

Laws
of the
State of Maryland

At the Session of the General Assembly Begun and Held in the
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Bills vetoed by the Governor appear after the Laws

VOLUME IV

The Department of Legislative Services
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Chapter 452

(Senate Bill 600)

AN ACT concerning

**Health – Sickle Cell Disease – Steering Committee, and Services, ~~Testing, and~~
Funding
~~(Sickle Cell Treatment Act of 2019)~~**

FOR the purpose of altering the intent of certain provisions of law regarding sickle cell anemia to include the provision of certain resources; altering the representatives required to be included on the Statewide Steering Committee on Services for Adults with Sickle Cell Disease; altering the duties of the Steering Committee; ~~requiring~~ authorizing the Maryland Department of Health to provide certain services relating to sickle cell disease in consultation with the Steering Committee; requiring the Department to provide certain services through community-based organizations to the extent practicable; ~~requiring a local health department to provide sickle cell disease testing and counseling at no cost to any individual referred by certain health care providers; requiring a local health department to notify an individual if certain testing is positive for sickle cell disease; requiring the Maryland Public Health Laboratory, under certain circumstances, to provide an individual's sickle cell screening test results to a local health department or entity contracting with the local health department providing certain services to the individual;~~ and generally relating to sickle cell disease.

BY repealing and reenacting, with amendments,

Article – Health – General
 Section 18–501 and 18–506
 Annotated Code of Maryland
 (2015 Replacement Volume and 2018 Supplement)

BY adding to

Article – Health – General
 Section 18–507 ~~and 18–508~~
 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

18–501.

The intent of this subtitle is:

(1) To educate parents and physicians regarding homozygous sickle cell anemia; [and]

(2) To monitor each affected infant's health in that regard; AND

(3) TO PROVIDE RESOURCES FOR DETECTING SICKLE CELL DISEASE AND SUPPORTING INDIVIDUALS WITH SICKLE CELL DISEASE.

18–506.

(a) In this section, “Steering Committee” means the Statewide Steering Committee on Services for Adults with Sickle Cell Disease.

(b) There is a Statewide Steering Committee on Services for Adults with Sickle Cell Disease.

(c) The Steering Committee shall include representatives from:

(1) Local and national groups that advocate for individuals with sickle cell disease;

(2) Interest and support groups for individuals with sickle cell disease;

[(3) The Genetic Alliance;

(4) Faith-based organizations;]

[(5) (3) Community and consumer groups;

[(6) (4) Academic and private clinical settings with knowledge and experience caring for adults with sickle cell disease;

[(7) (5) Area hospitals caring for individuals with sickle cell disease; and

[(8) (6) Pediatric clinics that care for children with sickle cell disease.

(d) The Steering Committee shall:

(1) Establish institution and community partnerships;

(2) Establish a statewide network of stakeholders who care for individuals with sickle cell disease;

(3) Educate individuals with sickle cell disease, the public, and health care providers about the State options for care of sickle cell disease; and

[(4) Seek grant funding to:

(i) Develop and establish a case management system for adults with sickle cell disease;

(ii) Establish an adult sickle cell disease day infusion center;

(iii) Develop, implement, and lead a State comprehensive education and treatment program for adults with sickle cell disease; and

(iv) Develop and implement a health care provider awareness and education campaign to increase provider awareness of health disparities, community dynamics, cultural practice, behavioral and psychosocial issues, and the use of standardized treatment and emergency room protocols.]

(4) IDENTIFY FUNDING SOURCES FOR IMPLEMENTING OR SUPPORTING THE ACTIONS, STUDIES, POLICIES, REGULATIONS, OR LAWS RECOMMENDED BY THE STEERING COMMITTEE, INCLUDING FUNDING FROM:

(I) STATE, FEDERAL, AND LOCAL GOVERNMENT SOURCES; AND

(II) PRIVATE SOURCES.

18-507.

(A) THE DEPARTMENT ~~SHALL~~ MAY, IN CONSULTATION WITH THE STATEWIDE STEERING COMMITTEE ON SERVICES FOR ADULTS WITH SICKLE CELL DISEASE, PROVIDE SERVICES RELATING TO SICKLE CELL DISEASE, INCLUDING:

(1) EDUCATIONAL PROGRAMS ON SICKLE CELL DISEASE FOR INDIVIDUALS AFFECTED BY THE DISEASE, INCLUDING:

(I) INDIVIDUALS WITH SICKLE CELL DISEASE;

(II) FAMILIES OF INDIVIDUALS WITH SICKLE CELL DISEASE;

(III) CAREGIVERS OF INDIVIDUALS WITH SICKLE CELL DISEASE;

(IV) EMPLOYEES AT PRIMARY AND SECONDARY SCHOOLS; AND

(V) HEALTH CARE PROVIDERS;

(2) SOCIAL SERVICES SUPPORT TO INDIVIDUALS WITH SICKLE CELL DISEASE, INCLUDING SUPPORT FROM SOCIAL WORKERS AND COMMUNITY HEALTH

WORKERS TO PROVIDE INFORMATION ON SERVICES THAT MAY BE AVAILABLE TO THE INDIVIDUAL;

(3) TESTING;

(4) GENETIC COUNSELING;

~~(5) BY ESTABLISHING SICKLE CELL DISEASE INFUSION CENTERS IN THE STATE;~~

~~(6)~~ (5) ASSISTANCE WITH ANY AVAILABLE REIMBURSEMENT FOR MEDICAL EXPENSES RELATED TO SICKLE CELL DISEASE;

~~(7)~~ (6) EDUCATION AND COUNSELING SERVICES AFTER THE RECEIPT OF SICKLE CELL TRAIT TEST RESULTS FROM THE STATE'S NEWBORN SCREENING PROGRAM; AND

~~(8)~~ (7) ANY OTHER PROGRAMS OR SERVICES THAT ARE NECESSARY TO DECREASE THE USE OF ACUTE CARE SERVICES BY INDIVIDUALS WHO HAVE SICKLE CELL DISEASE.

(B) THE DEPARTMENT SHALL PROVIDE THE SERVICES IN SUBSECTION (A) OF THIS SECTION THROUGH COMMUNITY-BASED ORGANIZATIONS TO THE EXTENT PRACTICABLE.

~~18-508.~~

~~(A) (1) A LOCAL HEALTH DEPARTMENT SHALL PROVIDE SICKLE CELL DISEASE TESTING AND COUNSELING AT NO COST TO ANY INDIVIDUAL WHO IS REFERRED BY:~~

~~(i) A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE;~~

~~(ii) A PHYSICIAN ASSISTANT LICENSED UNDER TITLE 15 OF THE HEALTH OCCUPATIONS ARTICLE; OR~~

~~(iii) A NURSE PRACTITIONER LICENSED TO PRACTICE REGISTERED NURSING IN THE STATE WHO IS CERTIFIED AS A NURSE PRACTITIONER BY THE STATE BOARD OF NURSING UNDER TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE.~~

~~(2) A LOCAL HEALTH DEPARTMENT SHALL NOTIFY AN INDIVIDUAL IF ANY TESTING CONDUCTED BY THE DEPARTMENT IS POSITIVE FOR SICKLE CELL DISEASE.~~

~~(B) THE MARYLAND PUBLIC HEALTH LABORATORY SHALL PROVIDE AN INDIVIDUAL'S SICKLE CELL SCREENING TEST RESULTS TO ANY LOCAL HEALTH DEPARTMENT OR ENTITY CONTRACTING WITH THE LOCAL HEALTH DEPARTMENT THAT IS PROVIDING SICKLE CELL SERVICES TO THE INDIVIDUAL UNDER SUBSECTION (A) OF THIS SECTION;~~

~~(1) ON REQUEST; AND~~

~~(2) WITH THE INDIVIDUAL'S AUTHORIZATION.~~

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

Approved by the Governor, May 13, 2019.

Chapter 453

(Senate Bill 1032)

AN ACT concerning

Morgan State University – Task Force on Reconciliation and Equity – Extension

FOR the purpose of extending the date by which the Institute for Urban Research at Morgan State University must submit a full report on the activities, findings, and recommendations of the Task Force on Reconciliation and Equity to the Governor and the General Assembly; extending the termination date for certain provisions of law relating to the Task Force; and generally relating to the Task Force on Reconciliation and Equity.

BY repealing and reenacting, with amendments,
Chapter 417 of the Acts of the General Assembly of 2018
Section 1 and 2

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

Chapter 417 of the Acts of 2018

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

That:

(a) The Institute for Urban Research at Morgan State University shall convene a task force to foster reconciliation and inclusionary justice and work toward achieving racial equity by:

(1) increasing awareness through public discussions about the nature, extent, causes, and consequences of racial inequities;

(2) involving individuals and public and private entities, including African American and other minority groups, in every sector throughout the State in a collective process;

(3) fostering racial equity through recognition, understanding, adjustment, compromise, and repair; and

(4) recommending strategies, changes, and actions in institutions, policies, and laws to eliminate systemic racism and promote equity, access, and opportunity that can lead to healing and foster reconciliation.

(b) (1) The members of the task force required to be convened under this section shall include:

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

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

(iii) the Director of the Office of Minority Health and Health Disparities, or the Director's designee;

(iv) one representative of the National Association for the Advancement of Colored People;

(v) one representative of the Maryland Public Health Association;

(vi) two representatives, one each from two different social justice organizations that focus on racial issues via use of a racial equity lens;

(vii) three representatives, one each from three different interfaith organizations;

(viii) one sociologist with expertise concerning historical and current impacts of systemic and structural racism;

(ix) one representative of a historically black college or university;

- (x) one representative of a traditionally white college or university;
- (xi) one representative of the National Great Blacks in Wax Museum;
- (xii) one representative of a business sector coalition; and
- (xiii) one member with expertise in law enforcement.

(2) To the extent practicable, the members of the task force shall:

(i) have expertise in the historical and current impacts of institutional and structural racism, as well as racial equity issues; and

(ii) reflect the geographic, racial, ethnic, cultural, and gender diversity of the State.

(3) A member of the task force:

(i) may not receive compensation as a member of the task force; but

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

(4) The Institute for Urban Research at Morgan State University shall:

(i) select a chair from among the members of the task force; and

(ii) provide staff for the task force.

(5) The task force may establish subcommittees as necessary to fulfill its duties.

(c) (1) The task force shall consult with the following units of State government:

(i) the Commission on Civil Rights;

(ii) the Office of the Attorney General, Division of Civil Rights;

(iii) the Department of Human Services;

(iv) the Department of Housing and Community Development;

(v) the Department of Labor, Licensing, and Regulation;

(vi) the Department of Public Safety and Correctional Services;

- (vii) the Department of Transportation; and
- (viii) the State Department of Education.

(2) The task force may consult with any other unit of State or local government as determined appropriate by the task force.

(3) On request of the task force, a unit of State government shall:

- (i) provide information or staff support in a timely manner; or
- (ii) designate a representative to:
 - 1. serve as a member of the task force; or
 - 2. attend a meeting or a hearing held by the task force.

(d) The task force shall:

(1) (i) hold hearings at various locations throughout the State and receive testimony from individuals, units of State and local government, community-based organizations, and other public and private organizations; and

(ii) invite representatives from stakeholder groups to testify at the hearings;

(2) study:

(i) the nature of racism, sexism in the experience of racial inequities, and institutional bias throughout the State;

(ii) manifestations of institutional and structural racism;

(iii) the impact of institutional and structural racism, including the effects on health, employment and economic stability, access to safe and affordable housing, income inequality, educational opportunities, and achievement gaps;

(iv) past and ongoing efforts to promote human rights and social and inclusionary justice; and

(v) best practices throughout the United States regarding policies, laws, and systems designed to eliminate institutional and structural racism and sexism and foster repair for those impacted;

(3) identify criteria to be used in monitoring and evaluating the implementation of the strategies and changes in institutions, policies, and laws

recommended by the task force;

(4) make recommendations regarding strategies, changes, and actions in State institutions, policies, and laws to improve race relations, eliminate institutional and structural racism and gender inequities, and support repair and justice, including measures to:

(i) increase awareness of conscious and unconscious bias and structural inequities and their consequences;

(ii) eliminate implicit and explicit institutional bias;

(iii) improve structural support of inclusionary justice, promote repair that can lead to healing, and foster reconciliation between various groups; and

(iv) promote the overall health and success of individuals throughout the State, including improving access to employment opportunities, safe and affordable housing, adequate medical services and treatment, and a quality education; and

(5) using the criteria identified under item (3) of this subsection, monitor and evaluate the implementation of the recommended strategies and changes in State institutions, policies, and laws.

(e) A person, including an employer, may not retaliate against an individual for giving testimony at a hearing held by the task force.

(f) (1) On or before January 31, 2019, the Institute for Urban Research at Morgan State University shall submit a preliminary report on the activities of the task force to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

(2) On or before January 31, [2020] **2021**, the Institute for Urban Research at Morgan State University shall submit a full report on the activities, findings, and recommendations of the task force 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, 2018. It shall remain effective for a period of [2] **3** years and, at the end of May 31, [2020] **2021**, 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 October 1, 2019.

Approved by the Governor, May 13, 2019.

Chapter 454
(Senate Bill 432)

AN ACT concerning

Higher Education – Cyber Warrior Diversity Program – Revisions

FOR the purpose of altering the locations of the Cyber Warrior Diversity Program in the State; ~~requiring certain governing entities to use a certain curriculum and to award certain contracts or memoranda of understanding to certain businesses; requiring the Governor to include certain appropriations in the annual State operating budget to provide grants to certain entities and to hold a certain conference;~~ specifying the amounts and uses of certain grants provided under the Program; altering the date by which certain governing entities must notify the Maryland Higher Education Commission regarding certain enrollment; requiring the Commission to allocate certain funds to certain entities on a certain basis; ~~requiring a certain entity to hold a certain conference annually on or before a certain date; defining certain terms; altering a certain definition;~~ and generally relating to the Cyber Warrior Diversity Program.

BY repealing and reenacting, with amendments,
Article – Education
Section 11-1401, ~~11-1402~~ 11-1402(a), and 11-1405
Annotated Code of Maryland
(2018 Replacement Volume and 2018 Supplement)

~~BY adding to~~
~~Article – Education~~
~~Section 11-1407~~
~~Annotated Code of Maryland~~
~~(2018 Replacement Volume and 2018 Supplement)~~

~~BY repealing~~
~~Chapter 567 of the Acts of the General Assembly of 2018~~
~~Section 2~~

BY repealing and reenacting, without amendments,
Article – Education
Section 11-1402(b)
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

11-1401.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “CompTIA” means the Computing Technology Industry Association.
- (c) “Governing entity” means:

- (1) The Board of Trustees of Baltimore City Community College;
- (2) The President of Bowie State University;
- (3) The President of Coppin State University;
- (4) The Board of Regents of Morgan State University; [and]
- (5) The President of the University of Maryland Eastern Shore; AND

(6) THE PRESIDENT OF THE UNIVERSITY OF MARYLAND BALTIMORE COUNTY TRAINING CENTERS; AND

~~**(7) THE PRESIDENT OF LANGSTON HUGHES COMMUNITY, BUSINESS AND RESOURCE CENTER.**~~

- (d) “Program” means a Cyber Warrior Diversity Program.

~~**(E) (1) “SMALL DISADVANTAGED BUSINESS” HAS THE MEANING STATED IN 13 C.F.R. § 124.1002.**~~

~~**(2) A SMALL DISADVANTAGED BUSINESS:**~~

~~**(i) HAS ITS HEADQUARTERS IN A QUALIFIED OPPORTUNITY ZONE, AS DEFINED IN 26 U.S.C.A. § 1400Z-1 AND AS DESIGNATED BY THE GOVERNOR;**~~

~~**(ii) IS CERTIFIED BY THE COMPTIA ACADEMY; AND**~~

~~**(iii) IS A COMPTIA PEARSON VUE TESTING CENTER WITH MORE THAN 3 YEARS OF TESTING EXPERIENCE.**~~

~~**(e)**~~ **(F)** “Successful completer” means a student who enrolled in and successfully completed the Program.

11-1402.

(a) There is a Cyber Warrior Diversity Program at:

- (1) Baltimore City Community College;
- (2) Bowie State University;
- (3) Coppin State University;
- (4) Morgan State University; [and]
- (5) **THE** University of Maryland Eastern Shore; AND

(6) THE UNIVERSITY OF MARYLAND BALTIMORE COUNTY TRAINING CENTERS THAT ARE LOCATED IN THE STATE; ~~AND~~

~~(7) LANGSTON HUGHES COMMUNITY, BUSINESS AND RESOURCE CENTER.~~

(b) The purpose of each Program is to train students in computer networking and cybersecurity.

~~(c) (1) [The] **SUBJECT TO THE REQUIREMENTS OF THIS SUBSECTION,** THE governing entity at each institution is responsible for administering the Program at that institution.~~

~~(2) **THE PROGRAM SHALL USE THE CYBER WARRIOR DIVERSITY PROGRAM CURRICULUM.**~~

~~(3) **IF A GOVERNING ENTITY ADMINISTERS A PROGRAM THROUGH A CONTRACTUAL ARRANGEMENT OR MEMORANDUM OF UNDERSTANDING, THE GOVERNING ENTITY SHALL AWARD THE CONTRACT OR MEMORANDUM TO A SMALL DISADVANTAGED BUSINESS.**~~

11-1405.

(a) [For] **SUBJECT TO THE REQUIREMENTS OF THIS SECTION,** FOR fiscal year 2020 and each fiscal year thereafter, the Governor shall include in the annual State operating budget an appropriation of ~~[\$2,500,000]~~ **\$2,250,000** for the Commission to provide grants to Baltimore City Community College, Bowie State University, Coppin State University, Morgan State University, [and] the University of Maryland Eastern Shore, AND THE UNIVERSITY OF MARYLAND BALTIMORE COUNTY TRAINING CENTERS, ~~AND LANGSTON HUGHES COMMUNITY, BUSINESS AND RESOURCE CENTER~~ for the Program established under this section.

(B) GRANTS PROVIDED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE IN THE AMOUNT OF:

(1) AT LEAST \$10,000 PER STUDENT AT:

(I) BALTIMORE CITY COMMUNITY COLLEGE;

(II) BOWIE STATE UNIVERSITY;

(III) COPPIN STATE UNIVERSITY;

(IV) MORGAN STATE UNIVERSITY; AND

(V) THE UNIVERSITY OF MARYLAND EASTERN SHORE; ~~AND~~

~~(VI) LANGSTON HUGHES COMMUNITY, BUSINESS AND RESOURCE CENTER; AND~~

(2) ~~AT LEAST~~ \$500 PER STUDENT AT THE UNIVERSITY OF MARYLAND BALTIMORE COUNTY TRAINING CENTERS, FOR THE PURPOSE OF PARTICIPATION IN JOB APPRENTICESHIP EVENTS.

[(b)] (C) On or before [November 1, 2018] **DECEMBER 15, 2019**, and each [November 1] **DECEMBER 15** thereafter, the governing entities shall notify the Commission of the number of students enrolled in each institution's Program for the current academic year.

[(c)] (D) (1) The funding provided in each fiscal year in accordance with this section shall supplement, but not supplant, any funds that would otherwise be provided for each institution.

(2) The Commission annually shall allocate funds to Baltimore City Community College, Bowie State University, Coppin State University, Morgan State University, [and] the University of Maryland Eastern Shore, AND THE UNIVERSITY OF MARYLAND BALTIMORE COUNTY TRAINING CENTERS, AND LANGSTON HUGHES COMMUNITY, BUSINESS AND RESOURCE CENTER on a pro rata basis according to the most recent enrollment data required under subsection [(b)] (C) of this section.

~~11-1407.~~

~~(A) ON OR BEFORE DECEMBER 1, 2019, AND EACH DECEMBER 1 THEREAFTER, LANGSTON HUGHES COMMUNITY, BUSINESS AND RESOURCE CENTER SHALL HOLD A NATIONAL CYBER WARRIOR DIVERSITY CONFERENCE.~~

~~(B) FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL STATE OPERATING BUDGET AN APPROPRIATION OF AT LEAST \$250,000 TO LANGSTON HUGHES COMMUNITY, BUSINESS AND RESOURCE CENTER TO HOLD THE CONFERENCE DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION.~~

~~Chapter 567 of the Acts of 2018~~

~~[SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2019, Baltimore City Community College, Bowie State University, Coppin State University, Morgan State University, and the University of Maryland Eastern Shore shall jointly hold a National Cyber Warrior Diversity Conference.]~~

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

Approved by the Governor, May 13, 2019.

Chapter 455

(House Bill 1315)

AN ACT concerning

Higher Education – Cyber Warrior Diversity Program – Revisions

FOR the purpose of altering the locations of the Cyber Warrior Diversity Program in the State; ~~requiring certain governing entities to use a certain curriculum and to award certain contracts or memoranda of understanding to certain businesses; requiring the Governor to include certain appropriations in the annual State operating budget to provide grants to certain entities and to hold a certain conference; specifying the amounts and uses of certain grants provided under the Program; altering the date by which certain governing entities must notify the Maryland Higher Education Commission regarding certain enrollment; requiring the Commission to allocate certain funds to certain entities on a certain basis; requiring a certain entity to hold a certain conference annually on or before a certain date; defining certain terms; altering a certain definition; and generally relating to the Cyber Warrior Diversity Program.~~

BY repealing and reenacting, with amendments,
 Article – Education
 Section 11-1401, ~~11-1402~~ 11-1402(a), and 11-1405
 Annotated Code of Maryland
 (2018 Replacement Volume and 2018 Supplement)

~~BY adding to~~

~~Article – Education~~

~~Section 11–1407~~

~~Annotated Code of Maryland~~

~~(2018 Replacement Volume and 2018 Supplement)~~

~~BY repealing~~

~~Chapter 567 of the Acts of the General Assembly of 2018~~

~~Section 2~~

BY repealing and reenacting, without amendments,

Article – Education

Section 11–1402(b)

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

11–1401.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “CompTIA” means the Computing Technology Industry Association.
- (c) “Governing entity” means:

(1) The Board of Trustees of Baltimore City Community College;

(2) The President of Bowie State University;

(3) The President of Coppin State University;

(4) The Board of Regents of Morgan State University; [and]

(5) The President of the University of Maryland Eastern Shore; AND

(6) THE PRESIDENT OF THE UNIVERSITY OF MARYLAND BALTIMORE COUNTY TRAINING CENTERS; ~~AND~~

~~(7) THE PRESIDENT OF LANGSTON HUGHES COMMUNITY, BUSINESS AND RESOURCE CENTER.~~

(d) “Program” means a Cyber Warrior Diversity Program.

~~(E) (1) “SMALL DISADVANTAGED BUSINESS” HAS THE MEANING STATED IN 13 C.F.R. § 124.1002.~~

~~(2) A SMALL DISADVANTAGED BUSINESS:~~

~~(I) HAS ITS HEADQUARTERS IN A QUALIFIED OPPORTUNITY ZONE, AS DEFINED IN 26 U.S.C.A. § 1400Z-1 AND AS DESIGNATED BY THE GOVERNOR;~~

~~(II) IS CERTIFIED BY THE COMPTIA ACADEMY; AND~~

~~(III) IS A COMPTIA PEARSON VUE TESTING CENTER WITH MORE THAN 3 YEARS OF TESTING EXPERIENCE.~~

~~(e) (F)~~ “Successful completer” means a student who enrolled in and successfully completed the Program.

11-1402.

(a) There is a Cyber Warrior Diversity Program at:

(1) Baltimore City Community College;

(2) Bowie State University;

(3) Coppin State University;

(4) Morgan State University; [and]

(5) **THE** University of Maryland Eastern Shore; **AND**

(6) THE UNIVERSITY OF MARYLAND BALTIMORE COUNTY TRAINING CENTERS THAT ARE LOCATED IN THE STATE; AND

(7) LANGSTON HUGHES COMMUNITY, BUSINESS AND RESOURCE CENTER.

(b) The purpose of each Program is to train students in computer networking and cybersecurity.

~~(e) (1) [The] SUBJECT TO THE REQUIREMENTS OF THIS SUBSECTION, THE governing entity at each institution is responsible for administering the Program at that institution.~~

~~(2) THE PROGRAM SHALL USE THE CYBER WARRIOR DIVERSITY PROGRAM CURRICULUM.~~

~~(3) IF A GOVERNING ENTITY ADMINISTERS A PROGRAM THROUGH A CONTRACTUAL ARRANGEMENT OR MEMORANDUM OF UNDERSTANDING, THE GOVERNING ENTITY SHALL AWARD THE CONTRACT OR MEMORANDUM TO A SMALL DISADVANTAGED BUSINESS.~~

11-1405.

(a) [For] **SUBJECT TO THE REQUIREMENTS OF THIS SECTION, FOR** fiscal year 2020 and each fiscal year thereafter, the Governor shall include in the annual State operating budget an appropriation of ~~[\$2,500,000]~~ **\$2,250,000** for the Commission to provide grants to Baltimore City Community College, Bowie State University, Coppin State University, Morgan State University, [and] the University of Maryland Eastern Shore, **AND THE UNIVERSITY OF MARYLAND BALTIMORE COUNTY TRAINING CENTERS;** ~~AND LANGSTON HUGHES COMMUNITY, BUSINESS AND RESOURCE CENTER~~ for the Program established under this section.

(B) GRANTS PROVIDED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE IN THE AMOUNT OF:

(1) AT LEAST \$10,000 PER STUDENT AT:

(I) BALTIMORE CITY COMMUNITY COLLEGE;

(II) BOWIE STATE UNIVERSITY;

(III) COPPIN STATE UNIVERSITY;

(IV) MORGAN STATE UNIVERSITY; AND

(V) THE UNIVERSITY OF MARYLAND EASTERN SHORE; AND

~~**(VI) LANGSTON HUGHES COMMUNITY, BUSINESS AND RESOURCE CENTER; AND**~~

(2) AT LEAST \$500 PER STUDENT AT THE UNIVERSITY OF MARYLAND BALTIMORE COUNTY TRAINING CENTERS, FOR THE PURPOSE OF PARTICIPATION IN JOB APPRENTICESHIP EVENTS.

[(b)] (C) On or before [November 1, 2018] **DECEMBER 15, 2019**, and each [November 1] **DECEMBER 15** thereafter, the governing entities shall notify the

Commission of the number of students enrolled in each institution's Program for the current academic year.

~~[(c)] (D)~~ (1) The funding provided in each fiscal year in accordance with this section shall supplement, but not supplant, any funds that would otherwise be provided for each institution.

(2) The Commission annually shall allocate funds to Baltimore City Community College, Bowie State University, Coppin State University, Morgan State University, [and] the University of Maryland Eastern Shore, ~~AND THE UNIVERSITY OF MARYLAND BALTIMORE COUNTY TRAINING CENTERS, AND LANGSTON HUGHES COMMUNITY, BUSINESS AND RESOURCE CENTER~~ on a pro rata basis according to the most recent enrollment data required under subsection ~~[(b)] (C)~~ of this section.

~~11-1407.~~

~~(A) ON OR BEFORE DECEMBER 1, 2019, AND EACH DECEMBER 1 THEREAFTER, LANGSTON HUGHES COMMUNITY, BUSINESS AND RESOURCE CENTER SHALL HOLD A NATIONAL CYBER WARRIOR DIVERSITY CONFERENCE.~~

~~(B) FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL STATE OPERATING BUDGET AN APPROPRIATION OF AT LEAST \$250,000 TO LANGSTON HUGHES COMMUNITY, BUSINESS AND RESOURCE CENTER TO HOLD THE CONFERENCE DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION.~~

~~Chapter 567 of the Acts of 2018~~

~~[SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2019, Baltimore City Community College, Bowie State University, Coppin State University, Morgan State University, and the University of Maryland Eastern Shore shall jointly hold a National Cyber Warrior Diversity Conference.]~~

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

Approved by the Governor, May 13, 2019.

Chapter 456

(House Bill 17)

AN ACT concerning

Natalie M. LaPrade Medical Cannabis Commission – ~~Food-Containing Medical Cannabis~~ Processing and Dispensing Medical Cannabis

FOR the purpose of authorizing an institution of higher education or a certain facility or firm to file with the Natalie M. LaPrade Medical Cannabis Commission a registration to purchase medical cannabis for the purpose of conducting a certain research project; requiring that a certain registration include certain information; providing that a certain registration is valid until there is a change in a certain project or there is a withdrawal of the registration; authorizing an academic research representative to purchase medical cannabis from a licensed dispensary for a certain purpose; providing that an academic research representative may not be penalized or arrested under State law for certain actions under certain circumstances; authorizing the Commission to adopt certain regulations; adding academic research representatives to the individuals toward whom a dispensary, dispensary agent, processor, or processor agent may take certain actions related to the use of cannabis and certain products, supplies, and materials by certain individuals and not be penalized or arrested under State law; adding academic research representatives to the list of persons that may not be subject to arrest, prosecution, or certain penalties or be denied any right or privilege for the medical use or possession of medical cannabis; adding academic research representatives to the persons from whom a person may not distribute, possess, manufacture, or use cannabis that has been diverted; requiring the Natalie M. LaPrade Medical Cannabis Commission to allow certain dispensaries and dispensary agents to acquire, possess, ~~process~~, transfer, transport, sell, distribute, or dispense ~~food-containing medical cannabis~~ edible cannabis products for use by a qualifying patient or caregiver; requiring the Commission, in consultation with the Maryland Department of Health, to adopt certain regulations; requiring the Commission to allow certain processors and processor agents to acquire, possess, process, package, label, transfer, transport, sell, and distribute to a dispensary ~~food-containing medical cannabis~~ edible cannabis products for use by a qualifying patient or caregiver; requiring the Commission to allow certain processors and processor agents to transport ~~food-containing medical cannabis~~ edible cannabis products to an independent testing laboratory; altering the amount of time a holder of certain licenses must actively engage in certain activities before they may sell or transfer ownership of the license; prohibiting certain persons from being subject to revocation of mandatory supervision, parole, or probation for the medical use of or possession of medical cannabis; requiring that certain advertisements for medical cannabis, medical cannabis products, edible cannabis products, or medical cannabis-related services be supported by certain evidence or data and include certain information about side effects or risks associated with the use of cannabis; prohibiting certain advertisements from being false or misleading; prohibiting certain advertisements from containing certain designs, illustrations, pictures, and representations; requiring that all advertising for medical cannabis, medical cannabis products, or edible cannabis products include a certain statement; requiring a website owned, managed, or operated by certain entities to employ a certain neutral age-screening mechanism; requiring an advertisement placed on social media or a mobile application to include a certain notification; prohibiting advertisements for medical cannabis, medical cannabis products, edible cannabis

products, or medical cannabis–related services from being placed within a certain distance of certain locations; requiring the Natalie M. LaPrade Medical Cannabis Commission to adopt certain regulations; providing for the application of certain provisions of this Act; defining a certain term; certain terms; making conforming changes; making technical corrections; making this Act an emergency measure; and generally relating to the processing and distribution of food containing medical cannabis.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 13–3301, 13–3306(b) and (c), 13–3307(e) through (i), 13–3309(e) through (h), 13–3311.1(a), and 13–3313

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Health – General

Section ~~13–3301(a), (e), and (f)~~, 13–3307(a)(1), and 13–3309(a), and 21–101(a) and (i)

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

BY adding to

Article – Health – General

Section 13–3304.1, 13–3307(e) and (i), and 13–3309(e) and (i), and 13–3313.1

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

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

~~Article – Health – General~~

~~Section 13–3301(g) through (n), 13–3307(c) through (i), and 13–3309(c) through (h)~~

~~Annotated Code of Maryland~~

~~(2015 Replacement Volume and 2018 Supplement)~~

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

Article – Health – General

13–3301.

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

(B) “ACADEMIC RESEARCH REPRESENTATIVE” MEANS AN EMPLOYEE OR AGENT OF AN INSTITUTION OF HIGHER EDUCATION, A RELATED MEDICAL FACILITY, OR AN AFFILIATED BIOMEDICAL RESEARCH FIRM THAT FILED A REGISTRATION WITH THE COMMISSION UNDER § 13–3304.1 OF THIS SUBTITLE WHO IS AUTHORIZED

TO PURCHASE MEDICAL CANNABIS FOR THE INSTITUTION OF HIGHER EDUCATION OR RELATED MEDICAL FACILITY.

[(b)] (C) “Caregiver” means:

(1) A person who has agreed to assist with a qualifying patient’s medical use of cannabis; and

(2) For a qualifying patient under the age of 18 years, a parent or legal guardian.

[(c)] (D) “Certifying provider” means an individual who:

(1) (i) 1. Has an active, unrestricted license to practice medicine that was issued by the State Board of Physicians under Title 14 of the Health Occupations Article; and

2. Is in good standing with the State Board of Physicians;

(ii) 1. Has an active, unrestricted license to practice dentistry that was issued by the State Board of Dental Examiners under Title 4 of the Health Occupations Article; and

2. Is in good standing with the State Board of Dental Examiners;

(iii) 1. Has an active, unrestricted license to practice podiatry that was issued by the State Board of Podiatric Medical Examiners under Title 16 of the Health Occupations Article; and

2. Is in good standing with the State Board of Podiatric Medical Examiners; or

(iv) 1. Has an active, unrestricted license to practice registered nursing and has an active, unrestricted certification to practice as a nurse practitioner or a nurse midwife that were issued by the State Board of Nursing under Title 8 of the Health Occupations Article; and

2. Is in good standing with the State Board of Nursing;

(2) Has a State controlled dangerous substances registration; and

(3) Is registered with the Commission to make cannabis available to patients for medical use in accordance with regulations adopted by the Commission.

~~[(d)]~~ **(E)** “Commission” means the Natalie M. LaPrade Medical Cannabis Commission established under this subtitle.

~~(e)~~ **(F)** “Dispensary” means an entity licensed under this subtitle that acquires, possesses, ~~processes~~, transfers, transports, sells, distributes, dispenses, or administers cannabis, products containing cannabis, related supplies, related products containing cannabis including ~~food~~ **EDIBLE CANNABIS PRODUCTS**, tinctures, aerosols, oils, or ointments, or educational materials for use by a qualifying patient or caregiver.

~~(f)~~ **(G)** “Dispensary agent” means an owner, a member, an employee, a volunteer, an officer, or a director of a dispensary.

~~(g)~~ **“FOOD” HAS THE MEANING STATED IN § 21-101 OF THIS ARTICLE.**

(H) (1) “EDIBLE CANNABIS PRODUCT” MEANS A MEDICAL CANNABIS PRODUCT INTENDED FOR HUMAN CONSUMPTION BY ORAL INGESTION, IN WHOLE OR IN PART.

(2) “EDIBLE CANNABIS PRODUCT” INCLUDES MEDICAL CANNABIS PRODUCTS THAT DISSOLVE OR DISINTEGRATE IN THE MOUTH.

(3) “EDIBLE CANNABIS PRODUCT” DOES NOT INCLUDE ANY:

(I) MEDICAL CANNABIS CONCENTRATE;

(II) MEDICAL CANNABIS-INFUSED PRODUCT, INCLUDING AN OIL, A WAX, AN OINTMENT, A SALVE, A TINCTURE, A CAPSULE, A SUPPOSITORY, A DERMAL PATCH, OR A CARTRIDGE; OR

(III) OTHER DOSAGE FORM THAT IS RECOGNIZED BY THE UNITED STATES PHARMACOPEIA, THE NATIONAL FORMULARY, OR THE FOOD AND DRUG ADMINISTRATION AND IS APPROVED BY THE COMMISSION.

~~[(g)]~~ ~~(H)~~ **(I)** “Fund” means the Natalie M. LaPrade Medical Cannabis Commission Fund established under § 13-3303 of this subtitle.

~~[(h)]~~ ~~(I)~~ **(J)** “Grower” means an entity licensed under this subtitle that:

(1) Cultivates or packages medical cannabis; and

(2) Is authorized by the Commission to provide cannabis to a processor, dispensary, or independent testing laboratory.

[(i)] ~~(J)~~ (K) “Independent testing laboratory” means a facility, an entity, or a site that offers or performs tests related to the inspection and testing of cannabis and products containing cannabis.

[(j)] ~~(K)~~ (L) “Medical cannabis grower agent” means an owner, an employee, a volunteer, an officer, or a director of a grower.

[(k)] ~~(L)~~ (M) “Processor” means an entity that:

- (1) Transforms medical cannabis into another product or extract; and
- (2) Packages and labels medical cannabis.

[(l)] ~~(M)~~ (N) “Processor agent” means an owner, a member, an employee, a volunteer, an officer, or a director of a processor.

[(m)] ~~(N)~~ (O) “Qualifying patient” means an individual who:

- (1) Has been provided with a written certification by a certifying provider in accordance with a bona fide provider–patient relationship; and
- (2) If under the age of 18 years, has a caregiver.

[(n)] ~~(O)~~ (P) “Written certification” means a certification that:

- (1) Is issued by a certifying provider to a qualifying patient with whom the provider has a bona fide provider–patient relationship; and
- (2) Includes a written statement certifying that, in the provider’s professional opinion, after having completed an assessment of the patient’s medical history and current medical condition, the patient has a condition:
 - (i) That meets the inclusion criteria and does not meet the exclusion criteria of the certifying provider’s application; and
 - (ii) For which the potential benefits of the medical use of cannabis would likely outweigh the health risks for the patient; and
- (3) May include a written statement certifying that, in the provider’s professional opinion, a 30–day supply of medical cannabis would be inadequate to meet the medical needs of the qualifying patient.

13-3304.1.

(A) (1) AN INSTITUTION OF HIGHER EDUCATION, A RELATED MEDICAL FACILITY, OR AN AFFILIATED BIOMEDICAL RESEARCH FIRM MAY FILE WITH THE

COMMISSION A REGISTRATION TO PURCHASE MEDICAL CANNABIS FOR THE PURPOSE OF CONDUCTING A BONA FIDE RESEARCH PROJECT RELATING TO THE MEDICAL USES, PROPERTIES, OR COMPOSITION OF CANNABIS.

(2) A REGISTRATION FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

- (I) THE NAME OF THE PRIMARY RESEARCHER;
- (II) THE EXPECTED DURATION OF THE RESEARCH; AND
- (III) THE PRIMARY OBJECTIVES OF THE RESEARCH.

(3) A REGISTRATION FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL REMAIN VALID UNTIL THERE IS A CHANGE IN THE RESEARCH PROJECT OR A WITHDRAWAL OF THE REGISTRATION.

(B) AN ACADEMIC RESEARCH REPRESENTATIVE MAY PURCHASE MEDICAL CANNABIS FROM A LICENSED DISPENSARY.

(C) AN ACADEMIC RESEARCH REPRESENTATIVE MAY NOT BE PENALIZED OR ARRESTED UNDER STATE LAW FOR ACQUIRING, POSSESSING, OR DISPENSING CANNABIS, PRODUCTS CONTAINING CANNABIS, RELATED SUPPLIES, OR EDUCATIONAL MATERIALS FOR USE IN A BONA FIDE RESEARCH PROJECT RELATING TO THE MEDICAL USES, PROPERTIES, OR COMPOSITION OF CANNABIS.

(D) THE COMMISSION MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

13-3306.

(b) An entity licensed to grow medical cannabis under this section may provide cannabis only to:

- (1) Processors licensed by the Commission under this subtitle;
- (2) Dispensaries licensed by the Commission under this subtitle;
- (3) Qualified patients;
- (4) Caregivers; [and]
- (5) Independent testing laboratories registered with the Commission under this subtitle; AND

(6) ACADEMIC RESEARCH REPRESENTATIVES PURCHASING MEDICAL CANNABIS UNDER § 13-3304.1 OF THIS SUBTITLE.

(c) (1) An entity licensed to grow cannabis under this section may dispense cannabis from a facility of a grower licensed as a dispensary.

(2) A qualifying patient [or], A caregiver, OR AN ACADEMIC RESEARCH REPRESENTATIVE PURCHASING MEDICAL CANNABIS UNDER § 13-3304.1 OF THIS SUBTITLE may obtain medical cannabis from a facility of a grower licensed as a dispensary.

(3) An entity licensed to grow medical cannabis under this section may grow and process medical cannabis on the same premises.

13-3307.

(a) (1) A dispensary shall be licensed by the Commission.

(E) THE COMMISSION SHALL ALLOW A DISPENSARY LICENSED UNDER THIS SECTION OR A DISPENSARY AGENT REGISTERED UNDER § 13-3308 OF THIS SUBTITLE TO ACQUIRE, POSSESS, ~~PROCESS,~~ TRANSFER, TRANSPORT, SELL, DISTRIBUTE, OR DISPENSE ~~FOOD CONTAINING MEDICAL CANNABIS~~ EDIBLE CANNABIS PRODUCTS FOR USE BY A QUALIFYING PATIENT ~~OR,~~ A CAREGIVER, OR AN ACADEMIC RESEARCH REPRESENTATIVE PURCHASING MEDICAL CANNABIS UNDER § 13-3304.1 OF THIS SUBTITLE.

[(e)] (F) A dispensary licensed under this section or a dispensary agent registered under § 13-3308 of this subtitle may not be penalized or arrested under State law for acquiring, possessing, ~~processing,~~ transferring, transporting, selling, distributing, or dispensing MEDICAL cannabis, products containing MEDICAL cannabis, related supplies, or educational materials for use by a qualifying patient ~~or,~~ a caregiver, OR AN ACADEMIC RESEARCH REPRESENTATIVE PURCHASING MEDICAL CANNABIS UNDER § 13-3304.1 OF THIS SUBTITLE.

[(f)] (G) The Commission shall establish requirements for security and product handling procedures that a dispensary must meet to obtain a license under this section, including a requirement for a product-tracking system.

[(g)] (H) The Commission may inspect a dispensary licensed under this section to ensure compliance with this subtitle.

(I) THE COMMISSION, IN CONSULTATION WITH THE DEPARTMENT, SHALL ADOPT REGULATIONS TO REQUIRE A DISPENSARY TO MEET ANY ADDITIONAL REQUIREMENTS THAT THE COMMISSION DETERMINES ARE NECESSARY, INCLUDING REQUIRING A PERMIT, FOR THE DISPENSING OF EDIBLE CANNABIS PRODUCTS.

[(h)] ~~(H)~~ (J) The Commission may impose penalties or rescind the license of a dispensary that does not meet the standards for licensure set by the Commission.

[(i)] ~~(I)~~ (K) (1) Each dispensary licensed under this section shall submit to the Commission a quarterly report.

(2) The quarterly report shall include:

- (i) The number of patients served;
- (ii) The county of residence of each patient served;
- (iii) The medical condition for which medical cannabis was recommended;
- (iv) The type and amount of medical cannabis dispensed; and
- (v) If available, a summary of clinical outcomes, including adverse events and any cases of suspected diversion.

(3) The quarterly report may not include any personal information that identifies a patient.

13–3309.

(a) A processor shall be licensed by the Commission.

(E) THE COMMISSION SHALL ALLOW A PROCESSOR LICENSED UNDER THIS SECTION OR A PROCESSOR AGENT REGISTERED UNDER § 13–3310 OF THIS SUBTITLE TO:

(1) ACQUIRE, POSSESS, PROCESS, PACKAGE, LABEL, TRANSFER, TRANSPORT, SELL, AND DISTRIBUTE TO A DISPENSARY ~~FOOD CONTAINING MEDICAL CANNABIS~~ EDIBLE CANNABIS PRODUCTS FOR USE BY A QUALIFYING PATIENT OR, A CAREGIVER, OR AN ACADEMIC RESEARCH REPRESENTATIVE PURCHASING MEDICAL CANNABIS UNDER § 13–3304.1 OF THIS SUBTITLE; AND

(2) TRANSPORT ~~FOOD CONTAINING MEDICAL CANNABIS~~ EDIBLE CANNABIS PRODUCTS TO AN INDEPENDENT TESTING LABORATORY.

[(e)] (F) A processor licensed under this section or a processor agent registered under § 13–3310 of this subtitle may not be penalized or arrested under State law for:

(1) Acquiring, possessing, processing, packaging, labeling, transferring, transporting, selling, or distributing medical cannabis or products containing medical cannabis to a dispensary for use by a qualifying patient ~~or~~, a caregiver, **OR AN ACADEMIC**

RESEARCH REPRESENTATIVE PURCHASING MEDICAL CANNABIS UNDER § 13-3304.1 OF THIS SUBTITLE; or

(2) Transporting medical cannabis or products containing medical cannabis to an independent testing laboratory.

[(f)] (G) The Commission shall establish requirements for security and product handling procedures that a processor must meet to obtain a license under this section, including a requirement for a product-tracking system.

[(g)] (H) The Commission may inspect a processor licensed under this section to ensure compliance with this subtitle.

(I) THE COMMISSION, IN CONSULTATION WITH THE DEPARTMENT, SHALL ADOPT REGULATIONS:

(1) INCLUDING BUT NOT LIMITED TO THE PACKAGING, LABELING, MARKETING, AND APPEARANCE OF EDIBLE CANNABIS PRODUCTS, TO ENSURE THE SAFETY OF MINORS; AND

(2) TO REQUIRE A PROCESSOR TO MEET ANY ADDITIONAL REQUIREMENTS THAT THE COMMISSION DETERMINES ARE NECESSARY, INCLUDING REQUIRING A PERMIT, FOR THE PROCESSING OF EDIBLE CANNABIS PRODUCTS.

[(h)] ~~(H)~~ (J) The Commission may impose penalties or rescind the license of a processor that does not meet the standards for licensure set by the Commission.

~~21-101.~~

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

~~(i) "Food" means:~~

~~(1) Any substance that is used as food or drink for human beings or as a component of food or drink for human beings; or~~

~~(2) Chewing gum or any substance that is used as a component of chewing gum.~~

13-3311.1.

(a) (1) The holder of a medical cannabis grower, processor, or dispensary license may sell or transfer ownership of the license if the licensee was physically and actively engaged in the cultivation, processing, or dispensing of medical cannabis for at least [2] 3 years immediately preceding the sale or transfer of the ownership of the license.

(2) Nothing in paragraph (1) of this subsection may be construed to limit the ability of the Commission to enforce this subtitle.

13-3313.

(a) Any of the following persons acting in accordance with the provisions of this subtitle may not be subject to arrest, prosecution, **REVOCATION OF MANDATORY SUPERVISION, PAROLE, OR PROBATION**, or any civil or administrative penalty, including a civil penalty or disciplinary action by a professional licensing board, or be denied any right or privilege, for the medical use of or possession of medical cannabis:

(1) A qualifying patient:

(i) In possession of an amount of medical cannabis determined by the Commission to constitute a 30-day supply; or

(ii) In possession of an amount of medical cannabis that is greater than a 30-day supply if the qualifying patient's certifying provider stated in the written certification that a 30-day supply would be inadequate to meet the medical needs of the qualifying patient;

(2) A grower licensed under § 13-3306 of this subtitle or a grower agent registered under § 13-3306 of this subtitle;

(3) A certifying provider;

(4) A caregiver;

(5) AN ACADEMIC RESEARCH REPRESENTATIVE PURCHASING MEDICAL CANNABIS UNDER § 13-3304.1 OF THIS SUBTITLE;

~~[(5)] (6)~~ A dispensary licensed under § 13-3307 of this subtitle or a dispensary agent registered under § 13-3308 of this subtitle;

~~[(6)] (7)~~ A processor licensed under § 13-3309 of this subtitle or a processor agent registered under § 13-3310 of this subtitle;

~~[(7)] (8)~~ A hospital, medical facility, or hospice program where a qualifying patient is receiving treatment; or

~~[(8)] (9)~~ A third-party vendor authorized by the Commission to test, transport, or dispose of medical cannabis, medical cannabis products, or medical cannabis waste under the provisions of this subtitle.

(b) (1) A person may not distribute, possess, manufacture, or use cannabis that has been diverted from a qualifying patient, a caregiver, AN ACADEMIC RESEARCH REPRESENTATIVE, a licensed grower, or a licensed dispensary.

(2) A person who violates this subsection is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(3) The penalty under this subsection is in addition to any penalties that a person may be subject to for manufacture, possession, or distribution of marijuana under the Criminal Law Article.

13-3313.1.

(A) ALL ADVERTISEMENTS FOR MEDICAL CANNABIS, MEDICAL CANNABIS PRODUCTS, EDIBLE CANNABIS PRODUCTS, OR MEDICAL CANNABIS-RELATED SERVICES THAT MAKE THERAPEUTIC OR MEDICAL CLAIMS SHALL:

(1) BE SUPPORTED BY SUBSTANTIAL CLINICAL EVIDENCE OR SUBSTANTIAL CLINICAL DATA; AND

(2) INCLUDE INFORMATION ON THE MOST SIGNIFICANT SIDE EFFECTS OR RISKS ASSOCIATED WITH THE USE OF CANNABIS.

(B) AN ADVERTISEMENT FOR A GROWER, A PROCESSOR, A DISPENSARY, AN INDEPENDENT TESTING LABORATORY, A CERTIFYING PROVIDER, OR A THIRD-PARTY VENDOR MAY NOT:

(1) MAKE ANY STATEMENT THAT IS FALSE OR MISLEADING IN ANY MATERIAL WAY OR IS OTHERWISE A VIOLATION OF §§ 13-301 THROUGH 13-320 OF THE COMMERCIAL LAW ARTICLE; OR

(2) CONTAIN A DESIGN, AN ILLUSTRATION, A PICTURE, OR A REPRESENTATION THAT:

(I) ENCOURAGES OR REPRESENTS THE RECREATIONAL USE OF CANNABIS;

(II) TARGETS OR IS ATTRACTIVE TO MINORS, INCLUDING A CARTOON CHARACTER, A MASCOT, OR ANY OTHER DEPICTION THAT IS COMMONLY USED TO MARKET PRODUCTS TO MINORS;

(III) DISPLAYS THE USE OF CANNABIS, INCLUDING THE CONSUMPTION, SMOKING, OR VAPING OF CANNABIS;

(IV) ENCOURAGES OR PROMOTES CANNABIS FOR USE AS AN INTOXICANT; OR

(V) ARE OBSCENE.

(C) ALL ADVERTISING FOR MEDICAL CANNABIS, MEDICAL CANNABIS PRODUCTS, OR EDIBLE CANNABIS PRODUCTS SHALL INCLUDE A STATEMENT THAT THE PRODUCT IS FOR USE ONLY BY A QUALIFYING PATIENT.

(D) (1) ANY WEBSITE OWNED, MANAGED, OR OPERATED BY A CERTIFYING PROVIDER, DISPENSARY, GROWER, OR PROCESSOR SHALL EMPLOY A NEUTRAL AGE-SCREENING MECHANISM THAT VERIFIES THAT THE USER IS AT LEAST 18 YEARS OF AGE, INCLUDING BY USING AN AGE-GATE, AGE-SCREEN, OR AGE VERIFICATION MECHANISM.

(2) AN ADVERTISEMENT PLACED ON SOCIAL MEDIA OR A MOBILE APPLICATION SHALL INCLUDE A NOTIFICATION THAT:

(I) A PERSON MUST BE AT LEAST 18 YEARS OLD TO VIEW THE CONTENT; AND

(II) MEDICAL CANNABIS IS FOR USE BY CERTIFIED PATIENTS ONLY.

(E) (1) THIS SUBSECTION DOES NOT APPLY TO AN ADVERTISEMENT PLACED ON PROPERTY OWNED OR LEASED BY A DISPENSARY, GROWER, OR PROCESSOR.

(2) ANY ADVERTISEMENT FOR MEDICAL CANNABIS, MEDICAL CANNABIS PRODUCTS, EDIBLE CANNABIS PRODUCTS, OR MEDICAL CANNABIS-RELATED SERVICES MAY NOT BE PLACED WITHIN 500 FEET OF:

(I) A SUBSTANCE ABUSE OR TREATMENT FACILITY;

(II) A PRIMARY OR SECONDARY SCHOOL IN THE STATE OR A CHILD CARE CENTER LICENSED OR A FAMILY CHILD CARE HOME REGISTERED UNDER TITLE 9.5 OF THE EDUCATION ARTICLE; OR

(III) A PLAYGROUND, RECREATION CENTER, LIBRARY, OR PUBLIC PARK.

(F) THE COMMISSION SHALL ADOPT REGULATIONS TO ESTABLISH:

(1) PROCEDURES FOR THE ENFORCEMENT OF THIS SECTION; AND

(2) A PROCESS FOR AN INDIVIDUAL TO VOLUNTARILY SUBMIT AN ADVERTISEMENT TO THE COMMISSION FOR AN ADVISORY OPINION ON WHETHER THE ADVERTISEMENT COMPLIES WITH THE RESTRICTIONS ON ADVERTISEMENTS FOR MEDICAL CANNABIS, MEDICAL CANNABIS PRODUCTS, EDIBLE CANNABIS PRODUCTS, AND MEDICAL CANNABIS-RELATED SERVICES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect October 1, 2019~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a 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, May 13, 2019.

Chapter 457

(Senate Bill 515)

AN ACT concerning

Community Colleges – Workforce Readiness Grant Program – Established

FOR the purpose of establishing the Workforce Readiness Grant Program; specifying the purpose of the Program; authorizing each community college campus to accept certain donations that further the purpose of the Program; ~~requiring~~ authorizing the Governor to appropriate a certain amount of supplemental funding in certain fiscal years for certain community colleges; requiring a certain appropriation to be used to further the purpose of the Program; authorizing the Governor to make a certain appropriation; requiring that certain funding be in addition to certain State funding provided for certain community colleges; requiring the Governor, in certain fiscal years, to identify in the annual budget how certain revenue is being used to supplement certain spending for certain community colleges; requiring the Maryland Higher Education Commission to adopt certain regulations; requiring the Commission to submit a certain report in a certain manner to the Governor and the General Assembly; defining certain terms; providing for the termination of this Act; and generally relating to the Workforce Readiness Grant Program.

BY adding to

Article – Education

Section 16–321

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

16-321.

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

(2) “COMMUNITY COLLEGE” INCLUDES BALTIMORE CITY COMMUNITY COLLEGE.

(3) “ELIGIBLE DONOR” MEANS A PERSON OTHER THAN A LOCAL, STATE, FEDERAL, OR FOREIGN GOVERNMENT.

(4) “PROGRAM” MEANS THE WORKFORCE READINESS GRANT PROGRAM.

(B) THERE IS A WORKFORCE READINESS GRANT PROGRAM.

(C) THE PURPOSE OF THE PROGRAM IS TO PROVIDE MATCHING GRANTS TO A COMMUNITY COLLEGE TO IMPROVE THE COMMUNITY COLLEGE’S TECHNOLOGY.

(D) EACH COMMUNITY COLLEGE CAMPUS MAY ACCEPT DONATIONS FROM ELIGIBLE DONORS THAT FURTHER THE PURPOSE OF THE PROGRAM.

(E) (1) (I) IN FISCAL YEAR 2022, THE GOVERNOR ~~SHALL~~ MAY INCLUDE IN THE STATE BUDGET FOR EACH COMMUNITY COLLEGE SUPPLEMENTAL FUNDING IN AN AMOUNT EQUAL TO THE LESSER OF \$250,000 FOR EACH CAMPUS OF EACH COMMUNITY COLLEGE OR THE AMOUNT DONATED UNDER SUBSECTION (D) OF THIS SECTION IN FISCAL YEARS 2020 AND 2021.

(II) IN FISCAL YEAR 2024, THE GOVERNOR ~~SHALL~~ MAY INCLUDE IN THE STATE BUDGET FOR EACH COMMUNITY COLLEGE, SUPPLEMENTAL FUNDING EQUAL TO THE LESSER OF \$250,000 FOR EACH CAMPUS OF EACH COMMUNITY COLLEGE OR THE AMOUNT DONATED UNDER SUBSECTION (D) OF THIS SECTION IN FISCAL YEARS 2022 AND 2023.

(2) FOR PURPOSES OF CALCULATING THE GOVERNOR’S APPROPRIATION UNDER THIS SUBSECTION, AN AMOUNT DONATED BY AN ELIGIBLE DONOR MAY BE COUNTED ONLY FOR THE FISCAL YEAR IN WHICH IT WAS PLEDGED.

(3) THE GOVERNOR'S APPROPRIATION SHALL BE USED TO FURTHER THE PURPOSE OF THE PROGRAM.

(4) THE SUPPLEMENTAL FUNDING ~~REQUIRED~~ AUTHORIZED UNDER THIS SUBSECTION ~~SHALL BE~~ IS IN ADDITION TO THE STATE FUNDING PROVIDED TO EACH COMMUNITY COLLEGE UNDER § 16-305 OF THIS SUBTITLE OR SUBTITLE 5 OF THIS TITLE.

(5) FOR FISCAL YEARS 2022 AND 2024, THE GOVERNOR SHALL IDENTIFY IN THE ANNUAL BUDGET HOW THE REVENUE ~~REQUIRED~~ AUTHORIZED UNDER THIS SUBSECTION IS BEING USED TO SUPPLEMENT AND NOT SUPPLANT THE APPROPRIATION FOR EACH COMMUNITY COLLEGE.

(F) THE COMMISSION SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROGRAM.

(G) (1) ON OR BEFORE SEPTEMBER 1, 2022, AND ON OR BEFORE SEPTEMBER 1, 2024, THE COMMISSION SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(2) THE REPORT SUBMITTED UNDER THIS SUBSECTION SHALL SUMMARIZE FOR EACH COMMUNITY COLLEGE THE TOTAL AMOUNT OF FUNDS RAISED FOR THE PROGRAM AND HOW THOSE FUNDS WERE SPENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019. It shall remain effective for a period of 6 years and, at the end of June 30, 2025, 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, May 13, 2019.

Chapter 458

(Senate Bill 346)

AN ACT concerning

**Public Safety – Regulated Firearms – ~~Transfer Sell, Rent, Transfer, or Loan~~
Prohibition of Loans**

FOR the purpose of ~~providing that, for certain purposes, the term “transfer” includes a loan other than a certain exchange of a regulated firearm between two individuals under~~

~~certain circumstances providing that a firearms dealer or other person may not loan a regulated firearm to a certain person under certain circumstances; providing that a dealer or other person may not sell, rent, transfer, or loan a regulated firearm to a certain person who the dealer or other person knows or has reason to believe intends to commit a certain crime or cause certain harm; prohibiting a certain dealer or other person from loaning a regulated firearm to a certain borrower under certain circumstances; prohibiting a certain dealer or other person from selling, renting, loaning, or transferring a regulated firearm to a certain person who the dealer or other person knows or has reason to believe intends to commit a certain crime or cause certain harm; creating a certain exception to a certain prohibition on selling, renting, loaning, or transferring a regulated firearm to a person under a certain age; providing that a person who is the recipient of a loan borrower of a regulated firearm is not required to take a certain safety course; making certain conforming changes; and generally relating to regulated firearms.~~

BY repealing and reenacting, with amendments,
Article – Public Safety
Section ~~5-124~~ ~~5-134~~ ~~5-134(b)~~ and (c)
Annotated Code of Maryland
(2018 Replacement Volume)

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

Article – Public Safety

~~5-124.~~

~~(A) IN THIS SECTION, “TRANSFER” INCLUDES A LOAN OTHER THAN A TEMPORARY GRATUITOUS EXCHANGE OF A REGULATED FIREARM BETWEEN TWO INDIVIDUALS WHO REMAIN IN THE SAME LOCATION FOR THE DURATION OF THE EXCHANGE.~~

~~[(a)] (B) (1) A person who is not a licensee may not sell, rent, transfer, or purchase a regulated firearm until after 7 days following the time a firearm application is executed by the firearm applicant, in triplicate, and the original is forwarded by a licensee to the Secretary.~~

~~(2) As an alternative to completing a secondary sale of a regulated firearm through a licensee, a prospective seller, lessor, or transferor and a prospective purchaser, lessee, or transferee may complete the transaction through a designated law enforcement agency.~~

~~[(b)] (C) A firearm applicant for a secondary sale of a regulated firearm through a licensee shall pay to the licensee a processing fee not exceeding \$20.~~

~~[(c)] (D)~~ A person shall complete the sale, rental, or transfer of a regulated firearm within 90 days after the firearm application was stamped by the Secretary as not being disapproved.

~~[(d)] (E)~~ (1) If the sale, rental, or transfer of a regulated firearm is not completed within 90 days after the firearm application was stamped by the Secretary as not being disapproved, a person shall return the firearm application to the Secretary within 7 days.

(2) The Secretary shall void a firearm application returned under paragraph (1) of this subsection as an incomplete sale, rental, or transfer.

~~[(e)] (F)~~ (1) (i) A person who sells, rents, or transfers a regulated firearm in compliance with this subtitle shall forward a copy of the written notification of the completed transaction to the Secretary within 7 days after delivery of the regulated firearm.

(ii) The notification shall contain an identifying description of the regulated firearm, including its caliber, make, model, any manufacturer's serial number, and any other special or peculiar characteristic or marking by which the regulated firearm may be identified.

(2) The Secretary shall maintain a permanent record of all notifications received of completed sales, rentals, and transfers of regulated firearms in the State.

5-134.

~~(a) This section supersedes any restriction that a local jurisdiction in the State imposes on the transfer by a private party of a regulated firearm, and the State preempts the right of any local jurisdiction to regulate the transfer of a regulated firearm.~~

~~(b) IN THIS SECTION, "LOAN" INCLUDES A TEMPORARY GRATUITOUS EXCHANGE OF A REGULATED FIREARM BETWEEN TWO INDIVIDUALS.~~

~~(C) A dealer or other person may not sell, rent, [or] transfer, OR LOAN a regulated firearm to a purchaser, lessee, [or] transferee, OR RECIPIENT who the dealer or other person knows or has reasonable cause to believe:~~

~~(1) is under the age of 21 years, UNLESS THE REGULATED FIREARM IS LOANED TO A RECIPIENT WHO MAY POSSESS THE REGULATED FIREARM UNDER § 5-133(D) OF THIS SUBTITLE;~~

~~(2) has been convicted of a disqualifying crime;~~

~~(3) has been convicted of a conspiracy to commit a felony;~~

~~(4) has been convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years;~~

~~(5) is a fugitive from justice;~~

~~(6) is a habitual drunkard;~~

~~(7) is addicted to a controlled dangerous substance or is a habitual user;~~

~~(8) suffers from a mental disorder as defined in § 10-101(i)(2) of the Health – General Article, and has a history of violent behavior against the purchaser, lessee, [or] transferee, OR RECIPIENT or another, unless the purchaser, lessee, [or] transferee, OR RECIPIENT possesses a physician's certificate that the PURCHASER, LESSEE, TRANSFEREE, OR recipient is capable of possessing a regulated firearm without undue danger to the purchaser, lessee, [or] transferee, OR RECIPIENT or to another;~~

~~(9) has been confined for more than 30 consecutive days to a facility as defined in § 10-101 of the Health – General Article, unless the purchaser, lessee, [or] transferee, OR RECIPIENT possesses a physician's certificate that the PURCHASER, LESSEE, TRANSFEREE, OR recipient is capable of possessing a regulated firearm without undue danger to the purchaser, lessee, or transferee or to another;~~

*(b) A dealer or other person may not sell, rent, **LOAN**, or transfer a regulated firearm to a purchaser, lessee, **BORROWER**, or transferee who the dealer or other person knows or has reasonable cause to believe:*

*(1) is under the age of 21 years, **UNLESS THE REGULATED FIREARM IS LOANED TO A BORROWER WHO MAY POSSESS THE REGULATED FIREARM UNDER § 5-133(D) OF THIS SUBTITLE;***

(2) has been convicted of a disqualifying crime;

(3) has been convicted of a conspiracy to commit a felony;

(4) has been convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years;

(5) is a fugitive from justice;

(6) is a habitual drunkard;

(7) is addicted to a controlled dangerous substance or is a habitual user;

*(8) suffers from a mental disorder as defined in § 10-101(i)(2) of the Health – General Article, and has a history of violent behavior against the purchaser, lessee, **BORROWER**, or transferee or another, unless the purchaser, lessee, **BORROWER**, or*

transferee possesses a physician's certificate that the recipient is capable of possessing a regulated firearm without undue danger to the purchaser, lessee, **BORROWER**, or transferee or to another;

(9) has been confined for more than 30 consecutive days to a facility as defined in § 10-101 of the Health – General Article, unless the purchaser, lessee, **BORROWER**, or transferee possesses a physician's certificate that the recipient is capable of possessing a regulated firearm without undue danger to the purchaser, lessee, **BORROWER**, or transferee or to another;

(10) is a respondent against whom a current non ex parte civil protective order has been entered under § 4-506 of the Family Law Article;

(11) if under the age of 30 years at the time of the transaction, has been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult;

(12) is visibly under the influence of alcohol or drugs;

(13) is a participant in a straw purchase; [or]

(14) subject to subsection (c) of this section for a transaction under this subsection that is made on or after January 1, 2002, has not completed a certified firearms safety training course conducted free of charge by the Police Training and Standards Commission or that meets standards established by the Police Training and Standards Commission under § 3-207 of this article; OR

(15) INTENDS TO USE THE REGULATED FIREARM TO:

(I) COMMIT A CRIME; OR

(II) CAUSE HARM TO THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OR ANOTHER PERSON.

~~[(c)] (d)~~ A person is not required to complete a certified firearms safety training course under subsection (b)(14) of this section if the person:

(1) has already completed a certified firearms safety training course required under subsection (b)(14) of this section;

(2) is a law enforcement officer of the State or any local law enforcement agency in the State;

(3) is a member, retired member, or honorably discharged member of the armed forces of the United States or the National Guard;

(4) is a member of an organization that is required by federal law governing its specific business or activity to maintain handguns and applicable ammunition; [or]

(5) has been issued a permit to carry a handgun under Subtitle 3 of this title; OR

(6) IS THE RECIPIENT OF A LOAN BORROWER OF A FIREARM.

~~[(d)] (E) (1) A person may not sell, rent, or transfer:~~

~~(i) ammunition solely designed for a regulated firearm to a person who is under the age of 21 years; or~~

~~(ii) 1. a firearm other than a regulated firearm to a minor;~~

~~2. ammunition for a firearm to a minor;~~

~~3. pepper mace, which is an aerosol propelled combination of highly disabling irritant based products and is also known as oleo-resin capsicum (O.C.) spray, to a minor; or~~

~~4. another deadly weapon to a minor.~~

~~(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.~~

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

Approved by the Governor, May 13, 2019.

Chapter 459

(Senate Bill 847)

AN ACT concerning

Baltimore Police Department – Commission to Restore Trust in Policing – ~~Extension and Funding Alterations~~

FOR the purpose of altering a certain requirement regarding the confidentiality of certain proceedings, testimony, and other evidence; prohibiting certain members and staff of the Commission to Restore Trust in Policing from being required to sign a certain confidentiality agreement; altering the due date for a certain report that the

Commission to Restore Trust in Policing is required to submit to the Governor and the General Assembly; altering the termination date for the Commission to Restore Trust in Policing; requesting and encouraging the Governor to appropriate certain funds for certain fiscal years for a certain purpose; and generally relating to the Commission to Restore Trust in Policing.

BY repealing and reenacting, with amendments,

The Charter of Baltimore City

Article II – General Powers

Section ~~(71)(m)~~ (71)(h) and (m)

(2007 Replacement Volume, as amended)

(As enacted by Chapter 753 of the Acts of the General Assembly of 2018)

BY repealing and reenacting, with amendments,

Chapter 753 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:

The Charter of Baltimore City

Article II – General Powers

The Mayor and City Council of Baltimore shall have full power and authority to exercise all of the powers heretofore or hereafter granted to it by the Constitution of Maryland or by any Public General or Public Local Laws of the State of Maryland; and in particular, without limitation upon the foregoing, shall have power by ordinance, or such other method as may be provided for in its Charter, subject to the provisions of said Constitution and Public General Laws:

(71)

(h) (1) Except as provided [in paragraph (2) of this subsection] UNDER THE PUBLIC INFORMATION ACT AND THE OPEN MEETINGS ACT, the proceedings, testimony, and any other evidence before the Commission are public information.

(2) [On a vote of five or more members of the Commission, proceedings, testimony, and any other evidence before the Commission that are protected from disclosure under the Public Information Act may be deemed confidential and privileged] MEMBERS OF THE COMMISSION AND STAFF TO THE COMMISSION MAY NOT BE REQUIRED TO SIGN A CONFIDENTIALITY AGREEMENT TO RECEIVE DOCUMENTS OR FILES, INCLUDING PERSONNEL FILES, PROPERLY SUBPOENAED IN ACCORDANCE WITH THIS SECTION.

(m) On or before December 31, [2019] **2020**, the Commission shall submit a final report of its findings, conclusions, and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

Chapter 753 of the Acts of 2018

SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and, except as provided in Section 3 of this Act, shall take effect from the date it is enacted. Section 1 of this Act shall remain effective for a period of [1 year] **2 YEARS** and 8 months and, at the end of [1 year] **2 YEARS** and 8 months from the date of enactment, Section 1 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 the Governor is requested and encouraged to appropriate sufficient funds for fiscal year 2020 and fiscal year 2021 to enable the Commission to Restore Trust in Policing to complete its work in a timely and comprehensive manner.

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

Approved by the Governor, May 13, 2019.

Chapter 460

(House Bill 625)

AN ACT concerning

Baltimore Police Department – Commission to Restore Trust in Policing – ~~Extension and Funding Alterations~~

FOR the purpose of altering a certain requirement regarding the confidentiality of certain proceedings, testimony, and other evidence; prohibiting certain members and staff of the Commission to Restore Trust in Policing from being required to sign a certain confidentiality agreement; altering the due date for a certain report that the Commission to Restore Trust in Policing is required to submit to the Governor and the General Assembly; altering the termination date for the Commission to Restore Trust in Policing; requesting and encouraging the Governor to appropriate certain funds for certain fiscal years for a certain purpose; and generally relating to the Commission to Restore Trust in Policing.

BY repealing and reenacting, with amendments,

The Charter of Baltimore City
 Article II – General Powers
 Section ~~(71)(m)~~ (71)(h) and (m)
 (2007 Replacement Volume, as amended)
 (As enacted by Chapter 753 of the Acts of the General Assembly of 2018)

BY repealing and reenacting, with amendments,
 Chapter 753 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:

The Charter of Baltimore City

Article II – General Powers

The Mayor and City Council of Baltimore shall have full power and authority to exercise all of the powers heretofore or hereafter granted to it by the Constitution of Maryland or by any Public General or Public Local Laws of the State of Maryland; and in particular, without limitation upon the foregoing, shall have power by ordinance, or such other method as may be provided for in its Charter, subject to the provisions of said Constitution and Public General Laws:

(71)

(h) (1) Except as provided [in paragraph (2) of this subsection] UNDER THE PUBLIC INFORMATION ACT AND THE OPEN MEETINGS ACT, the proceedings, testimony, and any other evidence before the Commission are public information.

(2) [On a vote of five or more members of the Commission, proceedings, testimony, and any other evidence before the Commission that are protected from disclosure under the Public Information Act may be deemed confidential and privileged] MEMBERS OF THE COMMISSION AND STAFF TO THE COMMISSION MAY NOT BE REQUIRED TO SIGN A CONFIDENTIALITY AGREEMENT TO RECEIVE DOCUMENTS OR FILES, INCLUDING PERSONNEL FILES, PROPERLY SUBPOENAED IN ACCORDANCE WITH THIS SECTION.

(m) On or before December 31, [2019] **2020**, the Commission shall submit a final report of its findings, conclusions, and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

Chapter 753 of the Acts of 2018

SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has

been passed by a ye and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and, except as provided in Section 3 of this Act, shall take effect from the date it is enacted. Section 1 of this Act shall remain effective for a period of [1 year] **2 YEARS** and 8 months and, at the end of [1 year] **2 YEARS** and 8 months from the date of enactment, Section 1 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 the Governor is requested and encouraged to appropriate sufficient funds for fiscal year 2020 and fiscal year 2021 to enable the Commission to Restore Trust in Policing to complete its work in a timely and comprehensive manner.

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

Approved by the Governor, May 13, 2019.

Chapter 461

(House Bill 683)

AN ACT concerning

Electricity – Community Solar Energy Generating Systems Pilot Program – Extension

FOR the purpose of prohibiting the imposition of a maximum number of subscribers to a community solar energy generating system under the Community Solar Energy Generating Systems Pilot Program; providing for an increase in the generating capacity and capacity limits to be included in the pilot program; altering the termination date of the pilot program; altering the submission date of a certain report on the pilot program to certain committees of the General Assembly; and generally relating to the Community Solar Energy Generating Systems Pilot Program.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–306.2(a) and (d)
Annotated Code of Maryland
(2010 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Chapter 346 of the Acts of the General Assembly of 2015
Section 2(c)

BY repealing and reenacting, with amendments,
Chapter 347 of the Acts of the General Assembly of 2015
Section 2(c)

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

Article – Public Utilities

7–306.2.

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

(2) “Baseline annual usage” means:

(i) a subscriber’s accumulated electricity use in kilowatt–hours for the 12 months before the subscriber’s most recent subscription; or

(ii) for a subscriber that does not have a record of 12 months of electricity use at the time of the subscriber’s most recent subscription, an estimate of the subscriber’s accumulated 12 months of electricity use in kilowatt–hours, determined in a manner the Commission approves.

(3) “Community solar energy generating system” means a solar energy system that:

(i) is connected to the electric distribution grid serving the State;

(ii) is located in the same electric service territory as its subscribers;

(iii) is attached to the electric meter of a subscriber or is a separate facility with its own electric meter;

(iv) credits its generated electricity, or the value of its generated electricity, to the bills of the subscribers to that system through virtual net energy metering;

(v) has at least two subscribers **BUT NO LIMIT TO THE MAXIMUM NUMBER OF SUBSCRIBERS**;

(vi) does not have subscriptions larger than 200 kilowatts constituting more than 60% of its subscriptions;

(vii) has a generating capacity that does not exceed 2 megawatts as measured by the alternating current rating of the system’s inverter; and

(viii) may be owned by any person.

(4) “Program” means the Community Solar Energy Generating Systems Pilot Program.

(5) “Subscriber” means a retail customer of an electric company that:

(i) holds a subscription to a community solar energy generating system; and

(ii) has identified one or more individual meters or accounts to which the subscription shall be attributed.

(6) “Subscriber organization” means:

(i) a person that owns or operates a community solar energy generating system; or

(ii) the collective group of subscribers of a community solar energy generating system.

(7) “Subscription” means the portion of the electricity generated by a community solar energy generating system that is credited to a subscriber.

(8) “Unsubscribed energy” means any community solar energy generating system output in kilowatt–hours that is not allocated to any subscriber.

(9) “Virtual net energy metering” means measurement of the difference between the kilowatt–hours or value of electricity that is supplied by an electric company and the kilowatt–hours or value of electricity attributable to a subscription to a community solar energy generating system and fed back to the electric grid over the subscriber’s billing period, as calculated under the tariffs established under subsection (e)(2) of this section.

(d) (1) (i) The Commission shall establish a pilot program for a Community Solar Energy Generating System Program.

(ii) The structure of the pilot program is as provided in this subsection.

(2) All rate classes may participate in the pilot program.

(3) Subscribers served by electric standard offer service and electricity suppliers may hold subscriptions to the same community solar energy generating system.

(4) A subscriber organization shall:

(i) determine how to allocate subscriptions to subscribers; and

(ii) notify an electric company and, if applicable, a relevant electricity supplier about the regulations the Commission adopts under subsection (e) of this section.

(5) An electric company shall use the tariff structure under subsection (e)(2) of this section to provide each subscriber with the credits.

(6) A subscriber may not receive credit for virtual net excess generation that exceeds 200% of the subscriber's baseline annual usage.

(7) Any unsubscribed energy generated by a community solar energy generating system that is not owned by an electric company shall be purchased under the electric company's process for purchasing the output from qualifying facilities at the amount it would have cost the electric company to procure the energy.

(8) An electric company shall use energy generated from a community solar energy generating system to offset purchases from wholesale electricity suppliers for standard offer service.

(9) All costs associated with small generator interconnection standards under COMAR 20.50.09 are the responsibility of the subscriber organization.

(10) A subscriber organization may petition an electric company to coordinate the interconnection and commencement of operations of a community solar energy generating system after the Commission adopts regulations required under subsection (e) of this section.

(11) A subscriber organization may contract with a third party for the third party to finance, build, own, or operate a community solar energy generating system.

(12) A municipal utility or cooperative utility may participate in the pilot program.

(13) Equipment for a community solar energy generating system may not be built on contiguous parcels of land unless the equipment is installed only on building rooftops.

(14) The pilot program shall:

(i) begin on the earlier of:

1. the date of submission of the first petition of a subscriber organization under paragraph (10) of this subsection after the Commission adopts the regulations required under subsection (e) of this section; or

2. 6 months after the Commission adopts those regulations;

and

(ii) end [3] 7 years after the beginning date, **BUT NOT SOONER THAN DECEMBER 31, 2024.**

(15) The Commission shall limit the pilot program in such a way that the Commission may conduct a meaningful study of the pilot program and its results, including:

(i) the appropriate number of community solar energy generating systems to be included in the pilot program;

(ii) the appropriate amount of generating capacity of the community solar energy generating systems to be included in the pilot program **AND THE ANNUAL CAPACITY LIMITS FOR EACH PROGRAM CATEGORY, EACH OF WHICH SHOULD INCREASE THROUGHOUT THE DURATION OF THE PILOT PROGRAM;** and

(iii) a variety of appropriate geographical areas in the State for locating community solar energy generating systems to be included in the pilot program.

Chapter 346 of the Acts of 2015

SECTION 2. AND BE IT FURTHER ENACTED, That:

(c) On or before July 1, [2019] **2022**, the Public Service Commission shall report its findings and recommendations, based on the study conducted under this section, to the Senate Finance Committee and the House Economic Matters Committee in accordance with § 2-1246 of the State Government Article.

Chapter 347 of the Acts of 2015

SECTION 2. AND BE IT FURTHER ENACTED, That:

(c) On or before July 1, [2019] **2022**, the Public Service Commission shall report its findings and recommendations, based on the study conducted under this section, to the Senate Finance Committee and the House Economic Matters Committee in accordance with § 2-1246 of the State Government Article.

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

Approved by the Governor, May 13, 2019.

Chapter 462

(Senate Bill 520)

AN ACT concerning

**Electricity – Community Solar Energy Generating Systems Pilot Program –
Extension**

FOR the purpose of prohibiting the imposition of a maximum number of subscribers to a community solar energy generating system under the Community Solar Energy Generating Systems Pilot Program; providing for an increase in the generating capacity and capacity limits to be included in the pilot program; altering the termination date of the pilot program; altering the submission date of a certain report on the pilot program to certain committees of the General Assembly; and generally relating to the Community Solar Energy Generating Systems Pilot Program.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–306.2(a) and (d)
Annotated Code of Maryland
(2010 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Chapter 346 of the Acts of the General Assembly of 2015
Section 2(c)

BY repealing and reenacting, with amendments,
Chapter 347 of the Acts of the General Assembly of 2015
Section 2(c)

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

Article – Public Utilities

7–306.2.

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

(2) “Baseline annual usage” means:

(i) a subscriber’s accumulated electricity use in kilowatt–hours for the 12 months before the subscriber’s most recent subscription; or

(ii) for a subscriber that does not have a record of 12 months of electricity use at the time of the subscriber’s most recent subscription, an estimate of the subscriber’s accumulated 12 months of electricity use in kilowatt–hours, determined in a manner the Commission approves.

(3) “Community solar energy generating system” means a solar energy system that:

- (i) is connected to the electric distribution grid serving the State;
- (ii) is located in the same electric service territory as its subscribers;
- (iii) is attached to the electric meter of a subscriber or is a separate facility with its own electric meter;
- (iv) credits its generated electricity, or the value of its generated electricity, to the bills of the subscribers to that system through virtual net energy metering;
- (v) has at least two subscribers **BUT NO LIMIT TO THE MAXIMUM NUMBER OF SUBSCRIBERS**;
- (vi) does not have subscriptions larger than 200 kilowatts constituting more than 60% of its subscriptions;
- (vii) has a generating capacity that does not exceed 2 megawatts as measured by the alternating current rating of the system’s inverter; and
- (viii) may be owned by any person.

(4) “Program” means the Community Solar Energy Generating Systems Pilot Program.

- (5) “Subscriber” means a retail customer of an electric company that:
- (i) holds a subscription to a community solar energy generating system; and
 - (ii) has identified one or more individual meters or accounts to which the subscription shall be attributed.

- (6) “Subscriber organization” means:
- (i) a person that owns or operates a community solar energy generating system; or
 - (ii) the collective group of subscribers of a community solar energy generating system.

(7) “Subscription” means the portion of the electricity generated by a community solar energy generating system that is credited to a subscriber.

(8) “Unsubscribed energy” means any community solar energy generating system output in kilowatt–hours that is not allocated to any subscriber.

(9) “Virtual net energy metering” means measurement of the difference between the kilowatt–hours or value of electricity that is supplied by an electric company and the kilowatt–hours or value of electricity attributable to a subscription to a community solar energy generating system and fed back to the electric grid over the subscriber’s billing period, as calculated under the tariffs established under subsection (e)(2) of this section.

(d) (1) (i) The Commission shall establish a pilot program for a Community Solar Energy Generating System Program.

(ii) The structure of the pilot program is as provided in this subsection.

(2) All rate classes may participate in the pilot program.

(3) Subscribers served by electric standard offer service and electricity suppliers may hold subscriptions to the same community solar energy generating system.

(4) A subscriber organization shall:

(i) determine how to allocate subscriptions to subscribers; and

(ii) notify an electric company and, if applicable, a relevant electricity supplier about the regulations the Commission adopts under subsection (e) of this section.

(5) An electric company shall use the tariff structure under subsection (e)(2) of this section to provide each subscriber with the credits.

(6) A subscriber may not receive credit for virtual net excess generation that exceeds 200% of the subscriber’s baseline annual usage.

(7) Any unsubscribed energy generated by a community solar energy generating system that is not owned by an electric company shall be purchased under the electric company’s process for purchasing the output from qualifying facilities at the amount it would have cost the electric company to procure the energy.

(8) An electric company shall use energy generated from a community solar energy generating system to offset purchases from wholesale electricity suppliers for standard offer service.

(9) All costs associated with small generator interconnection standards under COMAR 20.50.09 are the responsibility of the subscriber organization.

(10) A subscriber organization may petition an electric company to coordinate the interconnection and commencement of operations of a community solar energy generating system after the Commission adopts regulations required under subsection (e) of this section.

(11) A subscriber organization may contract with a third party for the third party to finance, build, own, or operate a community solar energy generating system.

(12) A municipal utility or cooperative utility may participate in the pilot program.

(13) Equipment for a community solar energy generating system may not be built on contiguous parcels of land unless the equipment is installed only on building rooftops.

(14) The pilot program shall:

(i) begin on the earlier of:

1. the date of submission of the first petition of a subscriber organization under paragraph (10) of this subsection after the Commission adopts the regulations required under subsection (e) of this section; or

2. 6 months after the Commission adopts those regulations;
and

(ii) end [3] 7 years after the beginning date, **BUT NOT SOONER THAN DECEMBER 31, 2024.**

(15) The Commission shall limit the pilot program in such a way that the Commission may conduct a meaningful study of the pilot program and its results, including:

(i) the appropriate number of community solar energy generating systems to be included in the pilot program;

(ii) the appropriate amount of generating capacity of the community solar energy generating systems to be included in the pilot program **AND THE ANNUAL CAPACITY LIMITS FOR EACH PROGRAM CATEGORY, EACH OF WHICH SHOULD INCREASE THROUGHOUT THE DURATION OF THE PILOT PROGRAM;** and

(iii) a variety of appropriate geographical areas in the State for locating community solar energy generating systems to be included in the pilot program.

Chapter 346 of the Acts of 2015

SECTION 2. AND BE IT FURTHER ENACTED, That:

(c) On or before July 1, [2019] **2022**, the Public Service Commission shall report its findings and recommendations, based on the study conducted under this section, to the Senate Finance Committee and the House Economic Matters Committee in accordance with § 2–1246 of the State Government Article.

Chapter 347 of the Acts of 2015

SECTION 2. AND BE IT FURTHER ENACTED, That:

(c) On or before July 1, [2019] **2022**, the Public Service Commission shall report its findings and recommendations, based on the study conducted under this section, to the Senate Finance Committee and the House Economic Matters Committee in accordance with § 2–1246 of the State Government Article.

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

Approved by the Governor, May 13, 2019.

Chapter 463

(Senate Bill 415)

AN ACT concerning

Long–Term Care Insurance – Annual Notice

FOR the purpose of requiring certain carriers to provide each insured under a policy or contract of long–term care insurance in the State an annual notice, in a certain manner, containing certain information; and generally relating to long–term care insurance.

BY adding to

Article – Insurance

Section 18–117.1

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

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

Article – Insurance

18–117.1.

EACH CARRIER SHALL PROVIDE TO EACH INSURED UNDER A POLICY OR CONTRACT OF LONG-TERM CARE INSURANCE IN THE STATE AN ANNUAL NOTICE, IN WRITING OR ELECTRONICALLY, CONTAINING THE INSURED'S POLICY FORM NUMBER AND THE CARRIER'S CUSTOMER SERVICE TELEPHONE NUMBER.

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

Approved by the Governor, May 13, 2019.

Chapter 464

(Senate Bill 240)

AN ACT concerning

Maryland Community College Promise Scholarship Program – Alterations to the Award of Scholarship Funds

FOR the purpose of ~~requiring the Office of Student Financial Assistance in the Maryland Higher Education Commission to select eligible applicants for the Maryland Community College Promise Scholarship program, to the extent practicable, at each community college based on each community college's proportionate share of a certain number of students;~~ specifying that if an award recipient is eligible for a local promise scholarship, an award under the program shall be credited to the tuition of a scholarship recipient before the award of a local promise scholarship; defining a certain term; and generally relating to the award of scholarship funds under the Maryland Community College Promise Scholarship program.

BY repealing and reenacting, with amendments,
 Article – Education
 Section 18-3601, ~~18-3603~~, and ~~18-3604~~ 18-3604(b)
 Annotated Code of Maryland
 (2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,
 Article – Education
 Section 18-3602(a) and (b)
 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

18–3601.

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

(b) “Annual adjusted gross income” means the total of the combined adjusted gross income of the applicant and the applicant’s parents, or the applicant and the applicant’s spouse if the applicant is married, as reported on the most recent federal or State income tax return.

(c) “Community college” includes Baltimore City Community College.

(D) “LOCAL PROMISE SCHOLARSHIP” MEANS A COMMUNITY COLLEGE SCHOLARSHIP PROGRAM IN EFFECT ON JULY 1, 2018, THAT PROVIDES A SCHOLARSHIP TO ANY HIGH SCHOOL SENIOR WHO IS ELIGIBLE FOR ENROLLMENT AT THE COMMUNITY COLLEGE.

[(d)] (E) (1) “Tuition” means the basic instructional charge for courses offered at a community college.

(2) “Tuition” includes any fees for:

- (i) Registration;
- (ii) Application;
- (iii) Administration;
- (iv) Laboratory work; and
- (v) Other mandatory fees.

18–3602.

(a) There is a program of Maryland Community College Promise Scholarships in the State that are awarded under this subtitle.

(b) The purpose of the program is to provide tuition assistance for students to attend a community college in the State.

~~18–3603.~~

~~(a) (1) A student must apply annually to the Commission to receive a Maryland Community College Promise Scholarship award.~~

~~(2) The Office annually shall select eligible applicants and offer a Maryland Community College Promise Scholarship award to each selected applicant to be used for tuition at a community college of the applicant's choice.~~

~~(3) TO THE EXTENT PRACTICABLE, THE OFFICE SHALL SELECT ELIGIBLE APPLICANTS AT EACH COMMUNITY COLLEGE BASED ON EACH COMMUNITY COLLEGE'S PROPORTIONATE SHARE OF THE FULL TIME EQUIVALENT ENROLLMENT OF STUDENTS AT ALL COMMUNITY COLLEGES DURING THE PREVIOUS ACADEMIC YEAR.~~

~~(b) An applicant is eligible for a Maryland Community College Promise Scholarship if the applicant:~~

~~(1) Is eligible for in-State tuition;~~

~~(2) Enrolls as a candidate for a vocational certificate, a certificate, or an associate's degree at a community college in the State within 2 years after graduating from a high school or successfully completing a GED in the State;~~

~~(3) Has earned an overall high school grade point average of at least 2.3 on a 4.0 scale or its equivalent;~~

~~(4) Has an annual adjusted gross income of not more than:~~

~~(i) \$100,000 if the applicant is single or resides in a single parent household; or~~

~~(ii) \$150,000 if the applicant is married or resides in a two parent household;~~

~~(5) Enrolls in at least 12 credits per semester at the community college; and~~

~~(6) (i) Timely submits a Free Application for Federal Student Aid (FAFSA) or any other applications for any State or federal student financial aid, other than a student loan, for which the applicant may qualify; or~~

~~(ii) Is ineligible to submit a FAFSA, qualifies for in-State tuition under § 15-106.8 of this article, and timely submits an application for any State student financial aid, other than a student loan, for which the applicant may qualify.~~

~~(e) (1) An applicant who receives any other educational grants or scholarships that cover the applicant's full cost of attendance at the community college is ineligible to receive an award under this subtitle.~~

~~(2) An applicant who has earned a bachelor's degree or an associate's degree is ineligible to receive an award under this subtitle.~~

~~(d) On request the community college shall assist an applicant to submit a FAFSA or any other applications for State or federal student financial aid.~~

18-3604.

~~(a) Beginning in the 2019-2020 academic year, the annual scholarship award shall be not more than \$5,000 per recipient, or actual tuition, whichever is less.~~

(b) (1) **[Any] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, ANY** student financial aid, other than a student loan, received by the recipient shall be credited to the recipient's tuition before the calculation of any award amount provided under this subtitle.

(2) (i) 1. Initial awards shall be provided to recipients based on greatest demonstrated financial need.

2. Priority for awards in subsequent years shall be given to prior year recipients who remain eligible for the program.

(ii) Eligible applicants who do not receive an award under this subtitle shall be notified and placed on a waiting list.

(3) IF A RECIPIENT IS ELIGIBLE FOR A LOCAL PROMISE SCHOLARSHIP, AN AWARD PROVIDED UNDER THIS SUBTITLE SHALL BE CREDITED TO THE RECIPIENT'S TUITION BEFORE THE AWARD OF THE LOCAL PROMISE SCHOLARSHIP.

~~(e) An award under this subtitle may be made only if a recipient signs an agreement at the time of the initial award to:~~

~~(1) Use an address in the State on the recipient's State income tax return and commence full-time employment in the State within 1 year after completion of the vocational certificate, certificate, or associate's degree;~~

~~(2) Continue to use an address in the State on the recipient's State income tax return and maintain employment in the State for at least 1 year for each year that the scholarship was awarded; and~~

~~(3) Have the scholarship award converted into a student loan payable to the State if the recipient fails to fulfill the service obligation required in items (1) and (2) of this subsection.~~

~~(d) (1) Subject to paragraphs (2) and (3) of this subsection, each recipient may hold the award until the earlier of:~~

~~(i) 3 years after first enrolling as a candidate for a vocational certificate, a certificate, or an associate's degree at a community college in the State; or~~

~~(ii) The date that the individual is awarded an associate's degree.~~

~~(2) The Office may extend the duration of an award for an allowable interruption of study if the recipient provides to the Office satisfactory evidence of extenuating circumstances that prevent the recipient from continuous enrollment.~~

~~(3) Each recipient may hold the award in accordance with paragraph (1) of this subsection only if the recipient:~~

~~(i) Continues to be eligible for in-State tuition;~~

~~(ii) Continues to enroll in and complete at least 12 credits per semester or its equivalent as determined by the Office;~~

~~(iii) Maintains a cumulative grade point average of at least 2.5 on a 4.0 scale or its equivalent for the remainder of the award or, failing to do so, provides to the Office satisfactory evidence of extenuating circumstances;~~

~~(iv) Makes satisfactory progress toward a vocational certificate, a certificate, or an associate's degree;~~

~~(v) Continues to meet the income limitations under § 18-3603(b)(4) of this subtitle; and~~

~~(vi) Continues to timely submit an application under § 18-3603(b)(6) of this subtitle.~~

~~(e) (1) If the recipient does not perform the service obligation required under subsection (e) of this section, the scholarship award shall be converted into a student loan.~~

~~(2) The Office may waive or defer repayment of the student loan if the recipient provides satisfactory evidence of extenuating circumstances that prevent the recipient from fulfilling the service obligation.~~

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

Approved by the Governor, May 13, 2019.

Chapter 465**(Senate Bill 105)**

AN ACT concerning

Maryland Veterans Service Animal Program – Therapy Horses

FOR the purpose of altering the definition of “nonprofit training entity” for the purposes of the Maryland Veterans Service Animal Program to include an entity that uses trained therapy horses for interaction with veterans; altering the duties of a nonprofit training entity selected under the Program; altering the circumstances under which a nonprofit training entity is authorized to disqualify a Program participant from participation in the Program; altering a certain definition; and generally relating to therapy horses and the Maryland Veterans Service Animal Program.

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–957
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

9–957.

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

(2) “Eligible veteran” means an individual who:

(i) served on active duty in:

1. the armed forces of the United States;

2. the National Guard; or

3. a reserve component of the armed forces of the United

States;

(ii) served in a capacity other than for training;

(iii) was discharged or released under conditions other than dishonorable; and

(iv) 1. is a resident of the State; or

2. receives treatment or care from a ~~Veterans' Administration hospital~~ **U.S. DEPARTMENT OF VETERANS AFFAIRS OR U.S. DEPARTMENT OF DEFENSE MEDICAL FACILITY** in the State.

(3) “Fund” means the Maryland Veterans Service Animal Program Fund established under subsection (f) of this section.

(4) “Nonprofit training entity” means a corporation, a foundation, or any other legal entity that:

(i) is qualified under § 501(c)(3) of the Internal Revenue Code;

(ii) 1. engages in the training of service dogs or support dogs for use by veterans; **OR**

2. **USES TRAINED THERAPY HORSES FOR INTERACTION WITH VETERANS;** and

(iii) has been selected by the Department to provide services under this section.

(5) “Program” means the Maryland Veterans Service Animal Program established under subsection (b) of this section.

(6) “Program participant” means an eligible veteran who participates in the Program.

(7) “Successful Program participant” means a Program participant who successfully completes the training **OR THERAPY** protocol specified by a nonprofit training entity.

(b) There is a Maryland Veterans Service Animal Program in the Department.

(c) The purposes of the Program are to:

(1) refer eligible veterans who inquire about participation in the Program to one or more nonprofit training entities;

(2) provide additional funding mechanisms to assist veterans participating in the Program;

(3) encourage successful Program participants to assist in outreach and referral of other eligible veterans who could benefit from participation in the Program;

(4) assist in the reduction of the Maryland veteran suicide rate; and

(5) identify potential capital projects and services to facilitate more services for veterans in the State.

(d) (1) The Department shall select at least one nonprofit training entity to:

(i) implement a training **OR THERAPY** protocol for the purposes of the Program that will teach each Program participant methodologies, strategies, and techniques for:

1. partnering with service dogs or support dogs; **OR**

2. **INTERACTING WITH THERAPY HORSES;**

(ii) select qualified Program participants from those eligible veterans referred to the nonprofit entity under the Program;

(iii) select an appropriate service dog [or], support dog, **OR THERAPY HORSE, AS APPLICABLE**, for each Program participant;

(iv) facilitate each Program participant's training **OR THERAPY** using the nonprofit training entity's training **OR THERAPY** protocol; and

(v) **UNLESS THE NONPROFIT TRAINING ENTITY USES TRAINED THERAPY HORSES**, partner each successful Program participant with the service dog or support dog on the Program participant's successful completion of the nonprofit training entity's training protocol.

(2) To be eligible for selection under paragraph (1) of this subsection, a nonprofit entity must:

(i) be based in the State;

(ii) serve the needs of the veteran population in the State; and

(iii) generate its own revenue and reinvest the proceeds of that revenue in the growth and development of its programs.

(e) (1) A nonprofit training entity may disqualify a Program participant from participation in the Program if the nonprofit training entity determines that the Program participant's involvement in the Program:

- (i) presents a danger to the Program participant’s mental or physical well-being;
 - (ii) has caused or may potentially cause harm to others, an animal, or property;
 - (iii) presents a danger to the service dog’s [or], support dog’s, **OR THERAPY HORSE’S** mental or physical well-being; or
 - (iv) does not meet the training requirement of the nonprofit.
- (2) A Program participant may discontinue involvement in the Program for any reason.
- (f) (1) There is a Maryland Veterans Service Animal Program Fund.
- (2) The Department shall use revenue from the Fund to pay a nonprofit training entity.
- (3) Revenue from the Fund may be used only to pay:
- (i) a nonprofit training entity; and
 - (ii) administrative costs of the Program.
- (4) The Secretary, or the Secretary’s designee, shall administer the Fund.
- (5) (i) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.
- (ii) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.
- (6) The Fund consists of:
- (i) revenue collected by the Department in the form of donations to the Program;
 - (ii) money appropriated in the State budget to the Fund; and
 - (iii) any other money from any other source accepted for the benefit of the Fund.
- (7) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(8) Any interest earnings of the Fund shall be credited to the General Fund of the State.

(9) Expenditures from the Fund may be made only in accordance with the State budget.

(10) Money expended from the Fund is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for the Program.

(g) (1) For the purpose of implementing this section, the Department may accept gifts or grants for donation to the Fund.

(2) On or before October 1, 2018, and each October 1 thereafter, the Department shall post and maintain on its website a list containing the names of all persons who have donated to the Fund in the previous year and have authorized the Department to publish their names on its website.

(h) The Department shall adopt regulations to implement this section, including regulations establishing procedures for the Department to:

(1) promote the Program to eligible veterans through the Department's outreach methods;

(2) refer eligible veterans to selected nonprofit entities;

(3) receive donations for the Fund through a link placed in a prominent location on the Department's website; and

(4) use revenue from the Fund to pay selected nonprofit entities for services that are provided through the Program.

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

Approved by the Governor, May 13, 2019.

Chapter 466

(Senate Bill 124)

AN ACT concerning

Anne Arundel County and Harford County – Court Dog and Child Witness Pilot Program – Extension

FOR the purpose of altering the name of a certain dog and child witness pilot program in the circuit courts for Anne Arundel County and Harford County; extending the date by which the Administrative Office of the Courts is required to provide a certain report; extending the termination date of the pilot program; and generally relating to the Court Dog and Child Witness Pilot Program.

BY repealing and reenacting, with amendments,
Chapter 467 of the Acts of the General Assembly of 2016, as amended by Chapter
196 of the Acts of the General Assembly of 2017
Section 1 and 2

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

Chapter 467 of the Acts of 2016, as amended by Chapter 196 of the Acts of 2017

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

- (a) (1) In this section the following words have the meanings indicated.
 - (2) “Child witness” means a witness who is a minor when the witness testifies in a court proceeding.
 - (3) “Facility dog” means a dog that has:
 - (i) graduated from a program of an assistance dog organization that trains dogs for the purpose of reducing stress in a child witness;
 - (ii) received 2 years of training;
 - (iii) passed the same public access test as a service dog; and
 - (iv) been teamed with a facility dog handler.
 - (4) “Facility dog handler” means a person who has received training on:
 - (i) offering the person’s animal for assistance purposes from an organization accredited by Assistance Dogs International or an equivalent organization; and
 - (ii) court protocol and policies, including the expected role of an animal assistance team and how not to interfere with evidence collection or the effective administration of justice.
 - (5) “Therapy dog” means a dog that has:

(i) received training to provide affection and comfort to children who need emotional support; and

(ii) been teamed with a therapy dog handler.

(6) “Therapy dog handler” means a person who has received training on:

(i) offering the person’s animal for assistance purposes from an organization that insures, registers, or certifies therapy dogs and their handlers; and

(ii) court protocol and policies, including the expected role of an animal assistance team and how not to interfere with evidence collection or the effective administration of justice.

(b) There is a [Courthouse] **COURT** Dog and Child Witness Pilot Program in the circuit courts for Anne Arundel County and Harford County.

(c) The purpose of the pilot program is to determine whether to establish a structured, defined, and systematic approach for providing a [courthouse] **COURT** dog to a child witness in any circuit court proceeding in the State.

(d) To accomplish the purpose of the pilot program, the Administrative Office of the Courts shall:

(1) develop a plan to implement the pilot program;

(2) establish the procedures that a party in a court proceeding must follow to request that a therapy dog and therapy dog handler or facility dog and facility dog handler assist a child witness; and

(3) ensure that the details of the pilot program are publicly available.

(e) On or before [September 30, 2019,] **SEPTEMBER 30, 2021**, the Administrative Office of the Courts shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on the operation and results of the pilot program.

(f) The Administrative Office of the Courts may adopt rules to implement this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016. It shall remain effective for a period of [3 years] **5 YEARS** and, at the end of [September 30, 2019,] **SEPTEMBER 30, 2021**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

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

1, 2019.

Approved by the Governor, May 13, 2019.

Chapter 467

(Senate Bill 127)

AN ACT concerning

Education – Public School Attendance – Homeless Children

FOR the purpose of repealing a provision of law requiring a county superintendent of schools to allow a certain child not subject to certain educational stability provisions of the federal McKinney–Vento Homeless Assistance Act to attend school in the county even if the child is not currently domiciled in that county; updating certain provisions of law to include references to the educational stability provisions of the Every Student Succeeds Act; and generally relating to homeless children and public school attendance.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–101(b)
Annotated Code of Maryland
(2018 Replacement Volume and 2018 Supplement)

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

Article – Education

7–101.

(b) (1) Except as provided in § 7–301 of this title and in paragraph (2) of this subsection, each child shall attend a public school in the county where the child is domiciled with the child’s parent, guardian, or relative providing informal kinship care, as defined in subsection (c) of this section.

(2) (i) Upon request and in accordance with a county board’s policies concerning residency, a county superintendent may allow a child to attend school in the county even if the child is not domiciled in that county with the child’s parent or guardian.

(ii) Regardless of where the child is currently domiciled, a county superintendent shall allow a child to remain at the school that the child is attending, if:

1. The child is a child who is:

A. In the custody of, committed to, or otherwise placed by a local department of social services or the Department of Juvenile Services; and

B. Subject to the educational stability provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 **AND THE EVERY STUDENT SUCCEEDS ACT OF 2015**;

2. [The child is not subject to the educational stability provisions of the federal McKinney–Vento Homeless Assistance Act as a child awaiting foster care placement as defined by the Department in regulation;

3.] The child is not in any of the following placements:

A. A detention facility;

B. A forestry camp;

C. A training school;

D. A State–owned and State–operated facility that accommodates more than 25 children; or

E. Any other facility operated primarily for the detention of children who are determined to be delinquent;

[4.] **3.** The local department of social services or the Department of Juvenile Services determines, in consultation with the local school system, that it is in the best interests of the child to continue at that school; and

[5.] **4.** The local department of social services or the Department of Juvenile Services pays for the cost of transporting the child to and from school.

(iii) 1. The Department of Human Services and the Department of Juvenile Services each shall adopt regulations establishing factors that shall be considered in determining the best interests of a child under this section.

2. The Department shall adopt regulations to implement the educational stability provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 **AND THE EVERY STUDENT SUCCEEDS ACT OF 2015**.

(3) If a child fraudulently attends a public school in a county where the child is not domiciled with the child’s parent or guardian, the child’s parent or guardian shall be subject to a penalty payable to the county for the pro rata share of tuition for the time the child fraudulently attends a public school in the county.

(4) Nothing in this section alters the requirements for out-of-county placements contained in § 4-122 and Title 8, Subtitles 3, 3A, and 4 of this article or in any other State or federal law.

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

Approved by the Governor, May 13, 2019.

Chapter 468

(Senate Bill 364)

AN ACT concerning

Election Law – Election Day Page Program – Establishment

FOR the purpose of establishing the Election Day Page Program; providing for the purpose of the Program; requiring the State Board of Elections to develop a certain page training program for use by local boards of elections that participate in the Program; authorizing the State Board to adopt certain regulations; authorizing a local board to participate in the Program; requiring a participating local board to implement or use the components of a certain page training program; authorizing a participating local board to request a certain waiver from the State Board; requiring participating local boards to staff and implement a page training program ~~programs developed by the State Board and program~~, to ensure each page receives certain training, and to encourage certain individuals to train as an election judge; prohibiting an individual from working as a page unless the individual completes certain training; requiring participating local boards, in ~~coordination~~ collaboration with local school systems, to establish a procedure for the selection of pages; authorizing participating local boards to recognize and certify community service hours for participating pages; providing for the construction of certain provisions of law; establishing qualifications for pages; prohibiting a page from engaging in certain conduct; authorizing a page to work up to a certain number of shifts; requiring a page to serve under the direct supervision of a certain election judge and to assist with certain duties; requiring a page to take and subscribe to a certain oath; requiring a participating local board to provide and maintain the oath signed by a page; defining certain terms; and generally relating to the Election Day Page Program.

BY adding to

Article – Election Law

Section 10-401 through 10-405 to be under the new subtitle “Subtitle 4. Election Day Page Program”

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

SUBTITLE 4. ELECTION DAY PAGE PROGRAM.

10-401.

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

(B) “PAGE” MEANS A STUDENT SELECTED BY A LOCAL BOARD PARTICIPATING IN THE PROGRAM TO ASSIST THE LOCAL BOARD AND ELECTION JUDGES IN PERFORMING ELECTION DAY DUTIES IN A POLLING PLACE ON ELECTION DAY.

(C) “PROGRAM” MEANS THE ELECTION DAY PAGE PROGRAM.

10-402.

(A) THERE IS AN ELECTION DAY PAGE PROGRAM.

(B) THE PURPOSE OF THE PROGRAM IS TO:

(1) STIMULATE THE INTEREST OF STUDENTS IN THE ELECTION PROCESS;

(2) PROVIDE ASSISTANCE TO ELECTION JUDGES IN POLLING PLACES ON ELECTION DAY; AND

(3) ENSURE THE SAFE ENTRY AND EXIT OF ELDERLY VOTERS AND VOTERS WITH DISABILITIES FROM POLLING PLACES.

(C) THE STATE BOARD:

(1) SHALL DEVELOP A PAGE TRAINING PROGRAM FOR USE BY PARTICIPATING LOCAL BOARDS THAT INCLUDES THE DUTIES, RESPONSIBILITIES, AND PROHIBITED CONDUCT OF PAGES AT A POLLING PLACE ON ELECTION DAY; AND

(2) MAY ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.

10-403.

(A) (1) A LOCAL BOARD MAY PARTICIPATE IN THE PROGRAM.

(2) A PARTICIPATING LOCAL BOARD SHALL IMPLEMENT OR USE COMPONENTS OF THE PAGE TRAINING PROGRAM DEVELOPED BY THE STATE BOARD UNDER § 10-402(C)(1) OF THIS SUBTITLE.

(3) A PARTICIPATING LOCAL BOARD MAY REQUEST FROM THE STATE BOARD A WAIVER FROM A REQUIREMENT ESTABLISHED UNDER THIS SUBTITLE.

(B) EACH PARTICIPATING LOCAL BOARD SHALL:

(1) BE RESPONSIBLE FOR THE STAFFING OF AND IMPLEMENTATION OF ~~THE A PAGE~~ TRAINING PROGRAM ~~DEVELOPED UNDER § 10-402 OF THIS SUBTITLE; AND~~

(2) ENSURE EACH PAGE RECEIVES THE REQUIRED TRAINING BEFORE ELECTION DAY; AND

(3) ENCOURAGE INDIVIDUALS AT LEAST 16 YEARS OLD WHO APPLY TO THE PROGRAM TO TRAIN AS AN ELECTION JUDGE.

(C) AN INDIVIDUAL MAY NOT WORK AS A PAGE IN A POLLING PLACE UNLESS THE INDIVIDUAL HAS COMPLETED THE TRAINING PROVIDED BY THE LOCAL BOARD.

(D) EACH PARTICIPATING LOCAL BOARD, IN ~~COORDINATION~~ COLLABORATION WITH THE LOCAL SCHOOL SYSTEM, SHALL ESTABLISH A PROCEDURE FOR THE SELECTION OF PAGES BY THE LOCAL BOARD.

(E) EACH PARTICIPATING LOCAL BOARD MAY RECOGNIZE AND CERTIFY COMMUNITY SERVICE HOURS FOR PAGES.

(F) THIS SECTION DOES NOT REQUIRE A LOCAL BOARD TO PARTICIPATE IN THE PROGRAM.

10-404.

(A) TO QUALIFY AS A PAGE, AN INDIVIDUAL MUST:

(1) ~~BE UNDER THE AGE OF 16 YEARS;~~

~~(2) (1) BE A STUDENT ENROLLED IN A PUBLIC OR NONPUBLIC SCHOOL IN GRADE 6-9 OR HIGHER; OR~~

~~(H) BE A PARTICIPANT IN A HOME INSTRUCTION PROGRAM RECEIVING ACADEMIC INSTRUCTION REGULAR, THOROUGH INSTRUCTION DURING THE SCHOOL YEAR IN THE STUDIES USUALLY TAUGHT IN PUBLIC SCHOOLS ON A LEVEL EQUIVALENT TO GRADE 6 OR HIGHER; BE AT LEAST 14 YEARS OLD;~~

~~(3)~~ (2) APPLY TO THE LOCAL BOARD IN THE INDIVIDUAL'S COUNTY OF RESIDENCE;

~~(4)~~ (3) BE AVAILABLE TO WORK AT LEAST ONE FULL 4-HOUR SHIFT ON ELECTION DAY; AND

~~(5)~~ (4) COMPLETE THE REQUIRED TRAINING BEFORE ELECTION DAY.

(B) A PAGE MAY NOT:

(1) ENGAGE IN ANY PARTISAN ACTIVITY WHILE WORKING AT A POLLING PLACE; OR

(2) HANDLE OR TOUCH A MARKED BALLOT AT ANY TIME.

(C) A PAGE MAY WORK UP TO TWO 4-HOUR SHIFTS AT A POLLING PLACE ON ELECTION DAY.

(D) EACH PAGE SHALL:

(1) SERVE UNDER THE DIRECT SUPERVISION OF THE CHIEF ELECTION JUDGES FOR THE ASSIGNED POLLING PLACE; AND

(2) ASSIST ELECTION JUDGES WITH ELECTION DAY DUTIES, AS DIRECTED.

10-405.

(A) EACH PAGE SHALL TAKE AND SUBSCRIBE TO A WRITTEN OATH.

(B) THE SIGNED OATH, WHEN RETURNED TO THE LOCAL BOARD, SHALL CONSTITUTE THE COMMISSION OF THE POSITION OF ELECTION DAY PAGE.

(C) EACH LOCAL BOARD SHALL PRESCRIBE A FORM FOR THE COMBINED OATH AND COMMISSION REQUIRED UNDER THIS SECTION.

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

Approved by the Governor, May 13, 2019.

Chapter 469

(House Bill 460)

AN ACT concerning

Harford County Board of Education – Elected Members – Start Date of Term

FOR the purpose of altering the date on which an elected member of the Harford County Board of Education begins a term of office; making technical corrections; making conforming changes; and generally relating to the term of office of elected members of the Harford County Board of Education.

BY repealing and reenacting, with amendments,
Article – Education
Section 3–6A–01(a) and (e)
Annotated Code of Maryland
(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 3–6A–01(b), (d), (f)(1), and (g)(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

3–6A–01.

(a) (1) In this subtitle, “elected member” means a voting member elected under subsection (d) or (e) of this section or a member appointed to an elected position on the Harford County Board of Education under subsection [(e)(2)] **(F)(1)** of this section.

(2) “Elected member” does not include a:

(i) County superintendent of schools serving as an ex officio member of the county board; or

(ii) Student member selected under subsection [(f)] **(G)** of this

section.

(b) The county board consists of:

- (1) Six elected members;
- (2) Three appointed members;
- (3) The county superintendent of schools, who is an ex officio nonvoting member; and
- (4) One student member.

(d) (1) Of the nine voting members of the county board elected or appointed under this subsection:

(i) One member shall be elected from each of the six councilmanic districts only by the voters of that councilmanic district; and

(ii) Three members shall be appointed by the Governor.

(2) The elected members shall be elected at a general election as required by subsection (e) of this section.

(3) The appointed members shall be appointed, when appropriate, within 90 days of the general election.

(e) (1) [Except for the ex officio member and the student member, a] **AN ELECTED MEMBER SERVES FOR A TERM OF 4 YEARS BEGINNING ON THE FIRST MONDAY IN DECEMBER AFTER THE ELECTION OF THE MEMBER AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.**

(2) AN APPOINTED member serves for a term of 4 years beginning July 1 after the [election or] appointment of the member and until a successor is [elected or] appointed and qualifies.

[(2)] (3) (i) Unless otherwise disqualified under this section, a member of the county board is eligible for reelection or reappointment.

(ii) A voting elected member or an appointed member may not serve for more than two consecutive terms as a voting member.

[(3)] (4) The Harford County Board of Elections may adopt regulations to implement this subsection.

(f) (1) The Harford County Council shall appoint a qualified individual to fill

any vacancy of an elected member on the county board for the remainder of the term and until a successor is elected and qualifies.

(g) (1) The student member of the county board shall be elected by the high school students of the county in accordance with procedures established by the Harford County public school system.

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

Approved by the Governor, May 13, 2019.

Chapter 470

(House Bill 393)

AN ACT concerning

Natural Resources – Park Services Associates – Parking Citations

FOR the purpose of authorizing a park services associate who is not commissioned as a law enforcement officer to issue a citation for a parking violation on certain property in the State; and generally relating to the authority of park services associates.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 5–206

Annotated Code of Maryland

(2018 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Transportation

Section 26–301(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

5–206.

(a) The Secretary may commission any person to act as a forest or park warden, subject to removal at any time at the pleasure of the Secretary. While holding office, a

warden has and may exercise the authority and power of a Natural Resources police officer or a law enforcement officer as provided in his commission so far as arresting and prosecuting persons for violations of any forest or park laws or of the laws, rules and regulations enacted for the protection of the State forestry reservations, State parks, historic monuments, recreation areas, or for the protection of fish and game.

(b) The Secretary shall, within the limits of any appropriation made for this purpose, commission forest, park, and wildlife rangers as the Secretary deems necessary for the enforcement of laws and regulations as provided in this subsection. All appointments shall be made from a list of eligible persons prepared in accordance with the provisions of the State Personnel and Pensions Article. An employee so commissioned and assigned law enforcement duties has and may exercise the powers of a Natural Resources police officer or a law enforcement officer of the State. These powers may be exercised upon:

- (1) Properties owned by the State and managed by the Department;
- (2) Railroad rights-of-way and utility properties which are not owned by the State, but which traverse properties owned by the State and managed by the Department;
- (3) All public and private properties which are within the boundaries of State properties managed by the Department;
- (4) All waters of the State within one mile of the shoreline of all properties owned by the Department;
- (5) All public and private property adjoining property owned by the State and managed by the Department;
- (6) All park property in Maryland owned by the federal government;
- (7) All roadways within the boundaries of or that portion of roadway adjoining properties owned by the State and managed by the Department; and
- (8) Any property in Maryland for the purpose of executing a warrant that has resulted from law enforcement activities on property on which a forest, park, and wildlife ranger may exercise law enforcement powers.

(C) A PARK SERVICES ASSOCIATE WHO IS NOT COMMISSIONED AS A LAW ENFORCEMENT OFFICER UNDER SUBSECTION (B) OF THIS SECTION MAY ISSUE A CITATION FOR A PARKING VIOLATION ON:

- (1) PROPERTY OWNED BY THE STATE AND MANAGED BY THE DEPARTMENT;**
- (2) PUBLIC AND PRIVATE PROPERTY THAT IS WITHIN THE**

BOUNDARIES OF STATE PROPERTY MANAGED BY THE DEPARTMENT;

(3) PUBLIC AND PRIVATE PROPERTY THAT ADJOINS PROPERTY OWNED BY THE STATE AND MANAGED BY THE DEPARTMENT; AND

(4) A ROADWAY WITHIN THE BOUNDARIES OF, OR THAT PORTION OF A ROADWAY THAT ADJOINS, PROPERTY OWNED BY THE STATE AND MANAGED BY THE DEPARTMENT.

[(c)] (D) In exercising the powers granted under subsection (b) of this section, the law enforcement officer shall make every attempt to minimize delay of the operations of railroads and all utilities.

[(d)] (E) Unless the Department has a signed memorandum of understanding with the law enforcement agency with primary jurisdiction over the property, a forest, park, and wildlife ranger may not exercise law enforcement powers under the provisions of subsection (b)(3) and (5) of this section.

[(e)] (F) All forest, park, and wildlife rangers, including persons appointed for training prior to regular assignment as a ranger, shall remain in a probationary status for a period of 2 years from the date of initial appointment. The Secretary may discharge an employee in probationary status for any cause which is deemed sufficient in the sole discretion of the Secretary.

[(f)] (G) (1) Whenever Natural Resources police officers receive a salary increase, forest and park rangers in the State Forest and Park Service shall receive a salary increase in the same percentage as the salary increase received by Natural Resources police officers.

(2) Whenever Natural Resources police officers receive a grade or step increase, forest and park rangers in the State Forest and Park Service shall receive an equal grade or step increase.

[(g)] (H) Subject to § 1–107 of this article, in cases of inconsistency between this subtitle and the provisions of the State Personnel and Pensions Article, the provisions of this subtitle shall control as to all matters relating to Natural Resources law enforcement officers.

Article – Transportation

26–301.

(a) In this subtitle, “officer” means a police officer or a person other than a police officer who is authorized to issue a citation for a violation of an ordinance or regulation that is adopted under this section.

(b) Subject to subsection (c) of this section, any State agency authorized by law and any political subdivision of this State may adopt ordinances or regulations that:

- (1) Regulate the parking of vehicles;
- (2) Provide for the impounding of vehicles parked in violation of the ordinances or regulations;
- (3) Regulate the towing of vehicles from publicly owned and privately owned parking lots; and
- (4) Provide for the issuance of a citation by an officer for a violation of an ordinance or regulation that is adopted under this section.

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

Approved by the Governor, May 13, 2019.

Chapter 471

(House Bill 1003)

AN ACT concerning

Vehicle Laws – Rental Vehicles – Security

FOR the purpose of establishing that the owner of a rental vehicle may satisfy a certain insurance requirement by maintaining a certain security that is ~~primary under certain circumstances and~~ secondary to any other valid and collectible coverage under certain circumstances and subject to a certain exception; providing that security maintained by the owner of a rental vehicle or replacement vehicle is primary under certain circumstances; establishing a certain insurer's right to subrogation for certain damages under certain circumstances; requiring the owner of a rental vehicle to provide a certain notice to the renter of the rental vehicle; authorizing certain persons to request certain information from a motor vehicle rental company in a certain manner; requiring a motor vehicle rental company to disclose certain information about a person that rents or is authorized to drive a rental vehicle to a certain person under certain circumstances; requiring a motor vehicle rental company to make a reasonable effort to obtain and disclose certain information about the person who was driving the rental vehicle at the time of the adverse event under certain circumstances; providing a certain exception to the requirement that a motor vehicle rental company disclose certain information; prohibiting a motor vehicle rental company from being compelled to disclose certain additional information; establishing a certain immunity from liability for a motor

vehicle rental company that discloses certain information in accordance with this Act, subject to a certain exception; providing that a motor vehicle rental company shall be required to provide certain security on a primary basis for certain claims under certain circumstances; ~~providing for the application of this Act;~~ defining certain terms; *providing for a delayed effective date; providing for the application of this Act;* and generally relating to required security for certain rental vehicles.

BY repealing and reenacting, without amendments,

Article – Transportation

Section 17–103

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 17–104 and 18–102

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY adding to

Article – Transportation

Section 17–104.3 and 18–106

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

17–103.

(a) (1) Except as provided in paragraph (2) 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) 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.

17–104.

(a) The Administration may not issue or transfer the registration of a motor vehicle unless the owner or prospective owner of the vehicle furnishes evidence satisfactory to the Administration that the required security is in effect.

(b) The owner of a motor vehicle that is required to be registered in this State shall maintain the required security for the vehicle during the registration period.

(c) Each insurer or other provider of required security shall:

(1) Except as provided in item (2) of this subsection, immediately notify the Administration electronically of new motor vehicle insurance policies issued for insured vehicles registered in the State; and

(2) For each fleet policy, electronically notify the Administration every 30 days of any additions, deletions, or modifications to the fleet policy, including those policy numbers affected.

(d) The Administration, in consultation with the Maryland Insurance Administration and representatives of the automobile insurance industry, shall adopt regulations that establish procedures to be used by an insurer to provide timely notification to an insured of the penalties that may be imposed in accordance with § 17–106 of this subtitle if the insured fails to renew or replace a policy of motor vehicle liability insurance without surrendering the evidences of registration.

(e) (1) In this subsection, “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.

(2) THIS SUBSECTION DOES NOT APPLY TO A RENTAL VEHICLE THAT IS NOT A REPLACEMENT VEHICLE IF THE COVERAGE MAINTAINED BY THE RENTER OR DRIVER IS PROVIDED BY THE MARYLAND AUTOMOBILE INSURANCE FUND.

(3) Subject to paragraph ~~(2)~~ ~~(4)~~ **(5)** of this subsection, **SUBSECTION (F) OF THIS SECTION, AND § 18-106 OF THIS ARTICLE,** an owner of a **RENTAL VEHICLE OR** replacement vehicle may satisfy the requirement of subsection (a) of this section by maintaining the required security described in § 17-103 of this subtitle that is secondary to any other valid and collectible coverage and that extends coverage in amounts required under § 17-103(b) of this subtitle to the owner's vehicle while it is used as a **RENTAL VEHICLE OR** replacement vehicle.

~~(3) If an owner of a replacement vehicle provides coverage as provided under paragraph (2) of this subsection, the agreement for the replacement vehicle to be signed by the renter or the individual to whom the vehicle is loaned shall contain a provision on the face of the agreement, in at least 10 point bold type, that informs the individual that the coverage on the vehicle being serviced or repaired is primary coverage for the replacement vehicle and the coverage maintained by the owner on the replacement vehicle is secondary.~~

~~[(3)] (4) If an owner of a replacement vehicle provides coverage as provided under paragraph [(2)] (3) of this subsection, the agreement for the replacement vehicle to be signed by the renter or the individual to whom the vehicle is loaned shall contain a provision on the face of the agreement, in at least 10 point bold type, that informs the individual that the coverage on the vehicle being serviced or repaired is primary coverage for the replacement vehicle and the coverage maintained by the owner on the replacement vehicle is secondary.~~

(4) (5) IF COVERAGE MAINTAINED BY THE RENTER OR INDIVIDUAL TO WHOM THE VEHICLE IS LOANED HAS LAPSED OR DOES NOT PROVIDE THE REQUIRED COVERAGE:

(I) SECURITY MAINTAINED BY THE OWNER OF THE RENTAL VEHICLE OR REPLACEMENT VEHICLE SHALL:

- 1. BE PRIMARY; AND**
- 2. PROVIDE THE COVERAGE REQUIRED BEGINNING WITH THE FIRST DOLLAR OF A CLAIM; AND**

(II) THE OWNER OF THE RENTAL VEHICLE OR REPLACEMENT VEHICLE SHALL HAVE THE DUTY TO DEFEND THE CLAIM.

~~(F) (1) (i) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(ii) "ADVERSE EVENT" HAS THE MEANING STATED IN § 17-104.3(A) OF THIS SUBTITLE.~~

~~(iii) "MOTOR VEHICLE RENTAL COMPANY" HAS THE MEANING STATED IN § 17-104.3(A) OF THIS SUBTITLE.~~

~~(iv) "RENTAL AGREEMENT" HAS THE MEANING STATED IN § 17-104.3(A) OF THIS SUBTITLE.~~

~~(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, AN OWNER OF A RENTAL VEHICLE MAY SATISFY THE REQUIREMENT OF SUBSECTION (A) OF THIS SECTION BY MAINTAINING THE REQUIRED SECURITY DESCRIBED IN § 17-103 OF THIS SUBTITLE THAT IS:~~

~~(i) PRIMARY:~~

~~1. EXCEPT AS PROVIDED IN ITEM (ii) OF THIS PARAGRAPH, WHILE THE OWNER'S VEHICLE IS USED AS A RENTAL VEHICLE; OR~~

~~2. IF THE COVERAGE MAINTAINED BY THE RENTER OF THE RENTAL VEHICLE IS PROVIDED BY THE MARYLAND AUTOMOBILE INSURANCE FUND; AND~~

~~(ii) SECONDARY, RETROACTIVE TO AN ADVERSE EVENT, TO COVERAGE MAINTAINED BY THE RENTER OF THE RENTAL VEHICLE ON THE OWNER'S CONFIRMATION, AFTER THE ADVERSE EVENT, WITH THE INSURANCE CARRIER THAT PROVIDES COVERAGE TO THE RENTER, THAT THE INSURANCE MAINTAINED BY THE RENTER PROVIDES VALID AND COLLECTIBLE COVERAGE IN THE AMOUNTS REQUIRED UNDER § 17-103(B) OF THIS SUBTITLE TO THE OWNER'S VEHICLE WHILE IT IS USED AS A RENTAL VEHICLE, IF THE INSURANCE CARRIER THAT PROVIDES COVERAGE TO THE RENTER ACCEPTS THE CLAIM AND CONFIRMS IN WRITING THAT THE INSURANCE PROVIDED TO THE RENTER INCLUDES LIABILITY COVERAGE FOR THE ALLEGED AT-FAULT DRIVER.~~

~~(3) IF AN INSURANCE CARRIER THAT PROVIDES COVERAGE TO THE RENTER DOES NOT ACCEPT THE CLAIM UNDER PARAGRAPH (1)(ii) OF THIS SUBSECTION AND AUTHORIZE PAYMENT OF STORAGE CHARGES OR RENTAL OF A TEMPORARY SUBSTITUTE MOTOR VEHICLE TO THE MOTOR VEHICLE RENTAL COMPANY WITHIN 14 DAYS OF RECEIVING NOTICE OF THE RENTER'S ADVERSE~~

~~EVENT, THE INSURANCE CARRIER THAT PROVIDES COVERAGE FOR THE RENTAL VEHICLE SHALL:~~

~~(I) CONTINUE TO BE THE PRIMARY SECURITY FOR THE PAYMENT OF STORAGE CHARGES AND RENTAL CHARGES FOR A TEMPORARY SUBSTITUTE MOTOR VEHICLE UNTIL THE CLAIM IS RESOLVED; AND~~

~~(II) HAVE A RIGHT OF SUBROGATION AGAINST THE INSURANCE CARRIER THAT PROVIDES COVERAGE TO THE RENTER FOR THE PAYMENT OF STORAGE CHARGES AND RENTAL CHARGES FOR A TEMPORARY SUBSTITUTE MOTOR VEHICLE.~~

~~(4)~~ (F) IF AN OWNER OF A RENTAL VEHICLE PROVIDES COVERAGE IN ACCORDANCE WITH ~~PARAGRAPH (2)~~ SUBSECTION (E)(3) OF THIS ~~SUBSECTION~~ SECTION, THE RENTAL AGREEMENT TO BE SIGNED BY THE RENTER SHALL CONTAIN A PROVISION ON THE FACE OF THE AGREEMENT, IN AT LEAST 10 POINT BOLD TYPE, THAT INFORMS THE INDIVIDUAL THAT, EXCEPT FOR COVERAGE PROVIDED BY THE MARYLAND AUTOMOBILE INSURANCE FUND WITH RESPECT TO A RENTAL VEHICLE THAT IS NOT A REPLACEMENT VEHICLE, THE COVERAGE MAINTAINED BY THE RENTER OF THE RENTAL VEHICLE IS PRIMARY COVERAGE ON THE OWNER'S CONFIRMATION WITH THE INSURANCE CARRIER THAT PROVIDES COVERAGE TO THE RENTER THAT THE INSURANCE MAINTAINED BY THE RENTER PROVIDES VALID AND COLLECTIBLE COVERAGE IN THE AMOUNTS REQUIRED UNDER § 17-103(B) OF THIS SUBTITLE TO THE OWNER'S VEHICLE WHILE IT IS USED AS A RENTAL VEHICLE.

17-104.3.

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

(2) "ADVERSE EVENT" MEANS AN INCIDENT THAT MAY SUBJECT THE OWNER OR DRIVER OF A RENTAL VEHICLE TO LEGAL LIABILITY, INCLUDING LIABILITY FOR:

- (I) DAMAGES;
- (II) COSTS OF DEFENSE;
- (III) LEGAL COSTS AND FEES; AND
- (IV) ANY OTHER CLAIMS EXPENSES.

(3) “MOTOR VEHICLE RENTAL COMPANY” MEANS A PERSON THAT IS IN THE BUSINESS OF PROVIDING MOTOR VEHICLES TO THE PUBLIC UNDER A RENTAL AGREEMENT FOR A PERIOD NOT EXCEEDING 180 DAYS.

(4) “RENTAL AGREEMENT” MEANS A WRITTEN AGREEMENT CONTAINING THE TERMS AND CONDITIONS THAT GOVERN THE USE OF A RENTAL VEHICLE PROVIDED BY A MOTOR VEHICLE RENTAL COMPANY UNDER THE PROVISIONS OF THIS ARTICLE.

(B) A PERSON INVOLVED IN AN ADVERSE EVENT THAT INVOLVES A RENTAL VEHICLE RENTED BY ANOTHER, OR THE PERSON’S LEGAL REPRESENTATIVE, MAY REQUEST INFORMATION, AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION, FROM THE MOTOR VEHICLE COMPANY THAT OWNS THE RENTAL VEHICLE BY SUBMITTING A WRITTEN REQUEST TO THE MOTOR VEHICLE RENTAL COMPANY IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

(C) (1) IF KNOWN TO THE MOTOR VEHICLE RENTAL COMPANY, A REQUEST MADE TO A MOTOR VEHICLE RENTAL COMPANY UNDER THIS SECTION SHALL INCLUDE:

(I) THE FULL NAME OF THE PERSON THAT IS BELIEVED TO HAVE RENTED THE RENTAL VEHICLE INVOLVED IN THE ADVERSE EVENT;

(II) THE DATE AND APPROXIMATE TIME OF THE ADVERSE EVENT; AND

(III) TO THE EXTENT KNOWN, A DESCRIPTION OF THE RENTAL VEHICLE, INCLUDING THE VEHICLE’S:

1. MAKE;
2. MODEL;
3. COLOR; AND
4. REGISTRATION NUMBER.

(2) A REQUEST MADE UNDER THIS SECTION SHALL BE SUBMITTED TO THE MOTOR VEHICLE RENTAL COMPANY’S REGISTERED AGENT IN THE STATE.

(D) (1) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, AS SOON AS PRACTICABLE AFTER RECEIVING A REQUEST FOR INFORMATION, A MOTOR VEHICLE RENTAL COMPANY SHALL PROVIDE THE PERSON THAT MADE THE REQUEST WITH THE FOLLOWING INFORMATION IN WRITING:

(I) THE NAME, MAILING ADDRESS, AND DATE OF BIRTH OF EACH PERSON IDENTIFIED IN A RENTAL AGREEMENT AS A RENTER OR AUTHORIZED DRIVER OF THE RENTAL VEHICLE AT THE TIME THE ADVERSE EVENT IS ALLEGED TO HAVE OCCURRED; AND

(II) 1. THE NAME OF THE INSURER RESPONSIBLE FOR PROVIDING PRIMARY INSURANCE COVERAGE FOR THE RENTAL VEHICLE AT THE TIME THE ADVERSE EVENT IS ALLEGED TO HAVE OCCURRED; AND

2. IF KNOWN TO THE MOTOR VEHICLE RENTAL COMPANY, THE POLICY NUMBER ASSOCIATED WITH THE PRIMARY INSURANCE COVERAGE FOR THE RENTAL VEHICLE AT THE TIME THE ADVERSE EVENT IS ALLEGED TO HAVE OCCURRED.

(2) IF THE PERSON DRIVING THE RENTAL VEHICLE AT THE TIME OF THE ADVERSE EVENT IS NOT IDENTIFIED IN THE RENTAL AGREEMENT, THE MOTOR VEHICLE RENTAL COMPANY SHALL MAKE A REASONABLE EFFORT TO OBTAIN AND PROVIDE THE INDIVIDUAL'S NAME, MAILING ADDRESS, AND DATE OF BIRTH TO THE PERSON MAKING THE REQUEST FOR INFORMATION.

(E) (1) IF A REQUEST IS MADE UNDER THIS SECTION MORE THAN 3 YEARS AFTER THE DATE ON WHICH THE ADVERSE EVENT IS ALLEGED TO HAVE OCCURRED, THE MOTOR VEHICLE RENTAL COMPANY MAY REFUSE TO PROVIDE INFORMATION UNDER SUBSECTION (D) OF THIS SECTION.

(2) A MOTOR VEHICLE RENTAL COMPANY MAY NOT BE COMPELLED TO DISCLOSE ANY INFORMATION REGARDING PERSONS IDENTIFIED AS RENTERS OR AUTHORIZED DRIVERS OF A RENTAL VEHICLE OTHER THAN THE INFORMATION THAT IS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION.

(F) UNLESS IT IS ESTABLISHED THAT THE DISCLOSURE MADE BY THE MOTOR VEHICLE RENTAL COMPANY OR AN EMPLOYEE OR AGENT OF THE MOTOR VEHICLE RENTAL COMPANY CONSTITUTED RECKLESS, WANTON, OR INTENTIONAL MISCONDUCT, A MOTOR VEHICLE RENTAL COMPANY MAY NOT BE HELD CIVILLY OR CRIMINALLY LIABLE FOR DISCLOSING INFORMATION IN ACCORDANCE WITH THIS SECTION.

18-102.

(a) (1) The Administration may not register any motor vehicle, trailer, or semitrailer to be rented until the owner of the vehicle certifies to the satisfaction of the Administration that the owner has security for the vehicle in the same form and providing

for the same minimum benefits as the security required by Title 17 of this article for motor vehicles.

(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.

(ii) **THIS PARAGRAPH DOES NOT APPLY TO A RENTAL VEHICLE THAT IS NOT A REPLACEMENT VEHICLE IF THE COVERAGE MAINTAINED BY THE RENTER OR DRIVER IS PROVIDED BY THE MARYLAND AUTOMOBILE INSURANCE FUND.**

(III) Subject to ~~subparagraph (iii) of this~~ paragraph **(3) OF THIS SUBSECTION, § 18-106 OF THIS SUBTITLE, AND § 17-104(E)(4) § 17-104(E)(5) OF THIS ARTICLE**, an owner of a **RENTAL VEHICLE OR** replacement vehicle may satisfy the requirement of paragraph (1) of this subsection by maintaining the required security described in § 17-103 of this article that is secondary to any other valid and collectible coverage and that extends coverage to the owner’s vehicle in amounts required under § 17-103(b) of this article while it is used as a **RENTAL VEHICLE OR** replacement vehicle.

[(iii)] (IV) *If an owner of a replacement vehicle provides coverage as provided under subparagraph [(ii)] (III) of this paragraph, the agreement for the replacement vehicle to be signed by the renter or the individual to whom the vehicle is loaned shall contain a provision on the face of the agreement, in at least 10 point bold type, that informs the individual that the coverage on the vehicle being serviced or repaired is primary coverage for the replacement vehicle and the coverage maintained by the owner on the replacement vehicle is secondary.*

~~(iii) If an owner of a replacement vehicle provides coverage as provided under subparagraph (ii) of this paragraph, the agreement for the replacement vehicle to be signed by the renter or the individual to whom the vehicle is loaned shall contain a provision on the face of the agreement, in at least 10 point bold type, that informs the individual that the coverage on the vehicle being serviced or repaired is primary coverage for the replacement vehicle and the coverage maintained by the owner on the replacement vehicle is secondary.~~

~~(3) (1) 1. IN THIS PARAGRAPH THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~2. “ADVERSE EVENT” HAS THE MEANING STATED IN § 17-104.3(A) OF THIS ARTICLE.~~

~~3. “MOTOR VEHICLE RENTAL COMPANY” HAS THE MEANING STATED IN § 17-104.3(A) OF THIS ARTICLE.~~

~~4. "RENTAL AGREEMENT" HAS THE MEANING STATED IN § 17-104.3(A) OF THIS ARTICLE.~~

~~(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, AND SUBJECT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH, AN OWNER OF A RENTAL VEHICLE MAY SATISFY THE REQUIREMENT OF PARAGRAPH (1) OF THIS SUBSECTION BY MAINTAINING THE REQUIRED SECURITY DESCRIBED IN § 17-103 OF THIS ARTICLE THAT IS:~~

~~1. PRIMARY:~~

~~A. EXCEPT AS PROVIDED IN ITEM 2 OF THIS SUBPARAGRAPH, WHILE THE OWNER'S VEHICLE IS USED AS A RENTAL VEHICLE; OR~~

~~B. IF THE COVERAGE MAINTAINED BY THE RENTER OF THE RENTAL VEHICLE IS PROVIDED BY THE MARYLAND AUTOMOBILE INSURANCE FUND; AND~~

~~2. SECONDARY, RETROACTIVE TO AN ADVERSE EVENT, TO COVERAGE MAINTAINED BY THE RENTER OF THE RENTAL VEHICLE ON THE OWNER'S CONFIRMATION, AFTER THE ADVERSE EVENT, WITH THE INSURANCE CARRIER THAT PROVIDES COVERAGE TO THE RENTER, THAT THE INSURANCE MAINTAINED BY THE RENTER PROVIDES VALID AND COLLECTIBLE COVERAGE IN THE AMOUNTS REQUIRED UNDER § 17-103(B) OF THIS ARTICLE TO THE OWNER'S VEHICLE WHILE IT IS USED AS A RENTAL VEHICLE, IF THE INSURANCE CARRIER THAT PROVIDES COVERAGE TO THE RENTER ACCEPTS THE CLAIM AND CONFIRMS IN WRITING THAT THE INSURANCE PROVIDED TO THE RENTER INCLUDES LIABILITY COVERAGE FOR THE ALLEGED AT-FAULT DRIVER.~~

~~(III) IF AN INSURANCE CARRIER THAT PROVIDES COVERAGE TO THE RENTER DOES NOT ACCEPT THE CLAIM UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION AND AUTHORIZE PAYMENT OF STORAGE CHARGES OR RENTAL OF A TEMPORARY SUBSTITUTE MOTOR VEHICLE TO THE MOTOR VEHICLE RENTAL COMPANY WITHIN 14 DAYS OF RECEIVING NOTICE OF THE RENTER'S ADVERSE EVENT, THE INSURANCE CARRIER THAT PROVIDES COVERAGE FOR THE RENTAL VEHICLE SHALL:~~

~~1. CONTINUE TO BE THE PRIMARY SECURITY FOR THE PAYMENT OF STORAGE CHARGES AND RENTAL CHARGES FOR A TEMPORARY SUBSTITUTE MOTOR VEHICLE UNTIL THE CLAIM IS RESOLVED; AND~~

~~2. HAVE A RIGHT OF SUBROGATION AGAINST THE INSURANCE CARRIER THAT PROVIDES COVERAGE TO THE RENTER FOR THE~~

~~PAYMENT OF STORAGE CHARGES AND RENTAL CHARGES FOR A TEMPORARY
SUBSTITUTE MOTOR VEHICLE.~~

~~(IV)~~ (3) IF AN OWNER OF A RENTAL VEHICLE PROVIDES COVERAGE IN ACCORDANCE WITH ~~SUBPARAGRAPH (II)~~ PARAGRAPH (2) OF THIS ~~PARAGRAPH~~ SUBSECTION, THE RENTAL AGREEMENT TO BE SIGNED BY THE RENTER SHALL CONTAIN A PROVISION ON THE FACE OF THE AGREEMENT, IN AT LEAST 10 POINT BOLD TYPE, THAT INFORMS THE INDIVIDUAL THAT, EXCEPT FOR COVERAGE PROVIDED BY THE MARYLAND AUTOMOBILE INSURANCE FUND WITH RESPECT TO A RENTAL VEHICLE THAT IS NOT A REPLACEMENT VEHICLE, THE COVERAGE MAINTAINED BY THE RENTER OF THE RENTAL VEHICLE IS PRIMARY COVERAGE ON THE OWNER'S CONFIRMATION WITH THE INSURANCE CARRIER THAT PROVIDES COVERAGE TO THE RENTER THAT THE INSURANCE MAINTAINED BY THE RENTER PROVIDES VALID AND COLLECTIBLE COVERAGE IN THE AMOUNTS REQUIRED UNDER § 17-103(B) OF THIS ARTICLE TO THE OWNER'S VEHICLE WHILE IT IS USED AS A RENTAL VEHICLE.

(b) Notwithstanding any provision of the rental agreement to the contrary, the security required under this section shall cover the owner of the vehicle and each person driving or using the vehicle with the permission of the owner or lessee.

(c) If the Administration finds that the vehicle owner has failed or is unable to maintain the required security, the Administration shall suspend the registration of the vehicle.

18-106.

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

(2) "AUTHORIZED DRIVER" MEANS A PERSON, OTHER THAN THE RENTER, WHO USES OR OPERATES A RENTAL VEHICLE WITH THE PERMISSION OF THE MOTOR VEHICLE RENTAL COMPANY.

(3) "MOTOR VEHICLE RENTAL COMPANY" HAS THE MEANING STATED IN § 17-104.3 OF THIS ARTICLE.

(4) "RENTAL AGREEMENT" HAS THE MEANING STATED IN § 17-104.3 OF THIS ARTICLE.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION APPLIES ONLY TO:

(I) RENTAL VEHICLE TRANSACTIONS ORIGINATING IN THE STATE; AND

(II) THIRD-PARTY CLAIMS AGAINST A RENTER OR AN AUTHORIZED DRIVER OF A RENTAL VEHICLE ARISING OUT OF THE SECURITY REQUIREMENT UNDER § 18-102(A)(2) OF THIS SUBTITLE OR § 17-104(E) OF THIS ARTICLE.

(2) THIS SECTION DOES NOT APPLY TO A REPLACEMENT VEHICLE UNDER § 18-102(A)(2) OF THIS SUBTITLE OR § 17-104(E) OF THIS ARTICLE.

(C) A MOTOR VEHICLE RENTAL COMPANY SHALL BE RESPONSIBLE FOR PROVIDING THE REQUIRED SECURITY UNDER § 17-103 OF THIS ARTICLE ON A PRIMARY BASIS FOR A THIRD-PARTY LIABILITY CLAIM IF THE MOTOR VEHICLE RENTAL COMPANY:

(1) FAILS TO DELIVER NOTICE OF THE CLAIM;

(2) FAILS TO COOPERATE WITH THE INSURER;

(3) PREJUDICED THE HANDLING OF THE THIRD-PARTY CLAIM BEFORE THE INSURER ASSUMED THE HANDLING OF THE CLAIM;

(4) HAS PROVIDED LIABILITY, PROPERTY DAMAGE, UNINSURED MOTORIST, OR OTHER COVERAGE TO THE INSURED THAT IS APPLICABLE TO THE THIRD-PARTY CLAIM AS A BENEFIT UNDER EITHER:

(I) THE RENTAL AGREEMENT; OR

(II) AN INSURANCE POLICY SOLD TO THE RENTER IN CONNECTION WITH, AND INCIDENTAL TO, THE RENTAL OF THE MOTOR VEHICLE; OR

(5) FAILS TO PROVIDE THE NOTICES REQUIRED UNDER § 18-102(A)(3) OF THIS SUBTITLE OR § 17-104(F) OF THIS ARTICLE.

(D) A MOTOR VEHICLE RENTAL COMPANY SHALL BE RESPONSIBLE FOR PROVIDING THE REQUIRED SECURITY UNDER § 17-103 OF THIS ARTICLE ON A PRIMARY BASIS FOR A THIRD-PARTY LIABILITY CLAIM IF THE DRIVER OF THE RENTAL VEHICLE IS AN INDIVIDUAL WHO IS NOT THE RENTER OR AN AUTHORIZED DRIVER.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2019~~ January 1, 2020, and shall apply to all claims arising in the State on or after January 1, 2020.

Approved by the Governor, May 13, 2019.

Chapter 472

(Senate Bill 436)

AN ACT concerning

Vehicle Laws – Rental Vehicles – Security

FOR the purpose of establishing that the owner of a rental vehicle may satisfy a certain insurance requirement by maintaining a certain security that is ~~primary under certain circumstances and~~ secondary to any other valid and collectible coverage under certain circumstances and subject to a certain exception; providing that security maintained by the owner of a rental vehicle or replacement vehicle is primary under certain circumstances; establishing a certain insurer's right to subrogation for certain damages under certain circumstances; requiring the owner of a rental vehicle to provide a certain notice to the renter of the rental vehicle; authorizing certain persons to request certain information from a motor vehicle rental company in a certain manner; requiring a motor vehicle rental company to disclose certain information about a person that rents or is authorized to drive a rental vehicle to a certain person under certain circumstances; requiring a motor vehicle rental company to make a reasonable effort to obtain and disclose certain information about the person who was driving the rental vehicle at the time of the adverse event under certain circumstances; providing a certain exception to the requirement that a motor vehicle rental company disclose certain information; prohibiting a motor vehicle rental company from being compelled to disclose certain additional information; establishing a certain immunity from liability for a motor vehicle rental company that discloses certain information in accordance with this Act, subject to a certain exception; providing that a motor vehicle rental company shall be required to provide certain security on a primary basis for certain claims under certain circumstances; defining certain terms; providing for a delayed effective date; providing for the application of this Act; and generally relating to required security for certain rental vehicles.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 17–103
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 17–104 and 18–102

Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

BY adding to

Article – Transportation
Section 17–104.3 and 18–106
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

17–103.

(a) (1) Except as provided in paragraph (2) 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) 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.

17-104.

(a) The Administration may not issue or transfer the registration of a motor vehicle unless the owner or prospective owner of the vehicle furnishes evidence satisfactory to the Administration that the required security is in effect.

(b) The owner of a motor vehicle that is required to be registered in this State shall maintain the required security for the vehicle during the registration period.

(c) Each insurer or other provider of required security shall:

(1) Except as provided in item (2) of this subsection, immediately notify the Administration electronically of new motor vehicle insurance policies issued for insured vehicles registered in the State; and

(2) For each fleet policy, electronically notify the Administration every 30 days of any additions, deletions, or modifications to the fleet policy, including those policy numbers affected.

(d) The Administration, in consultation with the Maryland Insurance Administration and representatives of the automobile insurance industry, shall adopt regulations that establish procedures to be used by an insurer to provide timely notification to an insured of the penalties that may be imposed in accordance with § 17-106 of this subtitle if the insured fails to renew or replace a policy of motor vehicle liability insurance without surrendering the evidences of registration.

(e) (1) In this subsection, “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.

(2) **THIS SUBSECTION DOES NOT APPLY TO A RENTAL VEHICLE THAT IS NOT A REPLACEMENT VEHICLE IF THE COVERAGE MAINTAINED BY THE RENTER OR DRIVER IS PROVIDED BY THE MARYLAND AUTOMOBILE INSURANCE FUND.**

(3) Subject to paragraph ~~(2)~~ (5) of this subsection, **SUBSECTION (F) OF THIS SECTION, AND § 18-106 OF THIS ARTICLE,** an owner of a **RENTAL VEHICLE OR** replacement vehicle may satisfy the requirement of subsection (a) of this section by maintaining the required security described in § 17-103 of this subtitle that is secondary to any other valid and collectible coverage and that extends coverage in amounts required under § 17-103(b) of this subtitle to the owner’s vehicle while it is used as a **RENTAL VEHICLE OR** replacement vehicle.

~~(2)~~ (4) If an owner of a replacement vehicle provides coverage as provided under paragraph ~~(2)~~ (3) of this subsection, the agreement for the replacement

vehicle to be signed by the renter or the individual to whom the vehicle is loaned shall contain a provision on the face of the agreement, in at least 10 point bold type, that informs the individual that the coverage on the vehicle being serviced or repaired is primary coverage for the replacement vehicle and the coverage maintained by the owner on the replacement vehicle is secondary.

(5) IF COVERAGE MAINTAINED BY THE RENTER OR INDIVIDUAL TO WHOM THE VEHICLE IS LOANED HAS LAPSED OR DOES NOT PROVIDE THE REQUIRED COVERAGE:

(I) SECURITY MAINTAINED BY THE OWNER OF THE RENTAL VEHICLE OR REPLACEMENT VEHICLE SHALL:

1. BE PRIMARY; AND

2. PROVIDE THE COVERAGE REQUIRED BEGINNING WITH THE FIRST DOLLAR OF A CLAIM; AND

(II) THE OWNER OF THE RENTAL VEHICLE OR REPLACEMENT VEHICLE SHALL HAVE THE DUTY TO DEFEND THE CLAIM.

~~**(F) (1) (i) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:**~~

~~**(ii) "ADVERSE EVENT" HAS THE MEANING STATED IN § 17-104.3(A) OF THIS SUBTITLE.**~~

~~**(iii) "MOTOR VEHICLE RENTAL COMPANY" HAS THE MEANING STATED IN § 17-104.3(A) OF THIS SUBTITLE.**~~

~~**(iv) "RENTAL AGREEMENT" HAS THE MEANING STATED IN § 17-104.3(A) OF THIS SUBTITLE.**~~

~~**(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, AN OWNER OF A RENTAL VEHICLE MAY SATISFY THE REQUIREMENT OF SUBSECTION (A) OF THIS SECTION BY MAINTAINING THE REQUIRED SECURITY DESCRIBED IN § 17-103 OF THIS SUBTITLE THAT IS:**~~

~~**(i) PRIMARY:**~~

~~**1. EXCEPT AS PROVIDED IN ITEM (ii) OF THIS PARAGRAPH, WHILE THE OWNER'S VEHICLE IS USED AS A RENTAL VEHICLE; OR**~~

~~2. IF THE COVERAGE MAINTAINED BY THE RENTER OF THE RENTAL VEHICLE IS PROVIDED BY THE MARYLAND AUTOMOBILE INSURANCE FUND; AND~~

~~(H) SECONDARY, RETROACTIVE TO AN ADVERSE EVENT, TO COVERAGE MAINTAINED BY THE RENTER OF THE RENTAL VEHICLE ON THE OWNER'S CONFIRMATION, AFTER THE ADVERSE EVENT, WITH THE INSURANCE CARRIER THAT PROVIDES COVERAGE TO THE RENTER, THAT THE INSURANCE MAINTAINED BY THE RENTER PROVIDES VALID AND COLLECTIBLE COVERAGE IN THE AMOUNTS REQUIRED UNDER § 17-103(B) OF THIS SUBTITLE TO THE OWNER'S VEHICLE WHILE IT IS USED AS A RENTAL VEHICLE, IF THE INSURANCE CARRIER THAT PROVIDES COVERAGE TO THE RENTER ACCEPTS THE CLAIM AND CONFIRMS IN WRITING THAT THE INSURANCE PROVIDED TO THE RENTER INCLUDES LIABILITY COVERAGE FOR THE ALLEGED AT-FAULT DRIVER.~~

~~(3) IF AN INSURANCE CARRIER THAT PROVIDES COVERAGE TO THE RENTER DOES NOT ACCEPT THE CLAIM UNDER PARAGRAPH (1)(H) OF THIS SUBSECTION AND AUTHORIZE PAYMENT OF STORAGE CHARGES OR RENTAL OF A TEMPORARY SUBSTITUTE MOTOR VEHICLE TO THE MOTOR VEHICLE RENTAL COMPANY WITHIN 14 DAYS OF RECEIVING NOTICE OF THE RENTER'S ADVERSE EVENT, THE INSURANCE CARRIER THAT PROVIDES COVERAGE FOR THE RENTAL VEHICLE SHALL:~~

~~(I) CONTINUE TO BE THE PRIMARY SECURITY FOR THE PAYMENT OF STORAGE CHARGES AND RENTAL CHARGES FOR A TEMPORARY SUBSTITUTE MOTOR VEHICLE UNTIL THE CLAIM IS RESOLVED; AND~~

~~(H) HAVE A RIGHT OF SUBROGATION AGAINST THE INSURANCE CARRIER THAT PROVIDES COVERAGE TO THE RENTER FOR THE PAYMENT OF STORAGE CHARGES AND RENTAL CHARGES FOR A TEMPORARY SUBSTITUTE MOTOR VEHICLE.~~

~~(4) (F) IF AN OWNER OF A RENTAL VEHICLE PROVIDES COVERAGE IN ACCORDANCE WITH PARAGRAPH (2) SUBSECTION (E)(3) OF THIS SUBSECTION, THE RENTAL AGREEMENT TO BE SIGNED BY THE RENTER SHALL CONTAIN A PROVISION ON THE FACE OF THE AGREEMENT, IN AT LEAST 10 POINT BOLD TYPE, THAT INFORMS THE INDIVIDUAL THAT, EXCEPT FOR COVERAGE PROVIDED BY THE MARYLAND AUTOMOBILE INSURANCE FUND WITH RESPECT TO A RENTAL VEHICLE THAT IS NOT A REPLACEMENT VEHICLE, THE COVERAGE MAINTAINED BY THE RENTER OF THE RENTAL VEHICLE IS PRIMARY COVERAGE ON THE OWNER'S CONFIRMATION WITH THE INSURANCE CARRIER THAT PROVIDES COVERAGE TO THE RENTER THAT THE INSURANCE MAINTAINED BY THE RENTER PROVIDES VALID AND COLLECTIBLE COVERAGE IN THE AMOUNTS REQUIRED UNDER § 17-103(B) OF THIS SUBTITLE TO THE OWNER'S VEHICLE WHILE IT IS USED AS A RENTAL VEHICLE.~~

17-104.3.

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

(2) “ADVERSE EVENT” MEANS AN INCIDENT THAT MAY SUBJECT THE OWNER OR DRIVER OF A RENTAL VEHICLE TO LEGAL LIABILITY, INCLUDING LIABILITY FOR:

- (I) DAMAGES;**
- (II) COSTS OF DEFENSE;**
- (III) LEGAL COSTS AND FEES; AND**
- (IV) ANY OTHER CLAIMS EXPENSES.**

(3) “MOTOR VEHICLE RENTAL COMPANY” MEANS A PERSON THAT IS IN THE BUSINESS OF PROVIDING MOTOR VEHICLES TO THE PUBLIC UNDER A RENTAL AGREEMENT FOR A PERIOD NOT EXCEEDING 180 DAYS.

(4) “RENTAL AGREEMENT” MEANS A WRITTEN AGREEMENT CONTAINING THE TERMS AND CONDITIONS THAT GOVERN THE USE OF A RENTAL VEHICLE PROVIDED BY A MOTOR VEHICLE RENTAL COMPANY UNDER THE PROVISIONS OF THIS ARTICLE.

(B) A PERSON INVOLVED IN AN ADVERSE EVENT THAT INVOLVES A RENTAL VEHICLE RENTED BY ANOTHER, OR THE PERSON’S LEGAL REPRESENTATIVE, MAY REQUEST INFORMATION, AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION, FROM THE MOTOR VEHICLE COMPANY THAT OWNS THE RENTAL VEHICLE BY SUBMITTING A WRITTEN REQUEST TO THE MOTOR VEHICLE RENTAL COMPANY IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

(C) (1) IF KNOWN TO THE MOTOR VEHICLE RENTAL COMPANY, A REQUEST MADE TO A MOTOR VEHICLE RENTAL COMPANY UNDER THIS SECTION SHALL INCLUDE:

(I) THE FULL NAME OF THE PERSON THAT IS BELIEVED TO HAVE RENTED THE RENTAL VEHICLE INVOLVED IN THE ADVERSE EVENT;

(II) THE DATE AND APPROXIMATE TIME OF THE ADVERSE EVENT; AND

(III) TO THE EXTENT KNOWN, A DESCRIPTION OF THE RENTAL VEHICLE, INCLUDING THE VEHICLE'S:

1. MAKE;
2. MODEL;
3. COLOR; AND
4. REGISTRATION NUMBER.

(2) A REQUEST MADE UNDER THIS SECTION SHALL BE SUBMITTED TO THE MOTOR VEHICLE RENTAL COMPANY'S REGISTERED AGENT IN THE STATE.

(D) (1) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, AS SOON AS PRACTICABLE AFTER RECEIVING A REQUEST FOR INFORMATION, A MOTOR VEHICLE RENTAL COMPANY SHALL PROVIDE THE PERSON THAT MADE THE REQUEST WITH THE FOLLOWING INFORMATION IN WRITING:

(I) THE NAME, MAILING ADDRESS, AND DATE OF BIRTH OF EACH PERSON IDENTIFIED IN A RENTAL AGREEMENT AS A RENTER OR AUTHORIZED DRIVER OF THE RENTAL VEHICLE AT THE TIME THE ADVERSE EVENT IS ALLEGED TO HAVE OCCURRED; AND

(II) 1. THE NAME OF THE INSURER RESPONSIBLE FOR PROVIDING PRIMARY INSURANCE COVERAGE FOR THE RENTAL VEHICLE AT THE TIME THE ADVERSE EVENT IS ALLEGED TO HAVE OCCURRED; AND

2. IF KNOWN TO THE MOTOR VEHICLE RENTAL COMPANY, THE POLICY NUMBER ASSOCIATED WITH THE PRIMARY INSURANCE COVERAGE FOR THE RENTAL VEHICLE AT THE TIME THE ADVERSE EVENT IS ALLEGED TO HAVE OCCURRED.

(2) IF THE PERSON DRIVING THE RENTAL VEHICLE AT THE TIME OF THE ADVERSE EVENT IS NOT IDENTIFIED IN THE RENTAL AGREEMENT, THE MOTOR VEHICLE RENTAL COMPANY SHALL MAKE A REASONABLE EFFORT TO OBTAIN AND PROVIDE THE INDIVIDUAL'S NAME, MAILING ADDRESS, AND DATE OF BIRTH TO THE PERSON MAKING THE REQUEST FOR INFORMATION.

(E) (1) IF A REQUEST IS MADE UNDER THIS SECTION MORE THAN 3 YEARS AFTER THE DATE ON WHICH THE ADVERSE EVENT IS ALLEGED TO HAVE OCCURRED, THE MOTOR VEHICLE RENTAL COMPANY MAY REFUSE TO PROVIDE INFORMATION UNDER SUBSECTION (D) OF THIS SECTION.

(2) A MOTOR VEHICLE RENTAL COMPANY MAY NOT BE COMPELLED TO DISCLOSE ANY INFORMATION REGARDING PERSONS IDENTIFIED AS RENTERS OR AUTHORIZED DRIVERS OF A RENTAL VEHICLE OTHER THAN THE INFORMATION THAT IS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION.

(F) UNLESS IT IS ESTABLISHED THAT THE DISCLOSURE MADE BY THE MOTOR VEHICLE RENTAL COMPANY OR AN EMPLOYEE OR AGENT OF THE MOTOR VEHICLE RENTAL COMPANY CONSTITUTED RECKLESS, WANTON, OR INTENTIONAL MISCONDUCT, A MOTOR VEHICLE RENTAL COMPANY MAY NOT BE HELD CIVILLY OR CRIMINALLY LIABLE FOR DISCLOSING INFORMATION IN ACCORDANCE WITH THIS SECTION.

18-102.

(a) (1) The Administration may not register any motor vehicle, trailer, or semitrailer to be rented until the owner of the vehicle certifies to the satisfaction of the Administration that the owner has security for the vehicle in the same form and providing for the same minimum benefits as the security required by Title 17 of this article for motor vehicles.

(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.

(ii) **THIS PARAGRAPH DOES NOT APPLY TO A RENTAL VEHICLE THAT IS NOT A REPLACEMENT VEHICLE IF THE COVERAGE MAINTAINED BY THE RENTER OR DRIVER IS PROVIDED BY THE MARYLAND AUTOMOBILE INSURANCE FUND.**

(III) Subject to ~~subparagraph (iii) of this~~ paragraph (3) OF THIS SUBSECTION, § 18-106 OF THIS SUBTITLE, AND § 17-104(E)(5) OF THIS ARTICLE, an owner of a **RENTAL VEHICLE OR** replacement vehicle may satisfy the requirement of paragraph (1) of this subsection by maintaining the required security described in § 17-103 of this article that is secondary to any other valid and collectible coverage and that extends coverage to the owner’s vehicle in amounts required under § 17-103(b) of this article while it is used as a **RENTAL VEHICLE OR** replacement vehicle.

~~(iii)~~ **(IV)** If an owner of a replacement vehicle provides coverage as provided under subparagraph ~~(ii)~~ **(III)** of this paragraph, the agreement for the replacement vehicle to be signed by the renter or the individual to whom the vehicle is loaned shall contain a provision on the face of the agreement, in at least 10 point bold type, that informs the individual that the coverage on the vehicle being serviced or repaired is

primary coverage for the replacement vehicle and the coverage maintained by the owner on the replacement vehicle is secondary.

~~(3) (i) 1. IN THIS PARAGRAPH THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~2. "ADVERSE EVENT" HAS THE MEANING STATED IN § 17-104.3(A) OF THIS ARTICLE.~~

~~3. "MOTOR VEHICLE RENTAL COMPANY" HAS THE MEANING STATED IN § 17-104.3(A) OF THIS ARTICLE.~~

~~4. "RENTAL AGREEMENT" HAS THE MEANING STATED IN § 17-104.3(A) OF THIS ARTICLE.~~

~~(ii) EXCEPT AS PROVIDED IN SUBPARAGRAPH (iii) OF THIS PARAGRAPH, AND SUBJECT TO SUBPARAGRAPH (iv) OF THIS PARAGRAPH, AN OWNER OF A RENTAL VEHICLE MAY SATISFY THE REQUIREMENT OF PARAGRAPH (1) OF THIS SUBSECTION BY MAINTAINING THE REQUIRED SECURITY DESCRIBED IN § 17-103 OF THIS ARTICLE THAT IS:~~

~~1. PRIMARY:~~

~~A. EXCEPT AS PROVIDED IN ITEM 2 OF THIS SUBPARAGRAPH, WHILE THE OWNER'S VEHICLE IS USED AS A RENTAL VEHICLE; OR~~

~~B. IF THE COVERAGE MAINTAINED BY THE RENTER OF THE RENTAL VEHICLE IS PROVIDED BY THE MARYLAND AUTOMOBILE INSURANCE FUND; AND~~

~~2. SECONDARY, RETROACTIVE TO AN ADVERSE EVENT, TO COVERAGE MAINTAINED BY THE RENTER OF THE RENTAL VEHICLE ON THE OWNER'S CONFIRMATION, AFTER THE ADVERSE EVENT, WITH THE INSURANCE CARRIER THAT PROVIDES COVERAGE TO THE RENTER, THAT THE INSURANCE MAINTAINED BY THE RENTER PROVIDES VALID AND COLLECTIBLE COVERAGE IN THE AMOUNTS REQUIRED UNDER § 17-103(B) OF THIS ARTICLE TO THE OWNER'S VEHICLE WHILE IT IS USED AS A RENTAL VEHICLE, IF THE INSURANCE CARRIER THAT PROVIDES COVERAGE TO THE RENTER ACCEPTS THE CLAIM AND CONFIRMS IN WRITING THAT THE INSURANCE PROVIDED TO THE RENTER INCLUDES LIABILITY COVERAGE FOR THE ALLEGED AT FAULT DRIVER.~~

~~(iii) IF AN INSURANCE CARRIER THAT PROVIDES COVERAGE TO THE RENTER DOES NOT ACCEPT THE CLAIM UNDER PARAGRAPH (1)(ii) OF THIS SUBSECTION AND AUTHORIZE PAYMENT OF STORAGE CHARGES OR RENTAL OF A~~

~~TEMPORARY SUBSTITUTE MOTOR VEHICLE TO THE MOTOR VEHICLE RENTAL COMPANY WITHIN 14 DAYS OF RECEIVING NOTICE OF THE RENTER'S ADVERSE EVENT, THE INSURANCE CARRIER THAT PROVIDES COVERAGE FOR THE RENTAL VEHICLE SHALL:~~

~~1. CONTINUE TO BE THE PRIMARY SECURITY FOR THE PAYMENT OF STORAGE CHARGES AND RENTAL CHARGES FOR A TEMPORARY SUBSTITUTE MOTOR VEHICLE UNTIL THE CLAIM IS RESOLVED; AND~~

~~2. HAVE A RIGHT OF SUBROGATION AGAINST THE INSURANCE CARRIER THAT PROVIDES COVERAGE TO THE RENTER FOR THE PAYMENT OF STORAGE CHARGES AND RENTAL CHARGES FOR A TEMPORARY SUBSTITUTE MOTOR VEHICLE.~~

~~(iv)~~ **(3)** IF AN OWNER OF A RENTAL VEHICLE PROVIDES COVERAGE IN ACCORDANCE WITH ~~SUBPARAGRAPH (H)~~ PARAGRAPH (2) OF THIS ~~PARAGRAPH~~ SUBSECTION, THE RENTAL AGREEMENT TO BE SIGNED BY THE RENTER SHALL CONTAIN A PROVISION ON THE FACE OF THE AGREEMENT, IN AT LEAST 10 POINT BOLD TYPE, THAT INFORMS THE INDIVIDUAL THAT, EXCEPT FOR COVERAGE PROVIDED BY THE MARYLAND AUTOMOBILE INSURANCE FUND WITH RESPECT TO A RENTAL VEHICLE THAT IS NOT A REPLACEMENT VEHICLE, THE COVERAGE MAINTAINED BY THE RENTER OF THE RENTAL VEHICLE IS PRIMARY COVERAGE ON THE OWNER'S CONFIRMATION WITH THE INSURANCE CARRIER THAT PROVIDES COVERAGE TO THE RENTER THAT THE INSURANCE MAINTAINED BY THE RENTER PROVIDES VALID AND COLLECTIBLE COVERAGE IN THE AMOUNTS REQUIRED UNDER § 17-103(B) OF THIS ARTICLE TO THE OWNER'S VEHICLE WHILE IT IS USED AS A RENTAL VEHICLE.

(b) Notwithstanding any provision of the rental agreement to the contrary, the security required under this section shall cover the owner of the vehicle and each person driving or using the vehicle with the permission of the owner or lessee.

(c) If the Administration finds that the vehicle owner has failed or is unable to maintain the required security, the Administration shall suspend the registration of the vehicle.

18-106.

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

(2) "AUTHORIZED DRIVER" MEANS A PERSON, OTHER THAN THE RENTER, WHO USES OR OPERATES A RENTAL VEHICLE WITH THE PERMISSION OF THE MOTOR VEHICLE RENTAL COMPANY.

(3) "MOTOR VEHICLE RENTAL COMPANY" HAS THE MEANING STATED IN § 17-104.3 OF THIS ARTICLE.

(4) "RENTAL AGREEMENT" HAS THE MEANING STATED IN § 17-104.3 OF THIS ARTICLE.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION APPLIES ONLY TO:

(I) RENTAL VEHICLE TRANSACTIONS ORIGINATING IN THE STATE; AND

(II) THIRD-PARTY CLAIMS AGAINST A RENTER OR AN AUTHORIZED DRIVER OF A RENTAL VEHICLE ARISING OUT OF THE SECURITY REQUIREMENT UNDER § 18-102(A)(2) OF THIS SUBTITLE OR § 17-104(E) OF THIS ARTICLE.

(2) THIS SECTION DOES NOT APPLY TO A REPLACEMENT VEHICLE UNDER § 18-102(A)(2) OF THIS SUBTITLE OR § 17-104(E) OF THIS ARTICLE.

(C) A MOTOR VEHICLE RENTAL COMPANY SHALL BE RESPONSIBLE FOR PROVIDING THE REQUIRED SECURITY UNDER § 17-103 OF THIS ARTICLE ON A PRIMARY BASIS FOR A THIRD-PARTY LIABILITY CLAIM IF THE MOTOR VEHICLE RENTAL COMPANY:

(1) FAILS TO DELIVER NOTICE OF THE CLAIM;

(2) FAILS TO COOPERATE WITH THE INSURER;

(3) PREJUDICED THE HANDLING OF THE THIRD-PARTY CLAIM BEFORE THE INSURER ASSUMED THE HANDLING OF THE CLAIM;

(4) HAS PROVIDED LIABILITY, PROPERTY DAMAGE, UNINSURED MOTORIST, OR OTHER COVERAGE TO THE INSURED THAT IS APPLICABLE TO THE THIRD-PARTY CLAIM AS A BENEFIT UNDER EITHER:

(I) THE RENTAL AGREEMENT; OR

(II) AN INSURANCE POLICY SOLD TO THE RENTER IN CONNECTION WITH, AND INCIDENTAL TO, THE RENTAL OF THE MOTOR VEHICLE; OR

(5) FAILS TO PROVIDE THE NOTICES REQUIRED UNDER § 18-102(A)(3) OF THIS SUBTITLE OR § 17-104(F) OF THIS ARTICLE.

(D) A MOTOR VEHICLE RENTAL COMPANY SHALL BE RESPONSIBLE FOR PROVIDING THE REQUIRED SECURITY UNDER § 17-103 OF THIS ARTICLE ON A PRIMARY BASIS FOR A THIRD-PARTY LIABILITY CLAIM IF THE DRIVER OF THE RENTAL VEHICLE IS AN INDIVIDUAL WHO IS NOT THE RENTER OR AN AUTHORIZED DRIVER.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2019.~~ January 1, 2020, and shall apply to all claims arising in the State on or after January 1, 2020.

Approved by the Governor, May 13, 2019.

Chapter 473

(Senate Bill 649)

AN ACT concerning

Health Care Facilities – Change in Bed Capacity – Certificate of Need Exemption

FOR the purpose of exempting an increase or decrease in bed capacity from the certificate of need requirement if the increase or decrease will occur in an certain intermediate care facility, ~~or a certain general hospice program, or a certain hospital with acute psychiatric beds under certain circumstances~~ and certain written notice is filed with the Maryland Health Care Commission at least a certain number of days before increasing or decreasing bed capacity; requiring the Commission to review a certain chapter of the State Health Plan and, under certain circumstances, report to certain committees of the General Assembly on or before a certain date; making a technical change; making this Act an emergency measure; and generally relating to certificates of need for a change in bed capacity.

BY repealing and reenacting, with amendments,
 Article – Health – General
 Section 19-120(h)
 Annotated Code of Maryland
 (2015 Replacement Volume and 2018 Supplement)

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

Article – Health – General

19–120.

(h) (1) A certificate of need is required before the bed capacity of a health care facility is changed.

(2) This subsection does not apply to any increase or decrease in bed capacity if:

(i) For a health care facility that is not a hospital, during a 2–year period the increase or decrease would not exceed the lesser of 10 percent of the total bed capacity or 10 beds;

(ii) 1. The increase or decrease would change the bed capacity for an existing medical service; and

2. A. The change would not increase total bed capacity;

B. The change is maintained for at least a 1–year period; and

C. At least 45 days prior to the change, the hospital provides written notice to the Commission describing the change and providing an updated inventory of the hospital’s licensed bed complement;

(iii) 1. At least 45 days before increasing or decreasing bed capacity, written notice of intent to change bed capacity is filed with the Commission;

2. The Commission in its sole discretion finds that the proposed change:

A. Is pursuant to the consolidation or merger of two or more health care facilities, or conversion of a health care facility or part of a facility to a nonhealth–related use;

B. Is not inconsistent with the State health plan or the institution–specific plan developed by the Commission;

C. Will result in the delivery of more efficient and effective health care services; and

D. Is in the public interest; and

3. Within 45 days of receiving notice, the Commission notifies the health care facility of its finding; [or]

(iv) The increase or decrease in bed capacity is the result of the annual licensed bed recalculation provided under § [19–307] **19–307.2** of this title; **OR**

(v) 1. THE INCREASE OR DECREASE IN BED CAPACITY WILL OCCUR IN:

A. AN INTERMEDIATE CARE FACILITY THAT OFFERS RESIDENTIAL OR INTENSIVE SUBSTANCE-RELATED DISORDER TREATMENT SERVICES AND HAS A CURRENT LICENSE ISSUED BY THE SECRETARY; OR

B. AN EXISTING GENERAL HOSPICE PROGRAM THAT HAS A CURRENT LICENSE ISSUED BY THE SECRETARY; ~~OR~~ AND

~~C. A HOSPITAL WITH ACUTE PSYCHIATRIC BEDS THAT HAS A CURRENT LICENSE ISSUED BY THE SECRETARY, IF THE CHANGE IN BED CAPACITY RESULTS IN AN INCREASE OR DECREASE IN BED CAPACITY ONLY FOR ACUTE PSYCHIATRIC CARE; AND~~

2. AT LEAST 45 DAYS BEFORE INCREASING OR DECREASING BED CAPACITY, WRITTEN NOTICE OF THE INTENT TO CHANGE BED CAPACITY IS FILED WITH THE COMMISSION.

SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Health Care Commission shall:

(1) review the chapter of the State Health Plan on Psychiatric Services; Emergency Medical Services; and

(2) if regulations are not adopted that update the chapter of the State Health Plan on Psychiatric Services; Emergency Medical Services on or before December 30, 2019, provide a report on the review required under item (1) of this section to the Senate Finance Committee and House Health and Government Operations Committee in accordance with § 2-1246 of the State Government Article on or before December 30, 2019.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a 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, May 13, 2019.

Chapter 474

(Senate Bill 940)

AN ACT concerning

Health Care Facilities – Certificate of Need – Modifications

FOR the purpose of ~~altering~~ repealing a provision of law exempting certain offices from certificate of need requirements under certain circumstances; providing that a certificate of need is required before the type or scope of any health care service is changed if the health care service results in a change in operating room capacity in ~~a certain hospital~~ health care facilities; altering the circumstances under which a certificate of need is required before certain capital expenses are made by or on behalf of a certain health care facility; ~~authorizing the Maryland Health Care Commission to establish an abbreviated review process for certain applications for a certificate of need~~; repealing a provision of law authorizing a hospital to acquire a freestanding ambulatory surgical facility or a certain office or group practice under certain circumstances; providing that a certain certificate of need application is deemed approved under certain circumstances; repealing a provision of law providing for the construction of certain provisions of law governing certificates of need; providing for the application of certain provisions of this Act; altering a certain definition; and generally relating to certificates of need.

BY repealing and reenacting, without amendments,

Article – Health – General

Section 19–114(a)

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19–114(b), 19–120(j)(1) and (k)(2), and 19–126

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

BY repealing

Article – Health – General

Section 19–120(k)(8) and (9)

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

19–114.

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

(b) [(1)] “Ambulatory surgical facility” means any center, service, office, facility, or office of one or more health care practitioners or a group practice, ~~as defined in § 1-301 of the Health Occupations Article,~~ that:

(i) (1) Has [two] **THREE** or more operating rooms;

(ii) (2) Operates primarily for the purpose of providing surgical services to patients who do not require overnight hospitalization; and

(iii) (3) Seeks reimbursement from payors as an ambulatory surgical facility.

~~(2) For purposes of this subtitle, the office of one or more health care practitioners or a group practice with [two] **THREE** operating rooms may be exempt from the certificate of need requirements under this subtitle if the Commission finds, in its sole discretion, that:~~

~~(i) A [second] **THIRD** operating room is necessary to promote the efficiency, safety, and quality of the surgical services offered; and~~

~~(ii) The office meets the criteria for exemption from the certificate of need requirements as an ambulatory surgical facility in accordance with regulations adopted by the Commission.~~

19–120.

(j) (1) A certificate of need is required before the type or scope of any health care service is changed if the health care service [is]:

(I) IS offered:

(i) 1. By a health care facility;

(ii) 2. In space that is leased from a health care facility; or

(iii) 3. In space that is on land leased from a health care facility;

OR

(II) RESULTS IN A CHANGE IN OPERATING ROOM CAPACITY IN A GENERAL HOSPITAL, A FREESTANDING MEDICAL FACILITY, OR AN AMBULATORY SURGICAL FACILITY.

(k) (2) A certificate of need is required before any of the following capital expenditures are made by or on behalf of a health care facility other than a hospital:

(i) Any expenditure that, under generally accepted accounting principles, is not properly chargeable as an operating or maintenance expense, if:

1. [The expenditure is made as part of an acquisition, improvement, or expansion, and, after adjustment for inflation as provided in the regulations of the Commission, the total expenditure, including the cost of each study, survey, design, plan, working drawing, specification, and other essential activity, is more than \$5,000,000;

2. The expenditure is made as part of a replacement of any plant and equipment of the health care facility other than a hospital and is more than \$5,000,000 after adjustment for inflation as provided in the regulations of the Commission;

3.] The expenditure results in a substantial change in the bed capacity of the health care facility other than a hospital; or

[4.] 2. The expenditure results in the establishment of a new medical service in a health care facility other than a hospital that would require a certificate of need under subsection (i) of this section; or

(ii) Any expenditure that is made to lease or, by comparable arrangement, obtain any plant or equipment for the health care facility other than a hospital, if:

1. [The expenditure is made as part of an acquisition, improvement, or expansion, and, after adjustment for inflation as provided in the regulations of the Commission, the total expenditure, including the cost of each study, survey, design, plan, working drawing, specification, and other essential activity, is more than \$5,000,000;

2. The expenditure is made as part of a replacement of any plant and equipment and is more than \$5,000,000 after adjustment for inflation as provided in the regulations of the Commission;

3.] The expenditure results in a substantial change in the bed capacity of the health care facility other than a hospital; or

[4.] 2. The expenditure results in the establishment of a new medical service in a health care facility other than a hospital that would require a certificate of need under subsection (i) of this section.

[(8) Subject to the notice requirements of paragraph (6)(ii) of this subsection, a hospital may acquire a freestanding ambulatory surgical facility or office of one or more health care practitioners or a group practice with one or more operating rooms used primarily for the purpose of providing ambulatory surgical services if the facility, office, or group practice:

(i) Has obtained a certificate of need;

(ii) Has obtained an exemption from certificate of need requirements; or

(iii) Did not require a certificate of need in order to provide ambulatory surgical services after June 1, 1995.

(9) Nothing in this subsection may be construed to permit a hospital to build or expand its ambulatory surgical capacity in any setting owned or controlled by the hospital without obtaining a certificate of need from the Commission if the building or expansion would increase the surgical capacity of the State's health care system.]

19–126.

(a) If the Commission receives an application for a certificate of need for a change in the bed capacity of a health care facility, as required under § 19–120 of this subtitle, or for a health care project that would create a new health care service or abolish an existing health care service, the Commission shall give notice of the filing by publication in the Maryland Register and give the following notice to:

(1) Each member of the General Assembly in whose district the action is planned;

(2) Each member of the governing body for the county where the action is planned;

(3) The county executive, mayor, or chief executive officer, if any, in whose county or city the action is planned; and

(4) Any health care provider, third party payor, local planning agency, or any other person the Commission knows has an interest in the application.

(b) Failure to give notice shall not adversely affect the application.

(c) (1) All decisions of the Commission on an application for a certificate of need, except in emergency circumstances posing a threat to public health, shall be consistent with the State health plan and the standards for review established by the Commission.

(2) The mere failure of the State health plan to address any particular project or health care service shall not alone be deemed to render the project inconsistent with the State health plan.

(3) Unless the Commission finds that the facility or service for which the proposed expenditure is to be made is not needed or is not consistent with the State health

plan, the Commission shall approve an application for a certificate of need required under § 19–120(k) of this subtitle to the extent that the expenditure is to be made to:

(i) Eliminate or prevent an imminent safety hazard, as defined by federal, State, or local fire, building, or life safety codes or regulations;

(ii) Comply with State licensing standards; or

(iii) Comply with accreditation standards for reimbursement under Title XVIII of the Social Security Act or under the State Medical Assistance Program approved under Title XIX of the Social Security Act.

(d) (1) ~~(H)~~ The Commission alone shall have final nondelegable authority to act upon an application for a certificate of need, except as provided in this subsection.

~~(H) THE COMMISSION MAY ESTABLISH AN ABBREVIATED REVIEW PROCESS FOR UNCONTESTED APPLICATIONS FOR A CERTIFICATE OF NEED THAT DO NOT INVOLVE:~~

~~1. THE ESTABLISHMENT OF A HEALTH CARE FACILITY;~~

~~2. THE RELOCATION OF A HEALTH CARE FACILITY; OR~~

~~3. THE INTRODUCTION BY A HOSPITAL OF CARDIAC SURGERY OR ORGAN TRANSPLANTATION.~~

(2) A majority of the full authorized membership of the Commission shall be a quorum to act on an application for a certificate of need.

(3) After an application is filed, the staff of the Commission:

(i) Shall review the application for completeness within 10 working days of the filing of the application; and

(ii) May request further information from the applicant.

(4) The Commission may delegate to a reviewer the responsibility for review of an application for a certificate of need, including:

(i) The holding of an evidentiary hearing if the Commission, in accordance with criteria it has adopted by regulation, considers an evidentiary hearing appropriate due to the magnitude of the impact the proposed project may have on the health care delivery system; and

(ii) Preparation of a recommended decision for consideration by the full Commission.

(5) The Commission shall designate a single Commissioner to act as a reviewer for the application and any competing applications.

(6) The Commission shall delegate to its staff the responsibility for an initial review of an application, including, in the event that no written comments on an application are submitted by any interested party other than the staff of the Commission, the preparation of a recommended decision for consideration by the full Commission.

(7) Any “interested party” may submit written comments on the application in accordance with procedural regulations adopted by the Commission.

(8) The Commission shall define the term “interested party” to include, at a minimum:

(i) The staff of the Commission;

(ii) Any applicant who has submitted a competing application;

(iii) Any other person who can demonstrate that the person would be adversely affected by the decision of the Commission on the application;

(iv) A local health planning agency for a jurisdiction or region in which the proposed facility or service will be located; and

(v) In the review of a replacement acute general hospital project proposed by or on behalf of a regional health system that serves multiple contiguous jurisdictions, a jurisdiction within the region served by the regional health system that does not contain the proposed replacement acute general hospital project.

(9) The reviewer shall review the application, any written comments on the application, and any other materials permitted by this section or by the Commission’s regulations, and present a recommended decision on the application to the full Commission.

(10) (i) An applicant and any interested party may request the opportunity to present oral argument to the reviewer, in accordance with regulations adopted by the Commission, before the reviewer prepares a recommended decision on the application for consideration by the full Commission.

(ii) The reviewer may grant, deny, or impose limitations on an interested party’s request to present oral argument to the reviewer.

(11) Any interested party who has submitted written comments under paragraph (7) of this subsection may submit written exceptions to the proposed decision and make oral argument to the Commission, in accordance with regulations adopted by the Commission, before the Commission takes final action on the application.

(12) The Commission shall, after determining that the recommended decision is complete, vote to approve, approve with conditions, or deny the application on the basis of the recommended decision, the record before the staff or the reviewer, and exceptions and arguments, if any, before the Commission.

(13) The decision of the Commission shall be by a majority of the quorum present and voting.

(e) Where the State health plan identifies a need for additional hospital bed capacity in a region or subregion, in a comparative review of 2 or more applicants for hospital bed expansion projects, a certificate of need shall be granted to 1 or more applicants in that region or subregion that:

(1) Have satisfactorily met all applicable standards;

(2) (i) Have within the preceding 10 years voluntarily delicensed the greater of 10 beds or 10 percent of total licensed bed capacity to the extent of the beds that are voluntarily delicensed; or

(ii) Have been previously granted a certificate of need which was not recertified by the Commission within the preceding 10 years; and

(3) The Commission finds at least comparable to all other applicants.

(f) (1) If any party or interested person requests an evidentiary hearing with respect to a certificate of need application for any health care facility other than an ambulatory surgical facility and the Commission, in accordance with criteria it has adopted by regulation, considers an evidentiary hearing appropriate due to the magnitude of the impact that the proposed project may have on the health care delivery system, the Commission or a committee of the Commission shall hold the hearing in accordance with the contested case procedures of the Administrative Procedure Act.

(2) Except as provided in this section or in regulations adopted by the Commission to implement the provisions of this section, the review of an application for a certificate of need for an ambulatory surgical facility is not subject to the contested case procedures of Title 10, Subtitle 2 of the State Government Article.

(g) (1) An application for a certificate of need shall be acted upon by the Commission no later than 150 days after the application was docketed.

(2) If an evidentiary hearing is not requested, the Commission's decision on an application shall be made no later than 90 days after the application was docketed.

(h) (1) The applicant or any aggrieved party, as defined in § 19–128(a) of this subtitle, may petition the Commission within 15 days for a reconsideration.

(2) The Commission shall decide whether or not it will reconsider its decision within 30 days of receipt of the petition for reconsideration.

(3) The Commission shall issue its reconsideration decision within 30 days of its decision on the petition.

(i) **(1) [If] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF** the Commission does not act on an application within the required period, the applicant may file with a court of competent jurisdiction within 60 days after expiration of the period a petition to require the Commission to act on the application.

~~**(2) FOR UNCONTESTED APPLICATIONS FOR A CERTIFICATE OF NEED ELIGIBLE FOR AN ABBREVIATED PROJECT REVIEW PROCESS UNDER SUBSECTION (D)(1)(II) OF THIS SECTION, IF FINAL ACTION BY THE COMMISSION DOES NOT OCCUR WITHIN 90 DAYS AFTER THE APPLICATION WAS DOCKETED, THE APPLICATION FOR THE CERTIFICATE OF NEED SHALL BE DEEMED APPROVED.**~~

(2) (I) THIS PARAGRAPH DOES NOT APPLY TO AN APPLICATION FOR A CERTIFICATE OF NEED INVOLVING:

- 1. THE ESTABLISHMENT OF A HEALTH CARE FACILITY;**
- 2. THE RELOCATION OF A HEALTH CARE FACILITY; OR**
- 3. THE INTRODUCTION BY A HOSPITAL OF CARDIAC SURGERY OR ORGAN TRANSPLANTATION.**

(II) A CERTIFICATE OF NEED FILED AFTER OCTOBER 1, 2019, SHALL BE DEEMED APPROVED IF:

- 1. THE CERTIFICATE OF NEED IS UNCONTESTED; AND**
- 2. FINAL ACTION BY THE COMMISSION DOES NOT OCCUR WITHIN 120 DAYS AFTER THE APPLICATION FOR THE CERTIFICATE OF NEED WAS DOCKETED.**

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

Approved by the Governor, May 13, 2019.

Chapter 475

(House Bill 838)

AN ACT concerning

Food Supplement Program – Restaurant Meals Program

FOR the purpose of renaming the food stamp program to be the food supplement program; establishing a Restaurant Meals Program (RMP) within the food supplement program in the Department of Human Services; providing for the purpose of the RMP; authorizing a certain household eligible to participate in the RMP to purchase certain foods at certain restaurants using a certain food supplement benefit; providing for household eligibility requirements for the RMP; requiring a restaurant to meet certain criteria before participating in the RMP; requiring each local department of social services to administer the RMP in accordance with certain laws; requiring the Department to adopt certain regulations; requiring the Department to submit a certain report on progress toward implementing the RMP to certain committees of the General Assembly on or before a certain date each year; requiring the Department to submit a certain report of certain findings to certain committees of the General Assembly on or before a certain date; providing for the termination of a certain provision of this Act; making conforming changes; defining a certain term; and generally relating to the food supplement program and the Restaurant Meals Program.

BY repealing and reenacting, with amendments,
 Article – Human Services
 Section 5–501, 5–503, and 5–504(a) and (b)
 Annotated Code of Maryland
 (2007 Volume and 2018 Supplement)

BY adding to
 Article – Human Services
 Section 5–505
 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

5–501.

(a) **(1)** The Department may implement a food [stamp] **SUPPLEMENT** program in accordance with the federal [Food Stamp Act] **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**.

(2) THE FOOD SUPPLEMENT PROGRAM SHALL INCLUDE A RESTAURANT MEALS PROGRAM IN ACCORDANCE WITH § 5-505 OF THIS SUBTITLE.

(b) The State shall bear the nonfederal portion of the administrative costs of the food [stamp] SUPPLEMENT program for each county.

(c) Each local department shall administer the food [stamp] SUPPLEMENT program:

(1) under the supervision and control of the Department; and

(2) in accordance with the regulations of the Department and federal law.

(d) If a household includes an individual who is at least 62 years old and receives a federally funded benefit in an amount less than \$30 per month under the food [stamp] SUPPLEMENT program, the State shall provide a supplement to increase the total benefit to \$30 per month.

5-503.

Subject to the State budget, the Department shall provide food [stamp] SUPPLEMENT benefits to a legal immigrant who:

(1) is a minor;

(2) is ineligible for federally funded [food stamp] SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM benefits because of immigration status;

(3) meets all other food [stamp] SUPPLEMENT program eligibility requirements; and

(4) meets any other requirements of the State.

5-504.

(a) A person may not sell or purchase food [stamp] SUPPLEMENT program benefits unless otherwise authorized by law.

(b) A person may not knowingly buy or sell merchandise that has been purchased with food [stamp] SUPPLEMENT program benefits.

5-505.

(A) IN THIS SECTION, “RMP” MEANS THE RESTAURANT MEALS PROGRAM.

(B) (1) THERE IS A RESTAURANT MEALS PROGRAM WITHIN THE FOOD SUPPLEMENT PROGRAM IN THE DEPARTMENT.

(2) THE PURPOSE OF THE RMP IS TO EXPAND FOOD ACCESS TO INDIVIDUALS WHO:

- (I) DO NOT HAVE A PLACE TO STORE AND COOK FOOD;**
- (II) MAY NOT BE ABLE TO PREPARE FOOD; OR**
- (III) DO NOT HAVE ACCESS TO A GROCERY STORE.**

(C) A HOUSEHOLD ELIGIBLE UNDER SUBSECTION (D) OF THIS SECTION TO PARTICIPATE IN THE RMP MAY PURCHASE HOT PREPARED FOODS AT PARTICIPATING RESTAURANTS USING A FOOD SUPPLEMENT PROGRAM BENEFIT.

(D) A HOUSEHOLD IS ELIGIBLE TO PARTICIPATE IN THE RMP IF THE HOUSEHOLD IS ELIGIBLE TO RECEIVE FOOD SUPPLEMENT PROGRAM BENEFITS UNDER STATE AND FEDERAL LAW, AND THE HOUSEHOLD:

(1) LACKS A FIXED, REGULAR, AND ADEQUATE NIGHTTIME RESIDENCE;

(2) INCLUDES ONLY INDIVIDUALS WHO ARE:

- (I) 60 YEARS OF AGE OR OLDER; OR**
- (II) DESIGNATED DISABLED BY A GOVERNMENT ENTITY;**

(3) INCLUDES ONLY AN INDIVIDUAL AND THE INDIVIDUAL'S SPOUSE IF THE INDIVIDUAL IS:

- (I) 60 YEARS OF AGE OR OLDER; OR**
- (II) DESIGNATED DISABLED BY A GOVERNMENT ENTITY; OR**

(4) INCLUDES ONLY:

- (I) INDIVIDUALS WHO ARE 60 YEARS OF AGE OR OLDER; AND**
- (II) INDIVIDUALS WHO ARE DESIGNATED DISABLED BY A GOVERNMENT ENTITY.**

(E) BEFORE PARTICIPATING IN THE PROGRAM, A RESTAURANT SHALL:

(1) SUBMIT AN APPLICATION AND BE APPROVED UNDER A PROCESS DETERMINED BY THE DEPARTMENT;

(2) BECOME A SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM PROVIDER LICENSED BY THE U.S. DEPARTMENT OF AGRICULTURE; AND

(3) BE ABLE TO PROCESS ELECTRONIC BENEFIT TRANSACTION CARD PAYMENTS AT THE POINT OF SALE.

(F) (1) EACH LOCAL DEPARTMENT SHALL ADMINISTER THE RMP AS PART OF THE FOOD SUPPLEMENT PROGRAM AUTHORIZED UNDER § 5–501 OF THIS SUBTITLE, IN ACCORDANCE WITH FEDERAL LAW.

(2) THE DEPARTMENT SHALL ADOPT REGULATIONS:

(I) TO VERIFY HOUSEHOLD ELIGIBILITY FOR PARTICIPATION IN THE RMP;

(II) TO ESTABLISH ELIGIBILITY STANDARDS, AN APPLICATION PROCESS, AND AN APPROVAL PROCESS FOR RESTAURANTS TO PARTICIPATE IN THE RMP; AND

(III) OTHERWISE NECESSARY TO CARRY OUT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2019, and each year thereafter, the Department of Human Services shall report to the Senate Finance Committee and the House Appropriations Committee, in accordance with § 2–1246 of the State Government Article, on progress toward establishing a Restaurant Meals Program, including:

(1) the names and addresses of all approved restaurants;

(2) the number of food supplement program recipients participating in the program by county;

(3) a plan to expand the number of restaurants participating in the program, particularly in areas of high demand; and

(4) barriers to program expansion, including availability of equipment necessary to process electronic benefit transaction card payments at the point of sale.

SECTION 3. AND BE IT FURTHER ENACTED, That the Department of Human Services shall:

(1) evaluate the feasibility and cost of:

(i) implementing mobile and web-based technology for recertification of food supplement program benefits; ~~and~~

(ii) implementing a “Heat and Eat” program to determine food supplement program benefit levels for eligible households; and

(iii) exempting veterans from veteran time limits applicable to able-bodied adults without dependents under the food supplement program; and

(2) on or before December 1, 2019, report the findings made under item (1) of this section to the Senate Finance Committee and the House Appropriations Committee, in accordance with § 2-1246 of the State Government Article.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019. Section 2 of this Act shall remain effective for a period of 3 years and, at the end of June 30, 2022, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 13, 2019.

Chapter 476

(House Bill 1066)

AN ACT concerning

Family Investment Program – ~~Transitional Assistance for Education Pilot Program~~ Work Activity Requirement – Authorized Activities and Report

FOR the purpose of ~~establishing the Transitional Assistance for Education Pilot Program within the Family Investment Program in the Department of Human Services; exempting the Pilot Program from a requirement that certain transitional assistance be paid to a certain third party payee; establishing the purpose of the Pilot Program; requiring the Department to establish the Pilot Program in certain counties; specifying certain eligibility requirements for participation in the Pilot Program; requiring the transitional assistance provided to a certain recipient under the Pilot Program to equal a certain benefit; authorizing a certain recipient to reapply for a certain benefit and requiring the benefit to be provided in a certain manner; expressing the intent of the General Assembly that any general funds appropriated for the Pilot Program shall supplement, and not supplant, funds otherwise appropriated for the Department; requiring the Department, in consultation with the University of Maryland School of Social Work, to collect and report certain information to certain committees of the General Assembly on or before a certain date each year; requiring the Secretary of Human Services to adopt certain~~

~~regulations; defining a certain term; providing for the termination of this Act; and generally relating to the Transitional Assistance for Education Pilot Program requiring the Department of Human Services to allow a certain applicant for or recipient of assistance under the Family Investment Program to meet a certain work activity requirement by participating in certain *vocational education or education or vocational training* programs in a certain manner for a certain maximum time period; authorizing the Department to suspend the application of certain provisions of law under certain circumstances; requiring the Department to report certain information to the General Assembly on or before a certain date each year; defining certain terms; providing for a delayed effective date; and generally relating to work activity requirements under the Family Investment Program.~~

BY repealing and reenacting, without amendments,

Article – Human Services

Section ~~5–301(a), (b), (d), (e), and (g) and 5–312(f)(1)~~ (h)

Annotated Code of Maryland

(2007 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Human Services

Section ~~5–312(f)(2)~~ 5–308(a)

Annotated Code of Maryland

(2007 Volume and 2018 Supplement)

BY adding to

Article – Human Services

Section ~~5–312.1~~ 5–322

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

5–301.

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

(b) “FIP” means the Family Investment Program.

(d) “Recipient” means each individual in a FIP case,

(e) “Temporary cash assistance” means the cash assistance component of the FIP that is funded wholly or partly through Title IV, Part A, of the Social Security Act.

~~(g) “Transitional assistance” means assistance provided to a recipient whose temporary cash assistance has been terminated for noncompliance with FIP requirements.~~

(h) “Work activity” means:

- (1) job search activity;
- (2) subsidized employment in either the public or private sector;
- (3) work experience;
- (4) on-the-job training;
- (5) community service;
- (6) training directly related to employment; or
- (7) education directly related to employment.

5-308.

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

(II) “TARGET WORK RATE” MEANS THE RATE ESTABLISHED FOR THE STATE BY THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES BASED ON THE STATE’S CASELOAD REDUCTION CREDIT UNDER THE FEDERAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM, 42 U.S.C. 22-601 ET SEQ.

(III) “WORK PARTICIPATION RATE” MEANS THE FEDERAL WORK PARTICIPATION RATE ESTABLISHED BY THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES UNDER THE FEDERAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM, 42 U.S.C. 22-601 ET SEQ.

(2) A family may be eligible for assistance under this subtitle only if the family includes:

- (i) a minor child who resides with a custodial parent or other adult caretaker who is a relative of the child; or
- (ii) a pregnant individual.

[(2)] (3) Assistance shall be provided to an applicant or recipient under this subtitle only if the applicant or recipient:

- (i) resides in the State at the time of application for assistance;

(ii) if applicable:

1. has applied for child support services with the appropriate local child support enforcement office at the time of application for assistance; and

2. complies with the requirements of the local child support enforcement office;

(iii) has engaged in job search activities as requested by the Department;

(iv) participates in work activity under this subtitle; and

(v) meets all other FIP requirements that the Secretary establishes by regulation.

(4) SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, THE DEPARTMENT SHALL ALLOW AN APPLICANT OR A RECIPIENT TO MEET THE WORK ACTIVITY REQUIREMENT FOR A MAXIMUM OF 24 MONTHS BY ENGAGING IN:

(I) A MINIMUM OF 20 HOURS PER WEEK OF VOCATIONAL EDUCATIONAL TRAINING THAT IS DIRECTLY RELATED TO EMPLOYMENT AND EDUCATION THAT LEADS TO AN ASSOCIATE DEGREE, A DIPLOMA, OR A CERTIFICATE; OR

(II) AN AVERAGE OF AT LEAST 20 HOURS PER WEEK OF EDUCATION DIRECTLY RELATED TO EMPLOYMENT, WHICH MAY INCLUDE:

1. AN ADULT BASIC EDUCATION PROGRAM;

2. AN ENGLISH AS A SECOND LANGUAGE PROGRAM; OR

3. A GED PROGRAM.

(5) IF THE WORK PARTICIPATION RATE DOES NOT EXCEED THE TARGET WORK RATE BY 10% IN ANY MONTH, THE DEPARTMENT, AFTER PROVIDING AT LEAST 30 DAYS PRIOR NOTICE TO THE SENATE BUDGET AND TAXATION FINANCE COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE, MAY SUSPEND THE APPLICATION OF PARAGRAPH (4) OF THIS SUBSECTION TO NEW APPLICANTS UNTIL THE WORK PARTICIPATION RATE EXCEEDS THE TARGET WORK RATE BY 10% FOR 3 CONSECUTIVE MONTHS.

(A) ON OR BEFORE OCTOBER 1 EACH YEAR, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE FOLLOWING INFORMATION FOR THE PRECEDING YEAR:

(1) THE NUMBER OF RECIPIENTS WHO ENGAGED IN ~~EDUCATION OR VOCATIONAL EDUCATIONAL TRAINING~~ VOCATIONAL EDUCATION OR EDUCATION DIRECTLY RELATED TO EMPLOYMENT;

(2) THE NUMBER OF RECIPIENTS WHO COMPLETED ~~EDUCATION OR VOCATIONAL EDUCATIONAL TRAINING~~ VOCATIONAL EDUCATION OR EDUCATION DIRECTLY RELATED TO EMPLOYMENT;

(3) THE NUMBER OF RECIPIENTS WHO OBTAINED OR MAINTAINED EMPLOYMENT FOR 6 MONTHS, 12 MONTHS, 18 MONTHS, AND 24 MONTHS AFTER COMPLETING ~~EDUCATION OR VOCATIONAL EDUCATIONAL TRAINING~~ VOCATIONAL EDUCATION OR EDUCATION DIRECTLY RELATED TO EMPLOYMENT; AND

(4) THE AVERAGE EARNINGS OF RECIPIENTS WHO OBTAINED OR MAINTAINED EMPLOYMENT FOR 6 MONTHS, 12 MONTHS, 18 MONTHS, AND 24 MONTHS AFTER COMPLETING ~~EDUCATION OR VOCATIONAL EDUCATIONAL TRAINING~~ VOCATIONAL EDUCATION OR EDUCATION DIRECTLY RELATED TO EMPLOYMENT.

(B) THE INFORMATION IN THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE BROKEN DOWN BY THE TYPES OF ~~EDUCATION OR VOCATIONAL EDUCATIONAL TRAINING~~ VOCATIONAL EDUCATION OR EDUCATION PROGRAM PROGRAMS IN WHICH THE RECIPIENTS ENGAGED, INCLUDING:

(1) ASSOCIATE DEGREE PROGRAMS;

(2) VOCATIONAL ~~EDUCATIONAL TRAINING~~ EDUCATION PROGRAMS THAT DO NOT LEAD TO AN ASSOCIATE DEGREE;

(3) POSTSECONDARY EDUCATION PROGRAMS THAT ARE NOT INCLUDED IN ITEMS (1) OR (2) OF THIS SUBSECTION;

(4) ADULT BASIC EDUCATION PROGRAMS;

(5) ENGLISH AS A SECOND LANGUAGE PROGRAMS; AND

(6) GED PROGRAMS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

~~5-312.~~

~~(f) (1) After termination of temporary cash assistance under this section, a recipient may receive transitional assistance.~~

~~(2) [If] EXCEPT AS PROVIDED IN § 5-312.1 OF THIS SUBTITLE, IF a caseworker determines that transitional assistance is appropriate, the FIP benefit that would have been paid to the recipient shall be paid instead to a third party payee on behalf of the recipient for a period of up to 3 months.~~

~~5-312.1.~~

~~(A) IN THIS SECTION, “PILOT PROGRAM” MEANS THE TRANSITIONAL ASSISTANCE FOR EDUCATION PILOT PROGRAM ESTABLISHED UNDER THIS SECTION.~~

~~(B) THERE IS A TRANSITIONAL ASSISTANCE FOR EDUCATION PILOT PROGRAM WITHIN THE FIP.~~

~~(C) THE PURPOSE OF THE PILOT PROGRAM IS TO INCREASE ACCESS TO EMPLOYMENT-RELATED EDUCATIONAL AND TRAINING OPPORTUNITIES FOR RECIPIENTS.~~

~~(D) THE DEPARTMENT SHALL ESTABLISH THE PILOT PROGRAM IN BALTIMORE CITY, PRINCE GEORGE’S COUNTY, AND WASHINGTON COUNTY.~~

~~(E) (1) A RECIPIENT IS ELIGIBLE FOR TRANSITIONAL ASSISTANCE UNDER THE PILOT PROGRAM IF:~~

~~(i) THE RECIPIENT PARTICIPATES IN EDUCATION OR TRAINING DIRECTLY RELATED TO EMPLOYMENT FOR MORE THAN 10 HOURS EACH WEEK;~~

~~(ii) THE RECIPIENT’S TEMPORARY CASH ASSISTANCE IS TERMINATED UNDER § 5-312 OF THIS SUBTITLE FOR NONCOMPLIANCE WITH A WORK ACTIVITY REQUIREMENT;~~

~~(iii) THE RECIPIENT MEETS ALL OTHER REQUIREMENTS OF THE FIP; AND~~

~~(iv) THE RECIPIENT MEETS ANY OTHER REQUIREMENTS ESTABLISHED BY REGULATION UNDER THIS SECTION.~~

~~(2) A RECIPIENT MAY NOT RECEIVE TEMPORARY CASH ASSISTANCE WHILE RECEIVING TRANSITIONAL ASSISTANCE UNDER THE PILOT PROGRAM.~~

~~(3) A RECIPIENT MAY NOT RECEIVE MORE THAN 1 YEAR OF TRANSITIONAL ASSISTANCE UNDER THIS SECTION.~~

~~(F) THE TRANSITIONAL ASSISTANCE PROVIDED TO A RECIPIENT UNDER THE PILOT PROGRAM SHALL BE EQUAL TO THE FIP BENEFIT THAT WOULD HAVE BEEN PAID TO THE RECIPIENT.~~

~~(G) A RECIPIENT WHO HAS RECEIVED TRANSITIONAL ASSISTANCE UNDER THIS SECTION MAY REAPPLY FOR THE FIP BENEFIT AND THE BENEFIT SHALL BE FURNISHED WITH REASONABLE PROMPTNESS TO ALL ELIGIBLE INDIVIDUALS.~~

~~(H) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT ANY GENERAL FUNDS APPROPRIATED FOR THE PILOT PROGRAM SHALL SUPPLEMENT, AND NOT SUPPLANT, FUNDS OTHERWISE APPROPRIATED FOR THE DEPARTMENT.~~

~~(I) ON OR BEFORE DECEMBER 1 EACH YEAR, THE DEPARTMENT, IN CONSULTATION WITH THE UNIVERSITY OF MARYLAND SCHOOL OF SOCIAL WORK, SHALL:~~

~~(1) COLLECT INFORMATION NECESSARY TO ASSESS THE EFFECTIVENESS OF THE PILOT PROGRAM, INCLUDING:~~

~~(I) THE COST OF THE PILOT PROGRAM BY COUNTY;~~

~~(II) THE NUMBER OF RECIPIENTS RECEIVING FIP BENEFITS AFTER RECEIVING TRANSITIONAL ASSISTANCE UNDER THE PILOT PROGRAM;~~

~~(III) THE EMPLOYMENT STATUS AND WAGE EARNINGS OF RECIPIENTS; AND~~

~~(IV) ANY CHANGE IN EMPLOYMENT STATUS AND WAGE EARNINGS OF RECIPIENTS AFTER RECEIVING TRANSITIONAL ASSISTANCE UNDER THE PILOT PROGRAM; AND~~

~~(2) REPORT ITS FINDINGS TO THE SENATE FINANCE COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.~~

~~(J) THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT THE PILOT PROGRAM, INCLUDING REGULATIONS SPECIFYING:~~

- ~~(1) ELIGIBILITY AND SELECTION CRITERIA FOR PARTICIPANTS; AND~~
- ~~(2) QUALIFYING EDUCATIONAL AND TRAINING ACTIVITIES.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019. It shall remain effective for a period of 5 years 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, May 13, 2019.

Chapter 477

(Senate Bill 970)

AN ACT concerning

Maryland Department of Health – Special Supplemental Nutrition Program for Women, Infants, and Children – Reports

FOR the purpose of requiring the Maryland Department of Health, ~~in consultation with certain stakeholders,~~ to report certain information regarding the Special Supplemental Nutrition Program for Women, Infants, and Children to certain committees of the General Assembly on or before a certain date each year; requiring the Department, in producing the report, to consult with certain stakeholders; providing for the termination of this Act; and generally relating to the Special Supplemental Nutrition Program for Women, Infants, and Children.

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

(a) On or before December 1, 2019, and each year thereafter, the Maryland Department of Health, ~~after consultation with the Maryland Alliance for the Poor, local health departments, MedChi, the Maryland State Medical Society, and other interested stakeholders,~~ shall submit a report on the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) to the Senate Budget and Taxation Committee, the Senate Finance Committee, the House Appropriations Committee, and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article.

(b) The report shall include:

(1) for the previous fiscal year, by jurisdiction:

(i) the number of women, infants, and children receiving WIC; and

receiving, WIC;

(ii) the number of women, infants, and children eligible for, but not

(2) by jurisdiction, the hours and locations of local WIC agencies;

(3) barriers to increasing program enrollment; and

~~(3)~~ (4) an analysis of the adequacy of State WIC contracting and payment policies for meeting the resource needs of local health departments and private provider programs; and

(5) recommendations ~~on~~ of changes to program policies and procedures to:

(i) increase participation rates; and

(ii) meet local resource and capacity needs.

(c) In producing the report, the Department shall consult with:

(1) the Maryland Alliance for the Poor;

(2) local health departments;

(3) MedChi, the Maryland State Medical Society;

(4) the Maryland Chapter of the American Academy of Pediatrics;

(5) the Mid-Atlantic Association of Community Health Centers; and

(6) other interested stakeholders.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019. It shall remain effective for a period of 3 years and 1 month and, at the end of June 30, 2022, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 13, 2019.

Chapter 478

(House Bill 506)

AN ACT concerning

Maryland Department of Health – Special Supplemental Nutrition Program for Women, Infants, and Children – Reports

FOR the purpose of requiring the Maryland Department of Health, ~~in consultation with certain stakeholders,~~ to report certain information regarding the Special Supplemental Nutrition Program for Women, Infants, and Children to certain committees of the General Assembly on or before a certain date each year; requiring the Department, in producing the report, to consult with certain stakeholders; providing for the termination of this Act; and generally relating to the Special Supplemental Nutrition Program for Women, Infants, and Children.

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

(a) On or before December 1, 2019, and each year thereafter, the Maryland Department of Health, ~~after consultation with the Maryland Alliance for the Poor, local health departments, MedChi, the Maryland State Medical Society, and other interested stakeholders,~~ shall submit a report on the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) to the Senate Budget and Taxation Committee, the Senate Finance Committee, the House Appropriations Committee, and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article.

(b) The report shall include:

(1) for the previous fiscal year, by jurisdiction:

- (i) the number of women, infants, and children receiving WIC; and
- (ii) the number of women, infants, and children eligible for, but not

receiving, WIC;

(2) by jurisdiction, the hours and locations of local WIC agencies;

(3) barriers to increasing program enrollment; and

~~(3)~~ (4) an analysis of the adequacy of State WIC contracting and payment policies for meeting the resource needs of local health departments and private provider programs; and

(5) recommendations on of changes to program policies and procedures to:

- (i) increase participation rates; and
- (ii) meet local resource and capacity needs.

(c) In producing the report, the Department shall consult with:

- (1) the Maryland Alliance for the Poor;
- (2) local health departments;
- (3) MedChi, the Maryland State Medical Society;
- (4) the Maryland Chapter of the American Academy of Pediatrics;
- (5) the Mid-Atlantic Association of Community Health Centers; and
- (6) other interested stakeholders.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019. It shall remain effective for a period of 3 years and 1 month and, at the end of June 30, 2022, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 13, 2019.

Chapter 479

(House Bill 605)

AN ACT concerning

Maryland Medical Assistance Program – Telemedicine – Psychiatric Nurse Practitioners and Psychiatrists

FOR the purpose of requiring the Maryland Department of Health, under certain circumstances, to include psychiatric nurse practitioners who are providing Assertive Community Treatment or mobile treatment services to certain Maryland Medical Assistance Program recipients in the types of providers eligible to receive reimbursement for health care services that are delivered through telemedicine and provided to Program recipients; providing that a certain health care service provided through telemedicine by a certain psychiatric nurse practitioner is equivalent to the same health care service when provided through an in-person consultation for a certain purpose; altering the date on which a certain provision of law regarding psychiatrists and telemedicine terminates; requiring the Department to report to certain committees of the General Assembly on certain matters on or before a certain date; providing for the termination of this Act; and generally relating to the Maryland Medical Assistance Program and telemedicine.

BY repealing and reenacting, with amendments,
Article – Health – General

Section 15–105.2
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Chapter 691 of the Acts of the General Assembly of 2018
Section 3

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

Article – Health – General

15–105.2.

(a) The Program shall reimburse health care providers in accordance with the requirements of Title 19, Subtitle 1, Part IV of this article.

(b) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Health care provider” means a person who is licensed, certified, or otherwise authorized under the Health Occupations Article to provide health care in the ordinary course of business or practice of a profession or in an approved education or training program.

(iii) 1. “Telemedicine” means, as it relates to the delivery of health care services, the use of interactive audio, video, or other telecommunications or electronic technology:

A. By a health care provider to deliver a health care service that is within the scope of practice of the health care provider at a site other than the site at which the patient is located; and

B. That enables the patient to see and interact with the health care provider at the time the health care service is provided to the patient.

2. “Telemedicine” does not include:

A. An audio-only telephone conversation between a health care provider and a patient;

B. An electronic mail message between a health care provider and a patient; or

C. A facsimile transmission between a health care provider and a patient.

(2) To the extent authorized by federal law or regulation, the provisions of § 15–139(c) through (f) of the Insurance Article relating to coverage of and reimbursement for health care services delivered through telemedicine shall apply to the Program and managed care organizations in the same manner they apply to carriers.

(3) Subject to the limitations of the State budget and to the extent authorized by federal law or regulation, the Department may authorize coverage of and reimbursement for health care services that are delivered through store and forward technology or remote patient monitoring.

(4) (i) The Department may specify by regulation the types of health care providers eligible to receive reimbursement for health care services provided to Program recipients under this subsection.

(ii) If the Department specifies by regulation the types of health care providers eligible to receive reimbursement for health care services provided to Program recipients under this subsection, the types of health care providers specified shall include:

1. Primary care providers; and

2. Psychiatrists AND PSYCHIATRIC NURSE PRACTITIONERS, AS DEFINED IN § 10–601 OF THIS ARTICLE, who are providing Assertive Community Treatment or mobile treatment services to Program recipients located in a home or community–based setting.

(iii) For the purpose of reimbursement and any fidelity standards established by the Department, a health care service provided through telemedicine by a psychiatrist OR A PSYCHIATRIC NURSE PRACTITIONER described under subparagraph (ii)2 of this paragraph is equivalent to the same health care service when provided through an in–person consultation.

(5) The Department may require a health care provider to submit a registration form to the Department that includes information required for the processing of claims for reimbursement for health care services provided to Program recipients under this subsection.

(6) The Department shall adopt regulations to carry out this subsection.

Chapter 691 of the Acts of 2018

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018. It shall remain effective for a period of [2] 3 years and, at the end of September 30, [2020] 2021, 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, on or before September 30, 2021, the Maryland Department of Health 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 the effect on Medical Assistance Program general fund expenditures of reimbursing telemedicine services from psychiatric nurse practitioners who are providing Assertive Community Treatment or mobile treatment services, as required by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019. It shall remain effective until the taking effect of the termination provision specified in Section 3 of Chapter 691 of the Acts of the General Assembly of 2018. 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. This Act may not be interpreted to have any effect on that termination provision.

Approved by the Governor, May 13, 2019.

Chapter 480

(Senate Bill 524)

AN ACT concerning

Maryland Medical Assistance Program – Telemedicine – Psychiatric Nurse Practitioners and Psychiatrists

FOR the purpose of requiring the Maryland Department of Health, under certain circumstances, to include psychiatric nurse practitioners who are providing Assertive Community Treatment or mobile treatment services to certain Maryland Medical Assistance Program recipients in the types of providers eligible to receive reimbursement for health care services that are delivered through telemedicine and provided to Program recipients; providing that a certain health care service provided through telemedicine by a certain psychiatric nurse practitioner is equivalent to the same health care service when provided through an in-person consultation for a certain purpose; altering the date on which a certain provision of law regarding psychiatrists and telemedicine terminates; requiring the Department to report to certain committees of the General Assembly on certain matters on or before a certain date; providing for the termination of this Act; and generally relating to the Maryland Medical Assistance Program and telemedicine.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 15–105.2

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Chapter 691 of the Acts of the General Assembly of 2018
Section 3

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

Article – Health – General

15–105.2.

(a) The Program shall reimburse health care providers in accordance with the requirements of Title 19, Subtitle 1, Part IV of this article.

(b) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Health care provider” means a person who is licensed, certified, or otherwise authorized under the Health Occupations Article to provide health care in the ordinary course of business or practice of a profession or in an approved education or training program.

(iii) 1. “Telemedicine” means, as it relates to the delivery of health care services, the use of interactive audio, video, or other telecommunications or electronic technology:

A. By a health care provider to deliver a health care service that is within the scope of practice of the health care provider at a site other than the site at which the patient is located; and

B. That enables the patient to see and interact with the health care provider at the time the health care service is provided to the patient.

2. “Telemedicine” does not include:

A. An audio–only telephone conversation between a health care provider and a patient;

B. An electronic mail message between a health care provider and a patient; or

C. A facsimile transmission between a health care provider and a patient.

(2) To the extent authorized by federal law or regulation, the provisions of § 15–139(c) through (f) of the Insurance Article relating to coverage of and reimbursement

for health care services delivered through telemedicine shall apply to the Program and managed care organizations in the same manner they apply to carriers.

(3) Subject to the limitations of the State budget and to the extent authorized by federal law or regulation, the Department may authorize coverage of and reimbursement for health care services that are delivered through store and forward technology or remote patient monitoring.

(4) (i) The Department may specify by regulation the types of health care providers eligible to receive reimbursement for health care services provided to Program recipients under this subsection.

(ii) If the Department specifies by regulation the types of health care providers eligible to receive reimbursement for health care services provided to Program recipients under this subsection, the types of health care providers specified shall include:

1. Primary care providers; and

2. Psychiatrists AND PSYCHIATRIC NURSE PRACTITIONERS, AS DEFINED IN § 10-601 OF THIS ARTICLE, who are providing Assertive Community Treatment or mobile treatment services to Program recipients located in a home or community-based setting.

(iii) For the purpose of reimbursement and any fidelity standards established by the Department, a health care service provided through telemedicine by a psychiatrist OR A PSYCHIATRIC NURSE PRACTITIONER described under subparagraph (ii)2 of this paragraph is equivalent to the same health care service when provided through an in-person consultation.

(5) The Department may require a health care provider to submit a registration form to the Department that includes information required for the processing of claims for reimbursement for health care services provided to Program recipients under this subsection.

(6) The Department shall adopt regulations to carry out this subsection.

Chapter 691 of the Acts of 2018

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018. It shall remain effective for a period of [2] 3 years and, at the end of September 30, [2020] 2021, 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, on or before September 30, 2021, the Maryland Department of Health 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 the effect on Medical Assistance Program general fund expenditures of reimbursing telemedicine services from psychiatric nurse practitioners who are providing Assertive Community Treatment or mobile treatment services, as required by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019. It shall remain effective until the taking effect of the termination provision specified in Section 3 of Chapter 691 of the Acts of the General Assembly of 2018. 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. This Act may not be interpreted to have any effect on that termination provision.

Approved by the Governor, May 13, 2019.

Chapter 481

(House Bill 1122)

AN ACT concerning

Behavioral Health Programs – Outpatient Mental Health Centers –
Requirements for Medical Directors

FOR the purpose of requiring ~~certain outpatient mental health centers to employ a medical director who is a licensed psychiatrist or psychiatric nurse practitioner, has certain responsibility for certain services, and is on site for at least a certain number of hours per week~~ that regulations adopted under certain provisions of law regulating behavioral health programs include provisions authorizing a psychiatric nurse practitioner to serve as a medical director of a certain outpatient mental health center, including through telehealth; and generally relating to ~~requirements for~~ medical directors at outpatient mental health centers.

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

Article – Health – General

Section ~~10-905~~ 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

~~10-905.~~

~~AN OUTPATIENT MENTAL HEALTH CENTER ACCREDITED IN ACCORDANCE WITH COMAR 10.63.03.05 SHALL EMPLOY A MEDICAL DIRECTOR WHO:~~

- ~~(1) IS A LICENSED PSYCHIATRIST OR PSYCHIATRIC NURSE PRACTITIONER;~~
- ~~(2) HAS OVERALL RESPONSIBILITY FOR CLINICAL SERVICES; AND~~
- ~~(3) IS ON SITE AT LEAST 20 HOURS PER WEEK.~~

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 PSYCHIATRIC NURSE PRACTITIONER TO SERVE AS A MEDICAL DIRECTOR OF AN OUTPATIENT MENTAL HEALTH CENTER ACCREDITED IN ACCORDANCE WITH COMAR 10.63.03.05, INCLUDING THROUGH TELEHEALTH;

(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 ~~July~~ October 1, 2019.

Approved by the Governor, May 13, 2019.

Chapter 482

(Senate Bill 944)

AN ACT concerning

Behavioral Health Programs – Outpatient Mental Health Centers – Medical Directors – ~~Psychiatric Nurse Practitioners~~

FOR the purpose of requiring that regulations adopted under certain provisions of law regulating behavioral health programs include provisions authorizing a psychiatric nurse practitioner to serve as a medical director of a ~~behavioral health program~~ certain outpatient mental health center, including through telehealth, ~~under certain circumstances~~; and generally relating to ~~psychiatric nurse practitioners serving as medical directors of behavioral health programs~~ medical directors at outpatient mental health centers.

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 PSYCHIATRIC NURSE PRACTITIONER TO SERVE AS A MEDICAL DIRECTOR OF ~~A BEHAVIORAL HEALTH PROGRAM, INCLUDING THROUGH TELEHEALTH, IF:~~

~~1. THE PROGRAM IS LOCATED IN A FEDERALLY DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREA; OR~~

~~2. THE MEDICAL DIRECTOR ABANDONED THE PROGRAM AND THE PROGRAM HAS NO PSYCHIATRIST TO SERVE AS MEDICAL DIRECTOR AN OUTPATIENT MENTAL HEALTH CENTER ACCREDITED IN ACCORDANCE WITH COMAR 10.63.03.05, INCLUDING THROUGH TELEHEALTH;~~

- (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, May 13, 2019.

Chapter 483

(House Bill 62)

AN ACT concerning

~~Employees' Pension System~~ *Employees' and Teachers' Pension Systems –*
~~Purchase of Eligibility Service Credit – Clarification~~ Benefits

FOR the purpose of clarifying a provision authorizing a certain purchase of eligibility service credit in the Employees' Pension System for certain employment; *providing that certain members of the Employees' or Teachers' Pension System who meet certain criteria may continue employment with certain participating employers of the State Retirement and Pension System without incurring a certain break in service following retirement from the Employees' or Teachers' Pension System; requiring certain members of the Employees' Pension System to cease membership in the Employees' Pension System under certain circumstances; providing that certain individuals shall receive a specified benefit from the Employees' Pension System after separating from certain employment with certain participating employers of the State Retirement and Pension System;* and generally relating to ~~purchases of service credit in the Employees' Pension System~~ benefits in the Employees' and Teachers' Pension Systems.

BY repealing and reenacting, without amendments,
 Article – State Personnel and Pensions
 Section 23–307(a) *and* 23–407(d)
 Annotated Code of Maryland
 (2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
 Article – State Personnel and Pensions
 Section 23–307(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

23–307.

(a) (1) Except as provided in subsection (b) of this section, in the year of retirement, a member of the Employees' Pension System may purchase credit for eligibility service of up to 10 years for periods of employment described in paragraph (3) of this subsection for which the member is not otherwise entitled to service credit.

(2) To purchase service credit under this subsection, a member must:

(i) complete a claim for the service credit and file it with the Board of Trustees on the form that the Board of Trustees provides; and

(ii) pay to the Board of Trustees an amount equal to the annuity reserve and pension reserve required to fund the additional allowance.

(3) A member may only purchase service credit under this subsection for employment with:

(i) the State;

(ii) a political subdivision in the State;

(iii) an out-of-state school as a teacher;

(iv) the federal government;

(v) an out-of-state political subdivision;

(vi) a public or nonpublic school as a teacher; or

(vii) a postsecondary school as a teacher.

(b) (1) This subsection does not apply to an employee of a participating governmental unit or a former participating governmental unit that has withdrawn.

(2) In the year of retirement, a member of the Employees' Pension System may purchase credit for eligibility service for periods of employment with the State for which the member is not otherwise entitled to service credit in a State system.

(3) [Except as provided in paragraph (4) of this subsection, a] A member who purchases service credit under this subsection[,] may not purchase:

(i) more than a total of 10 years of service credit in the Employees' Pension System;

(ii) service credit for any period of employment during which the member participated in the optional retirement program; or

(iii) more than a total of 5 years of service credit in the Employees' Pension System for employment as a postsecondary school teacher.

(4) To purchase service credit under this subsection, a member must:

(i) complete a claim for the service credit and file it with the Board of Trustees on the form that the Board of Trustees provides; and

(ii) pay to the Board of Trustees an amount equal to one-half of the annuity reserve and one-half of the pension reserve required to fund the additional allowance.

23-407.

(d) An individual who is receiving a service retirement allowance under this title may not be employed within 45 days of the date the individual retired, on a permanent, temporary, or contractual basis, by:

(1) the State or other participating employer; or

(2) a withdrawn participating governmental unit, if the retiree was an employee of the withdrawn participating governmental unit while the withdrawn governmental unit was a participating employer.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) This section applies to an individual who:

(1) was employed as a teacher for the Montgomery County Public School System and enrolled in the Teachers' Pension System under Title 23 of the State Personnel and Pensions Article on or after September 1, 1991;

(2) remains employed as a teacher for the Montgomery County Public School System and is a member of the Teachers' Pension System on July 1, 2019;

(3) (i) was elected to the Howard County Board of Education in 2016;

(ii) enrolled in the Employees' Pension System under Title 23 of the State Personnel and Pensions Article as a member of the Howard County Board of Education on or after December 1, 2016; and

(iii) remains a member of the Howard County Board of Education and is a member of the Employees' Pension System on July 1, 2019; and

(4) on or before July 1, 2019:

(i) has reached or exceeded normal retirement age in the Employees' Pension System and Teachers' Pension System; and

(ii) is eligible to receive a normal service retirement allowance in the Teachers' Pension System.

(b) Notwithstanding § 23–407(d) of the State Personnel and Pensions Article, an individual described under subsection (a) of this section may retire from the Teachers' Pension System on or after July 1, 2019, and on or before December 31, 2019, and continue serving as a member of the Howard County Board of Education without obtaining a 45-day break in service after retirement.

(c) (1) An individual who retires under subsection (b) of this section shall cease membership in the Employees' Pension System on the day preceding the individual's retirement from the Teachers' Pension System.

(2) After separating from employment as a member of the Howard County Board of Education, the individual shall be entitled to receive a return of accumulated contributions or any other benefit to which the individual is entitled on the basis of the individual's membership in the Employees' Pension System.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) This section applies to an individual who:

(1) (i) was elected and served as a County Commissioner for Kent County from 1994 through 2002; and

(ii) enrolled in the Employees' Pension System as County Commissioner for Kent County on or after July 1, 2002;

(2) (i) was appointed as Town Manager for the Town of Rock Hall in 1997;

(ii) enrolled in the Employees' Pension System as Town Manager for the Town of Rock Hall on or after May 1, 2005; and

(iii) remains employed as Town Manager for the Town of Rock Hall and is a member of the Employees' Pension System on July 1, 2019;

(3) (i) was elected as a County Commissioner for Kent County in 2006;

(ii) resumed membership in the Employees' Pension System as a County Commissioner for Kent County on or after December 1, 2006; and

(iii) remains a County Commissioner and is a member of the Employees' Pension System on July 1, 2019; and

(4) on or before July 1, 2019:

(i) has reached or exceeded normal retirement age in the Employees' Pension System; and

(ii) is eligible to receive a normal service retirement allowance in the Employees' Pension System as Town Manager for the Town of Rock Hall.

(b) Notwithstanding § 23-407(d) of the State Personnel and Pensions Article, an individual described under subsection (a) of this section may retire from the Employees' Pension System as Town Manager for the Town of Rock Hall on or after July 1, 2019, and on or before December 31, 2019, and continue serving as a County Commissioner for Kent County without obtaining a 45-day break in service after retirement.

(c) (1) An individual who retires under subsection (b) of this section shall cease membership in the Employees' Pension System as a County Commissioner for Kent County on the day preceding the individual's retirement from the Employees' Pension System as the Town Manager for the Town of Rock Hall.

(2) After separating from employment as a County Commissioner for Kent County, the individual shall be entitled to receive a return of accumulated contributions or any other benefit to which the individual is entitled on the basis of the individual's employment as a County Commissioner for Kent County.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, May 13, 2019.

Chapter 484

(Senate Bill 119)

AN ACT concerning

~~Employees' Pension System~~ Employees' and Teachers' Pension Systems –
~~Purchase of Eligibility Service Credit – Clarification~~ Benefits

FOR the purpose of clarifying a provision authorizing a certain purchase of eligibility service credit in the Employees' Pension System for certain employment; providing that certain members of the Employees' or Teachers' Pension System who meet certain criteria may continue employment with certain participating employers of the State Retirement and Pension System without incurring a certain break in service following retirement from the Employees' or Teachers' Pension System; requiring certain

members of the Employees' Pension System to cease membership in the Employees' Pension System under certain circumstances; providing that certain individuals shall receive a specified benefit from the Employees' Pension System after separating from certain employment with certain participating employers of the State Retirement and Pension System; and generally relating to ~~purchases of service credit in the Employees' Pension System~~ benefits in the Employees' and Teachers' Pension Systems.

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 23–307(a) *and* 23–407(d)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 23–307(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

23–307.

(a) (1) Except as provided in subsection (b) of this section, in the year of retirement, a member of the Employees' Pension System may purchase credit for eligibility service of up to 10 years for periods of employment described in paragraph (3) of this subsection for which the member is not otherwise entitled to service credit.

(2) To purchase service credit under this subsection, a member must:

(i) complete a claim for the service credit and file it with the Board of Trustees on the form that the Board of Trustees provides; and

(ii) pay to the Board of Trustees an amount equal to the annuity reserve and pension reserve required to fund the additional allowance.

(3) A member may only purchase service credit under this subsection for employment with:

(i) the State;

(ii) a political subdivision in the State;

- (iii) an out-of-state school as a teacher;
- (iv) the federal government;
- (v) an out-of-state political subdivision;
- (vi) a public or nonpublic school as a teacher; or
- (vii) a postsecondary school as a teacher.

(b) (1) This subsection does not apply to an employee of a participating governmental unit or a former participating governmental unit that has withdrawn.

(2) In the year of retirement, a member of the Employees' Pension System may purchase credit for eligibility service for periods of employment with the State for which the member is not otherwise entitled to service credit in a State system.

(3) [Except as provided in paragraph (4) of this subsection, a] A member who purchases service credit under this subsection[,] may not purchase:

- (i) more than a total of 10 years of service credit in the Employees' Pension System;
- (ii) service credit for any period of employment during which the member participated in the optional retirement program; or
- (iii) more than a total of 5 years of service credit in the Employees' Pension System for employment as a postsecondary school teacher.

(4) To purchase service credit under this subsection, a member must:

- (i) complete a claim for the service credit and file it with the Board of Trustees on the form that the Board of Trustees provides; and
- (ii) pay to the Board of Trustees an amount equal to one-half of the annuity reserve and one-half of the pension reserve required to fund the additional allowance.

23-407.

(d) An individual who is receiving a service retirement allowance under this title may not be employed within 45 days of the date the individual retired, on a permanent, temporary, or contractual basis, by:

- (1) the State or other participating employer; or

(2) a withdrawn participating governmental unit, if the retiree was an employee of the withdrawn participating governmental unit while the withdrawn governmental unit was a participating employer.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) This section applies to an individual who:

(1) was employed as a teacher for the Montgomery County Public School System and enrolled in the Teachers' Pension System under Title 23 of the State Personnel and Pensions Article on or after September 1, 1991;

(2) remains employed as a teacher for the Montgomery County Public School System and is a member of the Teachers' Pension System on July 1, 2019;

(3) (i) was elected to the Howard County Board of Education in 2016;

(ii) enrolled in the Employees' Pension System under Title 23 of the State Personnel and Pensions Article as a member of the Howard County Board of Education on or after December 1, 2016; and

(iii) remains a member of the Howard County Board of Education and is a member of the Employees' Pension System on July 1, 2019; and

(4) on or before July 1, 2019:

(i) has reached or exceeded normal retirement age in the Employees' Pension System and Teachers' Pension System; and

(ii) is eligible to receive a normal service retirement allowance in the Teachers' Pension System.

(b) Notwithstanding § 23-407(d) of the State Personnel and Pensions Article, an individual described under subsection (a) of this section may retire from the Teachers' Pension System on or after July 1, 2019, and on or before December 31, 2019, and continue serving as a member of the Howard County Board of Education without obtaining a 45-day break in service after retirement.

(c) (1) An individual who retires under subsection (b) of this section shall cease membership in the Employees' Pension System on the day preceding the individual's retirement from the Teachers' Pension System.

(2) After separating from employment as a member of the Howard County Board of Education, the individual shall be entitled to receive a return of accumulated contributions or any other benefit to which the individual is entitled on the basis of the individual's membership in the Employees' Pension System.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) This section applies to an individual who:

(1) (i) was elected and served as a County Commissioner for Kent County from 1994 through 2002; and

(ii) enrolled in the Employees' Pension System as County Commissioner for Kent County on or after July 1, 2002;

(2) (i) was appointed as Town Manager for the Town of Rock Hall in 1997;

(ii) enrolled in the Employees' Pension System as Town Manager for the Town of Rock Hall on or after May 1, 2005; and

(iii) remains employed as Town Manager for the Town of Rock Hall and is a member of the Employees' Pension System on July 1, 2019;

(3) (i) was elected as a County Commissioner for Kent County in 2006;

(ii) resumed membership in the Employees' Pension System as a County Commissioner for Kent County on or after December 1, 2006; and

(iii) remains a County Commissioner and is a member of the Employees' Pension System on July 1, 2019; and

(4) on or before July 1, 2019:

(i) has reached or exceeded normal retirement age in the Employees' Pension System; and

(ii) is eligible to receive a normal service retirement allowance in the Employees' Pension System as Town Manager for the Town of Rock Hall.

(b) Notwithstanding § 23-407(d) of the State Personnel and Pensions Article, an individual described under subsection (a) of this section may retire from the Employees' Pension System as Town Manager for the Town of Rock Hall on or after July 1, 2019, and on or before December 31, 2019, and continue serving as a County Commissioner for Kent County without obtaining a 45-day break in service after retirement.

(c) (1) An individual who retires under subsection (b) of this section shall cease membership in the Employees' Pension System as a County Commissioner for Kent County on the day preceding the individual's retirement from the Employees' Pension System as the Town Manager for the Town of Rock Hall.

(2) After separating from employment as a County Commissioner for Kent County, the individual shall be entitled to receive a return of accumulated contributions or any other benefit to which the individual is entitled on the basis of the individual's employment as a County Commissioner for Kent County.

SECTION ~~2~~ 4 AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, May 13, 2019.

Chapter 485

(House Bill 824)

AN ACT concerning

Financial Aid – Guaranteed Access Grants – Verification and Administration by Institutions of Higher Education

FOR the purpose of authorizing certain institutions of higher education to verify certain eligibility for, and on verification administer, Guaranteed Access Grants under the Delegate Howard P. Rawlings Program of Educational Excellence Awards under certain circumstances; requiring certain recipients to demonstrate a definite financial need to certain institutions, rather than only to the Office of Student Financial Assistance in the Maryland Higher Education Commission, under certain circumstances; prohibiting certain institutions from considering certain amounts of money as income under certain circumstances; requiring certain institutions to verify certain qualifications, evaluate certain income eligibility, maintain certain records, and provide the Commission with a certain audit as part of the verification and administration process; authorizing a certain verification to be used at certain institutions, subject to a certain adjustment under certain circumstances; ~~making this Act an emergency measure; requiring the Financial Aid Advisory Council in the Commission to study a certain process and report certain recommendations to the Commission and to participating institutions on or before a certain date; providing for the termination of certain provisions of this Act;~~ providing for a delayed effective date for certain provisions of this Act; and generally relating to the verification and administration of Guaranteed Access Grants by institutions of higher education.

BY repealing and reenacting, without amendments,
Article – Education
Section 18–301(a) and (b)(1) and 18–303(b) and (c)
Annotated Code of Maryland
(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Education
 Section 18–303(a) and (d)
 Annotated Code of Maryland
 (2018 Replacement Volume and 2018 Supplement)

BY adding to
 Article – Education
 Section 18–303.3
 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

18–301.

(a) There is a Delegate Howard P. Rawlings Program of Educational Excellence Awards in this State that are awarded under this subtitle.

(b) The Program shall consist of the following types of awards:

(1) Guaranteed Access Grants that are awarded to the neediest students to ensure that 100 percent of educational costs, as defined by regulations adopted by the Commission, are paid; and

18–303.

(a) Subject to subsection (e) of this section, each recipient of a Delegate Howard P. Rawlings Educational Excellence Award shall:

(1) Be accepted for admission in the regular undergraduate program at an eligible institution or be enrolled in a 2–year associate degree program in which the course work is acceptable for transfer credit for an accredited baccalaureate program in an eligible institution;

(2) Except as provided in § 18–303.2 of this subtitle, be a resident of this State;

(3) Demonstrate **A DEFINITE FINANCIAL NEED** to:

(I) **FOR AN EDUCATIONAL ASSISTANCE GRANT**, the Office [a definite financial need]; **OR**

(II) FOR A GUARANTEED ACCESS GRANT, THE OFFICE OR AN INSTITUTION OF HIGHER EDUCATION THAT COMPLIES WITH § 18–303.3 OF THIS SUBTITLE; and

(4) Accept any other conditions attached to the award.

(b) Except as provided in subsection (c) of this section, each recipient of a Guaranteed Access Grant shall:

(1) Have attained a grade point average of at least 2.5 on a 4.0 scale or its equivalent at the end of the first semester of the senior year in high school and have completed high school or, failing to do so, on the recommendation of the recipient's high school principal, provide evidence satisfactory to the Office of extenuating circumstances;

(2) Begin college within 1 year of completing high school or, failing to do so, provide evidence satisfactory to the Office of extenuating circumstances;

(3) Be under the age of 22 years at the time of receiving the first award;

(4) Have successfully completed a college preparatory program in high school;

(5) Enroll in college as a full-time student;

(6) Subject to subsection (d) of this section, have an annual family income below a poverty index determined by the Commission; and

(7) Satisfy any additional criteria the Commission may establish.

(c) (1) Subject to paragraph (2) of this subsection, an individual who has successfully obtained a high school diploma by examination under § 11–808 of the Labor and Employment Article is exempt from the requirements of subsection (b) of this section.

(2) An individual described under paragraph (1) of this subsection is eligible for a Guaranteed Access Grant if the individual:

(i) Has scored a passing score of at least 165 per module on the diploma by examination;

(ii) Begins college within 1 year of achieving the score described under item (i) of this paragraph or, failing to do so, provides evidence satisfactory to the Office of extenuating circumstances;

(iii) Is under the age of 26 years at the time of receiving the first award;

(iv) Enrolls in college as a full-time student; and

(v) Subject to subsection (d) of this section, has an annual family income below a poverty index determined by the Commission.

(d) To determine the annual family income eligibility of an applicant for a Guaranteed Access Grant, the Office **OR AN INSTITUTION OF HIGHER EDUCATION THAT COMPLIES WITH § 18-303.3 OF THIS SUBTITLE** may not consider an amount received by the applicant as an earned income credit under § 32 of the Internal Revenue Code.

18-303.3.

(A) A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE, OR A PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION THAT IS ELIGIBLE FOR STATE AID UNDER § 17-103 OF THIS ARTICLE, MAY VERIFY THE ELIGIBILITY OF AN APPLICANT FOR, AND ON VERIFICATION OF THE ELIGIBILITY ADMINISTER, A GUARANTEED ACCESS GRANT IN ACCORDANCE WITH THIS SECTION.

(B) AN INSTITUTION MAY VERIFY:

(1) THE ELIGIBILITY OF AN APPLICANT WHO:

(i) IS IDENTIFIED BY THE OFFICE AS POTENTIALLY ELIGIBLE FOR A GUARANTEED ACCESS GRANT UNDER § 18-303 OF THIS SUBTITLE; AND

(ii) APPLIES FOR ADMISSION TO THE INSTITUTION; OR

(2) THE RENEWAL ELIGIBILITY OF A STUDENT WHO:

(i) RECEIVED A GUARANTEED ACCESS GRANT UNDER § 18-303 OF THIS SUBTITLE IN THE PRIOR AWARD YEAR; AND

(ii) IS AN ADMITTED STUDENT AT THE INSTITUTION IN THE CURRENT AWARD YEAR.

(C) AN INSTITUTION SHALL:

(1) VERIFY THAT AN APPLICANT QUALIFIES FOR A GUARANTEED ACCESS GRANT UNDER THE REQUIREMENTS OF § 18-303 OF THIS SUBTITLE;

(2) EVALUATE THE APPLICANT'S INCOME ELIGIBILITY CRITERIA USING FEDERAL V1 STANDARD VERIFICATION AND IN ACCORDANCE WITH THE INCOME ELIGIBILITY CRITERIA ESTABLISHED BY THE OFFICE;

(3) MAINTAIN RECORDS USED BY THE INSTITUTION TO DETERMINE THE ELIGIBILITY OF APPLICANTS FOR A PERIOD OF 5 YEARS AFTER THE END DATE OF THE AWARD YEAR ASSOCIATED WITH THE STUDENT'S LAST AWARD; AND

(4) PROVIDE THE COMMISSION WITH AN AUDIT, IN ACCORDANCE WITH RULES ADOPTED BY THE COMMISSION, TO SHOW THAT AWARDS VERIFIED AND ADMINISTERED UNDER THIS SECTION HAVE BEEN MADE PROPERLY.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A VERIFICATION OBTAINED BY AN APPLICANT UNDER SUBSECTION (B) OF THIS SECTION MAY BE USED AT ANY ELIGIBLE INSTITUTION DESCRIBED UNDER § 18-305 OF THIS SUBTITLE.

(2) THE AMOUNT OF THE GUARANTEED ACCESS GRANT AWARDED TO AN APPLICANT MAY BE ADJUSTED IN ACCORDANCE WITH THE COST OF ATTENDANCE AT THE INSTITUTION AT WHICH THE APPLICANT USES THE AWARD.

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.~~ That, on or before December 31, 2019, the Financial Assistance Advisory Council in the Maryland Higher Education Commission shall study the financial aid verification process described in Section 1 of this Act and shall make recommendations to the Commission and to participating institutions on the implementation of this Act. The Council shall consider issues relating to the dissemination of information to applicants, limiting inconsistencies and duplication of efforts in the application process, and the prioritization of awards.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect July 1, 2020.

~~SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2019. It shall remain effective for a period of 2 years and, at the end of June 30, 2021, 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 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2020 2019.

Approved by the Governor, May 13, 2019.

Chapter 486**(Senate Bill 184)**

AN ACT concerning

**State Board of Elections – Open Meetings – Video Streaming and Recording
(State Board of Elections Transparency Act)**

FOR the purpose of requiring the State Board of Elections, in consultation with the Department of Information Technology, to make publicly available on the Internet each meeting agenda, made available a certain amount of time in advance of each meeting, live video streaming, and complete, unedited archived video recordings of open meetings; requiring the State Board to make the archived video recordings available for a certain minimum period of time; requiring the State Board to prepare certain minutes as soon as practicable after certain meetings; requiring the Department to provide certain staff, support, and equipment to the State Board; and generally relating to open meetings of the State Board of Elections.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 2–102
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

Preamble

WHEREAS, The General Assembly has determined that it is essential to the maintenance of a democratic society that public business be performed in an open and accessible manner; and

WHEREAS, The Internet and other technological developments have increased the ways governmental bodies can provide public access to their open meetings, including live streaming or recording the meetings; and

WHEREAS, The Board of Public Works uses a multicamera unit, a computer, and a subscription to a live video platform service to broadcast and record its meetings; and

WHEREAS, The State Board of Elections would improve public access to its meetings by using a broadcast system similar to the system used by the Board of Public Works; now, therefore,

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

Article – Election Law

2–102.

(a) The State Board shall manage and supervise elections in the State and ensure compliance with the requirements of this article and any applicable federal law by all persons involved in the elections process.

(b) In exercising its authority under this article and in order to ensure compliance with this article and with any requirements of federal law, the State Board shall:

- (1) supervise the conduct of elections in the State;
- (2) direct, support, monitor, and evaluate the activities of each local board;
- (3) have a staff sufficient to perform its functions;
- (4) adopt regulations to implement its powers and duties;
- (5) receive, or in its discretion audit, campaign finance reports, account books and records kept under § 13–221 of this article, independent expenditure reports filed and records kept under § 13–306 of this article, electioneering communication reports filed and records kept under § 13–307 of this article, and statements filed and records kept under § 14–105 of this article;
- (6) appoint a State Administrator in accordance with § 2–103 of this subtitle;
- (7) maximize the use of technology in election administration, including the development of a plan for a comprehensive computerized elections management system;
- (8) canvass and certify the results of elections as prescribed by law;
- (9) make available to the general public, in a timely and efficient manner, information on the electoral process, including a publication that includes the text of this article, relevant portions of the Maryland Constitution, and information gathered and maintained regarding elections;
- (10) subject to § 2–106 of this subtitle and § 13–341 of this article, receive, maintain, and serve as a depository for elections documents, materials, records, statistics, reports, certificates, proclamations, and other information prescribed by law or regulation;
- (11) prescribe all forms required under this article; and
- (12) serve as the official designated office in accordance with the Uniformed and Overseas Citizens Absentee Voting Act for providing information regarding voter registration and absentee ballot procedures for absent uniformed services voters and overseas voters with respect to elections for federal office.

(c) The powers and duties assigned to the State Board under this article shall be exercised in accordance with an affirmative vote by a supermajority of the members of the State Board.

(D) (1) THE STATE BOARD SHALL PREPARE WRITTEN MINUTES OF EACH MEETING OF THE STATE BOARD AS SOON AS PRACTICABLE AFTER THE MEETING.

(2) THE STATE BOARD, IN CONSULTATION WITH THE DEPARTMENT OF INFORMATION TECHNOLOGY, SHALL MAKE PUBLICLY AVAILABLE ON THE INTERNET:

~~(1)~~ **(I) EACH MEETING AGENDA, MADE AVAILABLE AT LEAST 24 HOURS IN ADVANCE OF EACH MEETING;**

~~(2)~~ **(II) LIVE VIDEO STREAMING OF EACH OPEN MEETING OF THE STATE BOARD; AND**

~~(3)~~ **(III) A COMPLETE, UNEDITED ARCHIVED VIDEO RECORDING OF EACH OPEN MEETING FOR A MINIMUM OF 4 YEARS AFTER THE DATE OF THE MEETING.**

~~(2)~~ **(3) THE DEPARTMENT OF INFORMATION TECHNOLOGY SHALL PROVIDE TO THE STATE BOARD THE TECHNICAL STAFF, SUPPORT, AND EQUIPMENT NECESSARY TO STREAM LIVE VIDEO OF THE OPEN MEETINGS OF THE STATE BOARD.**

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

Approved by the Governor, May 13, 2019.

Chapter 487

(House Bill 543)

AN ACT concerning

Maryland Technology Development Corporation – Investments and Operations

FOR the purpose of ~~requiring the Maryland Technology Development Corporation to recover from a business enterprise certain investments made from the Enterprise Fund under certain circumstances; including in the Fund the recovery of certain money under certain circumstances;~~ providing certain requirements technology-based businesses must meet before the Maryland Technology Development Corporation may make certain grants or provide certain equity

investment financing; requiring the Corporation to adopt certain regulations; requiring the Board of Directors of the Corporation to make certain appointments; requiring the Board to adopt certain policies; providing that certain persons are subject to certain public ethics law; providing certain requirements for eligibility as a member of the Maryland Venture Fund Authority; requiring the Maryland Venture Fund Authority in the Corporation to meet at least quarterly for certain purposes; altering the information required to be reported annually by the Corporation; requiring the Corporation to report certain information to the Governor, the Maryland Economic Development Commission, and the General Assembly on a quarterly basis; defining a certain term; making certain conforming changes; and generally relating to the Maryland Technology Development Corporation.

BY repealing and reenacting, without amendments,

Article – Economic Development
Section 10–401(a), 10–468, and 10–474
Annotated Code of Maryland
(2018 Replacement Volume)

BY adding to

Article – Economic Development
Section 10–401(f) through (h) and 10–494
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Economic Development
Section ~~10–468~~ 10–402(c), 10–403(a), 10–407, 10–408, 10–409, 10–415, 10–469, ~~and~~
10–470, 10–475, 10–478, 10–488(b) and (c), and 10–489(a)
Annotated Code of Maryland
(2018 Replacement Volume)

~~BY repealing and reenacting, without amendments,~~

~~Article – Economic Development~~
~~Section 10–474~~
~~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

10–401.

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

(F) “INVESTMENT COMMITTEE” MEANS A COMMITTEE APPOINTED BY THE BOARD TO ADVISE ON AND APPROVE INVESTMENTS AS REQUIRED UNDER THIS SUBTITLE.

(G) “PRINCIPAL BUSINESS OPERATIONS” MEANS THE HEADQUARTERS FROM WHICH THE BUSINESS’S OFFICERS DIRECT, CONTROL, AND COORDINATE THE BUSINESS’S ACTIVITIES.

(H) “QUALIFIED BUSINESS” MEANS A BUSINESS THAT, AT THE TIME OF THE FIRST INVESTMENT IN THE BUSINESS UNDER A PROGRAM OF THE CORPORATION, EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE:

(1) (I) HAS ITS PRINCIPAL BUSINESS OPERATIONS LOCATED IN THE STATE, HAS OVER HALF ITS WORKFORCE WORKING IN THE STATE, AND INTENDS TO MAINTAIN ITS PRINCIPAL BUSINESS OPERATIONS IN THE STATE AFTER RECEIVING AN INVESTMENT UNDER THE PROGRAM; OR

(II) IS A BUSINESS OR START-UP BUSINESS THAT IS APPROVED BY THE INVESTMENT COMMITTEE AND WILL, AS A RESULT OF THE INVESTMENT, HAVE A SUBSTANTIAL ECONOMIC IMPACT IN THE STATE THROUGH JOB CREATION, CAPITAL INVESTMENT, AND CONTRIBUTION TO THE STATE’S TECHNOLOGY ECOSYSTEM;

(2) HAS AGREED TO USE THE INVESTMENT PRIMARILY TO:

(I) SUPPORT BUSINESS OPERATIONS IN THE STATE; OR

(II) IN THE CASE OF A START-UP COMPANY, ESTABLISH AND SUPPORT BUSINESS OPERATIONS IN THE STATE;

(3) HAS NOT MORE THAN 250 EMPLOYEES; AND

(4) IS NOT PRIMARILY ENGAGED IN:

(I) RETAIL SALES;

(II) REAL ESTATE DEVELOPMENT;

(III) THE BUSINESS OF INSURANCE, BANKING, OR LENDING; OR

(IV) THE PROVISION OF PROFESSIONAL SERVICES BY ACCOUNTANTS, ATTORNEYS, OR PHYSICIANS.

(c) The purposes of the Corporation are to:

(1) assist in transferring to the private sector the results and products of scientific research and development conducted by colleges, [and] universities, AND FEDERAL RESEARCH INSTITUTIONS IN THE STATE;

(2) assist in commercializing those results and products;

(3) assist in commercializing technology developed in the private sector;

(4) foster the commercialization of research and development conducted by colleges, universities, and the private sector to create and sustain businesses throughout all regions of the State; [and]

(5) generally assist early-stage and start-up businesses in the State;

(6) INVEST IN MARYLAND-BASED TECHNOLOGY COMPANIES AND PROMOTE THE COMMERCIALIZATION AND GROWTH OF TECHNOLOGY COMPANIES AND JOBS IN THE STATE;

(7) BUILD A LONG-TERM ENTREPRENEURIAL CAPACITY AND SUSTAINED VENTURE CAPITAL PRESENCE IN THE STATE;

(8) CREATE PATHWAYS TO FOLLOW-ON FINANCING IN THE STATE;
AND

(9) FOSTER INCLUSIVE AND DIVERSE ENTREPRENEURSHIP AND INNOVATION THROUGHOUT THE STATE, WHICH MAY INCLUDE INITIATIVES TO RAISE AWARENESS OF PROGRAMS TO ASSIST SMALL, MINORITY, AND WOMEN-OWNED BUSINESSES THROUGH MARKETING AND OTHER EFFORTS.

10-403.

(a) (1) A Board of Directors shall manage the Corporation and its units and exercise its corporate powers.

(2) (I) A BOARD OF DIRECTORS MAY APPOINT MEMBERS OF AN ADVISORY COMMITTEE.

(II) IF A BOARD OF DIRECTORS APPOINTS AN ADVISORY COMMITTEE, THE BOARD SHALL ADOPT POLICIES ESTABLISHING THE RESPONSIBILITIES OF THE ADVISORY COMMITTEE.

10-407.

(a) Except as provided in subsections (b), (c), and (e) of this section, the Corporation is exempt from:

(1) Title 10 and Division II of the State Finance and Procurement Article;
and

(2) §§ 3–301 and 3–303 of the General Provisions Article.

(b) The Corporation is subject to the Public Information Act.

(c) The Board [and], the officers and employees of the Corporation, MEMBERS OF THE INVESTMENT COMMITTEE, AND MEMBERS OF ANY ADVISORY COMMITTEE APPOINTED are subject to the Public Ethics Law.

(d) The officers and employees of the Corporation are not subject to the provisions of Division I of the State Personnel and Pensions Article that govern the State Personnel Management System.

(e) (1) The Corporation, its Board, and employees are subject to Title 12, Subtitle 4 of the State Finance and Procurement Article.

(2) THE BOARD, THE OFFICERS AND EMPLOYEES OF THE CORPORATION, THE MEMBERS OF THE INVESTMENT COMMITTEE, AND THE MEMBERS OF ANY ADVISORY COMMITTEE APPOINTED SHALL DISCLOSE TO THE STATE ETHICS COMMISSION WHETHER THEY ARE EMPLOYED BY OR HAVE A FINANCIAL INTEREST IN AN ENTITY THAT CURRENTLY HAS OR WILL APPLY FOR FUNDS OR AN INVESTMENT IN A PROGRAM ADMINISTERED BY THE CORPORATION.

10–408.

(A) THE CORPORATION SHALL ADOPT REGULATIONS ESTABLISHING:

(1) THE INVESTMENT COMMITTEE;

(2) THE RESPONSIBILITIES OF THE INVESTMENT COMMITTEE; AND

(3) THE PROCEDURES FOR THE APPOINTMENT OF INVESTMENT COMMITTEE MEMBERS.

(B) The Corporation may:

(1) adopt bylaws for the conduct of its business;

(2) adopt a seal;

- (3) maintain offices at a place it designates in the State;
- (4) accept loans, grants, or assistance of any kind from the federal or State government, a local government, a college or university, or a private source;
- (5) enter into contracts and other legal instruments;
- (6) sue or be sued;
- (7) acquire, purchase, hold, lease as lessee, and use:
 - (i) a franchise, patent, or license;
 - (ii) any real, personal, mixed, tangible, or intangible property; or
 - (iii) an interest in the property listed in this item;
- (8) sell, lease as lessor, transfer, license, assign, or dispose of property or a property interest that it acquires;
- (9) fix and collect rates, rentals, fees, royalties, and charges for services and resources it provides or makes available;
- (10) create, own, control, or be a member of a corporation, limited liability company, partnership, or other entity, whether operated for profit or not for profit;
- (11) exercise power usually possessed by a private corporation in performing similar functions unless to do so would conflict with State law; and
- (12) do all things necessary or convenient to carry out the powers granted by this subtitle.

10-409.

(A) [The] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE Corporation may make grants to or provide equity investment financing for technology-based businesses, IF:

- (1) THE INVESTMENTS ARE MADE TO A QUALIFIED BUSINESS;**
- (2) THE INVESTMENTS ARE MADE ON REVIEW AND APPROVAL OF A WRITTEN APPLICATION THAT:**
 - (I) CONTAINS SUFFICIENT INFORMATION TO VERIFY THAT THE QUALIFIED BUSINESS HAS ITS PRINCIPAL BUSINESS OPERATIONS IN THE STATE OR WILL HAVE A SUBSTANTIAL ECONOMIC IMPACT ON THE STATE; AND**

(II) CONTAINS A CERTIFICATION OF THE VERACITY OF THE INFORMATION BY AN AUTHORIZED SIGNATORY OF THE QUALIFIED BUSINESS; AND

(3) AT LEAST THE NUMBER OF MEMBERS THAT CONSTITUTES A QUORUM OF ANY FUND OR AUTHORITY HAS BEEN APPOINTED UNDER THE REQUIREMENTS FOR THAT FUND OR AUTHORITY.

(B) IN REGARD TO ANY AND ALL PROGRAMS OF THE CORPORATION, EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE CORPORATION SHALL ADOPT REGULATIONS TO GOVERN INVESTMENTS UNDER THIS SUBSECTION THAT SPECIFY:

(1) THE TYPES OF QUALIFIED BUSINESSES IN WHICH AN INVESTMENT MAY BE MADE;

(2) THE BASIC STANDARDS AN ENTERPRISE SHALL MEET TO QUALIFY FOR AN INVESTMENT;

(3) THE AMOUNT OF MONEY AVAILABLE FOR INVESTMENT;

(4) THE INVESTMENT POLICY STATEMENT OF THE CORPORATION THAT DESCRIBES THE PROCEDURES, CRITERIA, INVESTMENT PHILOSOPHY, AND GUIDELINES FOR HOW THE CORPORATION'S INVESTMENT DECISIONS WILL BE MADE; AND

(5) A PROCESS FOR THE CONSIDERATION OF WHETHER INVESTMENTS HELP TO FOSTER INCLUSIVE AND DIVERSE ENTREPRENEURSHIP, INCLUDING THE CORPORATION'S SUPPORT FOR MARKETING AND OTHER EFFORTS TO RAISE AWARENESS OF PROGRAMS TO ASSIST SMALL, MINORITY, AND WOMEN-OWNED BUSINESSES.

(C) THE CORPORATION MAY MAKE INVESTMENTS UNDER AN AGREEMENT WITH THE BOARD OF TRUSTEES FOR THE STATE RETIREMENT AND PENSION SYSTEM UNDER § 21-123.2 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

10-415.

(a) (1) On or before October 1 of each year, the Corporation shall report to the Governor, the Maryland Economic Development Commission, and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

[(b)] (2) The report REQUIRED UNDER THIS SUBSECTION shall include:

(I) a complete operating and financial statement covering the Corporation's operations [and];

(II) a summary of the Corporation's activities during the preceding fiscal year;

(III) INFORMATION ON ALL SALARIES AND ANY INCENTIVES APPROVED BY THE BOARD FOR CORPORATION EMPLOYEES;

(IV) INFORMATION ON OUTREACH, TRAINING, MENTORSHIP, SUPPORT, AND INVESTMENT IN MINORITY AND WOMEN-OWNED QUALIFIED BUSINESSES, INCLUDING SUPPORT FOR MARKETING BY THE MARYLAND SMALL BUSINESS DEVELOPMENT FINANCING AUTHORITY;

(V) INFORMATION ON ENTITIES THAT HAVE CURRENT INVESTMENTS AND ENTITIES THAT RECEIVED FUNDING OR INVESTMENTS IN THE CURRENT YEAR ON THE:

1. PRINCIPAL BUSINESS OPERATIONS;

2. NUMBER OF EMPLOYEES IN THE STATE AND THE NUMBER OF EMPLOYEES OUTSIDE THE STATE;

3. CAPITAL OR OTHER INVESTMENTS MADE IN THE STATE; AND

4. PROPOSED AND ACTUAL JOB CREATION OR CAPITAL INVESTMENT IN THE STATE AS A RESULT OF THE INVESTMENT OR SUPPORT;

(VI) A LIST OF BUSINESSES THAT HAVE RECEIVED FUNDING THAT WOULD NO LONGER QUALIFY AS A QUALIFIED BUSINESS; AND

(VII) INFORMATION ON THE CREATION OF AND APPOINTMENTS MADE TO AN ADVISORY COMMITTEE AND THE RESPONSIBILITIES OF THE ADVISORY COMMITTEE AND MEMBERS OF THE COMMITTEE.

(B) (1) ON A QUARTERLY BASIS, THE CORPORATION SHALL REPORT TO THE GOVERNOR, THE MARYLAND ECONOMIC DEVELOPMENT COMMISSION, AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE JOINT AUDIT COMMITTEE AND THE GENERAL ASSEMBLY.

(2) THE REPORT REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE A LIST OF THE QUALIFIED BUSINESSES OR OTHER BUSINESSES RECEIVING SUPPORT THROUGH PROGRAMS ADMINISTERED BY THE CORPORATION, INCLUDING

THOSE RECEIVING INVESTMENTS MADE UNDER § 21-123.2 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

(3) THE LIST OF QUALIFIED BUSINESSES OR OTHER BUSINESSES RECEIVING SUPPORT SHALL INCLUDE FOR EACH BUSINESS:

(I) THE NUMBER OF EMPLOYEES IN THE STATE;

(II) THE NUMBER OF EMPLOYEES OUTSIDE THE STATE;

(III) THE CAPITAL OR OTHER INVESTMENTS MADE IN THE STATE;

AND

(IV) PROPOSED JOB CREATION OR CAPITAL INVESTMENT IN THE STATE AS A RESULT OF THE INVESTMENT OR SUPPORT.

10-468.

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

~~(b) “BUSINESS ENTERPRISE” MEANS A BUSINESS THAT:~~

~~(1) IS TECHNOLOGY-BASED; AND~~

~~(2) HAS OVER HALF OF ITS WORKFORCE EITHER RESIDING OR WORKING IN THE STATE.~~

~~(b)~~ (c) “Corporation” means the Maryland Technology Development Corporation.

~~(c)~~ (d) “Fund” means the Enterprise Fund established under § 10-469 of this subtitle.

10-469.

(a) There is an Enterprise Fund in the Corporation.

(b) The Corporation may use the Fund to:

(1) make a grant or loan, at the rate of interest set by the Corporation;

(2) provide equity investment financing for a ~~business enterprise~~ QUALIFIED BUSINESS;

(3) guarantee a loan, equity, investment, or other private financing to expand the capital resources of a ~~business enterprise~~ **QUALIFIED BUSINESS**;

(4) purchase advisory services and technical assistance to better support economic development;

(5) pay the Corporation's obligations to a venture firm under the Invest Maryland Program, as provided under § 10-492(c)(2)(i) of this subtitle; and

(6) pay the administrative, legal, and actuarial expenses of the Corporation.

(c) The Corporation shall manage and supervise the Fund.

(d) ~~THE CORPORATION SHALL REQUIRE RECOVERY OF A GRANT, A LOAN, OR AN EQUITY INVESTMENT FROM A BUSINESS ENTERPRISE IF AT ANY TIME WITHIN THE 3-YEAR PERIOD FOLLOWING THE INVESTMENT AWARD, THE BUSINESS ENTERPRISE FAILS TO MAINTAIN ITS STATUS AS A BUSINESS ENTERPRISE, AS DEFINED IN § 10-468 OF THIS SUBTITLE.~~

~~(E)~~ (1) The Fund is a special, nonlapsing revolving fund that is not subject to reversion under § 7-302 of the State Finance and Procurement Article.

(2) The Treasurer shall hold the Fund and the Comptroller shall account for it.

~~{(e)}~~ ~~(F)~~ The Fund consists of:

(1) money appropriated by the State to the Fund;

(2) money made available to the Fund through federal programs or private contributions;

(3) repayment of principal of a loan made from the Fund;

(4) payment of interest on a loan made from the Fund;

(5) proceeds from the sale, disposition, lease, or rental by the Corporation of collateral related to financing that the Corporation provides under this subtitle;

(6) premiums, fees, royalties, interest, repayments of principal, and returns on investments paid to the Corporation by or on behalf of:

(i) a ~~business enterprise~~ **QUALIFIED BUSINESS** in which the Corporation has made an investment under this subtitle; or

(ii) an investor providing an investment guaranteed by the Corporation under this subtitle;

(7) recovery of an investment made by the Corporation in a ~~business enterprise~~ **QUALIFIED BUSINESS** under this subtitle, including an arrangement under which the Corporation's investment in the ~~business enterprise~~ **QUALIFIED BUSINESS** is recovered through:

(i) a requirement that the Corporation receive a proportion of cash flow, commission, royalty, or payment on a patent; ~~for~~

(ii) the repurchase from the Corporation of any evidence of financial participation, including a note, stock, bond, or debenture; ~~or~~

~~(iii) THE RECOVERY OF A GRANT, A LOAN, OR AN EQUITY INVESTMENT IN A BUSINESS ENTERPRISE THAT FAILS TO MAINTAIN ITS STATUS AS A BUSINESS ENTERPRISE, AS DEFINED IN § 10-468 OF THIS SUBTITLE;~~

(8) repayment of a conditional grant extended by the Corporation;

(9) money deposited into the Fund under § 10-492(c)(2)(i) of this subtitle;
and

(10) any other money made available to the Corporation for the Fund.

~~(f) (c)~~ (1) The Treasurer shall invest money in the Fund in the same manner as other State money.

(2) Any investment earnings of the Fund shall be credited to the Fund.

10-470.

(a) The Corporation may require that all or part of a grant be repaid, with interest at a rate the Corporation sets, when conditions specified by the Corporation occur.

(b) (1) Whenever the Corporation is authorized by law to make a grant, including a grant from the Economic Development Opportunities Program Account authorized under § 7-314 of the State Finance and Procurement Article, the Corporation may use money appropriated for the grant to make an equity investment in a [business enterprise] **QUALIFIED BUSINESS**.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, in making an equity investment under this subtitle, the Corporation may not acquire an ownership interest in an enterprise that exceeds 25%.

(ii) In making an equity investment under this subtitle in one or more venture or private equity firms, the Corporation may acquire an ownership interest exceeding 25%.

(3) Within 15 years after making an equity investment under this subtitle, the Corporation shall divest itself of that investment.

(4) The liability of the State and the Corporation in making an equity investment under this subtitle is limited to the amount of that investment.

[(5) The Corporation shall adopt regulations governing equity investments under this subsection that specify:

(i) the types of business enterprises in which an investment may be made;

(ii) the basic standards an enterprise shall meet to qualify for an investment;

(iii) the amount of money available for investment; and

(iv) the criteria that the Corporation uses to make investment decisions.]

10-474.

There is a Maryland Venture Fund Authority in the Corporation.

10-475.

(a) The Authority consists of the following nine members:

(1) seven members appointed by the Governor with the advice and consent of the Senate;

(2) one member appointed by the President of the Senate; and

(3) one member appointed by the Speaker of the House.

(b) (1) Of the seven members appointed by the Governor:

(i) 1. at least four shall have experience in working with companies that have raised investment capital for seed-stage to venture-stage companies or in providing professional services to the venture capital industry; and

2. one of the four members selected under item 1 of this item shall have experience in higher education research and development and technology transfer projects;

(ii) at least one shall have experience as a small business owner;

(iii) at least one shall have experience as a business executive that has raised venture capital investments; and

(iv) at least one shall be a resident of a rural county in the State.

(2) The Governor shall consider the geographic diversity of the State when appointing members.

(c) The members appointed by the President and the Speaker:

(1) may not be elected officials; and

(2) shall have experience and expertise in venture capital investments.

(d) Each member shall be a resident of the State.

(e) (1) The term of a member is 4 years.

(2) At the end of a term, a member continues to serve until a successor is appointed.

(3) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed.

(4) A member appointed by the Governor may be removed by the Governor with or without cause.

(5) The terms of the members are staggered as required by the terms provided for members of the Authority on July 1, 2011.

(f) [A] IN ADDITION TO THE REQUIREMENTS OF TITLE 5 OF THE GENERAL PROVISIONS ARTICLE, A member of the Authority may not BE EMPLOYED BY OR have any financial interest in a purchaser, qualified business, or venture firm OR HOLD ANY OTHER EMPLOYMENT RELATIONSHIP OR FINANCIAL INTEREST THAT WOULD IMPAIR THE IMPARTIALITY AND INDEPENDENT JUDGMENT OF THE MEMBER.

(g) THE AUTHORITY MAY NOT HAVE ADDITIONAL ADVISORS OR ADVISORY BOARDS, WHETHER ACTING INFORMALLY OR FORMALLY CONSTITUTED, OTHER THAN AS APPOINTED OR DESIGNATED IN THIS SUBTITLE.

10-478.

The Authority shall:

(1) provide advice to and consult with the Corporation in connection with the administration of the Program under this subtitle; AND

(2) MEET AT LEAST QUARTERLY TO REVIEW THE CORPORATION'S INVESTMENT ~~POLICY AND~~ POLICIES, INVESTMENT DECISIONS ~~FOR THE PROGRAM UNDER THIS SUBTITLE~~, AND ADHERENCE TO THE STATUTORY AND REGULATORY REQUIREMENTS IMPOSED ON THE CORPORATION.

10-488.

(b) TO ENSURE THE CORPORATION HAS CONTINUED ACCESS TO THE BEST AVAILABLE AND QUALIFIED VENTURE FIRMS AS WELL AS TO PROVIDE FOR THE REPLACEMENT OF VENTURE FIRMS THAT HAVE BEEN DISQUALIFIED UNDER § 10-494 OF THIS SUBTITLE:

(1) [An] AN applicant shall file an application with the Corporation in the form required by the Corporation[.];

(2) [The] THE application shall include the applicant's most recent financial statements[.];

(3) [The] THE Corporation shall [begin accepting] ACCEPT applications for certification [on or before January 1, 2012.] FOR A PERIOD OF 3 MONTHS AT THE CORPORATION'S CHOOSING, AT THE SAME TIME EACH YEAR; AND

(4) [An application for certification may not be accepted after May 1, 2012] NOTWITHSTANDING THE REQUIREMENTS OF § 10-494(B) OF THIS SUBTITLE, WHEN ONE OR MORE VENTURE FIRMS HAVE BEEN DISQUALIFIED UNDER § 10-494 OF THIS SUBTITLE, THE CORPORATION MAY RECEIVE APPLICATIONS, FOR A PERIOD OF NOT LESS THAN 2 MONTHS, AT ANY TIME DURING THE CALENDAR YEAR.

(c) To be certified as a venture firm:

(1) the applicant must have, at the time of application, an equity capitalization, net assets, or written commitments of at least \$500,000 in the form of cash or cash equivalents; [and]

(2) at least two principals or persons employed to direct the investment of the designated capital of the applicant must have at least 5 years of money management experience in the venture capital or private equity sectors;

(3) FOR A PERIOD OF 2 YEARS FROM THE DATE OF DISQUALIFICATION, THE APPLICANT MAY NOT BE:

(I) A VENTURE FIRM THAT HAS BEEN DISQUALIFIED UNDER § 10-494 OF THIS SUBTITLE; OR

(II) A FIRM WITH MAJORITY OWNERSHIP COMPOSED OF MEMBERS WHO HAD OWNERSHIP OR LEADERSHIP ROLES IN A FIRM THAT HAS BEEN DISQUALIFIED UNDER § 10-494 OF THIS SUBTITLE.

10-489.

(a) (1) A business that is classified as a qualified business at the time of the first investment in the business by a venture firm, the Enterprise Fund, or the Financing Authority remains classified as a qualified business and may receive follow-on investments from a venture firm, the Enterprise Fund, or the Financing Authority AS PROVIDED UNDER THIS SUBSECTION.

(2) [Except as provided in paragraph (3) of this subsection, a] A follow-on investment [made under this subsection] FROM A VENTURE FIRM is a qualified investment even though the business does not meet the definition of a qualified business at the time of the follow-on investment.

(3) With respect to an investment by the Enterprise Fund or the Financing Authority, a follow-on investment does not qualify as a qualified investment if, at the time of the follow-on investment, the [qualified] business no longer [has its principal business operations in the State] MEETS THE DEFINITION OF A QUALIFIED BUSINESS.

10-494.

(A) EACH VENTURE FIRM SHALL BE REQUIRED TO MAKE EQUITY INVESTMENTS IN AN AMOUNT NOT LESS THAN 50% OF THE CAPITAL ALLOCATED TO QUALIFIED BUSINESSES WITHIN 3 YEARS OF EACH CAPITAL ALLOCATION.

(B) IN REGARDS TO VENTURE FIRMS THAT HAVE RECEIVED AN ALLOCATION BEFORE JUNE 1, 2019, THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION SHALL APPLY AS OF JUNE 1, 2019.

(C) IN THE EVENT THAT A VENTURE FIRM FAILS TO MEET THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION, THE CORPORATION SHALL:

(1) RESCIND THE ALLOCATION AND AUTHORIZATION FOR THAT FIRM FROM THE DATE OF NONCOMPLIANCE WITH SUBSECTION (A) OF THIS SECTION AND REMOVE THAT FIRM'S CERTIFICATION FOR PARTICIPATION IN THE PROGRAM;

(2) CEASE MAKING THE PAYMENT OF MANAGEMENT AND OTHER FEES TO THE VENTURE FUND FROM THE DATE OF NONCOMPLIANCE WITH SUBSECTION (A) OF THIS SECTION; AND

(3) CONSULT AND COORDINATE WITH THE OFFICE OF THE ATTORNEY GENERAL FOR THE RECOVERY OF ANY FUNDS, AS MAY BE NECESSARY.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2019, the Maryland Technology Development Corporation shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the status of the Corporation's efforts to address the findings of the fiscal compliance audit of the Corporation conducted by the Office of Legislative Audits for the period beginning January 7, 2015, and ending April 10, 2018.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1, 2019, the Department of Legislative Services shall review Title 10, Subtitle 4 of the Economic Development Article and make recommendations to the General Assembly on:

(1) how to make Title 10, Subtitle 4 of the Economic Development Article, regarding the Maryland Technology Development Corporation programs, more clear with consistent definitions; and

(2) whether there is language that can be repealed as duplicative or obsolete.

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

Approved by the Governor, May 13, 2019.

Chapter 488

(Senate Bill 340)

AN ACT concerning

Maryland Technology Development Corporation – Investments and Operations

FOR the purpose of ~~requiring the Maryland Technology Development Corporation to recover from a business enterprise certain investments made from the Enterprise Fund under certain circumstances; including in the Fund the recovery of certain money under certain circumstances;~~ providing certain requirements technology-based businesses must meet before the Maryland Technology Development Corporation may make certain grants or provide certain equity

investment financing; requiring the Corporation to adopt certain regulations; requiring the Board of Directors of the Corporation to make certain appointments; requiring the Board to adopt certain policies; providing that certain persons are subject to certain public ethics law; providing certain requirements for eligibility as a member of the Maryland Venture Fund Authority; requiring the Maryland Venture Fund Authority in the Corporation to meet at least quarterly for certain purposes; altering the information required to be reported annually by the Corporation; requiring the Corporation to report certain information to the Governor, the Maryland Economic Development Commission, and the General Assembly on a quarterly basis; defining a certain term; making certain conforming changes; and generally relating to the Maryland Technology Development Corporation.

BY repealing and reenacting, without amendments,

Article – Economic Development
Section 10–401(a), 10–468, and 10–474
Annotated Code of Maryland
(2018 Replacement Volume)

BY adding to

Article – Economic Development
Section 10–401(f) through (h) and 10–494
Annotated Code of Maryland
(2018 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Economic Development
Section ~~10–468~~ 10–402(c), 10–403(a), 10–407, 10–408, 10–409, 10–415, 10–469, and
10–470, 10–475, 10–478, 10–488(b) and (c), and 10–489(a)
Annotated Code of Maryland
(2018 Replacement Volume)

~~BY repealing and reenacting, without amendments,~~

~~Article – Economic Development~~
~~Section 10–474~~
~~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

10–401.

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

(F) “INVESTMENT COMMITTEE” MEANS A COMMITTEE APPOINTED BY THE BOARD TO ADVISE ON AND APPROVE INVESTMENTS AS REQUIRED UNDER THIS SUBTITLE.

(G) “PRINCIPAL BUSINESS OPERATIONS” MEANS THE HEADQUARTERS FROM WHICH THE BUSINESS’S OFFICERS DIRECT, CONTROL, AND COORDINATE THE BUSINESS’S ACTIVITIES.

(H) “QUALIFIED BUSINESS” MEANS A BUSINESS THAT, AT THE TIME OF THE FIRST INVESTMENT IN THE BUSINESS UNDER A PROGRAM OF THE CORPORATION, EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE:

(1) (I) HAS ITS PRINCIPAL BUSINESS OPERATIONS LOCATED IN THE STATE, HAS OVER HALF ITS WORKFORCE WORKING IN THE STATE, AND INTENDS TO MAINTAIN ITS PRINCIPAL BUSINESS OPERATIONS IN THE STATE AFTER RECEIVING AN INVESTMENT UNDER THE PROGRAM; OR

(II) IS A BUSINESS OR START-UP BUSINESS THAT IS APPROVED BY THE INVESTMENT COMMITTEE AND WILL, AS A RESULT OF THE INVESTMENT, HAVE A SUBSTANTIAL ECONOMIC IMPACT IN THE STATE THROUGH JOB CREATION, CAPITAL INVESTMENT, AND CONTRIBUTION TO THE STATE’S TECHNOLOGY ECOSYSTEM;

(2) HAS AGREED TO USE THE INVESTMENT PRIMARILY TO:

(I) SUPPORT BUSINESS OPERATIONS IN THE STATE; OR

(II) IN THE CASE OF A START-UP COMPANY, ESTABLISH AND SUPPORT BUSINESS OPERATIONS IN THE STATE;

(3) HAS NOT MORE THAN 250 EMPLOYEES; AND

(4) IS NOT PRIMARILY ENGAGED IN:

(I) RETAIL SALES;

(II) REAL ESTATE DEVELOPMENT;

(III) THE BUSINESS OF INSURANCE, BANKING, OR LENDING; OR

(IV) THE PROVISION OF PROFESSIONAL SERVICES BY ACCOUNTANTS, ATTORNEYS, OR PHYSICIANS.

(c) The purposes of the Corporation are to:

(1) assist in transferring to the private sector the results and products of scientific research and development conducted by colleges, [and] universities, AND FEDERAL RESEARCH INSTITUTIONS IN THE STATE;

(2) assist in commercializing those results and products;

(3) assist in commercializing technology developed in the private sector;

(4) foster the commercialization of research and development conducted by colleges, universities, and the private sector to create and sustain businesses throughout all regions of the State; [and]

(5) generally assist early-stage and start-up businesses in the State;

(6) INVEST IN MARYLAND-BASED TECHNOLOGY COMPANIES AND PROMOTE THE COMMERCIALIZATION AND GROWTH OF TECHNOLOGY COMPANIES AND JOBS IN THE STATE;

(7) BUILD A LONG-TERM ENTREPRENEURIAL CAPACITY AND SUSTAINED VENTURE CAPITAL PRESENCE IN THE STATE;

(8) CREATE PATHWAYS TO FOLLOW-ON FINANCING IN THE STATE;
AND

(9) FOSTER INCLUSIVE AND DIVERSE ENTREPRENEURSHIP AND INNOVATION THROUGHOUT THE STATE, WHICH MAY INCLUDE INITIATIVES TO RAISE AWARENESS OF PROGRAMS TO ASSIST SMALL, MINORITY, AND WOMEN-OWNED BUSINESSES THROUGH MARKETING AND OTHER EFFORTS.

10-403.

(a) (1) A Board of Directors shall manage the Corporation and its units and exercise its corporate powers.

(2) (I) A BOARD OF DIRECTORS MAY APPOINT MEMBERS OF AN ADVISORY COMMITTEE.

(II) IF A BOARD OF DIRECTORS APPOINTS AN ADVISORY COMMITTEE, THE BOARD SHALL ADOPT POLICIES ESTABLISHING THE RESPONSIBILITIES OF THE ADVISORY COMMITTEE.

10-407.

(a) Except as provided in subsections (b), (c), and (e) of this section, the Corporation is exempt from:

(1) Title 10 and Division II of the State Finance and Procurement Article;
and

(2) §§ 3–301 and 3–303 of the General Provisions Article.

(b) The Corporation is subject to the Public Information Act.

(c) The Board [and], the officers and employees of the Corporation, MEMBERS OF THE INVESTMENT COMMITTEE, AND MEMBERS OF ANY ADVISORY COMMITTEE APPOINTED are subject to the Public Ethics Law.

(d) The officers and employees of the Corporation are not subject to the provisions of Division I of the State Personnel and Pensions Article that govern the State Personnel Management System.

(e) (1) The Corporation, its Board, and employees are subject to Title 12, Subtitle 4 of the State Finance and Procurement Article.

(2) THE BOARD, THE OFFICERS AND EMPLOYEES OF THE CORPORATION, THE MEMBERS OF THE INVESTMENT COMMITTEE, AND THE MEMBERS OF ANY ADVISORY COMMITTEE APPOINTED SHALL DISCLOSE TO THE STATE ETHICS COMMISSION ~~ON ETHICS~~ WHETHER THEY ARE EMPLOYED BY OR HAVE A FINANCIAL INTEREST IN AN ENTITY THAT CURRENTLY HAS OR WILL APPLY FOR FUNDS OR AN INVESTMENT IN A PROGRAM ADMINISTERED BY THE CORPORATION.

10–408.

(A) THE CORPORATION SHALL ADOPT REGULATIONS ESTABLISHING:

(1) THE INVESTMENT COMMITTEE;

(2) THE RESPONSIBILITIES OF THE INVESTMENT COMMITTEE; AND

(3) THE PROCEDURES FOR THE APPOINTMENT OF INVESTMENT COMMITTEE MEMBERS.

(B) The Corporation may:

(1) adopt bylaws for the conduct of its business;

- (2) adopt a seal;
- (3) maintain offices at a place it designates in the State;
- (4) accept loans, grants, or assistance of any kind from the federal or State government, a local government, a college or university, or a private source;
- (5) enter into contracts and other legal instruments;
- (6) sue or be sued;
- (7) acquire, purchase, hold, lease as lessee, and use:
 - (i) a franchise, patent, or license;
 - (ii) any real, personal, mixed, tangible, or intangible property; or
 - (iii) an interest in the property listed in this item;
- (8) sell, lease as lessor, transfer, license, assign, or dispose of property or a property interest that it acquires;
- (9) fix and collect rates, rentals, fees, royalties, and charges for services and resources it provides or makes available;
- (10) create, own, control, or be a member of a corporation, limited liability company, partnership, or other entity, whether operated for profit or not for profit;
- (11) exercise power usually possessed by a private corporation in performing similar functions unless to do so would conflict with State law; and
- (12) do all things necessary or convenient to carry out the powers granted by this subtitle.

10-409.

(A) [The] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE Corporation may make grants to or provide equity investment financing for technology-based businesses, IF:

- (1) THE INVESTMENTS ARE MADE TO A QUALIFIED BUSINESS;**
- (2) THE INVESTMENTS ARE MADE ON REVIEW AND APPROVAL OF A WRITTEN APPLICATION THAT:**

(I) CONTAINS SUFFICIENT INFORMATION TO VERIFY THAT THE QUALIFIED BUSINESS HAS ITS PRINCIPAL BUSINESS OPERATIONS IN THE STATE OR WILL HAVE A SUBSTANTIAL ECONOMIC IMPACT ON THE STATE; AND

(II) CONTAINS A CERTIFICATION OF THE VERACITY OF THE INFORMATION BY AN AUTHORIZED SIGNATORY OF THE QUALIFIED BUSINESS; AND

(3) AT LEAST THE NUMBER OF MEMBERS THAT CONSTITUTES A QUORUM OF ANY FUND OR AUTHORITY HAS BEEN APPOINTED UNDER THE REQUIREMENTS FOR THAT FUND OR AUTHORITY.

(B) IN REGARD TO ANY AND ALL PROGRAMS OF THE CORPORATION, EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE CORPORATION SHALL ADOPT REGULATIONS TO GOVERN INVESTMENTS UNDER THIS SUBSECTION THAT SPECIFY:

(1) THE TYPES OF QUALIFIED BUSINESSES IN WHICH AN INVESTMENT MAY BE MADE;

(2) THE BASIC STANDARDS AN ENTERPRISE SHALL MEET TO QUALIFY FOR AN INVESTMENT;

(3) THE AMOUNT OF MONEY AVAILABLE FOR INVESTMENT;

(4) THE INVESTMENT POLICY STATEMENT OF THE CORPORATION THAT DESCRIBES THE PROCEDURES, CRITERIA, INVESTMENT PHILOSOPHY, AND GUIDELINES FOR HOW THE CORPORATION'S INVESTMENT DECISIONS WILL BE MADE; AND

(5) A PROCESS FOR THE CONSIDERATION OF WHETHER INVESTMENTS HELP TO FOSTER INCLUSIVE AND DIVERSE ENTREPRENEURSHIP, INCLUDING THE CORPORATION'S SUPPORT FOR MARKETING AND OTHER EFFORTS TO RAISE AWARENESS OF PROGRAMS TO ASSIST SMALL, MINORITY, AND WOMEN-OWNED BUSINESSES.

(C) THE CORPORATION MAY MAKE INVESTMENTS UNDER AN AGREEMENT WITH THE BOARD OF TRUSTEES FOR THE STATE RETIREMENT AND PENSION SYSTEM UNDER § 21-123.2 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

10-415.

(a) (1) On or before October 1 of each year, the Corporation shall report to the Governor, the Maryland Economic Development Commission, and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

[(b)] (2) The report REQUIRED UNDER THIS SUBSECTION shall include:

(I) a complete operating and financial statement covering the Corporation's operations [and];

(II) a summary of the Corporation's activities during the preceding fiscal year;

(III) INFORMATION ON ALL SALARIES AND ANY INCENTIVES APPROVED BY THE BOARD FOR CORPORATION EMPLOYEES;

(IV) INFORMATION ON OUTREACH, TRAINING, MENTORSHIP, SUPPORT, AND INVESTMENT IN MINORITY AND WOMEN-OWNED QUALIFIED BUSINESSES, INCLUDING SUPPORT FOR MARKETING BY THE MARYLAND SMALL BUSINESS DEVELOPMENT FINANCING AUTHORITY; AND

(V) INFORMATION ON ENTITIES THAT HAVE CURRENT INVESTMENTS AND ENTITIES THAT RECEIVED FUNDING OR INVESTMENTS IN THE CURRENT YEAR ON THE:

1. PRINCIPAL BUSINESS OPERATIONS;

2. NUMBER OF EMPLOYEES IN THE STATE AND THE NUMBER OF EMPLOYEES OUTSIDE THE STATE;

3. CAPITAL OR OTHER INVESTMENTS MADE IN THE STATE; AND

4. PROPOSED AND ACTUAL JOB CREATION OR CAPITAL INVESTMENT IN THE STATE AS A RESULT OF THE INVESTMENT OR SUPPORT;

(VI) A LIST OF BUSINESSES THAT HAVE RECEIVED FUNDING THAT WOULD NO LONGER QUALIFY AS A QUALIFIED BUSINESS; AND

(VII) INFORMATION ON THE CREATION OF AND APPOINTMENTS MADE TO AN ADVISORY COMMITTEE AND THE RESPONSIBILITIES OF THE ADVISORY COMMITTEE AND MEMBERS OF THE COMMITTEE.

(B) (1) ON A QUARTERLY BASIS, THE CORPORATION SHALL REPORT TO THE GOVERNOR, THE MARYLAND ECONOMIC DEVELOPMENT COMMISSION, AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE JOINT AUDIT COMMITTEE AND THE GENERAL ASSEMBLY.

(2) THE REPORT REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE A LIST OF THE QUALIFIED BUSINESSES OR OTHER BUSINESSES RECEIVING SUPPORT THROUGH PROGRAMS ADMINISTERED BY THE CORPORATION, INCLUDING THOSE RECEIVING INVESTMENTS MADE UNDER § 21-123.2 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

(3) THE LIST OF QUALIFIED BUSINESSES OR OTHER BUSINESSES RECEIVING SUPPORT SHALL INCLUDE FOR EACH BUSINESS:

(I) THE NUMBER OF EMPLOYEES IN THE STATE;

(II) THE NUMBER OF EMPLOYEES OUTSIDE THE STATE;

(III) THE CAPITAL OR OTHER INVESTMENTS MADE IN THE STATE;

AND

(IV) PROPOSED JOB CREATION OR CAPITAL INVESTMENT IN THE STATE AS A RESULT OF THE INVESTMENT OR SUPPORT.

10-468.

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

~~(b) “BUSINESS ENTERPRISE” MEANS A BUSINESS THAT:~~

~~(1) IS TECHNOLOGY-BASED; AND~~

~~(2) HAS OVER HALF OF ITS WORKFORCE EITHER RESIDING OR WORKING IN THE STATE.~~

~~(b)~~ (c) “Corporation” means the Maryland Technology Development Corporation.

~~(c)~~ (d) “Fund” means the Enterprise Fund established under § 10-469 of this subtitle.

10-469.

(a) There is an Enterprise Fund in the Corporation.

(b) The Corporation may use the Fund to:

(1) make a grant or loan, at the rate of interest set by the Corporation;

(2) provide equity investment financing for a ~~business enterprise~~ **QUALIFIED BUSINESS**;

(3) guarantee a loan, equity, investment, or other private financing to expand the capital resources of a ~~business enterprise~~ **QUALIFIED BUSINESS**;

(4) purchase advisory services and technical assistance to better support economic development;

(5) pay the Corporation's obligations to a venture firm under the Invest Maryland Program, as provided under § 10-492(c)(2)(i) of this subtitle; and

(6) pay the administrative, legal, and actuarial expenses of the Corporation.

(c) The Corporation shall manage and supervise the Fund.

~~(d) THE CORPORATION SHALL REQUIRE RECOVERY OF A GRANT, A LOAN, OR AN EQUITY INVESTMENT FROM A BUSINESS ENTERPRISE IF AT ANY TIME WITHIN THE 3 YEAR PERIOD FOLLOWING THE INVESTMENT AWARD, THE BUSINESS ENTERPRISE FAILS TO MAINTAIN ITS STATUS AS A BUSINESS ENTERPRISE, AS DEFINED IN § 10-468 OF THIS SUBTITLE.~~

~~(E)~~ (1) The Fund is a special, nonlapsing revolving fund that is not subject to reversion under § 7-302 of the State Finance and Procurement Article.

(2) The Treasurer shall hold the Fund and the Comptroller shall account for it.

~~[(e)] (F)~~ The Fund consists of:

(1) money appropriated by the State to the Fund;

(2) money made available to the Fund through federal programs or private contributions;

(3) repayment of principal of a loan made from the Fund;

(4) payment of interest on a loan made from the Fund;

(5) proceeds from the sale, disposition, lease, or rental by the Corporation of collateral related to financing that the Corporation provides under this subtitle;

(6) premiums, fees, royalties, interest, repayments of principal, and returns on investments paid to the Corporation by or on behalf of:

(i) a ~~business enterprise~~ **QUALIFIED BUSINESS** in which the Corporation has made an investment under this subtitle; or

(ii) an investor providing an investment guaranteed by the Corporation under this subtitle;

(7) recovery of an investment made by the Corporation in a ~~business enterprise~~ **QUALIFIED BUSINESS** under this subtitle, including an arrangement under which the Corporation's investment in the ~~business enterprise~~ **QUALIFIED BUSINESS** is recovered through:

(i) a requirement that the Corporation receive a proportion of cash flow, commission, royalty, or payment on a patent; ~~for~~

(ii) the repurchase from the Corporation of any evidence of financial participation, including a note, stock, bond, or debenture; ~~OR~~

~~(iii) THE RECOVERY OF A GRANT, A LOAN, OR AN EQUITY INVESTMENT IN A BUSINESS ENTERPRISE THAT FAILS TO MAINTAIN ITS STATUS AS A BUSINESS ENTERPRISE, AS DEFINED IN § 10-468 OF THIS SUBTITLE;~~

(8) repayment of a conditional grant extended by the Corporation;

(9) money deposited into the Fund under § 10-492(c)(2)(i) of this subtitle;
and

(10) any other money made available to the Corporation for the Fund.

~~(f) (c)~~ (1) The Treasurer shall invest money in the Fund in the same manner as other State money.

(2) Any investment earnings of the Fund shall be credited to the Fund.

10-470.

(a) The Corporation may require that all or part of a grant be repaid, with interest at a rate the Corporation sets, when conditions specified by the Corporation occur.

(b) (1) Whenever the Corporation is authorized by law to make a grant, including a grant from the Economic Development Opportunities Program Account authorized under § 7-314 of the State Finance and Procurement Article, the Corporation may use money appropriated for the grant to make an equity investment in a [business enterprise] QUALIFIED BUSINESS.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, in making an equity investment under this subtitle, the Corporation may not acquire an ownership interest in an enterprise that exceeds 25%.

(ii) In making an equity investment under this subtitle in one or more venture or private equity firms, the Corporation may acquire an ownership interest exceeding 25%.

(3) Within 15 years after making an equity investment under this subtitle, the Corporation shall divest itself of that investment.

(4) The liability of the State and the Corporation in making an equity investment under this subtitle is limited to the amount of that investment.

[(5) The Corporation shall adopt regulations governing equity investments under this subsection that specify:

(i) the types of business enterprises in which an investment may be made;

(ii) the basic standards an enterprise shall meet to qualify for an investment;

(iii) the amount of money available for investment; and

(iv) the criteria that the Corporation uses to make investment decisions.]

10-474.

There is a Maryland Venture Fund Authority in the Corporation.

10-475.

(a) The Authority consists of the following nine members:

(1) seven members appointed by the Governor with the advice and consent of the Senate;

(2) one member appointed by the President of the Senate; and

(3) one member appointed by the Speaker of the House.

(b) (1) Of the seven members appointed by the Governor:

(i) 1. at least four shall have experience in working with companies that have raised investment capital for seed–stage to venture–stage companies or in providing professional services to the venture capital industry; and

2. one of the four members selected under item 1 of this item shall have experience in higher education research and development and technology transfer projects;

(ii) at least one shall have experience as a small business owner;

(iii) at least one shall have experience as a business executive that has raised venture capital investments; and

(iv) at least one shall be a resident of a rural county in the State.

(2) The Governor shall consider the geographic diversity of the State when appointing members.

(c) The members appointed by the President and the Speaker:

(1) may not be elected officials; and

(2) shall have experience and expertise in venture capital investments.

(d) Each member shall be a resident of the State.

(e) (1) The term of a member is 4 years.

(2) At the end of a term, a member continues to serve until a successor is appointed.

(3) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed.

(4) A member appointed by the Governor may be removed by the Governor with or without cause.

(5) The terms of the members are staggered as required by the terms provided for members of the Authority on July 1, 2011.

(f) [A] IN ADDITION TO THE REQUIREMENTS OF TITLE 5 OF THE GENERAL PROVISIONS ARTICLE, A member of the Authority may not BE EMPLOYED BY OR have any financial interest in a purchaser, qualified business, or venture firm OR HOLD ANY OTHER EMPLOYMENT RELATIONSHIP OR FINANCIAL INTEREST THAT WOULD IMPAIR THE IMPARTIALITY AND INDEPENDENT JUDGMENT OF THE MEMBER.

(G) THE AUTHORITY MAY NOT HAVE ADDITIONAL ADVISORS OR ADVISORY BOARDS, WHETHER ACTING INFORMALLY OR FORMALLY CONSTITUTED, OTHER THAN AS APPOINTED OR DESIGNATED IN THIS SUBTITLE.

10-478.

The Authority shall:

(1) provide advice to and consult with the Corporation in connection with the administration of the Program under this subtitle; AND

(2) **MEET AT LEAST QUARTERLY TO REVIEW THE CORPORATION'S INVESTMENT ~~POLICY AND~~ POLICIES, INVESTMENT DECISIONS ~~FOR THE PROGRAM UNDER THIS SUBTITLE,~~ AND ADHERENCE TO THE STATUTORY AND REGULATORY REQUIREMENTS IMPOSED ON THE CORPORATION.**

10-488.

(b) TO ENSURE THE CORPORATION HAS CONTINUED ACCESS TO THE BEST AVAILABLE AND QUALIFIED VENTURE FIRMS AS WELL AS TO PROVIDE FOR THE REPLACEMENT OF VENTURE FIRMS THAT HAVE BEEN DISQUALIFIED UNDER § 10-494 OF THIS SUBTITLE:

(1) [An] AN applicant shall file an application with the Corporation in the form required by the Corporation[.];

(2) [The] THE application shall include the applicant's most recent financial statements[.];

(3) [The] THE Corporation shall [begin accepting] ACCEPT applications for certification [on or before January 1, 2012.] FOR A PERIOD OF 3 MONTHS AT THE CORPORATION'S CHOOSING, AT THE SAME TIME EACH YEAR; AND

(4) [An application for certification may not be accepted after May 1, 2012] NOTWITHSTANDING THE REQUIREMENTS OF § 10-494(B) OF THIS SUBTITLE, WHEN ONE OR MORE VENTURE FIRMS HAVE BEEN DISQUALIFIED UNDER § 10-494 OF THIS SUBTITLE, THE CORPORATION MAY RECEIVE APPLICATIONS, FOR A PERIOD OF NOT LESS THAN 2 MONTHS, AT ANY TIME DURING THE CALENDAR YEAR.

(c) To be certified as a venture firm:

(1) the applicant must have, at the time of application, an equity capitalization, net assets, or written commitments of at least \$500,000 in the form of cash or cash equivalents; [and]

(2) at least two principals or persons employed to direct the investment of the designated capital of the applicant must have at least 5 years of money management experience in the venture capital or private equity sectors;

(3) FOR A PERIOD OF 2 YEARS FROM THE DATE OF DISQUALIFICATION, THE APPLICANT MAY NOT BE:

(I) A VENTURE FIRM THAT HAS BEEN DISQUALIFIED UNDER § 10-494 OF THIS SUBTITLE; OR

(II) A FIRM WITH MAJORITY OWNERSHIP COMPOSED OF MEMBERS WHO HAD OWNERSHIP OR LEADERSHIP ROLES IN A FIRM THAT HAS BEEN DISQUALIFIED UNDER § 10-494 OF THIS SUBTITLE.

10-489.

(a) (1) A business that is classified as a qualified business at the time of the first investment in the business by a venture firm, the Enterprise Fund, or the Financing Authority remains classified as a qualified business and may receive follow-on investments from a venture firm, the Enterprise Fund, or the Financing Authority AS PROVIDED UNDER THIS SUBSECTION.

(2) [Except as provided in paragraph (3) of this subsection, a] A follow-on investment [made under this subsection] FROM A VENTURE FIRM is a qualified investment even though the business does not meet the definition of a qualified business at the time of the follow-on investment.

(3) With respect to an investment by the Enterprise Fund or the Financing Authority, a follow-on investment does not qualify as a qualified investment if, at the time of the follow-on investment, the [qualified] business no longer [has its principal business operations in the State] MEETS THE DEFINITION OF A QUALIFIED BUSINESS.

10-494.

(A) EACH VENTURE FIRM SHALL BE REQUIRED TO MAKE EQUITY INVESTMENTS IN AN AMOUNT NOT LESS THAN 50% OF THE CAPITAL ALLOCATED TO QUALIFIED BUSINESSES WITHIN 3 YEARS OF EACH CAPITAL ALLOCATION.

(B) IN REGARDS TO VENTURE FIRMS THAT HAVE RECEIVED AN ALLOCATION BEFORE JUNE 1, 2019, THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION SHALL APPLY AS OF JUNE 1, 2019.

(C) IN THE EVENT THAT A VENTURE FIRM FAILS TO MEET THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION, THE CORPORATION SHALL:

(1) RESCIND THE ALLOCATION AND AUTHORIZATION FOR THAT FIRM FROM THE DATE OF NONCOMPLIANCE WITH SUBSECTION (A) OF THIS SECTION AND REMOVE THAT FIRM'S CERTIFICATION FOR PARTICIPATION IN THE PROGRAM;

(2) CEASE MAKING THE PAYMENT OF MANAGEMENT AND OTHER FEES TO THE VENTURE FUND FROM THE DATE OF NONCOMPLIANCE WITH SUBSECTION (A) OF THIS SECTION; AND

(3) CONSULT AND COORDINATE WITH THE OFFICE OF THE ATTORNEY GENERAL FOR THE RECOVERY OF ANY FUNDS, AS MAY BE NECESSARY.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2019, the Maryland Technology Development Corporation shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the status of the Corporation's efforts to address the findings of the fiscal compliance audit of the Corporation conducted by the Office of Legislative Audits for the period beginning January 7, 2015, and ending April 10, 2018.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1, 2019, the Department of Legislative Services shall review Title 10, Subtitle 4 of the Economic Development Article and make recommendations to the General Assembly on:

(1) how to make Title 10, Subtitle 4 of the Economic Development Article, regarding the Maryland Technology Development Corporation programs, more clear with consistent definitions; and

(2) whether there is language that can be repealed as duplicative or obsolete.

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

Approved by the Governor, May 13, 2019.

Chapter 489

(House Bill 433)

AN ACT concerning

**Maryland Police Training and Standards Commission – Police Officer
Certification – Eligibility
(Freedom to Serve Act)**

FOR the purpose of altering the eligibility requirements for an individual to be certified by the Maryland Police Training and Standards Commission as a police officer to require an individual to be either a United States citizen or a certain permanent legal resident of the United States who is an honorably discharged veteran of the United States armed forces; providing for the termination of a certification under certain circumstances; ~~providing for the construction of this Act;~~ and generally relating to police officer certification.

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 3–209

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

3–209.

(a) The Commission shall certify as a police officer each individual who:

(1) (i) satisfactorily meets the standards of the Commission; or

(ii) provides the Commission with sufficient evidence that the individual has satisfactorily completed a training program in another state of equal quality and content as required by the Commission;

(2) submits to a psychological evaluation; [and]

(3) submits to a criminal history records check in accordance with § 3–209.1 of this subtitle; AND

(4) (I) IS A UNITED STATES CITIZEN; OR

(II) SUBJECT TO SUBSECTION (B) OF THIS SECTION, IS A PERMANENT LEGAL RESIDENT OF THE UNITED STATES AND AN HONORABLY DISCHARGED VETERAN OF THE UNITED STATES ARMED FORCES, PROVIDED THAT THE INDIVIDUAL HAS APPLIED TO OBTAIN ~~OR AFFIRMS AN INTENT TO OBTAIN~~ UNITED STATES CITIZENSHIP AND THE APPLICATION IS STILL PENDING APPROVAL WITHIN 10 YEARS OF THE EMPLOYMENT START DATE WITH THE LAW ENFORCEMENT AGENCY.

~~(c) (B) THE CERTIFICATION OF A POLICE OFFICER WHO FAILS TO OBTAIN OR APPLY TO OBTAIN UNITED STATES CITIZENSHIP AS REQUIRED BY SUBSECTION~~

~~(A)(4)(II) OF THIS SECTION UNITED STATES CITIZENSHIP WITHIN 10 YEARS OF THE OFFICER'S EMPLOYMENT START DATE WITH THE LAW ENFORCEMENT AGENCY AS REQUIRED BY SUBSECTION (A)(4)(II) OF THIS SECTION SHALL BE TERMINATED BY THE COMMISSION.~~

[(b)] ~~(D)~~ (C) The Commission may certify as a police officer an individual who is not considered a police officer under § 3–201(f)(3) of this subtitle if the individual meets the selection and training standards of the Commission.

[(c)] ~~(E)~~ (D) Each certificate issued to a police officer under this subtitle remains the property of the Commission.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to establish a cause of action against a law enforcement agency for failure to hire an individual who is not a citizen of the United States.~~

SECTION ~~2~~ 3 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, May 13, 2019.

Chapter 490

(Senate Bill 853)

AN ACT concerning

**Maryland Police Training and Standards Commission – Police Officer
Certification – Eligibility
(Freedom to Serve Act)**

FOR the purpose of altering the eligibility requirements for an individual to be certified by the Maryland Police Training and Standards Commission as a police officer to require an individual to be either a United States citizen or a certain permanent legal resident of the United States who is an honorably discharged veteran of the United States armed forces; providing for the termination of a certification under certain circumstances; and generally relating to police officer certification.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–209
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

3–209.

(a) The Commission shall certify as a police officer each individual who:

(1) (i) satisfactorily meets the standards of the Commission; or

(ii) provides the Commission with sufficient evidence that the individual has satisfactorily completed a training program in another state of equal quality and content as required by the Commission;

(2) submits to a psychological evaluation; [and]

(3) submits to a criminal history records check in accordance with § 3–209.1 of this subtitle; AND

(4) (I) IS A UNITED STATES CITIZEN; OR

~~(II) IS A PERMANENT LEGAL RESIDENT OF THE UNITED STATES AND AN HONORABLY DISCHARGED VETERAN OF THE UNITED STATES ARMED FORCES, PROVIDED THAT THE INDIVIDUAL HAS APPLIED TO OBTAIN OR AFFIRMS AN INTENT TO OBTAIN UNITED STATES CITIZENSHIP WITHIN 10 YEARS OF THE EMPLOYMENT START DATE WITH THE LAW ENFORCEMENT AGENCY.~~

(II) SUBJECT TO SUBSECTION (B) OF THIS SECTION, IS A PERMANENT LEGAL RESIDENT OF THE UNITED STATES AND AN HONORABLY DISCHARGED VETERAN OF THE UNITED STATES ARMED FORCES, PROVIDED THAT THE INDIVIDUAL HAS APPLIED TO OBTAIN UNITED STATES CITIZENSHIP AND THE APPLICATION IS STILL PENDING APPROVAL.

~~(B)~~ (B) THE CERTIFICATION OF A POLICE OFFICER WHO FAILS TO OBTAIN OR APPLY TO OBTAIN UNITED STATES CITIZENSHIP AS REQUIRED BY SUBSECTION (A)(4)(II) OF THIS SECTION SHALL BE TERMINATED BY THE COMMISSION.

(b) ~~(D)~~ (C) The Commission may certify as a police officer an individual who is not considered a police officer under § 3–201(f)(3) of this subtitle if the individual meets the selection and training standards of the Commission.

(c) ~~(E)~~ (D) Each certificate issued to a police officer under this subtitle remains the property of the Commission.

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

Approved by the Governor, May 13, 2019.

Chapter 491

(Senate Bill 950)

AN ACT concerning

**Campaign Finance – ~~Death of Candidate – Termination of Campaign Committee~~
Termination of Campaign Finance Entities**

FOR the purpose of authorizing any remaining balance in the account of a certain campaign finance entity before its termination to be paid to a certain legislative party caucus committee; requiring the authorized candidate campaign committee of a candidate who dies to pay outstanding obligations, dispose of remaining funds in a certain manner, and terminate and file a final campaign finance report within a certain period of time after the candidate's death; requiring the treasurer of the candidate's authorized candidate campaign committee to consider the expressed preferences of the candidate, if any, when determining where to dispose of certain funds before disposing of certain funds; making this Act an emergency measure; and generally relating to the termination of ~~the authorized candidate campaign committee of a deceased candidate~~ campaign finance entities.

BY repealing and reenacting, ~~without~~ with amendments,
Article – Election Law
Section 13–247
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

BY adding to
Article – Election Law
Section 13–310.1
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

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

Article – Election Law

13–247.

After all campaign expenditures have been made and before filing a final campaign finance report under Subtitle 3 of this title, any remaining balance in the account of a campaign finance entity shall be returned pro rata to the contributors or paid to:

(1) if the campaign finance entity is a political committee formed to support a candidate or act for a political party:

(i) the State central committee of the political party:

1. of which the candidate is a member; or
2. for which the political committee is acting;

(ii) the local central committee of the political party:

1. of which the candidate is a member in a county in which the candidate resides or which the candidate seeks to represent; or
2. for which the political committee is acting; ~~or~~

(III) THE LEGISLATIVE PARTY CAUCUS COMMITTEE OF THE POLITICAL PARTY:

1. OF WHICH THE CANDIDATE IS A MEMBER; OR

2. FOR WHICH THE POLITICAL COMMITTEE IS ACTING; OR

~~(iii)~~ **(IV)** the board of education of a county in which the candidate resides or which the candidate seeks to represent;

(2) a nonprofit organization that provides services or funds for the benefit of pupils or teachers;

(3) a charitable organization registered or exempt from registration under the Maryland Charitable Solicitations Act;

(4) the Fair Campaign Financing Fund established under § 15–103 of this article; or

(5) a public or private institution of higher education in the State if:

(i) that institution possesses a certificate of approval from the Maryland Higher Education Commission; and

(ii) the payment is designated for use by the institution solely to award scholarships, grants, or loans to students attending the institution.

13-310.1.

(A) WITHIN ~~90~~ ~~120 DAYS~~ 1 YEAR AFTER A CANDIDATE DIES, THE CANDIDATE'S AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE SHALL:

(1) PAY ALL OUTSTANDING OBLIGATIONS;

(2) SUBJECT TO SUBSECTION (B) OF THIS SECTION, DISPOSE OF ANY FUNDS REMAINING AFTER THE PAYMENT OF ALL OUTSTANDING OBLIGATIONS IN ACCORDANCE WITH § 13-247 OF THIS TITLE; AND

(3) TERMINATE AND FILE A FINAL CAMPAIGN FINANCE REPORT.

(B) BEFORE DISPOSING OF ANY FUNDS UNDER SUBSECTION (A)(2) OF THIS SECTION, THE TREASURER OF THE CANDIDATE'S AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE SHALL CONSIDER THE PREFERENCES EXPRESSED BY THE CANDIDATE, IF ANY, WHEN DETERMINING WHERE TO DISPOSE OF ANY FUNDS REMAINING IN THE ACCOUNT OF A CAMPAIGN FINANCE ENTITY.

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

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, May 13, 2019.

Chapter 492

(House Bill 1255)

AN ACT concerning

School Bus Purchasing Transition – Zero-Emission Vehicle Requirement Vehicles – Grant Program and Fund

FOR the purpose of ~~requiring, beginning on a certain date, that each school bus purchased by a county board of education be a zero-emission vehicle; requiring, beginning on a certain date, that each school bus purchased by a certain person for use under a certain contract with a county board be a zero-emission vehicle; defining a certain term; and generally relating to school bus purchases~~ requiring the Department of

the Environment and the Department of Transportation to jointly provide technical assistance to certain entities on certain matters; establishing the Zero-Emission Vehicle School Bus Transition Grant Program; providing for the purpose of the Program; requiring the Department of the Environment, in consultation with the State Department of Education, to implement and administer the Program; providing for the funding of the Program; authorizing the Department of the Environment to adopt certain regulations; establishing the Zero-Emission Vehicle School Bus Transition Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Department of the Environment, in consultation with the State Department of Education, to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; 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; defining certain terms; and generally relating to transitioning to school buses that are zero-emission vehicles.

~~BY adding to~~

~~Article – Education~~

~~Section 7-810~~

~~Annotated Code of Maryland~~

~~(2018 Replacement Volume and 2018 Supplement)~~

BY adding to

Article – Environment

Section 2-1501 through 2-1504 to be under the new subtitle “Subtitle 15.
Zero-Emission Vehicle School Buses”

Annotated Code of Maryland

(2013 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)

BY repealing and reenacting, without amendments,
 Article – Transportation
 Section 23–206.4(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 – ~~Education~~ Environment

SUBTITLE 15. ZERO-EMISSION VEHICLE SCHOOL BUSES.

~~7-810.~~ 2-1501.

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

(B) “FUND” MEANS THE ZERO-EMISSION VEHICLE SCHOOL BUS TRANSITION FUND.

(C) “PROGRAM” MEANS THE ZERO-EMISSION VEHICLE SCHOOL BUS TRANSITION GRANT PROGRAM.

(D) “~~ZERO-EMISSION~~ ZERO-EMISSION VEHICLE” HAS THE MEANING STATED IN § 23–206.4 OF THE TRANSPORTATION ARTICLE.

~~(B) BEGINNING OCTOBER 1, 2022, EACH SCHOOL BUS PURCHASED BY A COUNTY BOARD MUST BE A ZERO-EMISSION VEHICLE.~~

~~(C) BEGINNING OCTOBER 1, 2025, EACH SCHOOL BUS PURCHASED BY A PERSON FOR USE UNDER A CONTRACT WITH A COUNTY BOARD TO PROVIDE TRANSPORTATION SERVICES MUST BE A ZERO-EMISSION VEHICLE.~~

2-1502.

THE DEPARTMENT AND THE DEPARTMENT OF TRANSPORTATION JOINTLY SHALL PROVIDE TECHNICAL ASSISTANCE TO COUNTY BOARDS OF EDUCATION AND ENTITIES THAT CONTRACT WITH COUNTY BOARDS TO PROVIDE TRANSPORTATION SERVICES FOR TRANSITIONING TO THE USE OF SCHOOL BUSES THAT ARE ZERO-EMISSION VEHICLES THROUGHOUT THE STATE.

2-1503.

(A) THERE IS A ZERO-EMISSION VEHICLE SCHOOL BUS TRANSITION GRANT PROGRAM IN THE STATE.

(B) THE PURPOSE OF THE PROGRAM IS TO PROVIDE GRANTS TO COUNTY BOARDS OF EDUCATION AND ENTITIES THAT CONTRACT WITH COUNTY BOARDS TO PROVIDE TRANSPORTATION SERVICES TO:

(1) PURCHASE SCHOOL BUSES THAT ARE ZERO-EMISSION VEHICLES;

(2) INSTALL ELECTRIC VEHICLE INFRASTRUCTURE FOR CHARGING SCHOOL BUSES THAT ARE ZERO-EMISSION VEHICLES;

(3) ENGAGE IN PLANNING FOR A TRANSITION TO USING SCHOOL BUSES THAT ARE ZERO-EMISSION VEHICLES; AND

(4) FUND PILOT PROGRAMS TO EXPERIMENT WITH A TRANSITION TO SCHOOL BUSES THAT ARE ZERO-EMISSION VEHICLES.

(C) THE DEPARTMENT, IN CONSULTATION WITH THE STATE DEPARTMENT OF EDUCATION, SHALL IMPLEMENT AND ADMINISTER THE PROGRAM.

(D) (1) IF THE DEPARTMENT RECEIVES ANY FUNDS AS A RESULT OF A LEGAL SETTLEMENT THAT ARE EARMARKED FOR THE PURPOSE OF TRANSITIONING TO SCHOOL BUSES THAT ARE ZERO-EMISSION VEHICLES, THE FUNDS SHALL BE MADE AVAILABLE TO AWARD GRANTS IN ACCORDANCE WITH THIS SECTION.

(2) IN ADDITION TO ANY FUNDING PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, FUNDING FOR THE PROGRAM CONSISTS OF:

(i) MONEY APPROPRIATED IN THE STATE BUDGET FOR THE PROGRAM; AND

(ii) ANY ADDITIONAL MONEY MADE AVAILABLE TO THE PROGRAM FROM ANY PRIVATE OR PUBLIC SOURCES.

(E) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

2-1504.

(A) THERE IS A ZERO-EMISSION VEHICLE SCHOOL BUS TRANSITION FUND.

(B) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDING FOR THE PROGRAM.

(C) THE DEPARTMENT, IN CONSULTATION WITH THE STATE DEPARTMENT OF EDUCATION, 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) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(2) INTEREST EARNINGS OF THE FUND;

(3) DONATIONS;

(4) MONEY DERIVED FROM LEGAL SETTLEMENTS EARMARKED FOR THE PURPOSE OF TRANSITIONING TO SCHOOL BUSES THAT ARE ZERO-EMISSION VEHICLES; AND

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

(F) THE FUND MAY BE USED ONLY FOR 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.

(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(I) MONEY EXPENDED FROM THE FUND FOR THE PROGRAM IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THE PROGRAM.

Article – State Finance and Procurement

(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 ZERO-EMISSION VEHICLE SCHOOL BUS TRANSITION FUND.

Article – Transportation

23-206.4.

(a) In this section, “zero-emission vehicle” means any vehicle that:

(1) Is determined by the Secretary to be of a type that does not produce any tailpipe or evaporative emissions; and

(2) Has not been altered from the manufacturer’s original specifications.

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

Approved by the Governor, May 13, 2019.

Chapter 493

(Senate Bill 237)

AN ACT concerning

Vehicle Laws – Canceled, Revoked, and Suspended Driver’s Licenses – Penalties

FOR the purpose of altering certain penalties for a person who possesses a canceled,

revoked, or suspended driver's license; and generally relating to penalties for possession of canceled, revoked, or suspended driver's licenses.

BY renumbering

Article – Transportation

Section 16–402(a)(16) through (42), respectively
to be Section 16–402(a)(17) through (43), respectively
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation

Section 16–301(h), (i), and (j)
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 16–301(r)
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

BY adding to

Article – Transportation

Section 16–402(a)(16)
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 16–402(a)(36)
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)
(As enacted by Section 1 of this Act)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 16–402(a)(16) through (42), respectively, of Article – Transportation of the Annotated Code of Maryland be renumbered to be Section(s) 16–402(a)(17) through (43), respectively.

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

Article – Transportation

16–301.

- (h) A person may not possess any canceled license.
- (i) A person may not possess any revoked license.
- (j) A person may not possess any suspended license.

(r) (1) Except as provided in [paragraph] PARAGRAPHS (2) AND (3) of this subsection, a person convicted of a violation of this section is subject to imprisonment not exceeding 2 months or a fine not exceeding \$500 or both.

(2) A person convicted of a violation of subsection (a) or (b) of this section is subject to imprisonment not exceeding 3 years or a fine not exceeding \$2,500 or both.

(3) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (H), (I), OR (J) OF THIS SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$500.

16–402.

(a) After the conviction of an individual for a violation of Title 2, Subtitle 5, § 2–209, § 3–211, or § 10–110 of the Criminal Law Article, or of the vehicle laws or regulations of this State or of any local authority, points shall be assessed against the individual as of the date of violation and as follows:

(16) A VIOLATION OF § 16–301(H), (I), OR (J) OF THIS TITLE....3 POINTS

(36) Any violation of [§ 16–301] § 16–301(A) THROUGH (G) OR (K) THROUGH (Q), § 16–302, § 16–804, or § 16–808(a)(1) through (9) or (b) of this title.....12 points

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

Approved by the Governor, May 13, 2019.

Chapter 494

(House Bill 76)

AN ACT concerning

Vehicle Laws – Canceled, Revoked, and Suspended Driver’s Licenses – Penalties

FOR the purpose of altering certain penalties for a person who possesses a canceled, revoked, or suspended driver's license; and generally relating to penalties for possession of canceled, revoked, or suspended driver's licenses.

BY renumbering

Article – Transportation

Section 16–402(a)(16) through (42), respectively
to be Section 16–402(a)(17) through (43), respectively
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation

Section 16–301(h), (i), and (j)
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 16–301(r)
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

BY adding to

Article – Transportation

Section 16–402(a)(16)
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 16–402(a)(36)
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)
(As enacted by Section 1 of this Act)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 16–402(a)(16) through (42), respectively, of Article – Transportation of the Annotated Code of Maryland be renumbered to be Section(s) 16–402(a)(17) through (43), respectively.

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

Article – Transportation

16–301.

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(2) A person convicted of a violation of subsection (a) or (b) of this section is subject to imprisonment not exceeding 3 years or a fine not exceeding \$2,500 or both.

(3) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (H), (I), OR (J) OF THIS SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$500.

16-402.

(a) After the conviction of an individual for a violation of Title 2, Subtitle 5, § 2-209, § 3-211, or § 10-110 of the Criminal Law Article, or of the vehicle laws or regulations of this State or of any local authority, points shall be assessed against the individual as of the date of violation and as follows:

(16) A VIOLATION OF § 16-301(H), (I), OR (J) OF THIS TITLE...3 POINTS

(36) Any violation of [§ 16-301] § 16-301(A) THROUGH (G) OR (K) THROUGH (Q), § 16-302, § 16-804, or § 16-808(a)(1) through (9) or (b) of this title.....12 points

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

Approved by the Governor, May 13, 2019.

Chapter 495

(Senate Bill 842)

AN ACT concerning

Criminal Law – Gaming – Civil Offense

FOR the purpose of altering the penalty for certain conduct relating to betting, wagering, or gambling; making certain conduct relating to betting, wagering, or gambling a civil offense; establishing that adjudication of a violation under a certain provision of this Act is not a criminal conviction for any purpose and does not impose any of the civil disabilities that may result from a criminal conviction; altering certain penalties; authorizing a certain police officer to issue a certain citation under certain circumstances; establishing certain requirements for a citation issued under this Act; requiring the form of a certain citation to be uniform throughout the State and to be prescribed by the District Court; requiring the Chief Judge of the District Court to establish a schedule for the prepayment of a certain fine; requiring a certain issuing jurisdiction to forward a copy of a certain citation and request for trial to a certain court; providing that a person may request a trial in a certain manner within a certain time period after the issuance of a citation; providing that the District Court may impose a certain fine and costs and find a person guilty of a certain violation under certain circumstances; providing that a certain defendant is liable for certain costs of a certain proceeding; specifying the costs of a certain proceeding; providing that the State has the burden to prove the guilt of a certain defendant by a certain standard; requiring a court to apply certain evidentiary standards; requiring a court to ensure that a certain defendant has received a copy of certain charges and that the defendant understands those charges; providing that a certain defendant is entitled to take certain actions under certain circumstances; providing that a certain defendant is entitled to be represented by a certain counsel at the expense of the defendant; authorizing a certain defendant to enter a certain plea; specifying a certain verdict; authorizing a certain State's Attorney to prosecute a certain Code violation in a certain manner; providing that a certain person under a certain age who is issued a citation for a certain violation is subject to certain procedures and dispositions; making certain conforming changes; and generally relating to gaming.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 12–102 and 12–103
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 – Criminal Law

12–102.

(a) A person may not:

(1) [bet, wager, or gamble;

(2)] make or sell a book or pool on the result of a race, contest, or contingency;

[(3)] (2) establish, keep, rent, use, or occupy, or knowingly allow to be established, kept, rented, used, or occupied, all or a part of a building, vessel, or place, on land or water, within the State, for the purpose of:

- (i) betting, wagering, or gambling; or
- (ii) making, selling, or buying books or pools on the result of a race, contest, or contingency; or

[(4)] (3) receive, become the depository of, record, register, or forward, or propose, agree, or pretend to forward, money or any other thing or consideration of value, to be bet, wagered, or gambled on the result of a race, contest, or contingency.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment **[for not less than 6 months and] not exceeding [1 year or a fine of not less than \$200 and not exceeding \$1,000 or both] 6 MONTHS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

(c) (1) The provisions of this subsection apply only in Baltimore City.

(2) A person who violates this section may be charged by a citation.

(3) A citation for a violation of this section may be issued to a person by a police officer authorized to make arrests in Baltimore City if there is probable cause to believe that the person is committing or has committed a violation of this section.

(4) A citation issued under this subsection shall contain:

- (i) the name and address of the person charged;
- (ii) the statute allegedly violated;
- (iii) the location, date, and time that the violation occurred;
- (iv) the fine or term of imprisonment that may be imposed;
- (v) a notice stating that prepayment of a fine is not allowed;
- (vi) a notice that the court shall promptly send the person charged a summons to appear for trial; and
- (vii) the signature of the police officer issuing the citation.

(5) (i) The police officer who issued the citation shall forward to the appropriate court a copy of the citation.

(ii) The court shall promptly schedule the case for trial and summon the defendant to appear.

(iii) Willful failure of the defendant to respond to the summons is contempt of court.

12-103.

(a) For money or any other thing or consideration of value, a person may not [play]:

(1) [the game called “thimbles”;

(2) the game called “little joker”;

(3) dice or the game commonly called “craps”] **BET, WAGER, OR GAMBLE;**

or

[(4) (2) PLAY any other gaming device or fraudulent trick.

[(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment for not less than 6 months and not exceeding 2 years or a fine not exceeding \$100 or both.]

(B) (1) A VIOLATION OF THIS SECTION IS A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING:

(I) \$500, IF THE VIOLATION INVOLVES MONEY OR ANY OTHER THING OR CONSIDERATION OF VALUE NOT EXCEEDING \$100; OR

(II) \$1,000, IF THE VIOLATION INVOLVES MONEY OR ANY OTHER THING OR CONSIDERATION OF VALUE THAT EXCEEDS \$100.

(2) ADJUDICATION OF A VIOLATION UNDER THIS SECTION:

(I) IS NOT A CRIMINAL CONVICTION FOR ANY PURPOSE; AND

(II) DOES NOT IMPOSE ANY OF THE CIVIL DISABILITIES THAT MAY RESULT FROM A CRIMINAL CONVICTION.

(C) (1) A CITATION FOR A VIOLATION OF THIS SECTION MAY BE ISSUED TO A PERSON BY A POLICE OFFICER AUTHORIZED TO MAKE ARRESTS IF THERE IS PROBABLE CAUSE TO BELIEVE THAT THE PERSON IS COMMITTING OR HAS COMMITTED A VIOLATION OF THIS SECTION.

- (2) A CITATION ISSUED UNDER THIS SUBSECTION SHALL CONTAIN:
- (I) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE PERSON CHARGED;
 - (II) THE STATUTE ALLEGEDLY VIOLATED;
 - (III) THE DATE AND TIME THAT THE VIOLATION OCCURRED;
 - (IV) THE LOCATION AT WHICH THE VIOLATION OCCURRED;
 - (V) THE FINE THAT MAY BE IMPOSED;
 - (VI) A NOTICE STATING THAT PREPAYMENT OF THE FINE IS ALLOWED;
 - (VII) A NOTICE IN BOLDFACE TYPE THAT STATES THAT THE PERSON SHALL:
 - 1. PAY THE FULL AMOUNT OF THE PRESET FINE; OR
 - 2. REQUEST A TRIAL DATE AT THE DATE, TIME, AND PLACE ESTABLISHED BY THE DISTRICT COURT BY WRIT OR TRIAL NOTICE; AND
 - (VIII) THE SIGNATURE OF THE POLICE OFFICER ISSUING THE CITATION.
- (3) THE FORM OF THE CITATION SHALL BE UNIFORM THROUGHOUT THE STATE AND SHALL BE PRESCRIBED BY THE DISTRICT COURT.
- (4) (I) THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ESTABLISH A SCHEDULE FOR THE PREPAYMENT OF A FINE.
- (II) PREPAYMENT OF A FINE SHALL BE CONSIDERED A PLEA OF GUILTY TO A CODE VIOLATION.
- (5) THE ISSUING JURISDICTION SHALL FORWARD A COPY OF THE CITATION AND A REQUEST FOR TRIAL TO THE DISTRICT COURT IN THE DISTRICT HAVING VENUE.

(6) A PERSON MAY REQUEST A TRIAL BY SENDING A REQUEST FOR TRIAL TO THE DISTRICT COURT IN THE JURISDICTION WHERE THE CITATION WAS ISSUED WITHIN 30 DAYS AFTER THE ISSUANCE OF THE CITATION.

(7) IF A PERSON DOES NOT REQUEST A TRIAL OR PREPAY THE FINE WITHIN 30 DAYS AFTER THE ISSUANCE OF THE CITATION, THE DISTRICT COURT MAY IMPOSE THE MAXIMUM FINE AND COSTS AGAINST THE PERSON AND FIND THE PERSON GUILTY OF A CODE VIOLATION FOR THE PURPOSES OF THIS SECTION.

(8) (I) THE DEFENDANT IS LIABLE FOR THE COSTS OF THE PROCEEDINGS IN THE DISTRICT COURT.

(II) THE COURT COSTS IN A CODE VIOLATION CASE UNDER THIS SECTION IN WHICH COSTS ARE IMPOSED ARE \$5.

(D) IN ANY PROCEEDING FOR A CODE VIOLATION UNDER THIS SECTION:

(1) THE STATE HAS THE BURDEN TO PROVE THE GUILT OF THE DEFENDANT BY A PREPONDERANCE OF THE EVIDENCE;

(2) THE COURT SHALL APPLY THE EVIDENTIARY STANDARDS AS PRESCRIBED BY LAW OR RULE FOR THE TRIAL OF A CRIMINAL CASE;

(3) THE COURT SHALL ENSURE THAT THE DEFENDANT HAS RECEIVED A COPY OF THE CHARGES AGAINST THE DEFENDANT AND THAT THE DEFENDANT UNDERSTANDS THOSE CHARGES;

(4) THE DEFENDANT IS ENTITLED TO CROSS-EXAMINE ALL WITNESSES WHO APPEAR AGAINST THE DEFENDANT, TO PRODUCE EVIDENCE OR WITNESSES ON BEHALF OF THE DEFENDANT, AND TO TESTIFY ON THE DEFENDANT'S OWN BEHALF, IF THE DEFENDANT CHOOSES TO DO SO;

(5) THE DEFENDANT IS ENTITLED TO BE REPRESENTED BY COUNSEL OF THE DEFENDANT'S CHOICE AND AT THE EXPENSE OF THE DEFENDANT; AND

(6) THE DEFENDANT MAY ENTER A PLEA OF GUILTY OR NOT GUILTY, AND THE VERDICT OF THE COURT IN THE CASE SHALL BE:

(I) GUILTY OF A CODE VIOLATION;

(II) NOT GUILTY OF A CODE VIOLATION; OR

(III) PROBATION BEFORE JUDGMENT, IMPOSED BY THE COURT IN THE SAME MANNER AND TO THE SAME EXTENT AS IS ALLOWED BY LAW IN THE TRIAL OF A CRIMINAL CASE.

(E) (1) THE STATE'S ATTORNEY FOR ANY COUNTY MAY PROSECUTE A CODE VIOLATION UNDER THIS SECTION IN THE SAME MANNER AS PROSECUTION OF A VIOLATION OF THE CRIMINAL LAWS OF THE STATE.

(2) IN A CODE VIOLATION CASE UNDER THIS SECTION, THE STATE'S ATTORNEY MAY:

(I) ENTER A NOLLE PROSEQUI OR MOVE TO PLACE THE CASE ON THE STET DOCKET; AND

(II) EXERCISE AUTHORITY IN THE SAME MANNER AS PRESCRIBED BY LAW FOR VIOLATION OF THE CRIMINAL LAWS OF THE STATE.

(F) A PERSON ISSUED A CITATION FOR A VIOLATION OF THIS SECTION WHO IS UNDER THE AGE OF 18 YEARS SHALL BE SUBJECT TO THE PROCEDURES AND DISPOSITIONS PROVIDED IN TITLE 3, SUBTITLE 8A OF THE COURTS ARTICLE.

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

Approved by the Governor, May 13, 2019.

Chapter 496

(Senate Bill 334)

AN ACT concerning

County Boards of Education – Appointment to Fill a Vacancy of an Elected Member – Candidate Information Requests

FOR the purpose of requiring ~~a county board of education~~ a certain appointing authority, on request, to provide a list of the names of the candidates to fill a vacancy of an elected member of a county board of education in a certain manner; defining a certain term; and generally relating to candidate information requests regarding appointments to fill a vacancy of an elected member of a county board.

BY adding to
Article – Education

Section 4-135
 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

4-135.

(A) IN THIS SECTION, “APPOINTING AUTHORITY” MEANS THE INDIVIDUAL OR ENTITY THAT IS RESPONSIBLE FOR APPOINTING A QUALIFIED INDIVIDUAL TO FILL A VACANCY OF AN ELECTED MEMBER OF A COUNTY BOARD.

(B) ON REQUEST, ~~A COUNTY BOARD~~ AN APPOINTING AUTHORITY SHALL PROVIDE A LIST OF THE NAMES OF THE CANDIDATES FOR A VACANCY OF AN ELECTED MEMBER OF A COUNTY BOARD:

(1) TO THE INDIVIDUAL MAKING THE REQUEST; OR

(2) BY PUBLICATION ON THE WEBSITE OF THE ~~COUNTY BOARD~~ APPOINTING AUTHORITY.

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

Approved by the Governor, May 13, 2019.

Chapter 497

(Senate Bill 1043)

AN ACT concerning

**Children in Need of Assistance – Qualified Residential Treatment Programs
 (Family First Prevention Services Act)**

FOR the purpose of requiring the juvenile court to conduct a hearing to review the status of a child placed in a qualified residential treatment program and make a certain determination within a certain period of time after the child enters the placement; requiring the juvenile court to review a certain assessment and consider certain factors at a certain hearing; requiring the juvenile court to state, in writing, the reasons for its decision to approve or disapprove the continued placement of a child

in a qualified residential program; requiring the juvenile court to consider certain factors when reviewing the permanency plan of a child placed in a qualified residential treatment program; defining a certain term; and generally relating to children placed in qualified residential treatment programs.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–801, 3–816.2, and 3–823(h)
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.

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

(b) “Abuse” means:

(1) Sexual abuse of a child, whether a physical injury is sustained or not;

or

(2) Physical or mental injury of a child under circumstances that indicate that the child’s health or welfare is harmed or is at substantial risk of being harmed by:

(i) A parent or other individual who has permanent or temporary care or custody or responsibility for supervision of the child; or

(ii) A household or family member.

(c) “Adjudicatory hearing” means a hearing under this subtitle to determine whether the allegations in the petition, other than the allegation that the child requires the court’s intervention, are true.

(d) “Adult” means an individual who is at least 18 years old.

(e) “Child” means an individual under the age of 18 years.

(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.

(h) "Commit" means to transfer custody.

(i) "Court" means the circuit court for a county sitting as the juvenile court.

(j) "Custodian" means a person or governmental agency to whom custody of a child has been given by order of court, including a court other than the juvenile court.

(k) "Custody" means the right and obligation, unless otherwise determined by the court, to provide ordinary care for a child and determine placement.

(l) "Developmental disability" means a severe chronic disability of an individual that:

(1) Is attributable to a physical or mental impairment, other than the sole diagnosis of mental illness, or to a combination of mental and physical impairments;

(2) Is likely to continue indefinitely;

(3) Results in an inability to live independently without external support or continuing and regular assistance; and

(4) Reflects the need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are individually planned and coordinated for the individual.

(m) "Disposition hearing" means a hearing under this subtitle to determine:

(1) Whether a child is in need of assistance; and

(2) If so, the nature of the court's intervention to protect the child's health, safety, and well-being.

(n) "Guardian" means a person to whom guardianship of a child has been given by order of court, including a court other than the juvenile court.

(o) "Guardianship" means an award by a court, including a court other than the juvenile court, of the authority to make ordinary and emergency decisions as to the child's care, welfare, education, physical and mental health, and the right to pursue support.

(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.

(q) (1) “Mental disorder” means a behavioral or emotional illness that results from a psychiatric or neurological disorder.

(2) “Mental disorder” includes a mental illness that so substantially impairs the mental or emotional functioning of an individual as to make care or treatment necessary or advisable for the welfare of the individual or for the safety of the person or property of another.

(3) “Mental disorder” does not include mental retardation.

(r) “Mental injury” means the observable, identifiable, and substantial impairment of a child’s mental or psychological ability to function.

(s) “Neglect” means the leaving of a child unattended or other failure to give proper care and attention to a child by any parent or individual who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate:

(1) That the child’s health or welfare is harmed or placed at substantial risk of harm; or

(2) That the child has suffered mental injury or been placed at substantial risk of mental injury.

(t) “Parent” means a natural or adoptive parent whose parental rights have not been terminated.

(u) (1) “Party” means:

(i) A child who is the subject of a petition;

(ii) The child’s parent, guardian, or custodian;

(iii) The petitioner; or

(iv) An adult who is charged under § 3–828 of this subtitle.

(2) “Party” does not include a foster parent.

(v) “QUALIFIED RESIDENTIAL TREATMENT PROGRAM” MEANS A PROGRAM WITHIN A LICENSED CHILD CARE INSTITUTION THAT PROVIDES CONTINUOUS, 24-HOUR CARE AND SUPPORTIVE SERVICES TO CHILDREN IN A RESIDENTIAL,

NONFAMILY HOME SETTING THAT:

(1) HAS A TRAUMA-INFORMED TREATMENT MODEL THAT IS DESIGNED TO ADDRESS THE CLINICAL AND OTHER NEEDS OF CHILDREN WITH SERIOUS EMOTIONAL OR BEHAVIORAL DISORDERS OR DISTURBANCES;

(2) IS ABLE TO IMPLEMENT THE SPECIFIC TREATMENT RECOMMENDED IN AN ASSESSMENT COMPLETED BY A QUALIFIED INDIVIDUAL;

(3) HAS REGISTERED OR LICENSED NURSING STAFF AND OTHER LICENSED CLINICAL STAFF WHO ARE:

(I) ON SITE ACCORDING TO THE TREATMENT MODEL AND DURING BUSINESS HOURS; AND

(II) AVAILABLE 24 HOURS A DAY, 7 DAYS A WEEK;

(4) APPROPRIATELY FACILITATES OUTREACH TO FAMILY MEMBERS AND INTEGRATES THE FAMILY MEMBERS INTO THE TREATMENT OF THE CHILDREN; AND

(5) IS ABLE TO PROVIDE DISCHARGE PLANNING THAT:

(I) PROVIDES FAMILY-BASED AFTERCARE SUPPORT FOR AT LEAST 6 MONTHS FOLLOWING DISCHARGE;

(II) IS LICENSED IN ACCORDANCE WITH § 471(A)(10) OF THE SOCIAL SECURITY ACT; AND

(III) IS ACCREDITED BY AN APPROVED INDEPENDENT NONPROFIT ORGANIZATION.

[(v)] (w) “Reasonable efforts” means efforts that are reasonably likely to achieve the objectives set forth in § 3-816.1(b)(1) and (2) of this subtitle.

[(w)] (x) “Relative” means an individual who is:

(1) Related to the child by blood or marriage within five degrees of consanguinity or affinity under the civil law; and

(2) (i) At least 21 years old; or

(ii) 1. At least 18 years old; and

2. Lives with a spouse who is at least 21 years old.

[(x)] (Y) “Sex trafficking” means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a child for the purpose of a commercial sex act.

[(y)] (Z) “Sexual abuse” means an act that involves:

- (1) Sexual molestation or exploitation of a child by:
 - (i) A parent or other individual who has permanent or temporary care or custody or responsibility for supervision of the child; or
 - (ii) A household or family member; or
- (2) Sex trafficking of a child by any individual.

[(z)] (AA) “Sexual molestation or exploitation” includes:

- (1) Allowing or encouraging a child to engage in:
 - (i) Obscene photography, films, poses, or similar activity;
 - (ii) Pornographic photography, films, poses, or similar activity; or
 - (iii) Prostitution;
- (2) Incest;
- (3) Rape;
- (4) Sexual offense in any degree;
- (5) Sodomy; and
- (6) Unnatural or perverted sexual practices.

[(aa)] (BB) “Shelter care” means a temporary placement of a child outside of the home at any time before disposition.

[(bb)] (CC) “Shelter care hearing” means a hearing held before disposition to determine whether the temporary placement of the child outside of the home is warranted.

[(cc)] (DD) “TPR proceeding” means a proceeding to terminate parental rights.

[(dd)] (EE) “Voluntary placement” means a placement in accordance with §

5–525(b)(1)(i) or (iii) or (3) of the Family Law Article.

[(ee)] (FF) “Voluntary placement hearing” means a hearing to obtain a judicial determination as to whether continuing a voluntary placement is in the best interests of the child.

3–816.2.

(a) (1) [The] **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE** court shall conduct a hearing to review the status of each child under its jurisdiction within 6 months after the filing of the first petition under this subtitle and at least every 6 months thereafter.

(2) At a review hearing under this section, the court shall:

(i) Evaluate the safety of the child;

(ii) Determine the continuing necessity for and appropriateness of any out-of-home placement;

(iii) Determine the appropriateness of and extent of compliance with the case plan for the child;

(iv) Determine the extent of progress that has been made toward alleviating or mitigating the causes necessitating the court’s jurisdiction; and

(v) Project a reasonable date by which the child may be returned to and safely maintained in the home or placed for adoption or under a legal guardianship.

(B) (1) THE COURT SHALL CONDUCT A HEARING TO REVIEW THE STATUS OF A CHILD PLACED IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM AND DETERMINE THE APPROPRIATENESS OF PLACEMENT WITHIN 60 DAYS AFTER THE CHILD ENTERS THE PLACEMENT.

(2) AT A HEARING UNDER THIS SUBSECTION, THE COURT SHALL:

(I) REVIEW THE ASSESSMENT OF THE CHILD CONDUCTED BY A QUALIFIED INDIVIDUAL;

(II) CONSIDER WHETHER THE NEEDS OF THE CHILD CAN BE MET THROUGH PLACEMENT IN A FOSTER FAMILY HOME;

(III) CONSIDER WHETHER PLACEMENT OF THE CHILD IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM PROVIDES THE MOST EFFECTIVE AND APPROPRIATE CARE FOR THE CHILD IN THE LEAST RESTRICTIVE

ENVIRONMENT; AND

(IV) CONSIDER WHETHER PLACEMENT OF THE CHILD IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM IS CONSISTENT WITH THE SHORT-TERM AND LONG-TERM GOALS FOR THE CHILD AS SPECIFIED IN THE PERMANENCY PLAN.

(3) THE COURT SHALL STATE, IN WRITING, THE REASONS FOR ITS DECISION TO APPROVE OR DISAPPROVE THE CONTINUED PLACEMENT OF A CHILD IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM UNDER THIS SUBSECTION.

[(b)] (C) If a permanency plan for the child has been determined under § 3–823 of this subtitle, a review hearing conducted by the court under § 3–823(h) of this subtitle shall satisfy the requirements of this section.

3–823.

(h) (1) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, the court shall conduct a hearing to review the permanency plan at least every 6 months until commitment is rescinded or a voluntary placement is terminated.

(ii) The court shall conduct a review hearing every 12 months after the court determines that the child shall be continued in out-of-home placement with a specific caregiver who agrees to care for the child on a permanent basis.

(iii) 1. Unless the court finds good cause, a case shall be terminated after the court grants custody and guardianship of the child to a relative or other individual.

2. If the court finds good cause not to terminate a case, the court shall conduct a review hearing every 12 months until the case is terminated.

3. The court may not conclude a review hearing under subparagraph 2 of this subparagraph unless the court has seen the child in person.

(2) At the review hearing, the court shall:

(i) Determine the continuing necessity for and appropriateness of the commitment;

(ii) Determine and document in its order whether reasonable efforts have been made to finalize the permanency plan that is in effect;

(iii) Determine the extent of progress that has been made toward alleviating or mitigating the causes necessitating commitment;

(iv) Project a reasonable date by which a child in placement may be returned home, placed in a preadoptive home, or placed under a legal guardianship;

(v) Evaluate the safety of the child and take necessary measures to protect the child;

(vi) Change the permanency plan if a change in the permanency plan would be in the child's best interest; and

(vii) For a child with a developmental disability, direct the provision of services to obtain ongoing care, if any, needed after the court's jurisdiction ends.

(3) (I) FOR A CHILD PLACED IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM, THE COURT SHALL:

1. DETERMINE WHETHER THE ONGOING NEEDS ASSESSMENTS OF THE CHILD SUPPORT CONTINUED PLACEMENT OF THE CHILD IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM;

2. DETERMINE WHETHER PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM PROVIDES THE MOST EFFECTIVE AND APPROPRIATE LEVEL OF CARE FOR THE CHILD IN THE LEAST RESTRICTIVE ENVIRONMENT; AND

3. DETERMINE WHETHER THE CONTINUED PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM IS CONSISTENT WITH THE SHORT-TERM AND LONG-TERM GOALS FOR THE CHILD AS SPECIFIED IN THE PERMANENCY PLAN.

(II) THE COURT SHALL STATE, IN WRITING, THE REASONS FOR ITS DECISION TO APPROVE OR DISAPPROVE THE CONTINUED PLACEMENT OF A CHILD IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM UNDER THIS PARAGRAPH.

[(3)] (4) Every reasonable effort shall be made to effectuate a permanent placement for the child within 24 months after the date of initial placement.

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

Approved by the Governor, May 13, 2019.

Chapter 498
(House Bill 932)

AN ACT concerning

Maryland Trust Act – Division or Consolidation of Trust

FOR the purpose of authorizing a trustee to divide a trust into two or more separate trusts or consolidate two or more trusts into a single trust if a beneficiary does not object in writing within a certain time frame; requiring a trustee to divide a trust into two or more separate trusts or consolidate two or more trusts into a single trust in a certain manner; and generally relating to the division or consolidation of trusts.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 14.5–415
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

14.5–415.

(a) (1) Subject to the provisions of paragraph (2) of this subsection, on petition by a trustee, personal representative, beneficiary, or party in interest, after notice as the court may direct to the trustees, personal representatives, beneficiaries, and parties in interest, and for good cause shown, a court may:

- (i) Divide a trust into two or more separate trusts; or
- (ii) Consolidate two or more trusts into a single trust.

(2) A court may divide a trust or consolidate trusts:

- (i) On terms and conditions as the court considers appropriate; and
- (ii) If the court is satisfied that a division of a trust or consolidation of trusts will not defeat or materially impair:
 - 1. The accomplishment of trust purposes; or
 - 2. The interests of the beneficiaries.

(3) A court may pass orders that the court considers proper or necessary to protect the interests of:

- (i) A trustee;
- (ii) A personal representative;
- (iii) A beneficiary; or
- (iv) A party in interest.

(b) [This] **SUBSECTION (A) OF THIS** section may not be construed to limit the right of a trustee or personal representative to divide a trust or consolidate trusts, without an order of a court, in accordance with the applicable provisions of the governing instrument.

(C) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, IF A TRUST INSTRUMENT DOES NOT PROVIDE FOR THE CONSOLIDATION OR DIVISION OF A TRUST, A TRUSTEE MAY, WITHOUT AN ORDER OF A COURT:

- (I) DIVIDE A TRUST INTO TWO OR MORE SEPARATE TRUSTS; OR**
- (II) CONSOLIDATE TWO OR MORE TRUSTS INTO A SINGLE**

TRUST.

(2) A TRUSTEE MAY NOT DIVIDE A TRUST INTO TWO OR MORE SEPARATE TRUSTS OR CONSOLIDATE TWO OR MORE TRUSTS INTO A SINGLE TRUST IF A BENEFICIARY OBJECTS IN WRITING WITHIN 30 DAYS AFTER THE TRUSTEE PROVIDED NOTICE UNDER § 14.5–109 OF THIS TITLE.

(3) A TRUSTEE MAY DIVIDE A TRUST OR CONSOLIDATE TRUSTS:

(I) ON TERMS AND CONDITIONS AS THE TRUSTEE CONSIDERS APPROPRIATE;

(II) IF THE DIVISION OF A TRUST OR CONSOLIDATION OF A TRUST GRANTS BENEFICIAL INTERESTS TO THE BENEFICIARIES THAT, IN THE AGGREGATE, ARE SUBSTANTIALLY SIMILAR TO THE INTERESTS THE BENEFICIARIES HAD BEFORE THE DIVISION OF THE TRUST OR CONSOLIDATION OF THE TRUST; AND

(III) IF THE TRUSTEE IS SATISFIED THAT A DIVISION OF A TRUST OR CONSOLIDATION OF TRUSTS WILL NOT DEFEAT OR MATERIALLY IMPAIR:

- 1. THE ACCOMPLISHMENT OF TRUST PURPOSES; OR**

2. THE INTERESTS OF THE BENEFICIARIES.

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

Approved by the Governor, May 13, 2019.

Chapter 499**(Senate Bill 382)**

AN ACT concerning

Maryland Trust Act – Division or Consolidation of Trust

FOR the purpose of authorizing a trustee to divide a trust into two or more separate trusts or consolidate two or more trusts into a single trust if a beneficiary does not object in writing within a certain time frame; requiring a trustee to divide a trust into two or more separate trusts or consolidate two or more trusts into a single trust in a certain manner; and generally relating to the division or consolidation of trusts.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 14.5–415
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

14.5–415.

(a) (1) Subject to the provisions of paragraph (2) of this subsection, on petition by a trustee, personal representative, beneficiary, or party in interest, after notice as the court may direct to the trustees, personal representatives, beneficiaries, and parties in interest, and for good cause shown, a court may:

- (i) Divide a trust into two or more separate trusts; or
- (ii) Consolidate two or more trusts into a single trust.

(2) A court may divide a trust or consolidate trusts:

- (i) On terms and conditions as the court considers appropriate; and
- (ii) If the court is satisfied that a division of a trust or consolidation of trusts will not defeat or materially impair:
 - 1. The accomplishment of trust purposes; or
 - 2. The interests of the beneficiaries.
- (3) A court may pass orders that the court considers proper or necessary to protect the interests of:
 - (i) A trustee;
 - (ii) A personal representative;
 - (iii) A beneficiary; or
 - (iv) A party in interest.

(b) [This] **SUBSECTION (A) OF THIS** section may not be construed to limit the right of a trustee or personal representative to divide a trust or consolidate trusts, without an order of a court, in accordance with the applicable provisions of the governing instrument.

(C) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, IF A TRUST INSTRUMENT DOES NOT PROVIDE FOR THE CONSOLIDATION OR DIVISION OF A TRUST, A TRUSTEE MAY, WITHOUT AN ORDER OF A COURT:

(I) DIVIDE A TRUST INTO TWO OR MORE SEPARATE TRUSTS; OR

(II) CONSOLIDATE TWO OR MORE TRUSTS INTO A SINGLE TRUST.

(2) A TRUSTEE MAY NOT DIVIDE A TRUST INTO TWO OR MORE SEPARATE TRUSTS OR CONSOLIDATE TWO OR MORE TRUSTS INTO A SINGLE TRUST IF A BENEFICIARY OBJECTS IN WRITING WITHIN 30 DAYS AFTER THE TRUSTEE PROVIDED NOTICE UNDER § 14.5–109 OF THIS TITLE.

(3) A TRUSTEE MAY DIVIDE A TRUST OR CONSOLIDATE TRUSTS:

(I) ON TERMS AND CONDITIONS AS THE TRUSTEE CONSIDERS APPROPRIATE;

(II) IF THE DIVISION OF A TRUST OR CONSOLIDATION OF A TRUST GRANTS BENEFICIAL INTERESTS TO THE BENEFICIARIES THAT, IN THE AGGREGATE, ARE SUBSTANTIALLY SIMILAR TO THE INTERESTS THE BENEFICIARIES HAD BEFORE THE DIVISION OF THE TRUST OR CONSOLIDATION OF THE TRUST; AND

(III) IF THE TRUSTEE IS SATISFIED THAT A DIVISION OF A TRUST OR CONSOLIDATION OF TRUSTS WILL NOT DEFEAT OR MATERIALLY IMPAIR:

1. THE ACCOMPLISHMENT OF TRUST PURPOSES; OR
2. THE INTERESTS OF THE BENEFICIARIES.

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

Approved by the Governor, May 13, 2019.

Chapter 500

(Senate Bill 370)

AN ACT concerning

Environment – Recycling – ~~Commercial Properties~~ Office Buildings

FOR the purpose of requiring a county to address the collection and recycling of ~~certain~~ recyclable materials from certain ~~commercial properties buildings zoned for office use that have a certain square footage of office space~~ buildings zoned for office use in a certain recycling plan; requiring certain owners of certain ~~commercial properties buildings zoned for office use~~ office buildings to provide for ~~the collection and~~ recycling ~~for the employees on the properties~~ of certain recyclable materials in a certain manner on or before a certain date; ~~authorizing a certain tenant to carry out certain recycling requirements under certain circumstances; clarifying specifying~~ that certain provisions of this Act do not affect the authority of a ~~county, municipality, or other local government~~ county or municipality to enact and enforce certain recycling requirements or to alter, suspend, or exempt a person from certain recycling requirements under certain circumstances; clarifying specifying that certain provisions of this Act do not require a county to manage or enforce certain recycling activities within the boundaries of a municipality; authorizing a county to require ~~certain property owners~~ a certain building owner or tenant office building owner or tenant of an office building to report to the county on recycling activities; requiring that ~~the recycling required under this Act~~ certain recycling requirements be carried out in accordance with certain recycling plans; ~~providing for a civil penalty for a certain violation;~~ authorizing certain local enforcement units, officers, and officials to conduct certain inspections; defining a

~~*certain term; providing for disbursement of penalties collected under this Act to certain jurisdictions; clarifying that this Act does not preempt or prevail over certain other legislation*~~ *providing that this Act may not be construed to preempt or prevail over any ordinance, resolution, law, or rule more stringent than this Act; providing for a delayed effective date for a certain provision of this Act; and generally relating to the collection and recycling on commercial properties for office buildings of recyclable materials from office buildings.*

BY repealing and reenacting, without amendments,
 Article – Environment
 Section 9–1701(a), (m), and (n) and 9–1703(a)
 Annotated Code of Maryland
 (2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
 Article – Environment
 Section 9–1703(b)
 Annotated Code of Maryland
 (2014 Replacement Volume and 2018 Supplement)

BY adding to
 Article – Environment
 Section 9–1714
 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

9–1701.

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

(m) “Recyclable materials” means those materials that:

(1) Would otherwise become solid waste for disposal in a refuse disposal system; and

(2) May be collected, separated, composted, or processed and returned to the marketplace in the form of raw materials or products.

(n) (1) “Recycling” means any process in which recyclable materials are collected, separated, or processed and returned to the marketplace in the form of raw materials or products.

- (2) “Recycling” includes composting.

9–1703.

(a) Each county shall submit a recycling plan to the Secretary for approval when the county submits its county plan to the Secretary in accordance with the provisions of § 9–505 of this title.

(b) In preparing the recycling plan as required in § 9–505 of this title, the county shall address:

- (1) Methods to meet the solid waste stream reduction;
- (2) The feasibility of source separation of the solid waste stream generated within the county;
- (3) The recyclable materials to be separated;
- (4) The strategy for the collection, processing, marketing, and disposition of recyclable materials, including the cost–effective use of recycling centers;
- (5) Methods of financing the recycling efforts proposed by the county;
- (6) Methods for the separate collection and composting of yard waste;
- (7) The feasibility of a system for the composting of mixed solid wastes;
- (8) The feasibility of a system for the collection and recycling of white goods;
- (9) The separate collection of other recyclable materials;
- (10) The strategy for the collection, processing, marketing, and disposition of recyclable materials from county public schools;
- (11) The strategy for the collection and recycling of fluorescent and compact fluorescent lights that contain mercury;
- (12) The collection and recycling of recyclable materials from residents of apartment buildings and condominiums that contain 10 or more dwelling units by property owners or managers of apartment buildings and councils of unit owners of condominiums;
- (13) If applicable, a method for implementing a reporting requirement for recyclable materials generated at apartment buildings and condominiums that contain 10 or more dwelling units;

(14) The collection and recycling of recyclable materials from special events;
[and]

(15) THE COLLECTION AND RECYCLING OF RECYCLABLE MATERIALS FROM ~~COMMERCIAL PROPERTIES THAT ARE OCCUPIED BY ONE OR MORE COMMERCIAL ENTITIES WITH A TOTAL OF AT LEAST 200 FULL-TIME EMPLOYEES BUILDINGS THAT ARE~~ HAVE 150,000 SQUARE FEET OR GREATER AND ZONED FOR OFFICE USE OF OFFICE SPACE; AND

[(15)] **(16)** Any other alternative methods of recycling that will attain or exceed the solid waste stream reduction goals determined by the county.

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

Article – Environment

9-1714.

~~(A) (1) THIS SECTION APPLIES ONLY TO THE OWNER OF A COMMERCIAL PROPERTY OCCUPIED BY ONE OR MORE COMMERCIAL ENTITIES WITH A TOTAL OF AT LEAST 200 FULL-TIME EMPLOYEES BUILDING THAT IS 150,000 SQUARE FEET OR GREATER AND ZONED FOR OFFICE USE.~~

(A) (1) IN THIS SECTION, “OFFICE BUILDING” MEANS A BUILDING THAT HAS 150,000 SQUARE FEET OR GREATER OF OFFICE SPACE.

~~(2) THIS SECTION DOES NOT AFFECT THE AUTHORITY OF A COUNTY, A MUNICIPALITY, OR ANY OTHER LOCAL GOVERNMENT TO ENACT COUNTY OR MUNICIPALITY TO:~~

~~(I) ENACT AND ENFORCE RECYCLING REQUIREMENTS, INCLUDING ESTABLISHING CIVIL PENALTIES, FOR A AN OFFICE ~~COMMERCIAL PROPERTY THAT ARE MORE STRINGENT THAN THE REQUIREMENTS OF THIS SECTION BUILDING ZONED FOR OFFICE USE; OR~~~~

~~(II) ALTER OR SUSPEND, OR EXEMPT A PERSON FROM RECYCLING REQUIREMENTS:~~

~~1. DUE TO SPECIAL CIRCUMSTANCES THAT AFFECT A SINGLE PROPERTY ARE IDENTIFIED BY THE OFFICE BUILDING OWNER IN AN APPLICATION TO THE COUNTY OR MUNICIPALITY FOR AN ALTERATION OR EXEMPTION; OR~~

2. IN RESPONSE TO CHANGING MARKET CONDITIONS THAT AFFECT THE COUNTY OR MUNICIPALITY.

(3) THIS SECTION DOES NOT REQUIRE A COUNTY TO MANAGE OR ENFORCE THE RECYCLING ACTIVITIES OF ~~A AN OFFICE COMMERCIAL PROPERTY BUILDING~~ THAT IS LOCATED WITHIN THE BOUNDARIES OF A MUNICIPALITY.

(B) (1) ~~ON SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE OCTOBER 1, 2021, UNLESS OTHERWISE AGREED BETWEEN AN OWNER AND A TENANT,~~ EACH OWNER OF ~~A AN OFFICE COMMERCIAL PROPERTY~~ SHALL PROVIDE FOR RECYCLING FOR THE EMPLOYEES ON THE PROPERTY, INCLUDING BUILDING THAT IS ~~150,000 SQUARE FEET OR GREATER AND ZONED FOR OFFICE USE~~ SHALL PROVIDE:

(I) ~~THE PROVISION OF A A RECYCLING RECEPTACLE ON THE PROPERTY~~ RECYCLING RECEPTACLES FOR THE COLLECTION OF RECYCLABLE MATERIALS; AND

(II) ~~THE~~ FOR THE REMOVAL FOR FURTHER RECYCLING OF ~~ALL RECYCLABLE~~ THE FOLLOWING MATERIALS, AS DETERMINED BY THE COUNTY OR MUNICIPALITY IN WHICH THE BUILDING IS LOCATED, DEPOSITED INTO THE RECYCLING ~~RECEPTACLE~~ RECEPTACLES:

- 1. PAPER AND CARDBOARD;**
- 2. ~~ALUMINUM, STEEL, AND TIN CANS~~ METAL; AND**
- 3. PLASTIC BOTTLES MATERIALS AND JUGS, AS DETERMINED BY THE COUNTY OR MUNICIPALITY IN WHICH THE BUILDING IS LOCATED.**

(2) ON AGREEMENT BETWEEN AN OFFICE BUILDING OWNER AND THE TENANT OF THE OFFICE BUILDING, A TENANT MAY CARRY OUT THE RECYCLING REQUIRED UNDER THIS SUBSECTION.

~~(2)~~ (3) A COUNTY MAY REQUIRE ~~A AN OFFICE COMMERCIAL PROPERTY OWNER~~ BUILDING OWNER OR A TENANT OF ~~A AN OFFICE BUILDING~~ THAT PROVIDES FOR RECYCLING ~~FOR EMPLOYEES ON THE PROPERTY~~ IN ACCORDANCE WITH ~~PARAGRAPH (1) OF~~ THIS SUBSECTION TO REPORT TO THE COUNTY ON RECYCLING ACTIVITIES IN A MANNER DETERMINED BY THE COUNTY.

(C) THE RECYCLING REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE CARRIED OUT IN ACCORDANCE WITH THE RECYCLING PLAN REQUIRED

UNDER § 9-1703 OF THIS SUBTITLE FOR THE COUNTY IN WHICH THE ~~COMMERCIAL PROPERTY BUILDING~~ OFFICE BUILDING IS LOCATED.

~~(D) A PERSON THAT VIOLATES SUBSECTION (B) OR (C) OF THIS SECTION IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$300 FOR EACH DAY ON WHICH THE VIOLATION EXISTS.~~

~~(E) (D) AN ENFORCEMENT UNIT, OFFICER, OR OFFICIAL OF A COUNTY, A MUNICIPALITY, OR ANY OTHER LOCAL GOVERNMENT~~ COUNTY OR MUNICIPALITY MAY CONDUCT INSPECTIONS ~~OF A COMMERCIAL PROPERTY~~ TO ENFORCE THIS SECTION.

~~(F) ANY PENALTIES COLLECTED UNDER SUBSECTION (D) OF THIS SECTION SHALL BE PAID TO THE COUNTY, MUNICIPALITY, OR OTHER LOCAL GOVERNMENT THAT BROUGHT THE ENFORCEMENT ACTION.~~

SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be construed to preempt or prevail over any ordinance, resolution, law, or rule more stringent than this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2020.

SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect October 1, 2019.

Approved by the Governor, May 13, 2019.

Chapter 501

(Senate Bill 426)

AN ACT concerning

~~Natalie M. LaPrade Medical Cannabis Commission – Licensed Dispensaries~~
Medical Cannabis – Regulation of Dispensaries, Growers, and Processors

FOR the purpose of providing that growers, processors, and dispensaries licensed under certain provisions of law are subject to certain provisions of law; repealing the provision prohibiting the Natalie M. LaPrade Medical Cannabis Commission from issuing more than one medical cannabis grower license to each applicant; prohibiting a person from having an ownership interest in or control of, including the power to manage and operate, more than one grower; requiring the Natalie M. LaPrade Medical Cannabis Commission to allow a person to have an ownership interest in or

control of up to a certain number of dispensaries licensed under a certain provision of law; prohibiting a person from having an ownership interest in or control of, including the power to manage and operate, more than one processor; and generally relating to medical cannabis dispensaries.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 13–3306(a)(1), 13–3307(a)(1), and 13–3309(a)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

~~BY adding to
Article – Health – General
Section 13–3307(d)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Health – General
Section 13–3306(a)(2), 13–3307(d) through (i), and 13–3309(d) through (h)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY adding to
Article – Health – General
Section 13–3306(i), 13–3307(d) and (k), and 13–3309(d) and (j)
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

13–3306.

(a) (1) The Commission shall license medical cannabis growers that meet all requirements established by the Commission to operate in the State to provide cannabis to:

(i) Processors licensed by the Commission under this subtitle;

(ii) Dispensaries licensed by the Commission under this subtitle;

and

(iii) Independent testing laboratories registered with the Commission under this subtitle.

(2) (i) Subject to subparagraph (ii) of this paragraph, the Commission may license no more than 22 medical cannabis growers.

(ii) 1. If an applicant for licensure that received Stage One preapproval in calendar year 2016 for a medical cannabis grower license fails to satisfy the requirements for licensure established by the Commission, the Commission shall rescind the applicant's Stage One preapproval.

2. If the Commission rescinds the Stage One preapproval for a license of an applicant under subparagraph 1 of this subparagraph, the maximum number of medical cannabis grower licenses authorized under subparagraph (i) of this paragraph shall be reduced by one medical cannabis grower license.

(iii) 1. Subject to subparagraph 2 of this subparagraph, beginning December 1, 2024, the Commission may report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the number of licenses necessary to meet the demand for medical cannabis by qualifying patients and caregivers issued identification cards under this subtitle in an affordable, accessible, secure, and efficient manner.

2. Before the Commission determines to submit the report described under subparagraph 1 of this subparagraph, the Commission shall provide the Legislative Policy Committee at least 30 days to submit comments to the Commission.

(iv) The Commission shall establish an application review process for granting medical cannabis grower licenses in which applications are reviewed, evaluated, and ranked based on criteria established by the Commission.

~~[(v) The Commission may not issue more than one medical cannabis grower license to each applicant.]~~

(V) A PERSON MAY NOT HAVE AN OWNERSHIP INTEREST IN OR CONTROL OF, INCLUDING THE POWER TO MANAGE AND OPERATE, MORE THAN ONE GROWER.

(vi) A grower shall pay an application fee in an amount to be determined by the Commission consistent with this subtitle.

(I) A GROWER LICENSED UNDER THIS SUBTITLE IS SUBJECT TO THE MARYLAND ANTITRUST ACT AND THE MARYLAND SALES BELOW COST ACT.

13-3307.

(a) (1) A dispensary shall be licensed by the Commission.

(D) THE COMMISSION SHALL ALLOW A PERSON TO HAVE AN OWNERSHIP INTEREST IN OR CONTROL OF, INCLUDING THE POWER TO MANAGE AND OPERATE, UP TO ~~SIX FIVE~~ FOUR DISPENSARIES UNDER THIS SECTION.

[(d)] (E) (1) A dispensary license is valid for 6 years on initial licensure.

(2) A dispensary license is valid for 4 years on renewal.

[(e)] (F) A dispensary licensed under this section or a dispensary agent registered under § 13–3308 of this subtitle may not be penalized or arrested under State law for acquiring, possessing, processing, transferring, transporting, selling, distributing, or dispensing cannabis, products containing cannabis, related supplies, or educational materials for use by a qualifying patient or a caregiver.

[(f)] (G) The Commission shall establish requirements for security and product handling procedures that a dispensary must meet to obtain a license under this section, including a requirement for a product–tracking system.

[(g)] (H) The Commission may inspect a dispensary licensed under this section to ensure compliance with this subtitle.

[(h)] (I) The Commission may impose penalties or rescind the license of a dispensary that does not meet the standards for licensure set by the Commission.

[(i)] (J) (1) Each dispensary licensed under this section shall submit to the Commission a quarterly report.

(2) The quarterly report shall include:

(i) The number of patients served;

(ii) The county of residence of each patient served;

(iii) The medical condition for which medical cannabis was recommended;

(iv) The type and amount of medical cannabis dispensed; and

(v) If available, a summary of clinical outcomes, including adverse events and any cases of suspected diversion.

(3) The quarterly report may not include any personal information that identifies a patient.

(K) A DISPENSARY LICENSED UNDER THIS SUBTITLE IS SUBJECT TO THE MARYLAND ANTITRUST ACT AND THE MARYLAND SALES BELOW COST ACT.

13-3309.

(a) A processor shall be licensed by the Commission.

(D) A PERSON MAY NOT HAVE AN OWNERSHIP INTEREST IN OR CONTROL OF, INCLUDING THE POWER TO MANAGE AND OPERATE, MORE THAN ONE PROCESSOR.

[(d)] (E) (1) A processor license is valid for 6 years on initial licensure.

(2) A processor license is valid for 4 years on renewal.

[(e)] (F) A processor licensed under this section or a processor agent registered under § 13-3310 of this subtitle may not be penalized or arrested under State law for:

(1) Acquiring, possessing, processing, packaging, labeling, transferring, transporting, selling, or distributing medical cannabis or products containing medical cannabis to a dispensary for use by a qualifying patient or a caregiver; or

(2) Transporting medical cannabis or products containing medical cannabis to an independent testing laboratory.

[(f)] (G) The Commission shall establish requirements for security and product handling procedures that a processor must meet to obtain a license under this section, including a requirement for a product-tracking system.

[(g)] (H) The Commission may inspect a processor licensed under this section to ensure compliance with this subtitle.

[(h)] (I) The Commission may impose penalties or rescind the license of a processor that does not meet the standards for licensure set by the Commission.

(J) A PROCESSOR LICENSED UNDER THIS SUBTITLE IS SUBJECT TO THE MARYLAND ANTITRUST ACT AND THE MARYLAND SALES BELOW COST ACT.

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

Approved by the Governor, May 13, 2019.

Chapter 502

(House Bill 316)

AN ACT concerning

Public Health – Vaccination Reporting Requirements – ImmuNet

FOR the purpose of requiring ~~all~~ certain health care providers in the State to report all vaccines administered to the Maryland immunization registry, ImmuNet; altering certain responsibilities of the Secretary of Health and the Maryland Department of Health relating to certain forms and a certain brochure; defining certain terms; making certain conforming changes; and generally relating to vaccination reporting requirements.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 18–109
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

18–109.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Authorized user” means:
- (i) A child care facility;
 - (ii) A health care provider;
 - (iii) A health insurer;
 - (iv) A health maintenance organization;
 - (v) An institution of higher learning;
 - (vi) A local health department;
 - (vii) A long–term care facility;
 - (viii) A managed care organization;
 - (ix) A nonprofit health service plan;
 - (x) A patient;

- (xi) A school;
- (xii) A school-based health center;
- (xiii) In the case of a minor child, a parent or guardian; and
- (xiv) Any other user designated by the Secretary.

(3) “HEALTH CARE PROVIDER” MEANS A LICENSED HEALTH CARE PRACTITIONER AUTHORIZED UNDER THE HEALTH OCCUPATIONS ARTICLE TO ADMINISTER VACCINES IN THE STATE.

[(3)] (4) “ImmuNet” means a computerized information and reminder system to:

- (i) Improve the timely and appropriate delivery of immunizations;
 - (ii) Provide a coordinated network for reminder notices when immunizations are due;
 - (iii) Provide and collect information to be shared by authorized users;
- and
- (iv) Provide a quality indicator for the insurers’ health care provider practices and public health purposes.

(5) “IMMUNIZATION” MEANS THE PROCESS BY WHICH AN INDIVIDUAL BECOMES PROTECTED AGAINST A DISEASE INCLUDING, AS THE RESULT OF HAVING A DISEASE, RECEIVING A VACCINATION, OR RECEIVING PREFORMED ANTIBODIES.

[(4)] (6) “Refusal to permit” means the right of an individual or the parent or guardian of a minor to prevent disclosure to authorized users of individual identifiable information that was reported to ImmuNet.

(7) “VACCINATION” MEANS THE ADMINISTRATION OF A KILLED OR WEAKENED INFECTIOUS ORGANISM TO PREVENT DISEASE CAUSED BY THAT ORGANISM.

(8) “VACCINE” MEANS A SUBSTANCE THAT:

- (I) MAY BE ADMINISTERED BY INJECTION, MOUTH, OR AEROSOL; AND**
- (II) PRODUCES IMMUNITY THAT PROTECTS THE BODY FROM A DISEASE.**

(b) There is an ImmuNet program in the Department.

(c) Subject to subsection (d) of this section, an authorized user may use the information in ImmuNet for the following purposes:

(1) To provide coordinated immunization services, including sending reminder notices to individuals who need immunizations;

(2) To obtain an individual immunization history;

(3) To identify geographic areas or population groups that are underimmunized;

(4) To compile aggregate data and distribute statistical reports on the status of immunizations in geographic areas and population groups;

(5) To assist in the management of State and local immunization programs;

(6) To monitor the safety of vaccines;

(7) To assess compliance with immunization requirements by monitoring admissions to schools, institutions of higher learning, and child care facilities; and

(8) For any other purpose that the Secretary deems necessary to prevent the spread of communicable diseases.

(d) (1) An individual, or the parent or guardian of a minor child who has received [an immunization] **A VACCINATION**, may refuse to permit disclosure of confidential information collected by ImmuNet, to an authorized user.

(2) If the individual or the parent or guardian of a minor child does not want the release of the individual's or child's confidential information, the individual or the parent or guardian of a minor child shall complete a "refusal to permit" form, provided by the Department, to be returned to the Department.

(3) The Secretary shall [distribute] **MAKE AVAILABLE** "refusal to permit" forms to each health care provider who gives [immunizations] **VACCINATIONS**.

(4) The Department shall:

(i) Develop brochures about ImmuNet that:

1. Describe the benefits of ImmuNet for authorized users;
2. Describe privacy protections in ImmuNet;

3. Notify an individual of the right to refuse to permit disclosure to an authorized user;

4. Notify an individual that the individual may correct any inaccurate information;

5. Provide a list of addresses where an individual may obtain a form to request the correction or removal of inaccurate information from ImmuNet;

6. Explain the right of an individual who has received [an immunization] A VACCINATION to have the individual's personal information kept confidential;

7. Describe the kind of information collected and retained by ImmuNet about an individual who receives [an immunization] A VACCINATION;

8. Describe who has access to the information in ImmuNet; and

9. Describe how the information is used by ImmuNet; and

(ii) [Distribute copies of] MAKE the brochure AVAILABLE to each health care provider who administers [immunizations] VACCINES.

(5) Prior to administering [immunizations] VACCINES to a newborn child, each birth hospital or birthing center shall distribute the form and the brochure described in paragraphs (2) and (4) of this subsection to the parent of a newborn child.

(6) ~~(I)~~ ~~A~~ EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A health care provider who administers [an immunization] A VACCINE, or the agent of the health care provider, shall:

~~(i)~~ 1. Provide the individual with a copy of the form and the brochure described in paragraphs (2) and (4) of this subsection; [and]

~~(ii)~~ 2. Notify the individual or the parent or guardian of a minor of the right to refuse to disclose to ImmuNet; AND

~~(iii)~~ 3. REPORT TO IMMUNET ALL VACCINES ADMINISTERED.

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT APPLY TO A HEALTH CARE PROVIDER, OR AN AGENT OF A HEALTH CARE PROVIDER, WHO ADMINISTERS A VACCINE IN A NURSING FACILITY, AN ASSISTED LIVING PROGRAM, A CONTINUING CARE RETIREMENT COMMUNITY, OR A MEDICAL DAY CARE PROGRAM.

(e) Subject to the provisions of subsection (d) of this section, information for ImmuNet may be obtained from:

(1) Any records owned or controlled by the Department, including Medicaid records, clinic records, and vital records;

(2) Any authorized user; and

(3) Any other source of information authorized by the Secretary for use.

(f) Authorized users may not use the information in ImmuNet:

(1) To release or disclose information in ImmuNet that an individual has refused to disclose;

(2) To solicit new patients or clients; or

(3) For any other purpose unless authorized by the Secretary.

(g) (1) A local health department may operate a local immunization system.

(2) A local health department operating a local immunization system shall be subject to the provisions of subsections (c) through (f) of this section.

(3) A local health department is required to submit information maintained in a local immunization system to ImmuNet in accordance with regulations adopted by the Secretary.

(h) An authorized user who in good faith discloses or does not disclose information to ImmuNet is not liable in any cause of action arising from the disclosure or nondisclosure of that information.

(i) An authorized user, including an officer or employee of a governmental unit, who knowingly and willfully violates subsection (f) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 for the first offense and not exceeding \$5,000 for each subsequent offense.

(j) If the confidentiality of records of Maryland citizens is protected, the Secretary may enter into collaborative agreements with other states for the purpose of sharing information about immunizations.

(k) The Secretary shall adopt regulations to implement this section, including regulations specifying:

(1) The type and kind of information to be collected;

- (2) Procedures for protecting the confidentiality of information in ImmuNet;
- (3) The permissible use of information compiled by ImmuNet; and
- (4) Standards for maintaining security and reliability of collected information in the system.

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

Approved by the Governor, May 13, 2019.

Chapter 503

(House Bill 435)

AN ACT concerning

Health Insurance – Prescription Drugs – Formulary Changes

FOR the purpose of ~~prohibiting certain insurers, nonprofit health service plans, and health maintenance organizations from making certain formulary changes during certain time periods, except under certain circumstances; defining a certain term; requiring certain entities to establish and implement a procedure by which a member may receive a prescription drug or device that has been removed from a certain entity's formulary or a member may continue the same cost sharing requirements under certain circumstances; altering the requirement that a certain entity provide coverage for a prescription drug or device under certain circumstances; requiring a certain entity to provide a certain member with a certain notice; providing for the application of this Act; and generally relating to formulary changes for prescription drugs.~~

BY repealing and reenacting, with amendments,
 Article – Insurance
 Section 15–831
 Annotated Code of Maryland
 (2017 Replacement Volume and 2018 Supplement)

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

Article – Insurance

15–831.

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

(2) “Authorized prescriber” has the meaning stated in § 12–101 of the Health Occupations Article.

(3) “Formulary” means a list of prescription drugs or devices that are covered by an entity subject to this section.

(4) (i) “Member” means an individual entitled to health care benefits for prescription drugs or devices under a policy issued or delivered in the State by an entity subject to this section.

(ii) “Member” includes a subscriber.

~~(5) (i) “UTILIZATION MANAGEMENT RESTRICTION” MEANS A RESTRICTION ON COVERAGE FOR A PRESCRIPTION DRUG ON A FORMULARY.~~

~~(ii) “UTILIZATION MANAGEMENT RESTRICTION” INCLUDES:~~

~~1. IMPOSING OR ALTERING A QUANTITY LIMIT FOR A PRESCRIPTION DRUG;~~

~~2. ADDING A REQUIREMENT THAT AN ENROLLEE RECEIVE A PRIOR AUTHORIZATION FOR A PRESCRIPTION DRUG; AND~~

~~3. IMPOSING A STEP THERAPY PROTOCOL RESTRICTION FOR A PRESCRIPTION DRUG.~~

(b) (1) This section applies to:

(i) insurers and nonprofit health service plans that provide coverage for prescription drugs and devices under individual, group, or blanket health insurance policies or contracts that are issued or delivered in the State; and

(ii) health maintenance organizations that provide coverage for prescription drugs and devices under individual or group contracts that are issued or delivered in the State.

(2) An insurer, nonprofit health service plan, or health maintenance organization that provides coverage for prescription drugs and devices through a pharmacy benefit manager is subject to the requirements of this section.

(3) This section does not apply to a managed care organization as defined in § 15–101 of the Health – General Article.

~~(c) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, DURING A PLAN YEAR AND THE OPEN ENROLLMENT PERIOD THAT PRECEDES THE PLAN YEAR, AN ENTITY SUBJECT TO THIS SECTION MAY NOT:~~

~~(i) REMOVE A PRESCRIPTION DRUG FROM A FORMULARY;~~

~~(ii) IF A GENERIC EQUIVALENT IS NOT AVAILABLE AND THE FORMULARY INCLUDES TWO OR MORE BENEFIT TIERS THAT ESTABLISH DIFFERENT DEDUCTIBLE, COPAYMENT, OR COINSURANCE REQUIREMENTS FOR PRESCRIPTION DRUGS IN EACH BENEFIT TIER, MOVE A PRESCRIPTION DRUG TO A BENEFIT TIER THAT REQUIRES A MEMBER TO PAY A HIGHER DEDUCTIBLE, COPAYMENT, OR COINSURANCE AMOUNT FOR THE PRESCRIPTION DRUG; OR~~

~~(iii) ADD A UTILIZATION MANAGEMENT RESTRICTION TO A PRESCRIPTION DRUG IN THE FORMULARY.~~

~~(2) AN ENTITY SUBJECT TO THIS SECTION MAY REMOVE A PRESCRIPTION DRUG FROM A FORMULARY OR IMPOSE A UTILIZATION MANAGEMENT RESTRICTION IF AT ANY TIME:~~

~~(i) THE U.S. FOOD AND DRUG ADMINISTRATION ISSUES A NOTICE, GUIDANCE, WARNING, ANNOUNCEMENT, OR ANY OTHER STATEMENT ABOUT THE PRESCRIPTION DRUG THAT CALLS INTO QUESTION THE CLINICAL SAFETY OF THE PRESCRIPTION DRUG;~~

~~(ii) THE MANUFACTURER OF THE PRESCRIPTION DRUG HAS NOTIFIED THE U.S. FOOD AND DRUG ADMINISTRATION OF A POTENTIAL OR PERMANENT DISCONTINUANCE OR AN INTERRUPTION IN MANUFACTURING OF THE PRESCRIPTION DRUG; OR~~

~~(iii) THE PRESCRIPTION DRUG IS APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION FOR USE WITHOUT A PRESCRIPTION.~~

~~(3) THIS SUBSECTION DOES NOT PROHIBIT AN ENTITY SUBJECT TO THIS SECTION FROM:~~

~~(i) ADDING A PRESCRIPTION DRUG TO A FORMULARY AT ANY TIME; OR~~

~~(ii) MODIFYING A FORMULARY AT THE TIME OF RENEWAL AND BEFORE THE OPEN ENROLLMENT PERIOD IF, NO LATER THAN 60 DAYS BEFORE THE MODIFICATION IS EFFECTIVE, THE ENTITY:~~

~~1. PROVIDES WRITTEN NOTICE OF THE MODIFICATION TO THE AFFECTED MEMBER AND THE AFFECTED MEMBER'S AUTHORIZED PRESCRIBER; AND~~

~~2. POSTS THE MODIFICATION ON THE ENTITY'S ONLINE FORMULARY.~~

~~{(c)}~~ ~~(D)~~ Each entity subject to this section that limits its coverage of prescription drugs or devices to those in a formulary shall establish and implement a procedure by which a member may:

(1) receive a prescription drug or device that is not in the entity's formulary OR HAS BEEN REMOVED FROM THE ENTITY'S FORMULARY in accordance with this section; OR

(2) CONTINUE THE SAME COST SHARING REQUIREMENTS IF THE ENTITY HAS MOVED THE PRESCRIPTION DRUG OR DEVICE TO A HIGHER DEDUCTIBLE, COPAYMENT, OR COINSURANCE TIER.

~~{(d)}~~ ~~(E)~~ The procedure shall provide for coverage for a prescription drug or device ~~that is not in the formulary~~ IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION if, in the judgment of the authorized prescriber:

(1) there is no equivalent prescription drug or device in the entity's formulary IN A LOWER TIER;

(2) an equivalent prescription drug or device in the entity's formulary IN A LOWER TIER:

(i) has been ineffective in treating the disease or condition of the member; or

(ii) has caused or is likely to cause an adverse reaction or other harm to the member; or

(3) for a contraceptive prescription drug or device, the prescription drug or device that is not on the formulary is medically necessary for the member to adhere to the appropriate use of the prescription drug or device.

~~{(e)}~~ ~~(F)~~ A decision by an entity subject to this section not to provide access to or coverage of a prescription drug or device in accordance with this section constitutes an adverse decision as defined under Subtitle 10A of this title if the decision is based on a finding that the proposed drug or device is not medically necessary, appropriate, or efficient.

(F) AN ENTITY SUBJECT TO THIS SECTION THAT REMOVES A DRUG FROM ITS FORMULARY OR MOVES A PRESCRIPTION DRUG OR DEVICE TO A BENEFIT TIER THAT REQUIRES A MEMBER TO PAY A HIGHER DEDUCTIBLE, COPAYMENT, OR COINSURANCE AMOUNT FOR THE PRESCRIPTION DRUG OR DEVICE SHALL PROVIDE A MEMBER WHO IS CURRENTLY ON THE PRESCRIPTION DRUG OR DEVICE AND THE MEMBER'S HEALTH CARE PROVIDER WITH:

(1) NOTICE OF THE CHANGE AT LEAST 30 DAYS BEFORE THE CHANGE IS IMPLEMENTED; AND

(2) IN THE NOTICE REQUIRED UNDER ITEM (1) OF THIS SUBSECTION, THE PROCESS FOR REQUESTING AN EXEMPTION THROUGH THE PROCEDURE ADOPTED IN ACCORDANCE WITH THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after January 1, 2020.

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

Approved by the Governor, May 13, 2019.

Chapter 504

(Senate Bill 405)

AN ACT concerning

Health Insurance – Prescription Drugs – Formulary Changes

FOR the purpose of ~~prohibiting certain insurers, nonprofit health service plans, and health maintenance organizations from making certain formulary changes during certain time periods, except under certain circumstances; defining a certain term; requiring~~ certain entities to establish and implement a procedure by which a member may receive a prescription drug or device that has been removed from a certain entity's formulary or a member may continue the same cost sharing requirements under certain circumstances; altering the requirement that a certain entity provide coverage for a prescription drug or device under certain circumstances; requiring a certain entity to provide a certain member with a certain notice; providing for the application of this Act; and generally relating to formulary changes for prescription drugs.

BY repealing and reenacting, with amendments,

Article – Insurance
 Section 15–831
 Annotated Code of Maryland
 (2017 Replacement Volume and 2018 Supplement)

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

Article – Insurance

15–831.

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

(2) “Authorized prescriber” has the meaning stated in § 12–101 of the Health Occupations Article.

(3) “Formulary” means a list of prescription drugs or devices that are covered by an entity subject to this section.

(4) (i) “Member” means an individual entitled to health care benefits for prescription drugs or devices under a policy issued or delivered in the State by an entity subject to this section.

(ii) “Member” includes a subscriber.

~~(5) (1) “UTILIZATION MANAGEMENT RESTRICTION” MEANS A RESTRICTION ON COVERAGE FOR A PRESCRIPTION DRUG ON A FORMULARY.~~

~~(II) “UTILIZATION MANAGEMENT RESTRICTION” INCLUDES:~~

~~1. IMPOSING OR ALTERING A QUANTITY LIMIT FOR A PRESCRIPTION DRUG;~~

~~2. ADDING A REQUIREMENT THAT AN ENROLLEE RECEIVE A PRIOR AUTHORIZATION FOR A PRESCRIPTION DRUG; AND~~

~~3. IMPOSING A STEP THERAPY PROTOCOL RESTRICTION FOR A PRESCRIPTION DRUG.~~

(b) (1) This section applies to:

(i) insurers and nonprofit health service plans that provide coverage for prescription drugs and devices under individual, group, or blanket health insurance policies or contracts that are issued or delivered in the State; and

(ii) health maintenance organizations that provide coverage for prescription drugs and devices under individual or group contracts that are issued or delivered in the State.

(2) An insurer, nonprofit health service plan, or health maintenance organization that provides coverage for prescription drugs and devices through a pharmacy benefit manager is subject to the requirements of this section.

(3) This section does not apply to a managed care organization as defined in § 15–101 of the Health – General Article.

~~(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, DURING A PLAN YEAR AND THE OPEN ENROLLMENT PERIOD THAT PRECEDES THE PLAN YEAR, AN ENTITY SUBJECT TO THIS SECTION MAY NOT:~~

~~(I) REMOVE A PRESCRIPTION DRUG FROM A FORMULARY;~~

~~(II) IF A GENERIC EQUIVALENT IS NOT AVAILABLE AND THE FORMULARY INCLUDES TWO OR MORE BENEFIT TIERS THAT ESTABLISH DIFFERENT DEDUCTIBLE, COPAYMENT, OR COINSURANCE REQUIREMENTS FOR PRESCRIPTION DRUGS IN EACH BENEFIT TIER, MOVE A PRESCRIPTION DRUG TO A BENEFIT TIER THAT REQUIRES A MEMBER TO PAY A HIGHER DEDUCTIBLE, COPAYMENT, OR COINSURANCE AMOUNT FOR THE PRESCRIPTION DRUG; OR~~

~~(III) ADD A UTILIZATION MANAGEMENT RESTRICTION TO A PRESCRIPTION DRUG IN THE FORMULARY.~~

~~(2) AN ENTITY SUBJECT TO THIS SECTION MAY REMOVE A PRESCRIPTION DRUG FROM A FORMULARY OR IMPOSE A UTILIZATION MANAGEMENT RESTRICTION IF AT ANY TIME:~~

~~(I) THE U.S. FOOD AND DRUG ADMINISTRATION ISSUES A NOTICE, GUIDANCE, WARNING, ANNOUNCEMENT, OR ANY OTHER STATEMENT ABOUT THE PRESCRIPTION DRUG THAT CALLS INTO QUESTION THE CLINICAL SAFETY OF THE PRESCRIPTION DRUG;~~

~~(II) THE MANUFACTURER OF THE PRESCRIPTION DRUG HAS NOTIFIED THE U.S. FOOD AND DRUG ADMINISTRATION OF A POTENTIAL OR PERMANENT DISCONTINUANCE OR AN INTERRUPTION IN MANUFACTURING OF THE PRESCRIPTION DRUG; OR~~

~~(III) THE PRESCRIPTION DRUG IS APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION FOR USE WITHOUT A PRESCRIPTION.~~

~~(3) THIS SUBSECTION DOES NOT PROHIBIT AN ENTITY SUBJECT TO THIS SECTION FROM:~~

~~(I) ADDING A PRESCRIPTION DRUG TO A FORMULARY AT ANY TIME; OR~~

~~(II) MODIFYING A FORMULARY AT THE TIME OF RENEWAL AND BEFORE THE OPEN ENROLLMENT PERIOD IF, NO LATER THAN 60 DAYS BEFORE THE MODIFICATION IS EFFECTIVE, THE ENTITY:~~

~~1. PROVIDES WRITTEN NOTICE OF THE MODIFICATION TO THE AFFECTED MEMBER AND THE AFFECTED MEMBER'S AUTHORIZED PRESCRIBER; AND~~

~~2. POSTS THE MODIFICATION ON THE ENTITY'S ONLINE FORMULARY.~~

~~(c)~~ ~~(D)~~ Each entity subject to this section that limits its coverage of prescription drugs or devices to those in a formulary shall establish and implement a procedure by which a member may:

(1) receive a prescription drug or device that is not in the entity's formulary OR HAS BEEN REMOVED FROM THE ENTITY'S FORMULARY in accordance with this section; OR

(2) CONTINUE THE SAME COST SHARING REQUIREMENTS IF THE ENTITY HAS MOVED THE PRESCRIPTION DRUG OR DEVICE TO A HIGHER DEDUCTIBLE, COPAYMENT, OR COINSURANCE TIER.

~~(d)~~ ~~(E)~~ The procedure shall provide for coverage for a prescription drug or device ~~that is not in the formulary~~ IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION if, in the judgment of the authorized prescriber:

(1) there is no equivalent prescription drug or device in the entity's formulary IN A LOWER TIER;

(2) an equivalent prescription drug or device in the entity's formulary IN A LOWER TIER:

(i) has been ineffective in treating the disease or condition of the member; or

(ii) has caused or is likely to cause an adverse reaction or other harm to the member; or

(3) for a contraceptive prescription drug or device, the prescription drug or device that is not on the formulary is medically necessary for the member to adhere to the appropriate use of the prescription drug or device.

~~[(e)] (F)~~ A decision by an entity subject to this section not to provide access to or coverage of a prescription drug or device in accordance with this section constitutes an adverse decision as defined under Subtitle 10A of this title if the decision is based on a finding that the proposed drug or device is not medically necessary, appropriate, or efficient.

(F) AN ENTITY SUBJECT TO THIS SECTION THAT REMOVES A DRUG FROM ITS FORMULARY OR MOVES A PRESCRIPTION DRUG OR DEVICE TO A BENEFIT TIER THAT REQUIRES A MEMBER TO PAY A HIGHER DEDUCTIBLE, COPAYMENT, OR COINSURANCE AMOUNT FOR THE PRESCRIPTION DRUG OR DEVICE SHALL PROVIDE A MEMBER WHO IS CURRENTLY ON THE PRESCRIPTION DRUG OR DEVICE AND THE MEMBER'S HEALTH CARE PROVIDER WITH:

(1) NOTICE OF THE CHANGE AT LEAST 30 DAYS BEFORE THE CHANGE IS IMPLEMENTED; AND

(2) IN THE NOTICE REQUIRED UNDER ITEM (1) OF THIS SUBSECTION, THE PROCESS FOR REQUESTING AN EXEMPTION THROUGH THE PROCEDURE ADOPTED IN ACCORDANCE WITH THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after January 1, 2020.

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

Approved by the Governor, May 13, 2019.

Chapter 505

(Senate Bill 796)

AN ACT concerning

State Commission on Kidney Disease – Membership – Revisions

FOR the purpose of ~~repealing a certain provision of law that prohibits~~ *prohibiting* certain members of the State Commission on Kidney Disease from having ~~any~~ direct ownership *of more than a certain percent, rather than any*, in renal dialysis or kidney

transplant centers that do business in the State; altering the number of names required to be on a certain list; and generally relating to the membership of the State Commission on Kidney Disease.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 13–305

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

13–305.

(a) (1) The Commission consists of 12 members appointed by the Governor.

(2) Of the 12 Commission members:

(i) 1 shall be an individual from the Renal Administrators Association;

(ii) 3 shall be individuals who are laypersons to the field of medicine;

(iii) 3 shall be individuals appointed at the discretion of the Governor who:

1. Are] ~~ARE~~ medical specialists or other patient care providers in nephrology or kidney transplants]; and

2. Do not have ~~any~~ direct ownership **OF MORE THAN 30%** in renal dialysis or kidney transplant centers that do business in the State];

(iv) 4 shall be individuals appointed as provided in paragraph (3) of this subsection; and

(v) 1 shall be a renal social worker nominated by the Maryland Chapter of the Council of Nephrology Social Workers or the National Capital Area Chapter of the Council of Nephrology Social Workers.

(3) (i) Except as provided in subparagraph (iv) of this paragraph, the Governor shall appoint 1 member from a list of individuals submitted to the Governor by each of the following organizations:

1. The Kidney Foundation of Maryland;

2. The faculty of the University of Maryland School of Medicine;

3. The faculty of the Johns Hopkins University School of Medicine; and

4. The Medical and Chirurgical Faculty of the State of Maryland.

(ii) The number of names on a list shall be at least [3] 2.

(iii) An organization shall submit its list at least 3 months before the expiration of the term of the member who represents the organization.

(iv) If a list is not submitted to the Governor as required under subparagraph (iii) of this paragraph or if a vacancy occurs for a reason other than expiration of the term, the Governor may appoint any individual without the list.

(b) (1) The term of a member is 4 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Commission on July 1, 1982. The terms of one fourth of those members end each year.

(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 2 consecutive full 4-year terms may not be reappointed for 4 years after completion of those terms.

(6) (i) If a vacancy occurs, the Governor promptly shall appoint a successor who will serve until the term expires.

(ii) The successor may be reappointed for a full term.

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

Approved by the Governor, May 13, 2019.

Chapter 506**(House Bill 876)**

AN ACT concerning

Higher Education – Policy on Student Concerns About Athletic Programs and Activities

FOR the purpose of requiring each institution of higher education to develop and adopt a certain policy that meets certain requirements on or before a certain date; authorizing an institution of higher education to make changes to the policy under certain circumstances; requiring each institution of higher education to post the policy and any changes to the policy on the institution's website; requiring each institution of higher education to ensure that each student who participates in the institution's athletic programs or activities has a copy of the policy and any changes to the policy; requiring each institution of higher education to submit to the Maryland Higher Education Commission and certain committees of the General Assembly the policy and any changes to the policy by a certain date; requiring each institution of higher education to submit to the Commission on or before a certain date each year the number of students who shared concerns under the policy; requiring the Commission to report a summary of certain submissions to certain committees of the General Assembly on or before a certain date each year; providing for the application of this Act; and generally relating to a policy on student concerns about athletic programs and activities.

BY adding to

Article – Education

Section 11–1601 to be under the new subtitle “Subtitle 16. Policy on Student Concerns About Athletic Programs and Activities”

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**SUBTITLE 16. POLICY ON STUDENT CONCERNS ABOUT ATHLETIC PROGRAMS AND ACTIVITIES.**

11–1601.

(A) THIS SECTION DOES NOT APPLY TO AN INSTITUTION OF HIGHER EDUCATION THAT DOES NOT HAVE AN ATHLETIC PROGRAM OR ADMINISTER ATHLETIC ACTIVITIES.

(B) (1) ON OR BEFORE OCTOBER 1, 2019, EACH INSTITUTION OF HIGHER EDUCATION SHALL DEVELOP AND ADOPT A WRITTEN POLICY FOR RECEIVING AND ADDRESSING STUDENT CONCERNS ABOUT THE INSTITUTION'S ATHLETIC PROGRAMS AND ACTIVITIES THAT INCLUDES:

(I) A PROCESS THROUGH WHICH STUDENTS CAN SHARE CONCERNS ABOUT THE INSTITUTION'S ATHLETIC PROGRAMS AND ACTIVITIES WITH THE INSTITUTION'S ADMINISTRATION, INCLUDING SENIOR OFFICIALS WITHIN THE ADMINISTRATION WHO ARE NOT DIRECTLY INVOLVED WITH THE MANAGEMENT OF ATHLETIC PROGRAMS OR ACTIVITIES;

(II) AN OPTION FOR STUDENTS TO SUBMIT THEIR CONCERNS CONFIDENTIALLY; AND

(III) A PROHIBITION ON RETALIATING OR DISCRIMINATING AGAINST STUDENTS WHO SHARE THEIR CONCERNS UNDER THE POLICY.

(2) AN INSTITUTION OF HIGHER EDUCATION MAY MAKE CHANGES TO THE POLICY IF THE CHANGES MEET THE REQUIREMENTS OF THIS SECTION.

(C) EACH INSTITUTION OF HIGHER EDUCATION SHALL:

(1) POST THE POLICY AND ANY CHANGES TO THE POLICY ON THE INSTITUTION'S WEBSITE; AND

(2) ENSURE THAT EACH STUDENT WHO PARTICIPATES IN THE INSTITUTION'S ATHLETIC PROGRAMS OR ACTIVITIES HAS A COPY OF THE POLICY AND ANY CHANGES TO THE POLICY.

(D) EACH INSTITUTION OF HIGHER EDUCATION SHALL SUBMIT TO THE COMMISSION AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE:

(1) ON OR BEFORE OCTOBER 1, 2019, THE WRITTEN POLICY ADOPTED IN ACCORDANCE WITH SUBSECTION (B)(1) OF THIS SECTION; AND

(2) ANY CHANGES TO THE POLICY.

(E) (1) ON OR BEFORE JULY 1, 2020, AND EACH JULY 1 THEREAFTER, EACH INSTITUTION OF HIGHER EDUCATION SHALL REPORT TO THE COMMISSION ON THE NUMBER OF STUDENTS WHO SHARED CONCERNS UNDER THE INSTITUTION'S

POLICY DURING THE IMMEDIATELY PRECEDING FISCAL YEAR.

(2) ON OR BEFORE AUGUST 1, 2020, AND EACH AUGUST 1 THEREAFTER, THE COMMISSION SHALL REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE A SUMMARY OF THE SUBMISSIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION.

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

Approved by the Governor, May 13, 2019.

Chapter 507

(Senate Bill 798)

AN ACT concerning

Higher Education – Policy on Student Concerns About Athletic Programs and Activities

FOR the purpose of requiring each institution of higher education to develop and adopt a certain policy that meets certain requirements on or before a certain date; authorizing an institution of higher education to make changes to the policy under certain circumstances; requiring each institution of higher education to post the policy and any changes to the policy on the institution's website; requiring each institution of higher education to ensure that each student who participates in the institution's athletic programs or activities has a copy of the policy and any changes to the policy; requiring each institution of higher education to submit to the Maryland Higher Education Commission and certain committees of the General Assembly the policy and any changes to the policy by a certain date; requiring each institution of higher education to submit to the Commission on or before a certain date each year the number of students who shared concerns under the policy; requiring the Commission to report a summary of certain submissions to certain committees of the General Assembly on or before a certain date each year; providing for the application of this Act; and generally relating to a policy on student concerns about athletic programs and activities.

BY adding to

Article – Education

Section 11-1601 to be under the new subtitle “Subtitle 16. Policy on Student Concerns About Athletic Programs and Activities”

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

**SUBTITLE 16. POLICY ON STUDENT CONCERNS ABOUT ATHLETIC PROGRAMS AND
ACTIVITIES.**

11-1601.

**(A) THIS SECTION DOES NOT APPLY TO AN INSTITUTION OF HIGHER
EDUCATION THAT DOES NOT HAVE AN ATHLETIC PROGRAM OR ADMINISTER
ATHLETIC ACTIVITIES.**

**(B) (1) ON OR BEFORE OCTOBER 1, 2019, EACH INSTITUTION OF HIGHER
EDUCATION SHALL DEVELOP AND ADOPT A WRITTEN POLICY FOR RECEIVING AND
ADDRESSING STUDENT CONCERNS ABOUT THE INSTITUTION’S ATHLETIC PROGRAMS
AND ACTIVITIES THAT INCLUDES:**

**(I) A PROCESS THROUGH WHICH STUDENTS CAN SHARE
CONCERNS ABOUT THE INSTITUTION’S ATHLETIC PROGRAMS AND ACTIVITIES WITH
THE INSTITUTION’S ADMINISTRATION, INCLUDING SENIOR OFFICIALS WITHIN THE
ADMINISTRATION WHO ARE NOT DIRECTLY INVOLVED WITH THE MANAGEMENT OF
ATHLETIC PROGRAMS OR ACTIVITIES;**

**(II) AN OPTION FOR STUDENTS TO SUBMIT THEIR CONCERNS
CONFIDENTIALLY; AND**

**(III) A PROHIBITION ON RETALIATING OR DISCRIMINATING
AGAINST STUDENTS WHO SHARE THEIR CONCERNS UNDER THE POLICY.**

**(2) AN INSTITUTION OF HIGHER EDUCATION MAY MAKE CHANGES TO
THE POLICY IF THE CHANGES MEET THE REQUIREMENTS OF THIS SECTION.**

(C) EACH INSTITUTION OF HIGHER EDUCATION SHALL:

**(1) POST THE POLICY AND ANY CHANGES TO THE POLICY ON THE
INSTITUTION’S WEBSITE; AND**

**(2) ENSURE THAT EACH STUDENT WHO PARTICIPATES IN THE
INSTITUTION’S ATHLETIC PROGRAMS OR ACTIVITIES HAS A COPY OF THE POLICY**

AND ANY CHANGES TO THE POLICY.

(D) EACH INSTITUTION OF HIGHER EDUCATION SHALL SUBMIT TO THE COMMISSION AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE:

(1) ON OR BEFORE OCTOBER 1, 2019, THE WRITTEN POLICY ADOPTED IN ACCORDANCE WITH SUBSECTION (B)(1) OF THIS SECTION; AND

(2) ANY CHANGES TO THE POLICY.

(E) (1) ON OR BEFORE JULY 1, 2020, AND EACH JULY 1 THEREAFTER, EACH INSTITUTION OF HIGHER EDUCATION SHALL REPORT TO THE COMMISSION ON THE NUMBER OF STUDENTS WHO SHARED CONCERNS UNDER THE INSTITUTION'S POLICY DURING THE IMMEDIATELY PRECEDING FISCAL YEAR.

(2) ON OR BEFORE AUGUST 1, 2020, AND EACH AUGUST 1 THEREAFTER, THE COMMISSION SHALL REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE A SUMMARY OF THE SUBMISSIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION.

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

Approved by the Governor, May 13, 2019.

Chapter 508

(House Bill 1268)

AN ACT concerning

Public Safety – Rape Kit Testing Grant Fund – Established

FOR the purpose of establishing the Rape Kit Testing Grant Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the ~~Department of State Police~~ Executive Director of the Governor's Office of Crime Control and Prevention to administer the Fund; requiring the ~~Department~~ Executive Director to establish and publish procedures for the distribution of funding to law enforcement agencies; requiring the ~~Department~~ Executive Director to consider certain information when

distributing funds; requiring the ~~Department~~ Executive Director to report annually to the General Assembly on or before a certain date; 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; providing that money expended from the Fund is supplemental to certain other funding; defining a certain term; and generally relating to the Rape Kit Testing Grant Fund.

BY adding to

Article – Public Safety

Section 4–401 to be under the new subtitle “Subtitle 4. Rape Kit Testing Grant Fund”

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 – Public Safety

SUBTITLE 4. RAPE KIT TESTING GRANT FUND.

4–401.

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

(2) “FORENSIC LABORATORY” MEANS A FACILITY, AN ENTITY, OR A SITE THAT OFFERS OR PERFORMS FORENSIC ANALYSIS AND IS OWNED OR OPERATED BY THE STATE, A COUNTY OR MUNICIPAL CORPORATION IN THE STATE, OR ANOTHER GOVERNMENTAL ENTITY.

(3) “FUND” MEANS THE RAPE KIT TESTING GRANT FUND.

(4) “LAW ENFORCEMENT AGENCY” MEANS THE DEPARTMENT OF STATE POLICE OR A POLICE DEPARTMENT OF A COUNTY OR MUNICIPAL CORPORATION IN THE STATE.

(B) THERE IS A RAPE KIT TESTING GRANT FUND.

(C) THE PURPOSE OF THE FUND IS TO PROVIDE LAW ENFORCEMENT AGENCIES WITH FUNDING TO PAY FOR TESTING OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS BY FORENSIC LABORATORIES.

(D) THE ~~DEPARTMENT OF STATE POLICE~~ EXECUTIVE DIRECTOR OF THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION SHALL:

(1) ADMINISTER THE FUND;

(2) ESTABLISH AND PUBLISH PROCEDURES FOR THE DISTRIBUTION OF FUNDING TO LAW ENFORCEMENT AGENCIES;

(3) ENSURE EACH JURISDICTION IN THE STATE THAT HAS A FORENSIC LABORATORY IS ABLE TO ACCESS THE FUND;

(4) CONSIDER THE NUMBER OF SEXUAL ASSAULT INCIDENTS THAT WERE INVESTIGATED BY A LAW ENFORCEMENT AGENCY IN THE PRIOR FISCAL YEAR WHEN DISTRIBUTING FUNDING; AND

(5) SUBMIT A REPORT WITH INFORMATION ON THE DISTRIBUTION OF FUNDING TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, BEFORE SEPTEMBER 1 EACH YEAR.

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

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

(F) THE FUND CONSISTS OF:

(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(2) ANY INTEREST EARNINGS OF THE FUND; AND

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

(G) THE FUND MAY BE USED ONLY FOR EQUIPMENT, SUPPLIES, PERSONNEL, AND OUTSOURCING NECESSARY FOR THE TESTING OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS IN FORENSIC LABORATORIES.

(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND, INCLUDING INTEREST EARNINGS UNDER SUBSECTION (F) OF THIS SECTION, SHALL BE CREDITED TO THE FUND.

(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(J) MONEY EXPENDED FROM THE FUND FOR TESTING OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR TESTING OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS.

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 RAPE KIT TESTING GRANT FUND.

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

Approved by the Governor, May 13, 2019.

Chapter 509**(Senate Bill 569)**

AN ACT concerning

Public Safety – Rape Kit Testing Grant Fund – Established

FOR the purpose of establishing the Rape Kit Testing Grant Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the ~~Department of State Police~~ Executive Director of the Governor’s Office of Crime Control and Prevention to administer the Fund; requiring the ~~Department~~ Executive Director to establish and publish procedures for the distribution of funding to law enforcement agencies; requiring the ~~Department~~ Executive Director to consider certain information when distributing funds; requiring the ~~Department~~ Executive Director to report annually to the General Assembly on or before a certain date; 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; providing that money expended from the Fund is supplemental to certain other funding; defining a certain term; and generally relating to the Rape Kit Testing Grant Fund.

BY adding to

Article – Public Safety

Section 4–401 to be under the new subtitle “Subtitle 4. Rape Kit Testing Grant Fund”

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 – Public Safety

SUBTITLE 4. RAPE KIT TESTING GRANT FUND.

4–401.

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

(2) “FORENSIC LABORATORY” MEANS A FACILITY, AN ENTITY, OR A SITE THAT OFFERS OR PERFORMS FORENSIC ANALYSIS AND IS OWNED OR OPERATED BY THE STATE, A COUNTY OR MUNICIPAL CORPORATION IN THE STATE, OR ANOTHER GOVERNMENTAL ENTITY.

(3) “FUND” MEANS THE RAPE KIT TESTING GRANT FUND.

(4) “LAW ENFORCEMENT AGENCY” MEANS THE DEPARTMENT OF STATE POLICE OR A POLICE DEPARTMENT OF A COUNTY OR MUNICIPAL CORPORATION IN THE STATE.

(B) THERE IS A RAPE KIT TESTING GRANT FUND.

(C) THE PURPOSE OF THE FUND IS TO PROVIDE LAW ENFORCEMENT AGENCIES WITH FUNDING TO PAY FOR TESTING OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS BY FORENSIC LABORATORIES.

(D) THE ~~DEPARTMENT OF STATE POLICE~~ EXECUTIVE DIRECTOR OF THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION SHALL:

(1) ADMINISTER THE FUND;

(2) ESTABLISH AND PUBLISH PROCEDURES FOR THE DISTRIBUTION OF FUNDING TO LAW ENFORCEMENT AGENCIES;

(3) ENSURE EACH JURISDICTION IN THE STATE THAT HAS A FORENSIC LABORATORY IS ABLE TO ACCESS THE FUND;

(4) CONSIDER THE NUMBER OF SEXUAL ASSAULT INCIDENTS THAT WERE INVESTIGATED BY A LAW ENFORCEMENT AGENCY IN THE PRIOR FISCAL YEAR WHEN DISTRIBUTING FUNDING; AND

(5) SUBMIT A REPORT WITH INFORMATION ON THE DISTRIBUTION OF FUNDING TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, BEFORE SEPTEMBER 1 EACH YEAR.

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

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

(F) THE FUND CONSISTS OF:

(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(2) ANY INTEREST EARNINGS OF THE FUND; AND

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

(G) THE FUND MAY BE USED ONLY FOR EQUIPMENT, SUPPLIES, PERSONNEL, AND OUTSOURCING NECESSARY FOR THE TESTING OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS IN FORENSIC LABORATORIES.

(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND, INCLUDING INTEREST EARNINGS UNDER SUBSECTION (F) OF THIS SECTION, SHALL BE CREDITED TO THE FUND.

(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(J) MONEY EXPENDED FROM THE FUND FOR TESTING OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR TESTING OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS.

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 RAPE KIT TESTING GRANT FUND.

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

Approved by the Governor, May 13, 2019.

Chapter 510

(House Bill 1113)

AN ACT concerning

**State Government – Office of Program Evaluation and Government
Accountability and Maryland Program Evaluation Act**

FOR the purpose of renaming the Joint Audit Committee to be the Joint Audit and Evaluation Committee; altering the powers and duties of the Committee; establishing the Office of Program Evaluation and Government Accountability as a

unit in the Department of Legislative Services; requiring the Executive Director of the Department, with the approval of and in consultation with certain individuals, to appoint the Director of the Office; authorizing the Director, with the approval of the Executive Director, to appoint a Deputy Director and certain staff; providing for the duties and authority of the Director and the Deputy Director; requiring the Office to conduct certain performance evaluations of units of State government in accordance with a certain work plan; authorizing the Office to conduct certain performance evaluations under certain circumstances; requiring the Office to conduct certain investigations under certain circumstances; authorizing the Office to conduct certain evaluations in accordance with the Maryland Program Evaluation Act; authorizing the Committee to direct the Office to conduct a certain assessment or scoping evaluation of a unit of State government and, based on the findings of the assessment or scoping evaluation, waive the unit from an evaluation under this Act; requiring the Office to conduct a performance evaluation of certain corporations or associations and certain local school systems under certain circumstances; requiring that performance evaluation reports include certain information; providing for the manner in which performance evaluations are to be conducted; granting employees and authorized representatives of the Office, except under certain circumstances, access to and the authority to inspect certain records; authorizing the Director to issue process to require a certain office to produce a certain record; authorizing, subject to a certain exception, an employee or authorized representative of the Office to submit a certain draft report only to certain individuals; requiring the Director, on the completion of each evaluation, to submit a certain report to the Committee and a copy of the report to certain other persons; requiring the Office to make certain reports available to the public in a certain manner; requiring the Director to advise the Committee of certain information; authorizing the Committee to make certain recommendations and propose certain legislation; requiring the Governor ~~and the Chief Judge of the Court of Appeals~~ to implement certain systems and processes; requiring certain units subject to evaluation to report to the Office certain information at certain times; requiring the Director to report certain violations of law to certain persons and request certain individuals to take certain actions; requiring and authorizing the Attorney General and the State's Attorney to take certain action with respect to a certain report and certain criminal violations; granting the Attorney General certain powers and duties; providing that certain information obtained during an evaluation is confidential and may not be disclosed except under certain circumstances; prohibiting certain individuals from including certain confidential information in a report or otherwise using the information in a certain manner; establishing a certain penalty; altering the manner in which certain governmental units and activities are evaluated under the Maryland Program Evaluation Act; requiring certain entities to provide certain information and cooperate with the Department to carry out certain requirements; requiring the units subject to termination or responsible for a governmental activity subject to termination to ensure that certain legislation is requested; prohibiting the requested legislation from proposing a reestablishment period exceeding a certain number of years; stating the intent of the General Assembly that the Department conduct a certain evaluation and make certain recommendations on or before certain dates; defining certain terms; altering and repealing certain definitions; making

conforming changes; providing for the correction of certain errors and obsolete provisions by the publishers of the Annotated Code; and generally relating to the Office of Program Evaluation and Government Accountability and the Maryland Program Evaluation Act.

BY renumbering

Article – State Government
Section 2–1234 through 2–1241, and 2–1243 through 2–1249, respectively
to be Section 2–1244 through 2–1251, and 2–1254 through 2–1260, respectively
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government
Section 2–601, 2–602, 2–605, 2–1206, 8–401, 8–402(a)(1) and (b)(2), and 8–405
through 8–409
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)

BY adding to

Article – State Government
Section 2–1230 through 2–1241 to be under the new part “Part V. Office of Program
Evaluation and Government Accountability”; 8–403 and 8–408
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government
Section 2–1247(a)(7), (13), and (15), 2–1251(2), and 2–1256(3)
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)
(As enacted by Section 1 of this Act)

BY repealing

Article – State Government
Section 8–403 and 8–404
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government
Section 8–410 and 8–411
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That Section(s) 2–1234 through 2–1241, and 2–1243 through 2–1249, respectively, of

Article – State Government of the Annotated Code of Maryland be renumbered to be Section(s) 2–1244 through 2–1251, and 2–1254 through 2–1260, respectively.

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

Article – State Government

2–601.

In this subtitle, “Committee” means the Joint Audit AND EVALUATION Committee.

2–602.

There is a Joint Audit AND EVALUATION Committee, which is a joint committee of the Senate and the House.

2–605.

In addition to any powers and duties set forth elsewhere, the Committee shall:

(1) review audit reports issued by the Legislative Auditor and submit findings and recommendations to the General Assembly with respect to issues in audit reports; [and]

(2) review the audit process and procedures and provide comment and recommendations to the President and the Speaker, the Executive Director of the Department of Legislative Services, and the Legislative Auditor;

(3) REVIEW PERFORMANCE EVALUATIONS CONDUCTED AND REPORTS ISSUED BY THE OFFICE OF PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY AND SUBMIT FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY WITH RESPECT TO ISSUES RAISED IN THE PERFORMANCE EVALUATIONS AND REPORTS; AND

(4) REVIEW THE PERFORMANCE EVALUATION PROCESS AND PROCEDURES AND PROVIDE COMMENT AND RECOMMENDATIONS TO THE PRESIDENT AND THE SPEAKER, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LEGISLATIVE SERVICES, AND THE DIRECTOR OF THE OFFICE OF PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY.

2–1206.

(a) The following units are in the Department:

(1) the Office of Legislative Audits;

(2) THE OFFICE OF PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY;

[(2)] (3) the Office of Policy Analysis;

[(3)] (4) the Office of Operations and Support Services; and

[(4)] (5) any other offices as may be designated by the President and the Speaker.

(b) With the approval of the President and the Speaker and in consultation with the minority leader of the Senate and the minority leader of the House of Delegates, the Executive Director shall appoint the following office directors:

(1) the director of the Office of Legislative Audits;

(2) THE DIRECTOR OF THE OFFICE OF PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY;

[(2)] (3) the director of the Office of Policy Analysis;

[(3)] (4) the director of the Office of Operations and Support Services; and

[(4)] (5) any director of an office designated by the President and the Speaker under subsection [(a)(4)] (A)(5) of this section.

(c) Each office director serves without a fixed term and, subject to the approval of the President and the Speaker and in consultation with the minority leader of the Senate and the minority leader of the House of Delegates, may be removed by the Executive Director.

(d) Each office director shall serve in a nonpartisan capacity and ensure that all activities of the office are conducted in a nonpartisan manner.

(e) Each office director is entitled to the salary provided in the State budget.

(f) After consultation with the Executive Director, each office director may appoint an appropriate number of qualified individuals to serve in management functions in the respective offices.

2-1228. RESERVED.

2-1229. RESERVED.

PART V. OFFICE OF PROGRAM EVALUATION AND GOVERNMENT

ACCOUNTABILITY.**2-1230.**

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

(B) “COMMITTEES OF JURISDICTION” MEANS THE COMMITTEES OF THE GENERAL ASSEMBLY THAT ROUTINELY HANDLE THE POLICY ISSUES AND LEGISLATION RELATED TO A SPECIFIC GOVERNMENTAL ACTIVITY OR UNIT SUBJECT TO REVIEW UNDER THIS PART.

(C) “DIRECTOR” MEANS THE DIRECTOR OF THE OFFICE.

(D) “OFFICE” MEANS THE OFFICE OF PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY.

(E) “PERFORMANCE EVALUATION” MEANS THE REVIEW OF A GOVERNMENTAL ACTIVITY OR UNIT USED TO DETERMINE:

(1) WHETHER THE GOVERNMENTAL ACTIVITY OR UNIT, IF SUBJECT TO TERMINATION, SHOULD BE REESTABLISHED OR TERMINATED; AND

(2) WHAT, IF ANY, STATUTORY OR NONSTATUTORY CHANGES SHOULD BE RECOMMENDED TO THE GENERAL ASSEMBLY TO IMPROVE THE OPERATIONS AND EFFICIENCY OF THE GOVERNMENTAL ACTIVITY OR UNIT.

(F) (1) “UNIT” INCLUDES EACH STATE DEPARTMENT, AGENCY, UNIT, AND PROGRAM, INCLUDING ~~EACH CLERK OF COURT,~~ EACH REGISTER OF WILLS, AND EACH LOCAL SCHOOL SYSTEM.

(2) “UNIT” DOES NOT INCLUDE A DEPARTMENT, AN AGENCY, OR A UNIT IN THE LEGISLATIVE OR JUDICIAL BRANCH OF STATE GOVERNMENT.

2-1231.

THERE IS AN OFFICE OF PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY IN THE DEPARTMENT.

2-1232.

(A) THE HEAD OF THE OFFICE IS THE DIRECTOR.

(B) SUBJECT TO THE POLICIES AND DIRECTIVES OF THE PRESIDENT AND THE SPEAKER, THE JOINT AUDIT AND EVALUATION COMMITTEE, AND THE OVERALL SUPERVISION AND CONTROL OF THE EXECUTIVE DIRECTOR, THE DIRECTOR HAS GENERAL ADMINISTRATIVE CONTROL OF THE OPERATION OF THE OFFICE.

2-1233.

(A) WITH THE APPROVAL OF THE EXECUTIVE DIRECTOR, THE DIRECTOR MAY APPOINT A DEPUTY DIRECTOR AND OTHER PROFESSIONAL STAFF AND CONTRACT WITH CONSULTANTS AS AUTHORIZED REPRESENTATIVES.

(B) THE DEPUTY DIRECTOR:

(1) HAS THE DUTIES DELEGATED BY THE DIRECTOR; AND

(2) MAY BE DESIGNATED BY THE EXECUTIVE DIRECTOR TO ACT AS DIRECTOR IF THE OFFICE IS VACANT OR THE DIRECTOR IS UNABLE TO PERFORM THE DUTIES OF OFFICE.

2-1234.

(A) (1) THE OFFICE SHALL CONDUCT A PERFORMANCE EVALUATION OF UNITS OF STATE GOVERNMENT, IN ACCORDANCE WITH THE WORK PLAN DEVELOPED BY THE DIRECTOR IN CONSULTATION WITH THE JOINT AUDIT AND EVALUATION COMMITTEE.

(2) AN AGENCY OR A PROGRAM MAY BE EVALUATED SEPARATELY OR AS PART OF A LARGER ORGANIZATIONAL UNIT OF STATE GOVERNMENT.

(3) IN ADDITION TO THE PERFORMANCE EVALUATIONS CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE OFFICE:

(I) MAY CONDUCT A PERFORMANCE EVALUATION OF A UNIT ON A REQUEST BY THE LEGISLATIVE AUDITOR; AND

(II) SHALL CONDUCT A PERFORMANCE EVALUATION OF A UNIT:

1. WHEN DIRECTED BY THE JOINT AUDIT AND EVALUATION COMMITTEE OR THE EXECUTIVE DIRECTOR; OR

2. WHEN OTHERWISE REQUIRED BY LAW.

(4) (I) WHEN DIRECTED BY THE JOINT AUDIT AND EVALUATION COMMITTEE, THE EXECUTIVE DIRECTOR, OR THE DIRECTOR, THE OFFICE SHALL CONDUCT A SEPARATE INVESTIGATION OF AN ACT OR ALLEGATION OF FRAUD, WASTE, OR ABUSE IN THE OBLIGATION, EXPENDITURE, RECEIPT, OR USE OF STATE RESOURCES.

(II) THE DIRECTOR SHALL DETERMINE WHETHER AN INVESTIGATION SHALL BE CONDUCTED IN CONJUNCTION WITH AN AUDIT UNDERTAKEN IN ACCORDANCE WITH PART IV OF THIS SUBTITLE OR SEPARATELY.

(B) IN ADDITION TO THE PERFORMANCE EVALUATIONS CONDUCTED UNDER SUBSECTION (A) OF THIS SECTION, THE OFFICE MAY CONDUCT PERFORMANCE EVALUATIONS IN ACCORDANCE WITH THE MARYLAND PROGRAM EVALUATION ACT.

(C) THE JOINT AUDIT AND EVALUATION COMMITTEE MAY DIRECT THE OFFICE TO:

(1) CONDUCT AN ASSESSMENT OR A SCOPING PERFORMANCE EVALUATION OF A UNIT OF STATE GOVERNMENT IN ORDER TO DETERMINE WHETHER THE UNIT SHOULD UNDERGO A MORE COMPREHENSIVE PERFORMANCE EVALUATION UNDER THIS PART; AND

(2) BASED ON THE FINDINGS OF THE ASSESSMENT OR SCOPING PRELIMINARY EVALUATION CONDUCTED UNDER ITEM (1) OF THIS SUBSECTION, WAIVE THE UNIT FROM A MORE COMPREHENSIVE PERFORMANCE EVALUATION UNDER THIS PART.

(D) IF DIRECTED BY THE JOINT AUDIT AND EVALUATION COMMITTEE, THE OFFICE SHALL CONDUCT A PERFORMANCE EVALUATION OF A CORPORATION OR AN ASSOCIATION TO WHICH THE GENERAL ASSEMBLY HAS APPROPRIATED MONEY OR THAT HAS RECEIVED FUNDS FROM AN APPROPRIATION FROM THE STATE TREASURY.

(E) (1) IF DIRECTED BY THE JOINT AUDIT AND EVALUATION COMMITTEE, THE EXECUTIVE DIRECTOR, THE DIRECTOR, OR WHEN OTHERWISE REQUIRED BY LAW, THE OFFICE SHALL CONDUCT A PERFORMANCE EVALUATION OF A LOCAL SCHOOL SYSTEM.

(2) A PERFORMANCE EVALUATION CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE PERFORMED CONCURRENTLY WITH OR SEPARATELY FROM AN AUDIT CONDUCTED BY THE OFFICE OF LEGISLATIVE AUDITS IN ACCORDANCE WITH § 2-1220 OF THIS SUBTITLE.

(3) THE OFFICE SHALL PROVIDE INFORMATION REGARDING THE PERFORMANCE EVALUATION PROCESS TO THE LOCAL SCHOOL SYSTEM BEFORE THE PERFORMANCE EVALUATION IS CONDUCTED.

2-1235.

(A) THIS SECTION DOES NOT APPLY TO A PERFORMANCE EVALUATION CONDUCTED IN ACCORDANCE WITH THE MARYLAND PROGRAM EVALUATION ACT.

(B) A PERFORMANCE EVALUATION CONDUCTED BY THE OFFICE MAY INCLUDE:

(1) EVALUATING THE EFFICIENCY, EFFECTIVENESS, AND ECONOMY WITH WHICH RESOURCES ARE USED;

(2) DETERMINING WHETHER DESIRED PROGRAM RESULTS ARE ACHIEVED;

(3) DETERMINING WHETHER A PROGRAM ALIGNS WITH THE UNIT'S MISSION;

(4) EVALUATING WHETHER A PROGRAM DUPLICATES ANOTHER PROGRAM OR ACTIVITY WITHIN ANOTHER UNIT;

(5) EVALUATING WHETHER THE GOVERNMENTAL ACTIVITY OR UNIT UNDER EVALUATION OPERATES:

(I) IN AN OPEN AND ACCOUNTABLE MANNER, WITH PUBLIC ACCESS TO RECORDS AND MEETINGS, SAFEGUARDS AGAINST CONFLICTS OF INTEREST, AND OPPORTUNITY FOR PUBLIC PARTICIPATION; AND

(II) IN A FAIR AND NONDISCRIMINATORY MANNER THAT COMPLIES FULLY WITH LAW AND STATE POLICY;

(6) DETERMINING THE RELIABILITY OF PERFORMANCE MEASURES, AS DEFINED IN § 3-1001 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, IDENTIFIED IN:

(I) THE MANAGING FOR RESULTS AGENCY STRATEGIC PLAN DEVELOPED UNDER § 3-1002(C) OF THE STATE FINANCE AND PROCUREMENT ARTICLE; OR

(II) THE STATESTAT STRATEGIC PLAN AND PERFORMANCE

MEASUREMENT REPORT SUBMITTED TO THE SECRETARY OF BUDGET AND MANAGEMENT UNDER § 3-1003(D) OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

(7) FOR A PERFORMANCE EVALUATION OF A LOCAL SCHOOL SYSTEM:

(I) EVALUATING WHETHER OR NOT THE SCHOOL SYSTEM IS COMPLYING WITH FEDERAL AND STATE LAWS AND REGULATIONS;

(II) ANALYZING GRADING STANDARDS, GRADUATION REQUIREMENTS, ASSESSMENTS, PROCUREMENT, AND EQUITABLE USE OF RESOURCES AMONG THE SCHOOLS WITHIN THE SYSTEM EVALUATED; AND

(III) IDENTIFYING INSTANCES OF FRAUD, WASTE, AND ABUSE.

2-1236.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A PERFORMANCE EVALUATION CONDUCTED BY THE OFFICE SHALL BE MADE AT THE OFFICES OF THE STATE UNIT, COUNTY OFFICER OR UNIT, CORPORATION, ASSOCIATION, OR LOCAL SCHOOL SYSTEM THAT IS SUBJECT TO EXAMINATION.

(B) IF CONSIDERED APPROPRIATE AND AFTER CONSULTATION WITH THE UNIT OR BODY BEING EXAMINED, THE DIRECTOR MAY AUTHORIZE ALL OR A PORTION OF A PERFORMANCE EVALUATION TO BE CONDUCTED AT THE OFFICES OF THE OFFICE.

(C) BEFORE THE OFFICE REMOVES THE ORIGINAL OR ONLY COPY OF ANY RECORD FROM THE PREMISES OF A STATE UNIT, COUNTY UNIT, OR A SCHOOL SYSTEM, THE OFFICE SHALL OBTAIN THE APPROVAL OF THE STATE UNIT, COUNTY UNIT, OR THE SCHOOL SYSTEM.

2-1237.

(A) (1) EXCEPT AS PROHIBITED BY THE INTERNAL REVENUE CODE, THE EMPLOYEES AND AUTHORIZED REPRESENTATIVES OF THE OFFICE SHALL HAVE ACCESS TO AND MAY INSPECT THE RECORDS, INCLUDING THOSE THAT ARE CONFIDENTIAL BY LAW, OF ANY UNIT OF STATE GOVERNMENT OR OF A PERSON OR OTHER BODY RECEIVING STATE FUNDS, WITH RESPECT TO ANY MATTER UNDER THE JURISDICTION OF THE OFFICE.

(2) IN CONJUNCTION WITH A PERFORMANCE EVALUATION AUTHORIZED UNDER THIS SUBTITLE, THE ACCESS REQUIRED BY PARAGRAPH (1) OF

THIS SUBSECTION SHALL INCLUDE ACCESS TO THE RECORDS OF CONTRACTORS AND SUBCONTRACTORS THAT PERFORM WORK UNDER STATE CONTRACTS.

(3) THE EMPLOYEES OR AUTHORIZED REPRESENTATIVES OF THE OFFICE SHALL HAVE ACCESS TO AND MAY INSPECT THE RECORDS, INCLUDING THOSE THAT ARE CONFIDENTIAL BY LAW, OF ANY LOCAL SCHOOL SYSTEM TO UNDERTAKE THE PERFORMANCE EVALUATIONS AUTHORIZED UNDER § 2-1234 OF THIS SUBTITLE.

(B) EACH OFFICER OR EMPLOYEE OF THE UNIT OR BODY THAT IS SUBJECT TO A PERFORMANCE EVALUATION SHALL PROVIDE ANY INFORMATION THAT THE DIRECTOR DETERMINES TO BE NEEDED FOR THE EXAMINATION OF THAT UNIT OR BODY, OR OF ANY MATTER UNDER THE AUTHORITY OF THE OFFICE, INCLUDING INFORMATION THAT OTHERWISE WOULD BE CONFIDENTIAL UNDER ANY PROVISION OF LAW.

(C) (1) THE DIRECTOR MAY ISSUE PROCESS THAT REQUIRES AN OFFICIAL OF A STATE UNIT OR SCHOOL SYSTEM THAT IS SUBJECT TO PERFORMANCE EVALUATION TO PRODUCE A RECORD THAT IS NEEDED FOR THE PERFORMANCE EVALUATION.

(2) THE PROCESS SHALL BE SENT TO THE SHERIFF FOR THE COUNTY WHERE THE OFFICIAL IS LOCATED.

(3) THE SHERIFF PROMPTLY SHALL SERVE THE PROCESS.

(4) THE STATE SHALL PAY THE COST OF PROCESS.

(5) IF A PERSON FAILS TO COMPLY WITH PROCESS ISSUED UNDER THIS SUBSECTION OR FAILS TO PROVIDE INFORMATION THAT IS REQUESTED DURING A PERFORMANCE EVALUATION, A CIRCUIT COURT MAY ISSUE AN ORDER DIRECTING COMPLIANCE WITH THE PROCESS OR COMPELLING THAT THE INFORMATION REQUESTED BE PROVIDED.

2-1238.

(A) THIS SECTION DOES NOT APPLY TO A PERFORMANCE EVALUATION CONDUCTED IN ACCORDANCE WITH THE MARYLAND PROGRAM EVALUATION ACT.

(B) ON THE COMPLETION OF EACH PERFORMANCE EVALUATION, THE DIRECTOR SHALL SUBMIT A FULL AND DETAILED REPORT TO THE JOINT AUDIT AND EVALUATION COMMITTEE.

(C) A FULL AND DETAILED REPORT PREPARED BY THE OFFICE SHALL INCLUDE:

(1) A SUMMARY OF SIGNIFICANT LEGISLATIVE AND REGULATORY CHANGES;

(2) THE FINDINGS OF THE PERFORMANCE EVALUATION;

(3) SPECIFIC RECOMMENDATIONS FOR MAKING THE PROGRAM OR ACTIVITY MORE EFFICIENT OR EFFECTIVE, INCLUDING RECOMMENDATIONS FOR CONSOLIDATION OR ELIMINATION OF ANY DUPLICATIVE PROGRAMS OR ACTIVITIES;

(4) AN ESTIMATE OF THE COSTS OR SAVINGS, IF ANY, EXPECTED FROM IMPLEMENTING THE FINDINGS AND RECOMMENDATIONS;

(5) RECOMMENDED LEGISLATION NEEDED TO IMPLEMENT THE FINDINGS AND RECOMMENDATIONS; AND

(6) ANY RESPONSE OF THE UNIT OR BODY THAT IS THE SUBJECT OF THE REPORT, SUBJECT TO PROCEDURES APPROVED BY THE JOINT AUDIT AND EVALUATION COMMITTEE.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN EMPLOYEE OR AUTHORIZED REPRESENTATIVE OF THE OFFICE MAY SUBMIT A DRAFT REPORT OF FINDINGS ONLY TO THE DIRECTOR OR THE EXECUTIVE DIRECTOR.

(2) A DRAFT REPORT SHALL BE PROVIDED TO THE UNIT OR BODY THAT IS THE SUBJECT OF THE REPORT FOR THE PURPOSE OF SOLICITING THE RESPONSE OF THE UNIT OR BODY THAT IS REQUIRED TO BE INCLUDED IN THE FULL AND DETAILED REPORT UNDER SUBSECTION (C)(6) OF THIS SECTION.

(E) THE DIRECTOR SHALL SEND A COPY OF THE FULL AND DETAILED REPORT TO:

(1) THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES;

(2) THE COMMITTEES OF JURISDICTION;

(3) MEMBERS OF THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THIS SUBTITLE;

(4) THE GOVERNOR;

(5) THE UNIT OR BODY THAT IS THE SUBJECT OF THE REPORT;

(6) THE SECRETARY OF BUDGET AND MANAGEMENT;

(7) THE EXECUTIVE DIRECTOR; AND

(8) ANY OTHER PERSON WHOM THE JOINT AUDIT AND EVALUATION COMMITTEE SPECIFIES.

(F) AFTER THE EXPIRATION OF ANY PERIOD THAT THE JOINT AUDIT AND EVALUATION COMMITTEE SPECIFIES, THE DIRECTOR SHALL MAKE A REPORT AVAILABLE TO THE PUBLIC ONLINE AND UNDER THE PUBLIC INFORMATION ACT.

(G) (1) THE DIRECTOR SHALL REVIEW EACH UNIT'S RESPONSE AND ADVISE THE UNIT OF THE RESULTS OF THE REVIEW.

(2) THE DIRECTOR SHALL ADVISE THE JOINT AUDIT AND EVALUATION COMMITTEE WHEN:

(I) A UNIT DOES NOT SUBMIT A RESPONSE TO A RECOMMENDATION;

(II) A UNIT DOES NOT INDICATE ACTION, AS RELEVANT, TO BE TAKEN IN RESPONSE TO A RECOMMENDATION;

(III) A UNIT REQUESTS A MODIFICATION OF OR A WAIVER FROM A RECOMMENDATION; OR

(IV) THE RESPONSE BY THE UNIT IS NOT CONSIDERED APPROPRIATE TO CARRY OUT THE RECOMMENDATION.

(3) THE EXECUTIVE DIRECTOR OR THE JOINT AUDIT AND EVALUATION COMMITTEE MAY DIRECT THE DIRECTOR TO UNDERTAKE A REVIEW TO DETERMINE THE EXTENT TO WHICH ACTION HAS BEEN TAKEN BY A UNIT TO IMPLEMENT A REPORT RECOMMENDATION.

(4) WITH RESPECT TO PERFORMANCE-RELATED FINDINGS AND RECOMMENDATIONS, THE JOINT AUDIT AND EVALUATION COMMITTEE MAY MAKE RECOMMENDATIONS TO THE GOVERNOR OR PROPOSE LEGISLATION AFTER REVIEWING A UNIT'S RESPONSE TO A RECOMMENDED ACTION.

(H) (1) THE GOVERNOR ~~AND THE CHIEF JUDGE OF THE COURT OF~~

~~APPEALS SHALL IMPLEMENT SYSTEMS AND PROCESSES TO MONITOR THE EFFORTS OF THE EXECUTIVE DEPARTMENTAL UNITS AND THE JUDICIARY, RESPECTIVELY, TO ADDRESS PERFORMANCE EVALUATION FINDINGS REPORTED BY THE OFFICE.~~

(2) WITHIN 9 MONTHS OF A PERFORMANCE EVALUATION REPORT, ANY UNIT DIRECTED TO DO SO SHALL REPORT TO THE OFFICE FOR EACH FINDING OR RECOMMENDATION IN THAT PERFORMANCE EVALUATION REPORT:

(I) THE ACTIONS TAKEN TO ADDRESS THE FINDING OR RECOMMENDATION; OR

(II) A SCHEDULE FOR WHEN SPECIFIC ACTIONS WILL BE IMPLEMENTED.

2-1239.

(A) (1) IN ADDITION TO THE REPORTS UNDER § 2-1238 OF THIS SUBTITLE, THE DIRECTOR SHALL REPORT AN APPARENT VIOLATION OF LAW BY A UNIT OF STATE GOVERNMENT OR OTHER BODY THAT IS EXAMINED.

(2) A REPORT UNDER THIS SUBSECTION SHALL BE SUBMITTED TO:

(I) THE JOINT AUDIT AND EVALUATION COMMITTEE;

(II) THE EXECUTIVE DIRECTOR;

(III) THE UNIT OR BODY THAT IS THE SUBJECT OF THE REPORT;

AND

(IV) THE OFFICE OF THE ATTORNEY GENERAL.

(B) (1) IF THE DIRECTOR DISCOVERS ANY ALLEGED CRIMINAL VIOLATION BY A PERSON DURING THE COURSE OF A PERFORMANCE EVALUATION, THE DIRECTOR SHALL REPORT THE ALLEGED VIOLATION TO THE ATTORNEY GENERAL AND THE APPROPRIATE STATE'S ATTORNEY.

(2) A REPORT UNDER THIS SUBSECTION SHALL ASK THE ATTORNEY GENERAL AND STATE'S ATTORNEY TO TAKE APPROPRIATE ACTION.

(3) UNLESS THE ATTORNEY GENERAL OR STATE'S ATTORNEY DECIDES TO PROSECUTE AN ALLEGED CRIMINAL VIOLATION REPORTED UNDER THIS SUBSECTION, THE ATTORNEY GENERAL AND STATE'S ATTORNEY SHALL KEEP THE REPORT OF THE DIRECTOR UNDER THIS SUBSECTION CONFIDENTIAL.

(4) THE ATTORNEY GENERAL MAY INVESTIGATE AND PROSECUTE ANY ALLEGED CRIMINAL VIOLATION REPORTED UNDER THIS SUBSECTION AND HAS ALL THE POWERS AND DUTIES OF A STATE'S ATTORNEY, INCLUDING THE USE OF A GRAND JURY IN ANY COUNTY, TO INVESTIGATE AND PROSECUTE THE ALLEGED VIOLATION.

(C) (1) THE OFFICE OF THE ATTORNEY GENERAL SHALL RESPOND, IN WRITING, TO A REPORT RECEIVED FROM THE DIRECTOR UNDER THIS SECTION.

(2) THE RESPONSE OF THE ATTORNEY GENERAL SHALL INCLUDE WHAT ACTIONS, IF ANY, WERE TAKEN AS A RESULT OF THE FINDINGS OF THE DIRECTOR.

(3) THE RESPONSE OF THE ATTORNEY GENERAL SHALL BE SUBMITTED TO:

(I) THE JOINT AUDIT AND EVALUATION COMMITTEE;

(II) THE EXECUTIVE DIRECTOR;

(III) THE UNIT OR BODY THAT IS THE SUBJECT OF THE REPORT;

AND

(IV) THE DIRECTOR.

2-1240.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, CONFIDENTIAL INFORMATION THAT AN EMPLOYEE OR AUTHORIZED REPRESENTATIVE OF THE OFFICE OR THE OFFICE OF POLICY ANALYSIS OBTAINS DURING A PERFORMANCE EVALUATION:

(1) REMAINS CONFIDENTIAL; AND

(2) MAY NOT BE DISCLOSED EXCEPT TO ANOTHER EMPLOYEE OR AUTHORIZED REPRESENTATIVE OF THE OFFICE OR THE OFFICE OF POLICY ANALYSIS.

(B) INFORMATION OBTAINED DURING A PERFORMANCE EVALUATION MAY BE PROVIDED IN A FORMAT THAT PROTECTS THE CONFIDENTIALITY OF INDIVIDUALS AS NECESSARY.

(C) THE DIRECTOR MAY AUTHORIZE THE DISCLOSURE OF CONFIDENTIAL INFORMATION OBTAINED DURING A PERFORMANCE EVALUATION ONLY TO THE FOLLOWING:

(1) ANOTHER EMPLOYEE OF THE DEPARTMENT, WITH THE APPROVAL OF THE EXECUTIVE DIRECTOR;

(2) FEDERAL, STATE, OR LOCAL OFFICIALS, OR THEIR AUDITORS, WHO PROVIDE EVIDENCE TO THE DIRECTOR THAT THEY ARE PERFORMING INVESTIGATIONS, STUDIES, OR AUDITS RELATED TO THAT SAME EXAMINATION AND WHO PROVIDE JUSTIFICATION FOR THE SPECIFIC INFORMATION REQUESTED; OR

(3) THE JOINT AUDIT AND EVALUATION COMMITTEE, IF NECESSARY TO ASSIST THE COMMITTEE IN REVIEWING A REPORT ISSUED BY THE OFFICE.

(D) EXCEPT AS PROVIDED IN § 2-1239 OF THIS SUBTITLE, IF INFORMATION THAT AN EMPLOYEE OR AUTHORIZED REPRESENTATIVE OBTAINS DURING A PERFORMANCE EVALUATION ALSO IS CONFIDENTIAL UNDER ANOTHER LAW, THE EMPLOYEE, AUTHORIZED REPRESENTATIVE, OR THE DIRECTOR MAY NOT INCLUDE IN A REPORT OR OTHERWISE USE THE INFORMATION IN ANY MANNER THAT DISCLOSES THE IDENTITY OF ANY PERSON WHO IS THE SUBJECT OF THE CONFIDENTIAL INFORMATION.

2-1241.

A PERSON IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 IF THE PERSON:

(1) FAILS TO COMPLY PROMPTLY WITH PROCESS THAT THE DIRECTOR ISSUES UNDER THIS PART; OR

(2) VIOLATES ANY PROVISION OF § 2-1238(D) OR § 2-1240 OF THIS SUBTITLE.

2-1247.

(a) In addition to any duties set forth elsewhere, the Office shall:

(7) report, subject to [§ 2-1246] § 2-1257 of this subtitle, on the public debt of the State, including the effect of an additional debt authorization or issue on State finances;

(13) as directed by the General Assembly, the Legislative Policy Committee, the Joint Audit AND EVALUATION Committee, or other legislative committees:

(i) subject to [§ 2–1246] § 2–1257 of this subtitle, submit reports on the studies on units of the State government; and

(ii) conduct other special studies and prepare other special reports;

(15) subject to [§ 2–1246] § 2–1257 of this subtitle, publish an annual report on the revenues and expenditures of each county, municipal corporation, and special taxing district created by law; and

2–1251.

In addition to any other duties set forth elsewhere, the Office shall:

(2) index and preserve all information prepared as a result of the provisions of [§ 2–1238] § 2–1248 of this subtitle; and

2–1256.

The Department shall:

(3) subject to [§ 2–1246] § 2–1257 of this subtitle, annually submit the list to the General Assembly.

8–401.

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

(b) “Committees of jurisdiction” means the committees of the General Assembly that routinely handle the policy issues and legislation related to a specific governmental activity or unit subject to review under this subtitle.

(c) “Department” means the Department of Legislative Services.

(d) “Evaluation” means the [two–tiered] process of legislative review of a governmental activity or unit used to determine:

(1) whether the governmental activity or unit should be reestablished or terminated; and

(2) what, if any, statutory or nonstatutory changes should be recommended to the General Assembly to improve the operations of the governmental activity or unit.

(e) [“Evaluation year” means the year in which either a preliminary or full evaluation of a governmental activity or unit is to be completed.

(f) “Full evaluation” means:

(1) an examination of issues identified in a preliminary evaluation as requiring further study; or

(2) a follow-up review of how issues identified in a previous evaluation have been implemented by a governmental activity or unit.

(g) “Governmental activity” means a program, service, or other function of government.

(h) (F) “Office” means the [Office of Policy Analysis] **OFFICE** in the Department of Legislative Services **DESIGNATED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT.**

(i) “Preliminary evaluation” means a review of a governmental activity or unit limited to the items specified under § 8-403(b) of this subtitle that is undertaken to provide a recommendation to the Legislative Policy Committee on whether a governmental activity or unit should undergo a full evaluation.]

8-402.

(a) The General Assembly finds that:

(1) a [system] **FRAMEWORK THAT ALLOWS** for periodic, legislative review of the regulatory, licensing, and other governmental activities of the Executive Branch of the State government is essential for the maintenance of a government in which the citizens have confidence and of a healthy State economy; and

(b) The purposes of this subtitle are to:

(2) ensure that the legislative review takes place by establishing, by statute, [dates] **A PROCESS** for the review and other legislative action.

[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:

- (1) Acupuncture Board, State (§ 1A–201 of the Health Occupations Article: 2022);
- (2) Amusement Ride Safety, State Advisory Board (§ 3–303 of the Business Regulation Article: 2021);
- (3) Apprenticeship and Training Council (§ 11–403 of the Labor and Employment Article: 2021);
- (4) Architects, State Board of (§ 3–201 of the Business Occupations and Professions Article: 2020);
- (5) Athletic Commission, State (§ 4–201 of the Business Regulation Article: 2018);
- (6) Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists, State Board of Examiners for (§ 2–201 of the Health Occupations Article: 2023);
- (7) Barbers, State Board of (§ 4–201 of the Business Occupations and Professions Article: 2018);
- (8) Behavior Analyst Advisory Committee (§ 17–6A–05 of the Health Occupations Article: 2021);
- (9) Boiler Rules, Board of (§ 12–904 of the Public Safety Article: 2021);
- (10) Cemetery Oversight, Office of (§ 5–201 of the Business Regulation Article: 2020);
- (11) Chiropractic Examiners, State Board of (§ 3–201 of the Health Occupations Article: 2019);
- (12) Collection Agency Licensing Board, State (§ 7–201 of the Business Regulation Article: 2019);
- (13) Cosmetologists, State Board of (§ 5–201 of the Business Occupations and Professions Article: 2018);
- (14) Counselors and Therapists, State Board of Professional (§ 17–201 of the Health Occupations Article: 2016);
- (15) Dietetic Practice, State Board of (§ 5–201 of the Health Occupations Article: 2022);

(16) Electricians, State Board of Master (§ 6–201 of the Business Occupations and Professions Article: 2020);

(17) Elevator Safety Review Board (§§ 12–819 through 12–841 of the Public Safety Article: 2026);

(18) Engineers, State Board for Professional (§ 14–201 of the Business Occupations and Professions Article: 2020);

(19) Engineers, State Board of Stationary (§ 6.5–201 of the Business Occupations and Professions Article: 2021);

(20) Environmental Health Specialists, State Board of (§ 21–201 of the Health Occupations Article: 2023);

(21) Financial Regulation, Office of the Commissioner of (§ 2–101 of the Financial Institutions Article: 2019);

(22) Foresters, State Board of (§ 7–201 of the Business Occupations and Professions Article: 2022);

(23) Health Care Commission, Maryland (§ 19–103 of the Health – General Article: 2015);

(24) Health Services Cost Review Commission, State (§ 19–202 of the Health – General Article: 2015);

(25) Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors, State Board of (§ 9A–201 of the Business Regulation Article: 2020);

(26) Home Improvement Commission, Maryland (§ 8–201 of the Business Regulation Article: 2019);

(27) Horse Industry Board, Maryland (§ 2–701 of the Agriculture Article: 2023);

(28) Individual Tax Preparers, State Board of (§ 21–201 of the Business Occupations and Professions Article: 2023);

(29) Interior Designers, State Board of Certified (§ 8–201 of the Business Occupations and Professions Article: 2021);

(30) Labor and Industry, Division of (Title 2 of the Labor and Employment Article: 2021) and related programs;

(31) Land Surveyors, State Board for Professional (§ 15–201 of the Business Occupations and Professions Article: 2021);

(32) Landscape Architects, State Board of Examiners of (§ 9–201 of the Business Occupations and Professions Article: 2021);

(33) Law Examiners, State Board of (§ 10–201 of the Business Occupations and Professions Article: 2027);

(34) Maryland–Bred Race Fund Advisory Committee (§ 11–531 of the Business Regulation Article: 2021);

(35) Massage Therapy Examiners, State Board of (§ 6–201 of the Health Occupations Article: 2023);

(36) Nursing Home Administrators, State Board of Examiners of (§ 9–201 of the Health Occupations Article: 2024);

(37) Occupational Safety and Health Advisory Board (§ 5–302 of the Labor and Employment Article: 2021);

(38) Occupational Therapy Practice, State Board of (§ 10–201 of the Health Occupations Article: 2022);

(39) Optometry, State Board of Examiners in (§ 11–201 of the Health Occupations Article: 2020);

(40) Physical Therapy Examiners, State Board of (§ 13–201 of the Health Occupations Article: 2019);

(41) Pilots, State Board of (§ 11–201 of the Business Occupations and Professions Article: 2019);

(42) Plumbing, State Board of (§ 12–201 of the Business Occupations and Professions Article: 2020);

(43) Podiatric Medical Examiners, State Board of (§ 16–201 of the Health Occupations Article: 2019);

(44) Prescription Drug Monitoring Program in the Maryland Department of Health (§ 21–2A–02 of the Health – General Article: 2013);

(45) Psychologists, State Board of Examiners of (§ 18–201 of the Health Occupations Article: 2020);

(46) Public Accountancy, State Board of (§ 2–201 of the Business Occupations and Professions Article: 2022);

(47) Racing Commission, State (§ 11–201 of the Business Regulation Article:

2021);

(48) Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors, State Commission of (§ 16–201 of the Business Occupations and Professions Article: 2020);

(49) Real Estate Commission, State (§ 17–201 of the Business Occupations and Professions Article: 2019);

(50) Residential Child Care Program Professionals, State Board for Certification of (§ 20–202 of the Health Occupations Article: 2021);

(51) security systems technicians, licensing and regulation of (§ 18–201 of the Business Occupations and Professions Article: 2018);

(52) Social Work Examiners, State Board of (§ 19–201 of the Health Occupations Article: 2021);

(53) Standardbred Race Fund Advisory Committee, Maryland (§ 11–625 of the Business Regulation Article: 2021);

(54) Veterinary Medical Examiners, State Board of (§ 2–302 of the Agriculture Article: 2018);

(55) Waterworks and Waste Systems Operators, State Board of (§ 12–201 of the Environment Article: 2018); and

(56) Well Drillers, State Board of (§ 13–201 of the Environment Article: 2018).

(c) A report on a preliminary evaluation shall:

(1) include a summary of:

(i) significant legislative and regulatory changes since the last evaluation;

(ii) licensing and enforcement activities since the last evaluation;

(iii) registered complaints, complaint outcomes, and disciplinary activities since the last evaluation; and

(iv) revenues and expenditures for the most recent 6–year period, including indirect costs; and

(2) recommend whether a full evaluation should be undertaken by the Department.

(d) The Department shall consider recommending a full evaluation of a governmental activity or unit if problems are identified regarding:

- (1) implementation of the governmental activity or unit's mandate or statutory requirements;
- (2) management or disposition of licensing, enforcement, complaint, or disciplinary activities;
- (3) finances or resources; or
- (4) other issues as identified by the General Assembly or the Department.

(e) On completion, the Department shall submit each report on a preliminary evaluation to the Legislative Policy Committee.]

8-403.

THIS SUBTITLE APPLIES ONLY TO THE FOLLOWING GOVERNMENTAL ACTIVITIES AND UNITS:

- (1) ACUPUNCTURE BOARD, STATE (§ 1A-201 OF THE HEALTH OCCUPATIONS ARTICLE);**
- (2) AMUSEMENT RIDE SAFETY, STATE ADVISORY BOARD (§ 3-303 OF THE BUSINESS REGULATION ARTICLE);**
- (3) APPRENTICESHIP AND TRAINING COUNCIL (§ 11-403 OF THE LABOR AND EMPLOYMENT ARTICLE);**
- (4) ARCHITECTS, STATE BOARD OF (§ 3-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);**
- (5) ATHLETIC COMMISSION, STATE (§ 4-201 OF THE BUSINESS REGULATION ARTICLE);**
- (6) AUDIOLOGISTS, HEARING AID DISPENSERS, AND SPEECH-LANGUAGE PATHOLOGISTS, STATE BOARD OF EXAMINERS FOR (§ 2-201 OF THE HEALTH OCCUPATIONS ARTICLE);**
- (7) BARBERS, STATE BOARD OF (§ 4-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);**

(8) BEHAVIOR ANALYST ADVISORY COMMITTEE (§ 17-6A-05 OF THE HEALTH OCCUPATIONS ARTICLE);

(9) BOILER RULES, BOARD OF (§ 12-904 OF THE PUBLIC SAFETY ARTICLE);

(10) CEMETERY OVERSIGHT, OFFICE OF (§ 5-201 OF THE BUSINESS REGULATION ARTICLE);

(11) CHIROPRACTIC EXAMINERS, STATE BOARD OF (§ 3-201 OF THE HEALTH OCCUPATIONS ARTICLE);

(12) COLLECTION AGENCY LICENSING BOARD, STATE (§ 7-201 OF THE BUSINESS REGULATION ARTICLE);

(13) COSMETOLOGISTS, STATE BOARD OF (§ 5-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(14) COUNSELORS AND THERAPISTS, STATE BOARD OF PROFESSIONAL (§ 17-201 OF THE HEALTH OCCUPATIONS ARTICLE);

(15) DENTAL EXAMINERS, STATE BOARD OF (§ 4-201 OF THE HEALTH OCCUPATIONS ARTICLE);

(16) DIETETIC PRACTICE, STATE BOARD OF (§ 5-201 OF THE HEALTH OCCUPATIONS ARTICLE);

(17) ELECTRICIANS, STATE BOARD OF MASTER (§ 6-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(18) ELEVATOR SAFETY REVIEW BOARD (§§ 12-819 THROUGH 12-841 OF THE PUBLIC SAFETY ARTICLE);

(19) ENGINEERS, STATE BOARD FOR PROFESSIONAL (§ 14-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(20) ENGINEERS, STATE BOARD OF STATIONARY (§ 6.5-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(21) ENVIRONMENTAL HEALTH SPECIALISTS, STATE BOARD OF (§ 21-201 OF THE HEALTH OCCUPATIONS ARTICLE);

(22) FINANCIAL REGULATION, OFFICE OF THE COMMISSIONER OF (§

2-101 OF THE FINANCIAL INSTITUTIONS ARTICLE);

(23) FORESTERS, STATE BOARD OF (§ 7-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(24) HEALTH CARE COMMISSION, MARYLAND (§ 19-103 OF THE HEALTH – GENERAL ARTICLE);

(25) HEALTH SERVICES COST REVIEW COMMISSION, STATE (§ 19-202 OF THE HEALTH – GENERAL ARTICLE);

(26) HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION CONTRACTORS, STATE BOARD OF (§ 9A-201 OF THE BUSINESS REGULATION ARTICLE);

(27) HOME IMPROVEMENT COMMISSION, MARYLAND (§ 8-201 OF THE BUSINESS REGULATION ARTICLE);

(28) HORSE INDUSTRY BOARD, MARYLAND (§ 2-701 OF THE AGRICULTURE ARTICLE);

(29) INDIVIDUAL TAX PREPARERS, STATE BOARD OF (§ 21-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(30) INTERIOR DESIGNERS, STATE BOARD OF CERTIFIED (§ 8-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(31) LABOR AND INDUSTRY, DIVISION OF (TITLE 2 OF THE LABOR AND EMPLOYMENT ARTICLE) AND RELATED PROGRAMS;

(32) LAND SURVEYORS, STATE BOARD FOR PROFESSIONAL (§ 15-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(33) LANDSCAPE ARCHITECTS, STATE BOARD OF EXAMINERS OF (§ 9-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(34) LAW EXAMINERS, STATE BOARD OF (§ 10-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(35) MARYLAND-BRED RACE FUND ADVISORY COMMITTEE (§ 11-531 OF THE BUSINESS REGULATION ARTICLE);

(36) MASSAGE THERAPY EXAMINERS, STATE BOARD OF (§ 6-201 OF

THE HEALTH OCCUPATIONS ARTICLE);

(37) MORTICIANS AND FUNERAL DIRECTORS, STATE BOARD OF (§ 7-201 OF THE HEALTH OCCUPATIONS ARTICLE);

(38) NURSING, STATE BOARD OF (§ 8-201 OF THE HEALTH OCCUPATIONS ARTICLE: 2021), INCLUDING THE ALLIED HEALTH ADVISORY COMMITTEES UNDER THE JURISDICTION OF THE BOARD;

(39) NURSING HOME ADMINISTRATORS, STATE BOARD OF EXAMINERS OF (§ 9-201 OF THE HEALTH OCCUPATIONS ARTICLE);

(40) OCCUPATIONAL SAFETY AND HEALTH ADVISORY BOARD (§ 5-302 OF THE LABOR AND EMPLOYMENT ARTICLE);

(41) OCCUPATIONAL THERAPY PRACTICE, STATE BOARD OF (§ 10-201 OF THE HEALTH OCCUPATIONS ARTICLE);

(42) OPTOMETRY, STATE BOARD OF EXAMINERS IN (§ 11-201 OF THE HEALTH OCCUPATIONS ARTICLE);

(43) PHARMACY, STATE BOARD OF (§ 12-201 OF THE HEALTH OCCUPATIONS ARTICLE);

(44) PHYSICAL THERAPY EXAMINERS, STATE BOARD OF (§ 13-201 OF THE HEALTH OCCUPATIONS ARTICLE);

(45) PHYSICIANS, STATE BOARD OF (§ 14-201 OF THE HEALTH OCCUPATIONS ARTICLE), INCLUDING THE ALLIED HEALTH ADVISORY COMMITTEES UNDER THE JURISDICTION OF THE BOARD;

(46) PILOTS, STATE BOARD OF (§ 11-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(47) PLUMBING, STATE BOARD OF (§ 12-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(48) PODIATRIC MEDICAL EXAMINERS, STATE BOARD OF (§ 16-201 OF THE HEALTH OCCUPATIONS ARTICLE);

(49) PRESCRIPTION DRUG MONITORING PROGRAM IN THE MARYLAND DEPARTMENT OF HEALTH (§ 21-2A-02 OF THE HEALTH – GENERAL ARTICLE);

(50) PSYCHOLOGISTS, STATE BOARD OF EXAMINERS OF (§ 18-201 OF THE HEALTH OCCUPATIONS ARTICLE);

(51) PUBLIC ACCOUNTANCY, STATE BOARD OF (§ 2-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(52) RACING COMMISSION, STATE (§ 11-201 OF THE BUSINESS REGULATION ARTICLE);

(53) REAL ESTATE APPRAISERS, APPRAISAL MANAGEMENT COMPANIES, AND HOME INSPECTORS, STATE COMMISSION OF (§ 16-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(54) REAL ESTATE COMMISSION, STATE (§ 17-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(55) RESIDENTIAL CHILD CARE PROGRAM PROFESSIONALS, STATE BOARD FOR CERTIFICATION OF (§ 20-202 OF THE HEALTH OCCUPATIONS ARTICLE);

(56) SECURITY SYSTEMS TECHNICIANS, LICENSING AND REGULATION OF (§ 18-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(57) SOCIAL WORK EXAMINERS, STATE BOARD OF (§ 19-201 OF THE HEALTH OCCUPATIONS ARTICLE);

(58) STANDARD BRED RACE FUND ADVISORY COMMITTEE, MARYLAND (§ 11-625 OF THE BUSINESS REGULATION ARTICLE);

(59) VETERINARY MEDICAL EXAMINERS, STATE BOARD OF (§ 2-302 OF THE AGRICULTURE ARTICLE);

(60) WATERWORKS AND WASTE SYSTEMS OPERATORS, STATE BOARD OF (§ 12-201 OF THE ENVIRONMENT ARTICLE); AND

(61) WELL DRILLERS, STATE BOARD OF (§ 13-201 OF THE ENVIRONMENT ARTICLE).

[8-404.

(a) On or before the 10th day of the regular session of the General Assembly immediately following the evaluation year for a governmental activity or unit specified under § 8-403(b) of this subtitle, the Legislative Policy Committee shall approve or

disapprove the recommendations contained in each report on a preliminary evaluation submitted by the Department.

(b) If the Legislative Policy Committee approves the Department's recommendation to waive a governmental activity or unit from full evaluation, the Department shall prepare legislation to extend the termination date and evaluation year of the governmental activity or unit.

(c) The Department shall conduct a full evaluation of a governmental activity or unit as specified under § 8–405 of this subtitle if the Legislative Policy Committee:

(1) approves the Department's recommendation that a governmental activity or unit undergo full evaluation; or

(2) requests that a governmental activity or unit that the Department has recommended be waived from full evaluation instead undergo full evaluation.]

[8–405.] 8–404.

[(a) The Department shall:

(1) conduct a full evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each full 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 full evaluation, in the evaluation year specified, without the need for a preliminary evaluation:

(1) Dental Examiners, State Board of (§ 4–201 of the Health Occupations Article: 2019);

(2) Morticians and Funeral Directors, State Board of (§ 7–201 of the Health Occupations Article: 2026);

(3) Nursing, State Board of (§ 8–201 of the Health Occupations Article: 2021) including:

(i) Electrology Practice Committee (§ 8–6B–05 of the Health Occupations Article: 2021); and

(ii) Direct–Entry Midwifery Advisory Committee (§ 8–6C–10 of the Health Occupations Article: 2021);

(4) Pharmacy, State Board of (§ 12–201 of the Health Occupations Article: 2021); and

(5) Physicians, State Board of (§ 14–201 of the Health Occupations Article: 2021), including:

(i) Athletic Training Advisory Committee (§ 14–5D–04 of the Health Occupations Article: 2021);

(ii) Naturopathic Medicine Advisory Committee (§ 14–5F–04 of the Health Occupations Article: 2021);

(iii) Perfusion Advisory Committee (§ 14–5E–05 of the Health Occupations Article: 2021);

(iv) Physician Assistant Advisory Committee (§ 15–201 of the Health Occupations Article: 2021);

(v) Polysomnography Professional Standards Committee (§ 14–5C–05 of the Health Occupations Article: 2021);

(vi) Radiation Therapy, Radiography, Nuclear Medicine Technology Advisory, and Radiology Assistance Committee (§ 14–5B–05 of the Health Occupations Article: 2021); and

(vii) Respiratory Care Professional Standards Committee (§ 14–5A–05 of the Health Occupations Article: 2021).

(c) In addition to the entities specified under subsection (b) of this section, the Department shall conduct a full evaluation of each entity that has undergone a preliminary evaluation for which the Legislative Policy Committee determines a full evaluation is necessary.

(d) Each full evaluation shall be completed on or before:

(1) December 1 of the evaluation year specified for entities subject to a full evaluation without a preliminary evaluation under subsection (b) of this section; or

(2) unless otherwise specified by the Legislative Policy Committee, December 1 of the year following the completion of a preliminary evaluation report.]

(A) WHEN DIRECTED BY THE LEGISLATIVE POLICY COMMITTEE, THE JOINT AUDIT AND EVALUATION COMMITTEE, THE EXECUTIVE DIRECTOR, THE DIRECTOR OF THE OFFICE OF POLICY ANALYSIS, OR THE DIRECTOR OF THE OFFICE OF PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY, THE OFFICE SHALL CONDUCT AN EVALUATION OF A GOVERNMENTAL ACTIVITY OR UNIT AND THE STATUTES RELATED TO THE GOVERNMENTAL ACTIVITY OR UNIT.

(B) THE OFFICE, IN CONSULTATION WITH THE COMMITTEES OF JURISDICTION, SHALL DEVELOP A WORK PLAN FOR AN EVALUATION CONDUCTED UNDER SUBSECTION (A) OF THIS SECTION.

[(e)] (C) [(1) If a preliminary evaluation has not been conducted, a full] THE evaluation report FOR AN EVALUATION CONDUCTED UNDER SUBSECTION (A) OF THIS SECTION:

(1) shall BE CONSISTENT WITH THE WORK PLAN DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION; AND

(2) MAY address [any issues raised in the previous sunset evaluation conducted by the Department and] the governmental activity's or unit's:

- (i) efficiency;**
- (ii) effectiveness;**
- (iii) role in protecting consumers;**
- (iv) sufficiency of resources; and**
- (v) accomplishment of legislative objectives.**

[(2) If a preliminary evaluation has been conducted, a full evaluation report shall focus on the issues identified in the preliminary evaluation of the governmental activity or unit.]

[(f)] (D) On completion, the Department shall submit each [full] evaluation report, including draft legislation to implement any recommended statutory changes, to the committees of jurisdiction.

[8-406.] 8-405.

On or before the 10th day of the regular session of the General Assembly in the year after the [full] evaluation of a governmental activity or unit has been completed, the committees of jurisdiction for the governmental activity or unit shall hold a public hearing to receive testimony on the evaluation report from the Department, the unit under evaluation or responsible for the governmental activity under evaluation, and the public.

[8-407.] 8-406.

(a) Subject to [§ 2-1246] § 2-1257 of this article, on or before the 20th day of the regular session of the General Assembly in the year after [a full] AN evaluation of a governmental activity or unit has been completed, the committees of jurisdiction for the

governmental activity or unit shall submit a report to the General Assembly.

(b) (1) The report shall recommend whether a governmental activity or unit that has undergone [a full] AN evaluation should be reestablished, with or without changes, or allowed to terminate.

(2) The report shall be accompanied by each bill that is needed to accomplish the recommendations in the report.

[8-408.] 8-407.

(a) During an evaluation [required] CONDUCTED under § 8-404 OF this subtitle, the unit under evaluation or responsible for the governmental activity under evaluation shall:

(1) promptly provide any information that the Department or a committee of the General Assembly requests; and

(2) otherwise cooperate with the Department to carry out the requirements of this subtitle.

(b) Information requested under subsection (a)(1) of this section may be provided in a format that protects the confidentiality of individuals as necessary.

(c) The Department shall follow procedures to maintain the confidentiality of any information, documents, or proceedings obtained or observed in the course of carrying out the requirements of this subtitle.

8-408.

(A) EACH UNIT SUBJECT TO TERMINATION OR RESPONSIBLE FOR THE GOVERNMENTAL ACTIVITY SUBJECT TO TERMINATION SHALL ENSURE THAT LEGISLATION IS REQUESTED TO EXTEND THE TERMINATION DATE OF THE UNIT OR GOVERNMENTAL ACTIVITY.

(B) LEGISLATION REQUESTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION MAY NOT PROPOSE A REESTABLISHMENT PERIOD THAT EXCEEDS 10 YEARS.

8-409.

[(a) (1) The reestablishment of a governmental activity or unit designated for evaluation under § 8-403 of this subtitle is for a 10-year period unless the law that provides for reestablishment sets another period.

(2) After the period of reestablishment expires, the governmental activity

or unit terminates as provided by law unless the governmental activity or unit is reestablished again.

(b)] The term of office of a member of a unit under evaluation or responsible for a governmental activity under evaluation is not affected by reason of reestablishment of the governmental activity or unit unless the law that reestablishes the governmental activity or unit provides otherwise.

8–410.

(a) The termination of a governmental activity or unit or repeal of its statute in accordance with this subtitle is not a reason for dismissal of any claim or right of:

(1) the unit that is terminated or is responsible for the governmental activity that is terminated; or

(2) any person against that unit.

(b) The State shall assume these claims and rights.

8–411.

This subtitle may be cited as the Maryland Program Evaluation Act.

SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Department of Legislative Services shall:

(1) on or before December 1, 2019, conduct an evaluation of the State Board of Veterinary Medical Examiners as approved by the Legislative Policy Committee in December 2018; and

(2) on or before January 1, 2020, make recommendations to the committees of jurisdiction on a new termination date for the State Board of Veterinary Medical Examiners.

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. The publisher shall adequately describe any correction that is made in an editor's note following the section affected.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, May 13, 2019.

Chapter 511**(Senate Bill 640)**

AN ACT concerning

**State Government – Office of Program Evaluation and Government
Accountability and Maryland Program Evaluation Act**

FOR the purpose of renaming the Joint Audit Committee to be the Joint Audit and Evaluation Committee; altering the powers and duties of the Committee; establishing the Office of Program Evaluation and Government Accountability as a unit in the Department of Legislative Services; requiring the Executive Director of the Department, with the approval of and in consultation with certain individuals, to appoint the Director of the Office; authorizing the Director, with the approval of the Executive Director, to appoint a Deputy Director and certain staff; providing for the duties and authority of the Director and the Deputy Director; requiring the Office to conduct certain performance evaluations of units of State government in accordance with a certain work plan; authorizing the Office to conduct certain performance evaluations under certain circumstances; requiring the Office to conduct certain investigations under certain circumstances; authorizing the Office to conduct certain evaluations in accordance with the Maryland Program Evaluation Act; authorizing the Committee to direct the Office to conduct a certain assessment or scoping evaluation of a unit of State government and, based on the findings of the assessment or scoping evaluation, waive the unit from an evaluation under this Act; requiring the Office to conduct a performance evaluation of certain corporations or associations and certain local school systems under certain circumstances; requiring that performance evaluation reports include certain information; providing for the manner in which performance evaluations are to be conducted; granting employees and authorized representatives of the Office, except under certain circumstances, access to and the authority to inspect certain records; authorizing the Director to issue process to require a certain office to produce a certain record; authorizing, subject to a certain exception, an employee or authorized representative of the Office to submit a certain draft report only to certain individuals; requiring the Director, on the completion of each evaluation, to submit a certain report to the Committee and a copy of the report to certain other persons; requiring the Office to make certain reports available to the public in a certain manner; requiring the Director to advise the Committee of certain information; authorizing the Committee to make certain recommendations and propose certain legislation; requiring the Governor ~~and the Chief Judge of the Court of Appeals~~ to implement certain systems and processes; requiring certain units subject to evaluation to report to the Office certain information at certain times; requiring the Director to report certain violations of law to certain persons and request certain individuals to take certain actions; requiring and authorizing the Attorney General and the State's Attorney to take certain action with respect to a certain report and certain criminal violations; granting the Attorney General certain powers and duties; providing that certain information obtained during an evaluation is confidential and may not be disclosed

except under certain circumstances; prohibiting certain individuals from including certain confidential information in a report or otherwise using the information in a certain manner; establishing a certain penalty; altering the manner in which certain governmental units and activities are evaluated under the Maryland Program Evaluation Act; requiring certain entities to provide certain information and cooperate with the Department to carry out certain requirements; requiring the units subject to termination or responsible for a governmental activity subject to termination to ensure that certain legislation is requested; prohibiting the requested legislation from proposing a reestablishment period exceeding a certain number of years; stating the intent of the General Assembly that the Department conduct a certain evaluation and make certain recommendations on or before certain dates; defining certain terms; altering and repealing certain definitions; making conforming changes; providing for the correction of certain errors and obsolete provisions by the publishers of the Annotated Code; and generally relating to the Office of Program Evaluation and Government Accountability and the Maryland Program Evaluation Act.

BY renumbering

Article – State Government

Section 2–1234 through 2–1241, and 2–1243 through 2–1249, respectively
to be Section 2–1244 through 2–1251, and 2–1254 through 2–1260, respectively

Annotated Code of Maryland

(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 2–601, 2–602, 2–605, 2–1206, 8–401, 8–402(a)(1) and (b)(2), and 8–405
through 8–409

Annotated Code of Maryland

(2014 Replacement Volume and 2018 Supplement)

BY adding to

Article – State Government

Section 2–1230 through 2–1241 to be under the new part “Part V. Office of Program
Evaluation and Government Accountability”; 8–403 and 8–408

Annotated Code of Maryland

(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 2–1247(a)(7), (13), and (15), 2–1251(2), and 2–1256(3)

Annotated Code of Maryland

(2014 Replacement Volume and 2018 Supplement)

(As enacted by Section 1 of this Act)

BY repealing

Article – State Government

Section 8–403 and 8–404
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–410 and 8–411
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 2–1234 through 2–1241, and 2–1243 through 2–1249, respectively, of Article – State Government of the Annotated Code of Maryland be renumbered to be Section(s) 2–1244 through 2–1251, and 2–1254 through 2–1260, respectively.

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

Article – State Government

2–601.

In this subtitle, “Committee” means the Joint Audit AND EVALUATION Committee.

2–602.

There is a Joint Audit AND EVALUATION Committee, which is a joint committee of the Senate and the House.

2–605.

In addition to any powers and duties set forth elsewhere, the Committee shall:

(1) review audit reports issued by the Legislative Auditor and submit findings and recommendations to the General Assembly with respect to issues in audit reports; [and]

(2) review the audit process and procedures and provide comment and recommendations to the President and the Speaker, the Executive Director of the Department of Legislative Services, and the Legislative Auditor;

(3) REVIEW PERFORMANCE EVALUATIONS CONDUCTED AND REPORTS ISSUED BY THE OFFICE OF PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY AND SUBMIT FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY WITH RESPECT TO ISSUES RAISED IN THE PERFORMANCE EVALUATIONS AND REPORTS; AND

(4) REVIEW THE PERFORMANCE EVALUATION PROCESS AND PROCEDURES AND PROVIDE COMMENT AND RECOMMENDATIONS TO THE PRESIDENT AND THE SPEAKER, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LEGISLATIVE SERVICES, AND THE DIRECTOR OF THE OFFICE OF PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY.

2–1206.

(a) The following units are in the Department:

(1) the Office of Legislative Audits;

(2) THE OFFICE OF PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY;

[(2)] (3) the Office of Policy Analysis;

[(3)] (4) the Office of Operations and Support Services; and

[(4)] (5) any other offices as may be designated by the President and the Speaker.

(b) With the approval of the President and the Speaker and in consultation with the minority leader of the Senate and the minority leader of the House of Delegates, the Executive Director shall appoint the following office directors:

(1) the director of the Office of Legislative Audits;

(2) THE DIRECTOR OF THE OFFICE OF PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY;

[(2)] (3) the director of the Office of Policy Analysis;

[(3)] (4) the director of the Office of Operations and Support Services; and

[(4)] (5) any director of an office designated by the President and the Speaker under subsection [(a)(4)] (A)(5) of this section.

(c) Each office director serves without a fixed term and, subject to the approval of the President and the Speaker and in consultation with the minority leader of the Senate and the minority leader of the House of Delegates, may be removed by the Executive Director.

(d) Each office director shall serve in a nonpartisan capacity and ensure that all activities of the office are conducted in a nonpartisan manner.

(e) Each office director is entitled to the salary provided in the State budget.

(f) After consultation with the Executive Director, each office director may appoint an appropriate number of qualified individuals to serve in management functions in the respective offices.

2-1228. RESERVED.

2-1229. RESERVED.

**PART V. OFFICE OF PROGRAM EVALUATION AND GOVERNMENT
ACCOUNTABILITY.**

2-1230.

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

(B) “COMMITTEES OF JURISDICTION” MEANS THE COMMITTEES OF THE GENERAL ASSEMBLY THAT ROUTINELY HANDLE THE POLICY ISSUES AND LEGISLATION RELATED TO A SPECIFIC GOVERNMENTAL ACTIVITY OR UNIT SUBJECT TO REVIEW UNDER THIS PART.

(C) “DIRECTOR” MEANS THE DIRECTOR OF THE OFFICE.

(D) “OFFICE” MEANS THE OFFICE OF PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY.

(E) “PERFORMANCE EVALUATION” MEANS THE REVIEW OF A GOVERNMENTAL ACTIVITY OR UNIT USED TO DETERMINE:

(1) WHETHER THE GOVERNMENTAL ACTIVITY OR UNIT, IF SUBJECT TO TERMINATION, SHOULD BE REESTABLISHED OR TERMINATED; AND

(2) WHAT, IF ANY, STATUTORY OR NONSTATUTORY CHANGES SHOULD BE RECOMMENDED TO THE GENERAL ASSEMBLY TO IMPROVE THE OPERATIONS AND EFFICIENCY OF THE GOVERNMENTAL ACTIVITY OR UNIT.

(F) (1) “UNIT” INCLUDES EACH STATE DEPARTMENT, AGENCY, UNIT, AND PROGRAM, INCLUDING ~~EACH CLERK OF COURT,~~ EACH REGISTER OF WILLS, AND EACH LOCAL SCHOOL SYSTEM.

(2) “UNIT” DOES NOT INCLUDE A DEPARTMENT, AN AGENCY, OR A UNIT IN THE LEGISLATIVE OR JUDICIAL BRANCH OF STATE GOVERNMENT.

2-1231.

THERE IS AN OFFICE OF PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY IN THE DEPARTMENT.

2-1232.

(A) THE HEAD OF THE OFFICE IS THE DIRECTOR.

(B) SUBJECT TO THE POLICIES AND DIRECTIVES OF THE PRESIDENT AND THE SPEAKER, THE JOINT AUDIT AND EVALUATION COMMITTEE, AND THE OVERALL SUPERVISION AND CONTROL OF THE EXECUTIVE DIRECTOR, THE DIRECTOR HAS GENERAL ADMINISTRATIVE CONTROL OF THE OPERATION OF THE OFFICE.

2-1233.

(A) WITH THE APPROVAL OF THE EXECUTIVE DIRECTOR, THE DIRECTOR MAY APPOINT A DEPUTY DIRECTOR AND OTHER PROFESSIONAL STAFF AND CONTRACT WITH CONSULTANTS AS AUTHORIZED REPRESENTATIVES.

(B) THE DEPUTY DIRECTOR:

(1) HAS THE DUTIES DELEGATED BY THE DIRECTOR; AND

(2) MAY BE DESIGNATED BY THE EXECUTIVE DIRECTOR TO ACT AS DIRECTOR IF THE OFFICE IS VACANT OR THE DIRECTOR IS UNABLE TO PERFORM THE DUTIES OF OFFICE.

2-1234.

(A) (1) THE OFFICE SHALL CONDUCT A PERFORMANCE EVALUATION OF UNITS OF STATE GOVERNMENT, IN ACCORDANCE WITH THE WORK PLAN DEVELOPED BY THE DIRECTOR IN CONSULTATION WITH THE JOINT AUDIT AND EVALUATION COMMITTEE.

(2) AN AGENCY OR A PROGRAM MAY BE EVALUATED SEPARATELY OR AS PART OF A LARGER ORGANIZATIONAL UNIT OF STATE GOVERNMENT.

(3) IN ADDITION TO THE PERFORMANCE EVALUATIONS CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE OFFICE:

(I) MAY CONDUCT A PERFORMANCE EVALUATION OF A UNIT ON A REQUEST BY THE LEGISLATIVE AUDITOR; AND

(II) SHALL CONDUCT A PERFORMANCE EVALUATION OF A UNIT:

1. WHEN DIRECTED BY THE JOINT AUDIT AND EVALUATION COMMITTEE OR THE EXECUTIVE DIRECTOR; OR

2. WHEN OTHERWISE REQUIRED BY LAW.

(4) (I) WHEN DIRECTED BY THE JOINT AUDIT AND EVALUATION COMMITTEE, THE EXECUTIVE DIRECTOR, OR THE DIRECTOR, THE OFFICE SHALL CONDUCT A SEPARATE INVESTIGATION OF AN ACT OR ALLEGATION OF FRAUD, WASTE, OR ABUSE IN THE OBLIGATION, EXPENDITURE, RECEIPT, OR USE OF STATE RESOURCES.

(II) THE DIRECTOR SHALL DETERMINE WHETHER AN INVESTIGATION SHALL BE CONDUCTED IN CONJUNCTION WITH AN AUDIT UNDERTAKEN IN ACCORDANCE WITH PART IV OF THIS SUBTITLE OR SEPARATELY.

(B) IN ADDITION TO THE PERFORMANCE EVALUATIONS CONDUCTED UNDER SUBSECTION (A) OF THIS SECTION, THE OFFICE MAY CONDUCT PERFORMANCE EVALUATIONS IN ACCORDANCE WITH THE MARYLAND PROGRAM EVALUATION ACT.

(C) THE JOINT AUDIT AND EVALUATION COMMITTEE MAY DIRECT THE OFFICE TO:

(1) CONDUCT AN ASSESSMENT OR A SCOPING PERFORMANCE EVALUATION OF A UNIT OF STATE GOVERNMENT IN ORDER TO DETERMINE WHETHER THE UNIT SHOULD UNDERGO A MORE COMPREHENSIVE PERFORMANCE EVALUATION UNDER THIS PART; AND

(2) BASED ON THE FINDINGS OF THE ASSESSMENT OR SCOPING PRELIMINARY EVALUATION CONDUCTED UNDER ITEM (1) OF THIS SUBSECTION, WAIVE THE UNIT FROM A MORE COMPREHENSIVE PERFORMANCE EVALUATION UNDER THIS PART.

(D) IF DIRECTED BY THE JOINT AUDIT AND EVALUATION COMMITTEE, THE OFFICE SHALL CONDUCT A PERFORMANCE EVALUATION OF A CORPORATION OR AN ASSOCIATION TO WHICH THE GENERAL ASSEMBLY HAS APPROPRIATED MONEY OR THAT HAS RECEIVED FUNDS FROM AN APPROPRIATION FROM THE STATE TREASURY.

(E) (1) IF DIRECTED BY THE JOINT AUDIT AND EVALUATION COMMITTEE, THE EXECUTIVE DIRECTOR, THE DIRECTOR, OR WHEN OTHERWISE REQUIRED BY LAW, THE OFFICE SHALL CONDUCT A PERFORMANCE EVALUATION OF A LOCAL SCHOOL SYSTEM.

(2) A PERFORMANCE EVALUATION CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE PERFORMED CONCURRENTLY WITH OR SEPARATELY FROM AN AUDIT CONDUCTED BY THE OFFICE OF LEGISLATIVE AUDITS IN ACCORDANCE WITH § 2-1220 OF THIS SUBTITLE.

(3) THE OFFICE SHALL PROVIDE INFORMATION REGARDING THE PERFORMANCE EVALUATION PROCESS TO THE LOCAL SCHOOL SYSTEM BEFORE THE PERFORMANCE EVALUATION IS CONDUCTED.

2-1235.

(A) THIS SECTION DOES NOT APPLY TO A PERFORMANCE EVALUATION CONDUCTED IN ACCORDANCE WITH THE MARYLAND PROGRAM EVALUATION ACT.

(B) A PERFORMANCE EVALUATION CONDUCTED BY THE OFFICE MAY INCLUDE:

(1) EVALUATING THE EFFICIENCY, EFFECTIVENESS, AND ECONOMY WITH WHICH RESOURCES ARE USED;

(2) DETERMINING WHETHER DESIRED PROGRAM RESULTS ARE ACHIEVED;

(3) DETERMINING WHETHER A PROGRAM ALIGNS WITH THE UNIT'S MISSION;

(4) EVALUATING WHETHER A PROGRAM DUPLICATES ANOTHER PROGRAM OR ACTIVITY WITHIN ANOTHER UNIT;

(5) EVALUATING WHETHER THE GOVERNMENTAL ACTIVITY OR UNIT UNDER EVALUATION OPERATES:

(I) IN AN OPEN AND ACCOUNTABLE MANNER, WITH PUBLIC ACCESS TO RECORDS AND MEETINGS, SAFEGUARDS AGAINST CONFLICTS OF INTEREST, AND OPPORTUNITY FOR PUBLIC PARTICIPATION; AND

(II) IN A FAIR AND NONDISCRIMINATORY MANNER THAT COMPLIES FULLY WITH LAW AND STATE POLICY;

(6) DETERMINING THE RELIABILITY OF PERFORMANCE MEASURES, AS DEFINED IN § 3-1001 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, IDENTIFIED IN:

(I) THE MANAGING FOR RESULTS AGENCY STRATEGIC PLAN DEVELOPED UNDER § 3-1002(C) OF THE STATE FINANCE AND PROCUREMENT ARTICLE; OR

(II) THE STATE STAT STRATEGIC PLAN AND PERFORMANCE MEASUREMENT REPORT SUBMITTED TO THE SECRETARY OF BUDGET AND MANAGEMENT UNDER § 3-1003(D) OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

(7) FOR A PERFORMANCE EVALUATION OF A LOCAL SCHOOL SYSTEM:

(I) EVALUATING WHETHER OR NOT THE SCHOOL SYSTEM IS COMPLYING WITH FEDERAL AND STATE LAWS AND REGULATIONS;

(II) ANALYZING GRADING STANDARDS, GRADUATION REQUIREMENTS, ASSESSMENTS, PROCUREMENT, AND EQUITABLE USE OF RESOURCES AMONG THE SCHOOLS WITHIN THE SYSTEM EVALUATED; AND

(III) IDENTIFYING INSTANCES OF FRAUD, WASTE, AND ABUSE.

2-1236.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A PERFORMANCE EVALUATION CONDUCTED BY THE OFFICE SHALL BE MADE AT THE OFFICES OF THE STATE UNIT, COUNTY OFFICER OR UNIT, CORPORATION, ASSOCIATION, OR LOCAL SCHOOL SYSTEM THAT IS SUBJECT TO EXAMINATION.

(B) IF CONSIDERED APPROPRIATE AND AFTER CONSULTATION WITH THE UNIT OR BODY BEING EXAMINED, THE DIRECTOR MAY AUTHORIZE ALL OR A PORTION OF A PERFORMANCE EVALUATION TO BE CONDUCTED AT THE OFFICES OF THE OFFICE.

(C) BEFORE THE OFFICE REMOVES THE ORIGINAL OR ONLY COPY OF ANY RECORD FROM THE PREMISES OF A STATE UNIT, COUNTY UNIT, OR A SCHOOL SYSTEM, THE OFFICE SHALL OBTAIN THE APPROVAL OF THE STATE UNIT, COUNTY UNIT, OR THE SCHOOL SYSTEM.

2-1237.

(A) (1) EXCEPT AS PROHIBITED BY THE INTERNAL REVENUE CODE, THE EMPLOYEES AND AUTHORIZED REPRESENTATIVES OF THE OFFICE SHALL HAVE ACCESS TO AND MAY INSPECT THE RECORDS, INCLUDING THOSE THAT ARE CONFIDENTIAL BY LAW, OF ANY UNIT OF STATE GOVERNMENT OR OF A PERSON OR OTHER BODY RECEIVING STATE FUNDS, WITH RESPECT TO ANY MATTER UNDER THE JURISDICTION OF THE OFFICE.

(2) IN CONJUNCTION WITH A PERFORMANCE EVALUATION AUTHORIZED UNDER THIS SUBTITLE, THE ACCESS REQUIRED BY PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE ACCESS TO THE RECORDS OF CONTRACTORS AND SUBCONTRACTORS THAT PERFORM WORK UNDER STATE CONTRACTS.

(3) THE EMPLOYEES OR AUTHORIZED REPRESENTATIVES OF THE OFFICE SHALL HAVE ACCESS TO AND MAY INSPECT THE RECORDS, INCLUDING THOSE THAT ARE CONFIDENTIAL BY LAW, OF ANY LOCAL SCHOOL SYSTEM TO UNDERTAKE THE PERFORMANCE EVALUATIONS AUTHORIZED UNDER § 2-1234 OF THIS SUBTITLE.

(B) EACH OFFICER OR EMPLOYEE OF THE UNIT OR BODY THAT IS SUBJECT TO A PERFORMANCE EVALUATION SHALL PROVIDE ANY INFORMATION THAT THE DIRECTOR DETERMINES TO BE NEEDED FOR THE EXAMINATION OF THAT UNIT OR BODY, OR OF ANY MATTER UNDER THE AUTHORITY OF THE OFFICE, INCLUDING INFORMATION THAT OTHERWISE WOULD BE CONFIDENTIAL UNDER ANY PROVISION OF LAW.

(C) (1) THE DIRECTOR MAY ISSUE PROCESS THAT REQUIRES AN OFFICIAL OF A STATE UNIT OR SCHOOL SYSTEM THAT IS SUBJECT TO PERFORMANCE EVALUATION TO PRODUCE A RECORD THAT IS NEEDED FOR THE PERFORMANCE EVALUATION.

(2) THE PROCESS SHALL BE SENT TO THE SHERIFF FOR THE COUNTY WHERE THE OFFICIAL IS LOCATED.

(3) THE SHERIFF PROMPTLY SHALL SERVE THE PROCESS.

(4) THE STATE SHALL PAY THE COST OF PROCESS.

(5) IF A PERSON FAILS TO COMPLY WITH PROCESS ISSUED UNDER THIS SUBSECTION OR FAILS TO PROVIDE INFORMATION THAT IS REQUESTED DURING A PERFORMANCE EVALUATION, A CIRCUIT COURT MAY ISSUE AN ORDER DIRECTING COMPLIANCE WITH THE PROCESS OR COMPELLING THAT THE INFORMATION REQUESTED BE PROVIDED.

(A) THIS SECTION DOES NOT APPLY TO A PERFORMANCE EVALUATION CONDUCTED IN ACCORDANCE WITH THE MARYLAND PROGRAM EVALUATION ACT.

(B) ON THE COMPLETION OF EACH PERFORMANCE EVALUATION, THE DIRECTOR SHALL SUBMIT A FULL AND DETAILED REPORT TO THE JOINT AUDIT AND EVALUATION COMMITTEE.

(C) A FULL AND DETAILED REPORT PREPARED BY THE OFFICE SHALL INCLUDE:

(1) A SUMMARY OF SIGNIFICANT LEGISLATIVE AND REGULATORY CHANGES;

(2) THE FINDINGS OF THE PERFORMANCE EVALUATION;

(3) SPECIFIC RECOMMENDATIONS FOR MAKING THE PROGRAM OR ACTIVITY MORE EFFICIENT OR EFFECTIVE, INCLUDING RECOMMENDATIONS FOR CONSOLIDATION OR ELIMINATION OF ANY DUPLICATIVE PROGRAMS OR ACTIVITIES;

(4) AN ESTIMATE OF THE COSTS OR SAVINGS, IF ANY, EXPECTED FROM IMPLEMENTING THE FINDINGS AND RECOMMENDATIONS;

(5) RECOMMENDED LEGISLATION NEEDED TO IMPLEMENT THE FINDINGS AND RECOMMENDATIONS; AND

(6) ANY RESPONSE OF THE UNIT OR BODY THAT IS THE SUBJECT OF THE REPORT, SUBJECT TO PROCEDURES APPROVED BY THE JOINT AUDIT AND EVALUATION COMMITTEE.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN EMPLOYEE OR AUTHORIZED REPRESENTATIVE OF THE OFFICE MAY SUBMIT A DRAFT REPORT OF FINDINGS ONLY TO THE DIRECTOR OR THE EXECUTIVE DIRECTOR.

(2) A DRAFT REPORT SHALL BE PROVIDED TO THE UNIT OR BODY THAT IS THE SUBJECT OF THE REPORT FOR THE PURPOSE OF SOLICITING THE RESPONSE OF THE UNIT OR BODY THAT IS REQUIRED TO BE INCLUDED IN THE FULL AND DETAILED REPORT UNDER SUBSECTION (C)(6) OF THIS SECTION.

(E) THE DIRECTOR SHALL SEND A COPY OF THE FULL AND DETAILED REPORT TO:

(1) THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES;

- (2) THE COMMITTEES OF JURISDICTION;
- (3) MEMBERS OF THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THIS SUBTITLE;
- (4) THE GOVERNOR;
- (5) THE UNIT OR BODY THAT IS THE SUBJECT OF THE REPORT;
- (6) THE SECRETARY OF BUDGET AND MANAGEMENT;
- (7) THE EXECUTIVE DIRECTOR; AND
- (8) ANY OTHER PERSON WHOM THE JOINT AUDIT AND EVALUATION COMMITTEE SPECIFIES.

(F) AFTER THE EXPIRATION OF ANY PERIOD THAT THE JOINT AUDIT AND EVALUATION COMMITTEE SPECIFIES, THE DIRECTOR SHALL MAKE A REPORT AVAILABLE TO THE PUBLIC ONLINE AND UNDER THE PUBLIC INFORMATION ACT.

(G) (1) THE DIRECTOR SHALL REVIEW EACH UNIT'S RESPONSE AND ADVISE THE UNIT OF THE RESULTS OF THE REVIEW.

(2) THE DIRECTOR SHALL ADVISE THE JOINT AUDIT AND EVALUATION COMMITTEE WHEN:

(I) A UNIT DOES NOT SUBMIT A RESPONSE TO A RECOMMENDATION;

(II) A UNIT DOES NOT INDICATE ACTION, AS RELEVANT, TO BE TAKEN IN RESPONSE TO A RECOMMENDATION;

(III) A UNIT REQUESTS A MODIFICATION OF OR A WAIVER FROM A RECOMMENDATION; OR

(IV) THE RESPONSE BY THE UNIT IS NOT CONSIDERED APPROPRIATE TO CARRY OUT THE RECOMMENDATION.

(3) THE EXECUTIVE DIRECTOR OR THE JOINT AUDIT AND EVALUATION COMMITTEE MAY DIRECT THE DIRECTOR TO UNDERTAKE A REVIEW TO DETERMINE THE EXTENT TO WHICH ACTION HAS BEEN TAKEN BY A UNIT TO IMPLEMENT A REPORT RECOMMENDATION.

(4) WITH RESPECT TO PERFORMANCE-RELATED FINDINGS AND RECOMMENDATIONS, THE JOINT AUDIT AND EVALUATION COMMITTEE MAY MAKE RECOMMENDATIONS TO THE GOVERNOR OR PROPOSE LEGISLATION AFTER REVIEWING A UNIT'S RESPONSE TO A RECOMMENDED ACTION.

(H) (1) ~~THE GOVERNOR AND THE CHIEF JUDGE OF THE COURT OF APPEALS~~ SHALL IMPLEMENT SYSTEMS AND PROCESSES TO MONITOR THE EFFORTS OF THE EXECUTIVE DEPARTMENTAL UNITS ~~AND THE JUDICIARY, RESPECTIVELY,~~ TO ADDRESS PERFORMANCE EVALUATION FINDINGS REPORTED BY THE OFFICE.

(2) WITHIN 9 MONTHS OF A PERFORMANCE EVALUATION REPORT, ANY UNIT DIRECTED TO DO SO SHALL REPORT TO THE OFFICE FOR EACH FINDING OR RECOMMENDATION IN THAT PERFORMANCE EVALUATION REPORT:

(I) THE ACTIONS TAKEN TO ADDRESS THE FINDING OR RECOMMENDATION; OR

(II) A SCHEDULE FOR WHEN SPECIFIC ACTIONS WILL BE IMPLEMENTED.

2-1239.

(A) (1) IN ADDITION TO THE REPORTS UNDER § 2-1238 OF THIS SUBTITLE, THE DIRECTOR SHALL REPORT AN APPARENT VIOLATION OF LAW BY A UNIT OF STATE GOVERNMENT OR OTHER BODY THAT IS EXAMINED.

(2) A REPORT UNDER THIS SUBSECTION SHALL BE SUBMITTED TO:

(I) THE JOINT AUDIT AND EVALUATION COMMITTEE;

(II) THE EXECUTIVE DIRECTOR;

(III) THE UNIT OR BODY THAT IS THE SUBJECT OF THE REPORT;

AND

(IV) THE OFFICE OF THE ATTORNEY GENERAL.

(B) (1) IF THE DIRECTOR DISCOVERS ANY ALLEGED CRIMINAL VIOLATION BY A PERSON DURING THE COURSE OF A PERFORMANCE EVALUATION, THE DIRECTOR SHALL REPORT THE ALLEGED VIOLATION TO THE ATTORNEY GENERAL AND THE APPROPRIATE STATE'S ATTORNEY.

(2) A REPORT UNDER THIS SUBSECTION SHALL ASK THE ATTORNEY GENERAL AND STATE'S ATTORNEY TO TAKE APPROPRIATE ACTION.

(3) UNLESS THE ATTORNEY GENERAL OR STATE'S ATTORNEY DECIDES TO PROSECUTE AN ALLEGED CRIMINAL VIOLATION REPORTED UNDER THIS SUBSECTION, THE ATTORNEY GENERAL AND STATE'S ATTORNEY SHALL KEEP THE REPORT OF THE DIRECTOR UNDER THIS SUBSECTION CONFIDENTIAL.

(4) THE ATTORNEY GENERAL MAY INVESTIGATE AND PROSECUTE ANY ALLEGED CRIMINAL VIOLATION REPORTED UNDER THIS SUBSECTION AND HAS ALL THE POWERS AND DUTIES OF A STATE'S ATTORNEY, INCLUDING THE USE OF A GRAND JURY IN ANY COUNTY, TO INVESTIGATE AND PROSECUTE THE ALLEGED VIOLATION.

(C) (1) THE OFFICE OF THE ATTORNEY GENERAL SHALL RESPOND, IN WRITING, TO A REPORT RECEIVED FROM THE DIRECTOR UNDER THIS SECTION.

(2) THE RESPONSE OF THE ATTORNEY GENERAL SHALL INCLUDE WHAT ACTIONS, IF ANY, WERE TAKEN AS A RESULT OF THE FINDINGS OF THE DIRECTOR.

(3) THE RESPONSE OF THE ATTORNEY GENERAL SHALL BE SUBMITTED TO:

(I) THE JOINT AUDIT AND EVALUATION COMMITTEE;

(II) THE EXECUTIVE DIRECTOR;

(III) THE UNIT OR BODY THAT IS THE SUBJECT OF THE REPORT;

AND

(IV) THE DIRECTOR.

2-1240.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, CONFIDENTIAL INFORMATION THAT AN EMPLOYEE OR AUTHORIZED REPRESENTATIVE OF THE OFFICE OR THE OFFICE OF POLICY ANALYSIS OBTAINS DURING A PERFORMANCE EVALUATION:

(1) REMAINS CONFIDENTIAL; AND

(2) MAY NOT BE DISCLOSED EXCEPT TO ANOTHER EMPLOYEE OR AUTHORIZED REPRESENTATIVE OF THE OFFICE OR THE OFFICE OF POLICY ANALYSIS.

(B) INFORMATION OBTAINED DURING A PERFORMANCE EVALUATION MAY BE PROVIDED IN A FORMAT THAT PROTECTS THE CONFIDENTIALITY OF INDIVIDUALS AS NECESSARY.

(C) THE DIRECTOR MAY AUTHORIZE THE DISCLOSURE OF CONFIDENTIAL INFORMATION OBTAINED DURING A PERFORMANCE EVALUATION ONLY TO THE FOLLOWING:

(1) ANOTHER EMPLOYEE OF THE DEPARTMENT, WITH THE APPROVAL OF THE EXECUTIVE DIRECTOR;

(2) FEDERAL, STATE, OR LOCAL OFFICIALS, OR THEIR AUDITORS, WHO PROVIDE EVIDENCE TO THE DIRECTOR THAT THEY ARE PERFORMING INVESTIGATIONS, STUDIES, OR AUDITS RELATED TO THAT SAME EXAMINATION AND WHO PROVIDE JUSTIFICATION FOR THE SPECIFIC INFORMATION REQUESTED; OR

(3) THE JOINT AUDIT AND EVALUATION COMMITTEE, IF NECESSARY TO ASSIST THE COMMITTEE IN REVIEWING A REPORT ISSUED BY THE OFFICE.

(D) EXCEPT AS PROVIDED IN § 2-1239 OF THIS SUBTITLE, IF INFORMATION THAT AN EMPLOYEE OR AUTHORIZED REPRESENTATIVE OBTAINS DURING A PERFORMANCE EVALUATION ALSO IS CONFIDENTIAL UNDER ANOTHER LAW, THE EMPLOYEE, AUTHORIZED REPRESENTATIVE, OR THE DIRECTOR MAY NOT INCLUDE IN A REPORT OR OTHERWISE USE THE INFORMATION IN ANY MANNER THAT DISCLOSES THE IDENTITY OF ANY PERSON WHO IS THE SUBJECT OF THE CONFIDENTIAL INFORMATION.

2-1241.

A PERSON IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 IF THE PERSON:

(1) FAILS TO COMPLY PROMPTLY WITH PROCESS THAT THE DIRECTOR ISSUES UNDER THIS PART; OR

(2) VIOLATES ANY PROVISION OF § 2-1238(D) OR § 2-1240 OF THIS SUBTITLE.

2-1247.

(a) In addition to any duties set forth elsewhere, the Office shall:

(7) report, subject to [§ 2–1246] § 2–1257 of this subtitle, on the public debt of the State, including the effect of an additional debt authorization or issue on State finances;

(13) as directed by the General Assembly, the Legislative Policy Committee, the Joint Audit AND EVALUATION Committee, or other legislative committees:

(i) subject to [§ 2–1246] § 2–1257 of this subtitle, submit reports on the studies on units of the State government; and

(ii) conduct other special studies and prepare other special reports;

(15) subject to [§ 2–1246] § 2–1257 of this subtitle, publish an annual report on the revenues and expenditures of each county, municipal corporation, and special taxing district created by law; and

2–1251.

In addition to any other duties set forth elsewhere, the Office shall:

(2) index and preserve all information prepared as a result of the provisions of [§ 2–1238] § 2–1248 of this subtitle; and

2–1256.

The Department shall:

(3) subject to [§ 2–1246] § 2–1257 of this subtitle, annually submit the list to the General Assembly.

8–401.

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

(b) “Committees of jurisdiction” means the committees of the General Assembly that routinely handle the policy issues and legislation related to a specific governmental activity or unit subject to review under this subtitle.

(c) “Department” means the Department of Legislative Services.

(d) “Evaluation” means the [two-tiered] process of legislative review of a governmental activity or unit used to determine:

(1) whether the governmental activity or unit should be reestablished or terminated; and

(2) what, if any, statutory or nonstatutory changes should be recommended to the General Assembly to improve the operations of the governmental activity or unit.

(e) [“Evaluation year” means the year in which either a preliminary or full evaluation of a governmental activity or unit is to be completed.

(f) “Full evaluation” means:

(1) an examination of issues identified in a preliminary evaluation as requiring further study; or

(2) a follow-up review of how issues identified in a previous evaluation have been implemented by a governmental activity or unit.

(g) “Governmental activity” means a program, service, or other function of government.

(h) (F) “Office” means the [Office of Policy Analysis] OFFICE in the Department of Legislative Services DESIGNATED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT.

(i) “Preliminary evaluation” means a review of a governmental activity or unit limited to the items specified under § 8–403(b) of this subtitle that is undertaken to provide a recommendation to the Legislative Policy Committee on whether a governmental activity or unit should undergo a full evaluation.]

8–402.

(a) The General Assembly finds that:

(1) a [system] FRAMEWORK THAT ALLOWS for periodic, legislative review of the regulatory, licensing, and other governmental activities of the Executive Branch of the State government is essential for the maintenance of a government in which the citizens have confidence and of a healthy State economy; and

(b) The purposes of this subtitle are to:

(2) ensure that the legislative review takes place by establishing, by statute, [dates] A PROCESS for the review and other legislative action.

[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:

(1) Acupuncture Board, State (§ 1A–201 of the Health Occupations Article: 2022);

(2) Amusement Ride Safety, State Advisory Board (§ 3–303 of the Business Regulation Article: 2021);

(3) Apprenticeship and Training Council (§ 11–403 of the Labor and Employment Article: 2021);

(4) Architects, State Board of (§ 3–201 of the Business Occupations and Professions Article: 2020);

(5) Athletic Commission, State (§ 4–201 of the Business Regulation Article: 2018);

(6) Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists, State Board of Examiners for (§ 2–201 of the Health Occupations Article: 2023);

(7) Barbers, State Board of (§ 4–201 of the Business Occupations and Professions Article: 2018);

(8) Behavior Analyst Advisory Committee (§ 17–6A–05 of the Health Occupations Article: 2021);

(9) Boiler Rules, Board of (§ 12–904 of the Public Safety Article: 2021);

(10) Cemetery Oversight, Office of (§ 5–201 of the Business Regulation Article: 2020);

(11) Chiropractic Examiners, State Board of (§ 3–201 of the Health Occupations Article: 2019);

(12) Collection Agency Licensing Board, State (§ 7–201 of the Business Regulation Article: 2019);

(13) Cosmetologists, State Board of (§ 5–201 of the Business Occupations and Professions Article: 2018);

- (14) Counselors and Therapists, State Board of Professional (§ 17–201 of the Health Occupations Article: 2016);
- (15) Dietetic Practice, State Board of (§ 5–201 of the Health Occupations Article: 2022);
- (16) Electricians, State Board of Master (§ 6–201 of the Business Occupations and Professions Article: 2020);
- (17) Elevator Safety Review Board (§§ 12–819 through 12–841 of the Public Safety Article: 2026);
- (18) Engineers, State Board for Professional (§ 14–201 of the Business Occupations and Professions Article: 2020);
- (19) Engineers, State Board of Stationary (§ 6.5–201 of the Business Occupations and Professions Article: 2021);
- (20) Environmental Health Specialists, State Board of (§ 21–201 of the Health Occupations Article: 2023);
- (21) Financial Regulation, Office of the Commissioner of (§ 2–101 of the Financial Institutions Article: 2019);
- (22) Foresters, State Board of (§ 7–201 of the Business Occupations and Professions Article: 2022);
- (23) Health Care Commission, Maryland (§ 19–103 of the Health – General Article: 2015);
- (24) Health Services Cost Review Commission, State (§ 19–202 of the Health – General Article: 2015);
- (25) Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors, State Board of (§ 9A–201 of the Business Regulation Article: 2020);
- (26) Home Improvement Commission, Maryland (§ 8–201 of the Business Regulation Article: 2019);
- (27) Horse Industry Board, Maryland (§ 2–701 of the Agriculture Article: 2023);
- (28) Individual Tax Preparers, State Board of (§ 21–201 of the Business Occupations and Professions Article: 2023);

(29) Interior Designers, State Board of Certified (§ 8–201 of the Business Occupations and Professions Article: 2021);

(30) Labor and Industry, Division of (Title 2 of the Labor and Employment Article: 2021) and related programs;

(31) Land Surveyors, State Board for Professional (§ 15–201 of the Business Occupations and Professions Article: 2021);

(32) Landscape Architects, State Board of Examiners of (§ 9–201 of the Business Occupations and Professions Article: 2021);

(33) Law Examiners, State Board of (§ 10–201 of the Business Occupations and Professions Article: 2027);

(34) Maryland–Bred Race Fund Advisory Committee (§ 11–531 of the Business Regulation Article: 2021);

(35) Massage Therapy Examiners, State Board of (§ 6–201 of the Health Occupations Article: 2023);

(36) Nursing Home Administrators, State Board of Examiners of (§ 9–201 of the Health Occupations Article: 2024);

(37) Occupational Safety and Health Advisory Board (§ 5–302 of the Labor and Employment Article: 2021);

(38) Occupational Therapy Practice, State Board of (§ 10–201 of the Health Occupations Article: 2022);

(39) Optometry, State Board of Examiners in (§ 11–201 of the Health Occupations Article: 2020);

(40) Physical Therapy Examiners, State Board of (§ 13–201 of the Health Occupations Article: 2019);

(41) Pilots, State Board of (§ 11–201 of the Business Occupations and Professions Article: 2019);

(42) Plumbing, State Board of (§ 12–201 of the Business Occupations and Professions Article: 2020);

(43) Podiatric Medical Examiners, State Board of (§ 16–201 of the Health Occupations Article: 2019);

(44) Prescription Drug Monitoring Program in the Maryland Department of Health (§ 21–2A–02 of the Health – General Article: 2013);

(45) Psychologists, State Board of Examiners of (§ 18–201 of the Health Occupations Article: 2020);

(46) Public Accountancy, State Board of (§ 2–201 of the Business Occupations and Professions Article: 2022);

(47) Racing Commission, State (§ 11–201 of the Business Regulation Article: 2021);

(48) Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors, State Commission of (§ 16–201 of the Business Occupations and Professions Article: 2020);

(49) Real Estate Commission, State (§ 17–201 of the Business Occupations and Professions Article: 2019);

(50) Residential Child Care Program Professionals, State Board for Certification of (§ 20–202 of the Health Occupations Article: 2021);

(51) security systems technicians, licensing and regulation of (§ 18–201 of the Business Occupations and Professions Article: 2018);

(52) Social Work Examiners, State Board of (§ 19–201 of the Health Occupations Article: 2021);

(53) Standardbred Race Fund Advisory Committee, Maryland (§ 11–625 of the Business Regulation Article: 2021);

(54) Veterinary Medical Examiners, State Board of (§ 2–302 of the Agriculture Article: 2018);

(55) Waterworks and Waste Systems Operators, State Board of (§ 12–201 of the Environment Article: 2018); and

(56) Well Drillers, State Board of (§ 13–201 of the Environment Article: 2018).

(c) A report on a preliminary evaluation shall:

(1) include a summary of:

(i) significant legislative and regulatory changes since the last evaluation;

(ii) licensing and enforcement activities since the last evaluation;

(iii) registered complaints, complaint outcomes, and disciplinary activities since the last evaluation; and

(iv) revenues and expenditures for the most recent 6–year period, including indirect costs; and

(2) recommend whether a full evaluation should be undertaken by the Department.

(d) The Department shall consider recommending a full evaluation of a governmental activity or unit if problems are identified regarding:

(1) implementation of the governmental activity or unit’s mandate or statutory requirements;

(2) management or disposition of licensing, enforcement, complaint, or disciplinary activities;

(3) finances or resources; or

(4) other issues as identified by the General Assembly or the Department.

(e) On completion, the Department shall submit each report on a preliminary evaluation to the Legislative Policy Committee.]

8–403.

THIS SUBTITLE APPLIES ONLY TO THE FOLLOWING GOVERNMENTAL ACTIVITIES AND UNITS:

(1) ACUPUNCTURE BOARD, STATE (§ 1A–201 OF THE HEALTH OCCUPATIONS ARTICLE);

(2) AMUSEMENT RIDE SAFETY, STATE ADVISORY BOARD (§ 3–303 OF THE BUSINESS REGULATION ARTICLE);

(3) APPRENTICESHIP AND TRAINING COUNCIL (§ 11–403 OF THE LABOR AND EMPLOYMENT ARTICLE);

(4) ARCHITECTS, STATE BOARD OF (§ 3–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(5) ATHLETIC COMMISSION, STATE (§ 4–201 OF THE BUSINESS REGULATION ARTICLE);

(6) AUDIOLOGISTS, HEARING AID DISPENSERS, AND SPEECH-LANGUAGE PATHOLOGISTS, STATE BOARD OF EXAMINERS FOR (§ 2-201 OF THE HEALTH OCCUPATIONS ARTICLE);

(7) BARBERS, STATE BOARD OF (§ 4-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(8) BEHAVIOR ANALYST ADVISORY COMMITTEE (§ 17-6A-05 OF THE HEALTH OCCUPATIONS ARTICLE);

(9) BOILER RULES, BOARD OF (§ 12-904 OF THE PUBLIC SAFETY ARTICLE);

(10) CEMETERY OVERSIGHT, OFFICE OF (§ 5-201 OF THE BUSINESS REGULATION ARTICLE);

(11) CHIROPRACTIC EXAMINERS, STATE BOARD OF (§ 3-201 OF THE HEALTH OCCUPATIONS ARTICLE);

(12) COLLECTION AGENCY LICENSING BOARD, STATE (§ 7-201 OF THE BUSINESS REGULATION ARTICLE);

(13) COSMETOLOGISTS, STATE BOARD OF (§ 5-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(14) COUNSELORS AND THERAPISTS, STATE BOARD OF PROFESSIONAL (§ 17-201 OF THE HEALTH OCCUPATIONS ARTICLE);

(15) DENTAL EXAMINERS, STATE BOARD OF (§ 4-201 OF THE HEALTH OCCUPATIONS ARTICLE);

(16) DIETETIC PRACTICE, STATE BOARD OF (§ 5-201 OF THE HEALTH OCCUPATIONS ARTICLE);

(17) ELECTRICIANS, STATE BOARD OF MASTER (§ 6-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(18) ELEVATOR SAFETY REVIEW BOARD (§§ 12-819 THROUGH 12-841 OF THE PUBLIC SAFETY ARTICLE);

(19) ENGINEERS, STATE BOARD FOR PROFESSIONAL (§ 14-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(20) ENGINEERS, STATE BOARD OF STATIONARY (§ 6.5–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(21) ENVIRONMENTAL HEALTH SPECIALISTS, STATE BOARD OF (§ 21–201 OF THE HEALTH OCCUPATIONS ARTICLE);

(22) FINANCIAL REGULATION, OFFICE OF THE COMMISSIONER OF (§ 2–101 OF THE FINANCIAL INSTITUTIONS ARTICLE);

(23) FORESTERS, STATE BOARD OF (§ 7–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(24) HEALTH CARE COMMISSION, MARYLAND (§ 19–103 OF THE HEALTH – GENERAL ARTICLE);

(25) HEALTH SERVICES COST REVIEW COMMISSION, STATE (§ 19–202 OF THE HEALTH – GENERAL ARTICLE);

(26) HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION CONTRACTORS, STATE BOARD OF (§ 9A–201 OF THE BUSINESS REGULATION ARTICLE);

(27) HOME IMPROVEMENT COMMISSION, MARYLAND (§ 8–201 OF THE BUSINESS REGULATION ARTICLE);

(28) HORSE INDUSTRY BOARD, MARYLAND (§ 2–701 OF THE AGRICULTURE ARTICLE);

(29) INDIVIDUAL TAX PREPARERS, STATE BOARD OF (§ 21–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(30) INTERIOR DESIGNERS, STATE BOARD OF CERTIFIED (§ 8–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(31) LABOR AND INDUSTRY, DIVISION OF (TITLE 2 OF THE LABOR AND EMPLOYMENT ARTICLE) AND RELATED PROGRAMS;

(32) LAND SURVEYORS, STATE BOARD FOR PROFESSIONAL (§ 15–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(33) LANDSCAPE ARCHITECTS, STATE BOARD OF EXAMINERS OF (§ 9–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(34) LAW EXAMINERS, STATE BOARD OF (§ 10–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(35) MARYLAND–BRED RACE FUND ADVISORY COMMITTEE (§ 11–531 OF THE BUSINESS REGULATION ARTICLE);

(36) MASSAGE THERAPY EXAMINERS, STATE BOARD OF (§ 6–201 OF THE HEALTH OCCUPATIONS ARTICLE);

(37) MORTICIANS AND FUNERAL DIRECTORS, STATE BOARD OF (§ 7–201 OF THE HEALTH OCCUPATIONS ARTICLE);

(38) NURSING, STATE BOARD OF (§ 8–201 OF THE HEALTH OCCUPATIONS ARTICLE: 2021), INCLUDING THE ALLIED HEALTH ADVISORY COMMITTEES UNDER THE JURISDICTION OF THE BOARD;

(39) NURSING HOME ADMINISTRATORS, STATE BOARD OF EXAMINERS OF (§ 9–201 OF THE HEALTH OCCUPATIONS ARTICLE);

(40) OCCUPATIONAL SAFETY AND HEALTH ADVISORY BOARD (§ 5–302 OF THE LABOR AND EMPLOYMENT ARTICLE);

(41) OCCUPATIONAL THERAPY PRACTICE, STATE BOARD OF (§ 10–201 OF THE HEALTH OCCUPATIONS ARTICLE);

(42) OPTOMETRY, STATE BOARD OF EXAMINERS IN (§ 11–201 OF THE HEALTH OCCUPATIONS ARTICLE);

(43) PHARMACY, STATE BOARD OF (§ 12–201 OF THE HEALTH OCCUPATIONS ARTICLE);

(44) PHYSICAL THERAPY EXAMINERS, STATE BOARD OF (§ 13–201 OF THE HEALTH OCCUPATIONS ARTICLE);

(45) PHYSICIANS, STATE BOARD OF (§ 14–201 OF THE HEALTH OCCUPATIONS ARTICLE), INCLUDING THE ALLIED HEALTH ADVISORY COMMITTEES UNDER THE JURISDICTION OF THE BOARD;

(46) PILOTS, STATE BOARD OF (§ 11–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(47) PLUMBING, STATE BOARD OF (§ 12–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(48) **PODIATRIC MEDICAL EXAMINERS, STATE BOARD OF (§ 16-201 OF THE HEALTH OCCUPATIONS ARTICLE);**

(49) **PRESCRIPTION DRUG MONITORING PROGRAM IN THE MARYLAND DEPARTMENT OF HEALTH (§ 21-2A-02 OF THE HEALTH – GENERAL ARTICLE);**

(50) **PSYCHOLOGISTS, STATE BOARD OF EXAMINERS OF (§ 18-201 OF THE HEALTH OCCUPATIONS ARTICLE);**

(51) **PUBLIC ACCOUNTANCY, STATE BOARD OF (§ 2-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);**

(52) **RACING COMMISSION, STATE (§ 11-201 OF THE BUSINESS REGULATION ARTICLE);**

(53) **REAL ESTATE APPRAISERS, APPRAISAL MANAGEMENT COMPANIES, AND HOME INSPECTORS, STATE COMMISSION OF (§ 16-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);**

(54) **REAL ESTATE COMMISSION, STATE (§ 17-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);**

(55) **RESIDENTIAL CHILD CARE PROGRAM PROFESSIONALS, STATE BOARD FOR CERTIFICATION OF (§ 20-202 OF THE HEALTH OCCUPATIONS ARTICLE);**

(56) **SECURITY SYSTEMS TECHNICIANS, LICENSING AND REGULATION OF (§ 18-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);**

(57) **SOCIAL WORK EXAMINERS, STATE BOARD OF (§ 19-201 OF THE HEALTH OCCUPATIONS ARTICLE);**

(58) **STANDARD BRED RACE FUND ADVISORY COMMITTEE, MARYLAND (§ 11-625 OF THE BUSINESS REGULATION ARTICLE);**

(59) **VETERINARY MEDICAL EXAMINERS, STATE BOARD OF (§ 2-302 OF THE AGRICULTURE ARTICLE);**

(60) **WATERWORKS AND WASTE SYSTEMS OPERATORS, STATE BOARD OF (§ 12-201 OF THE ENVIRONMENT ARTICLE); AND**

(61) **WELL DRILLERS, STATE BOARD OF (§ 13-201 OF THE ENVIRONMENT ARTICLE).**

[8-404.

(a) On or before the 10th day of the regular session of the General Assembly immediately following the evaluation year for a governmental activity or unit specified under § 8-403(b) of this subtitle, the Legislative Policy Committee shall approve or disapprove the recommendations contained in each report on a preliminary evaluation submitted by the Department.

(b) If the Legislative Policy Committee approves the Department's recommendation to waive a governmental activity or unit from full evaluation, the Department shall prepare legislation to extend the termination date and evaluation year of the governmental activity or unit.

(c) The Department shall conduct a full evaluation of a governmental activity or unit as specified under § 8-405 of this subtitle if the Legislative Policy Committee:

(1) approves the Department's recommendation that a governmental activity or unit undergo full evaluation; or

(2) requests that a governmental activity or unit that the Department has recommended be waived from full evaluation instead undergo full evaluation.]

[8-405.] **8-404.**

[(a) The Department shall:

(1) conduct a full evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each full 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 full evaluation, in the evaluation year specified, without the need for a preliminary evaluation:

(1) Dental Examiners, State Board of (§ 4-201 of the Health Occupations Article: 2019);

(2) Morticians and Funeral Directors, State Board of (§ 7-201 of the Health Occupations Article: 2026);

(3) Nursing, State Board of (§ 8-201 of the Health Occupations Article: 2021) including:

(i) Electrology Practice Committee (§ 8-6B-05 of the Health Occupations Article: 2021); and

(ii) Direct–Entry Midwifery Advisory Committee (§ 8–6C–10 of the Health Occupations Article: 2021);

(4) Pharmacy, State Board of (§ 12–201 of the Health Occupations Article: 2021); and

(5) Physicians, State Board of (§ 14–201 of the Health Occupations Article: 2021), including:

(i) Athletic Training Advisory Committee (§ 14–5D–04 of the Health Occupations Article: 2021);

(ii) Naturopathic Medicine Advisory Committee (§ 14–5F–04 of the Health Occupations Article: 2021);

(iii) Perfusion Advisory Committee (§ 14–5E–05 of the Health Occupations Article: 2021);

(iv) Physician Assistant Advisory Committee (§ 15–201 of the Health Occupations Article: 2021);

(v) Polysomnography Professional Standards Committee (§ 14–5C–05 of the Health Occupations Article: 2021);

(vi) Radiation Therapy, Radiography, Nuclear Medicine Technology Advisory, and Radiology Assistance Committee (§ 14–5B–05 of the Health Occupations Article: 2021); and

(vii) Respiratory Care Professional Standards Committee (§ 14–5A–05 of the Health Occupations Article: 2021).

(c) In addition to the entities specified under subsection (b) of this section, the Department shall conduct a full evaluation of each entity that has undergone a preliminary evaluation for which the Legislative Policy Committee determines a full evaluation is necessary.

(d) Each full evaluation shall be completed on or before:

(1) December 1 of the evaluation year specified for entities subject to a full evaluation without a preliminary evaluation under subsection (b) of this section; or

(2) unless otherwise specified by the Legislative Policy Committee, December 1 of the year following the completion of a preliminary evaluation report.]

(A) WHEN DIRECTED BY THE LEGISLATIVE POLICY COMMITTEE, THE JOINT AUDIT AND EVALUATION COMMITTEE, THE EXECUTIVE DIRECTOR, THE

DIRECTOR OF THE OFFICE OF POLICY ANALYSIS, OR THE DIRECTOR OF THE OFFICE OF PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY, THE OFFICE SHALL CONDUCT AN EVALUATION OF A GOVERNMENTAL ACTIVITY OR UNIT AND THE STATUTES RELATED TO THE GOVERNMENTAL ACTIVITY OR UNIT.

(B) THE OFFICE, IN CONSULTATION WITH THE COMMITTEES OF JURISDICTION, SHALL DEVELOP A WORK PLAN FOR AN EVALUATION CONDUCTED UNDER SUBSECTION (A) OF THIS SECTION.

[(e)] (C) [(1) If a preliminary evaluation has not been conducted, a full] THE evaluation report FOR AN EVALUATION CONDUCTED UNDER SUBSECTION (A) OF THIS SECTION:

(1) shall BE CONSISTENT WITH THE WORK PLAN DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION; AND

(2) MAY address [any issues raised in the previous sunset evaluation conducted by the Department and] the governmental activity's or unit's:

- (i) efficiency;
- (ii) effectiveness;
- (iii) role in protecting consumers;
- (iv) sufficiency of resources; and
- (v) accomplishment of legislative objectives.

[(2) If a preliminary evaluation has been conducted, a full evaluation report shall focus on the issues identified in the preliminary evaluation of the governmental activity or unit.]

[(f)] (D) On completion, the Department shall submit each [full] evaluation report, including draft legislation to implement any recommended statutory changes, to the committees of jurisdiction.

[8-406.] 8-405.

On or before the 10th day of the regular session of the General Assembly in the year after the [full] evaluation of a governmental activity or unit has been completed, the committees of jurisdiction for the governmental activity or unit shall hold a public hearing to receive testimony on the evaluation report from the Department, the unit under evaluation or responsible for the governmental activity under evaluation, and the public.

[8-407.] 8-406.

(a) Subject to [§ 2-1246] **§ 2-1257** of this article, on or before the 20th day of the regular session of the General Assembly in the year after [a full] AN evaluation of a governmental activity or unit has been completed, the committees of jurisdiction for the governmental activity or unit shall submit a report to the General Assembly.

(b) (1) The report shall recommend whether a governmental activity or unit that has undergone [a full] AN evaluation should be reestablished, with or without changes, or allowed to terminate.

(2) The report shall be accompanied by each bill that is needed to accomplish the recommendations in the report.

[8-408.] 8-407.

(a) During an evaluation [required] **CONDUCTED** under **§ 8-404 OF** this subtitle, the unit under evaluation or responsible for the governmental activity under evaluation shall:

(1) promptly provide any information that the Department or a committee of the General Assembly requests; and

(2) otherwise cooperate with the Department to carry out the requirements of this subtitle.

(b) Information requested under subsection (a)(1) of this section may be provided in a format that protects the confidentiality of individuals as necessary.

(c) The Department shall follow procedures to maintain the confidentiality of any information, documents, or proceedings obtained or observed in the course of carrying out the requirements of this subtitle.

8-408.

(A) EACH UNIT SUBJECT TO TERMINATION OR RESPONSIBLE FOR THE GOVERNMENTAL ACTIVITY SUBJECT TO TERMINATION SHALL ENSURE THAT LEGISLATION IS REQUESTED TO EXTEND THE TERMINATION DATE OF THE UNIT OR GOVERNMENTAL ACTIVITY.

(B) LEGISLATION REQUESTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION MAY NOT PROPOSE A REESTABLISHMENT PERIOD THAT EXCEEDS 10 YEARS.

8-409.

[(a) (1) The reestablishment of a governmental activity or unit designated for evaluation under § 8–403 of this subtitle is for a 10–year period unless the law that provides for reestablishment sets another period.

(2) After the period of reestablishment expires, the governmental activity or unit terminates as provided by law unless the governmental activity or unit is reestablished again.

(b)] The term of office of a member of a unit under evaluation or responsible for a governmental activity under evaluation is not affected by reason of reestablishment of the governmental activity or unit unless the law that reestablishes the governmental activity or unit provides otherwise.

8–410.

(a) The termination of a governmental activity or unit or repeal of its statute in accordance with this subtitle is not a reason for dismissal of any claim or right of:

(1) the unit that is terminated or is responsible for the governmental activity that is terminated; or

(2) any person against that unit.

(b) The State shall assume these claims and rights.

8–411.

This subtitle may be cited as the Maryland Program Evaluation Act.

SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Department of Legislative Services shall:

(1) on or before December 1, 2019, conduct an evaluation of the State Board of Veterinary Medical Examiners as approved by the Legislative Policy Committee in December 2018; and

(2) on or before January 1, 2020, make recommendations to the committees of jurisdiction on a new termination date for the State Board of Veterinary Medical Examiners.

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. The publisher shall adequately describe any correction that is made in an editor’s note following the section affected.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, May 13, 2019.

Chapter 512

(Senate Bill 734)

AN ACT concerning

Education – Students With Reading Difficulties – Screenings and Interventions

FOR the purpose of requiring certain county boards of education, beginning in a certain school year, to ensure that a certain student is screened for certain reading difficulties; prohibiting a certain screening from being included in a certain time limitation for assessments; authorizing certain individuals to conduct a certain screening; requiring a county board to provide certain information to a parent or guardian at student registration; requiring a county board to select ~~and use~~ a certain screening instrument based on certain reading skills; providing for the frequency of screening for certain students; requiring a county board to ~~conduct a certain informal diagnostic assessment~~, provide certain supplemental reading instruction, and provide a certain notification letter to a parent or guardian under certain circumstances; ~~requiring a county board to set a certain schedule for monitoring the progress of certain students and make certain adjustments in supplemental instruction in certain circumstances; requiring a county board to provide a certain parent or guardian with certain progress monitoring reports; providing that a referral for a special education evaluation may be made at any time~~; requiring certain county boards to provide certain resources on their websites; requiring certain county boards to report certain information to the State Department of Education on or before a certain date each year, beginning in a certain school year; requiring certain data to be reported in a certain manner; requiring the Department, in consultation with certain stakeholders, to develop and update certain resources for use by the county boards on or before a certain date; requiring the Department annually to provide technical support for the county boards to provide training opportunities for certain individuals; requiring the Department to adopt certain regulations; declaring a certain intent of the General Assembly; defining certain terms; and generally relating to screenings and interventions for students with reading difficulties.

BY repealing and reenacting, without amendments,

Article – Education

Section 1–101(a) and (f)

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY adding to

Article – Education

Section 4–135

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

Preamble

WHEREAS, Reading is fundamental to many life activities and is perhaps the most essential skill children learn in school; and

WHEREAS, Without reading proficiency, students will have limited access to content in all academic subjects; and

WHEREAS, Research studies have shown that children who do not learn to read well during the primary grades typically struggle with reading throughout school; and

WHEREAS, In fact, according to a 2014 study by H. Lane, entitled Evidence–Based Reading Instruction for Grades K–5, nearly 70% of older students fail to achieve proficient levels of reading, because once poor reading trajectories are established, they are very difficult to change; and

WHEREAS, Researchers have shown that reading failure is likely to lead to negative consequences such as grade retention, dropouts, limited employment opportunities, and difficulties with basic life activities; and

WHEREAS, Clearly, the long–term effects of early reading difficulties can be devastating and, therefore, it is critical to implement an early warning system that includes universal reading screening and evidence–based supplemental reading instruction to prevent poor reading and literacy outcomes; now, therefore,

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

Article – Education

1–101.

(a) In this article, unless the context requires otherwise, the following words have the meanings indicated.

(f) “Department” means the State Department of Education.

4–135.

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

(2) “FLUENCY” MEANS READING ACCURACY AND RATE.

~~(3) “INFORMAL DIAGNOSTIC ASSESSMENT” MEANS A VALID AND RELIABLE PROCEDURE USED TO:~~

~~(I) IDENTIFY A STUDENT’S SPECIFIC AREAS OF READING STRENGTH AND WEAKNESS;~~

~~(II) DETERMINE DIFFICULTIES A STUDENT MAY HAVE LEARNING TO READ; AND~~

~~(III) HELP DETERMINE READING INTERVENTIONS FOR A STUDENT.~~

(4) (3) “PHONEMIC AWARENESS” MEANS THE ABILITY TO DISTINGUISH, SEGMENT, BLEND, AND MANIPULATE PHONEMES IN WORDS.

(5) (4) “PHONICS” MEANS THE STUDY OF LETTERS AND LETTER COMBINATIONS AND THE RELATIONSHIP BETWEEN THE SOUNDS THAT THEY REPRESENT.

(6) (5) “PHONOLOGICAL AWARENESS” MEANS A CHILD’S ABILITY TO RECOGNIZE AND MANIPULATE PARTS OF ORAL LANGUAGE INCLUDING SYLLABLES, ONSET-RIME, AND PHONEMES.

~~(7) “PROGRESS MONITORING” MEANS A MEASUREMENT PROCEDURE USED AT SPECIFIED TIME INTERVALS TO MEASURE A STUDENT’S RESPONSE TO INSTRUCTION OR INTERVENTION.~~

(8) (6) “SCREENING” MEANS A BRIEF, VALID, AND RELIABLE MEASUREMENT PROCEDURE USED TO IDENTIFY OR PREDICT WHETHER A STUDENT MAY BE AT RISK FOR POOR LEARNING OUTCOMES.

(9) (7) “STUDENT” MEANS A STUDENT WHO DOES NOT HAVE A CURRENT INDIVIDUALIZED EDUCATION PROGRAM OR AN INDIVIDUALIZED FAMILY SERVICE PLAN WITH READING GOALS AND:

~~(I) IS AT LEAST 4 YEARS OLD ON SEPTEMBER 1 OF THE CURRENT SCHOOL YEAR;~~

~~(H) DOES NOT HAVE A CURRENT INDIVIDUALIZED EDUCATION PROGRAM OR AN INDIVIDUALIZED FAMILY SERVICE PLAN WITH READING GOALS; AND~~

~~(HH) 1. ENTERS OR TRANSFERS TO A PUBLIC SCHOOL IN PREKINDERGARTEN, KINDERGARTEN, OR FIRST GRADE; OR~~

~~2. ENTERS OR TRANSFERS TO A PUBLIC SCHOOL IN GRADE 2 OR HIGHER WHO:~~

~~A. HAS NOT BEEN PREVIOUSLY SCREENED IN THE STATE FOR READING DIFFICULTIES; AND~~

~~B. DEMONSTRATES DIFFICULTY MASTERING GRADE LEVEL READING.~~

(I) IS IN KINDERGARTEN;

(II) IS IN FIRST GRADE AND WAS NOT SCREENED BY THE SCHOOL IN KINDERGARTEN OR DEMONSTRATED DIFFICULTY MASTERING GRADE-LEVEL READING IN KINDERGARTEN; OR

(III) ENTERS OR TRANSFERS TO A PUBLIC ELEMENTARY SCHOOL FROM AN ELEMENTARY SCHOOL, UNLESS A DETERMINATION IS MADE BY THE COUNTY BOARD THAT THE STUDENT HAS ALREADY BEEN SCREENED AND DOES NOT DEMONSTRATE DIFFICULTY MASTERING GRADE-LEVEL READING.

~~(10)~~ (8) “SUPPLEMENTAL READING INSTRUCTION” MEANS EVIDENCE-BASED, SEQUENTIAL, ~~SYSTEMIC~~ *SYSTEMATIC*, EXPLICIT, AND CUMULATIVE INSTRUCTION OR INTERVENTION TO MASTERY OF FOUNDATIONAL READING SKILLS INCLUDING PHONOLOGICAL OR PHONEMIC AWARENESS AND PROCESSING, PHONICS, AND VOCABULARY TO SUPPORT DEVELOPMENT OF DECODING, SPELLING, FLUENCY, AND READING COMPREHENSION SKILLS TO MEET GRADE LEVEL CURRICULUM.

(B) (1) (I) BEGINNING IN THE 2020-2021 SCHOOL YEAR, EACH COUNTY BOARD SHALL ENSURE THAT A STUDENT IS SCREENED TO IDENTIFY IF THE STUDENT IS AT RISK FOR READING DIFFICULTIES.

(II) THE SCREENING REQUIRED UNDER THIS SECTION MAY NOT BE INCLUDED IN THE TIME LIMITATION FOR ASSESSMENTS SET FORTH IN § 7-203(H) OF THIS ARTICLE.

(2) A SCREENING MAY BE CONDUCTED BY:

- (I) A CLASSROOM TEACHER;
- (II) A SCHOOL PSYCHOLOGIST;
- (III) A SPECIAL EDUCATION TEACHER;
- (IV) A SPEECH–LANGUAGE PATHOLOGIST;
- (V) A READING INTERVENTIONIST;
- (VI) A DESIGNATED READING SPECIALIST; OR

(VII) ANY OTHER EDUCATOR TRAINED IN SCREENING INSTRUMENTS AND PROTOCOLS.

(3) ON REGISTRATION OF A STUDENT AT A PUBLIC SCHOOL, THE COUNTY BOARD SHALL PROVIDE TO THE PARENT OR GUARDIAN OF THE STUDENT:

- (I) A DESCRIPTION OF THE SCREENING AND SUPPLEMENTAL INSTRUCTION PROCESS IN THE COUNTY; AND
- (II) ANY CHECKLISTS OR FORMS NEEDED TO SUPPORT THE SCREENING PROTOCOL.

(c) (1) A COUNTY BOARD SHALL SELECT ONE OR MORE APPROPRIATE SCREENING INSTRUMENTS THAT:

- (I) ACCURATELY AND RELIABLY IDENTIFY STUDENTS AT RISK FOR POOR LEARNING OUTCOMES;
- (II) ARE DEVELOPMENTALLY APPROPRIATE;
- (III) ARE ECONOMICAL TO ADMINISTER IN TIME AND COST; AND
- (IV) USE NORM–REFERENCED OR CRITERION–BASED SCORES.

(2) THE SCREENING INSTRUMENT SHALL BE BASED ON FOUNDATIONAL READING SKILLS THAT INCLUDE PHONOLOGICAL AND PHONEMIC AWARENESS AND PROCESSING.

~~(2) FOR A STUDENT IN PREKINDERGARTEN, A COUNTY BOARD SHALL USE ONE OR MORE SCREENING INSTRUMENTS THAT INCLUDE PHONOLOGICAL AWARENESS AND PHONEMIC AWARENESS SKILLS.~~

~~(3) FOR A STUDENT IN KINDERGARTEN, A COUNTY BOARD SHALL USE ONE OR MORE SCREENING INSTRUMENTS THAT ASSESS:~~

~~(I) PHONOLOGICAL AWARENESS AND PHONEMIC AWARENESS SKILLS;~~

~~(II) KNOWLEDGE OF LETTER NAMES AND SOUND ASSOCIATIONS FOR UPPERCASE AND LOWERCASE LETTERS; AND~~

~~(III) NORMED RAPID AUTOMATIZED NAMING.~~

~~(4) FOR A STUDENT IN FIRST GRADE OR ABOVE, A COUNTY BOARD SHALL USE ONE OR MORE SCREENING INSTRUMENTS THAT INCLUDE:~~

~~(I) THE COMPONENTS LISTED IN PARAGRAPH (3) OF THIS SUBSECTION;~~

~~(II) AUTOMATIC AND FLUENT SINGLE WORD RECOGNITION WITH NONSENSE AND REAL WORDS; AND~~

~~(III) ORAL READING FLUENCY.~~

(D) (1) STUDENTS SHALL BE SCREENED ACCORDING TO THE SCHEDULE ~~OF THE SCREENING INSTRUMENT SELECTED~~ ESTABLISHED BY THE COUNTY BOARD.

(2) IF THE SCREENING RESULTS INDICATE THAT A STUDENT IS AT RISK OF READING DIFFICULTIES, THE COUNTY BOARD SHALL:

~~(I) CONDUCT AN INFORMAL DIAGNOSTIC ASSESSMENT OF THE STUDENT TO DETERMINE THE SPECIFIC AREAS OF INSTRUCTIONAL NEED FOR SUPPLEMENTAL READING INSTRUCTION;~~

~~(II) (I) PROVIDE SUPPLEMENTAL READING INSTRUCTION TO ADDRESS THE STUDENT'S IDENTIFIED AREAS OF NEED; AND~~

~~(III) (II) PROVIDE A NOTIFICATION LETTER TO THE PARENT OR GUARDIAN OF THE STUDENT THAT INCLUDES:~~

1. THE SCREENING RESULTS; AND

~~2. THE INFORMAL DIAGNOSTIC ASSESSMENT RESULTS;~~

~~AND~~

~~3.~~ 2. A DESCRIPTION OF THE SUPPLEMENTAL READING INSTRUCTION THAT WILL BE PROVIDED TO THE STUDENT.

~~(E) (1) A COUNTY BOARD SHALL SET A SCHEDULE, WITH APPROPRIATE INTERVALS OF NOT MORE THAN 10 WEEKS, FOR PROGRESS MONITORING OF STUDENTS WHO RECEIVE SUPPLEMENTAL READING INSTRUCTION.~~

~~(2) IF PROGRESS MONITORING DATA REFLECT INSUFFICIENT PROGRESS, A COUNTY BOARD SHALL ADJUST THE SUPPLEMENTAL READING INSTRUCTION TO ENSURE THAT THE STUDENT IS MAKING ADEQUATE PROGRESS TOWARD GRADE LEVEL READING STANDARDS.~~

~~(3) THE COUNTY BOARD SHALL PROVIDE THE PARENT OR GUARDIAN OF THE STUDENT WITH ONGOING PROGRESS MONITORING REPORTS.~~

~~(4) A REFERRAL FOR A SPECIAL EDUCATION EVALUATION MAY BE MADE AT ANY TIME IN ACCORDANCE WITH FEDERAL LAW.~~

~~(F)~~ (E) EACH COUNTY BOARD SHALL PROVIDE RESOURCES ON THE COUNTY BOARD'S WEBSITE THAT INCLUDE:

(1) READING SCREENING INSTRUMENTS USED IN THE COUNTY; AND

~~(2) INFORMAL DIAGNOSTIC ASSESSMENTS USED IN THE COUNTY;~~

~~(3) THE CORE READING CURRICULUM USED IN THE COUNTY BY GRADE LEVEL;~~

~~(4) THE CORE AND SUPPLEMENTAL READING INSTRUCTION PROGRAMS USED IN THE COUNTY BY GRADE LEVEL; AND~~

~~(5)~~ (2) A CHECKLIST OF EARLY WARNING SIGNS OF READING DIFFICULTY AND DYSLEXIA BY AGE.

~~(G)~~ (F) (1) ON OR BEFORE ~~SEPTEMBER~~ OCTOBER 1 EACH YEAR, BEGINNING WITH THE 2020–2021 SCHOOL YEAR, EACH COUNTY BOARD SHALL REPORT TO THE DEPARTMENT THE FOLLOWING INFORMATION:

(I) THE NUMBER OF STUDENTS IN THE COUNTY IN EACH GRADE LEVEL;

(II) THE NUMBER OF STUDENTS SCREENED AT EACH GRADE LEVEL;

(III) THE NUMBER OF STUDENTS IDENTIFIED THROUGH A SCREENING INSTRUMENT AS AT RISK FOR READING DIFFICULTIES IN EACH GRADE LEVEL; AND

(IV) THE NUMBER OF STUDENTS IDENTIFIED AS AT RISK FOR READING DIFFICULTIES AT EACH GRADE LEVEL WHO RECEIVED SUPPLEMENTAL READING INSTRUCTION.

(2) DATA REPORTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE:

(I) DISAGGREGATED AND SEARCHABLE AT THE COUNTY BOARD ~~AND SCHOOL LEVELS~~ LEVEL; AND

(II) UPDATED ANNUALLY AND AVAILABLE ON THE DEPARTMENT'S WEBSITE.

~~(H)~~ (G) (1) ON OR BEFORE JUNE 1, 2020, AND ONCE EVERY ~~2~~ 4 YEARS THEREAFTER, THE DEPARTMENT, IN CONSULTATION WITH PARENTS, TEACHERS, AND OTHER INTERESTED STAKEHOLDERS, SHALL DEVELOP AND UPDATE RESOURCES FOR USE BY A COUNTY BOARD, ~~INCLUDING A STATE READING AND DYSLEXIA HANDBOOK.~~

~~(2) THE STATE READING AND DYSLEXIA HANDBOOK SHALL INCLUDE:~~

~~(I) A LIST OF RECOMMENDED SCREENING AND INFORMAL DIAGNOSTIC ASSESSMENTS THAT MEET THE REQUIREMENTS OF THIS SECTION;~~

~~(II) A LIST OF RECOMMENDED SUPPLEMENTAL READING INSTRUCTION PROGRAMS AND PROGRESS MONITORING INSTRUMENTS THAT MEET THE REQUIREMENTS OF THIS SECTION;~~

~~(III) BEST PRACTICES FOR CHOOSING A SCREENING INSTRUMENT AND PROGRESS MONITORING AND DATA COLLECTION PROCESSES;~~

~~(IV) BEST PRACTICES FOR SUPPLEMENTAL READING INSTRUCTION BASED ON INFORMAL DIAGNOSTIC AND PROGRESS MONITORING DATA;~~

~~(V) PROCEDURES AND CRITERIA FOR APPROPRIATE SCREENING OF STUDENTS WHO ARE ENGLISH LANGUAGE LEARNERS;~~

~~(VI) SAMPLE NOTIFICATION LETTERS; AND~~

~~(VII) A CHECKLIST OF EARLY WARNING SIGNS OF READING DIFFICULTY AND DYSLEXIA BY GRADE.~~

~~(3)~~ (2) RESOURCES DEVELOPED UNDER THIS SUBSECTION SHALL BE AVAILABLE ON THE DEPARTMENT'S WEBSITE.

~~(H)~~ (H) (1) THE DEPARTMENT SHALL PROVIDE TECHNICAL SUPPORT FOR THE COUNTY BOARDS TO PROVIDE TRAINING OPPORTUNITIES ANNUALLY FOR INDIVIDUALS WHO CONDUCT SCREENINGS UNDER THIS SECTION AND FOR SCHOOL ADMINISTRATORS.

(2) TRAINING OPPORTUNITIES MAY INCLUDE TRAINING ON:

~~(1)~~ (I) THE ADMINISTRATION AND INTERPRETATION OF SCREENINGS, INFORMAL DIAGNOSTIC ASSESSMENTS, PROGRESS MONITORING INSTRUMENTS, AND STUDENT DATA;

~~(2)~~ (II) ~~PROVIDING AND INTERPRETING~~ INTERPRETING SCREENINGS AND ASSESSMENTS, ~~AND PROGRESS MONITORING RESULTS~~ FOR PARENTS;

~~(3)~~ (III) BEST PRACTICES FOR DESIGNING AND IMPLEMENTING SUPPLEMENTAL READING INSTRUCTION ~~BASED ON INFORMAL DIAGNOSTIC AND PROGRESS MONITORING DATA;~~ AND

~~(4)~~ (IV) THE ELEMENTS, PRINCIPLES, AND BEST PRACTICES OF SUPPLEMENTAL READING INSTRUCTION.

~~(J)~~ (I) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that money appropriated in accordance with The Blueprint for Maryland's Future, Chapter (S.B. 1030/H.B. 1413) of the Acts of the General Assembly of 2019, shall be used to offset the cost of implementation of Section 1 of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, May 13, 2019.

Chapter 513

(House Bill 1116)

AN ACT concerning

Gender Diversity in the Boardroom – Annual Report ~~or Nonprofit Sales and Use Tax Exemption Application~~

FOR the purpose of establishing the intent of the General Assembly to promote gender diversity in corporate management and boardrooms; ~~requiring a certain entity applying to the Comptroller to qualify as an organization to which a sale is exempt from certain sales and use taxes to include in the application certain information relating to the female representation on the applicant's board of directors;~~ requiring a certain entity submitting a certain annual report to the State Department of Assessments and Taxation to include in the report certain information relating to female representation on the entity's board of directors; providing for the application of this Act; requiring the Comptroller to make a certain report to the General Assembly on or before a certain date each year; providing for the termination of this Act; and generally relating to gender diversity in corporate management and boardrooms.

~~BY repealing and reenacting, without amendments,
Article – Tax – General
Section 11–204(a)(3) and (5)
Annotated Code of Maryland
(2016 Replacement Volume and 2018 Supplement)~~

~~BY repealing and reenacting, with amendments,
Article – Tax – General
Section 11–204(e)
Annotated Code of Maryland
(2016 Replacement Volume and 2018 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 11–101
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

Preamble

WHEREAS, Equitable and diverse gender representation in the leadership ranks of companies in the State of Maryland is essential to enhance the competitive position of the State in the global economy; and

WHEREAS, The Executive Alliance, a nonprofit organization of women executive leaders actively working to leverage the collective power of women’s leadership in the State of Maryland, reported in its ~~2016~~ 2018 “Census of Women Board Directors in Maryland” that women held ~~14.4%~~ 16.8% of board seats ~~and 12.3% of executive positions at the 76 publicly traded companies headquartered in the State;~~ and

~~WHEREAS, Of those 76 companies, 36 have no women in executive positions, 23 have no women on their boards of directors, and 14 have no women on their boards of directors or in their executive suites; and~~

WHEREAS, Of the 70 publicly traded companies headquartered in the State in 2018, 27 have no women in executive positions, 15 have no women on their boards of directors, and 6 have no women on their boards of directors or in their executive suites; and

WHEREAS, According to the Maryland Commission for Women, women make up 49% of the labor force in Maryland; and

WHEREAS, Deloitte’s Missing Pieces Report, which included a 2016 census of diversity on Fortune 500 corporate boards, found that minority women are even less represented, with African American women holding only 2.2% of board seats, Asian women holding only 0.081%, and Latina women holding only 0.075%; and

WHEREAS, A McKinsey & Company study entitled “Women Matter” showed that companies where women are most strongly represented at board or top management levels are also the companies that perform the best; companies with three or more women in senior management functions score more highly, on average, on the organizational performance profile than companies with no women at the top; and company performance increases significantly once a certain critical mass is attained – specifically, when there are at least three women on management committees with an average membership of 10 people, performance improves dramatically; and

WHEREAS, Commencing in 2006, Credit Suisse conducted a 6–year global research study of more than 2,000 companies worldwide that showed that women on boards improve business performance by key metrics, including stock performance, as demonstrated by the fact that companies with a market capitalization of more than \$10 billion, whose boards have women, outperformed shares of comparable businesses with all–male boards by 26%; and

WHEREAS, The Credit Suisse report included the following findings:

(1) There has been a greater correlation between stock performance and the presence of women on a board since the financial crisis in 2008;

(2) Companies with women on their boards significantly outperformed others when the recession occurred;

(3) Companies with women on their boards tend to be relatively risk-averse and carry less debt, on average; and

(4) Net income growth for companies with women on their boards averaged 14% over a 6-year period, compared with 10% for those with no women directors; and

WHEREAS, An Oklahoma State University study found that board diversity, including gender and ethnicity, is associated with improved financial value and that a significant positive relationship exists between the fraction of women or minorities on the board and the value of the firm; and

WHEREAS, The Catalyst Research Center for Equity in Business Leadership report entitled “Women on Corporate Boards Globally” found that companies with more women on boards had better financial results, on average, than other companies, and that companies with sustained high representation of women board directors, defined as having three or more women board directors in at least 4 of 5 years, significantly outperformed those with sustained low representation by 84% on return on sales, 60% on return on invested capital, and 46% on return on equity; and

WHEREAS, Catalyst’s report “Women on Corporate Boards Globally” also cites findings that companies with fewer women on boards had more governance-related controversies than average; and

WHEREAS, Catalyst found a clear and positive correlation between the percentage of women board directors in the past and the percentage of women corporate officers in the future; and

WHEREAS, Catalyst found that (1) women board directors appeared to have a greater effect on increasing the percentage of line positions held by women than they did on staff positions and (2) line experience is necessary for advancement into chief executive officer and top leadership positions; and Catalyst’s annual censuses show that, historically, women are underrepresented in those roles; and

WHEREAS, Executive Alliance’s Census report has shown little improvement in the representation of women on corporate boards in Maryland over the last 10 years; and

WHEREAS, Women in the Workplace 2016, a comprehensive study of the state of women in corporate America conducted by LeanIn.Org and McKinsey & Company, emphasized that (1) women are less likely to receive the first critical promotion to manager – so far fewer end up on the path to leadership; (2) women are less likely to be hired into more senior positions; and (3) women also get less access to the people, input, and opportunities that accelerate careers – thus, the higher you look in companies, the fewer women you see; and

WHEREAS, Catalyst’s report “Women on Corporate Boards Globally” indicated that research from many scholars and organizations, including Catalyst, had found that three or more women serving on a board “changes boardroom dynamics substantially”, “enhances

the likelihood that women’s voices and ideas are heard”, and “creates a ‘critical mass’ of women which can lead to better financial performance”; and

WHEREAS, The Maryland General Assembly finds that the State of Maryland has a significant stake in promoting equitable and diverse gender representation in the public, private, and nonprofit leadership ranks of Maryland companies, institutions, and State and local government; and

WHEREAS, The Senate of Maryland and the House of Delegates urge that by December 31, 2022, all nonprofit, privately held, and publicly traded institutions and companies doing business in the State of Maryland have a minimum of 30% of women directors and measure their progress toward a goal of equal representation of men and women in leadership positions on an annual basis; now, therefore,

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

~~Article Tax General~~

~~11-204.~~

~~(a) The sales and use tax does not apply to:~~

~~(3) a sale to a nonprofit organization made to carry on its work, if the organization:~~

~~(i) 1. is located in the State;~~

~~2. is located in an adjacent jurisdiction and provides its services within the State on a routine and regular basis; or~~

~~3. is located in an adjacent jurisdiction whose law:~~

~~A. does not impose a sales or use tax on a sale to a nonprofit organization made to carry on its work; or~~

~~B. contains a reciprocal exemption from sales and use tax for sales to nonprofit organizations located in adjacent jurisdictions similar to the exemption allowed under this subsection;~~

~~(ii) is a charitable, educational, or religious organization;~~

~~(iii) is not the United States; and~~

~~(iv) except for the American National Red Cross, is not a unit or instrumentality of the United States;~~

~~(5) a sale to a volunteer fire company or department or volunteer ambulance company or rescue squad located in the State made to carry on the work of the company, department, or squad;~~

~~(e) (1) To qualify as an organization to which a sale is exempt under subsection (a)(3) or (5) of this section, the organization shall file an application for an exemption certificate with the Comptroller.~~

~~(2) IF THE APPLICANT HAS AN OPERATING BUDGET EXCEEDING \$5,000,000, THE APPLICATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE THE PERCENTAGE OF FEMALE MEMBERSHIP ON THE APPLICANT'S BOARD OF DIRECTORS.~~

Article – Tax – Property

11-101.

(a) On or before April 15 of each year, a person shall submit a report on personal property to the Department if:

(1) the person is a business trust, statutory trust, domestic corporation, limited liability company, limited liability partnership, or limited partnership;

(2) the person is a foreign corporation, foreign statutory trust, foreign limited liability company, foreign limited liability partnership, or foreign limited partnership registered or qualified to do business in the State; or

(3) the person owns or during the preceding calendar year owned property that is subject to property tax.

(b) The report shall:

(1) be in the form that the Department requires;

(2) be under oath as the Department requires; and

(3) contain the information that the Department requires.

(c) (1) THIS SUBSECTION DOES NOT APPLY TO A PRIVATELY HELD COMPANY IF AT LEAST 75% OF THE COMPANY'S SHAREHOLDERS ARE FAMILY MEMBERS.

(2) IF THE PERSON SUBMITTING THE REPORT IS A TAX-EXEMPT, PUBLICALLY TRADED INSTITUTION OR COMPANY DOMESTIC STOCK NONSTOCK CORPORATION OR DOMESTIC NONSTOCK CORPORATION WITH AN OPERATING BUDGET EXCEEDING \$5,000,000, OR A DOMESTIC STOCK CORPORATION WITH TOTAL

SALES EXCEEDING \$5,000,000, THE REPORT REQUIRED BY THE DEPARTMENT SHALL INCLUDE THE ~~PERCENTAGE~~ NUMBER OF FEMALE ~~MEMBERSHIP BOARD MEMBERS~~ AND THE TOTAL NUMBER OF MEMBERS ON THE PERSON'S BOARD OF DIRECTORS.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1 of each year, the Comptroller shall:

(1) report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the percentage of female representation on the boards of directors for all entities filing a report ~~or making an application~~ described in this Act; and

(2) make the report ~~publically~~ publicly available on the Comptroller's website.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019. *It shall remain effective for a period of 10 years and, at the end of September 30, 2029, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.*

Approved by the Governor, May 13, 2019.

Chapter 514

(Senate Bill 911)

AN ACT concerning

Gender Diversity in the Boardroom – Annual Report ~~or Nonprofit Sales and Use Tax Exemption Application~~

FOR the purpose of establishing the intent of the General Assembly to promote gender diversity in corporate management and boardrooms; ~~requiring a certain entity applying to the Comptroller to qualify as an organization to which a sale is exempt from certain sales and use taxes to include in the application certain information relating to the female representation on the applicant's board of directors;~~ requiring a certain entity submitting a certain annual report to the State Department of Assessments and Taxation to include in the report certain information relating to female representation on the entity's board of directors; providing for the application of this Act; requiring the Comptroller to make a certain report to the General Assembly on or before a certain date each year; providing for the termination of this Act; and generally relating to gender diversity in corporate management and boardrooms.

~~BY repealing and reenacting, without amendments,~~

~~Article – Tax – General
Section 11–204(a)(3) and (5)
Annotated Code of Maryland
(2016 Replacement Volume and 2018 Supplement)~~

~~BY repealing and reenacting, with amendments,
Article – Tax – General
Section 11–204(e)
Annotated Code of Maryland
(2016 Replacement Volume and 2018 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 11–101
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

Preamble

WHEREAS, Equitable and diverse gender representation in the leadership ranks of companies in the State of Maryland is essential to enhance the competitive position of the State in the global economy; and

WHEREAS, The Executive Alliance, a nonprofit organization of women executive leaders actively working to leverage the collective power of women’s leadership in the State of Maryland, reported in its ~~2016~~ 2018 “Census of Women Board Directors in Maryland” that women held ~~14.4%~~ 16.8% of board seats ~~and 12.3% of executive positions at the 76 publicly traded companies headquartered in the State;~~ and

~~WHEREAS, Of those 76 companies, 36 have no women in executive positions, 23 have no women on their boards of directors, and 14 have no women on their boards of directors or in their executive suites; and~~

WHEREAS, Of the 70 publicly traded companies headquartered in the State in 2018, 27 have no women in executive positions, 15 have no women on their boards of directors, and 6 have no women on their boards of directors or in their executive suites; and

WHEREAS, According to the Maryland Commission for Women, women make up 49% of the labor force in Maryland; and

WHEREAS, Deloitte’s Missing Pieces Report, which included a 2016 census of diversity on Fortune 500 corporate boards, found that minority women are even less represented, with African American women holding only 2.2% of board seats, Asian women holding only 0.081%, and Latina women holding only 0.075%; and

WHEREAS, A McKinsey & Company study entitled “Women Matter” showed that companies where women are most strongly represented at board or top management levels

are also the companies that perform the best; companies with three or more women in senior management functions score more highly, on average, on the organizational performance profile than companies with no women at the top; and company performance increases significantly once a certain critical mass is attained – specifically, when there are at least three women on management committees with an average membership of 10 people, performance improves dramatically; and

WHEREAS, Commencing in 2006, Credit Suisse conducted a 6–year global research study of more than 2,000 companies worldwide that showed that women on boards improve business performance by key metrics, including stock performance, as demonstrated by the fact that companies with a market capitalization of more than \$10 billion, whose boards have women, outperformed shares of comparable businesses with all–male boards by 26%; and

WHEREAS, The Credit Suisse report included the following findings:

(1) There has been a greater correlation between stock performance and the presence of women on a board since the financial crisis in 2008;

(2) Companies with women on their boards significantly outperformed others when the recession occurred;

(3) Companies with women on their boards tend to be relatively risk–averse and carry less debt, on average; and

(4) Net income growth for companies with women on their boards averaged 14% over a 6–year period, compared with 10% for those with no women directors; and

WHEREAS, An Oklahoma State University study found that board diversity, including gender and ethnicity, is associated with improved financial value and that a significant positive relationship exists between the fraction of women or minorities on the board and the value of the firm; and

WHEREAS, The Catalyst Research Center for Equity in Business Leadership report entitled “Women on Corporate Boards Globally” found that companies with more women on boards had better financial results, on average, than other companies, and that companies with sustained high representation of women board directors, defined as having three or more women board directors in at least 4 of 5 years, significantly outperformed those with sustained low representation by 84% on return on sales, 60% on return on invested capital, and 46% on return on equity; and

WHEREAS, Catalyst’s report “Women on Corporate Boards Globally” also cites findings that companies with fewer women on boards had more governance–related controversies than average; and

WHEREAS, Catalyst found a clear and positive correlation between the percentage of women board directors in the past and the percentage of women corporate officers in the future; and

WHEREAS, Catalyst found that (1) women board directors appeared to have a greater effect on increasing the percentage of line positions held by women than they did on staff positions and (2) line experience is necessary for advancement into chief executive officer and top leadership positions; and Catalyst’s annual censuses show that, historically, women are underrepresented in those roles; and

WHEREAS, Executive Alliance’s Census report has shown little improvement in the representation of women on corporate boards in Maryland over the last 10 years; and

WHEREAS, Women in the Workplace 2016, a comprehensive study of the state of women in corporate America conducted by LeanIn.Org and McKinsey & Company, emphasized that (1) women are less likely to receive the first critical promotion to manager – so far fewer end up on the path to leadership; (2) women are less likely to be hired into more senior positions; and (3) women also get less access to the people, input, and opportunities that accelerate careers – thus, the higher you look in companies, the fewer women you see; and

WHEREAS, Catalyst’s report “Women on Corporate Boards Globally” indicated that research from many scholars and organizations, including Catalyst, had found that three or more women serving on a board “changes boardroom dynamics substantially”, “enhances the likelihood that women’s voices and ideas are heard”, and “creates a ‘critical mass’ of women which can lead to better financial performance”; and

WHEREAS, The Maryland General Assembly finds that the State of Maryland has a significant stake in promoting equitable and diverse gender representation in the public, private, and nonprofit leadership ranks of Maryland companies, institutions, and State and local government; and

WHEREAS, The Senate of Maryland and the House of Delegates urge that by December 31, 2022, all nonprofit, privately held, and publicly traded institutions and companies doing business in the State of Maryland have a minimum of 30% of women directors and measure their progress toward a goal of equal representation of men and women in leadership positions on an annual basis; now, therefore,

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

~~Article Tax General~~

~~11-204~~

(a) ~~The sales and use tax does not apply to:~~

~~(3) a sale to a nonprofit organization made to carry on its work, if the organization:~~

~~(i) 1. is located in the State;~~
~~2. is located in an adjacent jurisdiction and provides its services within the State on a routine and regular basis; or~~

~~3. is located in an adjacent jurisdiction whose law:~~
~~A. does not impose a sales or use tax on a sale to a nonprofit organization made to carry on its work; or~~

~~B. contains a reciprocal exemption from sales and use tax for sales to nonprofit organizations located in adjacent jurisdictions similar to the exemption allowed under this subsection;~~

~~(ii) is a charitable, educational, or religious organization;~~

~~(iii) is not the United States; and~~

~~(iv) except for the American National Red Cross, is not a unit or instrumentality of the United States;~~

~~(5) a sale to a volunteer fire company or department or volunteer ambulance company or rescue squad located in the State made to carry on the work of the company, department, or squad;~~

~~(e) (1) To qualify as an organization to which a sale is exempt under subsection (a)(3) or (5) of this section, the organization shall file an application for an exemption certificate with the Comptroller.~~

~~(2) IF THE APPLICANT HAS AN OPERATING BUDGET EXCEEDING \$5,000,000, THE APPLICATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE THE PERCENTAGE OF FEMALE MEMBERSHIP ON THE APPLICANT'S BOARD OF DIRECTORS.~~

Article – Tax – Property

11-101.

(a) On or before April 15 of each year, a person shall submit a report on personal property to the Department if:

(1) the person is a business trust, statutory trust, domestic corporation, limited liability company, limited liability partnership, or limited partnership;

(2) the person is a foreign corporation, foreign statutory trust, foreign limited liability company, foreign limited liability partnership, or foreign limited partnership registered or qualified to do business in the State; or

(3) the person owns or during the preceding calendar year owned property that is subject to property tax.

(b) The report shall:

(1) be in the form that the Department requires;

(2) be under oath as the Department requires; and

(3) contain the information that the Department requires.

(C) (1) THIS SUBSECTION DOES NOT APPLY TO A PRIVATELY HELD COMPANY IF AT LEAST 75% OF THE COMPANY'S SHAREHOLDERS ARE FAMILY MEMBERS.

(2) IF THE PERSON SUBMITTING THE REPORT IS A PUBLICALLY TRADED INSTITUTION OR COMPANY TAX-EXEMPT, DOMESTIC NONSTOCK CORPORATION WITH AN OPERATING BUDGET EXCEEDING \$5,000,000, OR A DOMESTIC STOCK CORPORATION WITH TOTAL SALES EXCEEDING \$5,000,000, THE REPORT REQUIRED BY THE DEPARTMENT SHALL INCLUDE THE PERCENTAGE NUMBER OF FEMALE MEMBERSHIP BOARD MEMBERS AND THE TOTAL NUMBER OF MEMBERS ON THE PERSON'S BOARD OF DIRECTORS.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1 of each year, the Comptroller shall:

(1) report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the percentage of female representation on the boards of directors for all entities filing a report ~~or making an application~~ described in this Act; and

(2) make the report ~~publically~~ publicly available on the Comptroller's website.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019. It shall remain effective for a period of 10 years and, at the end of September 30, 2029, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 13, 2019.

Chapter 515**(House Bill 461)**

AN ACT concerning

**Maryland Higher Education Commission – Private Nonprofit Institutions of
Higher Education – Regulation
(Private Nonprofit Institution of Higher Education Protection Act of 2019)**

FOR the purpose of requiring the Maryland Higher Education Commission to make certain determinations under certain circumstances; requiring the Commission, jointly with the Office of the Attorney General, to develop a certain procedure for determining and enforcing certain classifications of institutions of higher education; requiring the Commission to adopt certain regulations; defining certain terms; and generally relating to the regulation of private nonprofit institutions of higher education.

BY repealing and reenacting, with amendments,
Article – Education
Section 10–101
Annotated Code of Maryland
(2018 Replacement Volume and 2018 Supplement)

BY adding to
Article – Education
Section 11–407.1
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

10–101.

- (a) In this division the following words have the meanings indicated.
- (b) “Charter” means the Maryland Charter for Higher Education.
- (c) “Commission” means the Maryland Higher Education Commission.

(d) “For–profit institution of higher education” means an institution of higher education that generally limits enrollment to graduates of secondary schools, awards degrees at the associate, baccalaureate, or graduate level, and is not a public or private nonprofit institution of higher education.

(e) “Governing board” means:

- (1) The Board of Regents of the University System of Maryland;
- (2) The Board of Regents of Morgan State University;
- (3) The Board of Trustees of St. Mary’s College of Maryland; and
- (4) The Board of Trustees of Baltimore City Community College.

(f) “Governing body” means:

- (1) A governing board;
- (2) A board of trustees of a community college;
- (3) The governing entity of private nonprofit institutions of higher education;
- (4) The governing entity of a for–profit institution of higher education; or
- (5) The governing entity of a regional higher education center.

(g) “Independent institution of higher education” means a private nonprofit institution of higher education that generally limits enrollment to graduates of secondary schools, serves a public purpose, and awards degrees at the associate, baccalaureate, or graduate level.

(h) (1) “Institution of higher education” means an institution of postsecondary education that generally limits enrollment to graduates of secondary schools, and awards degrees at either the associate, baccalaureate, or graduate level.

(2) “Institution of higher education” includes public, private nonprofit, and for–profit institutions of higher education.

(i) (1) “Institution of postsecondary education” means a school or other institution that offers an educational program in the State for individuals who are at least 16 years old and who have graduated from or left elementary or secondary school.

(2) “Institution of postsecondary education” does not include:

(i) Any adult education, evening high school, or high school equivalence program conducted by a public school system of the State; or

(ii) Any apprenticeship or on–the–job training program subject to approval by the Apprenticeship and Training Council.

(j) “Private career school” means a privately owned and privately operated institution of postsecondary education other than an institution of higher education that furnishes or offers to furnish programs, whether or not requiring a payment of tuition or fee, for the purpose of training, retraining, or upgrading individuals for gainful employment as skilled or semiskilled workers or technicians in recognized occupations or in new and emerging occupations.

(k) (1) “Private nonprofit institution of higher education” means [a private nonprofit] AN institution of higher education [that generally] **THAT:**

(I) BENEFITS NO PERSON THROUGH ANY PART OF ITS NET EARNINGS;

(II) IS LEGALLY AUTHORIZED TO OPERATE AS A NONPROFIT ORGANIZATION BY EACH STATE IN WHICH IT IS PHYSICALLY LOCATED;

(III) IS DETERMINED BY THE INTERNAL REVENUE SERVICE TO BE AN ORGANIZATION TO WHICH CONTRIBUTIONS ARE TAX-DEDUCTIBLE IN ACCORDANCE WITH 26 U.S.C. 501(C)(3); AND

(IV) GENERALLY limits enrollment to graduates of secondary schools and awards degrees at the associate, baccalaureate, or graduate level.

(2) “Private nonprofit institution of higher education” includes an independent institution of higher education.

(3) “PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION” DOES NOT INCLUDE AN INSTITUTION ENGAGING IN A REPORTABLE INCIDENT UNLESS THE COMMISSION HAS DETERMINED THAT THE INCIDENT DOES NOT CONSTITUTE PRIVATE INUREMENT.

(l) “Program” or “educational program” means an organized course of study that leads to the award of a certificate, diploma, or degree.

(m) “Public senior higher education institution” means:

(1) The constituent institutions of the University System of Maryland and the University of Maryland Center for Environmental Science;

(2) Morgan State University; and

(3) St. Mary’s College of Maryland.

(n) “Regional higher education center” means a higher education facility in the State that:

(1) Is operated by a public institution of higher education in the State or a private nonprofit institution of higher education operating under a charter granted by the General Assembly and includes participation by two or more institutions of higher education in the State;

(2) Consists of an array of program offerings from institutions of higher education approved to operate in the State by the Commission or by an act of the General Assembly that specifically satisfies the criteria set forth in § 10–212(b) of this title;

(3) Offers multiple degree levels; and

(4) Is either approved by the Commission to operate in the State or is established by statute.

(o) “REPORTABLE INCIDENT” MEANS ANY OF THE FOLLOWING AS REPORTABLE ON A PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION’S FORM 990 OF THE INTERNAL REVENUE SERVICE:

(1) THE ENGAGEMENT IN AN EXCESS BENEFIT TRANSACTION WITH A DISQUALIFIED PERSON;

(2) THE PROVIDING OF A GRANT OR OTHER ASSISTANCE BY THE INSTITUTION TO A MEMBER OF THE GOVERNING BODY;

(3) THE REPORTING OF RECEIVABLES FROM OR PAYABLES TO A MEMBER OF THE GOVERNING BODY;

(4) THE INSTITUTION WAS A PARTY TO A BUSINESS TRANSACTION CONNECTED TO A MEMBER OF THE INSTITUTION’S GOVERNING BODY;

(5) THE INSTITUTION WAS A PARTY TO A PROHIBITED TAX SHELTER TRANSACTION;

(6) THE INSTITUTION PARTICIPATED IN AN EQUITY–BASED COMPENSATION ARRANGEMENT; OR

(7) THE INSTITUTION PAID COMPENSATION CONTINGENT ON THE REVENUE OF THE INSTITUTION OR ANY RELATED ORGANIZATION.

[(o)] (P) “Secretary” means the Secretary of Higher Education.

[(p)] (Q) “State Plan for Higher Education” means the plan for postsecondary education and research required to be developed by the Maryland Higher Education Commission under § 11–105(b) of this article.

11–407.1.

IF A PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION ENGAGES IN A REPORTABLE INCIDENT, AS DEFINED UNDER § 10–101 OF THIS ARTICLE, THE COMMISSION SHALL DETERMINE WHETHER THE INCIDENT CONSTITUTES PRIVATE INUREMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That on or before July 1, 2019, the Maryland Higher Education Commission, jointly with the Office of the Attorney General, shall develop a procedure for determining and enforcing the classifications of institutions of higher education as enacted by this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That on or before December 1, 2019, the Maryland Higher Education Commission shall adopt regulations relating to institutions of higher education that would be impacted by Section 1 of this Act.

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

Approved by the Governor, May 13, 2019.

Chapter 516

(House Bill 464)

AN ACT concerning

Consumer Protection – Private Career Schools and For-Profit Institutions of Higher Education – Disclosures and Regulation

FOR the purpose of requiring private career schools and certain for-profit institutions of higher education to provide certain students with certain information before the student signs an enrollment agreement, completes registration, or makes a financial commitment; requiring certain information to be displayed in a certain manner and on certain websites; ~~prohibiting certain schools and institutions from enrolling certain residents under certain circumstances; providing for the construction of this Act; requiring the Maryland Higher Education Commission to adopt certain regulations on or before a certain date; specifying that certain schools and institutions may not be required to comply with certain provisions until a certain fiscal year; defining a certain term; and generally relating to the regulation of~~

disclosures required to be made by private career schools and for-profit institutions of higher education.

BY repealing and reenacting, with amendments,
 Article – Commercial Law
 Section 13–320(b)
 Annotated Code of Maryland
 (2013 Replacement Volume and 2018 Supplement)

~~BY repealing and reenacting, without amendments,
 Article – Education
 Section 10–101(a), (e), (d), and (j) and 11–202.2(a) and (b)(1) and (2)
 Annotated Code of Maryland
 (2018 Replacement Volume and 2018 Supplement)~~

~~BY adding to
 Article – Education
 Section 11–210
 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 – Commercial Law

13–320.

(b) (1) Before a prospective student signs an enrollment agreement, completes registration, or makes a financial commitment to a private career school, for-profit institution of higher education, or for-profit institution of higher education that is required to register with the Commission, the school or institution shall provide to the student the following information:

- U.S.C. § 1087ll;
- (i) The total cost of attendance for the program, as defined in 20
 - (ii) The length of the program;
 - (iii) The number of clock or credit hours, or the equivalent information;
 - (iv) The school or institution’s cancellation and refund policy;
 - (v) The program’s completion rates for both full-time and part-time students;

(vi) The program's withdrawal rates; [and]

(vii) The median combined loan debt for federal loans, institutional loans, and private loans certified by the school or institution, for all students who completed the program during the most recently completed award year;

(VIII) THE PLACEMENT RATE FOR THE PROGRAM, IF THE SCHOOL OR INSTITUTION IS REQUIRED BY ITS ACCREDITING AGENCY TO CALCULATE A PLACEMENT RATE FOR THE PROGRAM, OR THE SCHOOL OR INSTITUTION, OR BOTH, USING THE REQUIRED METHODOLOGY OF THE ACCREDITING AGENCY;

(IX) WHETHER THE PROGRAM SATISFIES THE APPLICABLE EDUCATIONAL PREREQUISITES FOR PROFESSIONAL LICENSURE OR CERTIFICATION IN THE STATE; AND

(X) THE MEDIAN EARNINGS OF FORMER STUDENTS OF THE SCHOOL OR INSTITUTION WHO RECEIVED FEDERAL FINANCIAL AID AT 10 YEARS AFTER ENTERING THE SCHOOL OR INSTITUTION, AS REPORTED ON THE COLLEGE SCORECARD, IF AVAILABLE; ~~AND~~

~~**(XI) WHETHER THE SCHOOL OR INSTITUTION HAS FAILED TO MEET THE REQUIREMENTS OF § 11-210 OF THE EDUCATION ARTICLE IN ANY OF THE 3 IMMEDIATELY PRECEDING FISCAL YEARS.**~~

(2) [(i)] The information described under paragraph (1) of this subsection shall be prominently displayed [in]:

(I) IN a letter or e-mail to a prospective student THAT DOES NOT CONTAIN:

1. INFORMATION ABOUT A PROGRAM OTHER THAN THE PROGRAM IN WHICH THE STUDENT HAS EXPRESSED INTEREST; OR

2. ANY OTHER SUBSTANTIVE INFORMATION; AND

[(ii) The letter or e-mail may not contain any other substantive information from the school or institution.]

(II) ON THE WEBSITE OF EACH SCHOOL OR INSTITUTION THAT IS AVAILABLE TO A PROSPECTIVE STUDENT WITHOUT THE NECESSITY OF PROVIDING ANY PERSONAL INFORMATION ABOUT THE STUDENT.

(3) The school or institution shall maintain records of the school's or institution's efforts to provide the information described under paragraph (1) of this

subsection to a prospective student for at least 5 years after the student enrolls at the school or institution.

~~Article Education~~

~~10-101.~~

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

~~(e) "Commission" means the Maryland Higher Education Commission.~~

~~(d) "For-profit institution of higher education" means an institution of higher education that generally limits enrollment to graduates of secondary schools, awards degrees at the associate, baccalaureate, or graduate level, and is not a public or private nonprofit institution of higher education.~~

~~(j) "Private career school" means a privately owned and privately operated institution of postsecondary education other than an institution of higher education that furnishes or offers to furnish programs, whether or not requiring a payment of tuition or fee, for the purpose of training, retraining, or upgrading individuals for gainful employment as skilled or semiskilled workers or technicians in recognized occupations or in new and emerging occupations.~~

~~11-202.2.~~

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

~~(2) "Fully online distance education program in the State" means a program, originating outside the State, offered by an out-of-state institution in which:~~

~~(i) A student domiciled in Maryland enrolls;~~

~~(ii) 51% or more of the program is offered through electronic distribution; and~~

~~(iii) The Commission determines that the portion of the program offered at a location in the State, if any, does not require a certificate of approval under § 11-202 of this subtitle for the institution to operate in the State.~~

~~(3) "Out-of-state institution" means an institution of higher education whose primary campus exists outside Maryland and whose authority to grant degrees is conferred by another state.~~

~~(b) (1) An institution of higher education that enrolls Maryland students in a fully online distance education program in the State shall file an application to register with the Commission before or within 3 months of enrolling the first Maryland student.~~

~~(2) This section does not apply to an institution of higher education that enrolls Maryland students in a fully online distance education program in the State that:~~

~~(i) Is subject to program review by the Commission under § 11-206 or § 11-206.1 of this subtitle;~~

~~(ii) Participates in the Southern Regional Education Board's Electronic Campus; or~~

~~(iii) Participates in the State Authorization Reciprocity Agreement (SARA).~~

~~11-210.~~

~~(A) IN THIS SECTION, "ANNUAL REVENUE" MEANS THE REVENUE GENERATED DURING A SCHOOL'S OR AN INSTITUTION'S FISCAL YEAR THAT CAN BE INCLUDED IN ITS CALCULATION RELATED TO COMPLIANCE WITH 20 U.S.C. § 1094(A)(24).~~

~~(B) THIS SECTION APPLIES TO A SCHOOL OR AN INSTITUTION THAT HAS ANNUAL REVENUE IN EXCESS OF \$10,000,000 AND IS:~~

~~(1) A PRIVATE CAREER SCHOOL;~~

~~(2) A FOR-PROFIT INSTITUTION OF HIGHER EDUCATION APPROVED TO OPERATE IN THE STATE; OR~~

~~(3) A FOR-PROFIT INSTITUTION OF HIGHER EDUCATION THAT IS REQUIRED TO REGISTER UNDER § 11-202.2 OF THIS SUBTITLE.~~

~~(C) A SCHOOL OR AN INSTITUTION DESCRIBED UNDER SUBSECTION (B) OF THIS SECTION MAY NOT ENROLL NEW MARYLAND RESIDENTS IN A PROGRAM IF, IN 2 OUT OF 3 OF THE IMMEDIATELY PRECEDING FISCAL YEARS, LESS THAN 15% OF THE SCHOOL'S OR INSTITUTION'S ANNUAL REVENUE IS DERIVED FROM FUNDS DISBURSED TO THE SCHOOL OR INSTITUTION THROUGH:~~

~~(1) STATE OR FEDERAL FUNDING SOURCES RELATED TO TUITION, FEES, AND OTHER INSTITUTIONAL CHARGES FOR STUDENTS; OR~~

~~(2) LOANS AND GRANTS PROVIDED OR GUARANTEED BY THE SCHOOL OR INSTITUTION.~~

~~(D) A VIOLATION OF SUBSECTION (C) OF THIS SECTION MAY NOT BE CONSTRUED TO LIMIT A SCHOOL'S OR AN INSTITUTION'S ELIGIBILITY TO PROVIDE~~

~~INSTRUCTION TO, AND COLLECT REVENUE FROM, STUDENTS WHO WERE ENROLLED BEFORE THE VIOLATION TAKES PLACE.~~

~~(E) ON OR BEFORE DECEMBER 1, 2019, THE COMMISSION SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That a private career school or for-profit institution of higher education subject to § 11-210 of the Education Article, as enacted by this Act, may not be required to comply with the provisions of this Act until the fiscal year of the school or institution that begins on or after July 1, 2019.~~

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

Approved by the Governor, May 13, 2019.

Chapter 517

(House Bill 703)

AN ACT concerning

Environmental Violations – Reporting Requirements

FOR the purpose of requiring certain jurisdictions to report to the Department of the Environment on certain information relating to the number of cases alleging violations of certain laws, regulations, ordinances, and permits on or before a certain date each year; requiring the Department to provide certain technical assistance to certain jurisdictions under certain circumstances; requiring the Department to post certain information ~~and a certain interactive map~~ on its website; requiring the Department to report to the Governor and the General Assembly on or before a certain date each year; defining ~~a certain term~~ terms; and generally relating to reporting requirements for environmental violations.

BY adding to

Article – Environment

Section 4-801 and 4-802 to be under the new subtitle “Subtitle 8. Report on Environmental Violations”

Annotated Code of Maryland

(2013 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 8-1802(a)(1), (3), (5), and (7)

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 – Environment

SUBTITLE 8. REPORT ON ENVIRONMENTAL VIOLATIONS.

4–801.

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

(B) “COMPLIANCE ASSISTANCE” MEANS AN ACTION TAKEN BY A JURISDICTION WITH DELEGATED AUTHORITY UNDER SUBTITLE 1 OF THIS TITLE THAT:

(1) CORRECTS A VIOLATION BEFORE A FORMAL ENFORCEMENT ACTION IS NECESSARY; OR

(2) WAS VOLUNTARILY TAKEN TO PREVENT FUTURE VIOLATIONS.

(C) “CRITICAL AREA” HAS THE MEANING STATED IN § 8–1802 OF THE NATURAL RESOURCES ARTICLE.

~~(D)~~ (D) (1) “SENSITIVE AREA” MEANS AN AREA OF CRITICAL CONCERN.

(2) “SENSITIVE AREA” INCLUDES:

(I) BUFFERS, AS DEFINED IN COMAR 27.01.01.01;

(II) HABITAT PROTECTION AREAS, AS DEFINED IN COMAR 27.01.01.01;

(III) MODIFIED BUFFER AREAS, AS DEFINED IN COMAR 27.01.01.01;

(IV) NONTIDAL WETLANDS, AS DEFINED IN COMAR 26.23.01.01;

(V) TIDAL WETLANDS, AS DEFINED IN COMAR 26.24.01.02;

(VI) 100–YEAR FLOODPLAINS, AS DEFINED IN COMAR 08.19.03.01; AND

(VII) STREAM BUFFERS, AS DEFINED IN COMAR 08.19.03.01.

4-802.

(A) (1) ON OR BEFORE JANUARY 1 EACH YEAR, EACH JURISDICTION THAT HAS DELEGATED AUTHORITY UNDER SUBTITLE 1 OF THIS TITLE TO ENFORCE SEDIMENT AND EROSION CONTROL LAWS AND REGULATIONS SHALL REPORT TO THE DEPARTMENT ON:

(I) THE TOTAL NUMBER OF CASES ALLEGING VIOLATIONS OF:

1. **SEDIMENT AND EROSION CONTROL LAWS AND REGULATIONS; AND**
2. **BUILDING AND GRADING PERMITS; AND**

(II) THE TOTAL NUMBER OF CASES ALLEGING VIOLATIONS IN THE ~~CHESAPEAKE BAY~~ CRITICAL AREA ~~AND THE ATLANTIC COASTAL BAYS~~ ~~CRITICAL AREA~~ OF:

1. **SEDIMENT AND EROSION CONTROL LAWS AND REGULATIONS; AND**
2. **BUILDING AND GRADING PERMITS.**

(2) THE INFORMATION REPORTED TO THE DEPARTMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) THE NUMBER AND NATURE OF:

1. **FORMAL COMPLAINTS ISSUED BY THE JURISDICTION AND WHETHER THE COMPLAINT IS IN THE ~~CRITICAL AREA~~ CRITICAL AREA;**
2. **STOP WORK ORDERS ISSUED BY THE JURISDICTION;**
3. **ALLEGED VIOLATIONS REPORTED BY CITIZENS TO THE JURISDICTION;**

(II) THE NUMBER OF COURT PROCEEDINGS INVOLVING AN ALLEGED VIOLATION, INCLUDING THE FINAL DISPOSITION OF EACH COURT PROCEEDING;

(III) THE DOLLAR AMOUNT OF FINES LEVIED AND COLLECTED BY THE JURISDICTION AS A RESULT OF A VIOLATION;

(IV) THE DOLLAR AMOUNT OF CIVIL AND CRIMINAL PENALTIES IMPOSED AND COLLECTED AS A RESULT OF A VIOLATION;

(V) 1. WHETHER THE JURISDICTION PROVIDED COMPLIANCE ASSISTANCE TO CORRECT A VIOLATION AND THE NATURE OF THAT ASSISTANCE; AND

2. WHETHER THE COMPLIANCE ASSISTANCE PROVIDED BY THE JURISDICTION LED TO COMPLIANCE; AND

(VI) THE NUMBER OF INSPECTORS AND OTHER STAFF OF THE JURISDICTION ASSIGNED TO INSPECTION AND ENFORCEMENT OF:

1. TITLE 8, SUBTITLE 18 OF THE NATURAL RESOURCES ARTICLE;

2. SENSITIVE AREAS ORDINANCES;

3. 100-YEAR FLOODPLAIN ORDINANCES;

4. SEDIMENT AND EROSION CONTROL LAWS AND REGULATIONS; AND

5. BUILDING AND GRADING PERMITS.

(B) ON REQUEST OF A JURISDICTION THAT HAS DELEGATED AUTHORITY UNDER SUBTITLE 1 OF THIS TITLE TO ENFORCE SEDIMENT AND EROSION CONTROL LAWS AND REGULATIONS, THE DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE TO THE JURISDICTION TO MEET THE REPORTING REQUIREMENTS UNDER SUBSECTION (A) OF THIS SECTION.

~~(B)~~ (C) THE DEPARTMENT SHALL POST ~~ON ITS WEBSITE;~~

~~(1)~~ ~~THE~~ THE INFORMATION COLLECTED UNDER SUBSECTION (A) OF THIS SECTION ON ITS WEBSITE; ~~AND~~

~~(2)~~ ~~AN INTERACTIVE MAP DEPICTING THE LOCATION OF EACH VIOLATION.~~

~~(c)~~ (D) ON OR BEFORE MARCH 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:

(1) THE INFORMATION COLLECTED UNDER SUBSECTION (A) OF THIS SECTION; AND

(2) ANY OTHER INFORMATION PROVIDED TO THE DEPARTMENT BY A JURISDICTION THAT HAS BEEN DELEGATED AUTHORITY UNDER SUBTITLE 1 OF THIS TITLE TO ENFORCE SEDIMENT AND EROSION CONTROL LAWS AND REGULATIONS.

Article – Natural Resources

8-1802.

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

(3) “Atlantic Coastal Bays Critical Area” means the initial planning area identified under § 8-1807 of this subtitle.

(5) “Chesapeake Bay Critical Area” means the initial planning area identified under § 8-1807 of this subtitle.

(7) “Critical Area” means the Chesapeake Bay Critical Area and the Atlantic Coastal Bays Critical Area.

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

Approved by the Governor, May 13, 2019.

Chapter 518

(Senate Bill 505)

AN ACT concerning

Environmental Violations – Reporting Requirements

FOR the purpose of requiring certain jurisdictions to report to the Department of the Environment on certain information relating to the number of cases alleging violations of certain laws, regulations, ordinances, and permits on or before a certain date each year; requiring the Department to provide certain technical assistance to certain jurisdictions under certain circumstances; requiring the Department to post

certain information ~~and a certain interactive map~~ on its website; requiring the Department to report to the Governor and the General Assembly on or before a certain date each year; defining ~~a~~ certain ~~term~~ terms; and generally relating to reporting requirements for environmental violations.

BY adding to

Article – Environment

Section 4–801 and 4–802 to be under the new subtitle “Subtitle 8. Report on Environmental Violations”

Annotated Code of Maryland

(2013 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 8–1802(a)(1), (3), (5), and (7)

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 – Environment

SUBTITLE 8. REPORT ON ENVIRONMENTAL VIOLATIONS.

4–801.

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

(B) “COMPLIANCE ASSISTANCE” MEANS AN ACTION TAKEN BY A JURISDICTION WITH DELEGATED AUTHORITY UNDER SUBTITLE 1 OF THIS TITLE THAT:

(I) CORRECTS A VIOLATION BEFORE A FORMAL ENFORCEMENT ACTION IS NECESSARY; OR

(II) WAS VOLUNTARILY TAKEN TO PREVENT FUTURE VIOLATIONS.

(C) “CRITICAL AREA” HAS THE MEANING STATED IN § 8–1802 OF THE NATURAL RESOURCES ARTICLE.

~~(D)~~ (I) “SENSITIVE AREA” MEANS AN AREA OF CRITICAL CONCERN.

(II) “SENSITIVE AREA” INCLUDES:

- (1) BUFFERS, AS DEFINED IN COMAR 27.01.01.01;
- 27.01.01.01;
- (2) HABITAT PROTECTION AREAS, AS DEFINED IN COMAR 27.01.01.01;
- (3) MODIFIED BUFFER AREAS, AS DEFINED IN COMAR 26.23.01.01;
- (4) NONTIDAL WETLANDS, AS DEFINED IN COMAR 26.23.01.01;
- (5) TIDAL WETLANDS, AS DEFINED IN COMAR 26.24.01.02;
- (6) 100-YEAR FLOODPLAINS, AS DEFINED IN COMAR 08.19.03.01; AND
- (7) STREAM BUFFERS, AS DEFINED IN COMAR 08.19.03.01.
- 4-802.

(A) (1) ON OR BEFORE JANUARY 1 EACH YEAR, EACH JURISDICTION THAT HAS DELEGATED AUTHORITY UNDER SUBTITLE 1 OF THIS TITLE TO ENFORCE SEDIMENT AND EROSION CONTROL LAWS AND REGULATIONS SHALL REPORT TO THE DEPARTMENT ON:

- (I) THE TOTAL NUMBER OF CASES ALLEGING VIOLATIONS OF:
1. SEDIMENT AND EROSION CONTROL LAWS AND REGULATIONS; AND
 2. BUILDING AND GRADING PERMITS; AND

(II) THE TOTAL NUMBER OF CASES ALLEGING VIOLATIONS IN THE ~~CHESAPEAKE BAY~~ CRITICAL AREA ~~AND THE ATLANTIC COASTAL BAYS~~ ~~CRITICAL AREA~~ OF:

1. SEDIMENT AND EROSION CONTROL LAWS AND REGULATIONS; AND
2. BUILDING AND GRADING PERMITS.

(2) THE INFORMATION REPORTED TO THE DEPARTMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) THE NUMBER AND NATURE OF:

1. FORMAL COMPLAINTS ISSUED BY THE JURISDICTION AND WHETHER THE COMPLAINT IS IN THE ~~CRITICAL AREA~~ CRITICAL AREA;

2. STOP WORK ORDERS ISSUED BY THE JURISDICTION;
AND

3. ALLEGED VIOLATIONS REPORTED BY CITIZENS TO THE JURISDICTION;

(II) THE NUMBER OF COURT PROCEEDINGS INVOLVING AN ALLEGED VIOLATION, INCLUDING THE FINAL DISPOSITION OF EACH COURT PROCEEDING;

(III) THE DOLLAR AMOUNT OF FINES LEVIED AND COLLECTED BY THE JURISDICTION AS A RESULT OF A VIOLATION;

(IV) THE DOLLAR AMOUNT OF CIVIL AND CRIMINAL PENALTIES IMPOSED AND COLLECTED AS A RESULT OF A VIOLATION;

(V) 1. WHETHER THE JURISDICTION PROVIDED COMPLIANCE ASSISTANCE TO CORRECT A VIOLATION AND THE NATURE OF THAT ASSISTANCE; AND

2. WHETHER THE COMPLIANCE ASSISTANCE PROVIDED BY THE JURISDICTION LED TO COMPLIANCE; AND

(VI) THE NUMBER OF INSPECTORS AND OTHER STAFF OF THE JURISDICTION ASSIGNED TO INSPECTION AND ENFORCEMENT OF:

1. TITLE 8, SUBTITLE 18 OF THE NATURAL RESOURCES ARTICLE;

2. SENSITIVE AREAS ORDINANCES;

3. 100-YEAR FLOODPLAIN ORDINANCES;

4. SEDIMENT AND EROSION CONTROL LAWS AND REGULATIONS; AND

5. BUILDING AND GRADING PERMITS.

(B) ON REQUEST OF A JURISDICTION THAT HAS DELEGATED AUTHORITY UNDER SUBTITLE 1 OF THIS TITLE TO ENFORCE SEDIMENT AND EROSION CONTROL LAWS AND REGULATIONS, THE DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE TO THE JURISDICTION TO MEET THE REPORTING REQUIREMENTS UNDER SUBSECTION (A) OF THIS SECTION.

~~(B)~~ **(C) THE DEPARTMENT SHALL POST ~~ON ITS WEBSITE:~~**

~~(1)~~ **THE THE INFORMATION COLLECTED UNDER SUBSECTION (A) OF THIS SECTION ON ITS WEBSITE; AND**

~~(2)~~ **AN INTERACTIVE MAP DEPICTING THE LOCATION OF EACH VIOLATION.**

~~(C)~~ **(D) ON OR BEFORE MARCH 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:**

(1) THE INFORMATION COLLECTED UNDER SUBSECTION (A) OF THIS SECTION; AND

(2) ANY OTHER INFORMATION PROVIDED TO THE DEPARTMENT BY A JURISDICTION THAT HAS BEEN DELEGATED AUTHORITY UNDER SUBTITLE 1 OF THIS TITLE TO ENFORCE SEDIMENT AND EROSION CONTROL LAWS AND REGULATIONS.

Article – Natural Resources

8-1802.

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

(3) “Atlantic Coastal Bays Critical Area” means the initial planning area identified under § 8-1807 of this subtitle.

(5) “Chesapeake Bay Critical Area” means the initial planning area identified under § 8-1807 of this subtitle.

(7) “Critical Area” means the Chesapeake Bay Critical Area and the Atlantic Coastal Bays Critical Area.

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

Approved by the Governor, May 13, 2019.

Chapter 519**(Senate Bill 460)**

AN ACT concerning

Pedestrian Safety Fund Act of 2019

FOR the purpose of ~~establishing the minimum~~ *increasing the maximum* fine that may be imposed for a violation of certain provisions of the Maryland Vehicle Law regarding crosswalks; establishing the Pedestrian Safety Fund as a special, nonlapsing fund; requiring the Secretary of Transportation to administer the Fund; requiring the State Treasurer to hold the Fund separately, 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 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; defining a certain term; and generally relating to the Pedestrian Safety Fund.

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)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–502
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

BY adding to
Article – Transportation
Section 21–502.1

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 – 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 PEDESTRIAN SAFETY FUND.

Article – Transportation

21–502.

(a) (1) This subsection does not apply where:

(i) A pedestrian tunnel or overhead pedestrian crossing is provided, as described in § 21–503(b) of this subtitle; or

(ii) A traffic control signal is in operation.

(2) The driver of a vehicle shall come to a stop when a pedestrian crossing the roadway in a crosswalk is:

(i) On the half of the roadway on which the vehicle is traveling; or

(ii) Approaching from an adjacent lane on the other half of the roadway.

(b) A pedestrian may not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(c) If, at a marked crosswalk or at an unmarked crosswalk at an intersection, a vehicle is stopped to let a pedestrian cross the roadway, the driver of any other vehicle approaching from the rear may not overtake and pass the stopped vehicle.

(d) A person may not commit a violation of subsection (a) or (c) of this section that contributes to an accident.

(e) A person convicted of a violation of subsection (d) of this section is subject to imprisonment not exceeding 2 months or a fine ~~OF NOT LESS THAN \$150 AND~~ not exceeding ~~\$500~~ \$1,000 or both.

21-502.1.

(A) IN THIS SECTION, “FUND” MEANS THE PEDESTRIAN SAFETY FUND.

(B) THERE IS A PEDESTRIAN SAFETY FUND.

(C) THE SECRETARY SHALL ADMINISTER THE FUND.

(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND WHICH 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) ~~\$150 FROM EACH FINE~~ THE FINES COLLECTED UNDER § 21-502(E) OF THIS SUBTITLE;

(2) MONEY APPROPRIATED IN THE STATE BUDGET FOR THE FUND;

(3) ANY INTEREST EARNINGS OF THE FUND; AND

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

(F) THE FUND MAY BE USED ONLY FOR ENHANCING THE SAFETY AND QUALITY OF PEDESTRIAN AND BICYCLE TRANSPORTATION, INCLUDING:

(1) DEVELOPING AND PROVIDING EDUCATIONAL PROGRAMMING FOR BICYCLISTS, MOTORISTS, AND PEDESTRIANS THAT RAISES AWARENESS OF THEIR JOINT RESPONSIBILITY TO FOLLOW THE RULES OF THE ROAD;

(2) PHYSICAL DESIGN CHANGES THAT CALM TRAFFIC, MINIMIZE CONFLICTS AMONG STREET USERS, AND PROTECT BICYCLISTS, MOTORISTS, AND PEDESTRIANS, INCLUDING DESIGN CHANGES SUCH AS:

- (I) LANE NARROWING;
- (II) ESTABLISHMENT OF BICYCLE WAYS;
- (III) SIDEWALK CONSTRUCTION;
- (IV) PEDESTRIAN CONTROL SIGNAL UPGRADES;
- (V) SPEED BUMPS;
- (VI) CURB EXTENSIONS; AND
- (VII) SAFETY ZONES; AND

(3) INCREASING ENFORCEMENT OF EXISTING RULES OF THE ROAD, SUCH AS BY USING RADAR SPEED DISPLAY SIGNS IN AREAS WHERE PEDESTRIAN CRASHES HAVE OCCURRED.

(G) (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 FUND.

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

Approved by the Governor, May 13, 2019.

Chapter 520

(Senate Bill 777)

AN ACT concerning

Property Tax – Exemption for Dwelling House Owned by Disabled Active Duty Service Member

FOR the purpose of exempting from the property tax under certain circumstances dwelling houses owned by certain disabled active duty service members; requiring a disabled active duty service member to apply for the exemption and provide to the supervisor of assessments for a county a certain certification of disability; authorizing a county or municipal corporation to authorize, by law, a refund to a disabled active duty service member under certain circumstances; requiring the governing body of a county or municipal corporation to pay interest on the refund under certain circumstances; requiring a county to include certain information on the property tax bill; defining a certain term; making conforming changes; providing for the application of this Act; and generally relating to a property tax exemption for dwelling houses owned by disabled active duty service members.

BY repealing and reenacting, with amendments,
 Article – Tax – Property
 Section 7–208
 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

7–208.

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

(2) “DISABLED ACTIVE DUTY SERVICE MEMBER” MEANS AN INDIVIDUAL IN ACTIVE SERVICE OF THE MILITARY, NAVAL, OR AIR SERVICE AS DEFINED IN 38 U.S.C. § 101 WHO HAS A SERVICE CONNECTED PHYSICAL DISABILITY THAT:

(I) IS REASONABLY CERTAIN TO CONTINUE FOR THE LIFE OF THE SERVICE MEMBER; AND

(II) WAS NOT CAUSED OR INCURRED BY MISCONDUCT OF THE SERVICE MEMBER.

[(2)] (3) (i) “Disabled veteran” means an individual who:

1. is honorably discharged or released under honorable circumstances from active military, naval, or air service as defined in 38 U.S.C. § 101; and

2. has been declared by the Veterans' Administration to have a permanent 100% service connected disability that results from blindness or other disabling cause that:

A. is reasonably certain to continue for the life of the veteran;
and

B. was not caused or incurred by misconduct of the veteran.

(ii) "Disabled veteran" includes an individual who qualifies posthumously for a 100% service connected disability.

[(3)] (4) "Dwelling house":

(i) means real property that is:

1. the legal residence of a **DISABLED ACTIVE DUTY SERVICE MEMBER**, disabled veteran, or [a] surviving spouse; and

2. occupied by not more than 2 families; and

(ii) includes the lot or curtilage and structures necessary to use the real property as a residence.

[(4)] (5) "Individual who died in the line of duty" means an individual who died while in the active military, naval, or air service of the United States as a result of an injury or disease that is deemed under 38 U.S.C. § 105 to have been incurred in the line of duty.

[(5)] (6) "Surviving spouse" means an individual who has not remarried and who:

(i) is the surviving spouse of a disabled veteran;

(ii) is the surviving spouse of an individual who died in the line of duty; or

(iii) receives Dependency and Indemnity Compensation from the United States Department of Veterans Affairs.

(b) Except as provided in subsection (e) of this section, a dwelling house is exempt from property tax if:

(1) the dwelling house is owned by:

(I) **A DISABLED ACTIVE DUTY SERVICE MEMBER;**

[(i)] (II) a disabled veteran;

[(ii)] (III) a surviving spouse of an individual who died in the line of duty, if:

1. the dwelling house was owned by the individual at the time of the individual's death;

2. the dwelling house was acquired by the surviving spouse within 2 years of the individual's death, if the individual or the surviving spouse was domiciled in the State as of the date of the individual's death; or

3. the dwelling house was acquired after the surviving spouse qualified for exemption for a former dwelling house under item 1 or 2 of this item, to the extent of the previous exemption; or

[(iii)] (IV) a surviving spouse of a disabled veteran who meets the requirements of subsection (c) of this section; and

(2) the application requirements of subsection (d) of this section are met.

(c) Except as provided in subsections (d) and (e) of this section, after a disabled veteran dies, the surviving spouse of the disabled veteran shall receive a disabled veteran's property tax exemption:

(1) for the dwelling house that was formerly owned by the disabled veteran:

(i) if the dwelling house received an exemption under this section;
and

(ii) if the surviving spouse owns and resides in the dwelling house;

(2) for the dwelling house that was formerly occupied by the disabled veteran:

(i) if the dwelling house did not receive an exemption under this section;

(ii) if the disabled veteran was domiciled in the State at death; and

(iii) if the surviving spouse owns and resides in the dwelling house;
and

(3) for a dwelling house subsequently acquired by the surviving spouse, equal to the exemption for the former dwelling house when the dwelling house owned by the surviving spouse was transferred by the surviving spouse:

(i) if the surviving spouse owns and resides in the subsequently acquired dwelling house; and

(ii) if the surviving spouse has qualified under item (1) or (2) of this subsection.

(d) (1) A disabled veteran or a surviving spouse of a disabled veteran shall apply for an exemption under this section by providing to the supervisor:

(i) a copy of the disabled veteran's discharge certificate from active military, naval, or air service; and

(ii) on the form provided by the Department, a certification of the disabled veteran's disability from the Veterans' Administration.

(2) The disabled veteran's certificate of disability may not be inspected by individuals other than:

(i) the disabled veteran; or

(ii) appropriate employees of the State, a county, or a municipal corporation.

(3) A DISABLED ACTIVE DUTY SERVICE MEMBER SHALL APPLY FOR AN EXEMPTION UNDER THIS SECTION BY PROVIDING TO THE SUPERVISOR, ON THE FORM PROVIDED BY THE DEPARTMENT, A CERTIFICATION OF THE SERVICE MEMBER'S DISABILITY FROM A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE OR FROM THE VETERANS' ADMINISTRATION.

[(3)] (4) A surviving spouse of an individual who died in the line of duty shall apply for an exemption under this section by providing to the supervisor certification that the individual died while in active service as a result of an injury or disease incurred in the line of duty.

(e) (1) Except as provided in paragraph (2) of this subsection, an exemption under this section shall be granted in addition to any other exemption authorized by law.

(2) An individual may receive an exemption under this section or under § 7-207 of this subtitle but not under both.

(f) (1) An exemption under this section is prorated by the supervisor for any part of a taxable year that remains after the date in the year when the **DISABLED ACTIVE DUTY SERVICE MEMBER**, disabled veteran, or **[the]** surviving spouse applies for the exemption.

(2) Notwithstanding any other provision of this article, if a dwelling is transferred to a **DISABLED ACTIVE DUTY SERVICE MEMBER**, disabled veteran, or [a] surviving spouse who qualifies for an exemption under this section, the exemption applies and the property tax is abated from the date of settlement for the purchase of the property, if the transferee applies for the exemption within 30 days after the settlement for the purchase of the property.

(3) The Department shall adopt regulations to administer the provisions of paragraph (2) of this subsection.

(g) (1) In the taxable years in which an exemption under this section was authorized but not granted, the governing body of a county or a municipal corporation may authorize, by law, a refund to an individual described below who receives an exemption under this section:

(i) to a **DISABLED ACTIVE DUTY SERVICE MEMBER**, disabled veteran, or [a] surviving spouse for any county property tax paid; or

(ii) to a **DISABLED ACTIVE DUTY SERVICE MEMBER OR** disabled veteran for any municipal corporation property tax paid.

(2) A surviving spouse may apply for a refund of county property tax paid on the dwelling house while the exemption was available, only if the surviving spouse applies for the exemption during the 3-year period beginning with the calendar year in which the surviving spouse initially became eligible for an exemption under this section.

(h) (1) For the purposes of subsections (f) and (g) of this section, a county or municipal corporation shall pay to a **DISABLED ACTIVE DUTY SERVICE MEMBER**, disabled veteran, or surviving spouse interest on the amount of a refund if:

(i) the governing body has authorized the refund;

(ii) the **DISABLED ACTIVE DUTY SERVICE MEMBER**, disabled veteran, or surviving spouse is eligible and has applied for the refund; and

(iii) the county or municipal corporation fails to make the refund within 60 days after the eligible **DISABLED ACTIVE DUTY SERVICE MEMBER**, disabled veteran, or surviving spouse has applied for the refund.

(2) If interest is payable under this subsection:

(i) the county or municipal corporation shall pay interest at the rate the county or municipal corporation charges on overdue taxes; and

(ii) interest shall accrue from the date the application is filed with the county or municipal corporation.

(i) Each county shall include information on the property tax bill about the availability of the property tax exemption for **DISABLED ACTIVE DUTY SERVICE MEMBERS**, disabled veterans, and surviving spouses authorized under 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, May 13, 2019.

Chapter 521

(House Bill 552)

AN ACT concerning

Interception of Oral Communication – Law Enforcement Officer

FOR the purpose of providing that the failure of law enforcement to notify a certain individual that the individual is being recorded does not affect the admissibility of a certain recording under certain circumstances; and generally relating to the interception of oral communication by a law enforcement officer.

BY repealing and reenacting, without amendments,
 Article – Courts and Judicial Proceedings
 Section 10–402(a)
 Annotated Code of Maryland
 (2013 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
 Article – Courts and Judicial Proceedings
 Section 10–402(c)(11)
 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

10–402.

(a) Except as otherwise specifically provided in this subtitle it is unlawful for any person to:

(1) Willfully intercept, endeavor to intercept, or procure any other person to intercept or endeavor to intercept, any wire, oral, or electronic communication;

(2) Willfully disclose, or endeavor to disclose, to any other person the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subtitle; or

(3) Willfully use, or endeavor to use, the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subtitle.

(c) (11) (i) 1. In this paragraph the following words have the meanings indicated.

2. “Body–worn digital recording device” means a device worn on the person of a law enforcement officer that is capable of recording video and intercepting oral communications.

3. “Electronic control device” has the meaning stated in § 4–109 of the Criminal Law Article.

(ii) It is lawful under this subtitle for a law enforcement officer in the course of the officer’s regular duty to intercept an oral communication with a body–worn digital recording device or an electronic control device capable of recording video and oral communications if:

1. The law enforcement officer is in uniform or prominently displaying the officer’s badge or other insignia;

2. The law enforcement officer is making reasonable efforts to conform to standards in accordance with § 3–511 of the Public Safety Article for the use of body–worn digital recording devices or electronic control devices capable of recording video and oral communications;

3. The law enforcement officer is a party to the oral communication;

4. Law enforcement notifies, as soon as is practicable, the individual that the individual is being recorded, unless it is unsafe, impractical, or impossible to do so; and

5. The oral interception is being made as part of a videotape or digital recording.

(III) FAILURE TO NOTIFY UNDER SUBPARAGRAPH (II)4 OF THIS PARAGRAPH DOES NOT AFFECT THE ADMISSIBILITY IN COURT OF THE RECORDING IF THE FAILURE TO NOTIFY INVOLVED AN INDIVIDUAL WHO JOINED A DISCUSSION IN PROGRESS FOR WHICH PROPER NOTIFICATION WAS PREVIOUSLY GIVEN.

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

Approved by the Governor, May 13, 2019.

Chapter 522

(Senate Bill 512)

AN ACT concerning

Government Shutdowns – Employees – Protections

FOR the purpose of prohibiting a public service company from terminating electric or gas service to certain residential customers for nonpayment on certain days under certain circumstances; authorizing the Public Service Commission to adopt certain regulations; requiring a certain court to stay certain proceedings for the foreclosure or repossession of certain residential property for a certain period of time under certain circumstances; defining ~~a certain term~~ terms; making this Act an emergency measure; and generally relating to protections for government employees subject to a government shutdown.

BY adding to

Article – Public Utilities

Section 7–307.4

Annotated Code of Maryland

(2010 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Real Property

Section 7–105.1(a)(1) and (8) and 8–401(a)

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

BY adding to

Article – Real Property

Section 7–105.1(b–1) and 8–401(b–1)

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

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

Article – Public Utilities

7-307.4.

~~(A) IN THIS SECTION, “ELIGIBLE RESIDENTIAL CUSTOMER” MEANS A~~

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

(2) “ELIGIBLE RESIDENTIAL CUSTOMER” MEANS A RESIDENTIAL ELECTRIC OR GAS CUSTOMER WHO IS:

~~(1)~~ (1) EMPLOYED BY THE FEDERAL OR STATE GOVERNMENT OR A LOCAL GOVERNMENT IN THE STATE; AND

~~(2)~~ (II) INVOLUNTARILY FURLOUGHED FROM WORK WITHOUT PAY BECAUSE OF A GOVERNMENT SHUTDOWN, REGARDLESS OF WHETHER THE EMPLOYEE IS REQUIRED TO REPORT TO WORK DURING THE FURLOUGH.

(3) “GOVERNMENT SHUTDOWN” MEANS A GOVERNMENT SHUTDOWN THAT:

(I) OCCURS WHEN GOVERNMENT FUNDING IS UNAVAILABLE TO OPERATE THE GOVERNMENTAL ACTIVITIES DUE TO THE LACK OF A LEGISLATIVE APPROPRIATION OR A CONTINUING RESOLUTION; AND

(II) LASTS FOR A PERIOD THAT EXCEEDS 7 CONSECUTIVE DAYS.

(B) A PUBLIC SERVICE COMPANY MAY NOT TERMINATE ELECTRIC OR GAS SERVICE TO AN ELIGIBLE RESIDENTIAL CUSTOMER FOR NONPAYMENT ON A DAY THAT ~~THE FURLOUGH~~ A GOVERNMENT SHUTDOWN IS IN EFFECT ~~OR~~ AND FOR 7 DAYS AFTER THE ~~FURLOUGH~~ GOVERNMENT SHUTDOWN HAS ENDED IF THE CUSTOMER CONTACTS THE PUBLIC SERVICE COMPANY BEFORE THE DATE OF TERMINATION TO:

(1) PROVIDE VERIFICATION THAT THE CUSTOMER IS AN EMPLOYEE OF THE FEDERAL, STATE, OR LOCAL GOVERNMENT AFFECTED BY THE GOVERNMENT SHUTDOWN; AND

(2) ENTER INTO A PAYMENT PLAN TO PAY ANY OUTSTANDING AMOUNT ON THE CUSTOMER’S ACCOUNT AFTER THE GOVERNMENT SHUTDOWN ENDS.

(C) THE COMMISSION MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

Article – Real Property

7–105.1.

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

(8) “Owner–occupied residential property” means residential property in which at least one unit is occupied by an individual who:

- (i) Has an ownership interest in the property; and
- (ii) Uses the property as the individual’s primary residence.

(B–1) (1) THIS SUBSECTION APPLIES ONLY TO AN ACTION FOR THE FORECLOSURE OF A MORTGAGE OR DEED OF TRUST ON AN OWNER–OCCUPIED RESIDENTIAL PROPERTY.

(2) NOTWITHSTANDING ANY OTHER LAW, THE COURT SHALL STAY THE PROCEEDINGS IF THE DEFENDANT PRESENTS EVIDENCE SATISFACTORY TO THE COURT THAT THE DEFENDANT IS:

(I) AN EMPLOYEE OF THE FEDERAL OR STATE GOVERNMENT OR AN EMPLOYEE OF A LOCAL GOVERNMENT IN THE STATE; AND

(II) ~~CURRENTLY~~ INVOLUNTARILY FURLOUGHED FROM WORK WITHOUT PAY BECAUSE OF A GOVERNMENT SHUTDOWN, REGARDLESS OF WHETHER THE EMPLOYEE IS REQUIRED TO REPORT TO WORK DURING THE FURLOUGH.

(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A STAY UNDER THIS SUBSECTION SHALL BE GRANTED FOR A TIME THAT THE COURT CONSIDERS REASONABLE.

(II) A STAY UNDER THIS SUBSECTION MAY NOT BE GRANTED FOR A PERIOD THAT ENDS MORE THAN 30 DAYS AFTER THE END OF THE GOVERNMENT SHUTDOWN WITHOUT A SHOWING OF SUFFICIENT CAUSE BY A PARTY TO THE ACTION.

8–401.

(a) Whenever the tenant or tenants fail to pay the rent when due and payable, it shall be lawful for the landlord to have again and repossess the premises.

(B-1) (1) THIS SUBSECTION APPLIES ONLY TO AN ACTION FOR THE REPOSSESSION OF RESIDENTIAL PROPERTY FOR FAILURE TO PAY RENT DUE DURING A GOVERNMENT SHUTDOWN.

(2) NOTWITHSTANDING ANY OTHER LAW, THE COURT SHALL STAY THE PROCEEDING IF THE TENANT OR AN OCCUPANT OF THE PROPERTY THAT IS THE SUBJECT OF THE PROCEEDING PRESENTS EVIDENCE SATISFACTORY TO THE COURT THAT THE OCCUPANT:

(I) USES THE PROPERTY AS THE INDIVIDUAL'S PRIMARY RESIDENCE;

(II) IS AN EMPLOYEE OF THE FEDERAL OR STATE GOVERNMENT OR AN EMPLOYEE OF A LOCAL GOVERNMENT IN THE STATE; AND

(III) IS ~~CURRENTLY~~ INVOLUNTARILY FURLOUGHED FROM WORK WITHOUT PAY BECAUSE OF A GOVERNMENT SHUTDOWN, REGARDLESS OF WHETHER THE EMPLOYEE IS REQUIRED TO REPORT TO WORK DURING THE FURLOUGH.

(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A STAY UNDER THIS SUBSECTION SHALL BE GRANTED FOR A TIME THAT THE COURT CONSIDERS REASONABLE.

(II) A STAY UNDER THIS SUBSECTION MAY NOT BE GRANTED FOR A PERIOD THAT ENDS MORE THAN 30 DAYS AFTER THE END OF THE GOVERNMENT SHUTDOWN WITHOUT A SHOWING OF SUFFICIENT CAUSE BY A PARTY TO THE ACTION.

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, May 13, 2019.

Chapter 523

(Senate Bill 330)

AN ACT concerning

**Public Buildings ~~and Places of Public Accommodation~~ – Diaper-Changing
Facilities**

FOR the purpose of requiring, except under certain circumstances, that a diaper-changing facility be installed in certain public restrooms in certain public buildings ~~and certain public restrooms in places of public accommodation~~; requiring the Board of Public Works, through the Department of General Services, to adopt certain standards; requiring a certain standard to be filed with the Secretary of State; providing that the Department of General Services, the University System of Maryland, and the Department of Transportation are responsible for the enforcement of certain provisions of this Act under certain circumstances; providing that the governing body of a political subdivision is responsible for enforcement of certain provisions of this Act under certain circumstances; ~~providing that the design of certain public building restrooms is governed by this Act~~; defining certain terms; and generally relating to diaper-changing facilities in public buildings ~~and places of public accommodation~~.

BY adding to

Article – State Finance and Procurement

Section 2-801 through 2-803 to be under the new subtitle “Subtitle 8.
Diaper-Changing Facilities”

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

~~BY repealing and reenacting, without amendments,~~

~~Article – State Government~~

~~Section 20-301~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2018 Supplement)~~

~~BY adding to~~

~~Article – State Government~~

~~Section 20-307~~

~~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 Finance and Procurement

SUBTITLE 8. DIAPER-CHANGING FACILITIES.

2-801.

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

(B) “DIAPER-CHANGING FACILITY” MEANS A TABLE OR OTHER DEVICE SUITABLE FOR CHANGING THE DIAPER OF A CHILD UNDER THE AGE OF 4 YEARS.

(C) (1) “PUBLIC BUILDING” MEANS A BUILDING, A STRUCTURE, OR AN IMPROVED AREA THAT IS:

(I) OWNED BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE; OR

(II) CONSTRUCTED FOR LEASE BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE.

(2) “PUBLIC BUILDING” INCLUDES:

(I) A PUBLIC MASS TRANSPORTATION ACCOMMODATION, SUCH AS A TERMINAL OR STATION, THAT IS SUPPORTED BY PUBLIC FUNDS; AND

(II) AN IMPROVEMENT OF A PUBLIC AREA USED FOR GATHERING OR AMUSEMENT, INCLUDING A PUBLIC PARK OR RECREATION CENTER.

(3) “PUBLIC BUILDING” DOES NOT INCLUDE A FACILITY THAT IS PRIMARILY USED TO PROVIDE PRIMARY OR SECONDARY EDUCATION.

(D) “PUBLIC RESTROOM” MEANS A SANITARY FACILITY AVAILABLE TO THE GENERAL PUBLIC THAT CONTAINS AT LEAST ONE TOILET OR URINAL.

(E) “SUBSTANTIAL RENOVATION” MEANS A CONSTRUCTION OR RENOVATION PROJECT WITH AN ESTIMATED COST OF ~~\$10,000~~ \$30,000 OR MORE.

2-802.

(A) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IN A PUBLIC BUILDING, A DIAPER-CHANGING FACILITY SHALL BE INSTALLED IN AT LEAST ONE PUBLIC RESTROOM OR, IF THE RESTROOMS ARE DIVIDED BY GENDER, IN AT LEAST ONE MEN’S PUBLIC RESTROOM AND ONE WOMEN’S PUBLIC RESTROOM IF:

(1) THE PUBLIC BUILDING IS CONSTRUCTED ON OR AFTER OCTOBER 1, 2019;

(2) A PUBLIC RESTROOM IS CONSTRUCTED IN A PUBLIC BUILDING ON OR AFTER OCTOBER 1, 2019; OR

(3) A PUBLIC RESTROOM IN A PUBLIC BUILDING UNDERGOES SUBSTANTIAL RENOVATION ON OR AFTER OCTOBER 1, 2019.

(B) (1) THE BOARD OF PUBLIC WORKS, THROUGH THE DEPARTMENT OF GENERAL SERVICES, SHALL ADOPT STANDARDS THAT A DIAPER-CHANGING FACILITY MUST MEET IN ORDER TO COMPLY WITH THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION.

(2) THE STANDARDS SHALL BE FILED WITH THE SECRETARY OF STATE.

(C) A DIAPER-CHANGING FACILITY IS NOT REQUIRED TO BE INSTALLED UNDER THIS SECTION IF A BUILDING INSPECTOR ~~OF THE LOCAL JURISDICTION IN WHICH A~~ THAT HAS JURISDICTION OVER THE PUBLIC BUILDING ~~IS LOCATED~~ DETERMINES THAT THE INSTALLATION OF A DIAPER-CHANGING FACILITY:

(1) IS NOT ~~FEASIBLE~~ PRACTICABLE; OR

(2) WOULD RESULT IN A FAILURE TO COMPLY WITH APPLICABLE BUILDING STANDARDS GOVERNING THE RIGHT OF ACCESS FOR INDIVIDUALS WITH DISABILITIES.

2-803.

(A) THE DEPARTMENT OF GENERAL SERVICES, THE UNIVERSITY SYSTEM OF MARYLAND, AND THE DEPARTMENT OF TRANSPORTATION ARE RESPONSIBLE FOR THE ENFORCEMENT OF THIS SUBTITLE IN THE PUBLIC BUILDINGS UNDER EACH ENTITY'S CONTROL IF:

(1) ANY STATE CAPITAL NONSCHOOL FUNDS ARE USED; OR

(2) CONSTRUCTION IS ON STATE-OWNED LAND.

(B) THE GOVERNING BODY OF A POLITICAL SUBDIVISION IS RESPONSIBLE FOR THE ENFORCEMENT OF THIS SUBTITLE IF:

(1) CONSTRUCTION IS NOT ON STATE-OWNED LAND;

(2) FUNDS OF THE POLITICAL SUBDIVISION ARE USED; AND

(3) NO STATE FUNDS ARE USED, EXCEPT FOR STATE FUNDS FOR SCHOOL CONSTRUCTION.

~~Article State Government~~

~~In this subtitle, “place of public accommodation” means:~~

- ~~(1) an inn, hotel, motel, or other establishment that provides lodging to transient guests;~~
- ~~(2) a restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food or alcoholic beverages for consumption on or off the premises, including a facility located on the premises of a retail establishment or gasoline station;~~
- ~~(3) a motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment;~~
- ~~(4) a retail establishment that:

 - ~~(i) is operated by a public or private entity; and~~
 - ~~(ii) offers goods, services, entertainment, recreation, or transportation; and~~~~
- ~~(5) an establishment:

 - ~~(i) 1. that is physically located within the premises of any other establishment covered by this subtitle; or~~
 - ~~2. within the premises of which any other establishment covered by this subtitle is physically located; and~~
 - ~~(ii) that holds itself out as serving patrons of the covered establishment.~~~~

~~20-307.~~

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

~~(2) “DIAPER CHANGING FACILITY” MEANS A TABLE OR OTHER DEVICE SUITABLE FOR CHANGING THE DIAPER OF A CHILD UNDER THE AGE OF 4 YEARS.~~

~~(3) “PUBLIC RESTROOM” MEANS A SANITARY FACILITY AVAILABLE TO THE GENERAL PUBLIC THAT CONTAINS AT LEAST ONE TOILET OR URINAL.~~

~~(4) “SUBSTANTIAL RENOVATION” MEANS A CONSTRUCTION OR RENOVATION PROJECT WITH AN ESTIMATED COST OF \$10,000 OR MORE.~~

~~(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IN A PLACE OF PUBLIC ACCOMMODATION, A DIAPER CHANGING FACILITY SHALL BE INSTALLED IN AT LEAST ONE PUBLIC RESTROOM OR, IF THE PUBLIC RESTROOMS ARE DIVIDED BY GENDER, IN AT LEAST ONE MEN'S PUBLIC RESTROOM AND ONE WOMEN'S PUBLIC RESTROOM IF:~~

~~(1) THE PLACE OF PUBLIC ACCOMMODATION IS CONSTRUCTED ON OR AFTER OCTOBER 1, 2019;~~

~~(2) A PUBLIC RESTROOM IN THE PLACE OF PUBLIC ACCOMMODATION IS CONSTRUCTED ON OR AFTER OCTOBER 1, 2019; OR~~

~~(3) A PUBLIC RESTROOM IN THE PLACE OF PUBLIC ACCOMMODATION UNDERGOES SUBSTANTIAL RENOVATION ON OR AFTER OCTOBER 1, 2019.~~

~~(C) A DIAPER CHANGING FACILITY IS NOT REQUIRED TO BE INSTALLED IN A PLACE OF PUBLIC ACCOMMODATION UNDER THIS SECTION IF A BUILDING INSPECTOR OF THE LOCAL JURISDICTION IN WHICH THE PLACE OF PUBLIC ACCOMMODATION IS LOCATED DETERMINES THAT INSTALLATION OF A DIAPER CHANGING FACILITY:~~

~~(1) IS NOT FEASIBLE; OR~~

~~(2) WOULD RESULT IN A FAILURE TO COMPLY WITH APPLICABLE BUILDING STANDARDS GOVERNING THE RIGHT OF ACCESS FOR INDIVIDUALS WITH DISABILITIES.~~

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

Approved by the Governor, May 13, 2019.

Chapter 524

(Senate Bill 527)

AN ACT concerning

Correctional Services – Inmates – Labor

FOR the purpose of requiring the Commissioner of Correction to include in a certain report certain statistics related to inmate employment and wages at certain facilities; requiring the Division of Correction to include in a certain report regarding

Maryland Correctional Enterprises certain statistics regarding inmate employment and wages; and generally relating to inmates.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 3–207 and 3–509
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

3–207.

(a) On or before October 31 of each year, the Commissioner shall submit an annual report to the Secretary and the Governor that states, for each correctional facility in the Division:

(1) its expenses, receipts, disbursements, condition, and progress;

(2) the number of inmates and each inmate's age, sex, race, place of birth and conviction, crime, and term of confinement;

(3) the number of inmates who escape, are pardoned, or discharged; [and]

(4) THE JOB CLASSIFICATIONS FOR INMATE LABOR IN EACH DEPARTMENT AND FACILITY UNDER THE AUTHORITY OF THE DIVISION;

(5) THE DAILY WAGE SCALE AT EACH PRISON FOR EACH JOB CLASSIFICATION UNDER THE AUTHORITY OF THE DIVISION;

(6) THE TOTAL NUMBER OF INMATES CURRENTLY EMPLOYED AT FACILITIES UNDER THE AUTHORITY OF THE DIVISION, DISAGGREGATED BY FACILITY; AND

[(4)] (7) any remarks and suggestions the Commissioner considers necessary to advance the interests of the correctional facility.

(b) The Commissioner shall submit with the report required by subsection (a) of this section a statement similar to the statement that is required to be submitted under § 3–206 of this subtitle.

(c) The Commissioner shall verify the report and statement required by this section.

(d) Subject to § 2-1246 of the State Government Article, the Governor shall submit to the General Assembly the report and statement required under this section and any recommendations that the Governor considers expedient.

3-509.

(a) Annually, the Division shall submit a complete financial and operational report of Maryland Correctional Enterprises and the Maryland Correctional Enterprises revolving fund to:

- (1) the Governor;
- (2) the Secretary; and
- (3) the Secretary of Budget and Management.

(b) The report required under subsection (a) of this section shall:

(1) be in the same general form as a report by the Division on its operations and programs; [and]

(2) include information about present and projected personnel and compensation requirements of Maryland Correctional Enterprises;

(3) LIST THE JOB CLASSIFICATIONS FOR INMATE LABOR IN EACH DEPARTMENT AND FACILITY UNDER THE AUTHORITY OF MARYLAND CORRECTIONAL ENTERPRISES;

(4) LIST THE DAILY WAGE SCALE AT EACH PRISON FOR EACH JOB CLASSIFICATION UNDER THE AUTHORITY OF MARYLAND CORRECTIONAL ENTERPRISES; AND

(5) LIST THE TOTAL NUMBER OF INMATES CURRENTLY EMPLOYED AT FACILITIES UNDER THE AUTHORITY OF MARYLAND CORRECTIONAL ENTERPRISES, DISAGGREGATED BY FACILITY.

(c) The Governor, the Secretary, and the Secretary of Budget and Management may include data from the report submitted under this section in the preparation of the budget and capital improvement bill.

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

Approved by the Governor, May 13, 2019.

Chapter 525

(Senate Bill 773)

AN ACT concerning

Health Care Malpractice Qualified Expert – Qualification

FOR the purpose of ~~exempting certain documents relating to a health care professional's income from discovery and admission on the question of whether the health care provider qualifies as an expert in a certain health care malpractice proceeding;~~ altering the percentage of an expert's professional activities that may have been devoted to certain activities that directly involve testimony in personal injury claims in order for the expert to qualify to testify in relation to a certain proceeding; ~~providing that a certain attestation creates a presumption that a health care provider is qualified to testify in a certain proceeding concerning compliance with or departure from standards of care, under certain circumstances; providing that a certain presumption may be rebutted only in a certain manner; prohibiting a court from dismissing a claim or action with prejudice solely because of a certain failure of a party;~~ establishing that a certain health care provider shall be deemed to have met a certain requirement during the pendency of a claim under certain circumstances; authorizing a party to ~~commence a new~~ refile the same claim or action once within a certain time frame if a ~~previous~~ claim or action was dismissed under certain circumstances; defining a certain term; providing for the application of this Act; and generally relating to qualified experts in health care malpractice proceedings.

BY repealing and reenacting, with amendments,
 Article – Courts and Judicial Proceedings
 Section 3–2A–04(b)(3) and (4)
 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

3–2A–04.

(b) Unless the sole issue in the claim is lack of informed consent:

(3) (i) The attorney representing each party, or the party proceeding pro se, shall file the appropriate certificate with a report of the attesting expert attached.

(ii) ~~{Discovery}~~ ~~SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, DISCOVERY~~ is available as to the basis of the certificate.

~~(III) DOCUMENTS REFLECTING INCOME EARNED BY A HEALTH CARE PROFESSIONAL AND TAX OR FINANCIAL DOCUMENTS OF A HEALTH CARE PROFESSIONAL ARE NOT DISCOVERABLE AND ARE NOT ADMISSIBLE AS EVIDENCE ON THE ISSUE OF WHETHER THE HEALTH CARE PROVIDER QUALIFIES AS AN EXPERT UNDER THIS SECTION.~~

(4) (I) IN THIS PARAGRAPH, “PROFESSIONAL ACTIVITIES” MEANS ALL ACTIVITIES ARISING FROM OR RELATED TO THE HEALTH CARE, ~~REGARDLESS OF WHETHER THE ACTIVITIES CONTRIBUTE TO OR ADVANCE A HEALTH CARE PROVIDER’S PROFESSION.~~

(II) A health care provider who attests in a certificate of a qualified expert or who testifies in relation to a proceeding before an arbitration panel or a court concerning compliance with or departure from standards of care may not [devote annually] ~~HAVE DEVOTED~~ more than [20 percent] ~~50%~~ 25% of the expert’s professional activities to activities that directly involve testimony in personal injury claims ~~DURING THE CALENDAR YEAR WHEN THE ALLEGED EVENT OR OMISSION GIVING RISE TO THE CAUSE OF ACTION OCCURRED~~ 12 MONTHS IMMEDIATELY BEFORE THE DATE WHEN THE CLAIM WAS FIRST FILED.

~~(III) A HEALTH CARE PROVIDER’S ATTESTATION OF COMPLIANCE WITH THE REQUIREMENTS OF THIS SUBSECTION CREATES A PRESUMPTION THAT, IF OTHERWISE QUALIFIED UNDER THE MARYLAND RULES, THE HEALTH CARE PROVIDER IS QUALIFIED TO TESTIFY IN A PROCEEDING BEFORE AN ARBITRATION PANEL OR A COURT CONCERNING COMPLIANCE WITH OR DEPARTURE FROM STANDARDS OF CARE.~~

~~(IV) THE PRESUMPTION UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH MAY BE REBUTTED ONLY BY CLEAR AND CONVINCING EVIDENCE THAT THE HEALTH CARE PROVIDER’S ATTESTATION WAS KNOWINGLY FALSE.~~

~~(V) A COURT MAY NOT DISMISS A CLAIM OR ACTION WITH PREJUDICE SOLELY BECAUSE A QUALIFIED EXPERT FAILED TO COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION.~~

(III) ONCE A HEALTH CARE PROVIDER MEETS THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE HEALTH CARE PROVIDER SHALL BE DEEMED TO BE A QUALIFIED EXPERT AS TO SUBPARAGRAPH (II) OF THIS PARAGRAPH DURING THE PENDENCY OF THE CLAIM.

~~(VI) (IV) IF A COURT DISMISSES A CLAIM OR ACTION BECAUSE A QUALIFIED EXPERT FAILED TO COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION, A PARTY MAY COMMENCE A NEW~~ UNLESS THERE IS A SHOWING OF BAD FAITH, A PARTY MAY REFILE THE SAME CLAIM OR ACTION BEFORE THE LATER OF:

1. THE EXPIRATION OF THE APPLICABLE PERIOD OF LIMITATION; OR

2. ~~180~~ 120 DAYS AFTER THE DATE OF THE DISMISSAL.

(V) A CLAIM OR AN ACTION MAY BE REFILED UNDER SUBPARAGRAPH (IV) OF THIS PARAGRAPH ONLY ONCE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to any proceeding filed ~~or pending~~ on or after 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, May 13, 2019.

Chapter 526

(House Bill 1001)

AN ACT concerning

Correctional Services – Restrictive Housing – Reporting by Correctional Units and Requirements Relating to Minors

FOR the purpose of expanding the entities required to submit a certain report relating to restrictive housing; ~~repealing a requirement that certain data be submitted to the General Assembly~~ *altering a certain reporting requirement*; requiring the Governor's Office of Crime Control and Prevention to ~~compile and summarize certain information and submit a certain summary to the General Assembly~~ *submit a certain report to the General Assembly in a certain manner*; prohibiting a certain correctional unit from placing a minor in certain restrictive housing unless a certain managing official makes a certain finding; requiring a minor placed in restrictive housing to be provided certain privileges and conditions, *subject to a certain exception*; requiring a certain managing official or designee to make a certain record under certain circumstances; ~~authorizing a certain aggrieved minor to take certain actions under certain circumstances~~; altering a certain definition; defining certain terms; making conforming changes; and generally relating to restrictive housing.

BY repealing and reenacting, with amendments,
 Article – Correctional Services
 Section 9–614
 Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

BY adding to

Article – Correctional Services

Section 9–614.1

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

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

Article – Correctional Services

9–614.

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

(2) “CORRECTIONAL UNIT” HAS THE MEANING STATED IN § 2–401 OF THIS ARTICLE.

(3) (I) “RESTRICTIVE housing” means a form of physical separation THAT HAS NOT BEEN REQUESTED BY THE INMATE in which the inmate is placed in a locked room or cell for approximately 22 hours or more out of a 24–hour period.

[(2)] (II) “Restrictive housing” includes administrative segregation and disciplinary segregation.

(b) (1) On or before December 31 each year, [the Department] **EACH CORRECTIONAL UNIT** shall submit data to the Governor’s Office of Crime Control and Prevention ~~and the General Assembly, in accordance with § 2–1246 of the State Government Article,~~ showing, by correctional [facility] **UNIT**:

(i) the total population of the correctional [facility] **UNIT**;

(ii) the number of inmates who have been placed in restrictive housing during the preceding year by age, race, gender, classification of housing, and the basis for the inmate’s placement in restrictive housing;

(iii) the number of inmates with serious mental illness that were placed in restrictive housing during the preceding year;

(iv) the definition of “serious mental illness” used by the [Department] **CORRECTIONAL UNIT** in making the report;

(v) the number of inmates known to be pregnant when placed in restrictive housing during the preceding year;

(vi) the average and median lengths of stay in restrictive housing of the inmates placed in restrictive housing during the preceding year;

(vii) the number of incidents of death, self-harm, and attempts at self-harm by inmates in restrictive housing during the preceding year;

(viii) the number of inmates released from restrictive housing directly into the community during the preceding year;

(ix) any other data the [Department] CORRECTIONAL UNIT considers relevant to the use of restrictive housing by correctional facilities in the State; and

(x) any changes to written policies or procedures at each correctional [facility] UNIT relating to the use and conditions of restrictive housing, including steps to reduce reliance on restrictive housing.

(2) The Governor's Office of Crime Control and Prevention shall *make the information submitted in accordance with paragraph (1) of this subsection available on its [Web site] WEBSITE AND, WHEN THE INFORMATION HAS BEEN RECEIVED FROM EVERY CORRECTIONAL UNIT IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, PROMPTLY SUBMIT THE INFORMATION IN A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.* ~~make:~~

~~(I) COMPILE AND SUMMARIZE the information submitted in accordance with paragraph (1) of this subsection;~~

~~(II) SUBMIT THE SUMMARY TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE; AND~~

~~(III) MAKE THE SUMMARY available on its [Web site] WEBSITE.~~

9-614.1.

(A) IN THIS SECTION, "RESTRICTIVE HOUSING" HAS THE MEANING STATED IN § 9-614 OF THIS SUBTITLE.

(B) THIS SECTION APPLIES TO A FACILITY OPERATED BY A CORRECTIONAL UNIT, AS DEFINED IN § 2-401 OF THIS ARTICLE.

(C) A MINOR MAY NOT BE PLACED IN RESTRICTIVE HOUSING UNLESS THE MANAGING OFFICIAL OF THE FACILITY FINDS BY CLEAR AND CONVINCING EVIDENCE THAT ~~THE MINOR POSES~~ THERE IS AN IMMEDIATE AND SUBSTANTIAL RISK:

(1) OF PHYSICAL HARM TO THE MINOR, OTHER INMATES, OR STAFF;
OR

(2) TO THE SECURITY OF THE FACILITY.

(D) A MINOR PLACED IN RESTRICTIVE HOUSING SHALL BE PROVIDED:

(1) DAILY PHYSICAL AND MENTAL HEALTH ASSESSMENTS TO DETERMINE WHETHER THE MINOR MAY BE RELEASED FROM RESTRICTIVE HOUSING;

(2) THE SAME STANDARD OF ACCESS THAT IS PROVIDED TO INMATES NOT IN RESTRICTIVE HOUSING TO:

(I) PHONE CALLS;

(II) VISITS;

(III) MAIL;

(IV) FOOD;

(V) WATER;

(VI) SHOWERS;

(VII) SANITARY SUPPLIES;

(VIII) PROPERTY, INCLUDING CLOTHING AND BEDDING; AND

(IX) MEDICAL, MENTAL, AND DENTAL HEALTH CARE; AND

(3) UNLESS IT WOULD POSE A RISK OF PHYSICAL HARM TO THE MINOR OR ANOTHER, MAXIMIZED ACCESS TO RECREATION, EDUCATION, AND PROGRAMMING.

(E) IF A PRIVILEGE OR CONDITION DESCRIBED IN SUBSECTION (D) OF THIS SECTION IS NOT PROVIDED TO THE MINOR, THE MANAGING OFFICIAL OR THE MANAGING OFFICIAL'S DESIGNEE SHALL RECORD THE REASON IN THE MINOR'S FILE.

~~(F) IF A CORRECTIONAL UNIT FAILS TO SATISFY A PROVISION OF THIS SECTION, AN AGGRIEVED MINOR MAY:~~

~~(1) SEEK REDRESS BY MEANS OF ANY APPROPRIATE LEGAL REMEDY;~~
~~AND~~

~~(2) RECOVER COURT COSTS.~~

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

Approved by the Governor, May 13, 2019.

Chapter 527

(Senate Bill 774)

AN ACT concerning

Correctional Services – Restrictive Housing – Reporting by Correctional Units and Requirements Relating to Minors

FOR the purpose of expanding the entities required to submit a certain report relating to restrictive housing; altering a certain reporting requirement; requiring the Governor's Office of Crime Control and Prevention to submit a certain report to the General Assembly in a certain manner; prohibiting a certain correctional unit from placing a minor in certain restrictive housing unless a certain managing official makes a certain finding; requiring a minor placed in restrictive housing to be provided certain privileges and conditions, subject to a certain exception; requiring a certain managing official or designee to make a certain record under certain circumstances; altering a certain definition; defining certain terms; making conforming changes; and generally relating to restrictive housing.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 9–614
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

BY adding to
Article – Correctional Services
Section 9–614.1
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

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

Article – Correctional Services

9–614.

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

(2) “CORRECTIONAL UNIT” HAS THE MEANING STATED IN § 2–401 OF THIS ARTICLE.

(3) (I) “RESTRICTIVE housing” means a form of physical separation THAT HAS NOT BEEN REQUESTED BY THE INMATE in which the inmate is placed in a locked room or cell for approximately 22 hours or more out of a 24–hour period.

[(2)] (II) “Restrictive housing” includes administrative segregation and disciplinary segregation.

(b) (1) On or before December 31 each year, [the Department] **EACH CORRECTIONAL UNIT** shall submit data to the Governor’s Office of Crime Control and Prevention ~~and the General Assembly, in accordance with § 2–1246 of the State Government Article,~~ showing, by correctional [facility] **UNIT:**

(i) the total population of the correctional [facility] **UNIT;**

(ii) the number of inmates who have been placed in restrictive housing during the preceding year by age, race, gender, classification of housing, and the basis for the inmate’s placement in restrictive housing;

(iii) the number of inmates with serious mental illness that were placed in restrictive housing during the preceding year;

(iv) the definition of “serious mental illness” used by the [Department] **CORRECTIONAL UNIT** in making the report;

(v) the number of inmates known to be pregnant when placed in restrictive housing during the preceding year;

(vi) the average and median lengths of stay in restrictive housing of the inmates placed in restrictive housing during the preceding year;

(vii) the number of incidents of death, self-harm, and attempts at self-harm by inmates in restrictive housing during the preceding year;

(viii) the number of inmates released from restrictive housing directly into the community during the preceding year;

(ix) any other data the [Department] CORRECTIONAL UNIT considers relevant to the use of restrictive housing by correctional facilities in the State; and

(x) any changes to written policies or procedures at each correctional [facility] UNIT relating to the use and conditions of restrictive housing, including steps to reduce reliance on restrictive housing.

(2) The Governor's Office of Crime Control and Prevention shall make the information submitted in accordance with paragraph (1) of this subsection available on its [Web site] WEBSITE AND, WHEN THE INFORMATION HAS BEEN RECEIVED FROM EVERY CORRECTIONAL UNIT IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, PROMPTLY SUBMIT THE INFORMATION IN A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

9-614.1.

(A) IN THIS SECTION, "RESTRICTIVE HOUSING" HAS THE MEANING STATED IN § 9-614 OF THIS SUBTITLE.

(B) THIS SECTION APPLIES TO A FACILITY OPERATED BY A CORRECTIONAL UNIT, AS DEFINED IN § 2-401 OF THIS ARTICLE.

(C) A MINOR MAY NOT BE PLACED IN RESTRICTIVE HOUSING UNLESS THE MANAGING OFFICIAL OF THE FACILITY FINDS BY CLEAR AND CONVINCING EVIDENCE THAT ~~THE MINOR POSES~~ THERE IS AN IMMEDIATE ~~AND OR~~ AND SUBSTANTIAL RISK:

(1) OF PHYSICAL HARM TO THE MINOR, OTHER INMATES, OR STAFF;
OR

(2) TO THE SECURITY OF THE FACILITY.

(D) A MINOR PLACED IN RESTRICTIVE HOUSING SHALL BE PROVIDED:

(1) DAILY PHYSICAL AND MENTAL HEALTH ASSESSMENTS TO DETERMINE WHETHER THE MINOR MAY BE RELEASED FROM RESTRICTIVE HOUSING;

(2) THE SAME STANDARD OF ACCESS THAT IS PROVIDED TO INMATES NOT IN RESTRICTIVE HOUSING TO:

- (I) PHONE CALLS;
- (II) VISITS;
- (III) MAIL;
- (IV) FOOD;
- (V) WATER;
- (VI) SHOWERS;
- (VII) SANITARY SUPPLIES;
- (VIII) PROPERTY, INCLUDING CLOTHING AND BEDDING; AND
- (IX) MEDICAL, MENTAL, AND DENTAL HEALTH CARE; AND

(3) ~~MAXIMIZED~~ UNLESS IT WOULD POSE A RISK OF PHYSICAL HARM TO THE MINOR OR ANOTHER, MAXIMIZED ACCESS TO RECREATION, EDUCATION, AND PROGRAMMING.

(E) IF A PRIVILEGE OR CONDITION DESCRIBED IN SUBSECTION (D) OF THIS SECTION IS NOT PROVIDED TO THE MINOR, THE MANAGING OFFICIAL OR THE MANAGING OFFICIAL'S DESIGNEE SHALL RECORD THE REASON IN THE MINOR'S FILE.

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

Approved by the Governor, May 13, 2019.

Chapter 528

(Senate Bill 653)

AN ACT concerning

**Carroll and Howard County Boards of Education – Establishing Innovative
Regional Schools – Authority
(Cross-County Attendance to Achieve Efficiency Act of 2019)**

FOR the purpose of authorizing *the county boards of education of Carroll County and Howard County* to establish innovative regional schools subject to certain requirements and approval; ~~providing that innovative regional schools are eligible for certain public school construction funding; requiring the Interagency Commission on School Construction to adopt certain regulations; requiring a certain memorandum of understanding to include certain provisions; authorizing the memorandum of understanding to establish a geographic area of attendance; specifying a process for the admission of certain students under certain circumstances;~~ exempting innovative regional schools from certain provisions of law; requiring a certain collective bargaining agreement to govern working conditions in innovative regional schools, subject to a certain exception; requiring innovative regional schools to comply with certain regulations and provisions of law; limiting the source of funds for certain payments to innovative regional schools; requiring the Interagency Commission on School Construction to study and develop a certain cost-share formula for certain county boards of education; requiring the Commission to submit a report with its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the application of this Act; defining a certain term; and generally relating to establishing innovative regional schools *in Carroll County and Howard County*.

BY adding to

Article – Education

Section 4–110

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

4–110.

(A) IN THIS SECTION, “INNOVATIVE REGIONAL SCHOOL” MEANS A PUBLIC SCHOOL THAT:

(1) ~~ADMITS STUDENTS FROM ONE OR MORE LOCAL SCHOOL SYSTEMS THAT ARE A PARTY TO~~ THE CARROLL COUNTY OR HOWARD COUNTY PUBLIC SCHOOL SYSTEMS UNDER A MEMORANDUM OF UNDERSTANDING AGREED TO UNDER SUBSECTION ~~(C)~~ (D) OF THIS SECTION; AND

(2) OFFERS SPECIAL COURSES OR CURRICULA FOR AN INNOVATIVE EDUCATION PROGRAM.

(B) THIS SECTION APPLIES ONLY IN CARROLL COUNTY AND HOWARD COUNTY.

~~(B)~~ (C) THROUGH A MEMORANDUM OF UNDERSTANDING AGREED TO UNDER SUBSECTION ~~(C)~~ (D) OF THIS SECTION, THE COUNTY BOARDS OF CARROLL COUNTY AND HOWARD COUNTY MAY ESTABLISH INNOVATIVE REGIONAL SCHOOLS.

~~(C)~~ (D) (1) (I) BEFORE ESTABLISHING AN INNOVATIVE REGIONAL SCHOOL, ~~EACH COUNTY BOARD~~ BOTH COUNTY BOARDS SHALL ENTER INTO A BINDING MEMORANDUM OF UNDERSTANDING OUTLINING EACH COUNTY BOARD'S RESPONSIBILITIES IN ~~GOVERNING AND FINANCING~~ THE GOVERNANCE, OPERATIONS, MAINTENANCE, AND FINANCING OF THE INNOVATIVE REGIONAL SCHOOL.

(II) THE MEMORANDUM OF UNDERSTANDING AND ANY AMENDMENTS TO THE COLLECTIVE BARGAINING AGREEMENT THAT IS NEGOTIATED UNDER SUBSECTION (D)(2) OF THIS SECTION SHALL BE SUBJECT TO THE APPROVAL OF THE COUNTY GOVERNING BODY OF EACH COUNTY WHOSE COUNTY BOARD IS A PARTY TO THE MEMORANDUM OF UNDERSTANDING CARROLL COUNTY AND HOWARD COUNTY.

(2) THE PARTIES TO THE MEMORANDUM OF UNDERSTANDING SHALL IDENTIFY ONE OF THE COUNTY BOARDS TO GOVERN THE INNOVATIVE REGIONAL SCHOOL.

~~(2)~~ (3) THE MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY BOARDS OF CARROLL COUNTY AND HOWARD COUNTY SHALL INCLUDE PROVISIONS FOR:

(I) EQUITABLE ACCESS TO THE INNOVATIVE REGIONAL SCHOOL FOR STUDENTS WITH DISABILITIES AND STUDENTS WHO ARE ELIGIBLE FOR FREE AND REDUCED PRICE MEALS;

(II) TRANSPORTATION TO ENSURE STUDENTS WITHOUT ACCESS TO A VEHICLE ARE ABLE TO ATTEND THE INNOVATIVE REGIONAL SCHOOL; AND

(III) COST SHARING RESPONSIBILITIES BETWEEN THE TWO COUNTY BOARDS RELATED TO MAINTENANCE OF THE SCHOOL BUILDING.

(4) (I) THE MEMORANDUM OF UNDERSTANDING MAY ESTABLISH A GEOGRAPHIC AREA OF ATTENDANCE FOR THE INNOVATIVE REGIONAL SCHOOL.

(II) IF MORE STUDENTS APPLY FOR ATTENDANCE AT THE INNOVATIVE REGIONAL SCHOOL THAN CAN BE ACCOMMODATED, THE INNOVATIVE REGIONAL SCHOOL SHALL ADMIT STUDENTS ON A LOTTERY BASIS.

(5) (I) NOTWITHSTANDING § 4-121 OF THIS SUBTITLE, AND SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE MEMORANDUM OF UNDERSTANDING MAY ESTABLISH REQUIRED PAYMENTS OF EACH COUNTY SERVED BY THE INNOVATIVE REGIONAL SCHOOL.

(II) THE SOURCE OF FUNDS FOR ANY PAYMENTS MADE BY EACH COUNTY SERVED BY THE INNOVATIVE REGIONAL SCHOOL SHALL BE LIMITED TO COUNTY APPROPRIATIONS ONLY.

~~(3) (4) (6)~~ THE MEMORANDUM OF UNDERSTANDING MAY CONTAIN ANY OTHER AGREEMENTS EACH COUNTY BOARD CONSIDERS NECESSARY.

~~(D) (E)~~ (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE COLLECTIVE BARGAINING AGREEMENT ESTABLISHED UNDER TITLE 6, SUBTITLE 4 OR SUBTITLE 5 OF THIS ARTICLE IN THE COUNTY THAT IS IDENTIFIED UNDER SUBSECTION ~~(C)(2) (D)(2)~~ OF THIS SECTION SHALL GOVERN WORKING CONDITIONS AT THE INNOVATIVE REGIONAL SCHOOL.

(2) THE EMPLOYEE ORGANIZATION AND THE PUBLIC SCHOOL EMPLOYER IN THE COUNTY THAT IS IDENTIFIED UNDER SUBSECTION ~~(C)(2) (D)(2)~~ OF THIS SECTION MAY MUTUALLY AGREE TO NEGOTIATE AMENDMENTS TO THE EXISTING BARGAINING AGREEMENT TO ADDRESS THE NEEDS OF THE INNOVATIVE REGIONAL SCHOOL.

~~(D) (E) (1) INNOVATIVE REGIONAL SCHOOLS SHALL BE ELIGIBLE FOR FUNDING UNDER THE PUBLIC SCHOOL CONSTRUCTION PROGRAM IN ACCORDANCE WITH TITLE 5, SUBTITLE 3 OF THIS ARTICLE.~~

~~(2) THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION SHALL ADOPT REGULATIONS FOR FUNDING SCHOOL CONSTRUCTION AND SCHOOL CAPITAL IMPROVEMENTS AT AN INNOVATIVE REGIONAL SCHOOL IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN TITLE 5, SUBTITLE 3 OF THIS ARTICLE THAT APPLY TO SCHOOL CONSTRUCTION AND SCHOOL CAPITAL IMPROVEMENT PROJECTS FUNDED FOR COUNTY BOARDS.~~

~~(E) (F)~~ INNOVATIVE REGIONAL SCHOOLS ESTABLISHED UNDER THIS SECTION ARE NOT SUBJECT TO THE APPROVAL OF THE STATE BOARD OR THE STATE SUPERINTENDENT UNDER § 4-109 OF THIS SUBTITLE.

~~(F) (G)~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, INNOVATIVE REGIONAL SCHOOLS SHALL COMPLY WITH THE REGULATIONS AND PROVISIONS OF LAW GOVERNING OTHER PUBLIC SCHOOLS.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Interagency Commission on School Construction shall study and develop a State and local cost-share formula for county boards of education that choose to collaborate and operate a regional school involving more than one county board.

(b) On or before January 1, 2020, the Interagency Commission on School Construction shall submit a report with its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

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

Approved by the Governor, May 13, 2019.

Chapter 529

(Senate Bill 661)

AN ACT concerning

Primary and Secondary Education – Community Schools – Established

FOR the purpose of establishing community schools in the State; specifying the purpose and elements of a community school; requiring a community school to have a community school coordinator who has certain duties; ~~is hired in a certain manner, is a member of the community school leadership team, has a certain status, and may be required to assist in certain school operations only under certain circumstances; requiring a community school to have a community school leadership team that consists of certain individuals; requiring the community school leadership team to conduct a certain assessment of needs and assets and to develop a certain implementation plan; requiring the community school leadership team, in cooperation with the community school coordinator, to oversee the implementation of a certain plan; requiring the community school leadership team or the community school coordinator to post certain information on the website of the community school annually on or before a certain date;~~ authorizing certain local school systems to form a school-community partnership under certain circumstances; ~~requiring a local school system or certain public schools to establish a community school leadership team before developing an implementation plan for a community school; requiring a local school system or certain public schools to identify a community school coordinator before implementing a community school; requiring a community school leadership team to submit to a local school system a certain assessment of needs and a certain plan;~~ requiring certain local school systems to review and approve certain information within a certain period of time community schools; prohibiting a community school from being implemented without certain approval; requiring certain local school systems to make certain funding available to certain schools

~~under certain circumstances; describing eligible interventions for the purpose of receiving certain funding; authorizing a community school leadership team or a community school coordinator to solicit certain assistance and support under certain circumstances; specifying the intent of the General Assembly; requiring certain community schools to continue to receive certain funds until a certain date; requiring certain community schools to be in compliance with certain provisions of this Act after a certain date; defining certain terms; and generally relating to the establishment of community schools.~~

BY adding to

Article – Education

Section 9.9–101 through ~~9.9–109~~ 9.9–107 to be under the new title “Title 9.9. Community Schools”

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

TITLE 9.9. COMMUNITY SCHOOLS.

9.9–101.

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

(B) “COMMUNITY SCHOOL” MEANS A PUBLIC SCHOOL THAT ESTABLISHES A SET OF STRATEGIC PARTNERSHIPS BETWEEN THE SCHOOL AND OTHER COMMUNITY RESOURCES THAT PROMOTE STUDENT ACHIEVEMENT, POSITIVE LEARNING CONDITIONS, AND THE WELL-BEING OF STUDENTS, FAMILIES, AND THE COMMUNITY.

(C) “CSC” MEANS A COMMUNITY SCHOOL COORDINATOR.

(D) “SCHOOL–COMMUNITY PARTNERSHIP” MEANS A PARTNERSHIP BETWEEN A LOCAL SCHOOL SYSTEM OR AN EXISTING PUBLIC SCHOOL AND A COMMUNITY–BASED ORGANIZATION OR AGENCY FOR THE PURPOSE OF PLANNING AND IMPLEMENTING A COMMUNITY SCHOOL.

9.9–102.

THE PURPOSE OF A COMMUNITY SCHOOL IS TO HELP STUDENTS AND FAMILIES OVERCOME THE IN–SCHOOL AND OUT–OF–SCHOOL BARRIERS THAT PREVENT

CHILDREN FROM LEARNING AND SUCCEEDING OVER THE COURSE OF THEIR LIVES BY HAVING AN INTEGRATED FOCUS ON ACADEMICS, HEALTH AND SOCIAL SERVICES, YOUTH AND COMMUNITY DEVELOPMENT, AND FAMILIAL AND COMMUNITY ENGAGEMENT.

9.9-103.

(A) THERE ARE COMMUNITY SCHOOLS IN THE STATE.

(B) A COMMUNITY SCHOOL SHALL ~~HAVE~~:

(1) ~~ACTIVE~~ PROMOTE ACTIVE FAMILY AND COMMUNITY ENGAGEMENT, INCLUDING EDUCATIONAL OPPORTUNITIES FOR ADULTS AND FAMILY MEMBERS OF STUDENTS AT THE SCHOOL WHO LIVE IN THE NEIGHBORHOOD OF THE SCHOOL;

(2) ~~A~~ HAVE A DEDICATED STAFF MEMBER, AS DESCRIBED UNDER § 9.9-104 OF THIS TITLE, TO COORDINATE SUPPORT PROGRAMS THAT ADDRESS OUT-OF-SCHOOL LEARNING BARRIERS FOR STUDENTS AND FAMILIES THAT MAY INCLUDE:

(I) TUTORING;

(II) ENGLISH LANGUAGE LEARNER COURSES;

(III) EARLY CHILDHOOD DEVELOPMENT AND PARENTING CLASSES;

(IV) COLLEGE AND CAREER ADVISING;

(V) EMPLOYMENT OPPORTUNITIES;

(VI) CITIZENSHIP EDUCATION;

(VII) FOOD PANTRIES; AND

(VIII) SCHOOL-BASED MENTAL AND PHYSICAL HEALTH SERVICES;

(3) ~~EXPANDED~~ PROMOTE EXPANDED AND ENRICHED LEARNING TIME AND OPPORTUNITIES PROVIDED AFTER SCHOOL, DURING WEEKENDS, AND IN THE SUMMER THAT EMPHASIZE MASTERING 21ST-CENTURY SKILLS THROUGH PRACTICAL LEARNING OPPORTUNITIES AND COMMUNITY PROBLEM-SOLVING;

(4) ~~COLLABORATIVE~~ PROMOTE COLLABORATIVE LEADERSHIP AND PRACTICES THAT EMPOWER PARENTS, STUDENTS, TEACHERS, PRINCIPALS, AND COMMUNITY PARTNERS TO BUILD A CULTURE OF PROFESSIONAL LEARNING, COLLECTIVE TRUST, AND SHARED RESPONSIBILITY USING STRATEGIES SUCH AS SITE-BASED LEADERSHIP TEAMS AND TEACHER LEARNING COMMUNITIES;

(5) ~~A HAVE A~~ PARENT TEACHER ORGANIZATION OR A SCHOOL FAMILY COUNCIL; AND

(6) ~~A HAVE A~~ COMMUNITY SCHOOL LEADERSHIP TEAM, ~~AS DESCRIBED UNDER § 9.9 105(B) OF THIS TITLE.~~

9.9-104.

(A) A COMMUNITY SCHOOL SHALL HAVE A COMMUNITY SCHOOL COORDINATOR.

(B) A CSC SHALL BE RESPONSIBLE FOR ~~IMPLEMENTATION OF THE PLAN DEVELOPED UNDER § 9.9 105(D) OF THIS TITLE.~~

(C) ~~THE CSC SHALL BE HIRED BY THE LOCAL SCHOOL SYSTEM IN CONSULTATION WITH THE LOCAL SCHOOL.~~

(D) ~~THE CSC IS A MEMBER OF THE SCHOOL LEADERSHIP TEAM AND HAS STATUS EQUIVALENT TO A VICE PRINCIPAL OR AN ASSISTANT PRINCIPAL IN THE SCHOOL~~ DEVELOPING AND IMPLEMENTING A PLAN *BASED ON AN ASSESSMENT OF NEEDS* FOR THE COMMUNITY SCHOOL, IN COOPERATION WITH OTHER INTERESTED STAKEHOLDERS.

(E) (C) ~~A CSC MAY NOT BE REQUIRED TO SERVE AS A SUBSTITUTE TEACHER, FRONT DESK ASSISTANT, OR ANY OTHER STAFF MEMBER AT THE SCHOOL.~~

(F) (D) ~~NOTWITHSTANDING SUBSECTION (D) OF THIS SECTION, A A CSC MAY BE REQUIRED TO ASSIST IN SCHOOL OPERATION BUT NOT MORE THAN OTHER SIMILARLY RANKING STAFF MEMBERS.~~

~~9.9 105.~~

(A) ~~A COMMUNITY SCHOOL SHALL HAVE A COMMUNITY SCHOOL LEADERSHIP TEAM.~~

(B) ~~A COMMUNITY SCHOOL LEADERSHIP TEAM SHALL CONSIST OF THE FOLLOWING INDIVIDUALS:~~

~~(1) THE PRINCIPAL;~~

~~(2) THE PRESIDENT OF THE SCHOOL'S PARENT TEACHER ASSOCIATION OR SCHOOL FAMILY COUNCIL, OR ITS EQUIVALENT;~~

~~(3) A PARENT OF A STUDENT WHO ATTENDS THE SCHOOL, SELECTED BY THE PRINCIPAL;~~

~~(4) TWO TEACHERS AT THE SCHOOL, SELECTED BY THE PRINCIPAL;~~

~~(5) TWO MEMBERS OF THE COMMUNITY WHO ARE NOT PARENTS, STUDENTS, OR EMPLOYEES OF THE SCHOOL, SELECTED BY THE PRINCIPAL;~~

~~(6) TWO STUDENTS WHO ATTEND THE SCHOOL, SELECTED BY THE PRINCIPAL; AND~~

~~(7) THE CSC.~~

~~(c) (1) THE COMMUNITY SCHOOL LEADERSHIP TEAM SHALL CONDUCT AN ASSESSMENT OF NEEDS AND ASSETS AS PART OF THE PLANNING YEAR THAT PRECEDES IMPLEMENTATION OF THE COMMUNITY SCHOOL PLAN DEVELOPED UNDER SUBSECTION (D) OF THIS SECTION.~~

~~(2) THE ASSESSMENT OF NEEDS SHALL INCLUDE A BASELINE ANALYSIS OF THE NEEDS AND ASSETS OF THE STUDENTS, FAMILY, AND COMMUNITY THAT ANALYZES:~~

~~(i) THE ACADEMIC, PHYSICAL, MENTAL, SOCIAL, AND EMOTIONAL HEALTH OF THE STUDENTS, FAMILY, AND COMMUNITY;~~

~~(ii) THE RESOURCES AVAILABLE IN THE COMMUNITY;~~

~~(iii) THE PERCENTAGE OF STUDENTS AND THE NEEDS OF STUDENTS WHO:~~

~~1. HAVE DISABILITIES;~~

~~2. ARE ENGLISH LANGUAGE LEARNERS;~~

~~3. ARE HOMELESS, HIGHLY MOBILE, OR HIGHLY TRANSIENT; AND~~

~~4. QUALIFY FOR FREE AND REDUCED PRICE MEALS;~~

~~(IV) ENROLLMENT, RETENTION, DISCIPLINARY ACTIONS, AND GRADUATION RATES IN HIGH SCHOOLS FOR THE STUDENTS LISTED UNDER ITEM (II) OF THIS PARAGRAPH;~~

~~(V) SCHOOL ACHIEVEMENT DATA, DISAGGREGATED BY RACE, ETHNICITY, ENGLISH LANGUAGE LEARNERS, DISABILITY STATUS, AND FREE AND REDUCED-PRICE MEAL STATUS;~~

~~(VI) THE NEED FOR AND THE AVAILABILITY OF MECHANISMS AND STRATEGIES FOR MEETING THE SOCIAL, EMOTIONAL, AND PHYSICAL HEALTH NEEDS OF STUDENTS AND THEIR ENVIRONMENT;~~

~~(VII) THE NEED FOR AND AVAILABILITY OF MECHANISMS TO CREATE A SAFE AND SECURE SCHOOL WITH A STRONG POSITIVE SCHOOL CLIMATE;~~

~~(VIII) THE NEED FOR PHYSICAL AND MENTAL HEALTH CARE SERVICES FOR STUDENTS AND ADULTS IN THE COMMUNITY; AND~~

~~(IX) THE NEED FOR ADULT EDUCATION SERVICES, INCLUDING THE CED, ENGLISH LANGUAGE INSTRUCTION, FINANCIAL LITERACY, AND JOB TRAINING.~~

~~(D) (1) AFTER THE ASSESSMENT OF NEEDS CONDUCTED UNDER SUBSECTION (C) OF THIS SECTION, THE COMMUNITY SCHOOL LEADERSHIP TEAM SHALL DEVELOP AN IMPLEMENTATION PLAN THAT DESCRIBES HOW THE COMMUNITY SCHOOL LEADERSHIP TEAM WILL INTEGRATE AND COORDINATE THE SERVICES NEEDED AT THE SCHOOL INTO THE EXISTING SCHOOL PROGRAMMING.~~

~~(2) THE IMPLEMENTATION PLAN SHALL:~~

~~(I) IDENTIFY SERVICES THAT MEET THE NEEDS INDICATED BY THE ASSESSMENT OF NEEDS CONDUCTED UNDER SUBSECTION (C) OF THIS SECTION;~~

~~(II) ESTABLISH AND MAINTAIN RELATIONSHIPS WITH COMMUNITY BASED ORGANIZATIONS AND AGENCIES TO FURTHER THE DEVELOPMENT AND IMPLEMENTATION OF COMMUNITY SCHOOL SERVICES;~~

~~(III) DOCUMENT COLLABORATION BETWEEN THE SCHOOL AND COMMUNITY BASED ORGANIZATIONS AND AGENCIES, INCLUDING THE LEVERAGING OF FUNDS;~~

~~(IV) ESTABLISH AND ENFORCE A NONDISCRIMINATION POLICY THAT ENSURES THAT THE SCHOOL DOES NOT DISCRIMINATE BASED ON RACE,~~

~~ETHNICITY, NATIONALITY, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY STATUS; AND~~

~~(V) ANNUALLY EVALUATE THE IMPACT OF SCHOOL COMMUNITY PARTNERSHIPS ON STUDENTS, FAMILIES, AND THE COMMUNITY.~~

~~(E) SUBJECT TO §§ 9.9-107 AND 9.9-108 OF THIS TITLE, THE COMMUNITY SCHOOL LEADERSHIP TEAM, IN COOPERATION WITH THE CSC, SHALL OVERSEE THE INTEGRATION AND IMPLEMENTATION OF THE COMMUNITY SCHOOL PLAN DEVELOPED UNDER SUBSECTION (D) OF THIS SECTION.~~

~~9.9-106.~~

~~ON OR BEFORE JULY 1 EACH YEAR, THE COMMUNITY SCHOOL LEADERSHIP TEAM OR THE CSC SHALL POST ON THE COMMUNITY SCHOOL WEBSITE THE IMPACT OF SCHOOL COMMUNITY PARTNERSHIPS ON STUDENTS, FAMILIES, AND THE COMMUNITY.~~

~~9.9-107. 9.9-105.~~

~~(A) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION AND THE APPROVAL REQUIRED UNDER § 9.9-108 § 9.9-106 OF THIS TITLE, A LOCAL SCHOOL SYSTEM OR AN EXISTING PUBLIC SCHOOL MAY FORM A SCHOOL-COMMUNITY PARTNERSHIP FOR THE PLANNING AND IMPLEMENTATION OF A COMMUNITY SCHOOL.~~

~~(B) A LOCAL SCHOOL SYSTEM OR AN EXISTING PUBLIC SCHOOL SHALL ESTABLISH A COMMUNITY SCHOOL LEADERSHIP TEAM BEFORE DEVELOPING A PLAN UNDER § 9.9-105(D) OF THIS TITLE FOR A COMMUNITY SCHOOL.~~

~~(C) A LOCAL SCHOOL SYSTEM OR AN EXISTING PUBLIC SCHOOL SHALL IDENTIFY A CSC BEFORE IMPLEMENTING A COMMUNITY SCHOOL.~~

~~9.9-108. 9.9-106.~~

~~(A) THE COMMUNITY SCHOOL LEADERSHIP TEAM SHALL SUBMIT TO THE LOCAL SCHOOL SYSTEM:~~

~~(1) THE ASSESSMENT OF NEEDS CONDUCTED UNDER § 9.9-105(C) OF THIS TITLE; AND~~

~~(2) THE IMPLEMENTATION PLAN DEVELOPED UNDER § 9.9-105(D) OF THIS TITLE.~~

~~(B)~~ (A) A LOCAL SCHOOL SYSTEM SHALL REVIEW AND APPROVE A COMMUNITY SCHOOL ~~WITHIN 60 DAYS OF RECEIPT OF THE ITEMS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.~~

~~(C)~~ (B) A COMMUNITY SCHOOL MAY NOT BE IMPLEMENTED WITHOUT THE APPROVAL OF A LOCAL SCHOOL SYSTEM.

~~9.9-109.~~ 9.9-107.

(A) A LOCAL SCHOOL SYSTEM SHALL MAKE PUBLIC SCHOOL FUNDING AVAILABLE TO A COMMUNITY SCHOOL ~~IF THE COMMUNITY SCHOOL OFFERS INTERVENTIONS FROM TWO OR MORE OF THE INTERVENTIONS DESCRIBED UNDER SUBSECTION (B) OF THIS SECTION.~~

(B) ELIGIBLE INTERVENTIONS FOR WHICH A COMMUNITY SCHOOL MAY RECEIVE FUNDING INCLUDE ACADEMIC SERVICES, PARENTAL INVOLVEMENT PROGRAMS, PHYSICAL AND MENTAL HEALTH SERVICES, AND COMMUNITY INVOLVEMENT PROGRAMS.

(C) (1) ACADEMIC SERVICES INCLUDE:

(I) ACADEMIC SUPPORT AND ENRICHMENT ACTIVITIES;

(II) COUNSELING;

(III) JOB TRAINING, INTERNSHIP OPPORTUNITIES, HIGHER EDUCATION ADVISING, AND CAREER, APPRENTICESHIP, AND EMPLOYMENT OPPORTUNITIES;

(IV) PROGRAMS THAT PROVIDE ASSISTANCE TO STUDENTS WHO ARE CHRONICALLY ABSENT, TARDY, SUSPENDED, OR EXPELLED;

(V) SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES; AND

(VI) EARLY CHILDHOOD EDUCATION, INCLUDING HEAD START OR EARLY HEAD START.

(2) PARENTAL INVOLVEMENT PROGRAMS INCLUDE:

(I) PROGRAMS THAT PROMOTE AND ENCOURAGE PARENTAL INVOLVEMENT AND FAMILY LITERACY;

(II) PARENT LEADERSHIP DEVELOPMENT AND ADVOCACY ACTIVITIES; AND

(III) PARENTING EDUCATION ACTIVITIES.

(3) PHYSICAL AND MENTAL HEALTH SERVICES INCLUDE:

(I) MENTORING AND OTHER YOUTH DEVELOPMENT SERVICES, INCLUDING AFTER SCHOOL AND SUMMER LEARNING OPPORTUNITIES AND SERVICES;

(II) JUVENILE JUSTICE SYSTEM INVOLVEMENT PREVENTION, REENTRY, REHABILITATION, AND RESTORATIVE PRACTICES;

(III) HOME VISITATION SERVICES;

(IV) DEVELOPMENTALLY APPROPRIATE PHYSICAL EDUCATION;

(V) NUTRITION SERVICES;

(VI) PRIMARY HEALTH AND DENTAL CARE; AND

(VII) MENTAL HEALTH AND COUNSELING SERVICES.

(4) COMMUNITY INVOLVEMENT PROGRAMS INCLUDE:

(I) SERVICE AND SERVICE-LEARNING OPPORTUNITIES;

(II) ADULT EDUCATION, INCLUDING ENGLISH AS A SECOND LANGUAGE CLASSES;

(III) HOMELESSNESS PREVENTION AND PERMANENT HOUSING SERVICES; AND

(IV) OTHER SERVICES DESIGNED TO MEET THE NEEDS OF THE COMMUNITY SCHOOL AND THE COMMUNITY AS IDENTIFIED BY THE COMMUNITY SCHOOL LEADERSHIP TEAM AND IN ACCORDANCE WITH THE PLAN DEVELOPED UNDER ~~§ 9.9-105(D)~~ § 9.9-104(B) OF THIS TITLE.

(D) A COMMUNITY SCHOOL ~~LEADERSHIP TEAM~~ OR THE CSC MAY SOLICIT THE ASSISTANCE AND SUPPORT OF COMMUNITY PARTNERS WHEN FULFILLING THE REQUIREMENTS OF THIS SECTION.

~~SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that community schools, as established under Section 1 of this Act, be included~~

~~in any studies conducted related to the adequacy of the funding of public schools in the State. It is the intent of the General Assembly that funding for community schools be built into the baseline formula funding for public schools in the State.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That any existing community schools that receive public funds for interventions and strategies shall continue to receive these funds until June 30, 2020. On or after July 1, 2020, a community school shall be in compliance with the provisions of this Act in order to receive public funds for interventions and strategies implemented at the school.~~

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that money appropriated *for the Concentration of Poverty School Grant Program* in accordance with *The Blueprint for Maryland's Future, Chapter 1 (S.B. 1030/H.B. 1413)* of the Acts of the General Assembly of 2019, shall be used to offset the ~~cost~~ *fiscal year 2020 and 2021 costs* of implementation of Section 1 of this Act *for community schools with at least 80% of students eligible for free or reduced price meals.*

SECTION ~~4~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, May 13, 2019.

Chapter 530

(Senate Bill 922)

AN ACT concerning

~~Agriculture – Milk and Milk-Based Products~~ Public Health – Milk – Labeling

FOR the purpose of ~~prohibiting a person from selling, offering for sale, or advertising a product labeled as milk or a milk-based product if the product is not derived from a cow or another animal; defining a certain term~~ prohibiting a person from stating on a label of a food product that ~~a~~ the product is milk unless ~~it~~ the product meets a certain definition; requiring the Maryland Department of Health to establish and implement a certain plan to enforce a certain prohibition; altering a certain definition; making this Act subject to a certain contingency; requiring the Maryland Department of Health to track certain legislation and notify the Department of Legislative Services of a certain occurrence within a certain period of time; *providing for the application of certain provisions of this Act*; providing for the effective date of certain provisions of this Act; and generally relating to labeling for milk ~~and milk-based products.~~

BY ~~adding to~~ repealing and reenacting, without amendments,
Article – ~~Agriculture~~ Health – General

Section ~~10-401~~ to be under the new subtitle "~~Subtitle 4. Milk and Milk-Based Products~~" 21-401(a)
 Annotated Code of Maryland
~~(2016)~~ (2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 21-401(l) and 21-424
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

Preamble

WHEREAS, It is necessary to take steps to ensure the continued viability of dairy farming and to assure consumers of an adequate, local supply of pure and wholesome milk; and

WHEREAS, The dairy industry is an essential agricultural activity and dairy farms, and associated suppliers, marketers, and processors, and retailers, are an integral component of the region's economy; and

WHEREAS, The U.S. Food and Drug Administration has not provided consistent guidance to the State Department of Agriculture, dairy farms, associated suppliers, marketers, processors, retailers, and consumers on the application of the established standard of identity of milk as defined in 21 C.F.R. § 131.110; and

WHEREAS, The State of Maryland seeks to be a national leader in the preservation of the dairy industry while balancing the need to maintain commerce; now, therefore,

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

~~Article – Agriculture~~

~~SUBTITLE 4. MILK AND MILK-BASED PRODUCTS.~~

~~10-401.~~

~~(A) (1) IN THIS SUBTITLE, "MILK" MEANS THE LACTEAL SECRETION OF COWS OR OTHER ANIMALS.~~

~~(2) "MILK" INCLUDES ALL SKIM, BUTTERFAT, OR OTHER CONSTITUENTS OBTAINED FROM SEPARATION OR OTHER PROCESSES.~~

~~(B) A PERSON MAY NOT SELL, OFFER FOR SALE, OR ADVERTISE A PRODUCT LABELED AS MILK OR A MILK-BASED PRODUCT IF THE PRODUCT IS NOT DERIVED FROM A COW OR ANOTHER ANIMAL.~~

Article – Health – General

21-401.

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

(1) “Milk” means the [milk of a cow, goat, or other hooved mammal] LACTEAL SECRETION, PRACTICALLY FREE OF COLOSTRUM, OBTAINED BY THE COMPLETE MILKING OF ONE OR MORE HEALTHY HOOVED MAMMALS, INCLUDING MEMBERS OF THE ORDER CETARTIODACTYLA, INCLUDING:

(I) FAMILY BOVIDAE, INCLUDING CATTLE, WATER BUFFALO, SHEEP, GOATS, AND YAKS;

(II) FAMILY CERVIDAE, INCLUDING DEER, REINDEER, AND MOOSE; AND

(III) FAMILY EQUIDAE, INCLUDING HORSES AND DONKEYS.

(2) “Grade A milk” means the milk of a cow, goat, or other hooved mammal produced, processed, pasteurized, bottled, packaged, or prepared in accordance with the Grade A Pasteurized Milk Ordinance.

(3) “Manufactured milk” means the milk of a cow, goat, or other hooved mammal which is not Grade A milk and which is produced, processed, pasteurized, bottled, packaged, or prepared in accordance with “Milk for Manufacturing Purposes and Its Production and Processing: Recommended Requirements”.

21-424.

(A) After the milk product has been processed, each milk product shall be labeled with:

(1) The description of that milk product under this subtitle or the rules and regulations adopted under this subtitle; and

(2) Any other information that the Secretary requires by rule or regulation.

(B) (1) THIS SUBSECTION DOES NOT APPLY TO HUMAN BREAST MILK.

(2) A PERSON MAY NOT STATE ON A LABEL OF A FOOD PRODUCT THAT THE PRODUCT IS MILK UNLESS ~~IF~~ THE PRODUCT MEETS THE DEFINITION OF “MILK” ESTABLISHED IN § 21-401 OF THIS SUBTITLE.

(C) THE DEPARTMENT SHALL ESTABLISH AND IMPLEMENT A PLAN TO ENFORCE THE PROHIBITION IN SUBSECTION (B) OF THIS SECTION, INCLUDING NOTICE OF THE DEPARTMENT’S INTENT TO IMPLEMENT A BAN ON ALL PRODUCTS THAT DO NOT MEET THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION, INCLUDING PLANT-BASED PRODUCTS MISLABELED AS MILK.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent on the enacting of a similar act in *any 11 states of the group of states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.* The Maryland Department of Health shall notify the Department of Legislative Services within 10 days after 11 of these 14 states have enacted an act that is similar to this Act. If notice of enactment is not received by the Department of Legislative Services on or before October 1, 2029, this Act, with no further action required by the General Assembly, shall be null and void.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) Section 21-424(b) of the Health – General Article, as enacted by Section 1 of this Act, shall go into effect 6 months after the date on which this Act becomes effective under Section 2 of this Act.

(b) The Maryland Department of Health shall meet the requirements of § 21-424(c) of the Health – General Article, as enacted by Section 1 of this Act, on or before 6 months after the date on which this Act becomes effective under Section 2 of this Act.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That, subject to Sections 2 and 3 of this Act, this Act shall take effect October 1, 2019.

Approved by the Governor, May 13, 2019.

Chapter 531

(House Bill 25)

AN ACT concerning

Public Health – Prescription Drug Monitoring Program – Revisions

FOR the purpose of requiring, instead of authorizing, the Prescription Drug Monitoring Program to review prescription monitoring data for indications of a possible misuse

or abuse of a monitored prescription drug; requiring, instead of authorizing, the Program to report the possible misuse or abuse to the prescriber or dispenser of the monitored prescription drug under certain circumstances; requiring the Program to provide education to the prescriber or dispenser of the monitored prescription drug under certain circumstances; requiring, instead of authorizing, the Program to review prescription monitoring data for indications of a possible violation of law or a possible breach of professional standards by a prescriber or a dispenser; requiring, instead of authorizing, the Program to notify the prescriber or dispenser of the possible violation of law or possible breach of professional standards and provide education to the prescriber or dispenser; authorizing the Program, under certain circumstances, to provide prescription monitoring data to the Office of Controlled Substances Administration for a certain purpose; requiring the Program, under certain circumstances, to provide a certain notification to certain prescribers or dispensers; requiring the Program to take into account certain factors in making a certain determination; ~~prohibiting the obtaining of certain guidance and interpretation from the technical advisory committee from delaying the reporting of a possible violation of law or a possible breach of professional standards to the Office of Controlled Substances Administration under certain circumstances;~~ authorizing the Program to refer a certain violation of law or a certain breach of professional standards to the Office of Controlled Substances Administration for a certain investigation under certain circumstances and under certain conditions; requiring the Office of Controlled Substances Administration, under certain circumstances, to conduct a certain review and to take certain action; altering a certain reporting requirement; specifying the intent of the General Assembly; defining a certain term; making ~~a~~ conforming ~~change~~ changes; and generally relating to the Prescription Drug Monitoring Program.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 21-2A-01, 21-2A-05(f), and ~~21-2A-06(e) and (d)~~ 21-2A-06(b) through (d)

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Health – General

Section 21-2A-02(a), 21-2A-04, 21-2A-06(a) ~~and (b)~~, and 21-2A-07(a) and (b)

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

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

~~Article – Health – General~~

~~Section 21-2A-06(e) 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 – Health – General21–2A–01.

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

(b) “Board” means the Advisory Board on Prescription Drug Monitoring.

(c) (1) “Dispense” has the meaning stated in § 12–101 of the Health Occupations Article.

(2) “Dispense” does not include:

(i) Directly administering a monitored prescription drug to a patient; or

(ii) Giving out prescription drug samples.

(d) (1) “Dispenser” means a person authorized by law to dispense a monitored prescription drug to a patient or the patient’s agent in the State.

(2) “Dispenser” includes a nonresident pharmacy.

(3) “Dispenser” does not include:

(i) A licensed hospital pharmacy that only dispenses a monitored prescription drug for direct administration to an inpatient of the hospital;

(ii) An opioid treatment services program;

(iii) A veterinarian licensed under Title 2, Subtitle 3 of the Agriculture Article when prescribing controlled substances for animals in the usual course of providing professional services;

(iv) A pharmacy issued a waiver permit under COMAR 10.34.17.03 that provides pharmaceutical specialty services exclusively to persons living in assisted living facilities, comprehensive care facilities, and developmental disabilities facilities; and

(v) A pharmacy that:

1. Dispenses medications to an inpatient hospice; and

2. Has been granted a waiver under § 21–2A–03(f) of this subtitle.

(e) “Licensing entity” means an entity authorized under the Health Occupations Article to license, regulate, or discipline a prescriber or dispenser.

(f) “Monitored prescription drug” means a prescription drug that contains a Schedule II, Schedule III, Schedule IV, or Schedule V controlled dangerous substance designated under Title 5, Subtitle 4 of the Criminal Law Article.

(G) “OFFICE” MEANS THE OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION IN THE DEPARTMENT.

[(g)] (H) “Opioid treatment services program” means a program that:

(1) Is certified in accordance with § 8–401 of this article or licensed by the State under § 7.5–401 of this article;

(2) Is authorized to treat patients with opioid dependence with a medication approved by the federal Food and Drug Administration for opioid dependence;

(3) Complies with:

(i) The Code of Federal Regulations 42, Part 8;

(ii) COMAR 10.47.02.11; and

(iii) Requirements for the secure storage and accounting of opioid medication imposed by the federal Drug Enforcement Administration and the [State] Office [of Controlled Substances Administration]; and

(4) Has been granted a certification for operation by the Department, the federal Substance Abuse and Mental Health Services Administration, and the federal Center for Substance Abuse Treatment.

[(h)] (I) “Pharmacist” means an individual who is licensed under Title 12 of the Health Occupations Article to dispense a monitored prescription drug.

[(i)] (J) “Pharmacist delegate” means an individual who is:

(1) Authorized by a registered pharmacist to request or access prescription monitoring data; and

(2) Employed by or under contract with the same professional practice as the registered pharmacist.

[(i)] (K) “Prescriber” means a licensed health care professional authorized by law to prescribe a monitored prescription drug.

[(k)] (L) “Prescriber delegate” means an individual who is:

(1) Authorized by a registered prescriber to request or access prescription monitoring data; and

(2) Employed by or under contract with the same professional practice as the prescriber.

[(l)] (M) “Prescription drug” has the meaning stated in § 21–201 of this title.

[(m)] (N) “Prescription monitoring data” means the information submitted to the Program for a monitored prescription drug.

[(n)] (O) “Program” means the Prescription Drug Monitoring Program established under this subtitle.

[(o)] (P) “Registered” means registered with the Program to request or access prescription monitoring data for clinical use.

[(p)] (Q) “Terminal illness” means a medical condition that, within reasonable medical judgment, involves a prognosis for a patient that likely will result in the patient’s death within 6 months.

21–2A–02.

(a) There is a Prescription Drug Monitoring Program in the Department.

21–2A–04.

(a) The Secretary, in consultation with the Board, shall adopt regulations to carry out this subtitle.

(b) The regulations adopted by the Secretary shall:

(1) Specify the prescription monitoring data required to be submitted under § 21–2A–03 of this subtitle;

(2) Specify the electronic or other means by which information is to be submitted:

(i) Without unduly increasing the workload and expense on dispensers; and

(ii) In a manner as compatible as possible with existing data submission practices of dispensers;

- (3) Specify that the information be submitted by dispensers once every 24 hours;
- (4) Specify that the Program:
- (i) Shall provide the information technology software to dispensers necessary to upload prescription drug monitoring data to the Program; and
 - (ii) May not impose any fees or other assessments on prescribers or dispensers to support the operation of the Program;
- (5) Identify the mechanism by which prescription monitoring data are disclosed to a person, in accordance with § 21–2A–06 of this subtitle;
- (6) Identify the circumstances under which a person may disclose prescription monitoring data received under the Program;
- (7) Specify the process for the Program’s review of prescription monitoring data and reporting of:
- (i) Possible misuse or abuse of a monitored prescription drug under § 21–2A–06(c) of this subtitle; or
 - (ii) A possible violation of law or possible breach of professional standards under § 21–2A–06(d) of this subtitle;
- (8) Establish requirements for Program retention of prescription monitoring data for 3 years; and
- (9) Require that:
- (i) Confidential or privileged patient information be kept confidential; and
 - (ii) Records or information protected by a privilege between a health care provider and a patient, or otherwise required by law to be held confidential, be filed in a manner that, except as otherwise provided in § 21–2A–06 of this subtitle, does not disclose the identity of the person protected.

21–2A–05.

(f) The Board shall:

- (1) Meet not fewer than three times annually;
- (2) Make recommendations to the Secretary relating to the design and implementation of the Program, including recommendations relating to:

(i) Regulations;

(ii) Legislation; and

(iii) Sources of funding, including grant funds under the Harold Rogers Prescription Drug Monitoring Program and other sources of federal, private, or State funds;

(3) Provide annually to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly a report that includes:

(i) The number of prescribers and prescriber delegates registered with and using the Program;

(ii) The number of pharmacists and pharmacist delegates registered with and using the Program;

(iii) The number of disclosures made to federal law enforcement agencies or State or local law enforcement agencies;

(iv) An analysis of the impact of the Program on patient access to pharmaceutical care and on curbing prescription drug diversion in the State; [and]

(V) 1. THE NUMBER OF PROVIDERS, BY PROVIDER TYPE, WHO RECEIVED OUTREACH AND EDUCATION FROM THE PROGRAM; AND

2. THE NUMBER OF CASES FOR WHICH THE PROVIDERS RECEIVED OUTREACH AND EDUCATION FROM THE PROGRAM;

(VI) 1. THE NUMBER OF CASES THAT WERE IDENTIFIED FOR TECHNICAL ADVISORY COMMITTEE REVIEW BEFORE REFERRAL TO THE OFFICE; AND

2. THE NUMBER OF PROVIDERS, BY PROVIDER TYPE, INVOLVED IN THE CASES;

(VII) 1. THE NUMBER OF CASES THAT WERE REFERRED TO THE OFFICE FOR FURTHER EVALUATION AND THE OUTCOMES OF THE OFFICE EVALUATIONS; AND

2. THE NUMBER OF PROVIDERS, BY PROVIDER TYPE, INVOLVED IN THE CASES; AND

[(v)] (VIII) Any recommendations related to modification or continuation of the Program; and

(4) Provide ongoing advice and consultation on the implementation and operation of the Program, including recommendations relating to:

(i) Changes in the Program to reflect advances in technology and best practices in the field of electronic health records and electronic prescription monitoring;

(ii) Changes to statutory requirements; and

(iii) The design and implementation of an ongoing evaluation component of the Program.

21–2A–06.

(a) Prescription monitoring data:

(1) Are confidential and privileged, and not subject to discovery, subpoena, or other means of legal compulsion in civil litigation;

(2) Are not public records; and

(3) Except as provided in subsections (b), (c), (d), and (f) of this section or as otherwise provided by law, may not be disclosed to any person.

(b) The Program shall disclose prescription monitoring data, in accordance with regulations adopted by the Secretary, to:

(1) A prescriber, or a licensed health care practitioner authorized by the prescriber, in connection with the medical care of a patient;

(2) A dispenser, or a licensed health care practitioner authorized by the dispenser, in connection with the dispensing of a monitored prescription drug;

(3) A federal law enforcement agency or a State or local law enforcement agency, on issuance of a subpoena, for the purpose of furthering an existing bona fide individual investigation;

(4) The State Board of Physicians, on issuance of an administrative subpoena voted on by a quorum of a disciplinary panel, as defined in § 14–101 of the Health Occupations Article, for the purposes of furthering an existing bona fide investigation of an individual;

(5) A licensing entity other than the State Board of Physicians, on issuance of an administrative subpoena voted on by a quorum of the board of the licensing entity, for the purposes of furthering an existing bona fide individual investigation;

(6) A rehabilitation program under a health occupations board, on issuance of an administrative subpoena;

(7) A patient with respect to prescription monitoring data about the patient;

(8) Subject to subsection (i) of this section, the authorized administrator of another state's prescription drug monitoring program;

(9) The following units of the Department, on approval of the Secretary, for the purpose of furthering an existing bona fide individual investigation:

(i) The Office of the Chief Medical Examiner;

(ii) The Maryland Medical Assistance Program;

(iii) The Office of the Inspector General;

(iv) The Office of Health Care Quality; and

(v) ~~The Office of Controlled Substances Administration;~~

(10) The technical advisory committee established under § 21-2A-07 of this subtitle for the purposes set forth in subsections (c), (d), and (e) of this section; or

(11) The following entities, on approval of the Secretary and for the purpose of furthering an existing bona fide individual case review:

(i) The State Child Fatality Review Team or a local child fatality review team established under Title 5, Subtitle 7 of this article, on request from the chair of the State or local team;

(ii) A local drug overdose fatality review team established under § 5-902 of this article, on request from the chair of the local team;

(iii) The Maternal Mortality Review Program established under § 13-1203 of this article, on request from the Program; and

(iv) A medical review committee described in § 1-401(b)(3) of the Health Occupations Article, on request from the committee.

(c) (1) In accordance with regulations adopted by the Secretary:

(i) The Program [may] **SHALL** review prescription monitoring data for indications of possible misuse or abuse of a monitored prescription drug; and

(ii) If the Program’s review of prescription monitoring data indicates possible misuse or abuse of a monitored prescription drug, the Program [may report] **SHALL:**

1. REPORT the possible misuse or abuse to the prescriber or dispenser of the monitored prescription drug; **AND**

2. PROVIDE EDUCATION TO THE PRESCRIBER OR DISPENSER.

(2) Before the Program reports the possible misuse or abuse of a monitored prescription drug to a prescriber or dispenser under this subsection, the Program may obtain from the technical advisory committee:

(i) Clinical guidance regarding indications of possible misuse or abuse; and

(ii) Interpretation of the prescription monitoring data that indicates possible misuse or abuse.

(d) (1) In accordance with regulations adopted by the Secretary **AND SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION**, the Program [may] **SHALL** review prescription monitoring data for indications of a possible violation of law or a possible breach of professional standards by a prescriber or a dispenser.

(2) [Subject to paragraph (3) of this subsection, if] **IF** the Program’s review indicates a possible violation of law or a possible breach of professional standards by a prescriber or a dispenser, the Program [may]:

(i) **1. [Notify] SHALL NOTIFY** the prescriber or dispenser of the possible violation of law or possible breach of professional standards; and

[(ii)] **2. [Provide] SHALL PROVIDE** education to the prescriber or dispenser; **AND**

(ii) ~~1. MAY SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, MAY PROVIDE PRESCRIPTION MONITORING DATA TO THE OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION FOR FURTHER INVESTIGATION; AND~~

~~2. IF PRESCRIPTION MONITORING DATA IS PROVIDED TO THE OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION UNDER ITEM 1 OF THIS ITEM, SHALL NOTIFY THE PRESCRIBER OR DISPENSER THAT THE DATA HAS BEEN PROVIDED TO THE OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION FOR FURTHER INVESTIGATION.~~

(3) (I) Before the Program provides notification of a possible violation of law or a possible breach of professional standards to a prescriber or a dispenser, the Program shall obtain from the technical advisory committee:

~~[(i)]~~ 1. Clinical guidance regarding ~~indications of~~ METHODS USED TO IDENTIFY a possible violation of law or a possible breach of professional standards; and

~~[(ii)]~~ 2. Interpretation of the prescription monitoring data [that indicates] ~~SUFFICIENT TO ADVISE ON~~ ADVISING WHETHER THE METHOD IDENTIFIES a possible violation of law or a possible breach of professional standards.

~~(II) IN DETERMINING WHETHER ITS REVIEW INDICATES A POSSIBLE VIOLATION OF LAW OR A POSSIBLE BREACH OF PROFESSIONAL STANDARDS BY A PRESCRIBER OR DISPENSER, THE PROGRAM SHALL TAKE INTO ACCOUNT TO THE EXTENT PRACTICABLE THE PARTICULAR SPECIALTY, CIRCUMSTANCES, PATIENT TYPE, AND LOCATION OF THE PRESCRIBER OR DISPENSER.~~

~~(III) OBTAINING CLINICAL GUIDANCE AND INTERPRETATION OF PRESCRIPTION MONITORING DATA FROM THE TECHNICAL ADVISORY COMMITTEE MAY NOT DELAY REPORTING OF A POSSIBLE VIOLATION OF LAW OR A POSSIBLE BREACH OF PROFESSIONAL STANDARDS TO THE OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION IF, IN THE JUDGMENT OF THE PROGRAM, A DELAY COULD RESULT IN DANGER TO PUBLIC HEALTH OR PUBLIC SAFETY.~~

(4) (I) IF METHODS DEVELOPED UNDER PARAGRAPH (3)(I) OF THIS SUBSECTION INDICATE A POSSIBLE VIOLATION OF LAW OR A POSSIBLE BREACH OF PROFESSIONAL STANDARDS AND THE PROGRAM DETERMINES THAT OUTREACH AND EDUCATION TO THE PRESCRIBER OR DISPENSER IS INADEQUATE TO ADDRESS THE POSSIBLE BREACH OR VIOLATION, THE PROGRAM MAY REFER THE POSSIBLE VIOLATION OF LAW OR A POSSIBLE BREACH OF PROFESSIONAL STANDARDS ALONG WITH PRESCRIPTION MONITORING DATA TO THE OFFICE FOR FURTHER INVESTIGATION, PROVIDED THAT THE PROGRAM:

1. PROVIDES NOTICE AND AN OPPORTUNITY TO THE TECHNICAL ADVISORY COMMITTEE TO MAKE RECOMMENDATIONS WITHIN 10 BUSINESS DAYS REGARDING INTERPRETATION OF THE DATA;

2. PROVIDES THE RECOMMENDATIONS OF THE TECHNICAL ADVISORY COMMITTEE, IF ANY, TO THE OFFICE; AND

3. NOTIFIES THE PRESCRIBER OR THE DISPENSER THAT THE PRESCRIPTION MONITORING DATA WILL BE PROVIDED TO THE OFFICE FOR FURTHER INVESTIGATION.

~~(4) (II) ON RECEIPT OF PRESCRIPTION MONITORING DATA AND RELEVANT RECORDS UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION SHALL:~~

~~(1) 1. REVIEW THE PRESCRIPTION MONITORING DATA AND RECORDS, ALONG WITH ANY ADDITIONAL INFORMATION THE OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION MAY OBTAIN AS PART OF ITS INVESTIGATION; AND~~

~~(2) 2. IF IT DETERMINES THAT THERE HAS BEEN A VIOLATION OF LAW OR A BREACH OF PROFESSIONAL STANDARDS, TAKE ANY ACTION AUTHORIZED BY LAW REGARDING THE VIOLATION OR BREACH, INCLUDING PROVIDING THE PRESCRIPTION MONITORING DATA AND RECORDS TO THE APPROPRIATE LICENSING ENTITY FOR POSSIBLE DISCIPLINARY ACTION.~~

21-2A-07.

(a) There is a technical advisory committee to the Program.

(b) The purpose of the technical advisory committee is to:

(1) Review requests for information from the Program under § 21-2A-06(b)(3), (4), (5), (6), (8), or (9) of this subtitle; and

(2) Provide clinical guidance and interpretation to the Program regarding indications of possible misuse or abuse of a monitored prescription drug or a possible violation of law or a possible breach of professional standards by a prescriber or a dispenser under § 21-2A-06(c) and (d) of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Prescription Drug Monitoring Program shall continue to work with the Program's technical advisory committee to further refine and enhance the quality of the algorithms and other data tools to identify possible violations of law and breaches of professional standards.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, May 13, 2019.

Chapter 532**(House Bill 116)**

AN ACT concerning

Public Health – Correctional Services – Opioid Use Disorder Examinations and Treatment

FOR the purpose of ~~repealing the requirement for a certain inmate to be placed on a properly supervised program of methadone detoxification under certain circumstances;~~ requiring State and local correctional facilities to conduct certain assessments and examinations of inmates to determine whether certain opioid treatment or medication-assisted treatment for opioid addiction is appropriate under certain circumstances; requiring State and local correctional facilities to provide medication-assisted treatment, behavioral health counseling, and access to peer recovery specialists to inmates suffering from opioid use disorder under certain circumstances; requiring local correctional facilities to make available at least certain treatments; requiring State and local correctional facilities to evaluate and offer certain treatment to pregnant women with an opioid use disorder as soon as practicable; authorizing inmates to participate in peer recovery specialist training under certain circumstances; establishing certain procedures and standards to determine opioid use disorder and treatment of addicted inmates; repealing the requirement for the State to fund a certain program of methadone detoxification; requiring the State to fund a certain program of opioid use disorder screening, examination, and treatment; requiring the ~~Maryland Commission on Correctional Standards~~ Governor's Office of Crime Control and Prevention to report to the Maryland General Assembly on certain information regarding the examination and treatment outcomes of inmates with an opioid use disorder; requiring the ~~Maryland Commission on Correctional Standards and~~ Department of Public Safety and Correctional Services and the Maryland Department of Health to develop a timetable in accordance with medical best practices, for all inmates to receive assessments, examinations, or treatment; requiring the Governor's Office of Crime Control and Prevention, the Maryland Department of Health, and the Maryland Correctional Administrators Association to evaluate the implementation of certain provisions of this Act and make a certain determination; requiring the Department of Public Safety and Correctional Services to make a certain report to certain committees under certain circumstances; requiring the Department of Public Safety and Correctional Services to establish a certain program, beginning on or before a certain date; requiring the Governor's Office of Crime Control and Prevention, the Department of Public Safety and Correctional Services, and the Maryland Department of Health to apply for federal funding to support the implementation of this Act and make a certain report; providing for the construction of this Act; providing for the application of certain provisions of this Act; providing for the termination of certain provisions of this Act; defining certain terms; and generally relating to opioid use disorder examinations and treatment of inmates.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 9–603
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

BY adding to
Article – Correctional Services
Section 9–603.1
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

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

Article – Correctional Services

9–603.

(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE REQUIREMENTS UNDER THIS SECTION SHALL APPLY TO:

(I) LOCAL DETENTION CENTERS IN THE FOLLOWING COUNTIES BY JANUARY 1, 2020:

- 1. HOWARD COUNTY;**
- 2. MONTGOMERY COUNTY;**
- 3. PRINCE GEORGE’S COUNTY; AND**
- 4. ST. MARY’S COUNTY; AND**

(II) LOCAL DETENTION CENTERS IN SIX ADDITIONAL COUNTIES BY OCTOBER 1, 2021.

(2) (1) THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION, THE MARYLAND DEPARTMENT OF HEALTH, AND THE MARYLAND CORRECTIONAL ADMINISTRATORS ASSOCIATION SHALL EVALUATE THE IMPLEMENTATION OF THE REQUIREMENTS OF THIS SECTION AND DETERMINE A SCHEDULE TO ADD ADDITIONAL COUNTIES, PROVIDED THAT THE PROVISIONS OF THIS SECTION SHALL APPLY TO ALL LOCAL DETENTION CENTERS AND THE BALTIMORE PRE–TRIAL COMPLEX BY JANUARY 2023.

(II) IF THE BALTIMORE PRE-TRIAL COMPLEX HAS NOT FULLY IMPLEMENTED THE PROVISIONS OF THIS SECTION BY JANUARY 2023, THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL REPORT TO THE SENATE FINANCE COMMITTEE AND THE HOUSE JUDICIARY COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE STATUS AND TIMELINE OF IMPLEMENTATION.

(III) FUNDING FOR THE PROGRAM AT THE BALTIMORE PRE-TRIAL COMPLEX SHALL BE AS PROVIDED IN THE STATE BUDGET.

~~[(a) An inmate in a State or local correctional facility shall be placed on a properly supervised program of methadone detoxification if:~~

- ~~(1) a physician determines that the inmate is an addict;~~
- ~~(2) the treatment is prescribed by a physician; and~~
- ~~(3) the inmate consents in writing to the treatment.]~~

~~(A)~~ (B) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “HEALTH CARE PRACTITIONER” MEANS:

~~(I) A PHYSICIAN AUTHORIZED BY LAW TO PRACTICE MEDICINE IN THE STATE, AS DEFINED UNDER § 14-101 OF THE HEALTH OCCUPATIONS ARTICLE;~~

~~(II) A PHYSICIAN’S ASSISTANT LICENSED TO ACT AS AN ASSISTANT TO A LICENSED PHYSICIAN UNDER TITLE 15 OF THE HEALTH OCCUPATIONS ARTICLE; OR~~

~~(III) A NURSE PRACTITIONER, AS DEFINED UNDER § 8-508 OF THE HEALTH OCCUPATIONS ARTICLE~~ AN INDIVIDUAL WHO IS LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED TO PRACTICE UNDER THE HEALTH OCCUPATIONS ARTICLE.

(3) “INMATE” MEANS AN INDIVIDUAL CONFINED WITHIN A LOCAL CORRECTIONAL FACILITY.

~~(3)~~ (4) “MEDICATION” MEANS A MEDICATION APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF OPIOID USE DISORDER.

~~(4)~~ **(5)** “MEDICATION-ASSISTED TREATMENT” MEANS THE USE OF MEDICATION, IN COMBINATION WITH COUNSELING AND BEHAVIORAL HEALTH THERAPIES, TO PROVIDE A HOLISTIC APPROACH TO THE TREATMENT OF OPIOID USE DISORDER.

~~(5)~~ **(6)** “OPIOID USE DISORDER” MEANS A MEDICALLY DIAGNOSED PROBLEMATIC PATTERN OF OPIOID USE THAT CAUSES SIGNIFICANT IMPAIRMENT OR DISTRESS.

~~(6)~~ **(7)** “PEER RECOVERY SPECIALIST” MEANS AN INDIVIDUAL ~~IN RECOVERY FOR OPIOID USE DISORDER~~ WHO HAS BEEN CERTIFIED BY AN ENTITY APPROVED BY THE MARYLAND DEPARTMENT OF HEALTH FOR THE PURPOSE OF PROVIDING PEER SUPPORT SERVICES, AS DEFINED UNDER § 7.5-101(N) OF THE HEALTH – GENERAL ARTICLE.

[(a)] (C) An inmate in a State or local correctional facility shall be placed on a properly supervised program of methadone detoxification if:

(1) a physician determines that the inmate is [an addict] A PERSON WITH AN OPIOID USE DISORDER;

(2) the treatment is prescribed by a physician; and

(3) the inmate consents in writing to the treatment.

~~(B)~~ **(D)** (1) ~~(I)~~ EACH STATE OR LOCAL CORRECTIONAL FACILITY SHALL CONDUCT AN ASSESSMENT OF THE MENTAL HEALTH AND SUBSTANCE USE STATUS OF EACH INMATE ~~WITHIN 24 HOURS AFTER INCARCERATION, INCLUDING PRETRIAL INCARCERATION, USING GUIDELINES AND CRITERIA APPROVED BY THE BEHAVIORAL HEALTH ADMINISTRATION WITHIN THE MARYLAND DEPARTMENT OF HEALTH~~ USING EVIDENCE-BASED SCREENINGS AND ASSESSMENTS, TO DETERMINE:

~~1.~~ **(I)** IF THE MEDICAL DIAGNOSIS OF AN OPIOID USE DISORDER IS APPROPRIATE; AND

~~2.~~ **(II)** IF MEDICATION-ASSISTED TREATMENT IS APPROPRIATE.

~~(H)~~ ~~AN ASSESSMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE CONDUCTED USING GUIDELINES AND CRITERIA APPROVED BY THE BEHAVIORAL HEALTH ADMINISTRATION WITHIN THE MARYLAND DEPARTMENT OF HEALTH.~~

(2) IF AN ASSESSMENT CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION INDICATES OPIOID USE DISORDER, ~~A PHYSICAL EXAMINATION~~ AN EVALUATION OF THE INMATE SHALL BE CONDUCTED BY A HEALTH CARE PRACTITIONER WITH PRESCRIPTIVE AUTHORITY AUTHORIZED UNDER TITLE 8, TITLE 14, OR TITLE 15 OF THE HEALTH OCCUPATIONS ARTICLE.

(3) INFORMATION SHALL BE PROVIDED TO THE INMATE DESCRIBING MEDICATION OPTIONS USED IN MEDICATION-ASSISTED TREATMENT.

~~(3)~~ **(4) MEDICATION-ASSISTED TREATMENT SHALL BE AVAILABLE TO AN INMATE FOR WHOM SUCH TREATMENT IS DETERMINED TO BE APPROPRIATE UNDER THIS SUBSECTION.**

(5) EACH LOCAL CORRECTIONAL FACILITY SHALL MAKE AVAILABLE AT LEAST ONE FORMULATION OF EACH FDA-APPROVED FULL OPIOID AGONIST, PARTIAL OPIOID AGONIST, AND LONG-ACTING OPIOID ANTAGONIST USED FOR THE TREATMENT OF OPIOID USE DISORDERS.

(6) EACH PREGNANT WOMAN IDENTIFIED WITH AN OPIOID USE DISORDER SHALL RECEIVE EVALUATION AND BE OFFERED MEDICATION-ASSISTED TREATMENT AS SOON AS PRACTICABLE.

~~(c)~~ **(E) EACH ~~STATE AND~~ LOCAL CORRECTIONAL FACILITY SHALL:**

(1) FOLLOWING AN ASSESSMENT USING CLINICAL GUIDELINES FOR MEDICATION-ASSISTED TREATMENT:

~~(1) (I) MAKE MEDICATION-ASSISTED TREATMENT AVAILABLE WITHIN 24 HOURS AFTER INCARCERATION TO ANY INMATE, INCLUDING INMATES INCARCERATED PRETRIAL, FOR WHOM SUCH TREATMENT IS FOUND TO BE APPROPRIATE UNDER SUBSECTION (B) OF THIS SECTION; MAKE MEDICATION AVAILABLE BY A QUALIFIED PROVIDER TO THE INMATE; OR~~

(II) BEGIN WITHDRAWAL MANAGEMENT SERVICES PRIOR TO ADMINISTRATION OF MEDICATION;

~~(2) MAINTAIN OR PROVIDE FOR THE CAPACITY TO POSSESS, DISPENSE, AND ADMINISTER MEDICATION FOR USE IN OPIOID TREATMENT THERAPY~~ **MAKE AVAILABLE AND ADMINISTER MEDICATIONS FOR THE TREATMENT OF OPIOID USE DISORDER;**

(3) PROVIDE BEHAVIORAL HEALTH COUNSELING FOR INMATES DIAGNOSED WITH OPIOID USE DISORDER CONSISTENT WITH THERAPEUTIC STANDARDS FOR SUCH THERAPIES IN A COMMUNITY SETTING;

~~(4) PROVIDE ACCESS TO A HEALTH CARE PRACTITIONER LICENSED AS A DRUG ADDICTION TREATMENT ACT WAIVER PRACTITIONER UNDER THE FEDERAL COMPREHENSIVE ADDICTION AND RECOVERY ACT OF 2016~~ WHO CAN PROVIDE ACCESS TO ALL FDA-APPROVED MEDICATIONS FOR THE TREATMENT OF OPIOID USE DISORDERS; AND

(5) PROVIDE ON-PREMISES ACCESS TO PEER RECOVERY SPECIALISTS.

~~(D) IF AN INMATE IS DIAGNOSED WITH OPIOID USE DISORDER AND ELIGIBLE FOR WORK RELEASE OR LEAVE, A STATE OR LOCAL CORRECTIONAL FACILITY SHALL PAY THE COSTS FOR THE INMATE SEEKING PEER RECOVERY SPECIALIST CERTIFICATION FROM AN ENTITY APPROVED BY THE MARYLAND DEPARTMENT OF HEALTH FOR THE PURPOSE OF TRAINING INDIVIDUALS ON PEER SUPPORT SERVICES, AS DEFINED UNDER § 7.5-101 OF THE HEALTH GENERAL ARTICLE.~~

~~(E)~~ (F) ~~THE MARYLAND DEPARTMENT OF HEALTH SHALL DETERMINE WHETHER~~ IF AN INMATE RECEIVED MEDICATION OR MEDICATION-ASSISTED TREATMENT FOR OPIOID USE DISORDER IMMEDIATELY PRECEDING OR DURING THE INMATE'S INCARCERATION, INCLUDING PRETRIAL INCARCERATION, AND A LOCAL CORRECTIONAL FACILITY SHALL CONTINUE THE TREATMENT WITHIN 24 HOURS AFTER INCARCERATION OR TRANSFER UNLESS:

(1) THE INMATE VOLUNTARILY DISCONTINUES THE TREATMENT, VERIFIED THROUGH A WRITTEN AGREEMENT THAT INCLUDES A SIGNATURE; OR

(2) A HEALTH CARE PRACTITIONER DETERMINES THAT THE TREATMENT IS NO LONGER MEDICALLY APPROPRIATE.

~~(F)~~ (G) BEFORE THE RELEASE OF AN INMATE DIAGNOSED WITH OPIOID USE DISORDER UNDER SUBSECTION ~~(E)~~ (D) OF THIS SECTION, A STATE OR LOCAL CORRECTIONAL FACILITY SHALL DEVELOP A PLAN OF REENTRY THAT:

(1) INCLUDES INFORMATION REGARDING POSTINCARCERATION ACCESS TO MEDICATION CONTINUITY, PEER RECOVERY SPECIALISTS, OTHER SUPPORTIVE THERAPY, AND ENROLLMENT IN HEALTH INSURANCE PLANS;

(2) INCLUDES ANY RECOMMENDED REFERRALS BY A HEALTH CARE PRACTITIONER TO MEDICATION CONTINUITY, PEER RECOVERY SPECIALISTS, AND OTHER SUPPORTIVE THERAPY; AND

(3) IS REVIEWED AND, IF NEEDED, REVISED BY A HEALTH CARE PRACTITIONER ~~AND~~ OR PEER RECOVERY SPECIALIST.

~~[(b)]~~ ~~(G)~~ **(H)** The procedures and standards used to determine [drug addiction] ~~OPIOID USE DISORDER~~ and treatment of addicted SUBSTANCE USE DISORDER DIAGNOSIS AND TREATMENT OF inmates are subject to the guidelines and regulations adopted by the Maryland Department of Health.

~~[(c)]~~ ~~(H)~~ **(I)** ~~The~~ AS PROVIDED IN THE STATE BUDGET, THE State shall fund the program of [methadone detoxification] OPIOID USE DISORDER SCREENING, EXAMINATION EVALUATION, AND TREATMENT OF INMATES AS PROVIDED UNDER THIS SECTION.

~~(J)~~ **(J)** ON OR BEFORE NOVEMBER 1, 2020, AND ANNUALLY THEREAFTER, THE MARYLAND COMMISSION ON CORRECTIONAL STANDARDS GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL REPORT DATA FROM INDIVIDUAL LOCAL CORRECTIONAL FACILITIES TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON:

(1) THE NUMBER OF INMATES DIAGNOSED WITH:

(I) A MENTAL HEALTH DISORDER;

(II) AN OPIOID USE DISORDER;

(III) A NON-OPIOID SUBSTANCE USE DISORDER; AND

(IV) A DUAL DIAGNOSIS OF MENTAL HEALTH AND SUBSTANCE USE DISORDER;

~~(1)~~ **(2)** THE NUMBER AND COST OF BEHAVIORAL HEALTH ASSESSMENTS AND OPIOID USE DISORDER EXAMINATIONS FOR INMATES IN STATE AND LOCAL CORRECTIONAL FACILITIES, INCLUDING THE NUMBER OF ASSESSMENTS AND EXAMINATIONS, AND THE NUMBER OF UNIQUE INMATES EXAMINED;

~~(2)~~ **(3)** THE NUMBER OF INMATES WHO WERE RECEIVING MEDICATION OR MEDICATION-ASSISTED TREATMENT FOR OPIOID USE DISORDER IMMEDIATELY PRIOR TO INCARCERATION;

~~(3)~~ **(4)** THE TYPE AND PREVALENCE OF MEDICATION OR MEDICATION-ASSISTED TREATMENTS FOR OPIOID USE DISORDER PROVIDED;

~~(4)~~ **(5)** THE NUMBER OF INMATES DIAGNOSED WITH OPIOID USE DISORDER;

~~(5)~~ (6) THE NUMBER OF INMATES FOR WHOM MEDICATION AND MEDICATION-ASSISTED TREATMENT FOR OPIOID USE DISORDER WAS PRESCRIBED;

~~(6)~~ (7) THE NUMBER OF INMATES FOR WHOM MEDICATION AND MEDICATION-ASSISTED TREATMENT WAS PRESCRIBED AND INITIATED FOR OPIOID USE DISORDER;

~~(7)~~ (8) THE NUMBER OF MEDICATIONS AND MEDICATION-ASSISTED TREATMENTS FOR OPIOID USE DISORDER PROVIDED ACCORDING TO EACH TYPE OF MEDICATION AND MEDICATION-ASSISTED TREATMENT OPTIONS;

~~(8)~~ (9) THE NUMBER OF INMATES WHO CONTINUED TO RECEIVE THE SAME MEDICATION OR MEDICATION-ASSISTED TREATMENT FOR OPIOID USE DISORDER AS THE INMATE RECEIVED PRIOR TO INCARCERATION;

~~(9)~~ (10) THE NUMBER OF INMATES WHO RECEIVED A DIFFERENT MEDICATION OR MEDICATION-ASSISTED TREATMENT FOR OPIOID USE DISORDER COMPARED TO WHAT THE INMATE RECEIVED PRIOR TO INCARCERATION;

~~(10)~~ (11) THE NUMBER OF INMATES WHO INITIATED TREATMENT WITH MEDICATION OR MEDICATION-ASSISTED TREATMENT FOR OPIOID USE DISORDER WHO WERE NOT BEING TREATED FOR OPIOID USE DISORDER PRIOR TO INCARCERATION;

~~(11)~~ (12) THE NUMBER OF INMATES WHO DISCONTINUED MEDICATION OR MEDICATION-ASSISTED TREATMENT FOR OPIOID USE DISORDER DURING INCARCERATION;

~~(12)~~ (13) A REVIEW AND SUMMARY OF THE PERCENT OF DAYS, INCLUDING THE AVERAGE PERCENT, MEDIAN PERCENT, MODE PERCENT, AND INTERQUARTILE RANGE OF PERCENT, FOR INMATES WITH OPIOID USE DISORDER RECEIVING MEDICATION OR MEDICATION-ASSISTED TREATMENT FOR OPIOID USE DISORDER AS CALCULATED OVERALL AND STRATIFIED BY OTHER FACTORS, SUCH AS TYPE OF TREATMENT RECEIVED;

~~(13)~~ (14) THE NUMBER OF INMATES RECEIVING MEDICATION OR MEDICATION-ASSISTED TREATMENT FOR OPIOID USE DISORDER PRIOR TO RELEASE;

~~(14)~~ (15) THE NUMBER OF INMATES RECEIVING MEDICATION OR MEDICATION-ASSISTED TREATMENT PRIOR TO RELEASE FOR WHOM THE FACILITY HAD MADE A PRERELEASE REENTRY PLAN;

~~(15)~~ (16) A REVIEW AND SUMMARY OF ~~STATE AND LOCAL FACILITIES~~ PRACTICES RELATED TO MEDICATION AND MEDICATION-ASSISTED TREATMENT FOR OPIOID USE DISORDER FOR INMATES WITH OPIOID USE DISORDER BEFORE OCTOBER 1, 2019;

~~(16)~~ (17) A REVIEW AND SUMMARY OF ~~STATE AND LOCAL FACILITIES~~ PRERELEASE PLANNING PRACTICES RELATIVE TO INMATES DIAGNOSED WITH OPIOID USE DISORDER PRIOR TO, AND FOLLOWING, OCTOBER 1, 2019; AND

~~(17)~~ (18) ANY OTHER INFORMATION REQUESTED BY THE MARYLAND DEPARTMENT OF HEALTH RELATED TO THE ADMINISTRATION OF THE PROVISIONS UNDER THIS SECTION.

~~(J)~~ (K) ANY BEHAVIORAL HEALTH ASSESSMENT, ~~PHYSICAL EXAMINATION~~ EVALUATION, TREATMENT RECOMMENDATION, OR COURSE OF TREATMENT SHALL BE REPORTED TO THE ~~MARYLAND COMMISSION ON CORRECTIONAL STANDARDS~~ GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION AND ALSO INCLUDE ANY OTHER DATA NECESSARY ~~FOR THE MARYLAND COMMISSION ON CORRECTIONAL STANDARDS~~ TO MEET REPORTING REQUIREMENTS UNDER THIS SECTION.

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

Article – Correctional Services

9-603.1.

(A) BEGINNING JANUARY 1, 2020, THE DEPARTMENT SHALL ESTABLISH A MEDICATION-ASSISTED TREATMENT PROGRAM THAT UTILIZES AT LEAST ONE FORMULATION OF EACH FDA-APPROVED FULL OPIOID AGONIST, PARTIAL OPIOID AGONIST, AND LONG-ACTING OPIOID ANTAGONISTS USED FOR THE TREATMENT OF OPIOID USE DISORDERS IN THE BALTIMORE PRE-TRIAL COMPLEX.

(B) FUNDING FOR THE PROGRAM SHALL BE AS PROVIDED IN THE STATE BUDGET.

(C) THE DEPARTMENT SHALL, IN CONSULTATION WITH ITS HEAD OF MEDICAL TREATMENT SERVICES, DETERMINE WHETHER THE PROGRAM IS CAPABLE OF BEING ADMINISTERED IN EXISTING STRUCTURES OF THE BALTIMORE PRE-TRIAL COMPLEX.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That the ~~Maryland Commission on Correctional Standards~~ Department of Public Safety and Correctional Services and the

Behavioral Health Administration within the Maryland Department of Health, in consultation with the Maryland Correctional Administrators Association, shall develop a timetable in accordance with medical best practices for inmates to receive assessments, ~~examinations~~ evaluation, or treatment under this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall not be construed to supersede any federal law or existing agreement between a court or agency of the federal, state, or local government.

SECTION 5. AND BE IT FURTHER ENACTED, That on or before December 1, 2019, the Governor's Office of Crime Control and Prevention, the Department of Public Safety and Correctional Services, and the Maryland Department of Health shall apply for federal funding to support implementation of this Act beyond fiscal year 2020 and shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the efforts to secure funding.

SECTION ~~5~~ 6. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019. Section 2 of this Act shall remain effective for a period of 4 years and, at the end of September 30, 2023, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 13, 2019.

Chapter 533

(House Bill 193)

AN ACT concerning

Life Insurance – Life of a Minor – Statement on Disclosure

FOR the purpose of altering a certain requirement that a life insurer include, in a certain manner, a certain statement on an application or endorsement for a policy of life insurance on the life of a minor to allow the life insurer to include the statement on a certain disclosure; providing for the application of this Act; providing for a delayed effective date; and generally relating to policies of life insurance on the lives of minors.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 16-119(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 – Insurance

16–119.

(a) (1) A life insurer may refuse an application for a policy of life insurance on the life of a minor only if the refusal is consistent with § 27–501(a)(2) of this article.

(2) An application for a policy of life insurance on the life of a minor that is submitted for underwriting shall include:

(i) the signature of the applicant; and

(ii) unless the minor is emancipated or married, the consent and signature of the parent or legal guardian with whom the minor resides.

(3) The life insurer shall include on the first page of the application for a policy of life insurance on the life of a minor, **ON A DISCLOSURE PROVIDED TO THE APPLICANT AT THE TIME OF APPLICATION**, or on an endorsement to the policy the following statement in 12 point bold type:

“A person who feloniously and intentionally kills, conspires to kill, or procures the killing of the insured and who is a named beneficiary of a life insurance policy on the insured is not entitled to a benefit under the policy.”

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies of life insurance on the life of a minor issued or delivered in the State on or after January 1, 2020.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2020.

Approved by the Governor, May 13, 2019.

Chapter 534

(House Bill 589)

AN ACT concerning

Maryland Medical Assistance Program and Managed Care Organizations That Use Pharmacy Benefits Managers – ~~Reimbursement Requirements~~ Audit and Professional Dispensing Fees

FOR the purpose of requiring the Maryland Medical Assistance Program to ~~establish certain reimbursement levels for certain drug products; providing that certain provisions of this Act apply to managed care organizations that use pharmacy benefits managers to manage prescription drug coverage; requiring a pharmacy benefits manager that contracts with a pharmacy on behalf of a managed care organization to reimburse the pharmacy an amount that is at least equal to a certain cost plus a certain fee~~ enter into a certain contract as soon as practicable for a certain audit of certain managed care organizations; requiring a certain auditor to be provided with access to certain documents and information; requiring the Program to provide the results of the audit to the General Assembly on or before a certain date; requiring the Maryland Department of Health, in consultation with the Maryland Insurance Administration, to develop and report certain recommendations to the General Assembly on or before a certain date; authorizing the Department to apply to the Centers for Medicare and Medicaid Services for certain authority as soon as practicable but not later than a certain date; making this Act an emergency measure; providing for the termination of certain provisions of this Act; and generally relating to the Maryland Medical Assistance Program and managed care organizations that use pharmacy benefits managers.

~~BY repealing and reenacting, with amendments,
Article — Health — General
Section 15 — 118(b)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)~~

~~BY adding to
Article — Health — General
Section 15 — 118(f)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)~~

~~BY adding to
Article — Insurance
Section 15 — 1632
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)~~

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

~~Article — Health — General~~

~~15 — 118.~~

~~(b) (1) Except as provided under paragraph (2) of this subsection, the Program shall establish [maximum] THE FOLLOWING reimbursement levels for the drug products~~

~~for which there is a generic equivalent authorized under § 12-504 of the Health Occupations Article[, based on the cost of the generic product]:~~

~~(I) MINIMUM REIMBURSEMENT LEVELS AT LEAST EQUAL TO THE NATIONAL AVERAGE DRUG ACQUISITION COST OF THE GENERIC PRODUCT PLUS THE FEE FOR SERVICE PROFESSIONAL DISPENSING FEE DETERMINED BY THE DEPARTMENT IN ACCORDANCE WITH THE MOST RECENT IN STATE COST OF DISPENSING SURVEY; AND~~

~~(II) MAXIMUM REIMBURSEMENT LEVELS, AS DETERMINED APPROPRIATE BY THE PROGRAM.~~

~~(2) If a prescriber directs a specific brand name drug, the reimbursement level shall be based on the [cost] NATIONAL AVERAGE DRUG ACQUISITION COST of the brand name product.~~

~~(F) THE PROVISIONS OF § 15-1632 OF THE INSURANCE ARTICLE APPLY TO A MANAGED CARE ORGANIZATION THAT USES A PHARMACY BENEFITS MANAGER TO MANAGE PRESCRIPTION DRUG COVERAGE BENEFITS ON BEHALF OF THE MANAGED CARE ORGANIZATION.~~

~~Article Insurance~~

~~15-1632.~~

~~A PHARMACY BENEFITS MANAGER THAT CONTRACTS WITH A PHARMACY ON BEHALF OF A MANAGED CARE ORGANIZATION, AS DEFINED IN § 15-101 OF THE HEALTH GENERAL ARTICLE, SHALL REIMBURSE THE PHARMACY AN AMOUNT THAT IS AT LEAST EQUAL TO THE NATIONAL AVERAGE DRUG ACQUISITION COST PLUS THE FEE FOR SERVICE PROFESSIONAL DISPENSING FEE DETERMINED BY THE MARYLAND DEPARTMENT OF HEALTH FOR THE MARYLAND MEDICAL ASSISTANCE PROGRAM IN ACCORDANCE WITH THE MOST RECENT IN STATE COST OF DISPENSING SURVEY.~~

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

(a) The Maryland Medical Assistance Program shall enter into a contract with an independent auditor as soon as practicable to conduct an audit of pharmacy benefits managers that contract with managed care organizations for the purpose of determining the amount of Medicaid funds used to reimburse managed care organizations, pharmacy benefits managers, and pharmacies and the dollar amount of funds received by each respective party.

(b) The independent auditor shall be provided with access to the following documents and information by either the managed care organization, the pharmacy benefits manager, or the pharmacy:

(1) contracts between the managed care organization and the pharmacy benefits manager;

(2) contracts between the pharmacy benefits manager and pharmacies receiving reimbursement;

(3) full encounter claims data showing the amount the managed care organization paid the pharmacy benefits manager;

(4) full encounter claims data showing the amount that was paid to the pharmacies by the pharmacy benefits managers;

(5) information requested from the pharmacy benefits manager or the pharmacy via questionnaire by the auditor; and

(6) any additional information required by the auditor to determine the actual reimbursement to the managed care organizations, pharmacy benefits managers, and pharmacies.

(c) On or before December 1, 2019, the Maryland Medical Assistance Program shall provide the results of the audit to the General Assembly, in accordance with § 2–1246 of the State Government Article.

(d) As soon as practicable but not later than January 1, 2020, the Maryland Department of Health, in consultation with the Maryland Insurance Administration, shall develop recommendations for establishing a process for appealing decisions made in accordance with contracts between a pharmacy benefits manager and a managed care organization and, in accordance with § 2–1246 of the State Government Article, report the recommendations to the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That, as soon as practicable but not later than July 1, 2020, the Maryland Department of Health may apply to the Centers for Medicare and Medicaid Services for the appropriate authority, subject to the limitations of the State budget, to provide professional dispensing fees or other measures for pharmacies based on volume of prescriptions and geographic designation or such other factors as determined by the Department in order to ensure access to pharmacy services.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. Section 2 of this Act shall remain effective through July 1, 2021, and, at the end

of July 1, 2021, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 13, 2019.

Chapter 535

(House Bill 1288)

AN ACT concerning

Physicians – Dispensing Permit Exemption – ~~Prepackaged~~ Topical Medication

FOR the purpose of providing that certain provisions of law do not prohibit a certain physician from ~~personally~~ dispensing a ~~prepackaged~~ certain topical medication; ~~establishing a certain exception to the requirement to receive a certain written permit~~; authorizing a physician to dispense a certain topical medication if the physician meets certain requirements; authorizing the State Board of Physicians to issue a certain written permit to certain physicians under certain circumstances; defining a certain term; and generally relating to the dispensing of a ~~prepackaged topical~~ topical medication by a physician.

BY adding to

~~Article – Health Occupations
Section 12-102(c)(2)(iii) and 14-509
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)~~

BY renumbering

~~Article – Health Occupations
Section 12-102(c)(2)(iii) and (iv), respectively
to be Section 12-102(c)(2)(iv) and (v), respectively
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)~~

BY repealing and reenacting, ~~with~~ without amendments,

Article – Health Occupations
Section ~~12-102(c)(2)(ii)1.C. and (k) through (m)~~ 12-102(c)(2)(iii) and (iv)
12-102(c)(2)(ii)1.C. and 4.M.
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)

BY adding to

~~Article – Health Occupations
Section 12-102(c)(2)(iii) and 14-509~~

*Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)*

~~BY adding to~~

~~Article – Health Occupations~~

~~Section 12-102(k)~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2018 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 12-102(c)(2)(iii) and (iv), respectively, of Article – Health Occupations of the Annotated Code of Maryland be renumbered to be Section(s) 12-102(c)(2)(iv) and (v), respectively.

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

Article – Health Occupations

12-102.

(c) (2) This title does not prohibit:

~~(ii) A licensed dentist, physician, or podiatrist from personally preparing and dispensing the dentist's, physician's, or podiatrist's prescriptions when:~~

~~1. The dentist, physician, or podiatrist:~~

~~C. Has received a written permit from that board to dispense prescription drugs or devices except that a written permit is not required in order to dispense starter dosages or samples without charge OR FOR A PHYSICIAN TO DISPENSE A PREPACKAGED TOPICAL UNDER SUBSECTION (K) OF THIS SECTION; and~~

~~**(iii) A LICENSED PHYSICIAN WHO COMPLIES WITH THE REQUIREMENTS OF ITEM (ii) OF THIS PARAGRAPH FROM DISPENSING A TOPICAL MEDICATION IN ACCORDANCE WITH THE REQUIREMENTS OF § 14-509 OF THIS TITLE THAT IS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF HYPOTICHOSIS;**~~

(ii) A licensed dentist, physician, or podiatrist from personally preparing and dispensing the dentist's, physician's, or podiatrist's prescriptions when:

1. The dentist, physician, or podiatrist:

C. Has received a written permit from that board to dispense prescription drugs or devices except that a written permit is not required in order to dispense starter dosages or samples without charge; and

4. The dentist, physician, or podiatrist:

M. Completes ten continuing education credits over a 5-year period relating to the preparing and dispensing of prescription drugs, offered by the Accreditation Council for Pharmacy Education (ACPE) or as approved by the Secretary, in consultation with each respective board of licensure, as a condition of permit renewal;

(III) A LICENSED PHYSICIAN FROM DISPENSING A TOPICAL MEDICATION WITHOUT OBTAINING THE PERMIT REQUIRED UNDER ITEM (II)1C OF THIS PARAGRAPH OR COMPLETING THE CONTINUING EDUCATION REQUIRED UNDER ITEM (II)4M OF THIS PARAGRAPH WHEN THE PHYSICIAN:

1. OTHERWISE COMPLIES WITH ITEM (II) OF THIS PARAGRAPH; AND

2. HAS OBTAINED A SPECIAL WRITTEN PERMIT UNDER § 14-509 OF THIS ARTICLE;

~~[(iii)] (IV) A licensed physician who complies with the requirements of item (ii) of this paragraph from personally preparing and dispensing a prescription written by:~~

~~1. A physician assistant in accordance with a delegation agreement that complies with Title 15, Subtitle 3 of this article; or~~

~~2. A nurse practitioner who is authorized to practice under Title 8, Subtitle 3 of this article and is working with the physician in the same office setting; or~~

~~[(iv)] (V) A hospital based clinic from dispensing prescriptions to its patients.~~

14-509.

~~(k) (1) (A) IN THIS SUBSECTION, “PREPACKAGED TOPICAL” MEANS A PRESCRIPTION STRENGTH CREAM, LOTION, OR SOLUTION THAT:~~

~~(i) IS PACKAGED AT THE SITE OF PRODUCTION; AND~~

~~(ii) REQUIRES NO PREPARATION PRIOR TO DISPENSING.~~

~~(2) THIS TITLE DOES NOT PROHIBIT A PHYSICIAN FROM PERSONALLY DISPENSING A PREPACKAGED TOPICAL. SECTION, “ACCME” MEANS THE ACCREDITING COUNCIL FOR CONTINUING MEDICAL EDUCATION.~~

(B) A PHYSICIAN MAY DISPENSE A TOPICAL MEDICATION THAT IS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF HYPOTICHOSIS WITHOUT OBTAINING A DISPENSING PERMIT OR COMPLETING THE CONTINUING EDUCATION REQUIRED UNDER § 12-102(C)(2)(II) OF THIS ARTICLE IF THE PHYSICIAN:

(1) ~~COMPLIES OTHERWISE COMPLIES~~ WITH THE REQUIREMENTS OF § 12-102(C)(2)(II) OF THIS ARTICLE; AND

(2) HAS RECEIVED A SPECIAL CLASS OF WRITTEN PERMIT FROM THE BOARD.

(C) THE BOARD MAY ISSUE A SPECIAL CLASS OF WRITTEN PERMIT TO A PHYSICIAN UNDER SUBSECTION (B) OF THIS SECTION IF THE PHYSICIAN:

(1) COMPLETES 1 HOUR OF CONTINUING MEDICAL EDUCATION PER YEAR ON THE DISPENSING OF TOPICAL MEDICATIONS DEVELOPED BY AN ACCME-ACCREDITED MARYLAND NONPROFIT OR GOVERNMENTAL ENTITY; AND

(2) PAYS TO THE BOARD A \$100 PERMIT FEE.

~~[(k)] (L) This title does not limit the right of a general merchant to sell:~~

~~(1) Any nonprescription drug or device;~~

~~(2) Any commonly used household or domestic remedy; or~~

~~(3) Any farm remedy or ingredient for a spraying solution, in bulk or otherwise.~~

~~[(4)] (M) The Board of Pharmacy, the Board of Dental Examiners, the Board of Physicians, and the Board of Podiatric Medical Examiners annually shall report to the Office of Controlled Substances Administration:~~

~~(1) The names and addresses of its licensees who are authorized to personally prepare and dispense prescription drugs; and~~

~~(2) The names and addresses of its licensees who have reported, in accordance with subsection (e)(2)(ii) 4L of this section, that they have personally prepared and dispensed prescription drugs within the previous year.~~

~~[(m)] (N) A dentist, physician, or podiatrist who fails to comply with the provisions of this section governing the dispensing of prescription drugs or devices shall:~~

- ~~(1) Have the dispensing permit revoked; and~~
- ~~(2) Be subject to disciplinary actions by the appropriate licensing board.~~

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, May 13, 2019.

Chapter 536

(House Bill 93)

AN ACT concerning

Walter Sondheim Jr. Public Service Internship Scholarship Program – Repeal of Award Cap

FOR the purpose of ~~repealing~~ *altering* the cap on the amount that will be awarded for a scholarship under the Walter Sondheim Jr. Public Service Internship Scholarship Program; and generally relating to the Walter Sondheim Jr. Public Service Internship Scholarship Program.

BY repealing and reenacting, with amendments,
 Article – Education
 Section 18–1702
 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

18–1702.

(a) There is a scholarship program known as the Walter Sondheim Jr. Public Service Internship Scholarship Program in the State.

(b) The purpose of the Program is to assist college and graduate students to explore public service career opportunities through internships.

(c) The Shriver Center shall administer the Program.

(d) An institution of higher education in the State may nominate eligible students to participate in the Program on or before:

- (1) January 1 of each year for summer and fall internships; and
- (2) October 1 of each year for spring internships.

(e) Priority for participation in the Program shall be given to an eligible student who:

- (1) Is a resident of the State;
- (2) Has demonstrated an interest in a career in public service; and
- (3) Assists in providing:

(i) Legal services:

1. To low-income residents in the State who cannot afford legal services; or

2. In a public service position;

(ii) Social work services to low-income residents in the State;

(iii) Nursing services in nursing shortage areas in the State as defined in § 18-802 of this title; or

(iv) Other services in the public or nonprofit sectors in which there is a shortage of qualified practitioners to low-income or underserved residents or areas of the State.

(f) (1) Subject to paragraph (2) of this subsection, for eligible students who have agreed to serve in a public service internship, the Shriver Center shall award scholarships on or before:

- (i) January 15 of each year for spring internships;
- (ii) May 1 of each year for summer internships; and
- (iii) August 1 of each year for fall internships.

(2) Funds for the scholarships awarded under this subtitle shall be as provided in the State budget.

(g) Subject to the availability of funds, the scholarship award under the Program shall be at least \$2,000 ~~and no more than \$3,000~~ \$5,000.

(h) The Shriver Center shall serve as a clearinghouse for public and nonprofit entities that wish to hire public service interns participating in the Program.

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

Approved by the Governor, May 13, 2019.

Chapter 537

(House Bill 1274)

AN ACT concerning

Opioid Restitution Fund

FOR the purpose of establishing the Opioid Restitution Fund as a special, nonlapsing fund; specifying the purpose of 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; providing that expenditures from the Fund shall be made in accordance with the State budget; requiring the Governor to develop certain goals, objectives, and indicators, to consult with certain stakeholders at least once annually for a certain purpose, and to report to the General Assembly on or before a certain date each year; defining a certain term; making this Act subject to a certain contingency; and generally relating to the Opioid Restitution Fund.

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. and 7–331
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) (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 OPIOID RESTITUTION FUND.**

7–331.

(A) IN THIS SECTION, “FUND” MEANS THE OPIOID RESTITUTION FUND.

(B) THERE IS AN OPIOID RESTITUTION FUND.

(C) THE PURPOSE OF THE FUND IS TO RETAIN THE AMOUNT OF SETTLEMENT REVENUES DEPOSITED TO THE FUND IN ACCORDANCE WITH SUBSECTION (E)(1) OF THIS SECTION.

(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THIS SUBTITLE.

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

(E) THE FUND CONSISTS OF:

(1) ALL REVENUES RECEIVED BY THE STATE FROM ANY SOURCE RESULTING, DIRECTLY OR INDIRECTLY, FROM ANY JUDGMENT AGAINST, OR SETTLEMENT WITH, OPIOID MANUFACTURERS, OPIOID RESEARCH ASSOCIATIONS, OR ANY OTHER PERSON IN THE OPIOID INDUSTRY RELATING TO ANY CLAIMS MADE OR PROSECUTED BY THE STATE TO RECOVER DAMAGES FOR VIOLATIONS OF STATE LAW; AND

(2) THE INTEREST EARNINGS OF THE FUND.

(F) THE FUND MAY BE USED ONLY TO PROVIDE FUNDS FOR:

(1) IMPROVING ACCESS TO ~~NALOXONE~~ MEDICATIONS PROVEN TO PREVENT OR REVERSE AN OVERDOSE;

(2) SUPPORTING PEER SUPPORT SPECIALISTS AND SCREENING, BRIEF INTERVENTION, AND REFERRAL TO TREATMENT SERVICES FOR HOSPITALS, CORRECTIONAL FACILITIES, AND OTHER HIGH-RISK POPULATIONS;

(3) INCREASING ACCESS TO MEDICATIONS THAT SUPPORT RECOVERY FROM SUBSTANCE USE DISORDERS;

(4) EXPANDING THE HEROIN COORDINATOR PROGRAM, INCLUDING FOR ADMINISTRATIVE EXPENSES;

(5) EXPANDING ACCESS TO CRISIS BEDS AND RESIDENTIAL TREATMENT SERVICES;

(6) EXPANDING AND ESTABLISHING SAFE STATIONS, MOBILE CRISIS RESPONSE SYSTEMS, AND CRISIS STABILIZATION CENTERS;

(7) SUPPORTING THE HEALTH CRISIS HOTLINE;

(8) ORGANIZING PRIMARY AND SECONDARY SCHOOL EDUCATION CAMPAIGNS TO PREVENT OPIOID USE, INCLUDING FOR ADMINISTRATIVE EXPENSES;

(9) ENFORCING THE LAWS REGARDING OPIOID PRESCRIPTIONS AND SALES, INCLUDING FOR ADMINISTRATIVE EXPENSES; ~~AND~~

(10) RESEARCH REGARDING AND TRAINING FOR SUBSTANCE USE TREATMENT AND OVERDOSE PREVENTION, INCLUDING FOR ADMINISTRATIVE EXPENSES; AND

(11) SUPPORTING AND EXPANDING OTHER EVIDENCE-BASED INTERVENTIONS FOR OVERDOSE PREVENTION AND SUBSTANCE USE TREATMENT AND PREVENTION PROGRAMS.

(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(I) (1) MONEY EXPENDED FROM THE FUND FOR THE PROGRAMS AND SERVICES DESCRIBED UNDER SUBSECTION (F) OF THIS SECTION IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THE PROGRAMS AND SERVICES.

(2) EXCEPT AS SPECIFIED IN SUBSECTION (F) OF THIS SECTION, MONEY EXPENDED FROM THE FUND MAY NOT BE USED FOR ADMINISTRATIVE EXPENSES.

(J) ~~FOR EACH PROGRAM AND SERVICE THAT RECEIVES AN APPROPRIATION FROM THE FUND, THE~~ THE GOVERNOR SHALL:

(1) ~~DEVELOP APPROPRIATE STATEMENTS OF VISION, MISSION, KEY GOALS, KEY OBJECTIVES, AND KEY PERFORMANCE INDICATORS RELATING TO SUBSTANCE USE TREATMENT AND PREVENTION EFFORTS AND REPORT THE STATEMENTS IN A DISCRETE PART OF THE STATE BUDGET SUBMISSION, WHICH SHALL ALSO PROVIDE DATA FOR KEY PERFORMANCE INDICATORS; AND~~

(2) AT LEAST ONCE ANNUALLY, CONSULT WITH SUBSTANCE USE TREATMENT AND PREVENTION STAKEHOLDERS, INCLUDING CONSUMERS, PROVIDERS, FAMILIES, AND ADVOCATES, TO IDENTIFY RECOMMENDED APPROPRIATIONS FROM THE FUND; AND

(3) REPORT ON OR BEFORE NOVEMBER 1 EACH YEAR, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON:

(I) AN ACCOUNTING OF TOTAL FUNDS EXPENDED FROM THE FUND IN THE IMMEDIATELY PRECEDING FISCAL YEAR, BY:

1. USE;

2. IF APPLICABLE, JURISDICTION; AND

3. BUDGET PROGRAM AND SUBDIVISION; ~~AND~~

(II) ~~THE SPECIFIC OUTCOMES OR PUBLIC BENEFITS RESULTING FROM THAT EXPENDITURE~~ THE PERFORMANCE INDICATORS AND PROGRESS TOWARD ACHIEVING THE GOALS AND OBJECTIVES DEVELOPED UNDER ITEM (1) OF THIS SUBSECTION; AND

(III) THE RECOMMENDED APPROPRIATIONS FROM THE FUND IDENTIFIED IN ACCORDANCE WITH ITEM (2) OF THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) Section 1 of this Act shall take effect contingent on a judgment by a State or federal court against, or settlement with, opioid manufacturers, opioid research associations, or any other person in the opioid industry relating to any claims made or prosecuted by the State to recover damages for violations of State law, and shall take effect on the date that notice from the Attorney General is received by the Department of Legislative Services under subsection (b) of this section.

(b) If the Attorney General determines that an event satisfying the contingency has occurred, the Attorney General shall notify the Department of Legislative Services.

SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 2 of this Act, this Act shall take effect July 1, 2019.

Approved by the Governor, May 13, 2019.

Chapter 538

(House Bill 137)

AN ACT concerning

State Personnel – Professional Service – Maryland School for the Deaf – Teachers

FOR the purpose of requiring that teachers employed by the Maryland School for the Deaf are in the professional service in the State Personnel Management System; and generally relating to the State Personnel Management System and teachers employed by the Maryland School for the Deaf.

BY repealing and reenacting, with amendments,
Article – Education
Section 8–3A–04
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

8–3A–04.

- (a) There is a Maryland School for the Deaf.
- (b) The governance of the Maryland School for the Deaf is vested in the Board of Trustees of the Maryland School for the Deaf.
- (c)
 - (1) The Board of Trustees shall consist of 19 members appointed by the Governor with the advice and consent of the Senate.
 - (2) Of the 19 members, at least 6 members shall be deaf.
 - (3) Each member of the Board shall:
 - (i) Be a resident of the State;
 - (ii) Be a member of the general public; and
 - (iii) Have demonstrated an active interest in the education of deaf children.
 - (4) Each geographic region of the State shall be represented by at least one member of the Board.
- (d)
 - (1) The term of a member is 6 years.
 - (2) The terms of the members are staggered as required by the terms provided for the members of the Board on October 1, 1992.
 - (3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.
 - (4) A member may not serve more than two consecutive terms.
- (e) The Board may:

(1) Apply for, accept, and spend any gift or grant from the federal government, any foundation, or any other person; and

(2) Maintain, manage, and invest any gifts or grants that it accepts.

(f) The Board shall establish an annual operating budget.

(g) (1) There is a branch of the Maryland School for the Deaf.

(2) This branch shall be located near the population center of the State.

(3) The branch shall be administered and operated as part of and is subject to the Maryland School for the Deaf.

(h) (1) The Maryland School for the Deaf shall adopt written standards for the admission of students.

(2) The standards shall define and distinguish between students who are bona fide Maryland residents and those who are out-of-state students, for purposes of admission and tuition.

(i) The Maryland School for the Deaf shall admit students free of charge who:

(1) Are bona fide Maryland residents; and

(2) Meet the admission standards of the Maryland School for the Deaf.

(j) (1) The Maryland School for the Deaf may admit out-of-state students for tuition who meet the admission standards of the Maryland School for the Deaf.

(2) The Maryland School for the Deaf shall establish tuition rates on an annual basis.

(K) EACH TEACHER WHO IS EMPLOYED BY THE MARYLAND SCHOOL FOR THE DEAF IS IN THE PROFESSIONAL SERVICE IN THE STATE PERSONNEL MANAGEMENT SYSTEM.

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

Approved by the Governor, May 13, 2019.

AN ACT concerning

Election Law – Early Voting Centers – ~~Hours of Operation~~ Establishment

FOR the purpose of authorizing all counties, rather than counties with fewer than a certain number of registered voters, to establish one early voting center in addition to the number of early voting centers the county is required to establish if the State Board of Elections, in collaboration with the local board of elections, and the governing body of the county agree to establish an additional early voting center; altering the time at which early voting centers are required to open during gubernatorial general elections; and generally relating to early voting centers.

BY repealing and reenacting, with amendments,
Article – Election Law
Section ~~10-301.1(d)~~ 10-301.1(b)
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

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

Article – Election Law

10-301.1.

(b) (1) Each county shall have at least one early voting center established in the county as prescribed in this subsection.

(2) A county with fewer than 125,000 registered voters shall have one early voting center established in the county.

(3) A county with more than 125,000 registered voters but fewer than 200,000 registered voters shall have three early voting centers established in the county.

(4) A county with more than 200,000 registered voters but fewer than 300,000 registered voters shall have four early voting centers established in the county.

(5) A county with more than 300,000 registered voters but fewer than 450,000 registered voters shall have seven early voting centers established in the county.

(6) A county with more than 450,000 registered voters shall have eleven early voting centers.

(7) In addition to the early voting centers required in this subsection, each county [with fewer than 200,000 registered voters] may establish one additional early voting

center if the State Board, in collaboration with the local board, and the governing body of the county agree to establish an additional early voting center.

~~(d) Each early voting center shall be open for voting as follows:~~

~~(1) beginning the second Thursday before a primary or general election through the Thursday before the election; and~~

~~(2) during the following hours:~~

~~(i) in a [presidential] general election, during the hours between 8 a.m. and 8 p.m. each early voting day; and~~

~~(ii) in [all other elections] A PRIMARY ELECTION, during the hours between 10 a.m. and 8 p.m. each early voting day.~~

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

Approved by the Governor, May 13, 2019.

Chapter 540

(House Bill 332)

AN ACT concerning

Maryland Department of Health – Community Dental Clinics Grant Program

FOR the purpose of establishing the Community Dental Clinics Grant Program; authorizing the Board of Public Works, on the recommendation of the Secretary of Health, to make grants under the Program to counties, municipal corporations, and nonprofit organizations for the purpose of supporting the provision of dental services by community dental clinics through certain actions; providing for the application process for a State grant under the Program; providing certain terms, conditions, and limitations on the allocations, use, and amount of State grants made under the Program; prohibiting any portion of the proceeds of a grant made under the Program from being used for certain religious purposes; requiring the Governor to include funding in the State *operating budget bill or* capital budget *bill* for the Program beginning in a certain fiscal year; requiring the Board to make certain allocations from certain funds in accordance with this Act; requiring the Board to make certain certifications; requiring the State Treasurer to make certain payments; authorizing the Board to adopt certain regulations; authorizing the State, under certain circumstances, to recover a certain portion of the State funds expended; providing for a certain judicial proceeding and liens to enforce the State's right of recovery and

priority of the proceeding and lien; requiring the Maryland Department of Health to adopt certain regulations; defining certain terms; and generally relating to the Community Dental Clinics Grant Program.

BY adding to

Article – Health – General

Section 24–1601 through 24–1607 to be under the new subtitle “Subtitle 16. Community Dental Clinics Grant 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 16. COMMUNITY DENTAL CLINICS GRANT PROGRAM.

24–1601.

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

(B) (1) “COMMUNITY DENTAL CLINIC” MEANS A NONPROFIT ORGANIZATION THAT PROVIDES DENTAL SERVICES AND IS:

(I) A HEALTH CARE CENTER OR PROGRAM THAT OFFERS DENTAL SERVICES:

1. FREE OF COST OR ON A SLIDING SCALE FEE SCHEDULE; AND

2. WITHOUT REGARD TO AN INDIVIDUAL’S ABILITY TO PAY; AND

(II) WHOLLY OWNED AND OPERATED UNDER THE AUTHORITY OF A COUNTY, MUNICIPAL CORPORATION, OR NONPROFIT ORGANIZATION.

(2) “COMMUNITY DENTAL CLINIC” DOES NOT INCLUDE A FEDERALLY QUALIFIED HEALTH CENTER OR A FEDERALLY QUALIFIED HEALTH CENTER LOOK–ALIKE.

(C) “NONPROFIT ORGANIZATION” MEANS:

(1) A BONA FIDE RELIGIOUS ORGANIZATION, NO PART OF THE EARNINGS OF WHICH ~~INSURES~~ INURES TO THE BENEFIT OF ANY INDIVIDUAL OR IS USED FOR ANY PURPOSE OTHER THAN THE MAINTENANCE AND OPERATION OF A FACILITY, THE PURCHASE OF EQUIPMENT TO BE USED IN A FACILITY, OR THE EXPANSION OF A FACILITY; OR

(2) AN ORGANIZATION:

(I) THAT IS CHARTERED AS A NONPROFIT CORPORATION AND CLASSIFIED BY THE INTERNAL REVENUE SERVICE AS NONPROFIT; AND

(II) NO PART OF THE EARNINGS OF WHICH ~~INSURES~~ INURES TO THE BENEFIT OF ANY INDIVIDUAL OR IS USED FOR ANY PURPOSE OTHER THAN THE MAINTENANCE AND OPERATION OF A FACILITY, THE PURCHASE OF EQUIPMENT TO BE USED IN A FACILITY, OR THE EXPANSION OF A FACILITY.

(D) "WHOLLY OWNED" INCLUDES LEASED, IF:

(1) (I) THE LEASE IS FOR A MINIMUM TERM OF 15 YEARS FOLLOWING PROJECT COMPLETION; OR

(II) THE LEASE AGREEMENT EXTENDS THE RIGHT OF PURCHASE TO THE LESSEE; AND

(2) THE LESSOR CONSENTS TO THE RECORDING, IN THE LAND RECORDS OF THE COUNTY OR BALTIMORE CITY WHERE THE FACILITY IS LOCATED, OF A NOTICE OF THE STATE'S RIGHT OF RECOVERY AS PROVIDED UNDER ~~§ 24-1306~~ § 24-1606 OF THIS SUBTITLE.

24-1602.

(A) THERE IS A COMMUNITY DENTAL CLINICS GRANT PROGRAM.

(B) ON THE RECOMMENDATION OF THE SECRETARY, THE BOARD OF PUBLIC WORKS MAY MAKE GRANTS TO COUNTIES, MUNICIPAL CORPORATIONS, AND NONPROFIT ORGANIZATIONS FOR THE PURPOSE OF SUPPORTING THE PROVISION OF DENTAL SERVICES BY COMMUNITY DENTAL CLINICS THROUGH:

(1) THE CONVERSION OF PUBLIC BUILDINGS OR PARTS OF PUBLIC BUILDINGS TO COMMUNITY DENTAL CLINICS;

(2) THE ACQUISITION OF EXISTING BUILDINGS OR PARTS OF BUILDINGS FOR USE AS COMMUNITY DENTAL CLINICS;

(3) THE RENOVATION OF COMMUNITY DENTAL CLINICS;

(4) THE PURCHASE OF CAPITAL EQUIPMENT FOR COMMUNITY DENTAL CLINICS; OR

(5) THE PLANNING, DESIGN, AND CONSTRUCTION OF COMMUNITY DENTAL CLINICS.

24-1603.

(A) ANY COUNTY, MUNICIPAL CORPORATION, OR NONPROFIT ORGANIZATION SPONSORING A PROJECT INVOLVING WORK SPECIFIED IN § 24-1602 OF THIS SUBTITLE MAY APPLY TO THE SECRETARY FOR A STATE GRANT TO BE APPLIED TOWARD THE COST OF THAT PROJECT.

(B) THE APPLICATION FOR A GRANT SHALL INCLUDE:

(1) PROJECT PLANS FOR THE WORK TO BE CARRIED OUT;

(2) A STATEMENT LISTING THE PERSONNEL EMPLOYED OR TO BE EMPLOYED AT THE COMMUNITY DENTAL CLINIC, INCLUDING ALL REMUNERATION AND PERQUISITES FOR PERSONAL SERVICES AND ALL OTHER EXPENSES PAID OR TO BE PAID TO THE PERSONNEL;

(3) ALL OTHER EXPENSES INCURRED OR TO BE INCURRED IN OPERATING THE COMMUNITY DENTAL CLINIC; AND

(4) THE SCHEDULE OF RATES CHARGED OR TO BE CHARGED FOR SERVICES RENDERED.

(C) ON APPROVAL OF A PROJECT AND THE PROJECT PLANS, THE SECRETARY PROMPTLY SHALL REPORT THE APPLICATION TO THE BOARD OF PUBLIC WORKS, TOGETHER WITH THE SECRETARY'S RECOMMENDATION THAT THE BOARD MAKE FUNDS AVAILABLE AS PROVIDED IN THIS SUBTITLE.

24-1604.

(A) THE ALLOCATION AND USE OF STATE FUNDS UNDER THIS SUBTITLE ARE SUBJECT TO THE TERMS AND CONDITIONS SET FORTH IN THIS SECTION.

(B) STATE FUNDS MAY BE USED ONLY FOR THE PURPOSES LISTED UNDER § 24-1602 OF THIS SUBTITLE AND APPROVED BY THE SECRETARY UNDER § 24-1603 OF THIS SUBTITLE.

(C) THE ALLOCATION AND USE OF STATE FUNDS UNDER THIS SUBTITLE ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

(1) ANY FEDERAL OR OTHER GRANT THAT IS RECEIVED FOR AN ELIGIBLE PROJECT SHALL BE APPLIED FIRST TO THE COST OF THE PROJECT;

(2) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A STATE GRANT MAY NOT EXCEED ~~50%~~ 75% OF THE COST OF ELIGIBLE WORK REMAINING UNPAID AFTER ALL FEDERAL GRANTS HAVE BEEN APPLIED; AND

(3) FOR PURPOSES OF THIS SUBTITLE, COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS SHALL BE CONSIDERED AS LOCAL MATCHING FUNDS AND MAY NOT BE CONSIDERED AS FEDERAL GRANT FUNDS.

(D) FOR A PROJECT DESIGNATED AS ELIGIBLE FOR POVERTY AREA FUNDING UNDER FEDERAL REGULATIONS, STATE PLANS, OR DEPARTMENTAL REGULATIONS, A STATE GRANT MAY COVER UP TO ~~75%~~ 90% OF THE COST OF ELIGIBLE WORK REMAINING UNPAID AFTER ALL FEDERAL GRANTS HAVE BEEN APPLIED.

(E) THE AMOUNT OF THE STATE GRANT RECOMMENDED TO THE BOARD OF PUBLIC WORKS FOR ANY PROJECT SHALL BE DETERMINED AFTER CONSIDERATION OF:

(1) ALL ELIGIBLE PROJECTS;

(2) THE TOTAL OF UNALLOCATED STATE FUNDS AVAILABLE AT THE TIME THE GRANT RECOMMENDATION IS MADE TO THE BOARD OF PUBLIC WORKS; AND

(3) THE PRIORITIES OF AREA NEED ESTABLISHED BY THE DEPARTMENT.

(F) (1) NO PORTION OF THE PROCEEDS OF A STATE GRANT MAY BE USED:

(I) TO FURTHER SECTARIAN RELIGIOUS INSTRUCTION;

(II) IN CONNECTION WITH THE DESIGN, ACQUISITION, OR CONSTRUCTION OF ANY BUILDING TO BE USED AS A PLACE OF SECTARIAN RELIGIOUS WORSHIP OR INSTRUCTION; OR

(III) IN CONNECTION WITH ANY PROGRAM OR DEPARTMENT OF DIVINITY FOR ANY RELIGIOUS DENOMINATION.

(2) ON THE REQUEST OF THE BOARD OF PUBLIC WORKS, THE APPLICANT SHALL SUBMIT EVIDENCE SATISFACTORY TO THE BOARD THAT THE PROCEEDS OF THE GRANT ARE NOT BEING USED FOR A PURPOSE PROHIBITED UNDER THIS SUBSECTION OR UNDER APPLICABLE FEDERAL LAW.

(G) BEGINNING IN FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE AN APPROPRIATION IN THE STATE OPERATING BUDGET BILL OR CAPITAL BUDGET BILL TO BE DISTRIBUTED AND MANAGED IN ACCORDANCE WITH THIS SUBTITLE.

24-1605.

(A) THE BOARD OF PUBLIC WORKS SHALL MAKE ALLOCATIONS FROM FUNDS AVAILABLE UNDER THIS SUBTITLE IN ACCORDANCE WITH THIS SUBTITLE.

(B) THE BOARD OF PUBLIC WORKS SHALL CERTIFY THE ALLOCATIONS TO THE PROPER STATE OFFICERS, AND THE STATE TREASURER SHALL MAKE PAYMENTS TO OR ON BEHALF OF THE APPLICANT, WHEN NEEDED, FOR THE APPROVED PROJECT.

(C) THE BOARD OF PUBLIC WORKS MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

24-1606.

(A) THE STATE MAY RECOVER FROM EITHER THE TRANSFEROR OR TRANSFEREE OR, IN THE CASE OF A PROPERTY THAT HAS CEASED TO BE A COMMUNITY DENTAL CLINIC, FROM THE OWNER, AN AMOUNT BEARING THE SAME RATIO TO THE THEN CURRENT VALUE OF SO MUCH OF THE PROPERTY AS CONSTITUTED AN APPROVED PROJECT AS THE AMOUNT OF THE STATE PARTICIPATION BORE TO THE TOTAL ELIGIBLE COST OF THE APPROVED PROJECT, TOGETHER WITH ALL COSTS AND REASONABLE ATTORNEY'S FEES INCURRED BY THE STATE IN THE RECOVERY PROCEEDINGS, IF, WITHIN 30 YEARS AFTER COMPLETION OF A PROJECT, A PROPERTY FOR WHICH FUNDS HAVE BEEN PAID UNDER THIS SUBTITLE:

(1) IS SOLD OR TRANSFERRED TO ANY PERSON, AGENCY, OR ORGANIZATION THAT WOULD NOT QUALIFY AS AN APPLICANT UNDER THIS SUBTITLE, OR THAT IS NOT APPROVED AS A TRANSFEREE BY THE BOARD OF PUBLIC WORKS; OR

(2) CEASES TO BE A COMMUNITY DENTAL CLINIC AS DEFINED IN THIS SUBTITLE.

(B) (1) BEFORE THE STATE MAKES ANY FUNDS AVAILABLE FOR AN APPROVED PROJECT, THE DEPARTMENT SHALL CAUSE A NOTICE OF THIS RIGHT OF RECOVERY TO BE RECORDED IN THE LAND RECORDS OF THE COUNTY OR BALTIMORE CITY WHERE THE PROPERTY IS LOCATED.

(2) THE RECORDING OF THE NOTICE:

(I) DOES NOT CREATE A LIEN AGAINST THE PROPERTY; BUT

(II) SHALL CONSTITUTE NOTICE TO ANY POTENTIAL TRANSFEREE, POTENTIAL TRANSFEROR, POTENTIAL CREDITOR, OR OTHER INTERESTED PARTY OF THE POSSIBILITY THAT THE STATE MAY OBTAIN A LIEN UNDER THIS SUBTITLE.

(C) (1) (I) THE SECRETARY OF THE BOARD OF PUBLIC WORKS MAY FILE A CIVIL COMPLAINT AUTHORIZED UNDER SUBSECTION ~~(B)~~ (A) OF THIS SECTION, IN THE CIRCUIT COURT FOR THE COUNTY OR BALTIMORE CITY WHERE THE PROPERTY IS LOCATED, AGAINST THE OWNER OF THE PROPERTY AND ANY OTHER INTERESTED PARTIES, INCLUDING ANY TRANSFEROR THAT THE STATE WISHES TO MAKE A PARTY.

(II) THE COMPLAINT SHALL BE FILED WITH:

1. SWORN AFFIDAVITS STATING FACTS ON WHICH THE ALLEGATIONS OF DEFAULT ARE BASED; AND

2. A DETAILED JUSTIFICATION OF THE AMOUNT CLAIMED.

(2) IF THE CIRCUIT COURT DETERMINES FROM THE STATE'S INITIAL FILING THAT A DEFAULT HAS OCCURRED, PENDING FULL DETERMINATION OF THE STATE'S CLAIM, THE COURT SHALL AUTHORIZE A TEMPORARY LIEN ON THE PROPERTY:

(I) IN THE AMOUNT OF THE STATE'S COMPLAINT PLUS ANY ADDITIONAL AMOUNT ESTIMATED TO BE NECESSARY TO COVER THE COSTS AND REASONABLE ATTORNEY'S FEES INCURRED BY THE STATE; OR

(II) IN OTHER AMOUNTS THAT THE COURT DETERMINES TO BE REASONABLE.

(3) (I) A TEMPORARY LIEN SHALL TAKE EFFECT:

1. ON THE DATE OF THE COURT'S AUTHORIZATION, IF THE SECRETARY OF THE BOARD OF PUBLIC WORKS RECORDS A NOTICE OF TEMPORARY LIEN IN THE LAND RECORDS OF THE COUNTY OR BALTIMORE CITY WHERE THE PROPERTY IS LOCATED WITHIN 10 DAYS AFTER THE COURT'S AUTHORIZATION; OR

2. ON THE DATE A NOTICE OF TEMPORARY LIEN IS RECORDED.

(II) WHILE THE TEMPORARY LIEN IS IN EFFECT, NEITHER THE OWNER NOR ANY PERSON THAT ACQUIRED AN INTEREST IN THE PROPERTY AFTER THE STATE FIRST MADE FUNDS AVAILABLE IN CONNECTION WITH THE PROPERTY MAY, WITHOUT THE PRIOR WRITTEN CONSENT OF THE STATE:

1. TAKE ANY ACTION THAT WOULD AFFECT THE TITLE TO THE PROPERTY; OR

2. INSTITUTE ANY PROCEEDINGS TO ENFORCE A SECURITY INTEREST OR OTHER SIMILAR RIGHTS IN THE PROPERTY.

(4) (I) THE OWNER OF THE PROPERTY OR ANY OTHER INTERESTED PARTY MAY OBTAIN RELEASE OF A TEMPORARY LIEN AT ANY TIME BY FILING WITH THE COURT A BOND SECURING THE PAYMENT IN FULL OF THE STATE'S CLAIM AND ANY ADDITIONAL AMOUNT NECESSARY TO COVER THE COSTS AND REASONABLE ATTORNEY'S FEES INCURRED BY THE STATE.

(II) THE OWNER OR OTHER INTERESTED PARTY MAY CAUSE THE RELEASE TO BE RECORDED IN THE LAND RECORDS.

(D) PROCEEDINGS TO DETERMINE THE STATE'S RIGHT TO RECOVER AND THE AMOUNT OF THE STATE'S RECOVERY UNDER THIS SUBTITLE SHALL HAVE PRIORITY OVER OTHER CIVIL PROCEEDINGS IN THE CIRCUIT COURTS.

(E) (1) (I) AT THE CONCLUSION OF FULL ADVERSARY PROCEEDINGS ON THE ISSUE OF DEFAULT AND OF ANY DISPUTES OVER THE AMOUNT OF THE STATE'S RECOVERY, THE CIRCUIT COURT SHALL, IF IT FINDS THAT A DEFAULT HAS OCCURRED, ISSUE A FINAL JUDGMENT FOR THE AMOUNT THE CIRCUIT COURT FINDS TO BE RECOVERABLE BY THE STATE.

(II) ALL PARTIES INVOLVED IN THE DEFAULT, INCLUDING IN EVERY CASE THE OWNER OF THE PROPERTY, SHALL BE HELD JOINTLY AND SEVERALLY LIABLE TO THE STATE FOR THE AMOUNT OF THE JUDGMENT.

(2) (I) EXCEPT AS THE STATE MAY OTHERWISE PROVIDE BY A WRITTEN SUBORDINATION AGREEMENT, IF THE AMOUNT OF THE FINAL JUDGMENT REMAINS UNPAID AFTER 30 DAYS FOLLOWING THE COURT'S FINAL ORDER, THE FINAL JUDGMENT SHALL CONSTITUTE A LIEN ON THE PROPERTY, SUPERIOR TO THE LIEN OR OTHER INTEREST OF A MORTGAGEE, PLEDGEE, PURCHASER, OR JUDGMENT CREDITOR WHOSE INTEREST BECAME PERFECTED AGAINST THIRD PERSONS AFTER THE STATE FIRST MADE FUNDS AVAILABLE UNDER THIS SUBTITLE.

(II) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, A LIEN TAKES EFFECT ON THE DATE A NOTICE OF LIEN IS RECORDED.

2. A LIEN TAKES EFFECT ON THE 31ST DAY FOLLOWING THE COURT'S FINAL ORDER IF THE SECRETARY OF THE BOARD OF PUBLIC WORKS RECORDS A NOTICE OF LIEN IN THE LAND RECORDS OF THE COUNTY OR BALTIMORE CITY WHERE THE PROPERTY IS LOCATED ON OR BEFORE THE 41ST DAY FOLLOWING THE FINAL ORDER.

(III) 1. AT THE TIME THAT A LIEN TAKES EFFECT, ANY TEMPORARY LIEN THEN IN EFFECT SHALL BE AUTOMATICALLY AND FULLY RELEASED.

2. THE RECORDED NOTICE OF A LIEN SHALL CONSTITUTE NOTICE OF THE RELEASE OF A TEMPORARY LIEN.

(IV) A LIEN IMPOSED UNDER THIS SUBSECTION MAY BE ENFORCED AND FORECLOSED IN ACCORDANCE WITH THE PROCEDURES PRESCRIBED IN THE MARYLAND RULES, EXCEPT THAT NEITHER THE STATE NOR ANY AGENT APPOINTED BY THE STATE TO SELL THE PROPERTY NEED FILE A BOND.

(3) (I) THE OWNER OR ANY OTHER INTERESTED PARTY MAY OBTAIN RELEASE OF A LIEN AT ANY TIME BY PAYING TO THE STATE THE FULL AMOUNT OF THE JUDGMENT RENDERED BY THE CIRCUIT COURT, TOGETHER WITH INTEREST FROM THE DATE OF JUDGMENT.

(II) ON PAYMENT IN FULL, THE SECRETARY OF THE BOARD OF PUBLIC WORKS SHALL CAUSE A RELEASE TO BE RECORDED IN THE LAND RECORDS.

(4) IF THE CIRCUIT COURT FINDS THAT THERE HAS BEEN NO DEFAULT OR IF THE FULL AMOUNT OF THE COURT'S JUDGMENT IS PAID TO THE STATE WITHIN 30 DAYS AFTER THE COURT'S FINAL ORDER, A TEMPORARY LIEN THEN IN EFFECT SHALL BE RELEASED IMMEDIATELY AND THE SECRETARY OF THE BOARD OF PUBLIC WORKS SHALL CAUSE THE RELEASE TO BE RECORDED IN THE LAND RECORDS.

(F) (1) ALL FUNDS RECOVERED AS A RESULT OF THIS RIGHT OF RECOVERY SHALL BE DEPOSITED IN THE ANNUITY BOND FUND AND APPLIED TO THE DEBT SERVICE REQUIREMENTS OF THE STATE.

(2) IF THE BOARD OF PUBLIC WORKS DETERMINES THAT THERE IS GOOD CAUSE FOR RELEASING THE TRANSFEROR, TRANSFEREE, OR OWNER FROM THE OBLIGATION IMPOSED UNDER THIS SUBTITLE, THE BOARD OF PUBLIC WORKS MAY WAIVE THE STATE'S RIGHT OF RECOVERY UNDER THIS SUBTITLE.

24-1607.

THE DEPARTMENT SHALL 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, May 13, 2019.

Chapter 541

(House Bill 355)

AN ACT concerning

~~Public Ethics Law~~ *Education – School Boards County Boards of Education –*
Disclosures and Requirements
 (~~School System Ethics and Transparency Act of 2019~~)

FOR the purpose of repealing the requirement that certain county boards of education develop and maintain a certain funding accountability website; requiring that each county board annually report certain financial information to the Department of Budget and Management beginning on a certain date; requiring the Department to post certain information on a certain website; providing for the construction of certain provisions of law; ~~prohibiting the official custodian of certain documents from charging a fee for documents requested by a county board under certain circumstances~~; requiring the custodian of certain documents for a local school system, instead of only Howard County, to provide written notice to a certain applicant regarding the filing of a certain complaint; ~~requiring rather than authorizing a school board to adopt certain conflict of interest regulations; requiring that certain conflict of interest regulations be equivalent to or exceed certain requirements; requiring certain regulations to require that certain conflict of interest statements filed on or after a certain date be maintained by a school board for a~~

~~certain number of years; requiring rather than authorizing a school board to adopt certain financial disclosure regulations; requiring that certain financial disclosure regulations be equivalent to or exceed certain requirements; requiring a financial disclosure statement filed by a certain individual to be filed at a certain time and by a certain date; requiring that a certain financial disclosure statement filed on or after a certain date be maintained by a school board for a certain number of years; requiring a school board to submit a copy of certain financial disclosure statements to the State Ethics Commission; requiring a superintendent to file a secondary employment disclosure statement with a certain school board each year; requiring a school board to maintain a secondary employment disclosure statement filed on or after a certain date for a certain number of years; requiring rather than authorizing a school board to adopt certain regulations relating to lobbying; requiring that certain regulations relating to lobbying be equivalent to or exceed certain provisions of law; repealing the authority for a school board to modify certain regulations relating to lobbying; prohibiting a superintendent, any other official or employee of a school system, or a member of a school board who is involved with procurement from accepting compensation, an honorarium, a gift, or an in-kind service from certain business entities; prohibiting a superintendent, any other official or employee of a school system, or a member of a school board from holding a certain employment relationship with or performing pro bono work for a business entity under certain circumstances; requiring a school board to provide a certain ethics training course for certain individuals; requiring certain individuals to complete an ethics training course within a certain number of months after a certain deadline; defining certain terms; providing for the construction of this Act; establishing a certain short title for certain provisions of law; making conforming changes; and generally relating to the Public Ethics Law and school boards *county boards of education*.~~

BY repealing

Article – Education

Section 5–115 through 5–119

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY adding to

Article – Education

Section 5–115

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – General Provisions

Section 4–206, ~~5–816, 5–817, and 5–818~~

Annotated Code of Maryland

(2014 Volume and 2018 Supplement)

~~BY adding to~~

~~Article – General Provisions~~

~~Section 5-817.1, 5-819.1, and 5-819.2
Annotated Code of Maryland
(2014 Volume and 2018 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 5–115 through 5–119 of Article – Education of the Annotated Code of Maryland be repealed.

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

Article – Education

5–115.

(A) (1) IN THIS SECTION, “PAYEE” MEANS ANY PARTY WHO RECEIVES AN AGGREGATE PAYMENT OF \$25,000 IN A FISCAL YEAR FROM A SCHOOL BOARD.

(2) “PAYEE” DOES NOT INCLUDE:

(I) A PUBLIC SCHOOL EMPLOYEE WITH RESPECT TO THE EMPLOYEE’S COMPENSATION;

(II) A PUBLIC SCHOOL RETIREE WITH RESPECT TO THE RETIREE’S RETIREMENT ALLOWANCE; OR

(III) IN BALTIMORE COUNTY, A THIRD-PARTY PAYEE THAT ACCEPTS EMPLOYEE PAYROLL-RELATED PAYMENTS, INCLUDING:

1. RECURRING PAYMENTS FOR PAYROLL TAXES;
2. EMPLOYEE PAYROLL DEDUCTIONS; AND
3. INVESTMENT-RELATED ACTIVITIES RELATING TO FUND BALANCES.

(B) (1) BEGINNING JANUARY 1, 2020, EACH COUNTY BOARD SHALL ANNUALLY REPORT THE FOLLOWING INFORMATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR TO THE DEPARTMENT OF BUDGET AND MANAGEMENT:

- (I) THE NAME OF A PAYEE RECEIVING A PAYMENT;
- (II) THE LOCATION OF A PAYEE BY POSTAL ZIP CODE;
- (III) THE AMOUNT OF A PAYMENT;

(IV) FOR THE BALTIMORE COUNTY BOARD OF EDUCATION:

1. THE PURPOSE FOR THE PAYMENT; AND
2. WHETHER THE PAYEE IS A MINORITY BUSINESS ENTERPRISE; AND

(V) FOR THE PRINCE GEORGE'S COUNTY BOARD OF EDUCATION, THE BUDGET DATA PREPARED UNDER § 5-101 OF THIS SUBTITLE.

(2) EACH COUNTY BOARD SHALL PROVIDE THE INFORMATION SPECIFIED IN PARAGRAPH (1)(I) OF THIS SUBSECTION TO THE DEPARTMENT OF BUDGET AND MANAGEMENT FOR THE FOLLOWING PREVIOUS FISCAL YEARS:

(I) FOR THE MONTGOMERY COUNTY BOARD OF EDUCATION, FISCAL YEARS 2010 THROUGH 2018;

(II) FOR THE HOWARD COUNTY BOARD OF EDUCATION, FISCAL YEARS 2011 THROUGH 2018;

(III) FOR THE BALTIMORE COUNTY BOARD OF EDUCATION, FISCAL YEARS 2012 THROUGH 2018;

(IV) FOR THE PRINCE GEORGE'S COUNTY BOARD OF EDUCATION, FISCAL YEARS 2012 THROUGH 2018;

(V) FOR THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION, FISCAL YEARS 2017 AND 2018; AND

(VI) FOR ALL OTHER COUNTY BOARDS, FISCAL YEAR 2018.

(3) THE DEPARTMENT OF BUDGET AND MANAGEMENT SHALL POST THE INFORMATION REPORTED UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION ON ITS FUNDING ACCOUNTABILITY & TRANSPARENCY WEBSITE.

(C) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE THE DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL UNDER FEDERAL, STATE, OR LOCAL LAW.

~~**(D) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE MARYLAND PUBLIC SCHOOLS FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT.**~~

Article – General Provisions

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

(2) “Indigent” means an individual’s family household income is less than 50% of the median family income for the State as reported in the Federal Register.

(3) “Reasonable fee” means a fee bearing a reasonable relationship to the recovery of actual costs incurred by a governmental unit.

(b) (1) Subject to the limitations in this section, the official custodian may charge an applicant a reasonable fee for:

(i) the search for, preparation of, and reproduction of a public record prepared, on request of the applicant, in a customized format; and

(ii) the actual costs of the search for, preparation of, and reproduction of a public record in standard format, including media and mechanical processing costs.

(2) The staff and attorney review costs included in the calculation of actual costs incurred under this section shall be prorated for each individual’s salary and actual time attributable to the search for and preparation of a public record under this section.

(c) The official custodian may not charge a fee for:

~~(1) the first 2 hours that are needed to search for a public record and prepare it for inspection; OR~~

~~(2) DOCUMENTS REQUESTED BY A COUNTY BOARD OF EDUCATION IF THE REQUEST IS ACCOMPANIED BY AN OFFICIAL LETTER STATING THAT AT LEAST ONE THIRD OF THE MEMBERS OF THE COUNTY BOARD ARE MAKING THE REQUEST.~~

(d) (1) If another law sets a fee for a copy, an electronic copy, a printout, or a photograph of a public record, that law applies.

(2) The official custodian may charge for the cost of providing facilities for the reproduction of the public record if the custodian did not have the facilities.

(e) The official custodian may waive a fee under this section if:

(1) the applicant asks for a waiver; and

(2) (i) the applicant is indigent and files an affidavit of indigency; or

(ii) after consideration of the ability of the applicant to pay the fee and other relevant factors, the official custodian determines that the waiver would be in the public interest.

(f) ~~[In Howard County, if]~~ **IF** the custodian of a public record for ~~[the Howard County Public School System]~~ **A LOCAL SCHOOL SYSTEM** charges an applicant a fee under subsection (b) of this section, the custodian shall provide written notice to the applicant that the applicant may file a complaint with the ~~[Board]~~ **COUNTY BOARD OF EDUCATION** to contest the fee.

~~5-816.~~

~~(a) In accordance with this section, a school board~~

~~(1) may] SHALL adopt conflict of interest regulations applicable to officials [and], employees of the school system]; and~~

~~(2) shall adopt conflict of interest regulations applicable to], AND members of the school board.~~

~~(b) [(1) The conflict of interest regulations adopted by a school board under subsection (a)(1) of this section:~~

~~(i) shall be similar to the provisions of Subtitle 5 of this title; but~~

~~(ii) in accordance with regulations adopted by the Ethics Commission and consistent with the intent of this title, may be modified to the extent necessary to make the regulations relevant to the prevention of conflicts of interest in that school system.~~

~~(2) The conflict of interest regulations adopted [by a school board] under subsection [(a)(2)] (A) of this section:~~

~~[(i)] (1) shall be equivalent to or exceed the requirements of Subtitle 5 of this title; but~~

~~[(ii)] (2) in accordance with regulations adopted by the Ethics Commission and consistent with the intent of this title, may be modified to the extent necessary to make the regulations relevant to the prevention of conflicts of interest in that school system.~~

~~[(c) Unless a school board adopts and maintains conflict of interest regulations under subsection (a)(1) of this section, the provisions enacted by the county under § 5-808 of this subtitle shall apply to officials and employees of that school system.]~~

~~(C) THE REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION SHALL REQUIRE THAT A CONFLICT OF INTEREST STATEMENT FILED ON OR AFTER JULY 1, 2019, BE MAINTAINED BY THE SCHOOL BOARD FOR AT LEAST 10 4 YEARS.~~

~~5-817.~~

~~(a) (1) In accordance with this section, a school board:~~

~~(i) may] SHALL adopt financial disclosure regulations applicable to officials [and], employees of that school system]; and~~

~~(ii) shall adopt financial disclosure regulations applicable to], AND members of the school board.~~

~~(2) (i) The regulations adopted under paragraph [(1)(i)] (1) of this subsection shall apply to:~~

~~1. the superintendent of that school system; [and]~~

~~2. those other officials and employees of that school system designated by the school board, subject to subparagraph [(iii)] (II) of this paragraph [.] ;~~

~~[(ii) The regulations adopted under paragraph (1)(ii) of this subsection shall apply to:~~

~~1.] 3. each member of the school board; and~~

~~[2.] 4. if the school board is an elected board under Title 3, Subtitle 1, Part III of the Education Article, each candidate for election to the school board.~~

~~[(iii)] (II) The regulations may not apply to a classroom teacher unless the teacher has additional duties, not normally expected of classroom teachers, that cause the teacher for other reasons to be covered by the financial disclosure regulations.~~

~~(b) [(1)] Except as provided in subsection (c) of this section, the regulations adopted under subsection [(a)(1)(i)] (A)(1) of this section:~~

~~[(i) shall be similar to the provisions of Subtitle 6 of this title; but~~

~~(ii) in accordance with regulations adopted by the Ethics Commission and consistent with the intent of this title, may be modified to the extent necessary to make the regulations relevant to the prevention of conflicts of interest in that school system.~~

~~(2) The regulations adopted under subsection (a)(1)(ii) of this section:]~~

~~[(i)] (1) shall be equivalent to or exceed the requirements of Subtitle 6 of this title; but~~

~~[(ii)] (2) in accordance with regulations adopted by the Ethics Commission and consistent with the intent of this title, may be modified to the extent necessary to make the regulations relevant to the prevention of conflicts of interest in that school system.~~

~~(e) (1) [(i)] This section does not compel a school board to require an individual to file a financial disclosure statement except:~~

~~[1.] (I) when the personal interest of the individual will present a potential conflict with the public interest in connection with an anticipated public action of the individual; and~~

~~[2.] (II) at least annually to report on gifts received by the individual.~~

~~[(ii) The regulations adopted under subsection (a)(1)(i) of this section shall require that a statement filed under subparagraph (i)1 of this paragraph be filed sufficiently in advance of the public action to provide adequate disclosure to the public.]~~

~~(2) The regulations adopted under subsection [(a)(1)(ii)] (A)(1) of this section:~~

~~(I) THAT APPLY TO A SUPERINTENDENT OR ANY OTHER OFFICIAL OR EMPLOYEE OF A SCHOOL SYSTEM UNDER SUBSECTION (A)(2)(I)1 AND 2 OF THIS SECTION SHALL REQUIRE THAT A STATEMENT FILED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION BE FILED SUFFICIENTLY IN ADVANCE OF THE PUBLIC ACTION TO PROVIDE ADEQUATE DISCLOSURE TO THE PUBLIC;~~

~~(II) THAT APPLY TO EACH MEMBER OF THE SCHOOL BOARD AND CANDIDATES FOR ELECTION TO THE SCHOOL BOARD UNDER SUBSECTION (A)(2)(I)3 AND 4 OF THIS SECTION shall require that a statement filed by a member of a school board be filed on or before April 30 of each year; AND~~

~~(III) SHALL REQUIRE THAT A FINANCIAL DISCLOSURE STATEMENT FILED ON OR AFTER JULY 1, 2019, BE MAINTAINED BY THE SCHOOL BOARD FOR AT LEAST 10 4 YEARS.~~

~~[(d) Except as provided for a school board member under this part, unless a school board adopts and maintains financial disclosure regulations under this subtitle, the provisions enacted by the county under § 5-809 of this subtitle shall apply to:~~

~~(1) the superintendent of that school system; and~~

~~(2) the other officials and employees of the school system designated by the governing body of that county.]~~

~~(D) A SCHOOL BOARD SHALL SUBMIT A COPY OF THE FINANCIAL DISCLOSURE STATEMENTS RECEIVED UNDER THIS SECTION TO THE ETHICS COMMISSION.~~

~~5-817.1.~~

~~(A) A SUPERINTENDENT SHALL FILE A SECONDARY EMPLOYMENT DISCLOSURE STATEMENT WITH THE APPROPRIATE SCHOOL BOARD EACH YEAR.~~

~~(B) THE SCHOOL BOARD SHALL MAINTAIN A SECONDARY EMPLOYMENT DISCLOSURE STATEMENT FILED ON OR AFTER JULY 1, 2019, FOR AT LEAST 10 4 YEARS.~~

~~5-818.~~

~~(a) In accordance with this section, a school board [may] SHALL adopt regulations relating to lobbying of members of the school board and of officials and employees of the school system.~~

~~(b) The lobbying regulations adopted by a school board under subsection (a) of this section:~~

~~(1) shall be [substantially similar to the] EQUIVALENT TO OR EXCEED THE provisions of Subtitle 7 of this title; but~~

~~(2) [(i)] may be modified to the extent necessary to make the provisions relevant to that school system]; and~~

~~(ii) may be further modified to the extent considered necessary and appropriate by and for that school system].~~

~~[(c) Unless a school board adopts and maintains lobbying regulations under this subtitle, the provisions enacted by the county under § 5-810 of this subtitle shall apply to that school system.]~~

~~5-819.1.~~

~~(A) A SUPERINTENDENT, ANY OTHER OFFICIAL OR EMPLOYEE OF A SCHOOL SYSTEM, OR A MEMBER OF A SCHOOL BOARD WHO IS INVOLVED WITH PROCUREMENT~~

~~FOR A SCHOOL SYSTEM MAY NOT ACCEPT COMPENSATION, AN HONORARIUM, A GIFT, OR AN IN-KIND SERVICE FROM A BUSINESS ENTITY THAT:~~

~~(1) IS A CONTRACTOR OR IS SEEKING TO BE A CONTRACTOR WITH THE SCHOOL SYSTEM; OR~~

~~(2) REPRESENTS A COMPANY OR AN ORGANIZATION THAT IS A CONTRACTOR OR IS SEEKING TO BE A CONTRACTOR WITH THE SCHOOL SYSTEM; OR~~

~~(3) FACILITATES THE INTERACTION OF SCHOOL SYSTEM EMPLOYEES WITH A COMPANY OR AN ORGANIZATION THAT IS A CONTRACTOR OR IS SEEKING TO BE A CONTRACTOR WITH THE SCHOOL SYSTEM.~~

~~(B) A SUPERINTENDENT, ANY OTHER OFFICIAL OR EMPLOYEE OF A SCHOOL SYSTEM, OR A MEMBER OF THE SCHOOL BOARD MAY NOT HOLD ANY OTHER EMPLOYMENT RELATIONSHIP WITH OR PERFORM PRO BONO WORK FOR A BUSINESS ENTITY THAT WOULD IMPAIR OR HAVE THE APPEARANCE OF IMPAIRING THE IMPARTIALITY OR INDEPENDENT JUDGMENT OF THE INDIVIDUAL.~~

~~5-819.2.~~

~~(A) A SCHOOL BOARD SHALL PROVIDE A TRAINING COURSE FOR SUPERINTENDENTS, OTHER SCHOOL SYSTEM OFFICIALS AND EMPLOYEES, AND SCHOOL BOARD MEMBERS ON STATE AND LOCAL ETHICS LAWS, REGULATIONS, AND POLICIES INCLUDING:~~

~~(1) GENERAL ETHICS REQUIREMENTS;~~

~~(2) FINANCIAL DISCLOSURES;~~

~~(3) CONFLICTS OF INTEREST; AND~~

~~(4) ANY OTHER AREA THE SCHOOL BOARD CONSIDERS APPROPRIATE.~~

~~(B) EACH INDIVIDUAL REQUIRED TO FILE A FINANCIAL DISCLOSURE STATEMENT UNDER THIS PART SHALL, WITHIN 6 MONTHS OF AFTER THE DEADLINE FOR FILING THE STATEMENT, COMPLETE THE TRAINING COURSE PROVIDED BY THE SCHOOL BOARD UNDER THIS SECTION.~~

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

Approved by the Governor, May 13, 2019.

Chapter 542**(House Bill 1349)**

AN ACT concerning

Public Schools – Students With Sickle Cell Disease – Revisions

FOR the purpose of extending the ~~date~~ dates for the State Department of Education and the Maryland Department of Health to develop guidelines, provide certain technical assistance to ~~schools~~ schools, and develop a process to monitor implementation of certain guidelines; extending the date for the departments to report to certain committees of the General Assembly; and generally relating to the administration of health care services to students with sickle cell disease.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–444
Annotated Code of Maryland
(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Chapter 385 of the Acts of the General Assembly of 2018
Section 2

BY repealing and reenacting, with amendments,
Chapter 386 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 – Education

7–444.

(a) On or before ~~December 1, 2018~~ **AUGUST 1, 2019**, the Department and the Maryland Department of Health shall develop guidelines for public schools regarding the administration of health care services to students with sickle cell disease.

(b) The guidelines shall include:

(1) Procedures for educating clinical and nonclinical school personnel and individuals who work with students who are participating in school–related activities about symptoms of distress related to sickle cell disease;

(2) Protocols to ensure students with sickle cell disease receive care as determined by orders from the student's provider and the school nurse's assessment during school and school-sponsored after-school activities; and

(3) Any other issue pertaining to the administration of health care services to students with sickle cell disease.

(c) On or before [December 1, 2018] **SEPTEMBER 1, 2019**, the Department and the Maryland Department of Health shall:

(1) Provide technical assistance to schools to:

(i) Implement the guidelines established under this section; and

(ii) Instruct school personnel at the local level regarding the guidelines established under this section; and

(2) Develop a process to monitor the implementation of the guidelines.

Chapter 385 of the Acts of 2018

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The State Department of Education and the Maryland Department of Health, in consultation with local school systems, local health departments, and other interested stakeholders, shall establish a plan for all public school health services programs in the State to provide sickle cell disease management services through implementation of policies and programs so students with sickle cell disease [management] can:

(1) remain safe in school;

(2) be supported for optimal academic achievement; and

(3) fully participate in all aspects of school programming, including after-school activities and other school-sponsored events.

(b) On or before December 1, [2018] **2020**, the State Department of Education and the Maryland Department of Health shall report on the implementation of this Act, in accordance with § 2-1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means.

Chapter 386 of the Acts of 2018

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The State Department of Education and the Maryland Department of Health, in consultation with local school systems, local health departments, and other interested stakeholders, shall establish a plan for all public school health services programs in the State to provide sickle cell disease management services through implementation of policies and programs so students with sickle cell disease can:

- (1) remain safe in school;
- (2) be supported for optimal academic achievement; and

(3) fully participate in all aspects of school programming, including after-school activities and other school-sponsored events.

(b) On or before December 1, [2018] **2020**, the State Department of Education and the Maryland Department of Health shall report on the implementation of this Act, in accordance with § 2-1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means.

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

Approved by the Governor, May 13, 2019.

Chapter 543

(House Bill 404)

AN ACT concerning

State Acupuncture Board – Practice of Acupuncture – Definition and Education Requirements

FOR the purpose of requiring an applicant to have graduated from a certain program *or its equivalent* approved by certain entities to qualify for a license to practice acupuncture; ~~repealing~~ *altering* the authority of the State Acupuncture Board to find certain programs to be equivalent to ~~a certain course~~ *certain courses* for certain licensure requirements; altering certain definitions; providing for the application of this Act; and generally relating to the practice of acupuncture.

BY repealing and reenacting, with amendments,
 Article – Health Occupations
 Section 1A-101 and 1A-302
 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 Occupations

1A-101.

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

(b) “Acupuncture” means a form of health care[,] based on [a theory] **EAST ASIAN MEDICAL THEORIES** of energetic physiology[,] that [describes] **DESCRIBE** the interrelationship of the body organs [or] **AND** functions [with an associated point or combination of points].

(c) “Auricular detoxification” means an acupuncture technique involving the needling of the external auricle of the human ear for the purpose of assisting a person who is undergoing detoxification to remove addictive substances from the body and restoring health.

(d) “Board” means the State Acupuncture Board.

(e) “License” means, unless the context requires otherwise, a license issued by the Board to practice acupuncture.

(f) (1) “Practice acupuncture” means the use of [oriental] **EAST ASIAN** medical therapies for the purpose of normalizing energetic physiological functions including pain control, and for the promotion, maintenance, and restoration of health.

(2) “Practice acupuncture” includes:

(i) Stimulation of [points of] the body by the insertion of [acupuncture] needles;

(ii) The application of moxibustion; and

(iii) Manual, mechanical, thermal, [or] electrical, ~~LIGHT, COLD LASER, HERBAL, NUTRITIONAL, THERAPEUTIC EXERCISE, DRY NEEDLING, OR OTHER EAST ASIAN MEDICAL~~ therapies only when performed in accordance with the principles of [oriental acupuncture] **EAST ASIAN** medical theories **AND PRACTICES**.

(g) “Supervision” means:

(1) A formalized professional relationship between a licensed acupuncturist and an individual performing auricular detoxification that provides

evaluation and direction of the individual to adequately ensure the safety and welfare of clients during the course of treatment; and

(2) As defined by the Board in regulations:

(i) Periodic direct supervision where the licensed acupuncturist is present or on-site during treatment; and

(ii) General supervision where the licensed acupuncturist is neither present nor on-site during treatment.

1A-302.

(a) To qualify for a license, an applicant shall be an individual who meets the requirements of this section.

(b) The applicant shall:

(1) Be of good moral character;

(2) Be at least 18 years old;

(3) Demonstrate competence in performing acupuncture by meeting one of the following standards for education or training:

(i) Graduation from [a course of training of at least 1,800 hours in acupuncture, including 300 clinical hours,] **AT LEAST A MASTER'S LEVEL PROGRAM OR ITS EQUIVALENT IN ACUPUNCTURE** that is:

1. Approved by the Maryland Higher Education Commission; ~~OR~~

2. Accredited by the Accreditation Commission for Acupuncture and Oriental Medicine; or

~~3. Found by the Board to be equivalent to a course approved by the Accreditation Commission for Acupuncture and Oriental Medicine~~ **OR ACCREDITED UNDER ITEM 1 OR 2 OF THIS ITEM;** or~~4.~~

(ii) Achievement of a:

1. Diplomate in acupuncture from the National Certification Commission for Acupuncture and Oriental Medicine; or

2. Passing score on an examination that is determined by the Board to be equivalent to the examination given by the National Certification Commission for Acupuncture and Oriental Medicine;

- (4) Demonstrate the ability to communicate in the English language; and
- (5) Meet any other qualifications that the Board establishes in regulations.

SECTION 2. AND BE IT FURTHER ENACTED, That § 1A-302 of the Health Occupations Article, as enacted by Section 1 of this Act, shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any individual licensed to practice acupuncture by the State Acupuncture Board 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, May 13, 2019.

Chapter 544

(House Bill 482)

AN ACT concerning

~~Income Tax Credit – Endowments of Maryland Historically Black Colleges and Universities~~
Income Tax Credits – Endowments of Maryland Historically Black Colleges and Universities and Film Production Activity – Establishment and Alterations

FOR the purpose of allowing a credit against the State income tax for a certain amount of donations to certain qualified permanent endowment funds at certain institutions of higher education; requiring certain taxpayers to add a certain deduction back to federal adjusted gross income to determine Maryland adjusted gross income; providing for the carryforward of the credit; requiring the Comptroller, on application of a taxpayer, to issue a tax credit certificate; requiring the application to contain certain information; requiring the Comptroller to approve applications on a first-come, first-served basis and in a timely manner; providing that the total number of applications certified by the Comptroller may not exceed a certain amount for each taxable year; requiring the Comptroller to make available for certain institutions of higher education a certain percent of the total amount of tax credits that the Comptroller may approve in a calendar year; providing that excess tax credits not certified during a taxable year may be carried over and certified during the next taxable year; requiring the Comptroller to adopt certain regulations; altering a certain definition to include certain entities incorporated in Maryland for

at least a certain time period to be eligible for the film production activity tax credit; defining certain terms; ~~providing for the application and termination of this Act providing for the application of this Act; providing for the termination of certain provisions of this Act;~~ and generally relating to a State income tax ~~credit~~ credits for certain donations to certain endowment funds and film production activity.

BY repealing and reenacting, without amendments,

Article – Tax – General

Section 10–204(a) ~~and~~, 10–305(a) and (d)(6), and 10–730(b)(1)

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 10–204(l) and 10–730(a)(4)

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)

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

Article – Tax – General

10–204.

(a) To the extent excluded from federal adjusted gross income, the amounts under this section are added to the federal adjusted gross income of a resident to determine Maryland adjusted gross income.

(l) The addition under subsection (a) of this section includes any amount deducted as a donation, as defined under § 10–736 OR § 10–749 of this title, to the extent that the amount of the donation is included in an application for a credit that is certified under § 10–736 OR § 10–749 of this title.

10–305.

(a) To the extent excluded from federal taxable income, the amounts under this section are added to the federal taxable income of a corporation to determine Maryland modified income.

(d) The addition under subsection (a) of this section includes the additions required for an individual under:

(6) § 10-204(l) of this title (Deduction for donations to qualified permanent endowment funds).

10-749.

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

(2) “DONATION” MEANS AN IRREVOCABLE GIFT OF CASH.

(3) “INSTITUTION OF HIGHER EDUCATION” MEANS BOWIE STATE UNIVERSITY, COPPIN STATE UNIVERSITY, MORGAN STATE UNIVERSITY, OR UNIVERSITY OF MARYLAND EASTERN SHORE.

(4) “QUALIFIED PERMANENT ENDOWMENT FUND” MEANS A FUND THAT IS:

(I) HELD IN PERPETUITY BY AN INSTITUTION OF HIGHER EDUCATION; AND

(II) USED TO BENEFIT THE INSTITUTION OF HIGHER EDUCATION OR ITS STUDENTS.

(B) (1) SUBJECT TO THE LIMITATIONS OF THIS SECTION, FOR THE TAXABLE YEAR IN WHICH A TAXPAYER MAKES A DONATION TO A QUALIFIED PERMANENT ENDOWMENT FUND AT AN INSTITUTION OF HIGHER EDUCATION, THE TAXPAYER MAY CLAIM A CREDIT AGAINST THE STATE INCOME TAX IN THE AMOUNT STATED ON THE TAX CREDIT CERTIFICATE ISSUED UNDER SUBSECTION (C) OF THIS SECTION.

(2) IF THE CREDIT ALLOWED UNDER THIS SECTION IN ANY TAXABLE YEAR EXCEEDS THE STATE INCOME TAX FOR THAT TAXABLE YEAR, ANY UNUSED CREDIT MAY BE CARRIED FORWARD AND APPLIED TO SUCCEEDING TAXABLE YEARS UNTIL THE FULL AMOUNT OF THE CREDIT IS USED.

(C) (1) ON APPLICATION BY A TAXPAYER, THE COMPTROLLER SHALL ISSUE A CREDIT CERTIFICATE IN THE AMOUNT OF 25% OF A PROPOSED DONATION TO A QUALIFIED PERMANENT ENDOWMENT FUND AT AN INSTITUTION OF HIGHER EDUCATION.

(2) THE APPLICATION SHALL CONTAIN:

(I) THE NAMES OF THE TAXPAYER, THE INSTITUTION OF HIGHER EDUCATION, AND THE QUALIFIED PERMANENT ENDOWMENT FUND TO WHICH THE DONATION WILL BE MADE;

(II) THE TAXABLE YEAR IN WHICH THE DONATION WILL BE MADE;

(III) THE AMOUNT OF THE DONATION; AND

(IV) ANY OTHER INFORMATION THAT THE COMPTROLLER REQUIRES.

(3) THE COMPTROLLER SHALL APPROVE ALL APPLICATIONS THAT QUALIFY FOR A TAX CREDIT CERTIFICATE UNDER THIS SUBSECTION:

(I) ON A FIRST-COME, FIRST-SERVED BASIS; AND

(II) IN A TIMELY MANNER.

(4) (I) FOR EACH TAXABLE YEAR, THE TOTAL AMOUNT OF TAX CREDIT CERTIFICATES CERTIFIED BY THE COMPTROLLER UNDER THIS SECTION MAY NOT EXCEED ~~\$400,000~~ \$240,000.

(II) 1. THE COMPTROLLER SHALL MAKE AVAILABLE 25% OF THE AMOUNT OF CREDITS AUTHORIZED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH FOR DONATIONS TO QUALIFIED PERMANENT ENDOWMENT FUNDS AT EACH INSTITUTION OF HIGHER EDUCATION.

~~(II)~~ 2. IF THE TOTAL AMOUNT OF TAX CREDIT CERTIFICATES CERTIFIED UNDER THIS SECTION FOR AN INSTITUTION OF HIGHER EDUCATION DURING A TAXABLE YEAR TOTALS IS LESS THAN THE AMOUNT AUTHORIZED UNDER THIS PARAGRAPH MADE AVAILABLE FOR THE INSTITUTION OF HIGHER EDUCATION UNDER THIS SUBPARAGRAPH, ANY EXCESS AMOUNT MAY BE CERTIFIED UNDER TAX CREDIT CERTIFICATES FOR THE INSTITUTION OF HIGHER EDUCATION FOR THE NEXT TAXABLE YEAR.

(D) THE COMPTROLLER SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION, INCLUDING THE CRITERIA AND PROCEDURES FOR APPLICATION FOR, APPROVAL OF, AND MONITORING ELIGIBILITY FOR THE TAX CREDIT AUTHORIZED UNDER THIS SECTION.

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

Article – Tax – General10-730.

(a) (4) “Maryland small or independent film entity” means a qualified film production entity that:

(i) has been incorporated in Maryland for at least [1 year] 3 MONTHS;

(ii) is independently owned and operated;

(iii) is not a subsidiary of another entity;

(iv) is not dominant in its field of operation;

(v) employs 25 or fewer full-time employees; and

(vi) employs Maryland residents as at least 40% of its workforce in the film production activity.

(b) (1) A qualified film production entity may claim a credit against the State income tax for film production activities in the State in an amount equal to the amount stated in the final tax credit certificate approved by the Secretary for film production activities.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019, and shall be applicable to all taxable years beginning after December 31, 2018 ~~but before January 1, 2024. It. Section 1 of this Act shall remain effective for a period of 4 years and 6 months and, at the end of December 31, 2023, Section 1 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.~~

Approved by the Governor, May 13, 2019.

Chapter 545

(House Bill 592)

AN ACT concerning

**Health Care Facilities – Comprehensive and Extended Care Facilities –
Discharges and Transfers**

FOR the purpose of altering the basic rights afforded to each resident of a comprehensive care facility and an extended care facility; requiring certain individuals to pursue certain assistance from the medical assistance program in a certain manner; altering the contents of a certain form required to be provided to certain facilities by the Maryland Department of Health; requiring that a certain written notice be provided to certain residents; requiring a facility to provide a certain written notice as soon as practicable before discharge or transfer under certain circumstances; requiring the facility to provide any changes to a certain notice to recipients of the notice as soon as practicable if the information in the notice changes prior to the discharge or transfer; requiring a facility to develop a certain post discharge plan of care for a certain resident; requiring a facility to designate certain staff to coordinate the development of a certain plan; requiring the facility to meet, if possible, with certain individuals for a certain purpose within a certain period of time; requiring that a certain plan be developed with the participation of certain individuals; requiring the facility to include in a resident's medical record a certain explanation under certain circumstances; requiring that a certain plan be developed in consultation with certain individuals; altering the time at which a facility is required to provide certain information to certain individuals; altering the information required to be provided to certain individuals by certain facilities before discharge or transfer; requiring, to the extent authorized under State and federal law, a facility to provide a certain supply of certain medications at the time of discharge or transfer; altering the authority of a facility to discharge or transfer a resident without obtaining the written consent of the resident; altering the cooperation and assistance required of a resident's next of kin or legal representative in the discharge planning process; authorizing a facility to petition a certain circuit court for certain relief under certain circumstances; authorizing the Attorney General to request that the court in a certain action impose a certain civil penalty for certain violations under certain circumstances; making conforming changes; and generally relating to discharges and transfers from comprehensive care facilities and extended care facilities.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19–343, 19–344(c), 19–345.1, 19–345.2, and 19–345.3

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Health – General

Section 19–345(a)

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

19-343.

(a) In this section and §§ 19-344 [and], 19-345, **19-345.1, 19-345.2, AND 19-345.3** of this subtitle, “facility” means a related institution that, under the rules and regulations of the Department, is a comprehensive care facility or an extended care facility.

(b) (1) The General Assembly intends to promote the interests and well-being of each resident of a facility.

(2) It is the policy of this State that, in addition to any other rights, each resident of a facility has the following basic rights:

(i) The right to be treated with consideration, respect, and full recognition of human dignity and individuality;

(ii) The right to receive treatment, care, and services that are adequate, appropriate, and in compliance with relevant State and federal laws, rules, and regulations;

(iii) The right to privacy;

(iv) The right to be free from mental and physical abuse;

(V) THE RIGHT TO NOTICE, PROCEDURAL FAIRNESS, AND HUMANE TREATMENT WHEN BEING TRANSFERRED OR DISCHARGED FROM A FACILITY;

(VI) THE RIGHT TO PARTICIPATE IN DECISION MAKING REGARDING TRANSITIONS IN CARE, INCLUDING A TRANSFER OR DISCHARGE FROM A FACILITY;

[(v)] (VII) The right to expect and receive appropriate assessment, management, and treatment of pain as an integral component of the patient’s care;

[(vi)] (VIII) The right to be free from physical and chemical restraints, except for restraints that a physician authorizes for a clearly indicated medical need;

[(vii)] (IX) The right to receive respect and privacy in a medical care program; and

[(viii)] (X) The right to manage personal financial affairs.

(c) Each facility shall:

- (1) Post, conspicuously in a public place, the policy set forth in subsection (b) of this section and the provisions in §§ 19–344(b) through (m), 19–345, and 19–346(i)(2) of this subtitle;
- (2) Give a copy of the policy and those provisions:
 - (i) On admission, to the resident;
 - (ii) To the guardian, next of kin, or sponsoring agency of the resident;and
 - (iii) To a representative payee of the resident;
- (3) Keep a receipt for the copy that is signed by the person who received the copy; and
- (4) Provide appropriate staff training to carry out the policy and those provisions.

19–344.

(c) (1) In this subsection, “agent” means a person who manages, uses, or controls the funds or assets that legally may be used to pay the applicant’s or resident’s share of costs or other charges for the facility’s services.

(2) Except as provided by the Department, a facility may not charge an applicant or resident who is a medical assistance beneficiary, or the applicant’s or resident’s agent, any amount in addition to the amounts determined by the medical assistance program for services that are covered by medical assistance.

(3) Unless otherwise agreed, the financial obligation of the applicant’s or resident’s agent is limited to the amount of the applicant’s or resident’s funds that are considered available to the agent by the medical assistance program.

(4) (i) A facility may require an applicant, a resident, or the agent of an applicant or resident to agree to distribute any funds, including income or assets of the applicant or resident, which the medical assistance program has determined to be available to pay for the cost of the applicant’s or resident’s care, to the facility, promptly when due, for the cost of the applicant’s or resident’s care.

(ii) For the purpose of this section, funds of the applicant or resident include funds of the applicant or resident that are under the use, ownership, management, or control of the agent.

(iii) A resident or agent of the resident who has not paid a current obligation for the resident’s care may apply to the medical assistance program for a determination of the funds available to pay for the cost of the resident’s care.

(iv) If a request for a determination is made under subparagraph (iii) of this paragraph, the medical assistance program shall make the determination.

(v) If a resident or agent of a resident who has not paid a current obligation for the resident's care fails to request a determination under subparagraph (iii) of this paragraph, the facility may, without requesting the appointment of a guardian, petition the appropriate circuit court for an order OR INJUNCTION directing the resident or agent of the resident to request AND PURSUE the determination with due diligence OR GRANTING OTHER APPROPRIATE RELIEF TO ENFORCE THE OBLIGATIONS UNDER THIS SECTION.

(vi) If a resident or agent of the resident fails to pay for the cost of the resident's care from funds that the medical assistance program has determined to be available to pay for that care, the facility may, without requesting the appointment of a guardian, petition the appropriate circuit court for an order directing the resident or agent of the resident to pay the facility from the funds determined by the medical assistance program to be available.

(5) (i) An applicant, a resident, or the agent of an applicant or resident shall seek AND PURSUE WITH DUE DILIGENCE, on behalf of the applicant or resident, all assistance from the medical assistance program which may be available to the applicant or resident.

(ii) The facility shall cooperate with and assist the agent in seeking assistance from the medical assistance program on behalf of the applicant or resident.

(iii) If a resident or the agent of a resident fails to seek assistance from the medical assistance program or to cooperate fully in the eligibility determination process, a facility providing care to the resident may, without requesting the appointment of a guardian, petition the appropriate circuit court for an order OR INJUNCTION requiring the resident or agent of the resident to seek assistance from the medical assistance program or to cooperate in the eligibility determination process with due diligence OR GRANTING OTHER APPROPRIATE RELIEF TO ENFORCE THE OBLIGATIONS UNDER THIS SECTION.

(6) (i) Any agent who willfully or with gross negligence violates the requirements of paragraph (4) of this subsection regarding the distribution of the applicant's or resident's funds is subject to a civil penalty not less than the amount of funds subject to the violation.

(ii) Any agent who willfully or with gross negligence violates the requirements of paragraph (5) of this subsection regarding an application for medical assistance by or on behalf of an applicant or resident is subject to a civil penalty not exceeding \$10,000.

(iii) The Attorney General is responsible for the enforcement and prosecution of violations of the provisions of paragraphs (4) and (5) of this subsection.

(7) Nothing in this subsection may be construed to prohibit any person from knowingly and voluntarily agreeing to guarantee payment for the cost of an applicant's care.

19-345.

(a) A resident of a facility may not be transferred or discharged from the facility involuntarily except for the following reasons:

(1) The transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the facility;

(2) The transfer or discharge is appropriate because the resident's health has improved sufficiently so that the resident no longer needs the services provided by the facility;

(3) The health or safety of an individual in a facility is endangered;

(4) The resident has failed, after reasonable and appropriate notice, to pay for, or under Medicare or Medicaid or otherwise, to have paid for a stay at the facility; or

(5) The facility ceases to operate.

19-345.1.

(a) [Except as provided in subsection (e) of this section, a] **A** facility shall provide the resident with written notice of:

(1) Any proposed discharge or transfer; and

(2) The opportunity for a hearing in accordance with the provisions of this section before the discharge or transfer.

(b) The Department shall prepare and provide each facility with a standardized form that provides, in clear and simple language, at least the following information:

(1) Notice of the intended discharge or transfer of the resident, **INCLUDING THE PROPOSED DATE OF THE INTENDED DISCHARGE OR TRANSFER, WHICH MAY CHANGE AS A RESULT OF AN APPEAL OR THE DISCHARGE PLANNING PROCESS;**

(2) Each reason for the discharge or transfer;

(3) THE LOCATION TO WHICH THE RESIDENT WILL BE DISCHARGED OR TRANSFERRED, WHICH MAY CHANGE AS A RESULT OF AN APPEAL OR THE DISCHARGE PLANNING PROCESS;

~~**(4) THE NAMES OF THE FACILITY STAFF WHO:**~~

~~**(I) ARE DESIGNATED TO PROVIDE SOCIAL WORK AND DISCHARGE PLANNING SERVICES TO THE RESIDENT IN CONNECTION WITH THE DISCHARGE OR TRANSFER; AND**~~

~~**(II) WILL BE RESPONSIBLE FOR THE DEVELOPMENT OF THE POST DISCHARGE PLAN OF CARE UNDER SUBSECTION (G) OF THIS SECTION;**~~

(4) THE NAME OF THE SOCIAL WORKER OR OTHER PROFESSIONALLY QUALIFIED STAFF, WHICH MAY CHANGE DURING THE DISCHARGE PLANNING PROCESS, WHO:

(I) IS DESIGNATED TO PROVIDE SOCIAL SERVICES AND DISCHARGE PLANNING SERVICES TO THE RESIDENT IN CONNECTION WITH THE DISCHARGE OR TRANSFER; AND

(II) WILL BE RESPONSIBLE FOR THE DEVELOPMENT OF THE POST DISCHARGE PLAN OF CARE UNDER SUBSECTION (G) OF THIS SECTION;

(5) A PROPOSED DATE WITHIN 10 DAYS AFTER THE DATE OF THE NOTICE FOR A MEETING BETWEEN THE RESIDENT, THE RESIDENT'S REPRESENTATIVE, AND FACILITY STAFF TO DEVELOP THE POST DISCHARGE PLAN OF CARE UNDER SUBSECTION (G) OF THIS SECTION;

~~[(3)] (6) The right of the resident to request a hearing;~~

~~[(4)] (7) The right of the resident to consult with any lawyer the resident chooses;~~

~~[(5)] (8) The availability of the services of the Legal Aid Bureau, the Older American Act Senior Legal Assistance Programs, and other agencies that may provide assistance to individuals who need legal counsel;~~

~~[(6)] (9) The availability of the [Department of Aging and local Office on Aging] Long-Term Care Ombudsman PROGRAM to assist the resident; and~~

~~[(7)] (10) The provisions of this section.~~

(c) Except as otherwise provided in this section, at least 30 days before the facility involuntarily transfers or discharges a resident, the facility shall:

(1) Provide to the resident the written notice required under subsection (a) of this section; and

(2) Provide the written notice required under subsection (a) of this section to:

(I) THE RESIDENT;

[(i)] (II) The next of kin, guardian, or any other individual known to have acted as the **[individual's] RESIDENT'S** representative, if any;

[(ii)] (III) The Long-Term Care Ombudsman; and

[(iii)] (IV) The Department.

(d) (1) (i) In accordance with regulations adopted by the Secretary, the facility shall provide the resident with an opportunity for a hearing on the proposed transfer or discharge.

(ii) The regulations adopted by the Secretary may provide for the establishment of an escrow account when:

1. The basis for the discharge is nonpayment; and

2. The resident continues to reside in the facility while the appeal is pending.

(2) Except as otherwise provided in this subsection, hearings on proposed transfers or discharges shall be conducted in accordance with the provisions of Title 10, Subtitle 2 of the State Government Article and the Medicaid Fair Hearing Procedures.

(3) Any hearing on a proposed discharge or transfer of a resident:

(i) Is not a contested case as defined in § 10-202 of the State Government Article; and

(ii) May not include the Secretary as a party.

(4) A decision by an administrative law judge on a proposed discharge or transfer of a resident:

(i) Is not a decision of the Secretary;

(ii) Unless appealed, is final and binding on the parties; and

(iii) May be appealed in accordance with § 10-222 of the State Government Article as if it were a contested case but the appeal does not automatically stay the decision of the administrative law judge.

(e) [(1) The provisions of this section requiring 30 days' notice and an opportunity for a hearing before discharge or transfer of a resident do not apply if:] **THE FACILITY SHALL PROVIDE THE WRITTEN NOTICE REQUIRED IN SUBSECTION (A) OF THIS SECTION AS SOON AS PRACTICABLE BEFORE DISCHARGE OR TRANSFER IF:**

[(i) (1) An emergency exists and health or safety of the resident or other residents would be placed in imminent and serious jeopardy if the resident were not transferred or discharged from the facility as soon as possible; or

[(ii) (2) The resident has not resided in the facility for 30 days.

[(2) If a facility discharges or transfers a resident under the provisions of this subsection, the facility shall provide reasonable notice of the proposed discharge or transfer.]

(F) IF THE INFORMATION IN THE NOTICE PROVIDED UNDER SUBSECTION (C) OF THIS SECTION CHANGES BEFORE THE DISCHARGE OR TRANSFER, THE FACILITY SHALL PROVIDE THE CHANGES TO THE RECIPIENTS OF THE NOTICE AS SOON AS PRACTICABLE AFTER THE NEW INFORMATION BECOMES AVAILABLE.

(G) (1) BEFORE ANY DISCHARGE OR TRANSFER AND SUBJECT TO PARAGRAPHS (4) AND (5) OF THIS SUBSECTION, A FACILITY SHALL DEVELOP A POST DISCHARGE PLAN OF CARE FOR THE RESIDENT TO ASSIST THE RESIDENT WITH ADJUSTING TO THE RESIDENT'S NEW LIVING ENVIRONMENT AND THAT:

(I) ADDRESSES THE RESIDENT'S POST DISCHARGE GOALS OF CARE AND TREATMENT PREFERENCES; AND

(II) IDENTIFIES EACH OF THE RESIDENT'S REASONABLY ANTICIPATED MEDICAL AND BASIC NEEDS AFTER DISCHARGE OR TRANSFER AND ESTABLISHES A PLAN FOR MEETING THOSE NEEDS; ~~AND~~

~~(III) ASSISTS THE RESIDENT WITH ADJUSTING TO THE RESIDENT'S NEW LIVING ENVIRONMENT.~~

(2) THE FACILITY SHALL DESIGNATE A SOCIAL WORKER OR OTHER PROFESSIONALLY QUALIFIED STAFF MEMBER TO COORDINATE THE DEVELOPMENT OF THE RESIDENT'S POST DISCHARGE PLAN OF CARE.

(3) THE FACILITY SHALL, IF POSSIBLE, MEET WITH THE RESIDENT AND, WITH THE RESIDENT'S CONSENT, THE RESIDENT'S REPRESENTATIVE WITHIN

10 DAYS AFTER PROVIDING THE NOTICE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION TO DISCUSS THE POST DISCHARGE PLAN OF CARE FOR THE RESIDENT.

(4) (I) THE RESIDENT’S POST DISCHARGE PLAN OF CARE SHALL BE DEVELOPED WITH THE PARTICIPATION OF THE RESIDENT AND, WITH THE RESIDENT’S CONSENT, THE RESIDENT’S REPRESENTATIVE.

(II) IF THE POST DISCHARGE PLAN OF CARE WAS DEVELOPED WITHOUT THE PARTICIPATION OF THE RESIDENT OR THE RESIDENT’S REPRESENTATIVE, THE FACILITY SHALL INCLUDE IN THE RESIDENT’S MEDICAL RECORD AN EXPLANATION OF WHY THE RESIDENT OR THE RESIDENT’S REPRESENTATIVE DID NOT PARTICIPATE.

(5) THE RESIDENT’S POST DISCHARGE PLAN OF CARE SHALL BE DEVELOPED IN CONSULTATION WITH:

(I) THE RESIDENT’S ATTENDING PHYSICIAN;

(II) A REGISTERED NURSE RESPONSIBLE FOR THE CARE OF THE RESIDENT; AND

(III) ANY OTHER APPROPRIATE STAFF OR PROFESSIONAL INVOLVED WITH MEETING THE RESIDENT’S MEDICAL NEEDS.

19-345.2.

(a) In addition to the provisions of §§ 19-345 and 19-345.1 of this subtitle, a facility may not involuntarily discharge or transfer a resident unless, within 48 hours before the discharge or transfer, the facility has:

(1) Provided or obtained:

(i) A comprehensive medical assessment and evaluation of the resident, including a physical examination, that is documented in the resident’s medical record;

(ii) A post discharge plan of care for the resident that is developed, if possible, with the participation of the resident’s next of kin, guardian, or legal representative **IN ACCORDANCE WITH § 19-345.1 OF THIS SUBTITLE**; and

(iii) Written documentation from the resident’s attending physician indicating that the transfer or discharge is in accordance with the post discharge plan of care and is not contraindicated by the resident’s medical condition; and

(2) Provided information to the resident concerning the resident's rights to make decisions concerning health care, including:

- (i) The right to accept or refuse medical treatment;
- (ii) The right to make an advance directive, including the right to make a living will and the right to appoint an agent to make health care decisions; and
- (iii) The right to revoke an advance directive.

(b) Except as provided in subsection ~~(c)(2)~~ **(D)(3)** of this section, [at the time of transfer or discharge] **AND AT LEAST 24 HOURS BEFORE DISCHARGE OR TRANSFER**, the facility shall provide the resident [or] **AND** the resident's next of kin, guardian, or legal representative with:

(1) **[A] THE** written statement of the medical assessment and evaluation and [post discharge plan of care] **WRITTEN DOCUMENTATION FROM THE RESIDENT'S ATTENDING PHYSICIAN** required under subsection (a) of this section;

(2) THE POST DISCHARGE PLAN OF CARE DEVELOPED UNDER § 19-345.1 OF THIS SUBTITLE;

~~[(2)] (3)~~ ~~A written statement itemizing the medications currently being taken by the resident;~~

~~[(3)] (4)~~ ~~To the extent permitted under State and federal law, at least a 3-day supply of the medications currently being taken by the resident;~~

~~[(4)] (5) (4) (3)~~ The information necessary to assist the resident[,] **AND** the resident's next of kin, **GUARDIAN**, or legal representative in obtaining additional prescriptions for necessary medication through consultation with the resident's treating physician; and

~~[(5)] (6) (5) (4)~~ A written statement containing the date, time, method, mode, and destination of discharge.

(C) TO THE EXTENT AUTHORIZED UNDER STATE AND FEDERAL LAW, A FACILITY SHALL PROVIDE AT LEAST A 3-DAY SUPPLY OF MEDICATIONS CURRENTLY BEING TAKEN BY THE RESIDENT AT THE TIME OF DISCHARGE OR TRANSFER.

~~(e)~~ **(D)(1)** Except as provided in paragraphs (2) and (3) of this subsection, a facility may not discharge or transfer a resident unless the resident is capable of and has consented in writing to the discharge or transfer.

(2) A facility may discharge or transfer a resident without obtaining the written consent of the resident **FOR ONE OF THE REASONS LISTED IN § 19-345(A) OF THIS SUBTITLE** if the discharge or transfer:

(i) Is in accordance with a post discharge plan of care developed under [subsection (a) of this section] **§ 19-345.1 OF THIS SUBTITLE**; [and]

(II) IS TO THE COMMUNITY IN WHICH THE RESIDENT RESIDED BEFORE BECOMING A RESIDENT OF THE FACILITY UNLESS THE FACILITY DOCUMENTS WHY IT IS IN THE BEST INTEREST OF THE RESIDENT TO BE DISCHARGED TO ANOTHER LOCATION;

(III) IS TO ANOTHER LICENSED PROVIDER, UNLESS:

1. THE RESIDENT IS BEING DISCHARGED OR TRANSFERRED BECAUSE THE RESIDENT'S HEALTH HAS IMPROVED SUFFICIENTLY AND THE RESIDENT NO LONGER NEEDS THE SERVICES PROVIDED BY THE FACILITY;

2. THE RESIDENT HAS NO PENDING APPLICATION TO THE ~~MARYLAND MEDICAL ASSISTANCE PROGRAM~~, MEDICAL ASSISTANCE PROGRAM OR IS INELIGIBLE FOR THE ~~MARYLAND MEDICAL ASSISTANCE PROGRAM~~ MEDICAL ASSISTANCE PROGRAM AND IS BEING DISCHARGED OR TRANSFERRED FOR NONPAYMENT UNDER § 19-345(A)(4) OF THIS SUBTITLE; OR

3. ~~A. THE~~ IF THE RESIDENT IS OR MAY BE ELIGIBLE FOR THE ~~MARYLAND MEDICAL ASSISTANCE PROGRAM~~ MEDICAL ASSISTANCE PROGRAM;

~~B. A.~~ THE FACILITY HAS FULFILLED ITS OBLIGATION UNDER ~~§ 19-334(C)~~ § 19-344(C) OF THIS SUBTITLE TO COOPERATE WITH AND ASSIST THE RESIDENT OR THE RESIDENT'S REPRESENTATIVE IN SEEKING ASSISTANCE FROM THE ~~MARYLAND MEDICAL ASSISTANCE PROGRAM~~ MEDICAL ASSISTANCE PROGRAM AND HAS DOCUMENTED THE COOPERATION AND ASSISTANCE;

~~C. THE FACILITY HAS DOCUMENTED THE COOPERATION AND ASSISTANCE PROVIDED UNDER ITEM B OF THIS ITEM;~~

~~D. B.~~ THE RESIDENT OR RESIDENT'S REPRESENTATIVE HAS REFUSED TO APPLY FOR OR SEEK ASSISTANCE FROM THE ~~MARYLAND MEDICAL ASSISTANCE PROGRAM~~ MEDICAL ASSISTANCE PROGRAM OR HAS REPEATEDLY FAILED, DESPITE THE FACILITY'S DOCUMENTED ASSISTANCE, TO MAKE GOOD-FAITH EFFORTS TO SUPPLY INFORMATION OR MATERIALS NECESSARY FOR THE MEDICAL ASSISTANCE PROGRAM TO ENROLL THE RESIDENT; AND

~~E.~~ **C. THE RESIDENT IS BEING DISCHARGED FOR NONPAYMENT UNDER § 19-345(A)(4) OF THIS SUBTITLE; AND**

~~[(ii)]~~ **(IV)** Is to a safe and secure environment [where the resident will be under the care of:

1. Another licensed, certified, or registered care provider; or
2. Another person who has agreed in writing to provide a safe and secure environment].

(3) A facility that is certified as a continuing care provider under Title 10, Subtitle 4 of the Human Services Article is not subject to the provisions of subsection (b) of this section if:

(i) The facility transfers a resident to a lesser level of care within the same facility in accordance with a contractual agreement between the facility and the resident; and

(ii) The transfer is approved by the attending physician.

~~(d)~~ **(E)** **(1)** If the requirements of §§ 19-345 and 19-345.1 of this subtitle and subsections (a) and (b) of this section have been met, the resident's next of kin or legal representative shall cooperate and assist in the discharge planning process, including:

~~(1)~~ **(I)** Contacting, cooperating with, and assisting other facilities considering admitting the resident; and

~~(2)~~ **(II)** Cooperating with governmental agencies, including ~~applying for medical assistance for the resident~~ **MEETING THE REQUIREMENTS OF § 19-344(C) OF THIS SUBTITLE TO SEEK AND PURSUE WITH DUE DILIGENCE ASSISTANCE FROM THE MEDICAL ASSISTANCE PROGRAM.**

(2) A FACILITY MAY, WITHOUT REQUESTING THE APPOINTMENT OF A GUARDIAN, PETITION THE APPROPRIATE CIRCUIT COURT FOR AN ORDER OR INJUNCTION DIRECTED AT THE RESIDENT OR AGENT OF THE RESIDENT FOR APPROPRIATE RELIEF TO ENFORCE THIS SUBSECTION.

~~(e)~~ **(F)** If requested by any person during the process of transferring or discharging a resident or on its own initiative, the Office of the Attorney General may investigate whether an abuse of funds under § 19-346 of this subtitle contributed to the decision to transfer or discharge the resident and may make appropriate referrals of the matter to other government agencies.

(a) The Secretary may impose a civil money penalty not to exceed \$10,000 for:

(1) Each violation by a facility of § 19–345, § 19–345.1, or § 19–345.2 of this subtitle; or

(2) Each willful or grossly negligent violation by a resident’s agent or legal representative of § 19–345, § 19–345.1, or § 19–345.2 of this subtitle.

(b) If a civil money penalty is imposed under this section, the facility or agent or legal representative of the resident shall have the right to appeal from an order imposing the civil money penalty in accordance with Title 10, Subtitle 2 of the State Government Article.

(c) (1) A resident, resident’s agent, or resident’s attorney, or the Attorney General on behalf of the resident, who believes that an involuntary discharge or transfer that violates the requirements of § 19–345, § 19–345.1, or § 19–345.2 of this subtitle is imminent or has taken place may request injunctive relief from a circuit court.

(2) **IN AN ACTION BROUGHT BY THE ATTORNEY GENERAL UNDER THIS SUBSECTION, THE ATTORNEY GENERAL MAY REQUEST THAT THE COURT IMPOSE A CIVIL PENALTY NOT TO EXCEED \$100,000 FOR EACH VIOLATION BY A FACILITY OF § 19–345, § 19–345.1, OR § 19–345.2 OF THIS SUBTITLE.**

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

Approved by the Governor, May 13, 2019.

Chapter 546

(House Bill 594)

AN ACT concerning

Financial Institutions – Student Loan Servicers – Unfair, Abusive, or Deceptive Trade Practices

FOR the purpose of prohibiting a student loan servicer from employing any scheme, device, or artifice to mislead a student loan borrower; prohibiting a student loan servicer from engaging in any unfair, abusive, or deceptive trade practice toward any person; prohibiting a student loan servicer from misrepresenting or omitting certain information in connection with the servicing of a certain loan; prohibiting a student loan servicer from obtaining property by misrepresentation or omission of a certain fact; prohibiting a student loan servicer from applying a payment from a student

loan borrower to a certain loan in a certain manner, except under certain circumstances; prohibiting a student loan servicer from knowingly or recklessly misapplying or refusing to correct a misapplication of a certain payment under certain circumstances; prohibiting a student loan servicer from knowingly or recklessly providing certain information, or refusing to correct certain information provided, to a certain consumer reporting agency; prohibiting a student loan servicer from failing to report a certain history to a certain consumer reporting agency under certain circumstances; prohibiting a student loan servicer from refusing to communicate with a certain representative of a certain student loan borrower under certain circumstances; prohibiting a student loan servicer from negligently making a certain statement or omitting a certain fact in connection with certain information filed with, or a certain investigation conducted by, a certain government agency; prohibiting a student loan servicer from violating a certain law concerning student education loan servicing; authorizing a certain student loan servicer to adopt procedures to verify that a certain representative of a student loan borrower is authorized to act in a certain manner; requiring a student loan servicer to respond to a certain inquiry or complaint in a certain manner, except under certain circumstances; requiring a student loan servicer to provide a certain document under certain circumstances; requiring a student loan servicer to apply a certain payment in a certain manner, except under certain circumstances; providing that a violation of this Act is an unfair, abusive, or deceptive trade practice and is subject to certain enforcement and penalty provisions, including certain criminal penalty; providing that violations of this Act are subject to the enforcement authority of the Commissioner of Financial Regulation; providing that the Student Loan Ombudsman may refer complaints by student loan borrowers to the Commissioner; repealing a certain reporting requirement; providing that the Nondepository Special Fund shall cover the direct and indirect costs of the Commissioner fulfilling duties under this Act; defining certain terms; and generally relating to student loan servicers.

BY adding to

Article – Education

Section ~~26–603~~ 26–604 to be under the new subtitle “Subtitle 6.

Student Loan Servicers”

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY repealing

Article – Financial Institutions

Section 2–104.1(h)

Annotated Code of Maryland

(2011 Replacement Volume and 2018 Supplement)

BY adding to

Article – Financial Institutions

Section 2–104.1(h) and 11–610(c)(15)

Annotated Code of Maryland

(2011 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Financial Institutions

Section 11–610(c)(14) and (15)

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 – Education

SUBTITLE 6. STUDENT LOAN SERVICERS.

26–601.

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

(B) “CONSUMER REPORTING AGENCY” HAS THE MEANING STATED IN § 14–1201 OF THE COMMERCIAL LAW ARTICLE.

(C) “NONCONFORMING PAYMENT” MEANS A PAYMENT MADE BY A STUDENT LOAN BORROWER THAT IS MORE OR LESS THAN THE REQUIRED PAYMENT FOR A STUDENT EDUCATION LOAN ACCOUNT.

(D) “SERVICING” MEANS:

(1) (I) RECEIVING ANY SCHEDULED PERIODIC PAYMENTS FROM A STUDENT LOAN BORROWER ACCORDING TO THE TERMS OF A STUDENT EDUCATION LOAN OR NOTIFICATION OF THE PAYMENTS; AND

~~(2)~~ (II) APPLYING THE PAYMENTS FROM TO A STUDENT LOAN BORROWER BORROWER’S RECEIVED ACCOUNT ACCORDING TO THE TERMS OF A STUDENT EDUCATION LOAN OR A CONTRACT GOVERNING THE SERVICES;

(2) DURING A PERIOD WHEN NO PAYMENT IS REQUIRED ON A STUDENT EDUCATION LOAN:

(I) MAINTAINING ACCOUNT RECORDS FOR THE STUDENT EDUCATION LOAN; AND

(II) COMMUNICATING WITH THE STUDENT LOAN BORROWER REGARDING THE STUDENT EDUCATION LOAN ON BEHALF OF THE HOLDER OF THE STUDENT EDUCATION LOAN; OR

(3) INTERACTING WITH A STUDENT LOAN BORROWER ~~IN~~ CONNECTION WITH THE REPAYMENT, RESTRUCTURING, OR DEFERRAL OF REPAYMENT OF A STUDENT EDUCATION LOAN; OR, INCLUDING INTERACTIONS TO HELP PREVENT DEFAULT ON OBLIGATIONS ARISING FROM A STUDENT EDUCATION LOAN, TO FACILITATE THE ACTIVITIES DESCRIBED IN ITEM (1) OR (2) OF THIS SUBSECTION.

~~(4) PERFORMING OTHER ADMINISTRATIVE SERVICES RELATED TO A STUDENT EDUCATION LOAN.~~

(E) (1) “STUDENT EDUCATION LOAN” MEANS ANY LOAN THAT IS:

(I) MADE, INSURED, OR GUARANTEED UNDER TITLE IV OF THE HIGHER EDUCATION ACT OF 1965, AS AMENDED; OR

(II) REGARDLESS OF WHETHER THE LOAN IS PROVIDED THROUGH THE EDUCATIONAL INSTITUTION THAT THE STUDENT LOAN BORROWER ATTENDS OR DIRECTLY TO THE STUDENT LOAN BORROWER FROM THE LENDER, EXTENDED TO AN INDIVIDUAL WITH THE EXPRESS EXPECTATION THAT THE FUNDS EXTENDED WILL BE USED IN WHOLE OR IN PART TO PAY EXPENSES THAT ARE INCLUDED AS PART OF THE COST OF ATTENDANCE OF A STUDENT AS DEFINED IN 20 U.S.C. § 1087.

(2) “STUDENT EDUCATION LOAN” INCLUDES A LOAN THAT IS EXTENDED IN ORDER TO REFINANCE OR CONSOLIDATE A CONSUMER’S EXISTING STUDENT EDUCATION LOANS.

(3) “STUDENT EDUCATION LOAN” DOES NOT INCLUDE, REGARDLESS OF THE PURPOSE FOR THE LOAN, A LOAN:

(I) UNDER AN OPEN-END CREDIT PLAN AS DEFINED IN 12 C.F.R. § 1026.2; OR

(II) THAT IS SECURED BY REAL PROPERTY, ~~NOTWITHSTANDING ANY ELECTION OF LAW OR DESIGNATION OF STATUS IN ANY CONTRACT, USED FOR FINANCING POSTSECONDARY EDUCATION OR OTHER POSTSECONDARY SCHOOL RELATED EXPENSES.~~

(F) “STUDENT LOAN BORROWER” MEANS A RESIDENT OF THE STATE WHO:

(1) HAS RECEIVED OR AGREED TO PAY A STUDENT EDUCATION LOAN;
OR

(2) SHARES REPAYMENT RESPONSIBILITY WITH A RESIDENT DESCRIBED IN ITEM (1) OF THIS SUBSECTION.

(G) (1) “STUDENT LOAN SERVICER” MEANS A PERSON, REGARDLESS OF LOCATION, RESPONSIBLE FOR SERVICING A STUDENT EDUCATION LOAN TO A STUDENT LOAN BORROWER.

(2) “STUDENT LOAN SERVICER” INCLUDES A TRUST ENTITY PERFORMING OR ~~RECEIVING THE BENEFIT OF~~ HAVING THE AUTHORITY TO CONTROL STUDENT LOAN SERVICING.

26-602.

(A) ~~A~~ EXCEPT AS OTHERWISE REQUIRED BY FEDERAL LAW OR A COURT ORDER, A STUDENT LOAN SERVICER MAY NOT:

(1) EMPLOY, DIRECTLY OR INDIRECTLY, ANY SCHEME, DEVICE, OR ARTIFICE TO MISLEAD A STUDENT LOAN BORROWER;

(2) ENGAGE IN ANY UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICE TOWARD ANY PERSON;

(3) MISREPRESENT INFORMATION OR OMIT ANY MATERIAL INFORMATION IN CONNECTION WITH THE SERVICING OF A STUDENT EDUCATION LOAN, INCLUDING:

(I) ANY FEE OWED BY A STUDENT LOAN BORROWER;

(II) ANY PAYMENT DUE BY A STUDENT LOAN BORROWER;

(III) THE APPROPRIATENESS OR AVAILABILITY OF A STUDENT LOAN BORROWER’S REPAYMENT OPTIONS;

(IV) THE TERMS AND CONDITIONS OF THE STUDENT EDUCATION LOAN; OR

(V) THE STUDENT LOAN BORROWER’S OBLIGATIONS UNDER THE STUDENT EDUCATION LOAN;

(4) OBTAIN PROPERTY BY MISREPRESENTATION OF FACT OR OMISSION OF MATERIAL FACT;

~~(5) APPLY A PAYMENT FROM A STUDENT LOAN BORROWER TO A STUDENT EDUCATION LOAN IN A MANNER DETRIMENTAL TO THE STUDENT LOAN BORROWER~~ ON OR AFTER FEBRUARY 1, 2020, ALLOCATE A NONCONFORMING PAYMENT IN A MANNER OTHER THAN AS DIRECTED BY THE STUDENT LOAN BORROWER IF, IN WRITING OR ELECTRONICALLY, THE STUDENT LOAN BORROWER:

(I) MAKES A ONE-TIME DIRECTION FOR THE ALLOCATION OF FUTURE PAYMENTS;

(II) DIRECTS AN ALLOCATION OF A PAYMENT AT THE TIME THE PAYMENT IS MADE;

(III) DIRECTS AN ALLOCATION IN RESPONSE TO AN INQUIRY BY THE STUDENT LOAN SERVICER; OR

(IV) CHANGES AN EXISTING DIRECTION FOR THE ALLOCATION OF FUTURE PAYMENTS;

(6) KNOWINGLY OR RECKLESSLY MISAPPLY, OR REFUSE TO CORRECT A MISAPPLICATION OF:

~~(I) A PAYMENT FROM A STUDENT LOAN BORROWER; OR~~

~~(II) EXCEPT AS OTHERWISE REQUIRED BY FEDERAL LAW, A FEDERAL STUDENT EDUCATION LOAN AGREEMENT, OR A CONTRACT BETWEEN THE FEDERAL GOVERNMENT AND A STUDENT LOAN SERVICER, A NONCONFORMING PAYMENT IN A MANNER THAT WAS NOT REQUESTED BY THE STUDENT LOAN BORROWER;~~

(7) KNOWINGLY OR RECKLESSLY PROVIDE INACCURATE INFORMATION TO A CONSUMER REPORTING AGENCY, OR REFUSE TO CORRECT INACCURATE INFORMATION PROVIDED TO A CONSUMER REPORTING AGENCY;

(8) IF A STUDENT LOAN SERVICER REGULARLY REPORTS INFORMATION TO A CONSUMER REPORTING AGENCY, FAIL TO REPORT THE FAVORABLE HISTORY OF A STUDENT LOAN BORROWER TO A NATIONALLY RECOGNIZED CONSUMER REPORTING AGENCY AT LEAST ONCE A YEAR;

(9) SUBJECT TO SUBSECTION (B) OF THIS SECTION, REFUSE TO COMMUNICATE WITH AN AUTHORIZED REPRESENTATIVE OF A STUDENT LOAN BORROWER WHO PROVIDES A WRITTEN AUTHORIZATION SIGNED BY THE STUDENT LOAN BORROWER;

(10) NEGLIGENTLY MAKE A FALSE STATEMENT OR OMIT A MATERIAL FACT IN CONNECTION WITH ANY INFORMATION REPORT FILED WITH, OR ANY INVESTIGATION CONDUCTED BY, A STATE OR LOCAL GOVERNMENT AGENCY; OR

(11) VIOLATE ANY FEDERAL LAW CONCERNING STUDENT EDUCATION LOAN SERVICING.

(B) A STUDENT LOAN SERVICER MAY ADOPT PROCEDURES TO VERIFY THAT AN AUTHORIZED REPRESENTATIVE OF A STUDENT LOAN BORROWER IS, IN FACT, AUTHORIZED TO ACT ON BEHALF OF THE STUDENT LOAN BORROWER.

(C) (1) A STUDENT LOAN SERVICER SHALL ACKNOWLEDGE RECEIPT OF A WRITTEN INQUIRY OR COMPLAINT FROM A STUDENT LOAN BORROWER OR THE AUTHORIZED REPRESENTATIVE OF A STUDENT LOAN BORROWER WITHIN 10 DAYS AFTER RECEIVING THE INQUIRY OR COMPLAINT.

(2) ~~UNLESS A RESPONSE TO THE WRITTEN INQUIRY IS INCLUDED IN THE ACKNOWLEDGMENT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, A~~ STUDENT LOAN SERVICER SHALL PROVIDE INFORMATION RESPONDING TO A WRITTEN INQUIRY OR COMPLAINT RECEIVED UNDER PARAGRAPH (1) OF THIS SUBSECTION WITHIN 30 DAYS AFTER RECEIVING THE INQUIRY OR COMPLAINT.

(3) IF A WRITTEN INQUIRY OR COMPLAINT RECEIVED UNDER PARAGRAPH (1) OF THIS SUBSECTION RELATES TO A STUDENT LOAN BORROWER'S ACCOUNT BALANCE, THE INFORMATION PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL:

(I) STATE THAT THE STUDENT LOAN SERVICER HAS CORRECTED THE ACCOUNT BALANCE; OR

(II) EXPLAIN WHY THE STUDENT LOAN SERVICER BELIEVES THAT THE STUDENT LOAN BORROWER'S ACCOUNT IS CORRECT.

(D) IF A STUDENT LOAN BORROWER REQUESTS A DOCUMENT CONCERNING THE ACCOUNT OF THE STUDENT LOAN BORROWER THAT IS IN THE POSSESSION OR CONTROL OF A STUDENT LOAN SERVICER, THE STUDENT LOAN SERVICER SHALL PROVIDE THE DOCUMENT WITHIN 30 DAYS AFTER RECEIVING THE REQUEST.

~~(E) IF A STUDENT LOAN SERVICER RECEIVES A NONCONFORMING PAYMENT, THE STUDENT LOAN SERVICER SHALL:~~

~~(1) NOTIFY THE STUDENT LOAN BORROWER THAT THE PAYMENT IS A NONCONFORMING PAYMENT WITHIN 10 DAYS AFTER RECEIVING THE PAYMENT; AND~~

~~(2) ASK THE STUDENT LOAN BORROWER HOW THE STUDENT LOAN BORROWER WOULD LIKE THE STUDENT LOAN SERVICER TO APPLY THE NONCONFORMING PAYMENT TO THE STUDENT LOAN BORROWER'S ACCOUNT.~~

26-603.

A VIOLATION OF THIS SUBTITLE IS:

(1) AN UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THE COMMERCIAL LAW ARTICLE; AND

(2) SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE 13 OF THE COMMERCIAL LAW ARTICLE.

26-604.

(A) THE COMMISSIONER OF FINANCIAL REGULATION MAY ENFORCE THE PROVISIONS OF THIS SUBTITLE BY EXERCISING ANY OF THE POWERS PROVIDED UNDER §§ 2-113 THROUGH 2-116 OF THE FINANCIAL INSTITUTIONS ARTICLE.

(B) (1) THE COMMISSIONER OF FINANCIAL REGULATION MAY SEEK AN INJUNCTION TO PROHIBIT A PERSON WHO HAS ENGAGED IN OR IS ENGAGING IN A VIOLATION OF THIS SUBTITLE FROM ENGAGING IN OR CONTINUING TO ENGAGE IN THE VIOLATION.

(2) THE COURT MAY ENTER ANY ORDER OR JUDGMENT NECESSARY TO:

(I) PREVENT THE USE BY A PERSON OF A PROHIBITED PRACTICE;

(II) RESTORE TO A PERSON ANY MONEY OR REAL OR PERSONAL PROPERTY ACQUIRED FROM THE PERSON BY MEANS OF A PROHIBITED PRACTICE; OR

(III) APPOINT A RECEIVER IN A CASE OF A WILLFUL VIOLATION OF THIS SUBTITLE.

(3) IN ANY ACTION BROUGHT BY THE COMMISSIONER OF FINANCIAL REGULATION UNDER THIS SUBSECTION, THE COMMISSIONER IS ENTITLED TO RECOVER THE COSTS OF THE ACTION FOR THE USE OF THE STATE.

(C) THE COMMISSIONER OF FINANCIAL REGULATION MAY ENFORCE THE PROVISIONS OF THIS SUBTITLE BY REQUIRING A VIOLATOR TO TAKE AFFIRMATIVE

ACTION TO CORRECT THE VIOLATION, INCLUDING THE RESTITUTION OF MONEY OR PROPERTY TO A PERSON AGGRIEVED BY THE VIOLATION.

(D) THE COMMISSIONER OF FINANCIAL REGULATION MAY:

(1) INVESTIGATE VIOLATIONS OF THIS SUBTITLE; AND

(2) AID ANY OTHER UNIT OF STATE GOVERNMENT THAT HAS REGULATORY JURISDICTION OVER THE BUSINESS ACTIVITIES OF THE VIOLATOR.

(E) THE COMMISSIONER OF FINANCIAL REGULATION MAY COOPERATE IN THE INVESTIGATION AND PROSECUTION OF ANY VIOLATION OF THIS SUBTITLE WITH THE OFFICE OF THE ATTORNEY GENERAL, THE STATE’S ATTORNEY, OR ANY OTHER UNIT OF LAW ENFORCEMENT.

Article – Financial Institutions

2–104.1.

[(h) On or before January 1 each year, the Commissioner shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on:

(1) The implementation of the Student Loan Ombudsman and related provisions under this section; and

(2) The overall effectiveness of the Student Loan Ombudsman position.]

(H) THE STUDENT LOAN OMBUDSMAN MAY REFER ANY COMPLAINT FROM STUDENT LOAN BORROWERS TO THE COMMISSIONER FOR INVESTIGATION UNDER § 26–604 OF THE EDUCATION ARTICLE.

11–610.

(c) The purpose of the Fund is to cover the direct and indirect costs of fulfilling the statutory and regulatory duties of the Commissioner and the State Collection Agency Licensing Board related to:

(14) Title 7, Subtitles 1, 3, 4, and 5 of the Real Property Article; [and]

(15) TITLE 26, SUBTITLE 6 OF THE EDUCATION ARTICLE; AND

[(15)](16) Any other expense authorized in the State budget.

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

Approved by the Governor, May 13, 2019.

Chapter 547
(House Bill 611)

AN ACT concerning

**Special Education – Individualized Education Programs – Timeline for
Independent Educational Evaluations**

FOR the purpose of authorizing a certain parent of a student with a disability to request an independent educational evaluation at public expense under certain circumstances; requiring a local school system to issue a written response approving or denying a certain request within a certain time period; requiring a local school system, on approving a certain request, to advise a certain parent of the process for arranging a certain evaluation; requiring a local school system, on denying a request, to file a due process complaint within a certain time period; requiring the State Department of Education to adopt certain regulations; and generally relating to independent educational evaluations for students with a disability.

BY repealing and reenacting, without amendments,
Article – Education
Section 8–405(a)(1) and (4)
Annotated Code of Maryland
(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 8–405(b) and (i)
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

8–405.

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

(4) “Individualized education program” and “individualized family service plan” have the same meaning as provided in the federal Individuals with Disabilities

Education Act.

(b) (1) When a team of qualified professionals and the parents meet for the purpose of discussing the identification, evaluation, educational program, or the provision of a free appropriate public education of a child with a disability:

(i) The parents of the child shall be afforded the opportunity to participate and shall be provided reasonable notice in advance of the meeting; and

(ii) Reasonable notice shall be at least 10 calendar days in advance of the meeting, unless an expedited meeting is being conducted to:

1. Address disciplinary issues;
2. Determine the placement of the child with a disability not currently receiving educational services; or
3. Meet other urgent needs of a child with a disability to ensure the provision of a free appropriate public education.

(2) (i) 1. At the initial evaluation meeting, the parents of the child shall be provided:

A. In plain language, an oral and written explanation of the parents' rights and responsibilities in the individualized education program process and a program procedural safeguards notice; and

B. Written information that the parents may use to contact early intervention and special education family support services staff members within the local school system and a brief description of the services provided by the staff members.

2. If a parent's native language is not English, the information in subparagraph 1B of this subparagraph shall be provided to the parent in the parent's native language.

(ii) The parents may request the information provided under subparagraph (i) of this paragraph at any subsequent meeting.

(iii) If a child who has an individualized education program developed in another school system moves into a different local school system, that local school system shall provide the information required under subparagraph (i)1B of this paragraph at the time of the first written communication with the parents regarding the child's individualized education program or special education services.

(iv) A local school system shall publish information that a parent may use to contact early intervention and special education family support services staff members within the local school system and a brief description of the services provided by

the staff members in a prominent place on the section of its website relating to special education services.

(3) Failure to provide the information required under paragraph (2)(i)1B of this subsection does not constitute grounds for a due process complaint under § 8–413 of this subtitle.

(4) (I) IF THE PARENT DISAGREES WITH THE EDUCATIONAL EVALUATION OF THE STUDENT THAT WAS CONDUCTED BY THE LOCAL SCHOOL SYSTEM, THE PARENT MAY REQUEST AN INDEPENDENT EDUCATIONAL EVALUATION AT PUBLIC EXPENSE IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT.

(II) THE LOCAL SCHOOL SYSTEM SHALL PROVIDE A WRITTEN RESPONSE APPROVING OR DENYING A REQUEST WITHIN 30 DAYS OF THE DATE THE REQUEST WAS MADE.

(III) IF THE LOCAL SCHOOL SYSTEM APPROVES A REQUEST, THE WRITTEN RESPONSE SHALL ADVISE THE PARENT OF THE PROCESS FOR ARRANGING THE EVALUATION AT PUBLIC EXPENSE.

(IV) IF THE LOCAL SCHOOL SYSTEM DENIES A REQUEST, THE LOCAL SCHOOL SYSTEM SHALL FILE A DUE PROCESS COMPLAINT UNDER § 8–413 OF THIS SUBTITLE WITHIN 30 DAYS OF THE DATE OF THE DENIAL.

[(4)] (5) (i) If, during an individualized education program team meeting, a parent disagrees with the child's individualized education program or the special education services provided to the child, the individualized education program team shall provide the parent with, in plain language:

1. An oral and a written explanation of the parent's right to request mediation in accordance with § 8–413 of this subtitle;

2. Contact information, including a telephone number that a parent may use to receive more information about the mediation process; and

3. Information regarding pro bono representation and other free or low-cost legal and related services available in the area.

(ii) A parent may request the information provided under subparagraph (i) of this paragraph at any individualized education program team meeting.

[(5)] (6) (i) If the native language spoken by a parent who requests information under paragraph **[(4)] (5)** of this subsection is spoken by more than 1% of the student population in the local school system, the parent may request that the information

be translated into the parent's native language.

(ii) If a parent makes a request under subparagraph (i) of this paragraph, the individualized education program team shall provide the parent with the translated document within 30 days after the date of the request.

(i) The Department shall adopt:

(1) Regulations that define what information should be provided in the verbal and written explanations of the parents' rights and responsibilities in the individualized education program process; and

(2) Any other regulations necessary to carry out subsection (b)(2) AND (4) of this section.

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

Approved by the Governor, May 13, 2019.

Chapter 548

(House Bill 1019)

AN ACT concerning

State Board of Education – Public High School Students – Assessments and Graduation Requirements

FOR the purpose of requiring the State Board of Education to use a certain assessment for a certain purpose only under certain circumstances; ~~requiring all public high school students to be assessed in a certain manner, subject to a certain limitation; requiring the State Board of Education to administer a certain assessment to certain students in certain school years; providing that the State Board of Education may use a certain assessment for certain purposes only under certain circumstances; prohibiting the State Board from using the results of certain assessments for certain purposes; during a certain period of time; authorizing the State Board to use a certain assessment to determine a certain amount of a student's final grade in a certain course during a certain period of time under certain circumstances; making conforming changes; providing for the termination of this Act;~~ and generally relating to the administration of assessments and graduation requirements for public high school students.

BY repealing and reenacting, with amendments,
Article – Education

Section 7-205.1
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

7-205.1.

(a) The State Board shall establish high school curriculum and graduation requirements for all public schools in accordance with this section.

(b) (1) ~~Beginning~~ ~~SUBJECT TO SUBSECTION (F) OF THIS SECTION,~~ ~~BEGINNING~~ with the 2015–2016 school year, all students shall be assessed using acceptable college placement cut scores no later than 11th grade to determine whether the student is ready for college–level credit–bearing course work in English Language Arts, Literacy, and Mathematics.

(2) (i) Subject to subparagraph (ii) of this paragraph, the Department, in collaboration with local school systems and public community colleges, shall develop and implement, by the 2016–2017 school year, transition courses or other instructional opportunities to be delivered in the 12th grade to students who have not achieved college and career readiness by the end of the 11th grade.

(ii) The implementation of transition courses or other instructional opportunities required under subparagraph (i) of this paragraph:

1. Shall include an assessment or reassessment of the student after completion of the course; and

2. May not preclude or replace enrollment in a course otherwise required for graduation from high school.

(c) (1) Beginning with the 9th grade class of 2014, and subject to paragraph (2) of this subsection and subsection (e) of this section, each student shall enroll in a mathematics course in each year of high school that the student attends high school.

(2) The Department shall adopt regulations that establish the mathematics and math–related courses that fulfill the requirements of this subsection, which may include math–related career and technology program courses.

(d) It is the goal of the State that all students achieve mathematics competency in Algebra II.

(e) A student who is enrolled in a credit-bearing mathematics transition course under subsection (b)(2) of this section:

(1) Subject to item (2) of this subsection, shall be considered to meet the requirements of subsection (c) of this section; and

(2) May not be considered to meet the requirements of subsection (c) of this section if other credit-bearing courses required for graduation have not been met.

(F) THE STATE BOARD MAY ONLY REQUIRE A PASSING SCORE ON A STANDARDIZED ASSESSMENT TO EVALUATE A STUDENT FOR GRADUATION FROM HIGH SCHOOL AFTER THE ASSESSMENT HAS BEEN FIELD-TESTED AND PILOTED FOR AT LEAST 1 YEAR.

~~(1) IN THE 2019-2020 SCHOOL YEAR, THE STATE BOARD:~~

~~(i) SHALL ADMINISTER AN ASSESSMENT INTENDED TO MEET THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION ONLY TO A REPRESENTATIVE SAMPLE OF PUBLIC HIGH SCHOOL STUDENTS IN THE STATE; AND IF THE STATE BOARD REQUIRES A PASSING SCORE ON A STANDARDIZED ASSESSMENT TO EVALUATE A STUDENT FOR GRADUATION FROM HIGH SCHOOL, ONLY AFTER THE ASSESSMENT HAS BEEN ADMINISTERED STATEWIDE FOR AT LEAST 1 YEAR, THE STATE BOARD MAY:~~

~~(1) REQUIRE A PASSING SCORE ON A STANDARDIZED ASSESSMENT TO EVALUATE A STUDENT FOR GRADUATION FROM HIGH SCHOOL; AND~~

~~(2) USE THE ASSESSMENT TO DETERMINE UP TO 20% OF A STUDENT'S FINAL GRADE IN A COURSE IN THE SUBJECT OF THE ASSESSMENT.~~

~~(ii) MAY NOT USE THE ASSESSMENT ADMINISTERED UNDER ITEM (i) OF THIS PARAGRAPH TO EVALUATE A STUDENT IN ANY WAY FOR GRADUATION FROM HIGH SCHOOL.~~

~~(2) IN THE 2020-2021 SCHOOL YEAR, THE STATE BOARD:~~

~~(i) SHALL ADMINISTER THE ASSESSMENT DESCRIBED UNDER PARAGRAPH (1)(i) OF THIS SUBSECTION TO ALL PUBLIC HIGH SCHOOL STUDENTS IN THE STATE; AND~~

~~(ii) MAY NOT USE THE ASSESSMENT ADMINISTERED UNDER ITEM (i) OF THIS PARAGRAPH TO EVALUATE A STUDENT IN ANY WAY FOR GRADUATION FROM HIGH SCHOOL.~~

~~[(f)] (G)~~ The Department may adopt regulations to require the award of credit toward high school graduation requirements for the time a student spends participating in:

(1) A registered apprenticeship program approved by the Division of Workforce Development and Adult Learning within the Department of Labor, Licensing, and Regulation; or

(2) A youth apprenticeship program under Title 18, Subtitle 18 of this 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 2 years 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, May 13, 2019.

Chapter 549

(House Bill 751)

AN ACT concerning

Health Insurance – Prior Authorization – Requirements

FOR the purpose of ~~requiring certain insurers, nonprofit health service plans, and health maintenance organizations to accept a prior authorization from a certain entity for any prescription drugs, devices, or health care services for a certain period of time; requiring a certain entity, under certain circumstances, to provide documentation of a prior authorization within a certain time after a request by an insured or an insured's designee; authorizing a certain entity to perform utilization review under certain circumstances; requiring a certain entity to provide certain insureds written notice of new utilization management restrictions within a certain time period; prohibiting certain insurers, nonprofit health service plans, and health maintenance organizations from requiring prior authorization for coverage of a prescription drug or device under certain circumstances; authorizing a certain entity to require a health care provider to submit evidence demonstrating that a prescription drug or device was prescribed under an urgent care situation; requiring a certain entity to allow a health care provider to indicate whether a prescription drug or device is to be used to treat a certain condition; prohibiting an entity from requesting a reauthorization for a repeat prescription for a certain period of time under certain circumstances; providing that a repeat prescription issued by a health care provider for a drug or device that a health care provider has indicated is to treat a certain condition creates a presumption that the prescription continues to be medically necessary to treat a certain condition;~~ requiring a certain entity to maintain a certain

database for certain prior authorizations; requiring an entity, under certain circumstances, to provide a detailed written explanation for a denial of coverage; ~~requiring that a certain detailed written explanation include certain information under certain circumstances; defining certain terms;~~ requiring certain entities to honor a prior authorization from a certain entity for benefits for at least a certain amount of time; authorizing a certain entity to perform a certain review during a certain period of time; requiring a certain entity to honor a prior authorization issued by the entity under certain circumstances; providing that a certain entity may not be required to honor a certain prior authorization for a change in dosage of an opioid; requiring a certain entity, under certain circumstances, to provide certain notice of a certain prior authorization requirement to certain persons; providing for a delayed effective date; providing for the application of this Act; and generally relating to prior authorization required by insurers, nonprofit health service plans, and health maintenance organizations.

BY adding to

Article – Insurance

Section ~~15-140.1~~ and 15-854

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

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

Article – Insurance

~~15-140.1.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(2) “PRIOR AUTHORIZATION” MEANS A UTILIZATION MANAGEMENT RESTRICTION TECHNIQUE THAT:~~

~~(I) REQUIRES PRIOR APPROVAL FOR A PROCEDURE, TREATMENT, MEDICATION, OR SERVICE BEFORE AN ENROLLEE IS ELIGIBLE FOR FULL PAYMENT OF THE BENEFIT; AND~~

~~(II) IS USED TO DETERMINE WHETHER THE PROCEDURE, TREATMENT, MEDICATION, OR SERVICE IS MEDICALLY NECESSARY.~~

~~(3) (I) “UTILIZATION MANAGEMENT RESTRICTION” MEANS A RESTRICTION ON COVERAGE FOR A PRESCRIPTION DRUG ON A FORMULARY.~~

~~(II) “UTILIZATION MANAGEMENT RESTRICTION” INCLUDES:~~

~~1. THE IMPOSITION OR ALTERATION OF A QUANTITY LIMIT FOR A PRESCRIPTION DRUG;~~

~~2. THE ADDITION OF A REQUIREMENT THAT AN ENROLLEE RECEIVE A PRIOR AUTHORIZATION REQUIREMENT FOR A PRESCRIPTION DRUG; AND~~

~~3. THE IMPOSITION OF A STEP THERAPY PROTOCOL RESTRICTION FOR A DRUG.~~

~~(B) (1) THIS SECTION APPLIES TO:~~

~~(I) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE COVERAGE FOR PRESCRIPTION DRUGS, DEVICES, AND HEALTH CARE SERVICES UNDER INDIVIDUAL, GROUP, OR BLANKET HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND~~

~~(H) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE COVERAGE FOR PRESCRIPTION DRUGS, DEVICES, AND HEALTH CARE SERVICES UNDER INDIVIDUAL OR GROUP CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.~~

~~(2) AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH MAINTENANCE ORGANIZATION THAT PROVIDES COVERAGE FOR PRESCRIPTION DRUGS, DEVICES, AND HEALTH CARE SERVICES THROUGH A PHARMACY BENEFIT MANAGER OR THAT CONTRACTS WITH A PRIVATE REVIEW AGENT UNDER SUBTITLE 10B OF THIS ARTICLE IS SUBJECT TO THE REQUIREMENTS OF THIS SECTION.~~

~~(3) THIS SECTION DOES NOT APPLY TO A MANAGED CARE ORGANIZATION AS DEFINED IN § 15-101 OF THE HEALTH GENERAL ARTICLE.~~

~~(C) (1) WHEN AN INSURED TRANSITIONS FROM ONE ENTITY SUBJECT TO THIS SECTION TO ANOTHER ENTITY SUBJECT TO THIS SECTION, THE RECEIVING ENTITY SHALL ACCEPT A PRIOR AUTHORIZATION FROM THE RELINQUISHING ENTITY FOR ANY PRESCRIPTION DRUGS, DEVICES, OR HEALTH CARE SERVICES COVERED BY THE RECEIVING ENTITY FOR THE LESSER OF THE COURSE OF TREATMENT OR 90 DAYS.~~

~~(2) SUBJECT TO APPLICABLE FEDERAL AND STATE LAWS CONCERNING CONFIDENTIALITY OF MEDICAL RECORDS, AT THE REQUEST OF AN INSURED OR THE INSURED'S DESIGNEE, THE RELINQUISHING ENTITY SHALL PROVIDE DOCUMENTATION OF THE PRIOR AUTHORIZATION TO THE INSURED'S RECEIVING ENTITY WITHIN 10 DAYS AFTER THE RECEIPT OF THE REQUEST.~~

~~(3) AFTER THE TIME PERIOD UNDER PARAGRAPH (1) OF THIS SUBSECTION HAS LAPSED, THE RECEIVING ENTITY MAY PERFORM ITS OWN UTILIZATION REVIEW TO:~~

~~(I) REASSESS AND MAKE DETERMINATIONS REGARDING THE NEED FOR CONTINUED TREATMENT; AND~~

~~(II) AUTHORIZE ANY CONTINUED PROCEDURE, TREATMENT, MEDICATION, OR SERVICES DETERMINED TO BE MEDICALLY NECESSARY BY THE RECEIVING ENTITY.~~

~~(D) IF AN ENTITY SUBJECT TO THIS SECTION REVISES OR IMPLEMENTS A NEW UTILIZATION MANAGEMENT RESTRICTION, THE ENTITY SHALL PROVIDE TO ANY INSURED WHO IS CURRENTLY AUTHORIZED FOR COVERAGE OF A PROCEDURE, TREATMENT, MEDICATION, OR SERVICES AFFECTED BY THE NEW UTILIZATION MANAGEMENT RESTRICTION WRITTEN NOTICE OF THE NEW UTILIZATION MANAGEMENT RESTRICTION AND REQUIREMENTS NOT LESS THAN 60 DAYS BEFORE THE NEW UTILIZATION MANAGEMENT RESTRICTION IS IMPLEMENTED.~~

15-854.

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(2) "PRIOR AUTHORIZATION" MEANS A UTILIZATION MANAGEMENT TECHNIQUE THAT:~~

~~(I) REQUIRES PRIOR APPROVAL FOR A PROCEDURE, TREATMENT, MEDICATION, OR SERVICE BEFORE AN ENROLLEE IS ELIGIBLE FOR FULL PAYMENT OF THE BENEFIT; AND~~

~~(II) IS USED TO DETERMINE WHETHER THE PROCEDURE, TREATMENT, MEDICATION, OR SERVICE IS MEDICALLY NECESSARY.~~

~~(3) "URGENT CARE SITUATION" MEANS A SITUATION IN WHICH THE APPLICATION OF THE TIME FRAME FOR MAKING ROUTINE CARE DETERMINATIONS TO THE PRESCRIPTION OF A DRUG OR DEVICE FOR A CONDITION WOULD:~~

~~(I) JEOPARDIZE THE LIFE, HEALTH, OR SAFETY OF THE INSURED OR OTHERS DUE TO THE INSURED'S PSYCHOLOGICAL STATE; OR~~

~~(II) IN THE CLINICAL JUDGMENT OF THE HEALTH CARE PROVIDER, SUBJECT THE INSURED TO ADVERSE HEALTH CONSEQUENCES WITHOUT THE MEDICATION THAT IS THE SUBJECT OF THE REQUEST.~~

~~(4) (i) "UTILIZATION MANAGEMENT RESTRICTION" MEANS A RESTRICTION ON COVERAGE FOR A PRESCRIPTION DRUG ON A FORMULARY.~~

~~(ii) "UTILIZATION MANAGEMENT RESTRICTION" INCLUDES:~~

~~1. THE IMPOSITION OR ALTERATION OF A QUANTITY LIMIT FOR A PRESCRIPTION DRUG;~~

~~2. THE ADDITION OF A REQUIREMENT THAT AN ENROLLEE RECEIVE A PRIOR AUTHORIZATION REQUIREMENT FOR A PRESCRIPTION DRUG; AND~~

~~3. THE IMPOSITION OF A STEP THERAPY PROTOCOL RESTRICTION FOR A DRUG.~~

~~(B) (A) (1) THIS SECTION APPLIES TO:~~

~~(i) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE COVERAGE FOR PRESCRIPTION DRUGS OR DEVICES THROUGH A PHARMACY BENEFIT UNDER INDIVIDUAL, GROUP, OR BLANKET HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND~~

~~(ii) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE COVERAGE FOR PRESCRIPTION DRUGS OR DEVICES THROUGH A PHARMACY BENEFIT UNDER INDIVIDUAL OR GROUP CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.~~

~~(2) AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH MAINTENANCE ORGANIZATION THAT PROVIDES COVERAGE FOR PRESCRIPTION DRUGS OR DEVICES THROUGH A PHARMACY BENEFIT BENEFITS MANAGER OR THAT CONTRACTS WITH A PRIVATE REVIEW AGENT UNDER SUBTITLE 10B OF THIS ARTICLE IS SUBJECT TO THE REQUIREMENTS OF THIS SECTION.~~

~~(3) THIS SECTION DOES NOT APPLY TO A MANAGED CARE ORGANIZATION AS DEFINED IN § 15-101 OF THE HEALTH - GENERAL ARTICLE.~~

~~(C) (1) AN ENTITY SUBJECT TO THIS SECTION MAY NOT REQUIRE PRIOR AUTHORIZATION FOR COVERAGE OF A PRESCRIPTION DRUG OR DEVICE THAT IS DETERMINED BY THE HEALTH CARE PROVIDER TO BE PRESCRIBED UNDER AN URGENT CARE SITUATION.~~

~~(2) AFTER A PRESCRIPTION DRUG IS DISPENSED, AN ENTITY MAY REQUIRE THE HEALTH CARE PROVIDER TO SUBMIT EVIDENCE DEMONSTRATING~~

~~THAT A PRESCRIPTION DRUG OR DEVICE WAS PRESCRIBED UNDER AN URGENT CARE SITUATION.~~

~~(D)~~ (B) (1) (I) IF AN ENTITY SUBJECT TO THIS SECTION REQUIRES A PRIOR AUTHORIZATION FOR A PRESCRIPTION DRUG ~~OR DEVICE~~, THE PRIOR AUTHORIZATION REQUEST SHALL ALLOW A HEALTH CARE PROVIDER TO INDICATE WHETHER A PRESCRIPTION DRUG ~~OR DEVICE~~ IS TO BE USED TO TREAT A CHRONIC ~~OR LONG TERM CARE~~ CONDITION.

(II) IF A HEALTH CARE PROVIDER INDICATES THAT THE PRESCRIPTION DRUG ~~OR DEVICE~~ IS TO TREAT A CHRONIC ~~OR LONG TERM CARE~~ CONDITION, AN ENTITY SUBJECT TO THIS SECTION MAY NOT REQUEST A REAUTHORIZATION FOR A REPEAT PRESCRIPTION FOR THE PRESCRIPTION DRUG ~~OR DEVICE~~ FOR 1 YEAR OR FOR THE STANDARD COURSE OF TREATMENT FOR THE CHRONIC CONDITION BEING TREATED, WHICHEVER IS LESS.

~~(III) A REPEAT PRESCRIPTION ISSUED BY A HEALTH CARE PROVIDER FOR A DRUG OR DEVICE THAT A HEALTH CARE PROVIDER HAS INDICATED IS TO TREAT A CHRONIC OR LONG TERM CARE CONDITION CREATES A PRESUMPTION THAT THE PRESCRIPTION CONTINUES TO BE MEDICALLY NECESSARY TO TREAT THE CHRONIC OR LONG TERM CARE CONDITION.~~

(2) ~~IF AN ENTITY SUBJECT TO THIS SECTION REQUIRES PRIOR AUTHORIZATION~~ FOR A PRIOR AUTHORIZATION THAT IS FILED ELECTRONICALLY, THE ENTITY SHALL MAINTAIN A DATABASE THAT WILL PREPOPULATE PRIOR AUTHORIZATION REQUESTS WITH AN INSURED'S AVAILABLE INSURANCE AND DEMOGRAPHIC INFORMATION.

~~(E)~~ ~~(1)~~ (C) IF AN ENTITY SUBJECT TO THIS SECTION DENIES COVERAGE FOR A PRESCRIPTION DRUG ~~OR DEVICE~~, THE ENTITY SHALL PROVIDE A DETAILED WRITTEN EXPLANATION FOR THE DENIAL OF COVERAGE, INCLUDING WHETHER THE DENIAL WAS BASED ON A ~~UTILIZATION MANAGEMENT RESTRICTION~~ REQUIREMENT FOR PRIOR AUTHORIZATION.

~~(2) IF THE DENIAL WAS BASED ON THE NEED FOR A PRIOR AUTHORIZATION, THE ENTITY SHALL INCLUDE IN THE WRITTEN EXPLANATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION A LIST OF THE ENTITY'S COVERED ALTERNATIVE PRESCRIPTION DRUGS OR DEVICES IN THE SAME CLASS OR FAMILY THAT DO NOT REQUIRE A PRIOR AUTHORIZATION.~~

(D) (1) ON RECEIPT OF INFORMATION DOCUMENTING A PRIOR AUTHORIZATION FROM THE INSURED OR FROM THE INSURED'S HEALTH CARE PROVIDER, AN ENTITY SUBJECT TO THIS SECTION SHALL HONOR A PRIOR AUTHORIZATION GRANTED TO AN INSURED FROM A PREVIOUS ENTITY FOR AT LEAST

THE INITIAL 30 DAYS OF AN INSURED'S PRESCRIPTION DRUG BENEFIT COVERAGE UNDER THE HEALTH BENEFIT PLAN OF THE NEW ENTITY.

(2) DURING THE TIME PERIOD DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, AN ENTITY MAY PERFORM ITS OWN REVIEW TO GRANT A PRIOR AUTHORIZATION FOR THE PRESCRIPTION DRUG.

(E) (1) AN ENTITY SUBJECT TO THIS SECTION SHALL HONOR A PRIOR AUTHORIZATION ISSUED BY THE ENTITY FOR A PRESCRIPTION DRUG:

(I) IF THE INSURED CHANGES HEALTH BENEFIT PLANS THAT ARE BOTH COVERED BY THE SAME ENTITY AND THE PRESCRIPTION DRUG IS A COVERED BENEFIT UNDER THE CURRENT HEALTH BENEFIT PLAN; OR

(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, WHEN THE DOSAGE FOR THE APPROVED PRESCRIPTION DRUG CHANGES AND THE CHANGE IS CONSISTENT WITH FEDERAL FOOD AND DRUG ADMINISTRATION LABELED DOSAGES.

(2) AN ENTITY MAY NOT BE REQUIRED TO HONOR A PRIOR AUTHORIZATION FOR A CHANGE IN DOSAGE FOR AN OPIOID UNDER THIS SUBSECTION.

(F) IF AN ENTITY UNDER THIS SECTION IMPLEMENTS A NEW PRIOR AUTHORIZATION REQUIREMENT FOR A PRESCRIPTION DRUG, THE ENTITY SHALL PROVIDE NOTICE OF THE NEW REQUIREMENT AT LEAST 30 DAYS BEFORE THE IMPLEMENTATION OF A NEW PRIOR AUTHORIZATION REQUIREMENT:

(1) IN WRITING TO ANY INSURED WHO IS PRESCRIBED THE PRESCRIPTION DRUG; AND

(2) EITHER IN WRITING OR ELECTRONICALLY TO ALL CONTRACTED HEALTH CARE PROVIDERS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after January 1, 2020.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2020.

Approved by the Governor, May 13, 2019.

Chapter 550**(House Bill 759)**

AN ACT concerning

Pharmacy Benefits Managers – Pharmacy Choice

FOR the purpose of prohibiting, except under certain circumstances, a pharmacy benefits manager from requiring that a beneficiary use a specific pharmacy or entity to fill a prescription if the pharmacy benefits manager or a certain affiliate of the pharmacy benefits manager has an ownership interest in the pharmacy or entity or if the pharmacy or entity has an ownership interest in the pharmacy benefits manager or a certain affiliate of the pharmacy benefits manager; and generally relating to pharmacy benefits managers.

BY adding to

Article – Insurance

Section 15–1611.1

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

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

Article – Insurance**15–1611.1.**

(A) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PHARMACY BENEFITS MANAGER MAY NOT REQUIRE THAT A BENEFICIARY USE A SPECIFIC PHARMACY OR ENTITY TO FILL A PRESCRIPTION IF:

(1) THE PHARMACY BENEFITS MANAGER OR A CORPORATE AFFILIATE OF THE PHARMACY BENEFITS MANAGER HAS AN OWNERSHIP INTEREST IN THE PHARMACY OR ENTITY; OR

(2) THE PHARMACY OR ENTITY HAS AN OWNERSHIP INTEREST IN THE PHARMACY BENEFITS MANAGER OR A CORPORATE AFFILIATE OF THE PHARMACY BENEFITS MANAGER.

(B) A PHARMACY BENEFITS MANAGER MAY REQUIRE A BENEFICIARY TO USE A SPECIFIC PHARMACY OR ENTITY FOR A SPECIALTY DRUG AS DEFINED IN § 15–847 OF THIS TITLE.

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

Approved by the Governor, May 13, 2019.

Chapter 551

(House Bill 829)

AN ACT concerning

Health Insurance – Provider Panels – Graduate Providers

FOR the purpose of prohibiting a carrier from rejecting a provider who provides community-based health services for an accredited program solely because the provider is a licensed graduate social worker, licensed master social worker, ~~LICENSED GRADUATE ALCOHOL AND DRUG COUNSELOR, LICENSED GRADUATE MARRIAGE AND FAMILY THERAPIST, LICENSED GRADUATE PROFESSIONAL ART THERAPIST,~~ licensed graduate alcohol and drug counselor, licensed graduate marriage and family therapist, licensed graduate professional art therapist, or licensed graduate professional counselor; and generally relating to health insurance and provider panels.

BY repealing and reenacting, without amendments,

Article – Insurance

Section 15–112(g)(1)

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 15–112(g)(2)

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

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

Article – Insurance

15–112.

(g) (1) A provider that seeks to participate on a provider panel of a carrier shall submit an application to the carrier.

(2) (i) Subject to **SUBPARAGRAPH (II) OF THIS PARAGRAPH AND** paragraph (3) of this subsection, the carrier, after reviewing the application, shall accept or reject the provider for participation on the carrier's provider panel.

(ii) **A CARRIER MAY NOT REJECT A PROVIDER WHO PROVIDES COMMUNITY-BASED HEALTH SERVICES FOR A PROGRAM ACCREDITED UNDER COMAR 10.63.02 FOR PARTICIPATION ON THE CARRIER'S PROVIDER PANEL SOLELY BECAUSE THE PROVIDER IS:**

1. A LICENSED GRADUATE SOCIAL WORKER OR A LICENSED MASTER SOCIAL WORKER, AS THOSE TERMS ARE DEFINED IN § 19-101 OF THE HEALTH OCCUPATIONS ARTICLE; OR

2. A LICENSED GRADUATE ALCOHOL AND DRUG COUNSELOR, A LICENSED GRADUATE MARRIAGE AND FAMILY THERAPIST, A LICENSED GRADUATE PROFESSIONAL ART THERAPIST, OR A LICENSED GRADUATE PROFESSIONAL COUNSELOR AS THOSE TERMS ARE DEFINED IN § 17-101 OF THE HEALTH OCCUPATIONS ARTICLE.

(III) If the carrier rejects the provider for participation on the carrier's provider panel, the carrier shall send to the provider at the address listed in the application written notice of the rejection.

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

Approved by the Governor, May 13, 2019.

Chapter 552

(House Bill 844)

AN ACT concerning

Public Schools – School Psychologists – Reports

FOR the purpose of requiring each local school system in the State to submit a report on certain information regarding school psychologists to the State Board of Education, the Governor, and certain legislative committees on or before a certain date; requiring each local school system in the State to submit an interim report on school psychologists to the State Board of Education, the Governor, and certain legislative committees on or before a certain date; providing for the termination of this Act; and generally relating to school psychologists in public schools.

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

(a) Each local school system in the State shall submit a report on school psychologists in the local school system.

(b) The school psychologist report under subsection (a) of this section shall include:

(1) current ratio of school psychologists to students in each public school in the local school system;

(2) for schools with ~~less~~ fewer than ~~750~~ 700 students, strategies to increase the number of school psychologists in each school to ~~no~~ not less than one school psychologist in each school on or before October 1, 2020, including any additional State or local funding needed by the local school system;

(3) for schools with ~~750~~ 700 students or more, strategies to increase the ratio of school psychologists in each school system to ~~no~~ not less than one school psychologist to every ~~750~~ 700 students on or before October 1, 2020, including any additional State or local funding needed by the local school system;

(4) policies to decrease the wait times for students seeking to meet with a school psychologist; and

(5) strategies to increase the recruitment and retention of qualified school psychologists in the local school system.

(c) (1) On or before July 1, 2020, each local school system shall submit an interim report on school psychologists in the local school system to the State Board of Education, the Governor, and, in accordance with § 2-1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means.

(2) On or before December 1, 2020, each local school system shall submit the final report on school psychologists in the local school system required under subsection (a) of this section to the State Board of Education, the Governor, and, in accordance with § 2-1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019. It shall remain effective for a period of 2 years 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, May 13, 2019.

Chapter 553**(House Bill 911)**

AN ACT concerning

~~**Joint Committee on Ending Homelessness – Unaccompanied Minors in Need of
Shelter – Consent to Shelter and Supportive Services
Workgroup to Study Shelter and Supportive Services for Unaccompanied
Homeless Minors**~~

FOR the purpose of ~~providing that a certain unaccompanied minor in need of shelter has the same capacity as an adult to consent to shelter and supportive services; authorizing a certain unaccompanied minor in need of shelter to consent to shelter and supportive services for a certain child; requiring a certain service provider to obtain written consent, including a certain statement, from a certain unaccompanied minor in need of shelter before providing shelter and supportive services; prohibiting a certain service provider from providing shelter to an unaccompanied minor in need of shelter under certain circumstances; requiring a certain service provider to contact a certain individual within a certain time period after providing shelter to an unaccompanied minor in need of shelter; requiring a certain service provider to notify certain authorities of any suspected abuse or neglect in a certain manner; providing that a certain service provider is not liable for civil damages or subject to certain penalties under certain circumstances~~ altering the duties of the Joint Committee on Ending Homelessness to include certain duties regarding unaccompanied homeless minors; requiring the Committee to include in a certain annual report certain recommendations related to issues regarding unaccompanied homeless minors; defining a certain terms term; and generally relating to unaccompanied minors in need of shelter and the Joint Committee on Ending Homelessness *establishing the Workgroup to Study Shelter and Supportive Services for Unaccompanied Homeless Minors; providing for the composition, chair, and staffing of the Workgroup; prohibiting a member of the Workgroup from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Workgroup to compile and identify certain information and make recommendations regarding certain matters; requiring the Workgroup to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; defining a certain term; and generally relating to the Workgroup to Study Shelter and Supportive Services for Unaccompanied Homeless Minors.*

~~BY adding to~~~~Article – Family Law~~~~Section 5-1501 through 5-1505 to be under the new subtitle “Subtitle 15.
Unaccompanied Minors in Need of Shelter”~~~~Annotated Code of Maryland~~~~(2012 Replacement Volume and 2018 Supplement)~~

~~BY repealing and reenacting, with amendments,
 Article — State Government
 Section 2-10A-15
 Annotated Code of Maryland
 (2014 Replacement Volume and 2018 Supplement)~~

Preamble

~~WHEREAS, During the 2016-2017 school year, Maryland public schools identified 2,337 unaccompanied homeless students who lacked stable housing, were not in the physical custody of a parent or guardian, and were not under the care or custody of a child-serving public agency; and~~

~~WHEREAS, Unaccompanied homeless minors are a largely invisible and highly vulnerable population that often lacks access to safe shelter options and supportive services designed for youth; and~~

~~WHEREAS, Without access to safe shelter options and supportive services designed for youth, unaccompanied homeless minors are at risk for trafficking and other abuse, dropping out of school, juvenile justice involvement, poor mental and physical health outcomes, and other harms; and~~

~~WHEREAS, There is a general lack of knowledge about the unique needs of unaccompanied homeless minors and the public and private sector programs and resources that are available to meet those needs, and there is an urgent need to address gaps in those programs and resources; now, therefore,~~

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

~~Article — Family Law~~

~~SUBTITLE 15. UNACCOMPANIED MINORS IN NEED OF SHELTER.~~

~~5-1501.~~

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

~~(B) (1) “SERVICE PROVIDER” MEANS A PUBLIC OR PRIVATE NONPROFIT THAT PROVIDES SHELTER AND SUPPORTIVE SERVICES TO UNACCOMPANIED MINORS IN NEED OF SHELTER.~~

~~(2) “SERVICE PROVIDER” INCLUDES A HOST HOME PROGRAM.~~

~~(C) (1) "SUPPORTIVE SERVICES" MEANS INTERVENTIONS, SERVICES, OR RESOURCES NECESSARY TO ASSIST UNACCOMPANIED MINORS IN NEED OF SHELTER IN ACCESSING AND MAINTAINING HOUSING AND ECONOMIC SELF-SUFFICIENCY.~~

~~(2) "SUPPORTIVE SERVICES" INCLUDES:~~

~~(I) SERVICES FOR FAMILIES TO SUPPORT REUNIFICATION WHERE SAFE AND APPROPRIATE;~~

~~(II) INDIVIDUAL, FAMILY, AND GROUP COUNSELING;~~

~~(III) ASSISTANCE OBTAINING CLOTHING;~~

~~(IV) OUTPATIENT HEALTH, BEHAVIORAL HEALTH, AND SUBSTANCE ABUSE TREATMENT SERVICES;~~

~~(V) ASSISTANCE AND ADVOCACY TO ENSURE ACCESS TO EDUCATION UNDER THE MCKINNEY-VENTO HOMELESSNESS ASSISTANCE ACT;~~

~~(VI) EMPLOYMENT ASSISTANCE, JOB TRAINING, AND JOB PLACEMENT;~~

~~(VII) TRANSPORTATION;~~

~~(VIII) RECREATIONAL ACTIVITIES;~~

~~(IX) CASE MANAGEMENT, ADVOCACY, AND REFERRAL SERVICES;~~
AND

~~(X) INDEPENDENT-LIVING SKILLS TRAINING.~~

~~(D) "UNACCOMPANIED MINOR IN NEED OF SHELTER" MEANS A MINOR:~~

~~(1) WHO IS NOT IN THE PHYSICAL CUSTODY OF A PARENT OR GUARDIAN AND LACKS A FIXED, REGULAR, AND ADEQUATE NIGHTTIME RESIDENCE;~~
OR

~~(2) WHOSE STATUS OR CIRCUMSTANCES INDICATE A SIGNIFICANT DANGER OF EXPERIENCING HOMELESSNESS IN THE NEAR FUTURE.~~

~~5-1502.~~

~~(A) AN UNACCOMPANIED MINOR IN NEED OF SHELTER HAS THE SAME CAPACITY AS AN ADULT TO CONSENT TO SHELTER AND SUPPORTIVE SERVICES.~~

~~(B) AN UNACCOMPANIED MINOR IN NEED OF SHELTER WHO IS A PARENT MAY CONSENT TO SHELTER AND SUPPORTIVE SERVICES FOR THE MINOR'S CHILD.~~

~~5-1503.~~

~~(A) (1) A SERVICE PROVIDER SHALL OBTAIN WRITTEN CONSENT FROM AN UNACCOMPANIED MINOR IN NEED OF SHELTER BEFORE PROVIDING SHELTER AND SUPPORTIVE SERVICES.~~

~~(2) THE WRITTEN CONSENT SHALL STATE THE UNACCOMPANIED MINOR IN NEED OF SHELTER'S:~~

~~(I) AGE;~~

~~(II) GUARDIANSHIP STATUS; AND~~

~~(III) LIVING SITUATION.~~

~~(B) A SERVICE PROVIDER MAY NOT PROVIDE SHELTER TO A MINOR IF THE SERVICE PROVIDER HAS KNOWLEDGE THAT THE MINOR:~~

~~(1) PROVIDED FALSE INFORMATION IN THE WRITTEN CONSENT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION; OR~~

~~(2) DOES NOT MEET THE DEFINITION OF AN UNACCOMPANIED MINOR IN NEED OF SHELTER UNDER THIS SUBTITLE.~~

~~5-1504.~~

~~(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A SERVICE PROVIDER SHALL CONTACT A PARENT, A GUARDIAN, OR AN ADULT RELATIVE OF AN UNACCOMPANIED MINOR IN NEED OF SHELTER AS SOON AS POSSIBLE AND WITHIN 72 HOURS AFTER PROVIDING SHELTER.~~

~~(2) A SERVICE PROVIDER SHALL CONTACT ANOTHER ADULT IDENTIFIED BY THE UNACCOMPANIED MINOR IN NEED OF SHELTER AS SOON AS POSSIBLE IF:~~

~~(I) THE SERVICE PROVIDER DETERMINES THAT IT IS NOT IN THE BEST INTEREST OF THE UNACCOMPANIED MINOR IN NEED OF SHELTER TO CONTACT A PARENT, A GUARDIAN, OR AN ADULT RELATIVE;~~

~~(II) THE SERVICE PROVIDER IS UNABLE TO CONTACT A PARENT, A GUARDIAN, OR AN ADULT RELATIVE; OR~~

~~(H) THE UNACCOMPANIED MINOR IN NEED OF SHELTER REFUSES TO PROVIDE THE NAME OR CONTACT INFORMATION OF A PARENT, A GUARDIAN, OR AN ADULT RELATIVE.~~

~~(3) IF A SERVICE PROVIDER CONTACTS ANOTHER ADULT IDENTIFIED BY THE UNACCOMPANIED MINOR IN NEED OF SHELTER UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE SERVICE PROVIDER SHALL DOCUMENT THE REASON THE SERVICE PROVIDER DID NOT CONTACT A PARENT, A GUARDIAN, OR AN ADULT RELATIVE OF THE UNACCOMPANIED MINOR IN NEED OF SHELTER.~~

~~(B) A SERVICE PROVIDER SHALL NOTIFY THE APPROPRIATE AUTHORITIES OF ANY SUSPECTED ABUSE OR NEGLECT IN ACCORDANCE WITH § 5-704 OF THIS TITLE.~~

~~5-1505.~~

~~A SERVICE PROVIDER THAT PROVIDES SHELTER AND SUPPORTIVE SERVICES TO AN UNACCOMPANIED MINOR IN NEED OF SHELTER UNDER THIS SUBTITLE IS NOT LIABLE FOR CIVIL DAMAGES OR SUBJECT TO ANY CRIMINAL OR DISCIPLINARY PENALTY SOLELY BECAUSE THE UNACCOMPANIED MINOR IN NEED OF SHELTER DID NOT HAVE CAPACITY TO CONSENT TO THE PROVISION OF SHELTER AND SUPPORTIVE SERVICES UNDER THIS SUBTITLE.~~

~~Article State Government~~

~~2-10A-15.~~

~~(A) IN THIS SECTION, “UNACCOMPANIED HOMELESS MINOR” MEANS A MINOR:~~

~~(1) WHO IS NOT IN THE PHYSICAL CUSTODY OF A PARENT OR GUARDIAN AND LACKS A FIXED, REGULAR, AND ADEQUATE NIGHTTIME RESIDENCE; OR~~

~~(2) WHOSE STATUS OR CIRCUMSTANCES INDICATE A SIGNIFICANT DANGER OF EXPERIENCING HOMELESSNESS IN THE NEAR FUTURE.~~

~~[(a)](B) There is a Joint Committee on Ending Homelessness.~~

~~[(b)](C) (1) The Committee consists of 16 members.~~

~~(2) Of the 16 members:~~

~~(i) eight shall be members of the Senate of Maryland, appointed by the President of the Senate; and~~

~~(ii) eight shall be members of the House of Delegates, appointed by the Speaker of the House.~~

~~[(c)] (D) (1) The members of the Committee serve at the pleasure of the presiding officer who appointed them.~~

~~(2) (i) If a vacancy occurs among the Senators on the Committee, a successor promptly shall be appointed by the President of the Senate.~~

~~(ii) If a vacancy occurs among the Delegates on the Committee, a successor promptly shall be appointed by the Speaker of the House.~~

~~[(d)] (E) From among the membership of the Committee, the President of the Senate shall appoint a Senator to serve as the Senate Chair of the Committee, and the Speaker of the House shall appoint a Delegate to serve as the House Chair of the Committee.~~

~~[(e)] (F) A majority of the full authorized membership of the Committee is a quorum.~~

~~[(f)] (G) The Department of Legislative Services shall provide staff assistance to the Committee.~~

~~[(g)] (H) The Committee shall hold:~~

~~(1) an organizational meeting promptly after the appointment of its members; and~~

~~(2) any other meetings that the Committee considers necessary to carry out its duties efficiently.~~

~~[(h)] (I) The Committee may:~~

~~(1) hold a hearing on any matter relating to the functions of the Committee; and~~

~~(2) consider a vote on a bill or resolution referred to the Committee by the President of the Senate or the Speaker of the House.~~

~~[(i)] (J) To ensure that public resources, programs, and policies are coordinated and effective in preventing, mitigating the effects of, and ending homelessness in Maryland, the Committee shall:~~

- ~~(1) study issues relating to homelessness, including:~~
- ~~(i) housing;~~
 - ~~(ii) income;~~
 - ~~(iii) health care;~~
 - ~~(iv) education;~~
 - ~~(v) government supports; and~~
 - ~~(vi) veterans experiencing homelessness;~~
- ~~(2) consult with governmental agencies, community-based organizations, and other stakeholders to identify State policies, programs, and actions that should or could prevent, mitigate the effects of, and end homelessness in Maryland;~~
- ~~(3) review and make recommendations to align State statutes, regulations, programs, services, and budgetary priorities with the State policies and actions described in item (2) of this subsection;~~
- ~~(4) search for any intradepartmental or interdepartmental gaps, inconsistencies, and inefficiencies in the implementation or attainment of the State policies, programs, and actions described in item (2) of this subsection; [and]~~
- ~~(5) identify new laws, regulations, programs, services, and budgetary priorities that are needed to prevent, mitigate the effects of, and end homelessness in Maryland;~~
- ~~(6) (I) COMPILE INFORMATION ON IDENTIFIED UNIQUE NEEDS, IDENTIFY NEW UNIQUE NEEDS, AND STUDY THE UNIQUE NEEDS OF UNACCOMPANIED HOMELESS MINORS; AND~~
- ~~(II) IDENTIFY THE PUBLIC AND PRIVATE SECTOR PROGRAMS AND RESOURCES AVAILABLE TO MEET THOSE NEEDS;~~
- ~~(7) IDENTIFY GAPS IN PUBLIC AND PRIVATE SECTOR PROGRAMS AND RESOURCES AVAILABLE TO MEET THE NEEDS OF UNACCOMPANIED HOMELESS MINORS; AND~~
- ~~(8) (I) IDENTIFY BARRIERS TO ACCESS TO SAFE SHELTER FOR UNACCOMPANIED HOMELESS MINORS; AND~~
- ~~(II) COMPILE INFORMATION ON AND STUDY SHELTER PRACTICES IN OTHER STATES.~~

~~[(i)] (K) The Governor's Interagency Council on Homelessness shall:~~

- ~~(1) cooperate fully with the Committee;~~
- ~~(2) keep the Committee fully informed as to its priorities and progress; and~~
- ~~(3) submit an annual report, subject to § 2-1246 of this title, to the Committee on or before October 1 of each year that includes:~~

- ~~(i) a description of the Council's work;~~
- ~~(ii) a report on the Council's priorities and progress; and~~
- ~~(iii) recommendations for new laws, regulations, programs, services, and budgetary priorities that are needed to prevent, mitigate the effects of, and end homelessness in Maryland.~~

~~[(k)] (L) (1) Subject to § 2-1246 of this title, the Committee shall submit a report to the General Assembly on or before December 1 each year.~~

~~(2) The report shall include:~~

- ~~(i) a description of the work of the Committee; and~~
- ~~(ii) any recommendations of the Committee, INCLUDING RECOMMENDATIONS REGARDING:~~

~~1. ANY LEGISLATIVE AND REGULATORY CHANGES AND ANY NEW POLICY INITIATIVES TO ADDRESS THE NEEDS OF UNACCOMPANIED HOMELESS MINORS IN THE STATE; AND~~

~~2. FUNDING REQUIREMENTS AND BUDGETARY PRIORITIES NECESSARY TO ADDRESS THE NEEDS OF UNACCOMPANIED HOMELESS MINORS IN THE STATE.~~

(a) In this section, "unaccompanied homeless minor" means a minor:

(1) who is not in the physical custody of a parent or guardian and lacks a fixed, regular, and adequate nighttime residence; or

(2) whose status or circumstances indicate a significant danger of experiencing homelessness in the near future.

(b) There is a Workgroup to Study Shelter and Supportive Services for Unaccompanied Homeless Minors.

(c) The Workgroup consists of the following members:

- (1) the Senate Chair of the Joint Committee on Ending Homelessness;
- (2) the House Chair of the Joint Committee on Ending Homelessness;
- (3) the Secretary of Housing and Community Development, or the Secretary's designee;
- (4) the Secretary of Human Services, or the Secretary's designee;
- (5) the Secretary of Juvenile Services, or the Secretary's designee;
- (6) the Secretary of Health, or the Secretary's designee;
- (7) the State Superintendent of Schools, or the State Superintendent's designee; and
- (8) additional members invited by the Senate Chair and House Chair of the Joint Committee on Ending Homelessness.

(d) The Senate Chair and House Chair of the Joint Committee on Ending Homelessness shall serve as cochairs of the Workgroup.

(e) The Joint Committee on Ending Homelessness shall provide staff for the Workgroup.

(f) A member of the Workgroup:

- (1) may not receive compensation as a member of the Workgroup; but
- (2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(g) The Workgroup shall:

- (1) compile existing information on, identify, and study the unique needs of unaccompanied homeless minors, and identify the public and private sector programs and resources available to meet those needs;
- (2) identify gaps in public and private sector programs and resources available to meet the needs of unaccompanied homeless minors;
- (3) identify barriers to access to safe shelter for unaccompanied homeless minors, and compile information on and study shelter practices in other states; and

(4) make recommendations on:

(i) legislation, regulations, and policy initiatives to address the needs of unaccompanied homeless minors in the State;

(ii) funding requirements and budgetary priorities to address the needs of unaccompanied homeless minors in the State; and

(iii) any other relevant issues or considerations identified by the Workgroup.

(h) On or before December 1, 2019, the Workgroup shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ 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, May 13, 2019.

Chapter 554

(House Bill 993)

AN ACT concerning

Anne Arundel County – Ethics – ~~Prohibitions and Requirements Regarding Qualifying Contributions During Pendency of Zoning Contributions and Participation in Development Applications~~

FOR the purpose of specifying that certain provisions of law may apply to certain campaign contributions; authorizing the County Council of Anne Arundel County to enact a local law to regulate the participation of a member of the County Council or the County Executive of Anne Arundel County in any legislative action relevant to a zoning change or amendment or to a certain application if the member of the County Council or the County Executive accepts or has accepted, or as a candidate accepted, a campaign contribution from a certain individual or business entity; authorizing the County Council to enact a local law to prohibit or otherwise regulate certain campaign contributions; requiring the Anne Arundel County Ethics Commission to administer and implement a certain law; defining certain terms; ~~prohibiting applicants, agent of applicants, and immediate family members of the applicants and agents from making a certain qualifying payment to a certain candidate during the pendency of the application; prohibiting a certain political action committee from~~

~~making a transfer to a candidate's authorized candidate campaign committee or a slate to which the candidate belongs; prohibiting a member from voting or participating in any way in the proceeding on an application under certain circumstances; providing that a member is not subject to the requirements of certain provisions of this Act under certain circumstances; requiring the applicant to file a certain affidavit under oath after the application is filed; requiring that the affidavit be filed at least a certain number of days before consideration of the application by the County Council of Anne Arundel County; requiring that a supplemental affidavit be filed whenever a qualifying contribution is made after the original affidavit was filed; providing that an applicant is not required to make certain representations in the affidavit; authorizing anyone with authority to act on behalf of and bind a business entity to execute an affidavit on behalf of the business entity; providing that the only disclosures required under the affidavit are those involving certain individuals or business entities; requiring an agent to file an affidavit in an application only under certain circumstances; requiring an agent, under certain circumstances, to disclose in the affidavit a qualifying contribution made before becoming an agent; providing that, except under certain circumstances, certain persons are subject to this Act under certain circumstances; prohibiting a person from making a qualifying contribution in violation of this Act; requiring a qualifying contribution to be returned to the person who made the qualifying contribution if the qualifying contribution is made in violation of this Act; prohibiting applicants, agents, and immediate family members of the applicants and agents from taking any action, directly or indirectly, with the intent to circumvent the intent of this Act; requiring the Anne Arundel County Ethics Commission to administer and implement the provisions of this Act; defining certain terms; providing for the application of this Act; making the provisions of this Act severable; and generally relating to ethics in Anne Arundel County.~~

BY repealing and reenacting, without amendments,

Article – Election Law

Section ~~1-101(a), (c), (e), (ff), (oo), and (tt) and 13-306(a)(1) and (2)~~ 1-101(a) and (o)

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

BY adding to

Article – Election Law

Section 13-504.1

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – General Provisions

Section 5-104(a)

Annotated Code of Maryland

(2014 Volume and 2018 Supplement)

BY adding to

Article – General Provisions

Section 5–869 through 5–871 to be under the new part “Part XI. Special Provisions for Anne Arundel County”

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 – Election Law

1–101.

(a) In this article the following words have the meanings indicated unless a different meaning is clearly intended from the context.

~~(e) “Authorized candidate campaign committee” means a political committee established under Title 13 of this article and authorized by a candidate to promote the candidate’s candidacy.~~

(o) (1) “Contribution” means the gift or transfer, or promise of gift or transfer, of money or other thing of value to a campaign finance entity to promote or assist in the promotion of the success or defeat of a candidate, political party, question, or prospective question.

(2) “Contribution” includes:

(i) proceeds from the sale of tickets to a campaign fund-raising event; and

(ii) a coordinated expenditure as defined in § 13–249 of this article.

(3) “Contribution” does not include the costs associated with the establishment, administration, or solicitation of voluntary contributions to a political action committee established by a corporation, limited liability company, general partnership, limited partnership, membership organization, trade association, cooperative, or corporation without capital stock as long as the political action committee only solicits contributions from employees of the organization that established the political action committee, or members of the organization that established the political action committee, and the employees or members are participating in a payroll deduction program established by the employer of the employee or member.

~~(ff) “Political action committee” means a political committee that is not:~~

~~(1) a political party;~~

~~(2) a central committee;~~

- ~~(3) a slate;~~
- ~~(4) a legislative party caucus committee;~~
- ~~(5) an authorized candidate campaign committee; or~~
- ~~(6) a ballot issue committee.~~

~~(ee) "Slate" means a political committee of two or more candidates who join together to conduct and pay for joint campaign activities.~~

~~(tt) "Treasurer" means an individual appointed in accordance with Title 13, Subtitle 2 of this article.~~

~~13-306.~~

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

~~(2) (i) "Donation" means the gift or transfer, or promise of gift or transfer, of money or other thing of value to a person who makes independent expenditures.~~

~~(ii) "Donation" does not include any amount of money or any other thing of value:~~

~~1. received by a person in the ordinary course of any trade or business conducted by the person, whether for profit or not for profit, or in the form of investments in the person's business; or~~

~~2. A. that the donor and the person receiving the money or thing of value expressly agree in writing may not be used for independent expenditures; and~~

~~B. in the case of a monetary donation, is deposited in a separate bank account that is never used for independent expenditures.~~

13-504.1.

AS TO CONTRIBUTIONS TO THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY OR TO A MEMBER OF THE ANNE ARUNDEL COUNTY COUNCIL OR A CANDIDATE FOR ELECTION AS THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY OR AS A MEMBER OF THE ANNE ARUNDEL COUNTY COUNCIL, TITLE 5, SUBTITLE 8, PART XI OF THE GENERAL PROVISIONS ARTICLE MAY APPLY.

5-104.

(a) Except as provided in subsections (b) and (c) of this section ~~AND IN SECTION § 5-871 OF THIS TITLE~~, this title shall be administered and implemented by the Ethics Commission.

5-867. RESERVED.

5-868. RESERVED.

PART XI. SPECIAL PROVISIONS FOR ANNE ARUNDEL COUNTY.

5-869.

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

(B) (1) "CANDIDATE" MEANS AN INDIVIDUAL WHO FILES A CERTIFICATE OF CANDIDACY FOR:

(I) ELECTION TO THE COUNTY COUNCIL; OR

(II) COUNTY EXECUTIVE.

(2) "CANDIDATE" INCLUDES AN INCUMBENT MEMBER OF THE COUNTY COUNCIL AND AN INCUMBENT COUNTY EXECUTIVE.

(C) "COUNTY COUNCIL" MEANS THE COUNTY COUNCIL OF ANNE ARUNDEL COUNTY.

(D) "COUNTY EXECUTIVE" MEANS THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY.

5-870.

(A) THE COUNTY COUNCIL MAY ENACT A LOCAL LAW TO REGULATE THE PARTICIPATION OF A MEMBER OF THE COUNTY COUNCIL OR THE COUNTY EXECUTIVE IN ANY LEGISLATIVE ACTION RELEVANT TO A ZONING CHANGE OR AMENDMENT, OR TO A LAND USE APPLICATION THAT IS BEFORE THE OFFICE OF PLANNING AND ZONING OR THE DEPARTMENT OF INSPECTIONS AND PERMITS, IF THE MEMBER OF THE COUNTY COUNCIL OR THE COUNTY EXECUTIVE ACCEPTS OR HAS ACCEPTED, OR AS A CANDIDATE ACCEPTED, A CAMPAIGN CONTRIBUTION FROM AN INDIVIDUAL OR A BUSINESS ENTITY INVOLVED WITH THE ACTION OR APPLICATION.

(B) THE COUNTY COUNCIL MAY ENACT A LOCAL LAW TO PROHIBIT OR OTHERWISE REGULATE CAMPAIGN CONTRIBUTIONS MADE TO, OR FOR THE BENEFIT OF, A MEMBER OF THE COUNTY COUNCIL, THE COUNTY EXECUTIVE, OR A CANDIDATE FOR ELECTION TO THE COUNTY COUNCIL OR COUNTY EXECUTIVE BY AN INDIVIDUAL OR A BUSINESS ENTITY INVOLVED WITH A LEGISLATIVE ACTION RELEVANT TO A ZONING CHANGE OR AMENDMENT, OR TO A LAND USE APPLICATION THAT IS BEFORE THE OFFICE OF PLANNING AND ZONING OR THE DEPARTMENT OF INSPECTIONS AND PERMITS.

5-871.

IF THE COUNTY COUNCIL ENACTS A LOCAL LAW UNDER § 5-870 OF THIS SUBTITLE, THE ANNE ARUNDEL COUNTY ETHICS COMMISSION SHALL ADMINISTER AND IMPLEMENT THE PROVISIONS OF THE LOCAL LAW.

~~(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(B) (1) “AGENT” MEANS AN INDIVIDUAL OR A BUSINESS ENTITY HIRED OR RETAINED BY AN APPLICANT FOR ANY PURPOSE RELATING TO THE LAND THAT IS THE SUBJECT OF AN APPLICATION IF THE INDIVIDUAL OR BUSINESS ENTITY IS:~~

- ~~(I) AN ACCOUNTANT;~~
- ~~(II) AN ATTORNEY;~~
- ~~(III) AN ARCHITECT;~~
- ~~(IV) AN ENGINEER;~~
- ~~(V) A LAND USE CONSULTANT;~~
- ~~(VI) AN ECONOMIC CONSULTANT;~~
- ~~(VII) A REAL ESTATE AGENT;~~
- ~~(VIII) A REAL ESTATE BROKER;~~
- ~~(IX) A TRAFFIC CONSULTANT; OR~~
- ~~(X) A TRAFFIC ENGINEER.~~

~~(2) “AGENT” INCLUDES:~~

~~(I) AS TO A CORPORATION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, ITS OFFICERS, DIRECTORS, AND MAJORITY STOCKHOLDERS WHO ARE ENGAGED IN SUBSTANTIVE ACTIVITIES RELATING SPECIFICALLY TO LAND DEVELOPMENT IN ANNE ARUNDEL COUNTY AS A REGULAR PART OF THEIR ONGOING BUSINESS ACTIVITIES;~~

~~(II) AS TO A PARTNERSHIP OR LIMITED PARTNERSHIP DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, ITS GENERAL PARTNERS AND LIMITED PARTNERS WHO ARE ENGAGED IN SUBSTANTIVE ACTIVITIES RELATING SPECIFICALLY TO LAND DEVELOPMENT IN ANNE ARUNDEL COUNTY AS A REGULAR PART OF THEIR ONGOING BUSINESS ACTIVITIES; AND~~

~~(III) AS TO A JOINT VENTURE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE PRINCIPAL MEMBERS OF THE JOINT VENTURE WHO ARE ENGAGED IN SUBSTANTIVE ACTIVITIES RELATING SPECIFICALLY TO LAND DEVELOPMENT IN ANNE ARUNDEL COUNTY AS A REGULAR PART OF THEIR ONGOING BUSINESS ACTIVITIES.~~

~~(c) (1) "APPLICANT" MEANS AN INDIVIDUAL OR A BUSINESS ENTITY THAT IS:~~

~~(I) A TITLE OWNER OR CONTRACT PURCHASER OF LAND THAT IS THE SUBJECT OF AN APPLICATION;~~

~~(II) A TRUSTEE THAT HAS AN INTEREST IN LAND THAT IS THE SUBJECT OF AN APPLICATION, EXCLUDING A TRUSTEE DESCRIBED IN A MORTGAGE OR DEED OF TRUST; OR~~

~~(III) A HOLDER OF AT LEAST A 5% INTEREST IN A BUSINESS ENTITY THAT HAS AN INTEREST IN LAND THAT IS THE SUBJECT OF AN APPLICATION, BUT ONLY IF:~~

~~1. THE HOLDER OF AT LEAST A 5% INTEREST HAS SUBSTANTIVE INVOLVEMENT IN DIRECTING THE AFFAIRS OF THE BUSINESS ENTITY WITH AN INTEREST IN THE LAND THAT IS THE SUBJECT OF AN APPLICATION WITH SPECIFIC REGARD TO THE DISPOSITION OF THAT LAND; OR~~

~~2. THE HOLDER OF AT LEAST A 5% INTEREST IS ENGAGED IN SUBSTANTIVE ACTIVITIES SPECIFICALLY PERTAINING TO LAND DEVELOPMENT IN ANNE ARUNDEL COUNTY AS A REGULAR PART OF THE BUSINESS ENTITY'S ONGOING BUSINESS ACTIVITIES.~~

~~(2) "APPLICANT" INCLUDES:~~

~~(I) ANY BUSINESS ENTITY IN WHICH A PERSON DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION HOLDS AT LEAST A 5% INTEREST; AND~~

~~(II) THE DIRECTORS AND OFFICERS OF A BUSINESS ENTITY THAT ACTUALLY HOLDS TITLE TO THE LAND OR IS A CONTRACT PURCHASER OF THE LAND THAT IS THE SUBJECT OF AN APPLICATION.~~

~~(3) "APPLICANT" DOES NOT INCLUDE:~~

~~(I) A FINANCIAL INSTITUTION THAT HAS LOANED MONEY OR EXTENDED FINANCING FOR THE ACQUISITION, DEVELOPMENT, OR CONSTRUCTION OF IMPROVEMENTS ON ANY LAND THAT IS THE SUBJECT OF AN APPLICATION;~~

~~(II) A MUNICIPAL CORPORATION OR PUBLIC CORPORATION;~~

~~(III) A PUBLIC AUTHORITY;~~

~~(IV) A PUBLIC UTILITY REGULATED BY THE PUBLIC SERVICE COMMISSION IN ANY INSTANCE WHERE THE UTILITY IS ENGAGED IN OR CONDUCTING REGULATED ACTIVITIES THAT HAVE BEEN APPROVED BY THE PUBLIC SERVICE COMMISSION OR ARE ALLOWED UNDER DIVISION I OF THE PUBLIC UTILITIES ARTICLE; OR~~

~~(V) THE DIRECTORS AND OFFICERS OF ANY ENTITY THAT DOES NOT HOLD TITLE TO THE LAND OR IS NOT THE CONTRACT PURCHASER OF THE LAND THAT IS THE SUBJECT OF AN APPLICATION.~~

~~(D) "APPLICATION" MEANS:~~

~~(1) AN APPLICATION OR A REQUEST FOR:~~

~~(I) A ZONING MAP AMENDMENT;~~

~~(II) A ZONING ORDINANCE TEXT AMENDMENT;~~

~~(III) A SPECIAL EXCEPTION;~~

~~(IV) A MODIFICATION;~~

~~(V) A REVISION TO A SPECIAL EXCEPTION OR AN ASSOCIATED SITE PLAN;~~

~~(VI) AN EXPANSION OF A LEGAL NONCONFORMING USE;~~

~~(VII) A REVISION TO A LEGAL NONCONFORMING USE OR AN ASSOCIATED SITE PLAN; OR~~

~~(VIII) A REQUEST FOR A VARIANCE FROM THE ZONING ORDINANCE, INCLUDING A REQUEST FOR A VARIANCE FROM ANY PROVISION OF ANNE ARUNDEL COUNTY'S CRITICAL AREA PROGRAM;~~

~~(2) AN APPLICATION TO APPROVE:~~

~~(I) A SKETCH PLAN;~~

~~(II) A FINAL PLAN;~~

~~(III) A PRELIMINARY PLAN;~~

~~(IV) A SITE DEVELOPMENT PLAN;~~

~~(V) A GRADING PERMIT ASSOCIATED WITH A SITE DEVELOPMENT PLAN;~~

~~(VI) A BUILDING PERMIT ASSOCIATED WITH A SITE DEVELOPMENT PLAN; OR~~

~~(VII) A PLANNED UNIT DEVELOPMENT; OR~~

~~(3) PARTICIPATION IN PASSING COMPREHENSIVE REZONING LEGISLATION OR AN AMENDMENT TO COMPREHENSIVE REZONING LEGISLATION BY APPEARANCE AT A PUBLIC HEARING, FILING A STATEMENT IN THE OFFICIAL RECORD, OR OTHER SIMILAR COMMUNICATION TO A MEMBER OF THE COUNTY COUNCIL, WHERE THE INTENT IS TO INTENSIFY THE ZONING CATEGORY APPLICABLE TO THE LAND OF THE APPLICANT.~~

~~(E) "AUTHORIZED CANDIDATE POLITICAL COMMITTEE" HAS THE MEANING STATED IN § 1-101 OF THE ELECTION LAW ARTICLE.~~

~~(F) "BUSINESS ENTITY" MEANS:~~

~~(1) A CORPORATION;~~

~~(2) A GENERAL PARTNERSHIP;~~

~~(3) A JOINT VENTURE;~~

~~(4) A LIMITED LIABILITY COMPANY;~~

~~(5) A LIMITED PARTNERSHIP; OR~~

~~(6) A SOLE PROPRIETORSHIP.~~

~~(C) (1) "CANDIDATE" MEANS AN INDIVIDUAL WHO FILES A CERTIFICATE OF CANDIDACY FOR:~~

~~(I) ELECTION TO THE COUNTY COUNCIL; OR~~

~~(II) COUNTY EXECUTIVE.~~

~~(2) "CANDIDATE" INCLUDES AN INCUMBENT MEMBER OR COUNTY EXECUTIVE.~~

~~(H) "CONTRIBUTION" HAS THE MEANING STATED IN § 1-101 OF THE ELECTION LAW ARTICLE.~~

~~(I) "CONTRIBUTOR" MEANS A PERSON OR BUSINESS ENTITY THAT MAKES A QUALIFYING CONTRIBUTION.~~

~~(J) "COUNTY COUNCIL" MEANS THE COUNTY COUNCIL OF ANNE ARUNDEL COUNTY.~~

~~(K) "COUNTY EXECUTIVE" MEANS THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY.~~

~~(L) "DONATION" HAS THE MEANING STATED IN § 13-306 OF THE ELECTION LAW ARTICLE.~~

~~(M) "IMMEDIATE FAMILY MEMBER" MEANS:~~

~~(1) A SPOUSE;~~

~~(2) A CHILD;~~

~~(3) A STEPCHILD;~~

~~(4) A PARENT;~~

~~(5) A SIBLING; OR~~

~~(6) A GRANDPARENT.~~

~~(N) "MEMBER" INCLUDES ANY CANDIDATE OR PERSON DULY ELECTED OR APPOINTED WHO TAKES THE OATH OF OFFICE AS A MEMBER OF THE COUNTY COUNCIL.~~

~~(O) (1) "PENDENCY OF THE APPLICATION" MEANS THE TIME BETWEEN THE ACCEPTANCE OF A FILING OF AN APPLICATION BY THE APPROPRIATE AGENCY AND EXPIRATION OF THE TIME UNDER WHICH AN APPEAL ON THE APPLICATION MAY BE TAKEN.~~

~~(2) "PENDENCY OF THE APPLICATION" DOES NOT INCLUDE A PERIOD DURING WHICH:~~

~~(I) ACTION ON THE APPLICATION IS UNDER JUDICIAL REVIEW;~~
OR

~~(II) JUDICIAL REVIEW MAY BE REQUESTED.~~

~~(P) "POLITICAL ACTION COMMITTEE" HAS THE MEANING STATED IN § 1-101 OF THE ELECTION LAW ARTICLE.~~

~~(Q) "QUALIFYING CONTRIBUTION" MEANS A CONTRIBUTION OR DONATION:~~

~~(1) BY A PERSON OR ATTRIBUTED TO A PERSON THAT IS TO OR FOR THE BENEFIT OF A CANDIDATE, MEMBER, OR COUNTY EXECUTIVE; AND~~

~~(2) MADE ON OR AFTER APRIL 8, 2019.~~

~~(R) "SLATE" HAS THE MEANING STATED IN § 1-101 OF THE ELECTION LAW ARTICLE.~~

~~(S) "TREASURER" HAS THE MEANING STATED IN § 1-101 OF THE ELECTION LAW ARTICLE.~~

~~5-870.~~

~~(A) (1) AN APPLICANT OR AGENT OF THE APPLICANT, OR AN IMMEDIATE FAMILY MEMBER OF AN APPLICANT OR AGENT OF THE APPLICANT, MAY NOT MAKE A QUALIFYING CONTRIBUTION TO A CANDIDATE DURING THE PENDENCY OF AN APPLICATION.~~

~~(2) A POLITICAL ACTION COMMITTEE UNDER THE DIRECTION OR CONTROL OF THE APPLICANT OR AGENT, OR IMMEDIATE FAMILY MEMBER OF AN APPLICANT OR AGENT, MAY NOT MAKE A TRANSFER TO A CANDIDATE'S AUTHORIZED~~

~~CANDIDATE CAMPAIGN COMMITTEE OR A SLATE TO WHICH THE CANDIDATE BELONGS.~~

~~(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AFTER AN APPLICATION HAS BEEN FILED, A MEMBER MAY NOT VOTE OR PARTICIPATE IN ANY WAY IN THE PROCEEDING ON THE APPLICATION IF THE MEMBER, DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION, RECEIVED OR WAS THE BENEFICIARY OF A QUALIFYING CONTRIBUTION DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION OR DURING THE PENDENCY OF THE APPLICATION FROM ANY OF THE APPLICANTS OR THE AGENTS OF THE APPLICANTS, OR THE IMMEDIATE FAMILY MEMBERS OF ANY OF THE APPLICANTS OR AGENTS OF THE APPLICANTS.~~

~~(2) A MEMBER IS NOT SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION IF:~~

~~(I) 1. A TRANSFER TO THE MEMBER'S AUTHORIZED CANDIDATE POLITICAL COMMITTEE OR A SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION WAS MADE BY A POLITICAL ACTION COMMITTEE TO WHICH AN APPLICANT OR AGENT, OR IMMEDIATE FAMILY MEMBER OF AN APPLICANT OR AGENT, HAD MADE A CONTRIBUTION;~~

~~2. THE APPLICANT, AGENT, OR IMMEDIATE FAMILY MEMBER MADE THE CONTRIBUTION TO THE POLITICAL ACTION COMMITTEE WITHOUT ANY INTENT TO SUBVERT THE PURPOSES OF THIS SUBTITLE;~~

~~3. THE APPLICANT'S, AGENT'S, OR IMMEDIATE FAMILY MEMBER'S CONTRIBUTION TO THE POLITICAL ACTION COMMITTEE AND THE POLITICAL ACTION COMMITTEE'S TRANSFER ARE DISCLOSED IN AN AFFIDAVIT; AND~~

~~4. THE TRANSFER IS RETURNED TO THE POLITICAL ACTION COMMITTEE BY THE MEMBER, OR THE CONTRIBUTION IS RETURNED TO THE APPLICANT, AGENT, OR IMMEDIATE FAMILY MEMBER BY THE POLITICAL ACTION COMMITTEE WITHIN 10 DAYS OF THE APPLICATION BEING FILED; OR~~

~~(H) DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION:~~

~~1. AN APPLICANT, AGENT, OR IMMEDIATE FAMILY MEMBER OF AN APPLICANT OR AGENT MADE A DONATION OR CONTRIBUTION FOR THE BENEFIT OF A CANDIDATE TO:~~

~~A. A POLITICAL ACTION COMMITTEE REQUIRED TO FILE A DISCLOSURE REPORT UNDER § 13-309.1 OF THE ELECTION LAW ARTICLE;~~

~~B. A PERSON REQUIRED TO FILE AN INDEPENDENT EXPENDITURE REPORT UNDER § 13-306 OF THE ELECTION LAW ARTICLE; OR~~

~~C. A PERSON REQUIRED TO FILE AN ELECTIONEERING COMMUNICATION REPORT UNDER § 13-307 OF THE ELECTION LAW ARTICLE;~~

~~2. AN APPLICANT, AGENT, OR IMMEDIATE FAMILY MEMBER OF AN APPLICANT OR AGENT MADE THE DONATION OR CONTRIBUTION TO THE POLITICAL ACTION COMMITTEE OR PERSON WITHOUT ANY INTENT TO SUBVERT THE PURPOSES OF THIS SUBTITLE;~~

~~3. AN APPLICANT, AGENT, OR IMMEDIATE FAMILY MEMBER OF AN APPLICANT OR AGENT DISCLOSED THE DONATION OR CONTRIBUTION TO THE POLITICAL ACTION COMMITTEE OR PERSON;~~

~~4. AN APPLICANT, AGENT, OR IMMEDIATE FAMILY MEMBER OF AN APPLICANT OR AGENT DISCLOSED THE EXPENDITURES THAT SUPPORT THE CANDIDATE IN AN AFFIDAVIT; AND~~

~~5. THE POLITICAL ACTION COMMITTEE OR PERSON RETURNED THE DONATION OR CONTRIBUTION TO THE APPLICANT, AGENT, OR IMMEDIATE FAMILY MEMBER WITHIN 10 DAYS OF THE APPLICATION BEING FILED.~~

~~(c) (1) AFTER AN APPLICATION IS FILED, THE APPLICANT SHALL FILE AN AFFIDAVIT UNDER OATH:~~

~~(i) 1. STATING TO THE BEST OF THE APPLICANT'S INFORMATION, KNOWLEDGE, AND BELIEF THAT DURING THE 48-MONTH PERIOD BEFORE THE FILING OF THE APPLICATION AND DURING THE PENDENCY OF THE APPLICATION, THE APPLICANT OR AN IMMEDIATE FAMILY MEMBER OF THE APPLICANT HAS NOT MADE ANY QUALIFYING CONTRIBUTION TO:~~

~~A. A MEMBER'S TREASURER;~~

~~B. A MEMBER'S AUTHORIZED CANDIDATE POLITICAL COMMITTEE;~~

~~C. A SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 48-MONTH PERIOD BEFORE THE FILING OF THE APPLICATION; OR~~

~~D. A PERSON THAT MADE EXPENDITURES BENEFITING THE MEMBER DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION AND IS REQUIRED TO FILE A REPORT UNDER § 13-306 OR § 13-307 OF THE ELECTION LAW ARTICLE;~~

~~2. DISCLOSING, IF A QUALIFYING CONTRIBUTION SPECIFIED UNDER ITEM 1 OF THIS ITEM WAS MADE, THE NAME OF THE MEMBER TO WHOSE TREASURER, AUTHORIZED CANDIDATE POLITICAL COMMITTEE, SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION, OR PERSON SPECIFIED UNDER ITEM 1D OF THIS ITEM THE QUALIFYING CONTRIBUTION WAS MADE; AND~~

~~(H) 1. STATING THAT, BASED ON THE APPLICANT'S PERSONAL KNOWLEDGE, DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION AND DURING THE PENDENCY OF THE APPLICATION, THE APPLICANT OR AN IMMEDIATE FAMILY MEMBER OF THE APPLICANT HAS NOT SOLICITED ANY PERSON OR BUSINESS ENTITY TO MAKE A QUALIFYING CONTRIBUTION TO A MEMBER'S TREASURER, A MEMBER'S AUTHORIZED CANDIDATE POLITICAL COMMITTEE, A SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION, OR A PERSON SPECIFIED UNDER ITEM (I)1D OF THIS PARAGRAPH; OR~~

~~2. DISCLOSING, IF A SOLICITED QUALIFYING CONTRIBUTION SPECIFIED UNDER ITEM 1 OF THIS ITEM WAS MADE, THE NAME OF THE MEMBER TO WHOSE TREASURER, AUTHORIZED CANDIDATE POLITICAL COMMITTEE, SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION, OR PERSON SPECIFIED UNDER ITEM (I)1D OF THIS PARAGRAPH THE QUALIFYING CONTRIBUTION WAS MADE.~~

~~(2) THE AFFIDAVIT SHALL BE FILED AT LEAST 30 CALENDAR DAYS BEFORE CONSIDERATION OF THE APPLICATION BY THE COUNTY COUNCIL.~~

~~(3) A SUPPLEMENTAL AFFIDAVIT SHALL BE FILED WHENEVER A QUALIFYING CONTRIBUTION IS MADE AFTER THE ORIGINAL AFFIDAVIT WAS FILED.~~

~~(4) (I) AN APPLICANT IS NOT REQUIRED TO MAKE ANY REPRESENTATIONS IN THE AFFIDAVIT RELATING TO THE ACTIONS OF ANYONE OTHER THAN THAT APPLICANT OR AN IMMEDIATE FAMILY MEMBER OF THE APPLICANT.~~

~~(H) ANYONE WITH AUTHORITY TO ACT ON BEHALF OF AND BIND A BUSINESS ENTITY MAY EXECUTE AN AFFIDAVIT ON BEHALF OF THE BUSINESS ENTITY.~~

~~(5) THE ONLY DISCLOSURES REQUIRED UNDER THE AFFIDAVIT ARE THOSE INVOLVING INDIVIDUALS OR BUSINESS ENTITIES THAT WOULD BE SUBJECT TO THIS PART.~~

~~(D) (1) AN AGENT SHALL FILE AN AFFIDAVIT IN AN APPLICATION ONLY IF:~~

~~(I) THE AGENT HAS ACTED ON BEHALF OF THE APPLICANT WITH REGARD TO THE SPECIFIC APPLICATION; AND~~

~~(II) DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION AND DURING THE PENDENCY OF THE APPLICATION AND AFTER BECOMING AN AGENT OF THE APPLICANT:~~

~~1. THE AGENT OR AN IMMEDIATE FAMILY MEMBER OF THE AGENT HAS MADE A QUALIFYING CONTRIBUTION TO A MEMBER, A MEMBER'S AUTHORIZED CANDIDATE POLITICAL COMMITTEE, A SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION, OR PERSON SPECIFIED UNDER SUBSECTION (C)(1)D OF THIS SECTION; OR~~

~~2. THE AGENT OR AN IMMEDIATE FAMILY MEMBER OF THE AGENT HAS SOLICITED ANY PERSON TO MAKE A QUALIFYING CONTRIBUTION TO A MEMBER'S TREASURER, A MEMBER'S AUTHORIZED CANDIDATE POLITICAL COMMITTEE, A SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION, OR PERSON SPECIFIED UNDER SUBSECTION (C)(1)D OF THIS SECTION.~~

~~(2) NOTWITHSTANDING PARAGRAPH (1)(II) OF THIS SUBSECTION, AN AGENT SHALL DISCLOSE IN THE AFFIDAVIT A QUALIFYING CONTRIBUTION MADE BEFORE BECOMING AN AGENT IF THE AGENT OR AN IMMEDIATE FAMILY MEMBER OF THE AGENT:~~

~~(I) MADE THE QUALIFYING CONTRIBUTION BY PREARRANGEMENT OR IN COORDINATION WITH ONE OR MORE APPLICANTS; OR~~

~~(II) ACTED AS AN AGENT AS TO ANY OTHER APPLICATION FILED DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION.~~

~~(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A CONTRIBUTOR, MEMBER, OR POLITICAL ACTION COMMITTEE IS SUBJECT TO THIS PART IF A QUALIFYING CONTRIBUTION IS MADE BY THE CONTRIBUTOR OR A TRANSFER IS MADE BY THE POLITICAL ACTION COMMITTEE TO:~~

~~(I) THE CANDIDATE;~~

~~(II) THE CANDIDATE'S CONTINUING POLITICAL COMMITTEE; OR~~

~~(III) A SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION.~~

~~(2) THIS PART DOES NOT APPLY TO:~~

~~(I) ANY TRANSFER TO THE AUTHORIZED CANDIDATE POLITICAL COMMITTEE OF A MEMBER BY AN AUTHORIZED CANDIDATE POLITICAL COMMITTEE OF ANOTHER INDIVIDUAL RUNNING FOR ELECTIVE OFFICE OR SLATE; OR~~

~~(II) A CONTRIBUTION OR TRANSFER TO THE ANNE ARUNDEL COUNTY OR STATE CENTRAL COMMITTEE OF A POLITICAL PARTY, EVEN IF THE CENTRAL COMMITTEE SUPPORTS A CANDIDATE.~~

~~(3) (I) A PERSON MAY NOT MAKE A QUALIFYING CONTRIBUTION IN VIOLATION OF THIS PART.~~

~~(II) IF A QUALIFYING CONTRIBUTION IS MADE IN VIOLATION OF THIS PART, THE QUALIFYING CONTRIBUTION SHALL BE RETURNED TO THE PERSON WHO MADE THE QUALIFYING CONTRIBUTION.~~

~~(F) AN APPLICANT OR AGENT OR IMMEDIATE FAMILY MEMBER OF THE APPLICANT OR AGENT MAY NOT TAKE ANY ACTION, DIRECTLY OR INDIRECTLY, WITH THE INTENT TO CIRCUMVENT THE INTENT OF THIS PART.~~

~~5-871.~~

~~THE ANNE ARUNDEL COUNTY ETHICS COMMISSION SHALL ADMINISTER AND IMPLEMENT THE PROVISIONS OF THIS SECTION.~~

~~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 qualifying contributions made on or after April 8, 2019.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That, if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.~~

SECTION ~~4~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, May 13, 2019.

Chapter 555

(Senate Bill 710)

AN ACT concerning

Anne Arundel County – Ethics – ~~Prohibitions and Requirements Regarding Qualifying Contributions During Pendency of Zoning Contributions and Participation in Development Applications~~

FOR the purpose of specifying that certain provisions of law may apply to certain campaign contributions; authorizing the County Council of Anne Arundel County to enact a local law to regulate the participation of a member of the County Council or the County Executive of Anne Arundel County in any legislative action relevant to a zoning change or amendment or to a certain application if the member of the County Council or the County Executive accepts or has accepted, or as a candidate accepted, a campaign contribution from a certain individual or business entity; authorizing the County Council to enact a local law to prohibit or otherwise regulate certain campaign contributions; requiring the Anne Arundel County Ethics Commission to administer and implement a certain law; defining certain terms; prohibiting applicants, agent of applicants, and immediate family members of the applicants and agents from making a certain qualifying payment to a certain candidate during the pendency of the application; prohibiting a certain political action committee from making a transfer to a candidate's authorized candidate campaign committee or a slate to which the candidate belongs; prohibiting a member from voting or participating in any way in the proceeding on an application under certain circumstances; providing that a member is not subject to the requirements of certain provisions of this Act under certain circumstances; requiring the applicant to file a certain affidavit under oath after the application is filed; requiring that the affidavit be filed at least a certain number of days before consideration of the application by the County Council of Anne Arundel County; requiring that a supplemental affidavit be filed whenever a qualifying contribution is made after the original affidavit was filed; providing that an applicant is not required to make certain representations in the affidavit; authorizing anyone with authority to act on behalf of and bind a business entity to execute an affidavit on behalf of the business entity; providing that the only disclosures required under the affidavit are those involving certain individuals or business entities; requiring an agent to file an affidavit in an application only under certain circumstances; requiring an agent, under certain circumstances, to disclose in the affidavit a qualifying contribution made before

~~becoming an agent; providing that, except under certain circumstances, certain persons are subject to this Act under certain circumstances; prohibiting a person from making a qualifying contribution in violation of this Act; requiring a qualifying contribution to be returned to the person who made the qualifying contribution if the qualifying contribution is made in violation of this Act; prohibiting applicants, agents, and immediate family members of the applicants and agents from taking any action, directly or indirectly, with the intent to circumvent the intent of this Act; requiring the Anne Arundel County Ethics Commission to administer and implement the provisions of this Act; defining certain terms; providing for the application of this Act; making the provisions of this Act severable; and generally relating to ethics in Anne Arundel County.~~

BY repealing and reenacting, without amendments,

Article – Election Law

Section ~~1–101(a), (e), (o), (ff), (oo), and (tt) and 13–306(a)(1) and (2)~~ 1–101(a) and (o)

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

BY adding to

Article – Election Law

Section 13–504.1

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – General Provisions

Section 5–104(a)

Annotated Code of Maryland

(2014 Volume and 2018 Supplement)

BY adding to

Article – General Provisions

Section 5–869 through 5–871 to be under the new part “Part XI. Special Provisions for Anne Arundel County”

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 – Election Law

1–101.

(a) In this article the following words have the meanings indicated unless a different meaning is clearly intended from the context.

~~(e) “Authorized candidate campaign committee” means a political committee established under Title 13 of this article and authorized by a candidate to promote the candidate’s candidacy.~~

(o) (1) “Contribution” means the gift or transfer, or promise of gift or transfer, of money or other thing of value to a campaign finance entity to promote or assist in the promotion of the success or defeat of a candidate, political party, question, or prospective question.

(2) “Contribution” includes:

(i) proceeds from the sale of tickets to a campaign fund-raising event; and

(ii) a coordinated expenditure as defined in § 13-249 of this article.

(3) “Contribution” does not include the costs associated with the establishment, administration, or solicitation of voluntary contributions to a political action committee established by a corporation, limited liability company, general partnership, limited partnership, membership organization, trade association, cooperative, or corporation without capital stock as long as the political action committee only solicits contributions from employees of the organization that established the political action committee, or members of the organization that established the political action committee, and the employees or members are participating in a payroll deduction program established by the employer of the employee or member.

~~(ff) “Political action committee” means a political committee that is not:~~

~~(1) a political party;~~

~~(2) a central committee;~~

~~(3) a slate;~~

~~(4) a legislative party caucus committee;~~

~~(5) an authorized candidate campaign committee; or~~

~~(6) a ballot issue committee.~~

~~(oo) “Slate” means a political committee of two or more candidates who join together to conduct and pay for joint campaign activities.~~

~~(tt) “Treasurer” means an individual appointed in accordance with Title 13, Subtitle 2 of this article.~~

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

~~(2) (i) "Donation" means the gift or transfer, or promise of gift or transfer, of money or other thing of value to a person who makes independent expenditures;~~

~~(ii) "Donation" does not include any amount of money or any other thing of value:~~

~~1. received by a person in the ordinary course of any trade or business conducted by the person, whether for profit or not for profit, or in the form of investments in the person's business; or~~

~~2. A. that the donor and the person receiving the money or thing of value expressly agree in writing may not be used for independent expenditures; and~~

~~B. in the case of a monetary donation, is deposited in a separate bank account that is never used for independent expenditures.~~

13-504.1.

AS TO CONTRIBUTIONS TO THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY OR TO A MEMBER OF THE ANNE ARUNDEL COUNTY COUNCIL OR A CANDIDATE FOR ELECTION AS THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY OR AS A MEMBER OF THE ANNE ARUNDEL COUNTY COUNCIL, TITLE 5, SUBTITLE 8, PART XI OF THE GENERAL PROVISIONS ARTICLE MAY APPLY.

Article – General Provisions

5-104.

(a) Except as provided in subsections (b) and (c) of this section AND IN ~~SECTION § 5-871 OF THIS TITLE~~, this title shall be administered and implemented by the Ethics Commission.

5-867. RESERVED.

5-868. RESERVED.

PART XI. SPECIAL PROVISIONS FOR ANNE ARUNDEL COUNTY.

5-869.

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

(B) (1) "CANDIDATE" MEANS AN INDIVIDUAL WHO FILES A CERTIFICATE OF CANDIDACY FOR:

(I) ELECTION TO THE COUNTY COUNCIL; OR

(II) COUNTY EXECUTIVE.

(2) "CANDIDATE" INCLUDES AN INCUMBENT MEMBER OF THE COUNTY COUNCIL AND AN INCUMBENT COUNTY EXECUTIVE.

(C) "COUNTY COUNCIL" MEANS THE COUNTY COUNCIL OF ANNE ARUNDEL COUNTY.

(D) "COUNTY EXECUTIVE" MEANS THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY.

5-870.

(A) THE COUNTY COUNCIL MAY ENACT A LOCAL LAW TO REGULATE THE PARTICIPATION OF A MEMBER OF THE COUNTY COUNCIL OR THE COUNTY EXECUTIVE IN ANY LEGISLATIVE ACTION RELEVANT TO A ZONING CHANGE OR AMENDMENT, OR TO A LAND USE APPLICATION THAT IS BEFORE THE OFFICE OF PLANNING AND ZONING OR THE DEPARTMENT OF INSPECTIONS AND PERMITS, IF THE MEMBER OF THE COUNTY COUNCIL OR THE COUNTY EXECUTIVE ACCEPTS OR HAS ACCEPTED, OR AS A CANDIDATE ACCEPTED, A CAMPAIGN CONTRIBUTION FROM AN INDIVIDUAL OR A BUSINESS ENTITY INVOLVED WITH THE ACTION OR APPLICATION.

(B) THE COUNTY COUNCIL MAY ENACT A LOCAL LAW TO PROHIBIT OR OTHERWISE REGULATE CAMPAIGN CONTRIBUTIONS MADE TO, OR FOR THE BENEFIT OF, A MEMBER OF THE COUNTY COUNCIL, THE COUNTY EXECUTIVE, OR A CANDIDATE FOR ELECTION TO THE COUNTY COUNCIL OR COUNTY EXECUTIVE BY AN INDIVIDUAL OR A BUSINESS ENTITY INVOLVED WITH A LEGISLATIVE ACTION RELEVANT TO A ZONING CHANGE OR AMENDMENT, OR TO A LAND USE APPLICATION THAT IS BEFORE THE OFFICE OF PLANNING AND ZONING OR THE DEPARTMENT OF INSPECTIONS AND PERMITS.

5-871.

IF THE COUNTY COUNCIL ENACTS A LOCAL LAW UNDER § 5-870 OF THIS SUBTITLE, THE ANNE ARUNDEL COUNTY ETHICS COMMISSION SHALL ADMINISTER AND IMPLEMENT THE PROVISIONS OF THE LOCAL LAW.

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

~~(B) (1) "AGENT" MEANS AN INDIVIDUAL OR A BUSINESS ENTITY HIRED OR RETAINED BY AN APPLICANT FOR ANY PURPOSE RELATING TO THE LAND THAT IS THE SUBJECT OF AN APPLICATION IF THE INDIVIDUAL OR BUSINESS ENTITY IS:~~

- ~~(I) AN ACCOUNTANT;~~
- ~~(II) AN ATTORNEY;~~
- ~~(III) AN ARCHITECT;~~
- ~~(IV) AN ENGINEER;~~
- ~~(V) A LAND USE CONSULTANT;~~
- ~~(VI) AN ECONOMIC CONSULTANT;~~
- ~~(VII) A REAL ESTATE AGENT;~~
- ~~(VIII) A REAL ESTATE BROKER;~~
- ~~(IX) A TRAFFIC CONSULTANT; OR~~
- ~~(X) A TRAFFIC ENGINEER.~~

~~(2) "AGENT" INCLUDES:~~

~~(I) AS TO A CORPORATION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, ITS OFFICERS, DIRECTORS, AND MAJORITY STOCKHOLDERS WHO ARE ENGAGED IN SUBSTANTIVE ACTIVITIES RELATING SPECIFICALLY TO LAND DEVELOPMENT IN ANNE ARUNDEL COUNTY AS A REGULAR PART OF THEIR ONGOING BUSINESS ACTIVITIES;~~

~~(II) AS TO A PARTNERSHIP OR LIMITED PARTNERSHIP DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, ITS GENERAL PARTNERS AND LIMITED PARTNERS WHO ARE ENGAGED IN SUBSTANTIVE ACTIVITIES RELATING SPECIFICALLY TO LAND DEVELOPMENT IN ANNE ARUNDEL COUNTY AS A REGULAR PART OF THEIR ONGOING BUSINESS ACTIVITIES; AND~~

~~(III) AS TO A JOINT VENTURE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE PRINCIPAL MEMBERS OF THE JOINT VENTURE WHO ARE ENGAGED IN SUBSTANTIVE ACTIVITIES RELATING SPECIFICALLY TO LAND~~

~~DEVELOPMENT IN ANNE ARUNDEL COUNTY AS A REGULAR PART OF THEIR ONGOING BUSINESS ACTIVITIES.~~

~~(C) (1) "APPLICANT" MEANS AN INDIVIDUAL OR A BUSINESS ENTITY THAT IS:~~

~~(I) A TITLE OWNER OR CONTRACT PURCHASER OF LAND THAT IS THE SUBJECT OF AN APPLICATION;~~

~~(II) A TRUSTEE THAT HAS AN INTEREST IN LAND THAT IS THE SUBJECT OF AN APPLICATION, EXCLUDING A TRUSTEE DESCRIBED IN A MORTGAGE OR DEED OF TRUST; OR~~

~~(III) A HOLDER OF AT LEAST A 5% INTEREST IN A BUSINESS ENTITY THAT HAS AN INTEREST IN LAND THAT IS THE SUBJECT OF AN APPLICATION, BUT ONLY IF:~~

~~1. THE HOLDER OF AT LEAST A 5% INTEREST HAS SUBSTANTIVE INVOLVEMENT IN DIRECTING THE AFFAIRS OF THE BUSINESS ENTITY WITH AN INTEREST IN THE LAND THAT IS THE SUBJECT OF AN APPLICATION WITH SPECIFIC REGARD TO THE DISPOSITION OF THAT LAND; OR~~

~~2. THE HOLDER OF AT LEAST A 5% INTEREST IS ENGAGED IN SUBSTANTIVE ACTIVITIES SPECIFICALLY PERTAINING TO LAND DEVELOPMENT IN ANNE ARUNDEL COUNTY AS A REGULAR PART OF THE BUSINESS ENTITY'S ONGOING BUSINESS ACTIVITIES.~~

~~(2) "APPLICANT" INCLUDES:~~

~~(I) ANY BUSINESS ENTITY IN WHICH A PERSON DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION HOLDS AT LEAST A 5% INTEREST; AND~~

~~(II) THE DIRECTORS AND OFFICERS OF A BUSINESS ENTITY THAT ACTUALLY HOLDS TITLE TO THE LAND OR IS A CONTRACT PURCHASER OF THE LAND THAT IS THE SUBJECT OF AN APPLICATION.~~

~~(3) "APPLICANT" DOES NOT INCLUDE:~~

~~(I) A FINANCIAL INSTITUTION THAT HAS LOANED MONEY OR EXTENDED FINANCING FOR THE ACQUISITION, DEVELOPMENT, OR CONSTRUCTION OF IMPROVEMENTS ON ANY LAND THAT IS THE SUBJECT OF AN APPLICATION;~~

~~(II) A MUNICIPAL CORPORATION OR PUBLIC CORPORATION;~~

~~(III) A PUBLIC AUTHORITY;~~

~~(IV) A PUBLIC UTILITY REGULATED BY THE PUBLIC SERVICE COMMISSION IN ANY INSTANCE WHERE THE UTILITY IS ENGAGED IN OR CONDUCTING REGULATED ACTIVITIES THAT HAVE BEEN APPROVED BY THE PUBLIC SERVICE COMMISSION OR ARE ALLOWED UNDER DIVISION I OF THE PUBLIC UTILITIES ARTICLE; OR~~

~~(V) THE DIRECTORS AND OFFICERS OF ANY ENTITY THAT DOES NOT HOLD TITLE TO THE LAND OR IS NOT THE CONTRACT PURCHASER OF THE LAND THAT IS THE SUBJECT OF AN APPLICATION.~~

~~(D) “APPLICATION” MEANS:~~

~~(1) AN APPLICATION OR A REQUEST FOR:~~

~~(I) A ZONING MAP AMENDMENT;~~

~~(II) A ZONING ORDINANCE TEXT AMENDMENT;~~

~~(III) A SPECIAL EXCEPTION;~~

~~(IV) A MODIFICATION;~~

~~(V) A REVISION TO A SPECIAL EXCEPTION OR AN ASSOCIATED SITE PLAN;~~

~~(VI) AN EXPANSION OF A LEGAL NONCONFORMING USE;~~

~~(VII) A REVISION TO A LEGAL NONCONFORMING USE OR AN ASSOCIATED SITE PLAN; OR~~

~~(VIII) A REQUEST FOR A VARIANCE FROM THE ZONING ORDINANCE, INCLUDING A REQUEST FOR A VARIANCE FROM ANY PROVISION OF ANNE ARUNDEL COUNTY’S CRITICAL AREA PROGRAM;~~

~~(2) AN APPLICATION TO APPROVE:~~

~~(I) A SKETCH PLAN;~~

~~(II) A FINAL PLAN;~~

~~(III) A PRELIMINARY PLAN;~~

~~(IV) A SITE DEVELOPMENT PLAN;~~

~~(V) A GRADING PERMIT ASSOCIATED WITH A SITE DEVELOPMENT PLAN;~~

~~(VI) A BUILDING PERMIT ASSOCIATED WITH A SITE DEVELOPMENT PLAN; OR~~

~~(VII) A PLANNED URBAN DEVELOPMENT; OR~~

~~(3) PARTICIPATION IN PASSING COMPREHENSIVE REZONING LEGISLATION OR AN AMENDMENT TO COMPREHENSIVE REZONING LEGISLATION BY APPEARANCE AT A PUBLIC HEARING, FILING A STATEMENT IN THE OFFICIAL RECORD, OR OTHER SIMILAR COMMUNICATION TO A MEMBER OF THE COUNTY COUNCIL, WHERE THE INTENT IS TO INTENSIFY THE ZONING CATEGORY APPLICABLE TO THE LAND OF THE APPLICANT.~~

~~(E) "AUTHORIZED CANDIDATE POLITICAL COMMITTEE" HAS THE MEANING STATED IN § 1-101 OF THE ELECTION LAW ARTICLE.~~

~~(F) "BUSINESS ENTITY" MEANS:~~

~~(1) A CORPORATION;~~

~~(2) A GENERAL PARTNERSHIP;~~

~~(3) A JOINT VENTURE;~~

~~(4) A LIMITED LIABILITY COMPANY;~~

~~(5) A LIMITED PARTNERSHIP; OR~~

~~(6) A SOLE PROPRIETORSHIP.~~

~~(G) (1) "CANDIDATE" MEANS AN INDIVIDUAL WHO FILES A CERTIFICATE OF CANDIDACY FOR:~~

~~(I) ELECTION TO THE COUNTY COUNCIL; OR~~

~~(II) COUNTY EXECUTIVE.~~

~~(2) "CANDIDATE" INCLUDES AN INCUMBENT MEMBER OR COUNTY EXECUTIVE.~~

~~(H) "CONTRIBUTION" HAS THE MEANING STATED IN § 1-101 OF THE ELECTION LAW ARTICLE.~~

~~(I) "CONTRIBUTOR" MEANS A PERSON OR BUSINESS ENTITY THAT MAKES A QUALIFYING CONTRIBUTION.~~

~~(J) "COUNTY COUNCIL" MEANS THE COUNTY COUNCIL OF ANNE ARUNDEL COUNTY.~~

~~(K) "COUNTY EXECUTIVE" MEANS THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY.~~

~~(L) "DONATION" HAS THE MEANING STATED IN § 13-306 OF THE ELECTION LAW ARTICLE.~~

~~(M) "IMMEDIATE FAMILY MEMBER" MEANS:~~

~~(1) A SPOUSE;~~

~~(2) A CHILD;~~

~~(3) A STEPCHILD;~~

~~(4) A PARENT;~~

~~(5) A SIBLING; OR~~

~~(6) A GRANDPARENT.~~

~~(N) "MEMBER" INCLUDES ANY CANDIDATE OR PERSON DULY ELECTED OR APPOINTED WHO TAKES THE OATH OF OFFICE AS A MEMBER OF THE COUNTY COUNCIL.~~

~~(O) (1) "PENDENCY OF THE APPLICATION" MEANS THE TIME BETWEEN THE ACCEPTANCE OF A FILING OF AN APPLICATION BY THE APPROPRIATE AGENCY AND EXPIRATION OF THE TIME UNDER WHICH AN APPEAL ON THE APPLICATION MAY BE TAKEN.~~

~~(2) "PENDENCY OF THE APPLICATION" DOES NOT INCLUDE A PERIOD DURING WHICH:~~

~~(I) ACTION ON THE APPLICATION IS UNDER JUDICIAL REVIEW;~~

~~OR~~

~~(II) JUDICIAL REVIEW MAY BE REQUESTED.~~

~~(P) "POLITICAL ACTION COMMITTEE" HAS THE MEANING STATED IN § 1-101 OF THE ELECTION LAW ARTICLE.~~

~~(Q) "QUALIFYING CONTRIBUTION" MEANS A CONTRIBUTION OR DONATION:~~

~~(1) BY A PERSON OR ATTRIBUTED TO A PERSON THAT IS TO OR FOR THE BENEFIT OF A CANDIDATE, MEMBER, OR COUNTY EXECUTIVE; AND~~

~~(2) MADE ON OR AFTER APRIL 8, 2019.~~

~~(R) "SLATE" HAS THE MEANING STATED IN § 1-101 OF THE ELECTION LAW ARTICLE.~~

~~(S) "TREASURER" HAS THE MEANING STATED IN § 1-101 OF THE ELECTION LAW ARTICLE.~~

~~5-870.~~

~~(A) (1) AN APPLICANT OR AGENT OF THE APPLICANT, OR AN IMMEDIATE FAMILY MEMBER OF AN APPLICANT OR AGENT OF THE APPLICANT, MAY NOT MAKE A QUALIFYING CONTRIBUTION TO A CANDIDATE DURING THE PENDENCY OF AN APPLICATION.~~

~~(2) A POLITICAL ACTION COMMITTEE UNDER THE DIRECTION OR CONTROL OF THE APPLICANT OR AGENT, OR IMMEDIATE FAMILY MEMBER OF AN APPLICANT OR AGENT, MAY NOT MAKE A TRANSFER TO A CANDIDATE'S AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE OR A SLATE TO WHICH THE CANDIDATE BELONGS.~~

~~(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AFTER AN APPLICATION HAS BEEN FILED, A MEMBER MAY NOT VOTE OR PARTICIPATE IN ANY WAY IN THE PROCEEDING ON THE APPLICATION IF THE MEMBER, DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION, RECEIVED OR WAS THE BENEFICIARY OF A QUALIFYING CONTRIBUTION DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION OR DURING THE PENDENCY OF THE APPLICATION FROM ANY OF THE APPLICANTS OR THE AGENTS OF THE APPLICANTS, OR THE IMMEDIATE FAMILY MEMBERS OF ANY OF THE APPLICANTS OR AGENTS OF THE APPLICANTS.~~

~~(2) A MEMBER IS NOT SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION IF:~~

~~(i) 1. A TRANSFER TO THE MEMBER'S AUTHORIZED CANDIDATE POLITICAL COMMITTEE OR A SLATE TO WHICH THE MEMBER BELONGS~~

~~OR BELONGED DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION WAS MADE BY A POLITICAL ACTION COMMITTEE TO WHICH AN APPLICANT OR AGENT, OR IMMEDIATE FAMILY MEMBER OF AN APPLICANT OR AGENT, HAD MADE A CONTRIBUTION;~~

~~2. THE APPLICANT, AGENT, OR IMMEDIATE FAMILY MEMBER MADE THE CONTRIBUTION TO THE POLITICAL ACTION COMMITTEE WITHOUT ANY INTENT TO SUBVERT THE PURPOSES OF THIS SUBTITLE;~~

~~3. THE APPLICANT'S, AGENT'S, OR IMMEDIATE FAMILY MEMBER'S CONTRIBUTION TO THE POLITICAL ACTION COMMITTEE AND THE POLITICAL ACTION COMMITTEE'S TRANSFER ARE DISCLOSED IN AN AFFIDAVIT; AND~~

~~4. THE TRANSFER IS RETURNED TO THE POLITICAL ACTION COMMITTEE BY THE MEMBER, OR THE CONTRIBUTION IS RETURNED TO THE APPLICANT, AGENT, OR IMMEDIATE FAMILY MEMBER BY THE POLITICAL ACTION COMMITTEE WITHIN 10 DAYS OF THE APPLICATION BEING FILED; OR~~

~~(H) DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION:~~

~~1. AN APPLICANT, AGENT, OR IMMEDIATE FAMILY MEMBER OF AN APPLICANT OR AGENT MADE A DONATION OR CONTRIBUTION FOR THE BENEFIT OF A CANDIDATE TO:~~

~~A. A POLITICAL ACTION COMMITTEE REQUIRED TO FILE A DISCLOSURE REPORT UNDER § 13-309.1 OF THE ELECTION LAW ARTICLE;~~

~~B. A PERSON REQUIRED TO FILE AN INDEPENDENT EXPENDITURE REPORT UNDER § 13-306 OF THE ELECTION LAW ARTICLE; OR~~

~~C. A PERSON REQUIRED TO FILE AN ELECTIONEERING COMMUNICATION REPORT UNDER § 13-307 OF THE ELECTION LAW ARTICLE;~~

~~2. AN APPLICANT, AGENT, OR IMMEDIATE FAMILY MEMBER OF AN APPLICANT OR AGENT MADE THE DONATION OR CONTRIBUTION TO THE POLITICAL ACTION COMMITTEE OR PERSON WITHOUT ANY INTENT TO SUBVERT THE PURPOSES OF THIS SUBTITLE;~~

~~3. AN APPLICANT, AGENT, OR IMMEDIATE FAMILY MEMBER OF AN APPLICANT OR AGENT DISCLOSED THE DONATION OR CONTRIBUTION TO THE POLITICAL ACTION COMMITTEE OR PERSON;~~

~~4. AN APPLICANT, AGENT, OR IMMEDIATE FAMILY MEMBER OF AN APPLICANT OR AGENT DISCLOSED THE EXPENDITURES THAT SUPPORT THE CANDIDATE IN AN AFFIDAVIT; AND~~

~~5. THE POLITICAL ACTION COMMITTEE OR PERSON RETURNED THE DONATION OR CONTRIBUTION TO THE APPLICANT, AGENT, OR IMMEDIATE FAMILY MEMBER WITHIN 10 DAYS OF THE APPLICATION BEING FILED.~~

~~(C) (1) AFTER AN APPLICATION IS FILED, THE APPLICANT SHALL FILE AN AFFIDAVIT UNDER OATH:~~

~~(I) 1. STATING TO THE BEST OF THE APPLICANT'S INFORMATION, KNOWLEDGE, AND BELIEF THAT DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION AND DURING THE PENDENCY OF THE APPLICATION, THE APPLICANT OR AN IMMEDIATE FAMILY MEMBER OF THE APPLICANT HAS NOT MADE ANY QUALIFYING CONTRIBUTION TO:~~

~~A. A MEMBER'S TREASURER;~~

~~B. A MEMBER'S AUTHORIZED CANDIDATE POLITICAL COMMITTEE;~~

~~C. A SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION; OR~~

~~D. A PERSON THAT MADE EXPENDITURES BENEFITING THE MEMBER DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION AND IS REQUIRED TO FILE A REPORT UNDER § 13-306 OR § 13-307 OF THE ELECTION LAW ARTICLE;~~

~~2. DISCLOSING, IF A QUALIFYING CONTRIBUTION SPECIFIED UNDER ITEM 1 OF THIS ITEM WAS MADE, THE NAME OF THE MEMBER TO WHOSE TREASURER, AUTHORIZED CANDIDATE POLITICAL COMMITTEE, SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION, OR PERSON SPECIFIED UNDER ITEM 1D OF THIS ITEM THE QUALIFYING CONTRIBUTION WAS MADE; AND~~

~~(H) 1. STATING TO THE BEST OF THE APPLICANT'S INFORMATION, KNOWLEDGE, AND BELIEF THAT DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION AND DURING THE PENDENCY OF THE APPLICATION, THE APPLICANT OR AN IMMEDIATE FAMILY MEMBER OF THE APPLICANT HAS NOT SOLICITED ANY PERSON OR BUSINESS ENTITY TO MAKE A QUALIFYING CONTRIBUTION TO A MEMBER'S TREASURER, A MEMBER'S~~

~~AUTHORIZED CANDIDATE POLITICAL COMMITTEE, A SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION, OR A PERSON SPECIFIED UNDER ITEM (I)1D OF THIS PARAGRAPH; OR~~

~~2. DISCLOSING, IF A SOLICITED QUALIFYING CONTRIBUTION SPECIFIED UNDER ITEM 1 OF THIS ITEM WAS MADE, THE NAME OF THE MEMBER TO WHOSE TREASURER, AUTHORIZED CANDIDATE POLITICAL COMMITTEE, SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION, OR PERSON SPECIFIED UNDER ITEM (I)1D OF THIS PARAGRAPH THE QUALIFYING CONTRIBUTION WAS MADE.~~

~~(2) THE AFFIDAVIT SHALL BE FILED AT LEAST 30 CALENDAR DAYS BEFORE CONSIDERATION OF THE APPLICATION BY THE COUNTY COUNCIL.~~

~~(3) A SUPPLEMENTAL AFFIDAVIT SHALL BE FILED WHENEVER A QUALIFYING CONTRIBUTION IS MADE AFTER THE ORIGINAL AFFIDAVIT WAS FILED.~~

~~(4) (I) AN APPLICANT IS NOT REQUIRED TO MAKE ANY REPRESENTATIONS IN THE AFFIDAVIT RELATING TO THE ACTIONS OF ANYONE OTHER THAN THAT APPLICANT OR AN IMMEDIATE FAMILY MEMBER OF THE APPLICANT.~~

~~(H) ANYONE WITH AUTHORITY TO ACT ON BEHALF OF AND BIND A BUSINESS ENTITY MAY EXECUTE AN AFFIDAVIT ON BEHALF OF THE BUSINESS ENTITY.~~

~~(5) THE ONLY DISCLOSURES REQUIRED UNDER THE AFFIDAVIT ARE THOSE INVOLVING INDIVIDUALS OR BUSINESS ENTITIES THAT WOULD BE SUBJECT TO THIS PART.~~

~~(D) (1) AN AGENT SHALL FILE AN AFFIDAVIT IN AN APPLICATION ONLY IF:~~

~~(I) THE AGENT HAS ACTED ON BEHALF OF THE APPLICANT WITH REGARD TO THE SPECIFIC APPLICATION; AND~~

~~(H) DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION AND DURING THE PENDENCY OF THE APPLICATION AND AFTER BECOMING AN AGENT OF THE APPLICANT;~~

~~1. THE AGENT OR AN IMMEDIATE FAMILY MEMBER OF THE AGENT HAS MADE A QUALIFYING CONTRIBUTION TO A MEMBER, A MEMBER'S AUTHORIZED CANDIDATE POLITICAL COMMITTEE, A SLATE TO WHICH THE MEMBER~~

~~BELONGS OR BELONGED DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION, OR PERSON SPECIFIED UNDER SUBSECTION (C)(1)D OF THIS SECTION; OR~~

~~2. THE AGENT OR AN IMMEDIATE FAMILY MEMBER OF THE AGENT HAS SOLICITED ANY PERSON TO MAKE A QUALIFYING CONTRIBUTION TO A MEMBER'S TREASURER, A MEMBER'S AUTHORIZED CANDIDATE POLITICAL COMMITTEE, A SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION, OR PERSON SPECIFIED UNDER SUBSECTION (C)(1)D OF THIS SECTION.~~

~~(2) NOTWITHSTANDING PARAGRAPH (1)(II) OF THIS SUBSECTION, AN AGENT SHALL DISCLOSE IN THE AFFIDAVIT A QUALIFYING CONTRIBUTION MADE BEFORE BECOMING AN AGENT IF THE AGENT OR AN IMMEDIATE FAMILY MEMBER OF THE AGENT:~~

~~(I) MADE THE QUALIFYING CONTRIBUTION BY PREARRANGEMENT OR IN COORDINATION WITH ONE OR MORE APPLICANTS; OR~~

~~(II) ACTED AS AN AGENT AS TO ANY OTHER APPLICATION FILED DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION.~~

~~(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A CONTRIBUTOR, MEMBER, OR POLITICAL ACTION COMMITTEE IS SUBJECT TO THIS PART IF A QUALIFYING CONTRIBUTION IS MADE BY THE CONTRIBUTOR OR A TRANSFER IS MADE BY THE POLITICAL ACTION COMMITTEE TO:~~

~~(I) THE CANDIDATE;~~

~~(II) THE CANDIDATE'S CONTINUING POLITICAL COMMITTEE; OR~~

~~(III) A SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION.~~

~~(2) THIS PART DOES NOT APPLY TO:~~

~~(I) ANY TRANSFER TO THE AUTHORIZED CANDIDATE POLITICAL COMMITTEE OF A MEMBER BY AN AUTHORIZED CANDIDATE POLITICAL COMMITTEE OF ANOTHER INDIVIDUAL RUNNING FOR ELECTIVE OFFICE OR SLATE; OR~~

~~(II) A CONTRIBUTION OR TRANSFER TO THE ANNE ARUNDEL COUNTY OR STATE CENTRAL COMMITTEE OF A POLITICAL PARTY, EVEN IF THE CENTRAL COMMITTEE SUPPORTS A CANDIDATE.~~

~~(3) (i) A PERSON MAY NOT MAKE A QUALIFYING CONTRIBUTION IN VIOLATION OF THIS PART.~~

~~(ii) IF A QUALIFYING CONTRIBUTION IS MADE IN VIOLATION OF THIS PART, THE QUALIFYING CONTRIBUTION SHALL BE RETURNED TO THE PERSON WHO MADE THE QUALIFYING CONTRIBUTION.~~

~~(f) AN APPLICANT OR AGENT OR IMMEDIATE FAMILY MEMBER OF THE APPLICANT OR AGENT MAY NOT TAKE ANY ACTION, DIRECTLY OR INDIRECTLY, WITH THE INTENT TO CIRCUMVENT THE INTENT OF THIS PART.~~

~~5-871.~~

~~THE ANNE ARUNDEL COUNTY ETHICS COMMISSION SHALL ADMINISTER AND IMPLEMENT THE PROVISIONS OF THIS SECTION.~~

~~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 qualifying contributions made on or after April 8, 2019.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That, if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.~~

~~SECTION 4. 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.~~

Approved by the Governor, May 13, 2019.

Chapter 556

(House Bill 1136)

AN ACT concerning

~~Frederick County Board of Education – Graduation Requirements – Mental Health Education~~
Task Force to Study the Frederick County Public School System’s Elementary School Social-Emotional Learning Pilot Program

FOR the purpose of ~~requiring the Frederick County Board of Education to increase the amount of mental health education credits that a student must complete to be awarded a high school diploma by the same proportion as the State Board of Education's increase to the required amount of health education credits under certain circumstances; requiring the Frederick County Board of Education to establish a certain mental health education curriculum in consultation with certain entities; and generally relating to mental health education requirements for graduation in public schools in Frederick County~~ establishing the Task Force to Study the Frederick County Public School System's Elementary School Social-Emotional Learning Pilot Program; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations on certain matters; requiring the Task Force to report its findings and recommendations on a certain matter to the Frederick County Public School Superintendent and Board of Education; providing for the termination of this Act; and generally relating to the Task Force to Study the Frederick County Public School System's Elementary School Social-Emotional Learning Pilot Program.

~~BY adding to~~

~~Article — Education~~

~~Section 7-205.5~~

~~Annotated Code of Maryland~~

~~(2018 Replacement Volume and 2018 Supplement)~~

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

~~Article — Education~~

~~7-205.5.~~

~~(A) (1) IF THE STATE BOARD INCREASES THE AMOUNT OF HEALTH EDUCATION CREDITS THAT A STUDENT MUST EARN TO BE AWARDED A HIGH SCHOOL DIPLOMA, THE FREDERICK COUNTY BOARD OF EDUCATION SHALL INCREASE THE AMOUNT OF MENTAL HEALTH EDUCATION CREDITS THAT A STUDENT MUST COMPLETE TO BE AWARDED A HIGH SCHOOL DIPLOMA BY THE SAME PROPORTION AS THE STATE BOARD'S INCREASE TO THE REQUIRED AMOUNT OF HEALTH EDUCATION CREDITS.~~

~~(B) THE FREDERICK COUNTY BOARD OF EDUCATION SHALL ESTABLISH THE MENTAL HEALTH EDUCATION CURRICULUM REQUIRED FOR A STUDENT TO BE AWARDED A HIGH SCHOOL DIPLOMA UNDER SUBSECTION (A) OF THIS SECTION IN CONSULTATION WITH:~~

~~(1) THE BEHAVIORAL HEALTH ADMINISTRATION IN THE MARYLAND DEPARTMENT OF HEALTH;~~

~~(2) THE NATIONAL ALLIANCE ON MENTAL ILLNESS OF MARYLAND;~~

~~(3) THE MENTAL HEALTH ASSOCIATION OF MARYLAND, WHICH MAY INCLUDE THE MENTAL HEALTH ASSOCIATION OF FREDERICK COUNTY; AND~~

~~(4) ANY OTHER ENTITY THAT THE COUNTY BOARD DETERMINES IS APPROPRIATE.~~

(a) There is a Task Force to Study the Frederick County Public School System's Elementary School Social-Emotional Learning Pilot Program.

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

(1) a member of the House of Delegates who represents Frederick County, appointed by the Chair of the Frederick County Delegation;

(2) a member of the Senate of Maryland who represents Frederick County, appointed by the Chair of the Frederick County Delegation;

(3) a member of the Frederick County Board of Education, designated by the President of the Board;

(4) the supervisor of Frederick County Public School Psychological Services;

(5) a representative of the Frederick County Public School System's mental health services or behavioral interventions and supports programs, designated by the Superintendent of Frederick County Public Schools;

(6) a representative of the Mental Health Association of Frederick County, designated by the Chief Executive Officer of the Association; and

(7) a representative of the Maryland State School Health Council, designated by the President of the Council.

(c) The Task Force shall elect the chair of the Task Force by a majority vote at the first meeting.

(d) The Frederick County Board of Education shall provide staff for the Task Force.

(e) A member of the Task Force:

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

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

(f) The Task Force shall:

(1) study the implementation of the Frederick County Public School System's elementary school social-emotional learning pilot program;

(2) evaluate the efficacy of the program;

(3) study the effectiveness of the system used to track the delivery of behavioral health and monitor wraparound services that also preserves student data privacy;

(4) study the effectiveness of building-based staff training in the program;

(5) identify what resources, including staffing and staffing structure, would be needed to expand programming to all elementary, middle, and high schools; and

(6) make recommendations on actions necessary to expand the program to middle schools and high schools.

(g) On or before December 31, 2019, the Task Force shall report its findings and recommendations on actions necessary to create a comprehensive social-emotional learning program in all Frederick County Public Schools to the Frederick County Public School Superintendent and Board of Education.

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, May 13, 2019.

Chapter 557

(House Bill 1253)

AN ACT concerning

~~Environment~~ **Drinking Water Outlets in School Buildings – ~~Elevated Level of~~
Lead Testing and Reporting Requirements and Grant ~~Program~~ Programs**

FOR the purpose of ~~altering the definition of “elevated level of lead” for purposes of certain provisions of law relating to the testing for the presence of lead in certain drinking water outlets in certain school buildings; specifying that the issues to which the Interagency Commission on School Construction is required to give priority in awarding grants from the Healthy School Facility Fund include the presence of lead in drinking water outlets in school buildings; requiring the Interagency Commission on School Construction, in consultation with the Department of the Environment, to establish certain application procedures; making a certain finding and establishing a certain intent; requiring a school to report the results of a certain analysis to certain departments under certain circumstances; requiring the Department of the Environment to include certain information in a certain report, beginning with the report due on a certain date; requiring the Department of the Environment, in consultation with the State Department of Education, to establish and administer a certain grant program to assist local school systems with certain costs associated with implementing certain remedial measures; requiring the Department of the Environment, in consultation with the State Department of Education, to establish certain application procedures and award certain grants in a certain manner; requiring certain federal funding received by the Department of the Environment or the State Department of Education to be made available to award certain grants; authorizing the Governor to include in the annual budget bill an appropriation for the grant program specifying other sources of funding for the grant program; authorizing the Department of the Environment, in consultation with the State Department of Education, to adopt certain regulations; providing for the retroactive application of a certain provision of this Act; declaring the intent of the General Assembly; providing for a delayed effective date for certain provisions of this Act;~~ and generally relating to the testing for the presence of lead in drinking water outlets in school buildings.

~~BY repealing and reenacting, without amendments,
Article – Environment
Section 6-1501(a)
Annotated Code of Maryland
(2013 Replacement Volume and 2018 Supplement)~~

~~BY repealing and reenacting, with amendments,
Article – Environment
Section 6-1501(e)
Annotated Code of Maryland
(2013 Replacement Volume and 2018 Supplement)~~

BY repealing and reenacting, without amendments,
Article – Education
Section 5-322(a)
Annotated Code of Maryland
(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Education
Section 5–322(j) and (k)
Annotated Code of Maryland
(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Environment
Section 6–1501(a) through (c)
Annotated Code of Maryland
(2013 Replacement Volume and 2018 Supplement)

BY adding to

Article – Environment
 Section 6–1501.1 and 6–1503
 Annotated Code of Maryland
 (2013 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment
Section 6–1502(c) and (e)
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 – Environment~~

~~6–1501.~~

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

~~(e) “Elevated level of lead” means a lead concentration in drinking water that exceeds [the standard recommended by the U.S. Environmental Protection Agency in technical guidance] **5 PARTS PER BILLION.**~~

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

Article – Education

5–322.

(a) In this section, “Fund” means the Healthy School Facility Fund.

(j) (1) In each of fiscal years 2020 and 2021, the Governor shall appropriate at least \$30,000,000 to the Fund.

(2) (i) Subject to subparagraphs (ii) and (iii) of this paragraph, the Interagency Commission on School Construction shall give priority in awarding grants to schools based on the severity of issues in the school, including:

1. Air conditioning;
2. Heating;
3. Indoor air quality;
4. Mold remediation;
5. Temperature regulation;
6. Plumbing, INCLUDING THE PRESENCE OF LEAD IN DRINKING WATER OUTLETS IN SCHOOL BUILDINGS; and

7. Windows.

(ii) No jurisdiction may receive more than a total of \$15,000,000 in a fiscal year.

(iii) The amount of the grant is not required to cover the full cost of the project.

(k) (1) Subject to [paragraph] PARAGRAPHS (2) AND (3) of this subsection, the Interagency Commission on School Construction shall establish application procedures for school systems to request funds under this section.

(2) The Interagency Commission on School Construction shall establish award procedures to make awards distributed from the Fund not more than 45 days after receiving an application.

(3) (I) THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION, IN CONSULTATION WITH THE DEPARTMENT OF THE ENVIRONMENT, SHALL ESTABLISH APPLICATION PROCEDURES FOR SCHOOL SYSTEMS TO REQUEST FUNDS UNDER THIS SECTION TO ASSIST WITH THE COSTS OF IMPLEMENTING REMEDIAL MEASURES TO ADDRESS THE PRESENCE OF LEAD IN DRINKING WATER OUTLETS IN SCHOOL BUILDINGS.

(II) THE APPLICATION PROCEDURES ESTABLISHED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE PROCEDURES FOR PRIORITIZING APPLICATIONS, WITH PRIORITY FIRST GIVEN TO APPLICATIONS REQUESTING FUNDS FOR WATER FOUNTAINS OR BUBBLERS, AND THEN TO APPLICATIONS REQUESTING FUNDS FOR:

1. FAUCETS OR TAPS THAT ARE USED OR POTENTIALLY USED FOR DRINKING OR FOOD PREPARATION;

2. ICE MAKERS; OR

3. HOT DRINK MACHINES.

Article – Environment

6-1501.

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

(b) (1) “Drinking water outlet” means a potable water fixture that is used for drinking or food preparation.

(2) “Drinking water outlet” includes:

(i) A water fountain, faucet, or tap that is used or potentially used for drinking or food preparation; and

(ii) Ice-making and hot drink machines.

(c) “Elevated level of lead” means a lead concentration in drinking water that exceeds the standard recommended by the U.S. Environmental Protection Agency in technical guidance.

6-1501.1.

(A) THE GENERAL ASSEMBLY FINDS THAT ANY EXPOSURE TO LEAD IN DRINKING WATER IS DANGEROUS TO THE HEALTH AND DEVELOPMENT OF CHILDREN.

(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT SCHOOLS WORK PROACTIVELY TO REDUCE THE CONCENTRATION OF LEAD IN DRINKING WATER OUTLETS TO A LEVEL BELOW 5 PARTS PER BILLION AND THAT STATE AND FEDERAL FUNDS BE MADE AVAILABLE TO SCHOOLS FOR THAT PURPOSE.

6-1502.

(c) Regulations adopted under this section shall:

(1) Require initial testing to be conducted on or before July 1, 2018;

(2) Phase in the implementation of the required testing beginning with:

(i) School buildings constructed before 1988; and

(ii) School buildings serving students in a prekindergarten program or any grade from kindergarten through grade 5;

(3) Establish a sampling method for the required testing that is consistent with technical guidance;

(4) Establish the frequency for the required testing;

(5) Address best practices and cost-effective testing;

(6) Require test samples from drinking water outlets to be analyzed by an entity approved by the Department; [and]

(7) If an analysis of a test sample indicates an elevated level of lead in a drinking water outlet, require that:

(i) The results of the analysis be reported to the Department, the State Department of Education, the Maryland Department of Health, and the appropriate local health department;

(ii) Access to the drinking water outlet be closed;

(iii) An adequate supply of safe drinking water be provided to school occupants;

(iv) The school take appropriate remedial measures, including:

1. Permanently shutting or closing off access to the drinking water outlet;

2. Manual or automatic flushing of the drinking water outlet;

3. Installing and maintaining a filter at the drinking water outlet; or

4. Repairing or replacing the drinking water outlet, plumbing, or service line contributing to the elevated level of lead;

(v) The school conduct follow-up testing; and

(vi) Notice of the elevated level of lead be:

1. Provided to the parent or legal guardian of each student attending the school; and

2. Posted on the Web site of the school; AND

(8) IF AN ANALYSIS OF A TEST SAMPLE INDICATES A CONCENTRATION OF LEAD THAT IS MORE THAN 5 PARTS PER BILLION BUT LESS THAN THE STANDARD FOR AN ELEVATED LEVEL OF LEAD, REQUIRE THAT THE RESULTS OF THE ANALYSIS BE REPORTED TO THE DEPARTMENT, THE STATE DEPARTMENT OF EDUCATION, THE MARYLAND DEPARTMENT OF HEALTH, AND THE APPROPRIATE LOCAL HEALTH DEPARTMENT.

(e) (1) On or before December 1, 2018, and on or before December 1 each year thereafter, the Department and the State Department of Education jointly shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on the findings of the testing required under this section, including:

[(1)] (I) The name and address of each school found to have elevated levels of lead in its drinking water; and

[(2)] (II) The type, location in the building, and use of each drinking water outlet with an elevated level of lead.

(2) BEGINNING WITH THE REPORT DUE DECEMBER 1, 2019, THE REPORT REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE, IN ADDITION TO THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(I) THE NAME AND ADDRESS OF EACH SCHOOL FOUND TO HAVE A LEAD CONCENTRATION THAT IS MORE THAN 5 PARTS PER BILLION BUT LESS THAN THE STANDARD FOR AN ELEVATED LEVEL OF LEAD; AND

(II) THE TYPE, LOCATION IN THE BUILDING, AND USE OF EACH DRINKING WATER OUTLET WITH A LEAD CONCENTRATION THAT IS MORE THAN 5 PARTS PER BILLION BUT LESS THAN THE STANDARD FOR AN ELEVATED LEVEL OF LEAD.

6-1503.

(A) THE DEPARTMENT, IN CONSULTATION WITH THE STATE DEPARTMENT OF EDUCATION, SHALL ESTABLISH AND ADMINISTER A GRANT PROGRAM TO PROVIDE GRANTS TO LOCAL SCHOOL SYSTEMS TO ASSIST WITH THE COSTS ASSOCIATED WITH IMPLEMENTING REMEDIAL MEASURES TO:

(1) ADDRESS ANY FINDINGS OF ELEVATED LEVELS OF LEAD IN DRINKING WATER OUTLETS IN SCHOOL BUILDINGS; ~~OR~~

~~(2) UPGRADE DRINKING WATER SYSTEMS IN SCHOOL BUILDINGS THAT DO NOT HAVE FUNCTIONING DRINKING WATER OUTLETS.~~

(2) ADDRESS ANY FINDINGS OF LEAD CONCENTRATIONS IN DRINKING WATER OUTLETS IN SCHOOL BUILDINGS THAT EXCEED 5 PARTS PER BILLION BEFORE THAT STANDARD TAKES EFFECT ON JUNE 1, 2020;

(3) INSTALL DRINKING WATER OUTLETS IN SCHOOL BUILDINGS THAT DO NOT HAVE FUNCTIONING DRINKING WATER OUTLETS DUE TO ~~ELEVATED LEVELS~~ THE PRESENCE OF LEAD; OR

(4) REPAIR, RECONFIGURE, OR REPLACE THE OUTLET PLUMBING OR PREMISES PLUMBING CONTRIBUTING TO ~~ELEVATED LEVELS~~ THE PRESENCE OF LEAD IN DRINKING WATER.

(B) THE DEPARTMENT, IN CONSULTATION WITH THE STATE DEPARTMENT OF EDUCATION, SHALL:

(1) ESTABLISH APPLICATION PROCEDURES FOR THE GRANT PROGRAM;

(2) REQUIRE EACH APPLICATION TO INCLUDE A PLAN FOR IMPLEMENTING REMEDIAL MEASURES, INCLUDING ~~COSTS~~;

(I) WHETHER THE LOCATION OF THE LEAD AFFECTING THE DRINKING WATER OUTLET IS IN THE SERVICE LINE, PREMISES PLUMBING, OUTLET PLUMBING, OR OUTLET; AND

(II) COSTS ASSOCIATED WITH THE PLAN;

(3) AWARD GRANTS ON A COMPETITIVE BASIS AND BASED ON THE AVAILABILITY OF FUNDING TO EACH LOCAL SCHOOL SYSTEM THAT:

(I) APPLIES FOR A GRANT IN ACCORDANCE WITH THIS SECTION; AND

(II) DEMONSTRATES THAT THE LOCAL SCHOOL SYSTEM HAS COMPLETED COMPREHENSIVE TESTING FOR THE PRESENCE OF LEAD IN DRINKING WATER OUTLETS IN SCHOOL BUILDINGS IN ACCORDANCE WITH § 6-1502 OF THIS SUBTITLE; AND

~~(4) PRIORITIZE APPLICATIONS THAT DEMONSTRATE THE HIGHEST LEVEL OF NEED AND HIGHEST NUMBER OF DRINKING WATER OUTLETS THAT REQUIRE REMEDIATION; AND~~

~~(5) AFTER PRIORITY IS GIVEN UNDER ITEM (4) OF THIS SUBSECTION, PRIORITIZE APPLICATIONS THAT PROPOSE THE MOST COST-EFFECTIVE CONSISTENT WITH ANY APPLICABLE FEDERAL LAW OR REQUIREMENT, PRIORITIZE APPLICATIONS BASED ON FACTORS DETERMINED BY THE DEPARTMENT, INCLUDING:~~

~~(I) THE APPLICANT'S LEVEL OF FINANCIAL NEED;~~

~~(II) THE PERCENTAGE OF DRINKING WATER OUTLETS THAT REQUIRE REMEDIATION; AND~~

~~(III) THE COST-EFFECTIVENESS OF THE PROPOSED REMEDIAL MEASURES, WITH PREFERENCE GIVEN TO PROPOSALS FOR REMEDIAL MEASURES THAT REQUIRE MINIMAL UPKEEP, INCLUDING THE INSTALLATION OF WATER FILLING STATIONS.~~

(C) (1) IF THE DEPARTMENT OR THE STATE DEPARTMENT OF EDUCATION RECEIVES ANY FEDERAL FUNDING FOR ADDRESSING THE PRESENCE OF LEAD IN DRINKING WATER OUTLETS IN SCHOOL BUILDINGS, THE FUNDING SHALL BE MADE AVAILABLE TO AWARD GRANTS IN ACCORDANCE WITH THIS SECTION.

(2) IN ADDITION TO ANY FUNDING PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, ~~THE GOVERNOR MAY INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION FOR THE GRANT PROGRAM~~ FUNDING FOR THE GRANT PROGRAM CONSISTS OF:

~~(I) MONEY APPROPRIATED IN THE STATE BUDGET FOR THE GRANT PROGRAM; AND~~

~~(II) ANY ADDITIONAL MONEY MADE AVAILABLE TO THE GRANT PROGRAM FROM ANY PUBLIC OR PRIVATE SOURCE.~~

(D) THE DEPARTMENT, IN CONSULTATION WITH THE STATE DEPARTMENT OF EDUCATION, MAY ADOPT REGULATIONS TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION.

SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That ~~the modified definition of "elevated level of lead" under § 6-1501 of the Environment Article as enacted under Section 1 of this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any regulation adopted under § 6-1502 of the Environment Article that requires follow-up procedures for test results that indicate an elevated level of lead in any drinking water outlet in an occupied public or nonpublic school building whether the test was conducted before or after the effective date of Section 1 of this Act. the reporting requirements established under § 6-1502(c)(8) of the Environment Article as enacted under~~

Section 1 of this Act shall be construed to apply retroactively to require the reporting of the results of an analysis of a sample taken on or after June 1, 2017, if it indicates a concentration of lead that is more than 5 parts per billion.

SECTION 4. 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that a local school system is eligible for a grant award from the Healthy School Facility Fund or from the grant program established under § 6-1503 of the Environment Article, as enacted by ~~Section 2~~ Section 1 of this Act, to implement remedial measures to address any finding of a lead concentration in drinking water outlets in a school building that exceeds 5 parts per billion before that standard takes effect under § 6-1501 of the Environment Article, as enacted by Section 1 of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect June 1, 2020.

SECTION 4. 6. 4. AND BE IT FURTHER ENACTED, That, ~~except as provided in Section 5 of this Act,~~ this Act shall take effect June 1, 2019.

Approved by the Governor, May 13, 2019.

Chapter 558

(House Bill 1400)

AN ACT concerning

Public Health – Death Certificates – Completion and Cause of Death Report

FOR the purpose of authorizing a physician designated by the State Anatomy Board to complete a death certificate under certain circumstances; requiring a certain physician to enter certain information in a certain section of a death certificate; requiring the State Anatomy Board, under certain circumstances, to send to the Secretary of Health a report of the cause of death for entry on a certain death certificate; and generally relating to death certificates.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 4-212

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

4-212.

(a) This section does not apply to a fetal death.

(b) (1) A certificate of death regardless of age of decedent shall be filled out and signed by:

(i) The medical examiner, if the medical examiner takes charge of the body; or

(ii) If the medical examiner does not take charge of the body, the physician, physician assistant, or nurse practitioner who last attended the deceased.

(2) The medical examiner, physician, physician assistant, or nurse practitioner shall fill in only the following information on the certificate of death:

(i) The name of the deceased;

(ii) The cause of death and medical certification;

(iii) The date and hour of death; and

(iv) The place where death occurred.

(3) Any other information that is required on the certificate of death regardless of age of decedent shall be filled in:

(i) By the person who has charge of the body; or

(ii) If the State Anatomy Board has charge of the body, by the person who last had charge of the body before it was sent to the State Anatomy Board.

(4) The medical certification shall be completed within 24 hours after receipt of the death certificate by the physician, physician assistant, or nurse practitioner in charge of the patient's care for the illness or condition which resulted in death, except when inquiry is required by the medical examiner.

(5) In the absence or inability of the attending physician, physician assistant, or nurse practitioner or with the attending physician's, physician assistant's, or nurse practitioner's approval, the certificate may be completed by:

(i) The attending physician's associate;

(ii) The chief medical officer or designee of the institution in which death occurred; [or]

(iii) The physician who performed an autopsy upon the decedent, provided the individual has access to the medical history of the case and death is due to natural causes; **OR**

(IV) A PHYSICIAN DESIGNATED BY THE STATE ANATOMY BOARD, ONLY IF WITHIN 72 HOURS AFTER THE STATE ANATOMY BOARD TAKES CHARGE OF THE BODY, THE STATE ANATOMY BOARD HAS FAILED AFTER A GOOD FAITH EFFORT TO MAKE CONTACT WITH ANY OF THE INDIVIDUALS DESCRIBED IN ITEMS (I), (II), OR (III) OF THIS PARAGRAPH OR PARAGRAPH (4) OF THIS SUBSECTION.

(6) The person completing the cause of death and medical certification shall attest to the accuracy by signature or by an approved electronic process.

(7) The funeral director or person acting as the funeral director shall in all cases obtain the medical certification from the person responsible for its completion or obtain assurance that the medical certification has been provided to the Secretary by an approved electronic process.

(c) Each individual concerned with carrying out this subtitle promptly shall notify the medical examiner if:

(1) The deceased was not under treatment by a physician, physician assistant, or nurse practitioner during the terminal illness;

(2) The cause of death is unknown; or

(3) The individual considers any of the following conditions to be the cause of death or to have contributed to the death:

(i) An accident, including a fall with a fracture or other injury;

(ii) Homicide;

(iii) Suicide;

(iv) Other external manner of death;

(v) Alcoholism; or

(vi) Criminal or suspected criminal abortion.

(d) (1) **(I)** If, within 24 hours after taking charge of a body, the medical examiner has not determined the cause of death, the medical examiner shall enter “investigation pending” in the cause of death section of the death certificate.

[(2)] (II) As soon as the medical examiner determines the cause of death, the medical examiner shall send to the Secretary a report of the cause of death, for entry on the certificate.

(2) (I) A PHYSICIAN WHO COMPLETES A DEATH CERTIFICATE UNDER SUBSECTION (B)(5)(IV) OF THIS SECTION SHALL ENTER “UNSPECIFIED NATURAL CAUSES” IN THE CAUSE OF DEATH SECTION OF THE DEATH CERTIFICATE.

(II) THE STATE ANATOMY BOARD SHALL SEND TO THE SECRETARY A REPORT OF THE CAUSE OF DEATH FOR ENTRY ON A DEATH CERTIFICATE COMPLETED UNDER SUBSECTION (B)(5)(IV) OF THIS SECTION IF THE STATE ANATOMY BOARD RECEIVES INFORMATION ABOUT THE CAUSE OF DEATH FROM AN INDIVIDUAL DESCRIBED IN SUBSECTION (B)(4) OR (5)(I), (II), OR (III) OF THIS SECTION.

(e) (1) A physician, physician assistant, or nurse practitioner who fills out a certificate of death shall give it or transmit it by approved electronic media, including facsimile, to the mortician within 24 hours after the death occurred.

(2) A medical examiner who fills out a certificate of death shall give it or transmit it by approved electronic media, including facsimile, to the mortician within 24 hours after the medical examiner took charge of the body.

(f) (1) If a death occurs on a common carrier in the United States and the body is removed from the carrier in this State, the death shall be registered in this State, and the place where it is first removed shall be considered the place of death. When a death occurs on a common carrier while in international waters or air space or in a foreign country or its air space and the body is first removed from the carrier in this State, the death shall be registered in this State, but the certificate shall show the actual place of death insofar as can be determined.

(2) The individual in charge or the owner of the common carrier or a designee shall file a certificate of death within 24 hours after the body is removed from the carrier.

(3) If the death occurred under any of the conditions or circumstances set forth in subsection (c) of this section, the medical examiner shall be notified.

(g) A mortician who obtains a certificate of death under this section shall file the certificate within 72 hours after the death.

(h) (1) Except as authorized under this subtitle, an individual who has a duty to fill out and sign a certificate of death may not execute more than one certificate for a death.

(2) The attending physician, the physician assistant, the nurse

practitioner, or a medical examiner who takes charge of a body may file a replacement death certificate if a correction that the physician, the physician assistant, the nurse practitioner, or medical examiner authorizes cannot be entered legibly on the original certificate.

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

Approved by the Governor, May 13, 2019.

Chapter 559

(House Bill 827)

AN ACT concerning

~~Juvenile Law~~ Child Abuse and Neglect – Sex Trafficking – Immunity, Services, Services and Investigations
(Child Sex Trafficking Screening and Services Act of 2019)

FOR the purpose of requiring a law enforcement officer who has reason to believe that a certain child is a victim of sex trafficking to notify a certain regional navigator; ~~declaring a certain intent of the General Assembly; providing certain immunity for a minor who engages in certain prostitution-related conduct;~~ requiring a local department of social services that receives a report of suspected abuse or neglect involving a certain child to refer the child to a certain regional navigator for services; ~~requiring the Executive Director of the Governor's Office of Crime Control and Prevention to designate certain jurisdictions, with each to be served by a regional navigator; requiring the Executive Director to select a certain number of regional navigators to coordinate and provide certain services to children who are victims of sex trafficking~~ establishing the Safe Harbor Regional Navigator Grant Program; specifying the purpose of the program; specifying certain grantees under the program; requiring grants to be awarded in a certain manner; specifying the services coordinated and provided by a grantee; requiring the Governor's Office of Crime Control and Prevention to provide certain grant funding notwithstanding a certain appropriation by the Governor; requiring the Governor's Office of Crime Control and Prevention to submit a certain evaluation report to the Governor and the General Assembly once every 2 years; requiring the Department of Human Resources to submit a certain report to the Governor and the General Assembly annually; authorizing the Governor to make a certain annual appropriation; authorizing the Executive Director to adopt certain regulations; ~~requiring the Department of Juvenile Services to enter into a certain agreement;~~ requiring a certain joint investigation procedure to include screening to determine whether a child is a victim of sex trafficking; ~~prohibiting a certain joint investigation from resulting in a certain~~

~~criminal prosecution or proceeding alleging a delinquent act~~; defining certain terms; and generally relating to child abuse and neglect and sex trafficking of minors.

BY adding to

Article – Courts and Judicial Proceedings
Section ~~3–8A–14(d)~~ and ~~5–800~~
Annotated Code of Maryland
(2013 Replacement Volume and 2018 Supplement)

~~BY repealing and reenacting, without amendments,~~

~~Article – Criminal Law
Section ~~11–301(a), (b), and (c)~~ and ~~11–306~~
Annotated Code of Maryland
(~~2012 Replacement Volume and 2018 Supplement~~)~~

~~BY repealing and reenacting, without amendments,~~

~~Article – Family Law
Section ~~1–101(a) and (h), 5–701(a), (b), and (c), and 5–706(c) and (d)~~
Annotated Code of Maryland
(~~2012 Replacement Volume and 2018 Supplement~~)~~

BY adding to

Article – Family Law
Section ~~5–701(v)~~, ~~5–704.3~~, and ~~5–704.4~~
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Family Law
Section ~~5–706(c), (d), (f), and (h)~~
Annotated Code of Maryland
(~~2012 Replacement Volume and 2018 Supplement~~)

BY repealing and reenacting, with amendments,

Article – Family Law
~~Section ~~5–701(v) through (aa) and 5–706(f), (g), and (h)~~ Section ~~5–706(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 – Courts and Judicial Proceedings

3–8A–14.

(D) IN ADDITION TO THE REQUIREMENTS FOR REPORTING CHILD ABUSE AND NEGLECT UNDER § 5-704 OF THE FAMILY LAW ARTICLE, IF A LAW ENFORCEMENT OFFICER HAS REASON TO BELIEVE THAT A CHILD WHO HAS BEEN DETAINED IS A VICTIM OF SEX TRAFFICKING, AS DEFINED IN § 5-701 OF THE FAMILY LAW ARTICLE, THE LAW ENFORCEMENT OFFICER SHALL NOTIFY ~~THE~~ ANY APPROPRIATE REGIONAL NAVIGATOR, AS DEFINED IN ~~§ 5-701~~ § 5-704.4 OF THE FAMILY LAW ARTICLE, FOR THE JURISDICTION WHERE THE CHILD WAS TAKEN INTO CUSTODY OR WHERE THE CHILD IS A RESIDENT THAT THE CHILD IS A SUSPECTED VICTIM OF SEX TRAFFICKING.

~~5-809.~~

~~(A) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT A MINOR WHO IS REASONABLY BELIEVED TO HAVE ENGAGED IN PROSTITUTION SHALL BE TREATED AS A VICTIM OF SEXUAL ABUSE, AS DEFINED UNDER § 5-701 OF THE FAMILY LAW ARTICLE, AND SHALL HAVE ACCESS TO IMMEDIATE CHILD-CENTERED AND TRAUMA-INFORMED SERVICES.~~

~~(B) A MINOR IS IMMUNE FROM CRIMINAL PROSECUTION OR FROM BEING PROCEEDED AGAINST AS A DELINQUENT CHILD UNDER TITLE 3, SUBTITLE 8A OF THIS ARTICLE FOR ENGAGING IN PROSTITUTION IN VIOLATION OF § 11-306(A)(1) OF THE CRIMINAL LAW ARTICLE OR FOR OCCUPYING A BUILDING, STRUCTURE, OR CONVEYANCE FOR PROSTITUTION IN VIOLATION OF § 11-306(A)(2) OF THE CRIMINAL LAW ARTICLE.~~

~~Article Criminal Law~~

~~11-301.~~

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

~~(b) "Assignment" means the making of an appointment or engagement for prostitution or any act in furtherance of the appointment or engagement.~~

~~(c) "Prostitution" means the performance of a sexual act, sexual contact, or vaginal intercourse for hire.~~

~~11-306.~~

~~(a) A person may not knowingly:~~

~~(1) engage in prostitution or assignment by any means;~~

~~(2) keep, set up, occupy, maintain, or operate a building, structure, or conveyance for prostitution or assignment;~~

~~(3) allow a building, structure, or conveyance owned or under the person's control to be used for prostitution or assignation;~~

~~(4) allow or agree to allow a person into a building, structure, or conveyance for prostitution or assignation; or~~

~~(5) procure or solicit or offer to procure or solicit for prostitution or assignation.~~

~~(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.~~

~~(c) (1) Subject to paragraph (2) of this subsection, in a prosecution under this section, it is an affirmative defense of duress if the defendant committed the act as a result of being a victim of an act of another who was charged with violating the prohibition against human trafficking under § 11-303 of this subtitle or under federal law.~~

~~(2) A defendant may not assert the affirmative defense provided in paragraph (1) of this subsection unless the defendant notifies the State's Attorney of the defendant's intention to assert the defense at least 10 days prior to trial.~~

~~Article — Family Law~~

~~1-101.~~

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

~~(h) "Local department" means:~~

~~(1) a local department of social services; or~~

~~(2) in Montgomery County, the county department of health and human services.~~

~~5-701.~~

~~(a) Except as otherwise provided in § 5-705.1 of this subtitle, in this subtitle the following words have the meanings indicated.~~

~~(b) (1) "Abuse" means:~~

~~(i) the physical or mental injury of a child under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed by:~~

~~1. a parent;~~

- ~~2. a household member or family member;~~
- ~~3. a person who has permanent or temporary care or custody of the child;~~
- ~~4. a person who has responsibility for supervision of the child; or~~
- ~~5. a person who, because of the person's position or occupation, exercises authority over the child; or~~

~~(ii) sexual abuse of a child, whether physical injuries are sustained or not.~~

~~(2) "Abuse" does not include the physical injury of a child by accidental means.~~

~~(c) "Child" means any individual under the age of 18 years.~~

~~(v) "REGIONAL NAVIGATOR" MEANS A COMMUNITY-BASED VICTIM SERVICES AGENCY THAT PROVIDES AND COORDINATES CHILD-CENTERED AND TRAUMA-INFORMED SERVICES TO VICTIMS OF CHILD SEX TRAFFICKING IN THE REGION IN WHICH IT IS LOCATED.~~

~~[(v)] (w) "Report" means an allegation of abuse or neglect, made or received under this subtitle.~~

~~[(w)] (x) "Ruled out" means a finding that abuse, neglect, or sexual abuse did not occur.~~

~~[(x)] (y) "Sex trafficking" means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a child for the purpose of a commercial sex act.~~

~~[(y)] (z) "Sexual abuse" means any act that involves:~~

- ~~(1) sexual molestation or exploitation of a child by:~~
- ~~(i) a parent;~~
- ~~(ii) a household member or family member;~~
- ~~(iii) a person who has permanent or temporary care or custody of the child;~~

~~(iv) a person who has responsibility for supervision of the child; or~~
~~(v) a person who, because of the person's position or occupation, exercises authority over the child; or~~

~~(2) sex trafficking of a child by any individual.~~

~~[(z)] (AA) "Sexual molestation or exploitation" includes:~~

~~(1) allowing or encouraging a child to engage in:~~

~~(i) obscene photography, films, poses, or similar activity;~~

~~(ii) pornographic photography, films, poses, or similar activity; or~~

~~(iii) prostitution;~~

~~(2) incest;~~

~~(3) rape;~~

~~(4) sexual offense in any degree;~~

~~(5) sodomy; and~~

~~(6) unnatural or perverted sexual practices.~~

~~[(aa)] (BB) "Unsubstantiated" means a finding that there is an insufficient amount of evidence to support a finding of indicated or ruled out.~~

Article – Family Law

5-704.3.

A LOCAL DEPARTMENT THAT RECEIVES A REPORT OF SUSPECTED ABUSE OR NEGLECT UNDER THIS SUBTITLE INVOLVING A CHILD WHO IS A SUSPECTED VICTIM OF SEX TRAFFICKING SHALL REFER THE CHILD TO ~~THE~~ ANY APPROPRIATE REGIONAL NAVIGATOR, AS DEFINED IN § 5-704.4 OF THIS SUBTITLE, FOR THE JURISDICTION WHERE THE TRAFFICKING OCCURRED OR WHERE THE CHILD IS A RESIDENT FOR SERVICES.

5-704.4.

(A) (1) IN THIS SECTION, ~~"EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.~~

~~(B) THE EXECUTIVE DIRECTOR SHALL:~~

~~(1) DESIGNATE SIX REGIONAL JURISDICTIONS BASED ON POPULATION AND GEOGRAPHY IN THE STATE, WITH EACH DESIGNATED JURISDICTION TO BE SERVED BY A REGIONAL NAVIGATOR; AND~~

~~(2) SELECT UP TO SIX REGIONAL NAVIGATORS BASED ON EXPERIENCE WORKING WITH SEX TRAFFICKING SURVIVORS TO COORDINATE AND PROVIDE SERVICES TO CHILDREN WHO ARE VICTIMS OF SEX TRAFFICKING. THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

(2) “CHILD ADVOCACY CENTER” HAS THE MEANING STATED IN § 13-2201 OF THE HEALTH – GENERAL ARTICLE.

(3) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.

(4) “QUALIFIED COMMUNITY-BASED VICTIM SERVICES PROVIDER” MEANS A NONPROFIT ORGANIZATION WITH:

(I) DEMONSTRATED EXPERTISE PROVIDING DIRECT SERVICES TO VICTIMS OF SEX TRAFFICKING OR SEXUALLY EXPLOITED YOUTH;

(II) THE CAPACITY TO PROVIDE VICTIM-CENTERED, TRAUMA-INFORMED CASE MANAGEMENT FOR YOUTH VICTIMS OF SEX TRAFFICKING;

(III) A DEMONSTRATED HISTORY OF WORKING IN THE COMMUNITY WHERE SERVICES WILL BE PROVIDED; AND

(IV) THE ABILITY TO COLLABORATE WITH OTHER AGENCIES, INCLUDING LAW ENFORCEMENT, SEXUAL ASSAULT CRISIS PROGRAMS, CHILD ADVOCACY CENTERS, AND OTHER DIRECT SERVICES PROVIDERS.

(5) “REGIONAL NAVIGATOR” MEANS A PROVIDER OF SERVICES DESIGNATED BY A GRANTEE OF THE SAFE HARBOR REGIONAL NAVIGATOR GRANT PROGRAM ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.

(6) “SEX TRAFFICKING” HAS THE MEANING STATED IN § 5-701 OF THIS SUBTITLE.

(7) “SEXUAL ASSAULT CRISIS PROGRAM” MEANS A PROGRAM CERTIFIED BY THE FEDERALLY RECOGNIZED STATE SEXUAL ASSAULT COALITION.

(8) “YOUTH” MEANS AN INDIVIDUAL UNDER THE AGE OF 24 YEARS.

(B) (1) THERE IS A SAFE HARBOR REGIONAL NAVIGATOR GRANT PROGRAM.

(2) THE PURPOSE OF THE PROGRAM IS TO SUPPORT SERVICES FOR YOUTH VICTIMS OF SEX TRAFFICKING BY:

(I) CREATING AND SUSTAINING PROJECTS TO PROVIDE SERVICES FOR YOUTH VICTIMS OF SEX TRAFFICKING THAT ARE VICTIM-CENTERED AND TRAUMA-INFORMED;

(II) FACILITATING AND COORDINATING AMONG LOCAL DEPARTMENTS, THE DEPARTMENT OF JUVENILE SERVICES, SEXUAL ASSAULT CRISIS PROGRAMS, CHILD ADVOCACY PROGRAMS, LOCAL OFFICES OF THE OFFICE OF THE PUBLIC DEFENDER, AND OTHER STATE AND LOCAL AGENCIES RESPONDING TO YOUTH VICTIMS OF SEX TRAFFICKING;

(III) ENSURING THAT YOUTH VICTIMS OF SEX TRAFFICKING HAVE ACCESS TO SERVICES DESCRIBED UNDER SUBSECTION (E) OF THIS SECTION;

(IV) INCREASING THE STATE’S CAPACITY TO RESPOND TO YOUTH SEX TRAFFICKING; AND

(V) TRAINING PROVIDERS TO APPROPRIATELY IDENTIFY AND SERVE YOUTH VICTIMS OF SEX TRAFFICKING.

(C) A GRANTEE UNDER THE PROGRAM MAY INCLUDE:

(1) A CHILD ADVOCACY CENTER;

(2) A SEXUAL ASSAULT CRISIS PROGRAM; OR

(3) A QUALIFIED COMMUNITY-BASED VICTIM SERVICES PROVIDER.

(D) GRANTS UNDER THIS SECTION SHALL BE AWARDED:

(1) TO ENSURE THAT EMERGENCY AND LONG-TERM SERVICES ARE AVAILABLE FOR YOUTH VICTIMS OF SEX TRAFFICKING IN EVERY JURISDICTION IN THE STATE BY JANUARY 1, 2022; AND

(2) TO PROVIDE SERVICES IN ONE JURISDICTION OR IN MORE THAN ONE SIMILAR JURISDICTION IN THE SAME REGION.

~~(C)~~ **(E)** SERVICES COORDINATED AND PROVIDED BY A ~~REGIONAL NAVIGATOR~~ GRANTEE UNDER THIS SECTION SHALL INCLUDE:

- (1)** SAFETY PLANNING;
- (2)** EMERGENCY RESPONSE;
- (3)** BASIC LIVING NEEDS, NOT INCLUDING HOUSING;
- (4)** TRAUMA COUNSELING AND MENTAL HEALTH SERVICES;
- (5)** DRUG AND ALCOHOL ABUSE TREATMENT; ~~AND~~
- (6)** LEGAL SERVICES;
- (7)** VICTIM ADVOCACY;
- (8)** CASE MANAGEMENT; AND
- (9)** DESIGNATION OF REGIONAL NAVIGATORS.

~~(D)~~ **(F)** NOTWITHSTANDING ANY APPROPRIATION MADE UNDER SUBSECTION ~~(F)~~ **(H)** OF THIS SECTION, NOT LATER THAN OCTOBER 1, 2019, THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL PROVIDE GRANT FUNDING FOR SERVICES PROVIDED BY ~~REGIONAL NAVIGATORS UNDER THIS SECTION~~ THE SAFE HARBOR REGIONAL NAVIGATOR GRANT PROGRAM.

~~(E)~~ **(G)** **(1)** EVERY 2 YEARS, BEGINNING DECEMBER 1, 2019, THE EXECUTIVE DIRECTOR SHALL SUBMIT AN INDEPENDENT EVALUATION REPORT WITH QUALITATIVE AND QUANTITATIVE DATA TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY REGARDING WHETHER SERVICES COORDINATED AND PROVIDED BY ~~REGIONAL NAVIGATORS~~ GRANTEES UNDER THIS SECTION ARE AVAILABLE, ADEQUATE, AND SUCCESSFULLY SERVING CHILDREN AND YOUTH WHO ARE VICTIMS OF SEX TRAFFICKING.

(2) BEGINNING DECEMBER 1, 2019, THE DEPARTMENT OF HUMAN SERVICES SHALL ANNUALLY REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON:

(I) THE NUMBER OF REPORTS OF CHILD SEX TRAFFICKING MADE IN THE STATE IN THE PRECEDING YEAR;

(II) THE OUTCOME OR DISPOSITION OF REPORTS OF CHILD SEX TRAFFICKING MADE IN THE STATE IN THE PRECEDING YEAR; AND

(III) THE NUMBER OF REFERRALS MADE TO REGIONAL NAVIGATORS UNDER THIS SECTION IN THE PRECEDING YEAR.

~~(F)~~ **(H) THE GOVERNOR MAY ANNUALLY APPROPRIATE UP TO \$3,000,000 FOR GRANT FUNDING PROVIDED UNDER THIS SECTION.**

~~(G)~~ **(I) THE EXECUTIVE DIRECTOR MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

5-706.

(c) Within 24 hours after receiving a report of suspected physical or sexual abuse of a child who lives in this State that is alleged to have occurred in this State, and within 5 days after receiving a report of suspected neglect or suspected mental injury of a child who lives in this State that is alleged to have occurred in this State, the local department or the appropriate law enforcement agency shall:

- (1) see the child;
- (2) attempt to have an on-site interview with the child's caretaker;
- (3) decide on the safety of the child, wherever the child is, and of other children in the household; and
- (4) decide on the safety of other children in the care or custody of the alleged abuser.

(d) The investigation under subsection (c) of this section shall include:

- (1) a determination of the nature, extent, and cause of the abuse or neglect, if any;
- (2) if mental injury is suspected, an assessment by two of the following:
 - (i) a licensed physician, as defined in § 14-101 of the Health Occupations Article;
 - (ii) a licensed psychologist, as defined in § 18-101 of the Health Occupations Article; or
 - (iii) a licensed social worker, as defined in § 19-101 of the Health Occupations Article; and

(3) if the suspected abuse or neglect is verified:

(i) a determination of the identity of the person or persons responsible for the abuse or neglect;

(ii) a determination of the name, age, and condition of any other child in the household;

(iii) an evaluation of the parents and the home environment;

(iv) a determination of any other pertinent facts or matters; and

(v) a determination of any needed services.

(f) The local department, the appropriate law enforcement agencies, ~~THE DEPARTMENT OF JUVENILE SERVICES~~, the State's Attorney within each county and Baltimore City, the local department's office responsible for child care regulation, and the local health officer shall enter into a written agreement that specifies standard operating procedures for the investigation under subsections (c) and (d) of this section and prosecution of reported cases of suspected abuse or neglect.

(g) (1) The agencies responsible for investigating reported cases of suspected sexual abuse, including the local department, the appropriate law enforcement agencies, and the local State's Attorney, shall implement a joint investigation procedure for conducting joint investigations of sexual abuse under subsections (c) and (d) of this section.

(2) The joint investigation procedure shall:

(i) include appropriate techniques for expediting validation of sexual abuse complaints;

(ii) include investigation techniques designed to:

1. decrease the potential for physical harm to the child; and

2. decrease any trauma experienced by the child in the investigation and prosecution of the case; [and]

(iii) establish an ongoing training program for personnel involved in the investigation or prosecution of sexual abuse cases; **AND**

(IV) INCLUDE SCREENING TO DETERMINE WHETHER A CHILD IS A VICTIM OF SEX TRAFFICKING.

(h) (1) To the extent possible, an investigation under subsections (c) and (d) of this section shall be completed within 10 days after receipt of the first notice of the suspected abuse or neglect by the local department or law enforcement agencies.

(2) An investigation under subsections (c) and (d) of this section that is not completed within 30 days shall be completed within 60 days of receipt of the first notice of the suspected abuse or neglect.

~~(3) AN INVESTIGATION UNDER SUBSECTIONS (C) AND (D) OF THIS SECTION MAY NOT RESULT IN A CRIMINAL PROSECUTION OR A PROCEEDING ALLEGING A DELINQUENT ACT UNDER TITLE 3, SUBTITLE 8A OF THE COURTS ARTICLE AGAINST THE CHILD WHO IS THE SUBJECT OF THE INVESTIGATION.~~

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

Approved by the Governor, May 13, 2019.

Chapter 560

(House Bill 659)

AN ACT concerning

Juvenile Law – Continued Detention – Minimum Age

FOR the purpose of prohibiting the continued detention, beyond emergency detention, of a child under a certain age unless the child is alleged to have committed a certain act that, if committed by an adult, would be a crime of violence or the child is likely to leave the jurisdiction of the court; and generally relating to juvenile law.

BY repealing and reenacting, with amendments,
 Article – Courts and Judicial Proceedings
 Section 3–8A–15
 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

3–8A–15.

(a) Only the court or an intake officer may authorize detention, community detention, or shelter care for a child who may be in need of supervision or delinquent.

(b) If a child is taken into custody under this subtitle, the child may be placed in detention or community detention prior to a hearing if:

- (1) Such action is required to protect the child or others; or
- (2) The child is likely to leave the jurisdiction of the court.

(c) A child taken into custody under this subtitle may be placed in emergency shelter care or community detention prior to a hearing if:

(1) (i) Such action is required to protect the child or person and property of others;

(ii) The child is likely to leave the jurisdiction of the court; or

(iii) There is no parent, guardian, or custodian or other person able to provide supervision and care for the child and return the child to the court when required; and

(2) (i) 1. Continuation of the child in the child's home is contrary to the welfare of the child; and

2. Removal of the child from the child's home is reasonable under the circumstances due to an alleged emergency situation and in order to provide for the safety of the child; or

(ii) 1. Reasonable but unsuccessful efforts have been made to prevent or eliminate the need for removal from the child's home; and

2. As appropriate, reasonable efforts are being made to return the child to the child's home.

(d) (1) If the child is not released, the intake officer or the official who authorized detention, community detention, or shelter care under this section shall immediately file a petition to authorize continued detention, community detention, or shelter care.

(2) A hearing on the petition shall be held not later than the next court day, unless extended for no more than 5 days by the court upon good cause shown.

(3) Reasonable notice, oral or written, stating the time, place, and purpose of the hearing, shall be given to the child and, if they can be found, the child's parents, guardian, or custodian.

(4) Except as provided in paragraph (5) of this subsection, shelter care may not be ordered for a period of more than 30 days unless an adjudicatory or waiver hearing is held.

(5) For a child in need of supervision or a delinquent child, shelter care may be extended for an additional period of not more than 30 days if the court finds after a hearing held as part of the adjudication that continued shelter care is consistent with the circumstances stated in subsections (b) and (c) of this section.

(6) (i) An adjudicatory or waiver hearing shall be held no later than 30 days after the date a petition for detention or community detention is granted.

(ii) If a child is detained or placed in community detention after an adjudicatory hearing, a disposition hearing shall be held no later than 14 days after the adjudicatory hearing.

(iii) Detention or community detention time may be extended in increments of not more than 14 days where the petition charges the child with a delinquent act and where the court finds, after a subsequent hearing, that extended detention or community detention is necessary either:

1. For the protection of the child; or
2. For the protection of the community.

(E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, DETENTION MAY NOT BE CONTINUED BEYOND EMERGENCY DETENTION FOR A CHILD UNDER THE AGE OF 12 YEARS UNLESS ~~THE~~:

(1) THE CHILD IS ALLEGED TO HAVE COMMITTED AN ACT THAT, IF COMMITTED BY AN ADULT, WOULD BE A CRIME OF VIOLENCE AS DEFINED UNDER § 14-101 OF THE CRIMINAL LAW ARTICLE; OR

(2) THE CHILD IS LIKELY TO LEAVE THE JURISDICTION OF THE COURT.

[(e)] (F) (1) Detention or community detention may not be continued beyond emergency detention or community detention unless, upon an order of court after a hearing, the court has found that one or more of the circumstances stated in subsection (b) of this section exist.

(2) A court order under this paragraph shall:

(i) Contain a written determination of whether or not the criteria contained in subsection (c)(1) and (2) of this section have been met; and

(ii) Specify which of the circumstances stated in subsection (b) of this section exist.

(3) (i) If the court has not specifically prohibited community detention, the Department of Juvenile Services may release the child from detention into community detention and place the child in:

1. Shelter care; or

2. The custody of the child's parent, guardian, custodian, or other person able to provide supervision and care for the child and to return the child to court when required.

(ii) If a child who has been released by the Department of Juvenile Services or the court into community detention violates the conditions of community detention, and it is necessary to protect the child or others, an intake officer may authorize the detention of the child.

(iii) The Department of Juvenile Services shall promptly notify the court of:

1. The release of a child from detention under subparagraph (i) of this paragraph; or

2. The return to detention of a child under subparagraph (ii) of this paragraph.

(iv) 1. If a child is returned to detention under subparagraph (ii) of this paragraph, the intake officer who authorized detention shall immediately file a petition to authorize continued detention.

2. A hearing on the petition to authorize continued detention shall be held no later than the next court day, unless extended for no more than 5 days by the court on good cause shown.

3. Reasonable notice, oral or written, stating the time, place, and purpose of the hearing, shall be given to the child and, if they can be located, the child's parents, guardian, or custodian.

[(f)] (G) (1) Shelter care may only be continued beyond emergency shelter care if the court has found that:

(i) Continuation of the child in the child's home is contrary to the welfare of the child; and

(ii) 1. Removal of the child from the child's home is necessary due to an alleged emergency situation and in order to provide for the safety of the child; or

2. Reasonable but unsuccessful efforts were made to prevent or eliminate the need for removal of the child from the home.

(2) (i) If the court continues shelter care on the basis of an alleged emergency, the court shall assess whether the absence of efforts to prevent removal was reasonable.

(ii) If the court finds that the absence of efforts to prevent removal was not reasonable, the court shall make a written determination so stating.

(3) The court shall make a determination as to whether reasonable efforts are being made to make it possible to return the child to the child's home or whether the absence of such efforts is reasonable.

[(g)] (H) A child alleged to be delinquent may not be detained in a jail or other facility for the detention of adults.

[(h)] (I) (1) A child alleged to be in need of supervision may not be placed in:

(i) Detention or community detention;

(ii) A State mental health facility; or

(iii) A shelter care facility that is not operating in compliance with applicable State licensing laws.

(2) Subject to paragraph (1)(iii) of this subsection, a child alleged to be in need of supervision may be placed in shelter care facilities maintained or approved by the Social Services Administration or the Department of Juvenile Services or in a private home or shelter care facility approved by the court.

(3) The Secretary of Human Services and the Secretary of Juvenile Services together, when appropriate, with the Secretary of Health shall jointly adopt regulations to ensure that any child placed in shelter care pursuant to a petition filed under subsection (d) of this section be provided appropriate services, including:

(i) Health care services;

(ii) Counseling services;

(iii) Education services;

(iv) Social work services; and

(v) Drug and alcohol abuse assessment or treatment services.

(4) In addition to any other provision, the regulations shall require:

(i) The Department of Juvenile Services to develop a plan within 45 days of placement of a child in a shelter care facility to assess the child's treatment needs; and

(ii) The plan to be submitted to all parties to the petition and their counsel.

[(i)] (J) The intake officer or the official who authorized detention, community detention, or shelter care under this subtitle shall immediately give written notice of the authorization for detention, community detention, or shelter care to the child's parent, guardian, or custodian and to the court. The notice shall be accompanied by a statement of the reasons for taking the child into custody and placing him in detention, community detention, or shelter care. This notice may be combined with the notice required under subsection (d) of this section.

[(j)] (K) (1) If a child is alleged to have committed a delinquent act, the court or a juvenile intake officer shall consider including, as a condition of releasing the child pending an adjudicatory or disposition hearing, reasonable protections for the safety of the alleged victim.

(2) If a victim has requested reasonable protections for safety, the court or juvenile intake officer shall consider including, as a condition of releasing the child pending an adjudicatory or disposition hearing, provisions regarding no contact with the alleged victim or the alleged victim's premises or place of employment.

[(k)] (L) If a child remains in a facility used for detention for the specific act for which the child has been adjudicated delinquent for more than 25 days after the court has made a disposition on a petition under § 3–8A–19 of this subtitle, the Department of Juvenile Services shall:

(1) On the first available court date after the 25th day that the child remains in a facility used for detention, appear at a hearing before the court with the child to explain the reasons for continued detention; and

(2) Every 25 days thereafter, appear at another hearing before the court with the child to explain the reasons for continued detention.

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

Approved by the Governor, May 13, 2019.

Chapter 561**(House Bill 302)**

AN ACT concerning

Montgomery County Housing Opportunities Commission – Collective Bargaining – Exclusive Representative Duty of Fair Representation**MC 26–19**

FOR the purpose of altering the duty of an employee organization certified as the exclusive representative of certain employees of the Housing Opportunities Commission of Montgomery County to represent all employees in a certain bargaining unit in a certain manner; authorizing the exclusive representative to require an employee who does not pay certain dues or fees to pay certain costs and fees for filing a certain grievance or arbitrating a certain matter; providing that the failure by the employee to pay certain costs and fees relieves the exclusive representative of certain responsibilities; requiring that a dispute concerning the reasonableness of certain costs and fees be submitted to a certain labor relations administrator in accordance with certain procedures; limiting an exclusive representative's duty of fair representation owed to certain public employees to certain matters; providing for the construction of certain provisions of this Act; and generally relating to collective bargaining for employees of the Housing Opportunities Commission of Montgomery County.

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 16–303
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

16–303.

(a) (1) The Montgomery Commission shall recognize the right of an employee organization certified under this subtitle as the exclusive representative of a bargaining unit to represent the employees of the bargaining unit in collective bargaining and in the settlement of grievances.

(2) If a single employee organization is certified to represent more than one bargaining unit, the Montgomery Commission shall negotiate a single contract with that organization covering all employees the organization represents.

(b) (1) An employee organization certified as the exclusive representative of a bargaining unit shall:

(i) serve as the only bargaining agent for the unit in collective bargaining; and

(ii) **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,** represent all employees in the unit fairly[,] **AND** without discrimination[, and without regard to whether an employee is a member of the employee organization].

(2) An employee organization meets the requirements of paragraph (1)(ii) of this subsection as long as its actions are not arbitrary, discriminatory, or in bad faith toward[:

(i) employees who are members of the employee organization; or

(ii) employees who are not members of the employee organization]

AN EMPLOYEE IN THE BARGAINING UNIT.

(C) (1) THE EXCLUSIVE REPRESENTATIVE MAY REQUIRE AN EMPLOYEE WHO DOES NOT PAY MEMBERSHIP DUES OR EQUIVALENT FEES TO PAY:

(I) THE REASONABLE COSTS AND FEES, INCLUDING EXPENSES FOR STAFF TIME AND MATERIALS, ARBITRATOR FEES, AND RELATED ATTORNEY'S FEES, FOR FILING A GRIEVANCE OR ARBITRATING A MATTER THAT ARISES UNDER A COLLECTIVE BARGAINING AGREEMENT NEGOTIATED UNDER THIS SUBTITLE BROUGHT BY THE EXCLUSIVE REPRESENTATIVE AT THE REQUEST OF THE EMPLOYEE; AND

(II) ANY ANTICIPATED PROPORTIONAL COSTS AND FEES BEFORE A GRIEVANCE IS FILED OR ARBITRATION IS PURSUED.

(2) FAILURE BY THE EMPLOYEE TO PAY THE COSTS AND FEES REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL RELIEVE THE EXCLUSIVE REPRESENTATIVE OF ANY FURTHER RESPONSIBILITY TO THE EMPLOYEE.

(3) A DISPUTE CONCERNING THE REASONABLENESS OF THE COSTS AND FEES IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SUBMITTED TO THE LABOR RELATIONS ADMINISTRATOR IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED UNDER § 16-318 OF THIS SUBTITLE FOR UNFAIR LABOR PRACTICES.

(D) (1) AN EXCLUSIVE REPRESENTATIVE'S DUTY OF FAIR REPRESENTATION OWED TO A PUBLIC EMPLOYEE WHO IS IN THE BARGAINING UNIT SHALL BE LIMITED TO THE NEGOTIATION AND ENFORCEMENT OF THE TERMS OF THE COLLECTIVE BARGAINING AGREEMENT WITH THE PUBLIC EMPLOYER.

(2) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO LIMIT AN EMPLOYEE ORGANIZATION FROM PROVIDING ONLY TO THE ORGANIZATION'S MEMBERS LEGAL, ECONOMIC, OR JOB-RELATED SERVICES OR BENEFITS OUTSIDE THE COLLECTIVE BARGAINING AGREEMENT.

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

Approved by the Governor, May 13, 2019.

Chapter 562

(House Bill 362)

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Collective Bargaining – Exclusive Representative Duty of Fair Representation

MC/PG 109–19

FOR the purpose of altering the duty of an employee organization certified as the exclusive representative of certain employees of the Maryland–National Capital Park and Planning Commission to represent all employees in a certain bargaining unit in a certain manner; authorizing the exclusive representative to require an employee who does not pay certain dues or fees to pay certain costs and fees for filing a certain grievance or arbitrating a certain matter; providing that the failure by the employee to pay certain costs and fees relieves the exclusive representative of certain responsibilities; requiring that a dispute concerning the reasonableness of certain costs and fees be submitted to a certain labor relations administrator in accordance with certain procedures; limiting an exclusive representative's duty of fair representation owed to certain public employees to certain matters; providing for the construction of certain provisions of this Act; and generally relating to collective bargaining for employees of the Maryland–National Capital Park and Planning Commission.

BY repealing and reenacting, with amendments,

Article – Land Use

Section 16–202 and 16–302

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

16–202.

(a) The Commission shall recognize the right of an employee organization, certified under this subtitle as the exclusive representative of a bargaining unit, to represent the employees in the bargaining unit in collective bargaining and in the settlement of grievances.

(b) An employee organization certified as the exclusive representative of a bargaining unit shall:

(1) serve as the sole bargaining agent for the unit in collective bargaining;
and

(2) **EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION,** represent all employees in the bargaining unit fairly[,] **AND** without discrimination[, and without regard to whether an employee is a member of the employee organization].

(c) An employee organization meets the requirements of subsection (b)(2) of this section if the employee organization's actions with respect to employees [who are members of the employee organization and employees who are not members of the employee organization] **IN THE BARGAINING UNIT** are not arbitrary, discriminatory, or in bad faith.

(D) (1) THE EXCLUSIVE REPRESENTATIVE MAY REQUIRE AN EMPLOYEE WHO DOES NOT PAY MEMBERSHIP DUES OR EQUIVALENT FEES TO PAY:

(I) THE REASONABLE COSTS AND FEES, INCLUDING EXPENSES FOR STAFF TIME AND MATERIALS, ARBITRATOR FEES, AND RELATED ATTORNEY'S FEES, FOR FILING A GRIEVANCE OR ARBITRATING A MATTER THAT ARISES UNDER A COLLECTIVE BARGAINING AGREEMENT NEGOTIATED UNDER THIS SUBTITLE BROUGHT BY THE EXCLUSIVE REPRESENTATIVE AT THE REQUEST OF THE EMPLOYEE; AND

(II) ANY ANTICIPATED PROPORTIONAL COSTS AND FEES BEFORE A GRIEVANCE IS FILED OR ARBITRATION IS PURSUED.

(2) FAILURE BY THE EMPLOYEE TO PAY THE COSTS AND FEES REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL RELIEVE THE

EXCLUSIVE REPRESENTATIVE OF ANY FURTHER RESPONSIBILITY TO THE EMPLOYEE.

(3) A DISPUTE CONCERNING THE REASONABLENESS OF THE COSTS AND FEES IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SUBMITTED TO THE LABOR RELATIONS ADMINISTRATOR IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED UNDER § 16–218 OF THIS SUBTITLE FOR UNFAIR LABOR PRACTICES.

(E) (1) AN EXCLUSIVE REPRESENTATIVE'S DUTY OF FAIR REPRESENTATION OWED TO A PUBLIC EMPLOYEE WHO IS IN THE BARGAINING UNIT SHALL BE LIMITED TO THE NEGOTIATION AND ENFORCEMENT OF THE TERMS OF THE COLLECTIVE BARGAINING AGREEMENT WITH THE PUBLIC EMPLOYER.

(2) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO LIMIT AN EMPLOYEE ORGANIZATION FROM PROVIDING ONLY TO THE ORGANIZATION'S MEMBERS LEGAL, ECONOMIC, OR JOB-RELATED SERVICES OR BENEFITS OUTSIDE THE COLLECTIVE BARGAINING AGREEMENT.

16–302.

(a) The Commission shall recognize the right of an employee organization, certified under this subtitle as the exclusive representative of the bargaining unit, to represent the employees in the bargaining unit in collective bargaining and in the settlement of grievances.

(b) An employee organization certified as the exclusive representative of a bargaining unit shall:

(1) serve as the sole bargaining agent for the bargaining unit in collective bargaining; and

(2) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, represent all employees in the bargaining unit fairly[,] AND without discrimination[, and without regard to whether an employee is a member of the employee organization].

(C) (1) THE EXCLUSIVE REPRESENTATIVE MAY REQUIRE AN EMPLOYEE WHO DOES NOT PAY MEMBERSHIP DUES OR EQUIVALENT FEES TO PAY:

(I) THE REASONABLE COSTS AND FEES, INCLUDING EXPENSES FOR STAFF TIME AND MATERIALS, ARBITRATION FEES, AND RELATED ATTORNEY'S FEES, FOR FILING A GRIEVANCE OR ARBITRATING A MATTER THAT ARISES UNDER A COLLECTIVE BARGAINING AGREEMENT NEGOTIATED UNDER THIS SUBTITLE BROUGHT BY THE EXCLUSIVE REPRESENTATIVE AT THE REQUEST OF THE EMPLOYEE; AND

(II) ANY ANTICIPATED PROPORTIONAL COSTS AND FEES BEFORE A GRIEVANCE IS FILED OR ARBITRATION IS PURSUED.

(2) FAILURE BY THE EMPLOYEE TO PAY THE COSTS AND FEES REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL RELIEVE THE EXCLUSIVE REPRESENTATIVE OF ANY FURTHER RESPONSIBILITY TO THE EMPLOYEE.

(3) A DISPUTE CONCERNING THE REASONABLENESS OF THE COSTS AND FEES IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SUBMITTED TO THE LABOR RELATIONS ADMINISTRATOR IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED UNDER § 16–317 OF THIS SUBTITLE FOR UNFAIR LABOR PRACTICES.

(D) (1) AN EXCLUSIVE REPRESENTATIVE’S DUTY OF FAIR REPRESENTATION OWED TO A PUBLIC EMPLOYEE WHO IS IN THE BARGAINING UNIT SHALL BE LIMITED TO THE NEGOTIATION AND ENFORCEMENT OF THE TERMS OF THE COLLECTIVE BARGAINING AGREEMENT WITH THE PUBLIC EMPLOYER.

(2) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO LIMIT AN EMPLOYEE ORGANIZATION FROM PROVIDING ONLY TO THE ORGANIZATION’S MEMBERS LEGAL, ECONOMIC, OR JOB-RELATED SERVICES OR BENEFITS OUTSIDE THE COLLECTIVE BARGAINING AGREEMENT.

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

Approved by the Governor, May 13, 2019.

Chapter 563

(House Bill 1280)

AN ACT concerning

Washington Suburban Sanitary Commission – Collective Bargaining – Technical Unit

MC/PG 114–19

FOR the purpose of establishing a separate technical collective bargaining unit within the Washington Suburban Sanitary Commission; altering a provision of law that had

established a certain joint office/technical collective bargaining unit to establish a separate office collective bargaining unit; providing for the application of this Act; and generally relating to collective bargaining involving the Washington Suburban Sanitary Commission.

BY repealing and reenacting, with amendments,
 Article – Public Utilities
 Section 18–201
 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

18–201.

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

(ii) “Confidential employee” means an employee who assists or acts in a confidential capacity with respect to an individual who formulates, determines, or implements management policies in the field of labor–management relations.

(iii) “Probationary employee” means a Commission merit system employee during the employee’s initial probationary period after hiring.

(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;
- (v) employees in the Internal Audit Office;
- (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).

(b) (1) Commission employees are divided into ~~[four]~~ **FIVE** bargaining units consisting of:

(i) an ~~[office/technical]~~ **OFFICE** unit that includes:

1. office classification titles in which employees are responsible for internal and external communications, recording and retrieving information, and paperwork required in an office;

2. ~~[technical classification titles in which employees have a combination of basic scientific or technical knowledge and manual skill that is usually acquired through specialized postsecondary school education or through equivalent on-the-job training;~~

3.] paraprofessional classification titles in which employees perform, in a supportive role, some of the duties of a professional or a technician but that usually require less formal training or experience than those duties performed by those with professional or technical status; and

~~[4.]~~ **3.** all other nonprofessional job titles currently unrepresented by any other union;

(ii) a professional unit that includes professional classification titles in which employees have special or theoretical knowledge that is usually acquired through college training or other training that provides comparable knowledge or work experience;

(iii) a service, labor, and trade unit that includes:

1. classification titles in which employees:

A. perform service and maintenance;

B. may operate specialized machinery or heavy equipment;

and

C. have duties that contribute to the comfort and convenience of the public or to the upkeep and care of Commission buildings, facilities, or grounds;

2. classification titles in which employees are required to have a special manual skill and thorough knowledge of processes that are required through on-the-job training, experience, apprenticeship, or other formal training programs; and

3. classification titles included in the service, labor, and trade bargaining unit as constituted on January 1, 2003; ~~[and]~~

(iv) a law enforcement unit that includes Commission police officers;

AND

(V) A TECHNICAL UNIT THAT INCLUDES TECHNICAL CLASSIFICATION TITLES IN WHICH EMPLOYEES HAVE A COMBINATION OF BASIC SCIENTIFIC OR TECHNICAL KNOWLEDGE AND MANUAL SKILL THAT IS USUALLY ACQUIRED THROUGH SPECIALIZED POSTSECONDARY SCHOOL EDUCATION OR THROUGH EQUIVALENT ON-THE-JOB TRAINING.

(2) If a single employee organization is certified to represent more than one bargaining unit, the Commission shall negotiate a single contract with that organization covering all employees the organization represents.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not rescind, supersede, change, or modify the right of an employee organization, certified on or before the effective date of this Act under Title 18, Subtitle 2 of the Public Utilities Article, as the exclusive representative of a bargaining unit, to represent the employees of an existing bargaining unit.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be construed to prohibit the certification of an exclusive representative for a new bargaining unit under Title 18, Subtitle 2 of the Public Utilities Article.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, May 13, 2019.

Chapter 564

(House Bill 1144)

AN ACT concerning

County Boards of Education – Equal Access to Public Services for Individuals With Limited English Proficiency

FOR the purpose of ~~requiring certain county boards of education to fully implement a certain requirement to provide equal access to public services for individuals with limited English proficiency on or before a certain date; making conforming changes~~ requiring county boards to take certain reasonable steps to provide equal access to public services for certain individuals with limited English proficiency; and generally relating to county boards of education and equal access to public services for individuals with limited English proficiency.

BY adding to

Article – Education

Section 4–135

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

~~BY repealing and reenacting, without amendments,~~

~~Article – State Government~~

~~Section 10–1103(a)~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2018 Supplement)~~

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

~~Article – State Government~~

~~Section 10–1103(b)~~

~~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 – Education

4–135.

~~ON OR BEFORE JULY 1, 2022, EACH COUNTY BOARD SHALL FULLY IMPLEMENT THE REQUIREMENTS OF § 10 1103 OF THE STATE GOVERNMENT ARTICLE TO PROVIDE EQUAL ACCESS TO PUBLIC SERVICES FOR INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY.~~

(A) EACH COUNTY BOARD SHALL TAKE REASONABLE STEPS TO PROVIDE EQUAL ACCESS TO PUBLIC SERVICES FOR INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY.

(B) REASONABLE STEPS TO PROVIDE EQUAL ACCESS TO PUBLIC SERVICES UNDER SUBSECTION (A) OF THIS SECTION INCLUDE:

(1) THE PROVISION OF ORAL LANGUAGE SERVICES FOR PARENTS AND GUARDIANS WITH LIMITED ENGLISH PROFICIENCY, WHICH MUST BE THROUGH FACE-TO-FACE, IN-HOUSE ORAL LANGUAGE SERVICES IF IN-PERSON CONTACT IS ON A WEEKLY OR MORE FREQUENT BASIS; AND

(2) THE TRANSLATION OF VITAL DOCUMENTS ORDINARILY PROVIDED TO THE PUBLIC INTO ANY LANGUAGE SPOKEN BY ANY LIMITED ENGLISH

PROFICIENT POPULATION THAT CONSTITUTES AT LEAST 3% OF THE OVERALL POPULATION WITHIN THE COUNTY AS MEASURED BY THE UNITED STATES CENSUS.

~~Article State Government~~

~~10-1103.~~

~~(a) Each State department, agency, or program listed or identified under subsection (c) of this section shall take reasonable steps to provide equal access to public services for individuals with limited English proficiency.~~

~~(b) Reasonable steps to provide equal access to public services include:~~

~~(1) the provision of oral language services for individuals with limited English proficiency, which must be through face to face, in-house oral language services if contact between the agency and individuals with limited English proficiency is on a weekly or more frequent basis;~~

~~(2) (i) the translation of vital documents ordinarily provided to the public into any language spoken by any limited English proficient population that constitutes 3% of the overall population within the geographic area served by a local office of a State program OR A COUNTY BOARD, AS DEFINED IN § 1-101 OF THE EDUCATION ARTICLE, as measured by the United States Census; and~~

~~(ii) the provision of vital documents translated under item (i) of this item on a statewide basis to any local office OR A COUNTY BOARD, AS DEFINED IN § 1-101 OF THE EDUCATION ARTICLE, as necessary; and~~

~~(3) any additional methods or means necessary to achieve equal access to public services.~~

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

Approved by the Governor, May 13, 2019.

Chapter 565

(House Bill 100)

Budget Bill

(Fiscal Year 2020)

AN ACT for the purpose of making the proposed appropriations contained in the State Budget for the fiscal year ending June 30, 2020, in accordance with Article III, Section 52 of the Maryland Constitution; and generally relating to appropriations and budgetary provisions made pursuant to that section.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That subject to the provisions hereinafter set forth and subject to the Public General Laws of Maryland relating to the Budget procedure, the several amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for the several purposes specified for the fiscal year beginning July 1, 2019, and ending June 30, 2020, as hereinafter indicated.

PAYMENTS TO CIVIL DIVISIONS OF THE STATE

A15000.01 Disparity Grants	
General Fund Appropriation	146,172,853
A15000.02 Teacher Retirement Supplemental Grants	
General Fund Appropriation	27,658,661
A15000.03 Miscellaneous Grants	
Special Fund Appropriation	1,250,000

SUMMARY

Total General Fund Appropriation	173,831,514
Total Special Fund Appropriation	1,250,000
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Total Appropriation	175,081,514
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GENERAL ASSEMBLY OF MARYLAND

B75A01.01 Senate	
General Fund Appropriation	14,087,326
B75A01.02 House of Delegates	
General Fund Appropriation	27,047,046
B75A01.03 General Legislative Expenses	
General Fund Appropriation	1,145,964

DEPARTMENT OF LEGISLATIVE SERVICES

B75A01.04 Office of Operations and Support

Services

General Fund Appropriation, *provided that this appropriation is increased by \$110,600 and 5 regular positions. These funds may only be expended for fringe benefits for contractual full-time equivalent positions that are converted to regular positions*

15,701,767

B75A01.05 Office of Legislative Audits

General Fund Appropriation

14,777,048

B75A01.07 Office of Policy Analysis

General Fund Appropriation

22,706,539

SUMMARY

Total General Fund Appropriation

95,465,690



JUDICIARY

Provided that \$2,530,094 in general funds for new positions is reduced and 36.0 new regular positions are eliminated.

C00A00.01 Court of Appeals	
General Fund Appropriation	13,491,266
C00A00.02 Court of Special Appeals	
General Fund Appropriation	13,193,098
C00A00.03 Circuit Court Judges	
General Fund Appropriation	73,828,481

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C00A00.04 District Court	
General Fund Appropriation, <u>provided that \$7,750,000 of the general fund appropriation may be expended only for the purpose of providing attorneys for required representation at initial appearances before District Court Commissioners consistent with the holding of the Court of Appeals in DeWolfe v. Richmond. Any funds not expended for this purpose shall revert to the General Fund</u>	207,793,623
	206,316,828
	207,731,771
	<u>206,981,771</u>

C00A00.06 Administrative Office of the Courts	
General Fund Appropriation, <u>provided that this appropriation is increased by \$500,000 for the compensation of recalled senior judges. These funds may be expended only to enhance the resources provided to reduce the backlog of asbestos-related cases in Baltimore City by providing compensation to senior judges. Further provided that these funds may be expended only to compensate senior judges who have been</u>	

~~selected by the Chief Judge from a list provided by the Governor no later than June 1, 2019. Further provided that it is the intent of the General Assembly that the Circuit Court for Baltimore City act in a manner that efficiently reduces this caseload by the consolidation of cases and/or the use of alternative dispute resolution~~

	77,709,359	
	63,289,248	
	69,139,608	
	<u>66,551,305</u>	
Special Fund Appropriation	21,000,000	
Federal Fund Appropriation	216,615	98,925,974
		84,505,863
		90,356,223
		<u>87,767,920</u>
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C00A00.07 Court Related Agencies		
General Fund Appropriation		3,418,948
C00A00.08 State Law Library		
General Fund Appropriation	3,725,928	
Special Fund Appropriation	8,500	3,734,428
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C00A00.09 Judicial Information Systems		
General Fund Appropriation	50,755,814	
Special Fund Appropriation	8,932,302	59,688,116
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C00A00.10 Clerks of the Circuit Court		
General Fund Appropriation	105,189,464	
Special Fund Appropriation	20,065,013	125,254,477
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<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>		
C00A00.12 Major Information Technology Development Projects		
Special Fund Appropriation		15,338,363

SUMMARY

Total General Fund Appropriation		537,136,075
Total Special Fund Appropriation		65,344,178
Total Federal Fund Appropriation		216,615
		<hr/>
Total Appropriation		602,696,868
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OFFICE OF THE PUBLIC DEFENDER

C80B00.01 General Administration			
General Fund Appropriation			8,246,408
C80B00.02 District Operations			
General Fund Appropriation	90,897,014		
Special Fund Appropriation	286,266		
Federal Fund Appropriation	145,453		91,328,733
		<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C80B00.03 Appellate and Inmate Services			
General Fund Appropriation			7,266,202
C80B00.04 Involuntary Institutionalization Services			
General Fund Appropriation			1,813,281

SUMMARY

Total General Fund Appropriation		108,222,905
Total Special Fund Appropriation		286,266
Total Federal Fund Appropriation		145,453
		<hr/>
Total Appropriation		108,654,624
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OFFICE OF THE ATTORNEY GENERAL

C81C00.01 Legal Counsel and Advice

General Fund Appropriation	5,621,082	
Special Fund Appropriation	2,208,293	7,829,375
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C81C00.04 Securities Division		
General Fund Appropriation	2,636,811	
Special Fund Appropriation	1,272,998	3,909,809
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C81C00.05 Consumer Protection Division		
General Fund Appropriation	700,000	
Special Fund Appropriation	7,088,052	7,788,052
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C81C00.06 Antitrust Division		
General Fund Appropriation		735,125

C81C00.09 Medicaid Fraud Control Unit		
General Fund Appropriation	1,233,513	
Federal Fund Appropriation	3,701,348	4,934,861
	<hr/>	

C81C00.10 People’s Insurance Counsel Division		
Special Fund Appropriation		637,448

C81C00.12 Juvenile Justice Monitoring Program		
General Fund Appropriation		473,917

C81C00.14 Civil Litigation Division		
General Fund Appropriation	2,839,174	
Special Fund Appropriation	490,511	3,329,685
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Funds are appropriated in other agency budgets to pay for services provided by this

program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C81C00.15 Criminal Appeals Division
General Fund Appropriation 2,950,228

C81C00.16 Criminal Investigation Division
General Fund Appropriation 2,169,569

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C81C00.17 Educational Affairs Division
General Fund Appropriation 371,534

C81C00.18 Correctional Litigation Division
General Fund Appropriation 617,501

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C81C00.20 Contract Litigation Division

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C81C00.21 Mortgage Foreclosure Settlement
Program
Special Fund Appropriation 464,085

SUMMARY

Total General Fund Appropriation	20,348,454
Total Special Fund Appropriation	12,161,387
Total Federal Fund Appropriation	3,701,348

Total Appropriation		36,211,189
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OFFICE OF THE STATE PROSECUTOR

C82D00.01 General Administration		
General Fund Appropriation		1,689,130
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MARYLAND TAX COURT

C85E00.01 Administration and Appeals		
General Fund Appropriation, <u>provided that it is the intent of the General Assembly that the agency be granted the authority to hire a deputy clerk either by the transfer of an existing position to the agency or the creation of a new position by the Board of Public Works</u>		648,377
		<hr/> <hr/>

PUBLIC SERVICE COMMISSION

C90G00.01 General Administration and Hearings		
Special Fund Appropriation		11,596,614
C90G00.02 Telecommunications, Gas and Water Division		
Special Fund Appropriation		541,373
C90G00.03 Engineering Investigations		
Special Fund Appropriation	1,468,302	
Federal Fund Appropriation	613,639	2,081,941
	<hr/>	
C90G00.04 Accounting Investigations		
Special Fund Appropriation		707,251
C90G00.05 Common Carrier Investigations		
Special Fund Appropriation		1,909,570
C90G00.06 Washington Metropolitan Area Transit Commission		
Special Fund Appropriation		448,321
C90G00.07 Electricity Division		
Special Fund Appropriation		560,018

C90G00.08 Public Utility Law Judge Special Fund Appropriation	962,412
C90G00.09 Staff Counsel Special Fund Appropriation	1,111,952
C90G00.10 Energy Analysis and Planning Division Special Fund Appropriation	718,349

SUMMARY

Total Special Fund Appropriation	20,024,162
Total Federal Fund Appropriation	613,639
	<hr/>
Total Appropriation	20,637,801
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OFFICE OF THE PEOPLE’S COUNSEL

C91H00.01 General Administration Special Fund Appropriation	4,172,814
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SUBSEQUENT INJURY FUND

C94I00.01 General Administration Special Fund Appropriation	2,442,407
	<hr/> <hr/>

UNINSURED EMPLOYERS’ FUND

C96J00.01 General Administration General Fund Appropriation, <u>provided that \$2,000,000 of this appropriation made for the purpose of Bethlehem Steel Corporation retirees’ hearing loss claims shall be reduced contingent on enactment of HB 1407 or SB 1040 authorizing the use of the special fund revenue source that supports the Uninsured Employers’ Fund to pay for claims that do not currently qualify for payment from the fund</u>	2,000,000
Special Fund Appropriation, <u>provided that \$100,000 of this appropriation made for the purpose of general administration may not</u>	

be expended until the Uninsured Employers' Fund submits documentation to the budget committees indicating that an actuarial contract has been awarded to conduct an actuarial study. The documentation shall be submitted by January 1, 2020, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of the documentation may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the documentation is not submitted to the budget committees

~~1,917,573~~

~~3,917,573~~

1,912,327

3,912,327

WORKERS' COMPENSATION COMMISSION

C98F00.01 General Administration

Special Fund Appropriation

14,929,651

C98F00.02 Major Information Technology

Development Projects

Special Fund Appropriation

2,983,759

SUMMARY

Total Special Fund Appropriation

17,913,410

BOARD OF PUBLIC WORKS

D05E01.01 Administration Office	
General Fund Appropriation	977,317
D05E01.02 Contingent Fund	
To the Board of Public Works to be used by the Board in its judgment (1) for supplementing appropriations made in the budget for fiscal 2020 when the regular appropriations are insufficient for the operating expenses of the government beyond those that are contemplated at the time of the appropriation of the budget for this fiscal year, or (2) for any other contingencies that might arise within the State or other governmental agencies during the fiscal year or any other purposes provided by law, when adequate provision for such contingencies or purposes has not been made in this budget. <i>It is the intent of the General Assembly that funds only be transferred from the contingent fund if there is a unanimous vote by the Board of Public Works in which all three members of the board support a fund transfer.</i>	
General Fund Appropriation	500,000
D05E01.05 Wetlands Administration	
General Fund Appropriation	234,897
D05E01.10 Miscellaneous Grants to Private Non-Profit Groups	
General Fund Appropriation	6,165,592
To provide annual grants to private groups and sponsors that have statewide implications and merit State support.	
Council of State Governments	166,927
Historic Annapolis Foundation	789,000
Maryland Zoo in Baltimore	4,959,665
Western Maryland Scenic Railroad.....	250,000

SUMMARY

Total General Fund Appropriation	7,877,806
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EXECUTIVE DEPARTMENT – GOVERNOR

D10A01.01 General Executive Direction and Control		
General Fund Appropriation		11,956,287

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

OFFICE OF THE DEAF AND HARD OF HEARING

D11A04.01 Executive Direction		
General Fund Appropriation		404,298

DEPARTMENT OF DISABILITIES

D12A02.01 General Administration		
General Fund Appropriation	3,645,435	
Special Fund Appropriation	328,378	
Federal Fund Appropriation	4,844,963	8,818,776

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

MARYLAND ENERGY ADMINISTRATION

D13A13.01 General Administration		
Special Fund Appropriation	4,533,911	
Federal Fund Appropriation	880,214	5,414,125

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D13A13.02 The Jane E. Lawton Conservation Loan Program Special Fund Appropriation		850,000
D13A13.03 State Agency Loan Program Special Fund Appropriation		1,200,000
D13A13.06 Energy Efficiency and Conservation Programs, Low and Moderate Income Residential Sector Special Fund Appropriation		3,500,000
D13A13.07 Energy Efficiency and Conservation Programs, All Other Sectors Special Fund Appropriation	6,788,250	
Federal Fund Appropriation	3,426,146	10,214,396
<hr/>		
D13A13.08 Renewable and Clean Energy Programs and Initiatives Special Fund Appropriation.....		20,200,000

SUMMARY

Total Special Fund Appropriation		37,072,161
Total Federal Fund Appropriation		4,306,360
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Total Appropriation		41,378,521
<hr/> <hr/>		

BOARDS, COMMISSIONS, AND OFFICES

D15A05.01 Survey Commissions General Fund Appropriation		119,136
D15A05.03 Governor's Office of Small, Minority & Women Business Affairs General Fund Appropriation		1,270,835
D15A05.05 Governor's Office of Community Initiatives General Fund Appropriation	2,432,310	
Special Fund Appropriation	311,359	
Federal Fund Appropriation	5,391,100	8,134,769
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D15A05.06 State Ethics Commission		
General Fund Appropriation	935,414	
Special Fund Appropriation	363,136	1,298,550
	<hr/>	
D15A05.07 Health Care Alternative Dispute Resolution Office		
General Fund Appropriation	490,286	
Special Fund Appropriation	41,458	531,744
	<hr/>	

D15A05.16 Governor’s Office of Crime Control and Prevention

General Fund Appropriation, ~~provided that \$11,851,274 of this appropriation may not be expended unless the Mayor’s Office of Criminal Justice, in coordination with the Baltimore City State’s Attorney’s Office, submits a comprehensive annual crime strategy for the City. The strategy shall include specific measurable actions the City will take to address crime and be based on a threat assessment. The Mayor’s Office of Criminal Justice shall provide quarterly performance measures. The report shall be submitted to the Governor and budget committees by August 1, 2010 and the Governor and budget committees shall have 45 days to review and comment., provided that \$500,000 \$250,000 of the general fund appropriation for the Governor’s Office of Crime Control and Prevention (GOCCP) may not be expended until GOCCP, in coordination with the Department of Budget and Management, creates a separate R*Stars budget code and new name for the agency outside the Executive Department – Boards, Commissions, and Offices when submitting the fiscal 2021 allowance. The new structure shall include clearly defined~~

programs allocating personnel and operating expenses assigned to significant initiatives overseen by GOCCP, including, but not limited to, the State Aid for Police Protection grant, the Maryland Statistical Analysis Center, the Governor's Office for Children, the Victim Services Unit, the Maryland Criminal Intelligence Network, and the Baltimore City Crime Prevention Initiative. The fiscal 2021 submission shall conform all positions and funding for the fiscal 2019 actual, fiscal 2020 working appropriation, and fiscal 2021 allowance to the new structure.

Further provided that budget data included in the Governor's budget books for GOCCP shall include a detailed reconciliation of Object 12 grant spending by grant name and fund type.

The new budget structure and Object 12 reconciliation shall be submitted with the fiscal 2021 allowance, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted.

Further provided that \$500,000 of this appropriation made for the purpose of administrative operating expenses may not be expended until the Governor's Office of Crime Control and Prevention (GOCCP), having assumed responsibility for the Governor's Office for Children, submits a report by November 1, 2019, on Children's Cabinet Interagency Fund (CCIF) grant allocations and local management board (LMB) funding following the transition to GOCCP. The report should include:

- (1) total fiscal 2020 CCIF grant allocations by priority;

- (2) a description of any guidelines used to determine how much in CCIF funds would be used for each priority;
- (3) fiscal 2020 funding to LMBs from all other sources by program;
- (4) fiscal 2020 LMB funding from existing GOCCP grant programs by program;
- (5) identification of programs that were rejected for funding;
- (6) a description of the grant management and monitoring processes, including any changes that result from the transition to GOCCP; and
- (7) how the grant programs, targeted youth populations, and funding amounts vary between fiscal 2018, 2019, and 2020.

The budget committees shall have 45 days to review and comment following the receipt of the report. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted.

Further provided that it is the intent of the budget committees that the primary purpose of the programs funded through the CCIF grants be to ensure a safe, stable, and healthy environment for all children and families in order to promote positive child well-being.

Further provided that \$3,647,141 and 13 positions budgeted within subprogram 5016 for the Baltimore City Crime

Prevention Initiative may not be expended by the Governor’s Office of Crime Control and Prevention for that purpose but instead may be transferred by budget amendment to the Department of State Police, program W00A01.01 Office of the Superintendent, subprogram 1806 Maryland Coordination and Analysis Center (MCAC) for the establishment of the Baltimore Regional Information Center, a regional intelligence center operating within the MCAC structure. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.

Further provided that \$100,000 of this appropriation made for the purpose of providing local law enforcement grants may not be expended for that purpose but instead may be used only for funding anti-violence program grants that implement crime prevention and intervention strategies in Baltimore City. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund

	137,359,785	
Special Fund Appropriation	10,638,316	
Federal Fund Appropriation	42,051,022	190,049,123

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D15A05.20 State Commission on Criminal Sentencing Policy		
General Fund Appropriation		539,043
 D15A05.22 Governor’s Grants Office		
General Fund Appropriation	236,380	
Special Fund Appropriation	60,000	296,380

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D15A05.23 State Labor Relations Board
General Fund Appropriation 339,747

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D15A05.24 Maryland State Board of Contract Appeals
General Fund Appropriation 749,308

D15A05.25 Governor’s Coordinating Offices – Shared Services
General Fund Appropriation ~~1,904,750~~
~~1,750,336~~
1,904,750

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation	146,376,994
Total Special Fund Appropriation	11,414,269
Total Federal Fund Appropriation	47,442,122
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Total Appropriation	205,233,385
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SECRETARY OF STATE

D16A06.01 Office of the Secretary of State
General Fund Appropriation 2,541,743

Special Fund Appropriation	906,743	3,448,486
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

HISTORIC ST. MARY'S CITY COMMISSION

D17B01.51 Administration		
General Fund Appropriation	2,929,274	
Special Fund Appropriation	870,851	
Federal Fund Appropriation	118,326	3,018,451
	<u>0</u>	<u>3,800,125</u>
	<hr/>	<hr/> <hr/>

DEPARTMENT OF AGING

D26A07.01 General Administration		
General Fund Appropriation	2,358,264	
Special Fund Appropriation	591,529	
Federal Fund Appropriation	2,166,033	5,115,826
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D26A07.02 Senior Citizens Activities Centers Operating Fund		
General Fund Appropriation		764,238

D26A07.03 Community Services

Provided that the Department of Aging may not apply restrictions or conditions on the use of funds allocated to a local Area Agency on Aging through an Aging Program Directive or other means, other than those restrictions or conditions established by State or federal law or regulation.

General Fund Appropriation, provided that

\$200,000 of this appropriation made for the purpose of issuing new grant awards under the Community for Life (CFL) program may not be expended until the Maryland Department of Aging (MDOA) submits a report to the budget committees on lessons learned through the operation of community programs supported by grant funds from CFL in fiscal 2019. The report shall specify best practices for programs, as well as how compliance with best practices will be adopted as evaluation criteria for new grant applications. Finally, the report shall address how MDOA assesses an applicant’s ability to leverage State funds to initiate its local program and progress toward a self-supporting model. The report shall be submitted by September 2, 2019, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees

	23,839,196	
	22,839,196	
	<u>23,839,196</u>	
Federal Fund Appropriation	27,318,088	51,157,284
		50,157,284
		<u>51,157,284</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D26A07.04 Senior Call-Check Service and Notification Program		
Special Fund Appropriation		416,985

SUMMARY

Total General Fund Appropriation		26,961,698
Total Special Fund Appropriation		1,008,514

Total Federal Fund Appropriation	29,484,121
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Total Appropriation	57,454,333
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MARYLAND COMMISSION ON CIVIL RIGHTS

D27L00.01 General Administration		
General Fund Appropriation	2,612,011	
Special Fund Appropriation	90,000	
Federal Fund Appropriation	812,936	3,514,947
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MARYLAND STADIUM AUTHORITY

D28A03.02 Maryland Stadium Facilities Fund	
Special Fund Appropriation	20,000,000

D28A03.41 General Administration

Funds are appropriated in the agency’s budget to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D28A03.55 Baltimore Convention Center	
General Fund Appropriation	6,344,537

D28A03.58 Ocean City Convention Center	
General Fund Appropriation	1,520,029

D28A03.59 Montgomery County Conference Center	
General Fund Appropriation	1,557,000

D28A03.60 Hippodrome Performing Arts Center	
General Fund Appropriation	1,391,443

D28A03.63 Office of Sports Marketing

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D28A03.66 Baltimore City Public Schools Construction Financing Fund Special Fund Appropriation	20,000,000
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D28A03.67 Baltimore City Public Schools
Construction Facilities Fund

Funds are appropriated in the agency’s budget to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D28A03.68 Baltimore City CORE

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation	10,813,009
Total Special Fund Appropriation	40,000,000
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Total Appropriation	50,813,009
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STATE BOARD OF ELECTIONS

D38I01.01 General Administration

General Fund Appropriation, provided that \$1,300,000 of this appropriation made for the support of the Maryland Campaign Reporting Information System may be expended only for that purpose. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund

	5,669,336	
Special Fund Appropriation	117,280	5,786,616
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D38I01.02 Help America Vote Act

General Fund Appropriation	7,189,589
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Special Fund Appropriation	13,661,944	
Federal Fund Appropriation	707,300	21,558,833
	<hr/>	

D38I01.03 Major Information Technology Development Projects Special Fund Appropriation		262,500
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SUMMARY

Total General Fund Appropriation		12,858,925
Total Special Fund Appropriation		14,041,724
Total Federal Fund Appropriation		707,300
		<hr/>
Total Appropriation		27,607,949
		<hr/> <hr/>

DEPARTMENT OF PLANNING

D40W01.01 Operations Division General Fund Appropriation	3,787,492	
Special Fund Appropriation	1,276	
Federal Fund Appropriation	1,094	3,789,862
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D40W01.02 State Clearinghouse General Fund Appropriation		483,695
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D40W01.03 Planning Data and Research General Fund Appropriation		8,690,562
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D40W01.04 Planning Coordination General Fund Appropriation	1,692,056	
Federal Fund Appropriation	52,516	1,744,572

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D40W01.07 Management Planning and Educational Outreach		
General Fund Appropriation	1,120,085	
Special Fund Appropriation	6,127,142	
Federal Fund Appropriation	202,420	7,449,647

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D40W01.08 Museum Services		
General Fund Appropriation	2,124,149	
Special Fund Appropriation	538,888	
Federal Fund Appropriation	88,864	2,751,901

D40W01.09 Research Survey and Registration		
General Fund Appropriation	850,104	
Special Fund Appropriation	86,906	
Federal Fund Appropriation	291,387	1,228,397

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D40W01.10 Preservation Services		
General Fund Appropriation	685,698	
Special Fund Appropriation	466,499	
Federal Fund Appropriation	245,644	1,397,841

D40W01.11 Historic Preservation – Capital Appropriation

Special Fund Appropriation		300,000
D40W01.12 Heritage Structure Rehabilitation Tax Credit		
General Fund Appropriation		9,000,000

SUMMARY

Total General Fund Appropriation		28,433,841
Total Special Fund Appropriation		7,520,711
Total Federal Fund Appropriation		881,925
		<hr/>
Total Appropriation		36,836,477
		<hr/> <hr/>

MILITARY DEPARTMENT

MILITARY DEPARTMENT OPERATIONS AND MAINTENANCE

D50H01.01 Administrative Headquarters			
General Fund Appropriation	3,572,807		
Special Fund Appropriation	39,976		
Federal Fund Appropriation	743,598	4,356,381	
		<hr/>	
D50H01.02 Air Operations and Maintenance			
General Fund Appropriation	881,631		
Federal Fund Appropriation	3,835,095	4,716,726	
		<hr/>	
D50H01.03 Army Operations and Maintenance			
General Fund Appropriation	4,225,807		
Special Fund Appropriation	121,991		
Federal Fund Appropriation	9,035,890	13,383,688	
		<hr/>	
D50H01.04 Capital Appropriation			
Federal Fund Appropriation		26,168,000	
D50H01.05 State Operations			
General Fund Appropriation	2,970,689		
Federal Fund Appropriation	3,370,231	6,340,920	
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D50H01.06 Maryland Emergency Management Agency			

General Fund Appropriation, provided that \$100,000 of this appropriation made for the purpose of administration may not be expended until the Maryland Emergency Management Agency submits a report to the budget committees detailing (1) the Opioid Operational Command Center’s (O OCC) policies and procedures for the identification and approval of grant recipients; (2) the basis for determining the amount of the awards; (3) the development of comprehensive grant agreements that include guidelines for the use of the funds and grantee reporting requirements on the use of the funds and related outcomes; and (4) the O OCC’s monitoring process to ensure ongoing grantee compliance with its policies. It is the intent of the General Assembly that O OCC shall adhere to the Governor’s Grants Office’s best practice for grant management. The report shall be submitted by October 1, 2019, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees

	13,160,995	
Special Fund Appropriation	18,150,000	
Federal Fund Appropriation	35,129,186	66,440,181
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SUMMARY

Total General Fund Appropriation	24,811,929	
Total Special Fund Appropriation	18,311,967	
Total Federal Fund Appropriation	78,282,000	
		<hr/>
Total Appropriation		121,405,896
		<hr/> <hr/>

MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS

D53T00.01 General Administration

Special Fund Appropriation	16,379,705	
Federal Fund Appropriation	2,532,800	18,912,505

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEPARTMENT OF VETERANS AFFAIRS

D55P00.01 Service Program

General Fund Appropriation		1,605,886
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D55P00.02 Cemetery Program

General Fund Appropriation	7,639,269	
Special Fund Appropriation	921,953	
Federal Fund Appropriation	1,680,952	10,242,174

D55P00.03 Memorials and Monuments Program

General Fund Appropriation		413,876
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D55P00.04 Cemetery Program – Capital Appropriation

Federal Fund Appropriation		11,538,000
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D55P00.05 Veterans Home Program

General Fund Appropriation	3,860,090	
Special Fund Appropriation	3,096,695	
Federal Fund Appropriation	19,187,943	26,144,728

D55P00.08 Executive Direction

General Fund Appropriation		1,161,781
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D55P00.11 Outreach and Advocacy

General Fund Appropriation		292,842
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SUMMARY

Total General Fund Appropriation		14,973,744
Total Special Fund Appropriation		4,018,648

Total Federal Fund Appropriation		32,406,895
		<hr/>
Total Appropriation		51,399,287
		<hr/> <hr/>

STATE ARCHIVES

D60A10.01 Archives		
General Fund Appropriation	6,439,513	
Special Fund Appropriation	2,161,214	8,600,727
	<hr/>	
D60A10.02 Artistic Property		
General Fund Appropriation	374,665	
Special Fund Appropriation	34,197	408,862
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SUMMARY

Total General Fund Appropriation		6,814,178
Total Special Fund Appropriation		2,195,411
		<hr/>
Total Appropriation		9,009,589
		<hr/> <hr/>

MARYLAND HEALTH BENEFIT EXCHANGE

D78Y01.01 Maryland Health Benefit Exchange		
Special Fund Appropriation	23,488,042	
	<u>22,488,042</u>	
Federal Fund Appropriation	23,502,800	47,080,941
	<u>22,192,899</u>	<u>44,680,941</u>
	<hr/>	
D78Y01.02 Major Information Technology		
Development Projects		
Special Fund Appropriation	11,511,958	
Federal Fund Appropriation	24,739,061	36,251,019
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SUMMARY

Total Special Fund Appropriation		34,000,000
Total Federal Fund Appropriation		46,931,960
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Total Appropriation		80,931,960
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MARYLAND INSURANCE ADMINISTRATION

INSURANCE ADMINISTRATION AND REGULATION

D80Z01.01 Administration and Operations		
Special Fund Appropriation	32,060,843	
Federal Fund Appropriation	220,172	32,281,015

CANAL PLACE PRESERVATION AND DEVELOPMENT AUTHORITY

D90U00.01 General Administration		
General Fund Appropriation	128,000	
Special Fund Appropriation	458,885	586,885

OFFICE OF ADMINISTRATIVE HEARINGS

D99A11.01 General Administration		
Special Fund Appropriation		52,472

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

COMPTROLLER OF MARYLAND
OFFICE OF THE COMPTROLLER

E00A01.01 Executive Direction

General Fund Appropriation, provided that ~~\$250,000~~ \$200,000 of this appropriation made for the purpose of operating expenses, may not be expended for that purpose but instead may be used only to implement a Cash Campaign of Maryland program to promote the financial capability of low-income individuals and families by providing outreach, education, and free tax preparation services. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund

	4,185,020	
	<u>3,926,805</u>	
Special Fund Appropriation	762,013	4,047,033
		<u>4,688,818</u>

E00A01.02 Financial and Support Services

General Fund Appropriation	2,951,788	
Special Fund Appropriation	385,147	3,336,935

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		6,878,593
Total Special Fund Appropriation		1,147,160
		<hr/>
Total Appropriation		8,025,753
		<hr/> <hr/>

GENERAL ACCOUNTING DIVISION

E00A02.01 Accounting Control and Reporting

General Fund Appropriation		5,757,968
		<hr/> <hr/>

BUREAU OF REVENUE ESTIMATES

E00A03.01 Estimating of Revenues		
General Fund Appropriation		1,417,361
		<hr/> <hr/>

REVENUE ADMINISTRATION DIVISION

E00A04.01 Revenue Administration		
General Fund Appropriation, <u>provided that \$255,946 of this appropriation made for the purpose of administration may not be expended for that purpose but instead may be used only for the purpose of implementing a private letter ruling process. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund</u>	30,313,715	
Special Fund Appropriation	5,088,469	35,402,184
	<hr/>	

E00A04.02 Major Information Technology Development Projects		
Special Fund Appropriation		5,348,000

SUMMARY

Total General Fund Appropriation		30,313,715
Total Special Fund Appropriation		10,436,469
		<hr/>
Total Appropriation		40,750,184
		<hr/> <hr/>

COMPLIANCE DIVISION

E00A05.01 Compliance Administration		
General Fund Appropriation	24,399,979	
Special Fund Appropriation.....	11,506,321	35,906,300
	<hr/>	<hr/> <hr/>

FIELD ENFORCEMENT DIVISION

E00A06.01 Field Enforcement Administration		
General Fund Appropriation	3,221,368	
Special Fund Appropriation	3,660,048	6,881,416
	<hr/>	<hr/> <hr/>

CENTRAL PAYROLL BUREAU

E00A09.01 Payroll Management		
General Fund Appropriation	3,167,037	
Special Fund Appropriation	157,636	3,324,673
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

INFORMATION TECHNOLOGY DIVISION

E00A10.01 Annapolis Data Center Operations

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

E00A10.02 Comptroller IT Services		
General Fund Appropriation	19,146,237	
Special Fund Appropriation	3,359,160	22,505,397
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

STATE TREASURER'S OFFICE

TREASURY MANAGEMENT

E20B01.01 Treasury Management		
General Fund Appropriation	6,093,564	
Special Fund Appropriation	677,326	6,770,890

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

E20B01.02 Major Information Technology Development Projects	
Special Fund Appropriation	191,900

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation	6,093,564
Total Special Fund Appropriation	869,226

Total Appropriation	6,962,790
	=====

INSURANCE PROTECTION

E20B02.01 Insurance Management

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

E20B02.02 Insurance Coverage

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

BOND SALE EXPENSES

E20B03.01 Bond Sale Expenses		
General Fund Appropriation	65,000	
Special Fund Appropriation	1,491,000	1,556,000
	<hr/>	<hr/> <hr/>

STATE DEPARTMENT OF ASSESSMENTS AND TAXATION

E50C00.01 Office of the Director		
<u>General Fund Appropriation, provided that \$300,000 of this appropriation may not be expended until the State Department of Assessments and Taxation, the Department of Budget and Management, and the Maryland State Department of Education submit a report to the budget committees on the calculation of the amount of funding to be provided as tax increment financing grants to local boards of education for fiscal 2020. The report shall be submitted by July 1, 2019, and the budget committees shall have 45 days to review and comment. Funds restricted pending receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees ...</u>		
	3,769,968	
Special Fund Appropriation	146,867	3,916,835
	<hr/>	

E50C00.02 Real Property Valuation		
General Fund Appropriation	17,683,099	
Special Fund Appropriation	17,683,099	35,366,198
	<hr/>	

E50C00.04 Office of Information Technology		
General Fund Appropriation	2,198,985	
Special Fund Appropriation	2,198,985	4,397,970
	<hr/>	

E50C00.05 Business Property Valuation		
General Fund Appropriation	1,728,485	
Special Fund Appropriation	1,728,485	3,456,970
	<hr/>	

E50C00.06 Tax Credit Payments		
General Fund Appropriation		97,203,672

E50C00.08 Property Tax Credit Programs		
General Fund Appropriation	1,890,412	
Special Fund Appropriation	857,477	2,747,889
	<hr/>	
E50C00.09 Major Information Technology Development Projects		
Special Fund Appropriation		4,753,000
E50C00.10 Charter Unit		
General Fund Appropriation	90,691	
Special Fund Appropriation	6,460,438	6,551,129
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SUMMARY

Total General Fund Appropriation		124,565,312
Total Special Fund Appropriation		33,828,351
		<hr/>
Total Appropriation		158,393,663
		<hr/> <hr/>

MARYLAND LOTTERY AND GAMING CONTROL AGENCY

E75D00.01 Administration and Operations		
Special Fund Appropriation		86,003,221
		85,721,796
		<u>85,723,221</u>
E75D00.02 Video Lottery Terminal and Gaming Operations		
General Fund Appropriation	6,943,445	
Special Fund Appropriation	11,205,629	18,149,074
	11,136,419	18,079,864
	<u>11,135,629</u>	<u>18,079,074</u>
	<hr/>	

SUMMARY

Total General Fund Appropriation		6,943,445
Total Special Fund Appropriation		96,858,850
		<hr/>
Total Appropriation		103,802,295
		<hr/> <hr/>

PROPERTY TAX ASSESSMENT APPEALS BOARDS

E80E00.01 Property Tax Assessment Appeals Boards	
General Fund Appropriation	1,086,704
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DEPARTMENT OF BUDGET AND MANAGEMENT
OFFICE OF THE SECRETARY

F10A01.01 Executive Direction

General Fund Appropriation, ~~provided that \$194,735 of this appropriation for the purpose of funding PIN #005524 may not be expended for that purpose but instead the funding, and this position, may only be transferred by budget amendment to the Maryland Tax Court program C85E00.01 Administration and Appeals and reclassified to be used to hire a deputy clerk of the Tax Court. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund~~

~~2,786,388~~
2,592,013

Funds are appropriated in other agency budgets and funds will be transferred from the Employees’ and Retirees’ Health Insurance Non-Budgeted Fund Accounts to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F10A01.02 Division of Finance and Administration
General Fund Appropriation 1,287,407

F10A01.03 Central Collection Unit
Special Fund Appropriation 16,533,309

F10A01.04 Division of Procurement Policy and Administration
General Fund Appropriation 1,023,269

SUMMARY

Total General Fund Appropriation 4,902,689
Total Special Fund Appropriation 16,533,309

Total Appropriation 21,435,998

OFFICE OF PERSONNEL SERVICES AND BENEFITS

F10A02.01 Executive Direction

General Fund Appropriation, provided that \$50,000 of this appropriation may not be expended until the Department of Budget and Management submits a report on the fiscal 2019 closeout of the Employee and Retiree Health Insurance Account. This report shall include (1) closing fiscal 2019 fund balance; (2) actual provider payments due in the fiscal year broken out by medical payments for active employees, medical payments for non-Medicare-eligible retirees, medical payments for Medicare-eligible retirees, prescription drug payments for active employees, prescription drug payments for non-Medicare-eligible retirees, and prescription drug payments for Medicare-eligible retirees; (3) State employee and retiree contributions, broken out by active employees, non-Medicare-eligible retirees, and Medicare-eligible retirees; (4) an accounting of rebates, recoveries, and other costs, broken out into rebates, recoveries, and other costs associated with active employees, non-Medicare-eligible retirees, and Medicare-eligible retirees; (5) any closeout transactions processed after the fiscal year ended; and (6) actual incurred but not received costs. The report shall be submitted to the budget committees by October 1, 2019. The budget committees shall have 45 days to review and comment following the receipt of the report. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.

Further provided that \$50,000 of this appropriation may not be expended until

the Department of Budget and Management submits a report to the budget committees detailing how the department intends to notify State employees and retirees of upcoming changes to State prescription drug coverage, and how materials offered to new State employee hires that detail State-offered benefits will reflect those changes. The report shall be submitted by September 1, 2019. The budget committees shall have 45 days to review and comment following the receipt of the report. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund

1,939,708

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F10A02.02 Division of Employee Benefits

Funds will be transferred from the Employees’ and Retirees’ Health Insurance Non-Budgeted Fund Accounts to pay for administration services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F10A02.04 Division of Personnel Services

General Fund Appropriation

~~3,204,460~~

3,104,098

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F10A02.06 Division of Classification and Salary

General Fund Appropriation

1,994,401

F10A02.07 Division of Recruitment and

Examination		
General Fund Appropriation		1,312,349

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F10A02.08 Statewide Expenses

General Fund Appropriation, provided that funds appropriated for Cost of Living Adjustments (COLA), State Law Enforcement Officers Labor Alliance bargaining agreement provisions, and Annual Salary Review (ASR) may be transferred to programs of other State agencies	178,260,283	
Special Fund Appropriation, provided that funds appropriated for Cost of Living Adjustments (COLA), State Law Enforcement Officers Labor Alliance bargaining agreement provisions, and Annual Salary Review (ASR) may be transferred to programs of other State agencies	34,807,906	
Federal Fund Appropriation, provided that funds appropriated for Cost of Living Adjustments (COLA), State Law Enforcement Officers Labor Alliance bargaining agreement provisions, and Annual Salary Review (ASR) may be transferred to programs of other State agencies	16,318,584	229,386,773

F10A02.09 SmartWork

General Fund Appropriation	8,000,000	
		<u>2,000,000</u>

SUMMARY

Total General Fund Appropriation		188,610,839
Total Special Fund Appropriation		34,807,906
Total Federal Fund Appropriation		16,318,584

Total Appropriation	239,737,329
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OFFICE OF BUDGET ANALYSIS

F10A05.01 Budget Analysis and Formulation		
General Fund Appropriation	4,727,266	
Special Fund Appropriation	584,778	5,312,044

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

OFFICE OF CAPITAL BUDGETING

F10A06.01 Capital Budget Analysis and Formulation		
General Fund Appropriation		1,302,298

DEPARTMENT OF INFORMATION TECHNOLOGY

MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECT FUND

F50A01.01 Major Information Technology Development Project Fund
 General Fund Appropriation, provided that funds appropriated herein for Major Information Technology Development projects may be transferred to programs of the respective financial agencies.

Further provided that the appropriation made for the purpose of Major Information Technology Project Development Fund (MITDPF) shall be reduced by \$5,000,000 contingent on enactment of HB 1407, which requires that the Maryland Department of Transportation deposit revenues from resource sharing agreements into the MITDPF

71,802,399
69,802,399
66,502,399
<u>66,302,399</u>

Special Fund Appropriation, provided that funds appropriated herein for Major Information Technology Development projects may be transferred to programs of the respective financial agencies	3,900,000	75,702,399 73,702,399 70,402,399 <u>70,202,399</u>
	_____	_____

OFFICE OF INFORMATION TECHNOLOGY

F50B04.01 State Chief of Information Technology General Fund Appropriation	13,570,033
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.02 Security

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.03 Application Systems Management

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.04 Infrastructure Special Fund Appropriation	1,959,081
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.05 Chief of Staff

General Fund Appropriation	2,512,518
F50B04.06 Major Information Technology Development Projects Special Fund Appropriation	6,511,260

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.07 Radio

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.09 Telecommunications Access of Maryland Special Fund Appropriation	4,518,665
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SUMMARY

Total General Fund Appropriation	16,082,551
Total Special Fund Appropriation	12,989,006
	<hr/>
Total Appropriation	29,071,557
	<hr/> <hr/>

MARYLAND STATE RETIREMENT AND PENSION SYSTEMS

STATE RETIREMENT AGENCY

Provided that authorization to expend reimbursable funds is reduced by \$225,064 to reflect overbudgeted funding for health insurance and the statewide cost allocation expense.

Further provided that authorization to expend reimbursable funds is reduced by \$29,008 to reflect 25% turnover expectancy for new positions.

G20J01.01 State Retirement Agency	
Special Fund Appropriation	16,965,995
	<u>16,457,089</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

G20J01.02 Major Information Technology Development Projects	
Special Fund Appropriation	4,185,664

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total Special Fund Appropriation	20,642,753
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TEACHERS AND STATE EMPLOYEES SUPPLEMENTAL RETIREMENT PLANS

G50L00.01 Maryland Supplemental Retirement Plan Board and Staff
Special Fund Appropriation, provided that \$50,000 of this appropriation made for the purpose of agency operations may not be

expended until the Maryland Supplemental Retirement Plans submits a budget amendment to the budget committees to adjust the fiscal 2020 appropriation to fully cover salary and fringe benefit costs based on actual projected expenditures. The budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of the budget amendment may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the budget amendment is not submitted to the budget committees

1,828,242



DEPARTMENT OF GENERAL SERVICES

OFFICE OF THE SECRETARY

H00A01.01 Executive Direction		
General Fund Appropriation		1,744,348

H00A01.02 Administration		
General Fund Appropriation		1,936,624

SUMMARY

Total General Fund Appropriation		3,680,972
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OFFICE OF FACILITIES SECURITY

H00B01.01 Facilities Security		
General Fund Appropriation	9,725,997	
Special Fund Appropriation	82,340	
Federal Fund Appropriation	317,148	10,125,485

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

OFFICE OF FACILITIES OPERATION AND MAINTENANCE

H00C01.01 Facilities Operation and Maintenance		
General Fund Appropriation	31,572,561	
Special Fund Appropriation	394,198	
Federal Fund Appropriation	1,094,288	33,061,047

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

H00C01.04 Saratoga State Center

Funds are appropriated in other agency budgets to pay for services provided by this

program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

H00C01.05 Reimbursable Lease Management

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

H00C01.07 Parking Facilities

General Fund Appropriation	1,665,112
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SUMMARY

Total General Fund Appropriation	33,237,673
Total Special Fund Appropriation	394,198
Total Federal Fund Appropriation	1,094,288
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Total Appropriation	34,726,159
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OFFICE OF PROCUREMENT AND LOGISTICS

H00D01.01 Procurement and Logistics

General Fund Appropriation	6,025,929	
Special Fund Appropriation	2,241,262	8,267,191
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

OFFICE OF REAL ESTATE

H00E01.01 Real Estate Management

General Fund Appropriation	1,492,918	
Special Fund Appropriation	325,722	1,818,640
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this

program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

OFFICE OF FACILITIES PLANNING, DESIGN AND CONSTRUCTION

H00G01.01 Facilities Planning, Design and Construction

General Fund Appropriation, provided that the amount appropriated herein for Maryland Environmental Service critical maintenance projects shall be transferred to the appropriate State facility effective July 1, 2019

~~19,754,235~~

~~19,698,235~~

17,698,235

Special Fund Appropriation

706,945

~~20,461,180~~

~~20,405,180~~

18,405,180

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

BUSINESS ENTERPRISE ADMINISTRATION

H00H01.01 Business Enterprise

General Fund Appropriation

2,559,735

Special Fund Appropriation

753,160

Federal Fund Appropriation

1,458

3,314,353

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEPARTMENT OF TRANSPORTATION

Provided that it is the intent of the General Assembly that projects and funding levels appropriated for capital projects, as well as total estimated project costs within the Consolidated Transportation Program, shall be expended in accordance with the plan approved during the legislative session. The department shall prepare a report to notify the budget committees of the proposed changes in the event that the department modifies the program to:

- (1) add a new project to the construction program or development and evaluation program meeting the definition of a “major project” under Section 2-103.1 of the Transportation Article that was not previously contained within a plan reviewed in a prior year by the General Assembly and will result in the need to expend funds in the current budget year; or
- (2) change the scope of a project in the construction program or development and evaluation program meeting the definition of a “major project” under Section 2-103.1 of the Transportation Article that will result in an increase of more than 10% or \$1,000,000, whichever is greater, in the total project costs as reviewed by the General Assembly during a prior session.

For each change, the report shall identify the project title, justification for adding the new project or modifying the scope of the existing project, current year funding levels, and the total project cost as approved by the General Assembly during the prior session compared with the

proposed current year funding and total project cost estimate resulting from the project addition or change in scope.

Further provided that notification of project additions, as outlined in item (1) above; changes in the scope of a project, as outlined in item (2) above; or moving projects from the development and evaluation program to the construction program shall be made to the General Assembly 45 days prior to the expenditure of funds or the submission of any contract for approval to the Board of Public Works.

The Maryland Department of Transportation (MDOT) may not expend funds on any job or position of employment approved in this budget in excess of 9,059.5 positions and 122.2 contractual full-time equivalents (FTE) paid through special payments payroll (defined as the quotient of the sum of the hours worked by all such employees in the fiscal year divided by 2,080 hours) of the total authorized amount established in the budget for MDOT at any one time during fiscal 2020. The level of contractual FTEs may be exceeded only if MDOT notifies the budget committees of the need and justification for additional contractual personnel due to:

- (1) business growth at the Helen Delich Bentley Port of Baltimore or Baltimore/Washington International Thurgood Marshall Airport that demands additional personnel; or
- (2) emergency needs that must be met, such as transit security or highway maintenance.

The Secretary shall use the authority under Sections 2-101 and 2-102 of the Transportation Article to implement this provision. However, any authorized job or

position to be filled above the regular position ceiling approved by the Board of Public Works shall count against the Rule of 100 imposed by the General Assembly. The establishment of new jobs or positions of employment not authorized in the fiscal 2020 budget shall be subject to Section 7-236 of the State Finance and Procurement Article and the Rule of 100.

THE SECRETARY'S OFFICE

It is the intent of the General Assembly that the Maryland Department of Transportation (MDOT):

- (1) withdraw the I-495 and I-270 P3 Program Presolicitation report that it submitted to the General Assembly in December 2018;*
- (2) wait until the Final Environmental Impact Statement (FEIS) identifying and evaluating the locally preferred alternative is complete;*
- (3) submit a report based on the FEIS to the budget committees and the House Environment and Transportation Committee that analyzes the cost of the project, identifies the right-of-way acquisition needs, and indicates the projected tolls that will be charged to use the facilities;*
- (4) submit a new presolicitation report based on the FEIS; and*
- (5) allow the committees 45 days to review and comment on the MDOT report and the new presolicitation report prior to seeking an official designation*

by Board of Public Works (BPW)
for the project as a
public-private partnership (P3)
procurement.

It is further the intent of the General
Assembly that designations of
procurements as P3s and approvals of
P3 contracts related to adding toll
lanes to I-495 and I-270 occur only
upon the unanimous vote by BPW in
which all three members of the board
vote in support of such action.

J00A01.01 Executive Direction

~~Special Fund Appropriation, provided that
\$300,000 of this appropriation made for the
purpose of administration of the
department may not be expended until:~~

- ~~(1) the Maryland Department of
Transportation (MDOT) withdraws
the I-495 and I-270 P3 Program
Presolicitation report that it
submitted to the General Assembly
in December 2018;~~
- ~~(2) the Final Environmental Impact
Statement (FEIS) identifying and
evaluating the locally preferred
alternative is complete;~~
- ~~(3) MDOT submits a new
presolicitation report based on the
FEIS;~~
- ~~(4) MDOT submits a report based on
the FEIS to the budget committees
and the House Environment and
Transportation Committee that
analyzes the cost of the project,
identifies the right of way
acquisition needs, and indicates the
projected tolls that will be charged
to use the facilities; and~~
- ~~(5) the committees have had 45 days to~~

~~review and comment on the MDOT report.~~

~~Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the report is not submitted to the budget committees~~

32,572,354

J00A01.02 Operating Grants–In–Aid

Special Fund Appropriation, provided that no more than \$5,667,276 of this appropriation may be expended for operating grants–in–aid, except for:

- (1) any additional special funds necessary to match unanticipated federal fund attainments; or
- (2) any proposed increase either to provide funds for a new grantee or to expand funds for an existing grantee.

Further provided that no expenditures in excess of \$5,667,276 may occur unless the department provides notification to the budget committees to justify the need for additional expenditures due to either item (1) or (2) above, and the committees provide review and comment or 45 days elapse from the date such notification is provided to the committees.

Further provided that \$168,000 of this appropriation made for the purpose of providing grants to non–State organizations may not be expended for that purpose but instead may be used only to provide grants to Montgomery and Prince George’s counties to cover transit fare costs for youth participating in summer employment programs. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be

canceled. Authorization is hereby given to increase this appropriation by budget amendment in an amount equal to the grants provided under this paragraph.

Further provided that \$45,000 of this appropriation made for the purpose of providing grants to non-State organizations may not be expended for that purpose but instead may be used only to provide a grant to the Baltimore Metropolitan Council to conduct a study of regional transportation authorities. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled. Authorization is hereby given to increase this appropriation by budget amendment in an amount equal to the grant provided under this paragraph

	5,667,276	
Federal Fund Appropriation	14,437,008	20,104,284

J00A01.03 Facilities and Capital Equipment

Special Fund Appropriation, provided that no funds may be expended by the Secretary's Office for any system preservation or minor project with a total project cost in excess of \$500,000 that is not currently included in the fiscal 2019–2024 Consolidated Transportation Program, except as outlined below:

(1) the Secretary shall notify the budget committees of any proposed system preservation or minor project with a total project cost in excess of \$500,000, including the need and justification for the project and its total cost; and

(2) the budget committees shall have 45 days to review and comment on the proposed system preservation or minor project

	41,243,412	
Federal Fund Appropriation	7,537,000	48,780,412

J00A01.04 Washington Metropolitan Area Transit – Operating Special Fund Appropriation	392,947,930
J00A01.05 Washington Metropolitan Area Transit – Capital Special Fund Appropriation	225,133,000
J00A01.07 Office of Transportation Technology Services Special Fund Appropriation	48,264,146
J00A01.08 Major Information Technology Development Projects Special Fund Appropriation	5,337,588

SUMMARY

Total Special Fund Appropriation	751,165,706
Total Federal Fund Appropriation	21,974,008
	<hr/>
Total Appropriation	773,139,714
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DEBT SERVICE REQUIREMENTS

Consolidated Transportation Bonds may be issued in any amount, provided that the aggregate outstanding and unpaid balance of these bonds and bonds of prior issues may not exceed \$3,773,000,000 as of June 30, 2020.

The Maryland Department of Transportation (MDOT) shall submit with its annual September and January financial forecasts information on:

- (1) anticipated and actual nontraditional debt outstanding as of June 30 of each year; and
- (2) anticipated and actual debt service payments for each outstanding

nontraditional debt issuance from fiscal 2019 through 2029.

Nontraditional debt is defined as any debt instrument that is not a Consolidated Transportation Bond or a Grant Anticipation Revenue Vehicle bond; such debt includes, but is not limited to, Certificates of Participation, debt backed by customer facility charges, passenger facility charges or other revenues, and debt issued by the Maryland Economic Development Corporation or any other third party on behalf of MDOT.

The total aggregate outstanding and unpaid principal balance of nontraditional debt, defined as any debt instrument that is not a Consolidated Transportation Bond or a Grant Anticipation Revenue Vehicle bond issued by MDOT, exclusive of any draws on the federal Transportation Infrastructure Finance and Innovation Act (TIFIA) loan for the Purple Line Light Rail Project, may not exceed \$951,000,000 as of June 30, 2020. The total aggregate outstanding and unpaid principal balance on the Purple Line TIFIA loan may not exceed \$925,315,170 as of June 30, 2020. Provided, however, that in addition to the limits established under this provision, MDOT may increase the aggregate outstanding unpaid and principal balance of nontraditional debt so long as:

- (1) MDOT provides notice to the Senate Budget and Taxation Committee and the House Appropriations Committee stating the specific reason for the additional issuance and providing specific information regarding the proposed issuance, including information specifying the total amount of nontraditional debt that would be outstanding on June 30, 2020, and the total amount by

which the fiscal 2020 debt service payment for all nontraditional debt would increase following the additional issuance; and

- (2) the Senate Budget and Taxation Committee and the House Appropriations Committee have 45 days to review and comment on the proposed additional issuance before the publication of a preliminary official statement. The Senate Budget and Taxation Committee and the House Appropriations Committee may hold a public hearing to discuss the proposed increase and shall signal their intent to hold a hearing within 45 days of receiving notice from MDOT.

J00A04.01 Debt Service Requirements

Special Fund Appropriation

354,848,481



STATE HIGHWAY ADMINISTRATION

It is the intent of the General Assembly that the State Highway Administration increase its budget for snow removal to more accurately reflect actual expenditures. Therefore, funds budgeted for snow removal shall be increased by \$5,000,000 in each fiscal year of the fiscal 2021 to 2025 financial forecast. In addition, each subsequent financial forecast shall increase the budgeted level of snow removal by \$5,000,000 in each fiscal year until the budgeted level reflects the rolling 5-year average of actual snow removal expenses.

J00B01.01 State System Construction and

Equipment

Special Fund Appropriation

Further provided that:

- (1) \$2,500,000 of this appropriation made for the purpose of funding Safety, Congestion Relief, and Community Enhancements projects may not be expended for that purpose but instead may be used only for right-of-way acquisition and/or preliminary engineering for the Southern Maryland Rapid Transit Project;
- (2) Expenditure of the funds restricted in item (1) is contingent on Charles and Prince George's counties each providing matching funds of \$1,250,000. If either county has not certified its matching funds by September 1, 2019, the funds restricted in item (1) may be used for their original purpose. If the matching funds are certified by September 1, 2019, funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled; and
- (3) The Maryland Department of Transportation shall submit a report to the budget committees by October 1, 2019, indicating whether the local matching funds have been certified. If the matching funds from both counties have been certified, the report shall also provide a summary of how the restricted funds and matching funds will be spent. It is the intent of the General Assembly that the Maryland Department of Transportation program at least the following amounts for the indicated purposes in the January 2020 Consolidated Transportation Program for the

conversion of the Arena Drive/I-495 interchange to a diverging diamond interchange:

<u>Fiscal 2021</u>	<u>\$1,000,000</u>	<u>design</u>		
<u>Fiscal 2022</u>	<u>\$18,910,000</u>	<u>construction</u>		
<u>Fiscal 2023</u>	<u>\$14,107,000</u>	<u>construction</u>		
<u>Fiscal 2024</u>	<u>\$5,000,000</u>	<u>construction</u>	735,326,000	
Federal Fund Appropriation			619,646,000	1,354,972,000
			<hr/>	
J00B01.02 State System Maintenance				
Special Fund Appropriation			277,854,627	
Federal Fund Appropriation			14,601,905	292,456,532
			<hr/>	
J00B01.03 County and Municipality Capital Funds				
Special Fund Appropriation			5,950,000	
Federal Fund Appropriation			65,850,000	71,800,000
			<hr/>	
J00B01.04 Highway Safety Operating Program				
Special Fund Appropriation			11,940,721	
Federal Fund Appropriation			3,356,649	15,297,370
			<hr/>	
J00B01.05 County and Municipality Funds				
Special Fund Appropriation, <u>provided that \$29,777 of this appropriation made for the purpose of providing transportation aid to Deer Park in Garrett County may not be expended until the town has submitted the audit reports and the Uniform Financial Reports as required under Sections 16–304 and 16–306 of the Local Government Article for fiscal 2015, 2016, 2017, and 2018. Funds restricted pending the receipt of these documents may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled.</u>				

Further provided that \$600,000 of this appropriation made for the purpose of providing transportation aid to Baltimore City may be used only to provide a grant on a reimbursable

basis to Baltimore City for repairs and improvements to the 5300–5600 block of Frederick Avenue and North Bend Road from the intersection of Frederick Avenue to Wendly Road in Baltimore City to address damage caused by flooding. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled.

Further provided that \$1,750,000 of this appropriation made for the purpose of providing transportation aid to Baltimore City may be used only to provide a grant on a reimbursable basis to Baltimore City for improvements to Fort Smallwood Road in Baltimore City. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled.

~~*Further provided that \$600,000 of this appropriation made for the purpose of providing transportation aid to Baltimore City may be expended only for repairs and improvements to Frederick Road and North Bend Road in Baltimore City to address damage caused by flooding. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled.*~~

~~*Further provided that \$1,750,000 of this appropriation made for the purpose of providing transportation aid to Baltimore City may be expended only for improvements to Fort Smallwood Road in Baltimore City. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled.*~~

Further provided that \$250,000 of this appropriation made for the purpose of providing transportation aid to Baltimore City may not be expended until the Baltimore City Department of Transportation (BCDOT):

- (1) creates a webpage on the BCDOT website that provides project and scheduling information on street paving, streetlight replacement under the B'More Bright initiative, and traffic signal upgrade installations; and
- (2) submits a report to the budget committees and the Baltimore City legislative delegation detailing how the webpage is accessed on the BCDOT website and how often the webpage will be updated.

The budget committees shall have 45 days to review and comment on the report. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the report is not submitted to the budget committees.

It is the intent of the General Assembly that BCDOT publish quarterly updates for the public on the items in item (1) until the webpage providing this information is created and available to the public.

Further provided that \$250,000 of this appropriation made for the purpose of providing transportation aid to Baltimore City may not be expended until:

- (1) the Baltimore City Department of Transportation submits a report by July 1, 2019, to the budget committees and members of the Baltimore City legislative

delegation on a plan to update truck route signage in Baltimore City and a plan and timeline for the creation of a Global Positioning System truck route map; and

(2) progress reports on the effort to update truck route signage are submitted by October 1, 2019; January 1, 2020; and March 1, 2020.

The budget committees shall have 45 days to review and comment on each report. One-fourth of the restricted funds shall be released upon completion of the review for each report. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the report is not submitted to the budget committees

255,931,515

J00B01.08 Major Information Technology Development Projects
Special Fund Appropriation
Federal Fund Appropriation

1,476,000
4,640,000

6,116,000

SUMMARY

Total Special Fund Appropriation
Total Federal Fund Appropriation

1,288,478,863
708,094,554

Total Appropriation

1,996,573,417

MARYLAND PORT ADMINISTRATION

J00D00.01 Port Operations
Special Fund Appropriation, provided that \$300,000 of this appropriation made for the purpose of Maryland Port Administration operations may not be expended for that purpose but instead may be used only to provide a one-time grant to Baltimore

Operation Sail, Ltd., also known as Sail Baltimore, to pay for the tipping fees owed by Baltimore Operation Sail, Ltd. for the placement of material dredged from the Baltimore Harbor in fiscal 2020. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled

50,782,250

J00D00.02 Port Facilities and Capital Equipment

Special Fund Appropriation 129,444,000

Federal Fund Appropriation 7,913,000 137,357,000

SUMMARY

Total Special Fund Appropriation 180,226,250

Total Federal Fund Appropriation 7,913,000

Total Appropriation 188,139,250

MOTOR VEHICLE ADMINISTRATION

J00E00.01 Motor Vehicle Operations

Special Fund Appropriation 191,602,746

Federal Fund Appropriation 94,042 191,696,788

J00E00.03 Facilities and Capital Equipment

Special Fund Appropriation 18,820,000

J00E00.04 Maryland Highway Safety Office

Special Fund Appropriation 2,721,647

Federal Fund Appropriation 12,804,848 15,526,495

J00E00.08 Major Information Technology Development Projects

Special Fund Appropriation 25,042,000

SUMMARY

Total Special Fund Appropriation 238,186,393

Total Federal Fund Appropriation 12,898,890

Total Appropriation		251,085,283
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MARYLAND TRANSIT ADMINISTRATION

It is the intent of the General Assembly that the Maryland Transit Administration (MTA) increase its contributions to the MTA Pension Plan to improve the funded ratio of that plan. Therefore, funds budgeted for pension contributions shall be increased by \$5,000,000 in each fiscal year of the fiscal 2021 to 2025 financial forecast. In addition, each subsequent financial forecast shall increase the budgeted level of pension contributions by \$5,000,000 in each fiscal year until the budgeted level reflects at least the most recent actuarially determined contribution.

J00H01.01 Transit Administration		
Special Fund Appropriation	92,982,358	
Federal Fund Appropriation	252,500	93,234,858
J00H01.02 Bus Operations		
Special Fund Appropriation	452,518,127	
Federal Fund Appropriation	13,812,031	466,330,158
J00H01.04 Rail Operations		
Special Fund Appropriation	210,708,538	
Federal Fund Appropriation	25,291,871	236,000,409
J00H01.05 Facilities and Capital Equipment		
Special Fund Appropriation	148,213,000	
Federal Fund Appropriation	490,144,000	638,357,000
J00H01.06 Statewide Programs Operations		
Special Fund Appropriation	68,101,691	
Federal Fund Appropriation	22,746,957	90,848,648

J00H01.08 Major Information Technology Development Projects		
Special Fund Appropriation	15,123,000	
Federal Fund Appropriation	125,000	15,248,000
		<hr/>

SUMMARY

Total Special Fund Appropriation		987,646,714
Total Federal Fund Appropriation		552,372,359
		<hr/>
Total Appropriation		1,540,019,073
		<hr/> <hr/>

MARYLAND AVIATION ADMINISTRATION

J00I00.02 Airport Operations		
Special Fund Appropriation	204,452,975	
Federal Fund Appropriation	645,500	205,098,475
		<hr/>

J00I00.03 Airport Facilities and Capital Equipment		
Special Fund Appropriation	74,757,000	
Federal Fund Appropriation	14,293,000	89,050,000
		<hr/>

SUMMARY

Total Special Fund Appropriation		279,209,975
Total Federal Fund Appropriation		14,938,500
		<hr/>
Total Appropriation		294,148,475
		<hr/> <hr/>

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE SECRETARY

K00A01.01 Secretariat		
General Fund Appropriation	1,302,329	
Special Fund Appropriation	1,132,839	
Federal Fund Appropriation	100,000	2,535,168
		<hr/>
K00A01.02 Office of the Attorney General		
General Fund Appropriation	884,283	
Special Fund Appropriation	921,329	1,805,612
		<hr/>
K00A01.03 Finance and Administrative Services		
General Fund Appropriation	7,030,260	
Special Fund Appropriation	3,826,052	
Federal Fund Appropriation	161,938	11,018,250
		<hr/>
K00A01.04 Human Resource Service		
General Fund Appropriation	1,187,786	
Special Fund Appropriation	732,935	
Federal Fund Appropriation	57,000	1,977,721
		<hr/>
K00A01.05 Information Technology Service		
General Fund Appropriation	1,109,235	
Special Fund Appropriation	1,159,987	
Federal Fund Appropriation	113,900	2,383,122
		<hr/>
K00A01.06 Office of Communications		
General Fund Appropriation	564,792	
Special Fund Appropriation	452,194	1,016,986
		<hr/>

SUMMARY

Total General Fund Appropriation		12,078,685
Total Special Fund Appropriation		8,225,336
Total Federal Fund Appropriation		432,838
		<hr/>
Total Appropriation		20,736,859
		<hr/> <hr/>

FOREST SERVICE

K00A02.09 Forest Service

General Fund Appropriation	1,000,521	
Special Fund Appropriation	8,721,480	
Federal Fund Appropriation	1,982,498	11,704,499
	<hr/>	<hr/> <hr/>

Funds are appropriated in other units of the Department of Natural Resources budget and other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

WILDLIFE AND HERITAGE SERVICE

K00A03.01 Wildlife and Heritage Service

General Fund Appropriation	78,587	
Special Fund Appropriation	5,078,916	
Federal Fund Appropriation	5,900,911	11,058,414
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

MARYLAND PARK SERVICE

K00A04.01 Statewide Operations

General Fund Appropriation	3,543,430	
Special Fund Appropriation	43,758,281	
Federal Fund Appropriation	377,000	47,678,711
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

K00A04.06 Revenue Operations

Special Fund Appropriation		1,900,000
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SUMMARY

Total General Fund Appropriation	3,543,430
Total Special Fund Appropriation	45,658,281
Total Federal Fund Appropriation	377,000
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Total Appropriation	49,578,711
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LAND ACQUISITION AND PLANNING

K00A05.05 Land Acquisition and Planning Special Fund Appropriation	5,625,747
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K00A05.10 Outdoor Recreation Land Loan

Special Fund Appropriation, provided that of the Special Fund allowance, \$86,420,339 represents that share of Program Open Space revenues available for State projects and \$48,031,709 represents that share of Program Open Space revenues available for local programs. These amounts may be used for any State projects or local share authorized in Chapter 403, Laws of Maryland, 1969 as amended, or in Chapter 81, Laws of Maryland, 1984; Chapter 106, Laws of Maryland, 1985; Chapter 109, Laws of Maryland, 1986; Chapter 121, Laws of Maryland, 1987; Chapter 10, Laws of Maryland, 1988; Chapter 14, Laws of Maryland, 1989; Chapter 409, Laws of Maryland, 1990; Chapter 3, Laws of Maryland, 1991; Chapter 4, 1st Special Session, Laws of Maryland, 1992; Chapter 204, Laws of Maryland, 1993; Chapter 8, Laws of Maryland, 1994; Chapter 7, Laws of Maryland, 1995; Chapter 13, Laws of Maryland, 1996; Chapter 3, Laws of Maryland, 1997; Chapter 109, Laws of Maryland, 1998; Chapter 118, Laws of Maryland, 1999; Chapter 204, Laws of Maryland, 2000; Chapter 102, Laws of Maryland, 2001; Chapter 290, Laws of Maryland, 2002; Chapter 204, Laws of

Maryland, 2003; Chapter 432, Laws of
 Maryland, 2004; Chapter 445, Laws of
 Maryland, 2005; Chapter 46, Laws of
 Maryland, 2006; Chapter 488, Laws of
 Maryland, 2007; Chapter 336, Laws of
 Maryland, 2008; Chapter 485, Laws of
 Maryland, 2009; Chapter 483, Laws of
 Maryland, 2010; Chapter 396, Laws of
 Maryland, 2011; Chapter 444, Laws of
 Maryland, 2012; Chapter 424, Laws of
 Maryland, 2013; Chapter 463, Laws of
 Maryland, 2014; Chapter 495, Laws of
 Maryland, 2015; Chapter 27, Laws of
 Maryland, 2016; Chapter 22, Laws of
 Maryland, 2017; Chapter 9, Laws of
 Maryland, 2018 and for any of the following
 State and local projects 134,452,048

Allowance, Local Projects\$48,031,709
 Land Acquisitions\$43,220,594

Department of Natural Resources Capital
 Improvements:
 Natural Resource
 Development Fund\$15,281,533
 Ocean City Beach
 Maintenance\$1,000,000
 Critical Maintenance
 Program\$4,159,480

Subtotal\$20,441,013

Heritage Conservation Fund\$3,906,723

Rural Legacy\$18,852,009

Allowance, State Projects\$86,420,339

Further provided that \$6,000,000 of this
 appropriation made for the purpose of
 providing funding to Baltimore City from
 the Program Open Space State allocation
 shall be allocated as follows:

(1) ~~\$4,700,000~~ ~~\$4,635,000~~ \$4,735,000
for projects that meet park
purposes;

- (2) \$500,000 for Ambrose Kennedy Park;
- (3) \$250,000 for Garrett Park;
- ~~(4) \$250,000 for Herring Run Park;~~
- ~~(5) \$150,000 for creation of a memorial park to fallen firefighters;~~
 (4) *park for the Racheal Wilson Memorial for Fallen Firefighters;*
- ~~(6) \$100,000~~ (5) *\$250,000 for Cylburn Arboretum; and*
- ~~(7) \$50,000 for Warwick Park;~~
 (6)
- ~~(8) \$50,000 for Bond Street Park; and~~
 (7)
- ~~(9) \$15,000 for Johnston Square Greenspace.~~
 (8)

Further provided that expenditures from the \$6,052,000 allocation for the Natural Resources Development Fund attributable to a project detailed in the Fiscal 2020 Budget Books under the program UB00 Maryland Environmental Service (MES) State Water and Sewer Infrastructure Improvement Fund may not exceed the amount listed therein by more than 7.5% without notification to the General Assembly. Funds may be spent only on the projects listed under the program UB00 MES State Water and Sewer Infrastructure Improvement Fund in the Fiscal 2020 Budget Books or on prior or future authorized water and wastewater upgrade projects located at Department of Natural Resources' facilities. Expenditures of any part of this appropriation for a prior or future authorized project shall also require notification to the General Assembly.

Federal Fund Appropriation	4,350,000	138,802,048
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SUMMARY

Total Special Fund Appropriation		140,077,795
Total Federal Fund Appropriation		4,350,000

Total Appropriation		144,427,795
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LICENSING AND REGISTRATION SERVICE

K00A06.01 Licensing and Registration Service Special Fund Appropriation		4,164,545
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NATURAL RESOURCES POLICE

K00A07.01 General Direction		
General Fund Appropriation	9,581,173	
Special Fund Appropriation	746,242	
Federal Fund Appropriation	3,163,483	13,490,898

K00A07.04 Field Operations		
General Fund Appropriation	27,614,971	
Special Fund Appropriation	6,896,354	
Federal Fund Appropriation	2,358,663	36,869,988

SUMMARY

Total General Fund Appropriation		37,196,144
Total Special Fund Appropriation		7,642,596
Total Federal Fund Appropriation		5,522,146

Total Appropriation		50,360,886
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ENGINEERING AND CONSTRUCTION

K00A09.01 General Direction General Fund Appropriation		1,135,148
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Special Fund Appropriation	4,607,461	5,742,609
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Funds are appropriated in other units of the Department of Natural Resources budget to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

K00A09.06 Ocean City Maintenance Special Fund Appropriation		1,000,000
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SUMMARY

Total General Fund Appropriation		1,135,148
Total Special Fund Appropriation		5,607,461
		<hr/>
Total Appropriation		6,742,609
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CRITICAL AREA COMMISSION

K00A10.01 Critical Area Commission General Fund Appropriation		2,101,107
		<hr/> <hr/>

RESOURCE ASSESSMENT SERVICE

K00A12.05 Power Plant Assessment Program General Fund Appropriation	483,310	
Special Fund Appropriation	5,410,595	5,893,905
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

K00A12.06 Monitoring and Ecosystem Assessment General Fund Appropriation	3,949,473	
Special Fund Appropriation	2,315,335	
Federal Fund Appropriation	2,293,890	8,558,698
	<hr/>	

Funds are appropriated in other units of the Department of Natural Resources budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

K00A12.07 Maryland Geological Survey		
General Fund Appropriation	1,447,335	
Special Fund Appropriation	823,089	
Federal Fund Appropriation	280,328	2,550,752
	<hr/>	

Funds are appropriated in other units of the Department of Natural Resources budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		5,880,118
Total Special Fund Appropriation		8,549,019
Total Federal Fund Appropriation		2,574,218
		<hr/>
Total Appropriation		17,003,355
		<hr/> <hr/>

MARYLAND ENVIRONMENTAL TRUST

K00A13.01 Maryland Environmental Trust	
General Fund Appropriation	604,474

Funds are appropriated in other units of the Department of Natural Resources budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

CHESAPEAKE AND COASTAL SERVICE

K00A14.01 Waterway Capital		
Special Fund Appropriation.....	13,500,000	
Federal Fund Appropriation	2,500,000	16,000,000
	<hr/>	
K00A14.02 Chesapeake and Coastal Service		
General Fund Appropriation	1,705,918	
Special Fund Appropriation.....	56,509,343	
Federal Fund Appropriation	8,524,403	66,739,664
	<hr/>	

Funds are appropriated in other units of the Department of Natural Resources budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		1,705,918
Total Special Fund Appropriation		70,009,343
Total Federal Fund Appropriation		11,024,403
		<hr/>
Total Appropriation		82,739,664
		<hr/> <hr/>

FISHING AND BOATING SERVICES

K00A17.01 Fishing and Boating Services		
General Fund Appropriation, <i><u>provided that, contingent on the enactment of either SB 830 or HB 720 and either SB 448 or HB 298, \$500,000 of this appropriation made for the purpose of general operating expenses may not be expended for that purpose but instead may be used only to fund the purposes of the legislation. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise and shall revert to the General Fund</u></i>	7,292,277	
Special Fund Appropriation	15,065,087	
Federal Fund Appropriation	3,324,496	25,681,860

Funds are appropriated in other units of the Department of Natural Resources budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

L00A11.01 Executive Direction

General Fund Appropriation 1,365,761

L00A11.02 Administrative Services

General Fund Appropriation, provided that \$200,000 of this appropriation made for the purpose of general administrative expenses may not be expended until the Maryland Department of Agriculture, in coordination with the Harry R. Hughes Center for Agro-Ecology, Inc., submits a comprehensive Maryland agriculture strategic plan to the budget committees. The plan shall include, but not be limited to, an analysis of the demographics of farmers, the affordability and quality of food for consumers, the affordability of farms for the next generation of farmers, nutrient and sediment loading reductions for Chesapeake Bay restoration, and economic development programs supporting agriculture, such as the work of the Maryland Agricultural and Resource-Based Industry Development Corporation. The plan shall be submitted by December 1, 2019, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a plan may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Further provided that, contingent on the failure of HB 1353, \$200,000 of this appropriation made for the purpose of general administrative expenses may not be expended for that purpose but may be expended only for the purpose of providing grants to counties and municipalities to control or eliminate nuisance insects in the State. Funds

not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund

1,878,621

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A11.03 Central Services

General Fund Appropriation	2,230,415	
Special Fund Appropriation	88,290	
Federal Fund Appropriation	377,010	2,695,715

Funds are appropriated in other units of the Department of Agriculture budget to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A11.04 Maryland Agricultural Commission

General Fund Appropriation		139,483
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L00A11.05 Maryland Agricultural Land Preservation Foundation

Special Fund Appropriation	2,062,877	
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L00A11.11 Capital Appropriation

Special Fund Appropriation.....		45,015,994
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SUMMARY

Total General Fund Appropriation		5,614,280
Total Special Fund Appropriation		47,167,161
Total Federal Fund Appropriation		377,010

Total Appropriation		53,158,451
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L00A12.01 Office of the Assistant Secretary			
General Fund Appropriation			225,759
L00A12.02 Weights and Measures			
General Fund Appropriation	348,396		
Special Fund Appropriation	1,747,054		2,095,450
		<hr/>	
L00A12.03 Food Quality Assurance			
General Fund Appropriation	171,722		
Special Fund Appropriation	1,950,866		
Federal Fund Appropriation	822,582		2,945,170
		<hr/>	
L00A12.04 Maryland Agricultural Statistics Services			
General Fund Appropriation			21,435
L00A12.05 Animal Health			
General Fund Appropriation	2,589,745		
Special Fund Appropriation	503,323		
Federal Fund Appropriation	598,302		3,691,370
		<hr/>	
L00A12.07 State Board of Veterinary Medical Examiners			
Special Fund Appropriation			804,491
L00A12.08 Maryland Horse Industry Board			
Special Fund Appropriation			317,072
L00A12.10 Marketing and Agriculture Development			
General Fund Appropriation	943,645		
Special Fund Appropriation	2,467,195		
Federal Fund Appropriation	1,588,273		4,999,113
		<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A12.11 Maryland Agricultural Fair Board			
Special Fund Appropriation			1,460,000

L00A12.18 Rural Maryland Council General Fund Appropriation	6,167,000
L00A12.19 Maryland Agricultural Education and Rural Development Assistance Fund General Fund Appropriation	167,000
L00A12.20 Maryland Agricultural and Resource-Based Industry Development Corporation General Fund Appropriation	5,375,000

SUMMARY

Total General Fund Appropriation	16,009,702
Total Special Fund Appropriation	9,250,001
Total Federal Fund Appropriation	3,009,157
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Total Appropriation	28,268,860
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OFFICE OF PLANT INDUSTRIES AND PEST MANAGEMENT

L00A14.01 Office of the Assistant Secretary General Fund Appropriation	215,061
L00A14.02 Forest Pest Management General Fund Appropriation	859,068
Special Fund Appropriation.....	129,063
Federal Fund Appropriation	284,819
	<hr/>
L00A14.03 Mosquito Control General Fund Appropriation	1,378,316
Special Fund Appropriation	1,820,581
	<hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A14.04 Pesticide Regulation Special Fund Appropriation	881,743
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Federal Fund Appropriation	327,811	1,209,554
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L00A14.05 Plant Protection and Weed Management		
General Fund Appropriation	1,053,056	
Special Fund Appropriation	276,600	
Federal Fund Appropriation	464,713	1,794,369
<hr/>		
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>		
L00A14.06 Turf and Seed		
General Fund Appropriation	775,092	
Special Fund Appropriation	359,991	1,135,083
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L00A14.09 State Chemist		
General Fund Appropriation	53,578	
Special Fund Appropriation	3,162,372	
Federal Fund Appropriation	110,156	3,326,106
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L00A14.10 Nuisance Insects		
General Fund Appropriation, provided that \$200,000 of this appropriation is contingent upon the enactment of legislation establishing a Nuisance Insect program	200,000	
Special Fund Appropriation, provided that \$200,000 of this appropriation is contingent upon the enactment of legislation establishing a Nuisance Insect program	200,000	400,000
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SUMMARY

Total General Fund Appropriation	4,534,171
Total Special Fund Appropriation	6,830,350
Total Federal Fund Appropriation	1,187,499
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Total Appropriation		12,552,020
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OFFICE OF RESOURCE CONSERVATION

L00A15.01 Office of the Assistant Secretary		
General Fund Appropriation		218,390

L00A15.02 Program Planning and Development		
General Fund Appropriation	396,620	
Special Fund Appropriation	239,587	
Federal Fund Appropriation	1,050,000	1,686,207

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A15.03 Resource Conservation Operations		
General Fund Appropriation		8,525,429

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A15.04 Resource Conservation Grants		
General Fund Appropriation	806,653	
Special Fund Appropriation	12,004,170	12,810,823

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A15.06 Nutrient Management		
General Fund Appropriation	1,515,809	
Special Fund Appropriation	121,203	
Federal Fund Appropriation	1,175,000	2,812,012

Funds are appropriated in other agency

budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A15.07 Watershed Implementation		
General Fund Appropriation	386,080	
Federal Fund Appropriation	330,212	716,292
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		11,848,981
Total Special Fund Appropriation		12,364,960
Total Federal Fund Appropriation		2,555,212
		<hr/>
Total Appropriation		26,769,153
		<hr/> <hr/>

MARYLAND DEPARTMENT OF HEALTH
OFFICE OF THE SECRETARY

M00A01.01 Executive Direction

General Fund Appropriation, provided that \$500,000 of this appropriation made for the purpose of administration may not be expended until the Maryland Department of Health, in consultation with the Maryland Health Care Commission, conducts an assessment of, and submits an accompanying report on, the types, quality, and level of services provided at the University of Maryland Shore Medical Center in Chestertown. This assessment shall include a comparison of the services currently provided to the services provided in fiscal 2015 and identify whether, on or after July 1, 2015, any services from the University of Maryland Shore Medical Center in Chestertown were reduced or transferred to the University of Maryland Shore Medical Center in Easton. The report shall be submitted by January 1, 2020, and the committees shall have 45 days to review and comment. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise and shall revert to the General Fund if the report is not submitted

	11,682,823	
Federal Fund Appropriation	2,140,260	13,823,083

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00A01.02 Operations

General Fund Appropriation	17,825,334	
Federal Fund Appropriation	11,813,705	29,639,039

Funds are appropriated in other agency budgets to pay for services provided by this

program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00A01.08 Major Information Technology Development Projects		
Special Fund Appropriation		378,500

SUMMARY

Total General Fund Appropriation		29,508,157
Total Special Fund Appropriation		378,500
Total Federal Fund Appropriation		13,953,965
		<hr/>
Total Appropriation		43,840,622
		<hr/> <hr/>

REGULATORY SERVICES

M00B01.03 Office of Health Care Quality		
General Fund Appropriation	15,732,982	
Special Fund Appropriation	660,861	
Federal Fund Appropriation	7,460,146	23,853,989
	<hr/>	

M00B01.04 Health Professionals Boards and Commissions		
General Fund Appropriation	552,846	
Special Fund Appropriation	22,649,676	23,202,522
	<u>21,749,676</u>	<u>22,302,522</u>
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00B01.05 Board of Nursing		
Special Fund Appropriation		8,881,598

M00B01.06 Maryland Board of Physicians		
Special Fund Appropriation		9,649,006

SUMMARY

Total General Fund Appropriation		16,285,828
Total Special Fund Appropriation		40,941,141
Total Federal Fund Appropriation		7,460,146
		<hr/>
Total Appropriation		64,687,115
		<hr/> <hr/>

DEPUTY SECRETARY FOR PUBLIC HEALTH SERVICES

M00F01.01 Executive Direction			
General Fund Appropriation	7,228,057		
Special Fund Appropriation	408,570		
Federal Fund Appropriation	928,176	8,564,803	
	<hr/>	<hr/> <hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

OFFICE OF POPULATION HEALTH IMPROVEMENT

M00F02.01 Office of Population Health Improvement			
General Fund Appropriation	2,084,061		
Federal Fund Appropriation	1,135,373	3,219,434	
	<hr/>		

M00F02.07 Core Public Health Services			
General Fund Appropriation		54,385,345	

SUMMARY

Total General Fund Appropriation		56,469,406
Total Federal Fund Appropriation		1,135,373
		<hr/>
Total Appropriation		57,604,779
		<hr/> <hr/>

PREVENTION AND HEALTH PROMOTION ADMINISTRATION

M00F03.01 Infectious Disease and Environmental Health Services			
General Fund Appropriation, <u>provided that</u>			

\$100,000 of this appropriation made for the purpose of administration may not be expended for that purpose and instead may be used only to provide additional tuberculosis grants to local health departments in the State. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund

	15,936,864	
Special Fund Appropriation	99,084,102	
Federal Fund Appropriation	76,428,721	191,449,687
	<u>74,768,503</u>	<u>189,789,469</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00F03.04 Family Health and Chronic Disease Services

General Fund Appropriation	38,341,417	
Special Fund Appropriation	49,535,346	
Federal Fund Appropriation	149,442,736	237,319,499

SUMMARY

Total General Fund Appropriation		54,278,281
Total Special Fund Appropriation		148,619,448
Total Federal Fund Appropriation		224,211,239
		<hr/>
Total Appropriation		427,108,968
		<hr/> <hr/>

OFFICE OF THE CHIEF MEDICAL EXAMINER

M00F05.01 Post Mortem Examining Services

General Fund Appropriation	14,954,166	
Federal Fund Appropriation	100,199	15,054,365

Funds are appropriated in other agency budgets to pay for services provided by this

program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

OFFICE OF PREPAREDNESS AND RESPONSE

M00F06.01 Office of Preparedness and Response		
General Fund Appropriation	366,600	
Federal Fund Appropriation	15,948,411	16,315,011
	<hr/>	<hr/> <hr/>

WESTERN MARYLAND CENTER

M00I03.01 Services and Institutional Operations		
General Fund Appropriation	21,875,462	
Special Fund Appropriation	303,774	22,179,236
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEER'S HEAD CENTER

M00I04.01 Services and Institutional Operations		
General Fund Appropriation	19,914,242	
Special Fund Appropriation	2,736,341	22,650,583
	<hr/>	<hr/> <hr/>

LABORATORIES ADMINISTRATION

M00J02.01 Laboratory Services		
General Fund Appropriation	34,739,366	
Special Fund Appropriation	7,381,190	
Federal Fund Appropriation	4,313,385	46,433,941
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEPUTY SECRETARY FOR BEHAVIORAL HEALTH

M00K01.01 Executive Direction

General Fund Appropriation, provided that \$100,000 of this appropriation made for the purpose of executive direction may not be expended until the Behavioral Health Administration submits a report to the budget committees outlining the establishment of staffing committees at each State-run psychiatric facility. The staffing committees established shall include (1) at least one representative from each of the following Bargaining Units: D which represents health non-professionals, E which represents health care professionals, and F which represents human service professionals, appointed by their respective bargaining unit; and (2) at least three representatives of management staff, chosen by the administrative head of the facility. The staffing committees shall have an equal number of representatives of bargaining units and management staff. The staffing committees shall develop a staffing plan for each facility, and the report submitted to the budget committees should include the staffing plans as developed by the staffing committees. The report shall be submitted by December 1, 2019, and the budget committees shall have 45 days to review and comment. Funds restricted pending receipt of this report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees

1,959,874

BEHAVIORAL HEALTH ADMINISTRATION

M00L01.01 Program Direction

General Fund Appropriation, provided that

\$100,000 of this appropriation made for the purpose of administration may not be expended for that purpose but instead may be used only to plan and create a statewide bed registry system for all inpatient psychiatric beds. This bed registry will include total, operational, and vacant inpatient psychiatric beds in all State-run psychiatric facilities, acute general hospitals, and private psychiatric hospitals in Maryland. The bed registry will provide up-to-date information on bed availability statewide. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the

<u>General Fund</u>	15,590,270	
Special Fund Appropriation	250,992	
Federal Fund Appropriation	4,878,933	
		20,720,195

M00L01.02 Community Services

Provided that these funds are to be used only for the purposes herein appropriated, and there shall be no transfer to any other program or purpose except that funds may be transferred to programs M00L01.03 Community Services for State Medicaid Fund Recipients or M00Q01.10 Medicaid Behavioral Health Provider Reimbursements. Funds not expended or transferred shall be reverted or canceled.

General Fund Appropriation, *provided that \$750,000 of this appropriation made for the purpose of community services may not be expended for that purpose and instead may be expended only to provide a grant to a not-for-profit 501(c)(3) organization providing chronic pain management treatment to individuals up to 21 years of age through intensive rehabilitation and behavioral therapies rather than through the prescription of opioids. Further provided that, if the grant is made, the Maryland Department of Health shall*

report to the budget committees by December 1, 2019, on the efficacy of the program receiving the grant and plans to continue funding that program as well as replicating the program if results are promising. Funds restricted to provide the grant may not be transferred by budget amendment or otherwise and shall revert to the General Fund if the grant is not made.

Further provided that \$1,800,000 of this appropriation made for the purpose of community services may not be expended for that purpose and instead may be expended only to provide a grant to a not-for-profit 501(c)(3) organization providing a tele-education-based curriculum on children's neurodevelopmental and mental health identification and management for rural and school-based healthcare clinicians. Further provided that, if the grant is made, the Maryland Department of Health shall report to the budget committees by December 1, 2019, on the efficacy of the program receiving the grant and plans to continue funding that program as well as replicating the program if results are promising. The report shall be submitted to the budget committees by December 1, 2019. Funds restricted to provide the grant may not be transferred by budget amendment or otherwise and shall revert to the General Fund if the grant is not made

.....	184,076,854	
Special Fund Appropriation	28,242,873	
Federal Fund Appropriation	98,384,545	310,704,272

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00L01.03 Community Services for Medicaid State Fund Recipients

Provided that these funds are to be used only for the purposes herein appropriated, and there shall be no transfer to any other program or purpose except that funds may be transferred to programs M00L01.02 Community Services or M00Q01.10 Medicaid Behavioral Health Provider Reimbursements. Funds not expended or transferred shall be reverted.

General Fund Appropriation		88,452,392
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SUMMARY

Total General Fund Appropriation		288,119,516
Total Special Fund Appropriation		28,493,865
Total Federal Fund Appropriation		103,263,478

Total Appropriation		419,876,859
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THOMAS B. FINAN HOSPITAL CENTER

M00L04.01 Thomas B. Finan Hospital Center			
General Fund Appropriation	19,657,409		
Special Fund Appropriation	1,279,392	20,936,801	

REGIONAL INSTITUTE FOR CHILDREN AND ADOLESCENTS – BALTIMORE

M00L05.01 Regional Institute for Children and Adolescents – Baltimore			
General Fund Appropriation	13,982,044		
Special Fund Appropriation	2,923,055		
Federal Fund Appropriation	101,782	17,006,881	

EASTERN SHORE HOSPITAL CENTER

M00L07.01 Eastern Shore Hospital Center			
General Fund Appropriation	22,273,342		
Special Fund Appropriation	21,938	22,295,280	

SPRINGFIELD HOSPITAL CENTER

M00L08.01 Springfield Hospital Center			
General Fund Appropriation	73,838,640		
Special Fund Appropriation	154,878	73,993,518	
	<hr/>	<hr/> <hr/>	

SPRING GROVE HOSPITAL CENTER

M00L09.01 Spring Grove Hospital Center			
General Fund Appropriation	81,814,750		
Special Fund Appropriation	2,545,423		
Federal Fund Appropriation	23,570	84,383,743	
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

CLIFTON T. PERKINS HOSPITAL CENTER

M00L10.01 Clifton T. Perkins Hospital Center			
General Fund Appropriation	71,417,252		
Special Fund Appropriation	61,266	71,478,518	
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JOHN L. GILDNER REGIONAL INSTITUTE FOR CHILDREN AND ADOLESCENTS

M00L11.01 John L. Gildner Regional Institute for Children and Adolescents			
General Fund Appropriation	13,709,069		
Special Fund Appropriation	95,004		
Federal Fund Appropriation	58,242	13,862,315	
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

BEHAVIORAL HEALTH ADMINISTRATION FACILITY MAINTENANCE

M00L15.01 Behavioral Health Administration Facility Maintenance			
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General Fund Appropriation	996,130	
Special Fund Appropriation	424,979	1,421,109
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEVELOPMENTAL DISABILITIES ADMINISTRATION

M00M01.01 Program Direction

General Fund Appropriation, provided that \$100,000 of this appropriation may not be expended until the department submits a report to the budget committees including recommendations for expanded uses of the Waiting List Equity Fund and an estimate of the number of individuals on the waiting list for community services that would be served under the expanded uses. The report shall be submitted by November 1, 2019, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if a report is not submitted.

Further provided that \$100,000 of this appropriation made for the purpose of program direction may not be expended until the Maryland Department of Health submits a report to the budget committees on the Office of the Attorney General's recommendation regarding Montgomery County's proposed plan to secure federal funds through a Medical Assistance Program match for funding to pay direct service providers. The report shall be submitted by September 1, 2019, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or

<u>otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees ...</u>	5,455,596	
Federal Fund Appropriation	4,406,100	9,861,696

M00M01.02 Community Services		
General Fund Appropriation	684,615,460	
Special Fund Appropriation	6,006,529	
Federal Fund Appropriation	608,829,418	1,299,451,407

SUMMARY

Total General Fund Appropriation		690,071,056
Total Special Fund Appropriation		6,006,529
Total Federal Fund Appropriation		613,235,518

Total Appropriation		1,309,313,103
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HOLLY CENTER

M00M05.01 Holly Center		
General Fund Appropriation	16,493,409	
Special Fund Appropriation	82,246	16,575,655

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEVELOPMENTAL DISABILITIES ADMINISTRATION COURT INVOLVED SERVICE DELIVERY SYSTEM

M00M06.01 Secure Evaluation and Therapeutic Treatment (SETT) Program		
General Fund Appropriation		7,833,888

POTOMAC CENTER

M00M07.01 Potomac Center		
General Fund Appropriation	17,113,739	

Special Fund Appropriation	5,000	17,118,739

DEVELOPMENTAL DISABILITIES ADMINISTRATION FACILITY MAINTENANCE

M00M15.01 Developmental Disabilities Administration Facility Maintenance General Fund Appropriation		920,922

MEDICAL CARE PROGRAMS ADMINISTRATION

M00Q01.01 Deputy Secretary for Health Care Financing General Fund Appropriation, <u>provided that \$100,000 of this appropriation made for the purpose of administration may not be expended until the Maryland Department of Health submits a report to the budget committees on the possibility of expanding the Baltimore City Capitation Project. The report shall be submitted by October 1, 2019, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees</u>	1,559,216	
Special Fund Appropriation	3,900,000	
Federal Fund Appropriation	5,646,726	11,105,942

M00Q01.02 Office of Systems, Operations and Pharmacy General Fund Appropriation	7,378,356	
Federal Fund Appropriation	16,755,168	24,133,524

M00Q01.03 Medical Care Provider Reimbursements

All appropriations provided for program M00Q01.03 Medical Care Provider Reimbursements are to be used for the purposes herein appropriated, and there

shall be no budgetary transfer to any other program or purpose.

General Fund Appropriation, provided that no part of this General Fund appropriation may be paid to any physician or surgeon or any hospital, clinic, or other medical facility for or in connection with the performance of any abortion, except upon certification by a physician or surgeon, based upon his or her professional judgment that the procedure is necessary, provided one of the following conditions exists: where continuation of the pregnancy is likely to result in the death of the woman; or where the woman is a victim of rape, sexual offense, or incest that has been reported to a law enforcement agency or a public health or social agency; or where it can be ascertained by the physician with a reasonable degree of medical certainty that the fetus is affected by genetic defect or serious deformity or abnormality; or where it can be ascertained by the physician with a reasonable degree of medical certainty that termination of pregnancy is medically necessary because there is substantial risk that continuation of the pregnancy could have a serious and adverse effect on the woman's present or future physical health; or before an abortion can be performed on the grounds of mental health there must be certification in writing by the physician or surgeon that in his or her professional judgment there exists medical evidence that continuation of the pregnancy is creating a serious effect on the woman's present mental health and if carried to term there is a substantial risk of a serious or long lasting effect on the woman's future mental health.

Further provided that \$500,000 of this appropriation made for the purpose of nursing home provider reimbursements may not be expended until the Maryland Department of Health submits a report to

the budget committees on a plan to implement, beginning in fiscal 2021, a nursing home quality program valued at least at 1% of total nursing home provider reimbursements that is patient outcome-specific and includes a system of incentives and penalties. The report shall identify outcomes to be included in the program as well as the mechanism for providing incentives and disincentives. The report shall be submitted by October 30, 2019, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Further provided that \$1,000,000 of this appropriation made for the purpose of managed care organization (MCO) provider reimbursements may not be expended until the Maryland Department of Health submits a report to the budget committees detailing performance targets to be included in the calendar 2020 MCO rate-setting process against which the individual MCO will be measured to determine profit margins utilized in calendar 2021 rate setting. The report shall be submitted by October 1, 2019, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Further provided that \$1,000,000 of this appropriation made for the purpose of provider reimbursements may not be expended until the Maryland Department of Health submits a report to the budget committees with a detailed plan to begin

the implementation of a Duals Accountable Care Organization by July 1, 2020. The report shall be submitted by November 1, 2019, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

~~Further provided that \$2,000,000 of this appropriation shall be reduced contingent upon the enactment of HB 1407 or SB 1040 authorizing the use of the Maryland Trauma Physician Services Fund for Medicaid Provider Reimbursements. Authorization is granted to process a special fund budget amendment up to \$2,000,000 from the Maryland Trauma Physician Services Fund to support Medicaid provider reimbursements.~~

Further provided that \$20,000,000 \$15,000,000 of this appropriation shall be reduced contingent upon the enactment of HB 1407 or SB 1040 reducing the Medicaid Deficit Assessment reduction amount for fiscal 2020 from \$40,000,000 to \$20,000,000 \$25,000,000. Authorization is granted to process a special fund budget amendment up to \$20,000,000 \$15,000,000 from Hospital Assessments to support Medicaid provider reimbursements.

Further provided that \$10,000,000 of this appropriation shall be reduced contingent upon the enactment of HB 1407 or SB 1040 authorizing the use of unexpended funds from the former Maryland Health Insurance Plan Fund for Medicaid Provider Reimbursements. Authorization is granted to process a special fund budget amendment up to \$10,000,000 from these unexpended funds to support Medicaid provider reimbursements.

Further provided that \$1,300,000 of this appropriation made for the purpose of provider reimbursements may not be expended for that purpose but instead may be used only to expand access to drug treatments for Hepatitis C by removing any restriction related to having liver fibrosis corresponding to a Metavir score. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.

Further provided that \$1,000,000 of this appropriation, made for the purpose of provider reimbursements, may not be expended until the Maryland Department of Health, as part of the Calendar Year 2020 Managed Care Organization rate-setting process, revises rates by category of aid to properly reflect costs in those categories as a result of changes made to eligibility categorizations in the Maryland Health Connection that were reflected beginning in the February 2019 monthly Medicaid enrollment data. The department should submit a report to the budget committees at the conclusion of the rate-setting process to indicate what specific revisions were made and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Further provided that, contingent on the enactment of HB 768 or SB 759, \$750,000 of this appropriation made for the purpose of provider

reimbursements may not be expended for that purpose but instead may be used only for the implementation and operation of a Prescription Drug Affordability Board as established by HB 768 or SB 759. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund

~~2,983,861,955~~
~~2,968,864,750~~
~~2,973,364,750~~
2,969,950,750

Special Fund Appropriation, provided that authorization is hereby provided to process a special fund budget amendment of up to ~~\$4,500,000~~ \$3,414,000 from the Cigarette Restitution Fund to support Medicaid provider reimbursements

844,311,045

Federal Fund Appropriation

~~5,622,348,175~~

~~9,450,521,175~~

5,612,435,970

9,425,611,765

9,430,111,765

9,426,697,765

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00Q01.04 Office of Health Services

General Fund Appropriation

11,997,138

Special Fund Appropriation

1,700,000

Federal Fund Appropriation

37,843,722

51,540,860

M00Q01.05 Office of Finance

General Fund Appropriation

1,878,723

Federal Fund Appropriation

2,334,238

4,212,961

M00Q01.06 Kidney Disease Treatment Services

General Fund Appropriation

5,106,487

Special Fund Appropriation

273,925

5,380,412

M00Q01.07 Maryland Children’s Health Program

General Fund Appropriation, provided that no part of this General Fund appropriation may be paid to any physician or surgeon or any hospital, clinic, or other medical facility for or in connection with the performance of any abortion, except upon certification by a physician or surgeon, based upon his or her professional judgment that the procedure is necessary, provided one of the following conditions exists: where continuation of the pregnancy is likely to result in the death of the woman; or where the woman is a victim of rape, sexual offense, or incest that has been reported to a law enforcement agency or a public health or social agency; or where it can be ascertained by the physician with a reasonable degree of medical certainty that the fetus is affected by genetic defect or serious deformity or abnormality; or where it can be ascertained by the physician with a reasonable degree of medical certainty that termination of pregnancy is medically necessary because there is substantial risk that continuation of the pregnancy could have a serious and adverse effect on the woman’s present or future physical health; or before an abortion can be performed on the grounds of mental health there must be certification in writing by the physician or surgeon that in his or her professional judgment there exists medical evidence that continuation of the pregnancy is creating a serious effect on the woman’s present mental health and if carried to term there is a substantial risk of a serious or long lasting effect on the woman’s future mental health

	51,638,239	
Special Fund Appropriation	3,291,396	
Federal Fund Appropriation	211,395,870	266,325,505

M00Q01.08 Major Information Technology Development Projects

Federal Fund Appropriation		38,659,660
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M00Q01.09 Office of Eligibility Services		
General Fund Appropriation	5,281,470	
	<u>5,119,317</u>	
Federal Fund Appropriation	8,119,541	13,401,011
	<u>7,897,288</u>	<u>13,016,605</u>

M00Q01.10 Medicaid Behavioral Health Provider Reimbursements

Provided that these funds are to be used only for the purposes herein appropriated, and there shall be no transfer to any other program or purpose except that funds may be transferred to programs M00L01.03 Community Services for State Medicaid Fund Recipients or M00L01.02 Community Services. Funds not expended or transferred shall be reverted or canceled.

General Fund Appropriation	511,287,818	
Special Fund Appropriation	11,114,687	
Federal Fund Appropriation	1,024,515,464	1,546,917,969

M00Q01.11 Senior Prescription Drug Assistance Program		
Special Fund Appropriation		14,923,203

SUMMARY

Total General Fund Appropriation		3,565,916,044
Total Special Fund Appropriation		879,514,256
Total Federal Fund Appropriation		6,957,484,106
		<hr/>
Total Appropriation		11,402,914,406
		<hr/> <hr/>

HEALTH REGULATORY COMMISSIONS

M00R01.01 Maryland Health Care Commission		
Special Fund Appropriation		42,331,523
		<u>34,236,004</u>

Funds are appropriated in other agency budgets to pay for services provided by this

program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00R01.02 Health Services Cost Review Commission	
Special Fund Appropriation	116,000,062
M00R01.03 Maryland Community Health Resources Commission	
Special Fund Appropriation	8,000,000

SUMMARY

Total Special Fund Appropriation	158,236,066
	<hr/>
Total Appropriation	158,236,066
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DEPARTMENT OF HUMAN SERVICES

OFFICE OF THE SECRETARY

N00A01.01 Office of the Secretary		
General Fund Appropriation	7,969,305	
Federal Fund Appropriation	6,820,656	14,789,961
	<hr/>	
N00A01.02 Citizen’s Review Board for Children		
General Fund Appropriation	712,465	
Federal Fund Appropriation	61,070	773,535
	<hr/>	
N00A01.03 Maryland Commission for Women		
General Fund Appropriation		137,356
N00A01.04 Maryland Legal Services Program		
General Fund Appropriation, <u>provided that</u>		
<u>\$13,160,125 of this appropriation made for</u>		
<u>the purpose of the Maryland Legal Services</u>		
<u>Program may be expended only for that</u>		
<u>purpose. Funds not used for this restricted</u>		
<u>purpose may not be transferred by budget</u>		
<u>amendment or otherwise to any other</u>		
<u>purpose and shall revert to the General</u>		
<u>Fund</u>		13,160,125

SUMMARY

Total General Fund Appropriation		21,979,251
Total Federal Fund Appropriation		6,881,726
		<hr/>
Total Appropriation		28,860,977
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SOCIAL SERVICES ADMINISTRATION

N00B00.04 General Administration – State
 General Fund Appropriation, provided that
\$100,000 of this appropriation made for the
purpose of administrative expenses in the
General Administration – State program
may not be expended until the Department
of Human Services submits a report to the
budget committees on:

- (1) the evidence-based practices implemented under the Title IV–E Waiver that will continue after the end of the waiver;
- (2) the evidence-based practices implemented under the Title IV–E Waiver that will expand to additional jurisdictions;
- (3) any new evidence-based practices that are being implemented in fiscal 2020 or will be implemented in fiscal 2021;
- (4) the source(s) of funding that will be used to continue or implement the evidence-based practices, including whether the practices will be eligible for Title IV–E funds as a result of the Family First Prevention Services Act (FFPSA); and
- (5) any other budgetary impact for fiscal 2020 or 2021, including either the availability of additional federal fund reimbursement or additional general fund need, due to implementation of FFPSA provisions, particularly those related to the limitations on placements at residential child care institutions.

The report shall be submitted by December 1, 2019, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Further provided that \$250,000 of this

appropriation made for the purpose of administrative expenses in the General Administration – State program may not be expended until the Department of Human Services submits a report to the budget committees detailing for each month of the period October 2018 through November 2019 and separately by type of hospital, the number of youth in out-of-home placements served in hospitals; the average hospital length of stay for youth in out-of-home placements; and the number of days that these youth were in the hospital longer than was deemed medically necessary by either the hospital or a judicial finding. The report shall include information for all youth in the care of the department, regardless of whether the youth entered out-of-home care while in the hospital or prior to entering the hospital. The report shall be submitted by January 1, 2020, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted.

Further provided that \$100,000 of this appropriation made for the purpose of administrative expenses in the General Administration – State program in the Department of Human Services (DHS) may not be expended until DHS submits a report to the budget committees detailing the number of accounts/trusts opened on behalf of youth as a result of the implementation of Chapters 815 and 816 of 2018 by jurisdiction and month (through October 2019), the average amount conserved in each account by age group specified in the chapters, and the total amount conserved in these accounts by age group specified in the chapters. The report shall be submitted by December 15, 2019,

<u>and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted</u>	11,444,539	
Federal Fund Appropriation	15,318,071	26,762,610
	<hr/>	<hr/> <hr/>

OPERATIONS OFFICE

N00E01.01 Division of Budget, Finance, and Personnel		
General Fund Appropriation	11,661,931	
Special Fund Appropriation	40,481	
Federal Fund Appropriation	10,404,601	22,107,013
	<hr/>	

N00E01.02 Division of Administrative Services		
General Fund Appropriation	4,379,691	
Federal Fund Appropriation	5,458,268	9,837,959
	<hr/>	

SUMMARY

Total General Fund Appropriation		16,041,622
Total Special Fund Appropriation		40,481
Total Federal Fund Appropriation		15,862,869
		<hr/>
Total Appropriation		31,944,972
		<hr/> <hr/>

OFFICE OF TECHNOLOGY FOR HUMAN SERVICES

N00F00.02 Major Information Technology Development Projects		
Federal Fund Appropriation		69,523,328
N00F00.04 General Administration		
General Fund Appropriation	26,084,911	
Special Fund Appropriation	1,201,063	
Federal Fund Appropriation	31,336,135	58,622,109
	<hr/>	

SUMMARY

Total General Fund Appropriation	26,084,911
Total Special Fund Appropriation	1,201,063
Total Federal Fund Appropriation	100,859,463
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Total Appropriation	128,145,437
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LOCAL DEPARTMENT OPERATIONS

N00G00.01 Foster Care Maintenance Payments

General Fund Appropriation, provided that funds appropriated herein may be used to develop a broad range of services to assist in returning children with special needs from out-of-state placements, to prevent unnecessary residential or institutional placements within Maryland, and to work with local jurisdictions in these regards. Policy decisions regarding the expenditures of such funds shall be made jointly by the Director of the Governor’s Office for Children, the Secretaries of Health, Human Services, Juvenile Services, Budget and Management, and the State Superintendent of Education.

Further provided that these funds are to be used only for the purposes herein appropriated, and there shall be no budgetary transfer to any other program or purpose. Funds not expended shall revert to the General Fund.

Further provided that \$1,700,000 of this appropriation made for the purpose of the Foster Youth Savings Program may not be expended until the Department of Human Services submits a report to the budget committees on (1) financial incentives to be provided to foster youth for achieving Ready by 21 benchmarks or other benchmarks to assist in ensuring a successful transition out of foster care; (2) the number of youth expected to achieve each financial incentive; and (3) other

planned uses of the fiscal 2020 funding for the program, including annual deposits into the accounts, anticipated new accounts, and administration of the program. The report shall be submitted by July 1, 2019, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted

	191,228,009	
Special Fund Appropriation	4,253,124	
Federal Fund Appropriation	74,580,195	270,061,328

N00G00.02 Local Family Investment Program

General Fund Appropriation, provided that \$950,000 of this appropriation made for the purpose of administrative expenses in the Local Family Investment Program may not be expended for that purpose but instead may be used only to provide a grant for a not-for-profit 501(c)(3) association that advocates on behalf of Community Action Agencies and partnering organizations that serve individuals and families with low incomes who reside in Maryland to support the transition of Community Action Agencies or other community organizations to a Two-Generation Model of service delivery. Support may include technical assistance, strategic planning, enhanced data management, and management of information systems. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.

Further provided that the Department of Human Services shall submit a report to the budget committees on the effectiveness of the grant program in supporting the community action agencies and community organizations in the transition to a Two-Generation Model and a plan to

	<i>continue to fund the program or replicate the program in the future. The report shall be submitted by December 1, 2019</i>	62,865,429	
	Special Fund Appropriation	2,277,652	
	Federal Fund Appropriation	95,570,221	160,713,302
<hr/>			
N00G00.03 Child Welfare Services			
	General Fund Appropriation, <u>provided that these funds are to be used only for the purposes herein appropriated, and there shall be no budgetary transfer to any other program or purpose except that funds may be transferred to program N00G00.01 Foster Care Maintenance Payments. Funds not expended or transferred shall revert to the General Fund</u>	149,943,936	
	Special Fund Appropriation	1,853,996	
	Federal Fund Appropriation	81,072,615	232,870,547
<hr/>			
	Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.		
N00G00.04 Adult Services			
	General Fund Appropriation	11,642,119	
	Special Fund Appropriation	687,672	
	Federal Fund Appropriation	33,833,516	46,163,307
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N00G00.05 General Administration			
	General Fund Appropriation	26,240,440	
	Special Fund Appropriation	2,556,842	
	Federal Fund Appropriation	14,339,162	43,136,444
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N00G00.06 Child Support Administration			
	General Fund Appropriation	17,038,925	
	Special Fund Appropriation	624,626	
	Federal Fund Appropriation	32,312,089	49,975,640
<hr/>			
N00G00.08 Assistance Payments			
	General Fund Appropriation	40,575,420	

Special Fund Appropriation	5,427,950	
Federal Fund Appropriation	1,045,200,556	1,091,203,926
	<hr/>	

N00G00.10 Work Opportunities		
Federal Fund Appropriation		31,187,494

SUMMARY

Total General Fund Appropriation		499,534,278
Total Special Fund Appropriation		17,681,862
Total Federal Fund Appropriation		1,408,095,848
		<hr/>

Total Appropriation		1,925,311,988
		<hr/> <hr/>

CHILD SUPPORT ADMINISTRATION

N00H00.08 Child Support – State		
General Fund Appropriation	2,495,617	
Special Fund Appropriation	9,380,720	
Federal Fund Appropriation	30,293,146	42,169,483
	<hr/>	<hr/> <hr/>

FAMILY INVESTMENT ADMINISTRATION

N00I00.04 Director’s Office

General Fund Appropriation, provided that \$250,000 of this appropriation made for the purpose of administration in the Director’s Office in the Family Investment Administration may not be expended until the Department of Human Services (DHS) submits a report including:

- (1) information on the number and share of Temporary Disability Assistance Program long-term disability recipients case closures by reason for fiscal 2019 and 2020 (current within 60 days of submission);
- (2) information on how DHS and local departments of social services staff work with recipients and applicants

prior to case closure due to failure to give information to establish eligibility or noncooperation with eligibility process; and

- (3) information on the number of individuals assisted by the Disability Benefits Advocacy vendor who received Supplemental Security Income benefits in fiscal 2018 and 2019.

The report shall be submitted by December 31, 2019, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees

	9,770,662	
Special Fund Appropriation	587,812	
Federal Fund Appropriation	28,522,648	38,881,122

N00I00.05 Maryland Office for Refugees and Asylees
 Federal Fund Appropriation

14,628,586

N00I00.06 Office of Home Energy Programs
Special Fund Appropriation, provided that \$100,000 of this appropriation made for the purpose of administrative expenses in the Office of Home Energy Programs may not be expended until the Department of Human Services (DHS), in coordination with the Public Service Commission, Office of People’s Counsel, and other stakeholders, submits a report to the budget committees on the amount of additional funding that would be required to increase program participation to 50%, 75%, or 100% of the eligible population while providing Electric Universal Service Program benefits at the same levels. The report should include information (to the extent possible) on the impact on the

ratepayer surcharge for residential and commercial customers to reach these participation levels. DHS should work with the Maryland Energy Administration to determine the estimated amount of available Strategic Energy Investment Funds for energy assistance when making this determination. The report shall be submitted by December 15, 2019, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the report is not submitted

	63,447,427	
	<u>57,240,428</u>	
Federal Fund Appropriation	69,698,630	133,146,057
		<u>126,939,058</u>

N00I00.07 Office of Grants Management		
General Fund Appropriation	7,270,632	
Federal Fund Appropriation	668,394	7,939,026

SUMMARY

Total General Fund Appropriation		17,041,294
Total Special Fund Appropriation		57,828,240
Total Federal Fund Appropriation		113,518,258

Total Appropriation		<u>188,387,792</u>
		=====

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

OFFICE OF THE SECRETARY

P00A01.01 Executive Direction

~~General Fund Appropriation, provided that \$500,000 of this appropriation made for the purpose of the Employment Advancement Right Now Opportunity Zone expansion may not be expended for that purpose but instead may be used only for the purpose of providing a grant to the Baltimore YouthWorks program. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund, provided that \$2,500,000 of this appropriation made for the purpose of the Employment Advancement Right Now Opportunity Zone expansion may not be expended for that purpose but instead may be used only for the purpose of providing (1) a \$1,000,000 grant to the Baltimore YouthWorks program; (2) \$500,000 for the Anne Arundel County Workforce Development Corporation YouthWorks program; (3) \$500,000 for the Prince George's County Workforce Development Board; (4) \$300,000 to implement Adult High School Programs in opportunity zones; and (5) \$200,000 for the Hagerstown Community College ACT WorkKeys program. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.~~

Further provided that \$250,000 of this appropriation made for the purpose of Executive Direction may not be expended until the Department of Labor, Licensing and Regulation submits a report to the budget committees on the implementation of Chapter 782 of 2017 and specifically (1) a list of capital projects that met the

standards for this statute in fiscal 2018; (2) the number of registered apprentices that worked on those capital projects; and (3) the number of contractors or subcontractors that worked on those capital projects that paid into the Maryland Apprenticeship Training Fund in fiscal 2018.

This report shall be submitted by October 1, 2019, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of this report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted

	14,544,405	
	12,044,405	
	<u>14,544,405</u>	
Special Fund Appropriation	2,078,951	
Federal Fund Appropriation	2,821,960	19,445,316
		<u>16,045,316</u>
		<u>19,445,316</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

P00A01.02 Program Analysis and Audit		
General Fund Appropriation	56,813	
Special Fund Appropriation	76,915	
Federal Fund Appropriation	240,951	374,679

P00A01.05 Legal Services		
General Fund Appropriation	1,167,581	
Special Fund Appropriation	1,753,332	
Federal Fund Appropriation	1,169,847	4,090,760

P00A01.08 Office of Fair Practices		
General Fund Appropriation	52,468	
Special Fund Appropriation	72,356	
Federal Fund Appropriation	217,265	342,089

P00A01.09 Governor’s Workforce Development Board		
General Fund Appropriation		307,148

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

P00A01.11 Board of Appeals		
Special Fund Appropriation	503,159	
Federal Fund Appropriation	812,402	1,315,561

P00A01.12 Lower Appeals		
Special Fund Appropriation	1,952,688	
Federal Fund Appropriation	3,526,376	5,479,064

SUMMARY

Total General Fund Appropriation		16,128,415
Total Special Fund Appropriation		6,437,401
Total Federal Fund Appropriation		8,788,801
		<hr/>
Total Appropriation		31,354,617
		<hr/> <hr/>

DIVISION OF ADMINISTRATION

P00B01.01 Office of Administration		
General Fund Appropriation	1,192,025	
Special Fund Appropriation	1,448,414	
Federal Fund Appropriation	4,384,458	7,024,897

P00B01.04 Office of General Services		
General Fund Appropriation	733,027	
Special Fund Appropriation	969,228	
Federal Fund Appropriation	3,184,476	4,886,731

Funds are appropriated in other agency budgets to pay for services provided by this

program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

P00B01.05 Office of Information Technology		
General Fund Appropriation	230,487	
Special Fund Appropriation	1,125,413	
Federal Fund Appropriation	3,027,835	4,383,735
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SUMMARY

Total General Fund Appropriation		2,155,539
Total Special Fund Appropriation		3,543,055
Total Federal Fund Appropriation		10,596,769
		<hr/>
Total Appropriation		16,295,363
		<hr/> <hr/>

DIVISION OF FINANCIAL REGULATION

P00C01.02 Financial Regulation		
General Fund Appropriation	300,000	
Special Fund Appropriation	10,795,245	11,095,245
	<hr/>	<hr/> <hr/>

DIVISION OF LABOR AND INDUSTRY

P00D01.01 General Administration		
General Fund Appropriation	94,127	
Special Fund Appropriation	631,142	
Federal Fund Appropriation	308,786	1,034,055
	<hr/>	
P00D01.02 Employment Standards		
General Fund Appropriation	1,631,714	
Special Fund Appropriation	675,752	2,307,466
	<hr/>	
P00D01.03 Railroad Safety and Health		
Special Fund Appropriation		422,550
P00D01.05 Safety Inspection		
Special Fund Appropriation		5,268,449
P00D01.07 Prevailing Wage		

General Fund Appropriation	719,471	
Special Fund Appropriation	53,595	773,066
<hr/>		
P00D01.08 Occupational Safety and Health Administration		
Special Fund Appropriation	4,707,759	
Federal Fund Appropriation	5,094,951	9,802,710
<hr/>		
P00D01.09 Building Codes Unit		
General Fund Appropriation	325,739	
Special Fund Appropriation	240,038	565,777
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SUMMARY

Total General Fund Appropriation		2,771,051
Total Special Fund Appropriation		11,999,285
Total Federal Fund Appropriation		5,403,737
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Total Appropriation		20,174,073
<hr/> <hr/>		

DIVISION OF RACING

P00E01.02 Maryland Racing Commission		
General Fund Appropriation	449,519	
Special Fund Appropriation	60,795,813	61,245,332
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P00E01.03 Racetrack Operation		
General Fund Appropriation	2,068,242	
Special Fund Appropriation	612,000	2,680,242
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P00E01.05 Maryland Facility Redevelopment Program		
Special Fund Appropriation		10,725,663
P00E01.06 Share of Video Lottery Terminal Revenue for Local Impact Grants		
Special Fund Appropriation, <i>provided that \$500,000 of this appropriation made for the purpose of local impact grants to the South</i>		

Baltimore Gateway Community Impact District Management Authority may not be expended until the organization submits a report to the budget committees describing how they are using the impact aid and how they are partnering with neighborhoods to enhance community safety and to improve other public services, including expanding educational opportunities for youth in the impact area, as provided for in State Government Article Section 9-1A-31(b)(3).

This report shall be submitted by October 1, 2019, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of this report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted

93,688,776

SUMMARY

Total General Fund Appropriation	2,517,761
Total Special Fund Appropriation	165,822,252
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Total Appropriation	168,340,013
	<hr/> <hr/>

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING

P00F01.01 Occupational and Professional Licensing	
General Fund Appropriation	325,455
	<u>268,183</u>
Special Fund Appropriation, <u>provided that \$2,000,000 of this appropriation made for the purpose of the Electronic Licensing Modernization information technology project may not be expended until the department submits a report to the budget committees outlining the current scope, estimated costs, timeline, vendor selection process, and maintenance plan for the</u>	

project as well as the steps that will be taken to align project infrastructure with the One-Stop portal project housed in the Department of Information Technology. The report shall be submitted by June 1, 2019, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of this report may not be transferred by budget amendment or otherwise to any other purpose and shall cancel if the report is not submitted

11,048,789	11,374,244
8,941,833	9,210,016
9,006,758	9,274,941
11,006,757	11,274,940

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DIVISION OF WORKFORCE DEVELOPMENT AND ADULT LEARNING

P00G01.07 Workforce Development

General Fund Appropriation	2,441,920	
Special Fund Appropriation	1,831,701	
Federal Fund Appropriation	62,288,328	66,561,949

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

P00G01.12 Adult Education and Literacy Program

General Fund Appropriation	919,614	
Special Fund Appropriation	943	
Federal Fund Appropriation	2,317,606	3,238,163

P00G01.13 Adult Corrections Program

General Fund Appropriation		14,781,545
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

P00G01.14 Aid to Education		
General Fund Appropriation	8,011,986	
Federal Fund Appropriation	8,200,000	16,211,986
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SUMMARY

Total General Fund Appropriation		26,155,065
Total Special Fund Appropriation		1,832,644
Total Federal Fund Appropriation		72,805,934
		<hr/>
Total Appropriation		100,793,643
		<hr/> <hr/>

DIVISION OF UNEMPLOYMENT INSURANCE

P00H01.01 Office of Unemployment Insurance		
Special Fund Appropriation	12,715,205	
Federal Fund Appropriation	45,581,999	58,297,204
	<hr/>	

P00H01.02 Major Information Technology		
Development Projects		
Federal Fund Appropriation		25,925,070

SUMMARY

Total Special Fund Appropriation		12,715,205
Total Federal Fund Appropriation		71,507,069
		<hr/>
Total Appropriation		84,222,274
		<hr/> <hr/>

DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES

~~Provided that \$7,000,000 of this appropriation made for the purpose of Comptroller Object 01 Salaries and Wages may be expended only for that purpose. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.~~

Provided that 260 vacant positions are abolished in the Department of Public Safety and Correctional Services. General Fund savings from these positions will be utilized for overtime and other personnel-related costs.

OFFICE OF THE SECRETARY

Q00A01.01 General Administration

General Fund Appropriation, provided that \$500,000 of this appropriation made for the purpose of general operating expenses may not be expended for that purpose but instead may be used only for the purpose of hiring an outside vendor to conduct a comprehensive staffing study of the department's administrative, corrections, and detention functions. The staffing study should include (1) the number and type of correctional officer positions needed to fully staff each of the department's correctional and detention facilities; (2) the number and type of appropriate positions needed to fully staff the administrative function; (3) recommendations for a staffing model that is adequate for the department's needs; and (4) an examination of the department's personnel software and data collection abilities in order to accurately track and isolate key data by employee and facility, including regular and mandatory drafted overtime, sick leave, and leave without pay. Funds not expended for this restricted purpose may not be transferred by budget

amendment or otherwise to any other purpose and shall revert to the General Fund 16,339,772

Q00A01.02 Information Technology and Communications Division
 General Fund Appropriation 33,298,527
 Special Fund Appropriation 9,050,283
 Federal Fund Appropriation 932,315 43,281,125

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00A01.03 Intelligence and Investigative Division
 General Fund Appropriation 9,965,474
 Federal Fund Appropriation 50,000 10,015,474

Q00A01.04 9–1–1 Emergency Number Systems
 Special Fund Appropriation 56,943,334

Q00A01.06 Division of Capital Construction and Facilities Maintenance
 General Fund Appropriation 4,831,360

Q00A01.07 Major Information Technology Development Projects
 Special Fund Appropriation 500,000
 Federal Fund Appropriation 2,000,000 2,500,000

Q00A01.10 Administrative Services
 General Fund Appropriation 31,675,302

SUMMARY

Total General Fund Appropriation 96,110,435
 Total Special Fund Appropriation 66,493,617
 Total Federal Fund Appropriation 2,982,315

Total Appropriation 165,586,367

DEPUTY SECRETARY FOR OPERATIONS

Q00A02.01 Administrative Services		
General Fund Appropriation		11,134,957
Q00A02.03 Field Support Services		
General Fund Appropriation	5,021,002	
Special Fund Appropriation	25,000	5,046,002

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00A02.04 Security Operations		
General Fund Appropriation		32,537,732
Q00A02.05 Central Home Detention Unit		
General Fund Appropriation	8,166,361	
Special Fund Appropriation	70,000	8,236,361

SUMMARY

Total General Fund Appropriation		56,860,052
Total Special Fund Appropriation		95,000
		<hr/>
Total Appropriation		56,955,052
		<hr/> <hr/>

MARYLAND CORRECTIONAL ENTERPRISES

Q00A03.01 Maryland Correctional Enterprises		
Special Fund Appropriation		54,876,381
		<hr/> <hr/>

DIVISION OF CORRECTION – HEADQUARTERS

Q00B01.01 General Administration		
General Fund Appropriation, <u>provided that</u>		
<u>\$50,000 of this appropriation made for the</u>		
<u>purpose of departmental operations may</u>		
<u>not be expended until the Department of</u>		
<u>Public Safety and Correctional Services</u>		

(DPSCS) submits a strategic plan regarding correctional officer (CO) hiring and overtime to the budget committees. This report shall include the following:

- (1) the department's plan to improve hiring, with detail on current recruitment efforts, year-to-date hiring, the CO cadet program enrollment, changes in CO polygraph testing, and any other relevant initiatives;
- (2) the department's plans for improving CO retention, including the number of COs who received new hire, referral, or retention bonuses from the CO bonus plan since its inception, as well as the number of CO separations and the reason they left DPSCS for the last two fiscal years; and
- (3) any departmental efforts to enhance CO health, wellness, and safety, along with efforts to reduce overtime hours, mandatory drafted overtime, and double shifts.

The report shall be submitted by November 15, 2019, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Further provided that ~~\$9,700,000~~ \$7,000,000 of this appropriation made for the purpose of departmental operations may not be expended for this purpose but instead may be expended only for salary increases for correctional officers that will make the salaries competitive with the neighboring states of Delaware, Pennsylvania, Virginia,

and West Virginia. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund. Further provided that it is the intent of the General Assembly that the **design and distribution of the salary enhancement will be negotiated with the exclusive representative, and that the department allocate funds in its fiscal 2020 budget to advertise open correctional officer positions**

6,835,267

MARYLAND PAROLE COMMISSION

Q00C01.01 General Administration and Hearings
 General Fund Appropriation

6,178,306

DIVISION OF PAROLE AND PROBATION

Q00C02.01 Division of Parole and Probation –
 Support Services
 General Fund Appropriation
 Special Fund Appropriation

19,334,695

86,500

19,421,195

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

PATUXENT INSTITUTION

Q00D00.01 Patuxent Institution
 General Fund Appropriation
 Special Fund Appropriation

56,196,727

198,700

56,395,427

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

INMATE GRIEVANCE OFFICE

Q00E00.01 General Administration		
Special Fund Appropriation		840,594

=====

POLICE AND CORRECTIONAL TRAINING COMMISSIONS

Q00G00.01 General Administration		
General Fund Appropriation	7,580,044	
Special Fund Appropriation	2,350,000	
Federal Fund Appropriation	580,506	10,510,550

=====

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

MARYLAND COMMISSION ON CORRECTIONAL STANDARDS

Q00N00.01 General Administration		
General Fund Appropriation		602,204

=====

DIVISION OF CORRECTION – WEST REGION

Q00R02.01 Maryland Correctional Institution – Hagerstown		
General Fund Appropriation	55,710,597	
Special Fund Appropriation	116,000	55,826,597

=====

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00R02.02 Maryland Correctional Training Center		
General Fund Appropriation	81,778,019	
Special Fund Appropriation	697,900	82,475,919

=====

Funds are appropriated in other agency budgets to pay for services provided by this

program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00R02.03 Roxbury Correctional Institution

General Fund Appropriation	56,468,793	
Special Fund Appropriation	324,100	56,792,893
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00R02.04 Western Correctional Institution

General Fund Appropriation	63,096,146	
Special Fund Appropriation	310,300	63,406,446
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00R02.05 North Branch Correctional Institution

General Fund Appropriation	62,913,062	
Special Fund Appropriation	217,300	63,130,362
	<hr/>	

SUMMARY

Total General Fund Appropriation		319,966,617
Total Special Fund Appropriation		1,665,600
		<hr/>
Total Appropriation		321,632,217
		<hr/> <hr/>

DIVISION OF PAROLE AND PROBATION – WEST REGION

Q00R03.01 Division of Parole and Probation – West Region

General Fund Appropriation	18,865,783	
Special Fund Appropriation	2,721,369	21,587,152
	<hr/>	<hr/> <hr/>

DIVISION OF CORRECTION – EAST REGION

Q00S02.01 Jessup Correctional Institution

General Fund Appropriation	86,896,482	
Special Fund Appropriation	352,600	87,249,082

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00S02.02 Maryland Correctional Institution – Jessup

General Fund Appropriation	40,694,477	
Special Fund Appropriation	124,300	40,818,777

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00S02.03 Maryland Correctional Institution for Women

General Fund Appropriation	40,550,362	
Special Fund Appropriation	210,100	40,760,462

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00S02.04 Brockbridge Correctional Facility

General Fund Appropriation	25,476,095	
Special Fund Appropriation	107,700	25,583,795

Q00S02.06 Southern Maryland Pre–Release Unit

General Fund Appropriation	5,765,500	
Special Fund Appropriation	228,400	5,993,900

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00S02.07 Eastern Pre-Release Unit

General Fund Appropriation	5,759,932	
Special Fund Appropriation	155,400	5,915,332

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00S02.08 Eastern Correctional Institution

General Fund Appropriation	117,955,851	
	107,955,851	
	112,955,851	
	<u>111,955,851</u>	
Special Fund Appropriation	828,550	
Federal Fund Appropriation	1,401,635	120,186,036
		110,186,036
		115,186,036
		<u>114,186,036</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00S02.09 Dorsey Run Correctional Facility

General Fund Appropriation	35,330,036	
Special Fund Appropriation	315,700	35,645,736

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00S02.10 Central Maryland Correctional Facility		
General Fund Appropriation	17,035,350	
Special Fund Appropriation	90,300	17,125,650
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		369,464,085
Total Special Fund Appropriation		2,413,050
Total Federal Fund Appropriation		1,401,635
		<hr/>
Total Appropriation		373,278,770
		<hr/> <hr/>

DIVISION OF PAROLE AND PROBATION – EAST REGION

Q00S03.01 Division of Parole and Probation – East Region		
General Fund Appropriation	26,439,589	
Special Fund Appropriation	2,304,432	28,744,021
	<hr/>	<hr/> <hr/>

DIVISION OF PAROLE AND PROBATION – CENTRAL REGION

Q00T03.01 Division of Parole and Probation – Central Region		
General Fund Appropriation	39,608,870	
Special Fund Appropriation	1,656,024	41,264,894
	<hr/>	<hr/> <hr/>

DIVISION OF PRETRIAL DETENTION

Q00T04.01 Chesapeake Detention Facility		
General Fund Appropriation	2,835,454	
Special Fund Appropriation	80,100	
Federal Fund Appropriation	25,508,578	28,424,132
	<hr/>	

Q00T04.02 Pretrial Release Services		
General Fund Appropriation		5,999,727

Q00T04.04 Baltimore Central Booking and Intake Center			
General Fund Appropriation	68,870,762		
Special Fund Appropriation	260,471	69,131,233	
		<hr/>	
Q00T04.05 Youth Detention Center			
General Fund Appropriation	25,272,194		
Special Fund Appropriation	15,000	25,287,194	
		<hr/>	
Q00T04.06 Maryland Reception, Diagnostic and Classification Center			
General Fund Appropriation	39,458,170		
Special Fund Appropriation	108,900	39,567,070	
		<hr/>	
Q00T04.07 Baltimore City Correctional Center			
General Fund Appropriation	15,330,078		
Special Fund Appropriation	407,998	15,738,076	
		<hr/>	
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>			
Q00T04.08 Metropolitan Transition Center			
General Fund Appropriation	57,385,368		
Special Fund Appropriation	123,400	57,508,768	
		<hr/>	

Q00T04.09 General Administration
 General Fund Appropriation, provided that \$150,000 of this appropriation may not be expended until the Department of Public Safety and Correctional Services submits a report to the budget committees no later than December 1, 2019, on Baltimore City arrestees and detainees. The report shall include the following information for fiscal 2019:

- (1) major offense at time of arrest (grouped by category and

percentage);

(2) major offense for the detainee population (grouped by category and percentage by facility); and

(3) information regarding Baltimore City detainees being held outside Baltimore City, including the total number of transports and the total cost in fiscal 2018 to move these detainees back to Baltimore City for counsel, court dates, or medical reasons.

The budget committees shall have 45 days to review and comment following receipt of the report. Funds restricted pending a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees

2,496,780

SUMMARY

Total General Fund Appropriation	217,648,533
Total Special Fund Appropriation	995,869
Total Federal Fund Appropriation	25,508,578
	<hr/>
Total Appropriation	244,152,980
	<hr/> <hr/>

STATE DEPARTMENT OF EDUCATION

HEADQUARTERS

R00A01.01 Office of the State Superintendent

General Fund Appropriation, ~~provided that \$1,370,983 of this appropriation in general funds and 11 positions made for the purpose of an Education Monitoring Unit and an Office of Compliance and Oversight within the Maryland State Department of Education are contingent on the enactment of SB 92 or HB 45, provided that, contingent upon the enactment of SB 1030 or HB 1413, \$689,137 of this appropriation and 6 positions for the purpose of an Education Monitoring Unit may not be expended for that purpose but instead may be only used for an Office of Inspector General. Funds not expended for this restricted purpose may not be transferred via budget amendment or otherwise to any other purpose and shall revert to the General Fund. Further provided that \$168,892 of this appropriation and 2 positions made for the purpose of an Office of Compliance and Monitoring within the Maryland State Department of Education are contingent on the enactment of SB 92 or HB 45~~

~~12,407,346~~

12,402,626

Special Fund Appropriation

2,026,849

Federal Fund Appropriation

1,956,575

~~16,390,770~~

16,386,050

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

R00A01.02 Division of Business Services

General Fund Appropriation

413,572

Special Fund Appropriation

24,226

Federal Fund Appropriation

5,952,108

6,389,906

R00A01.04 Division of Accountability and Assessment		
General Fund Appropriation	36,838,805	
Special Fund Appropriation	469,543	
Federal Fund Appropriation	15,553,617	52,861,965

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

R00A01.05 Office of Information Technology		
General Fund Appropriation	7,951,862	
Special Fund Appropriation	155,294	
Federal Fund Appropriation	3,939,397	12,046,553

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

R00A01.06 Major Information Technology Development Projects		
Federal Fund Appropriation		213,750

R00A01.07 Office of School and Community Nutrition Programs		
General Fund Appropriation	261,318	
Federal Fund Appropriation	10,119,525	10,380,843

R00A01.10 Division of Early Childhood Development		
General Fund Appropriation	14,609,152	
Federal Fund Appropriation	45,782,186	60,391,338

R00A01.11 Division of Curriculum, Assessment, and Accountability		
General Fund Appropriation	1,848,619	
Special Fund Appropriation	1,644,393	

Federal Fund Appropriation	4,810,545	8,303,557
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

R00A01.12 Division of Student, Family and School Support		
General Fund Appropriation	2,307,097	
Federal Fund Appropriation	8,802,881	11,109,978
	<hr/>	

R00A01.13 Division of Special Education/Early Intervention Services		
General Fund Appropriation	504,630	
Special Fund Appropriation	1,506,489	
Federal Fund Appropriation	10,080,852	12,091,971
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

R00A01.14 Division of Career and College Readiness		
General Fund Appropriation	1,119,556	
Federal Fund Appropriation	2,535,986	3,655,542
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R00A01.15 Juvenile Services Education Program		
General Fund Appropriation	16,193,778	
Federal Fund Appropriation	3,573,284	19,767,062
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

R00A01.18 Division of Certification and Accreditation

General Fund Appropriation	2,361,178	
Special Fund Appropriation	285,984	
Federal Fund Appropriation	137,374	2,784,536
		<hr/>
R00A01.20 Division of Rehabilitation Services – Headquarters		
General Fund Appropriation	1,467,664	
Special Fund Appropriation	110,000	
Federal Fund Appropriation	14,053,271	15,630,935
		<hr/>
R00A01.21 Division of Rehabilitation Services – Client Services		
General Fund Appropriation	10,292,352	
Federal Fund Appropriation	33,469,697	43,762,049
		<hr/>
R00A01.22 Division of Rehabilitation Services – Workforce and Technology Center		
General Fund Appropriation	1,656,707	
Federal Fund Appropriation	7,937,784	9,594,491
		<hr/>
R00A01.23 Division of Rehabilitation Services – Disability Determination Services		
Federal Fund Appropriation		43,838,311
R00A01.24 Division of Rehabilitation Services – Blindness and Vision Services		
General Fund Appropriation	1,450,360	
Special Fund Appropriation	3,896,545	
Federal Fund Appropriation	4,619,041	9,965,946
		<hr/>

SUMMARY

Total General Fund Appropriation		111,679,276
Total Special Fund Appropriation		10,119,323
Total Federal Fund Appropriation		217,376,184
		<hr/>
Total Appropriation		339,174,783
		<hr/> <hr/>

AID TO EDUCATION

Provided that the Maryland State Department of Education shall notify the budget committees of any intent to transfer funds from program R00A02 Aid to Education to any other budgetary unit. The budget committees shall have 45 days to review and comment on the planned transfer prior to its effect.

R00A02.01 State Share of Foundation Program		
General Fund Appropriation	3,025,259,197	
Special Fund Appropriation	403,795,337	3,429,054,534
	<hr/>	
R00A02.02 Compensatory Education		
General Fund Appropriation		1,330,428,825
R00A02.03 Aid for Local Employee Fringe Benefits		
General Fund Appropriation		767,888,790
R00A02.04 Children at Risk		
General Fund Appropriation	10,715,642	
Special Fund Appropriation	5,295,514	
Federal Fund Appropriation	33,622,730	49,633,886
	<hr/>	
R00A02.05 Formula Programs for Specific Populations		
General Fund Appropriation		1,900,000
R00A02.06 Maryland Prekindergarten Expansion Program Financing Fund		
General Fund Appropriation	32,775,425	
Special Fund Appropriation	15,000,000	
Federal Fund Appropriation	1,000,000	48,775,425
	<hr/>	
R00A02.07 Students With Disabilities		
General Fund Appropriation		460,215,532
To provide funds as follows:		
Formula	303,253,515	
Non-Public Placement		
Program	121,470,000	
Infants and Toddlers Program ...	10,389,104	
Autism Waiver	25,102,913	

Provided that funds appropriated for nonpublic placements may be used to develop a broad range of services to assist in returning children with special needs from out-of-state placements to Maryland; to prevent out-of-state placements of children with special needs; to prevent unnecessary separate day school, residential or institutional placements within Maryland; and to work with local jurisdictions in these regards. Policy decisions regarding the expenditures of such funds shall be made jointly by the Director of the Governor’s Office for Children and the Secretaries of Health, Human Services, Juvenile Services, Budget and Management, and the State Superintendent of Education.

R00A02.08 Assistance to State for Educating Students With Disabilities Federal Fund Appropriation	220,913,934
R00A02.12 Educationally Deprived Children Federal Fund Appropriation	297,700,581

R00A02.13 Innovative Programs
General Fund Appropriation, provided that ~~\$300,000~~ \$200,000 of this appropriation made for the purpose of providing planning grants for Pathways in Technology Early College High (P-TECH) Schools is contingent on the enactment of SB 167, HB 152, or HB 440.

Further provided that \$100,000 of this appropriation for the purpose of P-TECH School planning grants may not be used for that purpose but instead may be used only for the purpose of the Maryland State Department of Education (MSDE) hiring an outside consultant to perform a review and evaluation of the P-TECH Schools in Maryland and the opportunities that they provide to Maryland students in achieving technical skills and gaining opportunities for future employment. Funds not expended

for this purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund. MSDE shall deliver the findings from the consultant's review and evaluation to the budget committees no later than January 1, 2020

	17,933,599	
Special Fund Appropriation	9,250,000	
Federal Fund Appropriation	22,849,363	50,032,962
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

R00A02.15 Language Assistance		
Federal Fund Appropriation		10,395,537

R00A02.18 Career and Technology Education		
Federal Fund Appropriation		15,337,000

R00A02.24 Limited English Proficient		
General Fund Appropriation		311,079,529

R00A02.25 Guaranteed Tax Base		
General Fund Appropriation		43,684,957

R00A02.27 Food Services Program		
General Fund Appropriation	12,996,664	
Federal Fund Appropriation	336,173,827	349,170,491
	<hr/>	

R00A02.39 Transportation		
General Fund Appropriation		303,044,654

R00A02.55 Teacher Development
General Fund Appropriation, provided that \$4,000,000 of the appropriation made for the purpose of the Teacher Induction, Retention, and Advancement Pilot Program may not be expended for that purpose but instead may be used only to distribute special education grants to local boards of education as provided in Section 5 of SB 1030 or HB 1413, contingent on the

<p><u>enactment of (1) SB 1040 or HB 1407 and (2) SB 1030 or HB 1413. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund</u></p>		
	8,520,000	
Special Fund Appropriation	300,000	
Federal Fund Appropriation	29,999,542	38,819,542
<hr/>		
R00A02.57 Transitional Education Funding Program		
General Fund Appropriation	10,575,000	
Federal Fund Appropriation	14,250,000	24,825,000
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R00A02.58 Head Start		
General Fund Appropriation		3,000,000
R00A02.59 Child Care Subsidy Program		
General Fund Appropriation	43,547,835	
Federal Fund Appropriation	81,284,373	124,832,208
<hr/>		
R00A02.60 Innovation and Excellence in Education Initiatives		
<p>Special Fund Appropriation, <u>provided that \$35,750,000 of this appropriation made for the purpose of Innovation and Excellence in Education Initiatives may be used only for the purposes detailed in Section 47, contingent on the enactment of SB 1030 or HB 1413. Funding not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose, and shall be canceled</u></p>		35,750,000

SUMMARY

Total General Fund Appropriation	6,383,565,649	
Total Special Fund Appropriation	469,390,851	
Total Federal Fund Appropriation	1,063,526,887	
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Total Appropriation		7,916,483,387
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FUNDING FOR EDUCATIONAL ORGANIZATIONS

R00A03.01 Maryland School for the Blind	
General Fund Appropriation	23,947,915
R00A03.02 Blind Industries and Services of Maryland	
General Fund Appropriation	531,115
R00A03.03 Other Institutions	
General Fund Appropriation	6,276,446
Accokeek Foundation	20,978
Alice Ferguson Foundation	83,261
Alliance of Southern P.G. Communities, Inc.	33,305
American Visionary Art Museum	15,776
Annapolis Maritime Museum	40,037
Baltimore Symphony Orchestra	66,609
B&O Railroad Museum	63,104
Baltimore Museum of Industry	84,138
Best Buddies International (MD Program)	166,522
Calvert Marine Museum	52,446
Chesapeake Bay Foundation	437,341
Chesapeake Bay Maritime Museum	21,034
Citizenship Law-Related Education	30,675
Collegebound Foundation	37,688
The Dyslexia Tutoring Program, Inc.	37,688
Echo Hill Outdoor School	56,092
Everyman Theater	52,446
Fire Museum of Maryland	10,489
Imagination Stage	249,785
Jewish Museum of Maryland	13,146
Junior Achievement of Central Maryland	42,068
Living Classrooms Inc.	319,023
Maryland Academy of Sciences	915,879
Maryland Historical Society	125,329
Maryland Humanities Council	43,821
Maryland Leadership	45,575
Maryland Zoo in Baltimore	851,900
Math, Engineering and Science	

Achievement	79,754
MdBio Foundation	26,223
National Aquarium in Baltimore	497,817
National Great Blacks in Wax Museum	42,068
National Museum of Ceramic Art and Glass	21,034
Northbay	500,000
Olney Theatre	146,365
Outward Bound	133,219
Port Discovery	116,566
Reginald F. Lewis Museum	26,223
Salisbury Zoological Park	18,404
Sotterley Foundation	13,146
South Baltimore Learning Center	42,068
State Mentoring Resource Center	79,755
Sultana Projects	21,034
SuperKids Camp	410,172
Village Learning Place	45,575
Walters Art Museum	16,652
Ward Museum	35,058
Young Audiences of Maryland	89,158

R00A03.04 Aid to Non–Public Schools

Special Fund Appropriation, provided that this appropriation shall be for the purchase of textbooks or computer hardware and software and other electronically delivered learning materials ~~as permitted under Title IID, Section 2416(b)(4), (6), and (7) of the No Child Left Behind Act~~ for loan to students in eligible nonpublic schools with a maximum distribution of \$65 per eligible nonpublic school student for participating schools, except that at schools where ~~at least 20%~~ from 20% to 40% of the students are eligible for the free or reduced–price lunch program there shall be a distribution of \$95 per student, and at schools where more than 40% of the students are eligible for the free or reduced–price lunch program there shall be a distribution of \$155 per student. To be eligible to participate, a

nonpublic school shall:

- (1) Hold a certificate of approval from or be registered with the State Board of Education;
- (2) Not charge more tuition to a participating student than the statewide average per pupil expenditure by the local education agencies, as calculated by the department, with appropriate exceptions for special education students as determined by the department; ~~and~~
- (3) Comply with Title VI of the Civil Rights Act of 1964, as amended; and
- (4) Submit its student handbook or other written policy related to student admissions to the Maryland State Department of Education for review to ensure compliance with program eligibility requirements.

The department shall establish a process to ensure that the local education agencies are effectively and promptly working with the nonpublic schools to assure that the nonpublic schools have appropriate access to federal funds for which they are eligible.

Further provided that the Maryland State Department of Education shall:

- (1) Assure that the process for textbook, computer hardware, and computer software acquisition uses a list of qualified textbook, computer hardware, and computer software vendors and of qualified textbooks, computer hardware, and computer software; uses textbooks, computer hardware, and computer

software that are secular in character and acceptable for use in any public elementary or secondary school in Maryland; and

- (2) Receive requisitions for textbooks, computer hardware, and computer software to be purchased from the eligible and participating schools, and forward the approved requisitions and payments to the qualified textbook, computer hardware, or computer software vendor who will send the textbooks, computer hardware, or computer software directly to the eligible school, which will:
 - (i) Report shipment receipt to the department;
 - (ii) Provide assurance that the savings on the cost of the textbooks, computer hardware, or computer software will be dedicated to reducing the cost of textbooks, computer hardware, or computer software for students; and
 - (iii) Since the textbooks, computer hardware, or computer software shall remain property of the State, maintain appropriate shipment receipt records for audit purposes.

Further provided that a nonpublic school participating in the Aid to Non-Public Schools Program R00A03.04 shall certify compliance with Title 20, Subtitle 6 of the State Government Article. A nonpublic school participating in the program may not discriminate in student admissions, *retention, or expulsion or otherwise*

discriminate against any student on the basis of race, color, national origin, ~~or~~ sexual orientation, or gender identity or expression. Nothing herein shall require any school or institution to adopt any rule, regulation, or policy that conflicts with its religious or moral teachings. However, all participating schools must agree that they will not discriminate in student admissions, *retention, or expulsion or otherwise discriminate against any student* on the basis of race, color, national origin, ~~or~~ sexual orientation, *or gender identity or expression.* Any school found to be in violation of the requirements to not discriminate shall be required to return to the Maryland State Department of Education all textbooks or computer hardware and software and other electronically delivered learning materials ~~loaned to students under the program~~ *acquired through the fiscal 2020 allocation.* The only other legal remedy for violation of these provisions is ineligibility for participating in the Aid to Non-Public Schools Program. Any school that is found in violation of the nondiscrimination requirements in fiscal 2019 or 2020 may not participate in the program in fiscal 2020. It is the intent of the General Assembly that a school that violates the nondiscrimination requirements is ineligible to participate in the Aid to Non-Public Schools Program, the Broadening Options and Opportunities for Students Today Program, the James E. "Ed" DeGrange Nonpublic Aging Schools Program, and the Nonpublic School Security Improvements Program in the year of the violation and the following 2 years

6,040,000

R00A03.05 Broadening Options and Opportunities for Students Today
 Special Fund Appropriation, provided that this appropriation shall be for a Broadening Options and Opportunities for

Students Today (BOOST) Program that provides scholarships for students who are eligible for the free or reduced-price lunch program to attend eligible nonpublic schools. The Maryland State Department of Education (MSDE) shall administer the grant program in accordance with the following guidelines:

- (1) To be eligible to participate in the BOOST Program, a nonpublic school must:
 - (a) ~~participate~~ have participated in Program R00A03.04 Aid to Non-Public Schools Program for textbooks and computer hardware and software administered by MSDE during the 2018–2019 school year;
 - (b) provide more than only prekindergarten and kindergarten programs;
 - (c) ~~administer assessments to all students in accordance with federal and State law;~~ and administer national, norm-referenced standardized assessments chosen from the list of assessments published by the United States Department of Education to qualify nonpublic schools for the National Blue Ribbon Schools Program. The nonpublic schools must administer the assessments to all students as follows:
 - (i) English/language arts and mathematics assessments each year for students in

grades 3 through 8,
and at least once for
students in grades 9
through 12; and

(ii) a science assessment
at least once for
students in grades 3
through 5, at least
once for students in
grades 6 through 9,
and at least once for
students in grades 10
through 12; and

(d) comply with Title VI of the Civil Rights Act of 1964 as amended, Title 20, Subtitle 6 of the State Government Article, and not discriminate in student admissions, ***retention, or expulsion or otherwise discriminate against any student*** on the basis of race, color, national origin, ~~or~~ sexual orientation, ***or gender identity or expression.*** Nothing herein shall require any school or institution to adopt any rule, regulation, or policy that conflicts with its religious or moral teachings. However, all participating schools must agree that they will not discriminate in student admissions, ***retention, or expulsion or otherwise discriminate against any student*** based on race, color, national origin, ~~or~~ sexual orientation, ***or gender identity or expression.*** If a nonpublic school does not comply with these requirements, it shall reimburse MSDE all

scholarship funds received under the BOOST Program *for the 2019–2020 school year* and may not charge the student tuition and fees instead. The only other legal remedy for violation of this provision is ineligibility for participating in the BOOST Program.

- (2) MSDE shall establish procedures for the application and award process for scholarships for students who are eligible for the free or reduced-price lunch program. The procedures shall include consideration for award adjustments if an eligible student becomes ineligible during the course of the school year. ~~In order to be eligible to apply, a student must (1) have received a BOOST Program scholarship award for the 2018–2019 school year and will be entering any of grades 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, or 12, or grade 9 if he or she is a student who attended during the 2018–2019 school year a nonpublic school that serves kindergarten through grade 12; or (2) have a sibling who received a BOOST Program scholarship award for the 2018–2019 school year.~~
- (3) MSDE shall compile and certify a list of applicants that ranks eligible students by family income expressed as a percent of the most recent federal poverty levels.
- (4) MSDE shall submit the ranked list of applicants to the BOOST Advisory Board.
- (5) There is a BOOST Advisory Board

that shall be appointed as follows: 2 members appointed by the Governor, 2 members appointed by the President of the Senate, 2 members appointed by the Speaker of the House of Delegates, and 1 member jointly appointed by the President and the Speaker to serve as the chair. A member of the BOOST Advisory Board may not be an elected official and may not have any financial interest in an eligible nonpublic school.

- (6) The BOOST Advisory Board shall review and certify the ranked list of applicants and shall determine the scholarship award amounts. The BOOST Advisory Board shall take into account the special needs of students with disabilities when determining scholarship award amounts.
- (7) MSDE shall make scholarship awards to eligible students as determined by the BOOST Advisory Board.
- (8) ~~The~~ Unless a student has special needs due to a disability, the amount of a scholarship award may not exceed the lesser of:
 - (a) the statewide average per pupil expenditure by local education agencies, as calculated by MSDE; or
 - (b) the tuition of the nonpublic school.
- (9) In order to meet its BOOST Program reporting requirements to the budget committees, MSDE shall specify a date by which participating nonpublic schools

must submit information to MSDE so that it may complete its required report. Any nonpublic schools that do not provide the necessary information by that specified date shall be ineligible to participate in the BOOST Program.

- (10) Students who received a BOOST Program scholarship award in the prior year who still meet eligibility criteria for a scholarship shall receive a scholarship renewal award. For students who are receiving a BOOST Program scholarship for the first time, priority shall be given to students who attended public schools in the prior school year.

Further provided that the BOOST Advisory Board shall make all scholarship awards no later than January 15, 2020, for the 2019–2020 school year to eligible individuals. Any unexpended funds not awarded to students for scholarships shall be encumbered at the end of fiscal 2020 and available for scholarships in the 2020–2021 school year.

Further provided that \$700,000 of this appropriation shall be used only to provide an additional award for each student with special needs that is at least equal in amount to the BOOST Program scholarship award that student is awarded in accordance with paragraph (6) above.

Further provided that MSDE shall submit a report to the budget committees by January 15, 2020, that includes the following:

- (1) the number of students receiving BOOST Program scholarships;
- (2) the amount of the BOOST Program

scholarships received;

- (3) the number of certified and noncertified teachers in core subject areas for each nonpublic school participating in the BOOST Program;
- (4) the assessments being administered by nonpublic schools participating in the BOOST Program and the results of these assessments. MSDE shall report the assessment results reported by nonpublic schools to the budget committees in an aggregate manner that does not violate student data privacy;
- (5) in the aggregate, for each BOOST Program scholarship awarded (a) the nonpublic school and grade level attended by the student; (b) the school attended in the 2019–2020 school year by the student; and (c) if the student attended the same nonpublic school in the 2018–2019 school year, whether, what type, and how much nonpublic scholarship aid the student received in the 2018–2019 school year and will receive in the 2019–2020 school year;
- (6) the average household income of students receiving BOOST Program scholarships;
- (7) the racial breakdown of students receiving BOOST Program scholarships;
- (8) the number of students designated as English language learners receiving BOOST Program scholarships;

- (9) the number of special education students receiving BOOST Program scholarships;
- (10) the county in which students receiving BOOST Program scholarships reside;
- (11) the number of students who were offered BOOST Program scholarships but declined them as well as their reasons for declining the scholarships and the breakdown of students attending public and nonpublic schools for students who declined scholarships;
- (12) the number of students who received BOOST Program scholarships for the 2018–2019 school year who are attending public school for the 2019–2020 school year as well as their reasons for returning to public schools; and
- (13) the number of students who received BOOST Program scholarships for the 2018–2019 school year who withdrew or were expelled from the nonpublic schools they were attending and the reasons for which they withdrew or were expelled; the schools they withdrew or were expelled from; and the length of time students receiving BOOST Program scholarships were enrolled at a nonpublic school before withdrawing or being expelled

~~10,000,000~~
~~5,500,000~~
~~10,000,000~~
6,586,000

SUMMARY

Total General Fund Appropriation	30,755,476
Total Special Fund Appropriation	12,626,000

Total Appropriation		43,381,476
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CHILDREN’S CABINET INTERAGENCY FUND

R00A04.01 Children’s Cabinet Interagency Fund		
General Fund Appropriation		18,549,569

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

MARYLAND LONGITUDINAL DATA SYSTEM CENTER

R00A05.01 Maryland Longitudinal Data System Center		
General Fund Appropriation	1,933,051	
Federal Fund Appropriation	2,500,000	4,433,051

MARYLAND CENTER FOR SCHOOL SAFETY

R00A06.01 Maryland Center for School Safety – Operations		
General Fund Appropriation		2,786,874
		2,086,874
		<u>2,386,874</u>

R00A06.02 Maryland Center for School Safety – Grants

Provided that it is the intent of the General Assembly that all operating grant funds provided to improve the safety and security of Maryland’s schools and child care centers should be administered within one agency. In fulfillment of this, it is the intent of the General Assembly that \$2,000,000 in general funds currently budgeted within the Maryland State Department of Education’s Division of Early Childhood Development (R00A01.10) for security

improvement grants to schools and child care centers at risk of hate crimes be transferred to the Maryland Center for School Safety (R00A06.02).

General Fund Appropriation	10,000,000	
Special Fund Appropriation	600,000	10,600,000
	<hr/>	

SUMMARY

Total General Fund Appropriation		12,386,874
Total Special Fund Appropriation		600,000
		<hr/>
Total Appropriation		12,986,874
		<hr/> <hr/>

INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION

R00A07.01 Interagency Commission On School Construction	
General Fund Appropriation	2,882,670

R00A07.02 Capital Appropriation
 General Fund Appropriation, ~~provided that \$1,200,000 of the amount for the Healthy Schools Facility Fund may be used only for projects at Public Charter Schools. This funding shall not preclude or diminish the availability of State funding for projects at Public Charter Schools from other school construction funding programs provided that \$3,500,000 of this appropriation made for the purpose of Nonpublic School Safety Grants shall be distributed as grants to nonpublic schools in Maryland for school safety improvements. Provided that grants may be provided only to nonpublic schools that were eligible to participate in Aid to Non-Public Schools R00A03.04 (for the purchase of textbooks or computer hardware and software for loans to students in eligible nonpublic schools) during the 2018-2019 school year or nonpublic schools that serve students with disabilities through the Nonpublic~~

Placement Program R00A02.07 Subprogram 0762, with a maximum amount of \$65 per eligible nonpublic school student for participating schools, except that at schools where at least 20% of the students are eligible for the free or reduced-price meal program or for schools that serve students with disabilities through the Nonpublic Placement Program, there shall be a distribution of \$85 per student and no individual school may receive less than \$5,000. Further provided that the funds shall be administered by the Interagency Commission on School Construction

43,500,000

To provide funds as follows:

- Healthy School Facility Fund ...30,000,000
- School Safety Grant Program ...10,000,000
- Nonpublic School Safety Grants

3,500,000

~~Special Fund Appropriation, provided that \$2,600,000 of the amount for the Public School Construction may be used only for projects at Public Charter Schools. This funding shall not preclude or diminish the availability of State funding for projects at Public Charter Schools from other school construction funding programs provided that \$65,000,000 of this appropriation made for the purposes of Public School Construction and the Public School Construction – Revolving Loan Fund may not be expended for that purpose but instead may be used only for the purposes detailed in Section 47, contingent on the enactment of SB 1030 or HB 1413. Funding not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose, and shall be canceled~~

65,000,000

108,500,000

~~To provide funds as follows:~~

- ~~Public School Construction 45,000,000~~
- ~~Public School Construction –~~
- ~~Revolving Loan Fund 20,000,000~~

SUMMARY

Total General Fund Appropriation	46,382,670	
Total Special Fund Appropriation	65,000,000	
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Total Appropriation	111,382,670	<hr/> <hr/>

MARYLAND STATE LIBRARY AGENCY

MARYLAND STATE LIBRARY

R11A11.01 Maryland State Library		
General Fund Appropriation	3,384,114	
Federal Fund Appropriation	992,477	4,376,591
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R11A11.02 Public Library Aid		
General Fund Appropriation	43,211,040	
Federal Fund Appropriation	2,420,000	45,631,040
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R11A11.03 State Library Network		
General Fund Appropriation		19,096,631
R11A11.04 Aid for Local Library Employee Fringe Benefits		
General Fund Appropriation		21,666,094

SUMMARY

Total General Fund Appropriation	87,357,879	
Total Federal Fund Appropriation	3,412,477	
		<hr/>
Total Appropriation	90,770,356	<hr/> <hr/>

MORGAN STATE UNIVERSITY

R13M00.00 Morgan State University		
Current Unrestricted Appropriation, <u>provided that \$700,000 of this appropriation made for the purpose of converting contractual positions may not be expended until</u>		

Morgan State University (MSU) submits a report to the budget committees documenting the positions and the salaries of those positions that will be converted. The report shall be submitted by August 1, 2019, and the committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the report is not submitted.

Further provided that MSU shall submit a report on the positions and the salaries of those positions that were converted by December 1, 2019

	215,926,078	
	<u>214,926,078</u>	
Current Restricted Appropriation	54,625,696	270,551,774
		<u>269,551,774</u>

ST. MARY'S COLLEGE OF MARYLAND

R14D00.00 St. Mary's College of Maryland		
Current Unrestricted Appropriation	67,808,003	
Current Restricted Appropriation	5,300,001	73,108,004

MARYLAND PUBLIC BROADCASTING COMMISSION

R15P00.01 Executive Direction and Control		
Special Fund Appropriation		961,176
R15P00.02 Administration and Support Services		
General Fund Appropriation	8,937,827	
Special Fund Appropriation	681,424	9,619,251
R15P00.03 Broadcasting		
General Fund Appropriation	1,080,952	
	<u>22,742</u>	
Special Fund Appropriation	10,368,660	11,449,612
		<u>10,391,402</u>
R15P00.04 Content Enterprises		
Special Fund Appropriation	6,293,712	

Federal Fund Appropriation	181,112	6,474,824
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R15P00.05 Capital Appropriation Federal Fund Appropriation		3,000,000
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SUMMARY

Total General Fund Appropriation		8,960,569
Total Special Fund Appropriation		18,304,972
Total Federal Fund Appropriation		3,181,112

Total Appropriation		30,446,653
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UNIVERSITY SYSTEM OF MARYLAND

Provided that the current unrestricted appropriation made for the purpose of the University System of Maryland institutions shall be reduced by \$10,000,000.

UNIVERSITY OF MARYLAND, BALTIMORE CAMPUS

R30B21.00 University of Maryland, Baltimore Campus		
Current Unrestricted Appropriation	692,927,362	
Current Restricted Appropriation	575,276,223	1,268,203,585

UNIVERSITY OF MARYLAND, COLLEGE PARK CAMPUS

R30B22.00 University of Maryland, College Park Campus		
Current Unrestricted Appropriation	1,747,405,099	
Current Restricted Appropriation	464,204,253	2,211,609,352

BOWIE STATE UNIVERSITY

R30B23.00 Bowie State University		
Current Unrestricted Appropriation	119,305,023	
Current Restricted Appropriation	24,513,546	143,818,569

TOWSON UNIVERSITY

R30B24.00 Towson University		
Current Unrestricted Appropriation	476,491,476	
Current Restricted Appropriation	50,130,765	526,622,241

UNIVERSITY OF MARYLAND EASTERN SHORE

R30B25.00 University of Maryland Eastern Shore		
Current Unrestricted Appropriation	99,119,405	
Current Restricted Appropriation	24,672,509	123,791,914

FROSTBURG STATE UNIVERSITY

R30B26.00 Frostburg State University		
Current Unrestricted Appropriation	104,217,546	
Current Restricted Appropriation	14,144,855	118,362,401

COPPIN STATE UNIVERSITY

R30B27.00 Coppin State University		
Current Unrestricted Appropriation	77,498,583	
Current Restricted Appropriation	18,017,044	95,515,627

UNIVERSITY OF BALTIMORE

R30B28.00 University of Baltimore		
Current Unrestricted Appropriation	112,917,182	
Current Restricted Appropriation	26,534,715	139,451,897

SALISBURY UNIVERSITY

R30B29.00 Salisbury University		
Current Unrestricted Appropriation	199,705,576	
Current Restricted Appropriation	14,831,477	214,537,053

UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE

R30B30.00 University of Maryland University College		
Current Unrestricted Appropriation	503,339,466	

Current Restricted Appropriation	47,284,153	550,623,619
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UNIVERSITY OF MARYLAND BALTIMORE COUNTY

R30B31.00 University of Maryland Baltimore County		
Current Unrestricted Appropriation	386,320,705	
Current Restricted Appropriation	90,415,168	476,735,873
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UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE

R30B34.00 University of Maryland Center for Environmental Science		
Current Unrestricted Appropriation	30,338,537	
Current Restricted Appropriation	18,230,003	48,568,540
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UNIVERSITY SYSTEM OF MARYLAND OFFICE

R30B36.00 University System of Maryland Office
 Current Unrestricted Appropriation, ~~provided that \$470,000 of this appropriation made for the purpose of the Universities at Shady Grove (USG) in the University System of Maryland Office may be used only to fund the development or expansion of academic programs at USG. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.~~

Further provided that \$1,000,000 \$500,000 of this appropriation made for the purpose of the Universities at Shady Grove in the University System of Maryland Office (USMO) may not be expended until USMO submits a report to the budget committees on how one-time funding of \$450,000 restricted in the fiscal 2018 budget to support new academic programming related to the new Biomedical Sciences and Engineering Education Facility was spent. The budget committees shall have 45 days to review and comment. Funds restricted

pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall ~~revert to the General Fund~~ **be canceled** if the report is not submitted to the budget committees.

Further provided that this appropriation made for the purpose of institutional support shall be reduced by ~~\$1,000,000~~ **\$642,600**. The University System of Maryland Office may not increase the amount of overhead charged to institutions to replace these funds.

Further provided that \$200,000 of this appropriation may not be expended until the University System of Maryland Office submits a report to the budget committees on any outside income that the Chancellor received in fiscal 2017, 2018, and 2019. **The report should identify the source of the outside income.** The report shall be submitted by August 1, 2019, and the budget committees shall have 45 days to review and comment from the date of receipt of the report. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the report is not submitted

	47,684,778	
Current Restricted Appropriation	2,455,031	50,139,809
	47,684,778	50,139,809

MARYLAND HIGHER EDUCATION COMMISSION

R62I00.01 General Administration		
General Fund Appropriation	6,364,099	
Special Fund Appropriation	864,565	
Federal Fund Appropriation	293,183	7,521,847
	6,364,099	7,521,847

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

R62I00.02 College Prep/Intervention Program General Fund Appropriation		750,000
R62I00.03 Joseph A. Sellinger Formula for Aid to Non–Public Institutions of Higher Education General Fund Appropriation		59,444,395 <u>59,024,905</u>
R62I00.05 The Senator John A. Cade Funding Formula for the Distribution of Funds to Community Colleges General Fund Appropriation		268,037,522 266,316,380 <u>268,037,522</u>
R62I00.06 Aid to Community Colleges – Fringe Benefits General Fund Appropriation		62,960,754
R62I00.07 Educational Grants General Fund Appropriation	12,271,361	
Federal Fund Appropriation	21,482	12,292,843
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To provide Education Grants to various State, Local and Private Entities		
Complete College Maryland	250,000	
Regional Higher Education Centers	1,609,861	
Washington Center for Internships and Academic Seminars	250,000	
UMB–WellMobile	285,000	
John R. Justice Grant	21,482	
Colleges Savings Plan Match	6,326,500	
Cyber Warrior Diversity Program	2,500,000	
Near Completer Grants	250,000	
DeSousa–Brent Scholars Program	800,000	
R62I00.09 Governor’s Promise Plus Program General Fund Appropriation, <u>provided that</u> <u>\$250,000 of this appropriation made for the</u> <u>purpose of the Governor’s Promise Plus</u> <u>Program may not be expended for that</u>		

purpose but instead may be transferred only by budget amendment to R62I00.01 General Administration to be used only for paying attorney fees for students involved in disciplinary proceedings related to violation of an institution of higher education's sexual assault policies as required under Title 11, Subtitle 6 of the Education Article. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.

Further provided that ~~\$354,000~~ ~~\$261,500~~ **\$307,750** of this appropriation made for the purpose of the Governor's Promise Plus Program may not be expended for that purpose but instead may be transferred by budget amendment to Salisbury University R30B29.00 to be used only for the operation of The Eastern Shore Center for Innovation, Entrepreneurship, and Economic Development at Salisbury University. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.

Further provided that ~~\$300,000~~ **\$250,000** of this appropriation made for the purpose of the Governor's Promise Plus Program may not be expended for that purpose but instead may only be transferred by budget amendment to the TeamBuilders Academy at Prince George's Community College. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.

Further provided that **\$50,000** of this appropriation made for the purpose of the Governor's Promise Plus Program may not be expended for that purpose

but instead may only be expended as a grant to the RATE Youth Conflict Management in the Prince George's County Office of Community Relations. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund. Further provided that \$1,000,000 of this appropriation made for the purpose of the Governor's Promise Plus Program may not be expended for that purpose but instead may only be transferred by budget amendment to R30B25.00 University of Maryland Eastern Shore (UMES) to be used to further develop the process to attain the accreditation for its physician assistant (PA) program. This funding will be directed by a steering committee and be used to oversee the creation of the administrative, curricular, and faculty development infrastructure necessary to achieve and maintain accreditation of the PA program at UMES. The steering committee will be composed of the UMES president; the University of Maryland, Baltimore Campus provost; and the Senior Vice Chancellor of Academic Affairs, University System of Maryland Office. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.

Further provided that \$261,500 of this appropriation made for the purpose of the Governor's Promise Plus Program may not be expended for that purpose but instead may only be transferred by budget amendment to Frostburg State University R30B26.00 to be used for developing a nurse practitioner program with a concentration in psychiatric nursing. Funds not expended

for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund

~~8,300,000~~
~~931,000~~
1,373,000
2,419,250

R62I00.10 Educational Excellence Awards		
General Fund Appropriation	83,707,486	
Special Fund Appropriation	2,694,150	86,401,636
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R62I00.12 Senatorial Scholarships		
General Fund Appropriation		6,615,720
R62I00.14 Edward T. and Mary A. Conroy Memorial Scholarship and Jean B. Cryor Memorial Scholarship Program		
General Fund Appropriation		2,400,000
R62I00.15 Delegate Scholarships		
General Fund Appropriation		6,727,920
R62I00.16 Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship Program		
Special Fund Appropriation		358,000
R62I00.17 Graduate and Professional Scholarship Program		
General Fund Appropriation		1,174,473
R62I00.21 Jack F. Tolbert Memorial Student Grant Program		
General Fund Appropriation		200,000
R62I00.26 Janet L. Hoffman Loan Assistance Repayment Program		
General Fund Appropriation	1,305,000	
Special Fund Appropriation	199,089	1,504,089
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R62I00.27 Maryland Loan Assistance Repayment Program for Foster Care Recipients		
General Fund Appropriation		100,000

R62I00.28 Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants Special Fund Appropriation	390,000
Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.	
R62I00.33 Part–Time Grant Program General Fund Appropriation	5,087,780
R62I00.36 Workforce Shortage Student Assistance Grants General Fund Appropriation	1,229,853
R62I00.37 Veterans of the Afghanistan and Iraq Conflicts Scholarship General Fund Appropriation	750,000
R62I00.38 Nurse Support Program II Special Fund Appropriation	17,244,889
R62I00.44 Somerset Economic Impact Scholarship General Fund Appropriation	30,000
R62I00.45 Workforce Development Sequence Scholarships General Fund Appropriation	1,000,000
R62I00.46 Cybersecurity Public Service Scholarship General Fund Appropriation	160,000
R62I00.47 Community College Facilities Renewal Grant Program General Fund Appropriation	3,800,000
R62I00.48 Maryland Community College Promise Scholarship Program General Fund Appropriation, <u>provided that up to \$125,000 of this appropriation made for the purpose of the Maryland Community College Promise Scholarship Program may not be</u>	

expended for that purpose but instead may only be transferred by budget amendment to R62I00.01 General Administration to be used only to modify the Maryland College Aid Processing System to integrate changes to the program

15,000,000

R62I00.49 Teaching Fellows for Maryland Scholarships
General Fund Appropriation

2,000,000

R62I00.51 Richard W. Collins III Leadership with Honor Scholarship Program
General Fund Appropriation

1,000,000

SUMMARY

Total General Fund Appropriation	540,316,123
Total Special Fund Appropriation	21,750,693
Total Federal Fund Appropriation	314,665

Total Appropriation	562,381,481
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HIGHER EDUCATION

R75T00.01 Support for State Operated Institutions of Higher Education

The following amounts constitute the General Fund appropriation for the State operated institutions of higher education. The State Comptroller is hereby authorized to transfer these amounts to the accounts of the programs indicated below in four equal allotments; said allotments to be made on July 1 and October 1 of 2019 and January 1 and April 1 of 2020. Neither this appropriation nor the amounts herein enumerated constitute a lump sum appropriation as contemplated by Sections 7-207 and 7-233 of the State Finance and Procurement Article of the Code.

Program	Title
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R30B21	University of Maryland, Baltimore Campus	232,942,569
R30B22	University of Maryland, College Park Campus	517,605,574
R30B23	Bowie State University ...	44,759,807
R30B24	Towson University	121,667,387
R30B25	University of Maryland Eastern Shore	42,742,421
R30B26	Frostburg State University	41,545,668
R30B27	Coppin State University	45,928,333
R30B28	University of Baltimore ..	37,187,539
R30B29	Salisbury University	53,806,280
R30B30	University of Maryland University College	41,704,315
R30B31	University of Maryland Baltimore County	136,662,545
R30B34	University of Maryland Center for Environmental Science	22,136,431
R30B36	University System of Maryland Office	38,947,197
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Subtotal	University System of Maryland	1,377,636,066

R95C00	Baltimore City Community College	40,208,108
R14D00	St. Mary's College of Maryland	23,323,718
R13M00	Morgan State University	98,501,558

~~General Fund Appropriation, provided that \$470,000 of this appropriation made for the purpose of the Universities at Shady Grove (USG) in the University System of Maryland Office may only be used to fund the development or expansion of academic programs at USG. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.~~

Further provided that ~~\$1,000,000~~ \$500,000 of

this appropriation made for the purpose of the Universities at Shady Grove in the University System of Maryland Office (USMO) may not be expended until USMO submits a report to the budget committees on how one-time funding of \$450,000 restricted in the fiscal 2018 budget to support new academic programming related to the new Biomedical Sciences and Engineering Education Facility was spent. The budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Further provided that this appropriation made for the purpose of the University System of Maryland institutions shall be reduced by \$10,000,000.

Further provided that \$700,000 of this appropriation made for the purpose of converting contractual positions may not be expended until Morgan State University (MSU) submits a report to the budget committees documenting the positions and the salaries of those positions that will be converted. The report shall be submitted by August 1, 2019, and the committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted.

Further provided that MSU shall submit a report on the positions and the salaries of those positions that were converted by December 1, 2019.

Further provided that this appropriation made for the purpose of institutional support at the University System of Maryland Office

(USMO) shall be reduced by ~~\$1,000,000~~ \$642,600. USMO may not increase the amount of overhead charged to institutions to replace these funds.

Further provided that \$200,000 of this appropriation made for the purpose of USMO may not be expended until USMO submits a report to the budget committees on any outside income that the Chancellor received in fiscal 2017, 2018, and 2019. **The report should identify the source of the outside income.** The report shall be submitted by August 1, 2019, and the budget committees shall have 45 days to review and comment from the date of receipt of the report. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted

~~1,539,669,450~~

1,538,669,450

The following amounts constitute an estimate of Special Fund revenues derived from the Higher Education Investment Fund and the Maryland Emergency Medical System Operations Fund. These revenues support the Special Fund appropriation for the State operated institutions of higher education. The State Comptroller is hereby authorized to transfer these amounts to the accounts of the programs indicated below in four allotments; said allotments to be made on July 1 and October 1 of 2019 and January 1 and April 1 of 2020. To the extent revenue attainment is lower than estimated, the State Comptroller shall adjust the transfers at year's end. Neither this appropriation nor the amounts herein enumerated constitute a lump sum appropriation as contemplated by Sections 7-207 and 7-233 of the State Finance and Procurement Article of the Code.

Program	Title	
R30B21 University	of	Maryland,

Baltimore Campus	10,832,025	
R30B22 University of Maryland, College Park Campus	37,102,099	
R30B23 Bowie State University	2,081,991	
R30B24 Towson University	5,647,641	
R30B25 University of Maryland Eastern Shore	1,989,154	
R30B26 Frostburg State University	1,931,886	
R30B27 Coppin State University	2,136,689	
R30B28 University of Baltimore	1,725,586	
R30B29 Salisbury University	2,501,104	
R30B30 University of Maryland University College	1,942,684	
R30B31 University of Maryland Baltimore County	6,127,455	
R30B34 University of Maryland Center for Environmental Science	1,031,655	
R30B36 University System of Maryland Office	1,815,330	
<hr/>		
Subtotal University System of Maryland	76,865,299	
R14D00 St. Mary's College of Maryland	2,549,840	
R13M00 Morgan State University	2,390,205	
<hr/>		
Special Fund Appropriation, provided that \$9,361,859 of this appropriation shall be used by the University of Maryland, College Park (R30B22) for no other purpose than to support the Maryland Fire and Rescue Institute as provided in Section 13-955 of the Transportation Article	81,805,344	1,621,474,794 <u>1,620,474,794</u>
	<hr/>	<hr/> <hr/>

BALTIMORE CITY COMMUNITY COLLEGE

R95C00.00 Baltimore City Community College		
Current Unrestricted Appropriation	65,588,694	
Current Restricted Appropriation	19,349,534	84,938,228
	<hr/>	<hr/> <hr/>

MARYLAND SCHOOL FOR THE DEAF

R99E01.00 Services and Institutional Operations		
General Fund Appropriation	33,080,254	
Special Fund Appropriation	351,721	
Federal Fund Appropriation	656,033	34,088,008
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

OFFICE OF THE SECRETARY

S00A20.01 Office of the Secretary

General Fund Appropriation 2,032,935

Special Fund Appropriation, provided that \$100,000 of this appropriation made for the purpose of administration may not be expended until the Department of Housing and Community Development (DHCD) submits a report detailing its implementation of Chapter 748 of 2018, the Ending Youth Homelessness Act. The report should include the following information for fiscal 2019 and 2020:

- (1) the amount of funds provided to grantees for the purposes specified in Chapter 748 and how those funds were used by each recipient;
- (2) how youth were engaged by DHCD’s homelessness program staff and how youth provided leadership at DHCD;
- (3) how DHCD grantees used funding to address the disproportionate representation in the homelessness population by race, sexual orientation, and gender identity;
- (4) how DHCD is building capacity for ensuring the effectiveness of programs and services targeted at ending youth homelessness; and
- (5) how DHCD is addressing the geographic diversity of homelessness.

The report shall be submitted by

September 1, 2019, and the budget committees shall have 45 days to review and comment following the receipt of the report. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the report is not submitted

	3,281,059	
Federal Fund Appropriation	1,263,531	6,577,525

S00A20.03 Office of Management Services		
Special Fund Appropriation	3,318,193	
Federal Fund Appropriation	1,883,891	5,202,084

SUMMARY

Total General Fund Appropriation		2,032,935
Total Special Fund Appropriation		6,599,252
Total Federal Fund Appropriation		3,147,422
		<hr/>
Total Appropriation		11,779,609

DIVISION OF CREDIT ASSURANCE

S00A22.01 Maryland Housing Fund		
Special Fund Appropriation		530,100
S00A22.02 Asset Management		
Special Fund Appropriation		6,000,486

SUMMARY

Total Special Fund Appropriation		6,530,586
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DIVISION OF NEIGHBORHOOD REVITALIZATION

S00A24.01 Neighborhood Revitalization		
General Fund Appropriation	10,739,643	
Special Fund Appropriation	8,685,971	
Federal Fund Appropriation	12,360,858	31,786,472

S00A24.02 Neighborhood Revitalization – Capital Appropriation

General Fund Appropriation, provided that \$2,500,000 of this appropriation for the purpose of the Seed Community Development Anchor Institution Fund may not be used for that purpose but instead may be used only as a grant to East Baltimore Development Inc. Funds not spent for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and if not expended for this purpose shall revert to the General Fund.

Further provided that \$175,000 of this appropriation made for the purpose of the Baltimore Regional Neighborhoods Initiative may not be used for that purpose but instead may only be used as a grant to the Baltimore Rock Opera Society. Funds not spent for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and if not expended for this purpose shall revert to the General Fund

.....	21,000,000	
Special Fund Appropriation	10,600,000	
Federal Fund Appropriation	9,000,000	40,600,000
	<hr/>	

SUMMARY

Total General Fund Appropriation		31,739,643
Total Special Fund Appropriation		19,285,971
Total Federal Fund Appropriation		21,360,858
		<hr/>
Total Appropriation		72,386,472
		<hr/> <hr/>

DIVISION OF DEVELOPMENT FINANCE

S00A25.01 Administration		
Special Fund Appropriation		5,182,220

S00A25.02 Housing Development Program		
Special Fund Appropriation		4,392,217
S00A25.03 Single Family Housing		
Special Fund Appropriation	6,356,572	
Federal Fund Appropriation	590,997	6,947,569

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

S00A25.04 Housing and Building Energy Programs		
Special Fund Appropriation	21,355,702	
Federal Fund Appropriation	3,131,731	24,487,433

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

S00A25.05 Rental Services Programs		
Federal Fund Appropriation		259,009,543

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

S00A25.07 Rental Housing Programs – Capital Appropriation		
General Fund Appropriation	2,000,000	
Special Fund Appropriation	16,500,000	
Federal Fund Appropriation	4,500,000	23,000,000

S00A25.08 Homeownership Programs – Capital Appropriation		
Special Fund Appropriation		15,200,000

S00A25.09 Special Loans Program – Capital Appropriation		
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Special Fund Appropriation	5,300,000	
Federal Fund Appropriation	2,000,000	7,300,000
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S00A25.15 Housing and Building Energy Programs		
– Capital Appropriation		
Special Fund Appropriation	8,350,000	
Federal Fund Appropriation	700,000	9,050,000
	<hr/>	

SUMMARY

Total General Fund Appropriation		2,000,000
Total Special Fund Appropriation		82,636,711
Total Federal Fund Appropriation		269,932,271
		<hr/>
Total Appropriation		354,568,982
		<hr/> <hr/>

DIVISION OF INFORMATION TECHNOLOGY

S00A26.01 Information Technology		
General Fund Appropriation	11,545	
Special Fund Appropriation	2,200,961	
Federal Fund Appropriation	1,805,754	4,018,260
	<hr/>	<hr/> <hr/>

DIVISION OF FINANCE AND ADMINISTRATION

S00A27.01 Finance and Administration		
Special Fund Appropriation	10,810,314	
Federal Fund Appropriation	1,254,178	12,064,492
	<hr/>	<hr/> <hr/>

MARYLAND AFRICAN AMERICAN MUSEUM CORPORATION

S50B01.01 General Administration		
General Fund Appropriation		1,959,000
		<hr/> <hr/>

DEPARTMENT OF COMMERCE

OFFICE OF THE SECRETARY

T00A00.01 Office of the Secretary			
General Fund Appropriation	1,468,662		
Special Fund Appropriation	105,025		
Federal Fund Appropriation	33,030	1,606,717	
			<hr/>
T00A00.02 Office of Policy and Research			
General Fund Appropriation	1,373,855		
Special Fund Appropriation	269,202		
Federal Fund Appropriation	21,024	1,664,081	
			<hr/>
T00A00.03 Office of the Attorney General			
General Fund Appropriation	91,664		
Special Fund Appropriation	1,394,181		
Federal Fund Appropriation	8,564	1,494,409	
			<hr/>
T00A00.06 Division of Marketing and Communications			
General Fund Appropriation	2,059,132		
Special Fund Appropriation	582,316	2,641,448	
			<hr/>
T00A00.07 Office of International Investment and Trade			
General Fund Appropriation	2,593,772		
Special Fund Appropriation	100,000		
Federal Fund Appropriation	700,000	3,393,772	
			<hr/>
T00A00.08 Division of Administration and Technology			
General Fund Appropriation	4,568,307		
Special Fund Appropriation	607,590		
Federal Fund Appropriation	120,096	5,295,993	
			<hr/>
T00A00.09 Office of Military and Federal Affairs			
General Fund Appropriation	880,658		
Special Fund Appropriation	160,819		
Federal Fund Appropriation	1,957,861	2,999,338	
			<hr/>

T00A00.10 Maryland Marketing Partnership		
General Fund Appropriation	1,000,000	
Special Fund Appropriation	1,000,000	2,000,000
	<hr/>	

SUMMARY

Total General Fund Appropriation		14,036,050
Total Special Fund Appropriation		4,219,133
Total Federal Fund Appropriation		2,840,575
		<hr/>
Total Appropriation		21,095,758
		<hr/> <hr/>

DIVISION OF BUSINESS AND INDUSTRY SECTOR DEVELOPMENT

T00F00.01 Managing Director of Business and Industry Sector Development		
General Fund Appropriation	330,348	
Special Fund Appropriation	127,051	457,399
	<hr/>	
T00F00.02 Office of BioHealth		
General Fund Appropriation		1,172,619
T00F00.03 Maryland Small Business Development Financing Authority		
Special Fund Appropriation		1,827,716
T00F00.04 Office of Business Development		
General Fund Appropriation	3,125,374	
Special Fund Appropriation	844,627	3,970,001
	<hr/>	
T00F00.05 Office of Strategic Industries and Entrepreneurship		
General Fund Appropriation	1,547,217	
Special Fund Appropriation	246,546	1,793,763
	<hr/>	
T00F00.06 Office of Cybersecurity and Aerospace		
General Fund Appropriation		1,197,349
T00F00.07 Partnership for Workforce Quality		
General Fund Appropriation		1,000,000

T00F00.08 Office of Finance Programs		
General Fund Appropriation	73,962	
Special Fund Appropriation	3,879,631	3,953,593
	<hr/>	
T00F00.09 Maryland Small Business Development Financing Authority – Business Assistance		
General Fund Appropriation	1,500,000	
Special Fund Appropriation	3,360,000	4,860,000
	<hr/>	
T00F00.11 Maryland Not–For–Profit Development Fund		
Special Fund Appropriation		337,500
T00F00.12 Maryland Biotechnology Investment Tax Credit Reserve Fund		
General Fund Appropriation		12,000,000
T00F00.16 Economic Development Opportunity Fund		
Special Fund Appropriation		5,000,000
T00F00.18 Military Personnel and Service–Disabled Veteran Loan Program		
General Fund Appropriation	100,000	
Special Fund Appropriation	300,000	400,000
	<hr/>	
T00F00.19 Cybersecurity Investment Incentive Tax Credit Program		
General Fund Appropriation		2,000,000
T00F00.20 Maryland E–Nnovation Initiative		
Special Fund Appropriation		8,500,000
T00F00.21 Maryland Economic Adjustment Fund		
Special Fund Appropriation		200,000
T00F00.23 Maryland Economic Development Assistance Authority and Fund		
General Fund Appropriation, provided that \$500,000 of this appropriation made for the purpose of the Maryland Economic Development Assistance Authority and Fund may not be used for that purpose but		

~~instead may be used only as a grant to Visit Baltimore for promotional efforts related to a national collegiate sporting event being hosted in the State. Funds not spent for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and if not expended for this purpose shall revert to the General Fund, provided that \$500,000~~
\$1,250,000 of this appropriation may not be used for the Maryland Economic Development Assistance Authority and Fund and shall only be transferred by budget amendment to appropriations for the following grants in the specified amounts:

- (1) ~~*\$250,000*~~ *\$500,000 to Visit Baltimore for promotional efforts related to a national collegiate sporting event being hosted in the State; ~~and~~*
- (2) *\$250,000 to Prince George's Community College for operating expenses of the Queen Anne Academic Center;*
- (3) *\$200,000 to program R30B21.00 University of Maryland, Baltimore Campus to be used to supplement the grant for the UMB-WellMobile; and*
- (4) *\$300,000 to program T00A00.06 Division of Marketing and Communications for the purpose of conducting a marketing and outreach campaign operated by the Department of Commerce's marketing program in order to increase knowledge and awareness of the Department of Commerce's business assistance programs available for owners of small, minority, and women*

owned businesses.

<u>Funds not spent for these restricted purposes</u>		
<u>may not be transferred by budget</u>		
<u>amendment or otherwise to any other</u>		
<u>purpose and if not expended for these</u>		
<u>purposes shall revert to the General Fund ...</u>		
	3,000,000	
	1,250,000	
	<u>2,000,000</u>	
Special Fund Appropriation	25,000,000	28,000,000
		<u>26,250,000</u>
		<u>27,000,000</u>

T00F00.24 More Jobs for Marylanders Tax Credit Reserve Fund		
General Fund Appropriation		7,000,000
		2,000,000
		6,000,000
		<u>1,000,000</u>

T00F00.25 More Jobs for Marylanders Sales and Use Tax Credit Reserve Fund		
General Fund Appropriation		1,000,000

T00F00.26 More Jobs for Marylanders Tax Credit Reserve Fund – Opportunity Zones		
General Fund Appropriation, <u>provided that this entire appropriation shall be contingent on the enactment of SB 174 or HB 150 SB 581 or HB 1260</u>		6,000,000
		3,000,000
		5,000,000
		<u>6,000,000</u>

SUMMARY

Total General Fund Appropriation		34,046,869
Total Special Fund Appropriation		49,623,071
		<hr/>
Total Appropriation		83,669,940
		<hr/> <hr/>

DIVISION OF TOURISM, FILM AND THE ARTS

T00G00.01 Office of the Assistant Secretary

General Fund Appropriation		661,595
T00G00.02 Office of Tourism Development		
General Fund Appropriation		3,464,375
T00G00.03 Maryland Tourism Development Board		
General Fund Appropriation	9,860,000	
Special Fund Appropriation	300,000	10,160,000
	<hr/>	
T00G00.05 Maryland State Arts Council		
General Fund Appropriation	22,402,432	
Special Fund Appropriation	1,300,000	
Federal Fund Appropriation	688,194	24,390,626
	<hr/>	

T00G00.08 Preservation of Cultural Arts Program
 Special Fund Appropriation, provided that
~~\$300,000~~ \$500,000 of this special fund
appropriation for the purpose of the
Preservation of Cultural Arts Program may
be expended only for the purpose of
providing grants to the following
organizations:

- (1) ~~\$200,000~~ \$150,000 as a grant to the
Board of Trustees of Arts Education
in Maryland Schools Alliance;
- (2) \$50,000 as a grant to the Board of
Directors of Arts Every Day; ~~and~~
- (3) \$50,000 as a grant to 901 Arts;
- (4) \$150,000 as a grant to Montgomery
County to be provided to BlackRock
Center for the Arts for roof repairs;
- (5) \$50,000 as a grant to the Board of
Directors of the Annapolis
Community Foundation for a statue
of Queen Anne; and
- (6) \$50,000 as a grant to the
Chesapeake Shakespeare Company.

Funds not expended for this restricted purpose

may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled 1,000,000

SUMMARY

Total General Fund Appropriation	36,388,402
Total Special Fund Appropriation	2,600,000
Total Federal Fund Appropriation	688,194
	<hr/>
Total Appropriation	39,676,596
	<hr/> <hr/>

MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION

T50T01.01 Technology Development, Transfer and Commercialization

General Fund Appropriation, provided that ~~\$500,000~~ **\$250,000** of this appropriation may not be used for the Technology Development, Transfer, and Commercialization program and shall only be transferred by budget amendment to appropriations for the following grants in the following specified amounts:

- (1) ~~\$250,000~~ **\$125,000** to the Prince George’s County State’s Attorney’s Office to fund new positions in that office; and
- (2) ~~\$250,000~~ **\$125,000** to the Baltimore City State’s Attorney’s Office to fund new positions in that office.

Funds not used for these restricted purposes shall revert to the General Fund ~~5,074,480~~
4,824,480

T50T01.03 Maryland Stem Cell Research Fund
General Fund Appropriation 8,200,000

T50T01.04 Maryland Innovation Initiative
General Fund Appropriation 4,800,000

T50T01.05 Cybersecurity Investment Fund

General Fund Appropriation	900,000
T50T01.06 Enterprise Investment Fund Administration	
Special Fund Appropriation, <u>provided that contingent on the failure to enact SB 340, HB 543, SB 593, and HB 955, \$800,000 of this agency's special fund appropriation for the administration of the Maryland Venture Fund (MVF) (also known as the Enterprise Investment Fund) may not be expended until the Maryland Technology Development Corporation (TEDCO) submits a report detailing its actions in response to the Office of Legislative Audit's findings. This report shall include:</u>	
<ul style="list-style-type: none"> (1) <u>TEDCO's criteria for the receipt of investments from this program, including a restriction on investments outside Maryland;</u> (2) <u>its plans for the reestablishment of the Maryland Venture Fund Authority to oversee the MVF; and</u> (3) <u>what actions TEDCO is, or will be, taking to reclaim investments made in companies that were not in Maryland or that left Maryland less than two years after receiving an MVF investment.</u> 	
<u>The budget committees shall have 45 days to review and comment following the receipt of the report. Funds restricted pending receipt of this report may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the report is not submitted</u>	
	1,684,566
T50T01.07 Capital – Enterprise Investment Fund Special Fund Appropriation	6,500,000
T50T01.08 Second Stage Business Incubator General Fund Appropriation	1,000,000

T50T01.09 Maryland Technology Infrastructure Fund

General Fund Appropriation, provided that ~~\$16,000,000~~ ***\$13,980,000*** of this appropriation may not be used for the Maryland Technology Infrastructure Fund and shall only be transferred by budget amendment to appropriations for the following grants, projects, or programs in the following specified amounts:

- (1) ~~\$7,770,000~~ ***\$7,000,000*** to the Baltimore City Police Department to provide technology improvements at the Baltimore City Police Department to comply with the federal consent decree;
- (2) \$1,600,000 to the Baltimore Symphony Orchestra;
- (3) ~~\$1,000,000~~ ***\$500,000*** to program S00A24.01 Neighborhood Revitalization to implement Chapter 748 of 2018, the Ending Youth Homelessness Act;
- (4) \$430,000 to NorthBay to operate an environmental education camp for youth;
- (5) \$75,000 to the Housing Authority of Baltimore City to hire security personnel at Irvington Place in Baltimore City;
- (6) \$75,000 to Harlem Financial LLC to hire security personnel at Harlem Gardens in Baltimore City;
- (7) ~~\$4,000,000~~ ***\$3,500,000*** to program D15A05.16 Governor's Office of Crime Control and Prevention to establish the Rape Kit Testing Grant Fund;
- (8) ~~\$1,000,000~~ ***\$750,000*** to program

D15A05.16 Governor’s Office of
Crime Control and Prevention to
establish the Pretrial Services
Program Grant Fund established
by Chapter 771 of 2018; and

(9) \$50,000 to the Crest Regional
Higher Education Center for an
operating grant.

Funds not used for these restricted purposes
shall revert to the General Fund

~~16,000,000~~
~~6,000,000~~
13,980,000

T50T01.10 Minority Pre–Seed Investment Fund
General Fund Appropriation

1,000,000

SUMMARY

Total General Fund Appropriation
Total Special Fund Appropriation

34,704,480
8,184,566

Total Appropriation

42,889,046

DEPARTMENT OF THE ENVIRONMENT

It is the intent of the General Assembly that regular positions be budgeted instead of contractual full-time equivalents for the ongoing work of the College of Southern Maryland's Maryland Center for Environmental, Health, and Safety Training employees.

OFFICE OF THE SECRETARY

U00A01.01 Office of the Secretary

General Fund Appropriation, provided that \$25,000 of the Maryland Department of the Environment's (MDE) administrative appropriation may not be expended until a report is submitted to the budget committees by MDE, listing each repeat audit finding along with a description of the corrective actions taken to address each repeat finding. MDE has had two repeat findings in the most recent fiscal compliance audit issued by the Office of Legislative Audits. The budget committees shall have 45 days to review and comment to allow funds to be released prior to the end of fiscal 2020

.....	904,562	
Special Fund Appropriation	658,264	
Federal Fund Appropriation	660,230	2,223,056

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

U00A01.03 Capital Appropriation – Water Quality Revolving Loan Fund

Special Fund Appropriation	80,073,000	
Federal Fund Appropriation	38,820,000	118,893,000

Funds are appropriated in other units of the Department of the Environment to pay for services provided by this program.

Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

U00A01.04 Capital Appropriation – Hazardous Substance Clean-Up Program

General Fund Appropriation, *provided that \$200,000 of this appropriation made for the purpose of remediating hazardous waste contaminated sites may not be expended for that purpose but instead may be used only to provide a grant to the owner of the 1600 Harford Avenue (Former Stop, Shop and Save) property in Baltimore City. The funding shall be used for assessment or remediation of the property.*

Further provided that funding for this restricted purpose shall not be released until a confirmatory letter from the property owner of 1600 Harford Avenue has been submitted to the budget committees indicating that the property will be redeveloped into a grocery store and providing a timeline for when reimbursement for assessment or remediation of the property will be sought. The budget committees shall have 45 days to review and comment upon receipt of the confirmatory letter. Funds not used for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund

~~525,000~~
~~415,000~~
525,000

U00A01.05 Capital Appropriation – Drinking Water Revolving Loan Fund

Special Fund Appropriation	12,672,000	
Federal Fund Appropriation	14,041,000	26,713,000



Funds are appropriated in other units of the Department of the Environment to pay for services provided by this program. Authorization is hereby granted to use

these receipts as special funds for operating expenses in this program.

U00A01.11 Capital Appropriation – Bay Restoration Fund – Wastewater Special Fund Appropriation	70,000,000
U00A01.12 Capital Appropriation – Bay Restoration Fund – Septic Systems Special Fund Appropriation	15,000,000

SUMMARY

Total General Fund Appropriation	1,429,562
Total Special Fund Appropriation	178,403,264
Total Federal Fund Appropriation	53,521,230
	<hr/>
Total Appropriation	233,354,056
	<hr/> <hr/>

OPERATIONAL SERVICES ADMINISTRATION

U00A02.02 Operational Services Administration		
General Fund Appropriation	5,042,620	
Special Fund Appropriation	2,989,974	
Federal Fund Appropriation	1,377,573	9,410,167
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

WATER AND SCIENCE ADMINISTRATION

U00A04.01 Water and Science Administration		
General Fund Appropriation	19,333,180	
Special Fund Appropriation	8,055,708	
Federal Fund Appropriation	12,949,582	40,338,470
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for

operating expenses in this program.

LAND AND MATERIALS ADMINISTRATION

U00A06.01 Land and Materials Administration

General Fund Appropriation, provided that \$200,000 of this appropriation made for the purpose of general administrative expenses may not be expended pending the submission of the Maryland Scrap Tire Annual Report. The report shall be submitted by November 1, 2019, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted.

Further provided that \$50,000 of this appropriation made for the purpose of administration may not be expended until the Maryland Department of the Environment (MDE) submits a report outlining how MDE will establish and fund a lithium ion battery recycling program. The report should include the following:

- ~~(1)~~ a plan developed by MDE, in partnership with private, nonprofit, and public partners, to process and recycle lithium ion batteries;
- ~~(2)~~ a proposal for a facility to recycle lithium ion batteries;
- ~~(3)~~ how lithium ion battery recycling may be incorporated into the Maryland Recycling Act; and
- ~~(4)~~ the steps needed to create a statewide program for the Maryland government to recycle lithium ion batteries.

This report shall be submitted to the budget

committees by December 1, 2019. The budget committees shall have 45 days to review and comment following the receipt of the report. Funds ~~not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and~~ shall revert to the General Fund if the report is not submitted to the budget committees

	2,347,972	
Special Fund Appropriation	21,010,248	
Federal Fund Appropriation	9,325,382	32,683,602
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

AIR AND RADIATION ADMINISTRATION

U00A07.01 Air and Radiation Administration

General Fund Appropriation	1,424,285	
Special Fund Appropriation	11,731,475	
Federal Fund Appropriation	4,471,151	17,626,911
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

COORDINATING OFFICES

U00A10.01 Coordinating Offices

General Fund Appropriation	4,603,151	
Special Fund Appropriation	27,346,413	
Federal Fund Appropriation	2,482,520	34,432,084
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

U00A10.03 Bay Restoration Fund Debt Service
Special Fund Appropriation 33,000,000

SUMMARY

Total General Fund Appropriation 4,603,151
Total Special Fund Appropriation 60,346,413
Total Federal Fund Appropriation 2,482,520

Total Appropriation 67,432,084

DEPARTMENT OF JUVENILE SERVICES

OFFICE OF THE SECRETARY

V00D01.01 Office of the Secretary

General Fund Appropriation

4,275,151

DEPARTMENTAL SUPPORT

V00D02.01 Departmental Support

General Fund Appropriation, provided that \$100,000 of this appropriation made for the purpose of providing administrative support may not be expended until the Department of Juvenile Services submits a performance measure and outcomes analysis to the budget committees for youth who participate in alternatives to detention (ATD) programs that are designed to avoid the need for detention placements for youth who do not pose a public safety risk. The analysis should specifically evaluate all existing ATD programs, providing measurable data to determine whether participation in those programs is successful. The department should also provide outcome analysis for youth whose complaints were informally processed at the intake stage. Additionally, the report should provide information regarding informal processing of juvenile complaints. The report should evaluate and compare recidivism outcomes with youth who are formally processed through the court system. The report shall be submitted by December 30, 2019, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees ...

27,958,596

Federal Fund Appropriation

222,200

28,180,796

RESIDENTIAL AND COMMUNITY OPERATIONS

V00E01.01 Residential and Community Operations		
General Fund Appropriation	4,831,711	
Special Fund Appropriation	19,476	
Federal Fund Appropriation	703,689	5,554,876
	<hr/>	<hr/> <hr/>

BALTIMORE CITY REGION

V00G01.01 Baltimore City Region Operations		
General Fund Appropriation	51,213,564	
Special Fund Appropriation	722,463	
Federal Fund Appropriation	759,460	52,695,487
	<hr/>	<hr/> <hr/>

CENTRAL REGION

V00H01.01 Central Region Operations		
General Fund Appropriation	33,706,271	
Special Fund Appropriation	562,068	
Federal Fund Appropriation	433,417	34,701,756
	<hr/>	<hr/> <hr/>

WESTERN REGION

V00I01.01 Western Region Operations		
General Fund Appropriation	48,203,004	
Special Fund Appropriation	731,372	
Federal Fund Appropriation	1,190,300	50,124,676
	<hr/>	<hr/> <hr/>

EASTERN SHORE REGION

V00J01.01 Eastern Shore Region Operations		
General Fund Appropriation	19,248,790	
Special Fund Appropriation	194,272	
Federal Fund Appropriation	142,392	19,585,454
	<hr/>	<hr/> <hr/>

SOUTHERN REGION

V00K01.01 Southern Region Operations		
General Fund Appropriation	21,301,133	
Special Fund Appropriation	259,681	
Federal Fund Appropriation	320,521	21,881,335

METRO REGION

V00L01.01 Metro Region Operations

General Fund Appropriation	49,562,350	
Special Fund Appropriation	550,219	
Federal Fund Appropriation	723,152	50,835,721

DEPARTMENT OF STATE POLICE

MARYLAND STATE POLICE

W00A01.01 Office of the Superintendent

General Fund Appropriation	24,812,024
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W00A01.02 Field Operations Bureau

General Fund Appropriation, provided that \$500,000 of this appropriation made for the purpose of funding personnel expenses may not be expended until the Department of State Police (DSP) submits a report to the budget committees demonstrating that the ~~15~~ 12 positions identified for civilianization in the department's December 1, 2018 report to the budget committees have resulted in ~~15~~ 12 troopers being placed back into direct law enforcement activities by November 1, 2019.

Further provided that the restricted funds may not be expended until DSP confirms that 5 additional positions *have been reclassified* ~~currently filled by troopers have been reclassified as civilian positions~~ by November 1, 2019, *to allow troopers currently performing administrative functions to be placed back into direct law enforcement activities.* The report shall be submitted to the budget committees by December 1, 2019, and the budget committees shall have 45 days to review and comment. To the extent that positions are not successfully reclassified or the report is not submitted by the requested date, the restricted funds shall revert to the General Fund

Special Fund Appropriation	131,688,162	205,320,841
	73,632,679	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

W00A01.03 Criminal Investigation Bureau

General Fund Appropriation	65,164,074	
Federal Fund Appropriation	1,425,000	66,589,074

W00A01.04 Support Services Bureau

General Fund Appropriation, provided that \$100,000 of the general fund appropriation for the Support Services Bureau within the Department of State Police (DSP) may not be expended until the department provides the budget committees with a comprehensive analysis of the current requirements and impediments for Maryland and DSP to successfully transition to the National Incident Based Reporting System (NIBRS) method for reporting crime statistics through the Uniform Crime Report (UCR) program within the Federal Bureau of Investigation by January 1, 2021. The report, to be submitted to the budget committees no later than November 15, 2019, shall provide the following information:

- (1) a list of the current jurisdictions and state agencies capable of NIBRS compliance;
- (2) a detailed review of the impediments specific to DSP and other Maryland state and local law enforcement agencies that are not currently compliant and potential solutions;
- (3) a fiscal estimate of the cost to DSP and statewide for achieving compliance with NIBRS;
- (4) a realistic timeline and plan for implementing any necessary changes;
- (5) the potential role of the State and DSP in supporting local jurisdictions in the transition;

- (6) the potential risks of not transitioning to NIBRS by January 1, 2021; and
- (7) any potential statutory changes that might be required to comply with NIBRS.

The budget committees shall have 45 days to review and comment following receipt of the report. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees

	63,560,906	
Special Fund Appropriation	32,982,875	
Federal Fund Appropriation	5,500,000	102,043,781

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

W00A01.08 Vehicle Theft Prevention Council		
Special Fund Appropriation		2,000,000

SUMMARY

Total General Fund Appropriation	285,225,166	
Total Special Fund Appropriation	108,615,554	
Total Federal Fund Appropriation	6,925,000	

Total Appropriation		400,765,720
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FIRE PREVENTION COMMISSION AND FIRE MARSHAL

W00A02.01 Fire Prevention Services		
General Fund Appropriation		9,545,672

Funds are appropriated in other agency

budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

PUBLIC DEBT

X00A00.01 Redemption and Interest on State Bonds		
General Fund Appropriation	287,000,000	
Special Fund Appropriation	1,033,970,021	
Federal Fund Appropriation	11,532,864	1,332,502,885
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STATE RESERVE FUND

Y01A01.01 Revenue Stabilization Account

General Fund Appropriation, provided that, ***contingent on the enactment of HB 1407***, authorization is hereby granted to the Governor to process a budget amendment for \$90,000,000 of balance in the Revenue Stabilization Account for the purpose of providing special fund capital appropriations only for the programs and purposes herein listed:

- (1) \$90,000,000 to program R00A07.02 Interagency Commission on School Construction. Provide funds to construct public school buildings and public school capital improvements, provided that these funds shall only be subject to approval by the Interagency Commission on School Construction

443,836,013



Y01A02.01 Dedicated Purpose Account

General Fund Appropriation, provided that, ***contingent on the enactment of HB 1407***, authorization is hereby granted to the Governor to process a budget amendment for \$50,000,000 of balance designated for Retirement Reinvestment Contributions in the Dedicated Purpose Account for the purpose of providing special fund capital appropriations only for the programs and purposes herein listed:

- (1) \$37,000,000 to program R00A07.02 Interagency Commission on School Construction to construct public school buildings and public school capital improvements, provided that these funds shall only be subject to approval by the Interagency Commission on School Construction. ***Further provided that \$9,285,000 of this appropriation may only be expended for the purpose of***

providing reimbursement to public school systems whose counties forward funded the State's share of eligible public school construction and cannot be reimbursed with general obligation bond funds; and

- (2) \$13,000,000 to program S00A24.02 Neighborhood Revitalization – Capital Appropriation for the Strategic Demolition and Smart Growth Impact Fund to provide funds for grants and loans to government agencies and community development organizations for demolition, land assembly, architecture and engineering, and site development in designated Sustainable Communities. These funds shall be administered in accordance with Section 4-508 of the Housing and Community Development Article. Provided that any financial assistance awarded under this program is not subject to Section 8-301 of the State Finance and Procurement Article.

Further provided that, *contingent on the enactment of HB 1407*, authorization is hereby granted to the Governor to process a budget amendment for \$43,860,950 of balance designated for Program Open Space Repayment in the Dedicated Purpose Account for the purpose of providing special fund appropriations only for the programs and purposes herein listed:

- (1) ~~\$2,020,015~~ **\$3,999,576** to program K00A04.01 Maryland Park Service Statewide Operations;
- (2) **\$190,888 to program K00A09.01 Engineering and Construction**

General Direction;

- ~~(2) \$3,670,485 to program K00A05.10 Outdoor Recreation Land Loan for Program Open Space State Share; provided that \$1,945,000 of this authorization is restricted for the following purposes:~~
- ~~(a) \$1,000,000 for the construction of capital improvements at Rash Field located in Baltimore City;~~
 - ~~(b) \$250,000 for the construction of capital improvements at College Park Woods Neighborhood Park located in Prince George's County;~~
 - ~~(c) \$250,000 for the construction of capital improvements at Josiah Henson Park located in Montgomery County;~~
 - ~~(d) \$25,000 for the construction of capital improvements to the Randallstown Community Center, including the replacement of audio and visual equipment, located in Baltimore County;~~
 - ~~(e) \$30,000 for the construction of capital improvements to the Reisterstown Sportsplex, including the replacement of security system equipment, located in Baltimore County;~~
 - ~~(f) \$15,000 for the construction of capital improvements at Northwest Regional Park, including safety and security improvements, located in Baltimore County;~~

- ~~(g) \$25,000 for the construction of capital improvements at Reisterstown Regional Park, including safety and security improvements located in Baltimore County;~~
- ~~(h) \$100,000 for the construction of capital improvements at Radebaugh Park located in Baltimore County;~~
- ~~(i) \$50,000 for the construction of capital improvements at Linover Park located in Baltimore County; and~~
- ~~(j) \$200,000 for the construction of capital improvements at Ovid Hazen Wells Recreational Park located in Montgomery County;~~
- (3) \$8,535,752 to program K00A05.10 Outdoor Recreation Land Loan for Program Open Space – Local Share;
- (4) ~~\$1,893,048~~ **\$6,893,048** to program K00A05.10 Outdoor Recreation Land Loan for Rural Legacy Program;
- (5) ~~\$12,000,000~~ **\$8,500,036** to program K00A05.10 Outdoor Recreation Land Loan for Natural Resources Development Fund, *provided that \$4,875,000 of this appropriation is restricted for the following purposes:*
 - (a) **\$1,000,000 for the design, construction, and capital equipping of facilities renewal projects at the Historic St. Mary's Commission; and**
 - (b) **\$3,875,000 to complete**

*construction and equipping
of renovations to the
Patterson Center at the
Jefferson Patterson Park
and Museum;*

- (6) \$9,286,358 to program K00A05.10
Outdoor Recreation Land Loan for
Critical Maintenance Program; and
- (7) \$6,455,292 to program L00A11.11
for Maryland Agricultural Land
Preservation Program, *provided
that \$999,000 of this
appropriation is restricted for
the purposes of providing funds
to the Southern Maryland
Agricultural Development
Commission for the purchase of
agricultural easements by the
counties in the Tri-County
Council for Southern Maryland.*

Further provided that, *contingent on the
enactment of HB 1407*, authorization is
hereby granted to the Governor to process
a budget amendment for \$12,000,000 of
balance designated for Washington
Metropolitan Area Transit Authority
Contribution in the Dedicated Purpose
Account for the purpose of providing
special fund capital appropriations only for
the programs and purposes herein listed:

- (1) \$12,000,000 to program S00A25.07
Division of Development Finance for
Rental Housing Programs – Capital
Appropriation to provide funds for
rental housing developments that
serve low- and
moderate-income households. The
funds shall be administered in
accordance with Sections
4-401 through 4-411, 4-501, and
4-504 of the Housing and
Community Development Article

~~218,860,950~~
215,860,950

Retirement Reinvestment	
Contributions	50,000,000
Program Open Space	
Repayment	43,860,950
Washington Metropolitan	
Area Transit Authority	
Contribution	125,000,000

Y01A03.01 Economic Development Opportunities
Program Account

General Fund Appropriation, provided that \$460,000 of this appropriation for the purpose of an appropriation to the Economic Development Opportunities Program Account may not be used for that purpose but instead may be used only for the following:

- (1) \$335,000 as a grant to the Board of Trustees of the Maryland Academy of Science for operating support;
- (2) \$25,000 as a grant to Morgan State University to fund the staff of the Task Force on Reconciliation and Equity; and
- (3) \$100,000 as a grant to the Board of Directors of The Light House homeless shelter in Annapolis for operating support.

Funds not spent for these restricted purposes may not be transferred by budget amendment or otherwise to any other purpose and if not expended for this purpose shall revert to the General Fund

~~5,000,000~~
0
460,000

Marriott International, Inc. 5,000,000

Y01A04.01 Catastrophic Event Account

General Fund Appropriation ~~7,464,250~~

~~1,464,250~~
464,250

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OFFICE OF THE PUBLIC DEFENDER

FY 2019 Deficiency Appropriation

C80B00.02 District Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to fund expenses incurred in fiscal 2018 which carried into fiscal 2019.

General Fund Appropriation 447,532

C80B00.02 District Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to allocate grant funding from U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance.

Federal Fund Appropriation 21,081

C80B00.02 District Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to allocate grant funding from U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance.

Federal Fund Appropriation 65,884

C80B00.02 District Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to allocate grant funding from U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance.

Federal Fund Appropriation 182,350

C80B00.02 District Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to continue funding a caseload reduction program.

General Fund Appropriation	1,000,000
	<u><u> </u></u>

C80B00.02 District Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to allocate grants from the Association for the Public Defender of Maryland.

Special Fund Appropriation	31,395
	<u><u> </u></u>

SUBSEQUENT INJURY FUND

FY 2019 Deficiency Appropriation

C94I00.01 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide for lock box services.

Special Fund Appropriation	13,000
	<u><u> </u></u>

C94I00.01 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide for temporary staffing services.

Special Fund Appropriation	50,848
	<u><u> </u></u>

BOARD OF PUBLIC WORKS

FY 2019 Deficiency Appropriation

D05E01.10 Miscellaneous Grants to Private Non-Profit Groups

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to support the Maryland Zoo’s operations.

General Fund Appropriation	400,000
	<u><u> </u></u>

SECRETARY OF STATE

FY 2019 Deficiency Appropriation

D16A06.01 Office of the Secretary of State

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide sufficient funds for salaries.

General Fund Appropriation 39,377

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DEPARTMENT OF AGING

FY 2019 Deficiency Appropriation

D26A07.03 Community Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to fund the Community for Life program.

General Fund Appropriation 400,000

=====

STATE BOARD OF ELECTIONS

FY 2019 Deficiency Appropriation

D38I01.02 Help America Vote Act

To become available immediately upon passage of this budget to reduce the appropriation for fiscal 2019 to reflect available grant funds for election staffing services.

General Fund Appropriation -333,858

Special Fund Appropriation -333,858

=====

-667,716

=====

D38I01.02 Help America Vote Act

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide for election security upgrades.

Federal Fund Appropriation 1,529,887

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MILITARY DEPARTMENT

FY 2019 Deficiency Appropriation

MILITARY DEPARTMENT OPERATIONS AND MAINTENANCE

D50H01.01 Administrative Headquarters

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to support programming organized by the Commission on the Commemoration of the 100th Anniversary of the Passage of the 19th Amendment to the United States Constitution.

General Fund Appropriation 50,000

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D50H01.05 State Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide support for the gubernatorial inauguration.

General Fund Appropriation 150,000

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DEPARTMENT OF VETERANS AFFAIRS

FY 2019 Deficiency Appropriation

D55P00.02 Cemetery Program

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to fund additional personnel costs and contracts at the Veterans Cemeteries.

General Fund Appropriation 2,000,000

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STATE TREASURER'S OFFICE

FY 2019 Deficiency Appropriation

TREASURY MANAGEMENT

E20B01.01 Treasury Management

To become available immediately upon passage of this

budget to supplement the appropriation for fiscal 2019 to fund the transition to and additional costs of the new depository contract.

General Fund Appropriation 1,078,185

STATE DEPARTMENT OF ASSESSMENTS AND TAXATION

FY 2019 Deficiency Appropriation

E50C00.06 Tax Credit Payments

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds for fiscal 2018 tax credit program obligations.

General Fund Appropriation 4,035,522

E50C00.06 Tax Credit Payments

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds for anticipated tax credit disbursements for the Homeowners' Tax Credit program.

General Fund Appropriation 5,500,000

E50C00.06 Tax Credit Payments

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds for anticipated tax credit disbursements for the Renters' Tax Credit program.

General Fund Appropriation 1,000,000

E50C00.10 Charter Unit

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to reflect anticipated expenditures and revenues for an agency software contract.

Special Fund Appropriation 558,974

 DEPARTMENT OF BUDGET AND MANAGEMENT

FY 2019 Deficiency Appropriation

 OFFICE OF PERSONNEL SERVICES AND
 BENEFITS

F10A02.08 Statewide Expenses

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funding for the \$500 bonus to be distributed to eligible State employees effective April 2019. These appropriations will be realigned by a fiscal 2019 budget amendment to the respective agencies.

General Fund Appropriation, provided that funds appropriated for the \$500 bonus may be transferred to programs of other State agencies	27,567,388
Special Fund Appropriation, provided that funds appropriated for the \$500 bonus may be transferred to programs of other State agencies	6,170,584
Federal Fund Appropriation, provided that funds appropriated for the \$500 bonus may be transferred to programs of other State agencies	3,542,913
	<hr/> 37,280,885 <hr/> <hr/>

F10A02.08 Statewide Expenses

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funding for the Cost of Living Adjustment (COLA) of 0.5% to be distributed to eligible State employees effective April 2019. These appropriations will be realigned by a fiscal 2019 budget amendment to the respective agencies.

General Fund Appropriation, provided that funds appropriated for the Cost of Living Adjustment may be transferred to programs of other State agencies ..	7,677,735
Special Fund Appropriation, provided that funds appropriated for the Cost of Living Adjustment may be transferred to programs of other State agencies ..	1,624,501
Federal Fund Appropriation, provided that funds appropriated for the Cost of Living Adjustment may	

be transferred to programs of other State agencies ..	599,410
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	9,901,646
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F10A02.08 Statewide Expenses

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funding for a fiscal 2018 deficit in the State’s Injured Workers’ Insurance Fund account.

General Fund Appropriation	1,048,933
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DEPARTMENT OF INFORMATION TECHNOLOGY

FY 2019 Deficiency Appropriation

OFFICE OF INFORMATION TECHNOLOGY

F50B04.01 State Chief of Information Technology

To become available immediately upon passage of this budget to reduce the appropriation for fiscal 2019 to bring funding for Major Information Technology Project oversight in line with projections.

General Fund Appropriation	-343,000
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F50B04.04 Infrastructure

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to cover projected agency operational shortfalls.

General Fund Appropriation	5,542,000
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F50B04.04 Infrastructure

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds to cover agency operational shortfalls from fiscal year 2018.

General Fund Appropriation	2,000,000
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TEACHERS AND STATE EMPLOYEES

SUPPLEMENTAL RETIREMENT PLAN

FY 2019 Deficiency Appropriation

G50L00.01 Maryland Supplemental Retirement Plan Board and Staff

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds for staffing needs.

Special Fund Appropriation, provided that \$77,000 of this appropriation made for the purpose of staffing needs may not be expended until the Maryland Supplemental Retirement Plans (MSRP) submits a report to the budget committees providing accurate projected salary and fringe benefit costs for fiscal 2019 and 2020, and MSRP submits a budget amendment to adjust the fiscal 2019 appropriation to fully accommodate the projected salary and fringe benefit costs based on actual expenditures in fiscal 2019. The report and budget amendment shall be submitted by May 15, 2019, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of the report and budget amendment may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the report and budget amendment are not submitted to the budget committees

77,000

DEPARTMENT OF GENERAL SERVICES

FY 2019 Deficiency Appropriation

OFFICE OF FACILITIES OPERATION AND MAINTENANCE

H00C01.01 Facilities Operation and Maintenance

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide tablets and training in support of a new digital maintenance management system.

General Fund Appropriation

87,395

H00C01.01 Facilities Operation and Maintenance

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide additional support for a landscaping contract for Annapolis Public Buildings and Grounds.

General Fund Appropriation 200,000

OFFICE OF REAL ESTATE

H00E01.01 Real Estate Management

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to support State Center litigation costs and a legal settlement.

General Fund Appropriation ~~346,000~~
0

OFFICE OF FACILITIES PLANNING, DESIGN AND CONSTRUCTION

H00G01.01 Facilities Planning, Design and Construction

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to support the completion of additional emergency and preventative maintenance projects.

General Fund Appropriation 2,500,000

DEPARTMENT OF NATURAL RESOURCES

FY 2019 Deficiency Appropriation

MARYLAND PARK SERVICE

K00A04.01 Maryland Park Service

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to support improvements at the Fair Hill Natural Resources Management Area.

Special Fund Appropriation 9,000,000

NATURAL RESOURCES POLICE

K00A07.04 Field Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide programmatic funding to the Natural Resources Police from the Department of Justice (DOJ) Asset Forfeiture and Seizure Program.

Federal Fund Appropriation 250,000

FISHING AND BOATING SERVICES

K00A17.01 Fishing and Boating Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to support the synchronized oyster recovery effort.

Federal Fund Appropriation 1,230,229

K00A17.01 Fishing and Boating Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to support the use of dockside monitors to improve accuracy and identify bias in the electronically reported commercial fishery harvest.

Special Fund Appropriation 108,000

K00A17.01 Fishing and Boating Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to support the development of an oyster fishery cooperative.

Special Fund Appropriation 68,000

MARYLAND DEPARTMENT OF HEALTH

FY 2019 Deficiency Appropriation

OFFICE OF THE SECRETARY

M00A01.01 Executive Direction

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to support the Employed Individuals with Disabilities Pilot Program.

General Fund Appropriation 100,000

M00A01.02 Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to fund minor facility improvements.

General Fund Appropriation 4,100,000

M00A01.02 Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to fund calendar 2018 nurse bonuses.

General Fund Appropriation 1,675,621

REGULATORY SERVICES

M00B01.03 Executive Direction

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to fund the emergency relocation of the Office of Health Care Quality.

General Fund Appropriation 417,785
Federal Fund Appropriation 205,775

623,560

PREVENTION AND HEALTH PROMOTION
ADMINISTRATION

M00F03.04 Family Health and Chronic Disease Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to support the Breast and Cervical Cancer Diagnosis

and Treatment Program.

General Fund Appropriation 3,000,000

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WESTERN MARYLAND CENTER

M00I03.01 Services and Institutional Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to fund tactile translation services at Western Maryland Hospital Center.

General Fund Appropriation 358,624

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M00I03.01 Services and Institutional Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to fund one-on-one clinical services in Western Maryland Hospital Center.

General Fund Appropriation 183,960

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BEHAVIORAL HEALTH ADMINISTRATION

M00L01.01 Program Direction

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to fund psychiatrist salary increases at Behavioral Health Administration facilities and State psychiatric hospitals.

General Fund Appropriation 153,696

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M00L01.02 Community Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to fund fee-for-service substance use disorder residential treatment services.

General Fund Appropriation 7,790,617

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M00L01.02 Community Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to reflect the addition of the newly awarded State Opioid Response federal grant to be used for opioid prevention, treatment, and recovery activities.

Federal Fund Appropriation 33,000,000

THOMAS B. FINAN HOSPITAL CENTER

M00L04.01 Thomas B. Finan Hospital Center

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to fund psychiatrist salary increases at Behavioral Health Administration facilities and State psychiatric hospitals.

General Fund Appropriation 439,416

REGIONAL INSTITUTE FOR CHILDREN AND ADOLESCENTS – BALTIMORE

M00L05.01 Regional Institute for Children and Adolescents – Baltimore

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to fund psychiatrist salary increases at Behavioral Health Administration facilities and State psychiatric hospitals.

General Fund Appropriation 159,651

EASTERN SHORE HOSPITAL CENTER

M00L07.01 Eastern Shore Hospital Center

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to fund psychiatrist salary increases at Behavioral Health Administration facilities and State psychiatric hospitals.

General Fund Appropriation 97,120

SPRINGFIELD HOSPITAL CENTER

M00L08.01 Springfield Hospital Center

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to fund psychiatrist salary increases at Behavioral Health Administration facilities and State psychiatric hospitals.

General Fund Appropriation 936,946

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SPRING GROVE HOSPITAL CENTER

M00L09.01 Spring Grove Hospital Center

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to fund psychiatrist salary increases at Behavioral Health Administration facilities and State psychiatric hospitals.

General Fund Appropriation 900,392

=====

CLIFTON T. PERKINS HOSPITAL CENTER

M00L10.01 Clifton T. Perkins Hospital Center

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to fund psychiatrist salary increases at Behavioral Health Administration facilities and State psychiatric hospitals.

General Fund Appropriation 720,963

=====

JOHN L. GILDNER REGIONAL INSTITUTE FOR CHILDREN AND ADOLESCENTS

M00L11.01 John L. Gildner Regional Institute for Children and Adolescents

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to fund psychiatrist salary increases at Behavioral Health Administration facilities and State psychiatric hospitals.

General Fund Appropriation	199,149
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BEHAVIORAL HEALTH ADMINISTRATION
FACILITY MAINTENANCE

M00L15.01 Behavioral Health Administration Facility Maintenance

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds for fuel, utilities, security services, and other operational costs at Crownsville Hospital Center.

General Fund Appropriation	534,355
Special Fund Appropriation	194,893
	729,248

MEDICAL CARE PROGRAMS ADMINISTRATION

M00Q01.03 Medical Care Provider Reimbursements

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds for Medicaid provider reimbursements.

Special Fund Appropriation	8,000,000
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M00Q01.03 Medical Care Provider Reimbursements

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds for Medicaid provider reimbursements.

Special Fund Appropriation	5,000,000
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M00Q01.03 Medical Care Provider Reimbursements

To become available immediately upon passage of this budget to reduce the appropriation for fiscal 2019 to better reflect the anticipated Cigarette Restitution Fund revenue attainment.

Special Fund Appropriation	-16,000,000
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M00Q01.10 Medicaid Behavioral Health Provider

Reimbursements

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds for service year 2018 medical provider reimbursements and contractual services.

General Fund Appropriation	14,798,839
Federal Fund Appropriation	27,773,776
	<hr/>
	42,572,615
	<hr/> <hr/>

DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES

FY 2019 Deficiency Appropriation

OFFICE OF THE SECRETARY

Q00A01.01 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds to extend an employee bonus program.

General Fund Appropriation	7,500
	<hr/> <hr/>

Q00A01.02 Information Technology and Communications
Division

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds to extend an employee bonus program.

General Fund Appropriation	1,500
	<hr/> <hr/>

Q00A01.03 Intelligence and Investigative Division

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds to extend an employee bonus program.

General Fund Appropriation	30,000
	<hr/> <hr/>

DEPUTY SECRETARY FOR OPERATIONS

Q00A02.01 Administrative Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds to extend an employee bonus program.

General Fund Appropriation 18,000

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Q00A02.03 Field Support Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds to extend an employee bonus program.

General Fund Appropriation 1,500

=====

Q00A02.04 Security Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds to extend an employee bonus program.

General Fund Appropriation 343,500

=====

Q00A02.05 Central Home Detention Unit

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds to extend an employee bonus program.

General Fund Appropriation 47,411

=====

PATUXENT INSTITUTION

Q00D00.01 Patuxent Institution

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds to extend an employee bonus program.

General Fund Appropriation 430,500

=====

DIVISION OF CORRECTION – WEST REGION

Q00R02.01 Maryland Correctional Institution – Hagerstown

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds to extend an employee bonus program.

General Fund Appropriation	450,000
	<hr/> <hr/>
Q00R02.02 Maryland Correctional Training Center	
To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds to extend an employee bonus program.	
General Fund Appropriation	639,000
	<hr/> <hr/>
Q00R02.03 Roxbury Correctional Institution	
To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds to extend an employee bonus program.	
General Fund Appropriation	435,000
	<hr/> <hr/>
Q00R02.04 Western Correctional Institution	
To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds to extend an employee bonus program.	
General Fund Appropriation	509,250
	<hr/> <hr/>
Q00R02.05 North Branch Correctional Institution	
To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds to extend an employee bonus program.	
General Fund Appropriation	619,000
	<hr/> <hr/>
DIVISION OF CORRECTION – EAST REGION	
Q00S02.01 Jessup Correctional Institution	
To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds to extend an employee bonus program.	
General Fund Appropriation	554,000
	<hr/> <hr/>

Q00S02.02 Maryland Correctional Institution – Jessup
 To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds to extend an employee bonus program.

General Fund Appropriation 329,500

Q00S02.03 Maryland Correctional Institution for Women
 To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds to extend an employee bonus program.

General Fund Appropriation 289,500

Q00S02.04 Brockbridge Correctional Facility
 To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds to extend an employee bonus program.

General Fund Appropriation 193,000

Q00S02.06 Southern Maryland Pre–Release Unit
 To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds to extend an employee bonus program.

General Fund Appropriation 39,000

Q00S02.07 Eastern Pre–Release Unit
 To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds to extend an employee bonus program.

General Fund Appropriation 54,000

Q00S02.08 Eastern Correctional Institution
 To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds to extend an employee bonus program.

General Fund Appropriation 885,000

Q00S02.09 Dorsey Run Correctional Facility

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds to extend an employee bonus program.

General Fund Appropriation 237,500

Q00S02.10 Central Maryland Correctional Facility

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds to extend an employee bonus program.

General Fund Appropriation 109,000

DIVISION OF PRETRIAL DETENTION

Q00T04.04 Baltimore Central Booking and Intake Center

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds to extend an employee bonus program.

General Fund Appropriation 490,500

Q00T04.05 Youth Detention Center

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds to extend an employee bonus program.

General Fund Appropriation 129,500

Q00T04.06 Maryland Reception, Diagnostic and Classification Center

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds to extend an employee bonus program.

General Fund Appropriation 254,750

Q00T04.07 Baltimore City Correctional Center

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019

to provide funds to extend an employee bonus program.

General Fund Appropriation 93,000

=====

Q00T04.08 Metropolitan Transition Center

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds to extend an employee bonus program.

General Fund Appropriation 452,000

=====

Q00T04.09 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds to extend an employee bonus program.

General Fund Appropriation 1,500

=====

STATE DEPARTMENT OF EDUCATION

FY 2019 Deficiency Appropriation

AID TO EDUCATION

R00A02.01 State Share of Foundation Program

To become available immediately upon passage of this budget to adjust the appropriation for fiscal 2019 to replace general funds with Education Trust Fund revenues due to revised Video Lottery Terminal revenue projections in fiscal 2019.

General Fund Appropriation -52,895,885

Special Fund Appropriation 52,895,885

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R00A02.59 Child Care Subsidy Program

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to reflect projected Child Care Subsidy Program expenditures.

Federal Fund Appropriation 18,000,000

INTERAGENCY COMMISSION ON SCHOOL
CONSTRUCTION

R00A07.01 Interagency Commission on School Construction
To become available immediately upon passage of this
budget to supplement the appropriation for fiscal 2019
to provide the Commission with additional resources
related to expanded responsibilities from legislation
passed during the 2018 session.

General Fund Appropriation 223,327

MARYLAND HIGHER EDUCATION COMMISSION

FY 2019 Deficiency Appropriation

R62I00.01 General Administration
To become available immediately upon passage of this
budget to supplement the appropriation for fiscal 2019
to provide funds to pay for legal services.

General Fund Appropriation 267,990

R62I00.01 General Administration
To become available immediately upon passage of this
budget to supplement the appropriation for fiscal 2019
to provide technological updates to the student financial
aid system.

General Fund Appropriation 343,555

R62I00.01 General Administration
To become available immediately upon passage of this
budget to supplement the appropriation for fiscal 2019
to support the Commission in administering the
Student Loan Debt Relief Tax Credit Program and other
scholarship programs.

General Fund Appropriation 106,462

R62I00.07 Educational Grants

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to satisfy the State match for the Save4College State Contribution Program.

General Fund Appropriation 3,326,500

=====

R62I00.09 2 + 2 Transfer Scholarship Program

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide additional awards under the 2 + 2 Transfer Scholarship Program.

General Fund Appropriation -300,000

Special Fund Appropriation 400,000

100,000

=====

R62I00.14 Edward T. and Mary A. Conroy Memorial Scholarship and Jean B. Cryor Memorial Scholarship Program

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds to meet current year obligations.

Special Fund Appropriation 1,000,000

=====

R62I00.28 Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide funds to meet current year obligations.

General Fund Appropriation 364,160

=====

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

FY 2019 Deficiency Appropriation

DIVISION OF DEVELOPMENT FINANCE

S00A25.03 Single Family Housing

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to reflect additional fund availability.

Special Fund Appropriation 300,000

=====

S00A25.04 Housing and Building Energy Programs

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to reflect additional fund availability.

Special Fund Appropriation 2,600,000

=====

DEPARTMENT OF COMMERCE

FY 2019 Deficiency Appropriation

DIVISION OF BUSINESS AND INDUSTRY SECTOR DEVELOPMENT

T00F00.09 Maryland Small Business Development Financing Authority (MSBDFA)

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 to provide additional funding for the Maryland Small Business Development Financing Authority.

Special Fund Appropriation 5,000,000

=====

DIVISION OF TOURISM, FILM AND THE ARTS

T00G00.06 Film Production Rebate Program

To become available immediately upon passage of this budget to reduce the appropriation for fiscal 2019 to conform the program to its new structure as an unappropriated tax credit per Chapter 595 of the Acts of 2018.

General Fund Appropriation -5,000,000

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DEPARTMENT OF THE ENVIRONMENT

FY 2019 Deficiency Appropriation

AIR AND RADIATION ADMINISTRATION

U00A07.01 Air and Radiation Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal 2019 for greenhouse gas emissions modeling and economic modeling for the Greenhouse Gas Reduction Act (GGRA) plan.

Special Fund Appropriation	290,000
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SECTION 2. AND BE IT FURTHER ENACTED, That in order to carry out the provisions of these appropriations the Secretary of Budget and Management is authorized:

(a) To allot all or any portion of the funds herein appropriated to the various departments, boards, commissions, officers, schools and institutions by monthly, quarterly or seasonal periods and by objects of expense ~~and may place any funds appropriated but not allotted in contingency reserve available for subsequent allotment. Upon the Secretary's own initiative or upon the request of the head of any State agency, the Secretary may authorize a change in the amount of funds so allotted.~~ The Secretary shall, before the beginning of the fiscal year, file with the Comptroller of the Treasury ~~a schedule of allotments, if any~~ a list limited to the appropriations restricted in this Act, to be placed in contingency reserve. The Comptroller shall not authorize any expenditure or obligation in excess of the allotment made and any expenditure so made shall be illegal.

~~(b) To allot all or any portion of funds coming into the hands of any department, board, commission, officer, school and institution of the State, from sources not estimated or calculated upon in the budget.~~

~~(e)~~ (b) To fix the number and classes of positions, including temporary and permanent positions, or person years of authorized employment for each agency, unit, or program thereof, not inconsistent with the Public General Laws in regard to classification of positions. The Secretary shall make such determinations before the beginning of the fiscal year and shall base them on the positions or person years of employment authorized in the budget as amended by approved budgetary position actions. No payment for salaries or wages nor any request for or certification of personnel shall be made except in accordance with the Secretary's determinations. At any time during the fiscal year the Secretary may amend the number and classes of positions or person years of employment previously fixed by the Secretary; the Secretary may delegate all or part of this authority. The governing boards of public institutions of higher education shall have the authority to transfer positions between programs and campuses under each institutional board's jurisdiction without the approval of the Secretary, as provided in Section 15–105 of the Education Article.

~~(d)~~ (c) To prescribe procedures and forms for carrying out the above provisions.

SECTION 3. AND BE IT FURTHER ENACTED, That in accordance with Section 7–109 of the State Finance and Procurement Article of the Annotated Code of Maryland, it is the intention of the General Assembly to include herein a listing of nonclassified flat rate or per diem positions by unit of State government, job classification, the number in each job classification and the amount proposed for each classification. The Chief Judge of the Court of Appeals may make adjustments to positions contained in the Judicial portion of this section (including judges) that are impacted by changes in salary plans or by salary actions in the executive agencies. Eligible positions in this section will receive the cost of living adjustments (COLA) included in the fiscal 2020 budget according to the same schedule as positions in the Standard Pay Plan.

JUDICIARY

Chief Judge, Court of Appeals	1	205,433
Judge, Court of Appeals (@ 186,433)	6	1,118,598
Chief Judge, Court of Special Appeals	1	176,633
Judge, Court of Special Appeals (@ 173,633)	14	2,430,862
Judge, Circuit Court (@ 164,433)	174	28,611,352
Chief Judge, District Court of Maryland	1	173,633
Judge, District Court (@ 151,333)	123	18,613,959
Judiciary Clerk of Court A (@ 118,600)	7	830,200
Judiciary Clerk of Court B (@ 121,600)	7	851,200
Judiciary Clerk of Court C (@ 122,750)	5	613,750
Judiciary Clerk of Court D (@ 124,500)	5	622,500

OFFICE OF THE PUBLIC DEFENDER

Public Defender	1	164,433
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OFFICE OF THE ATTORNEY GENERAL

Attorney General	1	149,500
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OFFICE OF THE STATE PROSECUTOR

State Prosecutor	1	164,433
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MARYLAND TAX COURT

Chief Judge, Tax Court	1	44,281
Judge, Tax Court (@ 37,913)	4	151,652

PUBLIC SERVICE COMMISSION

Commissioner (@ 142,151)	4	568,604
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WORKERS' COMPENSATION COMMISSION

Chairman	1	153,033
Commissioner (@ 151,333)	9	1,361,997

EXECUTIVE DEPARTMENT – GOVERNOR

Governor	1	180,000
Lieutenant Governor	1	149,500

EXECUTIVE DEPARTMENT – BOARDS,
COMMISSIONS AND OFFICES

Chairman	1	127,707
Member (@ 114,823)	2	229,646

SECRETARY OF STATE

Secretary of State	1	105,500
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MARYLAND INSTITUTE FOR EMERGENCY
MEDICAL SERVICES SYSTEMS

EMS Executive Director	1	300,225
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OFFICE OF THE COMPTROLLER

Comptroller	1	149,500
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STATE TREASURER'S OFFICE

Treasurer	1	149,500
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STATE LOTTERY AND GAMING CONTROL AGENCY

Lottery and Gaming Commissioner (@ 18,360)	7	128,520
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DEPARTMENT OF BUDGET AND MANAGEMENT

Office of the Secretary

Director, Governmental Efficiency	1	153,000
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MARYLAND STATE RETIREMENT AND PENSION SYSTEMS

State Retirement Administrator	1	144,939
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MARYLAND DEPARTMENT OF TRANSPORTATION

State Highway Administration

State Highway Administrator	1	166,260
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Maryland Port Administration

Executive Director	1	315,656
Director, Operations	1	135,660
Director, Marketing	1	150,717
CFO and Treasurer (MIT)	1	156,668
Director, Maritime Commercial Management	1	143,443
General Manager Intermodal Trade Development	1	127,500
Director, Security	1	112,200
Director, Harbor Development	1	142,800
BCO Trade Development Executive	1	100,919
General Manager, Cruise MD Marketing	1	107,100
Deputy Executive Director, Logistics/Port Ops	1	201,901

Maryland Transit Administration

Maryland Transit Administrator	1	219,504
Senior Deputy Administrator, Transit Operations	1	150,650
Executive Director of Safety and Risk Management	1	142,051
Executive Project Director, New Starts	1	153,033
Executive Project Director, New Starts	1	126,944

Maryland Aviation Administration

Executive Director	1	300,191
Chief Engineer	1	154,384
Chief Administrative Officer	1	151,215
Chief Financial Officer	1	168,877
Director, Planning and Environmental Services	1	127,500
Director, Commercial Management	1	137,700
Director, Marketing, Communications and Customer Service	1	132,600
Chief Operating Officer	1	172,029
Director of Engineering and Construction	1	139,740
Director of Martin State Airport	1	119,520
Director of Architecture	1	137,700
Director of Air Service Development	1	127,500

MARYLAND DEPARTMENT OF HEALTH

Office of the Chief Medical Examiner

Resident Forensic Pathologist (@ 67,284)	3	201,852
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DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Maryland Parole Commission

Chairman	1	108,581
Member (@ 96,098)	9	864,882

PUBLIC EDUCATION

State Department of Education – Headquarters

State Superintendent of Schools	1	240,720
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MARYLAND SCHOOL FOR THE DEAF

MSD Non-Faculty Manager III	1	108,147
MSD Non-Faculty Manager I	1	90,909

SECTION 4. AND BE IT FURTHER ENACTED, That if any person holding an office of profit within the meaning of Article 35 of the Declaration of Rights, Constitution of Maryland, is appointed to or otherwise becomes the holder of a second office within the meaning of Article 35 of the Declaration of Rights, Constitution of Maryland, then no compensation or other emolument, except expenses incurred in connection with attendance at hearings, meetings, field trips, and working sessions, shall be paid from any funds appropriated by this bill to that person for any services in connection with the second office.

SECTION 5. AND BE IT FURTHER ENACTED, That amounts received pursuant to Sections 2–201 and 7–217 of the State Finance and Procurement Article may be expended by approved budget amendment.

SECTION 6. AND BE IT FURTHER ENACTED, That funds appropriated by this bill may be transferred among programs in accordance with the procedure provided in Sections 7–205 through 7–212, inclusive, of the State Finance and Procurement Article.

SECTION 7. AND BE IT FURTHER ENACTED, That, except as otherwise provided, amounts received from sources estimated or calculated upon in the budget in excess of the estimates for any special or federal fund appropriations listed in this bill may be made available by approved budget amendment.

SECTION 8. AND BE IT FURTHER ENACTED, That authorization is hereby granted to transfer by budget amendment General Fund amounts for the operations of State office buildings and facilities to the budgets of the various agencies and departments occupying the buildings.

SECTION 9. AND BE IT FURTHER ENACTED, That \$11,540,500 is appropriated in the various agency budgets for tort claims (including motor vehicles) under the provisions of the State Government Article, Title 12, Subtitle 1, the Maryland Tort Claims Act (MTCA). These funds are to be transferred to the State Insurance Trust Fund; these

funds, together with funds appropriated in prior budgets for tort claims but unexpended, are the only funds available to make payments under the provisions of the MTCA.

(A) Tort claims for incidents or occurrences occurring after October 1, 1999, paid from the State Insurance Trust Fund, are limited hereby and by State Treasurer's regulations to payments of no more than \$200,000 to a single claimant for injuries arising from a single incident or occurrence.

(B) Tort claims for incidents or occurrences occurring after July 1, 1996, and before October 1, 1999, paid from the State Insurance Trust Fund, are limited hereby and by State Treasurer's regulations to payments of no more than \$100,000 to a single claimant for injuries arising from a single incident or occurrence.

(C) Tort claims for incidents or occurrences resulting in death on or after July 1, 1994, and before July 1, 1996, paid from the State Insurance Trust Fund, are limited hereby and by State Treasurer's regulations to payments of no more than \$75,000 to a single claimant. All other tort claims occurring on or after July 1, 1994, and before July 1, 1996, paid from the State Insurance Trust Fund, are limited hereby and by State Treasurer's regulations to payments of no more than \$50,000 to a single claimant for injuries arising from a single incident or occurrence.

(D) Tort claims for incidents or occurrences occurring prior to July 1, 1994, paid from the State Insurance Trust Fund, are limited hereby and by State Treasurer's regulations to payments of no more than \$50,000 to a single claimant for injuries arising from a single incident or occurrence.

SECTION 10. AND BE IT FURTHER ENACTED, That authorization is hereby granted to transfer by budget amendment General Fund amounts, budgeted to the various State agency programs and subprograms which comprise the indirect cost pools under the Statewide Indirect Cost Plan, from the State agencies providing such services to the State agencies receiving the services. It is further authorized that receipts by the State agencies providing such services from charges for the indirect services may be used as special funds for operating expenses of the indirect cost pools.

SECTION 11. AND BE IT FURTHER ENACTED, That certain funds appropriated to the various State agency programs and subprograms in Comptroller Object 0882 (In-State Services – Computer Usage – ADC Only) shall be utilized to pay for services provided by the Comptroller of the Treasury, Data Processing Division, Computer Center Operations (E00A10.01) consistent with the reimbursement schedule provided for in the supporting budget documents. The expenditure or transfer of these funds for other purposes requires the prior approval of the Secretary of Budget and Management. Notwithstanding any other provision of law, the Secretary of Budget and Management may transfer amounts appropriated in Comptroller Object 0882 between State departments and agencies by approved budget amendment in fiscal 2020.

SECTION 12. AND BE IT FURTHER ENACTED, That, pursuant to Section 8–102 of the State Personnel and Pensions Article, the salary schedule for the executive pay plan

during fiscal 2020 shall be as set forth below. Adjustments to the salary schedule may be made during the fiscal year in accordance with the provisions of Sections 8–108 and 8–109 of the State Personnel and Pensions Article. Notwithstanding the inclusion of salaries for positions which are determined by agencies with independent salary setting authority in the salary schedule set forth below, such salaries may be adjusted during the fiscal year in accordance with such salary setting authority. Eligible positions in this section will receive the cost of living adjustments (COLA) included in the fiscal 2020 budget according to the same schedule as positions in the Standard Pay Plan.

Fiscal 2020
Executive Salary Schedule

	Scale	Minimum	Maximum
EPP 0001	9904	81,553	108,737
EPP 0002	9905	87,621	116,892
EPP 0003	9906	94,180	125,701
EPP 0004	9907	101,261	135,221
EPP 0005	9908	108,909	145,499
EPP 0006	9909	117,172	156,603
EPP 0007	9910	126,091	168,587
EPP 0008	9911	135,731	181,537
EPP 0009	9991	156,088	262,004

Classification Title Scale

OFFICE OF THE PUBLIC DEFENDER

Deputy Public Defender 9909
Executive VI 9906

OFFICE OF THE ATTORNEY GENERAL

Deputy Attorney General 9909
Deputy Attorney General 9909
Senior Executive Associate Attorney General 9908
Senior Executive Associate Attorney General 9908
Senior Executive Associate Attorney General 9908
Senior Executive Associate Attorney General 9908

PUBLIC SERVICE COMMISSION

Chair 9991

OFFICE OF THE PEOPLE'S COUNSEL

People's Counsel 9906

SUBSEQUENT INJURY FUND

Executive Director	9906
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UNINSURED EMPLOYERS' FUND

Executive Director	9906
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EXECUTIVE DEPARTMENT – GOVERNOR

Executive Senior	9991
Executive Aide XI	9911
Executive Aide XI	9911
Executive Aide X	9910
Executive Aide X	9910
Executive Aide X	9910
Executive Aide X	9910
Executive Aide IX	9909
Executive Aide IX	9909
Executive Aide IX	9909
Executive Aide IX	9909

DEPARTMENT OF DISABILITIES

Secretary	9909
Deputy Secretary	9906

MARYLAND ENERGY ADMINISTRATION

Executive Aide VIII	9908
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EXECUTIVE DEPARTMENT – BOARDS, COMMISSIONS AND OFFICES

Executive Aide XI	9911
Executive Aide XI	9911
Executive Aide XI	9911
Executive Aide IX	9909
Executive Aide IX	9909
Executive Aide VIII	9908
Executive Aide VIII	9908
Executive Aide VIII	9908
Executive Aide VIII	9908

DEPARTMENT OF AGING

Secretary	9909
Deputy Secretary	9906

MARYLAND COMMISSION ON CIVIL RIGHTS

Executive Director	9906
Deputy Director	9904

STATE BOARD OF ELECTIONS

State Administrator of Elections	9907
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DEPARTMENT OF PLANNING

Secretary	9909
Deputy Director	9906
Executive V	9905

MILITARY DEPARTMENT

Military Department Operations and Maintenance

The Adjutant General	9909
Executive Aide X	9910
Executive IX	9909
Executive VII	9907
Executive VII	9907

DEPARTMENT OF VETERANS AFFAIRS

Secretary	9905
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STATE ARCHIVES

State Archivist	9907
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MARYLAND HEALTH BENEFIT EXCHANGE

Executive Senior	9991
Health Benefit Exchange Executive XI	9911
Health Benefit Exchange Executive XI	9911
Health Benefit Exchange Executive X	9910
Executive Aide IX	9909
Executive Aide VIII	9908

MARYLAND INSURANCE ADMINISTRATION

Maryland Insurance Commissioner	9911
Maryland Deputy Insurance Commissioner	9908

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge	9908
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COMPTROLLER OF MARYLAND

Office of the Comptroller

Chief Deputy Comptroller	9911
Executive Aide XI	9911

General Accounting Division

Assistant State Comptroller VII	9907
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Bureau of Revenue Estimates

Assistant State Comptroller VII	9907
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Revenue Administration Division

Assistant State Comptroller VII	9907
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Compliance Division

Assistant State Comptroller VII	9907
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Field Enforcement Division

Assistant State Comptroller VI	9906
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Central Payroll Bureau

Assistant State Comptroller VI	9906
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STATE TREASURER'S OFFICE

Chief Deputy Treasurer	9909
Executive VIII	9908
Executive VI	9906
Executive V	9905
Executive V	9905
Executive V	9905
Executive V	9905
Executive IV	9904

STATE DEPARTMENT OF ASSESSMENTS AND TAXATION

Director	9908
Deputy Director	9906
Executive V	9905

MARYLAND LOTTERY AND GAMING CONTROL AGENCY

Director	9911
Executive VIII	9908
Executive VII	9907
Executive VII	9907
Executive VII	9907
Executive VII	9907

DEPARTMENT OF BUDGET AND MANAGEMENT

Office of the Secretary

Secretary	9911
Deputy Secretary	9909

Office of Personnel Services and Benefits

Executive VIII	9908
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Office of Budget Analysis

Executive VIII	9908
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Office of Capital Budgeting

Executive VII	9907
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DEPARTMENT OF INFORMATION TECHNOLOGY

Secretary	9911
Deputy Secretary	9909
Executive IX	9909
Executive VIII	9908

MARYLAND STATE RETIREMENT AND PENSION SYSTEMS

Executive Director	9909
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TEACHERS AND STATE EMPLOYEES SUPPLEMENTAL RETIREMENT PLANS

Executive VII	9907
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DEPARTMENT OF GENERAL SERVICES

Office of the Secretary

Secretary	9909
Executive VIII	9908

Office of Facilities Operation and
Maintenance

Executive V	9905
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Office of Procurement and Logistics

Executive Aide X	9910
Executive VI	9906

Office of Real Estate

Executive V	9905
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Office of Facilities Planning, Design
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Business Enterprise Administration

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DEPARTMENT OF NATURAL RESOURCES

Office of the Secretary

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Critical Area Commission

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DEPARTMENT OF AGRICULTURE

Office of the Secretary

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MARYLAND DEPARTMENT OF HEALTH

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Medical Care Programs Administration

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DEPARTMENT OF HUMAN SERVICES

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DEPARTMENT OF LABOR, LICENSING AND REGULATION

Office of the Secretary

Secretary	9910
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Division of Labor and Industry

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DEPARTMENT OF PUBLIC SAFETY AND
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Office of the Secretary

Secretary	9911
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Division of Correction – Headquarters

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Division of Parole and Probation

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PUBLIC EDUCATION

State Department of Education – Headquarters

Deputy State Superintendent of Schools	9909
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Assistant State Superintendent	9906
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Maryland Longitudinal Data System Center

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Interagency Commission on School Construction

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Maryland Higher Education Commission

Secretary	9910
Assistant Secretary	9907

Maryland School for the Deaf

Superintendent	9907
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DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Office of the Secretary

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Division of Neighborhood Revitalization

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DEPARTMENT OF COMMERCE

Office of the Secretary

Secretary	9911
Deputy Secretary	9909

Division of Business and Industry Sector Development

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DEPARTMENT OF THE ENVIRONMENT

Office of the Secretary

Secretary	9910
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Water and Science Administration

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DEPARTMENT OF JUVENILE SERVICES

Office of the Secretary

Secretary	9911
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Departmental Support

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Residential and Community Operations

Deputy Secretary	9908
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Assistant Secretary 9905

DEPARTMENT OF STATE POLICE

Maryland State Police

Superintendent 9911
 Executive VIII 9908
 Deputy Secretary 9907

SECTION 13. AND BE IT FURTHER ENACTED, That, pursuant to Section 2–103.4(h) of the Transportation Article of the Annotated Code of Maryland, the salary schedule for the Department of Transportation executive pay plan during fiscal 2020 shall be as set forth below. Adjustments to the salary schedule may be made during the fiscal year in accordance with the provisions of Section 2–103.4(h) of the Transportation Article. Notwithstanding the inclusion of salaries for positions that are determined by agencies with independent salary setting authority in the salary schedule set forth below, such salaries may be adjusted during the fiscal year in accordance with such salary setting authority. Eligible positions in this section will receive the cost of living adjustments (COLA) included in the fiscal 2020 budget according to the same schedule as positions in the Standard Pay Plan.

Fiscal 2020
 Executive Salary Schedule

	Scale	Minimum	Maximum
ES 4	9904	81,553	108,737
ES 5	9905	87,621	116,892
ES 6	9906	94,180	125,701
ES 7	9907	101,261	135,221
ES 8	9908	108,909	145,499
ES 9	9909	117,172	156,603
ES 10	9910	126,091	168,587
ES 11	9911	135,731	181,537
ES 91	9991	156,088	262,004

DEPARTMENT OF TRANSPORTATION

The Secretary's Office

Secretary 9911
 Deputy Secretary 9909
 Deputy Secretary 9909

Motor Vehicle Administration

Motor Vehicle Administrator 9909

SECTION 14. AND BE IT FURTHER ENACTED, That if a person is placed by the Department of Health, Department of Human Services, or Department of Juvenile Services or the State Department of Education in a facility or program that becomes eligible for Medical Assistance Program (Medicaid) participation, and the Medical Assistance Program makes payment for such services, general funds equal to the general funds paid by the Medical Assistance Program to such a facility or program may be transferred from the previously mentioned departments to the Medical Assistance Program. Further, should the facility or program become eligible subsequent to payment to the facility or program by any of the previously mentioned departments, and the Medical Assistance Program makes subsequent additional payments to the facility or program for the same services, any recoveries of overpayment, whether paid in this or prior fiscal years, shall become available to the Medical Assistance Program for provider reimbursement purposes.

SECTION 15. AND BE IT FURTHER ENACTED, That all funds appropriated to the various State departments and agencies in Comptroller Object 0831 (Office of Administrative Hearings) to conduct administrative hearings by the Office of Administrative Hearings are to be transferred to the Office of Administrative Hearings (D99A11.01) on July 1, 2019, and may not be expended for any other purpose.

SECTION 16. AND BE IT FURTHER ENACTED, That funds budgeted in the State Department of Education and the Department of Health, Department of Human Services, and Department of Juvenile Services may be transferred by budget amendment to the Children's Cabinet Interagency Fund (R00A04.01). Funds transferred would represent costs associated with local partnership agreements approved by the Children's Cabinet Interagency Fund.

SECTION 17. AND BE IT FURTHER ENACTED, That funds appropriated to the various State agency programs and subprograms in Comptroller Objects 0152 (Health Insurance), 0154 (Retirees Health Insurance Premiums), 0175 (Workers' Compensation), 0217 (Health Insurance), 0305 (DBM Paid Telecommunications), 0322 (Capital Lease Telecommunications), 0839 (HR Shared Services), 0874 (Office of Attorney General Administrative Fee), 0876 (DoIT IT Services Allocation), 0894 (State Personnel System Allocation), 0897 (Enterprise Budget System Allocation), and 1303 (rent paid to DGS) are to be utilized for their intended purposes only. ~~The expenditure or transfer of these funds for other purposes requires the prior approval of the Secretary of Budget and Management.~~ Notwithstanding any other provision of law, the Secretary of Budget and Management may transfer amounts appropriated in Comptroller Objects 0152, 0154, 0217, 0305, 0322, and 0876 between State departments and agencies by approved budget amendment in fiscal 2019 and fiscal 2020. All funds budgeted in or transferred to Comptroller Objects 0152 and 0154, and any funds restricted in this budget for use in the employee and retiree health insurance program that are unspent shall be credited to the fund as established in accordance with Section 2-516 of the State Personnel and Pensions Article of the Annotated Code of Maryland.

Further provided that each agency that receives funding in this budget in any of the restricted Comptroller Objects listed within this section shall establish within the State's

accounting system a structure of accounts to separately identify for each restricted Comptroller Object, by fund source, the legislative appropriation, monthly transactions, and final expenditures. It is the intent of the General Assembly that an accounting detail be established so that the Office of Legislative Audits may review the disposition of funds appropriated for each restricted Comptroller Object as part of each closeout audit to ensure that funds are used only for the purposes for which they are restricted and that unspent funds are reverted or canceled.

SECTION 18. AND BE IT FURTHER ENACTED, That all funds appropriated to the various State departments and agencies in Comptroller Object 0875 (Retirement Administrative Fee) to support the Maryland State Retirement agency operations are to be transferred to the Maryland State Retirement agency (G20J01.01) on July 1, 2019, and may not be expended for any other purpose.

SECTION 19. AND BE IT FURTHER ENACTED, That funds appropriated in agency budgets for retiree health insurance may be used for the establishment of a new retiree prescription drug benefit.

SECTION 22. AND BE IT FURTHER ENACTED, That the Governor's budget books shall include a forecast of the impact of the executive budget proposal on the long-term fiscal condition of the General Fund, the Transportation Trust Fund, and higher education Current Unrestricted Fund accounts. This forecast shall estimate aggregate revenues, expenditures, and fund balances in each account for the fiscal year last completed, the current year, the budget year, and four years thereafter. Expenditures shall be reported at such agency, program or unit levels, or categories as may be determined appropriate after consultation with the Department of Legislative Services. A statement of major assumptions underlying the forecast shall also be provided, including but not limited to general salary increases, inflation, and growth of caseloads in significant program areas.

SECTION 23. AND BE IT FURTHER ENACTED, That all across-the-board reductions applied to the Executive Branch, unless otherwise stated, shall apply to current unrestricted and general funds in the University System of Maryland, St. Mary's College of Maryland, Morgan State University, and Baltimore City Community College.

SECTION 24. AND BE IT FURTHER ENACTED, That the Governor's budget books shall include a summary statement of federal revenues by major federal program sources supporting the federal appropriations made therein along with the major assumptions underpinning the federal fund estimates. The Department of Budget and Management (DBM) shall exercise due diligence in reporting this data and ensure that they are updated as appropriate to reflect ongoing congressional action on the federal budget. In addition, DBM shall provide to the Department of Legislative Services (DLS) data for the actual, current, and budget years listing the components of each federal fund appropriation by Catalog of Federal Domestic Assistance number or equivalent detail for programs not in the catalog. Data shall be provided in an electronic format subject to the concurrence of DLS.

SECTION 25. AND BE IT FURTHER ENACTED, That in the expenditure of federal

funds appropriated in this budget or subsequent to the enactment of this budget by the budget amendment process:

(1) State agencies shall administer these federal funds in a manner that recognizes that federal funds are taxpayer dollars that require prudent fiscal management, careful application to the purposes for which they are directed, and strict attention to budgetary and accounting procedures established for the administration of all public funds.

(2) For fiscal 2020, except with respect to capital appropriations, to the extent consistent with federal requirements:

(a) when expenditures or encumbrances may be charged to either State or federal fund sources, federal funds shall be charged before State funds are charged except that this policy does not apply to the Department of Human Services with respect to federal funds to be carried forward into future years for child welfare or welfare reform activities;

(b) when additional federal funds are sought or otherwise become available in the course of the fiscal year, agencies shall consider, in consultation with the Department of Budget and Management (DBM), whether opportunities exist to use these federal revenues to support existing operations rather than to expand programs or establish new ones; and

(c) DBM shall take appropriate actions to effectively establish the provisions of this section as policies of the State with respect to the administration of federal funds by executive agencies.

SECTION 26. AND BE IT FURTHER ENACTED, That the Department of Budget and Management (DBM) shall provide an annual report on indirect costs to the General Assembly in January 2020 as an appendix in the Governor's fiscal 2021 budget books. The report must detail by agency for the actual fiscal 2019 budget the amount of statewide indirect cost recovery received, the amount of statewide indirect cost recovery transferred to the General Fund, and the amount of indirect cost recovery retained for use by each agency. In addition, the report must list the most recently available federally approved statewide and internal agency cost-recovery rates. As part of the normal fiscal/compliance audit performed for each agency, the Office of Legislative Audits shall assess available information on the timeliness, completeness, and deposit history of indirect cost recoveries by State agencies. Further provided that for fiscal 2020, excluding the Maryland Department of Transportation, the amount of revenue received by each agency from any federal source for statewide cost recovery shall be transferred only to the General Fund and may not be retained in any clearing account or by any other means, nor may DBM or any other agency or entity approve exemptions to permit any agency to retain any portion of federal statewide cost recoveries.

SECTION 27. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that all State departments, agencies, bureaus, commissions, boards, and other organizational units included in the State budget, including the Judiciary, shall prepare

and submit items for the fiscal 2021 budget detailed by Comptroller subobject classification in accordance with instructions promulgated by the Comptroller of Maryland. The presentation of budget data in the Governor's budget books shall include object, fund, and personnel data in the manner provided for in fiscal 2020 except as indicated elsewhere in this Act; however, this may not preclude the placement of additional information into the budget books. For actual fiscal 2019 spending, the fiscal 2020 working appropriation, and the fiscal 2021 allowance, the budget detail shall be available from the Department of Budget and Management (DBM) automated data system at the subobject level by subobject codes and classifications for all agencies. To the extent possible, except for public higher education institutions, subobject expenditures shall be designated by fund for actual fiscal 2019 spending, the fiscal 2020 working appropriation, and the fiscal 2021 allowance. The agencies shall exercise due diligence in reporting this data and ensuring correspondence between reported position and expenditure data for the actual, current, and budget fiscal years. This data shall be made available on request and in a format subject to the concurrence of the Department of Legislative Services (DLS). Further, the expenditure of appropriations shall be reported and accounted for by the subobject classification in accordance with the instructions promulgated by the Comptroller of Maryland.

Further provided that due diligence shall be taken to accurately report full-time equivalent (FTE) counts of contractual FTEs in the budget books. For the purpose of this count, contractual FTEs are defined as those individuals having an employee-employer relationship with the State. This count shall include those individuals in higher education institutions who meet this definition but are paid with additional assistance funds.

Further provided that DBM shall provide to DLS with the allowance for each department, unit, agency, office, and institution, a one-page organizational chart in Microsoft Word or Adobe PDF format that depicts the allocation of personnel across operational and administrative activities of the entity.

Further provided that for each across-the-board reduction to appropriations or positions in the fiscal 2021 budget bill affecting fiscal 2020 or 2021, DBM shall allocate the reduction for each agency in a level of detail not less than the three-digit R*Stars financial agency code and by each fund type.

Further provided that DBM shall provide to DLS special and federal fund accounting detail for the fiscal year last completed, current year, and budget year for each fund. The account detail, to be submitted with the allowance, shall at a minimum provide revenue and expenditure detail, along with starting and ending balances.

Further provided that DBM shall provide to DLS by September 1, 2019, a list of all subprograms used by each department, unit, agency, office, and institution, along with a brief description of the subprograms purpose and responsibilities.

SECTION 28. AND BE IT FURTHER ENACTED, That on or before August 1, 2019, each State agency and each public institution of higher education shall report to the Department of Budget and Management (DBM) any agreements in place for any part of fiscal 2019 between State agencies and any public institution of higher education involving

potential expenditures in excess of \$100,000 over the term of the agreement. Further provided that DBM shall provide direction and guidance to all State agencies and public institutions of higher education as to the procedures and specific elements of data to be reported with respect to these interagency agreements, to include at a minimum:

- (1) a common code for each interagency agreement that specifically identifies each agreement and the fiscal year in which the agreement began;
- (2) the starting date for each agreement;
- (3) the ending date for each agreement;
- (4) a total potential expenditure, or not-to-exceed dollar amount, for the services to be rendered over the term of the agreement by any public institution of higher education to any State agency;
- (5) a description of the nature of the goods and services to be provided;
- (6) the total number of personnel, both full- and part-time, associated with the agreement;
- (7) contact information for the agency and the public institution of higher education for the person(s) having direct oversight or knowledge of the agreement;
- (8) total indirect cost recovery or facilities and administrative (F&A) expenditures authorized for the agreement;
- (9) the indirect cost recovery or F&A rate for the agreement and brief description of how the rate was determined;
- (10) actual expenditures for the most recently closed fiscal year;
- (11) actual base expenditures that the indirect cost recovery or F&A rate may be applied against during the most recently closed fiscal year;
- (12) actual expenditures for indirect cost recovery or F&A for the most recently closed fiscal year; and
- (13) total authorized expenditures for any subaward(s) or subcontract(s) being used as part of the agreement and a brief description of the type of award or contract.

Further provided that DBM shall submit a consolidated report to the budget committees and the Department of Legislative Services by December 1, 2019, that contains information on all agreements between State agencies and any public institution of higher education involving potential expenditures in excess of \$100,000 that were in effect at any time during fiscal 2019.

Further provided that no new higher education interagency agreement with State agencies with a projected value in excess of \$500,000 may be entered into during fiscal 2020 without prior approval of the Secretary of Budget and Management.

SECTION 29. AND BE IT FURTHER ENACTED, That any budget amendment to increase the total amount of special, federal, or higher education (current restricted and current unrestricted) fund appropriations, or to make reimbursable fund transfers from the Governor's Office of Crime Control and Prevention or the Maryland Emergency Management Agency made in Section 1 of this Act shall be subject to the following restrictions:

(1) This section may not apply to budget amendments for the sole purpose of:

(a) appropriating funds available as a result of the award of federal disaster assistance; and

(b) transferring funds from the State Reserve Fund – Economic Development Opportunities Account for projects approved by the Legislative Policy Committee (LPC).

(2) Budget amendments increasing total appropriations in any fund account by \$100,000 or more may not be approved by the Governor until:

(a) that amendment has been submitted to the Department of Legislative Services (DLS); and

(b) the budget committees or LPC has considered the amendment or 45 days have elapsed from the date of submission of the amendment. Each amendment submitted to DLS shall include a statement of the amount, sources of funds and purposes of the amendment, and a summary of the impact on regular position or contractual full-time equivalent payroll requirements.

(3) Unless permitted by the budget bill or the accompanying supporting documentation or by any other authorizing legislation, and notwithstanding the provisions of Section 3–216 of the Transportation Article, a budget amendment may not:

(a) restore funds for items or purposes specifically denied by the General Assembly;

(b) fund a capital project not authorized by the General Assembly provided, however, that subject to provisions of the Transportation Article, projects of the Maryland Department of Transportation (MDOT) shall be restricted as provided in Section 1 of this Act;

(c) increase the scope of a capital project by an amount 7.5% or more over the approved estimate or 5.0% or more over the net square footage of the approved

project until the amendment has been submitted to DLS and the budget committees have considered and offered comment to the Governor or 45 days have elapsed from the date of submission of the amendment. This provision does not apply to MDOT; and

(d) provide for the additional appropriation of special, federal, or higher education funds of more than \$100,000 for the reclassification of a position or positions.

(4) A budget may not be amended to increase a federal fund appropriation by \$100,000 or more unless documentation evidencing the increase in funds is provided with the amendment and fund availability is certified by the Secretary of Budget and Management.

(5) No expenditure or contractual obligation of funds authorized by a proposed budget amendment may be made prior to approval of that amendment by the Governor.

(6) Notwithstanding the provisions of this section, any federal, special, or higher education fund appropriation may be increased by budget amendment upon a declaration by the Board of Public Works that the amendment is essential to maintaining public safety, health, or welfare, including protecting the environment or the economic welfare of the State.

(7) Budget amendments for new major information technology projects, as defined by Sections 3A–301 and 3A–302 of the State Finance and Procurement Article, must include an Information Technology Project Request, as defined in Section 3A–308 of the State Finance and Procurement Article.

(8) Further provided that the fiscal 2020 appropriation detail as shown in the Governor’s budget books submitted to the General Assembly in January 2020 and the supporting electronic detail may not include appropriations for budget amendments that have not been signed by the Governor, exclusive of the MDOT pay–as–you–go capital program.

(9) Further provided that it is the policy of the State to recognize and appropriate additional special, higher education, and federal revenues in the budget bill as approved by the General Assembly. Further provided that for the fiscal 2021 allowance, the Department of Budget and Management shall continue policies and procedures to minimize reliance on budget amendments for appropriations that could be included in a deficiency appropriation.

SECTION 30. AND BE IT FURTHER ENACTED, That:

(1) The Secretary of Health shall maintain the accounting systems necessary to determine the extent to which funds appropriated for fiscal 2019 in program M00Q01.03 Medical Care Provider Reimbursements and M00Q01.10 Medicaid Behavioral Health Provider Reimbursements have been disbursed for services provided in that fiscal

year and shall prepare and submit the monthly reports required under this section for that program.

(2) The State Superintendent of Schools shall maintain the accounting systems necessary to determine the extent to which funds appropriated for fiscal 2019 to program R00A02.07 Students With Disabilities for nonpublic placements have been disbursed for services provided in that fiscal year and to prepare monthly reports as required under this section for that program.

(3) The Secretary of Human Services shall maintain the accounting systems necessary to determine the extent to which funds appropriated for fiscal 2019 in program N00G00.01 Foster Care Maintenance Payments have been disbursed for services provided in that fiscal year, including detail by placement type for the average monthly caseload, average monthly cost per case, and the total expended for each foster care program, and to prepare the monthly reports required under this section for that program.

(4) For the programs specified, reports must indicate by fund type total appropriations for fiscal 2019 and total disbursements for services provided during that fiscal year up through the last day of the second month preceding the date on which the report is to be submitted and a comparison to data applicable to those periods in the preceding fiscal year.

(5) Reports shall be submitted to the budget committees, the Department of Legislative Services, the Department of Budget and Management, and the Comptroller beginning August 15, 2019, and submitted on a monthly basis thereafter.

(6) It is the intent of the General Assembly that general funds appropriated for fiscal 2019 to the programs specified that have not been disbursed within a reasonable period, not to exceed 12 months from the end of the fiscal year, shall revert.

SECTION 31. AND BE IT FURTHER ENACTED, That the General Accounting Division of the Comptroller of Maryland shall establish a subsidiary ledger control account to debit all State agency funds budgeted under subobject 0175 (Workers' Compensation) and to credit all payments disbursed to the Chesapeake Employers' Insurance Company (CEIC) via transmittal. The control account shall also record all funds withdrawn from CEIC and returned to the State and subsequently transferred to the General Fund. CEIC shall submit monthly reports to the Department of Legislative Services concerning the status of the account.

SECTION 32. AND BE IT FURTHER ENACTED, That the Board of Public Works (BPW), in exercising its authority to create additional positions pursuant to Section 7-236 of the State Finance and Procurement Article, may authorize during the fiscal year no more than 100 positions in excess of the total number of authorized State positions on July 1, 2019, as determined by the Secretary of Budget and Management. Provided, however, that if the imposition of this ceiling causes undue hardship in any department, agency, board, or commission, additional positions may be created for that affected unit to the extent that an equal number of positions authorized by the General Assembly for the fiscal year are

abolished in that unit or in other units of State government. It is further provided that the limit of 100 does not apply to any position that may be created in conformance with specific manpower statutes that may be enacted by the State or federal government nor to any positions created to implement block grant actions or to implement a program reflecting fundamental changes in federal/State relationships. Notwithstanding anything contained in this section, BPW may authorize additional positions to meet public emergencies resulting from an act of God and violent acts of man that are necessary to protect the health and safety of the people of Maryland.

BPW may authorize the creation of additional positions within the Executive Branch provided that 1.25 contractual full-time equivalents (FTEs) are abolished for each regular position authorized and that there be no increase in agency funds in the current budget and the next two subsequent budgets as the result of this action. It is the intent of the General Assembly that priority is given to converting individuals that have been in contractual FTEs for at least two years. Any position created by this method may not be counted within the limitation of 100 under this section.

The numerical limitation on the creation of positions by BPW established in this section may not apply to positions entirely supported by funds from federal or other non-State sources so long as both the appointing authority for the position and the Secretary of Budget and Management certify for each position created under this exception that:

(1) funds are available from non-State sources for each position established under this exception; and

(2) any positions created will be abolished in the event that non-State funds are no longer available.

The Secretary of Budget and Management shall certify and report to the General Assembly by June 30, 2020, the status of positions created with non-State funding sources during fiscal 2017 through 2020 under this provision as remaining, authorized, or abolished due to the discontinuation of funds.

SECTION 33. AND BE IT FURTHER ENACTED, That immediately following the close of fiscal 2019, the Secretary of Budget and Management shall determine the total number of full-time equivalent (FTE) positions that are authorized as of the last day of fiscal 2019 and on the first day of fiscal 2020. Authorized positions shall include all positions authorized by the General Assembly in the personnel detail of the budgets for fiscal 2019 and 2020, including nonbudgetary programs, the Maryland Transportation Authority, the University System of Maryland self-supported activities, and the Maryland Correctional Enterprises.

The Department of Budget and Management shall also prepare a report during fiscal 2020 for the budget committees upon creation of regular FTE positions through Board of Public Works action and upon transfer or abolition of positions. This report shall also be provided as an appendix in the fiscal 2021 Governor's budget books. It shall note, at the

program level:

- (1) where regular FTE positions have been abolished;
- (2) where regular FTE positions have been created;
- (3) from where and to where regular FTE positions have been transferred;

and

- (4) where any other adjustments have been made.

Provision of contractual FTE information in the same fashion as reported in the appendices of the fiscal 2020 Governor's budget books shall also be provided.

SECTION 34. AND BE IT FURTHER ENACTED, That no position identification number assigned to a position abolished in this budget may be reassigned to a job or function different from that to which it was assigned when the budget was submitted to the General Assembly. Incumbents in positions abolished may continue State employment in another position.

SECTION 35. AND BE IT FURTHER ENACTED, That the Secretary of Budget and Management shall include as an appendix in the fiscal 2021 Governor's budget books an accounting of the fiscal 2019 actual, fiscal 2020 working appropriation, and fiscal 2021 estimated revenues and expenditures associated with the employees' and retirees' health plan. The data in this report should be consistent with the budget data submitted to the Department of Legislative Services. This accounting shall include:

(1) any health plan receipts received from State agencies, employees, and retirees, as well as prescription rebates or recoveries, or audit recoveries, and other miscellaneous recoveries;

(2) any premium, capitated, or claims expenditures paid on behalf of State employees and retirees for any health, mental health, dental, or prescription plan, as well as any administrative costs not covered by these plans; and

(3) any balance remaining and held in reserve for future provider payments.

SECTION 36. AND BE IT FURTHER ENACTED, That \$200,000 of the general fund appropriation in the Maryland Department of Planning, \$200,000 of the general fund appropriation in the Department of Natural Resources, \$200,000 of the general fund appropriation in the Maryland Department of Agriculture, \$200,000 of the general fund appropriation in the Maryland Department of the Environment, and \$200,000 of the general fund appropriation in the Department of Budget and Management made for the purpose of general operating expenses may not be expended until the agencies provide a report to the budget committees on Chesapeake Bay restoration spending. The report shall be drafted subject to the concurrence of the Department of Legislative Services (DLS) in

terms of both electronic format to be used and data to be included. The report shall include:

(1) fiscal 2019 annual spending by fund, fund source, program, and State government agency; associated nutrient and sediment reductions; and the impact on living resources and ambient water quality criteria for dissolved oxygen, water clarity, and “chlorophyll a” for the Chesapeake Bay and its tidal tributaries to be submitted electronically in disaggregated form to DLS;

(2) projected fiscal 2020 to 2025 annual spending by fund, fund source, program, and State government agency; associated nutrient and sediment reductions; and the impact on living resources and ambient water quality criteria for dissolved oxygen, water clarity, and “chlorophyll a” for the Chesapeake Bay and its tidal tributaries to be submitted electronically in disaggregated form to DLS;

(3) an overall framework discussing the needed regulations, revenues, laws, and administrative actions and their impacts on individuals, organizations, governments, and businesses by year from fiscal 2019 to 2025 in order to reach the calendar 2025 requirement of having all best management practices in place to meet water quality standards for restoring the Chesapeake Bay, to be both written in narrative form and tabulated in spreadsheet form that is submitted electronically in disaggregated form to DLS;

(4) an analysis of the various options for financing Chesapeake Bay restoration including public–private partnerships, a regional financing authority, nutrient trading, technological developments, and any other policy innovations that would improve the effectiveness of Maryland and other states’ efforts toward Chesapeake Bay restoration; and

(5) an analysis on how cost effective the existing State funding sources – such as the Bay Restoration Fund, Chesapeake and Atlantic Coastal Bays 2010 Trust Fund, and Water Quality Revolving Loan Fund, among others – are for Chesapeake Bay restoration purposes.

The report shall be submitted by December 1, 2019, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

SECTION 37. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Department of Budget and Management, the Department of Natural Resources, and the Maryland Department of the Environment provide a report on Chesapeake Bay restoration spending. The report shall be drafted subject to the concurrence of the Department of Legislative Services (DLS) in terms of both electronic format to be used and data to be included. The scope of the report is as follows: Chesapeake Bay restoration operating and capital expenditures by agency, fund type, and particular fund source based on programs that have over 50% of their activities directly related to Chesapeake Bay restoration for the fiscal 2019 actual, fiscal 2020 working appropriation,

and fiscal 2021 allowance to be included as an appendix in the fiscal 2021 budget volumes and submitted electronically in disaggregated form to DLS.

SECTION 38. AND BE IT FURTHER ENACTED, That the reimbursable fund appropriation in the State Retirement Agency, G20J01.01, shall be reduced by \$225,064. The Governor shall develop a schedule for allocating this reimbursable fund reduction across State agencies. The reduction shall equal at least the amount indicated for the funds listed:

<u>Fund</u>	<u>Amount</u>
<u>General</u>	<u>\$135,040</u>
<u>Special</u>	<u>\$45,012</u>
<u>Federal</u>	<u>\$45,012</u>

SECTION 39. AND BE IT FURTHER ENACTED, That the reimbursable funds appropriation in the State Retirement Agency, G20J01.01, shall be reduced by \$29,008. The Governor shall develop a schedule for allocating this reimbursable fund reduction across State agencies. The reduction shall equal at least the amount indicated for the funds listed:

<u>Fund</u>	<u>Amount</u>
<u>General</u>	<u>\$17,404</u>
<u>Special</u>	<u>\$5,802</u>
<u>Federal</u>	<u>\$5,802</u>

SECTION 40. AND BE IT FURTHER ENACTED, That \$1,000,000 of the General Fund appropriation within the Department of State Police (DSP) may not be expended until DSP submits the Crime in Maryland, 2018 Uniform Crime Report (UCR) to the budget committees. The budget committees shall have 45 days to review and comment following receipt of the report. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Further provided that, if DSP encounters difficulty obtaining necessary crime data by November 1, 2019, from local jurisdictions who provide the data for inclusion in the UCR, DSP shall notify the Governor's Office of Crime Control and Prevention (GOCCP). From each jurisdiction's third quarterly State Aid for Police Protection (SAPP) disbursement, GOCCP shall withhold a portion, totaling at least 15%, but no more than 50%, of that jurisdiction's SAPP grant for fiscal 2020 upon receipt of notification from DSP. GOCCP shall withhold SAPP funds until such a time that the jurisdiction submits its crime data to DSP and DSP verifies the accuracy of that data. DSP and GOCCP shall submit a report to the budget committees indicating any jurisdiction from which crime data was not received by November 1, 2019, and the amount of SAPP funding withheld from each jurisdiction.

Further provided that, it is the intent of the budget committees that, in the event that DSP encounters issues with submitting the complete and accurate UCR due to issues outside of its control, DSP may petition the budget committees for release of the restricted general

funds following submission of a report detailing the department's due diligence in attempting to collect the UCR data, including proof of competent oversight of the data contributors.

SECTION 41. AND BE IT FURTHER ENACTED, That \$250,000 of the general fund appropriation made for the purpose of administration in program M00Q01.01 Deputy Secretary for Health Care Financing and \$250,000 of the special fund appropriation made for the purpose of administration in program M00R01.02 Health Services Cost Review Commission may not be expended until the Maryland Department of Health and Health Services Cost Review Commission submit a report to the budget committees specifying 5- and 10-year Medicaid cost-savings and growth rate targets and identifying quality measures in the total cost-of-care quality program that target Medicaid-specific services and populations. The report shall be submitted by December 1, 2019, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund or be canceled as appropriate if the report is not submitted to the budget committees.

SECTION 42. AND BE IT FURTHER ENACTED, That the general funds in the fiscal 2020 budget for the purchase of vehicles (Comptroller Object 0701) shall be reduced by \$1,500,000 in the Executive and Judicial Branch agencies. Funding shall be reduced within the **programs in the** Executive Branch and Judicial Branch agencies **in Section 1 of this Act**, excluding the Department of General Services (H00), the Department of Natural Resources (K00), and the Department of State Police (W00) in accordance with a schedule determined by the Governor and the Chief Judge. The Department of Budget and Management is authorized to process a budget amendment of \$2,250,000 from the Strategic Energy Investment Fund Renewable Energy, Climate Change subaccount to replace general funds reduced in the agencies for the purchase of fully electric or plug-in electric hybrid vehicles.

SECTION 43. AND BE IT FURTHER ENACTED, That \$200,000 of the general fund appropriation in the Maryland Department of the Environment (MDE) and \$200,000 of the general fund appropriation in the Maryland Department of Agriculture (MDA) made for the purpose of general operating expenses may be expended only for the purpose of filling vacant compliance and enforcement positions, provided, however, that no funds may be expended until MDE and MDA jointly prepare and submit quarterly reports on July 1, 2019; October 1, 2019; January 1, 2020; and April 1, 2020, which shall include:

(1) an evaluation of the adequacy of Maryland's current authorized compliance and enforcement positions in the departments. In completing the assessment, the departments shall:

(a) provide information on the delegation of authority to other entities; and

(b) assess the impact of the role that technology has played on compliance and enforcement responsibilities;

(2) a comparison of the size, roles, and responsibilities of the departments' compliance and enforcement positions to neighboring or similar states;

(3) a list of all inspection activities conducted by the MDE Water and Science Administration, the Land and Materials Administration, the Air and Radiation Administration, and the MDA Office of Resource Conservation;

(4) the number of:

(a) regular positions and contractual full-time equivalents associated with the inspections, including the number of vacancies for fiscal 2013 through 2019 actuals; and

(b) fiscal 2020 current and fiscal 2021 estimated appropriations;

(5) the position identification numbers and titles for all positions filled with restricted funding and how the positions are being used; and

(6) a description of the use of and outcomes from any next generation compliance techniques to increase compliance with Maryland's environmental regulations.

Further provided that funding restricted for this purpose may be released quarterly in \$50,000 installments for each agency upon receipt of the required quarterly reports by the budget committees. The budget committees shall have 45 days to review and comment on the submitted quarterly reports. Funds restricted may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the reports are not submitted to the budget committees and the released funding is not used to fill vacant compliance and enforcement positions.

SECTION 44. AND BE IT FURTHER ENACTED, That for fiscal 2020 funding for State health insurance contributions for employees and retirees shall be reduced by \$17,000,000 in Executive Branch, Legislative Branch, and Judicial Branch agencies. Funding for this purpose shall be reduced in Comptroller Object 0152 (Health Insurance), and Comptroller Object 0154 (Retirees Health Insurance Premiums) within **programs in the** Executive Branch, Legislative Branch, and Judicial Branch agencies **in Section 1 of this Act** in fiscal 2020 by the following amounts in accordance with a schedule determined by the Governor, the Presiding Officers, and Chief Judge:

<u>Programs</u>	<u>Fund</u>	<u>Amount</u>
<u>General Assembly of Maryland</u>	<u>General Fund</u>	<u>\$142,800</u>
<u>Judiciary</u>	<u>General Fund</u>	<u>\$652,800</u>
<u>Executive Branch</u>	<u>General Fund</u>	<u>\$9,404,400</u>
<u>Judiciary</u>	<u>Special Fund</u>	<u>\$64,600</u>
<u>Executive Branch</u>	<u>Special Fund</u>	<u>\$3,335,400</u>
<u>Executive Branch</u>	<u>Federal Fund</u>	<u>\$3,400,000</u>
<u>Morgan State University</u>	<u>Unrestricted Fund</u>	<u>\$186,773</u>

<u>St. Mary's College of Maryland</u>	<u>Unrestricted Fund</u>	<u>\$68,689</u>
<u>University System of Maryland</u>	<u>Unrestricted Fund</u>	<u>\$3,572,803</u>
<u>Baltimore City Community College</u>	<u>Unrestricted Fund</u>	<u>\$78,335</u>

SECTION 45. AND BE IT FURTHER ENACTED, That, in responding to requests made by the budget committees, whether in the form of language included in the annual budget bill or committee narrative as published in the annual Joint Chairmen's Report, all entities shall provide the budget committees and the Department of Legislative Services materials in both electronic form and hard copy. All hard copy submissions shall include a fully printed edition of all materials included in the response and may not include links to other source materials.

SECTION 46. AND BE IT FURTHER ENACTED, That, contingent upon the enactment of HB 1052 or SB 703, \$500,000 of the general fund appropriation for administration in E00A01.01 Comptroller of Maryland Executive Direction and \$500,000 of the general fund appropriation for administration in F10A01.01 Department of Budget and Management Executive Direction may not be expended until (1) The Comptroller of Maryland and the Department of Budget and Management submit quarterly reports to the House Appropriations Committee, House Economic Matters Committee, Senate Budget and Taxation Committee, and Senate Education, Health, and Environmental Affairs Committee on October 1, 2019; January 1, 2020; April 1, 2020; and July 1, 2020, which detail all activity taken in each quarter to implement legislation that creates an Alcohol and Tobacco Commission; and (2) The House Appropriations Committee, House Economic Matters Committee, Senate Budget and Taxation Committee, and Senate Education, Health, and Environmental Affairs Committee shall have 45 days to review and comment on the submitted quarterly reports. Funds restricted pending the receipt of the reports may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the reports are not submitted to the budget committees. It is the intent of the General Assembly that funds will be released in quarterly allotments of \$125,000 per agency only if each report demonstrates satisfactory progress in implementing the legislation to transfer the alcohol and tobacco activities to the newly created commission.

~~SECTION 46. AND BE IT FURTHER ENACTED, That \$200,000 in general funds in program F10A05.01 Budget Analysis and Formulation may not be expended unless the Department of Budget and Management shall submits complete fiscal 2021 subobject detail by program for Comptroller Object 08 by the third Wednesday of January 2020 in an electronic format subject to the concurrence of the Department of Legislative Services. The budget committees shall have 45 days to review and comment upon the completeness of the subobject detail from its date of submission. Funds restricted pending the receipt of this budget detail may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.~~

SECTION 47. AND BE IT FURTHER ENACTED, That:

(1) \$35,750,000 of the special fund appropriation made for the purpose of Innovation and Excellence in Education Initiatives in Program R00A02.60 and \$65,000,000 of the special fund appropriation made for the purpose of Public School Construction (\$45,000,000) and Public School Construction – Revolving Loan Fund (\$20,000,000) in Program R00A07.02, may not be expended for those purposes and instead may only be expended for the following purposes as established and specified in SB 1030 or HB 1413 (Ch. 771 of 2019):

(a) ~~\$23,129,403~~ ~~\$9,028,654~~ **\$11,201,670** to provide additional funding for students with disabilities;

(b) \$54,620,597 for concentration of poverty school grants; ~~and~~

(c) ~~\$23,000,000~~ ~~\$33,850,749~~ **\$31,677,733** to expand full-day prekindergarten for four-year-olds;

(d) \$2,000,000 for mental health coordinators; and

(e) \$1,250,000 for teacher collaboratives.

(2) It is the intent of the General Assembly that the Governor process a budget amendment to appropriate ~~\$200,000,000~~ ~~\$100,000,000~~ **\$134,500,000** in special funds from the Commission on Innovation and Excellence in Education Fund in fiscal 2020 for the following purposes as established and specified in SB 1030 or HB 1413 (Ch. 771 of 2019):

(a) **\$34,500,000 to provide additional funding for students with disabilities;**

~~(a)~~ ~~\$90,478,143 to provide additional funding for students with disabilities;~~

~~(b)~~ ~~(a)~~ **(b)** \$75,000,000 for teacher salary incentive grants;

~~(c)~~ ~~(b)~~ **(c)** \$23,000,000 for transitional supplemental instruction grants;

~~(d)~~ ~~\$6,271,857 to expand full-day prekindergarten for four-year-olds;~~

~~(e)~~ ~~\$2,000,000 for mental health coordinators;~~

~~(f)~~ ~~(e)~~ **(d)** \$2,500,000 \$1,250,000 for teacher collaboratives;

~~(g)~~ ~~(d)~~ **(e)** \$250,000 for outreach and training on The Blueprint for Maryland's Future; and

~~(h) (e) (f)~~ \$500,000 to expand the Maryland State Department of Education's direct certification information technology system to include Medicaid data.

~~(3) It is the intent of the General Assembly that, contingent on the enactment of SB 728 or HB 1301 (Ch. — of 2019), the Governor process a budget amendment to appropriate up to \$95,000,000 in revenues deposited in the Commission on Innovation and Excellence in Education Fund in fiscal 2020 attributable to sales and use tax collections by marketplace facilitators or sellers to provide additional funding for students with disabilities.~~

~~(4) The Department of Budget and Management shall report to the budget committees by August 15, 2019, on which, if any, restrictions have been implemented.~~

SECTION 48. AND BE IT FURTHER ENACTED, That \$11,136,063 in general funds within the Governor's Office of Crime Control and Prevention (GOCCP), representing the entirety of the local law enforcement grants to the Baltimore City Police Department and the Baltimore City State's Attorney's Office, and \$3,000,000 of the Disparity Grant to Baltimore City budgeted within A15000.01 may not be expended until the Baltimore City Mayor's Office and the Mayor's Office of Criminal Justice, in coordination with the Baltimore City State's Attorney's Office and the Baltimore City Police Department, submit a comprehensive annual crime strategy for the city. The strategy shall include specific measurable actions that the city will take to address crime and be based on a threat assessment. The crime reduction strategy report shall be submitted to the Governor and budget committees by August 1, 2019. The budget committees shall have 45 days to review and comment prior to the release of funds. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted.

Further provided the Mayor's Office of Criminal Justice shall provide the Governor and the budget committees with quarterly performance measures. The performance measures shall be submitted by October 15, 2019, and quarterly thereafter.

SECTION 49. AND BE IT FURTHER ENACTED, That \$100,000 of the general fund appropriation within the Department of State Police (DSP) and \$100,000 of the general fund appropriation within the Governor's Office of Crime Control and Prevention (GOCCP) may not be expended until DSP and GOCCP jointly submit a report identifying and evaluating the effectiveness and interactions among current federal, State, and local resources dedicated to combating violent crime, particularly in Baltimore City. The resources identified in the report shall include but not be limited to personnel, infrastructure, programming, task forces, and grant awards. The submitted report shall also address how the new Baltimore City Crime Prevention Initiative will improve upon these existing resources to reduce and prevent crime in a measurable capacity, including the provision of performance measures intended to be reported by GOCCP.

The report shall be submitted by September 15, 2019, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall revert

to the General Fund if the report is not submitted.

SECTION 50. AND BE IT FURTHER ENACTED, That the general funds in the fiscal 2020 budget for:

(1) Technical and special fees (Comptroller Object 02) shall be reduced by \$3,000,000 through increasing contractual turnover expectancy; and

(2) In-State travel (Comptroller Object 0401) shall be reduced by \$1,000,000.

Funding shall be reduced from within programs in the Executive Branch and Judicial Branch agencies in Section 1 of this Act in accordance with a schedule determined by the Governor and the Chief Judge.

SECTION 51. AND BE IT FURTHER ENACTED, That the reimbursable funds appropriation in the Department of Information Technology programs F50B04.02 Security, F50B04.03 Application Systems Management, and F50B04.04 Infrastructure, shall be reduced by a total of \$2,000,000. Funding shall be reduced from within programs in the Executive Branch, Legislative Branch, and Judicial Branch agencies in Section 1 of this Act in accordance with a schedule determined by the Governor, the Presiding Officers, and the Chief Judge. The reduction shall equal at least the amount indicated for the funds listed:

<u>Fund</u>	<u>Amount</u>
<u>General</u>	<u>\$1,200,000</u>
<u>Special</u>	<u>\$400,000</u>
<u>Federal</u>	<u>\$400,000</u>

SECTION ~~20~~, ~~48~~, ~~51~~, **52**. AND BE IT FURTHER ENACTED, That numerals of this bill showing subtotals and totals are informative only and are not actual appropriations. The actual appropriations are in the numerals for individual items of appropriation. It is the legislative intent that in subsequent printings of the bill the numerals in subtotals and totals shall be administratively corrected or adjusted for continuing purposes of information, in order to be in arithmetic accord with the numerals in the individual items.

SECTION ~~21~~, ~~49~~, ~~52~~, **53**. AND BE IT FURTHER ENACTED, That pursuant to the provisions of Article III, Section 52(5a) of the Maryland Constitution, the following total of all proposed appropriations and the total of all estimated revenues available to pay the appropriations for the 2020 fiscal year are submitted.

BUDGET SUMMARY (\$)**Fiscal Year 2019**

General Fund Balance, June 30, 2018 available for 2019 Operations		589,590,296
2019 Estimated Revenues (all funds)		45,046,385,547
Reimbursement from reserve for Tax Credits		23,291,975
2019 Appropriations as amended (all funds)	44,672,288,295	
2019 Deficiencies (all funds)	216,490,890	
Estimated Agency Reversions	(35,000,000)	
	<hr/>	
Subtotal Appropriations (all funds)		44,853,779,185
2019 General Funds Reserved for 2020 Operations		805,488,633

Fiscal Year 2020

2019 General Funds Reserved for 2020 Operations		805,488,633
2020 Estimated Revenues (all funds)		45,711,918,559
Reimbursement from reserve for Tax Credits		37,549,447
Transfer from other funds		158,000,000
2020 Appropriations (all funds)	46,642,490,051	
Estimated Agency General Fund Reversions	(35,000,000)	
	<hr/>	
Subtotal Appropriations (all funds)		46,607,490,051
2020 General Fund Unappropriated Balance		105,466,588

SUPPLEMENTAL BUDGET NO. 1 – FISCAL YEAR 2020

March 4, 2019

Mr. President, Mr. Speaker,
Ladies and Gentlemen of the General Assembly:

Pursuant to the authority conferred on me by Article III, Section 52, Subsection (5) of the Constitution of Maryland, and in accordance with the consent of the (State Senate) – (House of Delegates), duly granted, I hereby submit a supplement to House Bill 100 and/or Senate Bill 125 in the form of an amendment to the original budget for the Fiscal Year ending June 30, 2020.

Supplemental Budget No. 1 will affect previously estimated funds available for budget operations as shown on the following summary statement.

SUPPLEMENTAL BUDGET SUMMARY

Sources:

Estimated general fund unappropriated balance July 1, 2020 (per Original Budget)		105,466,588
Special Funds:		
K00368 State Lakes Protection and Restoration Fund	1,000,000	
SWF305 Cigarette Restitution Fund	2,000,000	
SWF317 Maryland Emergency Medical System Operations Fund	100,000	
R00396 Safe Schools Fund	10,000,000	
R00380 Healthy School Facility Fund	30,000,000	
SWF317 Maryland Emergency Medical System Operations Fund	235,000	
S00304 General Bond Reserve Fund	500,000	43,835,000
Federal Funds:		
93.103 Food and Drug Administration – Research	110,500	
93.778 Medical Assistance	-17,500,000	
93.778 Medical Assistance	2,990,000	
93.778 Medical Assistance	126,877	
93.767 Children’s Health Insurance Program	20,153	-14,252,470
Current Restricted Funds		
University of Maryland, College Park	235,000	
Current Unrestricted Funds		

University of Maryland, College Park	450,000	
Total Available		135,734,118
Uses:		
General Funds	-27,058,756	
Special Funds	43,835,000	
Federal Funds	-14,252,470	
Current Unrestricted Funds	235,000	
Current Restricted Funds	450,000	3,208,774
Revised estimated general fund unappropriated Balance July 1, 2020		132,525,344

OFFICE OF THE ATTORNEY GENERAL

1. C81C00.01 Legal Counsel and Advice

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2019 to provide funds for expert witnesses for a false claims suit against an out-of-state childcare provider.

Object .08 Contractual Services	50,000	
General Fund Appropriation		50,000

DEPARTMENT OF DISABILITIES

2. D12A02.01 General Administration

In addition to the appropriation shown on page 11 of the printed bill (first reading file bill), to provide funds to reclassify a position to the correct class code.

Personnel Detail:		
Reclassification	38,991	
Object .01 Salaries, Wages and Fringe Benefits	38,991	
General Fund Appropriation		38,991

HISTORIC ST. MARY'S CITY COMMISSION

3. D17B01.51 Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2019 to provide funds to be used for health insurance.

Personnel Detail:

Fringe 80,108

Object .01 Salaries, Wages and Fringe Benefits 80,108

General Fund Appropriation 80,108

4. D17B01.51 Administration

In addition to the appropriation shown on page 15 of the printed bill (first reading file bill), to provide funding for a technical correction related to personnel costs.

Personnel Detail:

Regular Earnings 30,167

Fringe 8,394

Object .01 Salaries, Wages and Fringe Benefits 38,561

General Fund Appropriation 38,561

MILITARY DEPARTMENT

5. D50H01.06 Maryland Emergency Management Agency

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2019 to provide funding for the Ellicott City Public Alert System.

Object .12 Grants, Subsidies, and Contributions 250,000

General Fund Appropriation 250,000

DEPARTMENT OF BUDGET AND MANAGEMENT

6. F10A02.08 Statewide Expenses

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2019 to ensure all agencies have adequate funding for the \$500 employee bonus.

Personnel Detail:

Reclassifications 485,352

Object .01 Salaries, Wages and Fringe Benefits 485,352

General Fund Appropriation 485,352

7. F10A02.08 Statewide Expenses

To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2019 to accurately reflect the cost of the 0.5% COLA for the University System of Maryland.

Personnel Detail:

Reclassifications -2,095,142

Object .01 Salaries, Wages and Fringe Benefits -2,095,142

General Fund Appropriation -2,095,142

8. F10A02.08 Statewide Expenses

To reduce the appropriation on page 31 of the printed bill (first reading file bill), to eliminate excess funding for Annual Salary Reviews.

Personnel Detail:

Reclassifications -336,240

Object .01 Salaries, Wages and Fringe Benefits	-336,240	
General Fund Appropriation		-336,240

9. F10A02.08 Statewide Expenses

In addition to the appropriation shown on page 31 of the printed bill (first reading file bill), to provide Annual Salary Review (ASR) funding for positions in the maintenance mechanic and maintenance mechanic senior series class codes.

Personnel Detail:		
Reclassifications	85,100	
Object .01 Salaries, Wages and Fringe Benefits	85,100	
General Fund Appropriation		85,100

DEPARTMENT OF GENERAL SERVICES

10. H00E01.01 Real Estate Management

To become available immediately upon the passage of this budget to supplement the appropriation for fiscal year 2019 to provide funds to support State Center litigation.

Object .08 Contractual Services	100,000 <u>0</u>	
General Fund Appropriation		100,000 <u>0</u>

DEPARTMENT OF NATURAL RESOURCES

11. K00A12.06 Monitoring and Ecosystem Assessment

In addition to the appropriation shown on page 49 of the printed bill (first reading file bill), to add a special fund appropriation for the

State Lakes Protection and Restoration Fund.

Object .02 Technical and Special Fees	47,507
Object .08 Contractual Services	952,493
	<hr/>
	1,000,000

Special Fund Appropriation	1,000,000
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DEPARTMENT OF AGRICULTURE

12. L00A12.03 Food Quality Assurance

In addition to the appropriation shown on page 53 of the printed bill (first reading file bill), to provide funding to the Maryland Produce Safety Program to support inspection, compliance, and enforcement activities related to the federal Food Safety Modernization Act Produce Safety Rule.

Personnel Detail:

Agricultural Inspector Advanced 2.00	68,780
Fringe Benefits	58,674
Turnover	-16,954
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Object .01 Salaries, Wages and Fringe Benefits	110,500
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Federal Fund Appropriation	110,500
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13. L00A12.10 Marketing and Agriculture Development

In addition to the appropriation shown on page 53 of the printed bill (first reading file bill), to provide funding to cover Maryland farmers' share of the premium cost to participate in the Federal Dairy Margin Coverage Program.

Object .12 Grants, Subsidies, and Contributions	1,500,000
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General Fund Appropriation, provided that \$100,000 of this appropriation made for the

purpose of covering Maryland farmers' share of the premium cost to participate in the Federal Dairy Margin Coverage Program may not be expended until the Maryland Department of Agriculture submits a report to the budget committees on the method of payment to reimburse farmers for premium costs and on how the funding was actually allocated. The report shall be submitted by August 1, 2019, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees ...

1,500,000

14. L00A14.05 Plant Protection and Weed Management

In addition to the appropriation shown on page 55 of the printed bill (first reading file bill), to provide funding for the spraying of the Palmer Amaranth weed.

Object .08 Contractual Services 150,000

General Fund Appropriation, provided that this appropriation of \$150,000 in general funds is contingent on the enactment of House Bill 808 repealing the existing list of noxious weeds in statute and instead requiring the Secretary of Agriculture to adopt regulations establishing the list of noxious weeds.....

150,000

MARYLAND DEPARTMENT OF HEALTH

15. M00F03.04 Family Health and Chronic Disease Services

In addition to the appropriation shown on page 60 of the printed bill (first reading file bill), to provide funding to attract and retain top talent at the University of Maryland Marlene and Stewart Greenebaum

Comprehensive Cancer Center.

Object .12 Grants, Subsidies, and Contributions	2,000,000	
Special Fund Appropriation		2,000,000
16. M00Q01.01 Medical Care Provider Reimbursements		
To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2019 for medical provider reimbursements.		
Object .08 Contractual Services	-25,000,000	
General Fund Appropriation		-25,000,000
17. M00Q01.01 M00Q01.03 Medical Care Provider Reimbursements		
To reduce the appropriation shown on page 67 of the printed bill (first reading file bill), to reflect an increase in the discount hospital rate for Medicaid services.		
Object .08 Contractual Services	-27,000,000	
General Fund Appropriation		-9,500,000
Federal Fund Appropriation		-17,500,000
18. M00Q01.03 Medical Care Provider Reimbursements		
In addition to the appropriation shown on page 67 of the printed bill (first reading file bill), to provide funds to maintain physician reimbursement rates for evaluation and management services at 93% of Medicare.		
Object .08 Contractual Services	4,760,000	
General Fund Appropriation		1,770,000
Federal Fund Appropriation		2,990,000
19. M00Q01.03 Medical Care Provider		

Reimbursements

In addition to the appropriation shown on page 67 of the printed bill (first reading file bill), to provide funds to support a three % rate increase for Rare and Expensive Case Management (REM) program services.

Object .08 Contractual Services	250,704	
General Fund Appropriation		123,827
Federal Fund Appropriation		126,877

20. M00Q01.07 Maryland Children’s Health Program

In addition to the appropriation shown on page 68 of the printed bill (first reading file bill), to provide funds to support a three % rate increase for Rare and Expensive Case Management (REM) program services.

Object .08 Contractual Services	25,390	
General Fund Appropriation		5,237
Federal Fund Appropriation		20,153

21. M00R01.01 Maryland Health Care Commission

In addition to the appropriation shown on page 69 of the printed bill (first reading file bill), to provide operating grant funds to the R Adams Cowley Shock Trauma Center at the University of Maryland Medical Center.

Object .12 Grants, Subsidies, and Contributions	100,000	
Special Fund Appropriation		100,000

STATE DEPARTMENT OF EDUCATION

22. R00A02.01 State Share of Foundation Program

In addition to the appropriation shown on page 93 of the printed bill (first reading file bill),

to reflect updated enrollment and wealth numbers.

Object .12 Grants, Subsidies, and Contributions 3,060,774

General Fund Appropriation, provided that \$3,060,774 of this appropriation may not be expended until the State Department of Assessments and Taxation, the Department of Budget and Management, and the Maryland State Department of Education submit a report to the budget committees on the calculation of the amount of funding to be provided as tax increment financing grants to local boards of education for fiscal 2020. If the report determines that the calculation is incorrect, any excess funding from the \$3,060,774 shall revert to the General Fund, or any shortage in funding shall be provided to local boards of education as a deficiency appropriation. The report shall be submitted by July 1, 2019, and the budget committees shall have 45 days to review and comment. Funds restricted pending receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees 3,060,774

23. R00A02.07 Students With Disabilities

To reduce the appropriation shown on page 94 of the printed bill (first reading file bill), to reflect updated enrollment and wealth numbers.

Object .12 Grants, Subsidies, and Contributions -3,218

General Fund Appropriation -3,218

24. R00A05.01 Maryland Longitudinal Data System Center

In addition to the appropriation shown on page 102 of the printed bill (first reading file bill), to provide funds for Oracle contract costs.

Object .08 Contractual Services 800,000

General Fund Appropriation 800,000

25. R00A06.02 Maryland Center for School Safety – Grants

In addition to the appropriation shown on page 103 of the printed bill (first reading file bill), to add a special fund appropriation to provide grants to local school systems to enhance school safety.

Object .12 Grants, Subsidies, and Contributions 10,000,000

Special Fund Appropriation 10,000,000

26. R00A07.02 Capital Appropriation

In addition to the appropriation shown on page 104 of the printed bill (first reading file bill), to add a special fund appropriation for the Healthy School Facility Fund.

Object .14 Land and Structures 30,000,000

Special Fund Appropriation, ~~provided that \$1,200,000 of the amount for the Healthy Schools Facility Fund may be used only for projects at Public Charter Schools. This funding shall not preclude or diminish the availability of State funding for projects at Public Charter Schools from other school construction funding programs~~ 30,000,000

UNIVERSITY SYSTEM OF MARYLAND

27. R30B22.00 University of Maryland, College Park

To become available immediately upon

passage of this budget to supplement the appropriation for fiscal year 2019 to provide funds to establish National Registry testing centers at Maryland Fire and Rescue Institute’s training regions to increase student access to emergency medical services certification.

Object .08 Contractual Services	235,000	
Current Restricted Fund Appropriation		235,000

28. R30B22.00 University of Maryland, College Park

In addition to the appropriation shown on page 111 of the printed bill (first reading file bill), to provide funds to the Judge Alexander Williams, Jr. Center for Education, Justice and Ethics to implement programs and initiatives to improve educational outcomes, promote civic engagement, and raise awareness around mental health and wellness among vulnerable populations.

Object .12 Grants, Subsidies, and Contributions	450,000 <u>0</u>	
Current Unrestricted Fund Appropriation		450,000 <u>0</u>

MARYLAND HIGHER EDUCATION COMMISSION

29. R62I00.01 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2019 to provide funds to support technical enhancements to the Maryland College Aid Processing System.

Object .08 Contractual Services	371,467	
General Fund Appropriation		371,467

30. R62I00.01 General Administration

In addition to the appropriation shown on page 108 of the printed bill (first reading file bill), to provide funds to support technical enhancements to the Maryland College Aid Processing System.

Object .08 Contractual Services	273,503	
General Fund Appropriation		273,503

HIGHER EDUCATION

31. R75T00.01 Support for State Operated Institutions of Higher Education

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2019 to provide funds to establish National Registry testing centers at Maryland Fire and Rescue Institute’s training regions to increase student access to emergency medical services certification.

Object .12 Grants, Subsidies, and Contributions	235,000	
Special Fund Appropriation		235,000

32. R75T00.01 Support for State Operated Institutions of Higher Education

In addition to the appropriation shown on page 111 of the printed bill (first reading file bill), to provide funds to the Judge Alexander Williams, Jr. Center for Education, Justice and Ethics to implement programs and initiatives to improve educational outcomes, promote civic engagement, and raise awareness around mental health and wellness among vulnerable populations.

Object .12 Grants, Subsidies, and		
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Contributions	450,000	<u>0</u>
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General Fund Appropriation	450,000	<u>0</u>
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DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

33. S00A24.01 Neighborhood Revitalization

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2019 to provide funds to expand cold-weather shelter services for individuals experiencing homelessness in Charles County.

Object .12 Grants, Subsidies, and Contributions	242,924	
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General Fund Appropriation		242,924
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34. S00A24.01 Neighborhood Revitalization

In addition to the appropriation shown on page 115 of the printed bill (first reading file bill), to provide funds for the Circuit Rider Program.

Object .12 Grants, Subsidies, and Contributions	500,000	
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Special Fund Appropriation		500,000
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AMENDMENTS TO HOUSE BILL 100 / SENATE BILL 125
(First Reading File Bill)

Amendment No. 1:

On page 47, after line 32, insert “Further provided that in addition to the items listed in the Capital Budget volume of the Budget Books for Fiscal Year 2020, the following projects are approved for funding from the Natural Resources Development Fund: Patapsco Valley State Park – Comfort Station Replacement – McKeldin Area (Carroll); Patapsco Valley State Park – Bathhouse Replacement – Hollofield Area (Howard); and Outdoor Shooting Range Replacements – Johnson Wildlife Management Area (Wicomico) and Area 2 Hillsboro Natural Resource Police Facility (Queen Anne’s)”.

Adds language to include projects approved for funding from the Natural Resources Development Fund.

Amendment No. 2:

On page 94, in line 4, after the word Formula, strike “303,253,515” and replace with “303,250,297”.

Technical correction to reflect updated enrollment and wealth numbers.

Amendment No. 3:

On page 104, after line 7, insert “Healthy School Facility Fund.....30,000,000”.

Updates the capital appropriation for the Interagency Commission on School Construction to provide a special fund appropriation for the Healthy School Facility Fund.

Amendment No. 4:

On page 111, in line 37, strike “517,605,574” and substitute “518,055,574”.

Updates the appropriation for the University of Maryland, College Park Campus to provide funds for the Judge A Alexander Williams, Jr. Center for Education, Justice and Ethics.

Amendment No. 5:

On page 162, in line 6, after the number 1, strike “240,720” and replace with “236,000”.

Technical adjustment in Section 3 Flat Rate Positions to correct the State Superintendent of Schools salary.

Amendment No. 6:

On page 177, after line 5, insert “SECTION 20. AND BE IT FURTHER ENACTED, That 22.0 FTE positions transferred to the Department of General Services (DGS) shall not be effective until October 1, 2019. Authorization is hereby provided for DGS to reimburse the salaries of these employees to the Departments of Budget and Management and Information Technology.”

SECTION 21. AND BE IT FURTHER ENACTED, That funds appropriated for the Opioid Operational Command Center may be transferred to programs of agencies to support the State's response to the heroin/opioid epidemic."

~~In line 6, after the word Section, strike "20" and replace with "22", and in line 12, strike "21" and replace with "23".~~

Technical correction to authorize DGS to reimburse DoIT and DBM for salary costs of procurement positions through September 30, 2019 and allow the transfer of Opioid Operational Command Center funds to other programs to support State's response to heroin/opioid epidemic. In addition, rennumbers the Sections of the budget bill accordingly.

SUMMARY

SUPPLEMENTAL APPROPRIATIONS

	General Funds	Special Funds	Federal Funds	Current Restricted Funds	Current Unrestricted Funds	Total Funds
Appropriation						
2019 FY	1,579,851	235,000	0	235,000	0	2,049,851
2020 FY	8,295,993	43,600,000	3,247,530	0	450,000	55,593,523
	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Subtotal	9,875,844	43,835,000	3,247,530	235,000	450,000	57,643,374
	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Reduction in Appropriation						
2019 FY	-27,095,142	0	0	0	0	-27,095,142
2020 FY	-9,839,458	0	-17,500,000	0	0	-27,339,458
	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Subtotal	-36,934,600	0	-17,500,000	0	0	-54,434,600
	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Net Change in Appropriation	<u><u>-27,058,756</u></u>	<u><u>43,835,000</u></u>	<u><u>-14,252,470</u></u>	<u><u>235,000</u></u>	<u><u>450,000</u></u>	<u><u>3,208,774</u></u>

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Enacted under Article III, § 52(6) of the Maryland Constitution, March 26, 2019.

Chapter 566

(House Bill 20)

AN ACT concerning

**State Agricultural Land Transfer Tax – ~~Nonagricultural Use Exemption~~ –
Repeal Alteration of Nonagricultural Use Reduction and Exemptions**

FOR the purpose of ~~repealing an exemption from the State agricultural land transfer tax for an instrument of writing that transfers land on which the property tax has been paid for a certain number of taxable years on the basis of certain assessments; and generally relating to exemptions from the State agricultural land transfer tax altering the method of calculating a certain reduction in the State agricultural land transfer tax for an instrument of writing that transfers title to agricultural land on which property tax was paid on the basis of an assessment other than farm or agricultural use in certain years before the transfer; repealing an exemption from the State agricultural land transfer tax for an instrument of writing that transfers title to agricultural land on which property tax was paid on the basis of an assessment other than farm or agricultural use for a certain number of years before the transfer; exempting an instrument of writing from the agricultural land transfer tax if the instrument of writing transfers title to agricultural land that was previously transferred by an instrument of writing that was subject to the agricultural land transfer tax; and generally relating to the nonagricultural use reduction to the State agricultural land transfer tax and exemptions from the State agricultural land transfer tax.~~

BY repealing and reenacting, without amendments,

Article – Tax – Property

Section 13–301(a) and (b) and 13–302(a) and (b)

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section ~~13–303(e)~~ 13–303 and 13–305

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

~~13–303.~~

~~(e) Except as provided by § [13–305(e)(2)] **13–305(B)(2)** of this subtitle, the agricultural land transfer tax determined under subsection (a) or subsection (b) of this section is reduced by 25% for each consecutive full taxable year before a transfer in which property tax on the agricultural land was paid on the basis of any assessment other than the farm or agricultural use assessment under § 8–209 of this article.~~

13–301.

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

(b) “Agricultural land” means real property that is or was assessed on the basis of farm or agricultural use under § 8–209 of this article.

13–302.

(a) Except as otherwise provided in § 13–305 of this subtitle, agricultural land transfer tax is imposed on an instrument of writing that transfers title to agricultural land.

(b) Agricultural land transfer tax is payable in addition to any other transfer tax imposed under this title.

13–303.

(a) The agricultural land transfer tax applies at the following rates:

(1) for a transfer of 20 acres or more of agricultural land, 5%;

(2) except as provided in item (3) of this subsection, for a transfer of less than 20 acres of agricultural land assessed for agricultural use or as unimproved agricultural land, 4%; or

(3) for a transfer of less than 20 acres of agricultural land assessed as improved agricultural land or agricultural land with site improvements, 3%.

(b) If an instrument of writing is subject to different rates of agricultural land transfer tax under subsection (a) of this section, the total agricultural land transfer tax due is computed separately for each portion of agricultural land to which a different rate applies.

(c) Except as provided by § [13–305(c)(2)] **13–305(B)(2) OR (C)(4)** of this subtitle, the agricultural land transfer tax determined under subsection (a) or subsection (b) of this section is reduced by:

(1) 25% [for each consecutive full taxable year before a transfer in which] IF property tax on the agricultural land was paid on the basis of any assessment other than the farm or agricultural use assessment under § 8–209 of this article FOR 1 FULL TAXABLE YEAR BEFORE A TRANSFER;

(2) 50% IF PROPERTY TAX ON THE AGRICULTURAL LAND WAS PAID ON THE BASIS OF ANY ASSESSMENT OTHER THAN THE FARM OR AGRICULTURAL USE ASSESSMENT UNDER § 8–209 OF THIS ARTICLE FOR 2 FULL CONSECUTIVE TAXABLE YEARS BEFORE A TRANSFER; AND

(3) 65% IF PROPERTY TAX ON THE AGRICULTURAL LAND WAS PAID ON THE BASIS OF ANY ASSESSMENT OTHER THAN THE FARM OR AGRICULTURAL USE

ASSESSMENT UNDER § 8–209 OF THIS ARTICLE FOR 3 OR MORE FULL CONSECUTIVE TAXABLE YEARS BEFORE A TRANSFER.

(d) (1) Except as provided in paragraph (2) of this subsection, in addition to the agricultural land transfer tax, a surcharge in an amount equal to 25% of the tax determined under subsections (a) through (c) of this section is imposed on an instrument of writing that transfers title to agricultural land.

(2) The surcharge imposed under paragraph (1) of this subsection does not apply to an instrument of writing that transfers property of 2 acres or less to be improved to a child or grandchild of the owner.

(e) When determining the rate of the agricultural land transfer tax to be imposed under subsection (a) or (b) of this section, the amount of agricultural land transferred that is exempt from the tax in accordance with § 13–305 of this subtitle may not be included in the amount of agricultural land that is transferred.

13–305.

[(a) An instrument of writing is not subject to the agricultural land transfer tax, if property tax on the land has been paid for 5 full consecutive taxable years before the transfer on the basis of an assessment other than the farm or agricultural use assessment under § 8–209 of this article.]

[(b)] (A) If the amount of agricultural land transferred is not greater than the applicable residential minimum zoning size in effect at the time of transfer, an instrument of writing for the residential use of the owner of the agricultural land or the owner's immediate family is not subject to the agricultural land transfer tax.

[(c)] (B) (1) Except as provided in paragraph (2) of this subsection, an instrument of writing that transfers title to agricultural land that is eligible for farm or agricultural use assessment under § 8–209 of this article is not subject to the agricultural land transfer tax if the transferee:

(i) files with the supervisor before the transfer a declaration of intent to farm the agricultural land that specifies that all of the transferred agricultural land will remain in farm or agricultural use for at least 5 full consecutive taxable years; and

(ii) applies for farm or agricultural use assessment under § 8–209 of this article for the land that is transferred.

(2) (i) If there is a failure to comply with a declaration of intent filed under paragraph (1) of this subsection including the building of nonagricultural improvements or nonagricultural site improvements or there is a failure to qualify for the farm or agricultural use assessment under § 8–209 of this article during the time that a

declaration of intent is in effect, the agricultural land transfer tax, plus penalty, is due on that portion of the land that fails to comply with the declaration of intent or to qualify for farm or agricultural use.

(ii) The tax and penalty due under this subsection are a lien on the agricultural land that was transferred. The tax and penalty are due on the earlier of:

1. the next date on which property tax on the agricultural land is due under § 10–102 of this article; or

2. the date of the next transfer of any part of the agricultural land.

(3) For the purpose of paragraph (2) of this subsection, the supervisor shall calculate the amount of the agricultural land transfer tax due by:

(i) determining the fair market value of the land subject to the tax as of the most recent July 1 and providing the property owner with a notice of that value, which the property owner may appeal as provided by § 8–404 of this article;

(ii) multiplying the fair market value of the land subject to the tax by the rate of tax provided under § 13–303 of this subtitle; and

(iii) adding to the tax calculated under subparagraph (ii) of this paragraph a penalty in the amount of 10% of the tax due.

[(d)] (C) (1) An instrument of writing that transfers title to agricultural land that is eligible for farm or agricultural use assessment or that received the agricultural use assessment as of the most recent July 1 under § 8–209 of this article is subject to the agricultural land transfer tax as provided in paragraph (2) of this subsection, if the transferee:

(i) files with the supervisor before the transfer a declaration of intent to farm the land that specifies that part of the agricultural land will remain in farm or agricultural use for at least 5 full consecutive taxable years;

(ii) for a parcel that can be further subdivided into 2 or more parcels, provides the supervisor with a survey that accurately identifies the location of the land and the amount of acreage that is subject to the declaration of intent; and

(iii) applies for farm or agricultural use assessment for part of the agricultural land that is transferred.

(2) The agricultural land transfer tax applies to the value of the land not subject to the declaration of intent, exclusive of the items stated in § 13–304 of this subtitle.

(3) For the purpose of paragraph (2) of this subsection, the supervisor:

(i) shall determine the fair market value of the land not subject to the declaration of intent as of the most recent July 1 and provide the transferee with a notice of that value, which the transferee may appeal as provided by § 8–404 of this article; and

(ii) calculate the amount of the tax due by multiplying the fair market value of the land subject to the tax by the rate of the tax provided under § 13–303 of this subtitle.

(4) If there is a failure to comply with a declaration of intent filed under paragraph (1) of this subsection or a failure to qualify for the farm or agricultural use assessment under § 8–209 of this article during the time that a declaration of intent is in effect, the agricultural land transfer tax, plus penalty, is due on the land subject to the declaration of intent.

(5) The tax and penalty due under this subsection are a lien on the agricultural land that was transferred. The tax and penalty are due on the earlier date of:

(i) the date on which property tax on the agricultural land is due under § 10–102 of this article; or

(ii) the date of the next transfer of any part of the agricultural land.

(6) For the purpose of paragraph (4) of this subsection, the supervisor shall calculate the amount of the agricultural land transfer tax due by:

(i) determining the fair market value of the land subject to the tax as of the most recent July 1 and providing the property owner with a notice of that value, which the property owner may appeal as provided by § 8–404 of this article;

(ii) multiplying the fair market value of the land subject to the tax by the rate of the tax under § 13–303 of this subtitle; and

(iii) adding to the tax calculated under subparagraph (ii) of this paragraph a penalty in the amount of 10% of the tax due.

[(e)] (D) The owner of real property which is subject to the agricultural use assessment must notify the Department when there is:

(1) a failure to comply with a declaration of intent; or

(2) failure to continue the property in agricultural use.

[(f)] (E) If there is a failure to comply with a declaration of intent filed under subsection **[(c)] (B)** or subsection **[(d)] (C)** of this section, the supervisor in determining the fair market value of the land subject to the violation shall:

- (1) identify the size and location of the land by:
 - (i) making a physical inspection of the property;
 - (ii) considering pertinent governmental records such as building permits, zoning maps, and regulations;
 - (iii) considering information provided by the property owner; and
 - (iv) determining that in the case of the building of a dwelling for the residential use of the owner, the size of the building site is 1 acre unless more land is actually used; and
- (2) appraise the land utilizing generally accepted appraisal approaches including consideration of the sales of comparable land.

[(g)] (F) For the purposes of subsections **[(d)] (C)** and **[(f)] (E)** of this section, if under current governmental land use regulations the parcel cannot be further subdivided into 2 or more parcels, the supervisor shall:

- (1) appraise the entire parcel; and
- (2) apportion the amount of the total market value of the parcel to that part of the parcel subject to the tax in accordance with generally accepted appraisal approaches including consideration of prevailing homesite land values in that area.

[(h)] (G) In addition to the exemptions otherwise provided by this section, the agricultural land transfer tax does not apply to an instrument of writing described in § 13-207(a) of this title.

(H) THE AGRICULTURAL LAND TRANSFER TAX DOES NOT APPLY TO AN INSTRUMENT OF WRITING THAT TRANSFERS TITLE TO AGRICULTURAL LAND THAT WAS PREVIOUSLY TRANSFERRED BY AN INSTRUMENT OF WRITING THAT WAS SUBJECT TO THE AGRICULTURAL LAND TRANSFER TAX.

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

AN ACT concerning

**State Agricultural Land Transfer Tax – ~~Nonagricultural Use Exemption~~ –
~~Repeal~~ Alteration of Nonagricultural Use Reduction and Exemptions**

FOR the purpose of ~~repealing an exemption from the State agricultural land transfer tax for an instrument of writing that transfers land on which the property tax has been paid for a certain number of taxable years on the basis of certain assessments; and generally relating to exemptions from the State agricultural land transfer tax~~ altering the method of calculating a certain reduction in the State agricultural land transfer tax for an instrument of writing that transfers title to agricultural land on which property tax was paid on the basis of an assessment other than farm or agricultural use in certain years before the transfer; repealing an exemption from the State agricultural land transfer tax for an instrument of writing that transfers title to agricultural land on which property tax was paid on the basis of an assessment other than farm or agricultural use for a certain number of years before the transfer; exempting an instrument of writing from the agricultural land transfer tax if the instrument of writing transfers title to agricultural land that was previously transferred by an instrument of writing that was subject to the agricultural land transfer tax; and generally relating to the nonagricultural use reduction to the State agricultural land transfer tax and exemptions from the State agricultural land transfer tax.

BY repealing and reenacting, without amendments,

Article – Tax – Property

Section 13–301(a) and (b) and 13–302(a) and (b)

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section ~~13–303(e)~~ 13–303 and 13–305

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

~~13–303.~~

(e) ~~Except as provided by § [13–305(e)(2)] **13–305(B)(2)** of this subtitle, the agricultural land transfer tax determined under subsection (a) or subsection (b) of this section is reduced by 25% for each consecutive full taxable year before a transfer in which~~

~~property tax on the agricultural land was paid on the basis of any assessment other than the farm or agricultural use assessment under § 8-209 of this article.~~

13-301.

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

(b) “Agricultural land” means real property that is or was assessed on the basis of farm or agricultural use under § 8-209 of this article.

13-302.

(a) Except as otherwise provided in § 13-305 of this subtitle, agricultural land transfer tax is imposed on an instrument of writing that transfers title to agricultural land.

(b) Agricultural land transfer tax is payable in addition to any other transfer tax imposed under this title.

13-303.

(a) The agricultural land transfer tax applies at the following rates:

(1) for a transfer of 20 acres or more of agricultural land, 5%;

(2) except as provided in item (3) of this subsection, for a transfer of less than 20 acres of agricultural land assessed for agricultural use or as unimproved agricultural land, 4%; or

(3) for a transfer of less than 20 acres of agricultural land assessed as improved agricultural land or agricultural land with site improvements, 3%.

(b) If an instrument of writing is subject to different rates of agricultural land transfer tax under subsection (a) of this section, the total agricultural land transfer tax due is computed separately for each portion of agricultural land to which a different rate applies.

(c) Except as provided by § [13-305(c)(2)] **13-305(B)(2) OR (C)(4)** of this subtitle, the agricultural land transfer tax determined under subsection (a) or subsection (b) of this section is reduced by:

(1) 25% [for each consecutive full taxable year before a transfer in which IF property tax on the agricultural land was paid on the basis of any assessment other than the farm or agricultural use assessment under § 8-209 of this article FOR 1 FULL TAXABLE YEAR BEFORE A TRANSFER;

(2) 50% IF PROPERTY TAX ON THE AGRICULTURAL LAND WAS PAID ON THE BASIS OF ANY ASSESSMENT OTHER THAN THE FARM OR AGRICULTURAL USE ASSESSMENT UNDER § 8–209 OF THIS ARTICLE FOR 2 FULL CONSECUTIVE TAXABLE YEARS BEFORE A TRANSFER; AND

(3) 65% IF PROPERTY TAX ON THE AGRICULTURAL LAND WAS PAID ON THE BASIS OF ANY ASSESSMENT OTHER THAN THE FARM OR AGRICULTURAL USE ASSESSMENT UNDER § 8–209 OF THIS ARTICLE FOR 3 OR MORE FULL CONSECUTIVE TAXABLE YEARS BEFORE A TRANSFER.

(d) (1) Except as provided in paragraph (2) of this subsection, in addition to the agricultural land transfer tax, a surcharge in an amount equal to 25% of the tax determined under subsections (a) through (c) of this section is imposed on an instrument of writing that transfers title to agricultural land.

(2) The surcharge imposed under paragraph (1) of this subsection does not apply to an instrument of writing that transfers property of 2 acres or less to be improved to a child or grandchild of the owner.

(e) When determining the rate of the agricultural land transfer tax to be imposed under subsection (a) or (b) of this section, the amount of agricultural land transferred that is exempt from the tax in accordance with § 13–305 of this subtitle may not be included in the amount of agricultural land that is transferred.

13–305.

[(a) An instrument of writing is not subject to the agricultural land transfer tax, if property tax on the land has been paid for 5 full consecutive taxable years before the transfer on the basis of an assessment other than the farm or agricultural use assessment under § 8–209 of this article.]

[(b) (A) If the amount of agricultural land transferred is not greater than the applicable residential minimum zoning size in effect at the time of transfer, an instrument of writing for the residential use of the owner of the agricultural land or the owner's immediate family is not subject to the agricultural land transfer tax.

[(c) (B) (1) Except as provided in paragraph (2) of this subsection, an instrument of writing that transfers title to agricultural land that is eligible for farm or agricultural use assessment under § 8–209 of this article is not subject to the agricultural land transfer tax if the transferee:

(i) files with the supervisor before the transfer a declaration of intent to farm the agricultural land that specifies that all of the transferred agricultural land will remain in farm or agricultural use for at least 5 full consecutive taxable years; and

(ii) applies for farm or agricultural use assessment under § 8–209 of this article for the land that is transferred.

(2) (i) If there is a failure to comply with a declaration of intent filed under paragraph (1) of this subsection including the building of nonagricultural improvements or nonagricultural site improvements or there is a failure to qualify for the farm or agricultural use assessment under § 8–209 of this article during the time that a declaration of intent is in effect, the agricultural land transfer tax, plus penalty, is due on that portion of the land that fails to comply with the declaration of intent or to qualify for farm or agricultural use.

(ii) The tax and penalty due under this subsection are a lien on the agricultural land that was transferred. The tax and penalty are due on the earlier of:

1. the next date on which property tax on the agricultural land is due under § 10–102 of this article; or
2. the date of the next transfer of any part of the agricultural land.

(3) For the purpose of paragraph (2) of this subsection, the supervisor shall calculate the amount of the agricultural land transfer tax due by:

(i) determining the fair market value of the land subject to the tax as of the most recent July 1 and providing the property owner with a notice of that value, which the property owner may appeal as provided by § 8–404 of this article;

(ii) multiplying the fair market value of the land subject to the tax by the rate of tax provided under § 13–303 of this subtitle; and

(iii) adding to the tax calculated under subparagraph (ii) of this paragraph a penalty in the amount of 10% of the tax due.

[(d)] (C) (1) An instrument of writing that transfers title to agricultural land that is eligible for farm or agricultural use assessment or that received the agricultural use assessment as of the most recent July 1 under § 8–209 of this article is subject to the agricultural land transfer tax as provided in paragraph (2) of this subsection, if the transferee:

(i) files with the supervisor before the transfer a declaration of intent to farm the land that specifies that part of the agricultural land will remain in farm or agricultural use for at least 5 full consecutive taxable years;

(ii) for a parcel that can be further subdivided into 2 or more parcels, provides the supervisor with a survey that accurately identifies the location of the land and the amount of acreage that is subject to the declaration of intent; and

(iii) applies for farm or agricultural use assessment for part of the agricultural land that is transferred.

(2) The agricultural land transfer tax applies to the value of the land not subject to the declaration of intent, exclusive of the items stated in § 13–304 of this subtitle.

(3) For the purpose of paragraph (2) of this subsection, the supervisor:

(i) shall determine the fair market value of the land not subject to the declaration of intent as of the most recent July 1 and provide the transferee with a notice of that value, which the transferee may appeal as provided by § 8–404 of this article; and

(ii) calculate the amount of the tax due by multiplying the fair market value of the land subject to the tax by the rate of the tax provided under § 13–303 of this subtitle.

(4) If there is a failure to comply with a declaration of intent filed under paragraph (1) of this subsection or a failure to qualify for the farm or agricultural use assessment under § 8–209 of this article during the time that a declaration of intent is in effect, the agricultural land transfer tax, plus penalty, is due on the land subject to the declaration of intent.

(5) The tax and penalty due under this subsection are a lien on the agricultural land that was transferred. The tax and penalty are due on the earlier date of:

(i) the date on which property tax on the agricultural land is due under § 10–102 of this article; or

(ii) the date of the next transfer of any part of the agricultural land.

(6) For the purpose of paragraph (4) of this subsection, the supervisor shall calculate the amount of the agricultural land transfer tax due by:

(i) determining the fair market value of the land subject to the tax as of the most recent July 1 and providing the property owner with a notice of that value, which the property owner may appeal as provided by § 8–404 of this article;

(ii) multiplying the fair market value of the land subject to the tax by the rate of the tax under § 13–303 of this subtitle; and

(iii) adding to the tax calculated under subparagraph (ii) of this paragraph a penalty in the amount of 10% of the tax due.

[(e)] (D) The owner of real property which is subject to the agricultural use assessment must notify the Department when there is:

- (1) a failure to comply with a declaration of intent; or
- (2) failure to continue the property in agricultural use.

[(f)] (E) If there is a failure to comply with a declaration of intent filed under subsection **[(c)] (B)** or subsection **[(d)] (C)** of this section, the supervisor in determining the fair market value of the land subject to the violation shall:

- (1) identify the size and location of the land by:
 - (i) making a physical inspection of the property;
 - (ii) considering pertinent governmental records such as building permits, zoning maps, and regulations;
 - (iii) considering information provided by the property owner; and
 - (iv) determining that in the case of the building of a dwelling for the residential use of the owner, the size of the building site is 1 acre unless more land is actually used; and
- (2) appraise the land utilizing generally accepted appraisal approaches including consideration of the sales of comparable land.

[(g)] (F) For the purposes of subsections **[(d)] (C)** and **[(f)] (E)** of this section, if under current governmental land use regulations the parcel cannot be further subdivided into 2 or more parcels, the supervisor shall:

- (1) appraise the entire parcel; and
- (2) apportion the amount of the total market value of the parcel to that part of the parcel subject to the tax in accordance with generally accepted appraisal approaches including consideration of prevailing homesite land values in that area.

[(h)] (G) In addition to the exemptions otherwise provided by this section, the agricultural land transfer tax does not apply to an instrument of writing described in § 13-207(a) of this title.

(H) THE AGRICULTURAL LAND TRANSFER TAX DOES NOT APPLY TO AN INSTRUMENT OF WRITING THAT TRANSFERS TITLE TO AGRICULTURAL LAND THAT WAS PREVIOUSLY TRANSFERRED BY AN INSTRUMENT OF WRITING THAT WAS SUBJECT TO THE AGRICULTURAL LAND TRANSFER TAX.

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

Chapter 568

(House Bill 22)

AN ACT concerning

Occupational Licenses or Certificates – Application Determinations – Use of Criminal History

FOR the purpose of prohibiting certain departments that issue occupational licenses or certificates from denying an application for a license or certificate based solely on an applicant's criminal history if a certain period of time has passed since the applicant's conviction for any crime ~~unless the department makes a certain determination under certain circumstances; repealing a certain provision of law that requires a certain department to consider certain information in making application determinations for occupational licenses or certificates~~; providing for the application of this Act; and generally relating to the use of criminal history in application determinations of occupational licenses or certificates.

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 1–209

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

1–209.

- (a) (1) In this section, “department” means:
- (i) the Department of Agriculture;
 - (ii) the Department of the Environment;
 - (iii) the Maryland Department of Health;
 - (iv) the Department of Human Services;
 - (v) the Department of Labor, Licensing, and Regulation; or

(vi) the Department of Public Safety and Correctional Services.

(2) “Department” includes any unit of a department specified in paragraph (1) of this subsection.

~~{(b)}~~ This section does not apply to a person who was previously convicted of a crime of violence, as defined in § 14–101 of the Criminal Law Article.

~~{(c)}~~ ~~{(B)}~~ It is the policy of the State to encourage the employment of nonviolent ex-offenders and remove barriers to their ability to demonstrate fitness for occupational licenses or certifications required by the State.

~~{(c)}~~ ~~(1)~~ ~~THIS SUBSECTION DOES NOT APPLY TO AN INDIVIDUAL WHO IS:~~

~~(I)~~ ~~ON PAROLE OR PROBATION AT THE TIME OF APPLICATION FOR A LICENSE OR CERTIFICATE; OR~~

~~(H)~~ ~~THE SUBJECT OF PENDING CRIMINAL CHARGES.~~

~~{(d)}~~ ~~(2)~~ ~~[A] IF A PERIOD OF 7 YEARS OR MORE HAS PASSED SINCE AN APPLICANT’S CONVICTION FOR ANY CRIME, EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, A department may not deny an occupational license or certificate to~~ ~~{an}~~ ~~THE~~ applicant ~~{solely on the basis that the applicant has previously been convicted of a crime}~~, unless the department determines that:

~~{(1)}~~ ~~(I)~~ there is a direct relationship between the applicant’s previous conviction and the specific occupational license or certificate sought, ~~AFTER CONSIDERING:~~

~~1.~~ ~~THE SPECIFIC DUTIES AND RESPONSIBILITIES REQUIRED OF A LICENSEE OR CERTIFICATE HOLDER; AND~~

~~2.~~ ~~WHETHER THE APPLICANT’S PREVIOUS CONVICTION HAS ANY IMPACT ON THE APPLICANT’S FITNESS OR ABILITY TO PERFORM THE DUTIES AND RESPONSIBILITIES AUTHORIZED BY THE LICENSE OR CERTIFICATE; or~~

~~{(2)}~~ ~~(H)~~ the issuance of the license or certificate would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

~~{(e)}~~ In making the determination under subsection (d) of this section, the department shall consider:

(1) the policy of the State expressed in subsection (c) of this section;

- (2) the specific duties and responsibilities required of a licensee or certificate holder;
- (3) whether the applicant's previous conviction has any impact on the applicant's fitness or ability to perform the duties and responsibilities authorized by the license or certificate;
- (4) the age of the applicant at the time of the conviction and the amount of time that has elapsed since the conviction;
- (5) the seriousness of the offense for which the applicant was convicted;
- (6) other information provided by the applicant or on the applicant's behalf with regard to the applicant's rehabilitation and good conduct; and
- (7) the legitimate interest of the department in protecting property and the safety and welfare of specific individuals or the general public.†

(F) (1) THIS SUBSECTION DOES NOT APPLY TO A CONVICTION OF A CRIME FOR WHICH REGISTRATION ON THE SEX OFFENDER REGISTRY IS REQUIRED UNDER TITLE 11, SUBTITLE 7 OF THIS ARTICLE.

(2) IF A PERIOD OF 7 YEARS OR MORE HAS PASSED SINCE AN APPLICANT COMPLETED SERVING THE SENTENCE FOR A CRIME, INCLUDING ALL IMPRISONMENT, MANDATORY SUPERVISION, PROBATION, AND PAROLE, AND THE APPLICANT HAS NOT BEEN CHARGED WITH ANOTHER CRIME OTHER THAN A MINOR TRAFFIC VIOLATION, AS DEFINED IN § 10-101 OF THIS ARTICLE, DURING THAT TIME, A DEPARTMENT MAY NOT DENY AN OCCUPATIONAL LICENSE OR CERTIFICATE TO THE APPLICANT SOLELY ON THE BASIS THAT THE APPLICANT WAS PREVIOUSLY CONVICTED OF THE CRIME.

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.
