

Chapter 631

(Senate Bill 74)

AN ACT concerning

Maryland Code – Standardization of Terminology – Nonprofits

FOR the purpose of making stylistic changes to various provisions of law to standardize the terminology used to refer to nonprofit persons where appropriate; providing for the construction of this Act; and generally relating to the standardization of terminology in the Code.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 1–101(a)
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 1–101(e)(2), 12–104(d), and 31–1306(b)
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 3–403(c)(1) and (d), 5–102(a)(2), 5–602(a)(2)(vi), 11–526(d)(2), 11–902,
17–905(d)(2)(ii), 17–1402(b)(2), and 19–701(c)
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 19–701(a)
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 23–101(a)
Annotated Code of Maryland
(2013 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 23–101(d)

Annotated Code of Maryland
(2013 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 1–203(b)(11)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 2.5–106(9), 4–701(d), 5–203(e)(1)(ii), 5–301(d), 5–320(a)(2), 5–324(b), (c), and
(e)(1), 5–401(f)(1) and (s)(1)(i), 5–1201, 5–1202(b), 5–1203, 5–1204(b)(2),
5–1205, 10–101(j)(2)(ii), 10–115(12), 10–301(g) and (j)(1)(i)1., 10–403(b)(2)(i),
10–424(2) and (5), 10–454(i), 10–473(r), 10–502(b)(3), 10–601(c),
10–807(b)(2)(i), 10–835(2) and (5), 10–903(b)(3)(iii), 11–203(b)(2)(i), 12–101(f)
and (g)(1), 12–109(a)(2)(i), 12–406(a)(2)(i), 13–405(b)(2)(ii), 13–408(a)(20) and
(21), 13–504, 13–733(a), and 15–101(e)(1)
Annotated Code of Maryland
(2008 Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 4–701(a), 5–203(a), 5–301(a), 5–401(a), 10–101(a), 10–301(a), 10–454(a),
10–473(a), 10–601(a), 12–101(a), and 15–101(a)
Annotated Code of Maryland
(2008 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 14–105(f)
Annotated Code of Maryland
(2010 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – General Provisions
Section 4–320(a)(2)(iii) and 5–716(h)(1)
Annotated Code of Maryland
(2014 Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 1–301(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

- BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 1–301(f)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)
- BY repealing and reenacting, without amendments,
Article – Housing and Community Development
Section 6–401(a)
Annotated Code of Maryland
(2006 Volume and 2016 Supplement)
- BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 6–401(e), 12–104(b), and 12–502(h)
Annotated Code of Maryland
(2006 Volume and 2016 Supplement)
- BY repealing and reenacting, without amendments,
Article – Human Services
Section 8–701(a)
Annotated Code of Maryland
(2007 Volume and 2016 Supplement)
- BY repealing and reenacting, with amendments,
Article – Human Services
Section 8–701(e)
Annotated Code of Maryland
(2007 Volume and 2016 Supplement)
- BY repealing and reenacting, without amendments,
Article – Insurance
Section 5–511(a)(1)
Annotated Code of Maryland
(2011 Replacement Volume and 2016 Supplement)
- BY repealing and reenacting, with amendments,
Article – Insurance
Section 5–511(a)(4), 14–103, and 27–802(c)(1)(iii)
Annotated Code of Maryland
(2011 Replacement Volume and 2016 Supplement)
- BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3–203(4)(ix), 3–403(10), 3–415(b)(2), 3–420(b), 7–101(b)(2), 8–101(s)(1)(i) and
(v), 8–203(d), 8–217(a), 8–220(c)(1)(i), 8–222, 8–303(f)(1), 8–610(d)(1),

8–616(a) and (b), 8–617(a), (c), and (e) through (g), 8–618(a) through (c), and (e) through (i), 8–620(a)(2), (c)(1), and (d) through (f), 8–621(a) through (c), and 8–622(a)(1) and (b)(1)

Annotated Code of Maryland
(2016 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 7–101(a) and 8–101(a)
Annotated Code of Maryland
(2016 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Land Use
Section 17–113(a)
Annotated Code of Maryland
(2012 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Land Use
Section 17–113(b)(1)(iv)
Annotated Code of Maryland
(2012 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–1203(mm) and 8–1915(a)(2)(v)
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 1–101(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 1–101(ff)(2), 9–208(b) through (d), and 10–102(b)(2), (d), and (e)
Annotated Code of Maryland
(2010 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 13–110(a)(1)
Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
 Article – State Finance and Procurement
 Section 13–110(a)(6) and (c)(1), 14–301(h), and 14–302(a)(1)(i)2.B. and (a)(13)
 Annotated Code of Maryland
 (2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
 Article – State Personnel and Pensions
 Section 2–512
 Annotated Code of Maryland
 (2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
 Article – Tax – General
 Section 4–103(a)(2)(i) and (b)(2)(ii), 4–104(a) and (b), 4–301(b), 9–314(e), and
 10–208(b)
 Annotated Code of Maryland
 (2016 Replacement Volume)

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

Article – Alcoholic Beverages

1–101.

- (a) In this article the following words have the meanings indicated.
- (e) “Club” means an association or a corporation that is:
 - (2) **[not–for–profit] NONPROFIT.**

12–104.

(d) The Board may waive the food requirement specified under subsection (b) of this section for a restaurant owned and operated by a **[not–for–profit] NONPROFIT** organization in the area bounded by South Ellwood Avenue on the west, Bank Street on the north, South Bouldin Street on the east, and Fleet Street on the south.

31–1306.

(b) The Board may issue the license to a **[not–for–profit] NONPROFIT** club, society, association, or organization.

Article – Business Regulation

3–403.

(c) (1) A county where an amusement attraction is located may buy, on behalf of a [not for profit] **NONPROFIT** organization, the amount of insurance required under this section for the amusement attraction.

(d) (1) This subsection applies to a [not for profit] **NONPROFIT** community service corporation that:

(i) is incorporated under Maryland law;

(ii) is authorized to collect charges or assessments by a covenant running with the land; and

(iii) has gross annual revenues of at least \$15,000,000.

(2) A [not for profit] **NONPROFIT** community service corporation complies with the insurance requirements of this section for an amusement attraction that the corporation owns and operates if the corporation is self-insured for at least \$1,000,000 against liability for injury that arises out of the use of the amusement attraction:

(i) under regulations that the State Insurance Commissioner adopts; or

(ii) until the State Insurance Commissioner adopts regulations, with the approval of the State Insurance Commissioner, if the corporation is authorized by a covenant running with the land to collect a payment or charge based on the value of real property.

(3) A [not for profit] **NONPROFIT** community service corporation that elects to self-insure shall submit periodically in writing to the State Insurance Commissioner the conditions of self-insurance.

(4) The conditions of self-insurance must:

(i) be approved by the State Insurance Commissioner; and

(ii) conform with the conditions of comprehensive liability insurance policies available in the private market.

5–102.

(a) The registration and permitting provisions of this title do not apply to:

(2) a cemetery owned by a [not for profit] **NONPROFIT** organization created before 1900 by an act of the General Assembly;

5-602.

(a) This subtitle does not apply to a cemetery that:

(2) is owned and operated by:

(vi) a [not for profit] **NONPROFIT** organization created before 1900 by an act of the General Assembly;

11-526.

(d) (2) The Park and Planning Commission shall pay to the Maryland Equestrian Foundation, Inc., a [not for profit] **NONPROFIT** organization:

(i) from the amount deducted under paragraph (1) of this subsection, 8% of the total amount bet in all of the mutuel pools; and

(ii) any profit from admission fees or other receipts, less expenses from the operation of racing days.

11-902.

There is a Maryland Jockey Injury Compensation Fund, Inc., established as a [not for profit] **NONPROFIT** corporation in the Department.

17-905.

(d) In Harford County, Part II of this subtitle:

(2) does not apply to:

(ii) a [not-for-profit] **NONPROFIT** organization.

17-1402.

(b) This subtitle does not apply to an outdoor musical festival held in:

(2) Kent County by a [not for profit] **NONPROFIT** agricultural, charitable, civic, fraternal, religious, social welfare, or war veterans' organization operating in Kent County.

19-701.

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

(c) “Animal welfare organization” means a [not-for-profit] **NONPROFIT** organization established to promote animal welfare that has tax exempt status under § 501(c)(3) of the U.S. Internal Revenue Code.

Article – Commercial Law

23–101.

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

(d) “Person” does not include an individual, a [not for profit] **NONPROFIT** entity, or a public instrumentality.

Article – Corporations and Associations

1–203.

(b) (11) A nonrefundable processing fee for articles of incorporation of a nonstock corporation that is organized to operate as a [not-for-profit] **NONPROFIT** entity under § 501(c)(3), (4), or (6) of the Internal Revenue Code is \$150.

Article – Economic Development

2.5–106.

The Department shall:

(9) broker information exchange and entrepreneurial services that enhance economic development through partnerships with businesses, [not-for-profit] **NONPROFIT** organizations, professional groups, local economic development entities, and local governments;

4–701.

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

(d) “Arts and entertainment enterprise” means a for-profit or [not-for-profit] **NONPROFIT** entity dedicated to visual or performing arts.

5–203.

(a) There is a Maryland Economic Adjustment Fund in the Department.

(e) (1) The Fund shall be used to:

(ii) make grants to local or regional governmental or [not-for-profit] **NONPROFIT** economic development revolving loan funds in the State; and

5-301.

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

(d) “Arts and entertainment enterprise” means a for-profit or [not-for-profit] **NONPROFIT** entity that is:

- (1) located in an arts and entertainment district; and
- (2) dedicated to the visual or performing arts.

5-320.

(a) To be eligible for financial assistance from the Fund, an applicant shall be:

(2) an individual, private business, [not-for-profit] **NONPROFIT** entity, or local government, or the Corporation that intends to use the requested financial assistance for a project that:

- (i) except as provided in subsection (b) of this section, is in an eligible industry sector under § 5-321 of this subtitle; and
- (ii) has a strong potential for expanding or retaining employment opportunities in the State.

5-324.

(b) If the Department or Authority determines a project to be a significant strategic economic development opportunity, the Department or Authority may provide a loan from the Fund for the project to an individual, private business, [not-for-profit] **NONPROFIT** entity, or the Corporation in an amount not exceeding \$10,000,000.

(c) If the Department or Authority determines a project to be a local economic development opportunity, the Department or Authority may provide financial assistance from the Fund for the project to an individual, private business, [not-for-profit] **NONPROFIT** entity, or the Corporation in an amount not exceeding:

- (1) \$5,000,000 for a loan or investment; and
- (2) \$2,000,000 for a grant.

(e) Financial assistance for a specialized economic development opportunity may be:

(1) provided to an individual, private business, [not-for-profit] **NONPROFIT** entity, or local government, or the Corporation;

5-401.

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

(f) “Commercial building” means a building that:

(1) is used primarily to carry on a for-profit or [not-for-profit] **NONPROFIT** business;

(s) (1) “Industrial building” means a building that:

(i) is used primarily to carry on a for-profit or [not-for-profit] **NONPROFIT** business;

5-1201.

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

(b) “Fund” means the Maryland Not-For-Profit Development Center Program Fund established under § 5-1204 of this subtitle.

(c) “[Not-for-profit] **NONPROFIT** entity” means a corporation incorporated in the State, or otherwise qualified to do business in the State, that has been determined by the Internal Revenue Service to be exempt from taxation under § 501(c)(3), (4), or (6) of the Internal Revenue Code.

(d) “Program” means the Maryland Not-For-Profit Development Center Program established under § 5-1202 of this subtitle.

(e) “Qualifying [not-for-profit] **NONPROFIT** entity” means a [not-for-profit] **NONPROFIT** entity:

(1) that has annual revenues not greater than \$750,000;

(2) that has been in existence for not more than 10 years; and

(3) whose principal purpose is providing health, education, environmental, agricultural, or social services through community-based programs.

5–1202.

(b) The Program shall foster, support, and assist the economic growth and revitalization of qualifying [not–for–profit] **NONPROFIT** entities in the State by providing training and technical assistance services.

5–1203.

The Program shall provide assistance to qualifying [not–for–profit] **NONPROFIT** entities, including:

(1) operation of an information exchange governing current and new technical information and data about all aspects of [not–for–profit] **NONPROFIT** management, including:

- (i) [not–for–profit] **NONPROFIT** start–up;
- (ii) budgeting and financial management;
- (iii) facilities development and management;
- (iv) board development;
- (v) organizational development and strategic planning;
- (vi) marketing;
- (vii) federal and State contracting and grant making;
- (viii) individual, corporate, and foundation fund–raising;
- (ix) volunteer management;
- (x) personnel management;
- (xi) federal and State tax law and regulations;
- (xii) federal and State law and regulations governing charitable solicitations;
- (xiii) federal and State regulations applicable to licensing or accreditation;
- (xiv) federal and State financing programs; and
- (xv) information technology; and

(2) individual consultation and technical assistance to any qualifying [not-for-profit] **NONPROFIT** entity that requests the service, including assistance on any of the subjects identified in item (1) of this section.

5-1204.

(b) (2) As provided in the State budget, the Fund also may be used by the Department of General Services to evaluate the participation of [not-for-profit] **NONPROFIT** entities in State procurement.

5-1205.

(a) The Department shall designate at least one private [not-for-profit] **NONPROFIT** entity to receive grants from the Maryland Not-For-Profit Development Center Program Fund to implement the Program.

(b) In selecting a designee, the Department shall consider and give priority to organizations that:

(1) have experience in providing the scope of assistance and services required under § 5-1203 of this subtitle to qualifying [not-for-profit] **NONPROFIT** entities in the State;

(2) demonstrate the capacity to provide the assistance and services required under § 5-1203 of this subtitle on a statewide basis; and

(3) demonstrate current expenditures that:

(i) are equal to at least three times the amount of funding received under this section; and

(ii) have been received from other sources for the provision of assistance and services of the type required under § 5-1203 of this subtitle to [not-for-profit] **NONPROFIT** entities in the State.

10-101.

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

(j) (2) “Person” also includes:

(ii) a for-profit or [not-for-profit] **NONPROFIT** entity; and

10-115.

The Corporation may:

(12) create, own, control, or be a member of a corporation, limited liability company, partnership, or other person, whether for-profit or **[not-for-profit] NONPROFIT**; 10-301.

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

(g) (1) “Health care institution” means an institution in the State that is operated by a person, a local government, or, subject to paragraph (3) of this subsection, the State, is available to the public, and is:

(i) a **[not-for-profit] NONPROFIT** hospital as defined under § 19-301 of the Health – General Article that:

1. is licensed as a hospital by the Secretary of Health and Mental Hygiene under § 19-318 of the Health – General Article; or

2. has obtained a certificate of need issued by the Maryland Health Care Commission under § 19-120 of the Health – General Article, but is not licensed as a hospital by the Secretary of Health and Mental Hygiene under § 19-318 of the Health – General Article;

(ii) a **[not-for-profit] NONPROFIT** related institution as defined under § 19-301 of the Health – General Article that is licensed as a related institution by the Secretary of Health and Mental Hygiene under § 19-318 of the Health – General Article;

(iii) a combination of institutions listed in items (i) and (ii) of this paragraph;

(iv) except as provided in paragraph (3) of this subsection:

1. a **[not-for-profit] NONPROFIT** comprehensive health center that provides outpatient primary health services available to the general public; or

2. a **[not-for-profit] NONPROFIT** life care or continuing care community that provides self-contained residence facilities for the retired or elderly;

(v) any combination of health care entities listed in item (iv) of this paragraph;

(vi) an entity affiliated or associated with an institution listed in items (i) through (v) of this paragraph, if the Authority determines by resolution that the financing of a project for the entity serves the public purpose of that institution; or

(vii) a [not-for-profit] **NONPROFIT** health service plan that holds a certificate of authority and provides health insurance policies or contracts in the State in accordance with the Insurance Article.

(2) “Health care institution” includes a [not-for-profit] **NONPROFIT** corporation organized to construct or acquire an institution under paragraph (1) of this subsection.

(3) “Health care institution” does not include a facility described in paragraph (1)(iv) of this subsection that is owned and operated by the State, except for the following facilities if approved by the Board of Public Works and the Joint Audit Committee:

(i) a [not-for-profit] **NONPROFIT** comprehensive health center that is a medical or health care facility of the University System of Maryland; or

(ii) a [not-for-profit] **NONPROFIT** life care or continuing care community that provides self-contained residence facilities for the retired or elderly.

(4) For purposes of this subsection the facilities of the University of Maryland Medical System Corporation are not considered to be owned and operated by the State.

(j) (1) “Institution of higher education” means an educational institution in the State that:

(i) by law or charter:

1. is a public or [not-for-profit] **NONPROFIT** educational institution; and

10-403.

(b) The Board consists of the following 15 members:

(2) fourteen members appointed by the Governor with the advice and consent of the Senate:

(i) two representing the [not-for-profit] **NONPROFIT** research sector of the State;

10-424.

The Board may award financial assistance to:

(2) an agency, instrumentality, or **[not-for-profit] NONPROFIT** corporation that the local government designates;

(5) a **[not-for-profit] NONPROFIT** entity operating an incubator in the State.

10-454.

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

(i) “University” means a **[not-for-profit] NONPROFIT**, research university located in Maryland.

10-473.

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

(r) “Venture firm” means a partnership, corporation, trust, or limited liability company, whether organized on a profit or a **[not-for-profit] NONPROFIT** basis, that is certified by the Corporation as meeting the criteria established under § 10-484 of this subtitle.

10-502.

(b) The purpose of the Corporation is to:

(3) seek partnerships and leveraging opportunities with public and private for-profit and **[not-for-profit] NONPROFIT** entities in making capital and credit assistance available to individual producers, producer cooperatives, and other agribusiness concerns operating in the State;

10-601.

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

(c) “Authority affiliate” means a for-profit or **[not-for-profit] NONPROFIT** entity in which the Authority directly or indirectly owns any membership interest or equity interest.

10-807.

(b) The Board consists of the following nine members:

(2) eight members appointed by the Governor with the advice and consent of the Senate:

(i) two representing the [not-for-profit] **NONPROFIT** clean energy research sector of the State;

10-835.

The Center may award financial assistance to:

(2) an agency, instrumentality, or [not-for-profit] **NONPROFIT** corporation that the local government designates;

(5) a [not-for-profit] **NONPROFIT** entity operating an incubator in the State.

10-903.

(b) The Board consists of the following 17 members:

(3) the following 14 members, appointed by the Governor with the advice and consent of the Senate:

(iii) two representing [not-for-profit] **NONPROFIT** organizations in the State;

11-203.

(b) (2) The chair may appoint:

(i) additional members who are presidents of other military base advocacy groups that are [not-for-profit] **NONPROFIT** organizations and recognized by the Department; and

12-101.

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

(f) “Facility applicant” means a person, public or private corporation, or other entity, whether for-profit or [not-for-profit] **NONPROFIT**, that, by letter of intent or similar agreement with a public body, requests the public body to participate in financing a facility under this subtitle for use by a facility user.

(g) (1) “Facility user” means a person, public or private corporation, or other entity, whether for-profit or [not-for-profit] **NONPROFIT**, that owns, leases, or uses all or part of a facility.

12-109.

(a) (2) An authority may:

(i) receive money from its incorporating county or municipal corporation, the State, other governmental units, or [not-for-profit] **NONPROFIT** organizations;

12-406.

(a) (2) A district corporation may:

(i) receive money from its incorporating county or municipal corporation, the State, other governmental units, or [not for profit] **NONPROFIT** organizations;

13-405.

(b) The Council shall include:

(2) as determined under the bylaws of the Council:

(ii) representatives from private sector organizations, including rural-based for-profit and [not-for-profit] **NONPROFIT** organizations and rural client groups; and

13-408.

(a) The Executive Board shall include:

(20) one representative of the [not-for-profit] **NONPROFIT** sector;

(21) no more than six representatives of statewide [not-for-profit] **NONPROFIT** organizations with a rural focus;

13-504.

The Board shall:

(1) assist in the deployment of broadband communication infrastructure in rural and underserved areas of the State;

(2) cooperate with public, private, and [not-for-profit] **NONPROFIT** entities to obtain, coordinate, and disseminate resources for the establishment of broadband communication services in rural and underserved areas of the State;

(3) review and approve the disbursement of funds under the Rural Broadband Assistance Fund under § 5–1102 of this article and any other federal, State, and private financial resources that may be provided to assist the establishment of broadband communication services in rural and underserved areas of the State; and

(4) perform other functions that are consistent with the intent of this subtitle.

13–733.

(a) The Bureau may establish a private, [not-for-profit] **NONPROFIT** corporation to assist the Bureau.

15–101.

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

(e) “Qualified recipient” means an entity that is based in and serves a qualified project area and is:

(1) a [not for profit] **NONPROFIT** community-based organization that has experience in making physical, human capital, and economic investments to rebuild communities; or

Article – Election Law

14–105.

(f) (1) In this subsection:

(i) “officer” means an individual who serves as an organization’s president or chairman, vice-president or vice-chairman, secretary, treasurer, or executive director, or any individual exercising duties comparable to those typically exercised by an individual holding one of those titles in a [not-for-profit] **NONPROFIT** organization; and

(ii) “officer” does not include an individual holding a title but not exercising substantial independent responsibility on behalf of the organization similar to the responsibility typically exercised by an individual holding one of the titles under item (i) of this paragraph.

(2) Subject to paragraph (3) of this subsection, an applicable contribution made by an individual who serves as a trustee or member of the board of directors or as an

officer of a [not-for-profit] **NONPROFIT** organization doing public business is not attributable to the organization, and the individual is not required to report the applicable contribution to the chief executive officer of the organization.

(3) This subsection does not apply if:

(i) the applicable contribution is made on the recommendation of the [not-for-profit] **NONPROFIT** organization; or

(ii) the individual described in paragraph (2) of this subsection is paid by the [not-for-profit] **NONPROFIT** organization.

Article – General Provisions

4–320.

(a) (2) “Telephone solicitation” does not include a telephone call or message:

(iii) by a tax-exempt, [not-for-profit] **NONPROFIT** organization.

5–716.

(h) (1) Notwithstanding subsection (g) of this section, a contribution made by an individual who serves as a trustee or member of the board of directors or as an officer of a [not-for-profit] **NONPROFIT** organization is not attributable to the organization, and the individual is not required to report the contribution to the chief executive officer of the organization, unless:

(i) the contribution is made on the recommendation of the [not-for-profit] **NONPROFIT** organization; or

(ii) the individual who made the contribution is paid by the [not-for-profit] **NONPROFIT** organization.

Article – Health Occupations

1–301.

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

(f) “Group practice” means a group of two or more health care practitioners legally organized as a partnership, professional corporation, foundation, [not-for-profit] **NONPROFIT** corporation, faculty practice plan, or similar association:

(1) In which each health care practitioner who is a member of the group provides substantially the full range of services which the practitioner routinely provides through the joint use of shared office space, facilities, equipment, and personnel;

(2) For which substantially all of the services of the health care practitioners who are members of the group are provided through the group and are billed in the name of the group and amounts so received are treated as receipts of the group; and

(3) In which the overhead expenses of and the income from the practice are distributed in accordance with methods previously determined on an annual basis by members of the group.

Article – Housing and Community Development

6–401.

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

(e) “Nonprofit organization” means a [not for profit] **NONPROFIT** corporation, foundation, or other legal entity that is exempt from federal income tax under § 501(c)(3) of the Internal Revenue Code.

12–104.

(b) A [not-for-profit] **NONPROFIT** entity shall be deemed controlled by the Housing Authority of Baltimore City under subsection (a) of this section if:

(1) the [not-for-profit] **NONPROFIT** entity is established by the Housing Authority of Baltimore City under § 12–502(h) of this title; and

(2) the Housing Authority of Baltimore City:

(i) has the power to appoint a majority of the board of directors of the [not-for-profit] **NONPROFIT** entity; or

(ii) is the sole member of the [not-for-profit] **NONPROFIT** entity.

12–502.

(h) An authority may also establish and control [not-for-profit] **NONPROFIT** entities, including corporations and limited liability companies, that may own, operate, and take steps necessary or convenient to develop or otherwise undertake housing projects in the authority’s area of operation.

Article – Human Services

8–701.

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

(e) “Provider” means a for profit or [not for profit] **NONPROFIT** entity licensed by an agency to operate a residential child care program.

Article – Insurance

5–511.

(a) (1) In this section and in § 5–509 of this subtitle the following words have the meanings indicated.

(4) “Business entity” includes a sole proprietorship, corporation, association, general or limited partnership, limited liability company, joint–stock company, joint venture, trust, or any other form of business organization, whether for profit or [not for profit] **NONPROFIT**.

14–103.

Each nonprofit health service plan shall disclose on each document, statement, announcement, and advertisement and in any representation it places before the public that the nonprofit health service plan is a private [not–for–profit] **NONPROFIT** corporation.

27–802.

(c) A person is not subject to civil liability for a cause of action by virtue of reporting suspected insurance fraud, or furnishing or receiving information relating to suspected, anticipated, or completed fraudulent insurance acts, if:

(1) the report was made, or the information was furnished to or received from:

(iii) a [not–for–profit] **NONPROFIT** organization established to detect and prevent fraudulent insurance acts or its agent, employee, or designee;

Article – Labor and Employment

3–203.

This subtitle does not apply to an activity that a minor performs if the activity:

(4) is limited to:

(ix) work that is performed as an unpaid volunteer in a charitable or [not for profit] **NONPROFIT** organization, if:

1. a parent of the minor or a person standing in the place of the parent consents in writing; and

2. for hazardous work in a volunteer fire department or company or volunteer rescue squad, the minor:

A. is at least 16 years old; and

B. has completed or is taking a course of study about fire fighting or rescue.

3–403.

This subtitle does not apply to an individual who:

(10) engages in the activities of a charitable, educational, [not for profit] **NONPROFIT**, or religious organization if:

(i) the service is provided gratuitously; and

(ii) there is, in fact, no employer–employee relationship;

3–415.

(b) This section does not apply to an employer that is:

(2) a [not–for–profit] **NONPROFIT** concert promoter, legitimate theater, music festival, music pavilion, or theatrical show; or

3–420.

(b) Notwithstanding § 3–415(b)(2) of this subtitle, an employer that is not a [not for profit] **NONPROFIT** organization and is a concert promoter, legitimate theater, music festival, music pavilion, or theatrical show shall pay overtime for a craft or trade employee as required in subsection (a) of this section.

7–101.

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

(b) “Agricultural operation” means:

- (2) a ~~[not-for-profit]~~ **NONPROFIT** or cooperative association that:
- (i) performs a farm labor contracting service;
 - (ii) consists of owners or operators of farms; and
 - (iii) is incorporated or qualified under the laws of the State.

8-101.

- (a) In this title the following words have the meanings indicated.
- (s) (1) “Institution of higher education” means an educational institution that:
- (i) is a public or other ~~[not for profit]~~ **NONPROFIT** institution;
- (v) “[Not for profit] **NONPROFIT** organization” means an organization that is:
- (1) described in § 501(c)(3) of the Internal Revenue Code; and
 - (2) exempt from income tax under § 501(a) of the Internal Revenue Code.

8-203.

(d) The provisions of § 8-909 of this title with respect to rights to benefits based on service for State and ~~[not for profit]~~ **NONPROFIT** institutions of higher education shall apply to service that is covered employment under an election under this section.

8-217.

(a) Employment that an inmate of a custodial or penal institution performs for a ~~[not-for-profit]~~ **NONPROFIT** organization or a governmental entity is not covered employment.

8-220.

(c) (1) Except as provided in paragraph (2) of this subsection, employment is not covered employment if:

- (i) the individual who performs the employment is enrolled for credit at a ~~[not-for-profit]~~ **NONPROFIT** or public educational institution that normally has a regular faculty and curriculum and a regularly organized body of students in attendance at the place where its educational activities are carried on;

8-222.

Except employment for [not-for-profit] **NONPROFIT** organizations and governmental entities, employment is not covered employment if performed by a volunteer test subject who is paid on a per study basis for scientific, medical, or drug-related research.

8-303.

(f) To establish and maintain public employment offices, the Secretary:

(1) may enter into an agreement with the Railroad Retirement Board or any other federal unit that is responsible for administration of an unemployment insurance law, a political subdivision of the State, or any private [not-for-profit] **NONPROFIT** organization; and

8-610.

(d) (1) On termination of an election, a [not for profit] **NONPROFIT** organization or a governmental entity is presumed:

(i) to have reported wages in each calendar year during the election in which the employing unit actually paid individuals for services; and

(ii) to have been chargeable with benefits during any period when it was subject to this title under an election.

8-616.

(a) A [not for profit] **NONPROFIT** organization or a governmental entity that has been determined to be an employing unit may make an election in accordance with this Part III.

(b) (1) Under an election, a [not for profit] **NONPROFIT** organization shall reimburse the Unemployment Insurance Fund for all regular and work sharing benefits and 50% of extended benefits that are:

(i) attributable to covered employment for the [not for profit] **NONPROFIT** organization; and

(ii) paid to individuals for any week of unemployment that begins during the effective period of the election.

(2) If a claimant employed by a reimbursing [not for profit] **NONPROFIT** organization on a continuous part-time basis continues to be employed by the [not for profit] **NONPROFIT** organization while separated from other employment and is eligible for benefits because of that separation, the [not for profit] **NONPROFIT** organization may

not be required to reimburse the Unemployment Insurance Fund for the benefits paid to the claimant because of that separation.

8-617.

(a) (1) A [not for profit] **NONPROFIT** organization may make an election that is effective on the day on which the Secretary determines that the organization is an employing unit by submitting to the Secretary a written notice of the election not later than 30 days after the determination.

(2) A [not for profit] **NONPROFIT** organization that makes an election under this subsection shall continue to be liable for reimbursement payments:

(i) for at least 1 year; and

(ii) until it submits a termination of the election under subsection (b) of this section.

(3) After termination of an election a [not for profit] **NONPROFIT** organization shall continue to be liable for the amount of regular and work sharing benefits and 50% of extended benefits that are attributable to base period wages paid during the period of its election.

(c) (1) A [not for profit] **NONPROFIT** organization that has been paying contributions may make an election by submitting to the Secretary a written notice of the election at least 30 days before the beginning of a calendar year.

(2) A [not for profit] **NONPROFIT** organization that makes an election under this subsection shall continue to be liable for reimbursement payments:

(i) for at least 2 calendar years; and

(ii) until it submits a termination of the election under paragraph (3) of this subsection.

(3) To terminate an election under this section, a [not for profit] **NONPROFIT** organization shall submit to the Secretary a written notice of termination at least 30 days before the beginning of the calendar year for which the termination first shall be effective.

(e) The Secretary:

(1) for good cause may extend the period within which a [not for profit] **NONPROFIT** organization may submit a notice of election or notice of termination of election; and

(2) may allow an election to be retroactive.

(f) (1) In accordance with regulations adopted to carry out this title, the Secretary shall notify each [not for profit] **NONPROFIT** organization of any determination that the Secretary makes about:

(i) its status as an employing unit; or

(ii) the effective date of an election or termination of election.

(g) (1) A [not for profit] **NONPROFIT** organization may appeal a determination of the Secretary to the Board of Appeals within 15 days after the Secretary mails notice of the determination to the [not for profit] **NONPROFIT** organization at the last known address of the [not for profit] **NONPROFIT** organization or otherwise delivers the notice.

(2) The Secretary shall be a party to the appeal.

8-618.

(a) This section applies to each [not for profit] **NONPROFIT** organization that makes an election.

(b) Within 30 days after the effective date of an election, a [not for profit] **NONPROFIT** organization, as collateral:

(1) shall execute and submit to the Secretary a surety bond that the Secretary approves; or

(2) subject to the approval of the Secretary, shall deposit with the Secretary an irrevocable letter of credit, money, or security.

(c) (1) If a [not for profit] **NONPROFIT** organization has taxable wages for the preceding calendar year that equal or exceed 25 times the taxable wage base in effect for that calendar year, the amount of collateral required under this section shall equal 5.4% of the taxable wages paid by the [not for profit] **NONPROFIT** organization for covered employment for the 4 calendar quarters immediately preceding the most recent of the following:

(i) the effective date of the election;

(ii) the biennial anniversary of the effective date of the election if the collateral is other than a bond; or

(iii) the renewal date of a bond if the collateral is a bond.

(2) If a [not for profit] **NONPROFIT** organization has taxable wages for the preceding calendar year that are less than 25 times the taxable wage base in effect for that calendar year, the amount of collateral required under this section shall equal 2.7% of the taxable wages paid by the [not for profit] **NONPROFIT** organization for covered employment for the 4 calendar quarters immediately preceding the most recent of the following:

- (i) the effective date of the election;
- (ii) the biennial anniversary of the effective date of the election if the collateral is other than a bond; or
- (iii) the renewal date of a bond if the security is a bond.

(3) If the [not for profit] **NONPROFIT** organization did not pay wages in all 4 calendar quarters used to calculate the amount of security, the Secretary shall determine the amount.

(e) (1) Subject to paragraph (2) of this subsection, the Secretary may require an adjustment in the amount of a bond that the Secretary already has approved, but the new amount may not be less than the average cost of benefits that are attributable to covered employment for the employing unit for the preceding 2 calendar years.

(2) The amount of a bond after adjustment shall be the average of reimbursement payments that a [not for profit] **NONPROFIT** organization made in each of the 2 preceding calendar years, but the amount may not exceed the maximum rate of contribution under this subtitle times the taxable wage base of the [not for profit] **NONPROFIT** organization for the last calendar year.

(3) If the Secretary requires an adjustment under this subsection, the Secretary shall mail notice of the required adjustment to the [not for profit] **NONPROFIT** organization at its last known address or otherwise deliver notice.

(4) If the Secretary requires an increase in the amount of a bond, the [not for profit] **NONPROFIT** organization shall submit the adjusted bond to the Secretary within 30 days after the date that notice of the required adjustment was mailed or otherwise delivered to the [not for profit] **NONPROFIT** organization.

(f) If a [not for profit] **NONPROFIT** organization that is covered by a bond fails to pay the full amount of a reimbursement payment when due, together with any applicable interest and penalties required under this subtitle, the surety shall be liable on the bond to the extent of the bond as if the surety was the [not for profit] **NONPROFIT** organization.

(g) (1) The Secretary shall deposit money or other security submitted under this section in an escrow account.

(2) When a [not for profit] **NONPROFIT** organization is no longer liable for reimbursement payments, the Secretary shall return to it the collateral other than a bond less any deduction allowed in this section.

(h) (1) At any time, the Secretary may review the adequacy of the deposit of money or securities under this section.

(2) If, as a result of a review, the Secretary determines that an adjustment is necessary, the Secretary shall:

(i) require the [not for profit] **NONPROFIT** organization to make an additional deposit within 30 days of a written notice of the determination of the Secretary; or

(ii) return to the [not for profit] **NONPROFIT** organization that portion of the deposit that the Secretary no longer considers necessary.

(3) Disposition of income from securities held in escrow shall be governed by the applicable provisions of State law.

(i) (1) The Secretary may make a deduction from an escrow account or sale of a security necessary to satisfy:

(i) a payment in lieu of contributions that is due and unpaid; and

(ii) any applicable interest or penalty allowed under Part IV of this subtitle.

(2) Within 30 days after a deduction of money or sale of a security under this subsection, a [not for profit] **NONPROFIT** organization shall submit to the Secretary money or securities sufficient to return the escrow account to its level before the deduction.

(3) Any cash remaining from the sale of securities shall be part of the escrow account of the [not for profit] **NONPROFIT** organization.

8-620.

(a) (2) Unless there is an application for review and redetermination of a bill under § 8-621 of this subtitle, a [not for profit] **NONPROFIT** organization or governmental entity shall pay the bill under this section within 30 days after the Secretary mailed the bill to the last known address of the [not for profit] **NONPROFIT** organization or governmental entity or otherwise delivered the bill to it.

(c) Except as provided in subsection (d) of this section, at the end of each calendar quarter or any other period set by the Secretary, the Secretary shall send:

(1) to each [not for profit] **NONPROFIT** organization that has made an election or if the Secretary has approved a group account under § 8–619 of this subtitle, to the group representative, a bill for all regular and work sharing benefits, and 50% of extended benefits paid during that period that are attributable to covered employment for that [not for profit] **NONPROFIT** organization; and

(d) (1) On request, the Secretary may allow a [not for profit] **NONPROFIT** organization or governmental entity that has made an election to make reimbursement payments as provided in this subsection.

(2) If the Secretary approves a request, the method of payment shall become effective on approval.

(3) At the end of each calendar quarter or other period set by the Secretary, the Secretary shall mail to a [not for profit] **NONPROFIT** organization or governmental entity at its last known address or otherwise deliver to it:

(i) a bill for a percentage of its total payroll for the immediately preceding calendar year as determined by the Secretary, based each year on the average cost of benefits that are attributable to covered employment for the [not for profit] **NONPROFIT** organization or governmental entity during the immediately preceding calendar year; or

(ii) if the [not for profit] **NONPROFIT** organization or governmental entity did not pay wages during the 4 calendar quarters of the preceding calendar year, a bill for a percentage of its payroll during that year as determined by the Secretary.

(4) At the end of each calendar year:

(i) the Secretary may modify the periodic percentage of payroll payable under this subsection for the upcoming year to minimize excess or insufficient payments;

(ii) the Secretary shall determine the difference between payments made by a [not for profit] **NONPROFIT** organization or governmental entity and the amount it is required to reimburse to the Unemployment Insurance Fund under § 8–616 of this subtitle; and

(iii) if the Unemployment Insurance Fund has not been reimbursed fully, the Secretary shall mail to the [not for profit] **NONPROFIT** organization or governmental entity at its last known address or otherwise deliver to it a bill for the difference and require payment in accordance with subsection (a)(2) of this section.

(5) If the total payments for a calendar year exceed the amount required to be reimbursed, the Secretary may:

(i) refund all or part of the excess from the Unemployment Insurance Fund; or

(ii) retain all or part of the excess in the Unemployment Insurance Fund as part of the payments that may be required for the next calendar year.

(e) An employing unit may not deduct, wholly or partly, any payment made under this subtitle from the compensation of individuals in the employ of the [not for profit] **NONPROFIT** organization or governmental entity.

(f) (1) Except as provided in paragraph (2) of this subsection, if the Secretary recovers benefits charged to a [not for profit] **NONPROFIT** organization or governmental entity under § 8–809 of this title, the Secretary shall remove those charges from the account of the [not for profit] **NONPROFIT** organization or governmental entity.

(2) (i) The Secretary may not remove a benefit charge recovered by the Secretary under § 8–809 of this title from the account of a [not for profit] **NONPROFIT** organization or governmental entity if:

1. the benefit was paid as a direct or indirect result of the failure of the [not for profit] **NONPROFIT** organization or governmental entity, either directly or through an agent, to provide timely or adequate information relating to a claim for benefits in response to a request for information made by the Secretary under this title or regulations adopted to carry out this title; and

2. the [not for profit] **NONPROFIT** organization or governmental entity has not demonstrated good cause for failing to provide timely or adequate information.

(ii) In determining whether the Secretary is prohibited from removing a benefit charge under subparagraph (i) of this paragraph:

1. the [not for profit] **NONPROFIT** organization or governmental entity, either directly or through an agent, must raise the issue of good cause in writing for the issue to be considered; and

2. the [not for profit] **NONPROFIT** organization or governmental entity, either directly or through an agent, has the burden of proving there was good cause for failing to provide timely or adequate information.

(a) (1) A bill from the Secretary under § 8–620 of this subtitle is final for a [not for profit] **NONPROFIT** organization or governmental entity unless it submits an application for review by the Secretary within 15 days after the Secretary mailed the bill to the last known address of the [not for profit] **NONPROFIT** organization or governmental entity or otherwise delivered the bill.

(2) An application under this subsection shall set forth the grounds for review.

(b) (1) On receipt of an application for review, the Secretary promptly shall review and reconsider the amount due in the bill and issue a review determination.

(2) The Secretary shall mail a copy of the review determination to a [not for profit] **NONPROFIT** organization or governmental entity to its last known address or otherwise deliver the copy.

(c) A review determination of a bill is final unless a [not for profit] **NONPROFIT** organization or governmental entity submits an appeal to the Board of Appeals within 15 days after the Secretary mailed the review determination to the last known address of the [not for profit] **NONPROFIT** organization or governmental entity or otherwise delivered the review determination.

8–622.

(a) (1) If a [not for profit] **NONPROFIT** organization fails to file a bond or make a deposit of money or securities in accordance with § 8–618 of this subtitle, the Secretary may terminate the election.

(b) (1) If a [not for profit] **NONPROFIT** organization is delinquent in making reimbursement payments, the Secretary may terminate the election as of the next January 1.

Article – Land Use

17–113.

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

(b) (1) “Business” means a lawful activity conducted primarily:

(iv) by a [not-for-profit] **NONPROFIT** organization.

Article – Natural Resources

5–1203.

(mm) Pursuant to the provisions of subsection (a) of this section, that property in Garrett County containing approximately 1,706 acres and described as follows is a Type 1 State wildland and shall be named the “Backbone Mountain Wildland”:

Beginning for the same at a point, said point being the beginning of the first line of the parcel of land described in a deed dated October 18, 2013 and recorded among the land records of Garrett County in Liber 1774, Folio 280 which was conveyed by Mountain Maryland Minerals LLC to the State of Maryland, to the use of the Department of Natural Resources, said point also being shown on a plat of survey entitled “ALTA/ACSM Land Title Survey, Exterior Boundary for the Lands of the State of Maryland, Department of Natural Resources situated along Maryland Route 135, Election District No. 4, Garrett County, Maryland”, prepared by Catoctin Mountain Surveys, Inc., dated May 10, 2013 and recorded among the land records of Garrett County in Plat Book TVM, page 497 and running then with the boundary of the Potomac State Forest and the first through eighth lines of said deed to a point intersecting the first line of a tract of land described in a deed dated January 7, 1935 and recorded among the land records of Garrett County in Liber 110, Folio 177 which was conveyed by Charles Strecker et al. to the State of Maryland, then running with the said State Forest boundary for remainder of the said first line to a point, then running with the second through fifth lines of said deed to a point, then running with a portion of the sixth line to a point, then leaving the said State Forest boundary and running along the northernmost edge of an existing woods road in a westerly direction 5048.45 feet to a point, said point having a coordinate value 667048.26 north, 696303.36 east (Maryland State plane grid system NAD83), then running north 23 degrees 16 minutes 01 seconds west 228.1 feet to a planted stone in the said State Forest boundary, then running with said State Forest boundary the following two courses, north 34 degrees 52 minutes 47 seconds west 561.00 feet more or less to a point, then north 24 degrees 52 minutes 47 seconds west 586.3 feet more or less to a point in the southernmost right of way of the CSX Railroad, then running with the southernmost right of way of said railroad in a northeasterly direction to a point, said point being the beginning of the eighth line of a tract of land described in a deed dated December 12, 2011 and recorded among the land records of Garrett County in Liber 1629, Folio 380 which was conveyed by Willard F. White et al. to the State of Maryland and following the next three courses and distances, south 44 degrees 00 minutes 00 seconds east 198.0 feet, north 46 degrees 00 minutes 00 seconds east 214.5 feet, then north 44 degrees 00 minutes 00 seconds west 198.0 feet to a point, said point being in the southernmost right of way of the CSX Railroad, then running with the southernmost right of way of said railroad in a easterly direction to a point, said point being the beginning of the fourth line in a tract of land described in a deed dated January 5, 1985 and recorded among the land records of Garrett County in Liber 454, Folio 609 which was conveyed by Richard B. Newman et al. to The Nature Conservancy, a [Not-for-Profit] **NONPROFIT** Corporation, and following the next three courses and distances, south 26 degrees 00 minutes 00 seconds west 1584.00 feet, south 63 degrees 00 minutes 00 seconds east 990.0 feet, north 46 degrees 00 minutes 00 seconds east 1650.0 feet to a point, said point being in the southernmost right of way of the aforesaid CSX Railroad, then running with the southernmost right of way of said railroad in an easterly direction to a point, said point having a coordinate value 674787.84 north, 713729.74 east (Maryland State plane

grid system NAD83), then leaving the said railroad right of way and running south 00 degrees 57 minutes 53 seconds west 656.9 feet to a point, said point being the beginning of the south 88 degrees 00 minutes 00 seconds west 2640.00 foot line of the first parcel of the first tract of land described in a deed dated March 15, 1948 and recorded on November 30, 1948 among the land records of Garrett County in Liber 154, Folio 140 which was conveyed by the Potomac River Commission to the State of Maryland, for the use of the State Department of Forest and Parks, then running with the following lines of said conveyance south 88 degrees 31 minutes 32 seconds west 2613.80 feet more or less, south 04 degrees 14 minutes 29 seconds west 311.81 feet more or less, north 69 degrees 35 minutes 51 seconds west 209.63 feet more or less, north 68 degrees 27 minutes 39 seconds west 1642.13 feet more or less, south 20 degrees 27 minutes 32 seconds west 314.94 feet more or less to a point, said point being the beginning of the first line of the parcel of land described in a deed dated October 18, 2013 and recorded among the land records of Garrett County in Liber 1774, Folio 280 which was conveyed by Mountain Maryland Minerals LLC to the State of Maryland, to the use of the Department of Natural Resources, then running south 20 degrees 27 minutes 32 seconds west 929.06 feet, south 15 degrees 09 minutes 35 seconds west 251.99 feet, south 79 degrees 15 minutes 41 seconds west 448.15 feet, south 16 degrees 34 minutes 12 seconds east 35.00 feet, south 68 degrees 38 minutes 19 seconds west 365.36 feet, north 70 degrees 43 minutes 44 seconds west 620.98 feet, north 44 degrees 03 minutes 05 seconds west 124.01 feet, south 72 degrees 11 minutes 42 seconds west 1291.88 feet, south 15 degrees 17 minutes 29 seconds east 707.67 feet, north 73 degrees 09 minutes 10 seconds east 50.06 feet, south 13 degrees 20 minutes 23 seconds west 28.42 feet, and then north 70 degrees 36 minutes 39 seconds west 138.52 feet to the point of beginning.

Saving and excepting a tract of land described in a deed dated January 5, 1985 and recorded among the land records of Garrett County in Liber 454, Folio 609 which was conveyed by Richard B. Newman et al. to The Nature Conservancy, a [Not-for-Profit] **NONPROFIT** Corporation containing 48.15 acres more or less.

Saving and excepting a tract of land described in a deed dated June 6, 2008 and recorded among the land records of Garrett County in Liber 1374, Folio 35 which was conveyed by Diane M. Kenner to Erwin P. Kenner and Diane M. Kenner containing 1.85 acres more or less.

Parcel 2:

Beginning for the same at a point on the southernmost edge of a woods road, said point having the coordinate value 667037.54 north, 699584.53 east (Maryland State plane grid system NAD83), then running south 45 degrees 50 minutes 05 seconds west 4814.4 feet, then south 52 degrees 35 minutes 30 seconds west 4128.1 feet more or less to a point in the northernmost right of way of State Route 135, then running north 73 degrees 25 minutes 13 seconds west 552.5 feet more or less to a point on the southernmost edge of the aforesaid woods road, said point having the coordinate value 661333.10 north, 692322.39 east (Maryland State plane grid system NAD83), then running with the easternmost edge of the aforesaid woods road in a generally northerly direction to the point of beginning.

8–1915.

(a) (2) The Corps Board consists of the following 11 members:

(v) Five members appointed by the Governor with the advice and consent of the Senate, including at least one individual from the [not-for-profit] **NONPROFIT** sector with a background in education and student service and one with a background in workforce development.

Article – Public Utilities

1–101.

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

(ff) “Small rural electric cooperative” means an electric company that:

(2) conducts its business on a [not-for-profit] **NONPROFIT** basis; and

9–208.

(b) A [not-for-profit] **NONPROFIT** entity that owns and operates a motor coach with a capacity of at least 30 passengers and gross vehicle weight rating of at least 32,000 pounds shall obtain a license for the motor coach from the Commission.

(c) The [not-for-profit] **NONPROFIT** entity shall have the motor coach inspected for safety every 12 months by an authorized Maryland inspection station.

(d) A motor coach that is licensed under this section and only provides service for or on behalf of a [not-for-profit] **NONPROFIT** entity is not subject to tariffs or rate making under this division.

10–102.

(b) This title applies to any motor vehicle used in the transportation of persons in exchange for remuneration except:

(2) transportation solely provided by or on behalf of a unit of federal, State, or local government, or a [not-for-profit] **NONPROFIT** organization as identified in § 501(c)(3) and (4) of the Internal Revenue Code, that requires a criminal history records check and driving record check for its drivers, for clients of services including:

(i) aging support;

(ii) developmental and other disabilities;

- (iii) kidney dialysis;
- (iv) Medical Assistance Program;
- (v) Head Start;
- (vi) Welfare-to-Work;
- (vii) mental health; and
- (viii) job training.

(d) Notwithstanding subsection (b)(2) of this section:

(1) a [not-for-profit] **NONPROFIT** organization that provides transportation for remuneration to clients of services listed in subsection (b)(2) of this section may be required to obtain a motor carrier permit under Title 9 of this article; but

(2) a driver employed by the [not-for-profit] **NONPROFIT** organization may not be required to obtain a for-hire driver's license or other authorization from the Commission to perform transportation services solely under subsection (b)(2) of this section.

(e) (1) A driver employed or offered employment by a governmental unit or [not-for-profit] **NONPROFIT** organization under subsection (b)(2) of this section shall apply to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for a State criminal history records check on or before the first day of the driver's actual employment.

(2) As part of the application for a State criminal history records check, the driver employed or offered employment by the governmental unit or [not-for-profit] **NONPROFIT** organization shall submit to the Central Repository:

(i) one complete set of the driver's legible fingerprints taken on a form approved by the Secretary of Public Safety and Correctional Services; and

(ii) the fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to State criminal history records.

(3) (i) In accordance with Title 10, Subtitle 2 of the Criminal Procedure Article, the Central Repository shall provide a printed statement listing the driver's criminal convictions to:

1. the governmental unit or [not-for-profit] **NONPROFIT** organization; and

2. the driver.

(ii) If criminal history record information is reported to the Central Repository after the date of the initial criminal history records check, the Central Repository shall provide a revised printed statement listing the driver's criminal convictions to:

1. the governmental unit or [not-for-profit] **NONPROFIT** organization; and

2. the driver.

(4) In accordance with regulations adopted by the Department of Public Safety and Correctional Services, the governmental unit or [not-for-profit] **NONPROFIT** organization shall verify periodically a list of its drivers.

(5) Information the governmental unit or [not-for-profit] **NONPROFIT** organization obtains from the Central Repository under this subsection shall be:

(i) confidential and may not be disseminated; and

(ii) used only for the employment purpose authorized by this section.

(6) In accordance with § 10-223 of the Criminal Procedure Article, a driver employed by a governmental unit or [not-for-profit] **NONPROFIT** organization may challenge the contents of a printed statement or revised printed statement issued by the Central Repository.

Article – State Finance and Procurement

13-110.

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

(6) [“Not-for-profit”] **“NONPROFIT entity”** means a corporation incorporated in the State, or otherwise qualified to do business in the State that has been determined by the Internal Revenue Service to be exempt from taxation under § 501(c)(3), (4), or (6) of the Internal Revenue Code.

(c) (1) Except as provided in paragraph (2) of this subsection, each procurement contract for supplies or services entered into by a State or local entity shall include a provision that facilitates other State and local entities and [not-for-profit] **NONPROFIT** entities to participate in the contract.

14-301.

(h) **["Not-for-profit"] "NONPROFIT entity"** means a corporation that:

(1) is incorporated in the State or otherwise qualified to do business in the State;

(2) has been determined by the Internal Revenue Service to be exempt from taxation under § 501(c)(3), (4), or (6) of the Internal Revenue Code; and

(3) is organized to promote the interests of physically or mentally disabled individuals.

14-302.

(a) (1) (i) 2. Notwithstanding subparagraph 1 of this subparagraph, the following contracts may not be counted as part of a unit's total dollar value of procurement contracts:

B. a procurement contract awarded to a **["not-for-profit"] NONPROFIT** entity in accordance with requirements mandated by State or federal law; and

(13) (i) Except as provided in subparagraph (ii) of this paragraph, a **["not-for-profit"] NONPROFIT** entity participating as a minority business enterprise on a procurement contract awarded by a unit before July 1, 2015, may continue to participate in the contract until the contract expires or otherwise terminates, including all options, renewals, and other extensions.

(ii) 1. The **["not-for-profit"] NONPROFIT** entity's participation may not be counted toward achieving the minority business enterprise participation goals in this subsection.

2. The unit may not require that a certified minority business enterprise be substituted for the **["not-for-profit"] NONPROFIT** entity in order to meet the minority business enterprise goals for the procurement contract.

Article – State Personnel and Pensions

2-512.

(a) In this section, "qualifying **["not-for-profit"] NONPROFIT** organization" means an organization that:

(1) (i) receives State funds from the Department of Health and Mental Hygiene that cover more than one-third of the organization's operating expenses; and

(ii) is:

1. described in § 501(c)(3) of the Internal Revenue Code; and
2. exempt from income tax under § 501(a) of the Internal Revenue Code;

(2) is the Legal Aid Bureau, Inc.; or

(3) is the Maryland Crime Victims' Resource Center.

(b) The Secretary shall adopt regulations for the enrollment and participation of employees of a qualifying [not-for-profit] **NONPROFIT** organization to participate in the Program as a satellite organization.

(c) A qualifying [not-for-profit] **NONPROFIT** organization that participates in the Program as a satellite organization shall:

(1) pay to the State:

(i) a premium in the amount determined by the Secretary; and

(ii) any costs, as determined by the Secretary, for the administration of this Program; and

(2) determine the extent to which the organization will subsidize participation by its employees in the Program.

Article – Tax – General

4–103.

(a) The admissions and amusement tax may not be imposed by:

(2) Baltimore County on gross receipts:

(i) of a [not for profit] **NONPROFIT** community association that is organized and operated to promote the general welfare of the community that the association serves and the net earnings of which do not inure to the benefit of any stockholder or member of the association; or

(b) The admissions and amusement tax may not be imposed by a county or municipal corporation on gross receipts:

(2) derived from any charge for admission to:

(ii) a concert or theatrical event presented or offered by a [not for profit] **NONPROFIT** group that:

1. is organized and operated to present or offer an annual series of scheduled musical concerts; or

2. is organized and operated for a cultural purpose and receives a grant directly or indirectly from the Maryland State Arts Council;

4-104.

(a) A county or a municipal corporation may exempt from the admissions and amusement tax gross receipts from any charge for admission or for merchandise, refreshments, or a service, if the gross receipts are used exclusively for community or civic improvement by a [not for profit] **NONPROFIT** community association that is organized and operated to promote the general welfare of the community that the association serves and the net earnings of which do not inure to the benefit of any stockholder or member of the association.

(b) A county or a municipal corporation may exempt from the admissions and amusement tax gross receipts from any charge for admission to a concert or theatrical event of a [not for profit] **NONPROFIT** organization that is organized to present or offer any of the performing arts.

4-301.

(b) If a corporation, other than a nonstock, [not for profit] **NONPROFIT** corporation, is required to pay the admissions and amusement tax, personal liability for the tax and interest and penalties on the tax extends to any officer of the corporation who exercises direct control over its fiscal management.

9-314.

(e) If a corporation, other than a nonstock, [not for profit] **NONPROFIT** corporation, is required to pay motor fuel tax, personal liability for the tax and interest and penalties on the tax extends to any officer of the corporation who exercises direct control over its fiscal management.

10-208.

(b) The subtraction under subsection (a) of this section includes:

(1) if the child is a State resident at the time of adoption, reasonable and necessary adoption fees, court costs, attorney fees, and other expenses not exceeding:

(i) \$6,000 that a parent incurs in the adoption of a child who the State determines is a child with a special need, as described in § 473(c)(1) and (2) of the Social Security Act, if the adoption is made through a private, [not for profit] **NONPROFIT**, licensed adoption agency or a public child welfare agency; and

(ii) \$5,000 that a parent incurs in the adoption of a child without a special need as provided under item (i) of this item; and

(2) if the child is not a State resident at the time of adoption, reasonable and necessary adoption fees, court costs, attorney fees, and other expenses not exceeding:

(i) \$3,000 that a parent incurs in the adoption of a child who the State determines is a child with a special need, as described in § 473(c)(1) and (2) of the Social Security Act, if the adoption is made through a private, [not for profit] **NONPROFIT**, licensed adoption agency, or a public child welfare agency; and

(ii) \$2,000 that a parent incurs in the adoption of a child without a special need as provided under item (i) of this item.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intention of the General Assembly that, except as expressly provided in this Act, this Act shall be construed as a nonsubstantive revision and may not be otherwise construed to render any substantive change in the law of the State.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.