or

(4) By substitute notice as provided in subsection (f) of this section, if:

(i) The business demonstrates that the cost of providing notice would exceed \$100,000 or that the affected class of individuals to be notified exceeds 175,000; or

(ii) The business does not have sufficient contact information to give notice in accordance with item (1), (2), or (3) of this subsection.

(f) Substitute notice under subsection (e)(4) of this section shall consist of:

(1) Electronically mailing the notice to an individual entitled to notification under subsection (b) of this section, if the business has an electronic mail address for the individual to be notified;

(2) Conspicuous posting of the notice on the [Web site] WEBSITE of the business, if the business maintains a [Web site] WEBSITE; and

(3) Notification to statewide media.

(g) Except as provided in subsection (i) of this section, the notification required under subsection (b) of this section shall include:

(1) To the extent possible, a description of the categories of information that were, or are reasonably believed to have been, acquired by an unauthorized person, including which of the elements of personal information were, or are reasonably believed to have been, acquired;

(2) Contact information for the business making the notification, including the business' address, telephone number, and toll-free telephone number if one is maintained;

(3) The toll-free telephone numbers and addresses for the major consumer reporting agencies; and

(4) (i) The toll-free telephone numbers, addresses, and [Web site] WEBSITE addresses for:

1. The Federal Trade Commission; and
2. The Office of the Attorney General; and

(ii) A statement that an individual can obtain information from these sources about steps the individual can take to avoid identity theft.

(h) Prior to giving the notification required under subsection (b) of this section and subject to subsection (d) of this section, a business shall provide notice of a breach of the security of a system to the Office of the Attorney General.

(i) (1) In the case of a breach of the security of a system involving personal information that permits access to an individual's e-mail account under § 14-3501(e)(1)(ii) of this subtitle and no other personal information under § 14-3501(e)(1)(i) of this subtitle, the business may comply with the notification requirement under subsection (b) of this section by providing the notification in electronic or other form that directs the individual whose personal information has been breached promptly to:

(i) Change the individual's password and security question or answer, as applicable; or

(ii) Take other steps appropriate to protect the e-mail account with the business and all other online accounts for which the individual uses the same user name or e-mail and password or security question or answer.

(2) Subject to paragraph (3) of this subsection, the notification provided under paragraph (1) of this subsection may be given to the individual by any method described in this section.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, the notification provided under paragraph (1) of this subsection may not be given to the individual by sending notification by e-mail to the e-mail account affected by the breach.

(ii) The notification provided under paragraph (1) of this subsection may be given by a clear and conspicuous notice delivered to the individual online while the individual is connected to the affected e-mail account from an Internet Protocol address or online location from which the business knows the individual customarily accesses the account.

(j) A waiver of any provision of this section is contrary to public policy and is void and unenforceable.

(k) Compliance with this section does not relieve a business from a duty to comply with any other requirements of federal law relating to the protection and privacy of personal information.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

**Chapter 295****(Senate Bill 693)**

AN ACT concerning

**Maryland Personal Information Protection Act – Security Breach Notification Requirements – Modifications**

FOR the purpose of altering the applicability of certain security breach investigation requirements to certain businesses; altering the applicability of certain security breach notification requirements to a certain owner or licensee of computerized data; prohibiting a certain business from charging a certain owner or licensee of computerized data a fee for providing information that the owner or licensee needs to provide a certain notification; prohibiting a certain owner or licensee from using certain information for certain purposes; and generally relating to the Maryland Personal Information Protection Act.

BY repealing and reenacting, with amendments,  
Article – Commercial Law  
Section 14–3504  
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**

14–3504.

(a) In this section:

(1) “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 business; and

(2) “Breach of the security of a system” does not include the good faith acquisition of personal information by an employee or agent of a business for the purposes of the business, provided that the personal information is not used or subject to further unauthorized disclosure.

(b) (1) A business that owns [or], licenses, **OR MAINTAINS** computerized data that includes personal information of an individual residing in the State, when it discovers or is notified [of] **THAT IT INCURRED** a breach of the security of a system, shall conduct in good faith a reasonable and prompt investigation to determine the likelihood that personal information of the individual has been or will be misused as a result of the breach.

(2) **[If] SUBJECT TO SUBSECTION (C)(4) OF THIS SECTION, IF**, after the investigation is concluded, the business determines that the breach of the security of the system creates a likelihood that personal information has been or will be misused, the **[business] OWNER OR LICENSEE OF THE COMPUTERIZED DATA** shall notify the individual of the breach.

(3) Except as provided in subsection (d) of this section, the notification required under paragraph (2) of this subsection shall be given as soon as reasonably practicable, but not later than 45 days after the business concludes the investigation required under paragraph (1) of this subsection.

(4) If after the investigation required under paragraph (1) of this subsection is concluded, the business determines that notification under paragraph (2) of this subsection is not required, the business shall maintain records that reflect its determination for 3 years after the determination is made.

(c) (1) A business that maintains computerized data that includes personal information of an individual residing in the State that the business does not own or license, when it discovers or is notified of a breach of the security of a system, shall notify, as soon as practicable, the owner or licensee of the personal information of the breach of the security of a system.

(2) Except as provided in subsection (d) of this section, the notification required under paragraph (1) of this subsection shall be given as soon as reasonably practicable, but not later than 45 days after the business discovers or is notified of the breach of the security of a system.

(3) A business that is required to notify an owner or licensee of personal information of a breach of the security of a system under paragraph (1) of this subsection shall share with the owner or licensee information relative to the breach.

(4) (I) **IF THE BUSINESS THAT INCURRED THE BREACH OF THE SECURITY OF A SYSTEM IS NOT THE OWNER OR LICENSEE OF THE COMPUTERIZED DATA, THE BUSINESS MAY NOT CHARGE THE OWNER OR LICENSEE OF THE COMPUTERIZED DATA A FEE FOR PROVIDING INFORMATION THAT THE OWNER OR LICENSEE NEEDS TO MAKE A NOTIFICATION UNDER SUBSECTION (B)(2) OF THIS SECTION.**

(II) **THE OWNER OR LICENSEE OF THE COMPUTERIZED DATA MAY NOT USE INFORMATION RELATIVE TO THE BREACH OF THE SECURITY OF A SYSTEM FOR PURPOSES OTHER THAN ~~PROVIDING~~:**

**1. PROVIDING NOTIFICATION OF THE BREACH ~~OR~~  
~~PROTECTING~~;**

**2. PROTECTING OR SECURING PERSONAL INFORMATION; OR**

**3. PROVIDING NOTIFICATION TO NATIONAL INFORMATION SECURITY ORGANIZATIONS CREATED FOR INFORMATION-SHARING AND ANALYSIS OF SECURITY THREATS, TO ALERT AND AVERT NEW OR EXPANDED BREACHES.**

(d) (1) The notification required under subsections (b) and (c) of this section may be delayed:

(i) If a law enforcement agency determines that the notification will impede a criminal investigation or jeopardize homeland or national security; or

(ii) To determine the scope of the breach of the security of a system, identify the individuals affected, or restore the integrity of the system.

(2) If notification is delayed under paragraph (1)(i) of this subsection, notification shall be given as soon as reasonably practicable, but not later than 30 days after the law enforcement agency determines that it will not impede a criminal investigation and will not jeopardize homeland or national security.

(e) The notification required under subsection (b) of this section may be given:

(1) By written notice sent to the most recent address of the individual in the records of the business;

(2) By electronic mail to the most recent electronic mail address of the individual in the records of the business, if:

(i) The individual has expressly consented to receive electronic notice; or

(ii) The business conducts its business primarily through Internet account transactions or the Internet;

(3) By telephonic notice, to the most recent telephone number of the individual in the records of the business; or

(4) By substitute notice as provided in subsection (f) of this section, if:

(i) The business demonstrates that the cost of providing notice would exceed \$100,000 or that the affected class of individuals to be notified exceeds 175,000; or

(ii) The business does not have sufficient contact information to give notice in accordance with item (1), (2), or (3) of this subsection.

(f) Substitute notice under subsection (e)(4) of this section shall consist of:

(1) Electronically mailing the notice to an individual entitled to notification under subsection (b) of this section, if the business has an electronic mail address for the individual to be notified;

(2) Conspicuous posting of the notice on the [Web site] WEBSITE of the business, if the business maintains a [Web site] WEBSITE; and

(3) Notification to statewide media.

(g) Except as provided in subsection (i) of this section, the notification required under subsection (b) of this section shall include:

(1) To the extent possible, a description of the categories of information that were, or are reasonably believed to have been, acquired by an unauthorized person, including which of the elements of personal information were, or are reasonably believed to have been, acquired;

(2) Contact information for the business making the notification, including the business' address, telephone number, and toll-free telephone number if one is maintained;

(3) The toll-free telephone numbers and addresses for the major consumer reporting agencies; and

(4) (i) The toll-free telephone numbers, addresses, and [Web site] WEBSITE addresses for:

1. The Federal Trade Commission; and
2. The Office of the Attorney General; and

(ii) A statement that an individual can obtain information from these sources about steps the individual can take to avoid identity theft.

(h) Prior to giving the notification required under subsection (b) of this section and subject to subsection (d) of this section, a business shall provide notice of a breach of the security of a system to the Office of the Attorney General.

(i) (1) In the case of a breach of the security of a system involving personal information that permits access to an individual's e-mail account under § 14-3501(e)(1)(ii) of this subtitle and no other personal information under § 14-3501(e)(1)(i) of this subtitle, the business may comply with the notification requirement under

subsection (b) of this section by providing the notification in electronic or other form that directs the individual whose personal information has been breached promptly to:

(i) Change the individual's password and security question or answer, as applicable; or

(ii) Take other steps appropriate to protect the e-mail account with the business and all other online accounts for which the individual uses the same user name or e-mail and password or security question or answer.

(2) Subject to paragraph (3) of this subsection, the notification provided under paragraph (1) of this subsection may be given to the individual by any method described in this section.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, the notification provided under paragraph (1) of this subsection may not be given to the individual by sending notification by e-mail to the e-mail account affected by the breach.

(ii) The notification provided under paragraph (1) of this subsection may be given by a clear and conspicuous notice delivered to the individual online while the individual is connected to the affected e-mail account from an Internet Protocol address or online location from which the business knows the individual customarily accesses the account.

(j) A waiver of any provision of this section is contrary to public policy and is void and unenforceable.

(k) Compliance with this section does not relieve a business from a duty to comply with any other requirements of federal law relating to the protection and privacy of personal information.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 296

(House Bill 777)

AN ACT concerning

**Commercial Law – Credit Card Processors – ~~Service~~ Merchant Processing  
Agreements**

FOR the purpose of ~~requiring prohibiting~~ a credit card processor ~~to send a summary of a certain services agreement to certain businesses; requiring a business to acknowledge a certain services agreement by signing, dating, and returning a copy of the summary of the services agreement to a certain credit card processor before entering into a services agreement with the credit card processor~~ from assessing or charging certain fees under certain circumstances; requiring the summary a merchant processing agreement to include certain information; requiring a credit card processor to provide a certain notice regarding a services agreement renewal before a certain date; requiring the notice to disclose certain information that certain information be provided in a certain manner in the merchant processing agreement; authorizing the Commissioner of Financial Regulation to take certain actions; ~~establishing certain civil penalties for a violation of this Act;~~ providing for the application of this Act; defining certain terms; and generally relating to credit card processors and ~~service~~ merchant processing agreements.

BY adding to

Article – Commercial Law

Section 12–1401 through ~~12–1405~~ 12–1404 to be under the new subtitle “Subtitle 14. Credit Card Processors”

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

#### SUBTITLE 14. CREDIT CARD PROCESSORS.

#### 12–1401.

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

(B) (1) “CREDIT CARD PROCESSOR” MEANS A PERSON THAT PROCESSES CREDIT CARD OR ELECTRONIC COMMERCE TRANSACTIONS ON BEHALF OF A BUSINESS ENTITY FOR A FEE.

(2) “CREDIT CARD PROCESSOR” INCLUDES:

(I) A MERCHANT SERVICES PROVIDER;

(II) A FINANCIAL INSTITUTION;

(III) AN INDEPENDENT SALES ORGANIZATION; AND

(IV) ANY SUBSIDIARY OR AFFILIATE OF AN ENTITY LISTED IN ITEMS (I) THROUGH (III) OF THIS PARAGRAPH.

(C) ~~“SERVICES MERCHANT PROCESSING AGREEMENT”~~ MEANS A CONTRACT BETWEEN A CREDIT CARD PROCESSOR AND A BUSINESS ENTITY UNDER WHICH THE BUSINESS ENTITY AGREES TO PAY THE CREDIT CARD PROCESSOR FOR PROCESSING CREDIT CARD OR ELECTRONIC COMMERCE TRANSACTIONS ON BEHALF OF THE BUSINESS ENTITY.

12-1402.

THIS SUBTITLE DOES NOT APPLY TO A ~~SERVICES~~ MERCHANT PROCESSING AGREEMENT BETWEEN A CREDIT CARD PROCESSOR AND A BUSINESS ENTITY THAT:

(1) THAT MAY BE TERMINATED WITHOUT ASSESSMENT OF FEES, FINES, PENALTIES, OR LIQUIDATED DAMAGES; OR

(2) IF AT THE TIME OF ENTRY INTO THE MERCHANT PROCESSING AGREEMENT, THE BUSINESS ENTITY EMPLOYS 50 OR MORE EMPLOYEES OR REASONABLY ESTIMATES THAT IT WILL GENERATE MORE THAN \$2,000,000 IN CREDIT CARD OR ELECTRONIC COMMERCE TRANSACTIONS EACH YEAR.

12-1403.

(A) ~~(1) A CREDIT CARD PROCESSOR SHALL SEND TO EACH BUSINESS WITH WHOM IT HAS, OR INTENDS TO HAVE, A SERVICES AGREEMENT A SUMMARY OF THE SERVICES AGREEMENT.~~

~~(2) BEFORE ENTERING INTO A SERVICES AGREEMENT WITH A CREDIT CARD PROCESSOR, THE BUSINESS SHALL ACKNOWLEDGE THE SERVICES AGREEMENT BY SIGNING, DATING, AND RETURNING A COPY OF THE SUMMARY OF THE SERVICES AGREEMENT TO THE CREDIT CARD PROCESSOR. IF A BUSINESS ENTITY CANCELS A MERCHANT PROCESSING AGREEMENT BEFORE THE EXPIRATION OF THE INITIAL TERM AGREED ON BY THE CREDIT CARD PROCESSOR AND THE BUSINESS ENTITY, THE CREDIT CARD PROCESSOR MAY NOT ASSESS OR CHARGE A FEE, FINE, OR PENALTY THAT EXCEEDS \$500.~~

(B) ~~THE SUMMARY REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:~~

~~(1) THE INTEREST RATE AUTHORIZED UNDER THE SERVICES AGREEMENT;~~

~~(2) THE AMOUNT AND PURPOSE OF EACH FEE, FINE, OR PENALTY THAT THE CREDIT CARD PROCESSOR MAY CHARGE OR ASSESS UNDER THE SERVICES AGREEMENT;~~

~~(3) THE EXPIRATION DATE OF THE SERVICES AGREEMENT;~~

~~(4) THE SERVICES AGREEMENT RENEWAL DATE; AND~~

~~(5) THE NAME, TELEPHONE NUMBER, MAILING ADDRESS, AND E-MAIL ADDRESS OF AN AUTHORIZED REPRESENTATIVE OF THE CREDIT CARD PROCESSOR~~ IF A BUSINESS ENTITY TERMINATES THE MERCHANT PROCESSING AGREEMENT AFTER THE EXPIRATION OF THE INITIAL TERM AGREED ON BY A CREDIT CARD PROCESSOR AND A BUSINESS ENTITY, THE CREDIT CARD PROCESSOR MAY NOT ASSESS A FEE, FINE, OR PENALTY, UNLESS A CREDIT CARD PROCESSOR AND A BUSINESS ENTITY HAVE ENTERED INTO A SEPARATE RENEWAL MERCHANT PROCESSING AGREEMENT.

~~(C) (1) AT LEAST 90 DAYS BEFORE A BUSINESS ENTITY MUST CANCEL A SERVICES AGREEMENT TO PREVENT AUTOMATIC RENEWAL OF THE AGREEMENT, A CREDIT CARD PROCESSOR SHALL PROVIDE WRITTEN NOTICE TO THE BUSINESS ENTITY THAT THE SERVICES AGREEMENT WILL AUTOMATICALLY RENEW.~~

~~(2) THE REQUIRED NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL DISCLOSE:~~

~~(I) THAT THE SERVICES AGREEMENT WILL AUTOMATICALLY RENEW UNLESS THE BUSINESS ENTITY CANCELS THE AGREEMENT;~~

~~(II) THE DATE BY WHICH THE BUSINESS ENTITY MUST CANCEL THE SERVICES AGREEMENT TO PREVENT THE AGREEMENT FROM RENEWING;~~

~~(III) PROCEDURES FOR CANCELING THE SERVICES AGREEMENT;~~  
~~AND~~

~~(IV) THAT THE SERVICES AGREEMENT HAS CHANGED, IF APPLICABLE~~ SUBJECT TO SUBSECTION (D) OF THIS SECTION, A MERCHANT PROCESSING AGREEMENT SHALL DISCLOSE CLEARLY AND CONSPICUOUSLY IN BOLD, 12 POINT FONT THE FOLLOWING INFORMATION:

(1) THE AMOUNT OF ANY EARLY TERMINATION FEE, FINE, PENALTY, OR LIQUIDATED DAMAGES THAT MAY BE ASSESSED BY THE CREDIT CARD PROCESSOR FOR TERMINATION OF A MERCHANT PROCESSING AGREEMENT BEFORE THE EXPIRATION OF THE INITIAL TERM;

(2) THE EXPIRATION DATE OF THE MERCHANT PROCESSING AGREEMENT;

(3) THE RENEWAL DATE OF THE MERCHANT PROCESSING AGREEMENT; AND

(4) THE CUSTOMER SERVICE CONTACT INFORMATION OF THE CREDIT CARD PROCESSOR, INCLUDING TELEPHONE NUMBER, MAILING ADDRESS, AND E-MAIL ADDRESS.

(D) THE INFORMATION REQUIRED UNDER SUBSECTION (C) OF THIS SECTION SHALL BE:

(1) PROVIDED ON THE SIGNATURE PAGE OF A MERCHANT SERVICES PROCESSING AGREEMENT; AND

(2) INITIALED SEPARATELY BY THE BUSINESS ENTITY.

(E) THE CREDIT CARD PROCESSOR SHALL PROVIDE A COPY OF THE MERCHANT PROCESSING AGREEMENT IN ELECTRONIC OR PAPER FORM TO THE BUSINESS ENTITY AT THE TIME THE BUSINESS ENTITY SIGNS THE MERCHANT PROCESSING AGREEMENT.

12-1404.

IF A COMPLAINT ABOUT A VIOLATION OF § 12-1403 OF THIS SUBTITLE IS FILED WITH THE COMMISSIONER OF FINANCIAL REGULATION, THE COMMISSIONER MAY INVESTIGATE THE COMPLAINT AND USE ANY OF THE INVESTIGATIVE AND ENFORCEMENT POWERS PROVIDED UNDER TITLE 2, SUBTITLE 1 OF THE FINANCIAL INSTITUTIONS ARTICLE.

~~12-1405.~~

~~(A) A PERSON THAT VIOLATES § 12-1403 OF THIS SUBTITLE IS SUBJECT TO A FINE NOT EXCEEDING \$100 FOR EACH VIOLATION.~~

~~(B) A PERSON THAT HAS BEEN FOUND TO HAVE VIOLATED THIS SUBTITLE AND THAT SUBSEQUENTLY REPEATS THE SAME VIOLATION IS SUBJECT TO A FINE OF NOT MORE THAN \$500 FOR EACH SUBSEQUENT VIOLATION.~~

~~(C) THE FINES PROVIDED FOR IN SUBSECTIONS (A) AND (B) OF THIS SECTION ARE CIVIL PENALTIES AND ARE RECOVERABLE BY THE COMMISSIONER OF FINANCIAL REGULATION IN A CIVIL ACTION OR AN ADMINISTRATIVE CEASE AND DESIST ACTION UNDER § 2-115 OF THE FINANCIAL INSTITUTIONS ARTICLE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any merchant processing agreement entered into or renewed before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 297

### (Senate Bill 5)

AN ACT concerning

#### **Public Information Act – 9–1–1 Communications – Denial of Part of a Public Record**

FOR the purpose of ~~requiring~~ authorizing a certain custodian of records to deny inspection of ~~the~~ part of a 9–1–1 communications record ~~that depicts certain information, subject to a certain exception~~ under certain circumstances after providing certain notice and considering certain information; requiring a custodian to grant or deny a certain application within a certain period of time; authorizing a custodian to redact certain information under certain circumstances; requiring a certain custodian to allow inspection of a certain public record by the person in interest; providing for the application of this Act; providing that this Act may not be construed to affect the discovery or evidentiary rights of certain parties or to create a certain right of civil action; defining a ~~certain term~~ certain terms; and generally relating to the denial of part of a 9–1–1 communications record.

BY repealing and reenacting, with amendments,

Article – General Provisions

Section 4–203(a)

Annotated Code of Maryland

(2014 Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – General Provisions

Section ~~4–328~~ 4–343

Annotated Code of Maryland

(2014 Volume and 2018 Supplement)

BY adding to

Article – General Provisions  
 Section ~~4-342~~ 4-356  
 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 – General Provisions**

~~4-328.~~

~~Unless otherwise provided by law, a custodian shall deny inspection of a part of a public record, as provided in this part.~~

4-203.

(a) (1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE custodian shall grant or deny the application promptly, but not more than 30 days after receiving the application.

(2) THE CUSTODIAN SHALL GRANT OR DENY AN APPLICATION THAT IS THE SUBJECT OF § 4-356 OF THIS TITLE NOT MORE THAN 50 DAYS AFTER RECEIVING THE APPLICATION.

4-343.

Unless otherwise provided by law, if a custodian believes that inspection of a part of a public record by the applicant would be contrary to the public interest, the custodian may deny inspection by the applicant of that part of the record, as provided in this part.

~~4-342.~~

~~(A) IN THIS SECTION, “GORY OR GRUESOME” MEANS SCENES SHOWING SEVERE BODILY INJURY, INCLUDING PROFUSE BLEEDING, SEVERE LACERATIONS, DISFIGUREMENT, AND TRAUMATIC INJURIES.~~

4-356.

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

(2) “VICTIM” MEANS:

(I) A VICTIM OF DOMESTIC VIOLENCE, AS DEFINED UNDER § 4-701 OF THE FAMILY LAW ARTICLE;

(II) A VICTIM OF A VIOLATION OF TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE; OR

(III) A VICTIM OF A VIOLATION OF TITLE 3, SUBTITLE 6 OF THE CRIMINAL LAW ARTICLE, EXCEPT FOR A VIOLATION OF § 3-607 OF THE CRIMINAL LAW ARTICLE WHERE THE VICTIM IS AN ADULT.

(3) (I) “VICTIM’S REPRESENTATIVE” HAS THE MEANING STATED IN § 11-104 OF THE CRIMINAL PROCEDURE ARTICLE.

(II) “VICTIM’S REPRESENTATIVE” DOES NOT INCLUDE A PERSON ACTING IN CONCERT WITH A PERSON ALLEGED TO HAVE COMMITTED THE CRIME AGAINST THE VICTIM.

(B) (1) THIS SECTION DOES NOT APPLY TO A PUBLIC RECORD THAT HAS BEEN ENTERED INTO EVIDENCE IN A COURT PROCEEDING.

(2) THIS SECTION MAY NOT BE CONSTRUED TO:

(I) CREATE A RIGHT OF CIVIL ACTION FOR A VICTIM OR VICTIM’S REPRESENTATIVE; OR

(II) AFFECT THE DISCOVERY OR EVIDENTIARY RIGHTS OF A PARTY TO A CIVIL SUIT OR CRIMINAL PROSECUTION.

~~(C) SUBJECT TO SUBSECTIONS (D) AND (E) OF THIS SECTION, A CUSTODIAN SHALL DENY INSPECTION OF THE PART OF A 9-1-1 COMMUNICATIONS RECORD THAT DEPICTS:~~

~~(1) A VICTIM OR INFORMATION THAT COULD IDENTIFY A VICTIM OF DOMESTIC VIOLENCE, AS DEFINED IN § 4-701 OF THE FAMILY LAW ARTICLE;~~

~~(2) A VICTIM OR INFORMATION THAT COULD IDENTIFY A VICTIM OF A VIOLATION OF TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE;~~

~~(3) A VICTIM OR INFORMATION THAT COULD IDENTIFY A VICTIM OF, EXCEPT FOR A VIOLATION OF § 3-607 OF THE CRIMINAL LAW ARTICLE WHERE THE VICTIM IS AN ADULT, A VIOLATION OF TITLE 3, SUBTITLE 6 OF THE CRIMINAL LAW ARTICLE;~~

~~(4) PERSONALLY RELEVANT INFORMATION THAT MAY IDENTIFY THE INDIVIDUAL’S MEDICAL HISTORY;~~

~~(5) IF THE CUSTODIAN IS AWARE THAT INFORMATION WAS PROVIDED VOLUNTARILY TO THE FILE BY A THIRD PARTY, THE THIRD PARTY INFORMATION; OR~~

~~(6) IMAGES THAT MAY BE CONSIDERED GORY OR GRUESOME OR CONVEY SCENES OF MURDER OR SUICIDE.~~

(C) SUBJECT TO SUBSECTIONS (D) AND (E) OF THIS SECTION, BEFORE GRANTING INSPECTION OF THE PART OF A 9-1-1 COMMUNICATIONS RECORD THAT DEPICTS A VICTIM, A CUSTODIAN SHALL:

(1) WITHIN 30 DAYS AFTER RECEIVING THE REQUEST AND IF THE CUSTODIAN HAS CONTACT INFORMATION FOR THE VICTIM OR VICTIM'S REPRESENTATIVE, NOTIFY THE VICTIM OR VICTIM'S REPRESENTATIVE OF THE REQUEST;

(2) ALLOW 10 DAYS FOR A RESPONSE FROM THE VICTIM OR VICTIM'S REPRESENTATIVE INDICATING THAT INSPECTION MAY BE CONTRARY TO THE PUBLIC INTEREST; AND

(3) CONSIDER ANY RESPONSE RECEIVED UNDER ITEM (2) OF THIS SUBSECTION IN DETERMINING WHETHER TO GRANT OR DENY THE INSPECTION.

(D) A CUSTODIAN MAY REDACT THE INFORMATION DESCRIBED UNDER SUBSECTION (C) OF THIS SECTION IF A FAILURE TO DO SO WOULD RESULT IN A CONSTRUCTIVE DENIAL OF THE ENTIRE PUBLIC RECORD.

(E) A CUSTODIAN SHALL ALLOW INSPECTION BY THE PERSON IN INTEREST.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.

---

## Chapter 298

(Senate Bill 85)

AN ACT concerning

Capital Debt Affordability Committee – Annual Estimate

FOR the purpose of altering the day by which the Capital Debt Affordability Committee must submit a certain estimate to the Governor and the General Assembly; and generally relating to a certain estimate of the Capital Debt Affordability Committee.

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 8–112  
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**

8–112.

(a) The Committee shall review on a continuing basis the size and condition of the State tax supported debt as well as other debt of State units, including the University System of Maryland, Morgan State University, St. Mary's College of Maryland, and the Baltimore City Community College.

(b) On or before October [1] 20 of each year, the Committee shall submit to the Governor and the General Assembly the Committee's estimate of the total amount of new State debt that prudently may be authorized for the next fiscal year.

(c) In making the estimate, the Committee shall consider:

(1) the amount of State bonds that, during the next fiscal year:

(i) will be outstanding; and

(ii) will be authorized but unissued;

(2) the capital program prepared by the Department of Budget and Management;

(3) capital improvement and school construction needs during the next 5 fiscal years, as projected by the Interagency Commission on School Construction;

(4) projections of debt service requirements during the next 10 fiscal years;

(5) the criteria that recognized bond rating agencies use to judge the quality of issues of State bonds;

(6) any other factor that is relevant to:

(i) the ability of the State to meet its projected debt service requirements for the next 5 fiscal years; or

(ii) the marketability of State bonds;

(7) the effect of authorizations of new State debt on each of the factors set out in this subsection; and

(8) the amount of issuances, debt outstanding, and debt service requirement of other classes of State tax supported debt as well as other debt of State units, including the University System of Maryland, Morgan State University, St. Mary's College of Maryland, and the Baltimore City Community College.

(d) The estimate of the Committee:

(1) is advisory; and

(2) does not bind the General Assembly, the Board, or the Governor.

(e) (1) 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) 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) 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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

Approved by the Governor, April 30, 2019.

---

**Chapter 299**  
**(House Bill 1090)**

AN ACT concerning

**9-1-1 Specialists – Compensation and Benefits**

FOR the purpose of stating the findings and intent of the General Assembly with regard to certain 9-1-1 specialists; ~~providing a subtraction modification, up to a certain amount, under the Maryland income tax for distributions from certain retirement plans used by retired 9-1-1 specialists for certain health insurance premiums; providing a subtraction modification under the Maryland income tax, under certain circumstances, for a certain amount of retirement income attributable to certain employment as a 9-1-1 specialist;~~ repealing references to the term “9-1-1 public safety telecommunicator” and substituting references to the term “9-1-1 specialist” in certain provisions authorizing a certain property tax credit; ~~defining certain terms;~~ altering a certain term; providing for the application of certain provisions of this Act; and generally relating to 9-1-1 specialists.

BY adding to

Article – Public Safety  
Section 1-302.1  
Annotated Code of Maryland  
(2018 Replacement Volume)

~~BY repealing and reenacting, without amendments,~~

~~Article – Tax – General  
Section 10-207(a)  
Annotated Code of Maryland  
(2016 Replacement Volume and 2018 Supplement)~~

~~BY adding to~~

~~Article – Tax – General  
Section 10-207(hh)  
Annotated Code of Maryland  
(2016 Replacement Volume and 2018 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article – Tax – General  
Section 10–209  
Annotated Code of Maryland  
(2016 Replacement Volume and 2018 Supplement)~~

BY repealing and reenacting, with amendments,  
Article – Tax – Property  
Section 9–262  
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 – Public Safety**

**1–302.1.**

(A) THE GENERAL ASSEMBLY FINDS THAT 9–1–1 SPECIALISTS ARE KEY MEMBERS OF THE TEAM OF PUBLIC SAFETY PERSONNEL RESPONDING TO REQUESTS FROM THE PUBLIC FOR EMERGENCY ASSISTANCE.

(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT JURISDICTIONS EMPLOYING 9–1–1 SPECIALISTS:

(1) APPROPRIATELY CLASSIFY 9–1–1 SPECIALISTS IN RECOGNITION OF THE TRAINING, KNOWLEDGE, AND SKILLS THAT 9–1–1 SPECIALISTS POSSESS AND DEMONSTRATE IN ANSWERING AND HANDLING REQUESTS FOR EMERGENCY ASSISTANCE; AND

(2) COMPENSATE 9–1–1 SPECIALISTS IN A MANNER THAT:

(I) REFLECTS THEIR MEMBERSHIP IN THE TEAM OF PUBLIC SAFETY PERSONNEL ANSWERING AND RESPONDING TO REQUESTS FOR EMERGENCY ASSISTANCE; AND

(II) IS COMMENSURATE WITH THE TRAINING, KNOWLEDGE, AND SKILLS THEY POSSESS.

~~(C) IN LIGHT OF THE PHYSICAL AND MENTAL AFFLICTIONS STEMMING FROM THE STRESSFUL AND TRAUMATIC SITUATIONS THROUGH WHICH 9–1–1 SPECIALISTS ASSIST MEMBERS OF THE PUBLIC WHO REQUEST EMERGENCY ASSISTANCE, IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT JURISDICTIONS EMPLOYING 9–1–1 SPECIALISTS AFFORD ALL CLAIMS FOR WORKERS' COMPENSATION UNDER TITLE 9 OF THE LABOR AND EMPLOYMENT ARTICLE BY~~

~~9-1-1 SPECIALISTS FOR PHYSICAL AND MENTAL HEALTH AFFLICTIONS ARISING OUT OF AND IN THE COURSE OF EMPLOYMENT THE SAME RESPECT, ATTENTION, AND CONSIDERATION AFFORDED CLAIMS FOR WORKERS' COMPENSATION BY OTHER PUBLIC SAFETY PERSONNEL.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, 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.~~

~~(HH) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(II) "ELIGIBLE RETIREMENT PLAN" HAS THE MEANING STATED IN § 402(L) OF THE INTERNAL REVENUE CODE.~~

~~(III) "9-1-1 SPECIALIST" HAS THE MEANING STATED IN § 9-262 OF THE TAX PROPERTY ARTICLE.~~

~~(IV) "QUALIFIED HEALTH INSURANCE PREMIUM" MEANS A PREMIUM FOR COVERAGE FOR THE RETIRED 9-1-1 SPECIALIST, OR THE SPOUSE OR DEPENDENTS OF THE RETIRED 9-1-1 SPECIALIST, BY AN ACCIDENT PLAN, A HEALTH PLAN, OR A QUALIFIED LONG TERM CARE INSURANCE CONTRACT.~~

~~(V) "RETIRED 9-1-1 SPECIALIST" MEANS AN INDIVIDUAL WHO, BY REASON OF DISABILITY OR ATTAINMENT OF NORMAL RETIREMENT AGE, IS SEPARATED FROM SERVICE AS A 9-1-1 SPECIALIST WITH AN EMPLOYER THAT MAINTAINS THE ELIGIBLE RETIREMENT PLAN FROM WHICH A DISTRIBUTION IS MADE.~~

~~(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES THE AMOUNT DISTRIBUTED FROM AN ELIGIBLE RETIREMENT PLAN OF A RETIRED 9-1-1 SPECIALIST THAT IS USED TO PAY FOR QUALIFIED HEALTH INSURANCE PREMIUMS DURING THE TAXABLE YEAR.~~

~~(3) FOR ANY TAXABLE YEAR, THE SUBTRACTION UNDER PARAGRAPH (2) OF THIS SUBSECTION MAY NOT EXCEED \$3,000.~~

~~10-200.~~

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

(2) ~~“Correctional officer” means an individual who:~~

(i) ~~was employed in:~~

~~1. a State correctional facility, as defined in § 1-101 of the Correctional Services Article;~~

~~2. a local correctional facility, as defined in § 1-101 of the Correctional Services Article;~~

~~3. a juvenile facility included in § 9-226 of the Human Services Article; or~~

~~4. a facility of the United States that is equivalent to a State or local correctional facility or a juvenile facility included in § 9-226 of the Human Services Article; and~~

(ii) ~~is eligible to receive retirement income attributable to the individual’s employment under item (i) of this paragraph.~~

(3) ~~“Emergency services personnel” means emergency medical technicians or paramedics.~~

(4) (i) ~~“Employee retirement system” means a plan:~~

~~1. established and maintained by an employer for the benefit of its employees; and~~

~~2. qualified under § 401(a), § 403, or § 457(b) of the Internal Revenue Code.~~

(ii) ~~“Employee retirement system” does not include:~~

~~1. an individual retirement account or annuity under § 408 of the Internal Revenue Code;~~

~~2. a Roth individual retirement account under § 408A of the Internal Revenue Code;~~

~~3. a rollover individual retirement account;~~

~~4. a simplified employee pension under Internal Revenue Code § 408(k); or~~

~~5. an ineligible deferred compensation plan under § 457(f) of the Internal Revenue Code.~~

~~(5) “9-1-1 SPECIALIST” HAS THE MEANING STATED IN § 9-262 OF THE TAX – PROPERTY ARTICLE.~~

~~(b) Subject to subsections (d) and (e) of this section, to determine Maryland adjusted gross income, if, on the last day of the taxable year, a resident is at least 65 years old or is totally disabled or the resident’s spouse is totally disabled, or the resident is at least 55 years old and is a retired correctional officer, law enforcement officer, 9-1-1 SPECIALIST, or fire, rescue, or emergency services personnel of the United States, the State, or a political subdivision of the State, an amount is subtracted from federal adjusted gross income equal to the lesser of:~~

~~(1) the cumulative or total annuity, pension, or endowment income from an employee retirement system included in federal adjusted gross income; or~~

~~(2) the maximum annual benefit under the Social Security Act computed under subsection (c) of this section, less any payment received as old age, survivors, or disability benefits under the Social Security Act, the Railroad Retirement Act, or both.~~

~~(c) For purposes of subsection (b)(2) of this section, the Comptroller:~~

~~(1) shall determine the maximum annual benefit under the Social Security Act allowed for an individual who retired at age 65 for the prior calendar year; and~~

~~(2) may allow the subtraction to the nearest \$100.~~

~~(d) Military retirement income that is included in the subtraction under § 10-207(q) of this subtitle may not be taken into account for purposes of the subtraction under this section.~~

~~(e) In the case of a retired correctional officer, law enforcement officer, 9-1-1 SPECIALIST, or fire, rescue, or emergency services personnel of the United States, the State, or a political subdivision of the State, the amount included under subsection (b)(1) of this section is limited to the first \$15,000 of retirement income that is attributable to the resident’s employment as a correctional officer, a law enforcement officer, A 9-1-1 SPECIALIST, or fire, rescue, or emergency services personnel of the United States, the State, or a political subdivision of the State unless:~~

~~(1) the resident is at least 65 years old or is totally disabled; or~~

~~(2) the resident’s spouse is totally disabled.~~

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

**Article – Tax – Property**

9–262.

(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) “9–1–1 [public safety telecommunicator] **SPECIALIST**” means an employee of a county **PUBLIC SAFETY ANSWERING POINT, OR AN EMPLOYEE WORKING IN A COUNTY SAFETY ANSWERING POINT**, whose duties and responsibilities include:

(i) [answering, receiving, transferring, and dispatching] **RECEIVING AND PROCESSING 9–1–1 [calls] REQUESTS FOR EMERGENCY ASSISTANCE;**

(ii) other support functions **DIRECTLY** related to 9–1–1 [calls] **REQUESTS FOR EMERGENCY ASSISTANCE;** or

(iii) dispatching law enforcement officers, fire rescue services, emergency medical services, and other public safety services to the scene of an emergency.

(b) 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 a dwelling located in the county or municipal corporation that is owned by a 9–1–1 [public safety telecommunicator] **SPECIALIST** if the 9–1–1 [public safety telecommunicator] **SPECIALIST** is otherwise eligible for the credit authorized under § 9–105 of this title.

(c) For any taxable year, the credit under this section may not exceed the lesser of:

(1) \$2,500 per dwelling; or

(2) the amount of property tax imposed on the dwelling.

(d) The governing body of a county or a municipal corporation may establish, by law:

(1) subject to subsection (c) of this section, the amount of the credit under this section;

(2) the duration of the credit;

- (3) additional eligibility requirements for 9–1–1 [public safety telecommunicators] SPECIALISTS to qualify for the credit;
- (4) procedures for the application and uniform processing of requests for the credit; and
- (5) any other provisions necessary to carry out this section.

~~SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall be applicable to all taxable years beginning after December 31, 2018.~~

SECTION ~~5.~~ 3. AND BE IT FURTHER ENACTED, That Section ~~2~~ 2 of this Act shall be applicable to all taxable years beginning after June 30, 2019.

SECTION ~~6.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 300

(Senate Bill 284)

AN ACT concerning

### **9–1–1 Specialists – Compensation and Benefits**

FOR the purpose of stating the findings and intent of the General Assembly with regard to certain 9–1–1 specialists; ~~providing a subtraction modification, up to a certain amount, under the Maryland income tax for distributions from certain retirement plans used by retired 9–1–1 specialists for certain health insurance premiums; providing a subtraction modification under the Maryland income tax, under certain circumstances, for a certain amount of retirement income attributable to certain employment as a 9–1–1 specialist; repealing references to the term “9–1–1 public safety telecommunicator” and substituting references to the term “9–1–1 specialist” in certain provisions authorizing a certain property tax credit; defining certain terms; altering a certain term;~~ providing for the application of certain provisions of this Act; and generally relating to 9–1–1 specialists.

BY adding to

Article – Public Safety

Section 1–302.1

Annotated Code of Maryland  
(2018 Replacement Volume)

~~BY repealing and reenacting, without amendments,  
 Article – Tax – General  
 Section 10–207(a)  
 Annotated Code of Maryland  
 (2016 Replacement Volume and 2018 Supplement)~~

~~BY adding to  
 Article – Tax – General  
 Section 10–207(hh)  
 Annotated Code of Maryland  
 (2016 Replacement Volume and 2018 Supplement)~~

~~BY repealing and reenacting, with amendments,  
 Article – Tax – General  
 Section 10–209  
 Annotated Code of Maryland  
 (2016 Replacement Volume and 2018 Supplement)~~

BY repealing and reenacting, with amendments,  
 Article – Tax – Property  
 Section 9–262  
 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 – Public Safety

#### 1–302.1.

(A) THE GENERAL ASSEMBLY FINDS THAT 9–1–1 SPECIALISTS ARE KEY MEMBERS OF THE TEAM OF PUBLIC SAFETY PERSONNEL RESPONDING TO REQUESTS FROM THE PUBLIC FOR EMERGENCY ASSISTANCE.

(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT JURISDICTIONS EMPLOYING 9–1–1 SPECIALISTS:

(1) APPROPRIATELY CLASSIFY 9–1–1 SPECIALISTS IN RECOGNITION OF THE TRAINING, KNOWLEDGE, AND SKILLS THAT 9–1–1 SPECIALISTS POSSESS AND DEMONSTRATE IN ANSWERING AND HANDLING REQUESTS FOR EMERGENCY ASSISTANCE; AND

(2) COMPENSATE 9–1–1 SPECIALISTS IN A MANNER THAT:

(I) REFLECTS THEIR MEMBERSHIP IN THE TEAM OF PUBLIC SAFETY PERSONNEL ANSWERING AND RESPONDING TO REQUESTS FOR EMERGENCY ASSISTANCE; AND

(II) IS COMMENSURATE WITH THE TRAINING, KNOWLEDGE, AND SKILLS THEY POSSESS.

~~(C) IN LIGHT OF THE PHYSICAL AND MENTAL AFFLICTIONS STEMMING FROM THE STRESSFUL AND TRAUMATIC SITUATIONS THROUGH WHICH 9-1-1 SPECIALISTS ASSIST MEMBERS OF THE PUBLIC WHO REQUEST EMERGENCY ASSISTANCE, IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT JURISDICTIONS EMPLOYING 9-1-1 SPECIALISTS AFFORD ALL CLAIMS FOR WORKERS' COMPENSATION UNDER TITLE 9 OF THE LABOR AND EMPLOYMENT ARTICLE BY 9-1-1 SPECIALISTS FOR PHYSICAL AND MENTAL HEALTH AFFLICTIONS ARISING OUT OF AND IN THE COURSE OF EMPLOYMENT THE SAME RESPECT, ATTENTION, AND CONSIDERATION AFFORDED CLAIMS FOR WORKERS' COMPENSATION BY OTHER PUBLIC SAFETY PERSONNEL.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, 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.~~

~~(HH) (1) (i) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(ii) "ELIGIBLE RETIREMENT PLAN" HAS THE MEANING STATED IN § 402(L) OF THE INTERNAL REVENUE CODE.~~

~~(iii) "9-1-1 SPECIALIST" HAS THE MEANING STATED IN § 9-262 OF THE TAX PROPERTY ARTICLE.~~

~~(iv) "QUALIFIED HEALTH INSURANCE PREMIUM" MEANS A PREMIUM FOR COVERAGE FOR THE RETIRED 9-1-1 SPECIALIST, OR THE SPOUSE OR DEPENDENTS OF THE RETIRED 9-1-1 SPECIALIST, BY AN ACCIDENT PLAN, A HEALTH PLAN, OR A QUALIFIED LONG TERM CARE INSURANCE CONTRACT.~~

~~(v) "RETIRED 9-1-1 SPECIALIST" MEANS AN INDIVIDUAL WHO, BY REASON OF DISABILITY OR ATTAINMENT OF NORMAL RETIREMENT AGE, IS~~

~~SEPARATED FROM SERVICE AS A 9-1-1 SPECIALIST WITH AN EMPLOYER THAT MAINTAINS THE ELIGIBLE RETIREMENT PLAN FROM WHICH A DISTRIBUTION IS MADE.~~

~~(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES THE AMOUNT DISTRIBUTED FROM AN ELIGIBLE RETIREMENT PLAN OF A RETIRED 9-1-1 SPECIALIST THAT IS USED TO PAY FOR QUALIFIED HEALTH INSURANCE PREMIUMS DURING THE TAXABLE YEAR.~~

~~(3) FOR ANY TAXABLE YEAR, THE SUBTRACTION UNDER PARAGRAPH (2) OF THIS SUBSECTION MAY NOT EXCEED \$3,000.~~

~~10-209.~~

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

~~(2) "Correctional officer" means an individual who:~~

~~(i) was employed in:~~

~~1. a State correctional facility, as defined in § 1-101 of the Correctional Services Article;~~

~~2. a local correctional facility, as defined in § 1-101 of the Correctional Services Article;~~

~~3. a juvenile facility included in § 9-226 of the Human Services Article; or~~

~~4. a facility of the United States that is equivalent to a State or local correctional facility or a juvenile facility included in § 9-226 of the Human Services Article; and~~

~~(ii) is eligible to receive retirement income attributable to the individual's employment under item (i) of this paragraph.~~

~~(3) "Emergency services personnel" means emergency medical technicians or paramedics.~~

~~(4) (i) "Employee retirement system" means a plan:~~

~~1. established and maintained by an employer for the benefit of its employees; and~~

~~2. qualified under § 401(a), § 403, or § 457(b) of the Internal Revenue Code.~~

~~(ii) “Employee retirement system” does not include:~~

~~1. an individual retirement account or annuity under § 408 of the Internal Revenue Code;~~

~~2. a Roth individual retirement account under § 408A of the Internal Revenue Code;~~

~~3. a rollover individual retirement account;~~

~~4. a simplified employee pension under Internal Revenue Code § 408(k); or~~

~~5. an ineligible deferred compensation plan under § 457(f) of the Internal Revenue Code.~~

~~**(5) “9-1-1 SPECIALIST” HAS THE MEANING STATED IN § 9-262 OF THE TAX – PROPERTY ARTICLE.**~~

~~(b) Subject to subsections (d) and (e) of this section, to determine Maryland adjusted gross income, if, on the last day of the taxable year, a resident is at least 65 years old or is totally disabled or the resident’s spouse is totally disabled, or the resident is at least 55 years old and is a retired correctional officer, law enforcement officer, 9-1-1 SPECIALIST, or fire, rescue, or emergency services personnel of the United States, the State, or a political subdivision of the State, an amount is subtracted from federal adjusted gross income equal to the lesser of:~~

~~(1) the cumulative or total annuity, pension, or endowment income from an employee retirement system included in federal adjusted gross income; or~~

~~(2) the maximum annual benefit under the Social Security Act computed under subsection (c) of this section, less any payment received as old age, survivors, or disability benefits under the Social Security Act, the Railroad Retirement Act, or both.~~

~~(e) For purposes of subsection (b)(2) of this section, the Comptroller:~~

~~(1) shall determine the maximum annual benefit under the Social Security Act allowed for an individual who retired at age 65 for the prior calendar year; and~~

~~(2) may allow the subtraction to the nearest \$100.~~

~~(d) Military retirement income that is included in the subtraction under § 10-207(q) of this subtitle may not be taken into account for purposes of the subtraction under this section.~~

~~(e) In the case of a retired correctional officer, law enforcement officer, **9-1-1 SPECIALIST**, or fire, rescue, or emergency services personnel of the United States, the State, or a political subdivision of the State, the amount included under subsection (b)(1) of this section is limited to the first \$15,000 of retirement income that is attributable to the resident's employment as a correctional officer, a law enforcement officer, **A 9-1-1 SPECIALIST**, or fire, rescue, or emergency services personnel of the United States, the State, or a political subdivision of the State unless:~~

- ~~(1) the resident is at least 65 years old or is totally disabled; or~~
- ~~(2) the resident's spouse is totally disabled.~~

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

### Article – Tax – Property

9-262.

(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) “9-1-1 [public safety telecommunicator] **SPECIALIST**” means an employee of a county **PUBLIC SAFETY ANSWERING POINT, OR AN EMPLOYEE WORKING IN A COUNTY SAFETY ANSWERING POINT**, whose duties and responsibilities include:

(i) [answering, receiving, transferring, and dispatching] **RECEIVING AND PROCESSING 9-1-1 [calls] REQUESTS FOR EMERGENCY ASSISTANCE;**

(ii) other support functions **DIRECTLY** related to 9-1-1 [calls] **REQUESTS FOR EMERGENCY ASSISTANCE;** or

(iii) dispatching law enforcement officers, fire rescue services, emergency medical services, and other public safety services to the scene of an emergency.

(b) 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 a dwelling located in the county or municipal corporation that is owned by a 9-1-1 [public safety telecommunicator] **SPECIALIST** if the 9-1-1 [public safety telecommunicator] **SPECIALIST** is otherwise eligible for the credit authorized under § 9-105 of this title.

(c) For any taxable year, the credit under this section may not exceed the lesser of:

- (1) \$2,500 per dwelling; or
  - (2) the amount of property tax imposed on the dwelling.
- (d) The governing body of a county or a municipal corporation may establish, by law:
- (1) subject to subsection (c) of this section, the amount of the credit under this section;
  - (2) the duration of the credit;
  - (3) additional eligibility requirements for 9–1–1 [public safety telecommunicators] SPECIALISTS to qualify for the credit;
  - (4) procedures for the application and uniform processing of requests for the credit; and
  - (5) any other provisions necessary to carry out this section.

~~SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall be applicable to all taxable years beginning after December 31, 2018.~~

SECTION ~~5.~~ 3. AND BE IT FURTHER ENACTED, That Section ~~3~~ 2 of this Act shall be applicable to all taxable years beginning after June 30, 2019.

SECTION ~~6.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 301

(House Bill 397)

AN ACT concerning

### Public Safety – 9–1–1 Emergency Telephone System (Carl Henn’s Law)

FOR the purpose of ~~requiring a certain custodian of records to deny inspection of the part of a 9–1–1 communications record that depicts certain information, subject to a certain exception; authorizing a custodian to redact certain information under certain circumstances; requiring a certain custodian to allow inspection of a certain~~

~~public record by the person in interest; providing that this Act may not be construed to affect the discovery or evidentiary rights of certain parties; altering certain references from “calls” to “requests for emergency services” for purposes of provisions of law concerning 9–1–1 service; requiring the Emergency Number Systems Board to establish certain minimum standards for records retention guidelines for 9–1–1 audio, video, text messages, and data; requiring the Board to establish certain training standards for public safety answering point personnel; requiring the Board to establish certain minimum standards for cybersecurity, oversight, and accountability; requiring certain planning guidelines established by the Board for certain 9–1–1 system plans to require Next Generation 9–1–1 services systems to be interconnected and interoperable, as determined by the Board; requiring the Board to establish certain minimum standards for certain 9–1–1 systems that ensure certain access for individuals with disabilities and individuals who use assistive technologies and to update those standards in a certain manner; altering the purposes of the 9–1–1 Trust Fund beginning on a certain date; authorizing the use of money collected from a certain 9–1–1 fee to pay costs associated with maintenance, operations, and programs approved by the Board in accordance with certain provisions of this Act; requiring, rather than authorizing, the use of money from a certain prepaid wireless E 9–1–1 fee for certain purposes; requiring the Board, in consultation with the Maryland Cybersecurity Council, to establish certain cybersecurity standards for public safety answering points; requiring the director of each public safety answering point to examine the cybersecurity of the public safety answering point under certain circumstances and to submit to the Board a certain report; prohibiting the Comptroller from paying any money from the 9–1–1 Trust Fund to a county under certain circumstances; altering the amount of and method for calculating the 9–1–1 fee; altering the amount of and method for calculating a certain additional charge; authorizing a county to impose an additional charge not exceeding a certain increased amount under certain circumstances; providing an emergency services Internet Protocol network provider and a core service provider of Next Generation 9–1–1 services certain immunity from liability; requiring the Governor to provide a certain plan; providing for the application of certain provisions of this Act; defining and a certain term; altering certain terms; making certain conforming changes; making certain stylistic changes; and generally relating to 9–1–1 service.~~

~~BY repealing and reenacting, without amendments,  
 Article — General Provisions  
 Section 4–328  
 Annotated Code of Maryland  
 (2014 Volume and 2018 Supplement)~~

~~BY adding to  
 Article — General Provisions  
 Section 4–342  
 Annotated Code of Maryland  
 (2014 Volume and 2018 Supplement)~~

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 1–301, 1–304(f), 1–306, ~~and 1–308 through, 1–309, 1–310, and~~ 1–311  
Annotated Code of Maryland  
(2018 Replacement Volume)

BY repealing and reenacting, without amendments,  
Article – Public Safety  
Section 1–303, 1–307, and 1–312  
Annotated Code of Maryland  
(2018 Replacement Volume)

BY adding to  
Article – Public Safety  
Section 1–309.1 and 1–315  
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 – General Provisions~~

~~4–328.~~

~~Unless otherwise provided by law, a custodian shall deny inspection of a part of a public record, as provided in this part.~~

~~4–342.~~

~~(A) IN THIS SECTION, “GORY OR GRUESOME” MEANS SCENES SHOWING SEVERE BODILY INJURY, INCLUDING PROFUSE BLEEDING, SEVERE LACERATIONS, DISFIGUREMENT, OR TRAUMATIC INJURIES.~~

~~(B) (1) THIS SECTION DOES NOT APPLY TO A PUBLIC RECORD THAT HAS BEEN ENTERED INTO EVIDENCE IN A COURT PROCEEDING.~~

~~(2) THIS SECTION MAY NOT BE CONSTRUED TO AFFECT THE DISCOVERY OR EVIDENTIARY RIGHTS OF A PARTY TO A CIVIL SUIT OR CRIMINAL PROSECUTION.~~

~~(C) SUBJECT TO SUBSECTIONS (D) AND (E) OF THIS SECTION, A CUSTODIAN SHALL DENY INSPECTION OF THE PART OF A 9–1–1 COMMUNICATIONS RECORD THAT DEPICTS:~~

~~(1) A VICTIM OR INFORMATION THAT COULD IDENTIFY A VICTIM OF DOMESTIC VIOLENCE, AS DEFINED IN § 4-701 OF THE FAMILY LAW ARTICLE;~~

~~(2) A VICTIM OR INFORMATION THAT COULD IDENTIFY A VICTIM OF A VIOLATION OF TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE;~~

~~(3) EXCEPT FOR A VIOLATION OF § 3-607 OF THE CRIMINAL LAW ARTICLE WHERE THE VICTIM IS AN ADULT, A VICTIM OR INFORMATION THAT COULD IDENTIFY A VICTIM OF A VIOLATION OF TITLE 3, SUBTITLE 6 OF THE CRIMINAL LAW ARTICLE;~~

~~(4) PERSONALLY RELEVANT INFORMATION THAT MAY IDENTIFY THE INDIVIDUAL'S MEDICAL HISTORY;~~

~~(5) IF THE CUSTODIAN IS AWARE THAT INFORMATION WAS PROVIDED VOLUNTARILY TO THE FILE BY A THIRD PARTY, THE THIRD PARTY'S INFORMATION; OR~~

~~(6) IMAGES THAT MAY BE CONSIDERED GORY OR GRUESOME OR CONVEY SCENES OF MURDER OR SUICIDE.~~

~~(D) A CUSTODIAN MAY REDACT THE INFORMATION DESCRIBED UNDER SUBSECTION (C) OF THIS SECTION IF A FAILURE TO DO SO WOULD RESULT IN A CONSTRUCTIVE DENIAL OF THE ENTIRE PUBLIC RECORD.~~

~~(E) A CUSTODIAN SHALL ALLOW INSPECTION BY THE PERSON IN INTEREST.~~

## Article – Public Safety

1-301.

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

(b) “Additional charge” means the charge imposed by a county in accordance with § 1-311 of this subtitle.

(c) “Board” means the Emergency Number Systems Board.

(d) “Commercial mobile radio service” or “CMRS” means mobile telecommunications service that is:

(1) provided for profit with the intent of receiving compensation or monetary gain;

(2) an interconnected, two-way voice service; and

(3) available to the public.

(e) “Commercial mobile radio service provider” or “CMRS provider” means a person authorized by the Federal Communications Commission to provide CMRS in the State.

(f) “County plan” means a plan for a 9–1–1 system or enhanced 9–1–1 system, or an amendment to the plan, developed by a county or several counties together under this subtitle.

(g) (1) “Customer” means:

(i) the person that contracts with a home service provider for CMRS;  
or

(ii) the end user of the CMRS if the end user of the CMRS is not the contracting party.

(2) “Customer” does not include:

(i) a reseller of CMRS; or

(ii) a serving carrier under an arrangement to serve the customer outside the home service provider’s licensed service area.

(h) “Enhanced 9–1–1 system” means a 9–1–1 system that provides:

(1) automatic number identification;

(2) automatic location identification; and

(3) any other technological advancements that the Board requires.

(i) “FCC order” means an order issued by the Federal Communications Commission under proceedings regarding the compatibility of enhanced 9–1–1 systems and delivery of wireless enhanced 9–1–1 service.

(j) “Home service provider” means the facilities-based carrier or reseller that contracts with a customer to provide CMRS.

(k) “Next [generation] **GENERATION** 9–1–1 services” means an Internet Protocol (IP)–based system, comprised of hardware, software, data, and operational policies and procedures, that:

(1) provides standardized interfaces from emergency call and message services to support emergency communications;

(2) processes all types of [emergency calls] **REQUESTS FOR EMERGENCY SERVICES**, including voice, text, data, and multimedia information;

(3) acquires and integrates additional emergency call data useful to [call] routing and handling **OF REQUESTS FOR EMERGENCY SERVICES**;

(4) delivers the emergency calls, messages, and data to the appropriate public safety answering point and other appropriate emergency entities;

(5) supports data or video communications needs for coordinated incident response and management; and

(6) provides broadband service to public safety answering points or other first responder entities.

(l) “9–1–1–accessible service” means telephone service or another communications service that connects an individual dialing the digits 9–1–1 to an established public safety answering point.

(m) “9–1–1 fee” means the fee imposed in accordance with § 1–310 of this subtitle.

(n) (1) “9–1–1 service carrier” means a provider of CMRS or other 9–1–1–accessible service.

(2) “9–1–1 service carrier” does not include a telephone company.

**(O) “9–1–1 SPECIALIST” MEANS AN EMPLOYEE OF A COUNTY PUBLIC SAFETY ANSWERING POINT, OR AN EMPLOYEE WORKING IN A COUNTY PUBLIC SAFETY ANSWERING POINT, WHOSE DUTIES AND RESPONSIBILITIES INCLUDE:**

**(1) RECEIVING AND PROCESSING 9–1–1 REQUESTS FOR EMERGENCY SERVICES;**

**(2) OTHER SUPPORT FUNCTIONS DIRECTLY RELATED TO 9–1–1 REQUESTS FOR EMERGENCY SERVICES; OR**

**(3) DISPATCHING LAW ENFORCEMENT OFFICERS, FIRE RESCUE SERVICES, EMERGENCY MEDICAL SERVICES, AND OTHER PUBLIC SAFETY SERVICES TO THE SCENE OF AN EMERGENCY.**

**[(o)] (P)** (1) “9–1–1 system” means telephone service that:

(i) meets the planning guidelines established under this subtitle;

and

(ii) automatically connects an individual dialing the digits 9–1–1 to an established public safety answering point.

(2) “9–1–1 system” includes:

(i) equipment for connecting and outswitching 9–1–1 calls within a telephone central office;

(ii) trunking facilities from a telephone central office to a public safety answering point; and

(iii) equipment to connect 9–1–1 calls to the appropriate public safety agency.

**[(p)] (Q)** “9–1–1 Trust Fund” means the fund established under § 1–308 of this subtitle.

**[(q)] (R)** “Prepaid wireless E 9–1–1 fee” means the fee that is required to be collected by a seller from a consumer in the amount established under § 1–313 of this subtitle.

**[(r)] (S)** “Prepaid wireless telecommunications service” means a commercial mobile radio service that:

(1) allows a consumer to dial 9–1–1 to access the 9–1–1 system;

(2) must be paid for in advance; and

(3) is sold in predetermined units that decline with use in a known amount.

**[(s)] (T)** “Public safety agency” means:

(1) a functional division of a public agency that provides fire fighting, police, medical, or other emergency services; or

(2) a private entity that provides fire fighting, police, medical, or other emergency services on a voluntary basis.

**[(t)] (U)** “Public safety answering point” means a communications facility that:

(1) is operated on a 24–hour basis;

(2) first receives 9–1–1 **[calls] REQUESTS FOR EMERGENCY SERVICES** in a 9–1–1 service area; and

(3) as appropriate, dispatches public safety services directly, or transfers 9–1–1 [calls] **REQUESTS FOR EMERGENCY SERVICES** to appropriate public safety agencies.

[(u)] (v) “Secretary” means the Secretary of Public Safety and Correctional Services.

[(v)] (w) “Seller” means a person that sells prepaid wireless telecommunications service to another person.

[(w)] (x) “Wireless enhanced 9–1–1 service” means enhanced 9–1–1 service under an FCC order.

1–303.

(a) (1) This subtitle does not require a public service company to provide any equipment or service other than in accordance with tariffs approved by the Public Service Commission.

(2) The provision of services, the rates, and the extent of liability of a public service company are governed by the tariffs approved by the Public Service Commission.

(b) (1) This subtitle does not require a 9–1–1 service carrier to provide any equipment or service other than the equivalent of the equipment and service required of a telephone company under subsection (a) of this section.

(2) This subtitle does not extend any liability to a 9–1–1 service carrier or seller of prepaid wireless telecommunications service.

1–304.

(f) (1) Each public safety answering point shall notify the public safety agencies in a county 9–1–1 system of [calls for assistance] **REQUESTS FOR EMERGENCY SERVICES** in the county.

(2) Written guidelines shall be developed to govern the referral of [calls for assistance] **REQUESTS FOR EMERGENCY SERVICES** to the appropriate public safety agency.

(3) State, county, and local public safety agencies with concurrent jurisdiction shall have written agreements to ensure a clear understanding of which specific [calls for assistance] **REQUESTS FOR EMERGENCY SERVICES** will be referred to which public safety agency.

1–306.

- (a) The Board shall coordinate the enhancement of county 9–1–1 systems.
- (b) The Board’s responsibilities include:
  - (1) establishing planning guidelines for enhanced 9–1–1 system plans and deployment of wireless enhanced 9–1–1 service in accordance with this subtitle;
  - (2) establishing procedures to review and approve or disapprove county plans and to evaluate requests for variations from the planning guidelines established by the Board;
  - (3) establishing procedures for the request for reimbursement of the costs of enhancing a 9–1–1 system by a county or counties in which a 9–1–1 system is in operation, and procedures to review and approve or disapprove the request;
  - (4) transmitting the planning guidelines and procedures established under this section, and any amendments to them, to the governing body of each county;
  - (5) submitting to the Secretary each year a schedule for implementing the enhancement of county or multicounty 9–1–1 systems, and an estimate of funding requirements based on the approved county plans;
  - (6) developing, with input from counties, and publishing on or before July 1, 2004, an implementation schedule for deployment of wireless enhanced 9–1–1 service;
  - (7) reviewing and approving or disapproving requests for reimbursement of the costs of enhancing 9–1–1 systems, and submitting to the Secretary each year a schedule for reimbursement and an estimate of funding requirements;
  - (8) reviewing the enhancement of 9–1–1 systems;
  - (9) providing for an audit of county expenditures for the operation and maintenance of 9–1–1 systems;
  - (10) ensuring inspections of public safety answering points;
  - (11) reviewing and approving or disapproving requests from counties with operational enhanced 9–1–1 systems to be exempted from the expenditure limitations under § 1–312 of this subtitle;
  - (12) authorizing expenditures from the 9–1–1 Trust Fund that:
    - (i) are for enhancements of 9–1–1 systems that:
      - 1. are required by the Board;

2. will be provided to a county by a third party contractor;  
and

3. will incur costs that the Board has approved before the formation of a contract between the county and the contractor; and

(ii) are approved by the Board for payment:

1. from money collected under § 1–310 of this subtitle; and

2. directly to a third party contractor on behalf of a county;

[and]

(13) establishing planning guidelines for [next generation] NEXT GENERATION 9–1–1 services system plans and deployment of [next generation] NEXT GENERATION 9–1–1 services in accordance with this subtitle;

**(14) ESTABLISHING MINIMUM STANDARDS FOR RECORDS RETENTION GUIDELINES FOR 9–1–1 AUDIO, PICTURES, VIDEO, TEXT MESSAGES, AND DATA;**

**(15) ESTABLISHING TRAINING STANDARDS FOR PUBLIC SAFETY ANSWERING POINT PERSONNEL BASED ON NATIONAL BEST PRACTICES; AND**

**(16) ESTABLISHING MINIMUM STANDARDS FOR CYBERSECURITY, OVERSIGHT, AND ACCOUNTABILITY OF SERVICE LEVEL AGREEMENTS BETWEEN COUNTIES AND CORE SERVICE PROVIDERS OF NEXT GENERATION 9–1–1 SERVICES.**

(c) The guidelines established by the Board under subsection (b)(1) and (13) of this section:

(1) shall be based on available technology and equipment; [and]

**(2) SHALL REQUIRE NEXT GENERATION 9–1–1 SERVICES SYSTEMS TO BE INTERCONNECTED AND INTEROPERABLE, AS DETERMINED BY THE BOARD; AND**

~~[(2)]~~ **(3)** may be based on any other factor that the Board determines is appropriate, including population and area served by 9–1–1 systems.

**(D) THE STANDARDS ESTABLISHED BY THE BOARD UNDER SUBSECTION (B)(14) OF THIS SECTION SHALL INCLUDE PROCEDURES FOR:**

**(1) THE SECURITY OF THE RECORDS;**

**(2) THE ESTABLISHMENT AND REVISION, IN ACCORDANCE WITH THE REGULATIONS, OF RECORD RETENTION AND DISPOSAL SCHEDULES TO ENSURE THE**

PROMPT AND ORDERLY DISPOSITION OF RECORDS, INCLUDING ELECTRONIC RECORDS, THAT ARE NO LONGER NEEDED FOR OPERATION; AND

(3) THE MAINTENANCE OF INVENTORIES OF RECORDS SERIES THAT ARE ACCURATE AND COMPLETE.

(E) THE BOARD SHALL:

(1) ESTABLISH MINIMUM STANDARDS FOR 9-1-1 SYSTEMS, ENHANCED 9-1-1 SYSTEMS, AND NEXT GENERATION 9-1-1 SERVICES THAT ENSURE IMPROVED ACCESS FOR INDIVIDUALS WITH DISABILITIES AND INDIVIDUALS WHO USE ASSISTIVE TECHNOLOGIES, INCLUDING MANDATORY CONNECTIVITY REQUIREMENTS FOR CORE SERVICE PROVIDERS FOR NEXT GENERATION 9-1-1 SERVICES TO DEVICE-BASED AND CLOUD-BASED DATA REPOSITORIES; AND

(2) UPDATE THE STANDARDS ADOPTED IN ACCORDANCE WITH ITEM (1) OF THIS SUBSECTION BASED ON AVAILABLE TECHNOLOGY AND EQUIPMENT.

1-307.

(a) The Board shall submit an annual report to the Governor, the Secretary, and, subject to § 2-1246 of the State Government Article, the Legislative Policy Committee.

(b) The report shall provide the following information for each county:

(1) the type of 9-1-1 system currently operating in the county;

(2) the total 9-1-1 fee and additional charge charged;

(3) the funding formula in effect;

(4) any statutory or regulatory violation by the county and the response of the Board;

(5) any efforts to establish an enhanced 9-1-1 system in the county; and

(6) any suggested changes to this subtitle.

1-308.

(a) There is a 9-1-1 Trust Fund.

(b) (1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBJECT TO § 1-309.1 OF THIS SUBTITLE, THE purposes of the 9-1-1 Trust Fund are to:

[(1)] (I) reimburse counties for the cost of enhancing a 9-1-1 system;

[(2)] (II) pay contractors in accordance with § 1-306(b)(12) of this subtitle;

and

[(3)] (III) fund the coordinator position and staff to handle the increased duties related to wireless enhanced 9-1-1 service under § 1-305 of this subtitle, as an administrative cost.

**(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION AND BEGINNING JANUARY 1, 2020, IN ADDITION TO THE PURPOSES DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE PURPOSES OF THE 9-1-1 TRUST FUND INCLUDE:**

**(I) FUNDING THE OPERATION AND MAINTENANCE OF 9-1-1 SYSTEMS, ENHANCED 9-1-1 SYSTEMS, AND NEXT GENERATION 9-1-1 SERVICES, INCLUDING:**

**1. EQUIPMENT AND SOFTWARE UTILIZED DIRECTLY FOR PROVIDING 9-1-1 SERVICES BY A PUBLIC SAFETY ANSWERING POINT;**

**2. PROTOCOL SYSTEMS AND SOFTWARE UTILIZED DIRECTLY FOR PROVIDING 9-1-1 SERVICES BY A PUBLIC SAFETY ANSWERING POINT;**

**3. INTERPRETATION SERVICES PROVIDED FOR A PUBLIC SAFETY ANSWERING POINT;**

**4. SERVICES PROVIDED FOR A PUBLIC SAFETY ANSWERING POINT TO ENSURE IMPROVED ACCESS TO INDIVIDUALS WITH DISABILITIES AND OTHER INDIVIDUALS WHO USE ASSISTIVE TECHNOLOGY; AND**

**5. VOICE, DATA, AND CALL LOG RECORDERS UTILIZED TO CAPTURE INFORMATION FROM 9-1-1 SYSTEMS, ENHANCED 9-1-1 SYSTEMS, AND NEXT GENERATION 9-1-1 SERVICES;**

**(II) FUNDING THE OPERATION AND MAINTENANCE OF 9-1-1 SYSTEMS, ENHANCED 9-1-1 SYSTEMS, AND NEXT GENERATION 9-1-1 SERVICES CONNECTIVITY AND INFRASTRUCTURE EQUIPMENT, INCLUDING:**

**1. AUTOMATIC NUMBER AND LOCATION IDENTIFICATION; AND**

**2. PRIMARY RATE INTERFACE AND SESSION INITIATION PROTOCOL TRUNKING FOR 10-DIGIT EMERGENCY AND NONEMERGENCY LINES;**

**(III) FUNDING GEOGRAPHICAL INFORMATION SYSTEMS HARDWARE, SOFTWARE, DATA DEVELOPMENT, AND DATA MANAGEMENT COSTS INCURRED FOR THE EFFECTIVE OPERATION OF 9-1-1 SYSTEMS, ENHANCED 9-1-1 SYSTEMS, AND NEXT GENERATION 9-1-1 SERVICES, INCLUDING:**

- 1. MAPPING EQUIPMENT;**
- 2. INTERFACES TO COMPUTER-AIDED DISPATCH; AND**
- 3. GEOGRAPHICAL INFORMATION SYSTEMS BASE LAYER DEVELOPMENT AND MANAGEMENT;**

**(IV) FUNDING PUBLIC SAFETY ANSWERING POINT FACILITIES COSTS, INCLUDING ACCESS CONTROL, SECURITY SYSTEMS, AND STANDBY POWER;**

**(V) FUNDING COSTS FOR PUBLIC EDUCATION MATERIALS;**

**(VI) FUNDING THE TRAINING OF COUNTY PERSONNEL WORKING IN OR DIRECTLY SUPPORTING A PUBLIC SAFETY ANSWERING POINT;**

**(VII) FUNDING THE PROVISION OF TUITION REIMBURSEMENT FOR 9-1-1 SPECIALISTS FOR EDUCATIONAL PROGRAMS RELATED TO THE 9-1-1 SPECIALIST CAREER FIELD; AND**

**(VIII) FUNDING COSTS TO MAINTAIN THE CYBERSECURITY OF 9-1-1 SYSTEMS, ENHANCED 9-1-1 SYSTEMS, AND NEXT GENERATION 9-1-1 SERVICES.**

**(3) FUNDING ALLOCATED IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION MAY NOT BE UTILIZED FOR THE PAYMENT OF THE SALARY OF PUBLIC SAFETY ANSWERING POINT PERSONNEL OR COUNTY PERSONNEL.**

(c) The 9-1-1 Trust Fund consists of:

(1) money from the 9-1-1 fee collected and remitted to the Comptroller under § 1-310 of this subtitle;

(2) money from the additional charge collected and remitted to the Comptroller under § 1-311 of this subtitle;

(3) money from the prepaid wireless E 9–1–1 fee collected and remitted to the Comptroller under § 1–313 of this subtitle; and

(4) investment earnings of the 9–1–1 Trust Fund.

(d) Money in the 9–1–1 Trust Fund shall be held in the State Treasury.

(e) The Secretary shall administer the 9–1–1 Trust Fund, subject to the guidelines for financial management and budgeting established by the Department of Budget and Management.

(f) The Secretary shall direct the Comptroller to establish separate accounts in the 9–1–1 Trust Fund for the payment of administrative expenses and for each county.

(g) (1) Any investment earnings shall be credited to the 9–1–1 Trust Fund.

(2) The Comptroller shall allocate the investment income among the accounts in the 9–1–1 Trust Fund, prorated on the basis of the total fees collected in each county.

1–309.

(a) On recommendation of the Board, each year the Secretary shall request an appropriation from the 9–1–1 Trust Fund in an amount sufficient to:

(1) carry out the purposes of this subtitle;

(2) pay the administrative costs chargeable to the 9–1–1 Trust Fund; and

(3) reimburse counties for the cost of enhancing a 9–1–1 system.

(b) (1) Subject to the limitations under subsection (e) of this section, the Comptroller shall disburse the money in the 9–1–1 Trust Fund as provided in this subsection.

(2) Each July 1, the Comptroller shall allocate sufficient money from the 9–1–1 fee to pay the costs of administering the 9–1–1 Trust Fund.

(3) As directed by the Secretary and in accordance with the State budget, the Comptroller, from the appropriate account, shall:

(i) reimburse counties for the cost of enhancing a 9–1–1 system;

[and]

(ii) pay contractors in accordance with § 1–306(b)(12) of this subtitle;

AND

**(III) PAY THE COSTS ASSOCIATED WITH MAINTENANCE, OPERATIONS, AND PROGRAMS APPROVED BY THE BOARD IN ACCORDANCE WITH § 1-308(B) OF THIS SUBTITLE.**

(4) (i) The Comptroller shall pay to each county from its account the money requested by the county to pay the maintenance and operation costs of the county's 9-1-1 system in accordance with the State budget.

(ii) The Comptroller shall pay the money for maintenance and operation costs on September 30, December 31, March 31, and June 30 of each year.

(c) (1) Money accruing to the 9-1-1 Trust Fund may be used as provided in this subsection.

(2) Money collected from the 9-1-1 fee may be used **ONLY** to:

**(I) PAY THE ADMINISTRATIVE COSTS CHARGEABLE TO THE 9-1-1 TRUST FUND;**

[(i)] **(II)** reimburse counties for the cost of enhancing a 9-1-1 system; [and]

[(ii)] **(III)** pay contractors in accordance with § 1-306(b)(12) of this subtitle; **AND**

**(IV) PAY THE COSTS ASSOCIATED WITH MAINTENANCE, OPERATIONS, AND PROGRAMS APPROVED BY THE BOARD IN ACCORDANCE WITH § 1-308(B) OF THIS SUBTITLE.**

(3) Money collected from the additional charge may be used by the counties **ONLY** for the maintenance and operation costs of the 9-1-1 system.

(4) Money collected from the prepaid wireless E 9-1-1 fee [may] **SHALL** be used as follows:

(i) 25% for the same purpose as the 9-1-1 fee under paragraph (2) of this subsection; and

(ii) 75% for the same purpose as the additional charge under paragraph (3) of this subsection, prorated on the basis of the total fees collected in each county.

(d) (1) Reimbursement may be made only to the extent that county money was used to enhance the 9-1-1 system.

(2) Reimbursement for the enhancement of 9–1–1 systems shall include the installation of equipment for automatic number identification, automatic location identification, and other technological advancements that the Board requires.

(3) Reimbursement from money collected from the 9–1–1 fee may be used only for 9–1–1 system enhancements approved by the Board.

(e) (1) The Board may direct the Comptroller to withhold from a county money for 9–1–1 system expenditures if the county violates this subtitle or a regulation of the Board.

(2) (i) The Board shall state publicly in writing its reason for withholding money from a county and shall record its reason in the minutes of the Board.

(ii) On reaching its decision to withhold money, the Board shall notify the county.

(iii) The county has 30 days after the date of notification to respond in writing to the Board.

(3) (i) On notification by the Board, the Comptroller shall hold money for the county in the county's account in the 9–1–1 Trust Fund.

(ii) Money held by the Comptroller under subparagraph (i) of this paragraph does not accrue interest for the county.

(iii) Interest income earned on money held by the Comptroller under subparagraph (i) of this paragraph accrues to the 9–1–1 Trust Fund.

(4) County money withheld by the Comptroller shall be withheld until the Board directs the Comptroller to release the money.

(f) (1) The Legislative Auditor may conduct fiscal/compliance audits of the 9–1–1 Trust Fund and of the appropriations and disbursements made for purposes of this subtitle.

(2) The cost of the fiscal portion of the audits shall be paid from the 9–1–1 Trust Fund as an administrative cost.

### **1–309.1.**

**(A) IN CONSULTATION WITH THE MARYLAND CYBERSECURITY COUNCIL ESTABLISHED UNDER § 9–2901 OF THE STATE GOVERNMENT ARTICLE, THE BOARD SHALL ESTABLISH CYBERSECURITY STANDARDS FOR PUBLIC SAFETY ANSWERING POINTS BASED ON NATIONAL INDUSTRY AND 9–1–1 SYSTEM TRADE ASSOCIATION**

**BEST PRACTICES, INCLUDING STANDARDS CONCERNING RESPONSE PROTOCOLS IN THE EVENT OF A CYBERSECURITY ATTACK ON A PUBLIC SAFETY ANSWERING POINT.**

**(B) AT LEAST ONCE EACH YEAR ON A DATE DETERMINED BY THE BOARD AND IN ADVANCE OF SUBMITTING A REQUEST FOR OR RECEIVING ANY MONEY FROM THE 9-1-1 TRUST FUND, THE DIRECTOR OF EACH PUBLIC SAFETY ANSWERING POINT SHALL EXAMINE THE CYBERSECURITY OF THE PUBLIC SAFETY ANSWERING POINT TO DETERMINE WHETHER THE CYBERSECURITY DEFENSES EMPLOYED BY THE PUBLIC SAFETY ANSWERING POINT SATISFY THE STANDARDS ESTABLISHED BY THE BOARD UNDER SUBSECTION (A) OF THIS SECTION AND SUBMIT TO THE BOARD A REPORT DETAILING THE RESULTS OF THAT EXERCISE.**

**(C) IF A DIRECTOR OF A PUBLIC SAFETY ANSWERING POINT FAILS TO SUBMIT A REPORT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT AUTHORIZE ANY MONEY FROM THE 9-1-1 TRUST FUND TO BE PAID TO A COUNTY SERVICED BY THE PUBLIC SAFETY ANSWERING POINT UNTIL THAT REPORT HAS BEEN SUBMITTED.**

1-310.

(a) This section does not apply to prepaid wireless telecommunications service.

(b) Each subscriber to ~~switch~~ SWITCHED local exchange access service or CMRS or other 9-1-1-accessible service shall pay a 9-1-1 fee.

(c) **(1) [The] SUBJECT TO PARAGRAPHS (2) THROUGH ~~(4)~~ (5) OF THIS SUBSECTION, THE 9-1-1 fee is [25] 50 cents per month FOR EACH ~~TELEPHONE SWITCHED LOCAL EXCHANGE ACCESS SERVICE, CMRS, OR OTHER 9-1-1-ACCESSIBLE SERVICE PROVIDED~~, payable when the bill for [the telephone service or CMRS or other 9-1-1-accessible service] THE SERVICE is due.**

**(2) EXCEPT AS PROVIDED IN PARAGRAPHS (3) ~~AND (4)~~ THROUGH (5) OF THIS SUBSECTION, IF A SERVICE PROVIDER PROVISIONS TO THE SAME INDIVIDUAL OR PERSON THE VOICE CHANNEL CAPACITY TO MAKE MORE THAN ONE SIMULTANEOUS OUTBOUND CALL FROM ~~AN EXCHANGE ACCESS FACILITY A 9-1-1-ACCESSIBLE SERVICE~~, EACH SEPARATE OUTBOUND CALL VOICE CHANNEL CAPACITY, REGARDLESS OF THE TECHNOLOGY, SHALL CONSTITUTE A SEPARATE ~~TELEPHONE 9-1-1-ACCESSIBLE SERVICE~~ FOR PURPOSES OF CALCULATING THE 9-1-1 FEE DUE UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(3) CMRS PROVIDED TO MULTIPLE DEVICES THAT SHARE A MOBILE TELEPHONE NUMBER SHALL BE TREATED AS A SINGLE 9-1-1-ACCESSIBLE SERVICE FOR PURPOSES OF CALCULATING THE 9-1-1 FEE DUE UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

~~(3)~~ (4) A BROADBAND CONNECTION NOT USED FOR TELEPHONE SERVICE MAY NOT CONSTITUTE A SEPARATE VOICE CHANNEL CAPACITY FOR PURPOSES OF CALCULATING THE 9-1-1 FEE DUE UNDER PARAGRAPH (1) OF THIS SUBSECTION.

~~(4)~~ (5) (I) FOR A TELEPHONE SERVICE THAT PROVIDES, TO MULTIPLE LOCATIONS, SHARED SIMULTANEOUS OUTBOUND VOICE CHANNEL CAPACITY CONFIGURED TO PROVIDE LOCAL DIAL IN DIFFERENT STATES, THE VOICE CHANNEL CAPACITY TO WHICH THE 9-1-1 FEE DUE UNDER PARAGRAPH (1) OF THIS SUBSECTION APPLIES IS ONLY THE PORTION OF THE SHARED VOICE CHANNEL CAPACITY IN THE STATE IDENTIFIED BY THE SERVICE SUPPLIER'S BOOKS AND RECORDS.

(II) IN DETERMINING THE PORTION OF SHARED CAPACITY IN THE STATE, A SERVICE SUPPLIER MAY RELY ON, AMONG OTHER FACTORS, A CUSTOMER'S CERTIFICATION OF THE CUSTOMER'S ALLOCATION OF CAPACITY IN THE STATE, WHICH MAY BE BASED ON:

1. EACH END USER LOCATION;
2. THE TOTAL NUMBER OF END USERS; AND
3. THE NUMBER OF END USERS AT EACH END USER LOCATION.

(d) (1) The Public Service Commission shall direct each telephone company to add the 9-1-1 fee to all current bills rendered for switched local exchange access service in the State.

(2) Each telephone company:

(i) shall act as a collection agent for the 9-1-1 Trust Fund with respect to the 9-1-1 fees;

(ii) shall remit all money collected to the Comptroller on a monthly basis; and

(iii) is entitled to credit, against the money from the 9-1-1 fees to be remitted to the Comptroller, an amount equal to 0.75% of the 9-1-1 fees to cover the expenses of billing, collecting, and remitting the 9-1-1 fees and any additional charges.

(3) The Comptroller shall deposit the money remitted in the 9-1-1 Trust Fund.

(e) (1) Each 9–1–1 service carrier shall add the 9–1–1 fee to all current bills rendered for CMRS or other 9–1–1-accessible service in the State.

(2) Each 9–1–1 service carrier:

(i) shall act as a collection agent for the 9–1–1 Trust Fund with respect to the 9–1–1 fees;

(ii) shall remit all money collected to the Comptroller on a monthly basis; and

(iii) is entitled to credit, against the money from the 9–1–1 fees to be remitted to the Comptroller, an amount equal to 0.75% of the 9–1–1 fees to cover the expenses of billing, collecting, and remitting the 9–1–1 fees and any additional charges.

(3) The Comptroller shall deposit the money remitted in the 9–1–1 Trust Fund.

(4) The Board shall adopt procedures for auditing surcharge collection and remittance by CMRS providers.

(5) On request of a CMRS provider, and except as otherwise required by law, the information that the CMRS provider reports to the Board shall be confidential, privileged, and proprietary and may not be disclosed to any person other than the CMRS provider.

(f) Notwithstanding any other provision of this subtitle, the 9–1–1 fee does not apply to an intermediate service line used exclusively to connect a CMRS or other 9–1–1-accessible service, other than a switched local access service, to another telephone system or switching device.

(g) A CMRS provider that pays or collects 9–1–1 fees under this section has the same immunity from liability for transmission failures as that approved by the Public Service Commission for local exchange telephone companies that are subject to regulation by the Commission under the Public Utilities Article.

1–311.

(a) This section does not apply to prepaid wireless telecommunications service.

(b) In addition to the 9–1–1 fee, the governing body of each county, by ordinance or resolution enacted or adopted after a public hearing, may impose an additional charge to be added to all current bills rendered for switched local exchange access service or CMRS or other 9–1–1-accessible service in the county.

(c) (1) **[The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPHS (3) THROUGH ~~(5)~~ (6) OF THIS**

SUBSECTION, THE additional charge imposed by a county may not exceed 75 cents per month [per bill] FOR EACH ~~TELEPHONE~~ SWITCHED LOCAL EXCHANGE ACCESS SERVICE, CMRS, OR OTHER 9-1-1-ACCESSIBLE SERVICE PROVIDED.

(2) IF REVENUES ATTRIBUTABLE TO THE ADDITIONAL CHARGE FOR A FISCAL YEAR DO NOT PROVIDE THE REVENUES NECESSARY TO COVER A COUNTY'S OPERATIONAL COSTS FOR THE 9-1-1 SYSTEM FOR THAT FISCAL YEAR, THE COUNTY MAY, FOR THE FOLLOWING FISCAL YEAR, IMPOSE AN ADDITIONAL CHARGE NOT EXCEEDING \$1.50 PER MONTH FOR EACH ~~TELEPHONE~~ SWITCHED LOCAL EXCHANGE ACCESS SERVICE, CMRS, OR OTHER 9-1-1-ACCESSIBLE SERVICE PROVIDED.

(3) EXCEPT AS PROVIDED IN PARAGRAPHS (4) ~~AND (5)~~ THROUGH (6) OF THIS SUBSECTION, IF A SERVICE PROVIDER PROVISIONS TO THE SAME INDIVIDUAL OR PERSON THE VOICE CHANNEL CAPACITY TO MAKE MORE THAN ONE SIMULTANEOUS OUTBOUND CALL FROM ~~AN EXCHANGE ACCESS FACILITY~~ A 9-1-1-ACCESSIBLE SERVICE, EACH SEPARATE OUTBOUND CALL VOICE CHANNEL CAPACITY, REGARDLESS OF THE TECHNOLOGY, SHALL CONSTITUTE A SEPARATE ~~TELEPHONE~~ 9-1-1-ACCESSIBLE SERVICE FOR PURPOSES OF CALCULATING THE ADDITIONAL CHARGES DUE UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION.

(4) CMRS PROVIDED TO MULTIPLE DEVICES THAT SHARE A MOBILE TELEPHONE NUMBER SHALL BE TREATED AS A SINGLE 9-1-1-ACCESSIBLE SERVICE FOR PURPOSES OF CALCULATING THE ADDITIONAL CHARGES DUE UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION.

~~(4)~~ (5) A BROADBAND CONNECTION NOT USED FOR TELEPHONE SERVICE MAY NOT CONSTITUTE A SEPARATE VOICE CHANNEL CAPACITY FOR PURPOSES OF CALCULATING THE ADDITIONAL CHARGES DUE UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION.

~~(5)~~ (6) (I) FOR A TELEPHONE SERVICE THAT PROVIDES, TO MULTIPLE LOCATIONS, SHARED SIMULTANEOUS OUTBOUND VOICE CHANNEL CAPACITY CONFIGURED TO PROVIDE LOCAL DIAL IN DIFFERENT STATES OR COUNTIES, THE VOICE CHANNEL CAPACITY TO WHICH THE 9-1-1 FEE DUE UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION APPLIES IS ONLY THE PORTION OF THE SHARED VOICE CHANNEL CAPACITY IN THE COUNTY IDENTIFIED BY THE SERVICE SUPPLIER'S BOOKS AND RECORDS.

(II) IN DETERMINING THE PORTION OF SHARED CAPACITY IN THE COUNTY, A SERVICE SUPPLIER MAY RELY ON, AMONG OTHER FACTORS, A CUSTOMER'S CERTIFICATION OF THE CUSTOMER'S ALLOCATION OF CAPACITY IN THE COUNTY, WHICH MAY BE BASED ON:

1. EACH END USER LOCATION;

**2. THE TOTAL NUMBER OF END USERS; AND****3. THE NUMBER OF END USERS AT EACH END USER LOCATION.**

[(2)] ~~(6)~~ (7) The amount of the additional charges may not exceed a level necessary to cover the total eligible maintenance and operation costs of the county.

(d) The additional charge continues in effect until repealed or modified by a subsequent county ordinance or resolution.

(e) After imposing, repealing, or modifying an additional charge, the county shall certify the amount of the additional charge to the Public Service Commission.

(f) The Public Service Commission shall direct each telephone company that provides service in a county that imposed an additional charge to add, within 60 days, the full amount of the additional charge to all current bills rendered for switched local exchange access service in the county.

(g) Within 60 days after a county enacts or adopts an ordinance or resolution that imposes, repeals, or modifies an additional charge, each 9–1–1 service carrier that provides service in the county shall add the full amount of the additional charge to all current bills rendered for CMRS or other 9–1–1-accessible service in the county.

(h) (1) Each telephone company and each 9–1–1 service carrier shall:

(i) act as a collection agent for the 9–1–1 Trust Fund with respect to the additional charge imposed by each county;

(ii) collect the money from the additional charge on a county basis;  
and

(iii) remit all money collected to the Comptroller on a monthly basis.

(2) The Comptroller shall deposit the money remitted in the 9–1–1 Trust Fund account maintained for the county that imposed the additional charge.

1–312.

(a) During each county's fiscal year, the county may spend the amounts distributed to it from 9–1–1 fee collections for the installation, enhancement, maintenance, and operation of a county or multicounty 9–1–1 system.

(b) Subject to the provisions of subsection (c) of this section, maintenance and operation costs may include telephone company charges, equipment costs, equipment lease

charges, repairs, utilities, personnel costs, and appropriate carryover costs from previous years.

(c) During a year in which a county raises its local additional charge under § 1-311 of this subtitle, the county:

(1) may use 9-1-1 trust funds only to supplement levels of spending by the county for 9-1-1 maintenance or operations; and

(2) may not use 9-1-1 trust funds to supplant spending by the county for 9-1-1 maintenance or operations.

(d) The Board shall provide for an audit of each county's expenditures for the maintenance and operation of the county's 9-1-1 system.

(e) (1) For a county without an operational Phase II wireless enhanced 9-1-1 system within the time frames established by the Board under § 1-306(b)(6) of this subtitle, the Board shall adopt procedures, to take effect on or after January 1, 2006, to assure that:

(i) the money collected from the additional charge and distributed to the county is expended during the county's fiscal year as follows:

1. for a 9-1-1 system in a county or a multicounty area with a population of 100,000 individuals or less, a maximum of 85% may be spent for personnel costs; and

2. for a 9-1-1 system in a county or multicounty area with a population of over 100,000 individuals, a maximum of 70% may be spent for personnel costs; and

(ii) the total amount collected from the 9-1-1 fee and the additional charge shall be expended only for the installation, enhancement, maintenance, and operation of a county or multicounty system.

(2) The Board may grant an exception to the provisions of paragraph (1) of this subsection in extenuating circumstances.

(3) A county with an operational Phase II wireless enhanced 9-1-1 system is exempt from the provisions of paragraph (1) of this subsection.

### **1-315.**

**AN EMERGENCY SERVICES INTERNET PROTOCOL NETWORK PROVIDER AND A CORE SERVICE PROVIDER OF NEXT GENERATION 9-1-1 SERVICES HAVE THE SAME IMMUNITY FROM LIABILITY FOR TRANSMISSION FAILURES AS THAT APPROVED BY THE PUBLIC SERVICE COMMISSION FOR LOCAL EXCHANGE TELEPHONE**

**COMPANIES, OR FOR A PROVIDER OF TELECOMMUNICATIONS SERVICES THROUGH EVOLVING TECHNOLOGY, THAT ARE SUBJECT TO REGULATION BY THE COMMISSION UNDER THE PUBLIC UTILITIES ARTICLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That, for State operating budgets beginning with fiscal 2020, the Governor shall provide a plan for repayment to the 9–1–1 Trust Fund any monies transferred from the 9–1–1 Trust Fund under budget reconciliation and financing legislation or by other means that would result in the use of the monies for a purpose other than the original intended use.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

**Chapter 302**

**(Senate Bill 339)**

AN ACT concerning

**Public Safety – 9–1–1 Emergency Telephone System  
(Carl Henn’s Law)**

FOR the purpose of ~~requiring a certain custodian of records to deny inspection of the part of a 9–1–1 communications record that depicts certain information, subject to a certain exception; authorizing a custodian to redact certain information under certain circumstances; requiring a certain custodian to allow inspection of a certain public record by the person in interest; providing that this Act may not be construed to affect the discovery or evidentiary rights of certain parties;~~ altering certain references from “calls” to “requests for emergency services” for purposes of provisions of law concerning 9–1–1 service; requiring the Emergency Number Systems Board to establish certain minimum standards for records retention guidelines for 9–1–1 audio, video, text messages, and data; requiring the Board to establish certain training standards for public safety answering point personnel; requiring the Board to establish certain minimum standards for cybersecurity, oversight, and accountability; requiring certain planning guidelines established by the Board for certain 9–1–1 system plans to require Next Generation 9–1–1 services systems to be interconnected and interoperable, as determined by the Board; requiring the Board to establish certain minimum standards for certain 9–1–1 systems that ensure certain access for individuals with disabilities and individuals who use assistive technologies and to update those standards in a certain manner; altering the purposes of the 9–1–1 Trust Fund beginning on a certain date; authorizing the use of money collected from a certain 9–1–1 fee to pay costs associated with maintenance, operations, and programs approved by the Board in accordance with certain

provisions of this Act; requiring, rather than authorizing, the use of money from a certain prepaid wireless E 9–1–1 fee for certain purposes; requiring the Board, in consultation with the Maryland Cybersecurity Council, to establish certain cybersecurity standards for public safety answering points; requiring the director of each public safety answering point to examine the cybersecurity of the public safety answering point under certain circumstances and to submit to the Board a certain report; prohibiting the Comptroller from paying any money from the 9–1–1 Trust Fund to a county under certain circumstances; altering the amount of and method for calculating the 9–1–1 fee; altering the amount of and method for calculating a certain additional charge; authorizing a county to impose an additional charge not exceeding a certain increased amount under certain circumstances; providing an emergency services Internet Protocol network provider and a core service provider of Next Generation 9–1–1 services certain immunity from liability; requiring the Governor to provide a certain plan; ~~providing for the application of certain provisions of this Act;~~ defining and a certain term; altering certain terms; making certain conforming changes; making certain stylistic changes; and generally relating to 9–1–1 service.

~~BY repealing and reenacting, without amendments,  
Article – General Provisions  
Section 4–328  
Annotated Code of Maryland  
(2014 Volume and 2018 Supplement)~~

~~BY adding to  
Article – General Provisions  
Section 4–342  
Annotated Code of Maryland  
(2014 Volume and 2018 Supplement)~~

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 1–301, 1–304(f), 1–306, ~~and 1–308 through~~, 1–309, 1–310, and 1–311  
Annotated Code of Maryland  
(2018 Replacement Volume)

BY repealing and reenacting, without amendments,  
Article – Public Safety  
Section 1–303, 1–307, and 1–312  
Annotated Code of Maryland  
(2018 Replacement Volume)

BY adding to  
Article – Public Safety  
Section 1–309.1 and 1–315  
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 – General Provisions~~

~~4-328.~~

~~Unless otherwise provided by law, a custodian shall deny inspection of a part of a public record, as provided in this part.~~

~~4-342.~~

~~(A) IN THIS SECTION, “GORY OR GRUESOME” MEANS SCENES SHOWING SEVERE BODILY INJURY, INCLUDING PROFUSE BLEEDING, SEVERE LACERATIONS, DISFIGUREMENT, OR TRAUMATIC INJURIES.~~

~~(B) (1) THIS SECTION DOES NOT APPLY TO A PUBLIC RECORD THAT HAS BEEN ENTERED INTO EVIDENCE IN A COURT PROCEEDING.~~

~~(2) THIS SECTION MAY NOT BE CONSTRUED TO AFFECT THE DISCOVERY OR EVIDENTIARY RIGHTS OF A PARTY TO A CIVIL SUIT OR CRIMINAL PROSECUTION.~~

~~(C) SUBJECT TO SUBSECTIONS (D) AND (E) OF THIS SECTION, A CUSTODIAN SHALL DENY INSPECTION OF THE PART OF A 9-1-1 COMMUNICATIONS RECORD THAT DEPICTS:~~

~~(1) A VICTIM OR INFORMATION THAT COULD IDENTIFY A VICTIM OF DOMESTIC VIOLENCE, AS DEFINED IN § 4-701 OF THE FAMILY LAW ARTICLE;~~

~~(2) A VICTIM OR INFORMATION THAT COULD IDENTIFY A VICTIM OF A VIOLATION OF TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE;~~

~~(3) EXCEPT FOR A VIOLATION OF § 3-607 OF THE CRIMINAL LAW ARTICLE WHERE THE VICTIM IS AN ADULT, A VICTIM OR INFORMATION THAT COULD IDENTIFY A VICTIM OF A VIOLATION OF TITLE 3, SUBTITLE 6 OF THE CRIMINAL LAW ARTICLE;~~

~~(4) PERSONALLY RELEVANT INFORMATION THAT MAY IDENTIFY THE INDIVIDUAL’S MEDICAL HISTORY;~~

~~(5) IF THE CUSTODIAN IS AWARE THAT INFORMATION WAS PROVIDED VOLUNTARILY TO THE FILE BY A THIRD PARTY, THE THIRD PARTY’S INFORMATION; OR~~

~~(6) IMAGES THAT MAY BE CONSIDERED GORY OR GRUESOME OR CONVEY SCENES OF MURDER OR SUICIDE.~~

~~(D) A CUSTODIAN MAY REDACT THE INFORMATION DESCRIBED UNDER SUBSECTION (C) OF THIS SECTION IF A FAILURE TO DO SO WOULD RESULT IN A CONSTRUCTIVE DENIAL OF THE ENTIRE PUBLIC RECORD.~~

~~(E) A CUSTODIAN SHALL ALLOW INSPECTION BY THE PERSON IN INTEREST.~~

### Article – Public Safety

1–301.

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

(b) “Additional charge” means the charge imposed by a county in accordance with § 1–311 of this subtitle.

(c) “Board” means the Emergency Number Systems Board.

(d) “Commercial mobile radio service” or “CMRS” means mobile telecommunications service that is:

(1) provided for profit with the intent of receiving compensation or monetary gain;

(2) an interconnected, two-way voice service; and

(3) available to the public.

(e) “Commercial mobile radio service provider” or “CMRS provider” means a person authorized by the Federal Communications Commission to provide CMRS in the State.

(f) “County plan” means a plan for a 9–1–1 system or enhanced 9–1–1 system, or an amendment to the plan, developed by a county or several counties together under this subtitle.

(g) (1) “Customer” means:

(i) the person that contracts with a home service provider for CMRS;

or

(ii) the end user of the CMRS if the end user of the CMRS is not the contracting party.

- (2) “Customer” does not include:
- (i) a reseller of CMRS; or
  - (ii) a serving carrier under an arrangement to serve the customer outside the home service provider’s licensed service area.
- (h) “Enhanced 9–1–1 system” means a 9–1–1 system that provides:
- (1) automatic number identification;
  - (2) automatic location identification; and
  - (3) any other technological advancements that the Board requires.
- (i) “FCC order” means an order issued by the Federal Communications Commission under proceedings regarding the compatibility of enhanced 9–1–1 systems and delivery of wireless enhanced 9–1–1 service.
- (j) “Home service provider” means the facilities–based carrier or reseller that contracts with a customer to provide CMRS.
- (k) “Next [generation] **GENERATION** 9–1–1 services” means an Internet Protocol (IP)–based system, comprised of hardware, software, data, and operational policies and procedures, that:
- (1) provides standardized interfaces from emergency call and message services to support emergency communications;
  - (2) processes all types of [emergency calls] **REQUESTS FOR EMERGENCY SERVICES**, including voice, text, data, and multimedia information;
  - (3) acquires and integrates additional emergency call data useful to [call] routing and handling **OF REQUESTS FOR EMERGENCY SERVICES**;
  - (4) delivers the emergency calls, messages, and data to the appropriate public safety answering point and other appropriate emergency entities;
  - (5) supports data or video communications needs for coordinated incident response and management; and
  - (6) provides broadband service to public safety answering points or other first responder entities.

(l) “9–1–1–accessible service” means telephone service or another communications service that connects an individual dialing the digits 9–1–1 to an established public safety answering point.

(m) “9–1–1 fee” means the fee imposed in accordance with § 1–310 of this subtitle.

(n) (1) “9–1–1 service carrier” means a provider of CMRS or other 9–1–1–accessible service.

(2) “9–1–1 service carrier” does not include a telephone company.

**(O) “9–1–1 SPECIALIST” MEANS AN EMPLOYEE OF A COUNTY PUBLIC SAFETY ANSWERING POINT, OR AN EMPLOYEE WORKING IN A COUNTY PUBLIC SAFETY ANSWERING POINT, WHOSE DUTIES AND RESPONSIBILITIES INCLUDE:**

**(1) RECEIVING AND PROCESSING 9–1–1 REQUESTS FOR EMERGENCY SERVICES;**

**(2) OTHER SUPPORT FUNCTIONS DIRECTLY RELATED TO 9–1–1 REQUESTS FOR EMERGENCY SERVICES; OR**

**(3) DISPATCHING LAW ENFORCEMENT OFFICERS, FIRE RESCUE SERVICES, EMERGENCY MEDICAL SERVICES, AND OTHER PUBLIC SAFETY SERVICES TO THE SCENE OF AN EMERGENCY.**

**[(o)] (P)** (1) “9–1–1 system” means telephone service that:

(i) meets the planning guidelines established under this subtitle;

and

(ii) automatically connects an individual dialing the digits 9–1–1 to an established public safety answering point.

(2) “9–1–1 system” includes:

(i) equipment for connecting and outswitching 9–1–1 calls within a telephone central office;

(ii) trunking facilities from a telephone central office to a public safety answering point; and

(iii) equipment to connect 9–1–1 calls to the appropriate public safety agency.

**[(p)] (Q)** “9–1–1 Trust Fund” means the fund established under § 1–308 of this subtitle.

**[(q)] (R)** “Prepaid wireless E 9–1–1 fee” means the fee that is required to be collected by a seller from a consumer in the amount established under § 1–313 of this subtitle.

**[(r)] (S)** “Prepaid wireless telecommunications service” means a commercial mobile radio service that:

- (1) allows a consumer to dial 9–1–1 to access the 9–1–1 system;
- (2) must be paid for in advance; and
- (3) is sold in predetermined units that decline with use in a known amount.

**[(s)] (T)** “Public safety agency” means:

- (1) a functional division of a public agency that provides fire fighting, police, medical, or other emergency services; or
- (2) a private entity that provides fire fighting, police, medical, or other emergency services on a voluntary basis.

**[(t)] (U)** “Public safety answering point” means a communications facility that:

- (1) is operated on a 24–hour basis;
- (2) first receives 9–1–1 **[calls] REQUESTS FOR EMERGENCY SERVICES** in a 9–1–1 service area; and
- (3) as appropriate, dispatches public safety services directly, or transfers 9–1–1 **[calls] REQUESTS FOR EMERGENCY SERVICES** to appropriate public safety agencies.

**[(u)] (V)** “Secretary” means the Secretary of Public Safety and Correctional Services.

**[(v)] (W)** “Seller” means a person that sells prepaid wireless telecommunications service to another person.

**[(w)] (X)** “Wireless enhanced 9–1–1 service” means enhanced 9–1–1 service under an FCC order.

(a) (1) This subtitle does not require a public service company to provide any equipment or service other than in accordance with tariffs approved by the Public Service Commission.

(2) The provision of services, the rates, and the extent of liability of a public service company are governed by the tariffs approved by the Public Service Commission.

(b) (1) This subtitle does not require a 9–1–1 service carrier to provide any equipment or service other than the equivalent of the equipment and service required of a telephone company under subsection (a) of this section.

(2) This subtitle does not extend any liability to a 9–1–1 service carrier or seller of prepaid wireless telecommunications service.

1–304.

(f) (1) Each public safety answering point shall notify the public safety agencies in a county 9–1–1 system of [calls for assistance] **REQUESTS FOR EMERGENCY SERVICES** in the county.

(2) Written guidelines shall be developed to govern the referral of [calls for assistance] **REQUESTS FOR EMERGENCY SERVICES** to the appropriate public safety agency.

(3) State, county, and local public safety agencies with concurrent jurisdiction shall have written agreements to ensure a clear understanding of which specific [calls for assistance] **REQUESTS FOR EMERGENCY SERVICES** will be referred to which public safety agency.

1–306.

(a) The Board shall coordinate the enhancement of county 9–1–1 systems.

(b) The Board's responsibilities include:

(1) establishing planning guidelines for enhanced 9–1–1 system plans and deployment of wireless enhanced 9–1–1 service in accordance with this subtitle;

(2) establishing procedures to review and approve or disapprove county plans and to evaluate requests for variations from the planning guidelines established by the Board;

(3) establishing procedures for the request for reimbursement of the costs of enhancing a 9–1–1 system by a county or counties in which a 9–1–1 system is in operation, and procedures to review and approve or disapprove the request;

(4) transmitting the planning guidelines and procedures established under this section, and any amendments to them, to the governing body of each county;

(5) submitting to the Secretary each year a schedule for implementing the enhancement of county or multicounty 9–1–1 systems, and an estimate of funding requirements based on the approved county plans;

(6) developing, with input from counties, and publishing on or before July 1, 2004, an implementation schedule for deployment of wireless enhanced 9–1–1 service;

(7) reviewing and approving or disapproving requests for reimbursement of the costs of enhancing 9–1–1 systems, and submitting to the Secretary each year a schedule for reimbursement and an estimate of funding requirements;

(8) reviewing the enhancement of 9–1–1 systems;

(9) providing for an audit of county expenditures for the operation and maintenance of 9–1–1 systems;

(10) ensuring inspections of public safety answering points;

(11) reviewing and approving or disapproving requests from counties with operational enhanced 9–1–1 systems to be exempted from the expenditure limitations under § 1–312 of this subtitle;

(12) authorizing expenditures from the 9–1–1 Trust Fund that:

(i) are for enhancements of 9–1–1 systems that:

1. are required by the Board;

2. will be provided to a county by a third party contractor;

and

3. will incur costs that the Board has approved before the formation of a contract between the county and the contractor; and

(ii) are approved by the Board for payment:

1. from money collected under § 1–310 of this subtitle; and

2. directly to a third party contractor on behalf of a county;

[and]

(13) establishing planning guidelines for [next generation] **NEXT GENERATION** 9–1–1 services system plans and deployment of [next generation] **NEXT GENERATION** 9–1–1 services in accordance with this subtitle;

**(14) ESTABLISHING MINIMUM STANDARDS FOR RECORDS RETENTION GUIDELINES FOR 9-1-1 AUDIO, PICTURES, VIDEO, TEXT MESSAGES, AND DATA;**

**(15) ESTABLISHING TRAINING STANDARDS FOR PUBLIC SAFETY ANSWERING POINT PERSONNEL BASED ON NATIONAL BEST PRACTICES; AND**

**(16) ESTABLISHING MINIMUM STANDARDS FOR CYBERSECURITY, OVERSIGHT, AND ACCOUNTABILITY OF SERVICE LEVEL AGREEMENTS BETWEEN COUNTIES AND CORE SERVICE PROVIDERS OF NEXT GENERATION 9-1-1 SERVICES.**

(c) The guidelines established by the Board under subsection (b)(1) and (13) of this section:

(1) shall be based on available technology and equipment; [and]

**(2) SHALL REQUIRE NEXT GENERATION 9-1-1 SERVICES SYSTEMS TO BE INTERCONNECTED AND INTEROPERABLE, AS DETERMINED BY THE BOARD; AND**

[(2)] **(3)** may be based on any other factor that the Board determines is appropriate, including population and area served by 9-1-1 systems.

**(D) THE STANDARDS ESTABLISHED BY THE BOARD UNDER SUBSECTION (B)(14) OF THIS SECTION SHALL INCLUDE PROCEDURES FOR:**

**(1) THE SECURITY OF THE RECORDS;**

**(2) THE ESTABLISHMENT AND REVISION, IN ACCORDANCE WITH THE REGULATIONS, OF RECORD RETENTION AND DISPOSAL SCHEDULES TO ENSURE THE PROMPT AND ORDERLY DISPOSITION OF RECORDS, INCLUDING ELECTRONIC RECORDS, THAT ARE NO LONGER NEEDED FOR OPERATION; AND**

**(3) THE MAINTENANCE OF INVENTORIES OF RECORDS SERIES THAT ARE ACCURATE AND COMPLETE.**

**(E) THE BOARD SHALL:**

**(1) ESTABLISH MINIMUM STANDARDS FOR 9-1-1 SYSTEMS, ENHANCED 9-1-1 SYSTEMS, AND NEXT GENERATION 9-1-1 SERVICES THAT ENSURE IMPROVED ACCESS FOR INDIVIDUALS WITH DISABILITIES AND INDIVIDUALS WHO USE ASSISTIVE TECHNOLOGIES, INCLUDING MANDATORY CONNECTIVITY REQUIREMENTS FOR CORE SERVICE PROVIDERS FOR NEXT GENERATION 9-1-1 SERVICES TO DEVICE-BASED AND CLOUD-BASED DATA REPOSITORIES; AND**

**(2) UPDATE THE STANDARDS ADOPTED IN ACCORDANCE WITH ITEM (1) OF THIS SUBSECTION BASED ON AVAILABLE TECHNOLOGY AND EQUIPMENT.**

1–307.

(a) The Board shall submit an annual report to the Governor, the Secretary, and, subject to § 2–1246 of the State Government Article, the Legislative Policy Committee.

(b) The report shall provide the following information for each county:

- (1) the type of 9–1–1 system currently operating in the county;
- (2) the total 9–1–1 fee and additional charge charged;
- (3) the funding formula in effect;
- (4) any statutory or regulatory violation by the county and the response of the Board;
- (5) any efforts to establish an enhanced 9–1–1 system in the county; and
- (6) any suggested changes to this subtitle.

1–308.

(a) There is a 9–1–1 Trust Fund.

(b) **(1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBJECT TO § 1–309.1 OF THIS SUBTITLE, THE** purposes of the 9–1–1 Trust Fund are to:

**[(1)] (I)** reimburse counties for the cost of enhancing a 9–1–1 system;

**[(2)] (II)** pay contractors in accordance with § 1–306(b)(12) of this subtitle;  
and

**[(3)] (III)** fund the coordinator position and staff to handle the increased duties related to wireless enhanced 9–1–1 service under § 1–305 of this subtitle, as an administrative cost.

**(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION AND BEGINNING JANUARY 1, 2020, IN ADDITION TO THE PURPOSES DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE PURPOSES OF THE 9–1–1 TRUST FUND INCLUDE:**

(I) FUNDING THE OPERATION AND MAINTENANCE OF 9-1-1 SYSTEMS, ENHANCED 9-1-1 SYSTEMS, AND NEXT GENERATION 9-1-1 SERVICES, INCLUDING:

1. EQUIPMENT AND SOFTWARE UTILIZED DIRECTLY FOR PROVIDING 9-1-1 SERVICES BY A PUBLIC SAFETY ANSWERING POINT;

2. PROTOCOL SYSTEMS AND SOFTWARE UTILIZED DIRECTLY FOR PROVIDING 9-1-1 SERVICES BY A PUBLIC SAFETY ANSWERING POINT;

3. INTERPRETATION SERVICES PROVIDED FOR A PUBLIC SAFETY ANSWERING POINT;

4. SERVICES PROVIDED FOR A PUBLIC SAFETY ANSWERING POINT TO ENSURE IMPROVED ACCESS TO INDIVIDUALS WITH DISABILITIES AND OTHER INDIVIDUALS WHO USE ASSISTIVE TECHNOLOGY; AND

5. VOICE, DATA, AND CALL LOG RECORDERS UTILIZED TO CAPTURE INFORMATION FROM 9-1-1 SYSTEMS, ENHANCED 9-1-1 SYSTEMS, AND NEXT GENERATION 9-1-1 SERVICES;

(II) FUNDING THE OPERATION AND MAINTENANCE OF 9-1-1 SYSTEMS, ENHANCED 9-1-1 SYSTEMS, AND NEXT GENERATION 9-1-1 SERVICES CONNECTIVITY AND INFRASTRUCTURE EQUIPMENT, INCLUDING:

1. AUTOMATIC NUMBER AND LOCATION IDENTIFICATION; AND

2. PRIMARY RATE INTERFACE AND SESSION INITIATION PROTOCOL TRUNKING FOR 10-DIGIT EMERGENCY AND NONEMERGENCY LINES;

(III) FUNDING GEOGRAPHICAL INFORMATION SYSTEMS HARDWARE, SOFTWARE, DATA DEVELOPMENT, AND DATA MANAGEMENT COSTS INCURRED FOR THE EFFECTIVE OPERATION OF 9-1-1 SYSTEMS, ENHANCED 9-1-1 SYSTEMS, AND NEXT GENERATION 9-1-1 SERVICES, INCLUDING:

1. MAPPING EQUIPMENT;

2. INTERFACES TO COMPUTER-AIDED DISPATCH; AND

3. GEOGRAPHICAL INFORMATION SYSTEMS BASE LAYER DEVELOPMENT AND MANAGEMENT;

**(IV) FUNDING PUBLIC SAFETY ANSWERING POINT FACILITIES COSTS, INCLUDING ACCESS CONTROL, SECURITY SYSTEMS, AND STANDBY POWER;**

**(V) FUNDING COSTS FOR PUBLIC EDUCATION MATERIALS;**

**(VI) FUNDING THE TRAINING OF COUNTY PERSONNEL WORKING IN OR DIRECTLY SUPPORTING A PUBLIC SAFETY ANSWERING POINT;**

**(VII) FUNDING THE PROVISION OF TUITION REIMBURSEMENT FOR 9–1–1 SPECIALISTS FOR EDUCATIONAL PROGRAMS RELATED TO THE 9–1–1 SPECIALIST CAREER FIELD; AND**

**(VIII) FUNDING COSTS TO MAINTAIN THE CYBERSECURITY OF 9–1–1 SYSTEMS, ENHANCED 9–1–1 SYSTEMS, AND NEXT GENERATION 9–1–1 SERVICES.**

**(3) FUNDING ALLOCATED IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION MAY NOT BE UTILIZED FOR THE PAYMENT OF THE SALARY OF PUBLIC SAFETY ANSWERING POINT PERSONNEL OR COUNTY PERSONNEL.**

(c) The 9–1–1 Trust Fund consists of:

(1) money from the 9–1–1 fee collected and remitted to the Comptroller under § 1–310 of this subtitle;

(2) money from the additional charge collected and remitted to the Comptroller under § 1–311 of this subtitle;

(3) money from the prepaid wireless E 9–1–1 fee collected and remitted to the Comptroller under § 1–313 of this subtitle; and

(4) investment earnings of the 9–1–1 Trust Fund.

(d) Money in the 9–1–1 Trust Fund shall be held in the State Treasury.

(e) The Secretary shall administer the 9–1–1 Trust Fund, subject to the guidelines for financial management and budgeting established by the Department of Budget and Management.

(f) The Secretary shall direct the Comptroller to establish separate accounts in the 9–1–1 Trust Fund for the payment of administrative expenses and for each county.

(g) (1) Any investment earnings shall be credited to the 9–1–1 Trust Fund.

(2) The Comptroller shall allocate the investment income among the accounts in the 9–1–1 Trust Fund, prorated on the basis of the total fees collected in each county.

1–309.

(a) On recommendation of the Board, each year the Secretary shall request an appropriation from the 9–1–1 Trust Fund in an amount sufficient to:

- (1) carry out the purposes of this subtitle;
- (2) pay the administrative costs chargeable to the 9–1–1 Trust Fund; and
- (3) reimburse counties for the cost of enhancing a 9–1–1 system.

(b) (1) Subject to the limitations under subsection (e) of this section, the Comptroller shall disburse the money in the 9–1–1 Trust Fund as provided in this subsection.

(2) Each July 1, the Comptroller shall allocate sufficient money from the 9–1–1 fee to pay the costs of administering the 9–1–1 Trust Fund.

(3) As directed by the Secretary and in accordance with the State budget, the Comptroller, from the appropriate account, shall:

- (i) reimburse counties for the cost of enhancing a 9–1–1 system;

[and]

- (ii) pay contractors in accordance with § 1–306(b)(12) of this subtitle;

AND

**(III) PAY THE COSTS ASSOCIATED WITH MAINTENANCE, OPERATIONS, AND PROGRAMS APPROVED BY THE BOARD IN ACCORDANCE WITH § 1–308(B) OF THIS SUBTITLE.**

(4) (i) The Comptroller shall pay to each county from its account the money requested by the county to pay the maintenance and operation costs of the county's 9–1–1 system in accordance with the State budget.

(ii) The Comptroller shall pay the money for maintenance and operation costs on September 30, December 31, March 31, and June 30 of each year.

(c) (1) Money accruing to the 9–1–1 Trust Fund may be used as provided in this subsection.

- (2) Money collected from the 9–1–1 fee may be used **ONLY** to:

**(I) PAY THE ADMINISTRATIVE COSTS CHARGEABLE TO THE 9-1-1 TRUST FUND;**

~~[(i)]~~ **(II)** reimburse counties for the cost of enhancing a 9-1-1 system; ~~[and]~~

~~[(ii)]~~ **(III)** pay contractors in accordance with § 1-306(b)(12) of this subtitle; **AND**

**(IV) PAY THE COSTS ASSOCIATED WITH MAINTENANCE, OPERATIONS, AND PROGRAMS APPROVED BY THE BOARD IN ACCORDANCE WITH § 1-308(B) OF THIS SUBTITLE.**

(3) Money collected from the additional charge may be used by the counties **ONLY** for the maintenance and operation costs of the 9-1-1 system.

(4) Money collected from the prepaid wireless E 9-1-1 fee ~~[may]~~ **SHALL** be used as follows:

(i) 25% for the same purpose as the 9-1-1 fee under paragraph (2) of this subsection; and

(ii) 75% for the same purpose as the additional charge under paragraph (3) of this subsection, prorated on the basis of the total fees collected in each county.

(d) (1) Reimbursement may be made only to the extent that county money was used to enhance the 9-1-1 system.

(2) Reimbursement for the enhancement of 9-1-1 systems shall include the installation of equipment for automatic number identification, automatic location identification, and other technological advancements that the Board requires.

(3) Reimbursement from money collected from the 9-1-1 fee may be used only for 9-1-1 system enhancements approved by the Board.

(e) (1) The Board may direct the Comptroller to withhold from a county money for 9-1-1 system expenditures if the county violates this subtitle or a regulation of the Board.

(2) (i) The Board shall state publicly in writing its reason for withholding money from a county and shall record its reason in the minutes of the Board.

(ii) On reaching its decision to withhold money, the Board shall notify the county.

(iii) The county has 30 days after the date of notification to respond in writing to the Board.

(3) (i) On notification by the Board, the Comptroller shall hold money for the county in the county's account in the 9-1-1 Trust Fund.

(ii) Money held by the Comptroller under subparagraph (i) of this paragraph does not accrue interest for the county.

(iii) Interest income earned on money held by the Comptroller under subparagraph (i) of this paragraph accrues to the 9-1-1 Trust Fund.

(4) County money withheld by the Comptroller shall be withheld until the Board directs the Comptroller to release the money.

(f) (1) The Legislative Auditor may conduct fiscal/compliance audits of the 9-1-1 Trust Fund and of the appropriations and disbursements made for purposes of this subtitle.

(2) The cost of the fiscal portion of the audits shall be paid from the 9-1-1 Trust Fund as an administrative cost.

### **1-309.1.**

**(A) IN CONSULTATION WITH THE MARYLAND CYBERSECURITY COUNCIL ESTABLISHED UNDER § 9-2901 OF THE STATE GOVERNMENT ARTICLE, THE BOARD SHALL ESTABLISH CYBERSECURITY STANDARDS FOR PUBLIC SAFETY ANSWERING POINTS BASED ON NATIONAL INDUSTRY AND 9-1-1 SYSTEM TRADE ASSOCIATION BEST PRACTICES, INCLUDING STANDARDS CONCERNING RESPONSE PROTOCOLS IN THE EVENT OF A CYBERSECURITY ATTACK ON A PUBLIC SAFETY ANSWERING POINT.**

**(B) AT LEAST ONCE EACH YEAR ON A DATE DETERMINED BY THE BOARD AND IN ADVANCE OF SUBMITTING A REQUEST FOR OR RECEIVING ANY MONEY FROM THE 9-1-1 TRUST FUND, THE DIRECTOR OF EACH PUBLIC SAFETY ANSWERING POINT SHALL EXAMINE THE CYBERSECURITY OF THE PUBLIC SAFETY ANSWERING POINT TO DETERMINE WHETHER THE CYBERSECURITY DEFENSES EMPLOYED BY THE PUBLIC SAFETY ANSWERING POINT SATISFY THE STANDARDS ESTABLISHED BY THE BOARD UNDER SUBSECTION (A) OF THIS SECTION AND SUBMIT TO THE BOARD A REPORT DETAILING THE RESULTS OF THAT EXERCISE.**

**(C) IF A DIRECTOR OF A PUBLIC SAFETY ANSWERING POINT FAILS TO SUBMIT A REPORT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT AUTHORIZE ANY MONEY FROM THE 9-1-1 TRUST FUND TO BE PAID**

TO A COUNTY SERVICED BY THE PUBLIC SAFETY ANSWERING POINT UNTIL THAT REPORT HAS BEEN SUBMITTED.

1-310.

(a) This section does not apply to prepaid wireless telecommunications service.

(b) Each subscriber to ~~switch~~ **SWITCHED** local exchange access service or CMRS or other 9-1-1-accessible service shall pay a 9-1-1 fee.

(c) **(1) [The] SUBJECT TO PARAGRAPHS (2) THROUGH ~~(4)~~ (5) OF THIS SUBSECTION, THE 9-1-1 fee is [25] 50 cents per month FOR EACH ~~TELEPHONE SWITCHED LOCAL EXCHANGE ACCESS SERVICE, CMRS, OR OTHER 9-1-1-ACCESSIBLE SERVICE PROVIDED~~, payable when the bill for [the telephone service or CMRS or other 9-1-1-accessible service] THE SERVICE is due.**

**(2) EXCEPT AS PROVIDED IN PARAGRAPHS (3) ~~AND (4)~~ THROUGH (5) OF THIS SUBSECTION, IF A SERVICE PROVIDER PROVISIONS TO THE SAME INDIVIDUAL OR PERSON THE VOICE CHANNEL CAPACITY TO MAKE MORE THAN ONE SIMULTANEOUS OUTBOUND CALL FROM ~~AN EXCHANGE ACCESS FACILITY~~ A 9-1-1 ACCESSIBLE SERVICE, EACH SEPARATE OUTBOUND CALL VOICE CHANNEL CAPACITY, REGARDLESS OF THE TECHNOLOGY, SHALL CONSTITUTE A SEPARATE ~~TELEPHONE~~ 9-1-1 ACCESSIBLE SERVICE FOR PURPOSES OF CALCULATING THE 9-1-1 FEE DUE UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(3) CMRS PROVIDED TO MULTIPLE DEVICES THAT SHARE A MOBILE TELEPHONE NUMBER SHALL BE TREATED AS A SINGLE 9-1-1 ACCESSIBLE SERVICE FOR PURPOSES OF CALCULATING THE 9-1-1 FEE DUE UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**~~(3)~~ (4) A BROADBAND CONNECTION NOT USED FOR TELEPHONE SERVICE MAY NOT CONSTITUTE A SEPARATE VOICE CHANNEL CAPACITY FOR PURPOSES OF CALCULATING THE 9-1-1 FEE DUE UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**~~(4)~~ (5) (1) FOR A TELEPHONE SERVICE THAT PROVIDES, TO MULTIPLE LOCATIONS, SHARED SIMULTANEOUS OUTBOUND VOICE CHANNEL CAPACITY CONFIGURED TO PROVIDE LOCAL DIAL IN DIFFERENT STATES, THE VOICE CHANNEL CAPACITY TO WHICH THE 9-1-1 FEE DUE UNDER PARAGRAPH (1) OF THIS SUBSECTION APPLIES IS ONLY THE PORTION OF THE SHARED VOICE CHANNEL CAPACITY IN THE STATE IDENTIFIED BY THE SERVICE SUPPLIER'S BOOKS AND RECORDS.**

**(II) IN DETERMINING THE PORTION OF SHARED CAPACITY IN THE STATE, A SERVICE SUPPLIER MAY RELY ON, AMONG OTHER FACTORS, A CUSTOMER'S CERTIFICATION OF THE CUSTOMER'S ALLOCATION OF CAPACITY IN THE STATE, WHICH MAY BE BASED ON:**

- 1. EACH END USER LOCATION;**
- 2. THE TOTAL NUMBER OF END USERS; AND**
- 3. THE NUMBER OF END USERS AT EACH END USER LOCATION.**

(d) (1) The Public Service Commission shall direct each telephone company to add the 9-1-1 fee to all current bills rendered for switched local exchange access service in the State.

(2) Each telephone company:

(i) shall act as a collection agent for the 9-1-1 Trust Fund with respect to the 9-1-1 fees;

(ii) shall remit all money collected to the Comptroller on a monthly basis; and

(iii) is entitled to credit, against the money from the 9-1-1 fees to be remitted to the Comptroller, an amount equal to 0.75% of the 9-1-1 fees to cover the expenses of billing, collecting, and remitting the 9-1-1 fees and any additional charges.

(3) The Comptroller shall deposit the money remitted in the 9-1-1 Trust Fund.

(e) (1) Each 9-1-1 service carrier shall add the 9-1-1 fee to all current bills rendered for CMRS or other 9-1-1-accessible service in the State.

(2) Each 9-1-1 service carrier:

(i) shall act as a collection agent for the 9-1-1 Trust Fund with respect to the 9-1-1 fees;

(ii) shall remit all money collected to the Comptroller on a monthly basis; and

(iii) is entitled to credit, against the money from the 9-1-1 fees to be remitted to the Comptroller, an amount equal to 0.75% of the 9-1-1 fees to cover the expenses of billing, collecting, and remitting the 9-1-1 fees and any additional charges.

(3) The Comptroller shall deposit the money remitted in the 9–1–1 Trust Fund.

(4) The Board shall adopt procedures for auditing surcharge collection and remittance by CMRS providers.

(5) On request of a CMRS provider, and except as otherwise required by law, the information that the CMRS provider reports to the Board shall be confidential, privileged, and proprietary and may not be disclosed to any person other than the CMRS provider.

(f) Notwithstanding any other provision of this subtitle, the 9–1–1 fee does not apply to an intermediate service line used exclusively to connect a CMRS or other 9–1–1-accessible service, other than a switched local access service, to another telephone system or switching device.

(g) A CMRS provider that pays or collects 9–1–1 fees under this section has the same immunity from liability for transmission failures as that approved by the Public Service Commission for local exchange telephone companies that are subject to regulation by the Commission under the Public Utilities Article.

1–311.

(a) This section does not apply to prepaid wireless telecommunications service.

(b) In addition to the 9–1–1 fee, the governing body of each county, by ordinance or resolution enacted or adopted after a public hearing, may impose an additional charge to be added to all current bills rendered for switched local exchange access service or CMRS or other 9–1–1-accessible service in the county.

(c) (1) **[The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPHS (3) THROUGH ~~(5)~~ (6) OF THIS SUBSECTION, THE additional charge imposed by a county may not exceed 75 cents per month [per bill] FOR EACH ~~TELEPHONE~~ SWITCHED LOCAL EXCHANGE ACCESS SERVICE, CMRS, OR OTHER 9–1–1-ACCESSIBLE SERVICE PROVIDED.**

**(2) IF REVENUES ATTRIBUTABLE TO THE ADDITIONAL CHARGE FOR A FISCAL YEAR DO NOT PROVIDE THE REVENUES NECESSARY TO COVER A COUNTY'S OPERATIONAL COSTS FOR THE 9–1–1 SYSTEM FOR THAT FISCAL YEAR, THE COUNTY MAY, FOR THE FOLLOWING FISCAL YEAR, IMPOSE AN ADDITIONAL CHARGE NOT EXCEEDING \$1.50 PER MONTH FOR EACH ~~TELEPHONE~~ SWITCHED LOCAL EXCHANGE ACCESS SERVICE, CMRS, OR OTHER 9–1–1-ACCESSIBLE SERVICE PROVIDED.**

**(3) EXCEPT AS PROVIDED IN PARAGRAPHS (4) ~~AND (5)~~ THROUGH (6) OF THIS SUBSECTION, IF A SERVICE PROVIDER PROVISIONS TO THE SAME INDIVIDUAL OR PERSON THE VOICE CHANNEL CAPACITY TO MAKE MORE THAN ONE**

~~SIMULTANEOUS OUTBOUND CALL FROM AN EXCHANGE ACCESS FACILITY~~ A 9-1-1 ACCESSIBLE SERVICE, EACH SEPARATE OUTBOUND CALL VOICE CHANNEL CAPACITY, REGARDLESS OF THE TECHNOLOGY, SHALL CONSTITUTE A SEPARATE ~~TELEPHONE~~ 9-1-1 ACCESSIBLE SERVICE FOR PURPOSES OF CALCULATING THE ADDITIONAL CHARGES DUE UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION.

(4) CMRS PROVIDED TO MULTIPLE DEVICES THAT SHARE A MOBILE TELEPHONE NUMBER SHALL BE TREATED AS A SINGLE 9-1-1 ACCESSIBLE SERVICE FOR PURPOSES OF CALCULATING THE ADDITIONAL CHARGES DUE UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION.

~~(4)~~ (5) A BROADBAND CONNECTION NOT USED FOR TELEPHONE SERVICE MAY NOT CONSTITUTE A SEPARATE VOICE CHANNEL CAPACITY FOR PURPOSES OF CALCULATING THE ADDITIONAL CHARGES DUE UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION.

~~(5)~~ (6) (I) FOR A TELEPHONE SERVICE THAT PROVIDES, TO MULTIPLE LOCATIONS, SHARED SIMULTANEOUS OUTBOUND VOICE CHANNEL CAPACITY CONFIGURED TO PROVIDE LOCAL DIAL IN DIFFERENT STATES OR COUNTIES, THE VOICE CHANNEL CAPACITY TO WHICH THE 9-1-1 FEE DUE UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION APPLIES IS ONLY THE PORTION OF THE SHARED VOICE CHANNEL CAPACITY IN THE COUNTY IDENTIFIED BY THE SERVICE SUPPLIER'S BOOKS AND RECORDS.

(II) IN DETERMINING THE PORTION OF SHARED CAPACITY IN THE COUNTY, A SERVICE SUPPLIER MAY RELY ON, AMONG OTHER FACTORS, A CUSTOMER'S CERTIFICATION OF THE CUSTOMER'S ALLOCATION OF CAPACITY IN THE COUNTY, WHICH MAY BE BASED ON:

1. EACH END USER LOCATION;
2. THE TOTAL NUMBER OF END USERS; AND
3. THE NUMBER OF END USERS AT EACH END USER LOCATION.

~~(2)~~ ~~(6)~~ (7) The amount of the additional charges may not exceed a level necessary to cover the total eligible maintenance and operation costs of the county.

(d) The additional charge continues in effect until repealed or modified by a subsequent county ordinance or resolution.

(e) After imposing, repealing, or modifying an additional charge, the county shall certify the amount of the additional charge to the Public Service Commission.

(f) The Public Service Commission shall direct each telephone company that provides service in a county that imposed an additional charge to add, within 60 days, the full amount of the additional charge to all current bills rendered for switched local exchange access service in the county.

(g) Within 60 days after a county enacts or adopts an ordinance or resolution that imposes, repeals, or modifies an additional charge, each 9–1–1 service carrier that provides service in the county shall add the full amount of the additional charge to all current bills rendered for CMRS or other 9–1–1-accessible service in the county.

(h) (1) Each telephone company and each 9–1–1 service carrier shall:

(i) act as a collection agent for the 9–1–1 Trust Fund with respect to the additional charge imposed by each county;

(ii) collect the money from the additional charge on a county basis;  
and

(iii) remit all money collected to the Comptroller on a monthly basis.

(2) The Comptroller shall deposit the money remitted in the 9–1–1 Trust Fund account maintained for the county that imposed the additional charge.

1–312.

(a) During each county's fiscal year, the county may spend the amounts distributed to it from 9–1–1 fee collections for the installation, enhancement, maintenance, and operation of a county or multicounty 9–1–1 system.

(b) Subject to the provisions of subsection (c) of this section, maintenance and operation costs may include telephone company charges, equipment costs, equipment lease charges, repairs, utilities, personnel costs, and appropriate carryover costs from previous years.

(c) During a year in which a county raises its local additional charge under § 1–311 of this subtitle, the county:

(1) may use 9–1–1 trust funds only to supplement levels of spending by the county for 9–1–1 maintenance or operations; and

(2) may not use 9–1–1 trust funds to supplant spending by the county for 9–1–1 maintenance or operations.

(d) The Board shall provide for an audit of each county's expenditures for the maintenance and operation of the county's 9–1–1 system.

(e) (1) For a county without an operational Phase II wireless enhanced 9–1–1 system within the time frames established by the Board under § 1–306(b)(6) of this subtitle, the Board shall adopt procedures, to take effect on or after January 1, 2006, to assure that:

(i) the money collected from the additional charge and distributed to the county is expended during the county’s fiscal year as follows:

1. for a 9–1–1 system in a county or a multicounty area with a population of 100,000 individuals or less, a maximum of 85% may be spent for personnel costs; and

2. for a 9–1–1 system in a county or multicounty area with a population of over 100,000 individuals, a maximum of 70% may be spent for personnel costs; and

(ii) the total amount collected from the 9–1–1 fee and the additional charge shall be expended only for the installation, enhancement, maintenance, and operation of a county or multicounty system.

(2) The Board may grant an exception to the provisions of paragraph (1) of this subsection in extenuating circumstances.

(3) A county with an operational Phase II wireless enhanced 9–1–1 system is exempt from the provisions of paragraph (1) of this subsection.

### **1–315.**

**AN EMERGENCY SERVICES INTERNET PROTOCOL NETWORK PROVIDER AND A CORE SERVICE PROVIDER OF NEXT GENERATION 9–1–1 SERVICES HAVE THE SAME IMMUNITY FROM LIABILITY FOR TRANSMISSION FAILURES AS THAT APPROVED BY THE PUBLIC SERVICE COMMISSION FOR LOCAL EXCHANGE TELEPHONE COMPANIES, OR FOR A PROVIDER OF TELECOMMUNICATIONS SERVICES THROUGH EVOLVING TECHNOLOGY, THAT ARE SUBJECT TO REGULATION BY THE COMMISSION UNDER THE PUBLIC UTILITIES ARTICLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That, for State operating budgets beginning with fiscal 2020, the Governor shall provide a plan for repayment to the 9–1–1 Trust Fund any monies transferred from the 9–1–1 Trust Fund under budget reconciliation and financing legislation or by other means that would result in the use of the monies for a purpose other than the original intended use.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Approved by the Governor, April 30, 2019.**

**Chapter 303****(Senate Bill 265)**

AN ACT concerning

**Income Tax Subtraction Modification – Mortgage Forgiveness Debt Relief –  
Extension**

FOR the purpose of repealing the termination of a certain subtraction modification under the Maryland income tax for income from the discharge of certain indebtedness related to costs incurred with respect to a principal residence; and generally relating to an income tax subtraction modification for income from the discharge of indebtedness.

BY repealing and reenacting, without amendments,  
Article – Tax – General  
Section 10–207(a) and (ee)  
Annotated Code of Maryland  
(2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Chapter 231 of the Acts of the General Assembly of 2017  
Section 3

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.

(ee) (1) The subtraction under subsection (a) of this section includes the amount that would have been allowed for indebtedness discharged for qualified principal residence indebtedness 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.

(2) The subtraction under paragraph (1) of this subsection applies only to an owner–occupied principal residence.

(3) The subtraction under paragraph (1) of this subsection may not exceed:

- (i) \$100,000 for an individual; or
- (ii) \$200,000 for a married couple filing a joint return or an individual described in § 2 of the Internal Revenue Code as a head of household or as a surviving spouse.

### Chapter 231 of the Acts of 2017

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2017, and shall be applicable to all taxable years beginning after December 31, 2016[, but before January 1, 2019. It shall remain effective for a period of 2 years and, at the end of June 30, 2019, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect].

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 304

(Senate Bill 732)

AN ACT concerning

### **Child in Need of Assistance – Guardianship by Local Department – ~~ABLE~~ Financial Accounts**

FOR the purpose of ~~authorizing~~ requiring a court to issue a certain order on request of a local department of social services that has been granted certain guardianship over a child in need of assistance to have control over the property of the child for the purpose of establishing a certain ~~ABLE-account~~ account or trust on behalf of the child; requiring an order authorizing a local department of social services to have control of the property of the child for the purpose of establishing a certain account or trust on behalf of the child to include certain provisions; and generally relating to children in need of assistance and the establishment of ABLE accounts.

BY repealing and reenacting, without amendments,

Article – Courts and Judicial Proceedings

Section 3–801(f), (g), and (p), 3–802(c), and 3–819(b)(1)(iii) and (c)(1)

Annotated Code of Maryland

(2013 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 3–819(g)  
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 – Courts and Judicial Proceedings**

3–801.

(f) “Child in need of assistance” means a child who requires court intervention because:

(1) The child has been abused, has been neglected, has a developmental disability, or has a mental disorder; and

(2) The child’s parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child’s needs.

(g) “CINA” means a child in need of assistance.

(p) “Local department” means:

(1) The local department of social services for the county in which the court is located; or

(2) In Montgomery County, the county department of health and human services.

3–802.

(c) (1) In all judicial proceedings conducted in accordance with this subtitle or § 5–326 of the Family Law Article, the court may direct the local department to provide services to a child, the child’s family, or the child’s caregiver to the extent that the local department is authorized under State law.

(2) The court shall exercise the authority described in paragraph (1) of this subsection to protect and advance a child’s best interests.

3–819.

(b) (1) In making a disposition on a CINA petition under this subtitle, the court shall:

(iii) Subject to paragraph (2) of this subsection, find that the child is in need of assistance and:

- to the custody of:
1. Not change the child's custody status; or
  2. Commit the child on terms the court considers appropriate
    - A. A parent;
    - B. Subject to § 3–819.2 of this subtitle, a relative, or other individual; or
    - C. A local department, the Maryland Department of Health, or both, including designation of the type of facility where the child is to be placed.

(c) In addition to any action under subsection (b)(1)(iii) of this section, the court may:

(1) (i) Place a child under the protective supervision of the local department on terms the court considers appropriate;

(ii) Grant limited guardianship to the department or an individual or both for specific purposes including medical and educational purposes or for other appropriate services if a parent is unavailable, unwilling, or unable to consent to services that are in the best interest of the child; or

(iii) Order the child and the child's parent, guardian, or custodian to participate in rehabilitative services that are in the best interest of the child and family;

(g) **(1)** A guardian appointed under this section has no control over the property of the child unless ~~the~~;

~~(1) THE court expressly grants that authority; OR~~

~~(2) THE LOCAL DEPARTMENT IS THE GUARDIAN AND EXERCISES THE CONTROL TO ESTABLISH AN ABLE ACCOUNT ON BEHALF OF THE CHILD IN ACCORDANCE WITH TITLE 18, SUBTITLE 19C OF THE EDUCATION ARTICLE.~~

**(2) (1) IF A GUARDIAN APPOINTED UNDER THIS SECTION IS A LOCAL DEPARTMENT, THE COURT SHALL, ON REQUEST OF THE LOCAL DEPARTMENT, ISSUE A SEPARATE ORDER GRANTING THE LOCAL DEPARTMENT GUARDIANSHIP AUTHORITY TO ESTABLISH:**

**1. AN INDIVIDUAL SAVINGS ACCOUNT;**

**2. IF THE LOCAL DEPARTMENT IS UNABLE TO ESTABLISH AN INDIVIDUAL SAVINGS ACCOUNT DUE TO THE CHILD'S AGE, AN ABLE**

ACCOUNT IN ACCORDANCE WITH THE PROVISIONS OF TITLE 18, SUBTITLE 19C OF THE EDUCATION ARTICLE; OR

3. A POOLED SPECIAL NEEDS TRUST UNDER § 14.5–1002 OF THE ESTATES AND TRUSTS ARTICLE.

(II) AN ORDER AUTHORIZING A LOCAL DEPARTMENT TO ESTABLISH AN ACCOUNT OR A TRUST AS THE GUARDIAN OF A CHILD UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL:

1. REQUIRE THAT FUNDS DEPOSITED TO ESTABLISH AN ABLE ACCOUNT UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH BE IN AN FDIC–INSURED PORTFOLIO OPTION THAT MOST MINIMIZES THE RISK OF CAPITAL LOSS;

2. PROHIBIT THE LOCAL DEPARTMENT FROM WITHDRAWING FUNDS FROM ANY ACCOUNT OR TRUST ESTABLISHED UNDER THE ORDER; AND

3. REQUIRE THE LOCAL DEPARTMENT TO PROVIDE PROMPT NOTICE TO A FINANCIAL INSTITUTION, INCLUDING CONTACT INFORMATION FOR THE CHILD OR SUBSEQUENT GUARDIAN OF THE CHILD, OF THE TERMINATION OF THE GUARDIANSHIP UNDER THIS SUBTITLE OR TITLE 5, SUBTITLE 3 OF THE FAMILY LAW ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.

---

**Chapter 305**

(Senate Bill 517)

AN ACT concerning

~~Electricity–Customer Choice–Education~~  
Public Utilities – Electricity and Natural Gas Suppliers – Information

FOR the purpose of requiring the Public Service Commission to establish a certain customer choice ~~website~~ websites for electric and natural gas customers; specifying the contents of ~~the website~~ certain websites; requiring the Commission to use certain information to maintain the information on ~~the website~~ certain websites; requiring

the Commission to include certain information on a certain customer education webpage; requiring each electricity or natural gas supplier that is actively seeking customers in a service territory in the State to maintain at least one open offer on the Commission's website at all times; requiring the Commission to recover certain costs in accordance with a certain provision of law; stating the intent of the General Assembly; requiring the Commission to include certain information in certain reports to the General Assembly and certain committees; encouraging the Commission to review and consult with certain entities for certain purposes; making stylistic changes; and generally relating to the Public Service Commission and ~~electric customer choice~~ electricity and natural gas supplier information.

BY repealing and reenacting, without amendments,  
 Article – Public Utilities  
 Section 7–501(a), (e), and (f)  
 Annotated Code of Maryland  
 (2010 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Public Utilities  
 Section 7–510.1  
 Annotated Code of Maryland  
 (2010 Replacement Volume and 2018 Supplement)

BY adding to  
 Article – Public Utilities  
 Section 7–510.2 and 7–604.1  
 Annotated Code of Maryland  
 (2010 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 Utilities

7–501.

- (a) In this subtitle the following words have the meanings indicated.
- (e) “Consumer” and “customer” each means a retail electric customer.

(f) “Customer choice” means the right of electricity suppliers and customers to utilize and interconnect with the electric distribution system on a nondiscriminatory basis at rates, terms, and conditions of service comparable to the electric company's own use of the system to distribute electricity from an electricity supplier to a customer, under which a customer has the opportunity to purchase electricity from the customer's choice of licensed electricity suppliers.

7-510.1.

(a) The Commission shall educate customers about customer choice in accordance with this section.

(b) (1) The Commission shall:

(i) host and regularly update a user-friendly customer choice education section on its [Web site] WEBSITE that complies with standards issued under § 508 of the federal Rehabilitation Act of 1973; and

(ii) prominently display a link to that section of the Commission's [Web site] WEBSITE on the home page of the Commission's [Web site] WEBSITE.

(2) The customer choice education section of the Commission's [Web site] WEBSITE shall include:

(i) a clear and simple description of:

1. customer choice;
2. how customers can shop for an electricity supplier;
3. what kinds of competitive electricity supply options customers have, including:
  - A. renewable energy supply;
  - B. fixed and variable pricing; and
  - C. other common contract terms;
4. the current price of standard offer service in the service territory of each electric company; and
5. the continuing role of the electric company in delivering electricity to a customer that chooses an electricity supplier;

(ii) fact sheets that:

1. answer common questions about customer choice;
2. advise customers about the questions customers should ask when choosing an electricity supplier; [and]

3. list the kinds of disclosures that electricity suppliers must make to customers;

**4. DESCRIBE COMMON ISSUES ABOUT CONTRACTS FOR ELECTRICITY SUPPLY AND AVAILABLE OPTIONS; AND**

**5. DESCRIBE CONSUMER RIGHTS AND PROTECTIONS THAT ARE AVAILABLE AND THE MEANS OF MAKING USE OF THEM;**

(iii) a list of all electricity suppliers that have open offers to supply electricity in a customer's service area, searchable by service territory or jurisdiction; [and]

(iv) a statement indicating that customers who have entered into a contract with a competitive electricity supplier for electricity supply should be aware of the ending date of the contract so that they may determine, before being placed into a renewal contract with the current electricity supplier, whether they would like to:

1. shop for an alternative electricity supplier;

2. renew with the current electricity supplier; or

3. return to the standard offer service which may be offered at a price that is less than the renewal price offered by the current electricity supplier; AND

**(V) A LINK TO THE CUSTOMER CHOICE SHOPPING ~~WEBSITE~~ WEBSITES ESTABLISHED UNDER § 7-510.2 OF THIS SUBTITLE AND § 7-604.1 OF THIS TITLE.**

(3) To the extent practicable, the list of electricity suppliers required under paragraph (2)(iii) of this subsection shall include:

(i) the terms of any open offers to supply electricity, including:

1. the duration of the contract;

2. the cost of electricity per kilowatt-hour; and

3. any cancellation fees; and

(ii) a link to the [Web site] WEBSITE of each electricity supplier with an open offer to supply electricity.

(c) (1) To ensure the currency and accuracy of information required under subsection (b)(2)(iii) of this section, the Commission shall maintain a secure portal on its [Web site] WEBSITE to receive information about offers to supply electricity from electricity suppliers.

(2) **EACH ELECTRICITY SUPPLIER THAT IS ACTIVELY SEEKING RESIDENTIAL CUSTOMERS IN A SERVICE TERRITORY IN THE STATE SHALL MAINTAIN AT LEAST ONE OPEN OFFER TO SUPPLY ELECTRICITY TO RESIDENTIAL CUSTOMERS ON THE COMMISSION’S WEBSITE AT ALL TIMES.**

(3) At least once each month, each electricity supplier with an open offer to supply electricity shall submit detailed information about the offer to the Commission through a secure portal maintained by the Commission on the Commission’s [Web site] WEBSITE for this purpose.

(d) The Commission shall work with media outlets in the State to develop and air public service announcements publicizing customer choice and directing customers to the Commission’s [Web site] WEBSITE for additional information.

(e) The Commission shall recover the cost of complying with this section in accordance with § 2–110 of this article.

(f) On or before December 31 of each year, the Commission shall report, in accordance with § 2–1246 of the State Government Article, to the General Assembly on the status and success of the Commission’s efforts to educate customers about customer choice under this section.

#### **7–510.2.**

(A) **THE COMMISSION SHALL ESTABLISH A CUSTOMER CHOICE SHOPPING WEBSITE THAT ALLOWS A CUSTOMER TO:**

~~(1) SORT ELECTRICITY SUPPLIERS THAT HAVE OPEN OFFERS TO SUPPLY ELECTRICITY TO RESIDENTIAL CUSTOMERS IN THE CUSTOMER’S SERVICE AREA; AND~~

~~(2) INITIATE THE TRANSITION FROM ONE ELECTRICITY SUPPLIER TO ANOTHER ELECTRICITY SUPPLIER.~~

(B) **THE WEBSITE SHALL INCLUDE:**

(1) **A LIST OF ALL ELECTRICITY SUPPLIERS THAT HAVE OPEN OFFERS TO SUPPLY ELECTRICITY TO RESIDENTIAL CUSTOMERS IN A CUSTOMER’S SERVICE AREA, SORTABLE BY:**

(I) **COST OF SERVICE;**

(II) **COST OF ELECTRICITY PER KILOWATT–HOUR;**

(III) RATE STRUCTURE;

(IV) DURATION OF THE CONTRACT;

(V) CANCELLATION FEE; AND

(VI) ANY OTHER ASPECT OF SERVICE THAT THE COMMISSION CONSIDERS NECESSARY;

(2) A WAY TO COMPARE ELECTRICITY SUPPLIERS BASED ON THE SORTABLE ITEMS SPECIFIED UNDER ITEM (1) OF THIS SUBSECTION;

(3) A LINK TO THE WEBSITE OF EACH ELECTRICITY SUPPLIER WITH AN OPEN OFFER TO SUPPLY ELECTRICITY TO RESIDENTIAL CUSTOMERS;

(4) A LINK TO THE CUSTOMER EDUCATION WEBPAGE ESTABLISHED UNDER § 7-510.1 OF THIS SUBTITLE;

~~(5) A WAY FOR A CUSTOMER TO INITIATE THE TRANSITION FROM THE CUSTOMER'S CURRENT ELECTRICITY SUPPLIER TO ANOTHER ELECTRICITY SUPPLIER;~~

~~(6)~~ (5) A LINK TO ~~AN INFORMAL~~ A COMPLAINT PROCESS THAT PROVIDES ACCESS FOR THE CUSTOMER TO PROTECT THE CUSTOMER'S RIGHTS AND MAKE USE OF CONSUMER PROTECTIONS THROUGH THE COMMISSION; AND

~~(7)~~ (6) FACT SHEETS ON THE PROCESS FOR:

~~(I)~~ COMPARING OFFERS FROM ELECTRICITY SUPPLIERS ON THE WEBSITE, INCLUDING RELEVANT CONTRACT TERMS, REQUIREMENTS, LIMITATIONS, AND FEES; ~~AND~~

~~(II)~~ EMPLOYING THE WEBSITE TO TRANSITION FROM THE CUSTOMER'S CURRENT ELECTRICITY SUPPLIER TO ANOTHER ELECTRICITY SUPPLIER.

(C) THE COMMISSION SHALL USE THE INFORMATION RECEIVED FROM AN ELECTRICITY SUPPLIER UNDER § 7-510.1 OF THIS SUBTITLE TO MAINTAIN THE INFORMATION ON THE WEBSITE.

(D) THE COMMISSION SHALL RECOVER THE COST OF COMPLYING WITH THIS SECTION IN ACCORDANCE WITH § 2-110 OF THIS ARTICLE.

**(A) THE COMMISSION SHALL ESTABLISH A CUSTOMER CHOICE SHOPPING WEBSITE THAT ALLOWS A CUSTOMER TO SORT NATURAL GAS SUPPLIERS THAT HAVE OPEN OFFERS TO SUPPLY NATURAL GAS TO RESIDENTIAL CUSTOMERS IN THE CUSTOMER'S SERVICE AREA.**

**(B) THE WEBSITE SHALL INCLUDE:**

**(1) A LIST OF ALL NATURAL GAS SUPPLIERS THAT HAVE OPEN OFFERS TO SUPPLY NATURAL GAS TO RESIDENTIAL CUSTOMERS IN A CUSTOMER'S SERVICE AREA, SORTABLE BY:**

**(I) COST OF SERVICE;**

**(II) COST OF NATURAL GAS PER THERM;**

**(III) RATE STRUCTURE;**

**(IV) DURATION OF THE CONTRACT;**

**(V) CANCELLATION FEE; AND**

**(VI) ANY OTHER ASPECT OF SERVICE THAT THE COMMISSION CONSIDERS NECESSARY;**

**(2) A WAY TO COMPARE NATURAL GAS SUPPLIERS BASED ON THE SORTABLE ITEMS SPECIFIED UNDER ITEM (1) OF THIS SUBSECTION;**

**(3) A LINK TO THE WEBSITE OF EACH NATURAL GAS SUPPLIER WITH AN OPEN OFFER TO SUPPLY NATURAL GAS TO RESIDENTIAL CUSTOMERS;**

**(4) A LINK TO A COMPLAINT PROCESS THAT PROVIDES ACCESS FOR THE CUSTOMER TO PROTECT THE CUSTOMER'S RIGHTS AND MAKE USE OF CONSUMER PROTECTIONS THROUGH THE COMMISSION; AND**

**(5) FACT SHEETS ON THE PROCESS FOR COMPARING OFFERS FROM NATURAL GAS SUPPLIERS ON THE WEBSITE, INCLUDING RELEVANT CONTRACT TERMS, REQUIREMENTS, LIMITATIONS, AND FEES.**

**(C) (1) TO ENSURE THE CURRENCY AND ACCURACY OF INFORMATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, THE COMMISSION SHALL MAINTAIN A SECURE PORTAL ON ITS WEBSITE TO RECEIVE INFORMATION ABOUT OFFERS TO SUPPLY NATURAL GAS FROM NATURAL GAS SUPPLIERS.**

**(2) AT LEAST ONCE A MONTH, EACH NATURAL GAS SUPPLIER WITH AN OPEN OFFER TO SUPPLY NATURAL GAS SHALL SUBMIT DETAILED INFORMATION ABOUT THE OFFER TO THE COMMISSION THROUGH A SECURE PORTAL MAINTAINED BY THE COMMISSION ON THE COMMISSION'S WEBSITE FOR THIS PURPOSE.**

**(D) THE COMMISSION SHALL RECOVER THE COST OF COMPLYING WITH THIS SECTION IN ACCORDANCE WITH § 2-110 OF THIS ARTICLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) It is the intent of the General Assembly that the Public Service Commission shall fully implement this ~~Act and Act~~, revamp ~~its~~ the customer education ~~and customer choice shopping websites under §§ 7-510.1 and 7-510.2 of the Public Utilities Article~~ section on its website, and establish the customer choice shopping websites required under §§ 7-510.2 and 7-604.1 of the Public Utilities Article, as enacted by this Act, no later than October 1, 2020.

(b) The Commission shall include information on its compliance with this Act in:

(1) its annual reports on the customer choice website required under § 7-510.1(f) of the Public Utilities Article in 2019 and 2020; and

(2) an interim report to the Senate Finance Committee and the House Economic Matters Committee no later than June 30, 2020.

(c) In revising and expanding its customer choice education website and creating ~~a~~ customer choice shopping ~~website~~ ~~websites~~ under this Act, the Commission is encouraged to review and consult with the utility regulatory commissions of other jurisdictions that have adopted customer choice, particularly reviewing for guidance the commission customer choice websites in Pennsylvania and Texas.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 30, 2019.**

---

## Chapter 306

(Senate Bill 574)

AN ACT concerning

~~Maryland Small Business Innovation Research and Technology Transfer  
Incentive Program~~

*Department of Commerce – Small Business Innovation Research and Technology Transfer – Study*

~~FOR the purpose of establishing the Maryland Small Business Innovation Research and Technology Transfer Incentive Program in the Department of Commerce; establishing the purposes of the Program; establishing qualifications for participation in the Program; authorizing the Program to provide certain grants to certain businesses on a first-come, first-served basis, subject to certain limitations; providing for the coordination of certain activities of the Program with comparable county programs; providing that a certain grant recipient may be required to return certain funds under certain circumstances; establishing the Maryland Small Business Innovation Research and Technology Transfer Incentive Matching Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Secretary of Commerce 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 Secretary to review and evaluate the Program on a periodic basis; authorizing the Secretary to submit certain recommendations to the Governor and the General Assembly; authorizing the Secretary to adopt certain regulations; exempting the Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State; defining certain terms; and generally relating to the Maryland Small Business Innovation Research and Technology Transfer Incentive Program requiring the Department of Commerce to conduct a certain study on financing options for recipients of federal small business innovation research and technology transfer grants; requiring the Department to conduct the study in a certain manner; requiring the Department to report certain findings and recommendations to the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to a study on financing options for recipients of federal grants.~~

~~BY repealing and reenacting, with amendments,  
Article – Economic Development  
Section 5-102  
Annotated Code of Maryland  
(2018 Replacement Volume)~~

~~BY adding to  
Article – Economic Development  
Section 5-1701 through 5-1707 and the subtitle “Subtitle 17. Maryland Small  
Business Innovation Research and Technology Transfer Incentive Program”  
Annotated Code of Maryland  
(2018 Replacement Volume)~~

~~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.  
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.  
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 — Economic Development~~

~~5-102.~~

~~The Department shall administer the State's economic development and financial assistance programs and funds including:~~

- ~~(1) the BRAC Revitalization and Incentive Zone Program, under Subtitle 13 of this title;~~
- ~~(2) the Enterprise Fund, under Subtitle 6 of this title;~~
- ~~(3) the Enterprise Zones Program, under Subtitle 7 of this title;~~
- ~~(4) the Make Office Vacancies Extinct Program, under Subtitle 15 of this title;~~
- ~~(5) the Maryland Economic Adjustment Fund, under Subtitle 2 of this title;~~
- ~~(6) the Maryland Economic Development Assistance Authority and Fund, under Subtitle 3 of this title;~~
- ~~(7) the Maryland Industrial Development Financing Authority, under Subtitle 4 of this title;~~
- ~~(8) the Maryland Small Business Development Financing Authority, under Subtitle 5 of this title;~~

~~(9) THE MARYLAND SMALL BUSINESS INNOVATION RESEARCH AND TECHNOLOGY TRANSFER INCENTIVE PROGRAM, UNDER SUBTITLE 17 OF THIS TITLE;~~

~~[(9)] (10) the Appalachian Regional Development Program, under Title 13, Subtitle 1 of this article;~~

~~[(10)] (11) jointly with the Department of Housing and Community Development, the Community Development Block Grant for Economic Development;~~

~~[(11)] (12) the Regional Institution Strategic Enterprise Zone Program under Subtitle 14 of this title; and~~

~~[(12)] (13) any other programs or funds designated by statute, the Governor, or the Secretary.~~

~~SUBTITLE 17. MARYLAND SMALL BUSINESS INNOVATION RESEARCH AND TECHNOLOGY TRANSFER INCENTIVE PROGRAM.~~

~~5-1701.~~

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

~~(B) “FUND” MEANS THE MARYLAND SMALL BUSINESS INNOVATION RESEARCH AND TECHNOLOGY TRANSFER INCENTIVE MATCHING FUND.~~

~~(C) “PROGRAM” MEANS THE MARYLAND SMALL BUSINESS INNOVATION RESEARCH AND TECHNOLOGY TRANSFER INCENTIVE PROGRAM.~~

~~(D) “SMALL BUSINESS INNOVATION RESEARCH GRANT” MEANS A GRANT AWARDED UNDER THE SMALL BUSINESS INNOVATION RESEARCH GRANT PROGRAM BY THE NATIONAL INSTITUTES OF HEALTH, OR A SIMILAR PROGRAM ADMINISTERED BY ANOTHER AGENCY OF THE FEDERAL GOVERNMENT, FOR A BUSINESS TO ENGAGE IN RESEARCH AND DEVELOPMENT THAT HAS A STRONG POTENTIAL FOR COMMERCIALIZATION.~~

~~(E) “SMALL BUSINESS TECHNOLOGY TRANSFER GRANT” MEANS A GRANT AWARDED UNDER THE SMALL BUSINESS TECHNOLOGY TRANSFER GRANT PROGRAM BY THE NATIONAL INSTITUTES OF HEALTH, OR A SIMILAR PROGRAM ADMINISTERED BY ANOTHER AGENCY OF THE FEDERAL GOVERNMENT, FOR A BUSINESS TO ENGAGE IN RESEARCH AND DEVELOPMENT THAT HAS A STRONG POTENTIAL FOR COMMERCIALIZATION.~~

~~5-1702.~~

~~(A) THERE IS A MARYLAND SMALL BUSINESS INNOVATION RESEARCH AND TECHNOLOGY TRANSFER INCENTIVE PROGRAM IN THE DEPARTMENT.~~

~~(B) THE PURPOSE OF THE PROGRAM IS TO FOSTER JOB CREATION AND ECONOMIC DEVELOPMENT IN THE STATE BY:~~

~~(1) PROMOTING THE COMMERCIALIZATION OF RESEARCH CONDUCTED BY SMALL BUSINESSES IN THE STATE;~~

~~(2) FACILITATING THE TRANSFER OF TECHNOLOGY FROM SMALL BUSINESSES; AND~~

~~(3) ENCOURAGING SMALL BUSINESSES TO APPLY FOR SMALL BUSINESS INNOVATION RESEARCH GRANTS AND SMALL BUSINESS TECHNOLOGY TRANSFER GRANTS.~~

~~5-1703.~~

~~(A) TO QUALIFY FOR PARTICIPATION IN THE PROGRAM, A SMALL BUSINESS SHALL MEET THE CRITERIA IN THIS SECTION.~~

~~(B) THE SMALL BUSINESS MUST:~~

~~(1) MAINTAIN ITS PRINCIPAL PLACE OF BUSINESS IN THE STATE;~~

~~(2) HAVE RECEIVED A PHASE I OR PHASE II SMALL BUSINESS INNOVATION RESEARCH GRANT OR SMALL BUSINESS TECHNOLOGY TRANSFER GRANT, OR A SIMILAR GRANT UNDER A SIMILAR PROGRAM ADMINISTERED BY AN AGENCY OF THE FEDERAL GOVERNMENT, IN THE CURRENT FISCAL YEAR; AND~~

~~(3) CONDUCT AT LEAST 51% OF ITS RESEARCH AND DEVELOPMENT OPERATIONS AT A PHYSICAL LOCATION IN THE STATE.~~

~~(C) A GRANT RECIPIENT THAT FAILS TO FULFILL THE ELIGIBILITY AND MAINTENANCE REQUIREMENTS OF THE PROGRAM, OR OF A COMPARABLE COUNTY PROGRAM THAT SUPPORTS THE RECIPIENT, MAY BE REQUIRED TO RETURN ALL OR PART OF THE GRANT TO THE PROGRAM.~~

~~(D) THE PROGRAM SHALL REQUIRE A SMALL BUSINESS TO RETURN TO THE DEPARTMENT ANY MONEY FROM A MATCHING GRANT UNDER THIS SUBTITLE IF THE BUSINESS DOES NOT REMAIN IN THE STATE FOR AT LEAST 2 YEARS AFTER RECEIVING THE GRANT PAYMENT.~~

~~5-1704.~~

~~(A) AN APPLICANT SHALL SUBMIT AN APPLICATION FOR A PROGRAM GRANT ON THE FORM THAT THE SECRETARY REQUIRES.~~

~~(B) THE PROGRAM SHALL REVIEW THE APPLICATION AND ALL SUPPORTING MATERIALS TO EVALUATE WHETHER THE APPLICANT QUALIFIES FOR A GRANT FROM THE PROGRAM.~~

~~(C) SUBJECT TO THE AVAILABILITY OF MONEY IN THE FUND, THE PROGRAM MAY PROVIDE TO AN ELIGIBLE SMALL BUSINESS A MATCHING GRANT FOR A SMALL BUSINESS INNOVATION RESEARCH GRANT OR SMALL BUSINESS TECHNOLOGY TRANSFER GRANT.~~

~~(D) A SMALL BUSINESS THAT IS AWARDED A MATCHING GRANT FOR A PHASE I SMALL BUSINESS INNOVATION RESEARCH GRANT OR SMALL BUSINESS TECHNOLOGY TRANSFER GRANT, OR A SIMILAR GRANT UNDER A SIMILAR PROGRAM ADMINISTERED BY AN AGENCY OF THE FEDERAL GOVERNMENT, SHALL RECEIVE A MATCHING GRANT AMOUNT THAT IS THE LESSER OF:~~

~~(1) 25% OF THE PHASE I SMALL BUSINESS INNOVATION RESEARCH GRANT OR SMALL BUSINESS TECHNOLOGY TRANSFER GRANT, OR A SIMILAR GRANT UNDER A SIMILAR PROGRAM ADMINISTERED BY AN AGENCY OF THE FEDERAL GOVERNMENT; OR~~

~~(2) \$25,000.~~

~~(E) A SMALL BUSINESS THAT IS AWARDED A MATCHING GRANT FOR A PHASE II SMALL BUSINESS INNOVATION RESEARCH GRANT OR SMALL BUSINESS TECHNOLOGY TRANSFER GRANT, OR A SIMILAR GRANT UNDER A SIMILAR PROGRAM ADMINISTERED BY AN AGENCY OF THE FEDERAL GOVERNMENT, SHALL RECEIVE A MATCHING GRANT AMOUNT THAT IS THE LESSER OF:~~

~~(1) 25% OF A THE PHASE II SMALL BUSINESS INNOVATION RESEARCH GRANT OR SMALL BUSINESS TECHNOLOGY TRANSFER GRANT, OR A SIMILAR GRANT UNDER A SIMILAR PROGRAM ADMINISTERED BY AN AGENCY OF THE FEDERAL GOVERNMENT; OR~~

~~(2) \$75,000.~~

~~(F) DURING EACH FISCAL YEAR A SMALL BUSINESS MAY NOT RECEIVE MORE THAN ONE MATCHING GRANT.~~

~~(G) A SMALL BUSINESS MAY NOT RECEIVE MORE THAN FIVE MATCHING GRANTS UNDER THIS SUBTITLE.~~

~~(H) THE DEPARTMENT SHALL AWARD MATCHING GRANTS ON A FIRST-COME, FIRST-SERVED BASIS.~~

~~(I) THE PROGRAM SHALL COORDINATE WITH COMPARABLE COUNTY PROGRAMS TO EVALUATE APPLICATIONS AND TO PROVIDE ASSISTANCE TO ELIGIBLE BUSINESSES UNDER THIS SUBTITLE.~~

~~5-1705.~~

~~(A) THERE IS A MARYLAND SMALL BUSINESS INNOVATION RESEARCH AND TECHNOLOGY TRANSFER INCENTIVE MATCHING FUND.~~

~~(B) THE PURPOSE OF THE FUND IS TO PROVIDE MATCHING FUNDS TO FURTHER STIMULATE INNOVATION AND ENTREPRENEURSHIP AND ATTRACT EARLY STAGE SMALL BUSINESSES ENGAGED IN RESEARCH AND DEVELOPMENT.~~

~~(C) THE SECRETARY SHALL ADMINISTER THE FUND.~~

~~(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO REVERSION UNDER § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

~~(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.~~

~~(E) THE FUND CONSISTS OF:~~

~~(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;~~

~~(2) MONEY RECAPTURED FROM BUSINESSES THAT FAIL TO FULFILL THE TERMS AND CONDITIONS OF A GRANT MADE FROM THE PROGRAM;~~

~~(3) INTEREST EARNINGS OF THE FUND; AND~~

~~(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.~~

~~(F) THE FUND MAY BE USED ONLY FOR:~~

~~(1) MATCHING GRANTS THAT COUNTIES OR THE FEDERAL GOVERNMENT PROVIDE TO ELIGIBLE BUSINESSES UNDER COMPARABLE SMALL~~

~~BUSINESS INNOVATION RESEARCH OR SMALL BUSINESS TECHNOLOGY TRANSFER GRANT PROGRAMS; AND~~

~~(2) ADMINISTRATIVE EXPENSES OF THE PROGRAM.~~

~~(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.~~

~~(2) INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.~~

~~(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.~~

~~5-1706.~~

~~(A) AT LEAST ONCE EVERY 3 YEARS, THE SECRETARY SHALL REVIEW AND EVALUATE THE PROGRAM, INCLUDING THE NUMBER AND SIZE OF ELIGIBLE BUSINESSES THAT RECEIVE SUPPORT FROM THE PROGRAM.~~

~~(B) BASED ON THE REVIEW AND EVALUATION, THE SECRETARY MAY SUBMIT RECOMMENDATIONS TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE CONTINUED EFFECTIVENESS OF THE PROGRAM.~~

~~5-1707.~~

~~THE SECRETARY MAY ADOPT REGULATIONS TO IMPLEMENT THIS SUBTITLE.~~

~~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 MARYLAND SMALL BUSINESS INNOVATION RESEARCH AND TECHNOLOGY TRANSFER INCENTIVE MATCHING FUND.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.~~

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

That:

(a) The Department of Commerce shall:

(1) explore ways to:

(i) foster job creation and economic development in the State by capitalizing on the federal presence in the State;

(ii) encourage small businesses to engage in federal research and development that has the potential for commercialization;

(iii) facilitate the transfer of technology from small businesses; and

(iv) encourage small businesses to apply for federal small business innovation research grants and small business technology transfer grants;

(2) study the laws and regulations of other states governing financial assistance programs for awardees of federal small business innovation research grants and small business technology transfer grants; and

(3) make recommendations regarding financing options for recipients of federal small business innovation research grants and small business technology transfer grants.

(b) On or before December 31, 2019, the Department of Commerce shall submit its findings and recommendations to the General Assembly, in accordance with § 2-1246 of the State Government Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019. It shall remain effective for a period of 1 year and, at the end of June 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 30, 2019.**

**Chapter 307****(Senate Bill 891)**

AN ACT concerning

**Consumer Protection – Resale of Tickets – Disclosures and Refunds**

FOR the purpose of prohibiting a ticket reseller from selling or offering to sell ~~tickets that are not currently in the possession of the reseller~~ speculative tickets unless the reseller makes certain disclosures; requiring a reseller to refund a certain deposit or other consideration within a certain period of time, under certain circumstances; defining certain terms; and generally relating to the resale of tickets.

BY repealing and reenacting, without amendments,  
Article – Commercial Law  
Section 13–310  
Annotated Code of Maryland  
(2013 Replacement Volume and 2018 Supplement)

BY adding to  
Article – Commercial Law  
Section 13–310.1  
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**

13–310.

(a) This section does not apply to nonprofit organizations.

(b) A person who sells reserved seat tickets for an athletic, recreational, cultural, or entertainment event shall display prominently at the ticket–sale location a seating plan which clearly shows the location of every reserved seat and every physical obstruction to the viewing of the event.

**13–310.1.**

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

(2) (I) ~~“RESALE” MEANS THE SALE OF A TICKET BY A PERSON OTHER THAN THE ISSUER OF THE TICKET OR A PERSON EXPRESSLY AUTHORIZED TO MAKE THE FIRST SALE OF THE TICKET~~ SECOND OR SUBSEQUENT SALE OF A TICKET.

(II) “RESALE” INCLUDES A SALE BY ANY MEANS, INCLUDING IN PERSON, BY TELEPHONE, BY MAIL, BY E-MAIL, BY FACSIMILE, OR THROUGH A WEBSITE OR OTHER ELECTRONIC MEANS.

(3) “RESELLER” MEANS A PERSON WHO OFFERS A TICKET FOR RESALE.

(4) (I) “SPECULATIVE TICKET” MEANS A TICKET THAT IS NOT IN THE ACTUAL OR CONSTRUCTIVE POSSESSION OF A RESELLER AT THE TIME OF SALE.

(II) “SPECULATIVE TICKET” INCLUDES A TICKET SOLD BY A RESELLER THAT, AT THE TIME OF RESALE:

1. IS NOT IN THE PHYSICAL POSSESSION OF THE RESELLER;

2. IS NOT OWNED BY THE RESELLER; OR

3. IS NOT UNDER CONTRACT TO BE TRANSFERRED TO THE RESELLER.

~~(4)~~ (5) “TICKET” MEANS PHYSICAL, ELECTRONIC, OR OTHER EVIDENCE, THAT GRANTS THE POSSESSOR OF THE EVIDENCE PERMISSION TO ENTER A PLACE OF ENTERTAINMENT FOR ONE OR MORE EVENTS AT A SPECIFIED DATE AND TIME.

~~(B) A RESELLER MAY NOT SELL OR OFFER TO SELL TICKETS THAT ARE NOT CURRENTLY IN THE POSSESSION OF THE RESELLER UNLESS THE RESELLER~~

(B) A RESELLER MAY NOT SELL OR OFFER TO SELL SPECULATIVE TICKETS UNLESS THE RESELLER, CLEARLY AND CONSPICUOUSLY, DISCLOSES TO A PROSPECTIVE PURCHASER AT THE OUTSET OF THE SALES TRANSACTION:

(1) THAT THE TICKETS ARE SPECULATIVE TICKETS, AND THE RESELLER IS NOT IN POSSESSION OF THE TICKETS;

(2) THAT THE RESELLER IS MAKING AN OFFER TO PROCURE THE TICKETS FOR THE PROSPECTIVE PURCHASER;

~~(2)~~ (3) AN APPROXIMATE DATE ON WHICH THE TICKETS WILL BE DELIVERED TO THE PURCHASER;

~~(3)~~ (4) THE NAME OR A DESCRIPTION OF THE EVENT FOR WHICH THE TICKETS WILL PERMIT ENTRY;

~~(4)~~ (5) THE TOTAL NUMBER OF TICKETS INCLUDED IN THE TRANSACTION;

~~(5)~~ (6) THE NUMBER OF TICKETS FOR SEATS THAT ARE TOGETHER;

~~(6)~~ (7) THE ZONE OR SECTION NUMBER OF THE TICKETS, TO THE EXTENT APPLICABLE TO THE VENUE; AND

~~(7)~~ (8) FOR RESERVED SEAT TICKETS, ~~THE~~:

(I) THE SEAT NUMBERS OF THE TICKETS; OR

(II) IF APPLICABLE, THAT THE RESELLER CANNOT GUARANTEE THE SPECIFIC SEATS BECAUSE THE TICKETS ARE SPECULATIVE TICKETS.

(C) (1) A RESELLER SHALL REFUND TO A PURCHASER ANY CONSIDERATION OR DEPOSIT PAID FOR TICKETS SOLD UNDER THIS SECTION IF THE RESELLER FAILS TO OBTAIN THE TICKETS:

(I) WITHIN 24 HOURS AFTER THE APPROXIMATE DATE OF DELIVERY SPECIFIED IN SUBSECTION (B)(2) OF THIS SECTION, BUT BEFORE THE COMMENCEMENT OF THE EVENT FOR WHICH THE TICKETS WERE SOLD; OR

(II) IN CONFORMITY WITH THE DISCLOSURES REQUIRED UNDER THIS SECTION.

(2) A RESELLER SHALL MAKE A REFUND REQUIRED UNDER THIS SUBSECTION NOT LATER THAN 10 DAYS AFTER THE FINAL DAY OF THE EVENT FOR WHICH THE TICKETS WERE SOLD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.

---