

SENATE BILL 75

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2004 Regular Session
4r1079

By: **The President (By Request - Department of Legislative Services - Code Revision)**

Introduced and read first time: January 15, 2004

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Code Revision - Miscellaneous Provisions**

3 FOR the purpose of revising, without substantive change, certain provisions of the
4 Annotated Code of Maryland in order to effectuate the purposes of the Code
5 Revision process; repealing certain obsolete or redundant provisions of the
6 Annotated Code of Maryland in order to effectuate the purposes of the Code
7 Revision process; revising, without substantive change, provisions relating to:
8 water companies, the location of local correctional facilities, fines and
9 forfeitures, the Governor's emergency powers for catastrophic health
10 emergencies, the Governor's authority to quarantine vessels, complaints against
11 civil or military officers, the Community Service Trust Fund, the Maryland
12 African American Museum Corporation, payment of the cost of archeological
13 work in a State project, and the effect of military service on applications for
14 licenses, certificates, permit or other authorization to engage in a profession or
15 trade; repealing provisions relating to institutions and societies for the care and
16 protection of minors, withholding of wages by railroad companies, and officers'
17 fees; and generally relating to the formal revision of the Annotated Code of
18 Maryland.

19 BY repealing
20 Article 23 - Miscellaneous Companies
21 Section 180 and the subheading "Minors - Institutions and Societies for the
22 Care and Protection of Children"; 238; and 332 and the subheading "Water
23 Companies"
24 Annotated Code of Maryland
25 (2001 Replacement Volume and 2003 Supplement)

26 BY repealing
27 Article 23A - Corporations - Municipal
28 Section 8A and the subtitle "Facilities Outside Corporate Limits"
29 Annotated Code of Maryland
30 (2001 Replacement Volume and 2003 Supplement)

1 BY repealing

2 Article 38 - Fines and Forfeitures
3 In its entirety
4 Annotated Code of Maryland
5 (2003 Replacement Volume)

6 BY repealing

7 Article 41 - Governor - Executive and Administrative Departments
8 Section 2-201 through 2-204, inclusive, and the subtitle "Subtitle 2. Governor's
9 Emergency Powers - Catastrophic Health Emergencies"; 2-406; 2-501
10 through 2-504, inclusive, and the subtitle "Subtitle 5. Complaints Against
11 Civil or Military Officers"; 18-205, 18-206; and 20-101 through 20-113,
12 inclusive, and the subtitle "Subtitle 1. Maryland African American History
13 Museum Corporation"
14 Annotated Code of Maryland
15 (2003 Replacement Volume)

16 BY repealing

17 Article 78A - Public Works
18 Section 2A
19 Annotated Code of Maryland
20 (2003 Replacement Volume)

21 BY repealing

22 Article 96 1/2 - Veterans
23 Section 46
24 Annotated Code of Maryland
25 (2003 Replacement Volume)

26 BY repealing

27 Article 36 - Fees of Officers
28 Section 1 and 2 and the subheading "Accounts"; and 3 through 7, inclusive
29 Annotated Code of Maryland
30 (2003 Replacement Volume)

31 BY repealing and reenacting, with amendments,

32 Article - Correctional Services
33 Section 11-101
34 Annotated Code of Maryland
35 (1999 Volume and 2003 Supplement)

36 BY adding to

37 Article - Correctional Services
38 Section 11-102.1

1 Annotated Code of Maryland
2 (1999 Volume and 2003 Supplement)

3 BY adding to

4 Article - Courts and Judicial Proceedings
5 Section 7-501 through 7-508 to be under the amended title "Title 7. Costs,
6 Fines, and Forfeitures" and the new subtitle "Subtitle 5. Fines and
7 Forfeitures"
8 Annotated Code of Maryland
9 (2002 Replacement Volume and 2003 Supplement)

10 BY adding to

11 Article - Criminal Law
12 Section 8-108
13 Annotated Code of Maryland
14 (2002 Volume and 2003 Supplement)

15 BY adding to

16 Article - Health - General
17 Section 18-212.1; and 24-1101 through 24-1105 to be under the new subtitle
18 "Subtitle 11. Community Services Trust Fund"
19 Annotated Code of Maryland
20 (2000 Replacement Volume and 2003 Supplement)

21 BY adding to

22 Article - Labor and Employment
23 Section 3-708
24 Annotated Code of Maryland
25 (1999 Replacement Volume and 2003 Supplement)

26 BY adding to

27 Article - Public Safety
28 Section 14-3A-01 through 14-3A-08, inclusive, to be under the new subtitle
29 "Subtitle 3A. Governor's Health Emergency Powers"
30 Annotated Code of Maryland
31 (2003 Volume)

32 BY adding to

33 Article - Public Utility Companies
34 Section 7-105 to be under the amended title "Title 7. Gas, Electric, and Water
35 Companies"
36 Annotated Code of Maryland
37 (1998 Replacement Volume and 2003 Supplement)

1 BY adding to
2 Article - State Finance and Procurement
3 Section 7-114.1
4 Annotated Code of Maryland
5 (2001 Replacement Volume and 2003 Supplement)

6 BY adding to
7 Article - State Government
8 Section 3-307; 9-2601 through 9-2614, inclusive, to be under the new subtitle
9 "Subtitle 26. Maryland African American Museum Corporation"; and
10 10-1201 through 10-1203 to be under the new subtitle "Subtitle 12.
11 Toll-Free Telephone Numbers"
12 Annotated Code of Maryland
13 (1999 Replacement Volume and 2003 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the following sections of the Annotated Code of Maryland be
16 repealed.

17 Article 23 - Miscellaneous Companies

18 Section 332 and the subheading "Water Companies"

19 Article 23A - Corporations - Municipal

20 Section 8A and the subtitle "Facilities Outside Corporate Limits"

21 Article 38 - Fines and Forfeitures

22 In its entirety

23 Article 41 - Governor - Executive and Administrative Departments

24 Section 2-201 through 2-204, inclusive, and the subtitle "Subtitle 2. Governor's

25 Emergency Powers - Catastrophic Health Emergencies"; 2-406; 2-501

26 through 2-504, inclusive, and the subtitle "Subtitle 5. Complaints Against

27 Civil or Military Officers"; 18-205, 18-206; and 20-101 through 20-113,

28 inclusive, and the subtitle "Subtitle 1. Maryland African American History

29 Museum Corporation"

30 Article 78A - Public Works

31 Section 2A

32 Article 96 1/2 - Veterans

33 Section 46

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

Article 23 - Miscellaneous Companies

[Minors - Institutions and Societies for the Care and Protection of Children]

3 [180.

4 All bodies incorporated or to be incorporated under the general laws for the
5 purpose of the care, custody, guardianship or protection of minors generally, or of any
6 particular age or classes, have the power and authority following: (1) To retain male
7 and female children legally committed or confided to them until the age of eighteen
8 years, and to discharge such children absolutely before attaining said age whenever
9 the managers of such institutions shall deem such discharge to be beneficial to such
10 children. (2) To permit the return of such children to their parents or other relatives,
11 or to place them out in suitable homes without relinquishing absolutely the custody,
12 control and supervision of the managers, and a record is to be kept of the time of
13 placing out, name and residence of persons with whom placed, and terms and
14 conditions of placing out; and it is the duty of the managers to cause every child so
15 placed out to be visited not less than once in six months, in order to inquire into his or
16 her welfare until he or she shall attain the age of eighteen years; and the managers
17 may require the return to the institution of any child under eighteen years of age so
18 placed with parents or relatives or in other homes, whenever they shall deem that the
19 welfare of the child requires such return. (3) To exercise parental authority and
20 control over such children, and make needful provisions as to their care, maintenance
21 and education. (4) To procure the commitment of such children in cases of necessity to
22 reformatory institutions.

23 The foregoing provisions are not to be understood to affect the power of courts to
24 adjudicate all questions as to the custody of minors, irrespective of any alleged or
25 supposed claim or right of guardianship or custody, or to abridge or affect any
26 corporate rights of an institution, or to prevent the receiving of minors under such
27 limitations, or for such definite periods as any institution may by its regulations
28 direct or prescribe.]

29 REVISOR'S NOTE: This section is obsolete law that has been superseded by
30 other provisions. The Review Committee, in consultation with the Office of
31 the Attorney General, has determined that it should be repealed.

32 [238.

33 It shall not be lawful for any railroad company doing business in this State to
34 withhold any part of the wages of its employees for the benefit of any relief
35 association or the members thereof. Any railroad company violating the provisions of
36 this section shall upon conviction be fined not less than fifty (\$50) dollars, nor more
37 than five hundred (\$500) dollars for each and every offense.]

38 REVISOR'S NOTE: This section is obsolete law that has been superseded by
39 provisions of federal law. The Review Committee, in consultation with the
40 Office of the Attorney General, has determined that it should be repealed.

1

Article 36 - Fees of Officers

2

[Accounts]

3 [1.

4 All accounts for officers' fees shall be made out in a fair and clear manner and in
5 words at length; and whenever any person interested in them, or to whom the same
6 shall be charged shall require a copy of such account, the several officers herein
7 named shall, in as short a time as may be convenient, give him an account of such
8 charges in words at length.]

9 [2.

10 No charge for officers' fees shall be paid or allowed by the county commissioners
11 aforesaid in any criminal case where jurisdiction to try, hear and determine the
12 matter charged against the party accused has been conferred by law upon the District
13 Court, but the county commissioners may levy or pay to the officers performing
14 service in such cases such compensation as they in their discretion may deem right
15 and proper. This section shall apply only to the counties of Caroline, Kent, Queen
16 Anne's, Talbot, Prince George's, Charles and Harford.]

17 [3.

18 No officer, under the penalty of five hundred dollars, shall send out his fees on
19 execution more than once in every year between the first day of January and the first
20 day of May; but in Baltimore City any officer may send out his fees on execution at
21 any time during the year.]

22 [4.

23 If any officer shall, by himself, his deputies, agents, or clerks, charge, receive,
24 ask or demand any larger or greater fees than are allowed by this article, he shall for
25 each offense forfeit and pay a sum not exceeding one hundred dollars and not less
26 than twenty dollars, to be recovered by indictment in the circuit court for the county
27 where such officer resides.]

28 [5.

29 If any officer shall, by himself or his deputies, agents or clerks, ask, receive or
30 demand any fees herein allowed, after the same have been paid, he shall for each
31 offense forfeit and pay ten dollars, to be recovered before a court as small debts; and
32 shall, in addition, return to the party the fees so improperly received.]

33 [6.

34 For any service not mentioned in this article which any officer may render, he
35 shall be allowed the same fees herein allowed for similar services.]

1 [7.

2 Any officer entitled to any fees for rendering services to any person who is not a
3 resident of this State, or not assessed on taxable property therein, may require such
4 fees to be paid at the time of rendering such service, or security for the payment of the
5 same to be given.]

6 REVISOR'S NOTE: Article 36, §§ 1 through 7 are obsolete law that has been
7 superseded by other provisions. The Review Committee, in consultation
8 with the Office of the Attorney General, has determined that they should
9 be repealed.

10 **Article - Correctional Services**

11 11-101. SCOPE.

12 [This] EXCEPT AS PROVIDED IN § 11-102.1 OF THIS SUBTITLE, THIS subtitle does
13 not apply to Baltimore City.

14 11-102.1. LOCAL CORRECTIONAL FACILITY OUTSIDE LIMITS OF MUNICIPAL
15 CORPORATION.

16 A MUNICIPAL CORPORATION OR BALTIMORE CITY MAY NOT ESTABLISH A
17 LOCAL CORRECTIONAL FACILITY OUTSIDE ITS CORPORATE LIMITS UNLESS IT HAS
18 OBTAINED APPROVAL FROM THE GOVERNING BODY OF THE COUNTY IN WHICH THE
19 LOCAL CORRECTIONAL FACILITY IS PROPOSED TO BE ESTABLISHED.

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 23A, § 8A.

22 The reference to "local correctional facility" is substituted for the former
23 references to "penal institution or other place of detention" and "such
24 institution or other place of detention" for consistency in this subtitle. *See*
25 § 1-101(j) of this article.

26 Defined terms: "Correctional facility" § 1-101

27 "County" § 1-101

28 "Local correctional facility" § 1-101

29 **Article - Courts and Judicial Proceedings**

30 Title 7. [Costs] COSTS, FINES, AND FORFEITURES.

31 SUBTITLE 5. FINES AND FORFEITURES.

32 7-501. DEFINITIONS.

33 (A) IN GENERAL.

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

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

3 (B) COSTS.

4 "COSTS" MEANS THE COST OF PROSECUTING A PERSON FOR A CRIME.

5 REVISOR'S NOTE: This subsection is new language derived without
6 substantive change from former Art. 38, § 1, as it related to costs.

7 (C) CRIME.

8 (1) "CRIME" MEANS ANY ACT OR OMISSION FOR WHICH A STATUTE OR
9 ORDINANCE IMPOSES A FINE OR IMPRISONMENT.

10 (2) "CRIME" DOES NOT INCLUDE A MUNICIPAL INFRACTION UNDER
11 ARTICLE 23A, § 3 OF THE CODE.

12 REVISOR'S NOTE: This subsection is new language derived without
13 substantive change from the first sentence of former Art. 38, § 1, as it
14 related to a criminal offense.

15 The former reference to "[a]ny such offense may be prosecuted by the
16 arrest of the offender for such offense and by holding him to appear in or
17 committing him for trial in the court which has jurisdiction in the said
18 cases and shall proceed to try or dispose of the same in the same manner as
19 other criminal cases may be tried or proceeded with or disposed of, or such
20 offenses may be prosecuted by indictment in such court" is deleted as
21 unnecessary.

22 (D) FINE.

23 (1) "FINE" MEANS THE MONETARY PENALTY PRESCRIBED BY A STATUTE
24 OR ORDINANCE FOR A CRIME.

25 (2) "FINE" DOES NOT INCLUDE COSTS.

26 REVISOR'S NOTE: This subsection is new language derived without
27 substantive change from the first sentence of former Art. 38, § 4(b), as it
28 related to a fine.

29 7-502. LIABILITY FOR COSTS.

30 A PERSON WHO IS FOUND GUILTY OF A CRIME SHALL BE LIABLE FOR THE
31 COSTS OF THE PERSON'S PROSECUTION.

32 REVISOR'S NOTE: This section is new language derived without substantive
33 change from former Art. 38, § 1, as it related to assessment of fines and
34 penalties.

35 The former reference to any court "having jurisdiction in the premises" is

1 deleted as unnecessary.

2 The former reference to "he shall be sentenced to the fine or penalty
3 prescribed by such act of Assembly or ordinance" is deleted as unnecessary.

4 Defined terms: "Costs" § 7-501

5 "Crime" § 7-501

6 7-503. PAYMENT OF FINE.

7 (A) TIME OF PAYMENT.

8 WHEN A COURT IMPOSES A FINE, THE COURT MAY ORDER THE DEFENDANT TO
9 PAY THE FINE:

10 (1) WHEN THE COURT IMPOSES SENTENCE; OR

11 (2) IN SPECIFIED INSTALLMENTS AT DESIGNATED INTERVALS.

12 (B) METHOD OF PAYMENT.

13 (1) IF A FINE IS PAYABLE IN INSTALLMENTS, THE COURT MAY ORDER
14 THAT THE PAYMENTS BE MADE TO A PROBATION AGENCY OR OFFICER.

15 (2) THE PROBATION AGENCY OR OFFICER SHALL REPORT TO THE
16 COURT A FAILURE TO COMPLY WITH THE ORDER.

17 (C) PAYMENT OF FINE AS CONDITION OF SENTENCE.

18 IF A COURT SENTENCES A DEFENDANT TO PROBATION, THE COURT MAY MAKE
19 PAYMENT OF A FINE A CONDITION OF THE SENTENCE.

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 38, § 4(a).

22 In subsection (a) of this section, the term "defendant" is substituted for the
23 former term "individual" to reflect that fines can be imposed against
24 corporate and other nonindividual defendants and for consistency with
25 other provisions of this subtitle.

26 Also in subsection (a) of this section, the former reference to "periodic"
27 intervals is deleted as unnecessary.

28 Defined term: "Fine" § 7-501

29 7-504. FAILURE OR INABILITY TO PAY FINE.

30 (A) APPLICATION FOR REDUCTION.

31 A DEFENDANT WHO IS UNABLE TO PAY A FINE ORDERED BY A COURT MAY
32 APPLY TO THE COURT FOR A REDUCTION OF THE FINE.

1 (B) COURT INVESTIGATION.

2 IF A DEFENDANT FAILS OR IS UNABLE TO PAY A FINE AS ORDERED BY A COURT,
3 THE COURT MAY INVESTIGATE THE REASONS FOR THE FAILURE OR INABILITY TO
4 PAY THE FINE, INCLUDING THE DEFENDANT'S FINANCIAL AND FAMILY SITUATION
5 AND WHETHER NONPAYMENT OF THE FINE IS CONTUMACIOUS OR IS DUE TO
6 INDIGENCE.

7 (C) ORDER BY COURT.

8 AFTER AN INVESTIGATION THAT A COURT CONSIDERS NECESSARY AS TO THE
9 REASONS FOR THE FAILURE OR INABILITY TO PAY A FINE, THE COURT:

10 (1) MAY ORDER THAT THE INDIVIDUAL BE COMMITTED TO A
11 CORRECTIONAL FACILITY;

12 (2) MAY REDUCE THE FINE TO AN AMOUNT THAT THE COURT
13 DETERMINES THE DEFENDANT IS ABLE TO PAY; OR

14 (3) SUBJECT TO SUBSECTION (D) OF THIS SECTION, MAY DIRECT THAT
15 THE INDIVIDUAL BE IMPRISONED UNTIL PAYMENT OF:

16 (I) THE FINE; OR

17 (II) PART OF THE FINE THAT IS UNDISCHARGED AFTER A PRO RATA
18 CREDIT FOR TIME SERVED INSTEAD OF PAYMENT.

19 (D) LIMITATIONS.

20 (1) SUBJECT TO THE LIMITATIONS IN THIS SUBSECTION, THE COURT
21 SHALL DETERMINE THE PERIOD OF IMPRISONMENT FOR DEFAULT IN PAYMENT OF A
22 FINE.

23 (2) THE PERIOD OF IMPRISONMENT MAY NOT EXCEED:

24 (I) 1 DAY FOR EACH \$10 OF THE FINE; AND

25 (II) IF THE FINE WAS IMPOSED FOR A CRIME SUBJECT TO
26 PUNISHMENT BY IMPRISONMENT, ONE-THIRD OF THE MAXIMUM TERM AUTHORIZED
27 BY THE STATUTE OR ORDINANCE UNDER WHICH THE INDIVIDUAL WAS CONVICTED,
28 OR 90 DAYS, WHICHEVER IS LESS; OR

29 (III) IF THE FINE WAS IMPOSED FOR A CRIME THAT IS NOT SUBJECT
30 TO PUNISHMENT BY IMPRISONMENT, ABSENT DEFAULT IN PAYMENT OF A FINE, 15
31 DAYS.

32 (3) THE PERIOD OF IMPRISONMENT, WHEN ADDED TO THE ORIGINAL
33 SENTENCE, MAY NOT EXCEED THE MAXIMUM TERM OF IMPRISONMENT ALLOWED
34 FOR THE CRIME.

1 (4) EACH PERIOD OF IMPRISONMENT IMPOSED BECAUSE OF
2 NONPAYMENT OF TWO OR MORE FINES SHALL RUN CONCURRENTLY UNLESS THE
3 COURT SPECIFIES THAT THE PERIODS OF IMPRISONMENT SHALL RUN
4 CONSECUTIVELY.

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 38, § 1, as it related to default of payment, and
7 from § 4(d) and (b), except as it related to costs not constituting part of a
8 fine.

9 In subsection (b) of this section, the former reference to "inquiry" is deleted
10 as unnecessary.

11 In subsection (c)(1) of this section, the former reference to "until thence
12 discharged by due course of law" is deleted as unnecessary.

13 In subsection (d)(2)(ii) of this section, the former reference to "fine, or both"
14 is deleted as unnecessary.

15 In subsection (d)(2)(iii) of this section, the reference to "a crime that is not
16 subject to punishment by imprisonment" is substituted for the former
17 reference to "an offense for which imprisonment is not an authorized
18 penalty (whether by statute or ordinance or by common law)" for clarity
19 and brevity.

20 In subsection (d)(3) of this section, the phrase "when added to the original
21 sentence" is substituted for the former phrase "the aggregate of such term
22 and of the original sentence of imprisonment" for clarity and brevity.

23 In subsection (d)(4) of this section, the former reference to imprisonment
24 "imposed under the provisions of this section" is deleted as unnecessary.

25 Defined terms: "Crime" § 7-501

26 "Fine" § 7-501

27 7-505. COLLECTION OF UNPAID FINES AND COSTS.

28 (A) IN GENERAL.

29 UNPAID AND UNDISCHARGED FINES AND UNPAID COSTS MAY BE LEVIED,
30 EXECUTED ON, AND COLLECTED IN THE SAME MANNER AS JUDGMENTS IN CIVIL
31 CASES.

32 (B) NO IMPRISONMENT FOR COSTS.

33 COSTS ARE NOT PART OF THE PENALTY, AND A DEFENDANT MAY NOT BE
34 IMPRISONED UNDER THIS SUBTITLE FOR FAILURE TO PAY COSTS.

35 REVISOR'S NOTE: This section is new language derived without substantive
36 change from former Art. 38, § 4(c) and the fourth sentence of § 1.

1 In subsection (b) of this section, the reference to prohibiting imprisonment
2 of a "defendant" for failure to pay costs is substituted for the former
3 reference to "person" for consistency with other provisions of this subtitle.

4 Defined terms: "Costs" § 7-501

5 "Fine" § 7-501

6 7-506. TO WHOM PAID.

7 (A) IN GENERAL.

8 EXCEPT AS PROVIDED IN § 7-302 OF THIS TITLE, IN § 7-507 OF THIS SUBTITLE,
9 OR, AS OTHERWISE PROVIDED BY LAW, FINES, PENALTIES, AND FORFEITURES THAT
10 ARE RECOVERED SHALL BE PAID TO THE COUNTY IN WHICH THE CRIME OCCURRED.

11 (B) PAYMENT TO INFORMER PROHIBITED.

12 NO PORTION OF ANY FINE, PENALTY, OR FORFEITURE MAY BE PAID TO AN
13 INFORMER.

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 38, §§ 2 and 3.

16 In subsection (a) of this section, the former reference to "or city" is deleted
17 as unnecessary in light of Art. 1, § 14.

18 Also in subsection (a) of this section, the former reference to "or cause of
19 action originated" is deleted for clarity and brevity.

20 Defined terms: "Crime" § 7-501

21 "Fine" § 7-501

22 7-507. DISPOSITION OF FINES AND FORFEITED RECOGNIZANCES.

23 (A) SCOPE OF SECTION.

24 (1) THIS SECTION DOES NOT APPLY TO ANNE ARUNDEL, HOWARD, AND
25 SOMERSET COUNTIES.

26 (2) THIS SECTION DOES NOT APPLY TO FINES IMPOSED IN GAMBLING
27 CASES IN BALTIMORE COUNTY.

28 (B) IN GENERAL.

29 EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE FINES
30 IMPOSED BY AND RECOGNIZANCES FORFEITED TO EACH CIRCUIT COURT SHALL BE
31 DISTRIBUTED AS FOLLOWS:

32 (1) 50% TO THE CLERK OF THE CIRCUIT COURT, TO BE USED UNDER THE
33 DIRECTION OF THE JUDGES OF THE CIRCUIT COURT TO AUGMENT THE COURT
34 LIBRARY; AND

1 (2) 5% TO THE CLERK OF THE CIRCUIT COURT AS A COMMISSION.

2 (C) EXCEPTIONS.

3 (1) IN CALVERT COUNTY, IF THE COUNTY ADMINISTRATIVE CIRCUIT
4 COURT JUDGE DETERMINES THAT THE AMOUNT UNDER SUBSECTION (B)(1) OF THIS
5 SECTION EXCEEDS THE NEEDS OF THE LIBRARY, EXCESS AMOUNTS MAY BE USED
6 FOR OTHER NEEDS OF THE CIRCUIT COURT FOR CALVERT COUNTY IF THE JUDGE
7 PROVIDES THE COUNTY COMMISSIONERS WITH AN ANNUAL REPORT DOCUMENTING
8 HOW THE EXCESS AMOUNT IS USED.

9 (2) IN CARROLL COUNTY, IN ADDITION TO THE AMOUNT UNDER
10 SUBSECTION (B) OF THIS SECTION, THE COUNTY COMMISSIONERS SHALL
11 APPROPRIATE AND PAY TO THE CLERK OF THE CIRCUIT COURT FOR CARROLL
12 COUNTY \$1,800, PLUS ANY ADDITIONAL AMOUNT THAT THE COUNTY
13 COMMISSIONERS DETERMINE, FOR LIBRARY SUPPORT AND MAINTENANCE,
14 INCLUDING BOOKS AND LIBRARY EQUIPMENT, TO BE USED UNDER THE DIRECTION
15 OF THE JUDGES OF THE CIRCUIT COURT FOR CARROLL COUNTY.

16 (3) IN CECIL COUNTY:

17 (I) IN ANY YEAR IN WHICH THE AMOUNT PROVIDED TO THE
18 COURT LIBRARY UNDER SUBSECTION (B) OF THIS SECTION AND THE ATTORNEY
19 APPEARANCE FEES UNDER § 7-204 OF THIS TITLE:

20 1. IS LESS THAN \$10,000, THE COUNTY COMMISSIONERS
21 SHALL PAY TO THE CLERK OF THE COURT THE AMOUNT NECESSARY TO BRING THE
22 TOTAL TO \$10,000, PLUS ANY AMOUNT THE COUNTY COMMISSIONERS DETERMINE IS
23 REASONABLE FOR THE LIBRARY MAINTENANCE, TO BE USED UNDER THE DIRECTION
24 OF THE JUDGES OF THE CIRCUIT COURT FOR CECIL COUNTY; OR

25 2. EXCEEDS THE AMOUNT NECESSARY FOR LIBRARY
26 MAINTENANCE, THE CECIL COUNTY BAR AND LIBRARY ASSOCIATION, INC. MAY
27 TRANSFER THE EXCESS MONEY TO THE CECIL COUNTY BAR FOUNDATION, INC. TO
28 BE USED FOR CHARITABLE AND EDUCATIONAL PURPOSES IN ACCORDANCE WITH
29 THE BYLAWS OF THE FOUNDATION; AND

30 (II) ALL AMOUNTS PAID UNDER THIS SECTION SHALL BE USED
31 UNDER THE DIRECTION OF THE JUDGES OF THE CIRCUIT COURT FOR CECIL COUNTY
32 IN CONSULTATION WITH THE LAW LIBRARY COMMITTEE OF THE CECIL COUNTY BAR
33 AND LIBRARY ASSOCIATION, INC.

34 (4) IN CHARLES COUNTY, IN ANY YEAR IN WHICH THE AMOUNT UNDER
35 SUBSECTION (B) OF THIS SECTION IS LESS THAN \$3,000, THE COUNTY
36 COMMISSIONERS SHALL PAY TO THE CLERK OF THE CIRCUIT COURT FOR CHARLES
37 COUNTY THE AMOUNT NECESSARY TO BRING THE TOTAL TO \$3,000, PLUS ANY
38 AMOUNT THE COUNTY COMMISSIONERS DETERMINE IS REASONABLE FOR LIBRARY
39 MAINTENANCE, TO BE USED UNDER THE DIRECTION OF THE JUDGES OF THE
40 CIRCUIT COURT FOR CHARLES COUNTY, WHO RESIDE IN THE COUNTY.

1 (5) IN HARFORD COUNTY, THE LOCAL GOVERNING BODY SHALL
 2 APPROPRIATE AND PAY TO THE CLERK OF THE CIRCUIT COURT FOR HARFORD
 3 COUNTY, TO BE USED UNDER THE DIRECTION OF THE JUDGES OF THE COURT:

4 (I) THE AMOUNT UNDER SUBSECTION (B) OF THIS SECTION; AND

5 (II) ANY AMOUNT THE LOCAL GOVERNING BODY DETERMINES IS
 6 APPROPRIATE, BUT NOT LESS THAN \$1,500, FOR LIBRARY SUPPORT AND
 7 MAINTENANCE, INCLUDING BOOKS, LIBRARY EQUIPMENT, AND THE SERVICES OF A
 8 LIBRARIAN.

9 (6) (I) IN ST. MARY'S COUNTY, THE CLERK OF THE CIRCUIT COURT FOR
 10 ST. MARY'S COUNTY SHALL TRANSMIT MONTHLY THE AMOUNT UNDER SUBSECTION
 11 (B)(1) OF THIS SECTION TO A SPECIAL ACCOUNT KNOWN AS THE ST. MARY'S COUNTY
 12 LAW LIBRARY FUND MAINTAINED BY THE COUNTY.

13 (II) AS DETERMINED BY THE COUNTY ADMINISTRATIVE JUDGE,
 14 THE ST. MARY'S COUNTY LAW LIBRARY FUND MAY ONLY BE USED FOR THE GENERAL
 15 PURPOSES OF THE COURT LIBRARY, INCLUDING TO ACQUIRE BOOKS, OTHER
 16 PUBLICATIONS, AND LIBRARY EQUIPMENT, AND FOR OTHER NECESSARY EXPENSES.

17 (7) IN WORCESTER COUNTY, IN ADDITION TO THE AMOUNT UNDER
 18 SUBSECTION (B) OF THIS SECTION, THE COUNTY COMMISSIONERS SHALL
 19 APPROPRIATE AND PAY TO THE CLERK OF THE CIRCUIT COURT FOR WORCESTER
 20 COUNTY \$2,000 AND ANY ADDITIONAL AMOUNT THAT THE COMMISSIONERS SET FOR
 21 LIBRARY SUPPORT AND MAINTENANCE TO BE USED UNDER THE DIRECTION OF THE
 22 JUDGES OF THE CIRCUIT COURT FOR WORCESTER COUNTY.

23 REVISOR'S NOTE: This section is new language derived without substantive
 24 change from former Art. 38, § 5.

25 In subsection (c)(4) of this section, the former reference to "commencing
 26 July 1, 1962" is deleted as obsolete.

27 Defined term: "Fine" § 7-501

28 7-508. CONTENTS OF MUNICIPAL CORPORATION INDICTMENT.

29 A MUNICIPAL CORPORATION OF THIS STATE MAY USE THE FOLLOWING
 30 LANGUAGE IN CONCLUDING AN INDICTMENT FOR VIOLATION OF AN ORDINANCE:
 31 "AGAINST THE PEACE, GOVERNMENT, AND DIGNITY OF THE STATE".

32 REVISOR'S NOTE: This section is new language derived without substantive
 33 change from former Art. 38, § 1, as it related to indictment language.

34 The phrase "municipal corporation" is substituted for the former phrase
 35 "incorporated city or town" for consistency with Md. Constitution, Art.
 36 XI-E.

37 The former phrase "against the form of the ordinance in such case made

1 and provided and" is deleted as obsolete and for consistency with various
2 other provisions which set forth the form of indictments as found in the
3 Criminal Law Article.

4 **Article - Criminal Law**

5 8-108. PAYING COURT FINES OR COSTS WITH BAD CHECK.

6 (A) PROHIBITED.

7 A PERSON MAY NOT PAY A FINE OR COST IMPOSED BY A COURT BY DELIVERING
8 A CHECK ISSUED BY THE PERSON OR ANOTHER PERSON IF:

9 (1) THE PERSON KNOWS THAT PAYMENT OF THE CHECK HAS NOT BEEN
10 PROVIDED FOR; AND

11 (2) PAYMENT OF THE CHECK IS REFUSED BY THE DRAWEE ON
12 PRESENTMENT.

13 (B) PENALTY.

14 A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND
15 ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 60 DAYS OR A FINE
16 NOT EXCEEDING \$100 OR BOTH.

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 38, § 4B.

19 This section is revised for consistency with similar provisions found in this
20 subtitle.

21 In subsection (a) of this section, the defined term "check" is substituted for
22 the former reference to a "[c]heck, draft, or other negotiable instrument of
23 any kind" for clarity and brevity. *See* § 8-101(b) of this subtitle.

24 In subsection (a)(1) of this section, the reference to a "drawee" is
25 substituted for the former reference to "such person or by any other person,
26 firm, or corporation" for clarity and brevity.

27 Also in subsection (a)(1) of this section, the reference to "know[ing] that
28 there are insufficient funds with the drawee to cover the check and other
29 outstanding checks" is substituted for the former reference to "know[ing]
30 that the bank, person, firm, or corporation is not indebted to the drawer"
31 for clarity.

32 In subsection (b) of this section, the former reference to "the discretion of
33 the court" is deleted as implicit in establishing maximum penalties.

1

Article - Health - General

2 18-212.1. AUTHORITY OF GOVERNOR TO QUARANTINE VESSELS.

3 IF THE GOVERNOR HAS STRONG GROUNDS TO BELIEVE THAT THERE IS A
4 DANGER OF A MALIGNANT AND CONTAGIOUS DISEASE BEING INTRODUCED INTO
5 THE STATE, THE GOVERNOR MAY:

6 (1) QUARANTINE A VESSEL THAT IS ENTERING THE WATERS OF THE
7 STATE;

8 (2) PROHIBIT OR RESTRICT CONTACT BETWEEN THE STATE AND THE
9 PLACE AFFECTED BY THE DISEASE; AND

10 (3) TAKE OTHER ACTIONS THAT APPEAR TO THE GOVERNOR TO BE
11 NECESSARY TO CARRY OUT THIS SECTION.

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 41, § 2-406.

14 In item (2) of this section, the reference to "contact" is substituted for the
15 former reference to "intercourse" for clarity. Correspondingly, the archaic
16 reference to "communications" is deleted.

17 In item (3) of this section, the reference to "other" actions is added for
18 clarity.

19 The Review Committee notes, for consideration of the General Assembly,
20 that this provision of law was enacted in 1793 and may need to be updated
21 to include modes of transport other than vessels.

22 SUBTITLE 11. COMMUNITY SERVICES TRUST FUND.

23 24-1101. DEFINITIONS.

24 (A) IN GENERAL.

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

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

28 (B) TRUST FUND.

29 "TRUST FUND" MEANS THE COMMUNITY SERVICES TRUST FUND.

30 REVISOR'S NOTE: This subsection is new language derived without
31 substantive change from former Art. 41, § 18-205(a).

32 (C) PROCEEDS.

1 "PROCEEDS" MEANS THE GROSS PROCEEDS MINUS THE COSTS ASSOCIATED
2 WITH THE SALE, LEASE, OR DISPOSITION OF PROPERTY AND EQUIPMENT, AS
3 DETERMINED BY THE DEPARTMENT OF GENERAL SERVICES.

4 REVISOR'S NOTE: This subsection is new language derived without
5 substantive change from former Art. 41, § 18-205(c)(2).

6 24-1102. ESTABLISHED; PURPOSE.

7 (A) ESTABLISHED.

8 THERE IS A COMMUNITY SERVICES TRUST FUND IN THE OFFICE OF THE
9 TREASURER.

10 (B) PURPOSE.

11 THE PURPOSE OF THE TRUST FUND IS TO RECEIVE AND HOLD THE PROCEEDS
12 FROM THE SALE OR LONG-TERM LEASE OF PROPERTY AND EQUIPMENT OF A
13 DEVELOPMENTAL DISABILITIES ADMINISTRATION FACILITY OR A MENTAL HYGIENE
14 ADMINISTRATION FACILITY.

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 41, § 18-205(b) and (c)(1).

17 The Review Committee notes, for consideration of the General Assembly,
18 that the meaning of "long-term lease" in this section is unclear. Enactment
19 of a specific standard (such as a duration of "at least 5 years") would clarify
20 the intent.

21 Defined terms: "Trust Fund" § 24-1101

22 "Proceeds" § 24-1101

23 24-1103. NATURE OF TRUST FUND; ACCOUNTING; INVESTMENTS; DEPOSIT OF
24 FUNDS.

25 (A) NATURE OF TRUST FUND.

26 THE TRUST FUND IS A CONTINUING, NONLAPSING FUND THAT IS NOT SUBJECT
27 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

28 (B) ACCOUNTING; INVESTMENTS; DEPOSIT OF FUNDS.

29 (1) THE TREASURER SHALL HOLD THE TRUST FUND AND THE
30 COMPTROLLER SHALL ACCOUNT FOR THE TRUST FUND.

31 (2) (I) THE TRUST FUND SHALL BE INVESTED AND REINVESTED IN
32 THE SAME MANNER AS OTHER STATE FUNDS.

33 (II) ANY INVESTMENT EARNINGS OF THE TRUST FUND SHALL BE
34 PAID INTO THE TRUST FUND.

1 (3) THE TREASURER SHALL DEPOSIT FUNDS INTO THE TWO ACCOUNTS
2 OF THE TRUST FUND IN ACCORDANCE WITH § 24-1104 OF THIS SUBTITLE.

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 41, § 18-205(f) and (g).

5 In subsection (a) of this section, the former phrase "[n]o part of the Trust
6 Fund may revert or be credited to the General Fund of the State" is deleted
7 as implicit in the phrase "[t]he Trust Fund is a continuing, nonlapsing fund
8 that is not subject to § 7-302 of the State Finance and Procurement
9 Article".

10 In subsection (b)(3) of this section, the phrase "in accordance with §
11 24-1104 of this subtitle" is substituted for the former phrase "in the
12 manner described in subsection (d) of this section" for accuracy.

13 Defined term: "Trust Fund" § 24-1101

14 24-1104. STRUCTURE OF TRUST FUND.

15 (A) TWO ACCOUNTS.

16 THE TRUST FUND CONSISTS OF TWO ACCOUNTS.

17 (B) PURPOSE OF ACCOUNTS.

18 (1) ONE ACCOUNT HOLDS THE PROCEEDS FROM THE SALE OR
19 LONG-TERM LEASE OF PROPERTY AND EQUIPMENT RESULTING FROM THE SALE OR
20 LONG-TERM LEASE OF DEVELOPMENTAL DISABILITIES ADMINISTRATION
21 FACILITIES.

22 (2) ONE ACCOUNT HOLDS THE PROCEEDS FROM THE SALE OR
23 LONG-TERM LEASE OF PROPERTY AND EQUIPMENT RESULTING FROM THE SALE OR
24 LONG-TERM LEASE OF MENTAL HYGIENE ADMINISTRATION FACILITIES.

25 REVISOR'S NOTE: This section is new language derived without substantive
26 change from former Art. 41, § 18-205(d).

27 Defined terms: "Trust Fund" § 24-1101

28 "Proceeds" § 24-1101

29 24-1105. USE OF TRUST FUND; TRANSFERS FROM TRUST FUND.

30 (A) USE OF TRUST FUND.

31 THE TRUST FUND MAY ONLY BE USED IN ACCORDANCE WITH THIS SECTION.

32 (B) TRANSFERS FROM TRUST FUND.

1 IN ACCORDANCE WITH AN APPROPRIATION APPROVED BY THE GENERAL
2 ASSEMBLY IN THE STATE BUDGET, THE COMPTROLLER SHALL TRANSFER THE
3 INVESTMENT EARNINGS OF:

4 (1) THE DEVELOPMENTAL DISABILITIES ADMINISTRATION ACCOUNT OF OF
5 THE TRUST FUND INTO THE WAITING LIST EQUITY FUND ESTABLISHED UNDER §
6 7-206 OF THIS ARTICLE; AND

7 (2) THE MENTAL HYGIENE ADMINISTRATION ACCOUNT OF THE TRUST
8 FUND INTO THE MENTAL HYGIENE COMMUNITY-BASED SERVICES FUND
9 ESTABLISHED UNDER § 10-208 OF THIS ARTICLE.

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 41, § 18-205(e).

12 Defined term: "Trust Fund" § 24-1101

13 **Article - Labor and Employment**

14 3-708. ACTIVE SERVICE IN THE ARMED FORCES OF THE UNITED STATES --
15 RENEWAL OF LICENSES; CREDIT FOR APPRENTICESHIP.

16 (A) PERIOD FOR RENEWAL APPLICATION FOR ACTIVE SERVICE IN ARMED
17 FORCES.

18 AN APPLICATION FOR RENEWAL OF A LICENSE, CERTIFICATE, PERMIT, OR
19 OTHER AUTHORIZATION THAT AN INDIVIDUAL IS REQUIRED BY LAW TO HOLD TO
20 ENGAGE IN A PROFESSION OR TRADE IS CONSIDERED TIMELY IF THE APPLICATION
21 IS SUBMITTED WITHIN 1 YEAR AFTER THE END OF THE INDIVIDUAL'S ACTIVE
22 SERVICE IN THE ARMED FORCES OF THE UNITED STATES.

23 (B) CREDIT FOR PERIOD OF SERVICE AS AN APPRENTICE OR IN PREPARATION
24 FOR PROFESSION OR TRADE.

25 AN INDIVIDUAL APPLYING TO WORK IN A TRADE OR PROFESSION IS ENTITLED
26 TO CREDIT TOWARD A PERIOD OF SERVICE AS AN APPRENTICE IN, OR IN
27 PREPARATION FOR, THE PROFESSION OR TRADE IF:

28 (1) THE PERIOD IS REQUIRED BY LAW FOR THE PROFESSION OR TRADE;

29 (2) THE APPLICANT PERFORMED WORK OR RECEIVED TRAINING
30 PERTAINING TO THE PROFESSION OR TRADE WHILE IN THE ARMED FORCES OF THE
31 UNITED STATES; AND

32 (3) THE APPLICANT SUBMITS EVIDENCE OF TIME AND NATURE OF THE
33 WORK OR TRAINING SATISFACTORY TO THE ENTITY THAT HAS APPROVAL
34 AUTHORITY UNDER THE LAW.

35 (C) CONSTRUCTION OF SECTION.

1 THIS SECTION SHALL BE CONSTRUED LIBERALLY.

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from former Art. 96 1/2, § 46.

4 In subsections (a) and (b) of this section, the reference to "by law" is
5 substituted for the former references to "under the laws of this State,
6 public general and public local, or under any ordinance, rule or regulation"
7 and "by any of said laws, ordinances, rules or regulations" for brevity and
8 clarity.

9 In subsection (a) of this section, the former reference to a "calling or to do
10 any other act or thing" is deleted in light of the reference to a "profession or
11 trade".

12 Also in subsection (a) of this section, the former reference to "said person so
13 filing shall have the same rights ..." is deleted as implicit in the
14 requirement that the application be considered timely.

15 **Article - Public Safety**

16 **SUBTITLE 3A. GOVERNOR'S HEALTH EMERGENCY POWERS.**

17 14-3A-01. DEFINITIONS.

18 (A) IN GENERAL.

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

20 REVISOR'S NOTE: This subsection formerly was Art. 41, § 2-201(a).

21 No changes are made.

22 (B) CATASTROPHIC HEALTH EMERGENCY.

23 "CATASTROPHIC HEALTH EMERGENCY" MEANS A SITUATION IN WHICH
24 EXTENSIVE LOSS OF LIFE OR SERIOUS DISABILITY IS THREATENED IMMINENTLY
25 BECAUSE OF EXPOSURE TO A DEADLY AGENT.

26 REVISOR'S NOTE: This subsection is new language derived without
27 substantive change from former Art. 41, § 2-201(b)(1).

28 Defined term: "Exposure to a deadly agent" § 14-3A-01

29 (C) DEADLY AGENT.

30 "DEADLY AGENT" MEANS:

31 (1) ANTHRAX, EBOLA, PLAGUE, SMALLPOX, TULAREMIA, OR OTHER
32 BACTERIAL, FUNGAL, RICKETTSIAL, OR VIRAL AGENT, BIOLOGICAL TOXIN, OR OTHER

1 BIOLOGICAL AGENT CAPABLE OF CAUSING EXTENSIVE LOSS OF LIFE OR SERIOUS
2 DISABILITY;

3 (2) MUSTARD GAS, NERVE GAS, OR OTHER CHEMICAL AGENT CAPABLE
4 OF CAUSING EXTENSIVE LOSS OF LIFE OR SERIOUS DISABILITY; OR

5 (3) RADIATION AT LEVELS CAPABLE OF CAUSING EXTENSIVE LOSS OF
6 LIFE OR SERIOUS DISABILITY.

7 REVISOR'S NOTE: This subsection formerly was Art. 41, § 2-201(b)(2).

8 In item (1) of this subsection, the reference to a "biological" agent is added
9 for clarity and consistency with item (2) of this subsection.

10 The only other changes are in style.

11 (D) EXPOSURE TO A DEADLY AGENT.

12 "EXPOSURE TO A DEADLY AGENT" MEANS A THREAT TO HUMAN HEALTH
13 CAUSED BY THE RELEASE, DISTRIBUTION, OR TRANSMISSION OF A DEADLY AGENT
14 IN:

15 (1) THIS STATE; OR

16 (2) ANOTHER JURISDICTION BECAUSE OF MOVEMENT INTO THE STATE
17 OF THE DEADLY AGENT OR OF INDIVIDUALS EXPOSED TO THE DEADLY AGENT.

18 REVISOR'S NOTE: This subsection is new language derived without
19 substantive change from former Art. 41, § 2-201(b)(3).

20 (E) HEALTH CARE PROVIDER.

21 "HEALTH CARE PROVIDER" MEANS:

22 (1) A HEALTH CARE FACILITY AS DEFINED IN § 19-114(E)(1) OF THE
23 HEALTH - GENERAL ARTICLE;

24 (2) A HEALTH CARE PRACTITIONER AS DEFINED IN § 19-114(F) OF THE
25 HEALTH - GENERAL ARTICLE; AND

26 (3) AN INDIVIDUAL LICENSED OR CERTIFIED AS AN EMERGENCY
27 MEDICAL SERVICES PROVIDER UNDER § 13-516 OF THE EDUCATION ARTICLE.

28 REVISOR'S NOTE: This subsection is new language derived without
29 substantive change from former Art. 41, § 2-201(b)(4), (5), and (6).

30 (F) SECRETARY.

31 "SECRETARY" MEANS THE SECRETARY OF HEALTH AND MENTAL HYGIENE.

32 REVISOR'S NOTE: This subsection formerly was Art. 41, § 2-201(b)(7).

1 No changes are made.

2 14-3A-02. GOVERNOR'S PROCLAMATION.

3 (A) IN GENERAL.

4 IF THE GOVERNOR DETERMINES THAT A CATASTROPHIC HEALTH EMERGENCY
5 EXISTS, THE GOVERNOR MAY ISSUE A PROCLAMATION UNDER THIS SUBTITLE.

6 (B) CONTENTS OF PROCLAMATION.

7 THE PROCLAMATION SHALL INDICATE:

8 (1) THE NATURE OF THE CATASTROPHIC HEALTH EMERGENCY;

9 (2) THE AREAS THREATENED OR AFFECTED; AND

10 (3) THE CONDITIONS THAT:

11 (I) LED TO THE CATASTROPHIC HEALTH EMERGENCY; OR

12 (II) MADE POSSIBLE THE TERMINATION OF THE EMERGENCY.

13 (C) DURATION OF PROCLAMATION.

14 (1) THE GOVERNOR SHALL RESCIND A PROCLAMATION ISSUED UNDER
15 THIS SECTION WHENEVER THE GOVERNOR DETERMINES THAT THE CATASTROPHIC
16 HEALTH EMERGENCY NO LONGER EXISTS.

17 (2) UNLESS RENEWED, THE PROCLAMATION EXPIRES 30 DAYS AFTER
18 ISSUANCE.

19 (3) THE GOVERNOR MAY RENEW THE PROCLAMATION FOR SUCCESSIVE
20 PERIODS, EACH NOT TO EXCEED 30 DAYS, IF THE GOVERNOR DETERMINES THAT A
21 CATASTROPHIC HEALTH EMERGENCY CONTINUES TO EXIST.

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 41, § 2-202(a), (e), and (f).

24 In subsection (a) of this section, the former reference to "exposure to a
25 deadly agent ..." is deleted as surplusage in light of the definition of
26 "catastrophic health emergency".

27 In subsection (b)(2) of this section, the former reference to an "area" is
28 deleted in light of the reference to "areas" and Art. 1, § 8, which provides
29 that the plural generally includes the singular.

30 Defined terms: "Catastrophic health emergency" § 14-3A-01

31 "Exposure to a deadly agent" § 14-3A-01

1 14-3A-03. GOVERNOR'S ORDERS.

2 (A) IN GENERAL.

3 AFTER THE GOVERNOR ISSUES A PROCLAMATION UNDER THIS SUBTITLE, THE
4 GOVERNOR MAY ISSUE THE ORDERS AUTHORIZED IN THIS SECTION.

5 (B) TO THE SECRETARY OR DESIGNEE.

6 (1) THE GOVERNOR MAY ORDER THE SECRETARY OR OTHER
7 DESIGNATED OFFICIAL TO:

8 (I) SEIZE IMMEDIATELY ANYTHING NEEDED TO RESPOND TO THE
9 MEDICAL CONSEQUENCES OF THE CATASTROPHIC HEALTH EMERGENCY; AND

10 (II) WORK COLLABORATIVELY, TO THE EXTENT FEASIBLE, WITH
11 HEALTH CARE PROVIDERS TO DESIGNATE AND GAIN ACCESS TO A FACILITY NEEDED
12 TO RESPOND TO THE CATASTROPHIC HEALTH EMERGENCY.

13 (2) THE GOVERNOR MAY ORDER THE SECRETARY OR OTHER
14 DESIGNATED OFFICIAL TO CONTROL, RESTRICT, OR REGULATE THE USE, SALE,
15 DISPENSING, DISTRIBUTION, OR TRANSPORTATION OF ANYTHING NEEDED TO
16 RESPOND TO THE MEDICAL CONSEQUENCES OF THE CATASTROPHIC HEALTH
17 EMERGENCY BY:

18 (I) RATIONING OR USING QUOTAS;

19 (II) CREATING AND DISTRIBUTING STOCKPILES;

20 (III) PROHIBITING SHIPMENTS;

21 (IV) SETTING PRICES; OR

22 (V) TAKING OTHER APPROPRIATE ACTIONS.

23 (3) IF MEDICALLY NECESSARY AND REASONABLE TO TREAT, PREVENT,
24 OR REDUCE THE SPREAD OF THE DISEASE OR OUTBREAK BELIEVED TO HAVE BEEN
25 CAUSED BY THE EXPOSURE TO A DEADLY AGENT, THE GOVERNOR MAY ORDER THE
26 SECRETARY OR OTHER DESIGNATED OFFICIAL TO:

27 (I) REQUIRE INDIVIDUALS TO SUBMIT TO MEDICAL EXAMINATION
28 OR TESTING;

29 (II) REQUIRE INDIVIDUALS TO SUBMIT TO VACCINATION OR
30 MEDICAL TREATMENT UNLESS THE VACCINATION OR TREATMENT LIKELY WILL
31 CAUSE SERIOUS HARM TO THE INDIVIDUAL;

32 (III) ESTABLISH PLACES OF TREATMENT, ISOLATION, AND
33 QUARANTINE; OR

1 (IV) REQUIRE INDIVIDUALS TO GO TO AND REMAIN IN PLACES OF
 2 ISOLATION OR QUARANTINE UNTIL THE SECRETARY OR OTHER DESIGNATED
 3 OFFICIAL DETERMINES THAT THE INDIVIDUALS NO LONGER POSE A SUBSTANTIAL
 4 RISK OF TRANSMITTING THE DISEASE OR CONDITION TO THE PUBLIC.

5 (C) TO HEALTH CARE PROVIDER.

6 THE GOVERNOR MAY ORDER ANY HEALTH CARE PROVIDER, WHO DOES NOT
 7 VOLUNTARILY PARTICIPATE, TO PARTICIPATE IN DISEASE SURVEILLANCE,
 8 TREATMENT, AND SUPPRESSION EFFORTS OR OTHERWISE COMPLY WITH THE
 9 DIRECTIVES OF THE SECRETARY OR OTHER DESIGNATED OFFICIAL.

10 (D) TO THE PUBLIC.

11 (1) THE GOVERNOR MAY ORDER THE EVACUATION, CLOSING, OR
 12 DECONTAMINATION OF ANY FACILITY.

13 (2) IF NECESSARY AND REASONABLE TO SAVE LIVES OR PREVENT
 14 EXPOSURE TO A DEADLY AGENT, THE GOVERNOR MAY ORDER INDIVIDUALS TO
 15 REMAIN INDOORS OR REFRAIN FROM CONGREGATING.

16 REVISOR'S NOTE: This section is new language derived without substantive
 17 change from former Art. 41, § 2-202(b).

18 In subsection (b)(1)(i) and (2) of this section, the term "anything" is
 19 substituted for the former phrase "any item or material" for brevity.

20 In subsection (b)(1)(i) of this section, the word "seize" is substituted for the
 21 former phrase "take ... possession of" for brevity.

22 In subsection (d)(2) of this section, the former phrase "until further
 23 ordered" is deleted as implicit in the authority to issue the order.

24 Defined terms: "Catastrophic health emergency" § 14-3A-01

25 "Deadly agent" § 14-3A-01

26 "Health care provider" § 14-3A-01

27 "Secretary" § 14-3A-01

28 14-3A-04. ISOLATION OR QUARANTINE AFTER REFUSAL TO BE TESTED OR
 29 TREATED.

30 THE SECRETARY MAY REQUIRE AN INDIVIDUAL TO GO TO AND REMAIN IN A
 31 PLACE OF ISOLATION OR QUARANTINE UNTIL THE SECRETARY DETERMINES THAT
 32 THE INDIVIDUAL NO LONGER POSES A SUBSTANTIAL RISK OF TRANSMITTING A
 33 DISEASE OR CONDITION TO THE PUBLIC IF THE INDIVIDUAL:

34 (1) IS A COMPETENT ADULT; AND

35 (2) REFUSES AN ORDER UNDER § 14-3A-03(B)(3) OF THIS SUBTITLE FOR:

36 (I) VACCINATION;

- 1 (II) MEDICAL EXAMINATION;
2 (III) TREATMENT; OR
3 (IV) TESTING.

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 41, § 2-202(c).

6 In item (2) of this section, the reference to being an "adult" is substituted
7 for the former reference to being "over the age of 18" for consistency. *See*
8 Art. 1, § 24.

9 Defined term: "Secretary" § 14-3A-01

10 14-3A-05. DIRECTIVE FOR ISOLATION OR QUARANTINE.

11 (A) IN GENERAL.

12 IF THE SECRETARY OR OTHER DESIGNATED OFFICIAL REQUIRES AN
13 INDIVIDUAL OR A GROUP OF INDIVIDUALS TO GO TO AND REMAIN IN PLACES OF
14 ISOLATION OR QUARANTINE UNDER § 14-3A-03(B)(3) OF THIS SUBTITLE, THE
15 SECRETARY SHALL ISSUE A DIRECTIVE TO THE INDIVIDUAL OR GROUP OF
16 INDIVIDUALS.

17 (B) CONTENTS AND NOTICE.

18 (1) THE DIRECTIVE SHALL SPECIFY:

19 (I) THE IDENTITY OF THE INDIVIDUAL OR GROUP OF INDIVIDUALS
20 THAT ARE SUBJECT TO ISOLATION OR QUARANTINE;

21 (II) THE PREMISES THAT ARE SUBJECT TO ISOLATION OR
22 QUARANTINE;

23 (III) THE DATE AND TIME WHEN THE ISOLATION OR QUARANTINE
24 STARTS;

25 (IV) THE SUSPECTED DEADLY AGENT CAUSING THE OUTBREAK OR
26 DISEASE, IF KNOWN;

27 (V) THE JUSTIFICATION FOR THE ISOLATION OR QUARANTINE;
28 AND

29 (VI) THE AVAILABILITY OF A HEARING TO CONTEST THE
30 DIRECTIVE.

31 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE
32 DIRECTIVE SHALL BE:

33 (I) IN WRITING; AND

1 (II) GIVEN TO THOSE SUBJECT TO THE DIRECTIVE BEFORE THE
2 DIRECTIVE TAKES EFFECT.

3 (3) (I) IF THE SECRETARY OR OTHER DESIGNATED OFFICIAL
4 DETERMINES THAT THE NOTICE REQUIRED IN PARAGRAPH (2) OF THIS SUBSECTION
5 IS IMPRACTICAL BECAUSE OF THE NUMBER OF INDIVIDUALS OR GEOGRAPHICAL
6 AREAS AFFECTED, THE SECRETARY OR OTHER DESIGNATED OFFICIAL SHALL
7 ENSURE THAT THE AFFECTED INDIVIDUALS ARE FULLY INFORMED OF THE
8 DIRECTIVE USING THE BEST POSSIBLE MEANS AVAILABLE.

9 (II) IF THE DIRECTIVE APPLIES TO A GROUP OF INDIVIDUALS AND
10 IT IS IMPRACTICAL TO PROVIDE INDIVIDUAL WRITTEN COPIES UNDER PARAGRAPH
11 (2) OF THIS SUBSECTION, THE WRITTEN DIRECTIVE MAY BE POSTED IN A
12 CONSPICUOUS PLACE IN THE ISOLATION OR QUARANTINE PREMISES.

13 (C) HEARING.

14 (1) AN INDIVIDUAL OR GROUP OF INDIVIDUALS ISOLATED OR
15 QUARANTINED UNDER § 14-3A-03(B)(3) OF THIS SUBTITLE MAY REQUEST A HEARING
16 IN A CIRCUIT COURT TO CONTEST THE ISOLATION OR QUARANTINE.

17 (2) A REQUEST FOR A HEARING DOES NOT STAY OR ENJOIN AN
18 ISOLATION OR QUARANTINE DIRECTIVE.

19 (3) A COURT THAT RECEIVES A REQUEST UNDER THIS SUBSECTION
20 SHALL HOLD A HEARING WITHIN 3 DAYS AFTER RECEIPT OF THE REQUEST.

21 (4) IN ANY PROCEEDINGS BROUGHT FOR RELIEF UNDER THIS
22 SUBSECTION, THE COURT MAY EXTEND THE TIME FOR A HEARING:

23 (I) IF THE SECRETARY OR OTHER DESIGNATED OFFICIAL SHOWS
24 THAT EXTRAORDINARY CIRCUMSTANCES EXIST THAT JUSTIFY THE EXTENSION; AND

25 (II) AFTER CONSIDERING THE RIGHTS OF THE AFFECTED
26 INDIVIDUAL OR GROUP OF INDIVIDUALS, THE PROTECTION OF THE PUBLIC HEALTH,
27 THE SEVERITY OF THE CATASTROPHIC HEALTH EMERGENCY, AND THE
28 AVAILABILITY OF ANY NECESSARY WITNESSES AND EVIDENCE.

29 (5) (I) THE COURT SHALL GRANT THE REQUEST FOR RELIEF UNLESS
30 THE COURT DETERMINES THAT THE ISOLATION OR QUARANTINE DIRECTIVE IS
31 NECESSARY AND REASONABLE TO PREVENT OR REDUCE THE SPREAD OF THE
32 DISEASE OR OUTBREAK BELIEVED TO HAVE BEEN CAUSED BY THE EXPOSURE TO A
33 DEADLY AGENT.

34 (II) THE COURT IN MAKING ITS DETERMINATION MAY CONSIDER, IF
35 FEASIBLE, THE MEANS OF TRANSMISSION, THE DEGREE OF CONTAGION, AND, TO
36 THE EXTENT POSSIBLE, THE DEGREE OF PUBLIC EXPOSURE TO THE DISEASE.

1 (6) SUBJECT TO PARAGRAPH (7) OF THIS SUBSECTION, IF THE COURT
2 ISSUES AN ORDER THAT AUTHORIZES THE ISOLATION OR QUARANTINE, THE ORDER
3 SHALL:

4 (I) IDENTIFY THE ISOLATED OR QUARANTINED INDIVIDUAL OR
5 GROUP OF INDIVIDUALS BY NAME OR SHARED CHARACTERISTICS;

6 (II) SPECIFY FACTUAL FINDINGS WARRANTING ISOLATION OR
7 QUARANTINE; AND

8 (III) BE IN WRITING AND GIVEN TO THE INDIVIDUAL OR GROUP OF
9 INDIVIDUALS.

10 (7) IF THE COURT DETERMINES THAT THE DELIVERY REQUIRED BY
11 PARAGRAPH (6)(III) OF THIS SUBSECTION IS IMPRACTICAL BECAUSE OF THE NUMBER
12 OF INDIVIDUALS OR GEOGRAPHICAL AREA AFFECTED, THE COURT SHALL ENSURE
13 THAT THE AFFECTED INDIVIDUALS ARE FULLY INFORMED OF THE ORDER USING
14 THE BEST POSSIBLE MEANS AVAILABLE.

15 (D) DURATION OF COURT ORDER.

16 (1) AN ORDER UNDER SUBSECTION (C) OF THIS SECTION MAY
17 AUTHORIZE ISOLATION OR QUARANTINE FOR NOT MORE THAN 30 DAYS.

18 (2) BEFORE THE ORDER EXPIRES, THE SECRETARY OR DESIGNATED
19 OFFICIAL MAY REQUEST THE COURT TO CONTINUE THE ISOLATION OR QUARANTINE
20 FOR ADDITIONAL 30-DAY PERIODS.

21 (3) THE COURT SHALL BASE ITS DECISION ON THE STANDARDS
22 PROVIDED UNDER SUBSECTION (C)(5) OF THIS SECTION.

23 (E) INABILITY TO APPEAR.

24 IF AN INDIVIDUAL CANNOT APPEAR PERSONALLY BEFORE THE COURT,
25 PROCEEDINGS MAY BE CONDUCTED:

26 (1) BY THE INDIVIDUAL'S AUTHORIZED REPRESENTATIVE; AND

27 (2) IN A WAY THAT ALLOWS FULL PARTICIPATION BY OTHER
28 INDIVIDUALS.

29 (F) PROCEDURES.

30 (1) SUBJECT TO ANY EMERGENCY RULES THAT THE COURT OF APPEALS
31 ADOPTS UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE COURT MAY ORDER THE
32 CONSOLIDATION OF INDIVIDUAL CLAIMS INTO GROUP CLAIMS IN PROCEEDINGS
33 BROUGHT UNDER THIS SECTION IF:

34 (I) THE LARGE NUMBER OF INDIVIDUALS INVOLVED OR AFFECTED
35 MAKES INDIVIDUAL PARTICIPATION IMPRACTICAL;

1 (II) QUESTIONS OF LAW OR FACT THAT ARE COMMON TO THE
2 INDIVIDUAL CLAIMS OR RIGHTS MUST BE DETERMINED;

3 (III) THE GROUP CLAIMS OR RIGHTS TO BE DETERMINED ARE
4 TYPICAL OF THE AFFECTED INDIVIDUAL'S CLAIMS OR RIGHTS; OR

5 (IV) THE ENTIRE GROUP WILL BE ADEQUATELY REPRESENTED IN
6 THE CONSOLIDATION.

7 (2) THE COURT OF APPEALS SHALL APPOINT COUNSEL TO REPRESENT
8 INDIVIDUALS OR A GROUP OF INDIVIDUALS WHO ARE NOT OTHERWISE
9 REPRESENTED BY COUNSEL.

10 (3) THE COURT OF APPEALS SHALL ADOPT EMERGENCY RULES OF
11 PROCEDURE TO FACILITATE THE EFFICIENT ADJUDICATION OF PROCEEDINGS
12 BROUGHT UNDER THIS SECTION.

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 41, § 2-202(d).

15 In subsection (b)(1)(v) of this section, the reference to "justification" is
16 substituted for the former reference to "basis upon which ... is justified" for
17 brevity.

18 In subsection (b)(2)(ii) of this section, the reference to "those subject to the
19 directive" is substituted for the former reference to "the individual or group
20 of individuals [who are] being required to go to and remain in places of
21 isolation or quarantine" for brevity.

22 In subsection (c)(7) of this section, the reference to "delivery" is substituted
23 for the former reference to "notice" to conform to subsection (b)(6)(iii) of
24 this section, which requires that the "order [be] given" to those affected by
25 it.

26 In subsection (d)(1) of this section, the former reference to an order being
27 "effective" is deleted as implicit in the reference to an "authoriz[ation]" for
28 a set period.

29 In subsection (d)(2) of this section, the reference to "additional" periods is
30 substituted for the former reference to "subsequent" periods for clarity.

31 Defined terms: "Catastrophic health emergency" § 14-3A-01

32 "Exposure to a deadly agent" § 14-3A-01

33 "Secretary" § 14-3A-01

34 14-3A-06. IMMUNITY.

35 A HEALTH CARE PROVIDER IS IMMUNE FROM CIVIL OR CRIMINAL LIABILITY IF
36 THE HEALTH CARE PROVIDER ACTS IN GOOD FAITH AND UNDER A CATASTROPHIC
37 HEALTH EMERGENCY PROCLAMATION.

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 41, § 2-202(g).

3 The former reference to liability "related to those actions" is deleted as
4 implicit in the structure of the revision.

5 Defined terms: "Catastrophic health emergency" § 14-3A-01

6 "Health care provider" § 14-3A-01

7 14-3A-07. CONSTRUCTION.

8 THE AUTHORITY GRANTED UNDER THIS SUBTITLE IS IN ADDITION TO, AND NOT
9 IN DEROGATION OF, ANY OTHER AUTHORITY THAT THE GOVERNOR, THE SECRETARY,
10 OR ANY OTHER PUBLIC OFFICIAL MAY EXERCISE UNDER OTHER LAW.

11 REVISOR'S NOTE: This section formerly was Art. 41, § 2-203.

12 No changes are made.

13 Defined term: "Secretary" § 14-3A-01

14 14-3A-08. FAILURE TO COMPLY.

15 (A) PROHIBITED.

16 A PERSON MAY NOT KNOWINGLY AND WILLFULLY FAIL TO COMPLY WITH AN
17 ORDER, REQUIREMENT, OR DIRECTIVE ISSUED UNDER THIS SUBTITLE.

18 (B) PENALTY.

19 A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS GUILTY OF A
20 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
21 EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

22 REVISOR'S NOTE: This section formerly was Art. 41, § 2-204.

23 The only changes are in style.

24 Defined term: "Person" § 1-101

25 **Article - Public Utility Companies**

26 Title 7. [Gas and Electric] GAS, ELECTRIC, AND WATER Companies.

27 7-105. WATER COMPANIES -- POWERS.

28 (A) IN GENERAL.

29 A WATER COMPANY INCORPORATED IN THE STATE HAS THE POWERS
30 NECESSARY FOR THE PURPOSES FOR WHICH IT IS INCORPORATED AND MAY:

1 (1) ACQUIRE, POSSESS, AND USE LAND, WATER RIGHTS, AND OTHER
2 PROPERTY FOR THOSE PURPOSES; AND

3 (2) LAY PIPES AND CONSTRUCT WORKS NECESSARY OR SUITABLE TO
4 CARRY OUT ITS PURPOSES.

5 (B) PIPES AND CONSTRUCTION -- CONSENT OF LOCAL GOVERNMENT
6 REQUIRED.

7 (1) A WATER COMPANY SHALL OBTAIN THE CONSENT OF THE
8 GOVERNING BODY OF THE MUNICIPAL CORPORATION OR COUNTY BEFORE LAYING
9 PIPES OR CONSTRUCTING WATERWORKS IN THAT JURISDICTION UNDER
10 SUBSECTION (A) OF THIS SECTION.

11 (2) THE GOVERNING BODY OF THE MUNICIPAL CORPORATION OR
12 COUNTY MAY ADOPT REASONABLE REGULATIONS FOR THE LAYING OF PIPES,
13 CONSTRUCTION OF WORKS, AND OPERATIONS OF A WATER COMPANY.

14 (C) BALTIMORE CITY EXCEPTED.

15 THIS SECTION DOES NOT AUTHORIZE THE INCORPORATION OF A WATER
16 COMPANY TO OPERATE IN BALTIMORE CITY.

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 23, § 332.

19 In the introductory language of subsection (a) of this section, the reference
20 to "a water company incorporated in Maryland" is substituted for the
21 former reference to "[a]ny corporation which may be formed under the
22 provisions of this article for the purpose of supplying water" for clarity and
23 brevity. Although "this article" formerly referred to Article 23, and the
24 defined term "water company" in this article is derived instead from
25 former Art. 78, § 2(cc), the general provisions on the formation of
26 corporations in Maryland for any purpose, that were originally contained
27 in Article 23, are now codified in the Corporations and Associations Article.
28 *See* CA Title 2. Any water company that is incorporated in Maryland either
29 is incorporated under CA Title 2, or was incorporated under the
30 predecessor provisions for that title in Article 23. No substantive change is
31 intended.

32 In subsection (b)(1) of this section, the reference to the "governing body" of
33 a municipal corporation or county is substituted for the former references
34 to "municipal authorities of any incorporated town or city" and to the
35 "county commissioners of said county" for clarity and specificity, and to
36 reflect the fact that many counties in the State no longer have the
37 "commissioner" form of government. Similarly, in subsection (b)(2) of this
38 section, the term "governing body of the municipal corporation or county"
39 is substituted for the former phrase "said municipal authorities or said
40 county commissioners, as the case may be," for clarity.

1 In subsection (b)(2) of this section, the specific reference to the "laying of
2 pipes, construction of works, and operations" of a water company is
3 substituted for the former reference to "all such works and the exercise of
4 the powers hereby granted" for clarity.

5 Defined terms: "County" § 1-101

6 "Water company" § 1-101

7 **Article - State Finance and Procurement**

8 7-114.1. COSTS OF ARCHAEOLOGICAL WORK INCURRED IN STATE PROJECTS.

9 THE COSTS OF ARCHAEOLOGICAL WORK INCURRED IN A STATE PROJECT ON A
10 SITE OF ARCHAEOLOGICAL OR HISTORICAL SIGNIFICANCE SHALL BE INCLUDED IN
11 THE BUDGET BILL OF WHICH THE PROJECT IS A PART.

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 78A, § 2A.

14 **Article - State Government**

15 3-307. COMPLAINTS AGAINST CIVIL OR MILITARY OFFICERS.

16 (A) GOVERNOR'S AUTHORITY -- INVESTIGATION OF COMPLAINT.

17 ON THE FILING OF A COMPLAINT AGAINST A CIVIL OR MILITARY OFFICER WHO
18 MAY BE SUSPENDED OR REMOVED FROM OFFICE BY THE GOVERNOR, THE
19 GOVERNOR:

20 (1) SHALL PROVIDE TO THE RESPONDENT:

21 (I) A COPY OF THE COMPLAINT; AND

22 (II) NOTICE OF THE TIME WHEN THE GOVERNOR SHALL HEAR THE
23 COMPLAINT;

24 (2) MAY SUMMON ANY WITNESS TO TESTIFY CONCERNING THE
25 COMPLAINT, PAY THE WITNESS A FEE OF \$1 A DAY FOR ATTENDING, AND REIMBURSE
26 THE WITNESS FOR TRAVEL EXPENSES INCURRED IN TESTIFYING;

27 (3) MAY DESIGNATE ONE OR MORE INDIVIDUALS TO ATTEND ON THE
28 GOVERNOR'S BEHALF ANY PART OF ANY HEARING THAT RELATES TO THE
29 ESTABLISHMENT OF THE FACTS OF THE COMPLAINT; AND

30 (4) MAY ORDER EITHER PARTY OR THE STATE TO PAY ANY COSTS OF
31 THE PROCEEDING.

32 (B) SAME -- ENFORCEMENT OF ORDERS.

1 THE GOVERNOR, IN THE SAME MANNER AS A COURT OF THE STATE, MAY
2 ENFORCE:

3 (1) THE ATTENDANCE OF A WITNESS SUMMONED UNDER SUBSECTION
4 (A)(2) OF THIS SECTION; OR

5 (2) AN ORDER UNDER SUBSECTION (A)(4) OF THIS SECTION FOR
6 PAYMENT OF COSTS BY A PARTY OR THE STATE.

7 (C) PAYMENT OF COSTS BY STATE.

8 IF THE STATE IS ORDERED TO PAY COSTS UNDER SUBSECTION (A)(4) OF THIS
9 SECTION, THE COMPTROLLER SHALL ISSUE A WARRANT TO THE TREASURER TO PAY
10 THE COSTS.

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 41, §§ 2-501 through 2-504.

13 In the introductory language of subsection (a) of this section, the reference
14 to the "filing of a complaint" is substituted for the former phrase "[u]pon
15 complaint made" for clarity and in light of the former reference to a "copy
16 of the complaint".

17 In subsection (a)(1) of this section, the reference to the "respondent" is
18 substituted for the former reference to the "party complained against" for
19 clarity.

20 In subsection (a)(1)(ii) of this section, the reference to "time when the
21 Governor shall hear the complaint" is substituted for the former reference
22 to "time when the Governor will inquire and examine the same" for clarity.

23 In subsection (a)(2) of this section, the reference to testimony "concerning"
24 the complaint is substituted for the former reference to testimony "for or
25 against" the complaint for clarity.

26 In subsection (b) of this section, the reference to a "court" is substituted for
27 the former references to "courts" and "circuit courts" to reflect the
28 authority of any court to enforce its own orders.

29 SUBTITLE 26. MARYLAND AFRICAN AMERICAN MUSEUM CORPORATION.

30 9-2601. DEFINITIONS.

31 (A) IN GENERAL.

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

33 REVISOR'S NOTE: This subsection is new language derived without
34 substantive change from the first clause of former Art. 41, § 20-101.

1 (B) BOARD.

2 "BOARD" MEANS THE BOARD OF DIRECTORS OF THE MARYLAND AFRICAN
3 AMERICAN MUSEUM CORPORATION.

4 REVISOR'S NOTE: This subsection is new language added to avoid repetition
5 of the longer reference to the "Board of Directors".

6 (C) CORPORATION.

7 "CORPORATION" MEANS THE MARYLAND AFRICAN AMERICAN MUSEUM
8 CORPORATION.

9 REVISOR'S NOTE: This subsection formerly was the second clause of Art. 41, §
10 20-101.

11 9-2602. ESTABLISHED; PURPOSE; PUBLIC NATURE.

12 (A) ESTABLISHED.

13 THERE IS A MARYLAND AFRICAN AMERICAN MUSEUM CORPORATION.

14 (B) PURPOSE.

15 (1) THE PURPOSE OF THE CORPORATION IS TO PLAN, DEVELOP, AND
16 MANAGE A MARYLAND MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE IN
17 BALTIMORE CITY, IN COOPERATION WITH AND WITH THE ACTIVE SUPPORT OF THE
18 MAYOR AND CITY COUNCIL OF BALTIMORE, AFFECTED STATE UNITS, AND OTHER
19 PUBLIC AND PRIVATE INSTITUTIONS.

20 (2) THE CORPORATION MAY CARRY OUT ITS CORPORATE PURPOSES
21 WITHOUT THE CONSENT OF ANY UNIT OF STATE GOVERNMENT.

22 (C) BODY POLITIC; PUBLIC NATURE.

23 (1) THE CORPORATION IS:

24 (I) A BODY POLITIC AND CORPORATE;

25 (II) A PUBLIC INSTRUMENTALITY OF THE STATE; AND

26 (III) AN INDEPENDENT UNIT IN THE EXECUTIVE BRANCH OF STATE
27 GOVERNMENT.

28 (2) THE EXERCISE BY THE CORPORATION OF THE POWERS CONFERRED
29 BY THIS SUBTITLE IS AN ESSENTIAL PUBLIC FUNCTION.

30 REVISOR'S NOTE: This section is new language derived without substantive
31 change from former Art. 41, §§ 20-102(a) and (b), 20-105(a), and
32 20-111(b).

1 In subsection (c) of this section, the former reference to the State "of
2 Maryland" is deleted as unnecessary.

3 Defined term: "Corporation" § 9-2601

4 9-2603. BOARD OF DIRECTORS.

5 (A) ESTABLISHED; PURPOSE.

6 (1) THERE IS A BOARD OF DIRECTORS OF THE CORPORATION.

7 (2) THE BOARD SHALL MANAGE THE AFFAIRS OF THE CORPORATION
8 AND SHALL EXERCISE ALL OF ITS CORPORATE POWERS.

9 (B) COMPOSITION; APPOINTMENT.

10 (1) THE BOARD SHALL CONSIST OF 37 MEMBERS, OF WHOM:

11 (I) TWO SHALL SERVE EX OFFICIO, AS FOLLOWS:

12 1. THE MAYOR OF BALTIMORE OR THE MAYOR'S DESIGNEE;
13 AND

14 2. THE CHAIRMAN OF THE COMMISSION ON AFRICAN
15 AMERICAN HISTORY AND CULTURE OR THE CHAIRMAN'S DESIGNEE; AND

16 (II) THIRTY-FIVE SHALL BE APPOINTED BY THE GOVERNOR, AS
17 FOLLOWS:

18 1. ONE REPRESENTATIVE OF MORGAN STATE UNIVERSITY,
19 APPROVED BY THE BOARD OF REGENTS OF THE UNIVERSITY;

20 2. TWO MEMBERS OF THE COMMISSION ON AFRICAN
21 AMERICAN HISTORY AND CULTURE, APPROVED BY THE COMMISSION, TO PROVIDE
22 CONTINUING COORDINATION AND COOPERATION BETWEEN THE CORPORATION AND
23 THE COMMISSION AND TO ENSURE CONSISTENCY WITH THE STATEWIDE PROGRAMS
24 AND MANDATES OF THE COMMISSION;

25 3. FOUR REPRESENTATIVES OF AFRICAN AMERICAN
26 HISTORICAL OR CULTURAL INSTITUTIONS IN THE STATE; AND

27 4. TWENTY-EIGHT MEMBERS WHO HAVE EXPERTISE IN
28 AFRICAN AMERICAN HISTORY, CULTURE, MUSEUMS, OR RELATED AREAS, EXPERTISE
29 IN FUND-RAISING, OR REPRESENT THE DIVERSITY OF COMMUNITIES THROUGHOUT
30 THE STATE THAT CAN BENEFIT FROM THE ACTIVITIES OF THE CORPORATION.

31 (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
32 PARAGRAPH, THE MEMBERS APPOINTED TO THE BOARD SHALL REPRESENT THE
33 GEOGRAPHIC MAKEUP OF THE STATE AND SHALL BE RACIALLY AND ETHNICALLY
34 DIVERSE.

1 (II) THE GOVERNOR MAY APPOINT TO THE BOARD UP TO FIVE
2 MEMBERS FROM OUTSIDE THE STATE IF NECESSARY TO ENSURE THAT THE
3 MEMBERSHIP OF THE BOARD SATISFIES THE REQUIREMENTS SPECIFIED IN
4 PARAGRAPH (1)(II)4 OF THIS SUBSECTION.

5 (C) COMPENSATION AND REIMBURSEMENT FOR EXPENSES.

6 A MEMBER OF THE BOARD:

7 (1) IS NOT ENTITLED TO COMPENSATION AS A MEMBER OF THE BOARD;
8 BUT

9 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES IN ACCORDANCE
10 WITH THE STANDARD STATE TRAVEL REGULATIONS.

11 (D) TENURE; OATH; VACANCIES.

12 (1) THE TERM OF AN APPOINTED MEMBER OF THE BOARD IS 4 YEARS.

13 (2) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL
14 TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

15 (3) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
16 TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2004.

17 (4) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
18 SUCCESSOR IS APPOINTED AND QUALIFIES.

19 (5) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
20 ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED
21 AND QUALIFIES.

22 (E) OFFICERS; QUORUM; COMMITTEES.

23 (1) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A
24 CHAIRMAN, A VICE CHAIRMAN, AND A TREASURER.

25 (2) A MAJORITY OF THE MEMBERS THEN SERVING ON THE BOARD IS A
26 QUORUM.

27 (3) A VACANCY IN THE MEMBERSHIP OF THE BOARD DOES NOT IMPAIR
28 THE RIGHT OF A QUORUM OF THE BOARD TO EXERCISE THE RIGHTS AND PERFORM
29 THE DUTIES OF THE CORPORATION.

30 (4) THE BOARD SHALL APPOINT AN EXECUTIVE COMMITTEE AND MAY
31 APPOINT OTHER COMMITTEES THAT THE BOARD CONSIDERS NECESSARY OR
32 DESIRABLE.

33 REVISOR'S NOTE: Subsections (a)(2), (b), (c)(1), (d), and (e) of this section are
34 new language derived without substantive change from former Art. 41, §
35 20-102(c) and (d).

- 1 Subsection (a)(1) of this section is new language added for emphasis.
- 2 Subsection (c)(2) of this section is standard language added for clarity to
3 indicate that members are entitled to reimbursement for expenses.
- 4 In subsection (b)(1)(i) of this section, the phrase serving "ex officio" is
5 reused to apply to both of the members of the Board who serve in this
6 capacity for clarity.
- 7 In subsection (b)(1)(ii)2 of this section, the phrase "two members of the
8 Commission on African American History and Culture" is substituted for
9 the former reference to "two other Commission members" for clarity.
- 10 In subsection (d)(3) of this section, the reference point for staggered terms
11 of office is changed to the effective date of this Act, in accordance with
12 standard practice.
- 13 In subsection (e)(1) of this section, the phrase "[f]rom among its members"
14 is added for clarity.
- 15 Subsection (e)(3) of this section is rephrased in standard language for
16 clarity.
- 17 In subsection (e)(4) of this section, the word "considers" is substituted for
18 the former reference to "deems" for consistency with other similar
19 provisions of the revised articles of the Code.
- 20 Defined terms: "Board" § 9-2601
- 21 "Corporation" § 9-2601
- 22 9-2604. OFFICERS; PERSONNEL.
- 23 (A) EXECUTIVE DIRECTOR.
- 24 (1) THE BOARD SHALL APPOINT AN EXECUTIVE DIRECTOR WHO SERVES
25 AT THE PLEASURE OF THE BOARD.
- 26 (2) THE BOARD SHALL DETERMINE THE SALARY OF THE EXECUTIVE
27 DIRECTOR.
- 28 (B) CHIEF ADMINISTRATIVE OFFICER.
- 29 (1) THE EXECUTIVE DIRECTOR IS THE CHIEF ADMINISTRATIVE OFFICER
30 OF THE CORPORATION.
- 31 (2) THE EXECUTIVE DIRECTOR SHALL DIRECT AND SUPERVISE THE
32 ADMINISTRATIVE AFFAIRS AND TECHNICAL ACTIVITIES OF THE CORPORATION IN
33 ACCORDANCE WITH THE POLICIES AND PROCEDURES OF THE BOARD.
- 34 (3) THE EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S
35 DESIGNEE SHALL:

1 (I) ATTEND EACH MEETING OF THE BOARD, ACT AS SECRETARY TO
2 THE BOARD, AND KEEP MINUTES OF BOARD PROCEEDINGS;

3 (II) APPROVE EACH SALARY, PER DIEM PAYMENT, OR OTHER
4 EXPENSE OF THE CORPORATION, ITS EMPLOYEES, AND CONSULTANTS; AND

5 (III) PERFORM OTHER DUTIES AS DIRECTED BY THE BOARD IN
6 CARRYING OUT THE PURPOSES OF THIS SUBTITLE.

7 (C) STAFF.

8 (1) (I) IN ADDITION TO THE EXECUTIVE DIRECTOR, THE BOARD SHALL
9 EMPLOY PROFESSIONAL AND CLERICAL STAFF NECESSARY TO CARRY OUT THE
10 PURPOSES OF THIS SUBTITLE.

11 (II) THE BOARD SHALL ESTABLISH COMPENSATION, HOLIDAYS,
12 AND LEAVE FOR THE STAFF.

13 (2) THE OFFICERS AND EMPLOYEES OF THE CORPORATION ARE NOT
14 SUBJECT TO THE PROVISIONS OF DIVISION I OF THE STATE PERSONNEL AND
15 PENSIONS ARTICLE THAT GOVERN THE STATE PERSONNEL MANAGEMENT SYSTEM.

16 (D) LEGAL SERVICES.

17 THE ATTORNEY GENERAL SHALL PROVIDE LEGAL COUNSEL TO THE
18 CORPORATION AND LEGAL SERVICES TO THE MUSEUM.

19 (E) NECESSARY PERSONNEL.

20 THE BOARD MAY CONTRACT WITH ANY AGENT OR CONSULTANT IT CONSIDERS
21 NECESSARY TO CARRY OUT THE PURPOSES OF THIS SUBTITLE.

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 41, § 20-103.

24 In subsection (b)(3)(ii) of this section, the former reference to "any expenses
25 incidental to the operation of the Corporation" is deleted as implicit in the
26 broader requirement that the Executive Director approve each "other
27 expense of the Corporation".

28 In subsection (c)(1)(i) of this section, the phrase "[i]n addition to the
29 Executive Director" is substituted for the former reference to "any
30 additional" for clarity.

31 Also in subsection (c)(1)(i) of this section, the word "employ" is substituted
32 for the former word "appoint" for clarity.

33 In subsection (c)(2) of this section, the reference to officers "and" employees
34 is substituted for the former reference to officers "or" employees to clarify
35 that neither group is subject to the provisions of Division I of the State
36 Personnel and Pensions Article that govern the State Personnel

1 Management System.

2 In subsection (e) of this section, the phrase "contract with" is substituted
3 for the former reference to "engage" for clarity.

4 Also in subsection (e) of this section, the former reference to "accountants,
5 architects, construction experts and personnel, engineers, lawyers,
6 financial advisors, or other ..." is deleted as surplusage because the Board
7 is empowered under this subsection to engage any necessary agents or
8 consultants.

9 Also in subsection (e) of this section, the reference to agents or consultants
10 that the Board "considers necessary to carry out the purposes of this
11 subtitle" is added as implicit in the reference to "necessary" agents and
12 consultants.

13 Defined terms: "Board" § 9-2601

14 "Corporation" § 9-2601

15 9-2605. POWERS.

16 THE CORPORATION MAY:

17 (1) ADOPT AN OFFICIAL SEAL;

18 (2) SUE AND BE SUED, PLEAD AND BE IMPEADED, IN ITS OWN NAME;

19 (3) MAINTAIN OFFICES IN THE STATE;

20 (4) APPOINT MUSEUM ADVISORY BOARDS AND OTHER ADVISORY
21 BOARDS AND COMMITTEES;

22 (5) ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND THE
23 CONDUCT OF ITS BUSINESS;

24 (6) APPLY FOR AND ACCEPT GRANTS, LOANS, OR ASSISTANCE OF ANY
25 CHARACTER FROM THE FEDERAL GOVERNMENT, STATE GOVERNMENT, A LOCAL
26 GOVERNMENT, OR A PRIVATE SOURCE;

27 (7) ENTER INTO ANY CONTRACT OR OTHER LEGAL INSTRUMENT;

28 (8) ACQUIRE, CONSTRUCT, DEVELOP, MANAGE, MARKET,
29 RECONSTRUCT, REHABILITATE, IMPROVE, MAINTAIN, EQUIP, LEASE AS LESSOR OR
30 AS LESSEE, REPAIR, OR OPERATE ANY PROJECT IN THE STATE;

31 (9) ACQUIRE, PURCHASE, HOLD, LEASE AS LESSEE, OR USE A
32 FRANCHISE, PATENT, OR LICENSE OR ANY REAL, PERSONAL, MIXED, TANGIBLE, OR
33 INTANGIBLE PROPERTY OR ANY INTEREST IN THAT PROPERTY, NECESSARY OR
34 CONVENIENT FOR CARRYING OUT THE PURPOSES OF THE CORPORATION;

1 (10) SELL, LEASE AS LESSOR, TRANSFER, OR DISPOSE OF ITS PROPERTY
2 OR INTERESTS IN PROPERTY;

3 (11) ACQUIRE, EITHER DIRECTLY OR BY OR THROUGH ANY PERSON,
4 STATE UNIT, OR POLITICAL SUBDIVISION, BY PURCHASE OR BY GIFT OR DEVISE, ANY
5 LAND, STRUCTURE, REAL PROPERTY, PERSONAL PROPERTY, RIGHT, RIGHT-OF-WAY,
6 FRANCHISE, EASEMENT, OR OTHER INTEREST IN LAND, INCLUDING LAND LYING
7 UNDER WATER AND RIPARIAN RIGHTS THAT THE CORPORATION CONSIDERS
8 NECESSARY OR CONVENIENT FOR THE CONSTRUCTION, IMPROVEMENT,
9 REHABILITATION, OR OPERATION OF A PROJECT, ON ANY TERMS AND AT ANY PRICE
10 THAT THE CORPORATION CONSIDERS REASONABLE;

11 (12) ENTER WITH THE PERMISSION OF THE OWNER ON LAND, WATER, OR
12 PREMISES FOR THE PURPOSE OF MAKING SURVEYS, SOUNDINGS, BORINGS, AND
13 EXAMINATIONS TO ACCOMPLISH ANY PURPOSE AUTHORIZED BY THIS SUBTITLE;

14 (13) FIX, REVISE, AND COLLECT RATES, RENTALS, FEES, AND CHARGES
15 FOR THE USE OF, OR FOR SERVICES AND FACILITIES PROVIDED OR MADE AVAILABLE
16 BY, THE CORPORATION;

17 (14) (I) BORROW MONEY FROM ANY SOURCE FOR ANY CORPORATE
18 PURPOSE, INCLUDING WORKING CAPITAL FOR ITS OPERATIONS, RESERVES, OR
19 INTEREST;

20 (II) MORTGAGE, PLEDGE, OR OTHERWISE ENCUMBER THE
21 PROPERTY AND MONEY OF THE CORPORATION; AND

22 (III) CONTRACT WITH OR ENGAGE THE SERVICES OF ANY PERSON
23 FOR ANY FINANCING;

24 (15) EXERCISE ALL THE CORPORATE POWERS GRANTED TO MARYLAND
25 CORPORATIONS UNDER THE MARYLAND GENERAL CORPORATION LAW; AND

26 (16) DO ALL THINGS NECESSARY AND CONVENIENT TO CARRY OUT THE
27 POWERS GRANTED BY THIS SUBTITLE.

28 REVISOR'S NOTE: This section is new language derived without substantive
29 change from former Art. 41, § 20-104, except as it related to the
30 Corporation not borrowing money that would create or constitute a debt or
31 obligation of the State.

32 In item (1) of this section, the former reference to "alter[ing]" a seal is
33 deleted as implicit in the power to "adopt" an official seal.

34 In item (3) of this section, the former phrase "at a place or places ... that it
35 designates" is deleted as implicit in the power of the Corporation to
36 "maintain offices in the State".

37 In item (4) of this section, the former phrase "as it deems appropriate" is
38 deleted as implicit in the authority to appoint boards and committees.

1 In item (7) of this section, the word "contract" is substituted for the former
2 reference to "contracts" in light of Art. 1, § 8, which provides that the
3 singular generally includes the plural.

4 Also in item (7) of this section, the former reference to "mak[ing] [or],
5 execut[ing]" a contract is deleted as implicit in the power of the
6 Corporation to "enter into" a contract or other legal instrument.

7 In item (11) of this section, the words "land", "structure", "right",
8 "right-of-way", "franchise", "easement", "interest", and "price" are
9 substituted for the former references to "lands", "structures", "rights",
10 "rights-of-way", "franchises", "easements", "interests", and "prices"
11 respectively in light of Art. 1, § 8, which provides that the singular
12 generally includes the plural.

13 Also in item (11) of this section, the word "or" is substituted for the former
14 reference to "and" for clarity.

15 In item (12) of this section, the words "land" and "water" are substituted
16 for the former references to "lands" and "waters" in light of Art. 1, § 8,
17 which provides that the singular generally includes the plural.

18 The Review Committee notes, for consideration by the General Assembly,
19 that former Art. 41, § 20-104 appears to have been copied directly from the
20 MEDCO statute, Art. 83A, Title 5, Subtitle 2 (enacted in 1984). Generally,
21 the purpose of MEDCO is to promote economic development, and it is
22 statutorily directed to achieve this purpose by "owning projects, owning
23 and leasing projects to one or more persons, or lending the proceeds of
24 bonds to one or more persons" (*see* Art. 83A, § 5-202(c)(4)). Many of the
25 powers on this list seem inappropriate for the Corporation whose only
26 mission is to "plan, develop, and manage a Maryland Museum of African
27 American history". For instance, *see* items (8) and (11) of this section which
28 contemplate the Corporation acquiring, leasing, operating, etc., a "project"
29 in the State; while the term "project" is defined in the MEDCO statute,
30 there is no context for the reference in this particular subtitle.

31 Defined term: "Corporation" § 9-2601

32 9-2606. STRATEGIC PLAN; ANNUAL REPORT.

33 THE CORPORATION SHALL:

34 (1) PREPARE A STRATEGIC PLAN AT LEAST ONCE EVERY 5 YEARS THAT
35 ESTABLISHES SHORT-RANGE AND LONG-RANGE GOALS, OBJECTIVES, AND
36 PRIORITIES FOR THE MUSEUM IN SUPPORT OF ITS MISSION;

37 (2) REPORT ANNUALLY TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF
38 THIS ARTICLE, TO THE GENERAL ASSEMBLY ON THE CORPORATION'S ACTIVITIES
39 DURING THE PRECEDING YEAR, INCLUDING:

1 (I) THE NUMBER OF STUDENTS AND OTHER TYPES OF VISITORS
2 SERVED;

3 (II) THE NUMBER OF VOLUNTEERS AND TOTAL HOURS
4 CONTRIBUTED TO THE OPERATION OF THE MUSEUM;

5 (III) THE AMOUNT AND TYPE OF PRIVATE AND NONSTATE MONEY
6 DONATED, PLEDGED, OR OTHERWISE PROVIDED; AND

7 (IV) ANY RECOMMENDATIONS OR REQUESTS THE CORPORATION
8 CONSIDERS APPROPRIATE TO FURTHER THE MISSION OF THE MUSEUM; AND

9 (3) PUBLISH REPORTS AND ANY OTHER MATERIAL IT CONSIDERS
10 NECESSARY.

11 REVISOR'S NOTE: This section formerly was Art. 41, § 20-105(b).

12 The only changes are in style.

13 Defined term: "Corporation" § 9-2601

14 9-2607. EARNINGS.

15 EXCEPT FOR THE NET EARNINGS OF THE CORPORATION NECESSARY TO PAY
16 DEBT SERVICE OR IMPLEMENT THE CORPORATION'S MUSEUM PLAN, THE NET
17 EARNINGS OF THE CORPORATION SHALL INURE TO THE BENEFIT OF THE STATE AND
18 NOT TO ANY PERSON.

19 REVISOR'S NOTE: This section formerly was Art. 41, § 20-106.

20 No changes are made.

21 Defined term: "Corporation" § 9-2601

22 9-2608. TAXES.

23 (A) PAYMENT NOT REQUIRED.

24 EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE CORPORATION
25 IS NOT REQUIRED TO PAY TAXES OR ASSESSMENTS ON ITS:

26 (1) PROPERTIES;

27 (2) ACTIVITIES; OR

28 (3) REVENUE DERIVED FROM ITS PROPERTIES OR ACTIVITIES.

29 (B) PAYMENT REQUIRED ON SALE OR LEASE OF LAND OR FACILITIES.

30 IF THE CORPORATION SELLS OR LEASES LAND OR FACILITIES TO A PRIVATE
31 ENTITY, THE LAND OR FACILITIES SHALL BE SUBJECT TO REAL PROPERTY TAXES.

1 REVISOR'S NOTE: This section formerly was Art. 41, § 20-107.

2 In subsection (b) of this section, the former words "as lessor" are deleted as
3 implicit in that the provision applies to situations in which the Corporation
4 leases land or facilities "to any private entity".

5 The only other changes are in style.

6 Defined term: "Corporation" § 9-2601

7 9-2609. BUDGET.

8 (A) PREPARATION AND IMPLEMENTATION.

9 THE BOARD SHALL PREPARE AND IMPLEMENT AN OPERATING AND A CAPITAL
10 BUDGET FOR THE MANAGEMENT OF ITS AFFAIRS.

11 (B) GENERAL FUND GRANT.

12 THE GOVERNOR MAY INCLUDE A GRANT TO THE CORPORATION IN THE STATE
13 BUDGET.

14 (C) OPERATING COSTS.

15 THE CORPORATION SHALL SUPPORT ALL OPERATING COSTS, INCLUDING
16 PERSONNEL AND RETIREMENT COSTS, FROM ANY GENERAL FUND ALLOCATIONS,
17 AND ITS OTHER INCOME SOURCES.

18 (D) BUDGETARY POWER OF GENERAL ASSEMBLY.

19 THIS SECTION DOES NOT RESTRICT THE BUDGETARY POWER OF THE GENERAL
20 ASSEMBLY.

21 REVISOR'S NOTE: This section formerly was Art. 41, § 20-108.

22 The only change is in style.

23 Defined terms: "Board" § 9-2601

24 "Corporation" § 9-2601

25 9-2610. ADMINISTRATION OF FUNDS; INVESTMENTS, ACCOUNTING AND CONTROLS;
26 AUDITS; REPORTS.

27 (A) ADMINISTRATION OF FUNDS.

28 (1) THE CORPORATION MAY PROVIDE FOR THE CREATION,
29 CONTINUATION, AND ADMINISTRATION OF THE FUNDS THAT IT REQUIRES.

30 (2) AS THE BOARD DIRECTS, MONEY IN THE FUNDS AND OTHER MONEY
31 OF THE CORPORATION SHALL BE DEPOSITED IN A FEDERAL OR STATE CHARTERED
32 DEPOSITORY INSTITUTION THAT:

1 (I) IS INSURED BY THE FEDERAL DEPOSIT INSURANCE
2 CORPORATION;
3 (II) HAS A BRANCH OR OFFICE IN THE STATE THAT ACCEPTS
4 DEPOSITS; AND
5 (III) HAS A TOTAL PAID-IN CAPITAL PLUS SURPLUS OF AT LEAST
6 \$6,000,000.

7 (3) A FEDERAL OR STATE CHARTERED TRUST COMPANY MAY BE
8 DESIGNATED AS A DEPOSITORY TO RECEIVE SECURITIES THAT THE CORPORATION
9 HAS OR OWNS.

10 (B) INVESTMENTS.

11 MONEY THAT THE STATE APPROPRIATES TO THE CORPORATION, AND MONEY
12 THAT THE CORPORATION IS REQUIRED BY THE GENERAL ASSEMBLY TO RAISE FOR
13 MUSEUM CONSTRUCTION FROM SOURCES OTHER THAN THE STATE, SHALL BE
14 INVESTED IN BONDS OR OTHER OBLIGATIONS:

15 (1) OF THE UNITED STATES, THE STATE, A POLITICAL SUBDIVISION OF
16 THE STATE, OR A UNIT OF THE STATE; OR

17 (2) THAT ARE GUARANTEED AS TO PRINCIPAL AND INTEREST BY THE
18 UNITED STATES, THE STATE, A POLITICAL SUBDIVISION OF THE STATE, OR A UNIT OF
19 THE STATE.

20 (C) PROVISIONS FOR ACCOUNTING AND CONTROLS.

21 (1) THE CORPORATION SHALL ADOPT A SYSTEM OF FINANCIAL
22 ACCOUNTING, CONTROLS, AUDITS, AND REPORTS.

23 (2) THE FISCAL YEAR OF THE CORPORATION IS JULY 1 TO JUNE 30.

24 (D) AUDIT -- IN GENERAL.

25 (1) THE CORPORATION SHALL SELECT AN INDEPENDENT CERTIFIED
26 PUBLIC ACCOUNTANT TO CONDUCT AN AUDIT UNDER THIS SUBSECTION.

27 (2) THE ACCOUNTANT:

28 (I) SHALL BE LICENSED TO PRACTICE IN THE STATE;

29 (II) SHALL BE EXPERIENCED AND QUALIFIED IN THE ACCOUNTING
30 AND AUDITING OF PUBLIC BODIES; AND

31 (III) MAY NOT HAVE A PERSONAL INTEREST EITHER DIRECTLY OR
32 INDIRECTLY IN THE FISCAL AFFAIRS OF THE CORPORATION.

1 (3) AS SOON AS PRACTICABLE AFTER THE END OF THE FISCAL YEAR,
2 THE ACCOUNTANT SHALL AUDIT THE FINANCIAL BOOKS, RECORDS, AND ACCOUNTS
3 OF THE CORPORATION.

4 (4) THE ACCOUNTANT SHALL REPORT:

5 (I) THE RESULTS OF ITS AUDIT, INCLUDING AN UNQUALIFIED
6 OPINION ON THE FINANCIAL POSITION OF THE CORPORATION'S FUNDS; AND

7 (II) THE RESULTS OF THE CORPORATION'S FINANCIAL
8 OPERATIONS.

9 (5) IF THE ACCOUNTANT IS UNABLE TO EXPRESS AN UNQUALIFIED
10 OPINION, THE ACCOUNTANT SHALL:

11 (I) STATE AND EXPLAIN IN DETAIL THE REASON FOR ANY
12 QUALIFICATIONS, DISCLAIMERS, OR OPINIONS; AND

13 (II) SUBMIT RECOMMENDATIONS ON CHANGES NEEDED TO ALLOW
14 AN UNQUALIFIED OPINION IN THE FUTURE.

15 (E) SAME -- BY STATE.

16 THE BOOKS, RECORDS, AND ACCOUNTS OF THE CORPORATION ARE SUBJECT TO
17 AUDIT BY THE STATE.

18 (F) ANNUAL FINANCIAL REPORT.

19 (1) WITHIN THE FIRST 90 DAYS OF EACH FISCAL YEAR, THE
20 CORPORATION SHALL SUBMIT A REPORT TO THE GOVERNOR AND, SUBJECT TO §
21 2-1246 OF THIS ARTICLE, TO THE GENERAL ASSEMBLY.

22 (2) THE REPORT SHALL INCLUDE:

23 (I) A COMPLETE OPERATING AND FINANCIAL STATEMENT
24 COVERING THE CORPORATION'S OPERATIONS DURING THE PRECEDING FISCAL
25 YEAR; AND

26 (II) A SUMMARY OF THE CORPORATION'S ACTIVITIES DURING THE
27 PRECEDING FISCAL YEAR.

28 REVISOR'S NOTE: This section is new language derived without substantive
29 change from former Art. 41, § 20-109.

30 In subsection (a)(2)(i) of this section, the phrase "is insured by" is
31 substituted for the former phrase "the deposits of which are insured by" for
32 brevity.

33 In subsection (c)(1) of this section, the word "adopt" is substituted for the
34 former phrase "make provision for" for brevity and clarity.

1 In subsection (d) of this section, the word "accountant" is substituted for
2 the former reference to "accountants" in light of Art. 1, § 8, which provides
3 that the singular generally includes the plural.

4 In subsection (d)(4)(i) of this section, the former phrase "the presentation
5 of" is deleted as surplusage.

6 Also in subsection (d)(4)(i) of this section, the word "Corporation's" is
7 substituted for the former word "various" for clarity.

8 In subsection (f) of this section, the word "submit" is substituted for the
9 former reference to "make" for clarity.

10 Also in subsection (f) of this section, the phrase "the report shall include" is
11 substituted for the former phrase "each report submitted in accordance
12 with subsection (f) of this section shall" for brevity.

13 Defined terms: "Board" § 9-2601

14 "Corporation" § 9-2601

15 9-2611. DEBTS, CLAIMS, OBLIGATIONS, AND LIABILITIES.

16 (A) IN GENERAL.

17 ALL DEBTS, CLAIMS, OBLIGATIONS, AND LIABILITIES OF THE CORPORATION,
18 WHENEVER INCURRED, SHALL BE THE DEBTS, CLAIMS, OBLIGATIONS, AND
19 LIABILITIES OF THE CORPORATION ONLY AND NOT OF THE STATE, OTHER UNITS OF
20 STATE GOVERNMENT, OTHER STATE INSTRUMENTALITIES, STATE OFFICERS, OR
21 STATE EMPLOYEES.

22 (B) NOT TO BE CONSIDERED STATE LIABILITY.

23 THE DEBTS, CLAIMS, OBLIGATIONS, AND LIABILITIES OF THE CORPORATION
24 MAY NOT BE CONSIDERED A DEBT, CLAIM, OBLIGATION, OR LIABILITY OF THE STATE
25 OR A PLEDGE OF ITS FULL FAITH AND CREDIT.

26 REVISOR'S NOTE: This section is new language derived without substantive
27 change from former Art. 41, §§ 20-110 and 20-104(14)(i), as it related to
28 the borrowing of the Corporation.

29 In subsection (a) of this section, the word "other" is added to modify "units
30 of State government" and "State instrumentalities" in light of the
31 Corporation's status as "an independent unit in the Executive Branch of
32 State government" and "a public instrumentality of the State".

33 Defined terms: "Board" § 9-2601

34 "Corporation" § 9-2601

1 9-2612. EXEMPTIONS; ETHICS LAWS; MINORITY BUSINESS ENTERPRISES; REVIEW OF
2 PRELIMINARY MUSEUM PLANS.

3 (A) EXEMPTIONS ENUMERATED.

4 EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE CORPORATION IS
5 EXEMPT FROM:

6 (1) TITLE 10, SUBTITLE 5 OF THIS ARTICLE;

7 (2) TITLE 2, SUBTITLES 2, 4, AND 6 AND § 2-510 OF THE STATE FINANCE
8 AND PROCUREMENT ARTICLE;

9 (3) TITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

10 (4) TITLE 4, SUBTITLES 2 THROUGH 7 OF THE STATE FINANCE AND
11 PROCUREMENT ARTICLE;

12 (5) TITLE 6, SUBTITLE 1 OF THE STATE FINANCE AND PROCUREMENT
13 ARTICLE;

14 (6) TITLE 7, SUBTITLES 1 THROUGH 3 OF THE STATE FINANCE AND
15 PROCUREMENT ARTICLE;

16 (7) TITLE 8, SUBTITLE 1 OF THE STATE FINANCE AND PROCUREMENT
17 ARTICLE; AND

18 (8) DIVISION II OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

19 (B) ETHICS LAWS; MINORITY BUSINESS ENTERPRISES.

20 THE CORPORATION AND ITS OFFICERS AND EMPLOYEES ARE SUBJECT TO THE
21 MARYLAND PUBLIC ETHICS LAW AND THE STATE MINORITY BUSINESS ENTERPRISE
22 LAWS, EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE.

23 (C) PRELIMINARY MUSEUM PLANS.

24 BEFORE APPROVING THE FINAL PLANS FOR THE MUSEUM, THE CORPORATION
25 SHALL:

26 (1) SUBMIT PRELIMINARY PLANS TO THE CITY OF BALTIMORE FOR
27 REVIEW; AND

28 (2) CONSIDER COMMENTS FROM THE CITY OF BALTIMORE ON THE
29 PRELIMINARY PLANS.

30 REVISOR'S NOTE: This section is new language derived without substantive
31 change from former Art. 41, § 20-111(a), (c), and (d).

32 In subsection (a) of this section, the former phrase "the provisions of" is
33 deleted as unnecessary.

1 Defined terms: "Board" § 9-2601

2 "Corporation" § 9-2601

3 9-2613. LIBERAL CONSTRUCTION.

4 THIS SUBTITLE SHALL BE LIBERALLY CONSTRUED TO EFFECT ITS PURPOSES.

5 REVISOR'S NOTE: This section formerly was Art. 41, § 20-112.

6 No changes are made.

7 9-2614. SHORT TITLE.

8 THIS SUBTITLE MAY BE CITED AS THE MARYLAND AFRICAN AMERICAN
9 MUSEUM CORPORATION ACT.

10 REVISOR'S NOTE: This section formerly was Art. 41, § 20-113.

11 No changes are made.

12 SUBTITLE 12. TOLL-FREE TELEPHONE NUMBERS.

13 10-1201. SYSTEM REQUIRED FOR STATE UNITS.

14 EACH UNIT OF STATE GOVERNMENT SHALL INSTALL AND MAINTAIN A
15 TELEPHONE SYSTEM THAT ALLOWS A PERSON FROM ANYWHERE IN THE STATE TO
16 COMMUNICATE WITH EMPLOYEES OF THE UNIT BY TOLL-FREE TELEPHONE CALL
17 DURING THE REGULAR BUSINESS HOURS OF THE UNIT FOR THE PURPOSE OF
18 CONDUCTING OFFICIAL STATE BUSINESS.

19 REVISOR'S NOTE: This section formerly was Art. 41, § 18-206(a).

20 The only changes are in style.

21 Defined term: "Person" § 1-101

22 10-1202. PRINTING OF NUMBERS FOR DISTRIBUTION.

23 EACH UNIT OF STATE GOVERNMENT SHALL PRINT ITS TOLL-FREE TELEPHONE
24 NUMBERS ON THE UNIT'S OFFICIAL DOCUMENTS, INCLUDING STATIONERY, FAX
25 COVER SHEETS, BUSINESS CARDS, AND OTHER PUBLICATIONS THAT ARE
26 DISTRIBUTED TO THE PUBLIC.

27 REVISOR'S NOTE: This section is new language derived without substantive
28 change from former Art. 41, § 18-206(b)(1).

29 The former reference to a unit printing "each of" its toll-free telephone
30 numbers on its official documents is deleted to avoid the apparently
31 unintended consequence of requiring a department with many different
32 constituent units, each of which may have its own toll-free telephone
33 numbers, to print all of the department's toll-free numbers on every piece

1 of stationery, fax cover sheet, business card, or other publication that the
2 department distributes to the public.

3 Defined term: "Including" § 1-101

4 10-1203. INCLUSION IN DIRECTORY.

5 EACH UNIT SHALL INCLUDE EACH OF ITS TOLL-FREE TELEPHONE NUMBERS IN
6 ANY DIRECTORY THAT LISTS INFORMATION ABOUT THE UNIT.

7 REVISOR'S NOTE: This section formerly was Art. 41, § 18-206(b)(2).

8 The only other change is in style.

9 SECTION 3. AND BE IT FURTHER ENACTED, That, except in the repeal of
10 provisions of law believed by the General Assembly to be obsolete, this Act may not be
11 interpreted to render any substantive change to the Laws of Maryland.

12 SECTION 4. AND BE IT FURTHER ENACTED, That the Revisor's Notes and
13 the catchlines contained in this Act are not law and may not be considered to have
14 been enacted as a part of this Act.

15 SECTION 5. AND BE IT FURTHER ENACTED, That the publishers of the
16 Annotated Code, in consultation with the Department of Legislative Services, shall
17 correct any cross-references rendered obsolete by this Act.

18 SECTION 6. AND BE IT FURTHER ENACTED, That, if any other enactment
19 of the 2004 Session of the General Assembly affects a provision of law that is
20 recodified under this Act, the publishers of the Annotated Code, in consultation with
21 the Department of Legislative Services, shall reconcile the enactments as necessary
22 to effectuate:

23 (1) the recodification scheme of this Act; and

24 (2) the substantive intent of the other enactment.

25 SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take
26 effect October 1, 2004.