Article - State Government

§1–101.

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

(b) "County" means a county of the State and, unless expressly provided otherwise, Baltimore City.

(c) "Includes" or "including" means includes or including by way of illustration and not by way of limitation.

(d) "Person" means an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind and any partnership, firm, association, corporation, or other entity.

(e) "State" means:

(1) a state, possession, or territory of the United States;

(2) the District of Columbia; or

(3) the Commonwealth of Puerto Rico.

§2–101.

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

(b) "House" means the House of Delegates of Maryland.

(c) "President" means the President of the Senate.

(d) "Senate" means the Senate of Maryland.

(e) "Speaker" means the Speaker of the House.

(f) "Standing committee" means:

(1) a standing committee of the Senate, as set forth in the Senate rules; or

(2) a standing committee of the House, as set forth in the House rules.

§2–102.

(a) The State shall provide the members of the General Assembly with reasonable office space and services, equipment, and secretarial services, as provided in the State budget.

(b) (1) A municipal corporation, county, or other political subdivision or its governing body may not subsidize a member of the General Assembly in the maintenance of the space, services, or equipment.

(2) This subsection does not prohibit the establishment of an office by a political subdivision to maintain liaison between the subdivision and the General Assembly.

§2–103.

(a) In this section, "permanent part–time legislative employee" means an individual who, for at least 130 days a year, is employed by the General Assembly.

(b) A permanent part–time legislative employee shall receive employment rights, privileges, and benefits that:

(1) equal at least 50% of the employment rights, privileges, and benefits of a permanent full–time employee of the Department of Legislative Services; and

(2) for an individual who is employed for at least 50% of a full workweek, are prorated in proportion to the number of hours worked.

(c) For auditing purposes, permanent time records shall be kept for each permanent part–time legislative employee.

(d) The President and the Speaker shall administer this section.

§2–104.

(a) (1) All full–time permanent employees of the General Assembly of Maryland and the Department of Legislative Services shall be considered as full–time permanent State employees for the purposes of transferring to a position in the Executive or Judicial Branch of State government.

(2) These employees shall receive credit for service with the General Assembly for the purposes of transferring accumulated sick and vacation leave, service credit in the Employees' Retirement System, and all other benefits.

(3) These employees shall be granted the same salary consideration that would be provided to an employee transferring within the Executive or Judicial Branch.

(b) On the transfer of a General Assembly employee or an employee of the Department of Legislative Services to a position in the Executive Branch, the Secretary of Budget and Management may request that the President of the Senate or the Speaker of the House of Delegates or their representative certify as to the full–time permanent status of that employee. The certification shall be satisfactory evidence for the purposes of subsection (a) of this section.

(c) If any employee of the General Assembly transferred to a position in the Executive or Judicial Branch on or after July 1, 1977, and suffered any loss of compensation or benefits solely as a result of the employee's prior service with the General Assembly not being recognized as full–time permanent service, the employee's compensation and benefits shall be reinstated at the appropriate level and the employee shall be reimbursed for any loss in salary from the effective date of the transfer.

(d) Any full–time permanent employee of the General Assembly of Maryland or the Department of Legislative Services who separates from State service and returns to State service in the Executive or Judicial Branch within 3 years from the time of separation from active duty shall be eligible for reinstatement and shall receive full credit for any prior State service.

§2–105.

While the General Assembly is in session, each member or employee of the General Assembly who also is employed by the State or any of its political subdivisions:

(1) is entitled automatically to a leave of absence from the other employment; and

(2) except for a right to a salary or wages, may not be deprived of or otherwise have impaired any incident of the employment, including tenure, seniority, annual or sick leave, promotional rights, or rights to salary increments.

§2–106.

(a) In this section, "Force" means the Legislative Security Force.

(b) There is a Legislative Security Force.

(c) The Force consists of the members of the Department of State Police who are assigned for duty with the General Assembly.

(d) Under the guidance of the presiding officers of the General Assembly, the Force shall maintain order during the conduct of the legislative process.

§2–107.

(a) In this section, "relative" means:

(1) a spouse;

(2) a parent or stepparent;

(3) a sibling or step sibling;

(4) a child, stepchild, foster child, or ward;

(5) a mother–in–law or father–in–law;

(6) a son–in–law or daughter–in–law;

(7) a grandparent; or

(8) a grandchild.

(b) (1) Except as provided in paragraph (2) of this subsection, a member of the General Assembly may not employ for legislative business the member's own relative, or the relative of another member from the same legislative district, using public funds over which the member has direct control.

(2) Paragraph (1) of this subsection does not apply to a member of the General Assembly who:

(i) has a physical impairment that necessitates the employment of a particular relative; and

(ii) discloses the employment to the Joint Committee on Legislative Ethics.

§2–108.

(a) Public resources may be used by members of the General Assembly only for public purposes.

(b) This section does not prohibit incidental use of public resources for nonpublic purposes.

§2–201.

(a) The State of Maryland is divided into 47 districts for the election of members of the General Assembly of Maryland.

(b) Each legislative district shall elect 1 Senator and 3 Delegates.

(c) Each legislative district may be subdivided into 3 single member delegate districts or into 1 single member delegate district and 1 multimember delegate district.

(d) In any legislative district which contains more than 2 counties:

(1) where Delegates are to be elected at large by the voters of the entire district, a county, or part of a county, may not have more than 1 Delegate residing in that district; and

(2) where Delegates are to be elected by the voters of a multimember subdistrict which contains more than 2 counties or parts of more than 2 counties, a county or a part of a county may not have more than 1 Delegate residing in that subdistrict.

(e) (1) The descriptions of legislative districts in this subtitle, including all references to:

(i) election districts and wards are to the geographical boundaries of the election districts and wards as they existed as of April 1, 2020; and

(ii) precincts are to the geographical boundaries of the precincts as reviewed and certified by the local board of supervisors of elections or their designees, before they were reported to the U.S. Bureau of the Census as part of the 2020 Census Redistricting Data Program and as those precinct lines are specifically indicated in the P.L. 94–171 data or shown on the P.L. 94–171 census block maps provided by the U.S. Bureau of the Census and as reviewed and corrected by the Maryland Department of Planning.

(2) Where precincts are split between legislative districts, census tract and block numbers, as indicated in the P.L. 94–171 data or shown on the P.L.

94–171 census block maps provided by the U.S. Bureau of the Census and referred to in § 2–202 of this subtitle, are used to define the boundaries of legislative districts.

(f) For purposes of elections, the provisions of this subtitle shall be applicable to elections for members of the General Assembly beginning with the primary and general elections of 2022 and, for purposes of representation, shall be applicable beginning with the second Wednesday of January 2023.

§2–202.

The composition of the 47 legislative districts is:

(1) legislative district 1 consists of:

(a) delegate district 1A (single member delegate district):

(i) Garrett County;

(ii) Allegany County election districts 8, 9, 10, 26, and 31; and

(iii) Allegany County election district 7, precinct 2;

(b) delegate district 1B (single member delegate district):

(i) Allegany County election districts 4, 5, 6, 11, 12, 13, 14, 18, 20, 22, 23, 24, 29, and 34;

(ii) Allegany County election district 7, precinct 1; and

(iii) that part of Allegany County election district 16, precinct 0 that consists of census tract 6.00, blocks 1076, 1085, and 1087; and

(c) delegate district 1C (single member delegate district):

(i) Allegany County election districts 1, 2, 3, and 21;

(ii) that part of Allegany County election district 16, precinct 0 that consists of the following:

1. census tract 2.00, blocks 1000 through 1036 and 3000 through 3036; and

2. census tract 6.00, blocks 1086 and 1089 through 1091;

(iii) Washington County election districts 4, 5, 15, and 23;

(iv) Washington County election district 26, precincts 2, 3, and 4;

(v) that part of Washington County election district 2, precinct 1 that consists of the following:

1. census tract 104.02, blocks 3023 through 3029;

2. census tract 108.02, blocks 1003 through 1010, 1012 through 1022, 2000 through 2044, and 3000 through 3005;

3. census tract 108.03, blocks 2006, 2012 through 2016, 3001 through 3016, and 3020 through 3046;

4. census tract 109.01, blocks 1003 and 1007;

5. census tract 109.02, blocks 2001 through 2003; and

6. census tract 117.00, blocks 3021, 3030, 3031, 3033, 4002, 4003, 4011, 4013 through 4024, 4028, 4030, and 4031;

(vi) that part of Washington County election district 10, precinct 2 that consists of the following:

1. census tract 10.01, blocks 3009 through 3014; and

2. census tract 109.01, blocks 1000 through 1002;

(vii) that part of Washington County election district 13, precinct 1 that consists of the following:

1. census tract 3.01, blocks 1000, 1001, 1014, and 1015;

2. census tract 103.00, blocks 1007, 1010 through 1012, and 1054;

3. census tract 104.01, blocks 1029, 2009 through 2019, 2021 through 2024, 2027 through 2029, and 2032;

4. census tract 104.02, blocks 1000 through 1012, 1020, 1026 through 1031, 2000 through 2007, 2018, 2019, 2021 through 2024, 2031, 2053, and 2054; and

5. census tract 117.00, blocks 3000 through 3008 and 3032;

(viii) that part of Washington County election district 13, precinct 2 that consists of census tract 104.01, blocks 1000 through 1028, 1030 through 1035, 2000 through 2008, and 2020;

(ix) that part of Washington County election district 24, precinct 1 that consists of the following:

1. census tract 3.01, blocks 2003, 2005, 2008 through 2011, 2036 through 2038, 2044, and 2045;

2. census tract 9.00, blocks 2004 through 2009, 2014, and 2015; and

3. census tract 104.02, blocks 2012, 2015, 2025, 2026, 2028, 2030, 2032 through 2035, 2038 through 2043, 2051, 2052, 2055, 2056, 3000, 3001, 3003 through 3006, 3008, 3009, and 3011 through 3013;

(x) that part of Washington County election district 26, precinct 1 that consists of the following:

1. census tract 9.00, blocks 3021 through 3024, 3026 through 3032, and 3034;

2. census tract 10.01, blocks 1018, 2009 through 2013, 2015 through 2019, 2021 through 2023, 2025 through 2034, and 2039 through 2042;

3. census tract 10.02, blocks 1000 through 1010, 3000, and 3001; and

4. census tract 104.02, blocks 3014 through 3022 and 3032; and

(xi) that part of Washington County election district 27, precinct 2 that consists of census tract 103.00, blocks 1003 through 1006, 1008, 1009, 1022, 1024, and 1025;

(2) legislative district 2 consists of:

(a) delegate district 2A (two member delegate district):

(i) that part of Frederick County election district 4, precinct 1 that consists of the following:

1. census tract 7530.01, block 5020; and

2. census tract 7675.00, block 3014;

(ii) that part of Frederick County election district 5, precinct 1 that consists of the following:

1. census tract 7529.00, blocks 1000 through 1003, 1053, and 2000;

2. census tract 7668.00, blocks 1000 through 1026, 2000 through 2054, 3000 through 3005, 3008 through 3022, and 4000 through 4025; and

3. census tract 7675.00, blocks 1000 through 1002, 1004, 1005, 1008 through 1017, 1048, 2000 through 2041, and 2050;

(iii) that part of Frederick County election district 10, precinct 1 that consists of census tract 7529.00, blocks 1004 through 1050, 1054, 2018 through 2036, and 2042;

(iv) that part of Frederick County election district 15, precinct 1 that consists of census tract 7530.01, blocks 1001, 1003, 2000 through 2018, 3003 through 3005, 3007, 5004 through 5007, 5010 through 5014, 5016, 5017, 6000 through 6003, 6005 through 6011, 6013 through 6015, and 6021;

(v) that part of Frederick County election district 15, precinct 2 that consists of the following:

1. census tract 7529.00, blocks 1051, 1052, 2001 through 2017, 2061 through 2066, 2069 through 2078, and 2082;

2. census tract 7530.01, blocks 3000 through 3002, 3006, 4000 through 4005, and 5000 through 5003;

3. census tract 7530.02, blocks 1000 through 1004, 2000 through 2025, 3000 through 3019, and 4000 through 4012;

4. census tract 7668.00, blocks 3006 and 3007; and

5. census tract 7675.00, blocks 1022 through 1024, 1030 through 1034, 1038, 1043 through 1045, 3012, and 3013;

(vi) Washington County election districts 1, 6, 7, 8, 9, 11, 12, 14, 16, 19, and 20;

(vii) Washington County election district 10, precincts 3 and 4;

(viii) Washington County election district 18, precincts 1, 3, and 4;

(ix) Washington County election district 27, precinct 1;

(x) that part of Washington County election district 2, precinct 1 that consists of census tract 109.01, blocks 1004 and 3027;

(xi) that part of Washington County election district 10, precinct 1 that consists of the following:

1. census tract 6.02, blocks 1034 through 1036, 1039, 1045, and 1046;

2. census tract 110.00, blocks 1000 and 1005; and

3. census tract 111.00, blocks 2001, 2002, 2017, 2021 through 2023, 2025, 2026, 2028 through 2031, 2033, 2034, 3008, 3010 through 3036, 4000 through 4006, 5001 through 5003, 5005 through 5012, 5014, 5015, 5017, 5020 through 5024, and 5027 through 5034;

(xii) that part of Washington County election district 10, precinct 2 that consists of the following:

1. census tract 6.02, blocks 1040, 1047, and 1048;

2. census tract 10.01, blocks 1024 through 1027;

3. census tract 109.01, blocks 2000 through 2013, 3000 through 3026, 3031, and 3033 through 3035; and

4. census tract 110.00, blocks 1001 and 1002;

(xiii) that part of Washington County election district 13, precinct 1 that consists of census tract 103.00, blocks 1031, 1043, 1064, and 1065;

(xiv) that part of Washington County election district 13, precinct 2 that consists of census tract 103.00, blocks 1013 and 1014;

(xv) that part of Washington County election district 17, precinct 1 that consists of census tract 112.04, block 2022;

(xvi) that part of Washington County election district 18, precinct 2 that consists of the following:

1. census tract 1.00, blocks 1000, 1002 through 1006, and 1046;

2. census tract 5.00, blocks 3000, 3001, 3009, 3011, 3016, 3033, and 3036 through 3042;

3. census tract 6.01, blocks 1000, 1003, 1004, 1015, 1021, and 1022;

4. census tract 102.00, block 2013;

5. census tract 112.02, blocks 3000 through 3003 and 4002 through 4011; and

6. census tract 112.04, blocks 1000 and 3004 through 3022;

(xvii) that part of Washington County election district 22, precinct 2 that consists of the following:

1. census tract 1.00, block 1043; and

2. census tract 6.01, block 1005; and

(xviii) that part of Washington County election district 27, precinct 2 that consists of census tract 103.00, blocks 1000 through 1002, 1015 through 1021, 1023, 1026 through 1029, 1032, 1033, 1037 through 1042, 1050 through 1053, 1061, 1062, 1066, 1067, 3000 through 3016, 4000 through 4016, 4018, and 4019; and

(b) delegate district 2B (single member delegate district):

(i) Washington County election districts 3, 21, and 25;

(ii) Washington County election district 10, precinct 5;

(iii) Washington County election district 22, precinct 1;

(iv) that part of Washington County election district 10, precinct 1 that consists of census tract 111.00, block 5016;

(v) that part of Washington County election district 17, precinct 1 that consists of the following:

1. census tract 6.01, blocks 1010 through 1013, 1023, 1026 through 1029, 2015, and 2016;

2. census tract 6.02, blocks 1000 through 1002, 1004 through 1013, 1016 through 1020, 1025, 1026, 1044, 2000 through 2021, and 2023 through 2034;

3. census tract 7.00, blocks 1000 through 1014, 2000 through 2010, and 3000 through 3015;

4. census tract 111.00, blocks 1004, 1006, 1014, 1017, 1020, 1021, 1023, 1026, 2003 through 2008, 2012 through 2016, 2019, 2020, 2024, 2027, 2032, 3001, 3003 through 3007, 3009, 5000, 5004, 5013, 5018, 5019, 5025, and 5026; and

5. census tract 112.04, blocks 2017 through 2021, 2023, and 2028;

(vi) that part of Washington County election district 18, precinct 2 that consists of the following:

1. census tract 5.00, blocks 3005, 3006, 3008, 3014, and 3020; and

2. census tract 6.01, block 1008;

(vii) that part of Washington County election district 22, precinct 2 that consists of the following:

1. census tract 1.00, blocks 1001, 1044, and 1045;

2. census tract 5.00, blocks 3002 through 3004, 3007, 3010, 3012, 3013, 3015, 3017 through 3019, 3021 through 3032, 3034, 3035, 3043, 3046, 3048, and 3049; and

3. census tract 6.01, blocks 1001, 1002, 1006, 1007, 1009, 1014, 1016 through 1020, 1024, 1025, 2000 through 2002, and 2017 through 2019;

(viii) that part of Washington County election district 24, precinct 1 that consists of census tract 9.00, block 3015; and

(ix) that part of Washington County election district 26, precinct 1 that consists of census tract 9.00, blocks 2013, 2028, and 3025;

(3) legislative district 3 consists of:

(a) Frederick County election district 2;

(b) Frederick County election district 1, precinct 2;

(c) Frederick County election district 7, precincts 4, 6, and 7;

(d) Frederick County election district 9, precincts 3, 8, and 9;

(e) Frederick County election district 13, precinct 3;

(f) Frederick County election district 20, precinct 2;

(g) Frederick County election district 21, precincts 2, 3, 4, 5, 6, and 8;

(h) Frederick County election district 23, precincts 2, 3, and 4;

(i) Frederick County election district 24, precincts 2, 4, 5, and 6;

(j) that part of Frederick County election district 1, precinct 1 that consists of the following:

(i) census tract 7523.01, block 4021; and

(ii) census tract 7523.02, block 1010;

(k) that part of Frederick County election district 9, precinct 6 that consists of the following:

(i) census tract 7519.02, blocks 1000 through 1015 and 2000 through 2013; and

(ii) census tract 7519.05, blocks 1009, 1012 through 1014, and 1017 through 1028;

(l) that part of Frederick County election district 9, precinct 7 that consists of census tract 7519.05, blocks 1015 and 1016;

(m) that part of Frederick County election district 13, precinct 2 that consists of census tract 7517.01, blocks 1019 through 1021;

(n) that part of Frederick County election district 20, precinct 1 that consists of census tract 7513.01, block 3024;

(o) that part of Frederick County election district 21, precinct 1 that consists of the following:

(i) census tract 7512.02, block 4002; and

(ii) census tract 7513.01, blocks 2046, 2048, 3019, 3047, and 3048;

(p) that part of Frederick County election district 21, precinct 7 that consists of census tract 7512.03, blocks 3008 through 3010;

(q) that part of Frederick County election district 23, precinct 1 that consists of the following:

(i) census tract 7505.05, blocks 2011 and 2012;

(ii) census tract 7505.06, blocks 1022 through 1025;

(iii) census tract 7510.03, block 2009;

(iv) census tract 7510.04, blocks 1000, 1001, 1008 through 1016, 1025 through 1045, 2000 through 2018, and 3000 through 3005;

(v) census tract 7523.03, blocks 1001 through 1006; and

(vi) census tract 7651.00, blocks 1018 and 1019; and

(r) that part of Frederick County election district 26, precinct 1 that consists of census tract 7402.00, blocks 1009 through 1012;

(4) legislative district 4 consists of:

(a) Frederick County election districts 3, 6, 8, 11, 12, 14, 16, 17, 19, 22, and 25;

(b) Frederick County election district 1, precinct 3;

(c) Frederick County election district 7, precincts 1, 2, 3, and 5;

(d) Frederick County election district 9, precincts 1, 2, 4, and 5;

(e) Frederick County election district 13, precinct 1;

(f) Frederick County election district 18, precincts 2 and 3;

(g) Frederick County election district 24, precincts 1 and 3;

(h) Frederick County election district 26, precinct 2;

(i) that part of Frederick County election district 1, precinct 1 that consists of the following:

(i) census tract 7523.02, blocks 1008, 1009, 1011 through 1018, 1022 through 1025, 1028, 1030 through 1034, 1036 through 1041, 2000 through 2028, 2030 through 2032, 3000 through 3005, and 3026 through 3028;

(ii) census tract 7523.03, blocks 2016, 2020 through 2036, and 3000; and

(iii) census tract 7525.02, blocks 2020 and 2022;

(j) that part of Frederick County election district 4, precinct 1 that consists of the following:

(i) census tract 7513.02, blocks 2000 through 2002, 2007, 2008, 2020, 2021, and 2027 through 2030;

(ii) census tract 7530.01, blocks 5018 and 5019; and

(iii) census tract 7675.00, blocks 1025 through 1027, 1035, 1036, 1046, 1047, 2044 through 2049, 3000 through 3011, and 3015 through 3046;

(k) that part of Frederick County election district 5, precinct 1 that consists of census tract 7675.00, blocks 1003, 1006, 1007, 1018 through 1021, 1028, 1040, 1041, 1049, 2042, and 2043;

(l) that part of Frederick County election district 9, precinct 6 that consists of census tract 7519.05, blocks 1003, 1008, and 1034;

(m) that part of Frederick County election district 9, precinct 7 that consists of the following:

(i) census tract 7518.01, blocks 1001 through 1014, 3000, 3001, 3010, and 3011;

(ii) census tract 7519.05, blocks 1000 through 1002, 1004 through 1007, 2000, and 3000 through 3011; and

(iii) census tract 7519.06, blocks 1000 through 1002, 1004 through 1006, and 2000 through 2017;

(n) that part of Frederick County election district 10, precinct 1 that consists of the following:

(i) census tract 7528.01, blocks 1000 through 1008, 1019, 1022 through 1031, and 1040; and

(ii) census tract 7529.00, blocks 2037 through 2041, 2043 through 2056, and 2079;

(o) that part of Frederick County election district 13, precinct 2 that consists of the following:

(i) census tract 7517.01, blocks 1005, 1006, and 1018; and

(ii) census tract 7756.00, block 2012;

(p) that part of Frederick County election district 15, precinct 1 that consists of the following:

(i) census tract 7513.02, blocks 1000 through 1004, 2003 through 2006, and 2009 through 2012;

(ii) census tract 7529.00, blocks 2057 through 2060, 2067, 2068, and 2080; and

(iii) census tract 7530.01, blocks 1000, 1002, 1004 through 1018, 5008, 5015, 6004, 6012, and 6016 through 6020;

(q) that part of Frederick County election district 15, precinct 2 that consists of the following:

(i) census tract 7530.01, block 5009; and

(ii) census tract 7675.00, blocks 1029, 1037, 1039, and 1042;

(r) that part of Frederick County election district 18, precinct 1 that consists of the following:

(i) census tract 7518.02, block 1010; and

(ii) census tract 7520.01, blocks 1000, 1001, 1012, 1023, 1025, 3008 through 3014, 3025, and 3026;

(s) that part of Frederick County election district 20, precinct 1 that consists of the following:

(i) census tract 7513.01, blocks 1000, 1001, 1011, 1013, 3000, 3001, 3004, 3005, 3015, and 3021 through 3023;

(ii) census tract 7513.02, blocks 1005 through 1012, 1015 through 1044, 1047 through 1051, 2013 through 2019, 2022 through 2026, and 2031 through 2067; and

(iii) census tract 7675.00, block 3047;

(t) that part of Frederick County election district 21, precinct 1 that consists of the following:

(i) census tract 7512.03, blocks 3001 and 3002;

(ii) census tract 7513.01, blocks 1002 through 1010, 1012, 1014, 2000 through 2004, 2006, 2021 through 2025, 2045, 2047, 2049, 2050, 3018, 3020, 3025 through 3030, and 3049;

(iii) census tract 7513.02, blocks 1045, 1046, and 1052; and

(iv) census tract 7707.00, block 1034;

(u) that part of Frederick County election district 21, precinct 7 that consists of census tract 7512.03, blocks 3000, 3003, 3004, 3006, 3007, 3014, and 3015;

(v) that part of Frederick County election district 23, precinct 1 that consists of the following:

(i) census tract 7510.04, blocks 1006, 1007, 1017 through 1024, 3006, and 3007;

(ii) census tract 7523.03, blocks 1000 and 2000 through 2015;

(iii) census tract 7525.01, blocks 4000 through 4002 and 4013 through 4016;

(iv) census tract 7525.02, blocks 2000, 2001, 2009, and 2010; and

(v) census tract 7526.02, blocks 1008, 1009, 3025, 3026, and 3028; and

(w) that part of Frederick County election district 26, precinct 1 that consists of the following:

(i) census tract 7402.00, blocks 1000 through 1008, 1013 through 1017, 2000 through 2011, 3000 through 3026, and 4000 through 4020;

(ii) census tract 7676.00, blocks 2036 through 2039 and 2042 through 2044; and

(iii) census tract 7735.00, block 3005;

(5) legislative district 5 consists of:

(a) Carroll County election districts 1, 2, 5, 9, 10, 11, 12, 13, and 14;

(b) Carroll County election district 4, precinct 2;

(c) Carroll County election district 7, precincts 1, 3, 5, 6, 7, and 8;

(d) that part of Carroll County election district 3, precinct 1 that consists of census tract 5030.00, blocks 1000 through 1025, 2000 through 2013, 2015, 2017, 3000 through 3014, 4000 through 4013, 4015 through 4018, and 4020;

(e) that part of Carroll County election district 6, precinct 1 that consists of the following:

(i) census tract 5061.01, blocks 1000 through 1015, 2000 through 2013, 3000 through 3006, 3008 through 3027, and 3030 through 3032; and

(ii) census tract 5062.00, blocks 1000 through 1019, 1023 through 1025, 1027 through 1036, 2003 through 2007, and 2009;

(f) that part of Carroll County election district 6, precinct 2 that consists of the following:

(i) census tract 5061.02, blocks 2000 through 2015, 2017 through 2019, 2023, 2028, and 2029; and

(ii) census tract 5062.00, blocks 3004 through 3009 and 3020 through 3025;

(g) that part of Carroll County election district 7, precinct 2 that consists of census tract 5076.01, blocks 2023, 2024, 2026, 2028 through 2031, 3003 through 3037, and 3041 through 3054;

(h) that part of Carroll County election district 7, precinct 4 that consists of the following:

(i) census tract 5075.00, blocks 1004, 1008, 1009, 2000 through 2003, 2007, 2014 through 2036, and 3000 through 3021;

(ii) census tract 5076.01, blocks 1008, 1009, 1013, 1014, 2011, 2018, 2019, and 3000 through 3002;

(iii) census tract 5077.02, blocks 1001, 1024, 2000 through 2037, 3000 through 3019, 3023, and 3024; and

(iv) census tract 5078.01, blocks 3000, 3003, 3004, 3015 through 3019, and 3026 through 3029; and

(i) that part of Frederick County election district 18, precinct 1 that consists of census tract 7520.01, blocks 1006 through 1011, 1013 through 1016, 2000 through 2007, 3000 through 3007, and 3016 through 3024;

(6) legislative district 6 consists of:

(a) Baltimore County election district 12;

(b) Baltimore County election district 15, precincts 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24; and

(c) that part of Baltimore County election district 15, precinct 5 that consists of census tract 4512.00, blocks 2011 through 2015, 2023, 2024, 2026, and 2034;

(7) legislative district 7 consists of:

(a) delegate district 7A (two member delegate district):

(i) Baltimore County election district 9, precincts 24 and 25;

(ii) Baltimore County election district 11, precincts 2, 3, 4, 5, 6, 8, 14, 15, 17, 18, 20, 22, 24, 25, 26, and 27;

(iii) Baltimore County election district 15, precincts 6, 7, 8, 9, 25, and 26;

(iv) that part of Baltimore County election district 9, precinct 9 that consists of census tract 4901.00, blocks 1002, 1003, 1006 through 1008, and 1012;

(v) that part of Baltimore County election district 9, precinct 26 that consists of census tract 4917.01, blocks 2002, 3000, and 3001;

(vi) that part of Baltimore County election district 11, precinct 7 that consists of the following:

1. census tract 4114.04, block 1008;

2. census tract 4114.09, blocks 2002 through 2005 and 2009; and

3. census tract 4114.10, blocks 2000 through 2002 and 2005;

(vii) that part of Baltimore County election district 11, precinct 10 that consists of the following:

1. census tract 4114.04, blocks 1009 and 1010; and

2. census tract 4114.10, blocks 3000, 3001, 3003 through 3005, and 3007 through 3009;

(viii) that part of Baltimore County election district 11, precinct 12 that consists of the following:

1. census tract 4113.03, blocks 1000 through 1011, 2000 through 2009, 2016, 2017, 3012, 3013, 4001, 4002, 4004 through 4006, 4008, 4009, and 4011; and

2. census tract 4113.08, block 2002;

(ix) that part of Baltimore County election district 11, precinct 13 that consists of census tract 4113.07, block 2002;

(x) that part of Baltimore County election district 11, precinct 19 that consists of census tract 4113.07, block 1000;

(xi) that part of Baltimore County election district 11, precinct 23 that consists of the following:

1. census tract 4112.02, blocks 1015 through 1017, 3012 through 3017, and 3019; and

2. census tract 4901.00, blocks 1000 and 1001; and

(xii) that part of Baltimore County election district 15, precinct 5 that consists of the following:

1. census tract 4514.02, blocks 1000 through 1003; and

2. census tract 4517.01, blocks 1011 through 1017, 1021, 1040 through 1044, 2000 through 2003, and 2028; and

(b) delegate district 7B (single member delegate district):

(i) Harford County election district 1, precincts 2, 7, and 45;

(ii) Harford County election district 3, precincts 6, 7, and 14;

(iii) Harford County election district 4, precinct 2;

(iv) that part of Harford County election district 1, precinct 4 that consists of census tract 3014.01, blocks 1000 through 1008, 2007 through 2010, and 2012 through 2015;

(v) that part of Harford County election district 1, precinct 8 that consists of the following:

1. census tract 3012.01, block 2000; and

2. census tract 3012.02, blocks 1000 through 1008, 2002 through 2006, 4006 through 4015, 4019, and 4020;

(vi) that part of Harford County election district 1, precinct 15 that consists of census tract 3012.04, blocks 2002, 2004 through 2014, and 3004;

(vii) that part of Harford County election district 3, precinct 3 that consists of census tract 3033.00, blocks 2002, 2003, 2010, 2012, 2015, and 2016;

(viii) that part of Harford County election district 3, precinct 13 that consists of the following:

1. census tract 3035.02, blocks 1002 through 1008; and

2. census tract 3038.01, block 2030;

(ix) that part of Harford County election district 4, precinct 1 that consists of the following:

1. census tract 3042.01, blocks 1000 through 1015, 2000, and 3000 through 3003; and

2. census tract 3042.02, blocks 5002 through 5005, 5008 through 5010, and 5012;

(x) that part of Harford County election district 4, precinct 3 that consists of the following:

1. census tract 3041.01, blocks 1005, 1006, 1018, and 1026; and

2. census tract 3041.02, blocks 1002 through 1015, 1021 through 1024, 1026 through 1031, 1034 through 1040, 2000 through 2019, 3002, 3006 through 3028, 3032, and 3033;

(xi) that part of Harford County election district 4, precinct 5 that consists of the following:

1. census tract 3042.01, blocks 3004 through 3009, 4001, and 4002; and

2. census tract 3042.02, blocks 3000 through 3009 and 4007; and

(xii) that part of Harford County election district 4, precinct 6 that consists of the following:

1. census tract 3041.01, blocks 1000 through 1004, 1007 through 1017, and 1019 through 1025;

2. census tract 3041.02, blocks 1025 and 1032; and

3. census tract 3042.02, blocks 5000, 5001, 5006, and 5007;

(8) legislative district 8 consists of:

(a) Baltimore County election district 14;

(b) Baltimore County election district 9, precincts 16, 17, 18, 19, 21, 22, 23, and 28;

(c) Baltimore County election district 11, precincts 9, 11, 16, and 21;

(d) Baltimore County election district 15, precinct 4;

(e) that part of Baltimore County election district 9, precinct 10 that consists of the following:

(i) census tract 4903.02, blocks 1000 through 1007; and

(ii) census tract 4912.01, blocks 1000 through 1008;

(f) that part of Baltimore County election district 9, precinct 11 that consists of census tract 4912.01, block 2008;

(g) that part of Baltimore County election district 9, precinct 15 that consists of the following:

(i) census tract 4912.02, blocks 1006 through 1010, 1020, 1026 through 1028, and 2000 through 2013; and

(ii) census tract 4913.00, blocks 2006 through 2008;

(h) that part of Baltimore County election district 9, precinct 20 that consists of census tract 4914.01, blocks 1000 through 1003, 2000 through 2009, 2012 through 2014, 3002, and 3003;

(i) that part of Baltimore County election district 9, precinct 26 that consists of the following:

(i) census tract 4916.00, blocks 1000 through 1004, 1006, and 1007;

(ii) census tract 4917.01, blocks 2003 through 2008, 3002, and 3005; and

(iii) census tract 4919.00, blocks 2003 through 2005;

(j) that part of Baltimore County election district 11, precinct 7 that consists of the following:

(i) census tract 4114.06, blocks 3000 through 3008; and

(ii) census tract 4114.10, blocks 1000 through 1002, 2003, and 2004;

(k) that part of Baltimore County election district 11, precinct 10 that consists of the following:

(i) census tract 4113.03, blocks 3000 through 3011, 3015 through 3018, 4003, 4007, and 4010;

(ii) census tract 4114.08, blocks 2000, 2001, 2003, and 2007; and

(iii) census tract 4114.10, blocks 3002 and 3006;

(l) that part of Baltimore County election district 11, precinct 12 that consists of census tract 4113.03, blocks 2010 through 2015 and 3014;

(m) that part of Baltimore County election district 11, precinct 13 that consists of census tract 4113.07, blocks 1007 through 1010, 2000, 2001, and 2003 through 2007;

(n) that part of Baltimore County election district 11, precinct 19 that consists of the following:

(i) census tract 4113.06, blocks 2000 through 2004; and

(ii) census tract 4113.07, blocks 1001 through 1006; and

(o) that part of Baltimore County election district 15, precinct 5 that consists of the following:

(i) census tract 4512.00, blocks 2000 through 2002 and 2016 through 2019;

(ii) census tract 4513.00, blocks 2002 and 2003;

(iii) census tract 4514.01, blocks 2005 through 2012, 2014, and 2016 through 2018;

(iv) census tract 4514.02, blocks 1004, 1006 through 1014, 2000 through 2005, 3000 through 3002, and 4000 through 4008; and

(v) census tract 4517.01, blocks 2004 through 2027;

(9) legislative district 9 consists of:

(a) delegate district 9A (two member delegate district):

(i) Howard County election district 4;

(ii) Howard County election district 2, precincts 6, 7, 8, 11, 18, 19, and 24;

(iii) Howard County election district 3, precincts 1, 2, 3, 5, and 6;

(iv) Howard County election district 5, precincts 1, 10, and 24;

(v) that part of Howard County election district 2, precinct 26 that consists of census tract 6023.03, blocks 1000 through 1016;

(vi) that part of Howard County election district 5, precinct 6 that consists of census tract 6051.06, blocks 1003 through 1010 and 1014 through 1016;

(vii) that part of Howard County election district 5, precinct 19 that consists of census tract 6051.04, blocks 2002 through 2005, 2007, and 2009;

(viii) that part of Howard County election district 5, precinct 22 that consists of census tract 6055.04, blocks 1000 through 1004;

(ix) Montgomery County election district 2, precincts 7, 9, and 10;

(x) Montgomery County election district 12, precincts 2 and 5;

(xi) that part of Montgomery County election district 2, precinct 8 that consists of the following:

1. census tract 7003.17, blocks 2001 through 2007, 2011 through 2014, and 2019 through 2028; and

2. census tract 7003.18, blocks 1000 through 1006 and 1011 through 1013; and

(xii) that part of Montgomery County election district 12, precinct 1 that consists of the following:

1. census tract 7002.04, blocks 1002, 1014, and 1016 through 1018; and

2. census tract 7002.08, blocks 1000, 1003 through 1005, 2002, and 2003; and

(b) delegate district 9B (single member delegate district):

(i) Howard County election district 2, precincts 1, 2, 5, 9, 10, 12, 13, 15, 16, 17, 21, 22, 23, and 25;

(ii) Howard County election district 3, precinct 4;

(iii) that part of Howard County election district 2, precinct 3 that consists of census tract 6023.02, blocks 3004, 4001 through 4004, 4006, 4008, and 4009;

(iv) that part of Howard County election district 2, precinct 4 that consists of census tract 6023.02, blocks 2008 through 2016, 2021, 3005, and 4007;

(v) that part of Howard County election district 2, precinct 14 that consists of census tract 6023.05, blocks 1003 through 1005;

(vi) that part of Howard County election district 2, precinct 20 that consists of the following:

1. census tract 6023.02, block 2004; and

2. census tract 6023.06, blocks 2012, 2014, and 3000; and

(vii) that part of Howard County election district 2, precinct 26 that consists of census tract 6023.03, blocks 2000, 2001, and 3000;

(10) legislative district 10 consists of:

(a) Baltimore County election district 1, precincts 2 and 17;

(b) Baltimore County election district 2, precincts 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 21, 22, 24, 27, and 30;

(c) Baltimore County election district 4, precincts 2, 4, 5, 6, 7, 8, 10, 11, and 12;

(d) that part of Baltimore County election district 1, precinct 3 that consists of census tract 4015.04, blocks 1008, 1009, 2003, 2011, 2012, and 3002 through 3007;

(e) that part of Baltimore County election district 1, precinct 4 that consists of census tract 4015.04, blocks 1000, 1001, 1004, 1005, and 1010;

(f) that part of Baltimore County election district 1, precinct 10 that consists of census tract 4014.00, blocks 1008, 1015, and 1016;

(g) that part of Baltimore County election district 1, precinct 11 that consists of census tract 4015.03, blocks 1000 through 1013 and 3000;

(h) that part of Baltimore County election district 1, precinct 12 that consists of the following:

(i) census tract 4005.00, blocks 1014 through 1018;

(ii) census tract 4014.00, blocks 1005 through 1007 and 1017 through 1022; and

(iii) census tract 4015.03, blocks 2009 through 2014, 3001 through 3004, and 4000 through 4005;

(i) that part of Baltimore County election district 1, precinct 13 that consists of census tract 4005.00, blocks 1003 through 1013 and 1019 through 1021;

(j) that part of Baltimore County election district 1, precinct 14 that consists of the following:

(i) census tract 4004.00, blocks 4006 through 4009, 5000 through 5007, and 5009; and

(ii) census tract 4005.00, block 1022;

(k) that part of Baltimore County election district 2, precinct 7 that consists of census tract 4023.06, blocks 1000 through 1003;

(l) that part of Baltimore County election district 2, precinct 14 that consists of the following:

(i) census tract 4026.03, blocks 2008 through 2020 and 3001 through 3006; and

(ii) census tract 4026.04, blocks 2002 through 2013;

(m) that part of Baltimore County election district 4, precinct 9 that consists of the following:

(i) census tract 4044.02, block 1000;

(ii) census tract 4044.04, blocks 1000 and 1001; and

(iii) census tract 4046.00, blocks 1003, 1004, 1006 through 1010, 1012 through 1028, 1031 through 1035, 2000 through 2011, 2016, 2018 through 2027, and 2038;

(n) that part of Baltimore County election district 8, precinct 27 that consists of census tract 4082.00, blocks 1006, 1007, 1013 through 1015, and 1017;

(o) that part of Baltimore County election district 13, precinct 3 that consists of the following:

(i) census tract 4306.00, blocks 2000, 2018, and 2019; and

(ii) census tract 4307.00, blocks 3017 and 3018; and

(p) that part of Baltimore County election district 13, precinct 4 that consists of the following:

(i) census tract 4306.00, blocks 1014, 1016 through 1022, and 2001 through 2017; and

(ii) census tract 4307.00, blocks 4008 through 4011;

(11) legislative district 11 consists of:

(a) delegate district 11A (single member delegate district):

(i) Baltimore County election district 2, precincts 15, 26, and 29;

(ii) Baltimore County election district 4, precincts 1, 13, 14, and 15;

(iii) Baltimore County election district 8, precincts 21 and 23;

(iv) that part of Baltimore County election district 2, precinct 14 that consists of census tract 4026.03, blocks 2005, 2006, and 3000;

(v) that part of Baltimore County election district 2, precinct 25 that consists of census tract 4026.03, blocks 3007 and 3008;

(vi) that part of Baltimore County election district 3, precinct 11 that consists of census tract 4037.04, blocks 1006 through 1011, 1013, 1015, 1016, and 1018;

(vii) that part of Baltimore County election district 3, precinct 12 that consists of the following:

1. census tract 4037.02, blocks 2000 through 2004 and 3000 through 3012; and

2. census tract 4037.04, blocks 2008 and 2009;

(viii) that part of Baltimore County election district 3, precinct 14 that consists of census tract 4037.02, blocks 1004, 1010, and 1011;

(ix) that part of Baltimore County election district 4, precinct 3 that consists of the following:

1. census tract 4042.02, blocks 1004 and 5000; and

2. census tract 4049.00, blocks 1000 through 1009, 2002, 2003, 3003, and 3004; and

(x) that part of Baltimore County election district 8, precinct 27 that consists of census tract 4083.04, blocks 1000 and 1003 through 1009; and

(b) delegate district 11B (two member delegate district):

(i) Baltimore County election district 2, precinct 8;

(ii) Baltimore County election district 3, precincts 2, 5, 6, 7, 8, 9, 10, and 13;

(iii) Baltimore County election district 8, precincts 2, 8, 9, 10, 16, 17, 18, 19, 20, 24, 26, and 28;

(iv) that part of Baltimore County election district 2, precinct 23 that consists of census tract 4023.05, blocks 1003 through 1008;

(v) that part of Baltimore County election district 2, precinct 25 that consists of the following:

1. census tract 4026.03, blocks 3009 and 3010; and

2. census tract 4026.04, blocks 1008 through 1010;

(vi) that part of Baltimore County election district 3, precinct 4 that consists of census tract 4033.00, blocks 1000 through 1017 and 2000 through 2021;

(vii) that part of Baltimore County election district 3, precinct 11 that consists of the following:

1. census tract 4037.03, blocks 1005 through 1014 and 2000 through 2005; and

2. census tract 4037.04, blocks 1000 through 1005, 1012, 1014, and 1017;

(viii) that part of Baltimore County election district 3, precinct 12 that consists of census tract 4037.04, blocks 2007 and 2014 through 2016;

(ix) that part of Baltimore County election district 3, precinct 14 that consists of census tract 4037.02, blocks 1000 through 1003, 1005 through 1009, and 1012 through 1014;

(x) that part of Baltimore County election district 4, precinct 3 that consists of census tract 4049.00, blocks 2000, 2001, and 2004 through 2011;

(xi) that part of Baltimore County election district 8, precinct 1 that consists of census tract 4084.00, blocks 1003, 1009 through 1011, and 1042;

(xii) that part of Baltimore County election district 8, precinct 3 that consists of census tract 4089.00, blocks 1002, 1005, and 1006;

(xiii) that part of Baltimore County election district 8, precinct 7 that consists of the following:

1. census tract 4084.00, blocks 1026 through 1030, 1032 through 1041, and 1043 through 1058; and

2. census tract 4085.03, blocks 1001 through 1003, 1005 through 1008, 2004 through 2007, and 2009;

(xiv) that part of Baltimore County election district 8, precinct 11 that consists of census tract 4085.05, blocks 2005 through 2018;

(xv) that part of Baltimore County election district 8, precinct 14 that consists of census tract 4088.00, blocks 1000 through 1014, 1016 through 1022, 2000, and 2003;

(xvi) that part of Baltimore County election district 9, precinct 1 that consists of the following:

1. census tract 4904.00, blocks 1000 through 1032 and 2000 through 2006; and

2. census tract 4905.00, blocks 1006, 2003, 2006, 2014, and 3000 through 3019;

(xvii) that part of Baltimore County election district 9, precinct 2 that consists of census tract 4905.00, blocks 2000 through 2002, 2009 through 2013, and 2015 through 2029;

(xviii) that part of Baltimore County election district 9, precinct 3 that consists of census tract 4906.03, blocks 2001 through 2009; and

(xix) that part of Baltimore County election district 9, precinct 7 that consists of census tract 4902.00, blocks 2004, 2005, 3000 through 3004, 3006, 3009, and 3010;

(12) legislative district 12 consists of:

(a) delegate district 12A (two member delegate district):

(i) Howard County election district 1, precincts 1, 2, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, and 21;

(ii) Howard County election district 5, precincts 2, 3, 4, 7, 8, 9, 12, 13, 14, 15, 16, 17, 18, 21, and 23;

(iii) Howard County election district 6, precincts 14 and 16;

(iv) that part of Howard County election district 1, precinct 3 that consists of the following:

1. census tract 6011.03, blocks 1002 and 1003; and

2. census tract 6011.08, blocks 1002 through 1006;

(v) that part of Howard County election district 2, precinct 3 that consists of census tract 6023.02, blocks 3000 through 3002, 3006, 4010, and 4011;

(vi) that part of Howard County election district 2, precinct 4 that consists of census tract 6023.02, blocks 1000 through 1024, 2007, 2017, 2019, 2020, and 3003;

(vii) that part of Howard County election district 2, precinct 14 that consists of census tract 6023.06, blocks 3004 and 3007 through 3011;

(viii) that part of Howard County election district 2, precinct 20 that consists of the following:

1. census tract 6023.02, blocks 2006 and 2018; and

2. census tract 6023.06, blocks 3001 through 3003, 3005, 3006, and 3012;

(ix) that part of Howard County election district 6, precinct 6 that consists of census tract 6066.01, blocks 1000 through 1004; and

(x) that part of Howard County election district 6, precinct 29 that consists of census tract 6066.06, block 2004; and

(b) delegate district 12B (single member delegate district):

(i) Anne Arundel County election district 1, precincts 4, 7, 12, 13, 15, 16, 17, and 18;

(ii) Anne Arundel County election district 2, precincts 12 and 19;

(iii) Anne Arundel County election district 3, precinct 25;

(iv) that part of Anne Arundel County election district 1, precinct 2 that consists of census tract 7512.00, blocks 2030, 2042, and 2043;

(v) that part of Anne Arundel County election district 1, precinct 6 that consists of census tract 7512.00, blocks 2014, 2015, 2035, 2036, 2039, and 2040;

(vi) that part of Anne Arundel County election district 1, precinct 14 that consists of census tract 7508.04, blocks 3000 and 3001;

(vii) that part of Anne Arundel County election district 2, precinct 8 that consists of the following:

1. census tract 7510.00, blocks 1000 through 1011, 2000 through 2013, 2018, and 3000 through 3012; and

2. census tract 7511.02, block 2025;

(viii) that part of Anne Arundel County election district 3, precinct 6 that consists of census tract 7302.04, blocks 1000 through 1003, 1013, 1014, and 4000; and

(ix) that part of Anne Arundel County election district 3, precinct 8 that consists of the following:

1. census tract 7302.04, blocks 1005 through 1012, 2000, and 2001; and

2. census tract 7302.06, blocks 1023 through 1025, 1028, and 1029;

(13) legislative district 13 consists of:

(a) Howard County election district 1, precincts 6 and 15;

(b) Howard County election district 5, precincts 5, 11, and 20;

(c) Howard County election district 6, precincts 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, and 35;

(d) that part of Howard County election district 1, precinct 3 that consists of census tract 6011.08, blocks 2000 through 2004;

(e) that part of Howard County election district 5, precinct 6 that consists of the following:

(i) census tract 6051.05, blocks 1000 through 1032, 2012 through 2014, 3000 through 3015, and 3027 through 3029; and

(ii) census tract 6051.06, blocks 1017, 1018, 1020, and 1021;

(f) that part of Howard County election district 5, precinct 19 that consists of the following:

(i) census tract 6051.03, blocks 1000 through 1008 and 1013 through 1016; and

(ii) census tract 6051.04, blocks 2006, 2008, and 2010 through 2016;

(g) that part of Howard County election district 5, precinct 22 that consists of the following:

(i) census tract 6051.05, block 2008;

(ii) census tract 6055.04, blocks 1005 through 1015; and

(iii) census tract 6055.05, blocks 1012, 2001, 2002, and 3004 through 3007;

(h) that part of Howard County election district 6, precinct 6 that consists of census tract 6066.01, blocks 1005 through 1010 and 1013 through 1018; and

(i) that part of Howard County election district 6, precinct 29 that consists of the following:

(i) census tract 6066.06, blocks 2005 and 2006;

(ii) census tract 6067.06, blocks 1000 through 1013 and 2000 through 2009; and

(iii) census tract 6067.08, blocks 1004, 1005, 1010 through 1015, 1018 through 1025, 1032, and 1036;

(14) legislative district 14 consists of:

(a) Montgomery County election district 1, precincts 1, 2, and 7;

(b) Montgomery County election district 5, precincts 1, 2, 4, 8, 9, 12, 15, 16, 17, 18, 19, 21, and 23;

(c) Montgomery County election district 8, precincts 1, 2, 5, 6, 7, 9, 10, 11, 12, 14, and 15;

(d) Montgomery County election district 12, precincts 3 and 4;

(e) that part of Montgomery County election district 1, precinct 5 that consists of the following:

(i) census tract 7001.01, blocks 1001, 1003, 1005, and 1015; and

(ii) census tract 7001.03, blocks 4002 through 4005 and 4008 through 4010;

(f) that part of Montgomery County election district 2, precinct 6 that consists of the following:

(i) census tract 7002.09, blocks 3001, 3005 through 3007, and 3013 through 3015;

(ii) census tract 7002.10, blocks 3000 through 3017, 3021, 3022, 3028, and 3029; and

(iii) census tract 7003.15, blocks 2004, 2009, and 3018; and

(g) that part of Montgomery County election district 12, precinct 1 that consists of the following:

(i) census tract 7002.04, block 1019;

(ii) census tract 7002.06, blocks 3000 through 3004 and 3011; and

(iii) census tract 7002.08, blocks 2000, 2001, and 2004 through 2008;

(15) legislative district 15 consists of:

(a) Montgomery County election districts 3 and 11;

(b) Montgomery County election district 2, precincts 2, 3, 4, 5, and 11;

(c) Montgomery County election district 4, precincts 12, 20, 23, 24, 29, 32, and 35;

(d) Montgomery County election district 6, precincts 1, 2, 4, 5, 6, 8, 9, 11, 13, 14, and 15;

(e) Montgomery County election district 9, precinct 33;

(f) Montgomery County election district 10, precincts 1, 4, 5, 6, 12, and 13;

(g) that part of Montgomery County election district 2, precinct 8 that consists of the following:

(i) census tract 7003.08, blocks 1002, 1004, 1005, 4002, and 4003;

(ii) census tract 7003.10, blocks 1002 and 1003;

(iii) census tract 7003.16, blocks 1003 through 1010, 1016, and 2007 through 2016; and

(iv) census tract 7003.17, blocks 1000 through 1070, 1078 through 1097, 2008 through 2010, and 2015 through 2018;

(h) that part of Montgomery County election district 4, precinct 18 that consists of census tract 7060.12, blocks 1004 and 1009; and

(i) that part of Montgomery County election district 10, precinct 11 that consists of census tract 7060.12, blocks 1000 through 1002, 1005 through 1007, 2000, 2002, 2003, and 3000 through 3002;

(16) legislative district 16 consists of:

(a) Montgomery County election district 4, precinct 28;

(b) Montgomery County election district 7, precincts 3, 4, 7, 8, 10, 11, 12, 13, 15, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, and 31;

(c) Montgomery County election district 10, precincts 2, 3, 7, 9, and 10;

(d) that part of Montgomery County election district 4, precinct 5 that consists of census tract 7010.01, block 3012;

(e) that part of Montgomery County election district 4, precinct 10 that consists of the following:

(i) census tract 7012.22, blocks 1000 through 1007; and

(ii) census tract 7012.23, blocks 1000 through 1004 and 2000 through 2005;

(f) that part of Montgomery County election district 4, precinct 11 that consists of the following:

(i) census tract 7010.01, block 3013; and

(ii) census tract 7010.02, blocks 2008 through 2010, 2013 through 2015, and 2017 through 2024;

(g) that part of Montgomery County election district 4, precinct 13 that consists of census tract 7012.05, blocks 1010 through 1018, 1021, 1029, 2006, 2008 through 2017, 2021 through 2025, 2029, and 2030;

(h) that part of Montgomery County election district 4, precinct 17 that consists of the following:

(i) census tract 7012.16, blocks 1000, 1001, and 1004 through 1011; and

(ii) census tract 7012.22, blocks 2000 through 2005 and 3000 through 3010;

(i) that part of Montgomery County election district 4, precinct 18 that consists of the following:

(i) census tract 7012.05, blocks 1000 through 1009, 1019, 1020, 1022 through 1028, 1030, 2002, 2018 through 2020, 2026 through 2028, 2031, 3000 through 3003, 3005, 3008 through 3019, and 4000 through 4013; and

(ii) census tract 7012.16, blocks 1002 and 1003;

(j) that part of Montgomery County election district 4, precinct 30 that consists of census tract 7010.01, block 3005;

(k) that part of Montgomery County election district 4, precinct 31 that consists of census tract 7012.15, blocks 1000 through 1002, 2000, 2001, 3000 through 3006, and 4000;

(l) that part of Montgomery County election district 7, precinct 9 that consists of the following:

(i) census tract 7044.01, blocks 1002, 1004 through 1006, and 1033;

(ii) census tract 7044.03, blocks 1000 and 1001;

(iii) census tract 7044.04, blocks 1000 through 1010, 1016 through 1019, and 2000 through 2007;

(iv) census tract 7048.06, blocks 1000, 1001, 3006, and 3007; and

(v) census tract 7050.00, blocks 1000, 1002, 1010, 1018, 1019, 2000 through 2002, 3000 through 3012, 4000 through 4005, and 6000 through 6019; and

(m) that part of Montgomery County election district 10, precinct 11 that consists of the following:

(i) census tract 7012.05, blocks 3004, 3006, 3007, 3020, and 3021; and

(ii) census tract 7060.12, blocks 1003 and 1010;

(17) legislative district 17 consists of:

(a) Montgomery County election district 4, precincts 2, 3, 6, 7, 16, 21, 25, 33, 37, 40, 41, and 42;

(b) Montgomery County election district 6, precinct 16;

(c) Montgomery County election district 9, precincts 1, 2, 3, 6, 13, 16, 27, 28, 35, and 40;

(d) that part of Montgomery County election district 4, precinct 1 that consists of the following:

(i) census tract 7009.01, blocks 1000, 1002, 1032, 3000, 3003, and 3004;

(ii) census tract 7009.02, blocks 1000 through 1030 and 2000 through 2027;

(iii) census tract 7009.03, blocks 1000 through 1024;

(iv) census tract 7009.04, blocks 2000, 2001, and 2005;

(v) census tract 7011.02, blocks 1008 and 1009;

(vi) census tract 7012.11, blocks 4002, 4005, and 4010 through 4012; and

(vii) census tract 7013.03, block 2013;

(e) that part of Montgomery County election district 4, precinct 5 that consists of the following:

(i) census tract 7009.01, blocks 1001, 1012, 1013, 1021 through 1025, 1030, and 1031;

(ii) census tract 7009.04, blocks 2002 through 2004, 2007 through 2009, 2011, and 2012;

(iii) census tract 7010.01, blocks 1000 through 1020, 2007, 2011 through 2016, 2019, 3007 through 3009, and 3014; and

(iv) census tract 7010.02, block 2007;

(f) that part of Montgomery County election district 4, precinct 9 that consists of the following:

(i) census tract 7011.01, blocks 2000 through 2005, 2009 through 2016, 3000 through 3012, 4009 through 4011, 4013 through 4015, 4017, and 4018; and

(ii) census tract 7032.02, block 2009;

(g) that part of Montgomery County election district 4, precinct 11 that consists of the following:

(i) census tract 7010.01, blocks 3010 and 3011; and

(ii) census tract 7010.02, blocks 2011 and 2012;

(h) that part of Montgomery County election district 4, precinct 13 that consists of census tract 7012.05, block 2007;

(i) that part of Montgomery County election district 4, precinct 14 that consists of the following:

(i) census tract 7010.04, blocks 1000 through 1009 and 3000 through 3003; and

(ii) census tract 7012.11, blocks 2000 through 2002, 3004, 5001 through 5015, 7001 through 7015, and 8000 through 8015;

(j) that part of Montgomery County election district 4, precinct 27 that consists of the following:

(i) census tract 7011.01, block 2008; and

(ii) census tract 7012.19, blocks 1003, 1005, 1014, and 1016;

(k) that part of Montgomery County election district 4, precinct 30 that consists of the following:

(i) census tract 7009.04, blocks 1002, 1006 through 1009, 1011, and 2010;

(ii) census tract 7009.05, blocks 1000 through 1003 and 2000 through 2007;

(iii) census tract 7010.01, blocks 3000 through 3004, 3006, 3015, and 3016;

(iv) census tract 7012.05, blocks 2001 and 2003 through 2005; and

(v) census tract 7012.18, blocks 1002 and 1003;

(l) that part of Montgomery County election district 4, precinct 38 that consists of the following:

(i) census tract 7011.01, block 3015; and

(ii) census tract 7011.02, block 2001;

(m) that part of Montgomery County election district 4, precinct 43 that consists of census tract 7012.19, block 1001;

(n) that part of Montgomery County election district 6, precinct 3 that consists of census tract 7006.10, block 1035;

(o) that part of Montgomery County election district 9, precinct 15 that consists of the following:

(i) census tract 7007.21, blocks 2004 and 2005;

(ii) census tract 7007.23, blocks 3000 through 3004, 4007, and 4008;

(iii) census tract 7007.33, blocks 1001 through 1007, 2000 through 2009, 3000 through 3004, and 3008 through 3018; and

(iv) census tract 7008.13, blocks 1003 and 4004;

(p) that part of Montgomery County election district 9, precinct 24 that consists of census tract 7007.06, block 2004;

(q) that part of Montgomery County election district 9, precinct 31 that consists of census tract 7007.18, blocks 1000 through 1002, 1005 through 1014, 2001 through 2003, 2005 through 2021, 4006 through 4010, and 4013 through 4025; and

(r) that part of Montgomery County election district 13, precinct 51 that consists of census tract 7032.02, blocks 2006, 2010, and 2015;

(18) legislative district 18 consists of:

(a) Montgomery County election district 4, precincts 4, 8, 15, and 26;

(b) Montgomery County election district 7, precincts 1, 2, 5, 6, 16, 21, and 32;

(c) Montgomery County election district 13, precincts 3, 16, 24, 27, 28, 29, 30, 31, 32, 34, 36, 38, 40, 44, 53, 58, and 59;

(d) that part of Montgomery County election district 4, precinct 10 that consists of the following:

(i) census tract 7012.02, blocks 2022 and 2023; and

(ii) census tract 7012.14, block 2004;

(e) that part of Montgomery County election district 4, precinct 17 that consists of the following:

(i) census tract 7012.02, blocks 2005 and 2006; and

(ii) census tract 7012.16, blocks 2004, 2005, 3002, and 3003;

(f) that part of Montgomery County election district 4, precinct 27 that consists of the following:

(i) census tract 7012.01, blocks 1000 and 1002; and

(ii) census tract 7012.19, blocks 1000, 1002, 1007, 1011, 2000, and 2012;

(g) that part of Montgomery County election district 4, precinct 31 that consists of census tract 7012.14, blocks 1004, 2005, and 2008;

(h) that part of Montgomery County election district 4, precinct 38 that consists of census tract 7011.02, blocks 2002, 2017, and 2022 through 2024;

(i) that part of Montgomery County election district 4, precinct 43 that consists of census tract 7012.19, block 1006;

(j) that part of Montgomery County election district 7, precinct 9 that consists of the following:

(i) census tract 7044.01, blocks 1000 and 1003;

(ii) census tract 7050.00, blocks 1001 and 1015; and

(iii) census tract 7051.00, block 1007;

(k) that part of Montgomery County election district 13, precinct 7 that consists of census tract 7028.00, blocks 1000 through 1017, 1020 through 1022, 2001 through 2038, 2040, and 2041;

(l) that part of Montgomery County election district 13, precinct 25 that consists of the following:

(i) census tract 7033.02, block 3015;

(ii) census tract 7034.01, blocks 1015 and 3015; and

(iii) census tract 7035.01, blocks 1000, 1001, 2000 through 2024, 3000 through 3013, and 4000 through 4013; and

(m) that part of Montgomery County election district 13, precinct 39 that consists of the following:

(i) census tract 7026.02, blocks 1002 through 1004;

(ii) census tract 7027.00, blocks 2000 through 2017 and 3000 through 3015; and

(iii) census tract 7052.00, blocks 1004 and 1005;

(19) legislative district 19 consists of:

(a) Montgomery County election district 4, precincts 19, 34, and 36;

(b) Montgomery County election district 8, precincts 3, 4, and 8;

(c) Montgomery County election district 9, precincts 4, 10, 14, 36, and 39;

(d) Montgomery County election district 13, precincts 1, 2, 11, 20, 33, 35, 37, 43, 45, 46, 49, 52, 54, 55, 56, 57, 60, 61, 63, 64, 69, 70, and 71;

(e) that part of Montgomery County election district 1, precinct 5 that consists of census tract 7001.03, blocks 3000 through 3008, 4006, 4007, and 4011 through 4014;

(f) that part of Montgomery County election district 4, precinct 1 that consists of census tract 7012.11, block 4008;

(g) that part of Montgomery County election district 4, precinct 9 that consists of the following:

(i) census tract 7011.01, block 2006; and

(ii) census tract 7032.02, block 2008;

(h) that part of Montgomery County election district 4, precinct 14 that consists of census tract 7012.11, blocks 3003, 5000, and 7000;

(i) that part of Montgomery County election district 4, precinct 27 that consists of census tract 7011.01, block 2007;

(j) that part of Montgomery County election district 9, precinct 31 that consists of census tract 7007.18, blocks 2000, 2004, and 4011;

(k) that part of Montgomery County election district 9, precinct 37 that consists of the following:

(i) census tract 7007.10, blocks 4002 and 4005;

(ii) census tract 7007.20, blocks 3000 through 3002;

(iii) census tract 7007.29, blocks 2008 and 2009; and

(iv) census tract 7007.30, blocks 1000 through 1004 and 1006 through 1013;

(l) that part of Montgomery County election district 13, precinct 25 that consists of the following:

(i) census tract 7032.01, block 4011; and

(ii) census tract 7033.01, block 4011; and

(m) that part of Montgomery County election district 13, precinct 51 that consists of the following:

(i) census tract 7013.03, block 2015;

(ii) census tract 7032.01, blocks 3000 through 3013 and 4000 through 4006; and

(iii) census tract 7032.02, blocks 2000 through 2005, 2007, and 2011 through 2014;

(20) legislative district 20 consists of:

(a) Montgomery County election district 5, precincts 3, 5, 6, 10, 11, 13, 14, and 22;

(b) Montgomery County election district 13, precincts 4, 5, 6, 8, 10, 13, 14, 15, 18, 19, 21, 22, 23, 42, 47, 50, 65, 67, and 68;

(c) that part of Montgomery County election district 13, precinct 7 that consists of census tract 7028.00, blocks 1018, 1019, 2000, and 2039; and

(d) that part of Montgomery County election district 13, precinct 39 that consists of census tract 7026.02, block 1001;

(21) legislative district 21 consists of:

(a) Anne Arundel County election district 1, precinct 99;

(b) Anne Arundel County election district 4, precincts 10, 25, and 99;

(c) Anne Arundel County election district 7, precincts 18 and 24;

(d) that part of Anne Arundel County election district 4, precinct 18 that consists of the following:

(i) census tract 7406.03, blocks 1014 and 1017; and

(ii) census tract 7407.04, blocks 1006, 2000 through 2002, 2009 through 2014, 2027 through 2029, 3003 through 3007, and 3036;

(e) that part of Anne Arundel County election district 4, precinct 20 that consists of the following:

(i) census tract 7406.03, blocks 1000 through 1007, 2057, 2058, and 2071;

(ii) census tract 7407.01, blocks 2001, 2002, 2005, and 3001 through 3014;

(iii) census tract 7407.04, blocks 3000 through 3002; and

(iv) census tract 7515.00, blocks 1014 and 1015;

(f) that part of Anne Arundel County election district 4, precinct 21 that consists of census tract 7022.08, blocks 1003, 1007 through 1011, and 1013 through 1015;

(g) that part of Anne Arundel County election district 4, precinct 23 that consists of census tract 7407.04, blocks 2003 through 2008;

(h) that part of Anne Arundel County election district 7, precinct 14 that consists of census tract 7022.04, blocks 2012 and 2013;

(i) that part of Anne Arundel County election district 7, precinct 26 that consists of census tract 7023.00, blocks 3005 through 3007;

(j) Prince George's County election district 1;

(k) Prince George's County election district 10, precincts 1, 2, 3, 4, 5, 9, 12, and 13;

(l) Prince George's County election district 17, precinct 9;

(m) Prince George's County election district 19, precinct 98;

(n) Prince George's County election district 21, precincts 1, 2, 4, 10, 15, 17, 94, 95, and 99;

(o) that part of Prince George's County election district 17, precinct 12 that consists of census tract 8059.04, blocks 1001 through 1004 and 1006;

(p) that part of Prince George's County election district 17, precinct 13 that consists of census tract 8057.00, block 3004;

(q) that part of Prince George's County election district 17, precinct 14 that consists of census tract 8059.09, blocks 1000 through 1002, 1004, and 1005;

(r) that part of Prince George's County election district 21, precinct 5 that consists of census tract 8073.05, block 2014;

(s) that part of Prince George's County election district 21, precinct 12 that consists of census tract 8064.00, blocks 1000, 1006, 1009, and 1010;

(t) that part of Prince George's County election district 21, precinct 14 that consists of the following:

(i) census tract 8073.01, blocks 1002, 1003, 2000, and 2001;

(ii) census tract 8074.05, blocks 3016 through 3018; and

(iii) census tract 8074.09, blocks 1001 through 1006;

(u) that part of Prince George's County election district 21, precinct 96 that consists of the following:

(i) census tract 8068.00, block 3008; and

(ii) census tract 8071.02, blocks 2011 and 2012; and

(v) that part of Prince George's County election district 21, precinct 97 that consists of census tract 8074.08, block 1017;

(22) legislative district 22 consists of:

(a) Prince George's County election district 2, precincts 6, 10, 96, 97, 98, and 99;

(b) Prince George's County election district 13, precinct 21;

(c) Prince George's County election district 16, precincts 1, 2, 4, and 5;

(d) Prince George's County election district 17, precinct 15;

(e) Prince George's County election district 19, precincts 1, 2, 3, 4, 5, and 99;

(f) Prince George's County election district 20, precincts 5, 6, 11, 14, 15, 18, 98, and 99;

(g) Prince George's County election district 21, precincts 3, 6, 7, 8, 9, 11, 13, 16, 18, 19, 91, 92, and 98;

(h) that part of Prince George's County election district 2, precinct 5 that consists of the following:

(i) census tract 8039.00, blocks 2002 and 3014; and

(ii) census tract 8040.02, blocks 2000 and 2004;

(i) that part of Prince George's County election district 13, precinct 8 that consists of the following:

(i) census tract 8034.03, blocks 3000 through 3004 and 4002 through 4004; and

(ii) census tract 8035.08, blocks 2015 and 2017;

(j) that part of Prince George's County election district 13, precinct 19 that consists of census tract 8033.00, block 1000;

(k) that part of Prince George's County election district 13, precinct 20 that consists of the following:

(i) census tract 8035.08, blocks 1000 and 1002;

(ii) census tract 8036.01, blocks 2007 through 2011 and 2015; and

(iii) census tract 8036.02, blocks 2019 and 2023 through 2026;

(l) that part of Prince George's County election district 14, precinct 2 that consists of the following:

(i) census tract 8004.12, blocks 2000 and 2001; and

(ii) census tract 8004.13, blocks 1000, 1001, 2000 through 2002, and 2009 through 2011;

(m) that part of Prince George's County election district 14, precinct 8 that consists of the following:

(i) census tract 8004.11, blocks 1012, 1018, 1019, and 1027 through 1034;

(ii) census tract 8004.12, blocks 1000 through 1015; and

(iii) census tract 8067.11, blocks 2000 through 2004;

(n) that part of Prince George's County election district 16, precinct 3 that consists of the following:

(i) census tract 8060.00, block 1010;

(ii) census tract 8061.00, blocks 1000 through 1002, 1005 through 1007, 1012 through 1027, 2000 through 2004, and 2016 through 2024; and

(iii) census tract 8075.00, blocks 1003 through 1033, 2000 through 2005, 3017 through 3033, 3049, and 3050;

(o) that part of Prince George's County election district 17, precinct 8 that consists of the following:

(i) census tract 8059.08, blocks 1001, 1003, 1004, and 1008; and

(ii) census tract 8059.09, blocks 1015 through 1020;

(p) that part of Prince George's County election district 17, precinct 14 that consists of the following:

(i) census tract 8059.08, blocks 1011 through 1014 and 1016; and

(ii) census tract 8059.09, blocks 1003, 1006 through 1014, 2000, and 2001;

(q) that part of Prince George's County election district 20, precinct 1 that consists of the following:

(i) census tract 8036.05, blocks 1000, 1001, 2000 through 2011, and 2013 through 2031; and

(ii) census tract 8036.06, blocks 3000 through 3012;

(r) that part of Prince George's County election district 20, precinct 2 that consists of census tract 8036.13, blocks 2008 and 2009;

(s) that part of Prince George's County election district 20, precinct 7 that consists of census tract 8035.09, blocks 1007 through 1009 and 1011;

(t) that part of Prince George's County election district 20, precinct 12 that consists of the following:

(i) census tract 8036.12, blocks 1009 and 1010; and

(ii) census tract 8036.13, blocks 1000, 1011, 2000 through 2005, 2010, and 3000 through 3004;

(u) that part of Prince George's County election district 20, precinct 13 that consists of census tract 8036.12, blocks 1011 and 2004 through 2009;

(v) that part of Prince George's County election district 20, precinct 16 that consists of the following:

(i) census tract 8004.08, blocks 2019 and 2030;

(ii) census tract 8036.07, blocks 2014 and 2015; and

(iii) census tract 8036.08, blocks 1000, 1007, 1008, 1010, and 1017 through 1019;

(w) that part of Prince George's County election district 21, precinct 12 that consists of census tract 8064.00, blocks 1001 through 1003, 1007, and 1008;

(x) that part of Prince George's County election district 21, precinct 96 that consists of census tract 8071.02, blocks 2013 and 2014; and

(y) that part of Prince George's County election district 21, precinct 97 that consists of census tract 8074.08, block 1036;

(23) legislative district 23 consists of:

(a) Prince George's County election district 3, precincts 1, 2, 3, 5, and 8;

(b) Prince George's County election district 7, precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 19, 20, 21, and 23;

(c) Prince George's County election district 10, precincts 6, 7, 8, 10, 11, and 14;

(d) Prince George's County election district 14, precincts 4, 5, 6, 11, 13, 14, and 16;

(e) Prince George's County election district 15, precincts 1, 3, and 4;

(f) that part of Prince George's County election district 4, precinct 1 that consists of census tract 8008.00, blocks 1002 through 1004, 1011 through 1017, 1019 through 1021, and 1031;

(g) that part of Prince George's County election district 7, precinct 18 that consists of census tract 8005.13, blocks 4011, 4013, and 4016;

(h) that part of Prince George's County election district 11, precinct 2 that consists of the following:

(i) census tract 8010.04, blocks 1000 through 1002 and 1022; and

(ii) census tract 8010.06, blocks 2006, 2007, and 2010 through 2014;

(i) that part of Prince George's County election district 11, precinct 3 that consists of the following:

(i) census tract 8010.05, blocks 1007 through 1014 and 1016; and

(ii) census tract 8010.06, blocks 1000 through 1017, 2000 through 2005, 2008, 2009, and 2015;

(j) that part of Prince George's County election district 14, precinct 1 that consists of the following:

(i) census tract 8004.03, block 1018;

(ii) census tract 8004.09, blocks 1002 through 1006, 3000 through 3002, and 3006 through 3008; and

(iii) census tract 8004.10, block 2030;

(k) that part of Prince George's County election district 14, precinct 3 that consists of the following:

(i) census tract 8004.02, blocks 2007 through 2024 and 3000 through 3021; and

(ii) census tract 8004.09, blocks 3009, 3015, 3016, 3022, 3023, and 3029;

(l) that part of Prince George's County election district 14, precinct 8 that consists of census tract 8004.11, block 1013;

(m) that part of Prince George's County election district 14, precinct 9 that consists of census tract 8004.10, blocks 1000 through 1003, 1008 through 1012, 1014, 2016 through 2019, 2022 through 2027, 2029, 2031 through 2033, 2036 through 2038, 3003, 3005 through 3009, 3011 through 3019, 4000 through 4002, 4004, 4006 through 4011, 4013, 4015, and 4017 through 4020;

(n) that part of Prince George's County election district 14, precinct 10 that consists of census tract 8004.09, blocks 2006, 2007, 3018, 3019, 3021, 3024 through 3028, 3030, and 3031; and

(o) that part of Prince George's County election district 15, precinct 6 that consists of census tract 8007.07, blocks 1000 through 1003, 1009 through 1016, and 1021 through 1023;

(24) legislative district 24 consists of:

(a) Prince George's County election district 6, precincts 3, 6, 12, 15, 19, and 26;

(b) Prince George's County election district 7, precincts 13, 22, and 24;

(c) Prince George's County election district 13, precincts 1, 3, 5, 12, 14, 16, 24, and 99;

(d) Prince George's County election district 14, precincts 7, 12, 15, and 17;

(e) Prince George's County election district 18, precincts 1, 2, 4, 7, 8, 10, 11, 13, and 16;

(f) Prince George's County election district 20, precincts 3, 4, 8, 9, 10, 17, 19, 20, and 21;

(g) that part of Prince George's County election district 6, precinct 21 that consists of the following:

(i) census tract 8020.02, blocks 1001 through 1003 and 1005 through 1008;

(ii) census tract 8024.05, block 1017; and

(iii) census tract 8024.06, blocks 1003 through 1005 and 1007 through 1009;

(h) that part of Prince George's County election district 7, precinct 18 that consists of census tract 8005.13, block 4012;

(i) that part of Prince George's County election district 13, precinct 7 that consists of the following:

(i) census tract 8035.19, blocks 2000 through 2005 and 3000 through 3015;

(ii) census tract 8035.24, blocks 2000 through 2010; and

(iii) census tract 8035.25, blocks 1000 through 1010 and 2000 through 2005;

(j) that part of Prince George's County election district 13, precinct 8 that consists of the following:

(i) census tract 8034.03, blocks 4000, 4001, and 4008; and

(ii) census tract 8035.08, blocks 2018 through 2020, 3001, and 3002;

(k) that part of Prince George's County election district 13, precinct 10 that consists of census tract 8035.14, blocks 2000 through 2008, 3000, 3001, 3005 through 3010, and 3012 through 3018;

(l) that part of Prince George's County election district 13, precinct 11 that consists of census tract 8035.28, blocks 4006 through 4012;

(m) that part of Prince George's County election district 13, precinct 15 that consists of the following:

(i) census tract 8035.16, blocks 1000 through 1004, 2000, and 3004 through 3008; and

(ii) census tract 8035.20, blocks 1000 through 1004, 1006 through 1009, 2000, 2006, and 2007;

(n) that part of Prince George's County election district 13, precinct 18 that consists of census tract 8034.03, block 4009;

(o) that part of Prince George's County election district 13, precinct 20 that consists of census tract 8036.02, blocks 2016 and 2022;

(p) that part of Prince George's County election district 13, precinct 23 that consists of the following:

(i) census tract 8035.14, blocks 1012 through 1015; and

(ii) census tract 8035.27, blocks 1001 and 1010;

(q) that part of Prince George's County election district 13, precinct 25 that consists of census tract 8035.24, blocks 1003, 1007, and 1008;

(r) that part of Prince George's County election district 14, precinct 1 that consists of census tract 8004.09, blocks 1000, 1001, 1007 through 1009, 1011 through 1014, 2000, 2001, 3003 through 3005, and 3013;

(s) that part of Prince George's County election district 14, precinct 2 that consists of census tract 8004.12, blocks 2002 through 2010;

(t) that part of Prince George's County election district 14, precinct 3 that consists of census tract 8004.09, blocks 3010 and 3011;

(u) that part of Prince George's County election district 14, precinct 9 that consists of census tract 8004.10, blocks 1004 through 1007 and 2035;

(v) that part of Prince George's County election district 14, precinct 10 that consists of census tract 8004.09, blocks 2002 through 2005, 3012, 3014, 3017, and 3020;

(w) that part of Prince George's County election district 18, precinct 9 that consists of the following:

(i) census tract 8027.00, blocks 1000, 1001, 1014, and 1023;

(ii) census tract 8028.03, blocks 3000 through 3024;

(iii) census tract 8028.04, blocks 2007 through 2011, 3001, and 3008 through 3013; and

(iv) census tract 8029.01, blocks 2006 through 2009, 3009 through 3015, and 3024;

(x) that part of Prince George's County election district 18, precinct 15 that consists of the following:

(i) census tract 8029.01, block 1020; and

(ii) census tract 8030.01, blocks 2034 through 2037 and 2041;

(y) that part of Prince George's County election district 20, precinct 1 that consists of census tract 8036.06, blocks 2001 through 2010 and 4010;

(z) that part of Prince George's County election district 20, precinct 7 that consists of the following:

(i) census tract 8035.09, blocks 1000, 1005, 1006, and 1010; and

(ii) census tract 8036.02, blocks 1000 through 1007, 2015, 2017, and 2018; and

(aa) that part of Prince George's County election district 20, precinct 16 that consists of census tract 8004.08, blocks 2021 and 2029;

(25) legislative district 25 consists of:

(a) Prince George's County election district 3, precincts 4, 6, and 7;

(b) Prince George's County election district 6, precincts 1, 4, 5, 10, 11, 16, 20, 22, 23, 24, 25, 29, and 99;

(c) Prince George's County election district 7, precinct 12;

(d) Prince George's County election district 9, precincts 2, 3, 6, 9, 10, and 15;

(e) Prince George's County election district 11, precinct 5;

(f) Prince George's County election district 12, precincts 3, 16, and 18;

(g) Prince George's County election district 13, precincts 4, 6, 9, and 13;

(h) Prince George's County election district 15, precincts 2 and 5;

(i) Prince George's County election district 18, precinct 6;

(j) that part of Prince George's County election district 6, precinct 9 that consists of the following:

(i) census tract 8018.01, blocks 1000 through 1012; and

(ii) census tract 8018.02, blocks 2001, 2002, and 2015 through 2018;

(k) that part of Prince George's County election district 6, precinct 18 that consists of census tract 8019.04, blocks 1021 and 1031;

(l) that part of Prince George's County election district 6, precinct 21 that consists of census tract 8020.02, blocks 3005 and 4010;

(m) that part of Prince George's County election district 6, precinct 27 that consists of the following:

(i) census tract 8019.04, blocks 1007 through 1014, 1036, and 1037;

(ii) census tract 8019.05, blocks 1012, 1013, and 1018; and

(iii) census tract 8019.06, blocks 1007 through 1014, 2000 through 2002, and 2006 through 2015;

(n) that part of Prince George's County election district 9, precinct 1 that consists of the following:

(i) census tract 8012.10, blocks 1003 through 1010 and 2000 through 2010; and

(ii) census tract 8012.11, blocks 2009 through 2011 and 2013 through 2020;

(o) that part of Prince George's County election district 9, precinct 4 that consists of census tract 8012.16, blocks 2000 through 2006;

(p) that part of Prince George's County election district 9, precinct 11 that consists of the following:

(i) census tract 8012.07, blocks 1001 through 1017, 2004 through 2010, 2015 through 2018, 2020 through 2023, and 2025; and

(ii) census tract 8012.15, blocks 1001 through 1004 and 1006 through 1012;

(q) that part of Prince George's County election district 11, precinct 3 that consists of census tract 8010.05, blocks 1003 and 1005;

(r) that part of Prince George's County election district 13, precinct 10 that consists of the following:

(i) census tract 8035.12, blocks 3000 through 3003;

(ii) census tract 8035.13, blocks 1000 through 1002 and 2000 through 2003; and

(iii) census tract 8035.14, blocks 2009, 3002 through 3004, and 3011;

(s) that part of Prince George's County election district 13, precinct 11 that consists of the following:

(i) census tract 8035.26, blocks 2000, 2002, and 2007; and

(ii) census tract 8035.27, blocks 1000, 1003 through 1006, and 1013;

(t) that part of Prince George's County election district 13, precinct 15 that consists of census tract 8035.20, block 1005;

(u) that part of Prince George's County election district 13, precinct 23 that consists of census tract 8035.27, blocks 1002, 1007 through 1009, 1011, and 1012;

(v) that part of Prince George's County election district 15, precinct 6 that consists of the following:

(i) census tract 8007.06, blocks 1000 through 1002, 1004, and 1008; and

(ii) census tract 8007.07, blocks 1004 through 1007 and 1017 through 1020; and

(w) that part of Prince George's County election district 18, precinct 9 that consists of census tract 8028.04, block 2006;

(26) legislative district 26 consists of:

(a) Prince George's County election district 5, precincts 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12;

(b) Prince George's County election district 6, precincts 2, 7, 8, 13, 14, 17, 28, and 98;

(c) Prince George's County election district 9, precincts 5, 12, 13, and 14;

(d) Prince George's County election district 12, precincts 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 17;

(e) that part of Prince George's County election district 5, precinct 1 that consists of the following:

(i) census tract 8013.10, blocks 2013 and 3001 through 3016; and

(ii) census tract 8013.11, blocks 3028, 3029, and 3032 through 3040;

(f) that part of Prince George's County election district 6, precinct 9 that consists of census tract 8018.02, blocks 2009, 2013, 2014, 2019, 3003, 3004, 3009, 3011, and 3012;

(g) that part of Prince George's County election district 6, precinct 18 that consists of the following:

(i) census tract 8019.04, blocks 1017 through 1020, 1022 through 1030, 1032, 1033, 1038, and 1039; and

(ii) census tract 8019.05, blocks 1017, 2002, 2004 through 2006, 2009, and 2012 through 2018;

(h) that part of Prince George's County election district 6, precinct 27 that consists of the following:

(i) census tract 8019.05, block 1002; and

(ii) census tract 8019.06, block 1004; and

(i) that part of Prince George's County election district 9, precinct 1 that consists of census tract 8012.10, blocks 1000 through 1002;

(27) legislative district 27 consists of:

(a) delegate district 27A (single member delegate district):

(i) Charles County election district 6, precincts 5, 8, 12, 17, and 22;

(ii) Charles County election district 8, precincts 2 and 3;

(iii) Charles County election district 9, precinct 1;

(iv) that part of Charles County election district 8, precinct 1 that consists of the following:

1. census tract 8509.04, block 3022;

2. census tract 8513.02, blocks 1000 through 1006 and 1008 through 1012; and

3. census tract 8514.03, blocks 1013, 1015 through 1029, 1031, 1033 through 1039, and 1041;

(v) that part of Charles County election district 8, precinct 4 that consists of the following:

1. census tract 8508.02, blocks 3007, 3008, 3014 through 3037, and 3039;

2. census tract 8509.04, blocks 3000 through 3003, 3009, and 3010; and

3. census tract 8514.03, blocks 1006 through 1011, 1014, 1030, 1032, and 1040;

(vi) that part of Charles County election district 8, precinct 5 that consists of the following:

1. census tract 8513.02, blocks 2000 through 2002 and 2008; and

2. census tract 8514.02, blocks 1004, 1005, 1009, 1010, 1015, and 1021;

(vii) that part of Charles County election district 9, precinct 2 that consists of census tract 8514.02, blocks 1002, 1003, 1006 through 1008, 1017, and 1022;

(viii) that part of Prince George's County election district 5, precinct 1 that consists of the following:

1. census tract 8013.10, blocks 3000 and 3017 through 3020; and

2. census tract 8013.11, blocks 1007, 2011, 3000 through 3027, 3030, 3031, and 3041 through 3047;

(ix) that part of Prince George's County election district 9, precinct 4 that consists of census tract 8012.16, blocks 1000 through 1009, 2017, and 2018;

(x) that part of Prince George's County election district 9, precinct 7 that consists of the following:

1. census tract 8012.09, blocks 1000 through 1007, 2000 through 2008, and 2011 through 2022; and

2. census tract 8013.11, block 1011; and

(xi) that part of Prince George's County election district 11, precinct 4 that consists of the following:

1. census tract 8010.03, blocks 1004 through 1027, 1029 through 1036, 1038, 2047, and 2048; and

2. census tract 8010.04, blocks 2002, 2003, and 2009;

(b) delegate district 27B (single member delegate district):

(i) Calvert County election district 3, precincts 1, 4, 6, 7, and 8;

(ii) that part of Calvert County election district 2, precinct 7 that consists of census tract 8602.00, blocks 1000 through 1006, 1010 through 1014, and 1019;

(iii) that part of Calvert County election district 3, precinct 2 that consists of census tract 8604.02, blocks 1018, 1028, 2001, 2004, and 2010;

(iv) that part of Calvert County election district 3, precinct 5 that consists of the following:

1. census tract 8602.00, blocks 2003 through 2006 and 2010 through 2017;

2. census tract 8603.00, blocks 1000 through 1011 and 1014 through 1020; and

3. census tract 8604.03, block 1015;

(v) Prince George's County election district 8;

(vi) Prince George's County election district 9, precinct 8;

(vii) Prince George's County election district 11, precinct 1;

(viii) that part of Prince George's County election district 4, precinct 1 that consists of census tract 8008.00, blocks 1006 through 1010, 1018, 1022 through 1030, 1032, 2000 through 2032, and 3000;

(ix) that part of Prince George's County election district 9, precinct 7 that consists of census tract 8012.09, blocks 2009 and 2010;

(x) that part of Prince George's County election district 9, precinct 11 that consists of census tract 8012.07, blocks 2011 through 2014, 2019, 2024, and 2026;

(xi) that part of Prince George's County election district 11, precinct 2 that consists of the following:

1. census tract 8008.00, blocks 3001 through 3003;

2. census tract 8010.04, blocks 1003 through 1005 and 1010; and

3. census tract 8010.05, blocks 2000 through 2020; and

(xii) that part of Prince George's County election district 11, precinct 4 that consists of the following:

1. census tract 8010.03, blocks 1000 through 1003, 1028, 1037, 2005, 2007, 2009 through 2017, 2019 through 2027, 2029 through 2031, 2034 through 2037, 2045, and 2046; and

2. census tract 8010.04, blocks 1009, 1011 through 1013, 1016 through 1018, 1020, 1021, 1023 through 1025, 2000, 2001, and 2004 through 2008; and

(c) delegate district 27C (single member delegate district):

(i) Calvert County election district 1, precincts 3 and 4;

(ii) Calvert County election district 2, precincts 1, 2, 3, 4, 5, 6, and 8;

(iii) Calvert County election district 3, precinct 3;

(iv) that part of Calvert County election district 1, precinct 2 that consists of the following:

1. census tract 8609.02, blocks 1025 and 1026; and

2. census tract 8611.00, blocks 1003 and 1049;

(v) that part of Calvert County election district 2, precinct 7 that consists of the following:

1. census tract 8602.00, blocks 1015 through 1018; and

2. census tract 8606.00, blocks 1000 through 1003, 1010, 1011, 1013, 1015, and 1021;

(vi) that part of Calvert County election district 3, precinct 2 that consists of the following:

1. census tract 8603.00, blocks 2010, 2013, 2014, 3001 through 3007, and 3009;

2. census tract 8604.02, blocks 1013 through 1017, 1024, 2005 through 2009, and 2011 through 2017; and

3. census tract 8605.02, blocks 1002 through 1006 and 1012; and

(vii) that part of Calvert County election district 3, precinct 5 that consists of census tract 8602.00, block 2020;

(28) legislative district 28 consists of:

(a) Charles County election districts 1, 2, 3, 4, 5, 7, and 10;

(b) Charles County election district 6, precincts 1, 2, 3, 4, 6, 7, 9, 10, 11, 13, 14, 15, 16, 18, 19, 20, and 21;

(c) that part of Charles County election district 8, precinct 1 that consists of the following:

(i) census tract 8509.04, block 3017; and

(ii) census tract 8513.02, blocks 1007, 1013 through 1032, 2010 through 2015, 2017, and 3000 through 3003;

(d) that part of Charles County election district 8, precinct 4 that consists of the following:

(i) census tract 8509.04, blocks 1000, 1001, 1029 through 1031, 1036 through 1056, 1059 through 1079, 1083, 1084, 1087 through 1090, 3004 through 3008, 3011 through 3016, and 3018 through 3021;

(ii) census tract 8510.03, blocks 2000 and 2001; and

(iii) census tract 8510.04, blocks 3031 and 3034 through 3036;

(e) that part of Charles County election district 8, precinct 5 that consists of census tract 8513.02, blocks 2003 through 2007, 2009, and 2016; and

(f) that part of Charles County election district 9, precinct 2 that consists of census tract 8514.02, blocks 1011 through 1014, 1016, 1018 through 1020, 2001 through 2013, and 2016;

(29) legislative district 29 consists of:

(a) delegate district 29A (single member delegate district):

(i) St. Mary's County election districts 4, 5, and 7;

(ii) St. Mary's County election district 3, precincts 2 and 4;

(iii) St. Mary's County election district 6, precincts 1, 2, and 4;

(iv) that part of St. Mary's County election district 3, precinct 1 that consists of the following:

1. census tract 8754.00, blocks 1000, 1004, 2000, 2001, 2003 through 2024, 4045, and 4046;

2. census tract 8755.01, blocks 1022, 1024, 1025, and 2008; and

3. census tract 8755.02, blocks 1012 through 1046, 1050 through 1055, 1057, 1062 through 1064, and 1066 through 1072;

(v) that part of St. Mary's County election district 3, precinct 3 that consists of the following:

1. census tract 8754.00, blocks 1001, 1002, and 1006; and

2. census tract 8755.01, block 1023; and

(vi) that part of St. Mary's County election district 3, precinct 5 that consists of the following:

1. census tract 8755.01, block 2004; and

2. census tract 8755.02, blocks 1058 through 1061;

(b) delegate district 29B (single member delegate district):

(i) St. Mary's County election district 1;

(ii) St. Mary's County election district 8, precincts 1, 3, 4, 5, 8, 9, 10, and 11;

(iii) that part of St. Mary's County election district 2, precinct 4 that consists of census tract 8761.02, block 2009;

(iv) that part of St. Mary's County election district 3, precinct 5 that consists of census tract 8755.01, blocks 2020, 2026, 2027, and 2029;

(v) that part of St. Mary's County election district 3, precinct 6 that consists of the following:

1. census tract 8755.01, blocks 2014 through 2019, 2021 through 2025, 2028, 2032, 2038, 2040, 2043 through 2046, and 2056 through 2058; and

2. census tract 8756.02, block 3034;

(vi) that part of St. Mary's County election district 6, precinct 3 that consists of census tract 8756.02, blocks 3024, 3026, 3027, and 3044;

(vii) that part of St. Mary's County election district 8, precinct 2 that consists of census tract 8756.02, blocks 3021 and 3022;

(viii) that part of St. Mary's County election district 8, precinct 7 that consists of the following:

1. census tract 8759.04, blocks 2000 through 2003, 2007 through 2009, and 2011;

2. census tract 8760.01, blocks 1010, 2004, and 3000 through 3011;

3. census tract 8760.03, blocks 1000 through 1005, 2011, and 2012; and

4. census tract 8760.04, blocks 1015 and 1041; and

(ix) that part of St. Mary's County election district 8, precinct 12 that consists of census tract 8760.03, block 2008; and

(c) delegate district 29C (single member delegate district):

(i) Calvert County election district 1, precincts 1, 5, 6, and 7;

(ii) that part of Calvert County election district 1, precinct 2 that consists of the following:

1. census tract 8609.01, blocks 1000 through 1003;

2. census tract 8609.02, blocks 1006 through 1013, 1023, 1024, 1027 through 1043, 1047 through 1052, 1055, and 1058;

3. census tract 8610.03, blocks 3000 through 3004, 3006 through 3009, and 3030 through 3032;

4. census tract 8610.04, blocks 1000 through 1011, 1018, and 1019; and

5. census tract 8611.00, blocks 1004, 1050 through 1057, 1061 through 1068, 1070, 1071, and 1075;

(iii) St. Mary's County election district 9;

(iv) St. Mary's County election district 2, precincts 1, 2, and 3;

(v) St. Mary's County election district 8, precinct 6;

(vi) that part of St. Mary's County election district 2, precinct 4 that consists of census tract 8761.02, blocks 2000 through 2005 and 2008;

(vii) that part of St. Mary's County election district 3, precinct 1 that consists of census tract 8755.01, block 1015;

(viii) that part of St. Mary's County election district 3, precinct 3 that consists of the following:

1. census tract 8754.00, blocks 1003, 1005, 1009, 1011, 1013 through 1018, 1022, 1023, 1025, 1026, 1028 through 1035, and 1038; and

2. census tract 8761.01, blocks 2002 through 2004;

(ix) that part of St. Mary's County election district 3, precinct 5 that consists of the following:

1. census tract 8755.01, blocks 1009, 1011 through 1014, 1016 through 1021, 1026 through 1038, 2000, 2005 through 2007, 2009 through 2013, 2047, and 2054;

2. census tract 8755.02, block 1056; and

3. census tract 8756.02, blocks 3016 and 3017;

(x) that part of St. Mary's County election district 3, precinct 6 that consists of census tract 8755.01, blocks 2030, 2031, 2033 through 2037, 2039, 2041, and 2042;

(xi) that part of St. Mary's County election district 6, precinct 3 that consists of the following:

1. census tract 8756.02, blocks 3000 through 3015, 3018 through 3020, and 3023;

2. census tract 8757.00, blocks 2001 through 2003 and 2005 through 2026; and

3. census tract 8758.03, block 4010;

(xii) that part of St. Mary's County election district 8, precinct 2 that consists of the following:

1. census tract 8756.02, block 2000; and

2. census tract 8758.03, blocks 2002, 3001 through 3007, 3009 through 3017, 4002, 4003, 4005 through 4009, and 4011 through 4015;

(xiii) that part of St. Mary's County election district 8, precinct 7 that consists of census tract 8758.03, block 1034; and

(xiv) that part of St. Mary's County election district 8, precinct 12 that consists of the following:

1. census tract 8755.01, block 1010; and

2. census tract 8760.03, blocks 2005 through 2007 and 2009;

(30) legislative district 30 consists of:

(a) delegate district 30A (two member delegate district):

(i) Anne Arundel County election district 5, precinct 20;

(ii) Anne Arundel County election district 6, precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 29, 30, and 32;

(iii) Anne Arundel County election district 7, precinct 5;

(iv) that part of Anne Arundel County election district 5, precinct 5 that consists of census tract 7308.00, blocks 1007 through 1013;

(v) that part of Anne Arundel County election district 5, precinct 23 that consists of census tract 7308.00, blocks 1002, 1005, 1006, 1015 through 1019, and 1021 through 1036;

(vi) that part of Anne Arundel County election district 5, precinct 26 that consists of census tract 7311.03, blocks 1002 through 1012, 2000 through 2006, and 2008;

(vii) that part of Anne Arundel County election district 6, precinct 21 that consists of census tract 7024.02, blocks 1002 through 1004 and 1006; and

(viii) that part of Anne Arundel County election district 7, precinct 27 that consists of census tract 7011.04, blocks 2009 and 2010; and

(b) delegate district 30B (single member delegate district):

(i) Anne Arundel County election district 7, precincts 1, 2, 3, 4, 6, 8, 9, 10, 19, 21, 23, and 25; and

(ii) that part of Anne Arundel County election district 7, precinct 27 that consists of the following:

1. census tract 7011.01, blocks 2038, 2039, and 2043;

2. census tract 7011.03, blocks 1013 through 1017, 1038 through 1040, and 1043;

3. census tract 7011.04, blocks 1009, 1010, 2016 through 2021, and 2032 through 2040;

4. census tract 7013.01, blocks 2008 through 2011; and

5. census tract 7014.00, blocks 1000 through 1009, 2004, 2005, 2010 through 2016, 2024, 2026, and 2035;

(31) legislative district 31 consists of:

(a) Anne Arundel County election district 2, precincts 10, 11, 13, 20, 22, 23, and 24;

(b) Anne Arundel County election district 3, precincts 1, 2, 3, 4, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24;

(c) Anne Arundel County election district 4, precinct 13;

(d) Anne Arundel County election district 5, precincts 7, 8, 9, 10, 14, 15, 24, 29, 30, 31, 33, and 34;

(e) that part of Anne Arundel County election district 2, precinct 1 that consists of the following:

(i) census tract 7403.03, blocks 1002 through 1006 and 1014; and

(ii) census tract 7514.00, blocks 2041 through 2045;

(f) that part of Anne Arundel County election district 2, precinct 4 that consists of census tract 7402.03, blocks 1000 and 1001;

(g) that part of Anne Arundel County election district 2, precinct 8 that consists of census tract 7511.02, block 2016;

(h) that part of Anne Arundel County election district 2, precinct 18 that consists of census tract 7305.09, block 2002;

(i) that part of Anne Arundel County election district 2, precinct 21 that consists of the following:

(i) census tract 7306.01, block 3006;

(ii) census tract 7402.03, blocks 2000, 2001, 2007 through 2012, 3000 through 3010, 3012, and 3013; and

(iii) census tract 7410.00, blocks 2011 through 2013;

(j) that part of Anne Arundel County election district 3, precinct 6 that consists of the following:

(i) census tract 7301.01, blocks 1000 through 1023;

(ii) census tract 7301.02, blocks 1004 through 1012, 1016 through 1024, 1027 through 1031, 1038 through 1040, 1042, 1048, 1051, and 3000 through 3043; and

(iii) census tract 7313.13, blocks 2001, 2002, and 2010;

(k) that part of Anne Arundel County election district 3, precinct 8 that consists of the following:

(i) census tract 7302.04, block 1004; and

(ii) census tract 7302.06, blocks 1000 through 1022, 1026, 1027, and 1030;

(l) that part of Anne Arundel County election district 4, precinct 4 that consists of census tract 7408.00, blocks 1003 through 1008, 1011, 1013 through 1025, 1027, and 1028; and

(m) that part of Anne Arundel County election district 5, precinct 19 that consists of census tract 7306.01, blocks 2000 through 2003, 2006, 2012, and 2013;

(32) legislative district 32 consists of:

(a) Anne Arundel County election district 1, precincts 1, 3, 5, 8, 9, 10, 11, 19, 20, 21, 22, 23, 24, 25, and 26;

(b) Anne Arundel County election district 2, precincts 2, 3, 5, 6, 7, 9, 14, 15, 16, and 17;

(c) Anne Arundel County election district 4, precincts 1, 6, 7, 9, and 17;

(d) that part of Anne Arundel County election district 1, precinct 2 that consists of the following:

(i) census tract 7504.00, blocks 1025 and 3021;

(ii) census tract 7512.00, blocks 1002 through 1008, 1012 through 1026, 2028, 2029, 2048, and 2093; and

(iii) census tract 9800.00, blocks 1000, 1003 through 1007, and 1009;

(e) that part of Anne Arundel County election district 1, precinct 6 that consists of the following:

(i) census tract 7401.03, blocks 1006, 2000 through 2003, 2005 through 2009, and 4000 through 4011;

(ii) census tract 7401.07, blocks 1015 and 1016;

(iii) census tract 7512.00, blocks 2037, 2038, 2044 through 2047, 2049 through 2076, 2081, 2084, 2085, 2091, and 2092; and

(iv) census tract 9800.00, block 1019;

(f) that part of Anne Arundel County election district 1, precinct 14 that consists of the following:

(i) census tract 7508.03, blocks 1004, 2000 through 2011, and 4020; and

(ii) census tract 7508.04, blocks 1001 through 1022;

(g) that part of Anne Arundel County election district 2, precinct 1 that consists of census tract 7514.00, blocks 2016 through 2031, 2036, 2040, 2046, and 2047;

(h) that part of Anne Arundel County election district 2, precinct 4 that consists of the following:

(i) census tract 7402.03, block 1002;

(ii) census tract 7402.04, blocks 2002 through 2004, 2007, and 2008; and

(iii) census tract 7514.00, blocks 1000 through 1020, 2032 through 2035, and 2037 through 2039;

(i) that part of Anne Arundel County election district 2, precinct 18 that consists of census tract 7305.09, blocks 1000 through 1004 and 3000 through 3008; and

(j) that part of Anne Arundel County election district 2, precinct 21 that consists of the following:

(i) census tract 7305.10, block 2012;

(ii) census tract 7305.13, block 2008;

(iii) census tract 7305.14, blocks 2004 and 2005; and

(iv) census tract 7410.00, blocks 2000 through 2010, 2020, and 2021;

(33) legislative district 33 consists of:

(a) delegate district 33A (single member delegate district):

(i) Anne Arundel County election district 4, precincts 2, 3, 5, 8, 11, 12, 16, 19, 22, 24, and 26;

(ii) that part of Anne Arundel County election district 4, precinct 4 that consists of census tract 7408.00, blocks 2000, 2001, 2003 through 2006, and 2014 through 2017;

(iii) that part of Anne Arundel County election district 4, precinct 18 that consists of the following:

1. census tract 7407.03, blocks 1007 through 1014; and

2. census tract 7407.04, blocks 2015 through 2026 and 2030;

(iv) that part of Anne Arundel County election district 4, precinct 20 that consists of census tract 7403.04, block 3027;

(v) that part of Anne Arundel County election district 4, precinct 21 that consists of census tract 7022.08, blocks 2000 through 2005; and

(vi) that part of Anne Arundel County election district 4, precinct 23 that consists of the following:

1. census tract 7407.01, block 2014;

2. census tract 7407.03, blocks 1000 through 1006, 2000 through 2004, and 3000 through 3007; and

3. census tract 7409.00, block 1009;

(b) delegate district 33B (single member delegate district):

(i) Anne Arundel County election district 4, precincts 14 and 15;

(ii) Anne Arundel County election district 5, precinct 25;

(iii) Anne Arundel County election district 6, precincts 27, 28, and 31;

(iv) Anne Arundel County election district 7, precincts 7, 11, 12, 13, 15, 16, 17, 20, and 22;

(v) that part of Anne Arundel County election district 4, precinct 4 that consists of the following:

1. census tract 7408.00, blocks 2002, 2019, 2020, and 2022; and

2. census tract 7517.00, blocks 1000 through 1011 and 1017 through 1019;

(vi) that part of Anne Arundel County election district 4, precinct 21 that consists of the following:

1. census tract 7022.08, blocks 1000 through 1002, 1004 through 1006, and 1012; and

2. census tract 7408.00, block 2018;

(vii) that part of Anne Arundel County election district 5, precinct 19 that consists of the following:

1. census tract 7306.01, blocks 2004, 2005, and 2007 through 2011;

2. census tract 7306.06, blocks 1012 through 1014; and

3. census tract 7307.02, blocks 3014 through 3017 and 3040;

(viii) that part of Anne Arundel County election district 6, precinct 21 that consists of the following:

1. census tract 7024.02, blocks 1001 and 1007; and

2. census tract 7516.00, blocks 2006, 2007, and 2016;

(ix) that part of Anne Arundel County election district 7, precinct 14 that consists of the following:

1. census tract 7022.04, blocks 2000 through 2011; and

2. census tract 7022.05, blocks 2018 and 2022; and

(x) that part of Anne Arundel County election district 7, precinct 26 that consists of the following:

1. census tract 7022.04, blocks 1001 through 1012; and

2. census tract 7023.00, blocks 1006, 1007, 3003, 3004, and 3019 through 3025; and

(c) delegate district 33C (single member delegate district):

(i) Anne Arundel County election district 5, precincts 1, 2, 3, 4, 6, 11, 12, 13, 16, 17, 18, 21, 22, 27, 28, 32, and 35;

(ii) that part of Anne Arundel County election district 5, precinct 5 that consists of the following:

1. census tract 7307.01, blocks 1002 through 1009, 1011, 1012, 1018, and 2000 through 2007; and

2. census tract 7308.00, block 1014;

(iii) that part of Anne Arundel County election district 5, precinct 23 that consists of census tract 7308.00, blocks 1000, 1001, 1003, 1004, and 1020; and

(iv) that part of Anne Arundel County election district 5, precinct 26 that consists of the following:

1. census tract 7310.04, block 2012; and

2. census tract 7311.06, blocks 1001, 1004 through 1008, 2014, and 2015;

(34) legislative district 34 consists of:

(a) delegate district 34A (two member delegate district):

(i) Harford County election district 6;

(ii) Harford County election district 1, precincts 1, 3, 5, 6, 10, 16, 18, 19, 20, 23, 24, and 41;

(iii) Harford County election district 2, precincts 1, 3, 4, 5, 6, 7, 10, 14, 15, 19, and 21;

(iv) that part of Harford County election district 1, precinct 4 that consists of census tract 3014.01, blocks 2000, 2001, 2003 through 2006, 2011, and 2016 through 2018;

(v) that part of Harford County election district 2, precinct 2 that consists of census tract 3022.00, blocks 2015 and 2027;

(vi) that part of Harford County election district 2, precinct 11 that consists of the following:

1. census tract 3022.00, block 2036;

2. census tract 3028.01, blocks 1007 through 1014, 1019 through 1025, 2000 through 2004, 2007 through 2014, 3001, 3004 through 3017, 3023, and 3024; and

3. census tract 3029.01, blocks 2000 and 2004 through 2006; and

(vii) that part of Harford County election district 2, precinct 22 that consists of census tract 3022.00, blocks 2042 and 2044; and

(b) delegate district 34B (single member delegate district):

(i) Harford County election district 1, precincts 9, 11, 12, 13, 14, 21, 22, 25, 26, and 27;

(ii) Harford County election district 3, precincts 11, 12, 16, 17, and 25;

(iii) that part of Harford County election district 1, precinct 8 that consists of census tract 3012.02, blocks 4016 through 4018;

(iv) that part of Harford County election district 1, precinct 15 that consists of census tract 3012.04, blocks 1000, 1001, 2000, 2001, 2003, and 3000 through 3003;

(v) that part of Harford County election district 3, precinct 10 that consists of the following:

1. census tract 3035.02, block 1000;

2. census tract 3038.01, blocks 1000 through 1035, 2000 through 2004, 2008 through 2016, 2018 through 2021, 2024 through 2027, 2029, and 2031;

3. census tract 3038.02, blocks 1007, 1010, and 1016 through 1018; and

4. census tract 3038.03, blocks 1000 through 1020;

(vi) that part of Harford County election district 3, precinct 13 that consists of census tract 3035.02, block 1001; and

(vii) that part of Harford County election district 3, precinct 18 that consists of census tract 3038.03, block 3010;

(35) legislative district 35 consists of:

(a) delegate district 35A (two member delegate district):

(i) Cecil County election district 8;

(ii) that part of Cecil County election district 6, precinct 2 that consists of the following:

1. census tract 313.01, blocks 2007 through 2011; and

2. census tract 313.02, blocks 1043 through 1053 and 1055;

(iii) that part of Cecil County election district 7, precinct 1 that consists of the following:

1. census tract 312.01, blocks 1004 and 1006 through 1009; and

2. census tract 313.01, blocks 2012 and 2013;

(iv) Harford County election district 5;

(v) Harford County election district 1, precinct 17;

(vi) Harford County election district 2, precinct 20;

(vii) Harford County election district 3, precincts 2, 4, 5, 8, 9, 15, 19, 20, 21, 22, 23, 24, 26, and 27;

(viii) Harford County election district 4, precincts 4, 7, and 8;

(ix) that part of Harford County election district 2, precinct 2 that consists of the following:

1. census tract 3021.00, blocks 1000 through 1019, 2000, and 2002 through 2015; and

2. census tract 3022.00, blocks 1000 through 1011, 2000 through 2014, 2019 through 2026, 2028, 2030, 2034, 2040, 2041, 2050, and 2052;

(x) that part of Harford County election district 2, precinct 11 that consists of census tract 3022.00, block 2039;

(xi) that part of Harford County election district 2, precinct 22 that consists of the following:

1. census tract 3022.00, blocks 2033, 2037, 2038, 2043, 2045 through 2049, 2051, 2055, and 2056;

2. census tract 3028.01, blocks 2005 and 2006; and

3. census tract 3028.02, blocks 1006 through 1009, 4002, and 4005;

(xii) that part of Harford County election district 3, precinct 3 that consists of the following:

1. census tract 3032.05, blocks 1003 through 1006, 1008, and 1009;

2. census tract 3033.00, blocks 1000 through 1020, 2000, 2001, 2004 through 2009, and 2017; and

3. census tract 3035.02, block 3007;

(xiii) that part of Harford County election district 3, precinct 10 that consists of census tract 3038.02, block 1015;

(xiv) that part of Harford County election district 3, precinct 13 that consists of the following:

1. census tract 3035.02, blocks 1009, 1010, 2000 through 2006, 3000 through 3006, 3008 through 3011, and 4000 through 4006; and

2. census tract 3038.01, blocks 2005 through 2007, 2017, 2022, 2023, and 2028;

(xv) that part of Harford County election district 3, precinct 18 that consists of the following:

1. census tract 3036.03, blocks 2000 through 2004 and 2006 through 2014;

2. census tract 3036.05, blocks 2000 through 2009;

3. census tract 3038.03, blocks 3000 and 3005 through 3009; and

4. census tract 3039.00, blocks 1000, 1006 through 1009, and 1038;

(xvi) that part of Harford County election district 4, precinct 1 that consists of census tract 3042.02, blocks 4002 through 4004;

(xvii) that part of Harford County election district 4, precinct 3 that consists of census tract 3041.02, blocks 1000, 1001, 1016, 1017, 1019, 1042, 3000, 3001, 3003 through 3005, and 3029 through 3031;

(xviii) that part of Harford County election district 4, precinct 5 that consists of the following:

1. census tract 3042.01, block 4000; and

2. census tract 3042.02, blocks 1018, 1019, 4000, 4001, 4005, 4006, and 4008 through 4010; and

(xix) that part of Harford County election district 4, precinct 6 that consists of census tract 3041.02, block 1033; and

(b) delegate district 35B (single member delegate district):

(i) Cecil County election district 9;

(ii) Cecil County election district 5, precincts 2, 4, and 5;

(iii) Cecil County election district 6, precincts 1 and 3;

(iv) Cecil County election district 7, precincts 2, 3, and 4;

(v) that part of Cecil County election district 3, precinct 6 that consists of the following:

1. census tract 305.01, blocks 1004 through 1006 and 1016; and

2. census tract 305.03, blocks 3003 and 3004;

(vi) that part of Cecil County election district 4, precinct 1 that consists of census tract 306.01, blocks 1000 through 1010, 1013, 2003, 2004, 2008, and 2010;

(vii) that part of Cecil County election district 5, precinct 1 that consists of the following:

1. census tract 309.03, blocks 1000, 1004, 1007, 1010, 1011, 1029, 1031, 1034, 1043, 1045, 1046, 2009 through 2012, 2014, 2017, 2019 through 2027, 2031 through 2033, 2035 through 2037, 3011, 3012, 3015, 3026, 3027, and 3029 through 3033;

2. census tract 309.04, blocks 1000, 1002, 5003, 5004, 5006, and 5007; and

3. census tract 309.08, blocks 1001 through 1005, 1007, 1009, 1014, 2007 through 2009, 2015, and 2016;

(viii) that part of Cecil County election district 6, precinct 2 that consists of the following:

1. census tract 313.01, blocks 1005, 1007 through 1014, 1021, 1022, 2000 through 2006, and 2014 through 2030; and

2. census tract 313.02, blocks 1036 through 1039, 2009, 2013 through 2020, 2023, and 2024; and

(ix) that part of Cecil County election district 7, precinct 1 that consists of census tract 312.01, blocks 1000 through 1003, 1005, 1011 through 1021, 2003 through 2015, 2022 through 2028, 2030, 2032, 2038 through 2041, 2056, 3000 through 3002, 3004, 3005, 3013, 3015, 3016, 3041, and 3047;

(36) legislative district 36 consists of:

(a) Kent County;

(b) Queen Anne's County;

(c) Caroline County election districts 1, 2, and 7;

(d) Cecil County election districts 1 and 2;

(e) Cecil County election district 3, precincts 1, 2, 3, 4, 5, and 7;

(f) Cecil County election district 4, precinct 2;

(g) Cecil County election district 5, precincts 3 and 6;

(h) that part of Cecil County election district 3, precinct 6 that consists of census tract 305.01, blocks 1000 through 1003, 1007 through 1015, 1017 through 1023, 2003 through 2015, and 2025;

(i) that part of Cecil County election district 4, precinct 1 that consists of the following:

(i) census tract 305.01, blocks 2000 through 2002;

(ii) census tract 306.01, blocks 1011, 1012, 1014, 2000 through 2002, 2005 through 2007, 2009, 2011 through 2022, 3000 through 3008, and 3011 through 3013; and

(iii) census tract 306.02, blocks 1000 through 1022; and

(j) that part of Cecil County election district 5, precinct 1 that consists of the following:

(i) census tract 305.03, block 3019;

(ii) census tract 309.03, blocks 2003 through 2005, 2028 through 2030, 3009, and 3010; and

(iii) census tract 309.08, blocks 1006, 1008, and 1010 through 1013;

(37) legislative district 37 consists of:

(a) delegate district 37A (single member delegate district):

(i) Dorchester County election district 1, precinct 2;

(ii) Dorchester County election district 2, precincts 2 and 4;

(iii) Dorchester County election district 3, precinct 2;

(iv) Dorchester County election district 7, precincts 2, 5, 9, and 10;

(v) Dorchester County election district 12, precinct 2;

(vi) Dorchester County election district 13, precinct 2;

(vii) Dorchester County election district 14, precincts 2 and 4;

(viii) Dorchester County election district 15, precinct 3;

(ix) Dorchester County election district 17, precinct 1;

(x) that part of Dorchester County election district 2, precinct 1 that consists of census tract 9703.00, blocks 1006, 1007, 1010 through 1013, 1017, and 1019 through 1021;

(xi) that part of Dorchester County election district 3, precinct 1 that consists of census tract 9701.00, block 1078;

(xii) that part of Dorchester County election district 7, precinct 3 that consists of census tract 9706.00, block 3010;

(xiii) that part of Dorchester County election district 7, precinct 4 that consists of the following:

1. census tract 9704.00, blocks 2042 and 2044 through 2046;

2. census tract 9706.00, blocks 1008, 1044 through 1046, 1048 through 1055, 1057, and 2014; and

3. census tract 9707.02, blocks 1019 through 1022, 1029 through 1034, 1036, 1040, 1041, 1044, 1046, 1047, 2029, 2030, and 2035;

(xiv) that part of Dorchester County election district 7, precinct 7 that consists of the following:

1. census tract 9704.00, blocks 3013 and 4010;

2. census tract 9705.00, blocks 2007 through 2010, 2014, and 2015; and

3. census tract 9706.00, block 3008;

(xv) that part of Dorchester County election district 7, precinct 8 that consists of census tract 9707.02, blocks 1017, 1037, and 1038;

(xvi) that part of Dorchester County election district 13, precinct 1 that consists of census tract 9709.00, blocks 1031, 1032, and 1168;

(xvii) that part of Dorchester County election district 14, precinct 1 that consists of census tract 9703.00, block 2043;

(xviii) that part of Dorchester County election district 14, precinct 3 that consists of census tract 9707.02, blocks 1012 through 1016 and 1027;

(xix) that part of Dorchester County election district 15, precinct 1 that consists of census tract 9702.00, blocks 2040, 2047, 2061 through 2063, 2067 through 2077, 3009 through 3011, 3014, 3015, 3017 through 3021, 3023, 3024, and 3028;

(xx) that part of Dorchester County election district 17, precinct 2 that consists of census tract 9709.00, blocks 1101, 1104, 1105, 1170, and 1171;

(xxi) Wicomico County election district 1, precincts 1 and 2;

(xxii) Wicomico County election district 5, precinct 1;

(xxiii) Wicomico County election district 9, precincts 1, 2, 3, 5, and 91;

(xxiv) Wicomico County election district 10, precinct 1;

(xxv) Wicomico County election district 13, precincts 1 and 2;

(xxvi) Wicomico County election district 15, precincts 1 and 2;

(xxvii) that part of Wicomico County election district 1, precinct 3 that consists of census tract 107.01, blocks 2023, 2055, 2071, 2072, 2078 through 2083, 3005 through 3016, 3042 through 3047, 3050 through 3052, 3054, 3055, 3058, 3070, 3080, and 3082;

(xxviii) that part of Wicomico County election district 5, precinct 2 that consists of census tract 101.01, blocks 1001 through 1004;

(xxix) that part of Wicomico County election district 10, precinct 2 that consists of census tract 107.01, blocks 1013, 1015, 1042, 1045, 1052, 2001, 2009, 2012, 2016, and 2035;

(xxx) that part of Wicomico County election district 10, precinct 3 that consists of census tract 107.01, blocks 1016 and 1043;

(xxxi) that part of Wicomico County election district 11, precinct 2 that consists of the following:

1. census tract 107.03, block 1012; and

2. census tract 107.04, blocks 3015 and 3021;

(xxxii) that part of Wicomico County election district 11, precinct 3 that consists of census tract 107.04, blocks 3016, 3017, 3019, 3020, and 3022; and

(xxxiii) that part of Wicomico County election district 11, precinct 4 that consists of the following:

1. census tract 107.03, blocks 1009 through 1011; and

2. census tract 107.04, blocks 3000, 3001, and 3010 through 3014; and

(b) delegate district 37B (two member delegate district):

(i) Talbot County;

(ii) Caroline County election districts 3, 4, 5, 6, and 8;

(iii) Dorchester County election districts 4, 5, 6, 8, 9, 10, 11, 16, and 18;

(iv) Dorchester County election district 1, precinct 1;

(v) Dorchester County election district 2, precinct 3;

(vi) Dorchester County election district 7, precincts 1, 6, and 11;

(vii) Dorchester County election district 12, precinct 1;

(viii) Dorchester County election district 15, precinct 2;

(ix) that part of Dorchester County election district 2, precinct 1 that consists of the following:

1. census tract 9702.00, blocks 2058 and 2060; and

2. census tract 9703.00, blocks 1003, 1005, 1014, 1033, 1037, 1041, 1042, 1051, 3000 through 3032, and 3035;

(x) that part of Dorchester County election district 3, precinct 1 that consists of census tract 9701.00, blocks 1029 through 1033, 1037, 1054 through 1057, 1066 through 1076, 1079 through 1081, 1083 through 1087, and 2101;

(xi) that part of Dorchester County election district 7, precinct 3 that consists of the following:

1. census tract 9705.00, block 2005;

2. census tract 9706.00, blocks 1056, 1058, 2015, 3007, 3012, and 3014;

3. census tract 9707.02, blocks 1035, 1042, 1043, 1048, 2000 through 2017, 2020 through 2028, 2031 through 2034, 2036, 2037, 3061, and 3062;

4. census tract 9708.04, blocks 2000 and 2001; and

5. census tract 9709.00, block 1039;

(xii) that part of Dorchester County election district 7, precinct 4 that consists of census tract 9707.02, block 1045;

(xiii) that part of Dorchester County election district 7, precinct 7 that consists of census tract 9707.02, block 2019;

(xiv) that part of Dorchester County election district 7, precinct 8 that consists of census tract 9707.02, blocks 1018 and 1023;

(xv) that part of Dorchester County election district 13, precinct 1 that consists of census tract 9709.00, blocks 1030, 1033, 1034, 1040 through 1048, 1051 through 1062, 1065, 1160 through 1162, 2000 through 2039, 2104, 2107 through 2109, 2128, 2147, 2148, and 2257;

(xvi) that part of Dorchester County election district 14, precinct 1 that consists of census tract 9703.00, blocks 2000 through 2009, 2014 through 2028, 2030 through 2041, 2044, 2046, 2047, 2054, 2055, 3039, and 4000 through 4011;

(xvii) that part of Dorchester County election district 14, precinct 3 that consists of the following:

1. census tract 9703.00, blocks 2042, 2056 through 2060, and 4012 through 4019;

2. census tract 9704.00, blocks 1000 and 1023; and

3. census tract 9707.02, blocks 1000 through 1011, 1024 through 1026, and 1039;

(xviii) that part of Dorchester County election district 15, precinct 1 that consists of census tract 9702.00, blocks 2000 through 2003, 2005 through 2007, 2010 through 2029, 2035 through 2039, 2042, 2043, 2048, 2051 through 2057, 2059,

2064, 2065, 3027, 3029 through 3033, 4022, 4023, 4028, 4031, 4035 through 4037, 4042, 4044, 4045, and 4049;

(xix) that part of Dorchester County election district 17, precinct 2 that consists of census tract 9709.00, blocks 1017, 1022, 1102, and 1103;

(xx) Wicomico County election districts 2, 7, and 17;

(xxi) Wicomico County election district 8, precinct 3;

(xxii) Wicomico County election district 9, precinct 6;

(xxiii) Wicomico County election district 15, precinct 3;

(xxiv) Wicomico County election district 16, precincts 1 and 2;

(xxv) that part of Wicomico County election district 1, precinct 3 that consists of census tract 107.01, blocks 2024 through 2030, 2050, 3017 through 3041, 3061, 3063 through 3069, 3071 through 3079, 3083, and 3084;

(xxvi) that part of Wicomico County election district 8, precinct 2 that consists of the following:

1. census tract 105.01, block 3033; and

2. census tract 106.05, blocks 2000, 2002 through 2004, 2012 through 2016, 2018, 2019, and 3018;

(xxvii) that part of Wicomico County election district 10, precinct 2 that consists of census tract 107.01, blocks 2002 and 2013;

(xxviii) that part of Wicomico County election district 10, precinct 3 that consists of census tract 107.01, blocks 1000 through 1012, 1014, 1017 through 1041, 1044, and 1046 through 1051;

(xxix) that part of Wicomico County election district 16, precinct 3 that consists of census tract 104.00, block 1003; and

(xxx) that part of Wicomico County election district 16, precinct 5 that consists of census tract 105.01, blocks 3030, 4018, and 4027;

(38) legislative district 38 consists of:

(a) delegate district 38A (single member delegate district):

(i) Somerset County;

(ii) Wicomico County election district 8, precinct 1;

(iii) that part of Wicomico County election district 8, precinct 2 that consists of census tract 106.05, blocks 3000 through 3017 and 3019 through 3027;

(iv) Worcester County election district 1;

(v) Worcester County election district 2, precincts 1, 2, 3, and 5;

(vi) Worcester County election district 3, precinct 3;

(vii) Worcester County election district 4, precincts 1 and 2;

(viii) that part of Worcester County election district 3, precinct 1 that consists of the following:

1. census tract 9509.00, blocks 1004, 1013, 1014, 2039, 2045, and 2046; and

2. census tract 9510.00, block 2009; and

(ix) that part of Worcester County election district 4, precinct 3 that consists of census tract 9508.00, block 3022;

(b) delegate district 38B (single member delegate district):

(i) Wicomico County election district 5, precincts 3, 4, and 6;

(ii) Wicomico County election district 8, precincts 4 and 5;

(iii) Wicomico County election district 9, precincts 4, 7, and 8;

(iv) Wicomico County election district 11, precinct 1;

(v) Wicomico County election district 13, precincts 3 and 4;

(vi) Wicomico County election district 16, precincts 4 and 6;

(vii) that part of Wicomico County election district 5, precinct 2 that consists of the following:

1. census tract 1.00, blocks 3000 through 3002, 3004, 3008, 3011, 3013 through 3015, 4000, and 4001; and

2. census tract 101.01, blocks 1000, 1005 through 1011, 1016, 1017, 3017, and 5008;

(viii) that part of Wicomico County election district 5, precinct 5 that consists of the following:

1. census tract 101.01, blocks 2000, 2002, 2007, 2008, 2011, 2035 through 2037, and 2043 through 2046; and

2. census tract 106.03, blocks 1001 through 1035, 1038 through 1040, 1042 through 1046, 2019, 2020, 2023 through 2044, 3006 through 3011, 3014, 3021, 3022, and 3031 through 3033;

(ix) that part of Wicomico County election district 5, precinct 8 that consists of census tract 106.03, blocks 1041 and 4016;

(x) that part of Wicomico County election district 11, precinct 2 that consists of the following:

1. census tract 107.03, blocks 3041, 3042, 3059, and 3060; and

2. census tract 107.04, blocks 3023 through 3025, 3034 through 3039, and 3041;

(xi) that part of Wicomico County election district 11, precinct 3 that consists of census tract 107.03, blocks 3026, 3032 through 3034, 3040, and 3058;

(xii) that part of Wicomico County election district 11, precinct 4 that consists of the following:

1. census tract 106.03, blocks 2000 through 2018, 2021, and 2022; and

2. census tract 107.03, blocks 1000 through 1008, 1013 through 1058, 2000 through 2032, 3000 through 3025, 3027 through 3031, 3035 through 3039, and 3061;

(xiii) that part of Wicomico County election district 16, precinct 3 that consists of census tract 104.00, blocks 1000 through 1002, 1009 through 1016, 1018 through 1021, 3000 through 3009, 3024 through 3026, 3030, 4012, 4014, and 4015; and

(xiv) that part of Wicomico County election district 16, precinct 5 that consists of the following:

1. census tract 104.00, blocks 3016, 3020, and 3031; and

2. census tract 105.01, blocks 2000 through 2017, 3010 through 3015, 3025 through 3029, 4000 through 4017, 4021, and 4035; and

(c) delegate district 38C (single member delegate district):

(i) Wicomico County election districts 4, 6, and 14;

(ii) Wicomico County election district 5, precincts 7 and 9;

(iii) that part of Wicomico County election district 5, precinct 5 that consists of census tract 106.03, blocks 1000, 1036, 1037, 3002 through 3005, 3012, 3013, 3015 through 3020, 3023, 3026 through 3029, and 3034 through 3036;

(iv) that part of Wicomico County election district 5, precinct 8 that consists of the following:

1. census tract 106.03, blocks 3037 through 3040, 4000 through 4015, and 4017 through 4023; and

2. census tract 106.06, blocks 1006 and 1007;

(v) Worcester County election districts 5, 6, and 7;

(vi) Worcester County election district 2, precinct 4;

(vii) Worcester County election district 3, precinct 2;

(viii) Worcester County election district 4, precinct 4;

(ix) that part of Worcester County election district 3, precinct 1 that consists of the following:

1. census tract 9504.00, blocks 2001 through 2009, 2011, 2013 through 2023, and 3001 through 3027;

2. census tract 9509.00, blocks 1000, 1001, 1003, 1006, 1075, 2040, 2047, and 2048;

3. census tract 9510.00, blocks 2010 and 2011; and

4. census tract 9517.00, blocks 1028, 2000 through 2016, 4001 through 4013, 4020 through 4022, and 4027 through 4029; and

(x) that part of Worcester County election district 4, precinct 3 that consists of the following:

1. census tract 9508.00, blocks 3000 through 3021, 3024 through 3032, 3048, 3049, and 3052 through 3056; and

2. census tract 9512.00, blocks 1000 through 1006, 1039, and 2000;

(39) legislative district 39 consists of:

(a) Montgomery County election district 1, precincts 3, 4, and 6;

(b) Montgomery County election district 2, precinct 1;

(c) Montgomery County election district 6, precincts 7 and 10;

(d) Montgomery County election district 9, precincts 5, 7, 8, 9, 11, 12, 18, 20, 21, 22, 25, 26, 29, 30, 32, 34, 38, and 41;

(e) that part of Montgomery County election district 2, precinct 6 that consists of census tract 7002.10, blocks 1000 through 1021, 1025, 2000 through 2023, 3018 through 3020, 3023 through 3027, and 3030 through 3044;

(f) that part of Montgomery County election district 2, precinct 8 that consists of census tract 7003.16, block 1012;

(g) that part of Montgomery County election district 6, precinct 3 that consists of the following:

(i) census tract 7006.04, blocks 3000 through 3010;

(ii) census tract 7006.10, blocks 1000 through 1004, 1006, 1008 through 1018, 1022, 1026 through 1034, and 1037; and

(iii) census tract 7006.14, block 3012;

(h) that part of Montgomery County election district 9, precinct 15 that consists of census tract 7007.33, block 3007;

(i) that part of Montgomery County election district 9, precinct 24 that consists of census tract 7007.06, blocks 1000 through 1006, 2003, 3000 through 3020, and 3022 through 3024; and

(j) that part of Montgomery County election district 9, precinct 37 that consists of census tract 7007.30, block 1005;

(40) legislative district 40 consists of:

(a) Baltimore City wards 14, 17, 18, and 19;

(b) Baltimore City ward 4, precinct 3;

(c) Baltimore City ward 11, precincts 3, 4, and 5;

(d) Baltimore City ward 12, precinct 13;

(e) Baltimore City ward 13, precincts 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13;

(f) Baltimore City ward 15, precincts 4, 5, 6, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25;

(g) Baltimore City ward 16, precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12;

(h) Baltimore City ward 20, precincts 1, 2, 3, 4, 9, 10, 11, and 12;

(i) Baltimore City ward 21, precincts 2 and 3;

(j) Baltimore City ward 25, precinct 4;

(k) Baltimore City ward 27, precincts 53 and 54;

(l) that part of Baltimore City ward 4, precinct 2 that consists of the following:

(i) census tract 401.00, blocks 1001 through 1012, 2002 through 2007, 2011, 4000 through 4003, 4006, 4007, and 4009 through 4032;

(ii) census tract 402.00, blocks 1004, 1005, 1007, 1016 through 1019, and 1023 through 1036;

(iii) census tract 1803.00, blocks 1000 and 2000; and

(iv) census tract 2806.00, block 2015;

(m) that part of Baltimore City ward 11, precinct 1 that consists of the following:

(i) census tract 1001.00, blocks 2007, 2008, and 2022;

(ii) census tract 1101.00, blocks 2000, 2001, 2004 through 2013, and 3000 through 3003; and

(iii) census tract 1102.00, blocks 3000, 3001, and 4012 through 4016;

(n) that part of Baltimore City ward 11, precinct 2 that consists of census tract 1102.00, blocks 3002 through 3009, 4004, 4005, 4008, 4009, 4017 through 4019, 4023, 6000, 6001, 6003, and 6004;

(o) that part of Baltimore City ward 11, precinct 6 that consists of the following:

(i) census tract 1102.00, blocks 2003 and 2004; and

(ii) census tract 1701.00, blocks 1002, 1003, 1011, 1012, 1017, and 1018;

(p) that part of Baltimore City ward 12, precinct 9 that consists of census tract 1207.00, blocks 1003, 1009, 2004 through 2006, 3009, 3012, and 3013;

(q) that part of Baltimore City ward 12, precinct 11 that consists of the following:

(i) census tract 1204.00, blocks 1008 through 1010, 1019, 2012, and 2013; and

(ii) census tract 1206.00, blocks 3008 through 3015 and 3020 through 3023;

(r) that part of Baltimore City ward 12, precinct 12 that consists of census tract 1205.00, blocks 1003 through 1011, 1013 through 1016, and 1023;

(s) that part of Baltimore City ward 13, precinct 1 that consists of census tract 1307.00, blocks 2001, 2003 through 2005, and 6000;

(t) that part of Baltimore City ward 15, precinct 3 that consists of census tract 1511.00, blocks 1000, 2000, 2005 through 2007, 2016, 2017, 6001, and 6004;

(u) that part of Baltimore City ward 20, precinct 5 that consists of census tract 2006.00, blocks 1000 through 1004, 1006, 1008 through 1010, 2000, 2001, 2004, 2006, and 3000 through 3015;

(v) that part of Baltimore City ward 21, precinct 4 that consists of census tract 2101.00, blocks 1012 through 1014;

(w) that part of Baltimore City ward 25, precinct 3 that consists of the following:

(i) census tract 2501.03, blocks 1007, 1008, 1012 through 1017, and 2000 through 2027; and

(ii) census tract 2502.06, blocks 1010 through 1013, 3000 through 3004, 3014, and 3015;

(x) that part of Baltimore City ward 27, precinct 52 that consists of census tract 2716.00, blocks 1009, 1012, 5002, and 5003; and

(y) that part of Baltimore City ward 27, precinct 55 that consists of census tract 2718.02, blocks 2014 through 2016, 2018 through 2020, 2025, and 2026;

(41) legislative district 41 consists of:

(a) Baltimore City ward 28;

(b) Baltimore City ward 15, precincts 1, 2, 7, 8, 9, 10, and 11;

(c) Baltimore City ward 16, precincts 13 and 14;

(d) Baltimore City ward 20, precincts 6, 7, and 8;

(e) Baltimore City ward 25, precincts 1, 2, 17, and 18;

(f) Baltimore City ward 27, precincts 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, and 67;

(g) that part of Baltimore City ward 13, precinct 1 that consists of the following:

(i) census tract 1307.00, blocks 1000, 1001, and 2000; and

(ii) census tract 2714.00, blocks 3018 through 3023;

(h) that part of Baltimore City ward 15, precinct 3 that consists of the following:

(i) census tract 1510.00, blocks 1004 through 1008, 3000, and 3001; and

(ii) census tract 1511.00, blocks 1001 through 1009, 2001 through 2004, 2018 through 2020, 5000 through 5006, 6000, 6008, and 6009;

(i) that part of Baltimore City ward 20, precinct 5 that consists of census tract 2006.00, blocks 1005 and 1007;

(j) that part of Baltimore City ward 25, precinct 3 that consists of census tract 2501.03, blocks 1005, 1006, 1009 through 1011, and 3000 through 3014;

(k) that part of Baltimore City ward 27, precinct 40 that consists of census tract 2712.00, blocks 2005, 2012, 2016, 4000 through 4009, 4017 through 4033, and 5010 through 5029;

(l) that part of Baltimore City ward 27, precinct 41 that consists of census tract 2712.00, blocks 2004, 5000 through 5009, 6000 through 6003, 6006 through 6009, and 6016 through 6018;

(m) that part of Baltimore City ward 27, precinct 52 that consists of the following:

(i) census tract 2716.00, blocks 1000 through 1003, 1010, 1011, 5000, 5001, 6000 through 6002, and 6005; and

(ii) census tract 2717.00, blocks 1002, 3000 through 3016, 4000 through 4019, 5012 through 5016, 6005, and 6006; and

(n) that part of Baltimore City ward 27, precinct 55 that consists of census tract 2718.02, blocks 1008, 1009, 2009, 2010, 2012, 2013, and 2021 through 2024;

(42) legislative district 42 consists of:

(a) delegate district 42A (single member delegate district):

(i) Baltimore County election districts 5, 6, 7, and 10;

(ii) Baltimore County election district 8, precinct 25;

(iii) Baltimore County election district 11, precinct 1;

(iv) that part of Baltimore County election district 4, precinct 9 that consists of census tract 4046.00, blocks 1000 through 1002, 1005, and 1011;

(v) that part of Baltimore County election district 8, precinct 1 that consists of the following:

1. census tract 4081.00, blocks 1000 through 1017 and 3001 through 3013;

2. census tract 4082.00, blocks 1018 and 2000 through 2017; and

3. census tract 4084.00, blocks 1000 through 1002, 1004, 1005, and 1059 through 1062;

(vi) that part of Baltimore County election district 8, precinct 4 that consists of census tract 4085.02, blocks 2000 and 2003;

(vii) that part of Baltimore County election district 8, precinct 5 that consists of census tract 4085.02, blocks 3000 through 3002, 3006, 3008, 3009, and 3016;

(viii) that part of Baltimore County election district 8, precinct 22 that consists of the following:

1. census tract 4081.00, blocks 3014, 3015, and 3022 through 3029; and

2. census tract 4089.00, block 2006;

(ix) that part of Baltimore County election district 8, precinct 27 that consists of the following:

1. census tract 4082.00, blocks 1000 through 1005, 1008 through 1012, and 1016; and

2. census tract 4083.04, blocks 1001 and 1002;

(x) that part of Baltimore County election district 9, precinct 8 that consists of census tract 4901.00, blocks 2000 and 2001; and

(xi) that part of Baltimore County election district 11, precinct 23 that consists of census tract 4112.02, blocks 1006, 1010 through 1014, and 2008;

(b) delegate district 42B (single member delegate district):

(i) Baltimore County election district 8, precincts 6, 12, 13, and 15;

(ii) Baltimore County election district 9, precinct 27;

(iii) that part of Baltimore County election district 8, precinct 3 that consists of census tract 4089.00, blocks 1000, 1001, 1003, 1004, 2000 through 2002, 2007, and 2008;

(iv) that part of Baltimore County election district 8, precinct 4 that consists of census tract 4085.02, blocks 1000 through 1016, 2001, 2002, and 2004 through 2006;

(v) that part of Baltimore County election district 8, precinct 5 that consists of census tract 4085.02, blocks 3003 through 3005, 3007, 3010, 3015, and 3028;

(vi) that part of Baltimore County election district 8, precinct 7 that consists of the following:

1. census tract 4085.03, blocks 1000, 1004, 1009, 2014, and 2015;

2. census tract 4085.06, blocks 1000, 1001, and 1006 through 1013; and

3. census tract 4085.07, blocks 2001, 2006, and 2007;

(vii) that part of Baltimore County election district 8, precinct 11 that consists of the following:

1. census tract 4085.03, blocks 2000 through 2003, 2010 through 2013, 2016, and 2017;

2. census tract 4085.05, blocks 1019, 2000, 2002 through 2004, 2019, and 2020; and

3. census tract 4085.07, block 1009;

(viii) that part of Baltimore County election district 8, precinct 14 that consists of the following:

1. census tract 4085.02, blocks 3022 through 3027; and

2. census tract 4086.01, blocks 2006 through 2011 and 3012 through 3016;

(ix) that part of Baltimore County election district 8, precinct 22 that consists of the following:

1. census tract 4081.00, blocks 3016 through 3021; and

2. census tract 4089.00, blocks 2003 through 2005;

(x) that part of Baltimore County election district 9, precinct 1 that consists of census tract 4905.00, blocks 1008, 1009, 2004, and 2007;

(xi) that part of Baltimore County election district 9, precinct 2 that consists of census tract 4905.00, blocks 1000 through 1005, 1007, 2005, and 2008;

(xii) that part of Baltimore County election district 9, precinct 5 that consists of census tract 4907.01, blocks 1002 through 1006 and 1011;

(xiii) that part of Baltimore County election district 9, precinct 6 that consists of census tract 4903.03, blocks 1000 through 1005 and 2000 through 2009;

(xiv) that part of Baltimore County election district 9, precinct 7 that consists of census tract 4902.00, blocks 1000 through 1015, 2000 through 2003, 2006 through 2011, 3005, 3007, and 3008;

(xv) that part of Baltimore County election district 9, precinct 8 that consists of census tract 4901.00, blocks 2002 through 2012 and 3000 through 3019;

(xvi) that part of Baltimore County election district 9, precinct 9 that consists of census tract 4901.00, blocks 1004, 1005, 1009 through 1011, and 3020 through 3024;

(xvii) that part of Baltimore County election district 9, precinct 10 that consists of census tract 4903.04, blocks 1000 through 1006 and 3000 through 3004; and

(xviii) that part of Baltimore County election district 9, precinct 26 that consists of census tract 4917.01, blocks 3003 and 3004; and

(c) delegate district 42C (single member delegate district):

(i) Carroll County election district 8;

(ii) Carroll County election district 4, precincts 1 and 3;

(iii) that part of Carroll County election district 3, precinct 1 that consists of census tract 5030.00, blocks 2014, 2016, 4014, 4019, and 4021 through 4023;

(iv) that part of Carroll County election district 6, precinct 1 that consists of the following:

1. census tract 5061.01, blocks 1016 through 1020, 3007, 3028, and 3029;

2. census tract 5061.02, blocks 1000 and 1013 through 1015; and

3. census tract 5062.00, blocks 1020 through 1022, 1026, 2000 through 2002, 2008, and 2010 through 2026;

(v) that part of Carroll County election district 6, precinct 2 that consists of the following:

1. census tract 5061.02, blocks 1001 through 1012, 1016, 1017, 2016, 2020 through 2022, and 2024 through 2027; and

2. census tract 5062.00, blocks 3000 through 3003, 3010 through 3018, and 4000 through 4033;

(vi) that part of Carroll County election district 7, precinct 2 that consists of the following:

1. census tract 5076.01, blocks 1015 through 1018, 1021, 2003 through 2006, 2010, 2013 through 2017, 2020 through 2022, 2025, and 2027; and

2. census tract 5076.02, blocks 3000 through 3015; and

(vii) that part of Carroll County election district 7, precinct 4 that consists of the following:

1. census tract 5075.00, blocks 1000 through 1003, 1005 through 1007, 1010, 1011, 2004 through 2006, and 2008 through 2013;

2. census tract 5076.01, blocks 1000 through 1007, 1010 through 1012, 1019, 1020, 2000 through 2002, 2007 through 2009, and 2012; and

3. census tract 5077.04, blocks 1000, 1003, and 1004;

(43) legislative district 43 consists of:

(a) delegate district 43A (two member delegate district):

(i) Baltimore City ward 9, precincts 1, 2, 3, 4, 5, 6, 9, 10, and 11;

(ii) Baltimore City ward 12, precincts 1, 2, 3, 4, 5, 6, 7, 8, and 10;

(iii) Baltimore City ward 27, precincts 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39;

(iv) that part of Baltimore City ward 9, precinct 7 that consists of the following:

1. census tract 902.00, blocks 1000 through 1002, 1016, 1024, and 1025;

2. census tract 906.00, blocks 2001 through 2004, 2007 through 2009, 2014, and 3002; and

3. census tract 2702.00, block 2009;

(v) that part of Baltimore City ward 9, precinct 8 that consists of the following:

1. census tract 906.00, blocks 3007 and 3012; and

2. census tract 907.00, blocks 1000 through 1005, 1010, and 1012;

(vi) that part of Baltimore City ward 9, precinct 12 that consists of the following:

1. census tract 907.00, blocks 2000 through 2003 and 4000 through 4005; and

2. census tract 908.00, block 3002;

(vii) that part of Baltimore City ward 9, precinct 14 that consists of census tract 908.00, blocks 1000 through 1019, 2000, 2001, 2009, 2023, 2024, 3009 through 3011, 3022 through 3024, and 3026 through 3028;

(viii) that part of Baltimore City ward 12, precinct 9 that consists of the following:

1. census tract 1206.00, blocks 1003 through 1006, 2004 through 2007, 2013, 2017, 2018, and 3004 through 3007; and

2. census tract 1207.00, blocks 2007 through 2014, 3000 through 3008, 3014, 3015, 3024 through 3027, and 3029 through 3031;

(ix) that part of Baltimore City ward 12, precinct 11 that consists of the following:

1. census tract 1204.00, blocks 1001, 1004, 1005, 1013, 1014, and 1016 through 1018;

2. census tract 1206.00, blocks 3016 through 3019, 3024, and 3025; and

3. census tract 1207.00, blocks 3022, 3023, and 3028;

(x) that part of Baltimore City ward 27, precinct 13 that consists of census tract 2708.03, block 1000;

(xi) that part of Baltimore City ward 27, precinct 17 that consists of census tract 2703.01, blocks 4005 through 4007;

(xii) that part of Baltimore City ward 27, precinct 18 that consists of the following:

1. census tract 2702.00, blocks 2000 through 2007, 3001, 3002, and 3007 through 3011;

2. census tract 2703.01, blocks 3003 through 3009 and 4003;

3. census tract 2709.02, blocks 1022 through 1025; and

4. census tract 2709.03, blocks 1000, 1001, and 1014;

(xiii) that part of Baltimore City ward 27, precinct 21 that consists of census tract 2708.03, blocks 2004 through 2010 and 3000 through 3028;

(xiv) that part of Baltimore City ward 27, precinct 40 that consists of census tract 2712.00, blocks 2006, 2010, and 2013 through 2015; and

(xv) that part of Baltimore City ward 27, precinct 41 that consists of census tract 2712.00, blocks 1000 through 1013, 2000 through 2003, 2007 through 2009, 2011, 6019, and 6020; and

(b) delegate district 43B (single member delegate district):

(i) Baltimore County election district 9, precincts 4, 12, 13, 14, and 29;

(ii) that part of Baltimore County election district 9, precinct 3 that consists of the following:

1. census tract 4906.01, blocks 1000 through 1020 and 2000 through 2015;

2. census tract 4906.02, blocks 2000 through 2025; and

3. census tract 4906.03, block 2000;

(iii) that part of Baltimore County election district 9, precinct 5 that consists of the following:

1. census tract 4903.04, block 3012;

2. census tract 4907.01, blocks 1000, 1001, 1007 through 1010, and 1012 through 1014; and

3. census tract 4907.03, blocks 1000 through 1032 and 2000 through 2014;

(iv) that part of Baltimore County election district 9, precinct 6 that consists of census tract 4903.04, blocks 3008, 3010, and 3011;

(v) that part of Baltimore County election district 9, precinct 10 that consists of the following:

1. census tract 4903.02, blocks 2000 through 2011 and 3000 through 3007;

2. census tract 4903.04, blocks 1007, 2000, 2001, 3005 through 3007, and 3009; and

3. census tract 4909.00, blocks 2000, 2001, 3000 through 3002, and 3034;

(vi) that part of Baltimore County election district 9, precinct 11 that consists of census tract 4909.00, blocks 1000 through 1006, 2002 through 2006, 3003 through 3033, and 3035 through 3045;

(vii) that part of Baltimore County election district 9, precinct 15 that consists of census tract 4913.00, blocks 1004 through 1015, 2000 through 2005, and 2009 through 2012; and

(viii) that part of Baltimore County election district 9, precinct 20 that consists of census tract 4914.01, blocks 2010, 2011, 2015, 3000, 3001, and 3004 through 3007;

(44) legislative district 44 consists of:

(a) delegate district 44A (single member delegate district):

(i) Baltimore County election district 1, precincts 8, 9, and 16;

(ii) Baltimore County election district 13, precincts 1, 6, 7, 8, and 9;

(iii) that part of Baltimore County election district 1, precinct 7 that consists of the following:

1. census tract 4007.01, blocks 1003 through 1006, 2001 through 2006, and 2009 through 2022; and

2. census tract 4007.02, blocks 1004 through 1018 and 1021 through 1025;

(iv) that part of Baltimore County election district 1, precinct 10 that consists of census tract 4009.00, blocks 1006, 1008 through 1012, 1014, 1016 through 1018, 1020, and 1023 through 1025;

(v) that part of Baltimore County election district 1, precinct 15 that consists of the following:

1. census tract 4001.00, blocks 1000 through 1003, 1005, and 1006; and

2. census tract 4002.00, blocks 1007 through 1011 and 2000 through 2018; and

(vi) that part of Baltimore County election district 13, precinct 5 that consists of the following:

1. census tract 4304.00, blocks 1000 through 1010 and 1013 through 1015; and

2. census tract 4309.00, blocks 1018 and 1019; and

(b) delegate district 44B (two member delegate district):

(i) Baltimore County election district 1, precincts 1, 5, and 6;

(ii) Baltimore County election district 2, precincts 1, 2, 3, 4, 5, 6, 28, and 31;

(iii) Baltimore County election district 3, precincts 1 and 3;

(iv) Baltimore County election district 13, precinct 2;

(v) that part of Baltimore County election district 1, precinct 3 that consists of census tract 4015.04, blocks 1011, 1012, 1014 through 1018, 2000 through 2002, 2004 through 2010, 2013, 2014, 3001, and 3008;

(vi) that part of Baltimore County election district 1, precinct 4 that consists of the following:

1. census tract 4015.04, blocks 1002, 1003, 1006, 1007, 1013, and 3000; and

2. census tract 4015.05, blocks 1000 through 1009, 2000 through 2011, and 3000 through 3011;

(vii) that part of Baltimore County election district 1, precinct 7 that consists of the following:

1. census tract 4007.01, blocks 2000, 2007, and 2008; and

2. census tract 4007.02, blocks 1000 through 1003 and 1019;

(viii) that part of Baltimore County election district 1, precinct 10 that consists of the following:

1. census tract 4010.00, blocks 1002 through 1005, 1010, 1011, 1015, and 2000 through 2010; and

2. census tract 4014.00, blocks 1000 through 1003 and 1009 through 1014;

(ix) that part of Baltimore County election district 1, precinct 11 that consists of census tract 4015.03, blocks 5000 through 5015;

(x) that part of Baltimore County election district 1, precinct 12 that consists of the following:

1. census tract 4014.00, block 1004; and

2. census tract 4015.03, blocks 2000 through 2008;

(xi) that part of Baltimore County election district 1, precinct 13 that consists of the following:

1. census tract 4004.00, blocks 1002 through 1005, 1012, 3000 through 3014, and 4000 through 4005; and

2. census tract 4005.00, blocks 1000 through 1002;

(xii) that part of Baltimore County election district 1, precinct 14 that consists of the following:

1. census tract 4004.00, blocks 2007 through 2014 and 5008; and

2. census tract 4925.00, blocks 1000 through 1007;

(xiii) that part of Baltimore County election district 1, precinct 15 that consists of the following:

1. census tract 4001.00, block 1004;

2. census tract 4004.00, blocks 1000, 1001, 1006 through 1011, 1013, and 2000 through 2006; and

3. census tract 4925.00, blocks 2000 and 2001;

(xiv) that part of Baltimore County election district 2, precinct 7 that consists of census tract 4023.07, blocks 1000 through 1005, 1007, and 3000 through 3009;

(xv) that part of Baltimore County election district 2, precinct 23 that consists of census tract 4023.05, block 1002;

(xvi) that part of Baltimore County election district 3, precinct 4 that consists of census tract 4032.01, blocks 1000 and 1001;

(xvii) that part of Baltimore County election district 13, precinct 3 that consists of the following:

1. census tract 4307.00, blocks 1001 through 1013, 2000 through 2015, and 3000 through 3016; and

2. census tract 4308.00, blocks 3008 and 3009;

(xviii) that part of Baltimore County election district 13, precinct 4 that consists of the following:

1. census tract 4306.00, blocks 1002 through 1007, 1009 through 1013, 1015, 1023, 1024, and 2034; and

2. census tract 4307.00, blocks 1014, 1015, 1018, 1020 through 1025, and 4000 through 4007; and

(xix) that part of Baltimore County election district 13, precinct 5 that consists of the following:

1. census tract 4304.00, blocks 1011, 1012, 1028, 2000 through 2029, and 3000 through 3030;

2. census tract 4306.00, blocks 1000, 1001, 1008, and 2020 through 2033;

3. census tract 4307.00, blocks 1000, 1016, 1017, and 1019;

4. census tract 4308.00, blocks 1000, 1001, 1015 through 1019, and 3005 through 3007;

5. census tract 4309.00, block 1037; and

6. census tract 9802.00, blocks 1000 through 1009;

(45) legislative district 45 consists of:

(a) Baltimore City wards 7 and 8;

(b) Baltimore City ward 5, precinct 2;

(c) Baltimore City ward 6, precincts 2 and 3;

(d) Baltimore City ward 9, precincts 13 and 15;

(e) Baltimore City ward 10, precincts 1, 2, and 4;

(f) Baltimore City ward 26, precincts 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33;

(g) Baltimore City ward 27, precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, and 19;

(h) that part of Baltimore City ward 6, precinct 1 that consists of the following:

(i) census tract 601.00, blocks 1000 through 1005 and 4000 through 4006; and

(ii) census tract 602.00, blocks 3000 through 3005 and 4000 through 4007;

(i) that part of Baltimore City ward 9, precinct 7 that consists of the following:

(i) census tract 902.00, blocks 1017 through 1023 and 1026 through 1029; and

(ii) census tract 906.00, blocks 1000 through 1011, 2000, 2005, 2006, 2010 through 2013, 3000, 3001, 3003, and 3004;

(j) that part of Baltimore City ward 9, precinct 8 that consists of the following:

(i) census tract 906.00, blocks 3005, 3006, 3008 through 3011, and 3013 through 3017; and

(ii) census tract 907.00, blocks 1006 through 1009 and 1011;

(k) that part of Baltimore City ward 9, precinct 12 that consists of the following:

(i) census tract 907.00, blocks 2004 through 2009, 3000 through 3007, and 4006; and

(ii) census tract 908.00, blocks 3000 and 3001;

(l) that part of Baltimore City ward 9, precinct 14 that consists of census tract 908.00, blocks 2002, 2003, 2007, 2008, 2010, 2011, 2018 through 2020, 3008, 3012, and 3021;

(m) that part of Baltimore City ward 11, precinct 1 that consists of the following:

(i) census tract 1101.00, blocks 2002 and 2003; and

(ii) census tract 1102.00, block 4011;

(n) that part of Baltimore City ward 11, precinct 2 that consists of census tract 1102.00, blocks 4006, 4007, and 4010;

(o) that part of Baltimore City ward 12, precinct 11 that consists of census tract 1204.00, blocks 1002, 1003, 1006, 1007, 1011, 1012, 1015, and 2014;

(p) that part of Baltimore City ward 12, precinct 12 that consists of census tract 1205.00, blocks 1000 through 1002, 1012, 1017 through 1022, 1024 through 1028, and 2000 through 2029;

(q) that part of Baltimore City ward 26, precinct 7 that consists of census tract 2604.04, blocks 1023 through 1026 and 1031 through 1033;

(r) that part of Baltimore City ward 26, precinct 11 that consists of census tract 2604.04, blocks 1000 through 1022, 1029, 2000 through 2007, 2012, 2021, and 2029;

(s) that part of Baltimore City ward 27, precinct 13 that consists of the following:

(i) census tract 2707.01, blocks 1000 through 1009 and 2000 through 2002; and

(ii) census tract 2707.03, blocks 2000 through 2013 and 3000 through 3018;

(t) that part of Baltimore City ward 27, precinct 17 that consists of census tract 2703.01, blocks 1007 through 1010, 2000, 2001, 2003, 4001, 4002, 4004, and 4008 through 4018;

(u) that part of Baltimore City ward 27, precinct 18 that consists of the following:

(i) census tract 2702.00, blocks 3000 and 3003 through 3006; and

(ii) census tract 2703.01, blocks 2002, 2004 through 2012, 3000 through 3002, and 3010 through 3017; and

(v) that part of Baltimore City ward 27, precinct 21 that consists of census tract 2708.03, blocks 1013 through 1018 and 1023 through 1025;

(46) legislative district 46 consists of:

(a) Baltimore City wards 1, 2, 3, 22, 23, and 24;

(b) Baltimore City ward 4, precinct 1;

(c) Baltimore City ward 5, precinct 1;

(d) Baltimore City ward 6, precincts 4 and 5;

(e) Baltimore City ward 10, precinct 3;

(f) Baltimore City ward 11, precinct 7;

(g) Baltimore City ward 21, precincts 1 and 5;

(h) Baltimore City ward 25, precincts 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16;

(i) Baltimore City ward 26, precincts 1, 2, 3, 4, 5, 6, 8, 9, 10, and 12;

(j) that part of Baltimore City ward 4, precinct 2 that consists of the following:

(i) census tract 401.00, blocks 1000, 3017 through 3024, and 3044 through 3046; and

(ii) census tract 1101.00, blocks 1018, 1019, and 1021;

(k) that part of Baltimore City ward 6, precinct 1 that consists of census tract 601.00, blocks 1006 and 1007;

(l) that part of Baltimore City ward 11, precinct 6 that consists of the following:

(i) census tract 1003.00, blocks 1006 and 1007;

(ii) census tract 1101.00, blocks 1002, 1009 through 1017, and 1020;

(iii) census tract 1102.00, blocks 1000 through 1009, 2000 through 2002, 2005, 2006, 5004 through 5011, and 6009 through 6012; and

(iv) census tract 2805.00, blocks 2007 through 2010;

(m) that part of Baltimore City ward 21, precinct 4 that consists of the following:

(i) census tract 2101.00, blocks 1003 through 1011, 1015 through 1028, 1030 through 1038, and 1043;

(ii) census tract 2102.00, blocks 1027 and 1030 through 1035; and

(iii) census tract 2503.01, blocks 1003, 1007, 1008, 1035, and 2000 through 2002;

(n) that part of Baltimore City ward 26, precinct 7 that consists of the following:

(i) census tract 2604.04, blocks 1027, 1028, and 1030;

(ii) census tract 2605.01, blocks 1025 through 1029 and 2022; and

(iii) census tract 2607.00, blocks 1000, 1001, 1008 through 1016, 1018, 1019, 1022 through 1025, 1028, 1029, 1031, 2000 through 2009, and 2012 through 2014; and

(o) that part of Baltimore City ward 26, precinct 11 that consists of the following:

(i) census tract 2604.04, blocks 2008 through 2011, 2019, 2020, 3000, 3006, and 3007;

(ii) census tract 2607.00, blocks 1002 through 1007;

(iii) census tract 2608.00, blocks 1000, 1001, 1004 through 1017, 1019, 1020, 2000, 2001, 2004 through 2007, and 2010 through 2016; and

(iv) census tract 2609.00, blocks 1000 through 1003 and 1008; and

(47) legislative district 47 consists of:

(a) delegate district 47A (two member delegate district):

(i) Prince George's County election district 2, precincts 1, 2, 3, 4, 7, 8, and 9;

(ii) Prince George's County election district 13, precincts 2, 17, and 22;

(iii) Prince George's County election district 16, precincts 98 and 99;

(iv) Prince George's County election district 17, precincts 1, 2, 4, 6, 7, and 11;

(v) Prince George's County election district 18, precincts 3, 5, 12, 14, and 99;

(vi) Prince George's County election district 20, precinct 97;

(vii) that part of Prince George's County election district 2, precinct 5 that consists of the following:

1. census tract 8039.00, blocks 1000 through 1003, 1006 through 1016, 2003 through 2008, 3000 through 3004, 3007 through 3013, and 3018;

2. census tract 8040.01, blocks 2004 and 2006; and

3. census tract 8040.02, blocks 1003, 1007, and 2008;

(viii) that part of Prince George's County election district 13, precinct 7 that consists of census tract 8035.24, block 1000;

(ix) that part of Prince George's County election district 13, precinct 18 that consists of census tract 8034.03, blocks 1001, 1004, 1005, and 2000 through 2006;

(x) that part of Prince George's County election district 13, precinct 19 that consists of census tract 8033.00, blocks 1003 and 1004;

(xi) that part of Prince George's County election district 13, precinct 25 that consists of census tract 8035.24, block 1006;

(xii) that part of Prince George's County election district 17, precinct 5 that consists of census tract 8055.00, blocks 1017 through 1027;

(xiii) that part of Prince George's County election district 17, precinct 10 that consists of the following:

1. census tract 8050.00, block 1000; and

2. census tract 8051.01, block 1000;

(xiv) that part of Prince George's County election district 18, precinct 15 that consists of census tract 8030.01, block 1020;

(xv) that part of Prince George's County election district 20, precinct 2 that consists of the following:

1. census tract 8036.02, blocks 2000 and 2001; and

2. census tract 8036.12, blocks 1000 through 1007, 1013 through 1026, and 1029;

(xvi) that part of Prince George's County election district 20, precinct 12 that consists of census tract 8036.12, block 1008; and

(xvii) that part of Prince George's County election district 20, precinct 13 that consists of census tract 8036.12, block 1012; and

(b) delegate district 47B (single member delegate district):

(i) Prince George's County election district 17, precinct 3;

(ii) that part of Prince George's County election district 16, precinct 3 that consists of census tract 8075.00, block 1002;

(iii) that part of Prince George's County election district 17, precinct 5 that consists of census tract 8055.00, blocks 1000 through 1016 and 2001 through 2003;

(iv) that part of Prince George's County election district 17, precinct 8 that consists of the following:

1. census tract 8059.08, blocks 1000, 1002, 1005 through 1007, 1009, 1010, and 1017 through 1019;

2. census tract 8059.09, block 2002; and

3. census tract 8060.00, blocks 1000, 1003 through 1007, 1009, 1013, 1014, and 1019;

(v) that part of Prince George's County election district 17, precinct 10 that consists of the following:

1. census tract 8055.00, blocks 2004 through 2008;

2. census tract 8058.01, blocks 1005 through 1026 and 2000 through 2014; and

3. census tract 8058.02, blocks 1000 through 1024 and 2000 through 2013;

(vi) that part of Prince George's County election district 17, precinct 12 that consists of the following:

1. census tract 8059.04, blocks 1000, 1005, and 1007;

2. census tract 8059.06, blocks 1000 through 1003 and 2000 through 2004; and

3. census tract 8059.07, blocks 1000 and 2000 through 2004;

(vii) that part of Prince George's County election district 17, precinct 13 that consists of the following:

1. census tract 8055.00, block 2000; and

2. census tract 8057.00, blocks 3005 through 3007;

(viii) that part of Prince George's County election district 17, precinct 14 that consists of census tract 8059.08, block 1015;

(ix) that part of Prince George's County election district 21, precinct 5 that consists of the following:

1. census tract 8073.01, block 2004; and

2. census tract 8073.05, blocks 1001 through 1010, 2001, 2004 through 2012, and 2015; and

(x) that part of Prince George's County election district 21, precinct 14 that consists of the following:

1. census tract 8073.04, blocks 1002 through 1010 and 1014 through 1020; and

2. census tract 8073.05, blocks 1000 and 2000.

§2–204.

All provisions of this article, and all other laws or parts of laws, public general or public local, inconsistent with the provisions of this subtitle, are repealed to the extent of any such inconsistency.

§2–205.

If any part of this subtitle, including any section or subsection or portion of it, shall be held to be unconstitutional or invalid for any reason, the unconstitutionality or invalidity may not affect the remaining parts of this subtitle. It is the intention that the remaining parts of this subtitle would have been enacted into law if that unconstitutionality or invalidity had been known. To this end, all parts of this subtitle are declared to be severable.

§2–2A–01.

(a) The population count used after each decennial census for the purpose of creating the legislative districting plan for the General Assembly:

(1) may not include individuals who:

(i) were incarcerated in State or federal correctional facilities, as determined by the decennial census; and

(ii) were not residents of the State before their incarceration; and

(2) shall count individuals incarcerated in the State or federal correctional facilities, as determined by the decennial census, at their last known residence before incarceration if the individuals were residents of the State.

(b) Beginning with the 2020 decennial census:

(1) on or before October 31 in the year of each decennial census, the Department of Public Safety and Correctional Services shall submit to the Maryland Department of Planning and the Department of Legislative Services the following identifiable information, in electronic form, for each individual incarcerated in a State correctional facility on April 1 in the year of the decennial census:

(i) the name of the individual;

(ii) the address of the individual's last known residence;

(iii) the individual's race or ethnicity; and

(iv) any other information necessary to fulfill the purposes of this section; and

(2) on or before August 1 in the year of each decennial census, the Maryland Department of Planning and the Department of Legislative Services shall enter into a memorandum of understanding, the terms of which shall require the Maryland Department of Planning and the Department of Legislative Services to work collaboratively to:

(i) summarize the results of the geocoded data created by the Maryland Department of Planning as required under COMAR 35.05.01;

(ii) using the geocoded data, identify the individuals incarcerated in a State correctional facility or federal correctional facility in the State that will be included in the adjusted census data under this section;

(iii) make any necessary changes to the Maryland Department of Planning's geocoded database;

(iv) jointly review for accuracy any changes to the census data by any software vendor or other entity; and

(v) jointly certify, on or before March 15 in the year following each decennial census, the adjusted census data to be used for redistricting under this section.

§2–401.

In this subtitle, "Committee" means the Legislative Policy Committee.

§2–402.

There is a Legislative Policy Committee.

§2–403.

(a) The Legislative Policy Committee consists of the following 28 members:

(1) from the Senate:

(i) the President;

(ii) the President Pro Tem;

(iii) the Majority Leader;

(iv) the Chair of the Budget and Taxation Committee;

(v) the Chair of the Committee on Education, Energy, and the Environment;

(vi) the Chair of the Finance Committee;

(vii) the Chair of the Judicial Proceedings Committee;

(viii) the Minority Leader; and

(ix) 1. 6 other Senators, appointed by the President and approved by majority vote of the Senate; or

2. if a Senator simultaneously serves in 2 of the positions set forth in items (ii) through (vii), inclusive, of this item, 7 other Senators, appointed by the President and approved by majority vote of the Senate; and

(2) from the House:

(i) the Speaker;

(ii) the Speaker Pro Tem;

(iii) the Majority Leader;

(iv) the Chair of the Appropriations Committee;

(v) the Chair of the Health and Government Operations Committee;

(vi) the Chair of the Economic Matters Committee;

(vii) the Chair of the Environment and Transportation Committee;

(viii) the Chair of the Judiciary Committee;

(ix) the Chair of the Ways and Means Committee;

(x) the Minority Leader; and

(xi) 1. 4 other Delegates, appointed by the Speaker and approved by majority vote of the House; or

2. if a Delegate simultaneously serves in 2 of the positions set forth in items (ii) through (ix), inclusive, of this item, 5 other Delegates, appointed by the Speaker and approved by majority vote of the House.

(b) (1) As far as possible, the Senators appointed by the President, under subsection (a)(1)(ix) of this section, shall be representative of the various sections and interests of the State.

(2) As far as possible, the Delegates appointed by the Speaker, under subsection (a)(2)(xi) of this section, shall be representative of the various sections and interests of the State.

§2–404.

The President and the Speaker are cochairs of the Committee.

§2–405.

(a) This section applies only to a vacancy on the Committee that occurs while the General Assembly is not in session.

(b) (1) If a vacancy occurs in one of the offices of cochairs of the Committee, a successor shall be elected:

(i) for the Senate cochair, by the Senators on the Committee; and

(ii) for the House cochair, by the Delegates on the Committee.

(2) If vacancies occur in both offices of the cochairs of the Committee, the successors shall be elected from among the remaining members of the Committee by those members. One of the cochairs shall be a Senator, and one shall be a Delegate.

(c) (1) If a vacancy occurs among the Senators on the Committee, a successor shall be appointed by the President.

(2) If a vacancy occurs among the Delegates on the Committee, a successor shall be appointed by the Speaker.

§2–406.

(a) (1) A majority of the full authorized membership of the Committee is a quorum.

(2) The Committee may not act unless at least 8 members concur.

(b) (1) The Committee shall meet as often as necessary, at the times and places that its cochairs determine.

(2) Any member of the General Assembly may attend a meeting of the Committee and present views on any matter that the Committee is considering. However, only a member of the Committee may vote in any decision of the Committee.

(3) The Committee shall keep minutes of its meetings.

(c) The Department of Legislative Services shall provide staff assistance to the Committee.

§2–407.

(a) The Committee has the following functions:

(1) to review the work of the standing committees;

(2) to collect information about the government and general welfare of the State;

(3) to study the operation of and recommend changes in the Constitution, statutes, and common law of the State;

(4) to study the rules and procedures of the Senate and the House and recommend changes that would improve and expedite the consideration of legislation by the General Assembly;

(5) to coordinate and supervise generally the work of the General Assembly when it is not in session;

(6) to prepare or endorse a legislative program that includes the bills, resolutions, or other recommendations of the Committee that are to be presented to the General Assembly at its next session;

(7) to carry out its powers and duties under the Maryland Program Evaluation Act; and

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

(b) To carry out its functions, the Committee:

(1) shall receive, from any source, suggestions for legislation or investigation;

(2) may hold a hearing on any matter;

(3) may appoint a special committee and delegate to that committee the authority specified in § 2–408 of this subtitle;

(4) may refer a matter for study and report to any of its special committees or any committee of the General Assembly;

(5) shall consider the reports of standing, statutory, and special committees;

(6) may have any bill or resolution prepared to carry out its recommendations; and

(7) when the General Assembly is not in session:

(i) may accept a gift or grant of money from a person or public agency for any purpose that relates to the activities of the Legislative Policy Committee or of any other standing, statutory, or special committee; and

(ii) may spend the money for that purpose, in accordance with the State budget.

§2–408.

(a) In carrying out any of its functions or powers, the Committee may:

(1) issue subpoenas;

(2) compel the attendance of witnesses;

(3) compel the production of any papers, books, accounts, documents, and testimony;

(4) administer oaths; and

(5) cause the depositions of witnesses, who reside in or outside of the State, to be taken in the manner provided by law for taking depositions in a civil case.

(b) (1) If a person fails to comply with a subpoena issued under this section or fails to testify on any matter on which the person lawfully may be interrogated, on petition of a member of the Committee, a circuit court may pass an order directing compliance with the subpoena or compelling testimony and may enforce the order by proceedings for contempt.

(2) Venue and procedures for a proceeding under paragraph (1) of this subsection to direct compliance with a subpoena or compel testimony are as provided in § 2–1803 of this title.

(c) False swearing by a witness before the Committee is perjury.

§2–409.

(a) Subject to § 2–1257 of this title, the Committee shall submit to the General Assembly periodic reports to keep the members of the General Assembly fully informed about matters that come before the Committee.

(b) (1) The Committee shall compile the bills, joint resolutions, and other recommendations that are submitted to it by its special committees and by the committees of the General Assembly and are intended for submission to the General Assembly at its next session.

(2) Before that session of the General Assembly, the Committee shall prepare a report that includes those bills, resolutions, and recommendations and the reports that relate to them.

(3) The Committee shall:

(i) subject to § 2–1257 of this title, submit this report to the General Assembly; and

(ii) send this report to each other elected State officer and to the Thurgood Marshall State Law Library.

§2–410.

Within the amounts made available by appropriation, each officer and unit of the State government shall conduct any study that the Committee requests.

§2–501.

In this subtitle, "Committee" means the Joint Committee on Administrative, Executive, and Legislative Review.

§2–502.

There is a Joint Committee on Administrative, Executive, and Legislative Review, which is a joint committee of the Senate and the House.

§2–503.

(a) (1) The Committee consists of 20 members.

(2) Of the 20 Committee members:

(i) 10 shall be Senators, appointed by the President with the approval of the Senate; and

(ii) 10 shall be Delegates, appointed by the Speaker with the approval of the House.

(b) (1) The Senators appointed by the President shall be chosen so that each political party is represented in approximately the same proportion as the party is represented in the Senate.

(2) The Delegates appointed by the Speaker shall be chosen so that each political party is represented in approximately the same proportion as the party is represented in the House.

(c) Members shall be appointed at the beginning of each regular session of the General Assembly and shall serve until the beginning of the following regular session.

§2–504.

The Senate chair and the House chair of the Committee shall be appointed by the President and the Speaker, respectively, from the membership of the Committee. One shall be a Senator appointed by the President, and the other shall be a Delegate appointed by the Speaker. The presiding chairship and cochairship shall be alternated annually between the Senate and the House.

§2–505.

(a) A majority of the full authorized membership of the Committee is a quorum.

(b) The Department of Legislative Services shall provide staff assistance to the Committee.

§2–506.

(a) In addition to any powers set forth elsewhere, the Committee may:

(1) review proposed or adopted regulations of a unit of the Executive Branch of the State government;

(2) consider requests for emergency adoption of regulations;

(3) inquire into an alleged failure of an officer or employee of any branch of the State government to comply with the laws of the State; and

(4) review the operations of any unit of the Executive Branch of the State government.

(b) (1) At least once a year, the Committee shall submit a report to the Legislative Policy Committee and, subject to § 2–1257 of this title, to the General Assembly.

(2) The report shall:

(i) describe the studies and other work of the Committee; and

(ii) include any recommendations of the Committee on legislative action that is needed to change or reverse a regulation of a unit of the Executive Branch of the State government.

(c) The failure of the Committee to comment on or to object to a proposed or adopted regulation is not an indication that:

(1) the Committee approves the regulation;

(2) the statute under which the regulation is adopted authorizes the adoption; or

(3) the regulation conforms to the legislative intent of the statute.

§2–507.

(a) In carrying out any of its functions or powers, the Committee may:

(1) issue subpoenas;

(2) compel the attendance of witnesses;

(3) compel the production of any papers, books, accounts, documents, and testimony;

(4) administer oaths; and

(5) cause the depositions of witnesses, who reside in or outside of the State, to be taken in the manner provided by law for taking depositions in a civil case.

(b) (1) If a person fails to comply with a subpoena issued under this section or fails to testify on any matter on which the person lawfully may be interrogated, on petition of a member of the Committee, a circuit court may pass an order directing compliance with the subpoena or compelling testimony and may enforce the order by proceedings for contempt.

(2) Venue and procedures for a proceeding under paragraph (1) of this subsection to direct compliance with a subpoena or compel testimony are as provided in § 2–1803 of this title.

§2–601.

In this subtitle, "Committee" means the Joint Audit and Evaluation Committee.

§2–602.

There is a Joint Audit and Evaluation Committee, which is a joint committee of the Senate and the House.

§2–603.

(a) The Committee consists of 10 members of the Senate, appointed by the President, and 10 members of the House, appointed by the Speaker.

(b) (1) Members of the Committee shall be appointed on the basis of demonstrated ability and interest in the functions of the Committee.

(2) In making appointments from time to time, the President and the Speaker shall provide for representation from the major areas of the State.

(c) (1) Members shall be appointed after the 2 houses and their committees organize during each regular session of the General Assembly and shall serve until the houses and committees organize during the following regular session.

(2) (i) If a vacancy occurs among the Senators on the Committee, a successor promptly shall be appointed by the President.

(ii) If a vacancy occurs among the Delegates on the Committee, a successor promptly shall be appointed by the Speaker.

§2–604.

The President and the Speaker jointly shall appoint the chair and the vice chair of the Committee.

§2–605.

In addition to any powers and duties set forth elsewhere, the Committee shall:

(1) review audit reports issued by the Legislative Auditor and submit findings and recommendations to the General Assembly with respect to issues in audit reports;

(2) review the audit process and procedures and provide comment and recommendations to the President and the Speaker, the Executive Director of the Department of Legislative Services, and the Legislative Auditor;

(3) review performance evaluations conducted and reports issued by the Office of Program Evaluation and Government Accountability and submit findings and recommendations to the General Assembly with respect to issues raised in the performance evaluations and reports; and

(4) review the performance evaluation process and procedures and provide comment and recommendations to the President and the Speaker, the

Executive Director of the Department of Legislative Services, and the Director of the Office of Program Evaluation and Government Accountability.

§2–606. IN EFFECT

// EFFECTIVE UNTIL SEPTEMBER 30, 2023 PER CHAPTER 753 OF 2018 //

The Committee shall:

(1) beginning with the 2018 audit, review the Baltimore Police Department's audit reports issued by the Baltimore City Comptroller and submit findings and recommendations to the General Assembly, in accordance with § 2–1257 of this title, with respect to issues in audit reports; and

(2) review the audit process and procedures and provide comment and recommendations, in accordance with § 2–1257 of this title, to the President of the Senate and the Speaker of the House of Delegates, the Executive Director of the Department of Legislative Services, and the Legislative Auditor.

§2–701.

In this subtitle, "Committee" means the Joint Committee on Legislative Ethics.

§2–702.

There is a Joint Committee on Legislative Ethics, which is a joint committee of the Senate and the House.

§2–703.

(a) (1) The Committee consists of the following 12 regular members:

(i) six Senators appointed by the President; and

(ii) six Delegates appointed by the Speaker.

(2) (i) The Senators appointed by the President shall be chosen so that each political party is represented in approximately the same proportion as the party is represented in the Senate. Minority party members shall be appointed upon the recommendation of the minority leader of the Senate.

(ii) The Delegates appointed by the Speaker shall be chosen so that each political party is represented in approximately the same proportion as the

party is represented in the House. Minority party members shall be appointed upon the recommendation of the minority leader of the House.

(b) (1) A member appointed by the President serves at the pleasure of the President.

(2) A member appointed by the Speaker serves at the pleasure of the Speaker.

(c) The President and the Speaker shall be nonvoting ex officio members of the Committee.

§2–704.

(a) The President and the Speaker:

(1) jointly shall appoint a chair and a vice chair of the Committee; or

(2) each shall appoint a cochair of the Committee.

(b) Appointees serve at the pleasure of the appointing authority.

§2–705.

The Committee shall meet at the times and places that it determines.

§2–706.

(a) The Committee shall:

(1) perform all duties assigned to it by law or by legislative rules;

(2) from time to time, recommend to the presiding officers any changes in or amendments to the rules of legislative ethics;

(3) on request of a member of the General Assembly, issue an advisory opinion regarding the legislative ethics of an action taken or contemplated to be taken by the member;

(4) on its own motion, issue advisory opinions as it deems necessary;

(5) at the request of the President or the Speaker, make recommendations concerning matters referred to the Committee;

(6) as it deems necessary, issue guidelines and establish procedures for the implementation of the rules of legislative ethics;

(7) maintain public records as the rules require; and

(8) review complaints filed under § 5–516 of the General Provisions Article alleging violations of the antiharassment policy and procedures adopted by the Legislative Policy Committee that govern the conduct of members of the General Assembly.

(b) (1) The Committee shall maintain the statements filed by members of the General Assembly under Title 5, Subtitle 5 of the General Provisions Article and, during normal office hours, make the statements available to the public for examination and copying.

(2) The Committee shall maintain a record of:

(i) the name and home address of each individual who examines or copies a statement filed with the Committee by a member of the General Assembly; and

(ii) the name of the member whose statement was examined or copied.

(3) On the request of the member whose statement was examined or copied, the Committee shall forward to the member a copy of the record maintained by the Committee under paragraph (2)(i) of this subsection.

§2–707.

(a) (1) The Committee may propose the adoption, amendment, or repeal of rules of legislative ethics.

(2) Changes to the rules shall be presented in the form of a joint resolution and shall become effective after adoption of the joint resolution by a constitutional majority of each house voting separately.

(3) Before presenting a change to the rules, the Committee shall conduct a public hearing.

(b) The rules may supplement but may not be inconsistent with the provisions of the Maryland Public Ethics Law that relate to members of the General Assembly.

(c) The rules are effective whether or not the General Assembly is in session and shall be binding on each member of the General Assembly.

§2–708.

The President and the Speaker may refer to the Committee any matter that they consider appropriate.

§2–709.

(a) The Executive Director of the Department of Legislative Services, subject to the approval of the President and Speaker, shall appoint an attorney to serve as Counsel to the Committee.

(b) The Counsel:

(1) shall devote full time to the duties of the Committee, but may not participate in any investigatory or prosecutorial function;

(2) may provide information to any person regarding laws, rules, and other standards of ethical conduct applicable to members of the General Assembly;

(3) shall carry out any duties prescribed under Title 5, Subtitle 5 of the General Provisions Article;

(4) shall meet individually with each member of the General Assembly each year to:

(i) advise the member regarding the requirements of any applicable ethics law, rule, or standard of conduct; and

(ii) assist the member in preparing statements and reports required to be filed with the Committee under Title 5, Subtitle 5, Part II of the General Provisions Article; and

(5) shall conduct seminars, workshops, and briefings for the benefit of members of the General Assembly, as directed by the Committee, the President, or the Speaker.

(c) The assistance of the Counsel to members of the General Assembly:

(1) is subject to the attorney client privilege, as set forth in § 9–108 of the Courts Article;

(2) is subject to confidentiality under § 5–517 of the General Provisions Article; and

(3) is intended as a service to the members and may not be deemed to diminish a member's personal responsibility for adherence to applicable laws, rules, and standards of ethical conduct.

(d) The Committee shall have other staff assistance as requested by the Committee and as provided in the budget of the General Assembly.

§2–710.

(a) In this section, "Board" means the Citizens' Advisory Board for Legislative Ethics established under subsection (b) of this section.

(b) (1) There is a Citizens' Advisory Board for Legislative Ethics.

(2) The Board consists of the following members:

(i) a member of the public who shall serve as the chair, appointed jointly by the President of the Senate and the Speaker of the House;

(ii) two members of the public, appointed by the President of the Senate; and

(iii) two members of the public, appointed by the Speaker of the House.

(3) (i) A member of the Board:

1. shall be a resident of the State;

2. may not be a State or local elected official; and

3. may not be a regulated lobbyist.

(ii) No more than two members of the Board at any one time may be former members of the General Assembly.

(iii) The members of the Board shall be chosen so that each political party is represented in approximately the same proportion as the party is represented in the General Assembly.

(iv) In appointing members of the Board, the presiding officers shall seek individuals with a knowledge of or background in public ethics.

(4) (i) The term of a member of the Board is 2 years and begins on January 1 of each even–numbered year.

(ii) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(iii) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) With the consent of the Legislative Policy Committee, the President and Speaker may remove a member for incompetence or misconduct.

(c) The Board shall regularly offer recommendations to the Committee and the presiding officers regarding changes to the Public Ethics Law, the policies and procedures of the Committee, and public advisory opinions of the Committee.

§2–801.

In this subtitle, "Committee" means the Joint Committee on the Management of Public Funds.

§2–802.

There is a Joint Committee on the Management of Public Funds, which is a joint committee of the Senate and the House.

§2–803.

(a) (1) The Committee consists of 8 members.

(2) Of the 8 members:

(i) 4 shall be Senators, appointed by the President; and

(ii) 4 shall be Delegates, appointed by the Speaker.

(b) (1) A member appointed by the President serves at the pleasure of the President.

(2) A member appointed by the Speaker serves at the pleasure of the Speaker.

§2–804.

The President and the Speaker jointly shall appoint the chair and the vice chair of the Committee.

§2–805.

(a) A majority of the full authorized membership of the Committee is a quorum.

(b) The Committee shall meet:

(1) at the times and places that it determines; and

(2) at the call of its chair or, if the chair is absent, at the call of its vice chair.

§2–806.

(a) The Committee has the function to review the investment and management policies and procedures:

(1) of the Treasurer with respect to State funds in the State Treasury;

(2) of any officer or unit with respect to State funds that are not in the State Treasury and are not under the jurisdiction of a retirement system; and

(3) of local governments with respect to public funds.

(b) Subject to § 2-1257 of this title, on or before the 1st day of each regular session, the Committee shall submit an annual report to the General Assembly on any recommendations as to the office of Treasurer.

(c) The function and authority of the Treasurer as a member of the Board of Public Works are not subject to the review of the Committee.

§2–807.

(a) In carrying out any of its functions or powers, the Committee may:

(1) issue subpoenas;

(2) compel the attendance of witnesses;

(3) compel the production of any papers, books, accounts, documents, and testimony;

(4) administer oaths; and

(5) cause the depositions of witnesses, who reside in or outside of the State, to be taken in the manner provided by law for taking depositions in a civil case.

(b) (1) If a person fails to comply with a subpoena issued under this section or fails to testify on any matter on which the person lawfully may be interrogated, on petition of a member of the Committee, a circuit court may pass an order directing compliance with the subpoena or compelling testimony and may enforce the order by proceedings for contempt.

(2) Venue and procedures for a proceeding under paragraph (1) of this subsection to direct compliance with a subpoena or compel testimony are as provided in § 2–1803 of this title.

§2–901.

In this subtitle, "Committee" means the Joint Committee on Federal Relations.

§2–902.

There is a Joint Committee on Federal Relations, which is a joint committee of the Senate and the House.

§2–903.

(a) The Committee consists of 16 members.

(b) Of the 16 Committee members:

(1) 8 shall be Senators, appointed by the President; and

(2) 8 shall be Delegates, appointed by the Speaker.

§2–904.

(a) The President and the Speaker jointly shall appoint a chair and a vice chair of the Committee.

(b) (1) The President shall appoint a chair of the Senate members of the Committee.

(2) The Speaker shall appoint a chair of the House members of the Committee.

§2–905.

The Department of Legislative Services shall provide staff assistance to the Committee.

§2–906.

(a) The Committee shall:

(1) as to the relations between the State and the federal government:

(i) monitor and evaluate the relations;

(ii) monitor proposals to change the relations;

(iii) evaluate the impact of the proposals on the State and its citizens and on local governments; and

(iv) keep officials of the Executive and Legislative branches of the State government and others informed about the relations and the potential impact of proposals to change the relations;

(2) serve as a forum for consideration of certain State-local issues;

(3) try to advance the cooperation between the State and other units of government by proposing or facilitating any actions that the Committee considers advisable, including:

(i) the adoption of compacts;

(ii) the enactment of uniform statutes;

(iii) the enactment of reciprocal statutes;

(iv) the adoption of uniform administrative rules or regulations;

(v) the adoption of reciprocal administrative rules or regulations;

(vi) the informal cooperation between government offices;

(vii) the personal cooperation between officials and employees of governments; and

(viii) the exchange of information; and

(4) do any other thing that the Legislative Policy Committee assigns.

(b) Subject to § 2-1257 of this title, the Committee shall submit to the General Assembly:

(1) an annual report, within 15 days after the General Assembly convenes for a regular session; and

(2) any other report that the Committee considers appropriate.

§2–1001.

In this subtitle, "Committee" means the Spending Affordability Committee.

§2–1002.

(a) The General Assembly finds that State expenditures for operating and capital programs must be controlled so that the level of State spending is consistent with the economic growth of the State.

(b) (1) The control of spending shall be exercised through the budgetary process as well as through legislative oversight and program review.

(2) The budget focuses on spending for the next fiscal year and provides careful scrutiny of new programs or expansion of existing programs and services and weighs the incremental cost of the State budget in light of the priority needs of the citizens.

(3) Legislative oversight seeks to eliminate inefficiencies in governmental activities and to evaluate programs in order to eliminate those no longer required and to avoid overlap and duplication of services and activities.

(c) (1) The Legislative Policy Committee shall be responsible for coordinating the spending affordability program of the General Assembly by

appointment of a Spending Affordability Committee and by selection of program evaluation projects and direction of oversight activities.

(2) The goal of the spending affordability program is to limit the rate of growth of State spending to a level that does not exceed the rate of growth of the State's economy.

§2–1003.

(a) On or before June 1 of each year, the Legislative Policy Committee shall create a Spending Affordability Committee comprised of an equal number of Senators and Delegates. The Committee membership includes:

(1) the President and the Speaker;

(2) the chairs of the Senate Budget and Taxation Committee and the House Appropriations Committee;

(3) the majority and minority leaders of the Senate and the House or their designees; and

(4) other members of the Senate and the House who may be appointed by the President and the Speaker.

(b) The chair of the Committee shall be designated jointly by the President and the Speaker.

(c) The President and the Speaker may appoint an advisory committee of citizens to assist the Committee in its deliberations.

§2–1004.

(a) The Committee shall review in detail the status and projections of the revenues and expenditures of the State and the status and projections of the economy of the State.

(b) In evaluating future State expenditures, the Committee shall consider economic indicators such as personal income, gross State product, or other data.

§2–1005.

(a) On or before December 20 of each year, the Committee shall submit, subject to § 2–1257 of this title, to the Legislative Policy Committee and the Governor

a report with recommendations on fiscal goals for the State budget to be considered at the next regular session of the General Assembly, including:

(1) a recommended level of State spending;

(2) a recommended level of new debt authorization;

(3) a recommended level of State personnel;

(4) a recommended use of any anticipated surplus;

(5) a recommended end–of–the–year General Fund balance;

(6) a recommended end–of–the–year balance in the Revenue Stabilization Account established under § 7–311 of the State Finance and Procurement Article;

(7) a recommended structural balance goal;

(8) a recommended fund balance for the Transportation Trust Fund established under § 3–216 of the Transportation Article;

(9) a recommended minimum expenditure level for system preservation by the Maryland Department of Transportation; and

(10) other findings or recommendations that the Committee considers appropriate.

(b) If the report recommends expenditures in excess of the annual increase in personal income, gross State product, or other data that the Committee used to measure the growth of the State's economy, the Committee shall provide the Senate and the House with an analysis as to the extent the recommendation exceeds those economic indicators.

§2–1006.

The Senate and the House budget committees:

(1) in considering a proposed State budget, shall consider the recommendations of the Spending Affordability Committee; and

(2) shall:

(i) report a budget bill that conforms to those recommendations; or

(ii) if the level of the budget bill in the report is above those recommendations, provide, with the report, an analysis stating the extent to which the budget bill exceeds the recommendations and explaining the budget committee's rationale for exceeding the recommendations.

§2–1007.

(a) The Department of Legislative Services shall provide staff services for the Committee.

(b) Units in the Executive Branch of the State government shall cooperate with the Committee and provide information to the Committee and its staff as requested.

§2–1008.

On or before June 1 of each year, the Department of Legislative Services shall report, subject to § 2-1257 of this title, to the Legislative Policy Committee the extent to which the State budget as enacted by the General Assembly conformed to the recommendations of the Spending Affordability Committee.

§2–1009.

On or before June 1 of each year, the Legislative Policy Committee shall select units or programs that the Legislative Policy Committee believes should be subject to legislative review and assign the selected units and programs to an appropriate committee for review and recommendations during that legislative interim.

§2–1010.

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

(2) "Internal Revenue Code" means Title 26 of the United States Code.

(3) "Private activity bond" has the meaning stated in § 141 of the Internal Revenue Code.

(4) "State issuer" means the State of Maryland or any agency of the State of Maryland with authority to issue private activity bonds.

(b) On or before January 15 of each year, any State issuer of private activity bonds shall report, subject to § 2–1257 of this title, to the Committee:

(1) the actual level of private activity bonds issued in the prior year; and

(2) the projected level of private activity bonds to be issued in the current year.

§2–10A–01.

(a) There is a Joint Committee on the Chesapeake and Atlantic Coastal Bays Critical Area.

(b) (1) The Committee consists of 10 members.

(2) Of the 10 members:

(i) 5 shall be members of the Senate appointed by the President of the Senate; and

(ii) 5 shall be members of the House of Delegates appointed by the Speaker of the House.

(c) The members of the Committee serve at the pleasure of the presiding officer who appointed them.

(d) The President and the Speaker shall jointly appoint a Senator and a Delegate each to serve as cochairs.

(e) The Department of Legislative Services shall provide staff assistance to the Committee.

(f) The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays shall meet with the Committee periodically as the Committee requests to review development and implementation of the criteria for program development.

(g) The Committee may study and make recommendations to the Legislative Policy Committee on any other area of the Chesapeake and Atlantic Coastal Bays Critical Area Protection Program the Committee considers appropriate.

(h) The Committee shall meet with the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, representatives of counties and

municipalities having land within the critical areas, and any other interested parties to study and determine:

(1) whether adequate flexibility exists under the current criteria to meet the special characteristics and needs of the individual counties and municipalities having land within the critical areas;

(2) whether the current timetable for review of approved local critical area protection programs is adequate to meet the special characteristics and needs of the individual counties and municipalities having land within the critical areas; and

(3) whether the criteria need to be strengthened in any area so as to make the Chesapeake and Atlantic Coastal Bays Critical Area Protection Program more effective in the protection of the water quality and habitat of the Chesapeake Bay and its tributaries.

(i) The Committee shall study and determine the appropriate future role of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, including:

(1) whether the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays should remain an autonomous organization or be incorporated into an existing executive agency;

(2) how long the current oversight role of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays should continue; and

(3) whether the current appeal process is the most effective appeal process to meet the goals of the Chesapeake and Atlantic Coastal Bays Critical Area protection law.

§2–10A–03.

(a) There is a Joint Committee on Workers' Compensation Benefit and Insurance Oversight.

(b) (1) The Committee consists of 16 members.

(2) Of the 16 members:

(i) 1. 2 shall be members of the Senate appointed by the President of the Senate; and

2. 2 shall be Delegates appointed by the Speaker of the House of Delegates; and

(ii) 12 shall be appointed jointly by the President and the Speaker as follows:

1. 1 representative of the business community;

2. 1 representative of the Maryland labor organizations;

3. 1 representative of the Maryland building and construction labor organizations;

4. 1 representative of a self–insured local government entity;

5. 2 members of the public;

6. 1 member of the insurance industry;

7. 1 member of the Medical and Chirurgical Faculty of Maryland;

8. 1 member of a workers' compensation rating organization;

9. 2 members of the Bar of the Supreme Court of Maryland, 1 of whom represents plaintiffs in workers' compensation cases and 1 of whom represents defendants in workers' compensation cases; and

10. 1 member who is certified by the Workers' Compensation Commission as a Maryland rehabilitation service provider.

(c) The members of the Committee serve at the pleasure of the presiding officer who appointed them.

(d) The President and the Speaker shall jointly appoint a Senator and a Delegate each to serve as cochair.

(e) (1) The Committee shall examine and evaluate:

(i) the condition of the workers' compensation benefit and insurance structure in the State; and

(ii) the effect of Chapters 590 and 591 of the Laws of Maryland of 1987 on that structure.

(2) This examination shall include the regulations adopted by the Workers' Compensation Commission that are to be used by physicians to measure impairment when preparing medical evaluations of claimants.

(f) The Insurance Commissioner and the Workers' Compensation Commission shall:

(1) cooperate fully with the Committee;

(2) keep the Committee fully informed as to the condition of workers' compensation benefits and workers' compensation insurance in the State; and

(3) submit an annual report, subject to § 2–1257 of this title, to the Committee on or before October 1 of each year that incorporates the information described in item (2) of this subsection.

(g) The Committee shall report to the Governor and the Legislative Policy Committee on December 31 of each year.

§2–10A–06.

(a) In this section, "conditions of well–being" means the desired results identified by the Maryland Partnership for Children, Youth, and Families based upon identified needs and used to improve quality.

(b) There is a Joint Committee on Children, Youth, and Families.

(c) The Committee consists of the following 20 members:

(1) from the Senate:

(i) the majority leader;

(ii) the minority leader; and

(iii) two members from each of the four standing committees; and

(2) from the House:

(i) the majority leader;

(ii) the minority leader; and

(iii) eight other Delegates appointed by the Speaker from among the members of the House committees that deal with issues affecting children, youth, and families.

(d) (1) Members of the Committee shall be appointed on the basis of demonstrated ability and interest concerning issues affecting children, youth, and families.

(2) In making appointments, the President and the Speaker shall provide for representation from:

(i) the committees that deal with issues affecting children, youth, and families; and

(ii) the major areas of the State.

(e) (1) (i) A member appointed by the President serves at the pleasure of the President.

(ii) A member appointed by the Speaker serves at the pleasure of the Speaker.

(2) (i) If a vacancy occurs among the Senators on the Committee, a successor promptly shall be appointed by the President.

(ii) If a vacancy occurs among the Delegates on the Committee, a successor promptly shall be appointed by the Speaker.

(f) (1) From among the membership of the Committee, the President shall appoint a Senator to serve as the Senate chair of the Committee and the Speaker shall appoint a Delegate to serve as the House chair of the Committee.

(2) The Senate chair and the House chair shall alternate annually as presiding chair and cochair of the Committee.

(g) A majority of the full authorized membership of the Committee is a quorum.

(h) The Department of Legislative Services, Office of Policy Analysis, shall provide staff assistance to the Committee.

(i) The Committee shall hold:

(1) an organizational meeting promptly after the appointment of its members; and

(2) any other meetings that the Committee considers necessary to carry out its duties efficiently.

(j) The Committee may:

(1) hold a hearing on any matter relating to the functions of the Committee; and

(2) consider a vote on a bill or resolution referred to it by the President or the Speaker.

(k) In addition to any powers and duties set forth elsewhere, in an endeavor to achieve conditions of well–being for Maryland children, youth, and families, the Committee shall:

(1) investigate the problems that jeopardize the well–being of Maryland children, youth, and families;

(2) identify State policies and actions that, in conjunction with public and private partners and in support of families and communities, can work to achieve conditions of well–being for Maryland children, youth, and families;

(3) review and make recommendations to align State statutes, regulations, programs, services, and budgetary priorities with the State policies and actions described in item (2) of this subsection;

(4) search for any interdepartmental gaps, inconsistencies, and inefficiencies in the implementation or attainment of the State policies and actions described in item (2) of this subsection;

(5) identify any new laws, regulations, programs, services, and budgetary priorities that are needed to ensure and promote desired conditions of well–being for Maryland children, youth, and families;

(6) serve as an informational resource for the Senate and the House on legislative policy matters concerning children, youth, and families; and

(7) perform other activities, including improving public awareness of the special needs of Maryland children, youth, and families.

(l) (1) Subject to § 2–1257 of this title, the Committee shall submit an annual report to the General Assembly on or before December 1 of each year.

(2) The report shall include:

(i) a description of the work of the Committee; and

(ii) any recommendations of the Committee.

§2–10A–08.

(a) There is a Joint Committee on Fair Practices and State Personnel Oversight.

(b) (1) The Joint Committee consists of eight members.

(2) Of the eight members:

(i) four shall be members of the Senate, appointed by the President of the Senate; and

(ii) four shall be members of the House of Delegates, appointed by the Speaker of the House.

(c) The members of the Joint Committee serve at the pleasure of the presiding officer who appointed them.

(d) The President and the Speaker jointly shall appoint a Senator and a Delegate to serve as cochairs.

(e) The Joint Committee shall have oversight over:

(1) employment policies and personnel systems in the Executive Branch of State government, including:

(i) the State Personnel Management System;

(ii) the Maryland Department of Transportation's Human Resources Management System; and

(iii) the personnel systems of State institutions of higher education; and

(2) matters in State government of equal employment opportunity policies and practices for State employees.

(f) The purposes of the Joint Committee are to:

(1) review reports;

(2) evaluate the effectiveness of programs, policies, and practices; and

(3) identify areas of concern and, as appropriate, recommend corrective measures to the Governor and the General Assembly.

§2–10A–11.

(a) There is a Joint Committee on Unemployment Insurance Oversight.

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

(1) three members of the Senate, appointed by the President of the Senate;

(2) three members of the House of Delegates, appointed by the Speaker of the House of Delegates;

(3) the Secretary of Labor, or the Secretary's designee;

(4) the Secretary of Commerce, or the Secretary's designee;

(5) a representative of the Maryland Retailers Association, designated by the Maryland Retailers Association;

(6) a representative of the Maryland Chamber of Commerce, designated by the Maryland Chamber of Commerce;

(7) a representative of the National Federation of Independent Business, designated by the National Federation of Independent Business;

(8) a representative of the Job Opportunities Task Force, designated by the Job Opportunities Task Force;

(9) two representatives of union labor, designated by the Maryland State and District of Columbia AFL–CIO; and

(10) a representative of the academic profession who is knowledgeable in unemployment insurance law, designated jointly by the President of the Senate and the Speaker of the House of Delegates.

(c) The members of the Committee serve at the pleasure of the presiding officer who appointed them.

(d) The President and the Speaker shall appoint a Senator and a Delegate, respectively, each to serve as cochair.

(e) (1) The Committee shall examine the condition of the unemployment insurance system in the State as a result of the implementation of Chapter 169 of the Acts of the General Assembly of 2005.

(2) The Committee may examine the need for additional alterations to the unemployment insurance system, including the charging and taxation provisions and the eligibility and benefit provisions, in consideration of the fairness of the system and in order to maintain the Unemployment Insurance Trust Fund at a level sufficient to ensure that benefits will be paid from the Fund.

(f) (1) The Department of Legislative Services shall provide staffing for the Committee.

(2) The Maryland Department of Labor shall report to the Committee on the condition of unemployment insurance in the State.

(g) A member of the Committee may not receive compensation for serving on the Committee, but is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(h) The Committee shall report its findings and recommendations to the Governor and, subject to § 2–1257 of this title, the General Assembly on December 31 of each year in which the Committee meets.

§2–10A–13.

(a) There is a Joint Committee on Cybersecurity, Information Technology, and Biotechnology.

(b) The Committee consists of the following 12 members:

(1) six members of the Senate of Maryland, appointed by the President of the Senate; and

(2) six members of the House of Delegates, appointed by the Speaker of the House.

(c) The members of the Committee serve at the pleasure of the presiding officer who appointed them.

(d) The President and the Speaker shall appoint jointly a Senator and a Delegate to serve as cochairs who shall alternate in serving as the presiding chair of the Committee each year.

(e) The Committee shall:

(1) work to broaden the support, knowledge, and awareness of advances in cybersecurity, information technology, and biotechnology to benefit the people of Maryland;

(2) evaluate State cybersecurity systems and the adequacy of economic development and job skills training programs to advance cybersecurity in the State;

(3) make recommendations regarding actions to promote cybersecurity, information technology, and biotechnology industries in the State; and

(4) examine and evaluate additional cybersecurity–, information technology–, or biotechnology–related issues as designated by the cochairs of the Committee.

(f) The Committee shall report its findings and recommendations to the Governor and, in accordance with § 2–1257 of this title, the Legislative Policy Committee, the Senate Finance Committee, and the House Economic Matters Committee on or before December 31 of each year.

§2–10A–14.

(a) There is a Joint Committee on Legislative Information Technology and Open Government.

(b) (1) The Committee consists of 12 members.

(2) Of the 12 members:

(i) 6 shall be members of the Senate of Maryland, appointed by the President of the Senate; and

(ii) 6 shall be members of the House of Delegates, appointed by the Speaker of the House.

(c) From among the membership of the Committee, the President of the Senate shall appoint a Senator to serve as the Senate Chair of the Committee, and the Speaker of the House shall appoint a Delegate to serve as the House Chair of the Committee.

(d) The Department of Legislative Services shall provide staff assistance to the Committee.

(e) The Committee shall:

(1) review and evaluate legislative information technology systems and goals for the General Assembly and its staff agencies;

(2) identify areas in which the State can improve its technology, websites, programs, and services to increase transparency, citizen engagement, and public awareness of and access to government resources, publications, and actions;

(3) evaluate the effects of transparency and open government policies and actions on the security of State information technology systems and information held by State units;

(4) make recommendations regarding:

(i) legislative information technology systems and goals for the General Assembly and its staff agencies;

(ii) policies or actions to enhance the security of State information technology systems and information held by State units; and

(iii) laws, programs, services, or budgetary priorities necessary to ensure and promote transparency and open government in the State; and

(5) perform any other activity related to legislative information technology systems or open government as designated by the cochairs of the Committee.

(f) (1) Subject to § 2–1257 of this title, the Committee shall submit a report to the Legislative Policy Committee on or before December 1 each year.

(2) The report shall include:

(i) a description of the work of the Committee; and

(ii) any recommendations of the Committee.

§2–10A–15.

(a) There is a Joint Committee on Ending Homelessness.

(b) (1) The Committee consists of 16 members.

(2) Of the 16 members:

(i) eight shall be members of the Senate of Maryland, appointed by the President of the Senate; and

(ii) eight shall be members of the House of Delegates, appointed by the Speaker of the House.

(c) (1) The members of the Committee serve at the pleasure of the presiding officer who appointed them.

(2) (i) If a vacancy occurs among the Senators on the Committee, a successor promptly shall be appointed by the President of the Senate.

(ii) If a vacancy occurs among the Delegates on the Committee, a successor promptly shall be appointed by the Speaker of the House.

(d) From among the membership of the Committee, the President of the Senate shall appoint a Senator to serve as the Senate Chair of the Committee, and the Speaker of the House shall appoint a Delegate to serve as the House Chair of the Committee.

(e) A majority of the full authorized membership of the Committee is a quorum.

(f) The Department of Legislative Services shall provide staff assistance to the Committee.

(g) The Committee shall hold:

(1) an organizational meeting promptly after the appointment of its members; and

(2) any other meetings that the Committee considers necessary to carry out its duties efficiently.

(h) The Committee may:

(1) hold a hearing on any matter relating to the functions of the Committee; and

(2) consider a vote on a bill or resolution referred to the Committee by the President of the Senate or the Speaker of the House.

(i) To ensure that public resources, programs, and policies are coordinated and effective in preventing, mitigating the effects of, and ending homelessness in Maryland, the Committee shall:

(1) study issues relating to homelessness, including:

(i) housing;

(ii) income;

(iii) health care;

(iv) education;

(v) government supports; and

(vi) veterans experiencing homelessness;

(2) consult with governmental agencies, community–based organizations, and other stakeholders to identify State policies, programs, and actions that should or could prevent, mitigate the effects of, and end homelessness in Maryland;

(3) review and make recommendations to align State statutes, regulations, programs, services, and budgetary priorities with the State policies and actions described in item (2) of this subsection;

(4) search for any intradepartmental or interdepartmental gaps, inconsistencies, and inefficiencies in the implementation or attainment of the State policies, programs, and actions described in item (2) of this subsection; and

(5) identify new laws, regulations, programs, services, and budgetary priorities that are needed to prevent, mitigate the effects of, and end homelessness in Maryland.

(j) The Governor's Interagency Council on Homelessness shall:

(1) cooperate fully with the Committee;

(2) keep the Committee fully informed as to its priorities and progress; and

(3) submit an annual report, subject to § 2–1257 of this title, to the Committee on or before October 1 of each year that includes:

(i) a description of the Council's work;

(ii) a report on the Council's priorities and progress; and

(iii) recommendations for new laws, regulations, programs, services, and budgetary priorities that are needed to prevent, mitigate the effects of, and end homelessness in Maryland.

(k) (1) Subject to § 2–1257 of this title, the Committee shall submit a report to the General Assembly on or before December 1 each year.

(2) The report shall include:

(i) a description of the work of the Committee; and

(ii) any recommendations of the Committee.

§2–1101.

(a) When the General Assembly is not in session, any decision that relates to or affects a member of a committee of the General Assembly shall be made:

(1) as to a Senate member, by the President; and

(2) as to a House member, by the Speaker.

(b) The responsibilities of the President and the Speaker under this section include:

(1) appointing members of committees;

(2) appointing officers of committees; and

(3) setting the dates, times, and places for committee meetings.

§2–1102.

Each standing committee continues when the General Assembly is not in session.

§2–1103.

(a) While the General Assembly is not in session, each standing committee may:

(1) study and prepare recommendations and reports on any matter that is within the usual and customary jurisdiction of the standing committee; and

(2) otherwise exercise the usual and customary powers that the standing committee has when the General Assembly is in session.

(b) If time permits, each standing committee shall send to the Legislative Policy Committee a copy of each proposed bill and joint resolution that the standing committee intends to introduce in the General Assembly.

§2–1104.

(a) With the prior approval of the Legislative Policy Committee, a standing committee, in carrying out any of its functions or powers, may:

(1) issue subpoenas;

(2) compel the attendance of witnesses;

(3) compel the production of any papers, books, accounts, documents, and testimony;

(4) administer oaths; and

(5) cause the depositions of witnesses, who reside in or outside of the State, to be taken in the manner provided by law for taking depositions in a civil case.

(b) (1) If a person fails to comply with a subpoena issued under this section or fails to testify on any matter on which the person lawfully may be interrogated, on petition of a member of the standing committee, a circuit court may pass an order directing compliance with the subpoena or compelling testimony and may enforce the order by proceedings for contempt.

(2) Venue and procedures for a proceeding under paragraph (1) of this subsection to direct compliance with a subpoena or compel testimony are as provided in § 2–1803 of this title.

(c) False swearing by a witness before a standing committee is perjury.

§2–1105.

Within the amounts made available by appropriation, each officer and unit of the State government shall conduct any study that a standing committee requests.

§2–1201.

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

(b) "Department" means the Department of Legislative Services.

(c) "Executive Director" means the Executive Director of the Department.

§2–1202.

There is a Department of Legislative Services in the Legislative Branch of the State government.

§2–1203.

(a) The head of the Department is the Executive Director, who shall be appointed jointly by the President and the Speaker.

(b) The Executive Director:

(1) serves without a fixed term and may be removed by the Legislative Policy Committee on the recommendation of the President and the Speaker;

(2) is entitled to the salary provided in the State budget;

(3) shall devote full time to the duties of the Office; and

(4) shall serve in a nonpartisan capacity and ensure that the activities of the Department are conducted in a nonpartisan manner.

(c) Subject to the policies and directives of the President of the Senate and the Speaker of the House and the Legislative Policy Committee, the Executive Director has general administrative control of the operation of the Department and its units.

§2–1204.

The Executive Director, under the direction of the President and the Speaker, shall:

(1) oversee the activities of the Department to ensure that its functions are performed correctly, efficiently, and in a timely and nonpartisan manner;

(2) coordinate the activities of the offices of the Department to ensure that the responsibilities of each office are carried out, maximize cooperation among the Department's employees, and achieve the greatest efficiency in the use of personnel and other resources;

(3) prepare the annual budget for the Department after consultation with the office directors;

(4) conduct an annual evaluation of the performance of each office director;

(5) communicate the opinions, needs, and concerns of the Department's employees to the President and the Speaker; and

(6) perform any other function required by the President and the Speaker.

§2–1205.

(a) The Department shall employ a staff and engage other staff and consultant services in accordance with the State budget.

(b) Positions in the Department are subject to the personnel guidelines established under subsection (c) of this section.

(c) The Legislative Policy Committee shall adopt guidelines that are not inconsistent with law and that, for employees of the Department, govern:

(1) hiring;

(2) probationary periods;

(3) tenure;

(4) promotion;

(5) overtime compensation;

(6) discrimination;

(7) compensatory work for absences due to religious beliefs;

(8) holidays;

(9) part-time employment;

(10) grievance procedures;

(11) removal; and

(12) political activity.

(d) The provisions of § 2-304 of the State Personnel and Pensions Article do not apply to an employee of the Department.

§2–1206.

(a) The following units are in the Department:

(1) the Office of Legislative Audits;

(2) the Office of Program Evaluation and Government Accountability;

(3) the Office of Policy Analysis;

(4) the Office of Operations and Support Services; and

(5) any other offices as may be designated by the President and the Speaker.

(b) With the approval of the President and the Speaker and in consultation with the minority leader of the Senate and the minority leader of the House of Delegates, the Executive Director shall appoint the following office directors:

(1) the director of the Office of Legislative Audits;

(2) the director of the Office of Program Evaluation and Government Accountability;

(3) the director of the Office of Policy Analysis;

(4) the director of the Office of Operations and Support Services; and

(5) any director of an office designated by the President and the Speaker under subsection (a)(5) of this section.

(c) Each office director serves without a fixed term and, subject to the approval of the President and the Speaker and in consultation with the minority leader of the Senate and the minority leader of the House of Delegates, may be removed by the Executive Director.

(d) Each office director shall serve in a nonpartisan capacity and ensure that all activities of the office are conducted in a nonpartisan manner.

(e) Each office director is entitled to the salary provided in the State budget.

(f) After consultation with the Executive Director, each office director may appoint an appropriate number of qualified individuals to serve in management functions in the respective offices.

§2–1207.

In addition to any duties set forth elsewhere, the Department shall provide:

(1) budget and fiscal review, analysis, research, studies, and reports;

(2) legislative drafting and statutory revision services;

(3) legal research, review, analysis, studies, and reports;

(4) general research and policy analysis;

(5) fiscal/compliance, financial statement, and performance audits of units of the State government;

(6) legislative research, legislative document and material collection and preservation, and other library services;

(7) public information services about legislative activities;

(8) document preparation and publication services;

(9) legislative information systems maintenance, development, and support; and

(10) administrative support services for the Department and, where appropriate, for the General Assembly relating to finance, personnel, distribution, telecommunications, printing and copying, supplies, housekeeping, and maintenance.

§2–1208.

(a) The staff and facilities of the Department shall be available to prepare fiscal, legal, and policy reports for and otherwise help:

(1) any standing committee;

(2) any statutory committee;

(3) any special committee of the Legislative Policy Committee; and

(4) with the consent of the President and the Speaker, any joint legislative and executive body that the Governor appoints.

(b) The Executive Director shall assign, to the staff of the Department or to a special research or consulting agency, the preparation of any fiscal, legal, or policy report that the Legislative Policy Committee or a standing committee requests.

§2–1209.

On or before December 1 of the year immediately preceding the beginning of a term of the General Assembly, the Department of Legislative Services, in consultation with agencies and institutions in State government and all other entities required by law to submit reports at specified times and on specified matters to the General Assembly or the Governor, shall:

(1) review the laws of the State that require the submission of reports at specified times and on specified matters to the General Assembly or the Governor; and

(2) make recommendations to the Legislative Policy Committee and prepare legislation for introduction to repeal or modify those statutory requirements to submit reports if the reports are no longer warranted because they have become obsolete, duplicative, impractical, inefficient, or otherwise unnecessary.

§2–1211.

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

(b) "Director" means the Director of the Office of Operations and Support Services.

(c) "Office" means the Office of Operations and Support Services.

§2–1212.

(a) There is an Office of Operations and Support Services in the Department.

(b) The head of the Office is the Director.

§2–1213.

(a) (1) The Office shall receive and analyze requests from members of the General Assembly for reimbursement and from other persons for payment of legislative expenses, including:

(i) office rent;

(ii) secretarial and other services;

(iii) telephone and other communication expenses;

(iv) equipment;

(v) supplies; and

(vi) travel.

(2) The Office shall provide the reimbursement or make payments as provided in the State budget and account for the reimbursements and payments.

(3) The Office shall make payments and reimbursements consistent with the policies of the President and the Speaker, the Management Subcommittee, and the Legislative Policy Committee.

(b) (1) The President and the Speaker may authorize the Office to create accounts for revenues received from payment of fees or charges and to utilize the funds to provide services to individuals, organizations, or other units of State or local governments.

(2) Funds in the accounts may only be expended in accordance with the budget or by budget amendment.

(3) On directive by the President and the Speaker, unexpended revenues in the accounts may revert to the State or may be retained for expenditure in a subsequent budget.

(4) The Comptroller's Office shall be notified of accounts created in accordance with this section.

§2–1214.

(a) The Office shall manage all personnel activities of the Department and generally carry out the duties set forth in § 2–1205 of this subtitle.

(b) The Office shall manage the personnel activities of the General Assembly as assigned by the President and the Speaker.

(c) (1) The Office shall maintain electronic records that include:

(i) the name of each member of the General Assembly, each employee of the General Assembly, and each employee of the Department who takes workplace harassment prevention training;

(ii) the date the workplace harassment prevention training was completed; and

(iii) the name of the person who conducted the training.

(2) The Office shall:

(i) maintain the records required under paragraph (1) of this subsection for at least 5 years after the member or employee takes workplace harassment prevention training; and

(ii) publish the records related to training of members of the General Assembly on the website of the General Assembly.

§2–1215.

In addition to any other duties set forth elsewhere, the Office shall:

(1) provide for the preparation and publication of legislation, session laws, journals of proceedings, indexes, and other documents;

(2) directly supervise support services to the General Assembly that are not assigned to one of the Department's other offices; and

(3) perform any other function required by the Executive Director, the President and the Speaker, or the Legislative Policy Committee.

§2–1216.

The Office shall:

(1) develop, coordinate, support, and maintain the physical and online services, technology, applications, and information systems that support the work and meet the needs of the General Assembly and the Department;

(2) evaluate and make recommendations regarding the physical and online services, technology, applications, and information systems that support the work of the General Assembly to ensure maximum efficiency;

(3) evaluate and ensure that appropriate systems are in place to address cybersecurity threats to the work of the General Assembly and the Department;

(4) plan for the future information systems needs of the General Assembly, its staff, and the Department; and

(5) carry out any other function required by the Executive Director, the President and the Speaker, or the Legislative Policy Committee.

§2–1217.

There is an Office of Legislative Audits in the Department.

§2–1218.

(a) The head of the Office of Legislative Audits is the director of the Office of Legislative Audits, who shall serve as the Legislative Auditor.

(b) The Legislative Auditor must:

(1) be licensed as a certified public accountant in the State;

(2) at the time of appointment, have at least 3 years' auditing experience; and

(3) while in office, be covered by a surety bond or an insurance policy of the type and in the amount of coverage determined by the State Treasurer under § 5–108 of this article.

(c) Subject to the policies and directives of the President and the Speaker, the Joint Audit and Evaluation Committee, and the overall supervision and control of the Executive Director, the Legislative Auditor has general administrative control of the operation of the Office of Legislative Audits.

§2–1219.

(a) With the approval of the Executive Director, the Legislative Auditor shall appoint a Deputy Legislative Auditor and other professional staff and may contract with consultants as authorized representatives.

(b) (1) The Deputy Legislative Auditor must be licensed as a certified public accountant in the State.

(2) The Deputy Legislative Auditor:

(i) has the duties delegated by the Legislative Auditor; and

(ii) may be designated by the Executive Director to act as Legislative Auditor if the office is vacant or the Legislative Auditor is unable to perform the duties of office.

(c) With the approval of the Executive Director, the Legislative Auditor shall appoint professional staff to conduct audits of local school systems in accordance with § 2-1220(e) of this subtitle.

§2–1219.1.

In this subtitle, "examination" includes all authorized work and required audits under § 2-1220 of this subtitle.

§2–1220.

(a) (1) In this subsection, "unit" includes each State department, agency, unit, and program, including each clerk of court and each register of wills.

(2) (i) The Office of Legislative Audits shall conduct a fiscal/compliance audit of each unit of the State government, except for units in the Legislative Branch.

(ii) The audit of each unit shall be conducted at an interval ranging from 3 to 4 years unless the Legislative Auditor determines, on a case–by–case basis, that more frequent audits are required.

(iii) In determining the audit interval for a unit, the Office of Legislative Audits shall take into consideration:

1. the materiality and risk of the unit's fiscal activities with respect to the State's fiscal activities;

2. the complexity of the unit's fiscal structure; and

3. the nature and extent of audit findings in the unit's prior audit reports.

(iv) Each agency or program may be audited separately or as part of a larger organizational unit of State government.

(3) Performance audits or financial statement audits shall be conducted when authorized by the Legislative Auditor, when directed by the Joint Audit and Evaluation Committee or the Executive Director, or when otherwise required by law.

(4) (i) In addition to the audits required under paragraph (2) of this subsection, the Office of Legislative Audits may conduct a review when the objectives of the work to be performed can be satisfactorily fulfilled without conducting an audit as prescribed in § 2–1221 of this subtitle.

(ii) 1. The Office of Legislative Audits has the authority to conduct a separate investigation of an act or allegation of fraud, waste, or abuse in the obligation, expenditure, receipt, or use of State resources.

2. The Legislative Auditor shall determine whether an investigation shall be conducted in conjunction with an audit undertaken in accordance with this subsection or separately.

(5) If, on request of the Comptroller, the Joint Audit and Evaluation Committee so directs, the Office of Legislative Audits shall audit or review a claim that has been presented to the Comptroller for payment of an expenditure or disbursement and that is alleged to have been made by or for an officer or unit of the State government.

(6) The Office of Legislative Audits shall conduct an audit or review to determine the accuracy of information about or procedures of a unit of the State government, as directed by the Joint Audit and Evaluation Committee or the Executive Director.

(b) If the General Assembly, by resolution, or the Joint Audit and Evaluation Committee so directs, the Office of Legislative Audits shall conduct an audit or review of a corporation or association to which the General Assembly has appropriated money or that has received funds from an appropriation from the State Treasury.

(c) The Office of Legislative Audits may audit any county officer or unit that collects State taxes.

(d) (1) The Office of Legislative Audits shall review any audit report prepared under the authority of:

(i) §§ 16–305 through 16–308 of the Local Government Article, with respect to a county, municipal corporation, or taxing district; or

(ii) § 16–315 of the Education Article, with respect to a community college.

(2) The results of any review made by the Office of Legislative Audits under paragraph (1) of this subsection shall be reported as provided in § 2–1224 of this subtitle.

(e) (1) Except as provided in paragraph (4) of this subsection, at least once every 6 years, the Office of Legislative Audits shall conduct an audit of each local

school system to evaluate the effectiveness and efficiency of the financial management practices of the local school system.

(2) The audits may be performed concurrently or separately.

(3) The Office of Legislative Audits shall provide information regarding the audit process to the local school system before the audit is conducted.

(4) (i) Subject to the limitation under subparagraph (ii) of this paragraph, beginning in fiscal year 2017, a local school system shall be exempt from the audit requirement under paragraph (1) of this subsection if the county governing body, the county board of education, and the county delegation to the Maryland General Assembly consisting of the county senators and delegates each submits a letter to the Joint Audit and Evaluation Committee requesting an exemption on or before November 1 of fiscal year 2017, or on or before November 1 of the last year of a 6–year audit cycle under paragraph (1) of this subsection, as determined by the Office of Legislative Audits.

(ii) A local school system may not be exempt for two consecutive 6–year audit cycles.

(5) (i) On or before November 1 of the third year of a 6–year audit cycle under paragraph (1) of this subsection, each local school system shall submit a report to the Joint Audit and Evaluation Committee on the status of implementation of corrective actions to address repeat findings and recommendations identified by the Office of Legislative Audits in the most recent audit conducted under paragraph (1) of this subsection.

(ii) Each local school system shall publish the report required under this paragraph on its website.

(iii) Before publishing the report in accordance with subparagraph (ii) of this paragraph, any cybersecurity findings shall be redacted in a manner consistent with auditing best practices.

(6) Notwithstanding paragraph (4) of this subsection, the Joint Audit and Evaluation Committee may direct the Office of Legislative Audits to conduct an audit of a local school system at any time.

(f) (1) At least once every 6 years, the Office of Legislative Audits shall conduct a performance audit of the Board of Liquor License Commissioners for Baltimore City to evaluate the effectiveness and efficiency of the management practices of the Board and of the economy with which the Board uses resources.

(2) At any time on request of the President and the Speaker, the Office shall conduct a performance audit of the local licensing board, as defined in § 1–101 of the Alcoholic Beverages and Cannabis Article, for a county or for the City of Annapolis to evaluate the effectiveness and efficiency of the management practices of the board and of the economy with which the board uses resources.

(3) The performance audit shall focus on operations relating to liquor inspections, licensing, disciplinary procedures, and management oversight.

(g) (1) At least once every 6 years, the Office of Legislative Audits shall conduct a performance audit of the Board of License Commissioners for Prince George's County to evaluate the effectiveness and efficiency of the management practices of the Board and of the economy with which the Board uses resources.

(2) The performance audit shall focus on operations relating to liquor inspections, licensing, disciplinary procedures, and management oversight.

(h) (1) Beginning July 1, 2020, and at least once every 6 years thereafter, the Office of Legislative Audits shall conduct an audit or audits of the Baltimore Police Department to evaluate the effectiveness and efficiency of the financial management practices of the Baltimore Police Department.

(2) The scope and objectives of the audit or audits shall be determined by the Legislative Auditor.

(3) The Office of Legislative Audits shall provide information regarding the audit process to the Baltimore Police Department before the audit is conducted.

(4) The Baltimore City government shall make available to the Office of Legislative Audits all City employees, records, and information systems deemed necessary by the Legislative Auditor to conduct the audit or audits required by this subsection.

§2–1221.

(a) A fiscal/compliance audit conducted by the Office of Legislative Audits shall include:

(1) examining financial transactions and records and internal controls;

(2) evaluating compliance with applicable laws and regulations;

(3) examining electronic data processing operations; and

(4) evaluating compliance with applicable laws and regulations relating to the acquisition of goods and services from Maryland Correctional Enterprises.

(b) A performance audit conducted by the Office of Legislative Audits may include:

(1) evaluating the efficiency, effectiveness, and economy with which resources are used;

(2) determining whether desired program results are achieved; and

(3) determining the reliability of performance measures, as defined in § 3–1001(g) of the State Finance and Procurement Article, identified in:

(i) the managing for results agency strategic plan developed under § 3–1002(c) of the State Finance and Procurement Article; or

(ii) the StateStat agency strategic plan developed under § 3–1003(d) of the State Finance and Procurement Article.

(c) The purpose of financial statement audits conducted by the Office of Legislative Audits shall be to express an opinion regarding the fairness of the presentation of a unit's financial statements.

(d) The audits referred to in subsections (a), (b), and (c) of this section shall be conducted in accordance with generally accepted government auditing standards.

(e) (1) Upon approval of the Joint Audit and Evaluation Committee, the Office of Legislative Audits shall develop and use a rating system that is based on the results of a fiscal/compliance audit to determine an overall evaluation of a unit's financial transactions, records, and internal controls and compliance with applicable laws and regulations as a means of comparing the various units of State government.

(2) When an evaluation is issued, it shall be provided to the unit and shall be available to the Joint Audit and Evaluation Committee and the Budget Committees of the Maryland General Assembly.

§2–1222.

(a) An examination conducted by the Office of Legislative Audits shall generally be made at the offices of the State unit, county officer or unit, corporation, association, or local school system that is subject to examination.

(b) (1) If considered appropriate and after consultation with the unit or body being examined, the Legislative Auditor may authorize all or a portion of an examination to be conducted at the offices of the Office of Legislative Audits.

(2) Before the original or only copy of any record is removed from the State unit's premises, the prior approval of the State unit for the removal is required.

§2–1223.

(a) (1) Except as prohibited by the federal Internal Revenue Code, the employees or authorized representatives of the Office of Legislative Audits shall have access to and may inspect the records, including those that are confidential by law, of any unit of the State government or of a person or other body receiving State funds, with respect to any matter under the jurisdiction of the Office of Legislative Audits.

(2) In conjunction with an examination authorized under this subtitle, the access required by paragraph (1) of this subsection shall include the records of contractors and subcontractors that perform work under State contracts.

(3) The employees or authorized representatives of the Office of Legislative Audits shall have access to and may inspect the records, including those that are confidential by law, of:

(i) any local school system to perform the audits authorized under § 2–1220 of this subtitle or in accordance with a request for information as provided in § 5–114(d) of the Education Article;

(ii) the Board of Liquor License Commissioners for Baltimore City to perform the audits authorized under § 2–1220(f)(1) of this subtitle;

(iii) the board of license commissioners for a county or for the City of Annapolis to perform the audits authorized under § 2–1220(f)(2) of this subtitle;

(iv) the Board of License Commissioners for Prince George's County to perform the audits authorized under § 2–1220(g) of this subtitle; and

(v) the Baltimore Police Department and the Baltimore City government to perform the audits required under § 2–1220(h) of this subtitle.

(b) Each officer or employee of the unit or body that is subject to examination shall provide any information that the Legislative Auditor determines to be needed for the examination of that unit or body, or of any matter under the authority of the Office of Legislative Audits, including information that otherwise would be confidential under any provision of law.

(c) (1) The Legislative Auditor may issue process that requires an official who is subject to examination to produce a record that is needed for the examination.

(2) The process shall be sent to the sheriff for the county where the official is located.

(3) The sheriff promptly shall serve the process.

(4) The State shall pay the cost of process.

(5) If a person fails to comply with process issued under this subsection or fails to provide information that is requested during an examination, a circuit court may issue an order directing compliance with the process or compelling that the information requested be provided.

§2–1223.1.

On the preliminary completion of an examination of a public senior higher education institution by the Office of Legislative Audits, the Legislative Auditor shall send a copy of the discussion notes of the examination relating to any preliminary findings of substantial fiscal impropriety to the following individuals and governing boards of the respective institutions that were subject to the examination:

(1) the Chancellor of the University System of Maryland and the University System of Maryland Board of Regents Audit Committee;

(2) the President of Morgan State University and the Finance and Facilities Committee of the Board of Regents of Morgan State University; or

(3) the President of St. Mary's College of Maryland and the Finance, Investment, and Audit Committee of the Board of Trustees of St. Mary's College of Maryland.

§2–1224.

(a) In this section, "unit" includes:

(1) the Board of Liquor License Commissioners for Baltimore City;

(2) the board of license commissioners for a county or for the City of Annapolis subject to an audit under § 2–1220(f)(2) of this subtitle; and

(3) the Board of License Commissioners for Prince George's County.

(b) Except with the written approval of the Legislative Auditor, an employee or authorized representative of the Office of Legislative Audits shall submit any report of findings only to the Legislative Auditor.

(c) (1) On the completion of each examination, the Legislative Auditor shall submit a full and detailed report to the Joint Audit and Evaluation Committee.

(2) A report shall include:

(i) the findings;

(ii) any appropriate recommendations for changes in record keeping or in other conduct of the unit or body that is the subject of the report; and

(iii) any response of that unit or body, subject to procedures approved by the Joint Audit and Evaluation Committee.

(d) The Legislative Auditor shall send a copy of the report to:

(1) the President of the Senate and the Speaker of the House of Delegates;

(2) the chairs of the Senate Budget and Taxation and House Appropriations Committees;

(3) members of the General Assembly, subject to § 2–1257 of this subtitle;

(4) the Governor, unless the report is of the Board of Liquor License Commissioners for Baltimore City, the board of license commissioners for a county or for the City of Annapolis subject to an audit under § 2–1220(f)(2) of this subtitle, or the Board of License Commissioners for Prince George's County;

(5) the Comptroller;

(6) the State Treasurer, unless the report is of the Board of Liquor License Commissioners for Baltimore City, the board of license commissioners for a

county or for the City of Annapolis subject to an audit under § 2–1220(f)(2) of this subtitle, or the Board of License Commissioners for Prince George's County;

(7) the Attorney General, unless the report is of the Board of Liquor License Commissioners for Baltimore City, the board of license commissioners for a county or for the City of Annapolis subject to an audit under § 2–1220(f)(2) of this subtitle, or the Board of License Commissioners for Prince George's County;

(8) the unit or body that is the subject of the report;

(9) the Secretary of Budget and Management, unless the report is of the Board of Liquor License Commissioners for Baltimore City, the board of license commissioners for a county or for the City of Annapolis subject to an audit under § 2–1220(f)(2) of this subtitle, or the Board of License Commissioners for Prince George's County;

(10) the Executive Director; and

(11) any other person whom the Joint Audit and Evaluation Committee specifies.

(e) In addition to the requirements of subsection (d) of this section, each report of:

(1) a local school system shall be distributed to the chair of the House Ways and Means Committee and the cochairs of the Joint Committee on the Management of Public Funds;

(2) the Board of Liquor License Commissioners for Baltimore City shall be distributed to the chair of the Baltimore City delegation and the chair of the Baltimore City senators;

(3) the board of license commissioners for a county or for the City of Annapolis subject to an audit under § 2–1220(f)(2) of this subtitle shall be distributed to:

(i) the governing body, as defined in § 1–101 of the Local Government Article, of the county or the City of Annapolis;

(ii) the chair of the county's House Delegation to the General Assembly; and

(iii) the chair of the county's Senate Delegation to the General Assembly; and

(4) the Board of License Commissioners for Prince George's County shall be distributed to:

(i) the Prince George's County Council;

(ii) the Prince George's County Executive;

(iii) the chair of the Prince George's County House Delegation to the General Assembly; and

(iv) the chair of the Prince George's County Senate Delegation to the General Assembly.

(f) Except as provided in subsection (i) of this section, after the expiration of any period that the Joint Audit and Evaluation Committee specifies, a report of the Legislative Auditor is available to the public under Title 4, Subtitles 1 through 5 of the General Provisions Article.

(g) (1) The Legislative Auditor shall review each unit's response and advise the unit of the results of the review. The Legislative Auditor shall advise the Joint Audit and Evaluation Committee when:

(i) a unit does not make a response to a recommendation;

(ii) a unit does not indicate action to be taken in response to a recommendation;

(iii) a unit has not taken the action the unit indicated in its response to a recommendation;

(iv) a unit requests a waiver from a recommendation; or

(v) the response by the unit is not considered appropriate to carry out the recommendation.

(2) The Executive Director or the Joint Audit and Evaluation Committee may direct the Legislative Auditor to undertake a review to determine the extent to which action has been taken by a unit to implement a report recommendation.

(3) With respect to findings and recommendations of a fiscal/compliance nature, the Committee may recommend to the Governor and the Comptroller that the unit take the corrective action the unit indicates would be taken

or take action to correct the findings in the report or the Committee may grant a waiver from the recommended action.

(4) Within 45 days after receipt of the recommendation the Governor shall advise the Committee as to the action taken with respect to the recommendation.

(5) Without concurrence of the Comptroller, the Committee may not waive a recommendation of the Legislative Auditor with respect to fiscal and financial record keeping, a uniform system of accounting, or the submission of fiscal and financial reports by the units.

(6) With respect to findings and recommendations of a performance nature, the Committee may make recommendations to the Governor or propose legislation after reviewing a unit's response to a recommended action.

(7) The Legislative Auditor shall review each local school system's response to an audit conducted under § 2–1220(e) of this subtitle and advise the local school system of the results of the review. The Legislative Auditor shall advise the Joint Audit and Evaluation Committee when a local school system:

(i) does not make a response to a recommendation;

(ii) does not indicate action to be taken in response to a recommendation;

(iii) has not taken the action the local school system indicated in its response to a recommendation; or

(iv) responds in a manner that is not considered appropriate to carry out the recommendation.

(8) The Executive Director or the Joint Audit and Evaluation Committee may direct the Legislative Auditor to undertake a review to determine the extent to which action has been taken by a local school system to implement a report recommendation.

(9) With respect to findings and recommendations made to a local school system, the Joint Audit and Evaluation Committee may make recommendations to the Governor, State Superintendent of Schools, the local school governing board, or local school officials after reviewing a local school system's response to a recommended action.

(h) (1) The Governor and the Chief Justice of the Supreme Court of Maryland shall implement systems and processes to monitor the efforts of the Executive Departmental Units and the Judiciary, respectively, to correct audit findings reported by the Office of Legislative Audits.

(2) Within 9 months of the most recent audit report, any unit that has five or more repeat audit findings shall report to the Office of Legislative Audits for each finding in that audit report:

(i) the corrective actions taken; or

(ii) a schedule for when specific corrective actions will be implemented.

(3) Each unit required to report to the Office of Legislative Audits under paragraph (2) of this subsection shall continue to report to the Office of Legislative Audits on a quarterly basis after the initial report until the actions reported by the agency indicate that satisfactory progress has been made to address all findings.

(i) A report auditing a unit of State or local government shall have any cybersecurity findings redacted in a manner consistent with auditing best practices before the report is made available to the public.

§2–1225.

(a) (1) In addition to the reports under § 2–1224 of this subtitle, the Legislative Auditor shall report an apparent violation of any law on use of State funds by the unit of the State government or other body that is examined.

(2) A report under this subsection shall be submitted to:

(i) the Joint Audit and Evaluation Committee;

(ii) the Executive Director;

(iii) the unit or body that is the subject of the report; and

(iv) the Office of the Attorney General.

(b) (1) If the Legislative Auditor discovers any alleged criminal violation by a person during the course of an examination, the Legislative Auditor shall report the alleged violation to the Attorney General and an appropriate State's Attorney.

(2) A report under this subsection shall ask the Attorney General and State's Attorney to take appropriate action.

(3) Unless the Attorney General or State's Attorney decides to prosecute an alleged criminal violation reported under this subsection, the Attorney General and State's Attorney shall keep the report of the Legislative Auditor under this subsection confidential.

(4) The Attorney General may investigate and prosecute any alleged criminal violation reported under this subsection and has all the powers and duties of a State's Attorney, including the use of a grand jury in any county or Baltimore City, to investigate and prosecute the alleged violation.

(c) (1) The Office of the Attorney General shall respond, in writing, to a report received from the Legislative Auditor under this section.

(2) The response of the Attorney General shall include what actions, if any, were taken as a result of the findings of the Legislative Auditor.

(3) The response of the Attorney General shall be submitted to:

(i) the Joint Audit and Evaluation Committee;

(ii) the Executive Director;

(iii) the unit or body that is the subject of the report; and

(iv) the Legislative Auditor.

§2–1226.

(a) Except as provided in § 2–1225 of this subtitle and subsection (b) of this section, information that an employee or authorized representative of the Office of Legislative Audits obtains during an examination or in relation to an act or allegation of fraud, waste, or abuse:

(1) is confidential; and

(2) may not be disclosed except to another employee or authorized representative of the Office of Legislative Audits.

(b) The Legislative Auditor may authorize the disclosure of information obtained during an examination or in relation to an act or allegation of fraud, waste, or abuse only to the following:

(1) another employee of the Department, with the approval of the Executive Director;

(2) federal, State, or local officials, or their auditors, who provide evidence to the Legislative Auditor that they are performing investigations, studies, or audits related to that same examination and who provide justification for the specific information requested; or

(3) the Joint Audit and Evaluation Committee, if necessary to assist the Committee in reviewing a report issued by the Legislative Auditor.

(c) Except as provided in § 2–1225 of this subtitle, if information that an employee or authorized representative obtains during an examination also is confidential under another law, the employee, authorized representative, or the Legislative Auditor may not include in a report or otherwise use the information in any manner that discloses the identity of any person who is the subject of the confidential information.

§2–1227.

A person is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000 if the person:

(1) fails to comply promptly with process that the Legislative Auditor issues under this Part IV of this subtitle; or

(2) violates any provision of § 2–1224(b) or § 2–1226 of this subtitle.

§2–1228.

(a) (1) The Office of Legislative Audits shall maintain a fraud hotline for the reporting of allegations of fraud, waste, and abuse in the obligation, expenditure, receipt, or use of State resources.

(2) The Office of Legislative Audits may investigate an allegation received under paragraph (1) of this subsection within the scope of its authority or refer the allegation to the appropriate federal, State, or local agencies responsible for the enforcement or administration of the matter for investigation.

(b) Each unit of State government shall:

(1) keep posted in conspicuous places on its premises a notice prepared by the Office of Legislative Audits setting forth the methods for reporting fraud, waste, and abuse of State resources;

(2) keep posted in conspicuous places on its website a direct link to the website of the Office of Legislative Audits for reporting fraud, waste, and abuse; and

(3) on request of the Office of Legislative Audits, distribute information related to the prevention, detection, and reporting of fraud, waste, and abuse of State resources to State employees and other persons or bodies receiving State funds.

§2–1230.

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

(b) "Committees of jurisdiction" means the committees of the General Assembly that routinely handle the policy issues and legislation related to a specific governmental activity or unit subject to review under this part.

(c) "Director" means the Director of the Office.

(d) "Office" means the Office of Program Evaluation and Government Accountability.

(e) "Performance evaluation" means the review of a governmental activity or unit used to determine:

(1) whether the governmental activity or unit, if subject to termination, should be reestablished or terminated; and

(2) what, if any, statutory or nonstatutory changes should be recommended to the General Assembly to improve the operations and efficiency of the governmental activity or unit.

(f) (1) "Unit" includes each State department, agency, unit, and program, including each register of wills and each local school system.

(2) "Unit" does not include a department, an agency, or a unit in the Legislative or Judicial Branch of State government.

§2–1231.

There is an Office of Program Evaluation and Government Accountability in the Department.

§2–1232.

(a) The head of the Office is the Director.

(b) Subject to the policies and directives of the President and the Speaker, the Joint Audit and Evaluation Committee, and the overall supervision and control of the Executive Director, the Director has general administrative control of the operation of the Office.

§2–1233.

(a) With the approval of the Executive Director, the Director may appoint a Deputy Director and other professional staff and contract with consultants as authorized representatives.

(b) The Deputy Director:

(1) has the duties delegated by the Director; and

(2) may be designated by the Executive Director to act as Director if the office is vacant or the Director is unable to perform the duties of office.

§2–1234.

(a) (1) The Office shall conduct a performance evaluation of units of State government, in accordance with the work plan developed by the Director in consultation with the Joint Audit and Evaluation Committee.

(2) An agency or a program may be evaluated separately or as part of a larger organizational unit of State government.

(3) In addition to the performance evaluations conducted under paragraph (1) of this subsection, the Office:

(i) may conduct a performance evaluation of a unit on a request by the Legislative Auditor; and

(ii) shall conduct a performance evaluation of a unit:

1. when directed by the Joint Audit and Evaluation Committee or the Executive Director; or

2. when otherwise required by law.

(4) (i) When directed by the Joint Audit and Evaluation Committee, the Executive Director, or the Director, the Office shall conduct a separate investigation of an act or allegation of fraud, waste, or abuse in the obligation, expenditure, receipt, or use of State resources.

(ii) The Director shall determine whether an investigation shall be conducted in conjunction with an audit undertaken in accordance with Part IV of this subtitle or separately.

(b) In addition to the performance evaluations conducted under subsection (a) of this section, the Office may conduct performance evaluations in accordance with the Maryland Program Evaluation Act.

(c) The Joint Audit and Evaluation Committee may direct the Office to:

(1) conduct an assessment or a scoping performance evaluation of a unit of State government in order to determine whether the unit should undergo a more comprehensive performance evaluation under this part; and

(2) based on the findings of the assessment or scoping preliminary evaluation conducted under item (1) of this subsection, waive the unit from a more comprehensive performance evaluation under this part.

(d) If directed by the Joint Audit and Evaluation Committee, the Office shall conduct a performance evaluation of a corporation or an association to which the General Assembly has appropriated money or that has received funds from an appropriation from the State Treasury.

(e) (1) If directed by the Joint Audit and Evaluation Committee, the Executive Director, the Director, or when otherwise required by law, the Office shall conduct a performance evaluation of a local school system.

(2) A performance evaluation conducted under paragraph (1) of this subsection may be performed concurrently with or separately from an audit conducted by the Office of Legislative Audits in accordance with § 2–1220 of this subtitle.

(3) The Office shall provide information regarding the performance evaluation process to the local school system before the performance evaluation is conducted.

§2–1235.

(a) This section does not apply to a performance evaluation conducted in accordance with the Maryland Program Evaluation Act.

(b) A performance evaluation conducted by the Office may include:

(1) evaluating the efficiency, effectiveness, and economy with which resources are used;

(2) determining whether desired program results are achieved;

(3) determining whether a program aligns with the unit's mission;

(4) evaluating whether a program duplicates another program or activity within another unit;

(5) evaluating whether the governmental activity or unit under evaluation operates:

(i) in an open and accountable manner, with public access to records and meetings, safeguards against conflicts of interest, and opportunity for public participation; and

(ii) in a fair and nondiscriminatory manner that complies fully with law and State policy;

(6) determining the reliability of performance measures, as defined in § 3–1001 of the State Finance and Procurement Article, identified in:

(i) the managing for results agency strategic plan developed under § 3–1002(c) of the State Finance and Procurement Article; or

(ii) the StateStat strategic plan and performance measurement report submitted to the Secretary of Budget and Management under § 3–1003(d) of the State Finance and Procurement Article; and

(7) for a performance evaluation of a local school system:

(i) evaluating whether or not the school system is complying with federal and State laws and regulations;

(ii) analyzing grading standards, graduation requirements, assessments, procurement, and equitable use of resources among the schools within the system evaluated; and

(iii) identifying instances of fraud, waste, and abuse.

§2–1236.

(a) Subject to subsection (b) of this section, a performance evaluation conducted by the Office shall be made at the offices of the State unit, county officer or unit, corporation, association, or local school system that is subject to examination.

(b) If considered appropriate and after consultation with the unit or body being examined, the Director may authorize all or a portion of a performance evaluation to be conducted at the offices of the Office.

(c) Before the Office removes the original or only copy of any record from the premises of a State unit, county unit, or a school system, the Office shall obtain the approval of the State unit, county unit, or the school system.

§2–1237.

(a) (1) Except as prohibited by the Internal Revenue Code, the employees and authorized representatives of the Office shall have access to and may inspect the records, including those that are confidential by law, of any unit of State government or of a person or other body receiving State funds, with respect to any matter under the jurisdiction of the Office.

(2) In conjunction with a performance evaluation authorized under this subtitle, the access required by paragraph (1) of this subsection shall include access to the records of contractors and subcontractors that perform work under State contracts.

(3) The employees or authorized representatives of the Office shall have access to and may inspect the records, including those that are confidential by law, of any local school system to undertake the performance evaluations authorized under § 2–1234 of this subtitle.

(b) Each officer or employee of the unit or body that is subject to a performance evaluation shall provide any information that the Director determines to be needed for the examination of that unit or body, or of any matter under the authority of the Office, including information that otherwise would be confidential under any provision of law.

(c) (1) The Director may issue process that requires an official of a State unit or school system that is subject to performance evaluation to produce a record that is needed for the performance evaluation.

(2) The process shall be sent to the sheriff for the county where the official is located.

(3) The sheriff promptly shall serve the process.

(4) The State shall pay the cost of process.

(5) If a person fails to comply with process issued under this subsection or fails to provide information that is requested during a performance evaluation, a circuit court may issue an order directing compliance with the process or compelling that the information requested be provided.

§2–1238.

(a) This section does not apply to a performance evaluation conducted in accordance with the Maryland Program Evaluation Act.

(b) On the completion of each performance evaluation, the Director shall submit a full and detailed report to the Joint Audit and Evaluation Committee.

(c) A full and detailed report prepared by the Office shall include:

(1) a summary of significant legislative and regulatory changes;

(2) the findings of the performance evaluation;

(3) specific recommendations for making the program or activity more efficient or effective, including recommendations for consolidation or elimination of any duplicative programs or activities;

(4) an estimate of the costs or savings, if any, expected from implementing the findings and recommendations;

(5) recommended legislation needed to implement the findings and recommendations; and

(6) any response of the unit or body that is the subject of the report, subject to procedures approved by the Joint Audit and Evaluation Committee.

(d) (1) Subject to paragraph (2) of this subsection, an employee or authorized representative of the Office may submit a draft report of findings only to the Director or the Executive Director.

(2) A draft report shall be provided to the unit or body that is the subject of the report for the purpose of soliciting the response of the unit or body that is required to be included in the full and detailed report under subsection (c)(6) of this section.

(e) The Director shall send a copy of the full and detailed report to:

(1) the President of the Senate and the Speaker of the House of Delegates;

(2) the committees of jurisdiction;

(3) members of the General Assembly, in accordance with § 2–1257 of this subtitle;

(4) the Governor;

(5) the unit or body that is the subject of the report;

(6) the Secretary of Budget and Management;

(7) the Executive Director; and

(8) any other person whom the Joint Audit and Evaluation Committee specifies.

(f) After the expiration of any period that the Joint Audit and Evaluation Committee specifies, the Director shall make a report available to the public online and under the Public Information Act.

(g) (1) The Director shall review each unit's response and advise the unit of the results of the review.

(2) The Director shall advise the Joint Audit and Evaluation Committee when:

(i) a unit does not submit a response to a recommendation;

(ii) a unit does not indicate action, as relevant, to be taken in response to a recommendation;

(iii) a unit requests a modification of or a waiver from a recommendation; or

(iv) the response by the unit is not considered appropriate to carry out the recommendation.

(3) The Executive Director or the Joint Audit and Evaluation Committee may direct the Director to undertake a review to determine the extent to which action has been taken by a unit to implement a report recommendation.

(4) With respect to performance–related findings and recommendations, the Joint Audit and Evaluation Committee may make recommendations to the Governor or propose legislation after reviewing a unit's response to a recommended action.

(h) (1) The Governor shall implement systems and processes to monitor the efforts of the Executive Departmental Units to address performance evaluation findings reported by the Office.

(2) Within 9 months of a performance evaluation report, any unit directed to do so shall report to the Office for each finding or recommendation in that performance evaluation report:

(i) the actions taken to address the finding or recommendation; or

(ii) a schedule for when specific actions will be implemented.

§2–1239.

(a) (1) In addition to the reports under § 2–1238 of this subtitle, the Director shall report an apparent violation of law by a unit of State government or other body that is examined.

(2) A report under this subsection shall be submitted to:

(i) the Joint Audit and Evaluation Committee;

(ii) the Executive Director;

(iii) the unit or body that is the subject of the report; and

(iv) the Office of the Attorney General.

(b) (1) If the Director discovers any alleged criminal violation by a person during the course of a performance evaluation, the Director shall report the alleged violation to the Attorney General and the appropriate State's Attorney.

(2) A report under this subsection shall ask the Attorney General and State's Attorney to take appropriate action.

(3) Unless the Attorney General or State's Attorney decides to prosecute an alleged criminal violation reported under this subsection, the Attorney General and State's Attorney shall keep the report of the Director under this subsection confidential.

(4) The Attorney General may investigate and prosecute any alleged criminal violation reported under this subsection and has all the powers and duties of a State's Attorney, including the use of a grand jury in any county, to investigate and prosecute the alleged violation.

(c) (1) The Office of the Attorney General shall respond, in writing, to a report received from the Director under this section.

(2) The response of the Attorney General shall include what actions, if any, were taken as a result of the findings of the Director.

(3) The response of the Attorney General shall be submitted to:

(i) the Joint Audit and Evaluation Committee;

(ii) the Executive Director;

(iii) the unit or body that is the subject of the report; and

(iv) the Director.

§2–1240.

(a) Except as otherwise provided in this title, confidential information that an employee or authorized representative of the Office or the Office of Policy Analysis obtains during a performance evaluation:

(1) remains confidential; and

(2) may not be disclosed except to another employee or authorized representative of the Office or the Office of Policy Analysis.

(b) Information obtained during a performance evaluation may be provided in a format that protects the confidentiality of individuals as necessary.

(c) The Director may authorize the disclosure of confidential information obtained during a performance evaluation only to the following:

(1) another employee of the Department, with the approval of the Executive Director;

(2) federal, State, or local officials, or their auditors, who provide evidence to the Director that they are performing investigations, studies, or audits related to that same examination and who provide justification for the specific information requested; or

(3) the Joint Audit and Evaluation Committee, if necessary to assist the Committee in reviewing a report issued by the Office.

(d) Except as provided in § 2–1239 of this subtitle, if information that an employee or authorized representative obtains during a performance evaluation also is confidential under another law, the employee, authorized representative, or the Director may not include in a report or otherwise use the information in any manner that discloses the identity of any person who is the subject of the confidential information.

§2–1241.

A person is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000 if the person:

(1) fails to comply promptly with process that the Director issues under this part; or

(2) violates any provision of § 2–1238(d) or § 2–1240 of this subtitle.

§2–1244.

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

(b) "Director" means the Director of the Office.

(c) "Office" means the Office of Policy Analysis.

§2–1245.

There is an Office of Policy Analysis in the Department.

§2–1246.

(a) The head of the Office is the Director.

(b) Subject to the policies and directives of the President and the Speaker and the overall supervision and control of the Executive Director, the Director shall oversee the operation of the Office.

(c) The Director shall facilitate the creation and oversee the operation of functional, subject matter, special project, and any other workgroups to achieve maximum cooperation and the greatest efficiency in the use of staff and resources in the Office.

§2–1247.

(a) In addition to any duties set forth elsewhere, the Office shall:

(1) conduct studies, develop options, and make recommendations on fiscal matters that relate to the State budget including:

(i) taxes and revenues;

(ii) finances;

(iii) financial policies of public agencies; and

(iv) grants to individuals and private entities;

(2) conduct studies, develop options, and make recommendations on financial and other matters of the State government;

(3) conduct studies, develop options, and make recommendations on organization and management improvement in State government;

(4) study all matters that relate to the efficient and effective operation of the State government, whether or not the matter is a direct budgetary concern;

(5) propose statutory changes to effect operational economy or effective administration;

(6) perform the following duties with respect to the review of expenditures:

(i) review each item in the proposed State budget so as to be able to report on the justification of a unit for that item;

(ii) review the proposed State budget at each stage of its consideration;

(iii) during consideration of the proposed State budget, identify each of the items that:

1. provides for a new function; or

2. has been disapproved previously by the General Assembly;

(iv) evaluate each proposal of a unit of the State government for an appropriation, including any proposal that:

1. is in the proposed State budget;

2. is considered with the proposed State budget; or

3. involves State financing of a capital improvement; and

(v) evaluate the activities of each unit of the State government as these activities relate to a proposed or actual expenditure of public money;

(7) report, subject to § 2–1257 of this subtitle, on the public debt of the State, including the effect of an additional debt authorization or issue on State finances;

(8) after each session of the General Assembly, summarize the effect of the legislative program on the financial condition of the State;

(9) provide to the General Assembly and its committees information on fiscal matters;

(10) exchange, with federal and State units, information on taxation, revenues, expenditures, and related matters;

(11) conduct studies on the fiscal relationships of the State with its units and with local governments;

(12) conduct studies on the operation, administration, staff, and physical plants of each unit of the State government;

(13) as directed by the General Assembly, the Legislative Policy Committee, the Joint Audit and Evaluation Committee, or other legislative committees:

(i) subject to § 2–1257 of this subtitle, submit reports on the studies on units of the State government; and

(ii) conduct other special studies and prepare other special reports;

(14) review the financial reports received from each political subdivision in accordance with § 16–103 of the Local Government Article as to completeness and accuracy. If the report needs revision, the political subdivision shall be advised and shall submit the requested information within 15 days. The financial reports of political subdivisions shall be available for public inspection and certified copies shall be provided by the Office for a reasonable fee;

(15) subject to § 2–1257 of this subtitle, publish an annual report on the revenues and expenditures of each county, municipal corporation, and special taxing district created by law; and

(16) carry out any other functions related to budget and fiscal affairs required by the Executive Director.

(b) The Executive Director shall dedicate an appropriate number of employees of the Department and an adequate level of Department resources to the year–round performance of the following functions:

(1) analyzing the State budget;

(2) forecasting trends in the State budget;

(3) identifying significant financial policies of public agencies in the State budget;

(4) reviewing proposed amendments to the State budget approved by the General Assembly; and

(5) conducting revenue forecasts.

§2–1248.

In addition to any duties set forth elsewhere, the Office shall:

(1) on request of a member of the General Assembly, analyze and report on:

(i) the laws of any state on a specific subject and all of the available information about the practical operation and effect of those laws; and

(ii) the acts and records of any state;

(2) compile information on and analyze any matter that is the subject of proposed legislation;

(3) on request of a member of the General Assembly, prepare or help to prepare a bill or resolution that, unless the member specifies otherwise, conforms to the style manual of the Office;

(4) provide analyses of proposed and emergency regulations of Executive Branch agencies;

(5) make recommendations for the reclassification, rearrangement, renumbering, rewording, and other formal revision of the public general laws of Maryland;

(6) make recommendations for appropriate systems to collect and publish:

(i) the public local laws;

(ii) executive orders; and

(iii) the regulations of units of the Executive Branch of the State government;

(7) complete the formal revision of statutory law for the General Assembly by preparing and submitting to the General Assembly recommendations for the repeal or modification of statutes that are obsolete, inconsistent with another statute, unconstitutional, or otherwise in need of formal revision;

(8) correct manifest spelling, grammatical, or clerical errors or errors of addition or omission in the Code maintained by the Department, and include any such correction in the Annual Corrective Bill for ratification by the General Assembly;

(9) maintain the clarity, simplicity, and consistency of style of statutory law;

(10) have a style manual for statutory law;

(11) include in the style manual a drafting rule that requires, to the extent practicable, the use of words that are neutral as to gender except for a subject matter that specifically applies only to one gender and except for a name or organizational title;

(12) assign a chapter number to each bill, and a joint resolution number to each joint resolution, that, by operation of law, becomes law without the signature of the Chief Executive, and notify the Secretary of State in writing of these assignments; and

(13) carry out any other function related to legal affairs required by the Executive Director.

§2–1249.

(a) In addition to any other duties set forth elsewhere, the Office shall:

(1) subject to subsection (b) of this section, prepare analyses of the fiscal, legal, and policy impact of proposed legislation;

(2) research and prepare comprehensive assessments and evaluations of issues of concern to the General Assembly; and

(3) carry out any other function related to research services required by the Executive Director.

(b) The Office is not required to prepare an analysis of an enabling act, as defined in § 8–101 of the State Finance and Procurement Article, if:

(1) a financial sheet, in the form that the Office requires, is submitted with the legislation; and

(2) the Office publishes the financial sheet on the website of the Maryland General Assembly.

(c) (1) In order to facilitate the preparation of the analyses required under subsection (a)(1) of this section, a unit of State government shall respond to a request from the Office for information on the fiscal and operational impact of proposed legislation within 3 business days after receipt of the request.

(2) The Office may waive the requirement under paragraph (1) of this subsection on a case–by–case basis.

§2–1250.

In addition to any other duties set forth elsewhere, the Office shall:

(1) provide professional staffing services, as required by the Executive Director, to any standing committee, statutory committee, or special joint or unicameral committee or subcommittee of the General Assembly;

(2) with the consent of the President and the Speaker, provide professional staffing services, as required by the Executive Director, to any joint legislative and executive body; and

(3) carry out any other function related to committee staffing services required by the Executive Director.

§2–1251.

In addition to any other duties set forth elsewhere, the Office shall:

(1) provide library and information services to the General Assembly and the general public;

(2) index and preserve all information prepared as a result of the provisions of § 2–1248 of this subtitle; and

(3) carry out any other function related to library and public information services required by the Executive Director.

§2–1254.

(a) (1) After each regular session, the Department shall compile and index:

(i) the laws that are enacted during that session;

(ii) the executive orders that have been adopted pursuant to Article II, § 24 of the Maryland Constitution since the last compilation; and

(iii) the certificates of the State Board of Elections as to the referendum vote on a law, if the vote has not been published previously.

(2) After each special session, the Department shall compile and index the laws that are enacted during that session.

(b) (1) After completion of the compilation and index, the Department shall deliver copies of the laws, executive orders adopted pursuant to Article II, § 24 of the Maryland Constitution, certificates, and titles to the printer who is designated to print the session laws.

(2) The printer shall print promptly:

(i) the documents delivered under this section; and

(ii) with the compilation for a regular session, the statement of receipts and expenditures of public money delivered under § 2–103 of the State Finance and Procurement Article.

(3) The printer shall deliver the volumes to the Executive Director.

(4) The Department shall publish other executive orders delivered to it in accordance with § 3–406(b) of this article.

(c) The Department shall:

(1) create and maintain, in the form of a statutory database, a code comprising the public general laws of the State; and

(2) maintain the structural integrity and textual accuracy of that code.

§2–1255.

(a) The Department shall sell, exchange, or otherwise distribute bound volumes of the laws, the Senate journal, and the House journal.

(b) Distribution under this section shall include provision of 1 copy of a volume to each public, circulating library or library association that requests the volume if, when the request is made, the Department has at least 26 copies of the requested volume.

§2–1256.

The Department shall:

(1) keep a current list of the public local laws of the State;

(2) keep the list accessible to the members of the General Assembly at all times; and

(3) subject to § 2–1257 of this subtitle, annually submit the list to the General Assembly.

§2–1257.

(a) In this section, "publication" includes any report, study, or notification.

(b) For each publication that an official or unit of the State government intends to distribute or submit to the General Assembly or to any committee, staff agency, or employee of the General Assembly, the official or unit shall:

(1) submit one copy to the President and one copy to the Speaker in the format requested by the President and the Speaker;

(2) submit five printed copies to the library of the Department; and

(3) in the case of a publication to be distributed to a committee of the General Assembly:

(i) unless the publication is being submitted to the committee as specifically required by law, obtain approval for the distribution from the committee chair; and

(ii) comply with the distribution requirements of the committee.

(c) An official or unit:

(1) shall submit to the library of the Department, in addition to the copies of a publication required under subsection (b)(2) of this section, any additional copies of the publication requested by the library on behalf of a member of the General Assembly; and

(2) may give a publication directly to a member of the General Assembly only if:

(i) the President and the Speaker have given written approval for distribution of the publication to each member of the General Assembly; or

(ii) the member asks for the publication.

(d) To assist the Department in carrying out its duties under subsection (f) of this section, each publication submitted to the General Assembly or to any committee, staff agency, or employee of the General Assembly in fulfillment of a duty imposed by law shall specify the law under which the publication is being submitted.

(e) The Department shall:

(1) keep a list of the publications of the officials and units;

(2) periodically send the list to each member of the General Assembly; and

(3) on request of a member of the General Assembly, obtain a publication of an official or unit for the member.

(f) The library of the Department shall:

(1) catalog and preserve the publications that officials and units submit as required by law; and

(2) collect, catalog, and preserve any other publication that the Department considers necessary or that the Department is directed by the President or the Speaker to collect, catalog, and preserve.

§2–1258.

(a) (1) (i) On request of a member of the General Assembly, the Department shall provide the member with an annotated code of the public general laws of Maryland that is published by a publisher and produced in a format to be selected by the Executive Director.

(ii) An annotated code shall be provided to a member under this subsection only during the term of the member, at the end of which the annotated code shall be returned to the Department.

(iii) The Department shall keep the annotated code provided under this subsection current.

(2) On request, the Department shall provide one additional copy of an annotated code of Maryland to each:

(i) presiding officer;

(ii) pro tempore officer;

(iii) chair of a standing committee;

(iv) majority leader; and

(v) minority leader.

(b) A member shall return to the Department the code provided by the Department on or before the expiration of the member's final term of office. If a member resigns or is removed from office before the expiration of the member's term, the member shall promptly return the code to the Department.

§2–1259.

The Department shall:

(1) annually make:

(i) a list that includes the name, position, term of office, and salary of each civil officer whom the Governor appointed during the preceding calendar year; and

(ii) a list that includes the name, position, term of office, and salary of each civil officer whose term expires during the current calendar year;

(2) (i) send a copy of each list to each member of the General Assembly; and

(ii) make the lists available to any person who requests them; and

(3) include on the lists only civil officers whom the Governor appoints, subject to the approval of the Senate or the House of Delegates.

§2–1260.

The Department is the sole determiner of the form of public records released pursuant to Title 10, Subtitle 6, Part III of this article.

§2–1261.

(a) On or before October 31 each year, the Department of Public Safety and Correctional Services shall submit to the Department, in the form of electronic raw data, de–identified and disaggregated by age, race, and sex, information required to be reported to the Governor in accordance with § 3–207(a)(2) of the Correctional Services Article.

(b) (1) On or before November 30 each year, the Department of State Police shall submit to the Department, in a format that the Executive Director requires, the information collected in accordance with § 2–307(a)(2) of the Public Safety Article.

(2) On or before August 1, 2022, the Department of State Police and the Department shall enter into a memorandum of understanding, the terms of which shall include:

(i) a data sharing agreement for all information collected in accordance with § 2–307 of the Public Safety Article;

(ii) a work plan for access to collected data for research and statistical analysis purposes;

(iii) a listing of all data fields collected for the Crime in Maryland Report and the Hate Bias Report; and

(iv) an update on the status of compliance with the National Incident–Based Reporting System by law enforcement agencies in the State.

(c) On or before October 31 each year, the Maryland Police Training and Standards Commission shall submit to the Department, in the form of electronic raw data, de–identified and disaggregated by agency and incident:

(1) information required to be reported to the General Assembly in accordance with § 3–514(b)(1) of the Public Safety Article; and

(2) information required to be collected in accordance with § 3–207(b) of the Public Safety Article.

(d) On or before October 31 each year, the Governor's Office of Crime Prevention and Policy shall submit to the Department, in the form of electronic raw data, de–identified and disaggregated by incident, information collected in accordance with:

(1) § 3–528 of the Public Safety Article; and

(2) § 25–113 of the Transportation Article.

(e) On or before August 1, 2022, the Department of Juvenile Services and the Department shall enter into a memorandum of understanding, the terms of which shall include:

(1) the provision of various custom reports to the Department, including information, de–identified and disaggregated by juvenile, relating to the juvenile's record of:

(i) delinquency;

(ii) court actions;

(iii) supervision; and

(iv) placement; and

(2) the development of a work plan by the Department of Juvenile Services regarding efforts to include specific race and ethnicity data for individual juveniles.

§2–1501.

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

(b) "Bill" includes a joint resolution.

(c) "Mandate" means a directive in a bill requiring a local government unit to perform a task or assume a responsibility that has a discernible fiscal impact on the local government unit.

(d) "Mandated appropriation" means a requirement in a bill that the Governor provide a certain level of funding in the annual budget bill for a specific program in the State.

§2–1502.

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

(2) "Department" means the Department of Legislative Services.

(3) "Prefile" means to direct the Department, before a regular session of the General Assembly, to file a bill for introduction during that session.

(b) A member or member-elect of the General Assembly may prefile a bill, as provided in this section.

(c) (1) In a year when an election for members of the General Assembly is held:

(i) a bill may be prefiled only by an individual elected or re–elected to the General Assembly at that election;

(ii) the deadline for directing the Department to file a bill for introduction is December 10;

(iii) the deadline for requesting the Department to prepare a bill for prefiling is November 20; and

(iv) an individual first elected at that election may not request the Department to prepare a bill until after the election.

(2) In any other year, a member may prefile a bill at any regular session by:

(i) on or before the preceding November 1, requesting the Department to prepare the bill; and

(ii) on or before the preceding November 20, directing the Department, in writing, to file the bill for introduction.

(d) A directive to file a bill for introduction shall be in writing and shall state the name of each sponsor of the bill.

(e) (1) On the first day of each regular session, the Department shall send to the Secretary of the Senate and the Chief Clerk of the House, as appropriate, copies of each bill, in the form that the Senate rules set for introduction in the Senate or that the House rules set for introduction in the House.

(2) Each bill that is sent under this subsection shall be considered as filed for introduction.

§2–1503.

A bill that a standing committee recommends as a result of its work when the General Assembly is not in session shall be introduced with the standing committee as sponsor.

§2–1504.

(a) For each regular or special session of the General Assembly, the Department of Legislative Services shall prepare and distribute, in serial order:

(1) a synopsis of each Senate bill that is introduced; and

(2) a synopsis of each House bill that is introduced.

(b) If the Department determines that a bill imposes a mandate on a local government unit, the synopsis shall include a statement that "This bill imposes a mandate on a local government unit.".

(c) If the Department determines that a bill requires a mandated appropriation, the synopsis shall include a statement that "This bill requires a mandated appropriation in the annual budget bill.".

§2–1505.

(a) Except as otherwise provided in this section, a committee may not vote on a bill unless:

(1) a fiscal note accompanies the bill; and

(2) if the bill affects the funding of a State pension system, an actuarial analysis of the bill is attached to or summarized in the note or the analysis is waived.

(b) (1) If a bill affects the funding of a State pension system and the standing committee to which the bill is referred determines that the fiscal impact on the State warrants an actuarial analysis of the bill, the standing committee shall ask the Department of Legislative Services to obtain the actuarial analysis.

(2) The standing committee may waive the actuarial analysis if the standing committee certifies that prompt action on the bill is needed to conduct legislative business.

(c) (1) The Executive Director of the Department of Legislative Services shall have that Department prepare a fiscal note for each bill.

(2) If the chair of the committee to which a bill is referred certifies that prompt committee action on the bill is needed to conduct legislative business and, before the Department prepares the fiscal note for the bill, holds a hearing on the bill, the Department shall prepare the note as soon after the hearing as possible.

(3) When a standing committee asks for an actuarial analysis of a bill that affects a State pension system, the Department of Legislative Services shall:

(i) obtain the analysis; and

(ii) summarize the analysis in the fiscal note or attach the analysis to the note.

(4) The Department of Legislative Services shall send a copy of a fiscal note for a bill to the committee to which the bill is referred and to the primary sponsor of the bill.

(d) Upon request of the Department of Legislative Services, a unit of State or local government promptly shall provide any information requested by the Department for preparing a fiscal note.

(e) (1) A fiscal note for a bill shall contain an estimate of the fiscal impact of the bill on the revenues and expenditures of the State government and of local governments:

(i) during the year in which the bill is to become effective and the next 4 years after that year; and

(ii) if the full fiscal impact of a bill is not expected to occur during those years, during each year until and the first year during which that impact is expected to occur.

(2) If a bill, as introduced or amended, imposes a mandate on a local government unit, the fiscal note for the bill shall contain:

(i) a statement that clearly identifies the imposition of the mandate; and

(ii) an estimate of the fiscal impact of the mandate and, if applicable and if data is available, the effect on local property tax rates.

(3) If a bill, as introduced or amended, requires a mandated appropriation, the fiscal note for the bill shall contain:

(i) a statement that clearly identifies the imposition of the mandated appropriation; and

(ii) an estimate of the fiscal impact of the mandated appropriation.

(4) A fiscal note shall identify the sources of the information that the Department used in preparing the estimates of fiscal impact.

(f) As soon as possible after the adoption of an amendment that changes the fiscal impact of a bill, the Department of Legislative Services shall:

(1) prepare a revised fiscal note for the bill; and

(2) send the revised note:

(i) to the chair of the committee to which the bill is referred in the house of origin;

(ii) if the bill has reached the opposite house, to the chair of the committee to which the bill is referred in that house;

(iii) if the bill is in the custody of either the Secretary of the Senate or the Chief Clerk of the House, to that officer; and

(iv) to the primary sponsor of the bill.

(g) (1) The Department of Legislative Services shall keep a copy of each fiscal note for 3 years after preparation of the note.

(2) The copies shall be reasonably available for public inspection.

(h) Fiscal notes need not be published in the Senate journal or House journal.

(i) (1) A bill may be introduced without a fiscal note accompanying the bill.

(2) The validity of an enactment is not affected by the presence, absence, or content of the fiscal note.

(j) (1) (i) In its summary report of legislation enacted by the General Assembly that has a fiscal impact, the Department of Legislative Services shall include a list of legislation that:

1. affects local government units; or

2. requires a mandated appropriation in the annual budget bill.

(ii) In the list of legislation described in subparagraph (i)1 of this paragraph, the Department of Legislative Services shall indicate which legislation imposes mandates on local government units.

(2) Where applicable and if data is available, the report shall indicate:

(i) the fiscal impact of the bill on local government units;

(ii) the impact of the bill on local property tax rates;

(iii) the cumulative fiscal impact of all legislation imposing mandates on more than one local government unit; and

(iv) the cumulative fiscal impact of all legislation requiring mandated appropriations.

§2–1505.1.

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

(2) "Economic impact analysis" means an estimate of the cost or the economic benefit to small businesses that may be affected by a proposed bill introduced at a session of the General Assembly.

(3) "Economic impact analysis rating" means an estimate that a proposed bill will have:

(i) minimal or no economic impact on small businesses; or

(ii) meaningful economic impact on small businesses.

(4) "Small business" means a corporation, partnership, sole proprietorship, or other business entity, including its affiliates, that:

(i) is independently owned and operated;

(ii) is not dominant in its field; and

(iii) employs 50 or fewer full-time employees.

(b) (1) An economic impact analysis rating and an economic impact analysis, as appropriate, shall be prepared by the appropriate Executive Branch agency for each bill that is introduced at the request of the administration or a department, agency, or commission of the Executive Branch of State government.

(2) A copy of the economic impact analysis rating and the economic impact analysis required under this subsection shall be submitted by the Governor's office:

(i) to the Department of Legislative Services within a reasonable time frame prior to the hearing on the bill to allow the Department to comment on the economic impact analysis rating and the economic impact analysis; and

(ii) to the committee to which the bill is referred prior to the hearing on the bill.

(c) (1) An economic impact analysis rating and an economic impact analysis, as appropriate, shall be prepared by the Department of Legislative Services for each bill that is introduced by a member of the General Assembly.

(2) A copy of the economic impact analysis rating and the economic impact analysis required under this subsection shall be submitted by the Department of Legislative Services:

(i) to the primary sponsor of the bill; and

(ii) to the committee to which the bill is referred prior to the hearing on the bill.

(d) (1) If the appropriate Executive Branch agency or the Department of Legislative Services determines that a bill will have minimal or no economic impact on small businesses, the agency or Department shall indicate that determination by a brief written statement.

(2) If the appropriate Executive Branch agency or the Department of Legislative Services determines that a bill will have a meaningful economic impact on small businesses, the agency or Department shall develop a complete written economic impact analysis.

(3) (i) If the appropriate Executive Branch agency or the Department of Legislative Services determines that a bill will have a meaningful economic impact on small businesses and is unable to provide a complete written economic impact analysis, the agency or Department shall provide a written explanation of why the agency determined that the bill will have a meaningful economic impact.

(ii) The explanation may identify the impact in general terms and need not quantify the specific economic impact.

(e) The economic impact analysis rating and the economic impact analysis required under this section shall include estimates directly relating to the following factors, as appropriate:

(1) cost of providing goods and services;

(2) effect on the workforce;

(3) effect on the cost of housing;

(4) efficiency in production and marketing;

(5) capital investment, taxation, competition, and economic development; and

(6) consumer choice.

(f) (1) The Executive Branch agency or the Department of Legislative Services preparing the economic impact analysis rating and the economic impact analysis required under this section shall consult with, as appropriate:

(i) other units of State government;

(ii) units of local government; and

(iii) business, trade, consumer, labor, and other groups impacted by or having an interest in the legislation.

(2) On request of the Executive Director of the Department of Legislative Services, a unit of the State or a local government shall provide the Department with assistance or information in the preparation of an economic impact analysis rating and economic impact analysis.

(g) (1) The Department of Legislative Services may include an economic impact analysis rating and economic impact analysis prepared by the Department or by the appropriate Executive Branch agency as part of a fiscal note.

(2) The Department of Legislative Services may comment on the economic impact analysis rating and economic impact analysis prepared by the appropriate Executive Branch agency.

(h) The Department of Legislative Services may revise the economic impact analysis rating and economic impact analysis consistent with an amended version of a bill.

(i) (1) The Department of Legislative Services shall keep a copy of each economic impact analysis rating and economic impact analysis for 3 years after preparation of the rating or the analysis.

(2) The copies shall be reasonably available for public inspection.

(j) Economic impact analysis ratings and economic impact analyses need not be published in the Senate journal or House journal.

(k) The validity of an enactment of a bill is not affected by the presence, absence, or content of an economic impact analysis rating or an economic impact analysis.

§2–1505.2.

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

(2) "Committee" means the Joint Committee on Administrative, Executive, and Legislative Review.

(3) "Economic impact analysis" means an estimate of the cost or the economic benefit to small businesses that may be affected by a regulation proposed by an agency pursuant to Title 10, Subtitle 1 of this article.

(4) "Economic impact analysis rating" means an estimate that a proposed regulation will have:

(i) minimal or no economic impact on small businesses; or

(ii) meaningful economic impact on small businesses.

(5) "Small business" means a corporation, partnership, sole proprietorship, or other business entity, including its affiliates, that:

(i) is independently owned and operated;

(ii) is not dominant in its field; and

(iii) employs 50 or fewer full-time employees.

(b) (1) An economic impact analysis rating and an economic impact analysis, as appropriate, shall be prepared by the appropriate Executive Branch agency for each regulation that the agency proposes for adoption pursuant to Title 10, Subtitle 1 of this article.

(2) A copy of the economic impact analysis rating and the economic impact analysis required under this subsection shall be submitted by the appropriate agency:

(i) to the Department of Legislative Services no later than the time the agency submits the regulation to the Committee to allow the Department to comment on the economic impact analysis rating and the economic impact analysis; and

(ii) to the Committee at the time the agency submits the regulation to the Committee.

(c) (1) If the appropriate Executive Branch agency or the Department of Legislative Services determines that a regulation will have minimal or no economic impact on small businesses, the agency or Department shall indicate that determination by a brief written statement.

(2) If the appropriate Executive Branch agency or the Department of Legislative Services determines that a regulation will have a meaningful economic impact on small businesses, the agency or Department shall develop a complete written economic impact analysis.

(3) (i) If the appropriate Executive Branch agency or the Department determines that a regulation will have a meaningful economic impact on small businesses and is unable to provide a complete written economic impact

analysis, the agency or Department shall provide a written explanation of why the agency determined that the regulation will have a meaningful economic impact.

(ii) The explanation may identify the impact in general terms and need not quantify the specific economic impact.

(d) The economic impact analysis rating and the economic impact analysis required under this section shall include:

(1) estimates directly relating to the following factors, as appropriate:

(i) cost of providing goods and services;

(ii) effect on the workforce;

(iii) effect on the cost of housing;

(iv) efficiency in production and marketing;

(v) capital investment, taxation, competition, and economic development; and

(vi) consumer choice; and

(2) a certification stating, after posting the regulation or scope of the regulation as required by § 10–110(d)(3)(vii) of this article, whether the agency has received notice of whether any existing regulation of a comparable nature that is at least as stringent as the proposed regulation has been adopted by a unit of a local government.

(e) (1) The Executive Branch agency or the Department of Legislative Services preparing the economic impact analysis rating and the economic impact analysis required under this section shall consult with, as appropriate:

(i) other units of State government;

(ii) units of local government; and

(iii) business, trade, consumer, labor, and other groups impacted by or having an interest in the regulation.

(2) On request of the Executive Director of the Department of Legislative Services, a unit of the State or a local government shall provide the

Department with assistance or information in the preparation of an economic impact analysis rating and economic impact analysis.

(3) If the promulgating unit certifies, after posting the regulation or scope of the regulation as required by § 10–110(d)(3)(vii) of this article, that the unit has received notice of and determined that an existing regulation of a comparable nature that is at least as stringent as the proposed regulation has been adopted by any unit of local government, the unit may include in the unit's proposed regulation a statement that compliance with the local regulation will constitute compliance with the proposed regulation.

(f) The Department of Legislative Services shall:

(1) comment on the economic impact analysis rating and economic impact analysis prepared by the appropriate Executive Branch agency; and

(2) transmit its comment to the Committee.

(g) The Department of Legislative Services shall revise the economic impact analysis rating and economic impact analysis consistent with an amended version of a regulation.

(h) (1) The Department of Legislative Services shall keep a copy of each economic impact analysis rating and economic impact analysis for 3 years after preparation of the rating or the analysis.

(2) The copies shall be reasonably available for public inspection.

(i) Economic impact analysis ratings and economic impact analyses shall be published in the Maryland Register at the same time as:

(1) a notice of proposed adoption of a regulation is published in the Maryland Register; or

(2) a notice of emergency adoption for a regulation is published in the Maryland Register.

(j) The validity of an enactment of a regulation is not affected by the presence, absence, or content of an economic impact analysis rating or an economic impact analysis.

(k) (1) The Department of Budget and Management shall enter into an agreement with an appropriate entity to provide training to promulgating Executive

Branch agencies on the preparation of the economic impact analyses required under this section.

(2) The training required to be provided under paragraph (1) of this subsection shall be provided at least once every 2 years.

§2–1506.

When the General Assembly passes a bill, it shall be returned to the house of origin.

§2–1508.

In this Part II of this subtitle, "bill" does not include a joint resolution.

§2–1509.

(a) As soon as practicable after a bill is returned to the house of origin, the presiding officer shall have the State seal affixed to the bill and shall present the bill to the Governor or a designee of the Governor.

(b) The presiding officer who presents the bill or the clerk designated by the presiding officer shall:

(1) in the presence of the individual to whom the bill is presented, make and sign, on the back of the bill, a written memorandum of the day and hour of presentment; and

(2) have a corresponding entry made in the Senate journal or the House journal.

§2–1510.

(a) The Governor may designate another individual to receive bills while the Governor is ill or necessarily absent from the seat of the State government.

(b) A designation under this section:

(1) shall be in writing;

(2) shall be sent to the presiding officer of the Senate and the presiding officer of the House;

(3) on receipt by those officers, shall be entered in full in the Senate journal and the House journal; and

(4) is effective during the period that the Governor specifies.

§2–1511.

(a) The Governor shall deliver to the Secretary of State or a designee in the Secretary's office:

(1) each bill that the Governor approves, immediately after the approval;

(2) each bill that becomes law without the approval of the Governor, on the day the bill becomes law;

(3) each bill that the Governor vetoes; and

(4) each executive order effective under Article II, § 24 of the Maryland Constitution.

(b) (1) Subject to § 2–1248 of this title, the Secretary of State shall assign a chapter number to each bill that becomes law and to each executive order issued pursuant to Article II, § 24 of the Maryland Constitution.

(2) Chapter numbers shall be assigned in the order in which the bills become law.

§2–1512.

(a) The Secretary of State shall keep, for each session, a permanent record of the bills and executive orders that the Governor delivers to the Secretary under this subtitle. The record shall be known as the record of chapter numbers.

(b) (1) The Secretary of State shall enter, in the record, the chapter number of each bill that becomes law and each executive order.

(2) Near the chapter number, the Secretary of State shall enter:

(i) the Senate bill number, the House bill number, or the executive order number;

(ii) a brief summary of the subject of the bill or executive order;

(iii) as to a bill, the date of its presentment to the Governor; and

(iv) the date on which the bill or order was approved by the Governor or otherwise became law.

(c) (1) After the last chapter number, the Secretary of State shall enter, by Senate bill number or House bill number, a list of the bills that the Governor vetoed.

(2) Near the bill number, the Secretary of State shall enter:

(i) a brief summary of the subject of the bill;

(ii) the date of presentment to the Governor; and

(iii) the date of veto.

§2–1513.

(a) The Secretary of State shall deliver to the clerk of the Supreme Court of Maryland each bill that becomes law.

(b) With respect to bills that the Governor vetoes, the Secretary of State shall deliver:

(1) to the house of origin, each bill that the Maryland Constitution requires to be returned to that house; and

(2) to the State Archives, every other bill.

§2–1514.

(a) If the General Assembly adopts a joint resolution that asks the Governor or an official of a unit of the Executive Branch of the State government to take any action, the Governor or the official shall give the Legislative Policy Committee and each sponsor of the resolution notice of the action taken under the resolution.

(b) Notice under this section shall be given on or before any date established by the resolution.

§2–1601.

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

(b) (1) "Hearing" means a meeting that an investigating committee holds, during an investigatory proceeding, to take testimony or to receive other evidence.

(2) "Hearing" does not include a preliminary conference or interview at which testimony is not taken under oath.

(c) "Investigating committee" means any of the following bodies that may obtain, for the use of the General Assembly, information on a specific subject by compelling the attendance and testimony of witnesses or the production of books, documents, papers, and records:

(1) a standing committee or a subcommittee of a standing committee;

(2) a joint committee of the Senate and the House or a subcommittee of a joint committee; or

(3) the Legislative Policy Committee or any of its committees or subcommittees.

§2–1602.

(a) This subtitle establishes a code of fair procedures for the operation of an investigating committee so that it may hold hearings and otherwise properly carry out its powers and duties fairly, impartially, and consistently with:

(1) the constitutional rights of a person who is involved in a proceeding of the investigating committee; and

(2) the public good.

(b) This subtitle does not limit the acquisition of information or evidence by an investigating committee through a lawful means other than as provided in this subtitle.

(c) This subtitle does not limit the authority of a committee of the General Assembly or any subcommittee of a committee of the General Assembly to exercise the power to administer oaths and subpoena witnesses and records as otherwise authorized by law.

§2–1603.

(a) An investigating committee may be established only by a resolution of the Senate or the House.

(b) The resolution shall state the investigating committee's:

(1) purpose;

(2) powers;

(3) duties;

(4) duration;

(5) subject matter;

(6) scope of investigatory authority; and

(7) size.

§2–1604.

An investigating committee shall have at least 5 members.

§2–1605.

(a) An investigating committee shall have the chair and vice chair who:

(1) are appointed by the resolution that establishes the investigating committee; or

(2) if the resolution does not appoint these officers, are elected by affirmative vote of a majority of all of the members of the investigating committee.

(b) The rules of an investigating committee shall provide for the selection of a presiding officer to act if the chair and vice chair are absent or unable to act.

(c) (1) At a hearing of an investigating committee, the presiding officer shall be:

(i) the chair of the investigating committee;

(ii) if the chair is absent or otherwise unable to preside, the vice chair; or

(iii) if the chair and vice chair are absent or otherwise unable to preside, the individual who is selected under the rules of the investigating committee.

(2) At a hearing, the presiding officer:

(i) shall examine the witnesses or supervise the examination by any other member of the investigating committee or by staff who are authorized to examine witnesses; and

(ii) may direct a witness to answer a relevant question or to provide a relevant book, document, or paper.

§2–1606.

(a) (1) A majority of the full authorized membership of an investigating committee is a quorum.

(2) Unless there is a quorum, an investigating committee may not act at any meeting or hold a hearing.

(3) Unless a greater vote expressly is required in this subtitle, an investigating committee may act by a majority vote of its members who are present at a meeting and vote.

(b) Subject to the requirements of law and any rule of the General Assembly, an investigating committee may employ necessary staff for which funds are available.

§2–1607.

(a) An investigating committee may exercise its powers:

(1) when the General Assembly is in session; and

(2) when the General Assembly is not in session, if the investigating committee is authorized to do so:

(i) by law;

(ii) by the resolution that establishes the investigating committee; or

(iii) by the law or resolution from which the investigating committee derives its investigatory powers.

(b) (1) An investigating committee shall adopt rules that govern its procedures, including the conduct of hearings.

(2) The rules may not be inconsistent with law or any applicable rules of the General Assembly.

§2–1608.

(a) (1) By a majority vote of all of the members of an investigating committee, the investigating committee may issue a subpoena that requires the appearance of a person, the production of relevant records, and the giving of relevant testimony.

(2) A request to appear, appearance, or submission of evidence does not limit the subpoena power of the investigating committee.

(b) The subpoena shall be served:

(1) in the manner provided by law for service of a subpoena in a civil action;

(2) at least 7 days before the time that the subpoena sets for appearance or production of records; and

(3) with the following documents:

(i) a copy of the resolution that establishes the investigating committee;

(ii) a copy of the rules of the investigating committee;

(iii) a statement of the subject of the investigation or inquiry of the investigating committee; and

(iv) if the subpoena requires the appearance of a person, notice that counsel may accompany the person.

(c) A person who is subpoenaed to appear at a hearing is entitled to receive the fees and allowances that are provided for a person who is subpoenaed by a circuit court.

(d) (1) A person may be held in contempt if the person unjustifiably:

(i) fails or refuses to comply with a subpoena for appearance;

(ii) appears but fails or refuses to testify under oath; or

(iii) unless the directive is overruled by a majority vote of the members of the investigating committee who are present at the hearing, disobeys a directive of the presiding officer at the hearing to answer a relevant question or to produce a relevant book, document, or paper that has been subpoenaed.

(2) If an investigating committee fails, in any material respect, to meet the requirements of this subtitle and the person who is subpoenaed is prejudiced by the failure:

(i) the person need not comply; and

(ii) the failure is a complete defense in a proceeding against the person for contempt or other punishment.

(e) (1) By a majority vote of all of the members of an investigating committee, the investigating committee may apply for a contempt citation:

(i) when the General Assembly is not in session, to a circuit court; and

(ii) when the General Assembly is in session:

1. to the General Assembly;

2. to the Senate, if the Senate established the investigating committee; or

3. to the House, if the House established the investigating committee.

(2) The General Assembly, the Senate, or the House:

(i) may consider the application as though the alleged contempt had been committed in or against that body; and

(ii) in addition to any penalty that a court imposes, may impose any other punishment that the body has the inherent power to impose.

§2–1609.

(a) An investigating committee may hold any hearing that the investigating committee considers appropriate, at the times and places that it determines.

(b) (1) The rules of an investigating committee shall provide for written notice of a hearing to be given to the members:

(i) at least 3 days before the hearing, if it is held when the General Assembly is in session; and

(ii) at least 7 days before the hearing, if it is held when the General Assembly is not in session.

(2) Notice of a hearing shall include a statement of the subject matter.

(3) A hearing and action that is taken at a hearing are not invalid only because notice is not given as provided in this subsection.

(c) A hearing shall be public unless, by a majority vote of all of the members of the investigating committee, the investigating committee determines otherwise.

(d) (1) With the consent of a majority of the members of an investigating committee who are present at a hearing, a witness or counsel for the witness may submit to the investigating committee a sworn statement that is relevant to the purpose, subject, and scope of the investigation or inquiry.

(2) If an investigating committee believes that a person may be affected adversely because the person is named or otherwise identified at a hearing, the person may:

(i) on request of the person or a member of the investigating committee, testify in the person's behalf; or

(ii) with the consent of the investigating committee, submit a sworn statement or other documentary evidence.

(3) With the consent of a majority of the members of the investigating committee, any other person may testify or submit a sworn statement or other documentary evidence.

(e) (1) At a hearing, a person shall testify under oath unless, by a majority vote of the members who are present at the hearing, the investigating committee waives the requirement for the person.

(2) Any member of the investigating committee may administer an oath.

(f) (1) Counsel may accompany a witness at a hearing and advise the witness of the rights of the witness.

(2) An investigating committee may set limits to prevent obstruction of or interference with the orderly conduct of the hearing.

(g) (1) A witness at a hearing or counsel for the witness may submit to the investigating committee a proposed question, for the witness or any other witness.

(2) The investigating committee shall ask the question if the investigating committee considers the question appropriate to the subject matter of the hearing.

(h) (1) An investigating committee shall have a record made of each hearing.

(2) The record shall include:

(i) each ruling of the presiding officer;

(ii) each question of the investigating committee and its staff;

(iii) the testimony and responses of each witness;

(iv) each sworn statement or other documentary evidence that the investigating committee permits a person to submit; and

(v) any other matter that the investigating committee or its chair directs.

(3) The investigating committee shall provide to a witness a certified transcript of the witness' testimony, if the witness asks in advance and pays for the transcript.

(i) (1) This subsection does not:

(i) prevent the disclosure of evidence by the person who gives evidence, if only that person could claim a privilege against disclosure; or

(ii) limit any power of the General Assembly, the Senate, or the House to discipline a member or employee or to impose a penalty if a State's Attorney or court does not act under this subsection.

(2) If a hearing of an investigating committee is closed to the public, testimony and other evidence that is given at the hearing may not be made public unless, by a majority vote of all of the members of the investigating committee, the investigating committee permits disclosure and specifies the form and manner of disclosure.

(3) On application of a person who claims to have been injured or prejudiced by an unauthorized disclosure or on motion of a State's Attorney, the State's Attorney may begin proceedings for imposition of penalties under this subsection.

(4) A person who violates any provision of this subsection is subject to a fine not exceeding $1,000 or imprisonment not exceeding 30 days or both.

§2–1701.

(a) A person who is not a member of the General Assembly may not operate an electrical voting machine to vote on a question before the Senate or the House.

(b) In addition to any penalty that the Senate or the House sets, a person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to imprisonment for not more than 5 years.

§2–1702.

(a) A person may not willfully disrupt, interfere with, attempt to disrupt, or attempt to interfere with a session, meeting, or proceeding of the General Assembly, the Senate, or the House or any of their committees, by:

(1) making, alone or with another person, a noise that tends to be disruptive;

(2) using abusive or obscene language;

(3) making an obscene gesture;

(4) engaging in violent, tumultuous, or threatening behavior;

(5) refusing to comply with the lawful order of the police to disperse; or

(6) doing any other disruptive or interfering act.

(b) A person may not picket willfully in a building where:

(1) the Senate or the House has a chamber;

(2) a member of the General Assembly has an official office; or

(3) a committee of the General Assembly, the Senate, or the House has an office.

(c) A person may not prevent or attempt to prevent, willfully and with force, the performance of a function, power, or duty by a member, officer, or employee of the General Assembly, the Senate, or the House or any of their committees.

(d) A person may not:

(1) willfully and without legal authority, obtain, withhold, destroy, deface, or alter an official document or record of the General Assembly, the Senate, or the House or any of their committees; or

(2) without legal authority, possess, withhold, destroy, or deface real or personal property that the General Assembly, the Senate, or the House or any of their committees owns or uses.

(e) (1) This subsection does not apply to:

(i) a law enforcement officer of any state or of the federal government who is carrying out duties of the office; or

(ii) a person whom the officer summons to help in making an arrest or in preserving the peace.

(2) A person may not willfully bring an assault weapon or other firearm or destructive device, as defined in § 4-501 of the Criminal Law Article, into or have an assault weapon or other firearm or destructive device in a building where:

(i) the Senate or the House has a chamber;

(ii) a member, officer, or employee of the General Assembly has an official office; or

(iii) a committee of the General Assembly, the Senate, or the House has an office.

(f) A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000 or imprisonment not exceeding 1 year or both.

§2–1801.

(a) Privileges from testifying for members of the General Assembly are found in § 9-122 of the Courts Article.

(b) Provisions relating to civil immunity for acts and omissions in the performance of constituent services by members of the General Assembly are found in § 5-525 and § 5-526 of the Courts Article.

§2–1802.

(a) Papers, books, accounts, documents, testimony, and records sought in accordance with a subpoena issued under § 2–408, § 2–507, § 2–807, § 2–1104, or § 2–1608 of this title in connection with a lawfully authorized legislative inquiry or examination must be pertinent to the inquiry or examination.

(b) For purposes of subsection (a) of this section, papers, books, accounts, documents, testimony, or records are considered pertinent if they:

(1) relate to the matters under inquiry or examination;

(2) assist in assessing the credibility of a witness;

(3) contradict or corroborate the testimony of a witness; or

(4) demonstrate the existence of undue influence on a witness.

§2–1803.

(a) This section applies to a petition for an order directing compliance with a subpoena or compelling testimony under § 2–408, § 2–507, § 2–807, or § 2–1104 of this title.

(b) The petition shall be filed in the Circuit Court for Anne Arundel County or, at the election of the petitioner, in any county in which venue would be appropriate under § 6–201 of the Courts Article.

(c) (1) Except as otherwise provided in this subsection, the petition shall set forth the questions or requests that were asked or made of the party whose conduct necessitated the petition and, if any, the answers or objections provided or raised by that party.

(2) The petitioner may satisfy the provisions of paragraph (1) of this subsection by attaching the relevant portions of a transcript to the petition.

(3) The petitioner need not comply with the provisions of paragraph (1) of this subsection if there has been no response to the subpoena.

(d) Any response to the petition shall be filed by the party served with the petition within 15 days after being served with the petition, unless that time period is shortened by order of the court.

(e) (1) A response to a petition filed by the party whose conduct necessitated the petition is the only pleading that an objecting party may file to object to a subpoena.

(2) The party whose conduct necessitated the petition may not file a motion to quash or a petition for an injunction with respect to the subpoena.

(f) (1) Except for cases that the court considers to require a higher priority, a proceeding under this section, including any subsequent appellate judicial review, shall:

(i) take precedence on the court's docket;

(ii) be heard at the earliest practicable date; and

(iii) be expedited in every way.

(2) In any hearing on the petition in a proceeding under this section, the court may not allow any additional evidence.

(g) Notwithstanding any other provision of law, a party to a proceeding under this section may appeal the decision of the circuit court only by a petition to the Supreme Court of Maryland for the issuance of a writ of certiorari.

§2–1804.

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

(2) "Personal information" means an individual's:

(i) Social Security number; or

(ii) driver's license number.

(3) "Publicly post or display" means to intentionally make available to the public.

(b) Except as otherwise provided by law, on or after June 1, 2010, the General Assembly, to the extent practicable, may not publicly post or display on an Internet website maintained or paid for by the General Assembly an individual's personal information.

§3–101.

There are a Governor and a Lieutenant Governor of the State, as provided in Article II of the Maryland Constitution.

§3–102.

For the term of office beginning on January 21, 2015, the annual salaries of the Governor and Lieutenant Governor are:

(1) Governor:

(i) for the first year, $165,000;

(ii) for the second year, $170,000;

(iii) for the third year, $175,000; and

(iv) for the fourth year, $180,000; and

(2) Lieutenant Governor:

(i) for the first year, $137,500;

(ii) for the second year, $141,500;

(iii) for the third year, $145,500; and

(iv) for the fourth year, $149,500.

§3–201.

In this subtitle, "Governor-elect" means the individual whom the Board of State Canvassers declares to be the successful candidate for Governor after a general election for that office.

§3–202.

(a) The General Assembly finds that, since a disruption of continuity in the conduct of the affairs of the State government could be detrimental to the safety and welfare of the State and its people, the transfer of executive power, in connection with the expiration of the term of a Governor and the inauguration of another Governor, must be carried out in a manner that ensures continuity.

(b) The purpose of this subtitle is to promote the orderly transfer of executive power.

(c) The General Assembly intends that:

(1) appropriate action be taken to avoid or to minimize any disruption of continuity in the conduct of the affairs of the State government; and

(2) in addition to the specific provisions of this subtitle, each State officer, in conducting the affairs of the State government:

(i) consider the problems that result from a transfer of executive power;

(ii) take appropriate and lawful action to avoid or to minimize any disruption; and

(iii) otherwise promote an orderly transfer of executive power.

§3–203.

This subtitle does not apply if the Governor-elect is the incumbent Governor.

§3–204.

(a) To inform career civil servants about program goals and new policies and to establish communication with the administration of the incumbent Governor,

the Governor-elect may circulate questionnaires or otherwise obtain information from the administration.

(b) The Governor-elect may ask any question that will help to carry out the purpose of this subtitle, including a question that is intended to obtain:

(1) a description of a program;

(2) a recommendation and justification for expansion, limitation, or elimination of a service;

(3) a projection of future developments or needs in a program;

(4) a recommendation for an administrative change;

(5) a comment on anticipated federal developments that might affect a program or the State budget; or

(6) an elaboration of procedural details.

(c) The incumbent Governor shall direct that all official documents, vital information, and procedural manuals are to be made available to the Governor-elect.

§3–205.

(a) The Secretary of Budget and Management shall provide to a Governor-elect:

(1) the information requested by the Governor-elect that is the basis for the proposed budget to be submitted by the Governor-elect for the next fiscal year; and

(2) after completion of the proposed budget:

(i) a copy of the proposed budget; and

(ii) all facilities that the Governor-elect reasonably needs to become familiar with the proposed budget.

(b) (1) After the Governor-elect reviews the proposed budget, the Governor-elect may prepare proposed additions and other changes.

(2) The Secretary of Budget and Management shall:

(i) on request of the Governor-elect, help prepare the proposed changes;

(ii) have printed as many copies of the proposed changes as the Governor-elect requests;

(iii) on or before the 1st day of the regular session of the General Assembly, compile a summary of the proposed changes; and

(iv) on request of the Governor-elect, distribute the copies of the proposed changes to the appropriate agencies and officials.

(c) Immediately following the meeting of the Board of State Canvassers, the Governor-elect may call upon any unit of the Executive Branch to assist in developing the Governor-elect's budget for the next ensuing fiscal year.

(d) The initial preparation of the budget shall be at the direction of the incumbent Governor. The preparation of the final budget shall be at the direction of the Governor-elect who shall submit it to the General Assembly as provided by Article III, § 52 of the Maryland Constitution.

(e) The Governor whose term is ending may not submit a proposed budget to the General Assembly.

§3–206.

(a) (1) Any State employee may be assigned to the office staff of the Governor-elect.

(2) During that assignment, the employee:

(i) is responsible only to the Governor-elect for the performance of duties;

(ii) is entitled to the compensation provided by law for the regular employment of the employee; and

(iii) retains the rights and privileges of that employment.

(b) (1) In addition to any State employee assigned under subsection (a) of this section, a Governor-elect may appoint other office staff.

(2) An individual who is appointed under this subsection is not a regular employee of the State government.

§3–207.

(a) (1) Subject to the limitation in paragraph (2) of this subsection, the Secretary of General Services may provide any necessary facility or service that a Governor-elect requests for use in preparing to assume the duties of office, including the facilities and services set forth in this section.

(2) The Secretary of General Services may not pay any obligation for the provision of facilities or services that a Governor-elect incurs on or before the date of the general election for the office of Governor.

(b) After consultation with a Governor-elect, the Secretary of General Services may provide office space that is suitable and has appropriate supplies and furnishings.

(c) The Secretary of General Services may authorize:

(1) payment of any expenses for services of consultants for the Governor-elect;

(2) reimbursement of a unit of the State government whose employee is assigned to the office staff of the Governor-elect;

(3) payment of the compensation that the Governor-elect sets for other staff; and

(4) payment of appropriate subsistence allowances and other travel expenses, including the rental of motor vehicles, that the Governor-elect finds necessary for individuals who are employed intermittently or serve without compensation.

(d) The Secretary of General Services may:

(1) provide the communication services that the Governor-elect finds necessary;

(2) authorize payment for necessary printing and binding; and

(3) provide for the conveyance of mail that the Governor-elect sends in connection with preparing to assume the duties of office.

§3–208.

(a) In each budget bill for a fiscal year in which the term of a Governor expires, the Governor shall include an appropriation, to the Secretary of General Services, of the money needed to carry out the purpose of this subtitle.

(b) The appropriation under this section may not be more than $50,000.

(c) If the Governor-elect is the incumbent Governor, the appropriation under this section shall revert to the General Fund of the State.

§3–209.

This subtitle may be cited as the "Maryland Gubernatorial Transition Act".

§3–301.

In addition to the powers granted and duties imposed elsewhere, the Governor has the powers and duties set forth in this subtitle.

§3–302.

The Governor is the head of the Executive Branch of the State government and, except as otherwise provided by law, shall supervise and direct the officers and units in that Branch.

§3–303.

(a) The Governor is the commander-in-chief of the land and naval militia of the State, except for any part of the militia that is in the active military service of the United States.

(b) (1) As to the land militia, the Governor may adopt any regulation or issue any order on enlistment, discharge, organization, discipline, training, and equipment that is needed to conform to Title 13 of the Public Safety Article, to the National Defense Act, or to any regulation that is adopted under the National Defense Act.

(2) As to a naval militia, the Governor may:

(i) by executive order, organize, arm, and equip the naval militia; and

(ii) provide for its administration and discipline in a manner that, to the extent practicable, shall conform to federal law.

§3–304.

The Governor has the emergency powers and duties set forth in:

(1) Title 14 and § 13-702 of the Public Safety Article;

(2) § 18-212.1 of the Health - General Article; and

(3) any other law.

§3–305.

The Governor may send to the Legislative Policy Committee a message that recommends legislation or explains a policy of the Governor.

§3–306.

(a) In this section, "governing board" means a board of directors, managers, trustees, or visitors.

(b) The Governor may appoint 1 or more individuals who are discreet to represent the Governor at a meeting of the governing board of a corporation or institution that receives financial assistance from the State Treasury.

(c) (1) An individual appointed under this section may attend any meeting of the governing board.

(2) At the meeting, the individual may not vote, but may give an opinion on any matter being considered or discussed.

§3–307.

(a) On the filing of a complaint against a civil or military officer who may be suspended or removed from office by the Governor, the Governor:

(1) shall provide to the respondent:

(i) a copy of the complaint; and

(ii) notice of the time when the Governor shall hear the complaint;

(2) may summon any witness to testify concerning the complaint, pay the witness a fee of $1 a day for attending, and reimburse the witness for travel expenses incurred in testifying;

(3) may designate one or more individuals to attend on the Governor's behalf any part of any hearing that relates to the establishment of the facts of the complaint; and

(4) may order either party or the State to pay any costs of the proceeding.

(b) The Governor, in the same manner as a court of the State, may enforce:

(1) the attendance of a witness summoned under subsection (a)(2) of this section; or

(2) an order under subsection (a)(4) of this section for payment of costs by a party or the State.

(c) If the State is ordered to pay costs under subsection (a)(4) of this section, the Comptroller shall issue a warrant to the Treasurer to pay the costs.

§3–308.

(a) (1) In this section, "international trade agreement" means a trade agreement between the federal government and a foreign country to which the State, at the request of the federal government, is a party.

(2) "International trade agreement" does not include a trade agreement between the State and a foreign country to which the federal government is not a party.

(b) Except as provided in subsection (c) of this section, State officials, including the Governor, may not:

(1) bind the State to the government procurement rules of an international trade agreement; or

(2) give consent to the federal government to bind the State to the government procurement rules of an international trade agreement.

(c) The Governor may bind the State or give consent to the federal government to bind the State to the government procurement rules of an international trade agreement only if the General Assembly enacts legislation that

explicitly authorizes the Governor to bind the State or give consent to the federal government to bind the State to the government procurement rules of a specific international trade agreement.

§3–401.

In this subtitle, "executive order" means an order or an amendment or rescission of an order that, over the signature of the Governor:

(1) proclaims or ends a state of emergency or exercises the authority of the Governor during an emergency, under Title 14, Subtitle 3 of the Public Safety Article or any other provision of law;

(2) adopts guidelines, rules of conduct, or rules of procedure for:

(i) State employees;

(ii) units of the State government; or

(iii) persons who are under the jurisdiction of those employees or units or who deal with them;

(3) establishes a unit, including an advisory unit, study unit, or task force; or

(4) changes the organization of the Executive Branch of the State government.

§3–402.

An executive order that amends another executive order shall show each addition or deletion in the manner shown in a bill in the General Assembly.

§3–403.

An executive order has the effective date set in the executive order.

§3–404.

(a) Upon issuance of an executive order, the Governor shall deliver the original or a certified copy of it to the Secretary of State.

(b) The Secretary of State shall:

(1) index the executive orders that the Governor delivers under this section;

(2) keep each executive order during the term of office of the Governor who delivered the executive order, including a consecutive term; and

(3) then deliver the executive order to the State Archives.

§3–405.

(a) Within 10 days after the Governor delivers an executive order to the Secretary of State, the Secretary shall deliver 2 copies of the executive order to the Executive Director of the Department of Legislative Services.

(b) The Secretary of State shall deliver 1 certified copy of each executive order to the Administrator of the Division of State Documents.

§3–406.

(a) The publisher of the Code of Public General Laws shall codify each executive order that is issued in statutory form under Article II, § 24 of the Maryland Constitution, as statutes are codified.

(b) (1) The Executive Director of the Department of Legislative Services shall publish all other executive orders and all proclamations that are required to be published.

(2) The Executive Director shall:

(i) to the extent possible, arrange each of these executive orders or proclamations by the article of the Code to which the executive order or proclamation relates; and

(ii) publish these executive orders and proclamations in a volume.

(c) (1) The Executive Director is not required to publish any executive order that has been rescinded or has expired.

(2) The Executive Director shall establish a procedure to remove from the Code an executive order or proclamation that has been rescinded or has expired.

§4–101.

There is a Comptroller of the State, as provided in Article VI, § 1 of the Maryland Constitution.

§4–102.

(a) While in office, the Comptroller shall be covered by a surety bond or an insurance policy as required in this section.

(b) A surety bond of the Comptroller shall:

(1) run to the State;

(2) be in the amount of $200,000;

(3) be with surety that the Governor approves; and

(4) be conditioned on the Comptroller:

(i) accounting for the funds that are received under color of office; and

(ii) otherwise discharging faithfully each duty of office.

(c) After execution and approval of a surety bond under this section, the surety bond shall be recorded in the office of the Clerk of the Supreme Court of Maryland.

(d) The State Treasurer shall determine the type and amount of coverage to be provided by an insurance policy purchased under subsection (a) of this section and keep record of any insurance policy procured to meet the requirements of subsection (a) of this section.

§4–103.

The Comptroller's annual salary shall be:

(1) $165,000 for the first year of the term beginning January 2023;

(2) $170,000 starting on the first anniversary of the beginning of the term;

(3) $173,000 starting on the second anniversary of the beginning of the term; and

(4) $175,000 starting on the third anniversary of the beginning of the term and thereafter.

§4–104.

(a) (1) The Comptroller may employ a staff in accordance with the State budget.

(2) The staff shall perform the duties that the Comptroller assigns.

(b) (1) From among the employees on the staff, the Comptroller may designate 1 Chief Deputy Comptroller and 1 or more deputy comptrollers.

(2) While in office, the Chief Deputy Comptroller and each deputy comptroller shall be covered by a surety bond or an insurance policy of the type and in the amount of coverage determined by the State Treasurer under § 5–108 of this article.

(3) A designation as Chief Deputy Comptroller or as deputy comptroller may be terminated:

(i) by the Comptroller for any reason that the Comptroller considers sufficient; or

(ii) if the Comptroller is ill or absent, by the other members of the Board of Public Works for any reason that the members consider sufficient.

(4) A termination of the designation as Chief Deputy Comptroller or as deputy comptroller is not, of itself, a termination of employment.

(c) (1) The Comptroller, in consultation with the Secretary of Budget and Management, may set the pay scale of a position in the Office of the Comptroller that:

(i) is unique to the Office of the Comptroller; and

(ii) requires specific skills or experience to perform the duties of the position.

(2) The Secretary of Budget and Management, in consultation with the Comptroller, shall determine the positions for which the Comptroller may set compensation under paragraph (1) of this subsection.

§4–105.

(a) If the Comptroller temporarily is unable or unavailable to carry out the duties of office, an acting comptroller shall have the powers and duties of the office, as provided in this section.

(b) The Chief Deputy Comptroller shall be the acting comptroller under this section, unless the members of the Board of Public Works, other than the Comptroller, appoint another individual as acting comptroller and give the Chief Deputy Comptroller written notice of the appointment.

(c) If the Comptroller gives the Board of Public Works and the Chief Deputy Comptroller written notice of a temporary inability or unavailability, the acting comptroller shall serve:

(1) on and after the date that the Comptroller sets in the notice; and

(2) until the Comptroller gives the Board of Public Works and the acting comptroller written notice that the Comptroller is able to carry out the duties.

(d) If the Comptroller has not given notice, but the other members of the Board of Public Works make a formal, written determination of a temporary inability or unavailability of the Comptroller, the acting comptroller shall serve:

(1) on and after the date of the determination; and

(2) until the members determine and give the Comptroller and the acting comptroller written notice that the Comptroller is able to carry out the duties.

(e) The Supreme Court of Maryland has exclusive original jurisdiction, on petition of the Governor, the Comptroller, the Treasurer, or the acting comptroller, to determine any issue that arises under this section and to pass any appropriate order.

§4–106.

(a) Subject to the limitation in subsection (b) of this section, the Comptroller may transfer any staff, funds, or equipment from any unit in the Office of the Comptroller to another unit in the Office.

(b) The class and grade of staff who are transferred may not be reduced by reason of the transfer.

§4–107.

The Governor or any member of the General Assembly may inspect, during regular business hours, the accounts and general books of the Comptroller.

§4–108.

(a) The Comptroller shall set the number and compensation of assistant clerks or deputies employed by each register of wills.

(b) Compensation from an account for services of an assistant clerk, deputy, or other individual who performs any of the duties pertaining to the office of a register of wills may not be allowed until the individual certifies under oath that:

(1) the services have been performed;

(2) the individual has received, for personal use and benefit, the full sum to be charged to the account;

(3) the individual has not paid, deposited, or assigned, or contracted to pay, deposit, or assign, any part of the compensation to the use of another; and

(4) the individual, directly or indirectly, has not paid or given, or contracted to pay or give, a reward or compensation for the office or employment or its emoluments.

(c) The Comptroller shall increase the salary of each of the nonelected employees in the offices of the registers of wills commensurate with the increases granted to State employees generally.

§4–109.

The bond of each register of wills and each other officer and employee of the State or unit of the State shall be made to the State and, other than the bond of the Comptroller, each bond when executed shall be filed with the Comptroller after any approval of the bond required by statute.

§4–110.

(a) This section applies to all licenses issued by the clerks of the courts other than those issued under Title 17 of the Business Regulation Article.

(b) The Comptroller shall have printed or otherwise prepared, in the forms required by law or usage, blank licenses of every kind:

(1) issued by the clerks of the courts of the State; and

(2) authorized by law.

(c) The Comptroller shall deliver to the clerks the number and kind of blank licenses required by the clerks.

§4–111.

(a) This section applies to all accounts in the public offices of the State and all proceedings in the courts of the State.

(b) All accounts in the State shall be expressed in dollars and cents.

§4–112.

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

(2) "Aggregated data" means de–identified data that is summarized by type of program of study or educational institution.

(3) "Student information" means:

(i) student Social Security number;

(ii) program of study;

(iii) enrollment; and

(iv) name of educational institution.

(4) "Tax information" means income tax records, wage information, and other data stored by the Comptroller.

(b) (1) In accordance with the protocol established under § 24–703.2 of the Education Article, the Comptroller shall:

(i) match student information received from the Maryland Longitudinal Data System Center with tax information maintained by the Comptroller; and

(ii) for research purposes, produce aggregated data from the matched information on the average amount of wage or salary earnings from self–employment or other sources of income for individuals within each educational institution or program of study.

(2) The Comptroller may not produce any aggregated data that may be identifiable based on the size or uniqueness of the population under consideration.

(c) The Comptroller shall follow and utilize privacy and security standards developed for the protocol, including:

(1) data retention and disposition policies;

(2) authorized access and authentication for authorized access policies;

(3) privacy compliance standards; and

(4) breach notification and procedures.

(d) The Comptroller shall comply with any data privacy and security standards in accordance with the federal Family Educational Rights and Privacy Act and other relevant privacy laws and policies.

§4–113.

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

(2) "Departments" means:

(i) the Office of the Comptroller;

(ii) the Office of the State Treasurer;

(iii) the Department of Budget and Management;

(iv) the Department of Information Technology; and

(v) the Department of General Services.

(3) "Financial management infrastructure" means the information technology infrastructure that is used to maintain the general ledger and accountancy for the State, including subledger functions that enable the management of all payments and fund transfers throughout the State.

(4) "21st Century Financial Systems Enterprise" means a modern cloud–based information technology infrastructure.

(b) In consultation with a designated representative from the Modernize Maryland Oversight Commission, the departments shall:

(1) set policies, objectives, and priorities for the transformation of the State's financial management information systems infrastructure into the 21st Century Financial Systems Enterprise;

(2) learn the needs and priorities of all users of the financial management information systems and future known users of the 21st Century Financial Systems Enterprise;

(3) collaborate with consultants to create a project proposal for, and oversee implementation of, the 21st Century Financial Systems Enterprise;

(4) oversee, coordinate, and authorize the assignment of resources for the development of the 21st Century Financial Systems Enterprise;

(5) establish working groups as needed; and

(6) recommend any legislative changes considered necessary by the departments to address financial management information systems issues.

(c) In consultation with a designated representative from the Modernize Maryland Oversight Commission, the departments shall set priorities to:

(1) standardize financial management for all State agencies by requiring all State agencies to participate in the 21st Century Financial Systems Enterprise;

(2) provide support to participating units in accordance with the policies and objectives established by the departments;

(3) conform to modernized business and technology standards;

(4) host and manage modernized applications and shared data for the delivery of all accounting services in the State;

(5) use and manage the 21st Century Financial Systems Enterprise to achieve the goals and objectives set by the departments;

(6) facilitate and coordinate the delivery of portfolio products and services;

(7) ensure the faithful execution of all agreements entered into on behalf of the departments; and

(8) oversee and be responsible for the oversight, implementation, and management of the 21st Century Financial Systems Enterprise.

(d) The Office of the Comptroller, in accordance with § 2–1257 of this article, shall report to the General Assembly on the status of the development of the 21st Century Financial Systems Enterprise beginning on or before December 31, 2023, and every 6 months thereafter, ending with the final report due on or before January 1, 2027.

§4–114.

(a) In this section, "dashboard" means the procurement transparency data dashboard required to be published on the Board of Public Works' website in accordance with this section.

(b) (1) The Comptroller shall develop and maintain on the Board of Public Works' website a procurement transparency data dashboard.

(2) A governance committee composed of the liaisons to the Board of Public Works from the offices of the Governor, the Comptroller, and the State Treasurer shall review the contents of the dashboard for accuracy and completeness.

(c) The dashboard shall:

(1) be public, interactive, and searchable; and

(2) include information related to State procurement, including:

(i) Board of Public Works meeting announcements, agendas, and related materials, including contract spending amounts; and

(ii) information on State procurement preference programs established under Title 14 of the State Finance and Procurement Article, including:

1. the minority business enterprise participation goal established under § 14–302 of the State Finance and Procurement Article; and

2. the veteran–owned small business enterprise goal established under § 14–602 of the State Finance and Procurement Article.

(d) For fiscal year 2025 and each fiscal year thereafter, the Governor shall include in the annual budget bill an appropriation in an amount necessary for:

(1) at least one full–time position in the Comptroller's Office to develop and maintain the dashboard; and

(2) software necessary to develop and maintain the dashboard.

§5–101.

(a) There is a Treasurer of the State, as provided in Article VI, § 1 of the Maryland Constitution.

(b) (1) The General Assembly may designate a committee to consider the qualifications of the candidates and procedures for the casting of ballots for the appointment.

(2) A committee designated under this subsection shall consist of an equal number of Senators and Delegates.

(3) The President and the Speaker shall each designate a cochairman of the committee.

(4) At least 7 days prior to the public hearing, staff shall advertise the position in newspapers of general circulation in the State.

(5) The committee shall conduct a public meeting at which time candidates for the Office of Treasurer shall present themselves.

(6) The committee shall determine its procedures which shall include a secret ballot, limited to the members present and voting, to determine its nominee.

(c) If the General Assembly designates a committee under subsection (b) of this section, the committee shall report to the General Assembly on the qualifications of the candidates for the Office of Treasurer and recommend one of the candidates to the General Assembly for the appointment as Treasurer.

(d) (1) During the first session following the election of new members to the General Assembly, the General Assembly shall meet in joint session to appoint the Treasurer.

(2) If the General Assembly does not appoint someone to the Office of Treasurer at the time of its first joint session to consider the appointment of a

Treasurer, the General Assembly shall continue to meet in joint session on a daily basis until a Treasurer is appointed.

(e) (1) The appointment of the Treasurer by the General Assembly shall be determined by a majority of the membership present and voting of the Senate and the House, sitting jointly.

(2) Each member of the General Assembly shall have 1 vote.

(3) (i) The name of each person who applies shall be placed on the ballot that is distributed at the joint session and the ballot shall contain a place for a write-in candidate. A candidate may withdraw his or her name at any time.

(ii) Before ballots are distributed, the Reading Clerk shall read the letter of recommendation, if any, from the joint committee for which provision is made in subsection (c) of this section. Once read, the joint session shall immediately proceed with the balloting. Nominating speeches may not be made from the floor.

(iii) The casting of ballots for the appointment of the Treasurer shall be by secret ballot.

(iv) Ballots shall be distributed by representatives of the Office of the Secretary of the Senate and of the Chief Clerk of the House of Delegates. The Secretary of the Senate shall open each ballot and hand it to the Chief Clerk of the House, who shall announce for whom the vote is cast.

(v) The counting of ballots shall be observed by:

1. the Majority Leader of the Senate;

2. the Minority Leader of the Senate;

3. the Majority Leader of the House of Delegates;

4. the Minority Leader of the House of Delegates; and

5. any other member of either chamber so designated by the President of the Senate or the Speaker of the House.

(4) The Rules of the House of Delegates, as adopted for the session at which the State Treasurer is appointed, shall govern the proceedings of the joint session or sessions. The members of the General Assembly, sitting jointly, shall determine any other procedure necessary for the casting of ballots for the appointment of the Treasurer.

(f) Staff to the joint committee shall be provided by the Department of Legislative Services.

§5–101.1.

In addition to the oath specified in Article I, § 9 of the Maryland Constitution, the Treasurer shall take an oath to discharge the duties of the Office of Treasurer faithfully, diligently, and honestly.

§5–102.

(a) While in office, the Treasurer shall be covered by a surety bond or an insurance policy as required in this section.

(b) A surety bond under this section shall:

(1) run to the State;

(2) be in the amount that the Governor approves;

(3) be with a surety company that is authorized to do business in the State; and

(4) include provisions that secure the money of:

(i) the Injured Workers' Insurance Fund;

(ii) the Subsequent Injury Fund; and

(iii) the Unemployment Insurance Administration Fund.

(c) (1) If the Governor believes that a surety bond under this section has or is likely to become invalid or insufficient, the Governor shall demand that the Treasurer obtain coverage under a new surety bond that meets the requirements of this section.

(2) Neglect or refusal to obtain the coverage within 20 days after the demand constitutes disqualification from office, as authorized in the Maryland Constitution.

(d) After execution and approval of a surety bond under this section, the surety bond shall be recorded in the office of the Clerk of the Supreme Court of Maryland.

(e) (1) The Governor, in consultation with the State Treasurer, shall determine the type and amount of coverage provided by an insurance policy purchased under subsection (a) of this section.

(2) The State Treasurer shall keep a record of any insurance policy procured for the purpose of meeting the requirements of subsection (a) of this section.

§5–102.1.

(a) In addition to the bond or insurance policy required under § 5–102 of this subtitle, the State Treasurer shall be covered by a surety bond or an insurance policy meeting the requirements of this section.

(b) A surety bond purchased to meet the requirements of subsection (a) of this section shall:

(1) be conditioned on the faithful performance of the duties of the State Treasurer as custodian of the Unemployment Insurance Fund;

(2) run to the State;

(3) be in an amount that the Secretary approves; and

(4) be in a form required by law or approved by the Attorney General.

(c) An insurance policy purchased to meet the requirements of subsection (a) of this section shall be of the type and in the amount of coverage determined by the State Treasurer, in consultation with the Secretary of Labor.

§5–103.

(a) Before taking office, the Treasurer shall place in a trust over which the Treasurer has no control or otherwise shall be divested of all capital stock of banks, trust companies, and other financial institutions in the State.

(b) While in office, the Treasurer may not own capital stock of or receive compensation from a bank, trust company, or other financial institution in the State.

§5–104.

(a) The Treasurer shall devote full time to the duties of office.

(b) The Treasurer shall address the Legislative Policy Committee of the General Assembly on a semiannual basis and as necessary on issues of legislative importance, including the activities of the Board of Public Works, bond sales, and investment and procurement initiatives.

(c) The Treasurer's annual salary shall be:

(1) $165,000 for the first year of appointment beginning January, 2023;

(2) $170,000 starting on the first anniversary after appointment;

(3) $173,000 starting on the second anniversary after appointment; and

(4) $175,000 starting on the third anniversary after appointment and thereafter.

§5–105.

(a) (1) The Treasurer may employ a staff in accordance with the State budget.

(2) While on the staff, an individual shall be covered by a surety bond or an insurance policy of the type and in the amount of coverage determined by the State Treasurer under § 5–108 of this subtitle.

(3) The staff shall perform the duties that the Treasurer assigns.

(b) (1) From among the employees on the staff, the Treasurer may designate 1 Chief Deputy Treasurer and 1 or more deputy treasurers.

(2) A designation as Chief Deputy Treasurer or as deputy treasurer may be terminated:

(i) by the Treasurer for any reason that the Treasurer considers sufficient; or

(ii) if the Treasurer is ill or absent, by the other members of the Board of Public Works for any reason that the members consider sufficient.

(3) A termination of the designation as Chief Deputy Treasurer or as deputy treasurer is not, of itself, a termination of employment.

(c) (1) The Treasurer, in consultation with the Secretary of Budget and Management, may set the pay scale of a position in the Office of the Treasurer that:

(i) is unique to the Office of the Treasurer; and

(ii) requires specific skills or experience to perform the duties of the position.

(2) The Secretary of Budget and Management, in consultation with the Treasurer, shall determine the positions for which the Treasurer may set compensation under paragraph (1) of this subsection.

§5–106.

(a) If the Treasurer temporarily is unable or unavailable to carry out the duties of office, an acting treasurer shall have the powers and duties of the office, as provided in this section.

(b) (1) If the Treasurer gives the presiding officers of the General Assembly and the Chief Deputy Treasurer written notice of a temporary inability or unavailability, the Chief Deputy Treasurer shall serve as an acting treasurer unless the presiding officers appoint another individual as acting treasurer and give the Chief Deputy Treasurer written notice of the appointment.

(2) An acting treasurer shall serve under this subsection:

(i) on and after the date that the Treasurer sets in the notice; and

(ii) until the Treasurer gives the presiding officers and the acting treasurer written notice that the Treasurer is able to carry out the duties.

(c) (1) If the Treasurer has not given notice, but the presiding officers of the General Assembly make a formal, written determination of a temporary inability or unavailability of the Treasurer, the officers may appoint an acting treasurer.

(2) The acting treasurer shall serve under this subsection:

(i) on and after the date of the appointment; and

(ii) until the presiding officers jointly determine and give the Treasurer and the acting treasurer written notice that the Treasurer is able to carry out the duties.

(d) The Supreme Court of Maryland has exclusive original jurisdiction, on petition of the presiding officers of the General Assembly, the Treasurer, or the acting treasurer, to determine any issue that arises under this section and to pass any appropriate order.

§5–107.

If the Office of the Treasurer becomes vacant, the Chief Deputy Treasurer is the deputy treasurer who acts as Treasurer under Article VI, § 1 of the Maryland Constitution.

§5–108.

(a) In determining the type and amount of coverage of any surety bond or insurance policy required by law, the State Treasurer shall have due regard for the duties and responsibilities of the officer or employee.

(b) An officer or employee who is required to be bonded or insured shall be covered, on beginning the performance of the officer's or employee's duties, by a surety bond or an insurance policy of the type specified and in the amount and term to be determined by the State Treasurer.

(c) Each State officer or employee, other than those specifically required to be bonded or insured in accordance with any law of the State, who in the opinion of the State Treasurer should be bonded or insured shall be bonded with the type of bond or insurance and in the amount and term to be determined by the State Treasurer.

(d) The State Treasurer shall keep a record of each insurance policy purchased to meet the requirements of subsection (b) of this section.

(e) (1) On the purchase of any bond required by law, a copy of the bond shall be sent to the Comptroller.

(2) A record shall be kept in the Office of the State Comptroller giving:

(i) the name of the officer or employee for whom any individual bond is issued;

(ii) the name of the agency in which the officer or employee is employed or the name of the agencies covered under a blanket bond program;

(iii) the name of the company issuing the bond; and

(iv) the amount, date, and time of expiration of the bond and of any certificate renewing the bond.

§6–101.

In this title, "Office" means the Office of the Attorney General.

§6–102.

Except as otherwise provided by law, this title does not apply to:

(1) the Public Service Commission;

(2) a board of supervisors of elections of a county;

(3) the Baltimore City Board of School Commissioners or a county board of education; or

(4) any other county officer or unit.

§6–103.

(a) There is an Attorney General of the State, as provided in Article V, § 1 of the Maryland Constitution.

(b) The Attorney General's annual salary shall be:

(1) $165,000 for the first year of the term beginning January, 2023;

(2) $170,000 starting on the first anniversary of the beginning of the term;

(3) $173,000 starting on the second anniversary of the beginning of the term; and

(4) $175,000 starting on the third anniversary of the beginning of the term and thereafter.

(c) The Attorney General is also entitled to reimbursement for travel and other expenses that are connected with the duties of the Office.

§6–104.

(a) There is an Office of the Attorney General.

(b) The Attorney General may have offices, which the State shall maintain and equip.

§6–105.

(a) (1) The Attorney General may employ a staff in accordance with the State budget.

(2) Attorneys, positions that provide direct support to the Attorney General, and positions that provide direct support to the positions specified in paragraph (3) of this subsection, appointed under this subsection:

(i) notwithstanding any other law, and except as provided in paragraph (3) of this subsection, are deemed special appointments within the meaning of § 6–405(a) of the State Personnel and Pensions Article;

(ii) may not be determined to be special appointments under § 6–405(b) of the State Personnel and Pensions Article; and

(iii) serve at the pleasure of the Attorney General.

(3) The following positions are special appointments under § 6–405(b) of the State Personnel and Pensions Article:

(i) Deputy Attorney General;

(ii) special assistant to the Attorney General;

(iii) executive counsel to the Attorney General;

(iv) director or chief of a division or unit in the Office; and

(v) principal counsel to a State unit.

(4) (i) Staff appointed under this subsection is entitled to compensation as provided in the State budget.

(ii) Unless the State budget provides otherwise, the salary of a Deputy Attorney General, assistant Attorney General, or special attorney appointed under this subsection is payable from the funds of the Office.

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

(b) (1) In addition to any other staff appointed under this section, the Attorney General, with the written approval of the Governor, may employ any assistant counsel that the Attorney General considers necessary to carry out any duty of the Office in an extraordinary or unforeseen case or in special county work.

(2) The Attorney General shall submit to the Governor a written request that:

(i) states the necessity of and each reason for the special employment; and

(ii) states the proposed compensation and its source or certifies that the Attorney General cannot ascertain in advance the proper compensation.

(3) Compensation that cannot be ascertained in advance may be agreed on or adjusted later.

(c) (1) In addition to any other staff appointed under this section, the Attorney General may employ special counsel to defend a State officer or State employee under Title 12, Subtitle 3 of this article if the Attorney General determines that representation by the Attorney General or an assistant is impracticable or uneconomical.

(2) The special counsel is entitled to compensation, as set by the Attorney General and approved by the Board of Public Works, under Title 12, Subtitle 5 of this article.

(d) Each Deputy Attorney General, assistant Attorney General, or special attorney appointed under subsection (a) of this section shall be a practicing lawyer of the State in good standing.

(e) (1) The Attorney General may assign any duty that the law imposes on the Attorney General to a Deputy Attorney General, assistant Attorney General, or special attorney appointed under subsection (a) of this section or, to the extent permitted by law, a law clerk.

(2) The Deputy Attorney General, assistant Attorney General, special attorney, or law clerk shall perform the assigned duty, subject to the control of the Attorney General.

(f) In addition to any other staff appointed under this section, the Attorney General may employ any assistant counsel that the Attorney General considers necessary to carry out any duty of the Office if the employment of the assistant counsel:

(1) is on a pro bono basis;

(2) will not result in more than minimal cost to the State; and

(3) will not result in the payment to the assistant counsel of any portion of the State's recovery in any case or matter.

(g) (1) The Attorney General, in consultation with the Secretary of Budget and Management, may set the pay scale of a position in the Office of the Attorney General that:

(i) is unique to the Office of the Attorney General; and

(ii) requires specific skills or experience to perform the duties of the position.

(2) The Secretary of Budget and Management, in consultation with the Attorney General, shall determine the positions for which the Attorney General may set compensation under paragraph (1) of this subsection.

§6–106.

(a) Except as otherwise provided in this section, the Attorney General has general charge of the legal business of the State.

(b) Unless a law expressly provides for a general counsel as the legal adviser and representative of the officer or unit, the Attorney General is the legal adviser of and shall represent and otherwise perform all of the legal work for each officer and unit of the State government.

(c) Notwithstanding any other section of law, an officer or unit of the State government may not employ or be represented by a legal adviser or counsel other than the Attorney General or a designee of the Attorney General, except that:

(1) (i) an officer or unit of the State government may employ or be represented by a legal adviser or counsel other than the Attorney General or the Attorney General's designee with prior approval of the Attorney General; and

(ii) the approval may be provided under § 6–105(b) or (c) of this subtitle, § 13–107 of the State Finance and Procurement Article, or other authority specified by the Attorney General;

(2) a State institution may employ counsel to represent the institution in a habeas corpus proceeding;

(3) a unit of the State government may employ counsel if:

(i) an investigation by an investigating committee of the General Assembly affects the unit;

(ii) the Attorney General represents both the investigating committee and the unit;

(iii) the Attorney General gives the Board of Public Works and the unit written notice that representation by the Attorney General involves or reasonably may involve a conflict of interest; and

(iv) the Board of Public Works approves the employment of counsel by the unit;

(4) the Office of the Public Defender may employ or be represented by a legal adviser or counsel other than the Attorney General or the Attorney General's designee; and

(5) unless otherwise agreed to by the Attorney General and the County Attorney for Montgomery County, the County Attorney for Montgomery County may represent the Montgomery County Department of Health and Human Services in a contested case under Title 10, Subtitle 2 of this article.

§6–106.1.

(a) The General Assembly finds that:

(1) the federal government's action or failure to take action may pose a threat to the health and welfare of the residents of the State; and

(2) the State should investigate and obtain relief from any arbitrary, unlawful, or unconstitutional federal action or inaction and prevent such action or inaction from harming the residents of the State.

(b) (1) In addition to any other powers and duties and subject to the requirements of this subsection, the Attorney General may investigate, commence,

and prosecute or defend any civil or criminal suit or action that is based on the federal government's action or inaction that threatens the public interest and welfare of the residents of the State with respect to:

(i) protecting the health of the residents of the State and ensuring the availability of affordable health care;

(ii) safeguarding public safety and security;

(iii) protecting civil liberties;

(iv) preserving and enhancing the economic security of workers and retirees;

(v) protecting financial security of the residents of the State, including their pensions, savings, and investments, and ensuring fairness in mortgages, student loans, and the marketplace;

(vi) protecting the residents of the State against fraud and other deceptive and predatory practices;

(vii) protecting the natural resources and environment of the State;

(viii) protecting the residents of the State against illegal and unconstitutional federal immigration and travel restrictions; or

(ix) otherwise protecting, as parens patriae, the State's interest in the general health and well–being of its residents.

(2) Except as provided in paragraph (4) of this subsection, before commencing a suit or an action under paragraph (1) of this subsection, the Attorney General shall provide to the Governor:

(i) written notice of the intended suit or action; and

(ii) an opportunity to review and comment on the intended suit or action.

(3) If the Governor objects to the intended suit or action for which notice was provided under this subsection:

(i) the Governor shall provide in writing to the Attorney General the reasons for the objection within 10 days after receiving the notice; and

(ii) except as provided in paragraph (4) of this subsection, the Attorney General shall consider the Governor's objection before commencing the suit or action.

(4) If the Attorney General determines that emergency circumstances require the immediate commencement of a suit or an action under paragraph (1) of this subsection, the Attorney General shall provide to the Governor notice of the suit or action as soon as reasonably practicable.

(c) The Governor's proposed budget for fiscal year 2019, and for each fiscal year thereafter, shall appropriate at least $1,000,000 to the Attorney General to be used only for:

(1) carrying out this section; and

(2) employing five attorneys in the Office of the Attorney General.

§6–106.2.

(a) This section applies to an action brought or asserted by the State arising from or related to alleged or threatened injuries to the environment, infrastructure, or the natural resources of the State associated with the allision between the vessel known as the Dali and the Francis Scott Key Bridge on March 26, 2024.

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

(2) "Proportionate share of liability" means the percentage of comparative responsibility assigned by a judge or jury to a settling party in accordance with this section.

(3) "Responsible person" means a person alleged to be liable in an action governed by this section.

(c) In an action governed by this section, the judge or jury shall:

(1) make a determination of the total liability, including damages, costs, and any other available relief;

(2) assign comparative responsibility to each party joined in the action, including all defendants, third–party defendants, intervenors, and any other named party, based on the party's relative degree of fault or responsibility for the total liability; and

(3) if equity requires, determine the liability of a group of related persons on a collective basis.

(d) If the State has not obtained complete relief from a responsible person who has resolved the person's liability to the State in a settlement of an action governed by this section, the State may:

(1) continue to pursue an action against any other responsible person who has not resolved the person's liability to the State; or

(2) bring a new action against any other responsible person who has not resolved the person's liability to the State.

(e) Notwithstanding any other provision of State law:

(1) the Maryland Uniform Contribution Among Joint Tort–Feasors Act under Title 3, Subtitle 14 of the Courts Article does not apply to an action governed by this section;

(2) if a responsible person resolves the person's liability to the State in a settlement of an action governed by this section, the person may not be liable for claims for noncontractual contribution or indemnity regarding any action or claim resolved in the settlement; and

(3) a settlement of an action governed by this section that resolves the liability of a responsible person:

(i) does not release from liability any other responsible person except as specifically provided in the terms of the settlement; but

(ii) reduces the potential liability of all other responsible persons liable in whole or in part by the larger of:

1. the settling person's proportionate share of liability; or

2. the amount the settling person pays to settle the action.

(f) This section may not be construed to:

(1) impair any express contractual rights;

(2) create new types of actions or claims;

(3) alter the burden of proof, causation standard, or elements of an action or claim governed by this section; or

(4) grant authority to the State or the Attorney General to bring actions or claims not otherwise authorized by law.

§6–107.

(a) The Attorney General is the legal adviser of and shall represent and otherwise perform all of the legal work for:

(1) the Board of Supervisors of Elections of Baltimore City;

(2) the Board of Liquor Commissioners of Baltimore City; and

(3) the Sheriff of Baltimore City.

(b) (1) The Attorney General may advise or represent a political subdivision of the State or any of its officers, employees, or agents as to a matter that relates to State or federal antitrust law.

(2) Representation under this subsection may include an appearance in an action or administrative proceeding to defend the subdivision, officer, employee, or agent.

(3) The Attorney General may require a political subdivision to pay into the General Fund of the State reimbursement for the costs of defending the subdivision in an action or proceeding.

(4) This subsection does not deprive any political subdivision, officer, employee, or agent of any right to retain counsel, at the expense of the subdivision, officer, employee, or agent.

§6–108.

(a) The Attorney General or any Deputy Attorney General or assistant Attorney General whom the Attorney General designates may:

(1) become a member of an organization of attorneys general of other states or their deputies or assistants and, as provided in the State budget, contribute to the expenses of the organization; and

(2) use the services of the Council of State Governments and, as provided in the State budget, contribute to the cost of the services.

(b) (1) On January 1 of each year, the Attorney General shall submit an annual report to the Governor and, in accordance with § 2–1257 of this article, the General Assembly.

(2) The annual report shall:

(i) describe the business and proceedings of the Office during the preceding calendar year; and

(ii) include any recommendations that the Attorney General considers appropriate.

(c) The Attorney General shall keep the following records until they are disposed of in accordance with § 10–616 of this article:

(1) a copy of the pleadings in each suit, action, or other proceeding of which the Office has charge;

(2) a complete and current docket of those proceedings;

(3) a copy of each written opinion that the Office issues; and

(4) an abstract of each title that the Office examines or has examined.

(d) The Attorney General annually shall publish on the website of the Attorney General:

(1) the opinions that the Office issued during the preceding calendar year; and

(2) the annual report for that preceding calendar year.

(e) (1) The papers of the Office shall be filed in its offices until disposed of in accordance with § 10–616 of this article.

(2) The papers and books of the Office shall be indexed so that they are readily accessible.

§6–109.

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

(2) "Department" means the Department of Assessments and Taxation.

(3) "Governing body" means the head, board, council, board of directors, or other governing body of a State agency.

(b) (1) A State agency not represented by the Attorney General shall designate a citizen of this State who resides in this State, a Maryland corporation, or an officer of the State agency as its resident agent and change its resident agent by filing for record with the Department a certified copy of a resolution of its governing body that authorizes the designation or change.

(2) A State agency may change the address for its resident agent by filing for record with the Department a statement of the change signed by the chairman or other principal officer of its governing body.

(c) (1) A resident agent whose address changes may notify the Department by filing for record with the Department a statement of the change signed by or for the resident agent.

(2) A resident agent may resign by filing with the Department a statement of resignation.

(d) There is no fee for a filing under this section.

(e) A designation, change of agent, change of address, or resignation is effective as provided in the Corporations and Associations Article for a corporate resident agent.

(f) (1) Service of process on a resident agent of a State agency constitutes effective service of process under the Maryland Rules on the State agency in an action, suit, or proceeding that is pending, filed, or instituted against the State agency.

(2) Any notice required by law to be served by personal service on a resident agent or other agent or officer of a State agency may be served in the manner provided by the Maryland Rules relating to service of process on State agencies.

(3) Service under the Maryland Rules is equivalent to personal service on a resident agent or other agent or officer of a State agency.

§6–110.

(a) The Chief Deputy Attorney General shall serve as acting Attorney General if the Attorney General temporarily is unable or unavailable to carry out the duties of office.

(b) If the Attorney General gives the Chief Deputy Attorney General written notice of a temporary inability or unavailability, the acting Attorney General shall serve:

(1) on and after the date that the Attorney General sets in the notice; and

(2) until the Attorney General gives the acting Attorney General written notice that the Attorney General is able to carry out the duties of office.

(c) If the Attorney General has not given notice, but the members of the Board of Public Works and the presiding officers of the General Assembly, by a majority vote, make a formal, written determination of a temporary inability or unavailability of the Attorney General, the Chief Deputy Attorney General shall serve as acting Attorney General:

(1) on and after the date of the determination; and

(2) until the members of the Board of Public Works and the presiding officers of the General Assembly, by a majority vote, determine and give the Attorney General and the acting Attorney General written notice that the Attorney General is able to carry out the duties of office.

(d) (1) On petition of any member of the Board of Public Works, a presiding officer of the General Assembly, the Attorney General, or the acting Attorney General, a circuit court has exclusive original jurisdiction to determine any issue that arises under this section and to pass any appropriate order.

(2) Except for cases that the court considers of greater importance, a proceeding under this section, including an appeal, shall:

(i) take precedence on the docket;

(ii) be heard at the earliest practicable date; and

(iii) be expedited in every way.

§6–301.

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

(b) "Commissioner" means the Maryland Insurance Commissioner.

(c) "Division" means the People's Insurance Counsel Division in the Office of the Attorney General.

(d) "Health care provider" has the meaning stated in § 3-2A-01 of the Courts Article.

(e) "Homeowner's insurer" means an insurer that issues or delivers a policy or contract of homeowner's insurance in the State.

(f) "Insurance consumers" means persons insured under policies or contracts of medical professional liability insurance, and homeowner's insurance issued or delivered in the State by a medical professional liability insurer or a homeowner's insurer.

(g) "Insurer" means a medical professional liability insurer or a homeowner's insurer authorized to engage in the insurance business in the State under a certificate of authority issued by the Commissioner.

(h) "Medical injury" has the meaning stated in § 3-2A-01 of the Courts Article.

(i) "Medical professional liability insurer" means an insurer that issues or delivers a policy in the State that insures a health care provider against damages due to medical injury.

(j) "Premium" has the meaning stated in § 1-101 of the Insurance Article to the extent it is allocable to this State.

§6–302.

(a) (1) There is a People's Insurance Counsel Division in the Office of the Attorney General.

(2) The Attorney General shall appoint the People's Insurance Counsel with the advice and consent of the Senate.

(b) The People's Insurance Counsel serves at the pleasure of the Attorney General.

(c) The People's Insurance Counsel shall have been admitted to practice law in the State.

(d) The People's Insurance Counsel shall devote full time to the duties of the Office.

(e) The People's Insurance Counsel is entitled to compensation as provided in the State budget.

(f) The People's Insurance Counsel and employees of the Division may not hold an official relation to or have any pecuniary interest in an insurer, insurance agency, or insurance transaction, other than as a policyholder or claimant under a policy.

§6–303.

(a) The Office of the Attorney General shall include in its annual budget sufficient money for the administration and operation of the Division.

(b) The Division may retain as necessary for a particular matter or employ experts in the field of insurance regulation, including accountants, actuaries, and lawyers.

(c) The People's Insurance Counsel shall direct the Division.

§6–304.

(a) The Commissioner shall:

(1) collect an annual assessment from each medical professional liability insurer and homeowner's insurer for the costs and expenses incurred by the Division in carrying out its duties under this subtitle; and

(2) deposit the amounts collected into the People's Insurance Counsel Fund established under § 6–305 of this subtitle.

(b) The assessment payable by a medical professional liability insurer or homeowner's insurer is the product of the fraction obtained by dividing the gross direct premium written by the medical professional liability insurer or homeowner's insurer in the prior calendar year by the total amount of gross direct premium written by all medical professional liability insurers or homeowner's insurers in the prior calendar year, multiplied by the amount of the total costs and expenses under subsection (a)(1) of this section.

(c) (1) The assessment collected under this section is:

(i) in addition to any penalties or premium tax imposed under the Insurance Article; and

(ii) due and payable to the Commissioner on or before a date determined by the Commissioner each year.

(2) (i) Failure by an insurer to pay an assessment fee on or before the due date shall subject the insurer to the provisions of §§ 4-113 and 4-114 of the Insurance Article.

(ii) In addition to the penalty imposed under subparagraph (i) of this paragraph, if an assessment fee is not paid on or before the due date, the Commissioner may impose a penalty of 5% of the amount due and interest at the rate determined under § 13-701(b)(1) of the Tax - General Article from the due date until payment is made to the Commissioner.

§6–305.

(a) In this section, "Fund" means the People's Insurance Counsel Fund.

(b) There is a People's Insurance Counsel Fund.

(c) The purpose of the Fund is to pay all costs and expenses incurred by the Division in carrying out its duties under this subtitle.

(d) The Fund shall consist of:

(1) all revenue deposited into the Fund that is received through the imposition and collection of the assessment under § 6-304 of this subtitle; and

(2) income from investments that the State Treasurer makes for the Fund.

(e) (1) Expenditures from the Fund may be made only by:

(i) an appropriation from the Fund approved by the General Assembly in the annual State budget; or

(ii) the budget amendment procedure provided for in § 7-209 of the State Finance and Procurement Article.

(2) (i) If, in any fiscal year, the amount of the assessment revenue collected by the Commissioner and deposited into the Fund exceeds the actual costs and expenses incurred by the Division to carry out its duties under this subtitle, the

excess amount shall be carried forward within the Fund for the purpose of reducing the assessment imposed by the Commissioner for the following fiscal year.

(ii) If, in any fiscal year, the amount of the assessment revenue collected by the Commissioner and deposited into the Fund is insufficient to cover the actual expenditures incurred by the Division to carry out its duties under this subtitle, and expenditures are made in accordance with the budget amendment procedure provided for in § 7-209 of the State Finance and Procurement Article, an additional assessment may be made.

(f) (1) The State Treasurer is the custodian of the Fund.

(2) The Fund shall be invested and reinvested in the same manner as State funds.

(3) The State Treasurer shall deposit payments received from the Commissioner into the Fund.

(g) (1) The Fund is a continuing, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(2) No part of the Fund may revert or be credited to:

(i) the General Fund of the State; or

(ii) a special fund of the State, unless otherwise provided by law.

§6–306.

(a) (1) The Division shall evaluate each medical professional liability insurance and homeowner's insurance matter pending before the Commissioner to determine whether the interests of insurance consumers are affected.

(2) If the Division determines that the interests of insurance consumers are affected, the Division may appear before the Commissioner and courts on behalf of insurance consumers in each matter or proceeding over which the Commissioner has original jurisdiction.

(b) (1) The Division shall review any rate increase of 10% or more filed with the Commissioner by a medical professional liability insurer or homeowner's insurer.

(2) If the Division finds that the rate increase is excessive, inadequate, or unfairly discriminatory, the Division shall appear before the Commissioner on behalf of insurance consumers in any hearing on the rate filing.

(c) As the Division considers necessary, the Division shall conduct investigations and request the Commissioner to initiate an action or proceeding to protect the interests of insurance consumers.

§6–307.

(a) In appearances before the Commissioner and courts on behalf of insurance consumers, the Division has the rights of counsel for a party to the proceeding, including the right to:

(1) summon witnesses, present evidence, and present argument;

(2) conduct cross-examination and submit rebuttal evidence; and

(3) take depositions in or outside of the State:

(i) in proceedings before the Commissioner, subject to regulation by the Commissioner to prevent undue delay; and

(ii) in proceedings in court, in accordance with the procedure provided by law or rule of court.

(b) The Division may appear before any federal or State tribunal or agency, in a judicial or administrative action, to protect the interests of insurance consumers.

(c) (1) Except as otherwise provided in the Insurance Article and any applicable freedom of information act, the Division shall have full access to the Commissioner's records, including rate filings and supplementary rate information filed with the Commissioner by a medical professional liability insurer or homeowner's insurer under Title 11 of the Insurance Article, and shall have the benefit of all other facilities or information of the Commissioner.

(2) The Division is entitled to the assistance of the Commissioner's staff if:

(i) the staff determines that the assistance is consistent with the staff's responsibilities; and

(ii) the staff and the Division agree that the assistance, in a particular matter, is consistent with their respective interests.

(d) The Division may recommend to the General Assembly legislation on any matter that the Division considers would promote the interests of insurance consumers.

§6–308.

On or before January 1 of each year, the Division shall report to the Governor and, subject to § 2-1257 of this article, to the General Assembly on the activities of the Division during the prior fiscal year.

§6–501.

In this subtitle, "Ombudsman" means the Special Education Ombudsman.

§6–502.

(a) There is a Special Education Ombudsman in the Office of the Attorney General.

(b) The purpose of the Ombudsman is to serve as a resource to provide information and support to parents, students, and educators regarding special education rights and services.

§6–503.

(a) The Attorney General shall appoint the Ombudsman.

(b) Salaries of the Ombudsman and staff under the Ombudsman and expenses related to the operation of the toll–free telephone number established under § 6–505 of this subtitle, rent, equipment, supplies, and general operations shall be as provided in the State budget.

(c) In cooperation with the Secretary of Budget and Management, the Attorney General shall set minimum salary, qualifications, and experience standards for the Ombudsman and any staff under the Ombudsman.

§6–504.

(a) The Ombudsman shall:

(1) serve as a source of knowledge and information on the State and federal laws, rules, and regulations governing the education of students with disabilities for parents, students, educators, and interested members of the public;

(2) provide impartial information to the parents of students with disabilities on how to navigate the process of obtaining special education evaluations and services;

(3) provide impartial information to parents, public schools, and educators on the procedures for resolving disagreements and disputes regarding the provision of special education or disciplinary action taken against students with disabilities;

(4) explain to parents of children with disabilities the rights of parents and students and how the parents may avail themselves of those rights;

(5) work neutrally and objectively with all persons to ensure that the special education system functions as intended;

(6) identify any patterns of complaints made by parents of students with disabilities and inform the State Department of Education about any such pattern; and

(7) serve as a general resource for disability–related information and make referrals to available State and federal services and programs for individuals with disabilities.

(b) In performing the duties assigned under this section, the Ombudsman shall treat all communications as confidential and may reveal the details of any communication only if:

(1) necessary to achieve the Ombudsman's duties; and

(2) done in accordance with applicable State and federal law.

§6–505.

The Ombudsman shall arrange for a toll–free telephone number, available in English as well as other appropriate languages, to assist an individual seeking information or advice about special education.

§6–506.

On or before July 1, 2022, and each July 1 thereafter, the Ombudsman shall, consistent with federal and State privacy laws and in accordance with § 2–1257 of this article, submit a report to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means that includes:

(1) the number and type of calls received on the toll–free telephone number during the previous year;

(2) any patterns of complaints filed by parents identified under § 6–504(a)(7) of this subtitle;

(3) a summary of the services provided by the Ombudsman during the previous year; and

(4) any recommendations the Ombudsman determines are appropriate and necessary concerning the State's implementation of special education services and procedures.

§6–601.

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

(b) "Division" means the Independent Investigations Division in the Office of the Attorney General.

(c) "Police officer" has the meaning stated in § 3–201 of the Public Safety Article.

§6–602.

(a) There is an Independent Investigations Division within the Office of the Attorney General.

(b) (1) The Division is the primary investigative unit for police–involved incidents that result in the death of individuals or injuries likely to result in death.

(2) The Office of the Attorney General shall determine whether an incident is police–involved and whether an injury is likely to result in death.

(c) (1) The Division shall investigate all police–involved incidents that result in the death of an individual or injuries that are likely to result in the death of an individual.

(2) (i) Subject to subparagraph (ii) of this paragraph, a State's Attorney may refer for investigation by the Division a police–involved incident resulting in serious bodily injury to an individual that is not otherwise within the jurisdiction of the Division under paragraph (1) of this subsection.

(ii) The Division may, in its discretion, decline to investigate an incident referred by a State's Attorney under subparagraph (i) of this paragraph.

(3) The Division may investigate any other crime related to police misconduct that is discovered during an investigation under paragraph (1) or (2) of this subsection.

(d) In conducting an investigation under subsection (c) of this section, the Division may act with the full powers, rights, privileges, and duties of a State's Attorney, including the use of a grand jury in any county.

(e) To investigate under this section alleged criminal offenses committed by police officers, the Division may:

(1) detail one or more police officers employed by the Department of State Police; and

(2) employ other civilian personnel as needed.

(f) On or before January 31 each year, the Division shall submit a report to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly on the activities of the Division in the prior calendar year, including:

(1) the number of investigations that were conducted by the Division; and

(2) the number of prosecutions that were initiated as a result of an investigation by or a referral to the Division.

(g) (1) The Governor annually shall include funding in the State budget sufficient to provide for the full and proper operation of the Division.

(2) Funds provided in accordance with this subsection shall supplement and may not supplant any other funding provided to the Division.

§6–603.

(a) (1) For the limited purpose of furthering an ongoing criminal investigation under this subtitle, the Attorney General or a Deputy Attorney General or an assistant Attorney General designated in writing by the Attorney General may issue in any court in the State a subpoena to a person to produce telephone, business, government, or corporate records or documents.

(2) A subpoena issued under this subsection may be served in the same manner as a subpoena issued by a circuit court.

(b) (1) A person may have an attorney present during any contact made under subsection (a) of this section with the Attorney General or the Attorney General's designee.

(2) The Attorney General or the Attorney General's designee shall advise a person of the right to counsel when the subpoena is served.

(c) (1) (i) If a person fails to obey a lawfully served subpoena under subsection (a) of this section, the Attorney General or the Attorney General's designee may report the failure to obey the subpoena to the circuit court with jurisdiction over the matter.

(ii) The Attorney General or the Attorney General's designee shall provide a copy of the subpoena and proof of service to the circuit court.

(2) After conducting a hearing at which the person that allegedly failed to comply with a subpoena issued under subsection (a) of this section has had an opportunity to be heard and be represented by counsel, the court may grant appropriate relief.

(d) This section does not allow the contravention, denial, or abrogation of a privilege or right recognized by law.

§6–604.

(a) (1) Except as provided in subsection (b) of this section, if the Attorney General determines that an investigation conducted under § 6–602 of this subtitle provides sufficient grounds for the prosecution of a criminal offense discovered in the course of the investigation, the Attorney General shall have exclusive authority to prosecute the offense.

(2) The Attorney General, in the Attorney General's discretion, may prosecute a police–involved incident not otherwise within the investigative jurisdiction of the Division under § 6–602(c) of this subtitle if the incident is referred by a State's Attorney to the Attorney General for prosecution.

(b) A State's Attorney may prosecute a criminal offense described in subsection (a)(1) of this section only if the Attorney General requests that the State's Attorney prosecute the offense.

§6–701.

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

(b) "Chief Counsel" means the Chief Counsel of Environmental and Natural Resources Crimes.

(c) "Unit" means the Environmental and Natural Resources Crimes Unit of the Office of the Attorney General.

§6–702.

(a) (1) There is an Environmental and Natural Resources Crimes Unit of the Office of the Attorney General.

(2) The function of the Unit is to:

(i) investigate and prosecute cases against persons that violate State criminal environmental and natural resources laws; and

(ii) investigate and prosecute any other criminal offense discovered in the course of an investigation under this subtitle.

(3) In conducting an investigation and prosecuting cases under this subtitle, the Unit may act with the full powers, rights, privileges, and duties of a State's Attorney, including the use of a grand jury in any county.

(b) (1) The Unit shall include:

(i) a full–time Chief Counsel of Environmental and Natural Resources Crimes; and

(ii) staff, including assistant attorneys general, investigators, and administrators, as provided in the State budget.

(2) Salaries of the Chief Counsel and staff, and expenses for rent, travel, equipment, supplies, and general operating expenses necessary for the work of the Unit shall be as provided in the State budget.

(3) In cooperation with the Secretary of Budget and Management, the Attorney General shall set minimum salaries, qualifications, and standards of training and experience for positions within the Unit.

(c) The Unit shall investigate and prosecute the State's criminal environmental and natural resource laws.

(d) On or before November 30 each year, the Attorney General shall report to the Governor, and, in accordance with § 2–1257 of this article, the General Assembly on all the activities of the Unit and any actions taken by the Department of the Environment or the Department of Natural Resources in response to findings and recommendations of the Unit.

§6–703.

(a) (1) For the limited purpose of furthering an ongoing criminal investigation under this subtitle, the Attorney General or a Deputy Attorney General or an assistant attorney general designated in writing by the Attorney General may issue in any court in the State a subpoena to a person to produce telephone, business, government, or corporate records or documents.

(2) A subpoena issued under this subsection may be served in the same manner as a subpoena issued by a circuit court.

(b) (1) A person may have an attorney present during any contact made under subsection (a) of this section with the Attorney General or an agent of the Attorney General.

(2) The Attorney General shall advise a person of the right to counsel when the subpoena is served.

(c) (1) (i) If a person fails to obey a lawfully served subpoena under subsection (a) of this section, the Attorney General may report the failure to obey the subpoena to the circuit court with jurisdiction over the matter.

(ii) The Attorney General shall provide a copy of the subpoena and proof of service to the circuit court.

(2) After conducting a hearing at which the person that allegedly failed to comply with a subpoena issued under subsection (a) of this section has had an opportunity to be heard and be represented by counsel, the court may grant appropriate relief.

(d) This section does not allow the contravention, denial, or abrogation of a privilege or right recognized by law.

§6–801.

In this subtitle, "Commission" means the Commission on Hate Crime Response and Prevention.

§6–802.

(a) There is a Commission on Hate Crime Response and Prevention in the Office of the Attorney General.

(b) The Commission consists of the following members, appointed by the Attorney General:

(1) 15 individuals who represent or advocate on behalf of individuals who are members of a protected class under the State hate crime laws as set forth in Title 10, Subtitle 3 of the Criminal Law Article appointed by the Attorney General with the advice and consent of the Senate;

(2) one representative of the Maryland Association of Human Relations/Human Rights Agencies;

(3) one representative of the Maryland Chiefs of Police Association;

(4) one representative of the Maryland Commission on Civil Rights;

(5) one representative of the Maryland Coordination and Analysis Center;

(6) one representative of the Maryland Center for School Safety;

(7) one representative of the Maryland Sheriffs' Association;

(8) one representative of the Maryland State's Attorneys' Association;

(9) one representative of the Office of the Public Defender; and

(10) two members of the general public.

(c) (1) The term of an appointed member of the Commission is 4 years.

(2) The terms of the appointed members are staggered as required by the terms provided for members of the Commission on June 1, 2024.

(3) At the end of a term, an appointed member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(d) (1) The Attorney General, or the Attorney General's designee, is the chair of the Commission.

(2) The Office of the Attorney General shall provide staff for the Commission.

(e) In fiscal year 2025 and in each fiscal year thereafter, the Governor shall include funds in the State budget to implement this section, including funds to:

(1) employ a full–time assistant Attorney General to staff the Commission; and

(2) operate and maintain the office.

(f) (1) A majority of members of the Commission shall constitute a quorum for the transaction of business.

(2) The Commission may adopt rules governing the administration and proceedings of the Commission.

(g) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

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

(h) The Commission shall:

(1) develop strategies to prevent and respond to hate crime activity; and

(2) evaluate State laws and policies relating to hate crimes.

(i) (1) On or before December 1 each year, beginning in 2024, the Commission shall report to the State Department of Education on policy recommendations to address hate crimes that occur in schools.

(2) On or before December 1 each year, beginning in 2024, the Commission shall report to the General Assembly, in accordance with § 2–1257 of this article, on legislative recommendations to address hate crimes in the State.

§6–901.

(a) This section may not be construed to allow the contravention, denial, or abrogation of a privilege or right recognized by law.

(b) (1) For the limited purpose of furthering an ongoing health care fraud investigation under the Maryland False Health Claims Act or other civil authority, the Attorney General, a Deputy Attorney General, or an Assistant Attorney General designated in writing by the Attorney General may issue in any court in the State a subpoena requiring a person to:

(i) produce documentary material for inspection, copying, or reproduction;

(ii) answer, under oath and in writing, written interrogatories;

(iii) give sworn oral testimony; or

(iv) provide any combination of items (i), (ii), and (iii) of this paragraph.

(2) A subpoena issued under paragraph (1) of this subsection may be served in the same manner as a subpoena issued by a circuit court.

(c) (1) (i) If a person fails to obey a lawfully served subpoena issued under subsection (b) of this section, the Attorney General may report a failure to obey the subpoena to the circuit court with jurisdiction over the matter.

(ii) The Attorney General shall provide a copy of the subpoena and proof of service to the circuit court.

(2) After conducting a hearing at which the person who allegedly failed to comply with a subpoena issued under subsection (b) of this section has had an opportunity to be heard and be represented by counsel, the court may grant appropriate relief.

§6.5–101.

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

(b) "Acquisition" means:

(1) a sale, lease, transfer, merger, or joint venture that results in the disposal of the assets of a nonprofit health entity to a for–profit corporation or entity or to a mutual benefit corporation or entity when a substantial or significant portion of the assets of the nonprofit health entity are involved or will be involved in the agreement or transaction;

(2) a transfer of ownership, control, responsibility, or governance of a substantial or significant portion of the assets, operations, or business of the nonprofit health entity to any for–profit corporation or entity or to any mutual benefit corporation or entity;

(3) a public offering of stock; or

(4) a conversion to a for–profit entity.

(c) "Administration" means the Maryland Insurance Administration.

(d) "Department" means the Maryland Department of Health.

(e) "Health maintenance organization" has the meaning stated in § 19–701 of the Health – General Article.

(f) "Hospital" has the meaning stated in § 19–301 of the Health – General Article.

(g) "Nonprofit health entity" means:

(1) a nonprofit hospital;

(2) a nonprofit health service plan; or

(3) a nonprofit health maintenance organization.

(h) "Nonprofit health service plan" means a corporation without capital stock with a certificate of authority from the Insurance Commissioner to operate as a nonprofit health service plan or a nonprofit dental plan.

(i) "Public assets" includes:

(1) assets held for the benefit of the public or the community;

(2) assets in which the public has an ownership interest; and

(3) assets owned by a governmental entity.

(j) "Regulating entity" means:

(1) for an acquisition of a nonprofit hospital, the Attorney General in consultation with the Department;

(2) for an acquisition of a nonprofit health service plan, the Administration; and

(3) for an acquisition of a nonprofit health maintenance organization, the Administration.

(k) "Transferee" means the person in an acquisition that receives the ownership or control of the nonprofit health entity that is the subject of the acquisition.

(l) "Transferor" means the nonprofit health entity that is the subject of the acquisition, or the corporation that owns the nonprofit health entity that is the subject of the acquisition.

§6.5–102.

A person may not engage in an acquisition of a nonprofit health entity unless the transferor and the transferee receive the approval of the appropriate regulating entity.

§6.5–103.

(a) The Attorney General, the Department, and the Administration shall adopt regulations to carry out this title.

(b) The regulations adopted under subsection (a) of this section shall include provisions that establish hearing and appeal procedures.

§6.5–104.

Nothing in this title shall impair the rights and powers of a court and the Attorney General with respect to any asset devoted to charity or with respect to any charitable trust.

§6.5–201.

(a) (1) A person that seeks to engage in an acquisition of a nonprofit health entity shall submit an application to the appropriate regulating entity.

(2) The application submitted under paragraph (1) of this subsection shall be in addition to any other filing required by law.

(b) An application shall include:

(1) the name of the transferor;

(2) the name of the transferee;

(3) the names of any other parties to the acquisition agreement;

(4) the terms of the proposed acquisition, including the sale price;

(5) a copy of the acquisition agreement;

(6) a financial and community impact analysis report from an independent expert or consultant that addresses the criteria in § 6.5-301 of this title;

(7) an independent valuation of the nonprofit health entity that was obtained prior to the consideration of any bid or offer to acquire the nonprofit health entity;

(8) an antitrust analysis prepared by an appropriate expert; and

(9) any other documents related to the acquisition.

(c) (1) On request to the regulating entity, and subject to paragraphs (2), (3), and (4) of this subsection, an application and related documents shall be available for public inspection and copying.

(2) Except as provided in paragraphs (3) and (4) of this subsection or otherwise by law, all information and documents that are filed with the regulating entity in compliance with the requirements of this title or that are reported to, obtained by, or otherwise disclosed to the regulating entity or any other person in the course of an examination or investigation made under this title:

(i) are confidential material;

(ii) are not subject to subpoena; and

(iii) may not be made public by the regulating entity or any other person.

(3) Material that otherwise is confidential under paragraph (2) of this subsection may be made public by any person to whom the nonprofit health entity to which the material relates gives prior written consent.

(4) If, after giving a nonprofit health entity notice and an opportunity to be heard, the regulating entity determines that it is in the interest of the policyholders, stockholders, or the public to make public any material relating to the nonprofit health entity that otherwise is confidential under paragraph (2) of this subsection, the regulating entity may make public all or part of the material in an appropriate manner.

§6.5–202.

(a) Within 10 working days after receiving an application, the appropriate regulating entity shall:

(1) publish notice of the application in the most widely circulated newspapers that are part of a nonprofit health entity's service area; and

(2) notify by first-class mail any person that has requested in writing notice of the filing of an application.

(b) The notice under subsection (a) of this section shall:

(1) state that an application has been received;

(2) state the names of the parties to the acquisition;

(3) describe the contents of the application;

(4) state the date by which a person must submit written comments on the application; and

(5) provide the date, time, and place of the public hearing on the acquisition.

(c) The applicant shall bear the cost of the notice required under this section.

§6.5–203.

(a) (1) As soon as practicable, but no later than 90 days after receiving a complete application, including all necessary expert reports, the appropriate regulating entity shall hold a public hearing.

(2) If the nonprofit health entity is a hospital, the regulating entity shall hold the public hearing in the jurisdiction in which the hospital is located.

(b) A public hearing under this section shall be a quasi–legislative hearing and not a contested case hearing.

(c) Any person may file written comments and exhibits or make a statement at the public hearing.

(d) The regulating entity may:

(1) subpoena information and witnesses;

(2) require sworn statements;

(3) take depositions; and

(4) use related discovery procedures.

(e) (1) The regulating entity may contract with experts as reasonably necessary to:

(i) determine whether to approve an acquisition generally;

(ii) perform an independent valuation of the public or charitable assets of the transferor;

(iii) evaluate the impact of the acquisition on the affected community;

(iv) determine whether there has been due diligence by the transferor; and

(v) determine the existence of any conflicts of interest.

(2) The selection of an expert by a regulating entity under paragraph (1) of this subsection shall be subject to the State procurement laws.

(3) If a regulating entity contracts for expert assistance under paragraph (1) of this subsection, the transferee shall pay the reasonable cost of the expert assistance, as determined by the regulating entity.

(f) Within 60 days after the record, including the public hearing process, has been closed, the appropriate regulating entity shall:

(1) approve the acquisition, with or without modifications; or

(2) disapprove the acquisition.

(g) (1) Subject to paragraph (2) of this subsection, at its discretion, the regulating entity may extend for good cause for a 60–day period the time for making a determination under subsection (f) of this section.

(2) The regulating entity is limited to a maximum of two 60–day extensions for making a determination on the same application.

(h) (1) Except as provided in paragraph (2) of this subsection, a determination made by the appropriate regulating entity under subsection (f) of this section may not take effect until the earlier of:

(i) 90 calendar days after the date the determination is made; or

(ii) the date when ratified or rejected by the General Assembly.

(2) The appropriate regulating entity may waive the waiting period under paragraph (1)(i) of this subsection if the appropriate regulating entity determines that waiving the waiting period is in the best interest of the public.

§6.5–301.

(a) The appropriate regulating entity may not approve an acquisition unless it finds the acquisition is in the public interest.

(b) An acquisition is not in the public interest unless appropriate steps have been taken to:

(1) ensure that the value of public or charitable assets is safeguarded;

(2) ensure that the value of public or charitable assets is spent in a manner that corresponds with the potential risk associated with the acquisition;

(3) ensure that:

(i) the fair value of the public or charitable assets of a nonprofit health service plan or a health maintenance organization will be distributed to the Maryland Health Care Trust established under § 6.5-401 of this title; or

(ii) 1. 40% of the fair value of the public or charitable assets of a nonprofit hospital will be distributed to the Maryland Health Care Trust established under § 6.5-401 of this title; and

2. 60% of the fair value of the public or charitable assets of a nonprofit hospital will be distributed to a public or nonprofit charitable entity or trust that is:

A. dedicated to serving the unmet health care needs of the affected community;

B. dedicated to promoting access to health care in the affected community;

C. dedicated to improving the quality of health care in the affected community; and

D. independent of the transferee;

(4) ensure that no part of the public or charitable assets of the acquisition inure directly or indirectly to an officer, director, or trustee of a nonprofit health entity; and

(5) ensure that no officer, director, or trustee of the nonprofit health entity receives any immediate or future remuneration as the result of an acquisition or proposed acquisition except in the form of compensation paid for continued employment with the acquiring entity.

(c) The regulating entity may determine that a distribution of assets of a nonprofit health entity is not required under this section if the transaction is:

(1) determined not to be an acquisition;

(2) in the ordinary course of business; and

(3) for fair value.

(d) In determining fair value, the appropriate regulating entity may consider all relevant factors, including, as determined by the regulating entity:

(1) the value of the nonprofit health entity or an affiliate or the assets of such an entity that is determined as if the entity had voting stock outstanding and 100% of its stock was freely transferable and available for purchase without restriction;

(2) the value as a going concern;

(3) the market value;

(4) the investment or earnings value;

(5) the net asset value; and

(6) a control premium, if any.

(e) (1) In determining whether an acquisition is in the public interest, the appropriate regulating entity shall consider:

(i) whether the transferor exercised due diligence in deciding to engage in an acquisition, selecting the transferee, and negotiating the terms and conditions of the acquisition;

(ii) the procedures the transferor used in making the decision, including whether appropriate expert assistance was used;

(iii) whether any conflicts of interest were disclosed, including conflicts of interest of board members, executives, and experts retained by the transferor, transferee, or any other parties to the acquisition;

(iv) whether the transferor will receive fair value for its public or charitable assets;

(v) whether public or charitable assets are placed at unreasonable risk if the acquisition is financed in part by the transferor;

(vi) whether the acquisition has the likelihood of creating a significant adverse effect on the availability or accessibility of health care services in the affected community;

(vii) whether the acquisition includes sufficient safeguards to ensure that the affected community will have continued access to affordable health care; and

(viii) whether any management contract under the acquisition is for fair value.

(2) In determining whether a nonprofit health entity has exercised due diligence as required under paragraph (1)(i) of this subsection, the appropriate regulating entity may not determine that due diligence was exercised unless the nonprofit health entity considered the risks of an acquisition, including whether an acquisition:

(i) would result in diseconomies of scale; or

(ii) would violate federal or State antitrust laws.

(f) The public or charitable assets distributed to a public or nonprofit charitable entity or trust in accordance with subsection (b)(2) of this section shall be in the form of cash.

(g) The appropriate regulating entity shall determine whether a payment by a nonprofit health entity, required under an agreement or contract for the acquisition of a nonprofit health entity if the agreement or contract is broken by the nonprofit health entity, is in the public interest.

§6.5–302.

In determining whether to approve an acquisition of a nonprofit hospital, the Attorney General shall consider:

(1) the criteria listed in § 6.5-301 of this subtitle; and

(2) whether the affected community will have continued access to affordable health care.

§6.5–303.

In determining whether to approve an acquisition of a nonprofit health service plan or a nonprofit health maintenance organization, the Administration shall consider:

(1) the criteria listed in § 6.5–301 of this subtitle; and

(2) whether the acquisition:

(i) is equitable to enrollees, insureds, shareholders, and certificate holders, if any, of the transferor;

(ii) is in compliance with Title 2, Subtitle 6 of the Corporations and Associations Article; and

(iii) ensures that the transferee will possess surplus in an amount sufficient to:

1. comply with the surplus required under law; and

2. provide for the security of the transferee's certificate holders and policyholders.

§6.5–304.

(a) A corporation that becomes a for-profit health entity under this title may not be deemed to have abandoned its corporate status by virtue of an acquisition unless the acquisition provides specifically to the contrary.

(b) The certificate of authority, agent appointments, licenses, forms, and any other filings in existence at the time of an acquisition shall continue in full force and effect upon an acquisition if a corporation at all times remains qualified to engage in business in the State.

(c) All outstanding contracts of a transferor shall remain in full force and effect and need not be otherwise endorsed unless ordered by the regulating entity.

§6.5–305.

(a) The Secretary of the Department may revoke or suspend a license to operate a hospital in accordance with § 19-327 of the Health - General Article if an acquisition occurs without the approval of the Attorney General.

(b) An acquisition of a nonprofit health service plan or a nonprofit health maintenance organization may not occur without the approval of the Administration.

(c) A nonprofit health service plan or a nonprofit health maintenance organization may not be operated for profit.

(d) If the Commissioner determines that a nonprofit health service plan or a nonprofit health maintenance organization is in violation of subsection (b) or (c) of

this section, the Commissioner may, in addition to any other remedies authorized by law, require the following:

(1) the divestiture of the acquisition;

(2) that the entity fully comply with this title;

(3) that the entity file a plan for conversion to a for-profit entity as required under this title;

(4) that the certificate of authority of the entity to operate as a nonprofit health service plan or a nonprofit health maintenance organization in this State be revoked or suspended; or

(5) the payment of a penalty as provided for in § 4-113(d)(1) of the Insurance Article for each violation of subsection (b) or (c) of this section.

§6.5–306.

(a) Before a public or nonprofit charitable entity or trust may receive a distribution of public or charitable assets in accordance with an agreement, contract, or transaction approved by the regulating entity under this subtitle, it shall have mechanisms in place to:

(1) avoid conflicts of interest; and

(2) prohibit the making of grants that would benefit:

(i) the public or nonprofit charitable entity's or trust's board of directors;

(ii) the public or nonprofit charitable entity's or trust's management;

(iii) the for-profit stock entity; or

(iv) a mutual entity.

(b) A public or nonprofit charitable entity or trust that receives a distribution of public or charitable assets shall submit an annual report to the office regarding the grant-making and other charitable activities of the entity related to its use of the public or charitable assets received.

(c) The annual report submitted under subsection (b) of this section shall be made available to the public at the principal office of the public or nonprofit charitable entity or trust.

§6.5–307.

(a) This title does not apply to the acquisition of a foreign nonprofit health entity operating in this State if the appropriate regulating entity determines, based on the standards set forth in this title, that any public or charitable assets of the nonprofit health entity that serve health care needs in this State will be adequately protected.

(b) Any nonprofit health entity that the appropriate regulating entity has determined under subsection (a) of this section that this title does not apply shall submit an information copy of its application to engage in an acquisition to the regulating entity.

§6.5–401.

(a) (1) There is a Maryland Health Care Trust.

(2) The Trust is a body corporate, subject to modification or termination by the General Assembly.

(3) The purpose of the Trust is to:

(i) be of general benefit to the residents of the State;

(ii) be charitable in nature; and

(iii) accept and retain money for future expenditures to be used to implement Acts of the General Assembly, other than the State budget bill, that:

1. improve the health status of residents of the State; and

2. specifically direct the use of assets of the Trust.

(4) Money expended from the Trust is supplemental to, and is not intended to take the place of, State funds that would otherwise be appropriated by the State for the improvement of the health care status of the residents of the State.

(b) (1) The State Treasurer shall be the trustee of the Trust.

(2) The powers and duties of the Trust shall rest in and be exercised by the trustee.

(c) The powers and duties of the Trust shall be established and modified solely by the General Assembly.

(d) In accordance with this title, the Trust consists of the public and charitable assets received as a result of the acquisition of a nonprofit health service plan or a nonprofit health maintenance organization, approved by the Administration on or after June 1, 2001, or a nonprofit hospital, approved by the Attorney General in consultation with the Department.

(e) (1) The State Treasurer shall manage, invest, and reinvest the Trust in the same manner that State funds are invested.

(2) The Trust shall be held and accounted for separate and apart from the funds of the State.

(f) Any interest or other investment earnings of the Trust shall be credited to and paid into the Trust.

(g) (1) The trustee shall make provision for a system of financial accounting, controls, audits, and reports.

(2) The trustee shall report to the Governor and, in accordance with § 2–1257 of this article, to the General Assembly on or before December 1, 2004, and annually thereafter on the status of the assets of the Trust.

§7–101.

(a) There is a Secretary of State, as provided in Article II, § 22 of the Maryland Constitution.

(b) The Secretary of State is in the Executive Department.

§7–102.

(a) The Governor may appoint a Deputy Secretary of State.

(b) If the Secretary of State is absent from the seat of the State government or ill, the Deputy Secretary may carry out any duty that is imposed by law on the Secretary.

§7–103.

In addition to the powers granted and duties imposed elsewhere, the Secretary of State has the powers and duties set forth in this subtitle.

§7–104.

(a) This section does not apply to an agreement for the care, treatment, or supervision of 1 individual.

(b) Except as provided in subsection (c) of this section, a unit that enters into an international or interstate compact or other international or interstate agreement of general application, including an amendment to a compact or agreement, on behalf of the State, shall file a copy of the compact or agreement with the Division of State Documents in the Office of the Secretary of State.

(c) A unit need not file a copy of a compact or agreement under this section if the compact or agreement is part of the Annotated Code of Maryland.

(d) The Division of State Documents in the Office of the Secretary of State shall:

(1) keep an agreement or compact delivered under this section:

(i) until any limit that is set for the agreement or compact to become effective expires; and

(ii) if the agreement or compact becomes effective, until it is abrogated; and

(2) publish the agreement or compact in the Maryland Register.

(e) After keeping the agreement or compact for the time required under this section, the Division of State Documents may deliver the agreement or compact to the State Archives.

§7–105.

(a) The Secretary of State shall:

(1) keep a book in which the Secretary records each commission that the Governor issues to a civil officer; and

(2) send the commission of each civil officer to the individual before whom the officer is to qualify.

(b) (1) The Secretary of State shall keep the records on qualification of civil officers that the clerks of court file as provided by law.

(2) The Secretary of State may certify to the qualification of a civil officer to the same extent that a clerk of court may certify.

§7–106.

(a) The Secretary of State shall have a seal for the authentication of copies of records in the Office of the Secretary.

(b) Except as otherwise provided by law, the Secretary of State may charge a person:

(1) for the authentication of a copy of a record in the custody of the Secretary, a fee of not more than $5; and

(2) if the person does not provide the copy for authentication, 50 cents a page.

§7–107.

The Secretary of State's annual salary shall be:

(1) $112,500 for the first year of appointment beginning January, 2023;

(2) $116,000 starting on the first anniversary after appointment;

(3) $118,500 starting on the second anniversary after appointment; and

(4) $120,000 starting on the third anniversary after appointment and thereafter.

§7–108.

(a) In this section, "affidavit" means a written statement:

(1) made to the best of the affiant's knowledge, information, and belief; and

(2) the contents of which are affirmed under the penalties of perjury.

(b) A nonprofit association, corporation, or other organization that has been in existence for at least 5 years and promotes social welfare and general civic improvement may register with the Secretary of State as a community association by filing an affidavit that the organization meets the requirements of § 5-406(a)(7) of the Courts Article.

§7–109.

The Office of the Secretary of State shall assume lead responsibility with respect to the maintenance and development of sister-state relationships.

§7–201.

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

(b) "Administrator" means the Administrator of the Division.

(c) "Code of Maryland Regulations" means the Code of Maryland Regulations and its permanent supplements.

(d) "Committee" means the Joint Committee on Administrative, Executive, and Legislative Review.

(e) "Division" means the Division of State Documents.

(f) "Executive order" has the meaning stated in § 3-401 of this article.

(g) "Register" means the Maryland Register.

(h) "Regulation" has the meaning stated in § 10-101 of this article, unless the context clearly requires otherwise.

(i) (1) "Unit" means an officer or unit in the Executive Branch of the State government that is authorized by law to adopt regulations or to adjudicate contested cases.

(2) "Unit" does not include a board of license commissioners.

§7–202.

There is a Division of State Documents in the Office of the Secretary of State.

§7–203.

(a) The head of the Division is the Administrator, who shall be appointed by the Governor.

(b) (1) The Administrator holds office during good behavior.

(2) Subject to the hearing requirements of this subsection, the Governor may remove the Administrator for inefficiency, neglect of duty, or misconduct in office.

(3) Before the Governor removes the Administrator, the Governor shall:

(i) prepare written charges; and

(ii) give the Administrator a copy of the charges and an opportunity for public hearing.

(4) Notice of the hearing shall be given to the Administrator at least 10 days before the hearing.

(5) The Administrator may be represented at the hearing by counsel.

(c) The Administrator exercises the powers and performs the duties under this subtitle and Title 10, Subtitle 1 of this article subject to the general supervision of the Secretary of State.

§7–204.

(a) The Division shall compile and edit:

(1) the Code of Maryland Regulations; and

(2) as a temporary supplement, the Maryland Register.

(b) Subject to the limitations in this subtitle, the Administrator is responsible for the publication and distribution of the Code of Maryland Regulations and the Register.

§7–205.

(a) Except as otherwise provided by law, the Code of Maryland Regulations shall contain the text of:

(1) each executive order that is generally permanent in nature;

(2) each regulation;

(3) each document that the General Assembly requires to be published with a regulation; and

(4) unless otherwise privileged, each other document that the Committee permits to be published in the Code of Maryland Regulations.

(b) (1) At least once each year, the Division shall integrate into the Code of Maryland Regulations each document that:

(i) is required to be included in the Code of Maryland Regulations; and

(ii) has not previously been integrated or included in the Code of Maryland Regulations.

(2) This integration may be carried out by:

(i) publication of looseleaf pages for insertion in the Code of Maryland Regulations; or

(ii) other appropriate permanent supplements to the Code of Maryland Regulations.

(c) (1) Each part of the Code of Maryland Regulations and each issue of its permanent supplements shall contain a certification of the Administrator that the part or issue includes all of the documents that are effective and have been codified, as of the date set by the Administrator.

(2) Each issue of the permanent supplements shall contain its issue date, which shall be its date of deposit in the United States mail. This date shall appear prominently on the first page.

(d) (1) If the Committee permits a unit to publish a document in the Code of Maryland Regulations and publication otherwise would not be required, the Committee may require the unit to reimburse the Division for the cost of the publication.

(2) The Division shall bill for and collect the reimbursement.

§7–206.

(a) An issue of the Register shall contain:

(1) on the first page:

(i) the closing date and hour of the issue; and

(ii) the issue date, which shall be the date of deposit in the United States mail and shall appear prominently;

(2) the text of each of the following documents that has been submitted to the Division before the closing date and hour and has not been published previously:

(i) during each session of the General Assembly:

1. a synopsis of each bill that is introduced; and

2. a synopsis of each bill that is enacted;

(ii) unless posted promptly on the website of the Maryland Judiciary:

1. each proposed rule of court that the Chief Justice of the Supreme Court of Maryland directs to be published;

2. each rule of court that the Supreme Court of Maryland adopts or permits to be adopted;

3. the hearing calendar of the Supreme Court of Maryland;

4. each administrative order or memorandum of the Chief Justice of the Supreme Court of Maryland or of the Administrative Office of the Courts that the Chief Justice directs to be published;

5. the hearing calendar of the Appellate Court of Maryland; and

6. each administrative regulation that the Chief Judge of the District Court adopts;

(iii) each executive order;

(iv) each designation of an official State agency under a federal program;

(v) except for notaries public and special police, a list of gubernatorial appointments that states:

1. the office;

2. the name of the appointee;

3. the county where the appointee resides;

4. the effective date of appointment;

5. the term of office; and

6. the salary;

(vi) for a proposed regulation:

1. the notice of the proposed adoption of the regulation; and

2. the text of the proposed regulation;

(vii) each notice of a public hearing that a unit issues;

(viii) unless otherwise exempted, each other document that is required by law to be published in the Code of Maryland Regulations;

(ix) each other document that is required to be published in the Register;

(x) each notice or other document issued by an agency of a county or municipal government that the Committee permits to be published in the Register; and

(xi) unless otherwise privileged, each other document that the Committee permits to be published in the Register;

(3) a table of contents; and

(4) an index to each title of the Code of Maryland Regulations that a document in the issue affects.

(b) (1) Each issue of the Register shall contain a certification of the Administrator that the issue contains all of the documents that have been submitted to the Division as of the closing date and hour of the issue.

(2) The certification of the Administrator in the Register is conclusive evidence of this fact.

(c) (1) If the Committee permits a unit or an agency of a county or municipal government to publish a document in the Register and publication otherwise would not be required, the Committee may require the unit or agency to reimburse the Division for the cost of the publication.

(2) The Division shall bill for and collect the reimbursement.

§7–206.2.

(a) The Division may arrange for databases derived from publications issued by the Division to be made available to the public for direct online searching by contracting with third–party or value–added resellers.

(b) Notwithstanding any other provision of law, the Division shall make available to the public, at no cost, direct online searching of:

(1) the Code of Maryland Regulations (COMAR);

(2) at least the 15 most recent issues of the Maryland Register; and

(3) any other material the Division determines to be in the public interest.

(c) The receipt of any material made available to the public under the terms of subsection (b) of this section shall be preceded by a legend stating that:

"The information you are about to receive is made available for personal use only. By proceeding beyond this point you agree that you will not use the information for any prohibited commercial purpose, as defined in § 7–206.2(e) of the State Government Article, including, by way of example and not in limitation, the downloading of this information for resale in any other electronic or printed form.".

(d) The legend referenced in subsection (c) of this section shall be presented to the recipient in a manner that affords the recipient an opportunity to refuse to access the material.

(e) (1) In this subsection, "prohibited commercial purpose" includes any use that involves the resale or other compensated transfer of information made available under subsection (b) of this section.

(2) "Prohibited commercial purpose" does not include the incorporation of portions of information made available under subsection (b) of this section into documents commenting upon or advising persons of the legal effect of that information, even though the person incorporating the information may be compensated for the comments or advice.

(3) Data or material obtained under subsection (b) of this section may not be used for any prohibited commercial purpose.

(f) A person who violates subsection (e) of this section is subject to a fine not exceeding $1,000 for each violation.

§7–207.

(a) (1) Unless the Committee provides otherwise, the Code of Maryland Regulations and the Register may not reprint any text from:

(i) the Annotated Code of Maryland;

(ii) the Session Laws;

(iii) the United States Code;

(iv) the United States Statutes at Large;

(v) the Code of Federal Regulations;

(vi) the Federal Register; or

(vii) any other generally available publication that the Administrator specifies.

(2) State statutes as described under paragraph (1)(i) and (ii) of this subsection need not be incorporated by reference.

(3) (i) Federal laws as described under paragraph (1)(iii), (iv), (v), and (vi) of this subsection may be incorporated by reference.

(ii) Federal law incorporated by reference after October 1, 2005, shall be identified by using the phrase "incorporated by reference".

(iii) The unit incorporating federal law may:

1. incorporate only a specified version of that law by specifying a date; or

2. incorporate future versions of that law by using the phrase "as amended".

(4) (i) Other publications as described in paragraph (1)(vii) of this subsection may be incorporated by reference by:

1. satisfying the requirements of § 23–303 of the Education Article, except as determined by the Administrator; and

2. complying with Title 10, Subtitle 1 of this article and with other requirements specified by the Administrator.

(ii) Incorporated documents shall be identified by using the phrase "incorporated by reference".

(iii) The incorporation shall specify an edition number, year, or other specific indication of the version being adopted.

(iv) Prospective incorporation is not permitted for this category of document.

(v) Agency generated documents have the additional requirement of providing the Division with an electronic version ready for publication on the Division website as required by § 7–206.2 of this subtitle.

(b) (1) If the Administrator determines that publication would be in the public interest, nothing in this section prohibits the Administrator from publishing factual information concerning:

(i) documents published or to be published in the Code of Maryland Regulations and the Register; or

(ii) the Code of Maryland Regulations and the Register.

(2) Notwithstanding any other provision of this subtitle or Title 10, Subtitle 1 of this article, the Code of Maryland Regulations and the Register may not include news material or a press release, speech, or other comment.

§7–208.

(a) The Administrator may include in the Code of Maryland Regulations and the Register annotations of judicial decisions and other explanatory materials that relate to a document in the Code of Maryland Regulations or the Register.

(b) The Administrator may prepare the annotations or obtain them by contract.

§7–209.

With the consent of the Attorney General, the Administrator may remove from the Code of Maryland Regulations:

(1) a provision of a regulation that a court of final appeal has declared to be unconstitutional; or

(2) a regulation if the unit that adopted the regulation has been abolished and the regulation does not transfer to a successor.

§7–210.

(a) Except as otherwise provided in this section, an issue of the Register complying with the requirements of § 7-206 of this subtitle shall be published at least once every 2 weeks.

(b) (1) (i) To avoid a conflict with a State or national holiday, with the approval of the Committee, the Administrator may alter the publication date of an issue of the Register by not more than 3 days.

(ii) At least 30 days before a change of publication date occurs, the Administrator shall publish, as appropriate, notice of the change in the Register.

(2) The Committee may provide for more frequent publication of all or any part of the Register.

(c) (1) An index shall be published at least quarterly for the Register.

(2) For the Register, the last index for a calendar year shall be a cumulative index of that publication for that year.

(d) A supplement to the index to the Code of Maryland Regulations or a new index shall be published at least once a year.

§7–211.

(a) Subject to the conditions that the Board of Public Works sets, the Administrator shall contract for the prompt printing and distribution of the Code of Maryland Regulations, including its permanent supplements, and the Register.

(b) The contract shall provide for a typographical arrangement that permits a unit or court to obtain, at reasonable cost, pamphlet reprints of the regulations of the unit or the rules of court that are published in the Code of Maryland Regulations.

§7–212.

(a) (1) The Administrator may adopt a codification system and set editorial standards for the Code of Maryland Regulations and the Register, including a numbering system and captions or tag lines.

(2) The numbering system, captions, or tag lines are not part of the official text of a document.

(b) Except for rules of court, each document that is submitted for publication in the Code of Maryland Regulations and the Register shall conform to the codification system and editorial standards.

(c) After consultation with the unit that adopted a regulation, the Administrator may conform a regulation or other document to the codification system and editorial standards.

§7–213.

(a) Except as provided in subsections (b) and (c) of this section and § 3–405(b) of this article, each document to be published in the Code of Maryland Regulations or the Register shall be submitted to the Administrator, who:

(1) for 1 year after the publication of the document, shall keep and permit inspection of the document; and

(2) then shall deliver the document to the State Archives.

(b) (1) The Clerk of the Supreme Court of Maryland shall submit to the Administrator:

(i) each rule of court that the Supreme Court of Maryland adopts or permits to be adopted; and

(ii) each administrative order or memorandum of the Chief Justice of the Supreme Court of Maryland or the Administrative Office of the Courts that the Chief Justice directs to be published.

(2) The Chief Clerk of the District Court shall submit to the Administrator each administrative regulation that the Chief Judge of the District Court adopts.

(c) The Administrator may require that any document required or permitted to be published in the Register be submitted electronically or on paper, or both.

§7–214.

(a) This subtitle does not affect any other requirement as to notice, including a time that is specifically set for the publication of the notice.

(b) (1) A unit shall submit a notice that sets a date for a hearing or meeting or for the termination of the opportunity to be heard in time for publication in an issue of the Register that will be published:

(i) on or before the date set by law for publication of the notice; or

(ii) if the date for publication is not set by law, at least 15 days before the date for the hearing or meeting or for the termination of the opportunity to be heard.

(2) As to a notice that paragraph (1)(ii) of this subsection governs, publication of the notice less than 15 days before the date for a hearing or meeting or the termination of the opportunity to be heard does not prejudice the effectiveness of the notice, if notice of less than 15 days is reasonable.

(3) Unless notice by publication is insufficient in law, a notice that sets a date for a hearing or meeting or for the termination of the opportunity to be heard and that is submitted as required by this subsection constitutes, on publication, notice to:

(i) each person who resides in the State; or

(ii) each person who holds an interest in property in the State.

(c) Publication of a notice as required by this subtitle and as required by any other provision of the Code are both necessary to constitute full compliance with law.

§7–215.

The Administrator may require a unit to reimburse the Division for the cost of a publication of a document in an issue of the Register if the unit submits, withdraws, or changes the document after the closing date and hour of that issue.

§7–216.

(a) (1) The Committee shall adopt guidelines for the Administrator to:

(i) sell a subscription list for any publication of the Division; and

(ii) set the price for:

1. a copy of or a subscription to the Code of Maryland Regulations and the Register; and

2. a copy of a database or other computer readable information on magnetic tape or some other electronic media.

(2) The Committee may allow:

(i) a volume discount; and

(ii) the free, reciprocal exchange of publications by the State and other jurisdictions.

(b) A copy of the Code of Maryland Regulations and the Register shall be available to the public at the price set under this section.

(c) The Administrator shall provide, without charge:

(1) to each member of the General Assembly each issue of the Register;

(2) to the Enoch Pratt Library and the Thurgood Marshall State Law Library, 1 copy of:

(i) the Code of Maryland Regulations;

(ii) each issue of the permanent supplements to the Code of Maryland Regulations; and

(iii) each issue of the Register; and

(3) to a judge of a State court except the orphans' court, 1 copy of:

(i) the current Code of Maryland Regulations; and

(ii) each issue of the Register that the judge requests.

(d) Unless authorized by the Committee, the Administrator may not allow public access to a document that is to be included in the Register earlier than the date immediately following the issue date of the Register in which the document is published.

§7–216.1.

(a) There is a special fund in the Division of State Documents.

(b) The purpose of the fund is to pay the costs of publishing and distributing the products of the Division.

(c) The Administrator of the Division shall administer the fund.

(d) (1) The fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

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

(e) The fund consists of revenue received by the Division in payment of its products.

(f) The fund may be used only for the expenses of production and distribution of its products and to support the operations of the Division.

(g) (1) The Treasurer shall invest the money in the fund in the same manner as other State money may be invested.

(2) Any investment earnings in the fund shall be credited to the General Fund of the State.

(h) Expenditures from the fund may be made only in accordance with the State budget.

(i) Money expended from the fund for the production and distribution of the Division's products is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for the production and distribution of the Division's products.

§7–217.

(a) The official text of a document is:

(1) until incorporation in the Code of Maryland Regulations, the text of the document in the most recent form in the Register; or

(2) after incorporation in the Code of Maryland Regulations, the text of the document in the most recent form in the Code of Maryland Regulations.

(b) Notwithstanding any discrepancy between the official text and any other text of a document, the official text is the only valid and enforceable text.

§7–218.

(a) Subject to subsection (b) of this section, the Administrator shall correct an error in the official text of a document in the Code of Maryland Regulations or the Register by:

(1) inclusion of the correction in an errata list in the Register; or

(2) publication of a corrected form of the affected part of the document in the Code of Maryland Regulations or the Register.

(b) (1) An error that is made in publication of a document under this subtitle and that changes the legal effect of a provision of the document invalidates only:

(i) that provision; and

(ii) any other provision of the document that then is so incomplete that it cannot be carried out in accordance with the purpose of the document.

(2) If the error changes the legal effect of a proposed or adopted regulation, the regulation shall be published anew as provided in § 10-112 of this article.

§7–219.

Unless notice by publication is insufficient in law or unless otherwise specifically provided by law, publication of a document under this subtitle gives a person who is subject to or affected by the document notice of the contents of the document.

§7–220.

Publication of a document in the Code of Maryland Regulations or the Register creates a rebuttable presumption that:

(1) the document:

(i) was issued, prescribed, repealed, or adopted properly; and

(ii) if the document is a regulation, was approved as to legality by the Attorney General; and

(2) the requirements of this subtitle and of §§ 10-111(a), 10-112 through 10-117, and 10-129 of this article have been met.

§7–221.

The provisions of a document in the Code of Maryland Regulations and the Register are severable, unless the document expressly states otherwise.

§7–222.

A rule of court, administrative memorandum of a court, administrative order of a court, or administrative regulation of the Chief Judge of the District Court in the Code of Maryland Regulations or the Register has the effective date set in the document.

§7–301.

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

(b) "Actual address" means a residential street address, school address, or work address of an individual as specified on the individual's application to be a Program participant under this subtitle.

(c) "Disabled person" has the meaning stated in § 13–101 of the Estates and Trusts Article.

(d) "Domestic violence" has the same meaning as "abuse" under § 4–501(b) of the Family Law Article.

(e) "Harassment" means a violation of § 3–803 of the Criminal Law Article.

(f) "Program" means the Address Confidentiality Program.

(g) "Program participant" means an individual designated as a Program participant under this subtitle.

(h) "Sexual assault" means a sexual crime under § 3–303 through § 3–310, § 3–314, § 3–315, or § 3–322 through § 3–325 of the Criminal Law Article, the sexual abuse of a minor under § 3–602 of the Criminal Law Article, or the sexual abuse of a vulnerable adult under § 3–604 of the Criminal Law Article.

(i) "Stalking" has the meaning stated in § 3–802 of the Criminal Law Article.

(j) "Survivor of human trafficking" means an individual who has been recruited, harbored, transported, provided, or obtained for labor, services, or a sexual act through the use of force, fraud, or coercion.

§7–302.

The purpose of this subtitle is to enable:

(1) State and local agencies to respond to requests for public records without disclosing the location of a Program participant;

(2) interagency cooperation in providing address confidentiality for Program participants;

(3) State and local agencies and private entities to accept a Program participant's use of an address designated by the Office of the Secretary of State as a substitute address; and

(4) a Program participant to use an address designated by the Office of the Secretary of State as a substitute address.

§7–303.

The Secretary of State shall establish and administer an Address Confidentiality Program for survivors of threatened, attempted, or actual domestic violence, sexual assault, stalking, harassment, or human trafficking.

§7–304.

(a) The following individuals may apply to participate in the Program:

(1) an individual acting on the individual's own behalf;

(2) a parent or guardian acting on behalf of a minor who resides with the parent or guardian;

(3) a guardian acting on behalf of a disabled person; or

(4) an individual who resides in the same household as an eligible applicant or Program participant.

(b) An application to participate in the Program shall be in the form required by the Secretary of State and shall contain:

(1) a statement that:

(i) the applicant is a survivor of threatened, attempted, or actual domestic violence, sexual assault, stalking, harassment, or human trafficking; and

(ii) the applicant fears for the applicant's safety, or the safety of the applicant's child;

(2) evidence that the applicant is eligible for Program participation, including:

(i) certified law enforcement, court, or other federal or State agency records or files;

(ii) documentation from a domestic violence, sexual assault, or human trafficking prevention or assistance program;

(iii) documentation from a religious, medical, or other professional from whom the applicant has sought assistance or treatment as a survivor of threatened, attempted, or actual domestic violence, sexual assault, stalking, harassment, or human trafficking; or

(iv) a statement from the applicant about the applicant's subjective fear;

(3) a statement that disclosure of the applicant's actual address would endanger the applicant's safety or the safety of the applicant's child;

(4) a knowing and voluntary designation of the Secretary of State as agent for purposes of service of process and receipt of first–class, certified, or registered mail;

(5) the mailing address and telephone number at which the applicant may be contacted by the Secretary of State;

(6) the actual address that the applicant requests not be disclosed by the Secretary of State because it would increase the risk of domestic violence, sexual assault, stalking, harassment, human trafficking, or other crimes;

(7) a statement as to whether there is any existing court order or pending court action involving the applicant and related to divorce proceedings, child support, child custody, or child visitation, and the identity of the court that issued the order or has jurisdiction over the action, if any;

(8) a sworn statement by the applicant that, to the best of the applicant's knowledge, all the information contained in the application is true;

(9) the signature of the applicant and the date on which the applicant signed the application; and

(10) a voluntary release and waiver of all future claims against the State that may arise from participation in the Program except for a claim based on gross negligence.

(c) (1) (i) On the filing of a properly completed application and release, the Secretary of State shall:

1. review the application and release; and

2. if the application and release are properly completed and accurate, designate the applicant as a Program participant.

(ii) An applicant shall be a participant for 4 years from the date of filing unless the participation is canceled or withdrawn prior to the end of the 4–year period.

(2) A Program participant may withdraw from participation by filing a signed request for withdrawal with the Secretary of State.

§7–305.

(a) If an applicant falsely attests in an application that disclosure of the applicant's actual address would endanger the applicant's safety or the safety of the applicant's child or knowingly provides false information when applying for participation or renewal of participation in the Program, the applicant shall no longer be allowed to participate in the Program.

(b) A person may not knowingly make a false attestation or knowingly provide false information in an application in violation of subsection (a) of this section.

(c) A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

§7–306.

(a) If a Program participant obtains a legal name change, the Program participant shall notify the Secretary of State within 30 days and provide the Secretary of State with a certified copy of any judgment or order evidencing the change or any other documentation the Secretary of State considers to be sufficient evidence of the change.

(b) If a Program participant makes a change in address or telephone number from an address or a telephone number listed on the Program participant's application, the Program participant shall notify the Secretary of State at least 7 days before the change occurs.

§7–307.

(a) The Secretary of State may cancel the participation of a Program participant if:

(1) the Program participant fails to notify the Secretary of State of any legal name change or change in address or telephone number in the manner required by § 7–306 of this subtitle;

(2) the Program participant files a request for withdrawal of participation under § 7–304(c)(2) of this subtitle;

(3) the Program participant submits false information in applying for participation in the Program in violation of § 7–305 of this subtitle;

(4) the Secretary of State forwards mail to the Program participant and the mail is returned as undeliverable; or

(5) the Secretary of State determines that the Program participant's actual address is readily accessible to the general public.

(b) The Secretary of State shall send notice of any cancellation of participation in the Program to the participant and shall set forth the reason for cancellation.

(c) A Program participant may appeal any cancellation decision by filing an appeal with the Secretary of State within 30 days after the date of the notice of cancellation in accordance with procedures developed by the Secretary of State.

(d) (1) An individual who ceases to be a Program participant is responsible for notifying any person who uses the substitute address designated by the Secretary of State that the substitute address is no longer valid.

(2) If an individual has requested the shielding of property records in accordance with Title 3, Subtitle 1, Part II of the Real Property Article, the Secretary of State shall give written notice to the clerk of the circuit court within 30 days after the individual ceases to be a Program participant.

§7–308.

(a) (1) A Program participant may make a request to any person or State or local agency to use a substitute address designated by the Secretary of State as the Program participant's address.

(2) Subject to subsections (b) and (d) of this section, when a Program participant has made a request to a person or State or local agency under this subsection, the person or agency shall use the substitute address designated by the Secretary of State as the Program participant's address.

(b) (1) (i) When a Program participant presents the address designated by the Secretary of State to any person, that address must be accepted as the address of the Program participant.

(ii) A person may not require a Program participant to submit any address that could be used to physically locate the Program participant either as a substitute or in addition to the designated address, or as a condition of receiving a service or benefit, unless the service or benefit would be impossible to provide without knowledge of the Program participant's physical location.

(2) A bank, a credit union, any other depository institution, or any other financial institution within the meaning of § 1–101 of the Financial Institutions Article may require a request made under subsection (a) of this section to be in writing and on a form prescribed by the Secretary of State identifying an individual as a Program participant.

(c) A Program participant who acquires an ownership interest in real property while participating in the Program may request the shielding of real property records concerning the property in accordance with Title 3, Subtitle 1, Part II of the Real Property Article.

(d) (1) A State or local agency that has a bona fide statutory or administrative requirement for using a Program participant's actual address may apply to the Secretary of State for a waiver from the requirements of the Program.

(2) If the Secretary of State approves the waiver, the State or local agency shall use the Program participant's actual address only for the required statutory or administrative purposes.

§7–309.

(a) (1) Each local board of elections shall use a Program participant's actual address for all election–related purposes.

(2) A Program participant may not use the substitute address designated by the Secretary of State as the Program participant's address for voter registration purposes.

(b) A local board of elections may not make a Program participant's address contained in voter registration records available for public inspection or copying except:

(1) on request by a law enforcement agency for law enforcement purposes; and

(2) as directed by a court order to disclose the address.

§7–310.

(a) Except as otherwise provided by this subtitle, a record of a Program participant's actual address and telephone number maintained by the Secretary of State or a State or local agency is not a public record within the meaning of § 4–101 of the General Provisions Article.

(b) The Secretary of State may not disclose a Program participant's actual address or telephone number or substitute address except as provided in subsection (c) of this section and:

(1) (i) on request by a law enforcement agency for law enforcement purposes; and

(ii) as directed by a court order; or

(2) on request by a State or local agency to verify a Program participant's participation in the Program or substitute address for use under § 7–308 of this subtitle.

(c) The Secretary of State shall notify the appropriate court of a Program participant's participation in the Program and of the substitute address designated by the Secretary of State if the Program participant:

(1) is subject to a court order or an administrative order;

(2) is involved in a court action or an administrative action; or

(3) is a witness or a party in a civil or criminal proceeding.

§7–311.

(a) (1) A person may not knowingly and intentionally obtain a Program participant's actual address or telephone number from the Secretary of State, the clerk of a circuit court, or any agency without authorization to obtain the information.

(2) A person may not knowingly and intentionally seek and obtain a Program participant's actual address or telephone number from any other person if, at the time of obtaining the information, the person has specific knowledge that the actual address or telephone number belongs to a Program participant.

(b) (1) This subsection applies only when a person:

(i) obtains a Program participant's actual address or telephone number during the course of the person's employment; and

(ii) at the time of disclosure, has specific knowledge that the actual address or telephone number belongs to a Program participant.

(2) A person may not knowingly and intentionally disclose a Program participant's actual address or telephone number to another person unless the disclosure is authorized by law, including as authorized by subsection (c) of this section.

(c) (1) If an individual who is a Program participant notifies a person in writing on a form prescribed by the Secretary of State that states the requirements of the Program and that the individual is a Program participant, the person may not knowingly disclose the Program participant's name, home address, work address, or school address unless:

(i) the person to whom the address is disclosed also lives, works, or goes to school at the disclosed address; or

(ii) the Program participant has provided written consent to the disclosure of the Program participant's name, home address, work address, or school address for the purpose for which the disclosure will be made.

(2) The person to whom written consent is provided under paragraph (1)(ii) of this subsection:

(i) may require the consent to be in a particular form acceptable to the person and the Program participant; and

(ii) shall limit any disclosure to only those disclosures that are necessary for the purpose for which the consent is provided.

(3) A person that receives notice as provided under paragraph (1) of this subsection is presumed to have specific knowledge that the disclosed home address, work address, or school address belongs to the Program participant.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $2,500.

§7–312.

(a) (1) In this section, "notice" means, for a person described in § 7–308(b)(2) of this subtitle, receipt of written notification on a form prescribed by the Secretary of State identifying an individual as a Program participant.

(2) "Notice" includes receipt of written notification on a form prescribed by the Secretary of State identifying an individual as a Program participant.

(b) Notwithstanding any other provision of law, service of process on an individual by a person or an agency that has received notice that the individual is a Program participant shall be made in accordance with this section.

(c) Service of process shall be made:

(1) in person on the Program participant; or

(2) by mail on the Secretary of State.

(d) If service by publication is required, service is valid if:

(1) the publication omits the name of the Program participant; and

(2) the Secretary of State has been served in accordance with subsection (c)(2) of this section.

§7–313.

The Secretary of State shall adopt regulations to carry out the provisions of this subtitle.

§8–101.

In this subtitle, "Council" means the Governor's Executive Council.

§8–102.

There is a Governor's Executive Council.

§8–103.

The Council includes:

(1) the Governor;

(2) the Lieutenant Governor;

(3) the Secretary of State;

(4) the secretary of each principal department of the Executive Branch of the State government;

(5) the State Superintendent of Schools; and

(6) the Secretary of Higher Education.

§8–104.

The purposes of the Council are coordination and effective direction and supervision of the State government.

§8–105.

The Governor may appoint an executive secretary for the Council.

§8–201.

(a) The Executive Branch of the State government shall have not more than 21 principal departments, each of which shall embrace a broad, functional area of that Branch.

(b) The principal departments of the Executive Branch of the State government are:

(1) Aging;

(2) Agriculture;

(3) Budget and Management;

(4) Commerce;

(5) Disabilities;

(6) Emergency Management;

(7) the Environment;

(8) General Services;

(9) Health;

(10) Housing and Community Development;

(11) Human Services;

(12) Information Technology;

(13) Juvenile Services;

(14) Labor;

(15) Natural Resources;

(16) Planning;

(17) Public Safety and Correctional Services;

(18) Service and Civic Innovation;

(19) State Police;

(20) Transportation; and

(21) Veterans and Military Families.

§8–202.

(a) (1) Unless placed by law or expressly exempted from placement by law, the officers and units in the Executive Branch of the State government that are not principal departments may be placed by the Governor in any principal department.

(2) Unless expressly exempted from placement by law, an interstate, regional, or other intergovernmental unit in which the State participates shall be placed in the appropriate principal department.

(b) Notwithstanding the placement of a unit in a principal department:

(1) the powers and duties that are assigned by law to the unit are not changed;

(2) a State officer or State employee who is not in the State Personnel Management System and is transferred with the unit remains exempt from the provisions of the State Personnel and Pensions Article unless the officer or the employee is placed in the State Personnel Management System in accordance with those provisions; and

(3) the head of a unit who is in the State Personnel Management System or holds the position other than at the pleasure of the Governor does not cease to be in the State Personnel Management System or to hold the position other than at the pleasure of the Governor.

§8–203.

(a) The head of each principal department is a secretary, who shall be appointed by the Governor with the advice and consent of the Senate.

(b) The Governor shall select, on the bases of professional and administrative knowledge and experience, a secretary who has the qualifications required by law.

(c) Unless otherwise provided by law, the secretary of a principal department or, with the approval of the Governor, a designee of the secretary shall represent the State and coordinate its participation in an interstate, regional, or other intergovernmental unit that is in the department.

§8–204.

Under the direction of the Governor, the secretaries of the principal departments are responsible for the prevention and elimination of duplication and overlapping of activities in and among their departments, by coordinating those activities.

§8–205.

(a) The secretary of each principal department serves at the pleasure of the Governor unless otherwise provided by law.

(b) A secretary shall:

(1) receive the salary and have the assistants, employees, and professional consultants provided in the budget, unless otherwise provided by law;

(2) be responsible for establishing policy to be followed by the units of State government within the secretary's department;

(3) be responsible for the efficient and orderly administration of the department;

(4) be responsible for the comprehensive planning of programs and services within the secretary's jurisdiction and for reviewing and approving the plans of all units of State government within the secretary's jurisdiction;

(5) notwithstanding any other provision of law, and except as provided in § 1–203(c) of the Health Occupations Article, be responsible for the supervision of the units of State government within the secretary's jurisdiction that are composed in whole or in part of individuals participating in the occupation or profession regulated by the units;

(6) be responsible for the budget of the secretary's office and for the budgets of other units of State government within the secretary's jurisdiction;

(7) be responsible for the organization of the secretary's office and for recommending to the Governor changes in the organization and placement of units of State government within the secretary's jurisdiction; and

(8) recommend to the Governor any modification, abolition, and transfer of advisory bodies within the secretary's jurisdiction.

(c) A secretary may:

(1) appoint officers and employees in the secretary's office as provided in the budget and review the personnel action taken by any unit of State government within the secretary's jurisdiction; and

(2) create the citizen advisory bodies that may be necessary for the operation of the secretary's department.

§8–205.1.

(a) Except as provided in § 1–203(c) of the Health Occupations Article, the secretary of each principal department shall supervise each unit of State government within the secretary's jurisdiction that is composed in whole or in part of individuals participating in the occupation or profession regulated by the unit in order to:

(1) prevent unreasonable anticompetitive actions by the unit; and

(2) determine whether the decisions and actions of the unit further a clearly articulated State policy to displace competition in the regulated market.

(b) If the secretary or the secretary's designee finds that a proposed decision or action of the unit may result in an unreasonable anticompetitive decision or may not further a clearly articulated State policy to displace competition in the regulated marketplace, the secretary or the secretary's designee shall:

(1) review the merits of the proposed decision or action;

(2) assess whether the proposed decision or action furthers a clearly articulated State policy to displace competition in the regulated market; and

(3) issue expeditiously a written decision approving, disapproving, or modifying the proposed decision or action or remanding the proposed decision or action back to the unit for further review before:

(i) a final decision is issued; or

(ii) the proposed action is implemented.

(c) The secretary or the secretary's designee may not approve a decision or an action of a unit that does not further a clearly articulated State policy to displace competition in the regulated market.

(d) A decision or an action of a unit may not constitute a final decision or action of the unit until after the secretary or the secretary's designee has conducted the review required under subsection (b) of this section.

(e) A final decision or action of a unit shall comply with the written decision of the secretary or the secretary's designee issued in accordance with subsection (b) of this section.

(f) Neither the secretary nor the secretary's designee may be an individual who is appointed by, under the oversight of, or a member of a board or commission whose decision or action is the subject of review under subsection (b) of this section.

(g) A regulation adopted to carry out this section shall be drafted in consultation with stakeholders and other interested parties.

§8–206.

The secretary of each principal department has authority and responsibility to adopt regulations for all units within the secretary's jurisdiction, except as otherwise provided by law.

§8–301.

(a) The Governor is responsible for a continuing review of the organization of the Executive Branch of the State government.

(b) (1) In addition to any reorganization under Article II, § 24 of the Maryland Constitution, the Governor may order any other reorganization of the Executive Branch that is considered by the Governor to be necessary and desirable and that is not inconsistent with law.

(2) A reorganization under this subsection may include:

(i) the reorganization of the principal departments;

(ii) the placement of a unit in a principal department; and

(iii) the transfer of a unit or function from 1 principal department to another.

(3) A reorganization under this subsection may be effected through the issuance of an executive order or the approval of a recommendation that the secretary of a principal department submits. An approval shall be treated as an executive order. However, notwithstanding any other provision of law, the recommendation is not effective unless approved or issued as an executive order.

(c) (1) Notwithstanding any other law that relates to organization of the Executive Branch of the State government, if a program involves more than 1 principal department and cannot be carried out efficiently through cooperation of the departments, the Governor may establish a task force to integrate the services of the departments so as to carry out the program.

(2) A task force established under this subsection may exist for not more than 1 year unless the Governor expressly extends the existence of the task force.

(d) The Governor shall recommend to the General Assembly the placement of any new program or new unit within an appropriate principal department.

§8–302.

Each secretary of a principal department is responsible for recommending to the Governor:

(1) any change in the organization, placement, or name of a unit in the department;

(2) any change, abolition, or transfer of an advisory body in the department; and

(3) any centralization or coordination of administrative staff or clerical services in the department, for efficiency and effectiveness.

§8–303.

If the name of a unit in the Executive Branch of the State government is set by statute, the name may be changed only by another statute.

§8–304.

The Governor shall:

(1) make the designation of a unit as the official State agency for participation in a federal program by a written designation that includes the name of the unit and of the program;

(2) give the General Assembly notice of the designation; and

(3) deliver a copy of the designation to the Administrator of the Division of State Documents.

§8–305.

The secretary of each principal department and the head of each other unit in the Executive Branch of the State government that is not in a principal department shall include on the website for the department or unit:

(1) an organizational chart that:

(i) shows the major subunits in the unit; and

(ii) lists the name and title of each individual who heads a subunit; and

(2) a concise description of the department or unit and each subunit.

§8–306.

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

(2) (i) "Change the use, purpose, or function" means an abrupt and material change in the type of clients or incarcerated individuals served in a facility, the licensed purpose of a facility, or the principal activities carried out within a facility.

(ii) "Change the use, purpose, or function" does not mean a gradual change in clients, incarcerated individuals, or activities due to societal trends or needs.

(iii) "Change the use, purpose, or function" does not include closing a State facility.

(3) "Close a State facility" means to cease, discontinue, or substantially eliminate activities carried out within the State facility.

(4) "Exclusive representative" has the meaning stated in § 3–101 of the State Personnel and Pensions Article.

(5) (i) "Public hearing" means an informational hearing, the sole purpose of which is to obtain public comment and answer public questions.

(ii) "Public hearing" does not mean a contested case hearing under Title 10, Subtitle 2 of this article.

(6) "State facility" means:

(i) a facility that is owned, leased, or operated by the State for the purpose of providing health, juvenile, or correctional services to clients or incarcerated individuals; or

(ii) a facility to which 25 or more State employees are regularly assigned.

(b) (1) A principal department of the Executive Branch of the State government may not change the use, purpose, or function of a State facility without complying with the requirements of subsection (c) of this section.

(2) A principal department of the Executive Branch of the State government may not close a State facility without complying with the requirements of subsection (d) of this section.

(c) (1) Subject to paragraph (3) of this subsection, before a principal department changes the use, purpose, or function of a State facility, the principal department shall:

(i) hold a public hearing; and

(ii) at least 90 days before the public hearing, give notice to:

1. the public, on the principal department's website and by press release;

2. any member of the General Assembly in whose district the State facility is located, by e–mail and certified mail; and

3. any exclusive representative with bargaining unit employees assigned to the State facility, by e–mail and certified mail.

(2) The principal department shall, at least 30 days before the public hearing, give notice of the hearing:

(i) to the public, on the principal department's website and by press release;

(ii) to each member of the General Assembly in whose district the facility is located, by e–mail and certified mail; and

(iii) to any exclusive representative with bargaining unit employees assigned to the State facility, by e–mail and certified mail.

(3) If a government agency or judicial body determines that there is an emergency situation that poses a risk to the health or safety of patients, incarcerated individuals, residents, or employees of a State facility, the principal department may modify the timelines required by this subsection, provided that any modifications made by the principal department shall provide the notice, hearing, and opportunity for comment required by this subsection at the earliest possible date, unless ordered otherwise by the government agency or judicial body.

(d) (1) Subject to paragraph (3) of this subsection, before a principal department closes a State facility, the principal department shall:

(i) hold a public hearing;

(ii) at least 180 days before the public hearing, give notice to:

1. the public, on the department's website and by press release;

2. each member of the General Assembly representing the district in which the State facility is located, by e–mail and certified mail; and

3. any exclusive representative with bargaining unit employees assigned to the State facility, by e–mail and certified mail;

(iii) submit a report explaining the closure to the Governor and, in accordance with § 2–1257 of the State Government Article:

1. the Senate Finance Committee;

2. the Senate Budget and Taxation Committee;

3. the House Health and Government Operations Committee; and

4. the House Appropriations Committee;

(iv) at least 270 days before holding the public hearing, make the report required by this paragraph publicly available; and

(v) at least 90 days before holding the public hearing, allow each exclusive representative and a committee listed under item (iii) of this paragraph that receives the report required by this subsection to submit comments on the report.

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

(i) the reasons for the closure;

(ii) the plan for continuing or discontinuing the State facility's operations;

(iii) the anticipated budgetary impact of the closure;

(iv) any plans for assisting State employees affected by the closure in finding other employment;

(v) any plans for assisting the patients, incarcerated individuals, or residents affected by the closure; and

(vi) any plans for the State facility after the closure.

(3) If a government agency or judicial body determines that there is an emergency situation that poses a risk to the health or safety of patients, incarcerated individuals, residents, or employees of a State facility, the principal department may modify the timelines required by this subsection, provided that any modifications made by the principal department shall provide the notice, hearing, and opportunity for comment required by this subsection at the earliest possible date, unless ordered otherwise by the government agency or judicial body.

(e) (1) Before a principal department leases or purchases land, buildings, or office space to be used for the purpose of providing health, juvenile, or correctional services to clients or incarcerated individuals, the principal department shall give written notice of the proposed use of the land, buildings, or office space to each member of the General Assembly in whose legislative district the property is located.

(2) (i) A member of the General Assembly may request that the department hold a public hearing on the proposed use.

(ii) The department on whose behalf the property is being procured or leased shall hold a public hearing on the proposed use upon the request of a member of the General Assembly.

(iii) The department shall give notice of the hearing to the public as provided in subsection (c)(2)(i) of this section.

(f) (1) If, after a principal department ceases its use of a State facility, the principal department or any other principal department plans to recommence operation of the facility as a State facility, and the proposed operation of the facility would change its use, purpose, or function, the principal department shall hold a public hearing on the proposed operation.

(2) The principal department shall give notice of the hearing to the public as provided in subsection (c)(2)(i) of this section.

(g) Nothing in this section shall be construed to alter or diminish an exclusive representative's right to bargain.

§8–3A–01.

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

(2) "Appointing authority" has the meaning stated in § 1–101(b) of the State Personnel and Pensions Article.

(3) "Office" means the Appointments Office in the Office of the Governor that performs the function of recommending to the Governor the appointment or nomination of an individual to serve as a member of a State or local board, commission, council, committee, authority, task force, or other entity that by law requires the membership to be appointed in whole or in part by the Governor, whether or not the appointment or nomination is with the advice and consent of the Senate or House of Delegates.

(b) The Office may not direct, overrule, or otherwise take any action regarding the decision of an appointing authority, the Secretary of Budget and Management, or any unit of the Department of Budget and Management to appoint, promote, transfer, reassign, discipline, or terminate an employee under the jurisdiction of the appointing authority.

(c) Only an appointing authority may delegate in writing the authority to act on the appointing authority's behalf, but only to an employee or officer under the jurisdiction of the appointing authority.

(d) An appointing authority may not delegate the authority to make the final decision on the termination of an employee.

(e) An appointing authority shall notify the Secretary of Budget and Management of any delegation of authority authorized under this section by providing the Secretary a copy of the delegation.

§8–3A–02.

(a) On or before December 1 of each gubernatorial election year:

(1) the Secretary of Budget and Management shall compile a list of the position, pay grade, and title of each employee in the State Personnel Management System who is employed with regard to political affiliation, belief, or opinion under § 4–201(c)(2)(ii) of the State Personnel and Pensions Article; and

(2) the Secretary of Transportation shall compile a list of the position, pay grade, and title of each employee in the Maryland Department of Transportation's Human Resource System who is employed with regard to political affiliation, belief, or opinion under § 2–103.4(b)(2)(ii) of the Transportation Article.

(b) The Secretary of Transportation shall provide the list of employees required under subsection (a)(2) of this section to the Secretary of Budget and Management on or before December 15 of each gubernatorial election year.

(c) In accordance with § 2–1257 of this article, on or before December 31 of each gubernatorial election year, the Secretary of Budget and Management shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Delegates on the total number of State employees employed with regard to political affiliation, belief, or opinion under this section.

§8–401.

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

(b) "Committees of jurisdiction" means the committees of the General Assembly that routinely handle the policy issues and legislation related to a specific governmental activity or unit subject to review under this subtitle.

(c) "Department" means the Department of Legislative Services.

(d) "Evaluation" means the process of legislative review of a governmental activity or unit used to determine:

(1) whether the governmental activity or unit should be reestablished or terminated; and

(2) what, if any, statutory or nonstatutory changes should be recommended to the General Assembly to improve the operations of the governmental activity or unit.

(e) "Governmental activity" means a program, service, or other function of government.

(f) "Office" means the office in the Department of Legislative Services designated by the Executive Director of the Department.

§8–402.

(a) The General Assembly finds that:

(1) a framework that allows for periodic, legislative review of the regulatory, licensing, and other governmental activities of the Executive Branch of the State government is essential for the maintenance of a government in which the citizens have confidence and of a healthy State economy; and

(2) this legislative review is consistent with other activities and goals of the General Assembly.

(b) The purposes of this subtitle are to:

(1) establish a system of legislative review that will:

(i) determine whether a governmental activity is necessary for the public interest; and

(ii) make units that are responsible for necessary governmental activities accountable and responsive to the public interest; and

(2) ensure that the legislative review takes place by establishing, by statute, a process for the review and other legislative action.

§8–403.

This subtitle applies only to the following governmental activities and units:

(1) Acupuncture Board, State (§ 1A–201 of the Health Occupations Article);

(2) Amusement Ride Safety, State Advisory Board (§ 3–303 of the Business Regulation Article);

(3) Apprenticeship and Training Council (§ 11–403 of the Labor and Employment Article);

(4) Architects, State Board of (§ 3–201 of the Business Occupations and Professions Article);

(5) Athletic Commission, State (§ 4–201 of the Business Regulation Article);

(6) Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists, State Board of Examiners for (§ 2–201 of the Health Occupations Article);

(7) Barbers, State Board of (§ 4–201 of the Business Occupations and Professions Article);

(8) Behavior Analyst Advisory Committee (§ 17–6A–05 of the Health Occupations Article);

(9) Boiler Rules, Board of (§ 12–904 of the Public Safety Article);

(10) Cemetery Oversight, Office of (§ 5–201 of the Business Regulation Article);

(11) Chiropractic Examiners, State Board of (§ 3–201 of the Health Occupations Article);

(12) Collection Agency Licensing Board, State (§ 7–201 of the Business Regulation Article);

(13) Community Health Resources Commission, Maryland (§ 19–2102 of the Health – General Article);

(14) Cosmetologists, State Board of (§ 5–201 of the Business Occupations and Professions Article);

(15) Counselors and Therapists, State Board of Professional (§ 17–201 of the Health Occupations Article);

(16) Dental Examiners, State Board of (§ 4–201 of the Health Occupations Article);

(17) Dietetic Practice, State Board of (§ 5–201 of the Health Occupations Article);

(18) Electricians, State Board of Master (§ 6–201 of the Business Occupations and Professions Article);

(19) Elevator Safety Review Board (§§ 12–819 through 12–841 of the Public Safety Article);

(20) Engineers, State Board for Professional (§ 14–201 of the Business Occupations and Professions Article);

(21) Engineers, State Board of Stationary (§ 6.5–201 of the Business Occupations and Professions Article);

(22) Environmental Health Specialists, State Board of (§ 21–201 of the Health Occupations Article);

(23) Financial Regulation, Office of (§ 2–101 of the Financial Institutions Article);

(24) Foresters, State Board of (§ 7–201 of the Business Occupations and Professions Article);

(25) Health Care Commission, Maryland (§ 19–103 of the Health – General Article);

(26) Health Services Cost Review Commission, State (§ 19–202 of the Health – General Article);

(27) Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors, State Board of (§ 9A–201 of the Business Regulation Article);

(28) Home Improvement Commission, Maryland (§ 8–201 of the Business Regulation Article);

(29) Horse Industry Board, Maryland (§ 2–701 of the Agriculture Article);

(30) Individual Tax Preparers, State Board of (§ 21–201 of the Business Occupations and Professions Article);

(31) Interior Designers, State Board of Certified (§ 8–201 of the Business Occupations and Professions Article);

(32) Labor and Industry, Division of (Title 2 of the Labor and Employment Article) and related programs;

(33) Land Surveyors, State Board for Professional (§ 15–201 of the Business Occupations and Professions Article);

(34) Landscape Architects, State Board of Examiners of (§ 9–201 of the Business Occupations and Professions Article);

(35) Law Examiners, State Board of (§ 10–201 of the Business Occupations and Professions Article);

(36) Marine Contractors Licensing Board (§ 17–201 of the Environment Article);

(37) Maryland–Bred Race Fund Advisory Committee (§ 11–531 of the Business Regulation Article);

(38) Massage Therapy Examiners, State Board of (§ 6–201 of the Health Occupations Article);

(39) Morticians and Funeral Directors, State Board of (§ 7–201 of the Health Occupations Article);

(40) Nursing, State Board of (§ 8–201 of the Health Occupations Article), including the allied health advisory committees under the jurisdiction of the Board;

(41) Nursing Home Administrators, State Board of Examiners of (§ 9–201 of the Health Occupations Article);

(42) Occupational Safety and Health Advisory Board (§ 5–302 of the Labor and Employment Article);

(43) Occupational Therapy Practice, State Board of (§ 10–201 of the Health Occupations Article);

(44) On–site Wastewater Professionals, State Board of (§ 9–11A–05 of the Environment Article);

(45) Optometry, State Board of Examiners in (§ 11–201 of the Health Occupations Article);

(46) Pharmacy, State Board of (§ 12–201 of the Health Occupations Article);

(47) Physical Therapy Examiners, State Board of (§ 13–201 of the Health Occupations Article);

(48) Physicians, State Board of (§ 14–201 of the Health Occupations Article), including the allied health advisory committees under the jurisdiction of the Board;

(49) Pilots, State Board of (§ 11–201 of the Business Occupations and Professions Article);

(50) Plumbing, State Board of (§ 12–201 of the Business Occupations and Professions Article);

(51) Podiatric Medical Examiners, State Board of (§ 16–201 of the Health Occupations Article);

(52) Prescription Drug Monitoring Program in the Maryland Department of Health (§ 21–2A–02 of the Health – General Article);

(53) Psychologists, State Board of Examiners of (§ 18–201 of the Health Occupations Article);

(54) Public Accountancy, State Board of (§ 2–201 of the Business Occupations and Professions Article);

(55) Racing Commission, State (§ 11–201 of the Business Regulation Article);

(56) Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors, State Commission of (§ 16–201 of the Business Occupations and Professions Article);

(57) Real Estate Commission, State (§ 17–201 of the Business Occupations and Professions Article);

(58) Residential Child Care Program Professionals, State Board for Certification of (§ 20–202 of the Health Occupations Article);

(59) security systems technicians, licensing and regulation of (§ 18–201 of the Business Occupations and Professions Article);

(60) Sign Language Interpreters, State Board of (§ 9–2410 of this article);

(61) Social Work Examiners, State Board of (§ 19–201 of the Health Occupations Article);

(62) Standardbred Race Fund Advisory Committee, Maryland (§ 11–625 of the Business Regulation Article);

(63) Veterinary Medical Examiners, State Board of (§ 2–302 of the Agriculture Article);

(64) Waterworks and Waste Systems Operators, State Board of (§ 12–201 of the Environment Article); and

(65) Well Drillers, State Board of (§ 13–201 of the Environment Article).

§8–404.

(a) When directed by the Legislative Policy Committee, the Joint Audit and Evaluation Committee, the Executive Director, the Director of the Office of Policy Analysis, or the Director of the Office of Program Evaluation and Government Accountability, the Office shall conduct an evaluation of a governmental activity or unit and the statutes related to the governmental activity or unit.

(b) The Office, in consultation with the committees of jurisdiction, shall develop a work plan for an evaluation conducted under subsection (a) of this section.

(c) The evaluation report for an evaluation conducted under subsection (a) of this section:

(1) shall be consistent with the work plan developed under subsection (b) of this section; and

(2) may address the governmental activity's or unit's:

(i) efficiency;

(ii) effectiveness;

(iii) role in protecting consumers;

(iv) sufficiency of resources; and

(v) accomplishment of legislative objectives.

(d) On completion, the Department shall submit each evaluation report, including draft legislation to implement any recommended statutory changes, to the committees of jurisdiction.

§8–405.

On or before the 10th day of the regular session of the General Assembly in the year after the evaluation of a governmental activity or unit has been completed, the committees of jurisdiction for the governmental activity or unit shall hold a public hearing to receive testimony on the evaluation report from the Department, the unit under evaluation or responsible for the governmental activity under evaluation, and the public.

§8–406.

(a) Subject to § 2–1257 of this article, on or before the 20th day of the regular session of the General Assembly in the year after an evaluation of a governmental activity or unit has been completed, the committees of jurisdiction for the governmental activity or unit shall submit a report to the General Assembly.

(b) (1) The report shall recommend whether a governmental activity or unit that has undergone an evaluation should be reestablished, with or without changes, or allowed to terminate.

(2) The report shall be accompanied by each bill that is needed to accomplish the recommendations in the report.

§8–407.

(a) During an evaluation conducted under § 8–404 of this subtitle, the unit under evaluation or responsible for the governmental activity under evaluation shall:

(1) promptly provide any information that the Department or a committee of the General Assembly requests; and

(2) otherwise cooperate with the Department to carry out the requirements of this subtitle.

(b) Information requested under subsection (a)(1) of this section may be provided in a format that protects the confidentiality of individuals as necessary.

(c) The Department shall follow procedures to maintain the confidentiality of any information, documents, or proceedings obtained or observed in the course of carrying out the requirements of this subtitle.

§8–408.

(a) Each unit subject to termination or responsible for the governmental activity subject to termination shall ensure that legislation is requested to extend the termination date of the unit or governmental activity.

(b) Legislation requested in accordance with subsection (a) of this section may not propose a reestablishment period that exceeds 10 years.

§8–409.

The term of office of a member of a unit under evaluation or responsible for a governmental activity under evaluation is not affected by reason of reestablishment

of the governmental activity or unit unless the law that reestablishes the governmental activity or unit provides otherwise.

§8–410.

(a) The termination of a governmental activity or unit or repeal of its statute in accordance with this subtitle is not a reason for dismissal of any claim or right of:

(1) the unit that is terminated or is responsible for the governmental activity that is terminated; or

(2) any person against that unit.

(b) The State shall assume these claims and rights.

§8–411.

This subtitle may be cited as the Maryland Program Evaluation Act.

§8–501.

(a) A member of a State board or commission appointed by the Governor who fails to attend at least 50% of the meetings of the board or commission during any consecutive 12-month period shall be considered to have resigned.

(b) Not later than January 15 of the year following the end of the 12-month period the chairman of the board or commission shall forward to the Governor:

(1) the name of the individual considered to have resigned; and

(2) a statement describing the individual's history of attendance during the period.

(c) Except as provided in subsection (d) of this section, after receiving the chairman's statement the Governor shall appoint a successor for the remainder of the term of the individual.

(d) If the individual has been unable to attend meetings for reasons satisfactory to the Governor, the Governor may waive the resignation if the reasons are made public.

§8–502.

(a) (1) A member of a State board or commission shall be suspended without pay from participation in the activities of the board or commission if the member is convicted of or enters a plea of nolo contendere to any crime that:

(i) is a felony; or

(ii) is a misdemeanor related to the member's public duties and responsibilities and involves moral turpitude for which the penalty may be incarceration in any penal institution.

(2) The suspension shall continue during any period of appeal of the conviction.

(3) If the conviction becomes final, the member shall be removed from the office and the office shall be deemed vacant.

(b) If the conviction of the member is reversed or otherwise vacated:

(1) the member shall be reinstated to the office for the remainder, if any, of the term of office during which the member was so suspended or removed; and

(2) all pay and benefits shall be restored from the date of the suspension or removal.

§8–503.

The official letterhead stationery of each department, agency, or instrumentality of the State shall include the telephone number of the individual public office that uses the stationery.

§8–504.

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

(2) "Department" means a principal department of the Executive Branch of State government.

(3) "Independent unit" means a unit in the Executive Branch of State government that is not in a department.

(4) "Mask" means to redact from public view those portions of a public record that contain personal information, without permanently altering the original public record.

(5) "Official custodian" means an officer or employee of the State who, whether or not the officer or employee has physical custody and control of a public record, is responsible for keeping the public record.

(6) "Person in interest" means:

(i) an individual that is the subject of personal information contained in a public record or a designee of the individual; or

(ii) if the individual has a legal disability, the parent or legal representative of the individual.

(7) "Personal information" means an individual's:

(i) Social Security number; or

(ii) driver's license number.

(8) (i) "Public record" means the original or any copy of any documentary material that:

1. is made by a unit or instrumentality of the State government or received by the unit in connection with the transaction of public business; and

2. is in any form, including:

A. a card;

B. a computerized record;

C. correspondence;

D. a drawing;

E. film or microfilm;

F. a form;

G. a map;

H. a photograph or photostat;

I. a recording; or

J. a tape.

(ii) "Public record" includes a document that lists the salary of an employee of a unit or instrumentality of the State government.

(iii) "Public record" does not include a digital photographic image or signature of an individual, or the actual stored data thereof, recorded by the Motor Vehicle Administration.

(9) "Publicly post or display" means to intentionally make available to the public.

(b) Except as otherwise provided by law, on or after June 1, 2010, a department or an independent unit, to the extent practicable, may not publicly post or display on an Internet website maintained or paid for by the department or independent unit an individual's personal information.

(c) (1) A person in interest may request an official custodian to mask personal information in the Internet version of a public record.

(2) A request made in accordance with this subsection shall:

(i) be in writing; and

(ii) provide an adequate description of the public record including a name and address or type and location of the public record.

(3) Within 30 days after receiving a request under this section, an official custodian shall:

(i) mask the personal information in the Internet version of the record; and

(ii) give the person in interest written notice of the action taken.

(4) This subsection does not apply to a public record after 72 years from the date it was made or received by a unit or instrumentality of the State government.

§8–505.

No board or commission in control of a unit in the Executive Branch of the State government may finally adopt a resolution or regulation at a meeting not open to the public.

§8–506.

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

(2) "Department" means a principal department established under § 8–201 of this title.

(3) "Independent unit" means a unit in the Executive Branch of State government that is not a department.

(b) On or before October 1, 2024, each department and independent unit shall:

(1) create a catalog of each type of permit, license, or certificate that it issues; and

(2) submit the catalog required under item (1) of this subsection to the Governor.

(c) A catalog created under subsection (b) of this section shall include:

(1) a description of each permit, license, or certificate;

(2) the term for which each issued permit, license, or certificate is valid;

(3) the statutory and regulatory authority that:

(i) authorizes or requires the department or independent unit to issue the permit, license, or certificate; and

(ii) establishes a timeline within which a department or independent unit must process and issue the permit, license, or certificate, if any;

(4) the method and process used by the department or independent unit to accept applications for each permit, license, or certificate, including a list of:

(i) prior significant updates to the method and process; and

(ii) the current information technology system used, and any remaining associated tasks still performed manually with the system;

(5) an estimate of the length of time to:

(i) determine if an application is complete; and

(ii) make a final determination to issue, waive, or deny the permit, license, or certificate;

(6) the application fee charged for each permit, license, or certificate and how the revenue collected from application fees is allocated;

(7) any statutory or regulatory authority that may impact an applicant's ability to receive a permit, license, or certificate based on the criminal history of the applicant;

(8) an analysis and any recommendations by the department or independent unit on the appropriate length of time to promptly process completed applications for each permit, license, or certificate and factors impeding the timely processing of each permit, license, or certificate; and

(9) statutory or regulatory changes and resources that could expedite the processing timeline.

(d) On or before December 1, 2024, each department and independent unit shall post on its website an interim description, to the extent practicable, of the application process for each permit, license, or certificate it issues, including:

(1) any updates to the application process in the preceding 12–month period; and

(2) the time to process each application type.

(e) On or before October 1, 2025, and each year thereafter, each department and independent unit shall post on its website a completed update of the information required under subsection (d) of this section applicable to the immediately preceding 12–month period.

§9–101.

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

(b) "Agency" means the State Lottery and Gaming Control Agency.

(c) "Commission" means the State Lottery and Gaming Control Commission.

(d) "Director" means the Director of the Agency.

(e) "Governmental unit" means:

(1) an instrumentality of the State;

(2) a county or municipal corporation of the State; or

(3) an instrumentality of a county or municipal corporation of the State.

(f) "License" means a license issued by the Director to act as a licensed agent.

(g) "Licensed agent" means a person or governmental unit licensed by the Director to act as a State lottery sales agent.

(h) (1) "State lottery" means the lottery established and operated under this subtitle.

(2) "State lottery" includes a raffle conducted by the Agency.

§9–102.

Another law that prohibits the sale of lottery tickets or shares or other acts relating to a lottery does not apply to the State lottery.

§9–103.

There is a State Lottery and Gaming Control Agency.

§9–104.

There is a State Lottery and Gaming Control Commission in the Agency.

§9–105.

(a) (1) The Commission consists of seven members appointed by the Governor with the advice and consent of the Senate.

(2) The presiding officer of either house of the General Assembly may recommend to the Governor a list of individuals for appointment to the Commission.

(b) (1) At the time of appointment, each member of the Commission shall be:

(i) at least 25 years old;

(ii) a resident of the State who has resided in the State for at least 5 years;

(iii) a qualified voter of the State;

(iv) an individual who has not been convicted of or granted probation before judgment for a serious crime or a crime that involves moral turpitude or gambling; and

(v) knowledgeable and experienced in fiscal matters and shall have substantial experience:

1. as an executive with fiduciary responsibilities in charge of a large organization or foundation;

2. in an academic field relating to finance or economics; or

3. as an accountant, economist, or financial analyst, or as a professional in a similar profession relating to fiscal matters or economics.

(2) A member of the Commission may not:

(i) have a direct or indirect financial interest, ownership, or management, including holding any stocks, bonds, or other similar financial interests in any gaming activities, including horse racing, video lottery terminals, table games, or lottery;

(ii) have an official relationship to a person who holds a license under Subtitle 1A of this title;

(iii) be an elected official of State or local government;

(iv) receive or share in, directly or indirectly, the receipts or proceeds of any gaming activities, including horse racing, video lottery terminals, table games, or lottery; or

(v) have a beneficial interest in any contract for the manufacture or sale of gaming devices, the conduct of any gaming activity, or the provision of any independent consulting services in connection with any gaming establishment or gaming activity.

(3) No more than five members may be of the same political party.

(4) The members of the Commission shall reflect the geographic, racial, and gender makeup of the State.

(5) A member of the Commission shall file a financial disclosure statement with the State Ethics Commission in accordance with Title 5, Subtitle 6 of the General Provisions Article.

(c) (1) The term of a member is 5 years.

(2) The terms of members are staggered as required by the terms provided for members of the Commission on October 1, 2012.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) A member may not serve for more than two full terms.

(d) (1) Subject to the hearing requirements of this subsection, the Governor may remove a member for cause.

(2) Before the Governor removes a member, the Governor shall give the member notice and an opportunity for a public hearing.

(e) The Governor shall appoint one member of the Commission to serve as a liaison to the State Racing Commission established under Title 11 of the Business Regulation Article.

(f) The Commission shall include at least one member who resides in a local jurisdiction in which a video lottery facility is located.

§9–106.

From among its members, the Commission annually shall elect a chairman.

§9–107.

(a) With the advice and consent of the Senate, the Governor shall appoint the Director of the Agency, who is the executive officer of the Agency and secretary of the Commission.

(b) The Director serves at the pleasure of the Governor.

(c) The Director must have the training and experience needed to direct the work of the Agency.

(d) The Director shall devote full time to the duties of office and may not engage in another profession or occupation.

(e) In addition to any duties set forth elsewhere in this subtitle, the Director shall have immediate supervision and direction over the Agency.

(f) The Director is entitled to the salary provided in the State budget.

§9–108.

(a) (1) A majority of the full authorized membership of the Commission is a quorum.

(2) The Commission may not act unless at least 4 members concur.

(b) The Commission shall determine the times and places of its meetings.

(c) (1) The secretary of the Commission promptly shall send the Governor a certified copy of the minutes of each meeting of the Commission.

(2) The minutes shall include a copy of each regulation of the Agency that is adopted.

(d) (1) Each member of the Commission is entitled to:

(i) the salary provided in the budget of the Commission; and

(ii) reimbursement for reasonable expenses:

1. incurred in the performance of the Commission member's duties; and

2. as provided in the budget of the Commission.

(2) Each member of the Commission shall be paid biweekly.

(3) Each member is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the budget of the Commission.

(e) (1) With the advice of the Commission, the Director may employ deputy directors and other staff in accordance with the State budget.

(2) Except as provided in paragraph (3) of this subsection or otherwise by law, the staff of the Commission is in the State Personnel Management System.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, a deputy director is in the executive service of the State Personnel Management System.

(ii) A deputy director may be removed only for cause after being given notice and an opportunity for a hearing.

(4) (i) With the approval of the Commission and in accordance with the State budget, the Director may set the compensation of an Agency employee in a position that:

1. is unique to the Agency;

2. requires specific skills or experience to perform the duties of the position; and

3. does not require the employee to perform functions that are comparable to functions performed in other units of the Executive Branch of State government.

(ii) The Secretary of Budget and Management, in consultation with the Director, shall determine the positions for which the Director may set compensation under subparagraph (i) of this paragraph.

(5) (i) The Governor shall include in the State budget sufficient money for the Commission to hire, develop, and organize a staff to perform the functions of the Commission.

(ii) As deemed necessary by the Commission, the Commission shall hire experts including economists, gaming specialists, and lawyers.

(iii) 1. The Commission shall contract with an outside consultant to provide continual analysis of the gaming industry both within and outside the State and support the licensing activities of the Commission and the Video Lottery Facility Location Commission.

2. The cost of the consultant required under this subparagraph may be divided proportionally among the video lottery operation licensees as determined by the Commission.

§9–109.

(a) In addition to the specific powers granted and duties imposed by this subtitle, the Commission has the powers and duties set forth in this section.

(b) (1) The Commission shall conduct studies of the State lottery and gaming program to:

(i) identify any defect in this subtitle, Subtitle 1A of this title, or the regulations of the Agency that may allow abuses in the operation and administration of the State lottery and gaming program or any evasion of this subtitle, Subtitle 1A of this title, or the regulations;

(ii) guard against the use of this subtitle, Subtitle 1A of this title, and the regulations of the Agency as a means of conducting organized crime;

(iii) ensure that the regulations of the Agency are proper and that this subtitle, Subtitle 1A of this title, and the regulations are administered to serve the purpose of this subtitle; and

(iv) analyze the gaming industry within and outside the State to determine whether Maryland's gaming program is competitive and maximizing revenues for the State.

(2) The Commission shall conduct studies of:

(i) the operation and administration of similar laws in other states or countries;

(ii) federal laws that may affect the operation of the State lottery or gaming activities;

(iii) literature on lotteries and gaming activities, including problem gambling programs; and

(iv) the reaction of citizens of the State to existing and potential features of the State lottery and gaming program.

(c) (1) The Commission shall submit to the Governor and, subject to § 2–1257 of this article, to the General Assembly the reports required under this subsection.

(2) The Commission shall submit monthly a report that states the total State lottery and gaming revenues and the total prize disbursements and other expenses for the preceding month.

(3) The Commission shall submit annually a report that states the total State lottery and gaming revenues and the total prize disbursements and other expenses for the preceding year.

(4) The Commission shall submit a report whenever a matter requires an immediate change in a State law to:

(i) prevent an abuse or evasion of this subtitle, Subtitle 1A of this title, or a regulation of the Agency; or

(ii) rectify an undesirable condition in the operation or administration of the State lottery and gaming program.

§9–110.

(a) With the approval of the Commission, the Director may adopt regulations of the Agency.

(b) The regulations of the Agency shall provide for:

(1) all matters that are necessary or desirable for the efficient and economical operation and administration of the State lottery; and

(2) the convenience of buyers of State lottery tickets and shares and of the holders of a winning ticket or share.

§9–111.

(a) The Director shall:

(1) supervise and administer the State lottery in accordance with the regulations of the Agency and this subtitle;

(2) confer, at least once a month, with the Commission on the operation and administration of the State lottery;

(3) make available to the Commission any record or other information of the Agency that the Commission requests;

(4) advise the Commission about any change needed to improve the operation or administration of the State lottery;

(5) with the approval of the Commission and subject to Division II of the State Finance and Procurement Article, contract for:

(i) the operation of all or any part of the State lottery; and

(ii) the use of space, for advertising or promotional purposes, on tickets or publications distributed by the Agency, if, in the Director's discretion, the action is fiscally prudent and in the best interest of the State lottery;

(6) submit monthly to the Comptroller and to the Commission a certified statement of the total State lottery revenues and the total prize disbursements and other expenses for the preceding month; and

(7) with the approval of the Commission, contract for the promotion of the State lottery and enter into private sector cooperative marketing project agreements as provided for in § 11–203(a)(1)(xiii) of the State Finance and Procurement Article.

(b) With the approval of the Commission and the Legislative Policy Committee, the Director may enter into agreements to operate multijurisdictional lotteries or raffles with:

(1) any other political entity outside the State or outside the United States that operates a lottery or raffle; or

(2) a private licensee of a state or a foreign nation.

(c) The Commission may advise the Director on the operation and administration of the State lottery.

(d) In accordance with the regulations of the Agency and this subtitle, the Director may:

(1) arrange for a person to perform any activity, function, or service in connection with the operation of the State lottery which shall constitute a lawful activity, function, or service of the person; and

(2) authorize the Agency to sell lottery tickets for a temporary period at any promotional or special event being held in the State if:

(i) in the Director's determination, no licensed agent is available to conduct the sale; and

(ii) the person holding the promotional or special event has authorized the Agency to sell lottery tickets at the event.

(e) The Agency may not allow the establishment of any system or program that allows a person to purchase a State lottery ticket through an electronic device that connects to the Internet, such as a personal computer or mobile device.

(f) It is the intent of the General Assembly that the Agency offer the Racetrax lottery game at a frequency that maximizes revenue from the game.

§9–112.

(a) In this section, "veterans' organization" means an organization that is tax exempt and organized as a veterans' organization under § 501(c)(19) or § 501(c)(4) of the Internal Revenue Code.

(b) Except as provided in subsection (d) of this section, in accordance with the regulations of the Agency and this subtitle, the Director shall issue licenses to the persons and governmental units that will best serve the public convenience and promote the sale of State lottery tickets or shares.

(c) Before issuing a license to an applicant, the Director shall consider such factors as:

(1) the financial responsibility and security of the applicant and the business or activity of the applicant;

(2) the accessibility of the place of business or activity to the public;

(3) the sufficiency of existing licenses to serve the public convenience; and

(4) the volume of expected sales.

(d) (1) This subsection does not apply in:

(i) Caroline County;

(ii) Cecil County;

(iii) Dorchester County;

(iv) Kent County;

(v) Queen Anne's County;

(vi) Somerset County;

(vii) Talbot County;

(viii) Wicomico County; and

(ix) Worcester County.

(2) (i) Subject to subparagraph (ii) of this paragraph, the Director may issue a license under this subtitle for not more than five instant ticket lottery machines to an applicant that is a veterans' organization.

(ii) A veterans' organization that is issued a license under this subsection shall locate and operate its instant ticket lottery machines at its principal meeting hall in the county in which the veterans' organization is located.

(3) After deduction of any commission and validation prize payout as provided under § 9–117 of this subtitle, a veterans' organization issued a license under this subsection shall credit the remaining receipts from the sale of tickets from instant ticket lottery machines to the State Lottery Fund established under § 9–118 of this subtitle.

(4) (i) Subject to subparagraph (ii) of this paragraph, a veterans' organization issued a license under this subsection shall purchase or lease the instant ticket lottery machines to be used by the veterans' organization.

(ii) An organization may not use receipts from the sale of tickets from instant ticket lottery machines that would otherwise be credited to the State Lottery Fund for the costs of purchasing or leasing instant ticket lottery machines.

(5) The Director may adopt regulations to implement the provisions of this subsection that include restricting the location of instant ticket lottery machines in areas of a veterans' organization's public meeting hall that is accessible to the public.

(6) The Agency shall ensure that the element of chance in the conduct of the gaming through the instant ticket lottery machines established under this subsection is consistent with the holding in the case of Chesapeake Amusements Inc. v. Riddle, 363 Md. 16 (2001), in that the element of chance must be wholly within the pre–printed instant lottery ticket, and that player enhancements in an instant ticket lottery machine may not affect the element of chance being wholly within the pre–printed instant lottery ticket.

(e) The Director may not issue a license to:

(1) a person or governmental unit to engage in business primarily as a licensed agent; or

(2) an individual who is under the age of 21 years.

(f) The Commission may hear and decide an appeal of a denial of a license.

§9–112.1.

(a) In this section, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(b) The Agency shall apply to the Central Repository for a State and national criminal history records check for each new applicant for a license under § 9–113 of this subtitle.

(c) The Director may require any applicant seeking a change of ownership or renewal of a license to submit fingerprints to the Central Repository for a State and national criminal history records check.

(d) The Central Repository shall provide to the Agency:

(1) the State and national criminal history records of each individual requiring a criminal history records check under subsection (b) of this section and issue a printed statement of the Federal Bureau of Investigation report;

(2) an update of the initial criminal history records check for an individual requiring a criminal history records check and issue a revised printed

statement of the Federal Bureau of Investigation report listing any criminal charge occurring after the date of the initial criminal history records check; and

(3) an acknowledged receipt of the application for a criminal history records check by an individual requiring a criminal history records check.

(e) As part of the application for a criminal history records check, the Agency shall submit to the Central Repository:

(1) a complete set of the applicant's legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(2) the fee authorized in § 10–221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and

(3) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(f) (1) In accordance with §§ 10–201 through 10–234 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Agency a printed statement of the applicant's criminal history record information.

(2) Nothing in paragraph (1) of this subsection shall preclude the Director from notifying a licensed agent or an applicant of the approval or disqualification based on information obtained by the Agency under this section.

(g) Information obtained from the Central Repository under this section:

(1) shall be confidential;

(2) may not be redisseminated; and

(3) may be used only in connection with the issuance of a license required under this subtitle.

(h) The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in § 10–223 of the Criminal Procedure Article.

§9–113.

A license authorizes the licensee to act as a State lottery sales agent while the license is effective.

§9–114.

(a) The Director may require any lottery agent granted a license to post either an appropriate surety bond, irrevocable letter of credit, or cash security deposit in the amount that the regulations of the Agency set.

(b) (1) In lieu of a surety bond, irrevocable letter of credit, or cash security deposit, the Agency, at the discretion of the Director, may provide a blanket bond covering all or selected agents in accordance with the availability of bonds and the financial status of an individual or a corporation.

(2) A bond provided by the Agency shall be:

(i) provided at the agent's expense; and

(ii) based upon a financial evaluation of the agent conducted by the Director.

§9–115.

Each licensed agent shall display prominently the license or a copy of it, as the regulations of the Agency require.

§9–116.

The Commission may suspend or revoke a license, on the recommendation of the Director.

§9–117.

(a) (1) A licensed agent shall receive regular commissions of 5.75% of the licensed agent's gross receipts from ticket sales.

(2) A licensed agent may further receive a cashing fee not to exceed 2% of valid prizes paid for services rendered in cashing winning tickets.

(b) (1) The Commission may authorize the payment of special bonuses to licensed agents and their employees.

(2) The total of the bonuses may not exceed one–half of 1% of the gross receipts from ticket sales for the year for which the bonuses are awarded.

(3) Lottery sales agents may not offer patrons inducements of alcoholic beverages to purchase or redeem lottery tickets.

(c) Unless otherwise expressly provided by a lease for premises on which lottery tickets are sold, whenever lottery tickets are sold by a licensed agent on premises subject to rent that is wholly or partially based on a percentage of gross sales or receipts, the tenant responsible for payment of the rent may calculate that portion of the rent arising from the sale of lottery tickets solely on the basis of:

(1) the commission received by the licensed agent on the sale of those tickets; and

(2) in the case of instant lottery tickets, the difference between the price paid by the licensed agent in purchasing the tickets from the Agency and the price for which they were sold by the agent.

§9–118.

(a) There is a State Lottery Fund.

(b) Except as otherwise specifically provided by law:

(1) the Agency shall account to the Comptroller for all of the revenue under this subtitle; and

(2) the Comptroller shall credit the revenues to the State Lottery Fund.

(c) A system of voucher deposits may be used for:

(1) payout of prizes;

(2) payout of commissions; and

(3) reimbursement for money paid out for prizes or commissions.

§9–119.

(a) Except for the commission of a licensed agent, all of the receipts from the sale of State lottery tickets or shares are due to the Agency:

(1) on the due date that the Agency sets; or

(2) at the times and within the intervals prescribed by Agency regulations.

(b) (1) (i) The Director shall require all licensed agents to deposit, with a bank that the licensed agent selects and to the credit of the State Lottery Fund, all of the receipts from the sale of State lottery tickets or shares less any commission and validation prize payout.

(ii) 1. A licensed agent may commingle proceeds from the sale of State lottery tickets or shares with business receipts of the licensed agent.

2. Proceeds, including cash proceeds of the sale of any lottery products less any commission and validation prize payout, shall be remitted and paid directly or through the Agency's authorized collection representative.

(iii) Licensed agents and each person who is a guarantor or indemnitor of a licensed agent's financial obligations to the Agency shall be liable for all proceeds from the sale of lottery tickets or shares.

(iv) The Director may adjust the time, interval, or method of collection for collections of proceeds of any licensed agent.

(v) 1. Nothing in this subsection may be construed to impose obligations or liability on any bank in which proceeds from the sale of State lottery tickets or shares are deposited.

2. This subparagraph does not affect the rights and obligations of any financial institution that has issued an irrevocable letter of credit or holds any cash security deposit as provided in § 9-114 of this subtitle.

(2) The Director may require any or all licensed agents to submit to the Director or a designee of the Director a report that:

(i) is in the form that the Director requires; and

(ii) gives the information that the Director requires as to the transactions in and receipts from the sale of State lottery tickets or shares.

(c) (1) The Agency may impose a service charge if the payor bank dishonors:

(i) a check that is given to the Agency by a licensed agent; or

(ii) an electronic transfer of funds to the State lottery account from the account of a licensed agent for money received from the sale of State lottery tickets or shares.

(2) The service charge under paragraph (1) of this subsection shall be sufficient to cover the Agency's costs associated with the dishonored return.

(3) The Director shall adopt regulations specifying the costs and the methodology for determining the costs that are associated with a dishonored return.

(4) The service charge imposed under paragraph (1) of this subsection shall be in addition to any other fees or charges authorized to be charged under this article.

(d) A licensed agent shall be charged:

(1) as provided in § 13-604(a) of the Tax - General Article, interest on the money that is not paid to the Agency within 10 days after the due date; and

(2) if the Agency refers the debt to the Central Collection Unit of the Department of Budget and Management, an additional fee sufficient to cover administrative and collection costs, in an amount equal to any fee charged by the Central Collection Unit in accordance with § 3-304(a)(2) of the State Finance and Procurement Article.

(e) (1) The amount, including any interest or penalty charge, due to the Agency from a licensed agent, as of the time that notice of the lien is filed:

(i) is a lien on the property of that licensed agent; and

(ii) subject to paragraph (5) of this subsection, has the same effect as a judgment lien.

(2) The Agency shall:

(i) file a notice of the lien with the clerk of the circuit court for the county where the property is located; and

(ii) mail a copy of the notice to the business address of the licensed agent.

(3) The clerk of court promptly shall enter in the judgment docket of the court:

(i) the name of the licensed agent;

(ii) the amount of the lien; and

(iii) the date of the lien.

(4) Within 30 days after the lien is filed, the licensed agent may petition the court for a hearing as to the amount that is due to the Agency.

(5) Until an officer of a court levies on personal property, the lien is not effective against an innocent buyer for value.

§9–120.

(a) The Comptroller shall distribute, or cause to be distributed, the State Lottery Fund to pay:

(1) on a pro rata basis for the daily and nondaily State lottery games, the expenses of administering and operating the State lottery, as authorized under this subtitle and the State budget; and

(2) then, except as provided in § 10–113.1 of the Family Law Article, § 11–618 of the Criminal Procedure Article, and § 3–307 of the State Finance and Procurement Article, the holder of each winning ticket or share.

(b) (1) By the end of the month following collection, the Comptroller shall deposit, cause to be deposited, or pay:

(i) 1. after June 30, 2023, but not later than June 30, 2026, into the Maryland Stadium Facilities Fund established under § 7–312 of the State Finance and Procurement Article from the money that remains in the State Lottery Fund, after the distribution under subsection (a) of this section, an amount not to exceed $14,200,000 in each fiscal year;

2. after June 30, 2023, but not later than June 30, 2026, from the money that remains in the State Lottery Fund after the distribution under subsection (a) of this section, an amount for each fiscal year not to exceed:

A. $34,900,000 into the Camden Yards Football Sports Facility Supplemental Financing Fund established under § 10–652.1 of the Economic Development Article; and

B. $40,900,000 into the Camden Yards Baseball Sports Facility Supplemental Financing Fund established under § 10–652.2 of the Economic Development Article;

3. after June 30, 2026, but not later than June 30, 2039, into the Maryland Stadium Facilities Fund established under § 7–312 of the State Finance and Procurement Article from the money that remains in the State Lottery Fund, after the distribution under subsection (a) of this section, an amount not to exceed $3,360,000 in each fiscal year;

4. after June 30, 2026, but not later than June 30, 2039, from the money that remains in the State Lottery Fund after the distribution under subsection (a) of this section, an amount for each fiscal year not to exceed:

A. $45,000,000 into the Camden Yards Football Sports Facility Supplemental Financing Fund established under § 10–652.1 of the Economic Development Article; and

B. $41,640,000 into the Camden Yards Baseball Sports Facility Supplemental Financing Fund established under § 10–652.2 of the Economic Development Article; and

5. after June 30, 2039, from the money that remains in the State Lottery Fund after the distribution under subsection (a) of this section, an amount for each fiscal year not to exceed:

A. $45,000,000 into the Camden Yards Football Sports Facility Supplemental Financing Fund established under § 10–652.1 of the Economic Development Article; and

B. $45,000,000 into the Camden Yards Baseball Sports Facility Supplemental Financing Fund established under § 10–652.2 of the Economic Development Article;

(ii) after June 30, 2014, into the Maryland Veterans Trust Fund 10% of the money that remains in the State Lottery Fund from the proceeds of sales of tickets from instant ticket lottery machines by veterans' organizations under § 9–112(d) of this subtitle, after the distribution under subsection (a) of this section;

(iii) after June 30, 2014, into the Baltimore City Public School Construction Financing Fund established under § 10–656 of the Economic Development Article the money that remains in the State Lottery Fund from the proceeds of all lotteries after the distributions under subsection (a) of this section and items (i) and (ii) of this paragraph, an amount equal to $20,000,000 in each fiscal year

that bonds are outstanding and unpaid, to be paid in two installments with at least $10,000,000 paid no later than December 1 of each fiscal year;

(iv) after June 30, 2021, into the Racing and Community Development Financing Fund established under § 10–657.2 of the Economic Development Article from the money that remains in the State Lottery Fund, after the distribution under subsection (a) of this section, an amount equal to $17,000,000 in each fiscal year until the bonds issued for a racing facility have matured;

(v) after June 30, 2020, into the Michael Erin Busch Sports Fund established under § 10–612.2 of the Economic Development Article from the money that remains in the State Lottery Fund from the proceeds of all lotteries after the distributions under subsection (a) of this section and items (i) through (iv) of this paragraph, an amount equal to $1,000,000 in each fiscal year;

(vi) after June 30, 2021, a grant to the Maryland Humanities Council for Maryland History Day and other programming from the money that remains in the State Lottery Fund after the distributions under subsection (a) of this section and items (i) through (v) of this paragraph, an amount equal to $150,000 in each fiscal year;

(vii) after June 30, 2021, to Anne Arundel County or Baltimore City each fiscal year the amount required to be distributed under § 9–1A–31(a)(7)(ii) of this title to be used as required under § 9–1A–31 of this title;

(viii) after June 30, 2022, into the Maggie McIntosh School Arts Fund established under § 5–243 of the Education Article from the money that remains in the State Lottery Fund from the proceeds of all other lotteries after the distributions under subsection (a) of this section and items (i) through (vii) of this paragraph, an amount equal to $250,000 in each fiscal year;

(ix) after June 1, 2022, to the Sports Entertainment Facilities Financing Fund established under § 10–657.5 of the Economic Development Article from the money that remains in the State Lottery Fund from the proceeds of all lotteries after the distributions under subsection (a) of this section and items (i) through (viii) of this paragraph, an amount not to exceed $25,000,000 to be paid in two installments not later than November 1 and June 1 of each fiscal year;

(x) after June 30, 2022, to the Major Sports and Entertainment Event Program Fund established under § 10–611.2 of the Economic Development Article from the money that remains in the State Lottery Fund from the proceeds of all lotteries after the distributions under subsection (a) of this section and items (i) through (ix) of this paragraph:

1. for fiscal year 2023, an amount equal to $10,000,000; and

2. for each fiscal year thereafter, the amount necessary to restore the Major Sports and Entertainment Event Program Fund to a balance of $10,000,000;

(xi) after June 30, 2024, into the Bus Rapid Transit Fund established under § 2–802.1 of the Transportation Article for bus rapid transit system grants in accordance with § 2–802 of the Transportation Article from the money that remains in the State Lottery Fund from the proceeds of all lotteries after the distributions under subsection (a) of this section and items (i) through (x) of this paragraph, an amount equal to $27,000,000 in each fiscal year;

(xii) after June 30, 2024, into the Prince George's County Blue Line Corridor Facility Fund established under § 10–657.6 of the Economic Development Article from the money that remains in the State Lottery Fund from the proceeds of all lotteries after the distributions under subsection (a) of this section and items (i) through (xi) of this paragraph, $27,000,000;

(xiii) after June 30, 2024, a supplemental local impact grant of $3,000,000 each fiscal year to the County Executive and County Council of Prince George's County from the money that remains in the State Lottery Fund from the proceeds of all lotteries after the distributions under subsection (a) of this section and items (i) through (xii) of this paragraph to be distributed in Prince George's County in accordance with § 9–1A–31 of this title; and

(xiv) into the General Fund of the State the money that remains in the State Lottery Fund from the proceeds of all lotteries after the distributions under subsection (a) of this section and items (i) through (xiii) of this paragraph.

(2) The money paid into the General Fund under this subsection is available in the fiscal year in which the money accumulates in the State Lottery Fund.

(c) The regulations of the Agency shall apportion the money in the State Lottery Fund in accordance with subsection (b) of this section.

§9–122.

(a) The regulations of the Agency shall provide for winning tickets to be drawn at least once a week.

(b) (1) Except as otherwise provided in this subsection, § 10–113.1 of the Family Law Article, § 11–618 of the Criminal Procedure Article, and § 3–307 of the State Finance and Procurement Article, a prize won under this subtitle is not assignable.

(2) If the prize winner dies before the prize is paid, the prize may be paid to the estate of the prize winner.

(3) Under appropriate court order, a prize won under this subtitle may be paid to a person other than the winner.

(4) (i) The right of a person to receive payment under a prize that is paid in installments over time by the Agency may be voluntarily assigned as a whole or in part, if the assignment is made to a person designated in accordance with an order of the circuit court in the county where the headquarters of the Agency is located.

(ii) A circuit court specified under subparagraph (i) of this paragraph may hear petitions for approval of voluntary assignments.

(iii) On the filing by the assignor or the assignee in the circuit court of a petition seeking approval of a voluntary assignment, the court shall issue an order approving a voluntary assignment and directing the Agency to make prize payments as a whole or in part to the assignee if the court finds that:

1. the assignment is in writing, is executed by the assignor, and is by its terms subject to the laws of this State;

2. the assignor provides a sworn affidavit attesting that the assignor is of sound mind, is in full command of the assignor's faculties, and is not acting under duress;

3. the assignor has been advised about the assignment by an independent attorney who is not related to and not compensated by the assignee or an affiliate of the assignee;

4. the assignor has received independent financial or tax advice concerning the effects of the assignment from an attorney or other professional who is unrelated to and is not compensated by the assignee or an affiliate of the assignee;

5. the assignor understands that the assignor will not receive the prize payments or parts of payments during the years assigned;

6. the assignor understands and agrees the Agency, Commission, and officials and employees of the Agency are not liable or responsible for making any of the assigned payments;

7. the assignee provides the assignor with a one–page disclosure statement that sets forth in bold type not less than 14 points in size the payments being assigned by amount and payment date, the purchase price, the rate of discount to present value assuming daily compounding and funding on the contract date, and any origination or closing fee that will be charged to the assignor; and

8. the contract of assignment expressly states that the assignor has 5 business days after signing the contract to cancel the assignment.

(iv) 1. Written notice of the petition and proposed assignment and any court hearing concerning the petition and proposed assignment shall be given to the Agency's counsel at least 30 days before a court hearing.

2. The Agency need not appear in or be named as party to an action that seeks judicial approval of an assignment but may intervene as of right in the action.

3. A certified copy of a court order approving a voluntary assignment shall be given to the Agency not later than 60 days before the date on which the payment is to be made.

(v) Beginning October 1, 2006, the Agency, not later than 30 days after receiving a certified copy of a court order approving a voluntary assignment, shall send the assignor and the assignee written confirmation of:

1. the court–approved assignment; and

2. the intent of the Agency to rely on the assignment in making payments to the assignee named in the order.

(vi) A voluntary assignment may not include or cover payments or parts of payments to the extent that the payments are subject to child support payments, criminal restitution, or bankruptcy proceedings as of the date of the court order approving a voluntary assignment.

(vii) 1. The Agency, the Commission, and officials and employees of the Agency are not liable under this paragraph after payment of an assigned prize is made.

2. The assignor and assignee shall hold harmless and indemnify the Agency, the Commission, and the State and its employees and agents from all claims, suits, actions, complaints, or liabilities related to the assignment.

(viii) 1. The Agency may establish a reasonable fee to defray administrative expenses associated with assignments made under this section, including a processing fee imposed by a private annuity provider.

2. The amount of the fee shall reflect the direct and indirect costs of processing assignments.

(ix) 1. A contract of assignment in which the assignor is a lottery winner shall include a sworn affidavit in a form that the Agency provides and the assignee completes.

2. Until the Agency provides the form, an assignee may use its own form that includes the information required in subsubparagraph 3 of this subparagraph.

3. The affidavit shall include:

A. a summary of assignee contacts with the winner;

B. a summary of any complaints, lawsuits, claims, or other legal actions from lottery winners regarding conduct of the assignee or its agents;

C. a statement that the assignee is registered to do business in the State and is in good standing with the Department of Assessments and Taxation and any other licensing or regulatory unit whose approval is required in the conduct of the assignee's business;

D. a brief business history of the assignee;

E. a description of the business of the assignee; and

F. a statement of the assignee's privacy and nonharassment policies and express affirmation that the assignee has followed those policies in the State.

4. The affidavit shall be provided only by the assignee who enters into the contract with the lottery winner or the estate of a lottery winner.

(x) The assignee shall notify the Agency of its business location and mailing address for payment purposes and of any change in location or address during the entire course of the assignment.

(xi) An assignment may be made by a husband and wife who are co–owners of a prize only if they jointly assign the prize to an assignee.

(xii) 1. A court order or a combination of court orders under this section may not require the Agency to divide a single prize payment among more than three different persons.

2. This section does not prohibit the substitution of assignees as long as there are not more than three assignees at any one time for any one prize payment.

3. Any subsequent assignee is bound as the original assignee by the provisions of this section and the terms and conditions of the contract of assignment.

(xiii) If the Internal Revenue Service or a court of competent jurisdiction issues a determination letter, revenue ruling, or other public document declaring that the voluntary assignment of prizes will affect the federal income tax treatment of lottery prize winners who do not assign their prizes:

1. within 15 days after the Agency receives the letter, ruling, or other document, the Director of the Agency shall file a copy of it with the Attorney General; and

2. a court may not issue an order authorizing a voluntary assignment under this paragraph.

(xiv) This paragraph shall prevail over any inconsistent provision in § 9–406 of the Commercial Law Article.

(xv) A contract or agreement made or entered into on or before May 31, 2006, that purports to voluntarily assign or grant an interest in prize payments is void.

(c) The Director may establish by regulation the amount a licensed agent may pay in cash game prizes.

(d) (1) (i) In this subsection the following words have the meanings indicated.

(ii) "Financial institution" has the meaning stated in § 13–301 of the Estates and Trusts Article.

(iii) "Guardian" has the meaning stated in § 13–101 of the Estates and Trusts Article.

(iv) "Member of the minor's family" has the meaning stated in § 13–301 of the Estates and Trusts Article.

(2) If a minor wins a prize of less than $5,000, the Director may give a draft, as provided for in rules and regulations of the Agency payable to the order of the minor, to:

(i) an adult member of the minor's family; or

(ii) a guardian of the minor.

(3) If a minor wins $5,000 or more, the Director may deposit the prize in a financial institution to the credit of one of the following, as custodian for the minor:

(i) an adult member of the minor's family; or

(ii) a guardian of the minor.

(4) A custodian under paragraph (3) of this subsection has the same powers and duties as a custodian under the Maryland Uniform Transfers to Minors Act.

(e) On payment of a prize in accordance with this section, the Director is discharged of all liability.

(f) (1) A prize winner shall claim a prize within 182 days after the drawing in which the prize is won.

(2) Except as provided in paragraph (3) of this subsection, the Director shall keep an unclaimed prize:

(i) for 182 days after the drawing in which the prize is won, for payment of the winner; and

(ii) then in an unclaimed prize fund for use for other prizes.

(3) For a game that the Agency designates as a bonus game or drawing and that is not a daily or weekly State lottery drawing, the period for claiming a prize may differ from the period set in paragraph (2) of this subsection.

(g) (1) Unless otherwise specifically provided by the laws of the State, and except for prizes paid for any multistate lottery game, the State and every officer, department, agency, board, commission, or other unit of State government may not raise the defense of sovereign immunity in the courts of the State in an action in contract brought by an annuitant or prize winner that is based on the liability of the State to pay an annuitant or prize winner the prize that the annuitant is entitled to receive in accordance with this subtitle and any regulations adopted under this subtitle.

(2) Notwithstanding any other provision of law, the State may raise the defense of sovereign immunity to a contract action brought by an annuitant or prize winner of any multistate lottery game, for any claim that exceeds $200,000.

§9–123.

A State lottery ticket or share may not be bought by and a prize may not be given to:

(1) an officer or employee of the Agency; or

(2) an individual who is a spouse, child, parent, or sibling of an officer or employee of the Agency and resides in the principal residence of the officer or employee.

§9–124.

(a) This section does not prohibit:

(1) giving a State lottery ticket or share as a gift;

(2) buying a State lottery ticket or share as a gift for a minor; or

(3) the Agency from directly selling any State lottery ticket to the public as provided in § 9–111(d) of this subtitle.

(b) Except as otherwise provided in this section, a person or governmental unit may not:

(1) hold itself out to the public as a State lottery sales agent without being licensed by the Agency to act as a licensed agent;

(2) unless a licensed agent or employee of a licensed agent, sell a State lottery ticket or share;

(3) sell or purchase:

(i) a State lottery ticket or share at any price other than the price that the regulations of the Agency set; or

(ii) the prize validated for payment by the Agency;

(4) sell a State lottery ticket or share to a minor;

(5) knowingly present a counterfeit or altered State lottery ticket or share for payment;

(6) knowingly transfer a counterfeit or altered State lottery ticket or share to another person to present for payment; or

(7) knowingly purchase a State lottery ticket or share from another person with the intent to deceive or circumvent the payment of prize winnings to the State, in accordance with:

(i) § 11–616(b) of the Criminal Procedure Article;

(ii) § 10–113.1(b) of the Family Law Article;

(iii) § 3–307 of the State Finance and Procurement Article; or

(iv) § 10–905(c)(3) of the Tax – General Article.

(c) Unless a person receives written authorization from the Agency, the person may not use the term "Maryland State lottery", "Maryland lottery", "State lottery", "Maryland State Lottery Agency", "Maryland State Lottery and Gaming Control Agency", "Maryland State Lottery Commission", "Maryland State Lottery and Gaming Control Commission", or any variation of these terms in the title or name of a charitable or commercial enterprise, product, or service.

(d) (1) A licensed agent may not fail to report, as required by the Internal Revenue Service or the Agency, income tax information relating to holders of winning lottery tickets.

(2) For prizes of over $600, a licensed agent may not fail to determine, through the Agency and prior to paying the prize whether a holder of a winning lottery ticket has been certified under:

(i) § 11–616(b) of the Criminal Procedure Article;

(ii) § 10–113.1(b) of the Family Law Article; or

(iii) § 3–307 of the State Finance and Procurement Article.

(3) A licensed agent may not pay a prize to a holder of a winning lottery ticket if the Agency has notified the licensed agent that the holder has been certified under:

(i) § 11–616(b) of the Criminal Procedure Article;

(ii) § 10–113.1 of the Family Law Article; or

(iii) § 3–307 of the State Finance and Procurement Article.

(4) A licensed agent may not:

(i) pay a prize winner less than the lawfully due prize amount;

(ii) deceive or conspire with another person to pay less than the lawfully due prize amount to any prize winner;

(iii) seek payment or claim reimbursement of a cashing fee for cashing a winning ticket for less than the lawfully due prize amount; or

(iv) receive a cashing fee for cashing a winning ticket filed in error.

(e) A person who violates any provision of subsection (b), (c), or (d) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $2,500 or imprisonment not exceeding 3 years or both.

§9–125.

This subtitle may be cited as the "Maryland State Lottery Law".

§9–1A–01.

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

(b) "Applicant" means a person who applies for any license required under this subtitle.

(c) "Associated equipment" means hardware located on the licensee's premises that is connected to the video lottery system for the purpose of performing communication, validation, or other functions, but not including the communication facilities of a regulated utility or the video lottery terminals.

(d) "Average payout percentage" means the average percentage of money used by players to play a video lottery terminal that is returned to players of that video lottery terminal.

(e) "Award" means the act, by the Video Lottery Facility Location Commission, of approving the issuance of a video lottery operation license by the State Lottery and Gaming Control Commission to an applicant for the operation of video lottery terminals at a specified location.

(f) "Background investigation" means a security, criminal, and credit investigation of a person who applies for or who is granted a license under this subtitle.

(g) "Career offender" means a person whose behavior is pursued in an occupational manner or context for the purpose of economic gain and who utilizes methods that are deemed by the Commission as criminal violations inimical to the interest of the State.

(h) "Career offender cartel" means a group of persons who operate together as career offenders.

(i) "Central monitor and control system" means a central system provided to and controlled by the Commission to which video lottery terminals communicate for purposes of:

(1) information retrieval;

(2) retrieval of the win and loss determination from video lottery terminals; and

(3) programs to activate and disable video lottery terminals.

(j) "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(k) "Commission" means the State Lottery and Gaming Control Commission.

(l) "Control" means the authority to direct the management and policies of an applicant or licensee.

(m) "Costs" means, unless the context otherwise requires, the expenses incurred by the Commission in the administration of this subtitle, including:

(1) the costs of leasing or the capitalized cost of purchasing the video lottery terminals, central monitor and control system, and associated equipment and software;

(2) the costs to repair and maintain the video lottery terminals, central monitor and control system, and associated equipment and software to the extent these costs are not included in the costs of leasing or purchasing the video lottery terminals, central monitor and control system, and associated equipment and software;

(3) the costs of testing and examination of video lottery terminals and the central monitor and control system; and

(4) the costs of performing background investigations and other related activities.

(n) "Family" means spouse, parents, grandparents, children, grandchildren, siblings, uncles, aunts, nephews, nieces, fathers–in–law, mothers–in–law, daughters–in–law, sons–in–law, brothers–in–law, and sisters–in–law, whether by whole blood or half blood, marriage, adoption, or natural relationship.

(o) "Institutional investor" means:

(1) a retirement fund administered by a public agency for the exclusive benefit of federal, state, or local public employees;

(2) an investment company registered under the Investment Company Act of 1940;

(3) a collective investment trust organized by banks under Part 9 of the rules of the Comptroller of the Currency;

(4) a closed end investment trust;

(5) a chartered or licensed life insurance company;

(6) a property and casualty insurance company;

(7) a banking or other chartered or licensed lending institution;

(8) an investment advisor registered under the Investment Advisors Act of 1940; or

(9) any other person registered in any foreign jurisdiction and regulated in accordance with a statute of any foreign jurisdiction that the Commission determines to be substantially similar to that regulated by the Investment Company Act of 1940 or the Investment Advisors Act of 1940.

(p) "License" means, unless the context otherwise requires, a license required under this subtitle.

(q) "Licensee" means an applicant who has been issued a license required under this subtitle.

(r) "Manufacturer" means a person:

(1) (i) that is engaged in the business of designing, building, constructing, assembling, manufacturing, or distributing a central monitor and control system, video lottery terminals, associated equipment or software, or the cabinet in which a video lottery terminal is housed;

(ii) that produces a product that is intended for sale, lease, or other assignment to the Commission or a licensee; and

(iii) that contracts with the Commission or a licensee for the sale, lease, or other assignment of a product described in item (i) of this item; or

(2) (i) that is engaged in the business of designing, building, constructing, assembling, manufacturing, or distributing table games or table game equipment;

(ii) that produces a product related to table games that is intended for sale, lease, or other assignment to a licensee; and

(iii) that contracts with a licensee for the sale, lease, or other assignment of a product described in item (i) of this item.

(s) "Own" means having a beneficial or proprietary interest of at least 5% in the property or business of an applicant or licensee.

(t) "Player" means an individual who plays a video lottery terminal at a video lottery facility licensed by the Commission.

(u) (1) "Proceeds" means the part of the amount of money bet through video lottery terminals and table games that is not returned to successful players but is otherwise allocated under this subtitle.

(2) (i) "Proceeds" may be reduced consistent with regulations adopted by the Commission in accordance with subparagraph (ii) of this paragraph.

(ii) If a video lottery operation licensee returns to successful players more than the amount of money bet through video lottery terminals or table games on a given day, the video lottery licensee may subtract that amount from the proceeds of up to 7 following days.

(3) (i) Subject to subparagraph (ii) of this paragraph, "proceeds" does not include money given away by a video lottery operation licensee as free promotional play and used by players to bet in a video lottery terminal or at a table game.

(ii) After the first fiscal year of operations, the exclusion specified in subparagraph (i) of this paragraph may not exceed a percentage established by the Commission by regulation of the proceeds received from video lottery terminals and table games in the prior fiscal year by the video lottery operation licensee under § 9–1A–27(a)(2), (c)(1)(ii), and (d)(1) of this subtitle.

(v) "Progressive jackpot" means a prize that increases as one or more video lottery terminals are connected to a progressive jackpot system.

(w) "Progressive jackpot system" means a system capable of linking one or more video lottery terminals in one or more licensed facilities and offering one or more common progressive jackpots.

(w–1) "Table game equipment" means equipment that is related to the operation of table games and that is owned or leased by the video lottery facility and located on the video lottery facility's premises.

(w–2) "Table games" means:

(1) roulette, baccarat, blackjack, craps, big six wheel, minibaccarat, poker, pai gow poker, and sic bo, or any variation and composites of such games; and

(2) gaming tournaments in which players compete against one another in one or more of the games authorized under item (1) of this subsection.

(x) "Video lottery" means gaming or betting conducted using a video lottery terminal.

(y) "Video lottery destination location" means a location that is eligible for or has been awarded in the manner provided by law a video lottery operation license.

(z) "Video lottery employee" means an employee of a person who holds a license.

(aa) "Video lottery facility" means:

(1) a facility at which players play video lottery terminals and table games under this subtitle; and

(2) a casino for the purposes of the federal Bank Secrecy Act of 1970 and its related regulations.

(bb) "Video lottery operation license" means a license awarded by the Video Lottery Facility Location Commission and issued by the State Lottery and Gaming Control Commission to a person that allows players to play video lottery terminals and table games.

(cc) "Video lottery operator" means a person licensed to operate a video lottery facility under this subtitle.

(dd) (1) "Video lottery terminal" means any machine or other device that, on insertion of a bill, coin, token, voucher, ticket, coupon, or similar item, or on payment of any consideration:

(i) is available to play or simulate the play of any game of chance in which the results, including the options available to the player, are randomly determined by the machine or other device; and

(ii) by the element of chance, may deliver or entitle the player who operates the machine or device to receive cash, premiums, merchandise, tokens, or anything of value, whether the payout is made automatically from the device or in any other manner.

(2) "Video lottery terminal" includes a machine or device:

(i) that does not directly dispense money, tokens, or anything of value to winning players; and

(ii) described under paragraph (1) of this subsection that uses an electronic credit system making the deposit of bills, coins, or tokens unnecessary.

(3) "Video lottery terminal" does not include an authorized slot machine operated by an eligible organization under Title 12, Subtitle 3 of the Criminal Law Article.

§9–1A–02.

(a) This subtitle is statewide and exclusive in its effect.

(b) (1) The Commission shall regulate the operation of video lottery terminals in accordance with this subtitle.

(2) The Maryland State Lottery and Gaming Control Agency shall provide assistance to the Commission in the performance of the Commission's duties under this subtitle.

(3) The Commission shall regulate the operation of table games in accordance with this subtitle.

(c) (1) This subtitle authorizes the operation of video lottery terminals that are connected to a central monitor and control system owned or leased by the State that allows the Commission to monitor a video lottery terminal.

(2) The Commission shall provide and operate a single central monitor and control system into which all licensed video lottery terminals must be connected.

(3) The central monitor and control system shall be capable of:

(i) continuously monitoring, retrieving, and auditing the operations, financial data, and program information of all video lottery terminals;

(ii) allowing the Commission to account for all money inserted in and payouts made from any video lottery terminal;

(iii) disabling from operation or play any video lottery terminal as the Commission deems necessary to carry out the provisions of this subtitle;

(iv) supporting and monitoring a progressive jackpot system capable of operating one or more progressive jackpots; and

(v) providing any other function that the Commission considers necessary.

(4) The central monitor and control system shall employ a widely accepted gaming industry communications protocol to facilitate the ability of video lottery terminal manufacturers to communicate with the statewide system.

(5) (i) Except as provided in subparagraph (ii) of this paragraph, the Commission may not allow a video lottery operation licensee to have access to, or obtain information from, the central monitor and control system.

(ii) Only if the access does not in any way affect the integrity or security of the central monitor and control system, may the Commission allow a video lottery operation licensee to have access to the central monitor and control system that allows the licensee to obtain information pertinent to the legitimate operation of a video lottery facility.

(d) Only a person with a video lottery operation license issued under this subtitle may offer a video lottery terminal and table games for public use in the State under this subtitle.

§9–1A–03.

(a) Except as provided in subsection (b) of this section, any additional forms or expansion of commercial gaming other than as expressly provided in this subtitle and Subtitle 1E of this title are prohibited.

(b) This subtitle, including the authority provided to the Commission under this subtitle, does not apply to:

(1) lotteries conducted under Subtitle 1 of this title;

(2) wagering on horse racing conducted under Title 11 of the Business Regulation Article;

(3) the operation of slot machines as provided under Titles 12 and 13 of the Criminal Law Article; or

(4) other gaming conducted under Titles 12 and 13 of the Criminal Law Article.

§9–1A–04.

(a) The Commission shall:

(1) promptly and in reasonable order, make a determination on license applications and causes affecting the granting or renewal of licenses under this subtitle;

(2) issue licenses in accordance with this subtitle;

(3) after a hearing, promptly and in reasonable order, make a determination on the suspension or revocation of licenses under this subtitle;

(4) except as provided in subsection (b)(1)(v) of this section, after a hearing, suspend or revoke as applicable the license of a licensee who has a license suspended or revoked in another state;

(5) conduct hearings concerning civil violations of this subtitle or regulations issued under this subtitle;

(6) collect application, license, and other fees to cover the administrative costs of this subtitle related to licensing;

(7) deposit application, license, and other fees to a bank account that the State Treasurer designates to the credit of the State Lottery Fund to cover the administrative costs of this subtitle related to licensing;

(8) levy and collect civil penalties for civil violations of the provisions of this subtitle or regulations issued under this subtitle;

(9) be present at a video lottery operation through its employees and agents at any time during the operation of any video lottery terminal or table game for the purpose of certifying revenue from the video lottery terminals or table games, receiving complaints from the public, and conducting any other investigation into the operation of the video lottery terminals or table games and the maintenance of the video lottery terminals and associated equipment and software and table games and table game equipment as the Commission may deem necessary and proper;

(10) review and rule on any complaint by a licensee regarding any investigative procedures of the Commission that are unnecessarily disruptive of video lottery and table games operations; and

(11) authorize a holder of a video lottery operation license under this subtitle to offer table games to the public in the State.

(b) (1) The Commission may:

(i) issue subpoenas to compel the attendance of witnesses at any place within the State in the course of any investigation or hearing under this subtitle;

(ii) administer oaths and require testimony under oath before the Commission in the course of any investigation or hearing conducted under this subtitle;

(iii) serve or cause to be served its process or notices in a manner provided for service of process in civil actions under the Maryland Rules;

(iv) propound written interrogatories; and

(v) suspend a license on an emergency basis if it is determined that the suspension is necessary to protect the State's gaming program against a serious and imminent risk of harm to its integrity, security, or profitability.

(2) If the Commission suspends a license on an emergency basis, the Commission shall schedule promptly a hearing on the suspension and provide the licensee with written notice of the suspension.

(3) The Commission may delegate to the Director its authority under paragraph (1) of this subsection.

(c) Except as otherwise provided in this subtitle, the Commission shall conduct a hearing in the same manner as specified in Title 10, Subtitle 2 of this article.

(d) The Commission shall adopt regulations that include the following specific provisions in accordance with this subtitle:

(1) establishing the methods and forms of application that an applicant for any license required under this subtitle shall follow and complete before consideration of the application by the Commission;

(2) establishing the methods, procedures, and form for delivery of information from an applicant or licensee concerning any person's family, habits, character, associates, criminal record, business activities, and financial affairs;

(3) establishing the procedures for the fingerprinting of an applicant for any license required under this subtitle or other methods of identification that

may be necessary in the judgment of the Commission to accomplish effective enforcement of the provisions of this subtitle;

(4) establishing the manner and procedure of hearings conducted by the Commission;

(5) establishing the manner and method of collection of taxes, fees, and civil penalties;

(6) defining and limiting the areas of operation for video lottery terminals and table games, rules of video lottery terminals and table games, odds for video lottery terminals and table games, the types and values of promotional items that may be given away to encourage play of video lottery terminals and table games, the method of operation of the video lottery terminals and table games, and the number and types of table games;

(7) regulating the practice and procedures for negotiable transactions involving players, including limitations on the circumstances and amounts of negotiable transactions and the establishment of forms and procedures for negotiable instrument transactions, redemptions, and consolidations;

(8) prescribing the grounds and procedures for reprimands of licensees or the revocation or suspension of licenses issued under this subtitle;

(9) governing the manufacture, distribution, sale, and servicing of video lottery terminals and table games;

(10) establishing the procedures, forms, and methods of management controls;

(11) providing for minimum uniform standards of accountancy methods, procedures, and forms as are necessary to ensure consistency, comparability, and effective disclosure of all financial information, including percentages of profit for video lottery terminals and table games;

(12) establishing periodic financial reports and the form of the reports, including an annual audit prepared by a certified public accountant licensed to do business in the State, disclosing whether the accounts, records, and control procedures examined are maintained by the video lottery operation licensee as required by this subtitle and the regulations that shall be issued under this subtitle;

(13) requiring licensees under this subtitle to demonstrate and maintain financial viability;

(14) ensuring that the operation of video lottery terminals, table games, and video lottery facilities is conducted legally;

(15) establishing procedures for the removal of video lottery terminals from a video lottery facility;

(16) determining the suitability of:

(i) the use of any variations or composites of the table games authorized under this subtitle after an appropriate test or experimental period under terms and conditions that the Commission may deem appropriate; and

(ii) any other game that is compatible with the public interest and suitable for casino use after an appropriate test or experimental period deemed appropriate by the Commission;

(17) establishing procedures for accounting for all money exchanged at each table game;

(18) establishing the number of video lottery terminals that may be removed from a video lottery facility to accommodate table games;

(19) requiring each video lottery operator under this subtitle to:

(i) establish procedures to offer players the opportunity to donate coins, when receiving cash on payout, to the Maryland Veterans Trust Fund established under § 9–913 of this title; and

(ii) attach donation boxes near the exits from a video lottery facility, with the proceeds dedicated to the Maryland Veterans Trust Fund; and

(20) otherwise carrying out the provisions of this subtitle.

(e) (1) The Commission shall by regulation require an applicant or licensee to file a bond for the benefit of the State for the faithful performance of the requirements imposed by this subtitle and any regulations issued under this subtitle.

(2) An applicant or licensee shall obtain and submit satisfactory proof of the bond to the Commission before a license is issued or reissued.

(3) The bonds furnished may be applied by the Commission to the payment of an unpaid liability of the licensee.

(4) The Commission by regulation may exempt categories of video lottery and table game employees who are not directly involved in the video lottery and table game operations from the requirements of this subsection if the Commission determines that the requirement is not necessary in order to protect the public interest or accomplish the policies established under this subtitle.

(f) (1) The Commission shall promptly and thoroughly investigate all applications and enforce this subtitle and regulations that are adopted under this subtitle.

(2) The Commission and its employees and agents shall have the authority, without notice and without warrant, to:

(i) inspect and examine all premises in which video lottery and table game operations under this subtitle are conducted or any authorized table games, table game equipment, video lottery terminals, central monitor and control system, or associated equipment and software designed, built, constructed, assembled, manufactured, sold, distributed, or serviced, or in which records of those activities are prepared or maintained;

(ii) inspect any table games, table game equipment, video lottery terminals, central monitor and control system, or associated equipment and software in, about, on, or around those premises;

(iii) seize summarily and remove from those premises and impound, or assume physical control of, any table games, table game equipment, video lottery terminals, central monitor and control system, or associated equipment and software for the purposes of examination and inspection;

(iv) inspect, examine, and audit books, records, and documents concerning a licensee's video lottery and table game operations, including the financial records of a parent corporation, subsidiary corporation, or similar business entity; and

(v) seize, impound, or assume physical control of books, records, ledgers, cash boxes and their contents, a counting room or its equipment, or other physical objects relating to video lottery or table game operations.

(3) A licensee shall authorize any other person having financial records relating to the licensee to provide those records to the Commission.

(g) The Commission may not charge a video lottery facility a fee to offer table games.

(h) The Commission may not permit the operation of video lottery terminals in Prince George's County before the earlier of July 1, 2016, or 30 months after the video lottery facility in Baltimore City is open to the public.

§9–1A–05.

(a) The Video Lottery Facility Location Commission established under § 9–1A–36 of this subtitle may not:

(1) award more than six video lottery operation licenses;

(2) award more than 16,500 video lottery terminals for operation at video lottery facilities in the State;

(3) subject to the requirements of § 9–1A–36(h) and (i) of this subtitle, award more than 4,750 terminals for operation at any video lottery facility; and

(4) for a location in Allegany County:

(i) award a video lottery operation license to an applicant that does not agree to purchase the Rocky Gap Lodge and Resort; and

(ii) notwithstanding § 9–1A–36(i)(2) of this subtitle, award more than 1,500 video lottery terminals for operation at a video lottery facility in Allegany County.

(b) An owner or operator of a video lottery destination location described under § 9–1A–01 of this subtitle may submit an application for a video lottery operation license.

(c) A video lottery operation license issued under this subtitle is not valid at a geographic location other than the geographic location authorized in the license awarded by the Video Lottery Facility Location Commission and issued by the State Lottery and Gaming Control Commission.

(d) (1) In this subsection, "owner" includes any type of owner or beneficiary of a business entity, including an officer, director, principal employee, partner, investor, stockholder, or beneficial owner of the business entity and, notwithstanding any other provisions of this subtitle, including a person having any ownership interest regardless of the percentage of ownership interest.

(2) An individual or business entity may not own an interest in more than one video lottery facility.

(3) A member of the Senate of Maryland or the House of Delegates may not be an owner or an employee of any business entity that holds a video lottery operation license.

(4) Notwithstanding paragraphs (1) and (2) of this subsection:

(i) an individual or business entity may enter into a management agreement to operate a facility located in Allegany County that it does not own, subject to the approval of the Video Lottery Facility Location Commission and the State Lottery and Gaming Control Commission; and

(ii) a holder of a video lottery operation license may apply to the Video Lottery Facility Location Commission for an additional license provided that the application required under § 9–1A–36 of this subtitle includes a plan for divesting from the video lottery operation license held on the date of the application.

§9–1A–06.

(a) The following persons shall be licensed under this subtitle:

(1) a video lottery operator;

(2) a manufacturer;

(3) a person not licensed under item (1) or (2) of this subsection who manages, operates, supplies, provides security for, or provides service, maintenance, or repairs for video lottery terminals or table games; and

(4) a video lottery employee.

(b) The Commission may by regulation require a person that contracts with a licensee and the person's employees to obtain a license under this subtitle if the Commission determines that the licensing requirements are necessary in order to protect the public interest and accomplish the policies established by this subtitle.

(c) (1) Except as provided in paragraph (2) of this subsection, unless an individual holds a valid license issued under this subtitle, the individual may not be employed by a licensee as a video lottery employee.

(2) The Commission by regulation may exempt categories of video lottery employees who are not directly involved in the video lottery operations from the requirement under paragraph (1) of this subsection if the Commission determines that the requirement is not necessary in order to protect the public interest or accomplish the policies established under this subtitle.

(d) For a period of 1 year after the individual's service on the State Lottery and Gaming Control Commission or the Video Lottery Facility Location Commission ends, a licensee may not employ, or enter into a financial relationship with, an individual who has been a member of the State Lottery and Gaming Control Commission or the Video Lottery Facility Location Commission.

§9–1A–07.

(a) Except as provided in § 9–1A–36 of this subtitle, an applicant for a license shall submit to the Commission an application:

(1) in the form that the Commission requires; and

(2) on or before the date set by the Commission.

(b) (1) This subsection does not apply to license fees for a video lottery operation license.

(2) The Commission shall by regulation establish a fee for a license under this subtitle.

(3) An applicant shall submit the fee with the application.

(c) (1) Applicants and licensees shall have the affirmative responsibility to establish by clear and convincing evidence the person's qualifications.

(2) Applicants and licensees shall provide information required by this subtitle and satisfy requests for information relating to qualifications in the form specified by the Commission or the Video Lottery Facility Location Commission, if applicable.

(3) Applicants and licensees shall consent to inspections, searches, and seizures authorized by this subtitle or regulations issued under this subtitle.

(4) (i) Applicants and licensees shall have the continuing duty to:

1. provide assistance or information required by the Commission; and

2. cooperate in an inquiry, investigation, or hearing conducted by the Commission.

(ii) On issuance of a formal request to answer or produce information, evidence, or testimony, if an applicant or licensee refuses to comply, the application or license of the person may be denied, suspended, or revoked by the Commission.

(5) (i) If the applicant is an individual, the applicant shall be photographed and fingerprinted for identification and investigation purposes.

(ii) If the applicant is not an individual, the Commission by regulation may establish the categories of individuals who shall be photographed and fingerprinted for identification and investigation purposes.

(6) (i) Applicants and licensees shall have a duty to inform the Commission of an act or omission that the person knows or should know constitutes a violation of this subtitle or the regulations issued under this subtitle.

(ii) Applicants and licensees may not discriminate against a person who in good faith informs the Commission of an act or omission that the person believes constitutes a violation of this subtitle or the regulations issued under this subtitle.

(7) Applicants and licensees shall produce information, documentation, and assurances to establish the following qualification criteria by clear and convincing evidence:

(i) the financial stability, integrity, and responsibility of the applicant or licensee;

(ii) the integrity of any financial backers, investors, mortgagees, bondholders, and holders of other evidences of indebtedness that bear a relation to the application;

(iii) the applicant's or licensee's good character, honesty, and integrity;

(iv) sufficient business ability and experience of the applicant or licensee; and

(v) that:

1. the applicant or licensee has entered into a labor peace agreement with each labor organization that is actively engaged in representing or attempting to represent video lottery and hospitality industry workers in the State;

2. the labor peace agreement is valid and enforceable under 29 U.S.C. § 158;

3. the labor peace agreement protects the State's revenues by prohibiting the labor organization and its members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the operation of the video lottery facility within the first 5 years of the effective date of the video lottery operation license; and

4. the labor peace agreement applies to all operations at the video lottery facility that are conducted by a lessee or tenant or under a management agreement.

(d) (1) On the filing of an application for any license required under this subtitle and any supplemental information required by the Commission, the Commission shall:

(i) conduct a background investigation under § 9–1A–20 of this subtitle on the qualifications of the applicant and any person who is required to be qualified under this subtitle as a condition of a license; and

(ii) if the applicant is applying for a video lottery operation license, conduct a hearing on the qualifications of the applicant and any person who is required to be qualified under this subtitle as a condition of a license.

(2) The Commission may refer an application for a license to an approved vendor under § 9–1A–20 of this subtitle to conduct the background investigation for the Commission.

(e) (1) Except for a video lottery operation license, after receiving the results of the background investigation, the Commission may either grant a license to an applicant whom the Commission determines to be qualified or deny the license to an applicant whom the Commission determines to be not qualified or disqualified.

(2) If an application for a license is denied, the Commission shall prepare and file an order denying the license with a statement of the reasons for the denial, including the specific findings of fact.

(f) (1) Except for a video lottery operation license as provided in § 9–1A–13 of this subtitle, if satisfied that an applicant is qualified to receive a license, and on tender of all required application, license, and other fees and taxes, and any bond required under § 9–1A–04(e) of this subtitle, the Commission shall issue a license for a term of 5 years.

(2) The Commission may stagger the terms of licenses.

(g) (1) An individual may not knowingly give false information or make a material misstatement in an application required for any license under this subtitle or in any supplemental information required by the Commission.

(2) An individual who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

§9–1A–08.

(a) In addition to other information required by this subtitle, a business entity applying for a video lottery operation license shall provide the following information:

(1) the organization, financial structure, and nature of all businesses operated by the business entity;

(2) the names, personal employment, and, when applicable, criminal histories of the officers, directors, partners, and principal employees of the business entity;

(3) the names of all holding, intermediary, and subsidiary companies or other similar business entities of the business entity;

(4) the organization, financial structure, and nature of all businesses operated by the business entity's holding, intermediary, and subsidiary companies or other similar business entities;

(5) the rights and privileges acquired by the holders of different classes of authorized securities, partnership interests, or other similar ownership interests of the business entity and its holding, intermediary, and subsidiary companies or other similar business entities;

(6) the terms on which the securities, partnership interests, or other similar ownership interests have been or are to be offered;

(7) the terms and conditions of all outstanding loans, mortgages, trust deeds, pledges, or other indebtedness or security devices utilized by the business entity;

(8) the extent of the equity security holding in the business entity of the officers, directors, partners, and underwriters and their remuneration in the form of salary, wages, fees, or otherwise;

(9) the names of persons other than the directors and officers who occupy positions specified by the Commission or whose compensation exceeds an amount determined by the Commission;

(10) the names of persons who own or control the business entity;

(11) a description of all bonus and profit sharing arrangements;

(12) copies of management and service contracts; and

(13) a listing of stock options.

(b) If a business entity that applies for a video lottery operation license is a subsidiary or if a business entity holding a video lottery operation license is to become a subsidiary, each holding company and each intermediary company with respect to the business entity shall, as a condition of the subsidiary acquiring or retaining a video lottery operation license:

(1) qualify to do business in the State; or

(2) furnish the Commission with the information required under subsection (a) of this section and other information that the Commission or the Video Lottery Facility Location Commission may require.

(c) (1) Except as provided in paragraph (2) of this subsection, an individual applying for a video lottery operation license shall provide, to the extent applicable to an individual, the information required under subsection (a) of this section in the form required by the Commission.

(2) The Commission may waive the requirement to provide the information required under subsection (a) of this section for an institutional investor.

(d) The Commission shall disqualify an applicant for a video lottery operation license on the basis of any of the following criteria:

(1) failure of the applicant to prove by clear and convincing evidence that the applicant and each person who owns or controls the application are qualified under the provisions of this subtitle;

(2) failure of the applicant or any person required to be qualified under this subtitle as a condition of a license to provide information, documentation, and assurances required by this subtitle or requested by the Commission;

(3) failure of the applicant or any person required to be qualified under this subtitle as a condition of a license to reveal any fact material to qualification;

(4) supplying, by the applicant or any person required to be qualified under this subtitle as a condition of a license, information that is untrue or misleading as to a material fact concerning the qualification criteria;

(5) conviction of the applicant or of any person required to be qualified under this subtitle as a condition of a license of an offense under the laws of any jurisdiction that is a criminal offense involving moral turpitude or a gambling offense;

(6) current prosecution of the applicant or a person who is required to be qualified under this subtitle as a condition of a license for an offense described under item (5) of this subsection, provided that, at the request of the applicant, the Commission may defer its decision on the application during the pendency of the charge;

(7) pursuit by the applicant or a person who is required to be qualified under this subtitle as a condition of a license of economic gain in an occupational manner or context that is in violation of the laws of the State, if the pursuit creates a reasonable belief that participation of the applicant in video lottery operations would be inimical to the policies of this subtitle;

(8) identification of the applicant or a person who is required to be qualified under this subtitle as a condition of a license as a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel in a manner that creates a reasonable belief that the association is of a nature as to be inimical to the policies of this subtitle;

(9) commission of an act within the prior 7 years by the applicant or a person who is required to be qualified under this subtitle as a condition of a license that would constitute an offense described under item (5) of this subsection, even if the act was not prosecuted or may not be prosecuted under the criminal laws of any jurisdiction; and

(10) willful defiance by the applicant or a person who is required to be qualified under this subtitle as a condition of a license of a legislative investigatory body or other official investigatory body of the United States or a jurisdiction within

the United States when the body is engaged in the investigation of crimes relating to gambling, official corruption, or organized crime activity.

§9–1A–09.

(a) In this section, "racing licensee" means the holder of a license issued by the State Racing Commission to hold a race meeting in the State under Title 11 of the Business Regulation Article.

(b) As a condition of eligibility for funding under § 9–1A–29 of this subtitle, a racing licensee shall:

(1) (i) for Rosecroft Raceway, conduct a minimum of 60 annual live racing days unless otherwise agreed to by the racing licensee and the organization that represents the majority of licensed standardbred owners and trainers in the State or unless the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee's control; and

(ii) for Ocean Downs Racetrack, conduct a minimum of 40 annual live racing days unless otherwise agreed to by the racing licensee and the organization that represents the majority of licensed standardbred owners and trainers in the State or unless the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee's control;

(2) develop and submit to the State Racing Commission a multiyear plan to improve the quality and marketing of horse racing at racetrack locations owned or operated by the racing licensee in Maryland, which shall include:

(i) goals, indicators, and timelines for specific actions that will be taken by the racing licensee to improve the quality and marketing of the horse racing industry in Maryland; and

(ii) a master plan for capital improvements that reflects, at a minimum:

1. commitments that have been made to the State Racing Commission;

2. updates to any prior master plan specifically identifying capital improvements and expenditures made on or after January 1, 2018; and

3. an ongoing investment in capital maintenance and improvements in the horse racing facilities;

(3) for each year that funding is requested, spend at least the following minimum amounts for capital maintenance and improvements, which may include amounts provided as a matching fund as required under § 9–1A–29(e)(2) of this subtitle:

(i) for Rosecroft Raceway, $300,000; and

(ii) for Ocean Downs Racetrack, $300,000.

(c) As part of the capital maintenance and improvement items in the plan submitted under subsection (b)(2) of this section, a racing licensee shall include any improvements necessary to ensure that the condition of any part of the racetrack facility where individuals reside is satisfactory for human habitation and meets minimum housing and sanitation standards in the county where the facility is located.

(d) The plans required under subsection (b) of this section shall also be provided to the Department of General Services and to the Legislative Policy Committee of the General Assembly.

§9–1A–10.

(a) (1) (i) An applicant or a licensee is subject to:

1. the minority business participation goal established for a unit by the Special Secretary for the Office of Small, Minority, and Women Business Affairs under § 14–302(a)(1)(ii) of the State Finance and Procurement Article; and

2. any other corresponding provisions of law under Title 14, Subtitle 3 of the State Finance and Procurement Article.

(ii) The minority business participation goal shall apply to:

1. construction related to video lottery terminals; and

2. procurement related to the operation of video lottery terminals, including procurement of equipment and ongoing services.

(2) If the county in which a video lottery facility will be located has higher minority business participation requirements than the State as described in paragraph (1) of this subsection, the applicant shall meet the county's minority business participation requirements to the extent possible.

(3) A county in which a video lottery facility will be located may impose local business, local minority business participation, and local hiring requirements to the extent authorized by local law and permitted by the United States Constitution.

(4) Any collective bargaining agreement or agreements, including a project labor agreement or a neutrality agreement, entered into by an applicant or licensee may not negate the requirements of this subsection.

(5) If an applicant for employment at a video lottery facility believes that the applicant has been discriminated against in the employment process, the applicant may appeal the employment decision to the local human relations board in the county where the facility is located.

(6) Notwithstanding any collective bargaining agreement or agreements, a licensee shall:

(i) provide health insurance coverage for its employees; and

(ii) give a preference to hiring qualified employees from the communities within 10 miles of the video lottery facility.

(7) A licensee shall:

(i) provide retirement benefits for its employees; and

(ii) if the licensee is a racetrack licensee, provide retirement benefits to its video lottery operation employees that are equivalent to the level of benefits provided to the racetrack employees who are eligible under the Maryland Racetrack Employees Pension Fund.

(8) Notwithstanding any collective bargaining agreement or agreements, if the licensee is a racetrack location, the licensee shall provide health insurance coverage to all employees of the racetrack, including the employees of the racetrack on the backstretch of the racetrack.

(b) (1) The Commission shall ensure that a video lottery operation licensee complies with the requirements of subsection (a)(1) and (2) of this section as a condition of holding the video lottery operation license.

(2) The Governor's Office of Small, Minority, and Women Business Affairs shall monitor a licensee's compliance with subsection (a)(1) and (2) of this section.

(3) The Governor's Office of Small, Minority, and Women Business Affairs shall report to the Commission at least every 6 months on the compliance of licensees with subsection (a)(1) and (2) of this section.

(4) If the Governor's Office of Small, Minority, and Women Business Affairs reports that a licensee is not in compliance with subsection (a)(1) and (2) of this section, the Commission may take immediate action to ensure the compliance of the licensee.

(c) On or after July 1, 2025, the provisions of subsections (a)(1) and (2) and (b) of this section and any regulations adopted under subsections (a)(1) and (2) and (b) of this section shall be of no effect and may not be enforced.

§9–1A–11.

(a) Any video lottery operation licenses not issued or awarded for a location authorized under this subtitle shall automatically revert to the State.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, a licensee shall commence operation of video lottery terminals in a permanent facility at the location for which the video lottery operation license has been awarded within 18 months after the license is awarded.

(2) (i) On a determination by the Commission that extenuating circumstances exist that are beyond the control of an awardee and have prevented the awardee from complying with the requirements of paragraph (1) of this subsection, the Commission may allow the awardee an extension of 6 months to comply with the requirements.

(ii) The Commission may not grant more than two extensions to an awardee under this paragraph.

(3) Notwithstanding paragraphs (1) and (2) of this subsection, the Commission may allow an awardee of a video lottery operation license in Prince George's County to commence operation in a permanent facility more than 18 months, but not more than 30 months, after the license is awarded.

(4) If a video lottery operation awardee fails to comply with the requirements of this subsection, the license awarded to the awardee shall be revoked and shall automatically revert to the State.

(c) (1) Nothing in this subtitle may be construed to prohibit a video lottery operation licensee that is issued a license from beginning video lottery

terminal or table game operations in a temporary facility that meets the minimum requirements established in regulations adopted by the State Lottery and Gaming Control Commission.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, a video lottery operation licensee shall be operational in a permanent facility no later than 30 months after the award of the video lottery operation license.

(3) Notwithstanding paragraph (1) of this subsection, a video lottery facility in Prince George's County may not begin video lottery terminal or table game operations in a temporary facility or in a structure, including a hotel or conference center, that exists on August 15, 2012.

(d) (1) For a location in Allegany County, if video lottery terminals are permanently located in the Rocky Gap Lodge and Resort, the licensee shall restrict public access to the video lottery facility from the Rocky Gap Lodge and Resort.

(2) (i) Subject to subparagraphs (ii) and (iii) of this paragraph, for a location in Allegany County, if video lottery terminals are permanently located in the Rocky Gap Lodge and Resort and existing meeting space is eliminated as a result of the video lottery terminals, the licensee shall provide for meeting space that is accessible from the Rocky Gap Lodge and Resort within 36 months after issuance of the video lottery operation license, subject to the approval of the Video Lottery Facility Location Commission and the State Lottery and Gaming Control Commission.

(ii) The licensee shall restrict public access to the video lottery facility from any meeting space provided under subparagraph (i) of this paragraph.

(iii) The licensee may not begin table game operations until the licensee submits evidence satisfactory to the State Lottery and Gaming Control Commission that replacement work has begun to provide meeting space equal to or greater than the eliminated meeting space.

§9–1A–12.

If a video lottery operation licensee contracts with another person other than an employee of the video lottery operation licensee to provide any of the services related to operating a video lottery facility, each person and each other person who owns or controls the person or management and supervisory personnel and other principal employees of the person shall qualify under the standards and provisions set forth in §§ 9–1A–07 and 9–1A–08 of this subtitle for video lottery operation licensees.

§9–1A–13.

(a) The initial term of a video lottery operation license is 15 years from the date on which the video lottery facility is issued the license by the Commission.

(b) During the initial term of a video lottery operation license, the licensee shall provide the Commission with an annual update of the information required under this subtitle for the issuance of a license by the date set by the Commission in regulations and on the form required by the Commission.

(c) At least 2 years but not more than 5 years before the expiration of the initial 15–year license term or a renewal term of a video lottery operation license, the licensee shall file with the Commission a notice of intent to apply for renewal of the license under this subtitle.

(d) (1) This subsection applies to the first renewal of a video lottery operation license following the initial 15–year term and each subsequent renewal of the license.

(2) A renewal of a video lottery operation license is for a term of 15 years.

(3) At least 1 year but not more than 5 years before the end of the initial 15–year license term or a renewal term, a video lottery operation licensee may file an application to renew a video lottery operation license.

(4) On proper application for renewal of a video lottery operation license, the Commission shall renew the license unless the Commission finds that the licensee is no longer qualified under this subtitle to hold a license.

(5) Before denying an application under this subsection, the Commission shall provide the video lottery operation licensee an opportunity for a hearing.

(6) (i) For each 5–year period of the 15–year term, the video lottery operation licensee shall pay a fee equal to 0.75% of the average annual proceeds from the operation of video lottery terminals and table games at the video lottery facility for the preceding 3–year period, to be paid in equal annual installments.

(ii) The video lottery operation licensee shall pay each installment:

1. for the first year of the 15–year term, on the effective date of the renewed license; and

2. for the remaining 14 years of the 15–year term, if the licensee remains qualified to hold a license under this subtitle, on the date of the anniversary of the effective date of the renewed license.

(iii) The Commission shall pay the renewal license fees submitted under this paragraph to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(e) If a licensee has its license revoked or otherwise surrenders the license, the video lottery operation license reverts to the State.

§9–1A–14.

(a) Unless an individual holds a valid video lottery employee license or temporary video lottery employee license issued by the Commission, the individual may not be employed by a video lottery operation licensee as a video lottery employee.

(b) Before issuance of a video lottery employee license, an applicant shall provide sufficient information, documentation, and assurances that the Commission may require.

(c) (1) The Commission shall deny a video lottery employee license to an applicant who is disqualified due to:

(i) the applicant's failure to prove the applicant's good character, honesty, and integrity;

(ii) the applicant's lack of expertise or training to be a video lottery employee;

(iii) except as provided in paragraphs (2) and (3) of this subsection, the applicant's conviction, active parole, or probation for any crime involving moral turpitude or gambling under the laws of the United States or any state within the prior 7 years;

(iv) except as provided in paragraphs (2) and (3) of this subsection, the applicant's current prosecution for any crime involving moral turpitude or gambling under the laws of the United States or any state, but, at the request of the applicant, the Commission may defer a decision on the application during the pendency of the charge;

(v) pursuit by the applicant of economic gain in an occupational manner or context that is in violation of the laws of the State, if the pursuit creates a reasonable belief that participation of the applicant in video lottery operations would be inimical to the policies of this subtitle;

(vi) identification of the applicant as a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel in a manner that creates a reasonable belief that the association is of a nature as to be inimical to the policies of this subtitle;

(vii) willful defiance by the applicant or a person that is required to be qualified under this subtitle as a condition of a license of a legislative investigatory body or other official investigatory body of the United States or a jurisdiction within the United States when the body is engaged in the investigation of crimes relating to gambling, official corruption, or organized crime activity; and

(viii) any other reason established in the regulations of the Commission as a reason for denying a license.

(2) (i) In this paragraph, "problem–solving court" means a problem–solving court under the Office of Problem–Solving Courts, or a comparable program from another state court system, that provides a collaborative, therapeutic, nonadversarial approach to judicial supervision of eligible offenders, including a drug court, DUI court, veterans' court, mental health court, or reentry court.

(ii) An applicant is not disqualified from licensure under paragraph (1)(iii) or (iv) of this subsection if the conviction, active parole, probation, or prosecution involves a nonviolent misdemeanor offense, other than a crime involving gambling, for which the applicant participated in and completed a problem–solving court program.

(3) An applicant is not disqualified from licensure under paragraph (1)(iii) or (iv) of this subsection if:

(i) the conviction, active parole, probation, or prosecution involves a nonviolent misdemeanor offense, other than a crime involving gambling;

(ii) the applicant will not be employed by the video lottery operation licensee in the operation of gaming or security; and

(iii) the video lottery operation licensee requests that the Commission issue the license notwithstanding the conviction, active parole, probation, or prosecution.

(d) (1) The Commission may issue a temporary video lottery employee license that authorizes an applicant to be employed as a video lottery employee.

(2) The Commission:

(i) may issue a temporary license to an applicant who:

1. files a completed application for a video lottery employee license; and

2. acknowledges, in writing, that the State is not financially responsible for any consequences resulting from termination of the temporary license under paragraph (4) of this subsection; and

(ii) may not issue a temporary license to an applicant who:

1. has an immediately known present or prior activity, criminal record, reputation, habit, or association that would disqualify the applicant from holding a video lottery employee license under this subtitle; or

2. poses a serious imminent risk of harm to the integrity, security, or profitability of the State's gaming program.

(3) (i) A temporary license issued under this subsection expires 180 days after the date of issue.

(ii) The Commission may extend a temporary license for an additional 180 days.

(4) Notwithstanding § 9–1A–04(a)(3) of this subtitle, the Commission may terminate without a hearing the temporary license of an applicant for:

(i) failure to pay a required fee;

(ii) failure to submit required information to the Commission;

(iii) failure to comply with the Commission's staff requests;

(iv) engaging in conduct that obstructs the Commission from completing the applicant's background investigation; or

(v) any other reason established in the regulations of the Commission.

(5) If the Commission denies the application for a video lottery employee license of an applicant who has been issued a temporary license, the applicant immediately shall surrender the applicant's temporary license identification to the Commission and cease working as a video lottery employee.

§9–1A–15.

(a) (1) Unless a manufacturer holds a valid manufacturer's license issued by the Commission before conducting business with a licensee or the State, the manufacturer may not offer any video lottery terminal, central monitor and control system, associated equipment or software, or goods or services that directly relate to the operation of video lottery terminals under this subtitle.

(2) Unless a manufacturer holds a valid manufacturer's license issued by the Commission before conducting business with a licensee, the manufacturer may not offer any table games or table game equipment under this subtitle.

(b) Each manufacturer, and each person that owns or controls the manufacturer or management and supervisory personnel and other principal employees of the manufacturer, shall qualify under the standards and provisions set forth in §§ 9–1A–07 and 9–1A–08 of this subtitle for video lottery operation licensees.

(c) Except as provided in § 9–1A–16(a) of this subtitle, the Commission may not grant an exemption or waiver of any licensing requirement to an applicant for or holder of a manufacturer's license.

(d) (1) A manufacturer of the video lottery terminals, central monitor and control system, and associated equipment and software shall manufacture or distribute the video lottery terminals, central monitor and control system, and associated equipment and software that meet specifications and procedures established by the Commission.

(2) A manufacturer of table games and table game equipment shall manufacture or distribute the table games and table game equipment that meet specifications and procedures established by the Commission.

§9–1A–16.

(a) For all licenses required under this subtitle other than a video lottery operation license, if an applicant or licensee holds a valid license in another state and the Commission determines that the licensing standards of the other state are comprehensive, thorough, and provide similar adequate safeguards to those provided in this subtitle, the Commission may:

(1) waive some or all of the requirements of this subtitle; and

(2) issue a license to a person having a similar license in another state.

(b) (1) Except as provided in subsection (c) of this section, on the request of an applicant, the Commission may grant an exemption or waiver of a licensing requirement or grounds for denial of a license if the Commission determines that the requirement or grounds for denial of a license as applied to the applicant are not necessary in order to protect the public interest or accomplish the policies established by this subtitle.

(2) On granting to an applicant an exemption or waiver of a licensing requirement or grounds for denial of a license, or at any time after a waiver or exemption has been granted, the Commission may:

(i) limit or place restrictions on the exemption or waiver as the Commission considers necessary in the public interest; and

(ii) require the person that is granted the exemption or waiver to cooperate with the Commission and to provide the Commission with any additional information required by the Commission as a condition of the waiver or exemption.

(c) The Commission may not waive any of the requirements of this subtitle related to a video lottery operation license.

§9–1A–17.

(a) This section does not apply to the renewal of a video lottery operation license.

(b) Subject to the power of the Commission to deny, revoke, or suspend a license, a license in force may be renewed by the Commission for the next succeeding license period on:

(1) proper application for renewal; and

(2) payment of all required application, license, and other fees and taxes.

§9–1A–18.

(a) Because the public has a vital interest in video lottery and table game operations and has established a limited exception to the policy of the State concerning gambling for private gain, participation in video lottery and table game operations by a licensee under this subtitle shall be deemed a revocable privilege conditioned on the proper and continued qualification of the licensee and on the discharge of the affirmative responsibility of each licensee to provide to the regulatory and investigatory authorities under this subtitle or any other provision of law, any assistance and information necessary to assure that the policies declared by this subtitle are achieved.

(b) Consistent with the policy described in subsection (a) of this section, it is the intent of this section to:

(1) preclude:

(i) the creation of any property right in any license required under this subtitle;

(ii) the accrual of any monetary value to the privilege of participation in video lottery operations; and

(iii) the transfer of any license issued under this subtitle; and

(2) require that participation in video lottery operations be conditioned solely on the continuing individual qualifications of the person who seeks the privilege.

§9–1A–19.

(a) Except as provided in subsection (b) of this section, a license issued under this subtitle may not be:

(1) transferred or assigned to another person; or

(2) pledged as collateral.

(b) (1) A licensee may not sell or otherwise transfer more than 5% of the legal or beneficial interests of the licensee unless:

(i) the licensee notifies the Commission of the proposed sale or transfer;

(ii) the Commission determines that the proposed buyer or transferee meets the requirements of this subtitle; and

(iii) the transfer is consistent with the policies and intent of § 9–1A–18 of this subtitle.

(2) Unless the Commission needs a longer time to determine whether the proposed buyer or transferee meets the requirements of this subtitle, if the requirements of paragraph (1) of this subsection are not satisfied, a license issued under this subtitle is automatically revoked 90 days after the sale or transfer.

§9–1A–20.

(a) In this section, "approved vendor" means a person that:

(1) specializes in conducting background investigations;

(2) has experience in the gaming industry; and

(3) obtains the approval of the Commission to conduct background investigations under this section.

(b) The Commission or an approved vendor shall conduct a background investigation in a timely manner of:

(1) an applicant for a video lottery operation license;

(2) a video lottery operator; and

(3) any other applicant the Commission considers necessary.

(c) (1) An applicant shall provide the Commission or an approved vendor with all information the Commission requires in order to conduct a background investigation.

(2) Failure to provide timely or accurate information is grounds for the Commission to deny an application.

(d) (1) The Commission or an approved vendor shall apply to the Central Repository for a State and a national criminal history records check for the applicant, if required by the Commission.

(2) As part of the application for a criminal history records check, the Commission or an approved vendor shall submit to the Central Repository:

(i) two complete sets of the applicant's legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(ii) the fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records;

(iii) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check; and

(iv) the mandatory processing fee required by Interpol for an international criminal history records check.

(3) In accordance with §§ 10–201 through 10–234 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Commission a printed statement of the applicant's criminal history record information.

(4) Information obtained from the Central Repository under this section:

(i) shall be confidential;

(ii) may not be redisseminated; and

(iii) may be used only in connection with the issuance of a license required under this subtitle.

(5) The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in § 10–223 of the Criminal Procedure Article.

(e) After completion of a background investigation conducted under this section, an approved vendor shall promptly forward the results of the investigation to the Commission.

(f) The Commission shall adopt regulations specifying the factors used to determine whether an applicant for a license must submit to an international criminal history records check.

§9–1A–21.

(a) (1) The central monitor and control system and the associated equipment and software shall be:

(i) owned or leased by the Commission; and

(ii) under the control of the Commission.

(2) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, each video lottery terminal device and the associated equipment and software shall be owned or leased by the video lottery facility.

(ii) 1. Subject to subsubparagraph 2 of this subparagraph, for a video lottery facility located in Allegany County or Worcester County, each video lottery terminal device and the associated equipment and software shall be owned or leased by the video lottery facility after March 31, 2020.

2. A video lottery facility located in Allegany County or Worcester County may apply to the Commission for permission to assume ownership or the right to lease each video lottery terminal device used by the facility.

(iii) For a video lottery facility located in Anne Arundel County or Cecil County, the Commission shall own each video lottery terminal device and the associated equipment and software through March 31, 2015.

(3) The savings that are attributable to requiring video lottery facilities to own or lease the video lottery terminals and associated equipment and software shall be appropriated to the Education Trust Fund established under § 9–1A–30 of this subtitle in the year in which the spending would have otherwise occurred.

(b) Subject to the Commission's ability to cancel or alter the contract in the event one or more eligible applicants for a video lottery facility fail to obtain a license, the Commission shall contract with one or more licensed manufacturers for the lease or purchase of the video lottery terminals, central monitor and control system, and associated equipment and software authorized under this subtitle.

(c) (1) The Commission shall adopt regulations governing the sale or lease of video lottery terminals by the Commission under this subtitle.

(2) The Commission may adopt regulations to provide incentives to licensed manufacturers based on the performance of the manufacturers' video lottery terminals.

(d) The Commission shall establish a process enabling a licensee and the Commission to select video lottery terminals from a list approved by the Commission, subject to available funds, for use in the licensee's video lottery facility.

§9–1A–22.

(a) Except as provided in subsections (b) and (c) of this section, a video lottery terminal shall have an average payout percentage of at least 85%.

(b) The Commission may by regulation establish an average payout percentage of more than 88% but not more than 95% for video lottery operation licensees.

(c) The Commission may approve an average payout percentage of more than 95% for the video lottery terminals at a video lottery facility.

§9–1A–23.

(a) A video lottery facility may operate 24 hours a day.

(b) A video lottery operation licensee shall be responsible for all marketing, advertising, and promotion for its video lottery operation.

(c) Any State lottery games that are offered by or through the Commission may be offered for sale at a video lottery facility in the State.

§9–1A–24.

(a) Except as provided in subsection (b) of this section, the Commission shall ensure that a video lottery operation licensee complies with the requirements of this section as a condition of holding the video lottery operation license.

(b) (1) The county alcoholic beverages licensing authority for the county in which a video lottery facility is located shall ensure that the video lottery operation licensee complies with the requirements of this subsection.

(2) Except as provided in paragraph (4) of this subsection, a video lottery operation licensee may not provide food or alcoholic beverages to individuals at no cost.

(3) Any food or alcoholic beverages offered by a video lottery operation licensee for sale to individuals may be offered only at prices that are determined by the county alcoholic beverages licensing authority to be commensurate with the price of similar types of food and alcoholic beverages at restaurants in the county in which the video lottery facility is located.

(4) A video lottery operation licensee may provide food at no cost to individuals to the same extent allowed under § 6–310 of the Alcoholic Beverages and Cannabis Article for a person engaged in the sale or barter of spirituous, malt, or intoxicating liquors and licensed under the laws of Maryland.

(c) (1) Except as provided in paragraph (2) of this subsection, a video lottery operation licensee shall ensure that intoxicated individuals and individuals under the age of 21 years are not allowed to play video lottery terminals or table games and are not allowed in areas of the video lottery facility where video lottery terminals or table games are located.

(2) A video lottery operation licensee may allow a video lottery employee who is an adult to enter or remain in an area within the video lottery facility that is designated for table game or video lottery terminal activities if the video lottery employee is working.

(d) (1) By regulation, the Commission shall provide for the establishment of a list of individuals who are to be mandatorily excluded or ejected by a video lottery operation licensee from any video lottery operation licensed under this subtitle.

(2) The regulations under this subsection shall define the standards for exclusion or ejection and shall include standards relating to individuals:

(i) who are career offenders as defined by regulations adopted by the Commission;

(ii) who have been convicted of a criminal offense under the laws of the United States or any jurisdiction within the United States that is a criminal offense involving moral turpitude or a gambling offense; or

(iii) whose presence in the establishment of a licensee would be adverse to the interest of the State, the licensee, or the person.

(3) The Commission may impose sanctions on a licensee in accordance with this subtitle if the licensee knowingly fails to exclude or eject from the premises of the licensee an individual placed by the Commission on the list of individuals to be excluded or ejected.

(4) An order under this subsection is subject to judicial review.

(e) (1) By regulation, the Commission shall adopt measures that are intended to reduce or mitigate the effects of problem gambling.

(2) The regulations shall:

(i) include establishment of a voluntary exclusion list of individuals with gambling problems who have requested to be excluded from any video lottery operation licensed under this subtitle; and

(ii) provide a simple mechanism for an individual who is sober and informed to request placement on the voluntary exclusion list for a specified period of time.

(3) A video lottery operation licensee may not permit an individual on the voluntary exclusion list to enter into the video lottery facility or to play a video lottery terminal.

(4) The Commission may impose sanctions on a licensee in accordance with this subtitle if the licensee knowingly fails to exclude from the premises of the licensee an individual on the voluntary exclusion list.

(f) In order to protect the public interest, the regulations shall include provisions that:

(1) limit the number and location of and maximum withdrawal amounts from automated teller machines;

(2) prohibit authorized automated teller machines from accepting electronic benefit cards, debit cards, or similar negotiable instruments issued by the Department of Human Services for the purpose of accessing temporary cash assistance;

(3) require payouts above an amount adopted by the Commission to be made by check;

(4) require conspicuous disclosures related to the payout of video lottery terminals;

(5) limit the dollar amount that video lottery terminals will accept;

(6) prohibit the use of specified negotiable instruments at video lottery facilities and the use of credit cards, debit cards, and similar devices in video lottery terminals;

(7) provide consumers with a record of video lottery terminal spending levels if marketing measures are utilized that track consumer spending at video lottery facilities;

(8) prohibit consumers from cashing paychecks at video lottery facilities; and

(9) prohibit video lottery operation licensees from engaging in or contracting with another to engage in predatory marketing practices.

(g) (1) A video lottery operation licensee may not, directly or indirectly, interfere with, hinder, obstruct, impede, or take any action to delay the implementation or establishment of a video lottery facility by any other licensee or applicant for a video lottery operation license awarded or issued under this subtitle.

(2) (i) The Commission shall adopt regulations, to the fullest extent allowed by the first amendment of the Constitution of the United States, to carry out the provisions of this subsection.

(ii) The regulations adopted under this subsection shall include provisions:

1. that expressly prohibit:

A. taking any of the actions described in paragraph (1) of this subsection relating to the issuance of required State or local governmental approvals for the establishment of a video lottery facility; or

B. providing funding or other material support to engage in any of the actions described in paragraph (1) of this subsection;

2. that prohibit, as unlawful indirect conduct, activity:

A. by an entity in which the licensee owns a beneficial or proprietary interest; or

B. by an entity in which an affiliate of the licensee owns a beneficial or proprietary interest; and

3. that allow the Commission to impose sanctions and penalties in accordance with § 9–1A–25 of this subtitle if a licensee knowingly violates paragraph (1) of this subsection.

§9–1A–25.

(a) The Commission may deny a license to an applicant, reprimand or fine a licensee, or suspend or revoke a license for a violation of:

(1) this subtitle;

(2) a regulation adopted under this subtitle; or

(3) a condition that the Commission sets.

(b) (1) For each violation specified in subsection (a) of this section, the Commission may impose a penalty not exceeding $5,000.

(2) Each day that a person is in violation under this section shall be considered a separate violation.

(3) To determine the amount of the penalty imposed under paragraph (1) of this subsection, the Commission shall consider:

(i) the seriousness of the violation;

(ii) the harm caused by the violation; and

(iii) the good faith or lack of good faith of the person who committed the violation.

(c) Except as otherwise expressly provided in this subtitle, nothing contained in this subtitle abrogates or limits the criminal laws of the State or limits the authority of the General Assembly to enact statutes establishing criminal offenses and penalties relating to video lottery operations.

§9–1A–26.

(a) (1) Except as provided in paragraphs (2) and (3) of this subsection, all proceeds from the operation of video lottery terminals and table games shall be electronically transferred daily into the State Lottery Fund established under Subtitle 1 of this title and distributed as provided under § 9–1A–27 of this subtitle.

(2) The requirement under paragraph (1) of this subsection does not apply on a day when State government is closed.

(3) The amount from the proceeds of video lottery terminals to be paid to video lottery operation licensees under § 9–1A–27(a)(2), (7), and (8), (b), and (c)(1)(ii) and (2) of this subtitle shall be retained by the licensee.

(b) (1) The Commission shall account to the Comptroller for all of the revenue under this subtitle.

(2) The proceeds from video lottery terminals and table games shall be under the control of the Comptroller and, except as provided in subsection (c) of this section, shall be distributed as provided under § 9–1A–27 of this subtitle.

(c) A jackpot won at a video lottery terminal that is not claimed by the winner within 182 days after the jackpot is won shall:

(1) become the property of the State; and

(2) be distributed as follows:

(i) 2.5% to the Small, Minority, and Women–Owned Businesses Account established under § 5–1501 of the Economic Development Article;

(ii) 9.5% in local impact grants, in accordance with § 9–1A–31 of this subtitle;

(iii) 10% to the Purse Dedication Account established under § 9–1A–28 of this subtitle;

(iv) 1.5% to the Racetrack Facility Renewal Account established under § 9–1A–29 of this subtitle; and

(v) the remainder to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(d) The admissions and amusement tax may not be imposed on any proceeds from the operation of video lottery terminals and table games.

(e) The Commission shall adopt regulations that allow a video lottery operation licensee to reduce the amount of proceeds when a video lottery operation licensee returns to successful players more than the amount of money bet through video lottery terminals or table games on a given day that are consistent with § 9–1A–01(u) of this subtitle.

§9–1A–27.

(a) Except as provided in subsections (b) and (c) of this section and § 9–1A–26(a)(3) of this subtitle, on a properly approved transmittal prepared by the Commission, the Comptroller shall pay the following amounts from the proceeds of video lottery terminals at each video lottery facility:

(1) (i) on or before March 31, 2015, 2% to the State Lottery and Gaming Control Agency for costs as defined in § 9–1A–01 of this subtitle; and

(ii) beginning April 1, 2015, 1% to the State Lottery and Gaming Control Agency for costs as defined in § 9–1A–01 of this subtitle;

(2) to the video lottery operation licensee, the percentage stated in the accepted application for the location, not to exceed, except as provided in subsection (b) of this section, 33%;

(3) 5.5% in local impact grants, in accordance with § 9–1A–31 of this subtitle;

(4) 6% to the Purse Dedication Account established under § 9–1A–28 of this subtitle, not to exceed a total of $100,000,000 to the Account annually;

(5) (i) until the issuance of a video lottery operation license in Baltimore City, 1.75% to the Racetrack Facility Renewal Account established under § 9–1A–29 of this subtitle and distributed in accordance with that section; and

(ii) on or after the issuance of a video lottery operation license in Baltimore City, 1% to the Racetrack Facility Renewal Account established under § 9–1A–29 of this subtitle and distributed in accordance with that section, not to exceed a total of $20,000,000 to the Account annually;

(6) (i) except as provided in items (ii) and (iii) of this item, 1.5% to the Small, Minority, and Women–Owned Businesses Account established under § 5–1501 of the Economic Development Article;

(ii) for fiscal year 2018, 1.5% to the General Fund to pay a portion of the costs of the grants provided under Chapters 6 and 607 of the Acts of the General Assembly of 2017; and

(iii) for fiscal years 2019 and 2020, 1.5% to the Education Trust Fund established under § 9–1A–30 of this subtitle;

(7) (i) except as provided in items (ii) and (iii) of this item, 6% to the video lottery operation licensee if the video lottery operation licensee owns or leases each video lottery terminal device and the associated equipment and software;

(ii) 8% to the video lottery operation licensee in Anne Arundel County; and

(iii) 10% to the video lottery operation licensee in Allegany County or Worcester County if the video lottery operation licensee assumes ownership or the right to lease each video lottery terminal device and the associated equipment and software used by the facility before January 1, 2019;

(8) beginning after the issuance of a video lottery operation license for a video lottery facility in Prince George's County, 8% to the video lottery operation licensee in Anne Arundel County and 7% to the licensee in Baltimore City for:

(i) marketing, advertising, and promotional costs required under § 9–1A–23 of this subtitle; and

(ii) capital improvements at the video lottery facilities;

(9) to each video lottery operation licensee, an amount equal to 20% of the amount paid by the video lottery licensee under § 9–1A–13 of this subtitle, for costs required under § 9–1A–23 of this subtitle for marketing, advertising, and promotions that exclusively target out–of–state audiences; and

(10) the remainder to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(b) (1) Beginning July 1, 2013, for a video lottery facility in Worcester County with less than 1,000 video lottery terminals, the percentage in subsection (a)(2) of this section is equal to 43% provided that each year an amount equivalent to 2.5% of the proceeds from video lottery terminals at the video lottery facility is spent on capital improvements at the video lottery facility.

(2) After the first 10 years of operations at a video lottery facility in Allegany County, the percentage in subsection (a)(2) of this section is equal to 48% provided that each year an amount equivalent to 2.5% of the proceeds from video lottery terminals at the video lottery facility is spent on capital improvements at the video lottery facility.

(3) For a video lottery facility in Prince George's County, the percentage in subsection (a)(2) of this section stated in the accepted application for the location may not exceed 38%.

(4) Beginning July 1, 2023, for a video lottery facility in Cecil County, the percentage in subsection (a)(2) of this section is equal to 36% provided that each year an amount equivalent to 3% of the proceeds from video lottery terminals at the video lottery facility is spent on:

(i) marketing, advertising, and promotional costs required under § 9–1A–23 of this subtitle; and

(ii) capital improvements at the video lottery facility.

(5) Beginning July 1, 2023, for a video lottery facility in Baltimore City, the percentage in subsection (a)(2) of this section is equal to 34% provided that each year an amount equivalent to 1% of the proceeds from video lottery terminals at the video lottery facility is spent on:

(i) marketing, advertising, and promotional costs required under § 9–1A–23 of this subtitle; and

(ii) capital improvements at the video lottery facility.

(c) (1) For the first 10 years of operations at a video lottery facility in Allegany County, on a properly approved transmittal prepared by the Commission, the Comptroller shall pay the following amounts from the proceeds of video lottery terminals at a video lottery facility in Allegany County:

(i) 1% to the State Lottery and Gaming Control Agency for costs as defined in § 9–1A–01 of this subtitle;

(ii) to the video lottery operation licensee, the percentage stated in the accepted application for the location, not to exceed 50%;

(iii) 3.75% in local impact grants, in accordance with § 9–1A–31 of this subtitle;

(iv) 2.5% to the Purse Dedication Account established under § 9–1A–28 of this subtitle;

(v) 1. except as provided in items 2 and 3 of this item, 0.75% to the Small, Minority, and Women–Owned Businesses Account established under § 5–1501 of the Economic Development Article;

2. for fiscal year 2018, 0.75% to the General Fund to pay a portion of the costs of the grants provided under Chapters 6 and 607 of the Acts of the General Assembly of 2017; and

3. for fiscal years 2019 and 2020, 0.75% to the Education Trust Fund established under § 9–1A–30 of this subtitle; and

(vi) the remainder to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(2) After the first 10 years of operations at a video lottery facility in Allegany County, the proceeds generated at the facility in Allegany County shall be allocated as provided in subsections (a) and (b) of this section.

(d) (1) Each video lottery operation licensee shall retain 80% of the proceeds of table games at the video lottery facility.

(2) On a properly approved transmittal prepared by the Commission, the Comptroller shall pay the following amounts from the proceeds of table games at each video lottery facility:

(i) 5% to the local jurisdiction in which the video lottery facility is located, provided that:

1. 50% of the proceeds paid to Baltimore City shall be used to fund school construction projects; and

2. 50% of the proceeds paid to Baltimore City shall be used to fund the maintenance, operation, and construction of recreational facilities; and

(ii) 15% to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(e) (1) If the costs of the State Lottery and Gaming Control Agency are less than the proceeds specified in subsection (a)(1) of this section, any amount not distributed to the State Lottery and Gaming Control Agency shall be paid to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(2) The costs of the Commission shall be as provided in the State budget.

(f) On or before December 1, 2019, and every year thereafter, the State Lottery and Gaming Control Commission shall report to the Governor and, in accordance with § 2–1257 of this article, the General Assembly on the distribution of proceeds of video lottery terminals to licensees for the procurement of video lottery terminals; marketing, advertising, and promotional costs; and capital improvements and the distributions of local impact grants to jurisdictions under § 9–1A–31 of this subtitle.

(g) Baltimore City shall report to the Baltimore City Senate and House Delegations by December 31 of each year as to the distribution and use of the funds provided under subsection (d) of this section.

§9–1A–28.

(a) There is a Purse Dedication Account under the authority of the State Racing Commission.

(b) (1) The Account shall receive money as required under § 9–1A–27 of this subtitle.

(2) Money in the Account shall be invested and reinvested by the Treasurer and interest and earnings shall accrue to the Account.

(3) The Comptroller shall:

(i) account for the Account;

(ii) for fiscal year 2021, transfer $5,000,000, from the portion of the proceeds in the Account allocated to thoroughbred purses under subsection (c)(1) of this section, to the Racing and Community Development Facilities Fund established under § 10–657.3 of the Economic Development Article;

(iii) for fiscal year 2022 and each fiscal year thereafter, on a properly approved transmittal prepared by the Maryland Stadium Authority, issue a warrant to pay out $5,000,000, from the portion of the proceeds in the Account allocated to thoroughbred purses under subsection (c)(1) of this section, to the State Lottery Fund established under § 9–120 of this title until any bonds, debt, or other financial instruments issued or made available by the Maryland Stadium Authority for a racing facility under Title 10, Subtitle 6 of the Economic Development Article reach final maturity;

(iv) beginning with the first full year of thoroughbred racing operations at the newly constructed Pimlico racing facility, for any fiscal year that the Maryland Thoroughbred Racetrack Operating Authority reports an operating loss under § 10–1003(c) of the Economic Development Article, on a properly approved transmittal prepared by the Authority, issue a warrant to pay out the amount of the operating loss, from the portion of the proceeds in the Account allocated to thoroughbred purses under subsection (c)(1) of this section, to the Authority; and

(v) on a properly approved transmittal prepared by the State Racing Commission, issue a warrant to pay out money from the Account in the manner provided under this section.

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

(5) Except as provided in paragraph (3)(ii) through (iv) of this subsection, expenditures from the Account shall only be made on a properly approved transmittal prepared by the State Racing Commission as provided under subsection (c) of this section.

(c) Subject to subsections (d) and (e) of this section, the State Racing Commission shall allocate funds in the Account as follows:

(1) 80% to the thoroughbred industry; and

(2) 20% to the standardbred industry.

(d) The amount of funds allocated to thoroughbred purses and the Maryland–bred Race Fund shall be allocated as follows:

(1) 89% to thoroughbred purses at the Pimlico Race Course, Laurel Park, the racecourse in Allegany County, and the racecourse at Timonium; and

(2) 11% to the Maryland–bred Race Fund.

(e) The amount of funds allocated to standardbred purses and the Standardbred Race Fund shall be allocated as follows:

(1) 89% to standardbred purses at Rosecroft Raceway, Ocean Downs Race Course, and the racecourse in Allegany County, allocated based on the number of live racing days at each track location; and

(2) 11% to the Standardbred Race Fund.

(f) From the amount provided to thoroughbred purses, the State Racing Commission shall pay an annual grant of $100,000 to Fair Hill, as defined under § 11–811 of the Business Regulation Article.

(g) (1) Of the amount provided from the Purse Dedication Account under subsection (e)(1) of this section:

(i) for Ocean Downs Race Course, an amount equal to but not exceeding $30,000 multiplied by the total number of live racing days held during the calendar year may be used to provide financial assistance for operating losses incurred during that calendar year, in accordance with generally accepted accounting

principles, to support a minimum of 40 annual live racing days unless the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee's control; and

(ii) for Rosecroft Raceway, up to $1,200,000 each year for calendar years 2018, 2019, 2020, 2021, 2022, 2023, and 2024 may be used to provide financial assistance for operating losses, in accordance with generally accepted accounting principles, to support a minimum of 40 annual live racing days unless the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee's control.

(2) Funds received by Ocean Downs Race Course or Rosecroft Raceway under paragraph (1) of this subsection may not be used to contribute to a campaign finance entity under Title 13 of the Election Law Article or make an independent expenditure as defined in § 1–101 of the Election Law Article.

(h) (1) To obtain operating assistance under this section:

(i) a holder of a racing license to race at Ocean Downs Race Course or Rosecroft Raceway may apply to the Secretary of Labor for the reimbursement of expenditures made by the racing licensee to conduct the annual live racing schedule; and

(ii) a holder of a racing license to race at Rosecroft Raceway shall:

1. agree to rehire workers employed at the facility prior to the end of live racing on June 27, 2008; and

2. recognize collective bargaining agreements that were in place as of June 1, 2008.

(2) (i) On the completion of the review of the application by a certified public accountant, the Secretary may authorize the reimbursement of expenditures by the racing licensee that are necessary to conduct the annual live racing schedule.

(ii) Expenditures eligible for reimbursement under subparagraph (i) of this paragraph shall include the ordinary and reasonable costs of conducting the race meetings, pari–mutuel wagering, and stabling activities of the racing licensee, net of ordinary income and receipts.

(iii) The reimbursement calculation under subparagraph (ii) of this paragraph may not include:

1. extraordinary income and expense–related items, including extraordinary litigation expenses;

2. lobbying fees;

3. capital investments, including predevelopment costs; or

4. prior year adjustments and claims.

(3) All costs associated with the racing licensee's application shall be paid by the racing licensee.

(4) In support of the racing licensee's application and request for reimbursement submitted under paragraph (1) of this subsection, the racing licensee shall provide to the Secretary:

(i) monthly financial information requested by the Secretary, in a form satisfactory to the Secretary; and

(ii) an annual audited financial statement.

(5) A racing licensee may not receive assistance under this section while the racing licensee is a party to a proceeding challenging the issuance or denial of a video lottery operation license.

(i) The provisions of this section may not be construed to apply to the racecourse in Allegany County until horse racing begins at that racecourse.

(j) On or before December 1, 2014, the State Racing Commission shall:

(1) conduct a study to determine the impact of the Purse Dedication Account on the racing industry in the State; and

(2) make recommendations to the General Assembly regarding the continuation of the Purse Dedication Account and the amount of money distributed to the Purse Dedication Account.

§9–1A–28.1.

(a) In this section, "open purse" means any purse, except for one offered in a race funded by the Maryland Standardbred Race Fund.

(b) (1) The organization that represents a majority of the standardbred owners and trainers in the State may apply to the Secretary of Labor for the reimbursement of expenditures listed in subsection (c) of this section.

(2) From the amount allocated to the Purse Dedication Account under § 9–1A–28(e)(1) of this subtitle, the Secretary may allocate to the organization that represents a majority of the standardbred owners and trainers in the State an amount for the reimbursement of expenditures requested under this subsection.

(3) The amount allocated by the Secretary under paragraph (2) of this subsection, in addition to any amount agreed on under a contractual arrangement with track licensees, may not exceed 2% of all open purses.

(c) Expenditures eligible for reimbursement under subsection (b) of this section include the ordinary and reasonable costs of establishing and maintaining the following programs for standardbred owners and trainers:

(1) counseling programs to address issues such as drug addiction, depression, marital problems, and financial problems;

(2) preventive care programs such as health fairs, mammogram screenings, and flu vaccination clinics;

(3) group health, life, and on–track drivers' insurance plans; and

(4) retirement programs.

(d) The reimbursement calculation under subsection (c) of this section may not include:

(1) extraordinary income and expense–related items, including extraordinary litigation expenses;

(2) lobbying fees;

(3) capital investments, including predevelopment costs; or

(4) prior year adjustments and claims.

(e) In support of an application and a request for reimbursement submitted under subsection (b) of this section, the organization shall provide to the Secretary of Labor in a form satisfactory to the Secretary:

(1) an itemized statement under oath for the preceding fiscal year of receipts from all sources and of all disbursements, including salaries of all officers, attorney fees, and lobbying expenses; and

(2) a certified audit by a certified public accountant of the financial records of the organization for the preceding fiscal year.

§9–1A–29.

(a) There is a Racetrack Facility Renewal Account under the authority of the State Racing Commission.

(b) (1) The Account shall receive money as required under § 9–1A–27 of this subtitle for the first 16 years of operations at each video lottery facility.

(2) Money in the Account shall be invested and reinvested by the Treasurer and interest and earnings shall accrue to the Account.

(3) The Comptroller shall:

(i) account for the Account; and

(ii) on a properly approved transmittal prepared by the State Racing Commission, issue a warrant to pay out money from the Account in the manner provided under this section.

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

(5) Expenditures from the Account shall only be made on a properly approved transmittal prepared by the State Racing Commission as provided under subsection (c) of this section.

(6) (i) Subject to subparagraph (ii) of this paragraph, the State Racing Commission may use the services of a certified public accountant to review an eligible request for a grant under this section.

(ii) The holder of a license to hold a race meeting in the State that has requested a grant under this section shall reimburse the State Racing Commission for any expenditures for services under subparagraph (i) of this paragraph.

(c) Except as provided in subsection (d)(1) of this section, funds from the Account shall be used to provide a grant to the holder of a license to hold a race meeting in the State for racetrack facility capital construction and improvements.

(d) (1) The amount of funds made available from the Racetrack Facility Renewal Account shall be allocated as follows:

(i) 1. for fiscal year 2021, 80% to be deposited in the Racing and Community Development Facilities Fund established under § 10–657.3 of the Economic Development Article; and

2. for fiscal year 2022 and thereafter, 80% to the State Lottery Fund established under § 9–120 of this title; and

(ii) subject to paragraph (2) of this subsection, 20% to Rosecroft Raceway and Ocean Downs Race Course according to a formula established in regulations adopted by the State Racing Commission.

(2) Of the amount available to Rosecroft Raceway from the Racetrack Facility Renewal Account under paragraph (1)(ii) of this subsection:

(i) the unencumbered fund balance, including accrued interest, existing as of June 30, 2020, shall be transferred to the Racing and Community Development Facilities Fund established under § 10–646.3 of the Economic Development Article; and

(ii) subject to paragraph (3) of this subsection, for fiscal year 2021 and each fiscal year thereafter, $200,000 shall be transferred annually to Employ Prince George's, Inc. for workforce development and small, minority, and women–owned business development.

(3) (i) It is the intent of the General Assembly that the funds transferred to Employ Prince George's, Inc. shall supplement, and not supplant, funds otherwise available for Employ Prince George's, Inc.

(ii) If Employ Prince George's, Inc. is unable to expend the funds transferred under paragraph (2)(ii) of this subsection during the 12–month period after which Employ Prince George's, Inc. received the funds, Employ Prince George's, Inc. shall partner with similar organizations located within Prince George's County to expend the balance of the funds from that period to encourage workforce development and small, minority, and women–owned business development.

(4) For fiscal year 2026, the Governor shall include in the annual budget bill an appropriation of $4,500,000 to the Racetrack Facility Renewal Account to be made available to Rosecroft Raceway.

(e) In order to obtain a grant, a holder of a license to hold a race meeting in the State shall:

(1) submit a capital construction plan to be implemented within a specified time frame to the State Racing Commission for approval; and

(2) provide and expend a matching fund.

(f) After a grant has been provided under this section, the State Racing Commission shall:

(1) in consultation with the Department of General Services, monitor the implementation of the approved capital construction plan; and

(2) make provisions for recapture of grant money if the capital construction plan is not implemented within the time frame approved by the State Racing Commission.

(g) Any unencumbered funds remaining in the Racetrack Facility Renewal Account after the last video lottery facility to open has been in operation for 16 years shall be paid to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(h) (1) The State Racing Commission shall adopt regulations to implement the provisions of this section, including regulations to:

(i) address minimum criteria for the types of improvements to be made by the holder of a license; and

(ii) establish a formula to allocate funds under subsection (d)(2) of this section between Rosecroft Raceway and Ocean Downs Race Course.

(2) If Rosecroft Raceway is closed and no longer used for live racing the unencumbered fund balance, including accrued interest, of the amount available to Rosecroft Raceway from the Racetrack Facility Renewal Account under subsection (d)(1)(ii) of this section shall be made available to Ocean Downs Race Course.

(i) The provisions of this section may not be construed to apply to the racecourse in Allegany County.

§9–1A–30.

(a) In this section, "supplemental funding" means funding to:

(1) ensure access to public education that allows children in the State to compete in the global economy of the future;

(2) provide funding for high–quality early education programs;

(3) provide opportunities for public school students to participate in career and technical education programs that lead to an identified job skill or certificate;

(4) allow students to obtain college credit and degrees while in high school at no cost to the students;

(5) support the advancement and professionalization of educators in public education; and

(6) maintain, renovate, or construct public schools.

(b) There is an Education Trust Fund which is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(c) (1) There shall be credited to the Education Trust Fund:

(i) all proceeds allocated to the Fund under § 9–1A–27 of this subtitle;

(ii) all judgments paid to the Fund under § 11–210 of the Education Article; and

(iii) renewal license fees paid to the Fund under § 9–1A–13 of this subtitle.

(2) Money in the Education Trust Fund shall be invested and reinvested by the Treasurer, and interest and earnings shall accrue to the Fund.

(d) Money in the Education Trust Fund shall be used for the following purposes, in the following order of priority:

(1) required deposits under § 10–649(g) of the Economic Development Article into the Supplemental Public School Construction Financing Fund established under § 10–658 of the Economic Development Article;

(2) required funding for public elementary and secondary education, through continuation of the funding and formulas established under the programs commonly known as the Bridge to Excellence in Public Schools Act, first enacted by Chapter 288 of the Acts of the General Assembly of 2002, including the funding for regional differences in the cost of education under § 5–202(f) of the Education Article; and

(3) supplemental funding for education and public schools.

(e) (1) The Governor's annual budget submission shall include not less than the following amounts as supplemental funding for public education from the Education Trust Fund:

(i) for fiscal year 2020, $125,000,000;

(ii) for fiscal year 2021, $250,000,000;

(iii) for fiscal year 2022, $375,000,000; and

(iv) for fiscal year 2023 and each fiscal year thereafter, 100% of the funds.

(2) (i) The supplemental funding required under paragraph (1) of this subsection shall be in addition to the State funding and formulas provided through the funding formulas established in the Bridge to Excellence in Public Schools Act of 2002 for prekindergarten through grade 12 in public schools.

(ii) Beginning in fiscal year 2020 and in each fiscal year thereafter, the Governor shall identify in the annual budget as introduced how the revenue required under this subsection is being used to supplement and not supplant the spending on public education for prekindergarten through grade 12.

(f) Expenditures from the Education Trust Fund shall be made each fiscal year in accordance with the State budget.

§9–1A–31.

(a) (1) Except as provided in paragraph (8) of this subsection, the local impact grants provided under § 9–1A–27 of this subtitle shall be distributed as provided in this subsection.

(2) The following amounts shall be distributed to the following jurisdictions:

(i) Allegany County – $200,000;

(ii) Cecil County – $130,000;

(iii) Town of Forest Heights – $120,000;

(iv) Town of Perryville – $70,000; and

(v) Worcester County – $200,000.

(3) The remaining funds for local impact grants shall be distributed in the following manner:

(i) 82% to the local jurisdictions with video lottery facilities, based on each jurisdiction's percentage of overall gross revenues from video lottery terminals; and

(ii) except as provided in paragraph (4) of this subsection, for operations at a video lottery facility starting in fiscal year 2012 and ending in fiscal year 2032, 18% to Baltimore City with the Pimlico Community Development Authority acting as the local development council in accordance with subsection (d) of this section, to be distributed primarily for capital projects benefiting economic and community development in the following manner:

1. A. for fiscal years 2012 through 2023, at least 75% in a manner that is consistent with the Park Heights Master Plan; and

B. for fiscal years 2024 through 2032, 85% in a manner that is consistent with the Park Heights Master Plan; and

2. the remainder dedicated to the needs of:

A. any census blockgroup that Baltimore City identifies as being located partly or entirely within 1 mile of Pimlico Race Course but not within the boundaries of the Park Heights Master Plan in a manner that is consistent with adopted neighborhood priorities;

B. any neighborhood included in the Northwest Community Planning Forum Strategic Neighborhood Action Plan in a manner that is consistent with the adopted Northwest Community Planning Forum Strategic Neighborhood Action Plan priorities; and

C. beginning after a video lottery operation license is issued to a video lottery facility in Baltimore City, any neighborhood within an area bounded by Liberty Heights Avenue, Northern Parkway, Druid Park Drive, and Wabash Avenue in a manner that is consistent with adopted neighborhood priorities.

(4) (i) Of the amount specified under paragraph (3)(ii) of this subsection:

1. $1,000,000 shall be provided annually to Prince George's County to be used for public safety projects in the community within 5 miles surrounding Rosecroft Raceway;

2. $500,000 shall be provided annually for impact aid to be distributed as provided under § 11–404(d) of the Business Regulation Article to help pay for facilities and services in communities within 3 miles of the Laurel Race Course;

3. for fiscal years 2022 through 2032, $3,500,000 shall be provided annually to the State Lottery Fund established under § 9–120 of this title; and

4. for fiscal years 2021 through 2032, the greater of $2,400,000 or 24% of the total amount distributed for the fiscal year under paragraph (3)(ii) of this subsection shall be provided annually to Park Heights Renaissance, Inc.

(ii) The Legislative Policy Committee shall report its findings and recommendations concerning the advisability of the continuation of the distribution of funds after fiscal year 2032 to the Comptroller and, in accordance with § 2–1257 of this article, the General Assembly, on or before November 1, 2030.

(5) Anne Arundel County, Howard County, Prince George's County, and the City of Laurel shall report to the Legislative Policy Committee, in accordance with § 2–1257 of this article, by December 31 of each year as to the distribution of the funds provided under this section.

(6) Baltimore City shall:

(i) except as provided in subsection (b)(3)(i) of this section, establish a schedule for the distribution and expenditure of funds provided under this section; and

(ii) provide a quarterly report to the Legislative Policy Committee, in accordance with § 2–1257 of this article, on the distribution of the funds provided under this section.

(7) (i) The distribution under paragraph (3)(i) of this subsection to Anne Arundel County, Baltimore City, and Prince George's County equals the sum of the amounts to be distributed to Anne Arundel County, Baltimore City, and Prince George's County divided by three.

(ii) 1. Notwithstanding subparagraph (i) of this paragraph, the amount distributed to Anne Arundel County and Baltimore City under paragraph (3)(i) of this subsection may not be less than the amount received in the fiscal year before the video lottery operation license for a video lottery facility in Prince George's County was issued.

2. Any amount distributed to Anne Arundel County or Baltimore City as required under subsubparagraph 1 of this subparagraph shall be paid from the State Lottery Fund established under § 9–120(b) of this title.

(8) Beginning after a video lottery operation license is issued to a video lottery facility in Baltimore City, 100% of the local impact grants provided under § 9–1A–27 of this subtitle from the proceeds of the video lottery facilities located in Allegany, Cecil, and Worcester counties shall be distributed to the local jurisdictions in which those video lottery facilities are located.

(b) (1) Except as otherwise provided in paragraphs (2) and (3) of this subsection and subject to paragraph (4) of this subsection, local impact grants provided under subsection (a)(3)(i) of this section shall be used for improvements primarily in the communities in immediate proximity to the video lottery facilities and may be used for the following purposes:

(i) infrastructure improvements;

(ii) facilities;

(iii) public safety;

(iv) sanitation;

(v) economic and community development, including housing; and

(vi) other public services and improvements.

(2) (i) Subject to subparagraph (ii) of this paragraph, in Allegany County, local impact grants provided under subsection (a)(3)(i) of this section may be used:

1. for purposes listed in paragraph (1) of this subsection throughout the county; and

2. to pay down the debt incurred by the county in the construction and related costs for the golf course, lodge, and other improvements in Rocky Gap State Park.

(ii) At least 20% of the local impact grants provided under subsection (a)(3)(i) of this section in Allegany County shall be used for capital projects for municipalities and nonprofit organizations in the county.

(3) (i) In Baltimore City from the local impact grants provided under subsection (a)(3)(i) of this section:

1. beginning in fiscal year 2018, at least 50% shall be distributed directly to the South Baltimore Gateway Community Impact District Management Authority; and

2. beginning in fiscal year 2033 and each fiscal year thereafter, $3,500,000 shall be paid annually to the State Lottery Fund established under § 9–120 of this title until any bonds, debt, or other financial instruments issued or made available by the Maryland Stadium Authority for a racing facility under Title 10, Subtitle 6 of the Economic Development Article reach final maturity.

(ii) Except as provided in subparagraph (i)2 of this paragraph, local impact grants provided under subsection (a)(3)(i) of this section shall be used for improvements in the communities in immediate proximity to the video lottery facility and may be used for the following purposes:

1. infrastructure improvements;

2. facilities;

3. public safety;

4. sanitation;

5. economic and community development, including housing; and

6. other public services and improvements.

(4) (i) 1. Subject to subsubparagraph 2 of this subparagraph, in Prince George's County, 40% of local impact grants provided under this section shall be used to address infrastructure needs related to Maryland Route 210 in Prince George's County.

2. The amount of local impact grants used as provided in subsubparagraph 1 of this subparagraph may not exceed $15,000,000 in a fiscal year.

3. Prince George's County may be reimbursed by the State for any money used as provided in this subparagraph.

(ii) In Prince George's County, $125,000 of the local impact grants provided under this section shall be provided annually to be used in communities within 2.5 miles northeast of the video lottery facility in Prince George's County.

(c) (1) A local development council shall be established in each geographic area where a video lottery facility is located.

(2) Subject to paragraph (3) of this subsection, a local development council shall consist of the following members appointed by the chief executive of the county in which the local development council is located, in consultation with the Senators and Delegates who represent the communities surrounding the facility and the respective county councils, city councils, or county commissioners:

(i) one Senator who represents the district where the facility is located or the Senator's designee;

(ii) two Delegates who represent the districts where the communities surrounding the facility are located or the Delegates' designees;

(iii) one representative of the video lottery operation licensee;

(iv) seven residents of the communities in immediate proximity to the facility; and

(v) four representatives of businesses or institutions located in immediate proximity to the facility.

(3) (i) If the video lottery facility is at a racetrack location at the Ocean Downs Race Course:

1. the County Commissioners of Worcester County shall appoint the local development council;

2. the Senator or the Senator's designee shall serve as a member of the local development council; and

3. the Delegates or the Delegates' designees shall serve as members of the local development council.

(ii) If the video lottery facility is located in Anne Arundel County, the County Executive shall appoint three Delegates who represent the district where the communities surrounding the facility are located or the Delegates' designees.

(d) (1) Prior to any expenditure of local impact grant funds provided under § 9–1A–27 of this subtitle, a county or municipality shall develop, in consultation with the local development council, a multiyear plan for the expenditure of the local impact grant funds for services and improvements consistent with subsection (b) of this section.

(2) A county or municipality shall submit the plan to the local development council for review and comment before adopting the plan or expending any grant funds.

(3) The local development council shall advise the county or municipality on the impact of the facility on the communities and the needs and priorities of the communities in immediate proximity to the facility.

(4) (i) A local development council shall have 45 days to review, comment, and make recommendations on the plan required under this subsection.

(ii) Except as provided in subparagraph (iii) of this paragraph, on the request of a local development council, the county or municipality shall hold a public hearing on the plan.

(iii) Baltimore City shall hold a public hearing on the plan for the expenditure of funds allocated under subsection (a)(3)(ii) of this section.

(5) A county or municipality shall make best efforts to accommodate the recommendations of the local development council and any testimony presented at the hearing before adopting the plan required under this subsection.

(e) A video lottery operation licensee shall provide to the local development council a master plan for the development of the site on which the video lottery facility will be located.

§9–1A–32.

(a) The State may pay for the reasonable transportation costs to:

(1) mitigate the impact on the communities in the immediate proximity to the facility; and

(2) make each video lottery facility accessible to the public.

(b) (1) A comprehensive transportation plan shall be:

(i) developed by each county where a facility is located, in consultation with the local development council created under § 9–1A–31 of this subtitle; and

(ii) approved by the Maryland Department of Transportation.

(2) The comprehensive transportation plan shall include provisions on roads and provisions regarding mass transit if mass transit is a substantial manner of transportation in the county where a video lottery facility is located.

(c) The Maryland Department of Transportation shall facilitate negotiations with affected communities to ensure the most practical ingress to and egress from the video lottery facility.

(d) (1) Notwithstanding any other provision of this section, the Department of Transportation may pay for and undertake the improvement and enhancement of MD Route 589 from the intersection of MD Route 50 through MD Route 113 in Worcester County to address the needs related to traffic capacity, public safety, and esthetics in the area where a video lottery facility is located.

(2) The Department may take the necessary steps to ensure that the plans for the improvements and enhancements to MD Route 589 are under development on or before the date on which the video lottery facility at the Worcester County location is operational and open to the public.

§9–1A–33.

(a) (1) The Commission shall:

(i) establish an annual fee of $425, to be paid by each video lottery operation licensee, for each video lottery terminal operated by the licensee during the year, based on the maximum number of terminal positions in use during the year; and

(ii) distribute the fees collected under item (i) of this paragraph to the Problem Gambling Fund established in subsection (b) of this section.

(2) The Commission may establish an annual fee of up to $500 for each table game to be paid by each video lottery operation licensee and distributed to the Problem Gambling Fund under subsection (b) of this section in order to ensure sufficient funds are available to provide requested services.

(b) (1) (i) There is a Problem Gambling Fund in the Maryland Department of Health.

(ii) The purpose of the Fund is primarily to provide funding for problem gambling treatment and prevention programs, including:

1. inpatient and residential services;

2. outpatient services;

3. intensive outpatient services;

4. continuing care services;

5. educational services;

6. services for victims of domestic violence; and

7. other preventive or rehabilitative services or treatment.

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

(3) Money in the Problem Gambling Fund shall be invested and reinvested by the Treasurer, and interest and earnings shall accrue to the Fund.

(4) Except as provided in paragraph (5) of this subsection, expenditures from the Problem Gambling Fund shall be made only by the Maryland Department of Health to:

(i) establish a 24–hour hotline for compulsive and problem gamblers and to provide counseling and other support services for compulsive and problem gamblers;

(ii) establish an outreach program for compulsive and problem gamblers, including individuals who requested placement on the voluntary exclusion list established by the Commission under § 9–1A–24 of this subtitle, for the purpose of participating in problem gambling treatment and prevention programs;

(iii) develop and implement free or reduced cost problem gambling treatment and prevention programs, including the programs established under Title 19, Subtitle 8 of the Health – General Article; and

(iv) develop and implement free or reduced cost problem gambling treatment and prevention programs targeted at individuals with problem gambling issues related to sports wagering, participation in fantasy competitions, and other forms of wagering, whether legal or illegal, conducted in the State or through online means.

(5) After satisfying the requirements of paragraph (4) of this subsection, any unspent funds in the Problem Gambling Fund may be expended by the Maryland Department of Health on drug and other addiction treatment services.

(6) Expenditures from the Problem Gambling Fund shall be made in accordance with an appropriation approved by the General Assembly in the annual State budget or by the budget amendment procedure provided for in § 7–209 of the State Finance and Procurement Article.

§9–1A–34.

The Commission shall make an annual report to the Governor and, subject to § 2–1257 of this article, to the General Assembly:

(1) on the operation and finances of the video lottery facilities;

(2) with the assistance of local police departments and the Department of State Police, detailing the crimes that occur within the communities surrounding a video lottery facility; and

(3) on the attainment of minority business participation goals specified for licensees under § 9–1A–10(a)(1) and (2) of this subtitle and the efforts by licensees to maintain those goals.

§9–1A–36.

(a) There is a Video Lottery Facility Location Commission.

(b) (1) The Video Lottery Facility Location Commission consists of seven members.

(2) (i) Three of the members shall be appointed by the Governor.

(ii) Two of the members shall be appointed by the President of the Senate but may not be members of the Senate of Maryland.

(iii) Two of the members shall be appointed by the Speaker of the House of Delegates but may not be members of the House.

(3) The membership of the Video Lottery Facility Location Commission appointed under this subsection should reflect the race, gender, and geographic diversity of the population of the State.

(4) One of the members appointed by the Governor shall be the chair of the Video Lottery Facility Location Commission.

(5) The Governor, in consultation with the President of the Senate and the Speaker of the House of Delegates, may remove a member of the Video Lottery Facility Location Commission for inefficiency, misconduct in office, or neglect of duty.

(c) A member of the Video Lottery Facility Location Commission:

(1) shall be at least 21 years of age;

(2) shall be a citizen of the United States;

(3) shall be a resident of the State;

(4) shall be knowledgeable and experienced in fiscal matters and shall have at least 10 years substantial experience:

(i) as an executive with fiduciary responsibilities in charge of a large organization or foundation;

(ii) in an academic field relating to finance or economics; or

(iii) as an economist, financial analyst, or accountant, or as a professional in a similar profession relating to fiscal matters or economics;

(5) may not have been convicted of or granted probation before judgment for a serious crime or a crime that involves gambling or moral turpitude;

(6) may not have an official relationship to a person that holds a license under this subtitle;

(7) may not have any direct or indirect financial interest, ownership, or management, including holding any stocks, bonds, or other similar financial interests in any gaming activities, including horse racing, video lottery terminals, or lottery;

(8) may not receive or share in, directly or indirectly, the receipts or proceeds of any gaming activities, including horse racing or lottery;

(9) may not have a beneficial interest in any contract for the manufacture or sale of gaming devices, the conduct of any gaming activity, or the provision of any independent consulting services in connection with any gaming establishment or gaming activity;

(10) may not be an elected official of State or local government; and

(11) shall file a financial disclosure statement with the State Ethics Commission in accordance with Title 15, Subtitle 6 of this article.

(d) A member of the Video Lottery Facility Location Commission:

(1) may not receive compensation for serving on the Video Lottery Facility Location Commission; but

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

(e) The State Lottery and Gaming Control Commission shall provide staff to the Video Lottery Facility Location Commission.

(f) The Video Lottery Facility Location Commission may award not more than six video lottery operation licenses to qualified applicants, through a competitive process consistent with the process for competitive sealed proposals under Title 13 of the State Finance and Procurement Article.

(g) The Video Lottery Facility Location Commission may not award more than one video lottery operation license in a single county or Baltimore City.

(h) (1) In order to qualify for a video lottery operation license under this section, a proposed video lottery facility shall be located in one of the following counties:

(i) a location in Anne Arundel County, within 2 miles of MD Route 295;

(ii) a location in Cecil County, within 2 miles of Interstate 95;

(iii) a location on State property associated with the Rocky Gap State Park in Allegany County;

(iv) a location in Worcester County, within 1 mile of the intersection of Route 50 and Route 589;

(v) a location in Baltimore City that is:

1. located:

A. in a nonresidential area;

B. within one–half mile of Interstate 95;

C. within one–half mile of MD Route 295; and

D. on property that is owned by Baltimore City on the date on which the application for a video lottery operation license is submitted; and

2. not adjacent to or within one–quarter mile of property that is:

A. zoned for residential use; and

B. used for a residential dwelling on the date the application for a video lottery operation license is submitted; or

(vi) a location in Prince George's County within a 4–mile radius of the intersection of Bock Road and St. Barnabas Road.

(2) Nothing in this subtitle may be construed to preempt the exclusive authority of the Video Lottery Facility Location Commission to award video lottery operation licenses in accordance with this subtitle.

(3) (i) With respect to a video lottery operation license awarded to a location under paragraph (1)(iv) of this subsection, the holder of the video lottery operation license or any other person with a direct or indirect legal or financial interest in the Ocean Downs racetrack or video lottery facility may not build or operate a conference center or convention center, amusement park, amusement rides, arcade, or miniature golf course on or within 10 miles of the property owned by the holder of the license on which a video lottery facility is operated.

(ii) The prohibitions under subparagraph (i) of this paragraph apply to any subsequent holder of a video lottery operation license awarded under paragraph (1)(iv) of this subsection.

(i) (1) Except as provided in paragraphs (2) and (3) of this subsection, the Video Lottery Facility Location Commission may not allocate more than the following number of video lottery terminals for:

(i) a location in Anne Arundel County – 4,750 video lottery terminals;

(ii) a location in Baltimore City – 3,750 video lottery terminals;

(iii) a location in Cecil County – 2,500 video lottery terminals;

(iv) a location in Prince George's County – 3,000 video lottery terminals;

(v) a location in Rocky Gap State Park (Allegany County) – 1,500 video lottery terminals; and

(vi) a location in Worcester County – 2,500 video lottery terminals.

(2) The Video Lottery Facility Location Commission may allocate video lottery terminals in a manner that is different from the allocation provided in paragraph (1) of this subsection on a determination that the market factors and other factors evaluated under subsection (k) of this section warrant the different allocation, provided that no one location may be allocated more than 4,750 video lottery terminals.

(3) (i) Beginning with the termination date for the Video Lottery Facility Location Commission and every 3 years thereafter, if all of the video lottery terminals authorized under this subtitle are not allocated or have been allocated but are not in regular operation, the State Lottery and Gaming Control Commission may

allocate or reallocate video lottery terminals to video lottery operation licensees in a manner that ensures that the highest potential revenues are achieved.

(ii) In determining the highest potential revenues to be achieved by additional video lottery terminals at each potential location, the State Lottery and Gaming Control Commission shall consider the market performance of the existing video lottery terminals at each location.

(j) (1) (i) Except as provided in subparagraph (ii) of this paragraph, an application submitted for a video lottery operation license under this section shall include an initial license fee in the application of at least $3,000,000 for each 500 video lottery terminals included in the application.

(ii) For an application submitted for a video lottery operation license in Allegany County, the initial license fee for up to 500 video lottery terminals shall be waived.

(2) All initial license fees submitted under this subtitle shall accrue to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(3) (i) An application submitted for a video lottery operation license under this section shall provide for at least $25,000,000 in direct investment by the applicant in construction and related costs for each 500 video lottery terminals contained in the proposed application that shall be prorated based on the exact number of video lottery terminals contained in the application.

(ii) For an application submitted for a video lottery operation license in Allegany County, the purchase price for the Rocky Gap Lodge and Resort shall be counted in the calculation of the applicant's direct investment under this paragraph, as determined by the Video Lottery Facility Location Commission.

(k) (1) In awarding a video lottery operation license, the Video Lottery Facility Location Commission shall evaluate the factors under this subsection in the manner specified.

(2) The decision by the Video Lottery Facility Location Commission to award a license shall be weighted by 70% based on business and market factors including:

(i) the highest potential benefit and highest prospective total revenues to be derived by the State;

(ii) the potential revenues from a proposed location based on a market analysis;

(iii) the extent to which the proposed location encourages Maryland gaming participants to remain in the State;

(iv) the extent to which the proposed location demonstrates that the facility will be a substantial regional and national tourist destination;

(v) the proposed facility capital construction plans and competitiveness of the proposed facility;

(vi) the amount of gross revenues to be allocated to the video lottery operator over the term of the license;

(vii) the percent of ownership by entities meeting the definition of minority business enterprise under Title 14, Subtitle 3 of the State Finance and Procurement Article;

(viii) the extent to which the proposed location will preserve existing Maryland jobs and the number of net new jobs to be created; and

(ix) the contents of the licensee's plan to achieve minority business participation goals in accordance with the requirements described under § 9–1A–10(a)(1) and (2) of this subtitle.

(3) The decision by the Video Lottery Facility Location Commission to award a license shall be weighted by 15% based on economic development factors, including:

(i) the anticipated wages and benefits for new jobs to be created; and

(ii) any additional economic development planned in the area of the proposed facility.

(4) The decision by the Video Lottery Facility Location Commission to award a license shall be weighted by 15% based on location siting factors, including:

(i) the existing transportation infrastructure surrounding the proposed facility location;

(ii) the negative impact, if any, of a proposed facility location on the surrounding residential community; and

(iii) the need for additional public infrastructure expenditures at the proposed facility.

(l) (1) If an applicant is seeking investors in the entity applying for a video lottery operation license, it shall take the following steps before being awarded a license by the Video Lottery Facility Location Commission:

(i) make serious, good–faith efforts to solicit and interview a reasonable number of minority investors; and

(ii) as part of the application, submit a statement that lists the names and addresses of all minority investors interviewed and whether or not any of those investors have purchased an equity share in the entity submitting an application.

(2) If an applicant is awarded a license by the Video Lottery Facility Location Commission, the applicant shall sign a memorandum of understanding with the Video Lottery Facility Location Commission that requires the awardee to again make serious, good–faith efforts to interview minority investors in any future attempts to raise venture capital or attract new investors to the entity awarded the license.

(3) The Governor's Office of Small, Minority, and Women Business Affairs, in consultation with the Office of the Attorney General, shall provide assistance to all potential applicants and potential minority investors to satisfy the requirements under paragraphs (1)(i) and (2) of this subsection.

(m) The Video Lottery Facility Location Commission may not award a video lottery operation license to a person that is not qualified under this section or this subtitle.

(n) (1) The Video Lottery Facility Location Commission shall refer to the State Lottery and Gaming Control Commission the name and all relevant information concerning a person that makes an application under this section.

(2) On receipt of the information in paragraph (1) of this subsection, the State Lottery and Gaming Control Commission shall evaluate whether an applicant is qualified to hold a video lottery operation license under this subtitle.

(3) On completion of its determination, the State Lottery and Gaming Control Commission shall notify the Video Lottery Facility Location Commission of its evaluation as to whether an applicant is qualified to hold a video lottery operation license under this subtitle.

(o) After an award of a video lottery operation license under this section, the Video Lottery Facility Location Commission shall notify the State Lottery and Gaming Control Commission of the successful applicants.

(p) After an award of a video lottery operation license under this section, the State Lottery and Gaming Control Commission shall:

(1) issue the video lottery operation license; and

(2) be responsible for all matters relating to regulation of the licensee.

(q) (1) An unsuccessful applicant for a video lottery operation license under this section may seek, under Title 15 of the State Finance and Procurement Article, review by the State Board of Contract Appeals of the awarding of the video lottery operation license by the Video Lottery Facility Location Commission.

(2) A proceeding under this subsection shall:

(i) take precedence on the Board's docket;

(ii) be heard at the earliest practicable date; and

(iii) be expedited in every way.

(r) (1) Nothing in this subtitle may be construed to require the Video Lottery Facility Location Commission to award all six video lottery operation licenses authorized under this subtitle.

(2) Notwithstanding any of the provisions of this subtitle, the Video Lottery Facility Location Commission may not award a video lottery operation license under this subtitle unless the Video Lottery Facility Location Commission determines and declares that an applicant selected for award of the license is in the public interest and is consistent with the purposes of this subtitle.

(s) The Video Lottery Facility Location Commission may award a video lottery operation license that is revoked or surrendered utilizing the criteria established in this subtitle.

(t) (1) Except as provided in paragraph (2) of this subsection, the Video Lottery Facility Location Commission shall terminate on January 1, 2015.

(2) The Governor may reconstitute the Video Lottery Facility Location Commission, which shall include the appointment of new members based on the criteria established under subsections (b) and (c) of this section:

(i) one year prior to the expiration of a video lottery operation license; or

(ii) following the revocation or surrender of a video lottery operation license.

§9–1A–37.

(a) (1) The Commission may consider and make recommendations on proposed changes to this subtitle, Subtitle 1 of this title, and any provisions of the Alcoholic Beverages and Cannabis Article that relate to the regulation of alcoholic beverages at video lottery facilities.

(2) On request of the Governor or the presiding officer of either house of the General Assembly, the Commission shall consider and make recommendations on proposed changes to this subtitle, Subtitle 1 of this title, and any provisions of the Alcoholic Beverages and Cannabis Article that relate to the regulation of alcoholic beverages at video lottery facilities.

(3) A video lottery facility may request that the Commission consider and make recommendations on proposed changes to this subtitle and any provisions of the Alcoholic Beverages and Cannabis Article that relate to the regulation of alcoholic beverages at video lottery facilities.

(b) (1) The Commission may recommend or propose legislation on any matter within or related to the jurisdiction of the Commission.

(2) The Commission shall review and comment on any legislation introduced during a session of the General Assembly that relates to a matter within the jurisdiction of the Commission.

§9–1A–38.

(a) There is a Joint Committee on Gaming Oversight.

(b) (1) The Committee consists of the following eight members:

(i) four members of the Senate, appointed by the President of the Senate; and

(ii) four members of the House of Delegates, appointed by the Speaker of the House.

(2) At least one Senator and one Delegate appointed under this subsection shall be a member of the minority party.

(c) The members of the Committee serve at the pleasure of the presiding officer who appointed them.

(d) The President and the Speaker of the House shall appoint a Senator and a Delegate, respectively, to serve as cochairs.

(e) (1) The Committee shall examine:

(i) the status of the State's gaming program; and

(ii) the implementation of new laws relating to gaming.

(2) The Committee shall make recommendations for potential improvements to the State's gaming program.

(f) The Department of Legislative Services shall provide staffing for the Committee.

(g) A member of the Committee may not receive compensation for serving on the Committee, but is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(h) On or before December 31 of each year, the Committee shall report its findings and recommendations to the Governor and, in accordance with § 2–1257 of this article, the General Assembly.

§9–1B–01.

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

(b) "Commission" means the State Lottery and Gaming Control Commission.

(c) (1) "Family entertainment center" means a location with a street address:

(i) where a person or legal entity offers licensed amusement, merchandise, redemption, or skills–based devices for operation or play to individuals of all ages; and

(ii) that pays:

1. State and local property tax;

2. sales and use tax; and

3. admissions and amusement tax.

(2) "Family entertainment center" does not include:

(i) a location without a street address;

(ii) the common area of a commercial building or facility; or

(iii) a location that is operated primarily as a movie theater, bowling alley, skating rink, or any other similar establishment that displays or operates amusement devices only during the hours that the establishment makes its primary service or activity available to the public.

§9–1B–02.

(a) This section applies only in Worcester County.

(b) The Commission may issue an amusement gaming license to a family entertainment center that satisfies the requirements of this section.

(c) A family entertainment center may apply to the Commission for a license under this section if the family entertainment center:

(1) is located in a building that is owned, leased, or occupied by the family entertainment center for the primary purpose of providing amusement devices to the public;

(2) receives a majority of the gross receipts from amusement, merchandise, redemption, or skills–based devices;

(3) markets its business to families with children;

(4) offers amusement devices, arcade games, crane games, video games, interactive and sporting games, amusement rides, miniature golf, and bowling; and

(5) is in continuous operation in the same geographic location since 1975.

(d) (1) A family entertainment center that holds an amusement gaming license issued under this section may operate:

(i) skills–based devices that award noncash prizes of minimal value; and

(ii) up to 10 skills–based devices that award noncash prizes with a minimal wholesale value that does not exceed $599.

(2) The Commission shall determine the value of the noncash prizes that may be awarded by a skills–based device under paragraph (1)(i) of this subsection.

(e) A family entertainment center may not exchange merchandise for money.

(f) The Commission may determine that a device at a family entertainment center is an illegal gaming device and order the device to be removed from the family entertainment center.

(g) A family entertainment center that holds an amusement gaming license issued under this section may not transfer the license to another geographic location.

§9–1C–01.

(a) Notwithstanding any other provision of the Criminal Law Article, an individual who is at least 21 years old may conduct a home game involving wagering if the home game:

(1) except as provided in subsection (b) of this section, is limited to mah jong or a card game;

(2) is conducted not more than once a week:

(i) in the place of residence of an individual who may also participate as a player in the home game; or

(ii) in a common area of a residential property that is restricted to residents who are at least 55 years old;

(3) allows a player to compete directly against one or more other players who share a preexisting social relationship;

(4) does not allow an individual to benefit financially in any way, directly or indirectly, other than from the winnings accrued by participating as a player in the game;

(5) does not involve:

(i) a player's use of an electronic device that connects to the Internet;

(ii) the use of paid public advertising or promotions;

(iii) the charging of a fee for admission, a seat, entertainment, or food and drink or any other fee; or

(iv) the use of any money except money used for wagering; and

(6) has a limit of $1,000 on the total amount of money, tokens representing money, or any other thing or consideration of value that may be wagered by all players during any 24–hour period.

(b) In Carroll County, a home game authorized under subsection (a) of this section may include bingo if it is conducted in a common area of a residential property that is restricted to residents who are at least 55 years old.

§9–1D–01.

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

(b) "Commission" has the meaning stated in § 9–1A–01 of this title.

(c) "Entry fee" means cash or cash equivalents that a fantasy competition player is required to pay to a fantasy competition operator in order to participate in a fantasy competition.

(d) "Fantasy competition" includes any online fantasy or simulated game or contest such as fantasy sports, in which:

(1) participants own, manage, or coach imaginary teams;

(2) all prizes and awards offered to winning participants are established and made known to participants in advance of the game or contest;

(3) the winning outcome of the game or contest reflects the relative skill of the participants and is determined by statistics generated by actual individuals (players or teams in the case of a professional sport); and

(4) no winning outcome is based:

(i) solely on the performance of an individual athlete; or

(ii) on the score, point spread, or any performances of any single real–world team or any combination of real–world teams.

(e) (1) "Fantasy competition operator" means any person that offers services in connection with fantasy competitions to individuals by means of:

(i) the Internet;

(ii) a smart phone application; or

(iii) any other electronics, digital media, communication technology, or device.

(2) "Fantasy competition operator" includes, for purposes of the federal Bank Secrecy Act of 1970 and its related regulations, a gaming establishment having at least $1,000,000 in annual gross revenue.

(3) "Fantasy competition operator" does not include an individual who:

(i) organizes a fantasy competition in which the individual also participates; and

(ii) receives no compensation for organizing the fantasy competition.

(f) "Fantasy competition player" means an individual who participates in a fantasy competition offered by a fantasy competition operator.

(g) "Location percentage" means, for a fantasy competition, the percentage, rounded to the nearest one–tenth of a percent, of the total entry fees collected by a fantasy competition operator from fantasy competition players in the State divided

by the total entry fees collected from all fantasy competition players, regardless of the players' locations, of the fantasy contests.

(h) "Proceeds" means, for a fantasy competition, the amount of entry fees collected by a fantasy competition operator from all fantasy competition players entering the fantasy competition, less winnings paid to fantasy competition players, multiplied by the location percentage.

§9–1D–02.

(a) Notwithstanding the provisions of Title 12 of the Criminal Law Article or any other title, and except as provided under subsection (b) of this section, the prohibitions against betting, wagering, and gambling do not apply to participation in a fantasy competition.

(b) A person may not operate a kiosk or machine that offers fantasy competition to the public in a place of business physically located in the State.

§9–1D–03.

(a) A fantasy competition operator shall register with the Commission before the fantasy competition operator may offer a fantasy competition or services in connection with a fantasy competition in the State.

(b) Unless a registration is renewed for a 1–year term, the registration expires 1 year from the initial date of registration.

(c) The Commission may impose a fee for the registration of a fantasy competition operator in accordance with this section.

§9–1D–04.

(a) A fantasy competition operator shall retain 85% of the proceeds and pay the remainder to the Commission.

(b) The Commission shall distribute the proceeds paid under subsection (a) of this section to the Blueprint for Maryland's Future Fund established under § 5–206 of the Education Article.

§9–1D–05.

(a) The Commission shall adopt regulations to carry out the provisions of this subtitle.

(b) The regulations adopted under this section may include requirements for the establishment of a voluntary exclusion list.

§9–1E–01.

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

(b) "Commission" has the meaning stated in § 9–1A–01 of this title.

(c) "Gaming establishment" means, for purposes of the federal Bank Secrecy Act of 1970 and its related regulations, a sports wagering licensee having at least $1,000,000 in annual gross revenue.

(d) "Horse racing licensee" means the holder of a license issued by the State Racing Commission under § 11–510 of the Business Regulation Article.

(e) "Mobile sports wagering licensee" means a sports wagering licensee who is authorized to conduct and operate online sports wagering.

(f) "Online sports wagering" means sports wagering through an online gaming system:

(1) on a computer, a mobile device, or any other interactive device; and

(2) that is accepted by a sports wagering licensee or an online sports wagering operator.

(g) "Online sports wagering operator" means an entity registered with a state to do business within a jurisdiction of the United States that holds a license issued by the Commission under this subtitle to operate online sports wagering on behalf of a sports wagering licensee.

(h) "Proceeds" means the amount of money wagered on a sporting event, less:

(1) the amount returned to successful bettors;

(2) the cash equivalents of any merchandise or thing of value awarded as a prize to successful bettors;

(3) free bets and promotional credits redeemed by bettors; and

(4) all excise taxes paid by a sports wagering licensee in accordance with federal law.

(i) (1) "Sporting event" means:

(i) a professional sports or athletic event;

(ii) a collegiate sports or athletic event;

(iii) an Olympic or international sports or athletic event;

(iv) an electronic sports or video game competition in which each participant is at least 18 years old;

(v) a motor race event sanctioned by a motor racing governing entity;

(vi) except as otherwise prohibited under Title 11 of the Business Regulation Article or the federal Interstate Horse Racing Act, a horse race, held in or out of the State, if consented to and approved by:

1. the horse racing licensee of the applicable breed;

2. the organization representing the majority of the owners and trainers of the applicable breed in the State;

3. the organization representing the majority of the applicable breeders in the State; and

4. the State Racing Commission;

(vii) any portion of a sporting event, including the individual performance statistics of athletes or competitors in a sporting event; or

(viii) an award event or competition of national or international prominence if expressly authorized by the Commission.

(2) "Sporting event" does not include:

(i) a high school sports or athletic event; or

(ii) a fantasy competition regulated under Subtitle 1D of this title.

(j) "Sports wagering" means the business of accepting wagers on any sporting event by any system or method of wagering, including single–game bets, teaser bets, parlays, over–under, moneyline, pools, exchange wagering, in–game wagering, in–play bets, proposition bets, and straight bets.

(k) (1) "Sports wagering facility licensee" means a sports wagering licensee who is authorized to conduct and operate sports wagering at the sports wagering facility owned, leased, or occupied by the sports wagering licensee.

(2) "Sports wagering facility licensee" includes the holder of a Class A–1, A–2, B–1, or B–2 sports wagering facility license issued under § 9–1E–06 of this subtitle.

(l) "Sports wagering license" means a license issued by the Commission under this subtitle that authorizes the holder to accept wagers on sporting events.

(m) "Sports wagering licensee" means the holder of a sports wagering license.

(n) "Video lottery facility" has the meaning stated in § 9–1A–01 of this title.

(o) "Video lottery operation license" has the meaning stated in § 9–1A–01 of this title.

(p) "Video lottery operator" has the meaning stated in § 9–1A–01 of this title.

§9–1E–02.

It is the intent of the General Assembly that this subtitle is to be implemented in a manner that, to the extent permitted by State and federal law, maximizes the ability of minorities, women, and minority and women–owned businesses to participate in the sports wagering industry, including through the ownership of entities licensed to conduct sports wagering under this subtitle.

§9–1E–03.

(a) (1) Unless the context requires otherwise, the requirements under §§ 9–1A–04, 9–1A–06, 9–1A–07, 9–1A–08, 9–1A–12, 9–1A–14, 9–1A–18, 9–1A–19, 9–1A–20, and 9–1A–25 of this title apply to the authority, duties, and responsibilities of the Commission, a sports wagering licensee, and an employee or a contractor of a sports wagering licensee under this subtitle.

(2) The Commission shall consider the use of technology, remote surveillance, and other similar measures to carry out its duties under this subsection and § 9–1E–04 of this subtitle.

(b) This subtitle authorizes a sports wagering licensee to conduct and operate sports wagering in the State as provided in this subtitle.

(c) A sports wagering licensee:

(1) shall:

(i) comply with all State and federal data security laws; and

(ii) maintain all sports wagering data securely for at least 5 years; and

(2) may not:

(i) share any personally identifiable information with any third parties without permission, except as needed to operate sports wagering and administer the licensee's obligations under this subtitle;

(ii) target advertising to individuals who are prohibited from participating in sports wagering and other at–risk individuals; or

(iii) engage in any false or deceptive advertising.

(d) (1) Except as provided in paragraph (2) of this subsection, a sports wagering facility is subject to local zoning laws.

(2) The use of a facility for sports wagering is not required to be submitted to or approved by any county or municipal zoning board, authority, or unit if the facility is properly zoned and operating as of the effective date of this Act for the following activities:

(i) operation of a video lottery facility;

(ii) pari–mutuel betting on horse racing; or

(iii) operation of electronic bingo or electronic tip jar machines.

§9–1E–04.

(a) Except as otherwise provided in this subtitle, the Commission shall regulate sports wagering and the conduct of sports wagering to the same extent that the Commission regulates the operation of video lottery terminals and table games under Subtitle 1A of this title.

(b) In accordance with this subtitle, the Commission shall adopt regulations that establish:

(1) subject to § 9–1E–15 of this subtitle, the form and content of an application for any license required under this subtitle;

(2) the methods, procedures, and form for delivery of information from an applicant or a licensee concerning any person's family, habits, character, associates, criminal record, business activities, and financial affairs;

(3) the procedures for the fingerprinting of an applicant for any license required under this subtitle or other methods of identification that may be necessary in the judgment of the Commission to accomplish effective enforcement of the provisions of this subtitle;

(4) the grounds and procedures for reprimands of licensees or the revocation or suspension of licenses issued under this subtitle;

(5) the manner and method of collection of taxes, fees, and civil penalties;

(6) standards, procedures, and rules that govern the conduct of sports wagering, including:

(i) the approval process for self–service kiosks, devices, or machines, security measures for the kiosks, devices, or machines, the amount of wagers authorized on the kiosks, devices, or machines, and any other matter relating to a self–service kiosk, device, or machine necessary to carry out the provisions of this subtitle;

(ii) the types of wagers on sporting events that may be accepted by a sports wagering licensee and prohibited wagers, such as wagers on injuries, penalties, the outcome of player disciplinary rulings, replay reviews, and other types or forms of wagering that are contrary to public policy or unfair to bettors;

(iii) the types and values of promotional items that may be given away to encourage sports wagering;

(iv) the manner in which wagers are received and payouts are remitted;

(v) the maximum wagers that may be accepted by a sports wagering licensee from a single bettor on a single sporting event;

(vi) the amount of cash reserves or other financial security to be maintained by sports wagering licensees to cover winning wagers;

(vii) acceptable forms of payment and advance deposit methods by bettors;

(viii) minimum uniform standards of accountancy methods, procedures, and forms as are necessary to ensure consistency, comparability, and effective disclosure of all financial information, including percentages of profit;

(ix) periodic financial reports and the form of the reports, including an annual audit prepared by a certified public accountant licensed to do business in the State in accordance with the Statement on Standards for Attestation Engagements and generally accepted accounting principles;

(x) requiring licensees under this subtitle to demonstrate and maintain financial viability;

(xi) ensuring that sports wagering is conducted legally;

(xii) requiring licensees to prominently publish complaint procedures; and

(xiii) establishing a list of individuals who are to be mandatorily excluded or ejected by a sports wagering licensee from any facility or website operated by a sports wagering licensee; and

(7) any other regulation necessary to carry out the provisions of this subtitle.

(c) The Commission may adopt regulations authorizing a sports wagering licensee, if a satellite simulcast facility is located in the licensee's sports wagering facility, to allow its employees to:

(1) accept satellite simulcast bets on horse racing; and

(2) operate kiosks capable of accepting both sports wagers and satellite simulcast bets.

§9–1E–05.

(a) The following persons shall be licensed under this subtitle:

(1) a person that operates sports wagering;

(2) a person that operates sports wagering on behalf of a sports wagering licensee, including an online sports wagering operator;

(3) a person not licensed under item (1) or (2) of this subsection that manages, operates, supplies, provides security for, or provides service, maintenance, or repairs for sports wagering equipment and devices; and

(4) an individual directly employed in the operation of sports wagering by a sports wagering licensee if the individual does not otherwise hold a valid license under Subtitle 1A of this title.

(b) The Commission may by regulation require a person that contracts with a licensee and the person's employees to obtain a license under this subtitle if the Commission determines that the licensing requirements are necessary in order to protect the public interest and accomplish the policies established by this subtitle.

(c) (1) For all licenses required under this subtitle, if an applicant holds a valid license in this State or another state and the Commission determines that the licensing standards of the issuing agency are comprehensive and thorough and provide similar and adequate safeguards to those provided in this subtitle, the Commission may:

(i) waive some or all of the requirements of this subtitle; and

(ii) issue a license to that applicant.

(2) Except as provided under this subtitle or in regulation, the Commission may not waive a requirement under paragraph (1) of this subsection that relates to:

(i) minority business enterprise participation goals and procedures established under § 9–1E–07(b) of this subtitle; or

(ii) a requirement of the Sports Wagering Application Review Commission under § 9–1E–15 of this subtitle.

(d) (1) Except as provided in paragraph (3) of this subsection, on the request of an applicant, the Commission may grant an exemption or a waiver of a licensing requirement or grounds for denial of a license if the Commission determines that the requirement or grounds for denial of a license as applied to the applicant are not necessary to protect the public interest or accomplish the policies established by this subtitle.

(2) On granting to an applicant an exemption or a waiver under this subsection, or at any time after an exemption or a waiver has been granted, the Commission may:

(i) limit or place restrictions on the exemption or waiver as the Commission considers necessary in the public interest; and

(ii) require the person that is granted the exemption or waiver to cooperate with the Commission and to provide the Commission with any additional information required by the Commission as a condition of the waiver or exemption.

(3) Except as provided under this subtitle or in regulation, the Commission may not grant an exemption or a waiver of a licensing requirement adopted by the Sports Wagering Application Review Commission in accordance with § 9–1E–15(h)(2) of this subtitle to implement remedial measures based on the findings of a study of the sports wagering industry and market.

§9–1E–06.

(a) (1) On an award of a license by the Sports Wagering Application Review Commission established under § 9–1E–15 of this subtitle, the Commission shall:

(i) issue a Class A–1 sports wagering facility license to an applicant that meets the requirements for licensure under this subtitle who is:

1. a video lottery operator with more than 1,000 video lottery terminals; or

2. A. the owner, or the designee of the owner, of a stadium in Prince George's County that is primarily used for professional football (NFL);

B. the owner, or the designee of the owner, of a professional football (NFL) franchise that is a lessee of a stadium in Baltimore City;

C. the owner, or the designee of the owner, of a professional major league baseball franchise that is a lessee of a stadium in Baltimore City;

D. the owner, or the designee of the owner, of a professional hockey league (NHL) franchise, that is a lessee of a stadium in the State;

E. the owner, or the designee of the owner, of a professional basketball association (NBA) franchise, that is a lessee of a stadium in the State; or

F. the owner, or the designee of the owner, of a professional soccer league (MLS) franchise, that is a lessee of a stadium in the State;

(ii) issue a Class A–2 sports wagering facility license to an applicant that meets the requirements for licensure under this subtitle who is:

1. a video lottery operator with 1,000 or fewer video lottery terminals; or

2. a horse racing licensee;

(iii) subject to paragraphs (2) and (3) of this subsection, issue a Class B–1 sports wagering facility license to any applicant who meets the requirements for licensure under this subtitle and who is not eligible for a Class B–2 sports wagering facility license;

(iv) subject to paragraphs (2) and (3) of this subsection, issue a Class B–2 sports wagering facility license to any applicant who is a person with less than:

1. 25 full–time equivalent employees; or

2. $3,000,000 in annual gross receipts; and

(v) issue not more than 60 mobile sports wagering licenses to any applicant who meets the requirements for licensure under this subtitle.

(2) (i) The Commission shall issue a Class B–1 or Class B–2 sports wagering facility license to an applicant that meets the requirements for licensure under this subtitle who is:

1. the holder of a license issued by the State Racing Commission under § 11–524 of the Business Regulation Article, including a subsidiary of the license holder;

2. a person who is the owner or lessee of a facility approved for satellite simulcast betting before January 1, 2021, unless the satellite simulcast facility is located at a video lottery facility or a racetrack; and

3. a person who holds a commercial bingo license, if the facility at which the person operates commercial bingo was permitted to operate at least 200 electronic bingo machines or electronic tip jar machines on January 1, 2021.

(ii) In addition to the Class B–1 and B–2 sports wagering facility licenses issued in accordance with subparagraph (i) of this paragraph, the Commission may issue not more than 30 Class B–1 and Class B–2 sports wagering facility licenses under paragraph (1) of this subsection.

(3) (i) The Sports Wagering Application Review Commission established under § 9–1E–15 of this subtitle may not award a Class B–1 or B–2 sports wagering facility license to an applicant:

1. who is eligible to apply for a Class A–1 or A–2 sports wagering facility license under paragraph (1) of this subsection;

2. who holds a Class A–1 or A–2 sports wagering facility license; or

3. whose sports wagering facility will be located:

A. except as provided under subparagraph (ii) of this paragraph, within a 15–mile radius of a Class A–1 or A–2 sports wagering facility located in Allegany County, Cecil County, or Worcester County;

B. with respect to an application for a sports wagering facility license submitted before June 1, 2025, within a 15–mile radius of a Class B–1 or B–2 sports wagering facility licensed to a person described under paragraph (2)(i) of this subsection and located in Charles County;

C. with respect to an application for a sports wagering facility license submitted before June 1, 2025, within a 10–mile radius of a Class B–1 or B–2 sports wagering facility licensed to a person described under paragraph (2)(i) of this subsection and located in Carroll County;

D. with respect to an application for a sports wagering facility license submitted before June 1, 2025, within a 5–mile radius of a Class B–1 or B–2 sports wagering facility licensed to a person described under paragraph (2)(i) of this subsection and located in Frederick County; or

E. within a 1.5–mile radius of a Class A–1 or A–2 sports wagering facility located in a county not described under item A, B, C, or D of this item or any other Class B–1 or B–2 sports wagering facility.

(ii) 1. The prohibition under subparagraph (i)3A of this paragraph does not apply in Allegany County prior to the issuance of a Class A–1 or A–2 sports wagering facility license in Allegany County.

2. A Class B–1 or B–2 sports wagering facility license issued within a 15–mile radius of a Class A–1 or A–2 sports wagering facility in Allegany County may be renewed if the license was initially issued prior to the issuance of the Class A–1 or A–2 license.

(4) A for–profit entity, nonprofit organization, or public–private partnership operating at the racing location described under Title 11, Subtitle 7 of the Business Regulation Article located on lands owned by the Department of Natural Resources may apply for a Class B–1 or B–2 sports wagering facility license.

(5) If an applicant designates an entity to hold the license under paragraph (1)(i)2 of this subsection, the designee shall be considered the applicant and subject to the requirements of the application process.

(6) In addition to any other person, an applicant for or holder of a Class A–1, A–2, B–1, or B–2 sports wagering facility license may apply for a mobile sports wagering license under this subsection.

(b) (1) Except as provided in paragraph (2) of this subsection, an applicant for a sports wagering license shall pay to the Commission an application fee of:

(i) $2,000,000 for a Class A–1 sports wagering facility license;

(ii) $1,000,000 for a Class A–2 sports wagering facility license;

(iii) $250,000 for a Class B–1 sports wagering facility license;

(iv) $50,000 for a Class B–2 sports wagering facility license; and

(v) $500,000 for a mobile sports wagering license.

(2) The requirement to pay an application fee to the Commission under paragraph (1) of this subsection does not apply to an applicant for a Class A–2 sports wagering facility license that is a horse racing licensee described under § 11–510(b)(3) of the Business Regulation Article.

(c) (1) The term of a sports wagering license under this section is 5 years.

(2) On application by the sports wagering licensee and payment of the license renewal fee under paragraph (3) of this subsection, the Commission shall renew for 5 years a sports wagering license if the licensee complies with all statutory and regulatory requirements.

(3) The license renewal fee is equal to 1% of the licensee's average annual proceeds from sports wagering for the preceding 3–year period less any proceeds remitted by the licensee in accordance with § 9–1E–12 of this subtitle.

(d) (1) A sports wagering licensee may not begin accepting wagers on sporting events until the application fee under subsection (b)(1) of this section is paid in full and the applicant reimburses the Commission for expenses related to performing background investigations.

(2) The application fee under subsection (b)(1) of this section is nonrefundable.

§9–1E–07.

(a) An applicant for a license under this subtitle shall submit to the Commission:

(1) an application in the form that the Commission requires; and

(2) if the applicant is applying for a sports wagering license, an affidavit attesting to:

(i) the number of minority and women owners of the applicant;

(ii) the ownership interest of any minority and women owners of the applicant;

(iii) the number of minority and women employees of the applicant;

(iv) the number of current contracts the applicant has with minority– and women–owned subcontractors; and

(v) any other information considered necessary by the Commission or the Sports Wagering Application Review Commission established under § 9–1E–15 of this subtitle.

(b) (1) The findings and evidence relied on by the General Assembly for the continuation of the Minority Business Enterprise Program under Title 14, Subtitle 3 of the State Finance and Procurement Article are incorporated in this subsection.

(2) To the extent practicable and authorized by the United States Constitution, a sports wagering licensee shall comply with the State's Minority Business Enterprise Program.

(3) (i) On or before 6 months after the issuance of a sports wagering license under this subtitle, the Governor's Office of Small, Minority, and Women Business Affairs, in consultation with the Office of the Attorney General and the sports wagering licensee, shall establish a clear plan for setting reasonable and appropriate minority business enterprise participation goals and procedures for the procurement of goods and services related to sports wagering, including procurement of construction, equipment, and ongoing services.

(ii) To the extent practicable, the goals and procedures specified in subparagraph (i) of this paragraph shall be based on the requirements of Title 14, Subtitle 3 of the State Finance and Procurement Article and the regulations implementing that subtitle.

(4) On or after July 1, 2024, the provisions of this subsection and any regulations adopted under this subsection shall be of no effect and may not be enforced.

(c) (1) This subsection does not apply to the application or license renewal fees for a sports wagering license required under § 9–1E–06 of this subtitle.

(2) (i) Subject to subparagraph (ii) of this paragraph, the Commission shall adopt regulations that establish an application fee and license renewal fee for a license under this subtitle.

(ii) The application fee for an online sports wagering operator license may not be less than $5,000.

(3) An applicant shall submit the application fee with the application.

(4) The term of the license is 5 years.

(d) On a properly approved transmittal prepared by the Commission, the Comptroller shall pay the following amounts from the application fees and license renewal fees collected by the Commission under this section and § 9–1E–06 of this subtitle:

(1) an amount to the State Lottery and Gaming Control Agency necessary to reimburse the Agency for expenses related to the issuance and renewal of sports wagering licenses;

(2) 5% of the fees collected for each Class A–1 and A–2 sports wagering facility license to the Small, Minority–Owned, and Women–Owned Business Sports Wagering Assistance Fund established under § 9–1E–16 of this subtitle; and

(3) the remainder to the Blueprint for Maryland's Future Fund established under § 5–206 of the Education Article.

(e) (1) Applicants and licensees shall have the affirmative responsibility to establish by clear and convincing evidence the applicant's or licensee's qualifications.

(2) Applicants and licensees shall provide information required by this subtitle and satisfy requests for information relating to qualifications in the form specified by the Commission, if applicable.

(3) (i) Applicants and licensees shall:

1. provide assistance or information required by the Commission; and

2. cooperate in an inquiry, an investigation, or a hearing conducted by the Commission.

(ii) On issuance of a formal request to answer or produce information, evidence, or testimony, if an applicant or a licensee refuses to comply, the application or license may be denied, suspended, or revoked by the Commission.

(4) (i) If the applicant is an individual, the applicant shall be photographed and fingerprinted for identification and investigation purposes.

(ii) If the applicant is not an individual, the Commission by regulation may establish the categories of individuals who shall be photographed and fingerprinted for identification and investigation purposes.

(5) (i) Applicants and licensees shall inform the Commission of an act or omission that the person knows or should know constitutes a violation of this subtitle or the regulations adopted under this subtitle.

(ii) Applicants and licensees may not discriminate against a person who in good faith informs the Commission of an act or omission that the person believes constitutes a violation of this subtitle or the regulations adopted under this subtitle.

(6) Applicants and licensees shall produce information, documentation, and assurances to establish the following qualification criteria by clear and convincing evidence:

(i) the financial stability, integrity, and responsibility of the applicant or licensee;

(ii) the integrity of any financial backers, investors, mortgagees, bondholders, and holders of other evidences of indebtedness that bear a relation to the application;

(iii) the applicant's or licensee's good character, honesty, and integrity;

(iv) sufficient business ability and experience of the applicant or licensee; and

(v) that:

1. unless the applicant or licensee already has a collective bargaining agreement, the applicant or licensee has entered into a labor peace agreement with each labor organization that is actively engaged in representing or attempting to represent sports wagering industry workers in the State;

2. the labor peace agreement is valid and enforceable under 29 U.S.C. § 158;

3. the labor peace agreement protects the State's revenues by prohibiting the labor organization and its members from engaging in

picketing, work stoppages, boycotts, and any other economic interference with the operation of sports wagering within the first 5 years of the effective date of a sports wagering license; and

4. the labor peace agreement applies to all operations conducted by the applicant or licensee at a facility or location where sports wagering is conducted.

(f) (1) On the filing of an application for any license required under this subtitle and any supplemental information required by the Commission, the Commission shall conduct a background investigation on the qualifications of the applicant and any person who is required to be qualified under this subtitle as a condition of a license.

(2) The Commission may refer an application for a license to an approved vendor under § 9–1A–20 of this title to conduct the background investigation for the Commission.

(g) (1) After receiving the results of the background investigation, the Commission may either grant a license to an applicant whom the Commission determines to be qualified or deny the license to an applicant whom the Commission determines to be not qualified or disqualified.

(2) If an application for a license is denied, the Commission shall prepare and file an order denying the license with a statement of the reasons for the denial, including the specific findings of fact.

(h) (1) An individual may not knowingly give false information or make a material misstatement in an application required for any license under this subtitle or in any supplemental information required by the Commission.

(2) An individual who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(i) (1) The holder of a Class B–1 or B–2 sports wagering facility license or a mobile sports wagering license may only sell or transfer ownership of the license if the licensee was actively engaged in operating sports wagering in the State for at least 3 years immediately preceding the sale or transfer of the ownership of the license.

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

§9–1E–08.

(a) The Commission may deny a license to an applicant for a license under § 9–1E–05 of this subtitle, reprimand or fine a licensee, or suspend or revoke a license for a violation of:

(1) this subtitle;

(2) a regulation adopted under this subtitle; or

(3) a condition that the Commission sets.

(b) For each violation specified in subsection (a) of this section, the Commission may impose a penalty not exceeding $5,000.

(c) Each day that a person is in violation under this section shall be considered a separate violation.

(d) To determine the amount of the penalty imposed under subsection (b) of this section, the Commission shall consider:

(1) the seriousness of the violation;

(2) the harm caused by the violation; and

(3) the good faith or lack of good faith of the person who committed the violation.

(e) Except as otherwise provided in this subtitle, nothing contained in this subtitle abrogates or limits the criminal laws of the State or limits the authority of the General Assembly to enact statutes establishing criminal offenses and penalties relating to sports wagering operations.

§9–1E–09.

(a) A sports wagering facility licensee may accept wagers on sporting events that are made:

(1) by an individual physically present:

(i) at a video lottery facility, if the sports wagering licensee is a video lottery operator;

(ii) at Pimlico Race Course or a race track located at Laurel Park, if the sports wagering licensee is a horse racing licensee;

(iii) subject to subsection (d) of this section, at a stadium primarily used for professional football (NFL), professional major league baseball, professional hockey (NHL), professional basketball (NBA), or professional soccer (MLS), if the sports wagering licensee is the owner or a lessee or the designee of the owner or lessee of the stadium;

(iv) at the Maryland State Fairgrounds in Timonium, if the sports wagering licensee is the holder of a license issued by the State Racing Commission under § 11–524 of the Business Regulation Article, or a subsidiary of the license holder;

(v) at a satellite simulcast facility, if the sports wagering licensee is the owner or lessee of a satellite simulcast facility described under § 9–1E–06(a)(2) of this subtitle;

(vi) at a commercial bingo facility with at least 200 electronic bingo machines or electronic tip jar machines, if the sports wagering licensee is a commercial bingo operator described under § 9–1E–06(a)(2) of this subtitle; or

(vii) subject to subsection (e) of this section, at the facility identified in the application approved by the Sports Wagering Application Review Commission, if the sports wagering licensee is a holder of a Class B–1 or B–2 sports wagering facility license; or

(2) on a self–service kiosk, device, or machine, approved by the Commission, located in a facility or at a location identified under item (1) of this subsection.

(b) A mobile sports wagering licensee may accept wagers on sporting events that are made through online sports wagering by an individual physically located in the State.

(c) To participate in online sports wagering under this section, an individual shall register:

(1) in person at a facility or location identified under subsection (a)(1) of this section; or

(2) online using a website or mobile application approved by the Commission.

(d) (1) Subject to paragraph (2) of this subsection, a sports wagering facility licensee may contract with any other sports wagering facility licensee to provide sports wagering services on behalf of the licensee at a location where the licensee is authorized to accept wagers on sporting events.

(2) If a sports wagering licensee authorized to accept wagers at a stadium under subsection (a)(1)(iii) of this section contracts with a video lottery operator, or an affiliate or a subsidiary of that video lottery operator, to provide sports wagering services at the stadium, the licensee may contract only with a video lottery operator, or an affiliate or a subsidiary of that video lottery operator, that operates a video lottery facility located in the same county as the stadium.

(e) A sports wagering facility licensee authorized to accept in–person wagers at the racing location described under Title 11, Subtitle 7 of the Business Regulation Article located on lands owned by the Department of Natural Resources may only accept wagers in the special event zone.

§9–1E–10.

(a) (1) A mobile sports wagering licensee:

(i) may conduct and operate online sports wagering; or

(ii) subject to paragraph (3) of this subsection and subsection (b) of this section, may enter into a contract with an online sports wagering operator to conduct online sports wagering on its behalf.

(2) A person other than the mobile sports wagering licensee may not conduct online sports wagering, except for testing purposes, until the person receives from the Commission an online sports wagering license.

(3) (i) A mobile sports wagering licensee may not contract with more than one online sports wagering operator to conduct online sports wagering on the licensee's behalf.

(ii) All mobile sports wagering licensees that are related entities are treated as a single mobile sports wagering licensee for purposes of the limitation under subparagraph (i) of this paragraph.

(b) (1) The duties and responsibilities of an online sports wagering operator may not be assigned, delegated, subcontracted, or transferred to a third party without the prior approval of the Commission.

(2) A third party must be licensed as an online sports wagering operator before offering online sports wagering.

(c) An online sports wagering operator may conduct online sports wagering on behalf of more than one mobile sports wagering licensee.

§9–1E–11.

(a) An individual may not wager on a sporting event and a sports wagering licensee may not accept a wager from an individual on a sporting event if the individual:

(1) is under the age of 21 years;

(2) is not physically present in the State;

(3) is an athlete, a coach, a referee, or a director or an employee of a sports governing entity or any of its member teams;

(4) is the direct or indirect legal or beneficial owner of 10% or more of a sports governing entity or any of its member teams if any member team of that sports governing entity participates in the sporting event;

(5) has access to certain types of exclusive information on any sporting event overseen by that individual's sports governing entity;

(6) holds a position of authority or influence sufficient to exert influence over the participants in a sporting event, including coaches, managers, handlers, or athletic trainers;

(7) is identified on a mandatory or voluntary sports wagering exclusion list maintained by the Commission;

(8) is the operator, director, officer, owner, or employee of the sports wagering licensee or online sports wagering operator or any relative of the licensee or operator living in the same household as the licensee or operator;

(9) has access to nonpublic confidential information held by the sports wagering licensee or online sports wagering operator; or

(10) is a category of individuals prohibited by the Commission under subsection (e) of this section from wagering on a sporting event.

(b) For online sports wagering, a mobile sports wagering licensee shall:

(1) have in place technical and operational measures to prevent access by individuals who are underage or physically located outside the State, including:

(i) age verification procedures, which may require the use of a reputable independent third party that is in the business of verifying an individual's personally identifiable information; and

(ii) the use of geolocation technology to verify a bettor's geographic location;

(2) include on its online sports wagering website a description of the possible repercussions for an underage or out–of–state bettor, which may include immediate stoppage of play, account closure, and forfeiture and confiscation of winnings; and

(3) establish procedures to prevent prohibited individuals from wagering on sporting events.

(c) A sports wagering licensee shall:

(1) promptly report to the Commission:

(i) any criminal or disciplinary proceedings against the licensee or its employees in connection with the licensee's sports wagering operation;

(ii) any abnormal betting activity or patterns that may indicate a concern about the integrity of a sporting event;

(iii) any other conduct with the potential to corrupt the outcome of a sporting event for purposes of financial gain, including match fixing; and

(iv) any suspicious or illegal wagering activities, including the use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, use of agents to place wagers, or use of false identification; and

(2) maintain records of sports wagering operations in accordance with regulations adopted by the Commission.

(d) The Commission is authorized to share any information under this section with any law enforcement agency, sports team, sports governing entity, or regulatory agency the Commission deems appropriate.

(e) (1) In this subsection, "interested party" means:

(i) a sports wagering licensee;

(ii) a professional sports team, league, association, or governing entity; or

(iii) an institution of higher education.

(2) If an interested party believes that a type or form of wagering or a category of individuals wagering on sporting events is contrary to public policy, is unfair to consumers, or affects the integrity of a particular sport or the sports wagering industry, the interested party may submit to the Commission, in writing, a request to prohibit the type or form of sports wagering or the category of individuals from wagering on sporting events.

(3) After conducting a public hearing on a request submitted under paragraph (2) of this subsection, the Commission may grant the request on a showing of good cause by the interested party.

(4) The Commission shall respond to a request under this subsection concerning a particular sporting event before the start of the sporting event to the greatest extent feasible, or as soon as practicable.

§9–1E–12.

(a) (1) The Commission shall account to the Comptroller for all of the revenue under this subtitle.

(2) The proceeds from sports wagering, less the amount retained by the licensee under subsection (b)(1) of this section, shall be under the control of the Comptroller and distributed as provided under subsection (b) of this section.

(b) (1) (i) Except as provided in subparagraphs (ii), (iii), and (iv) of this paragraph, all proceeds from sports wagering shall be electronically transferred monthly into the State Lottery Fund established under Subtitle 1 of this title.

(ii) A Class A–1 and A–2 sports wagering facility licensee shall retain 85% of the proceeds from sports wagering conducted at the locations described in § 9–1E–09(a) of this subtitle.

(iii) A Class B–1 and B–2 sports wagering facility licensee shall retain 85% of the proceeds from sports wagering conducted at the location described in the licensee's application.

(iv) A mobile sports wagering licensee shall retain 85% of the proceeds from online sports wagering received by the licensee.

(2) All proceeds from sports wagering in the State Lottery Fund established under Subtitle 1 of this title shall be distributed on a monthly basis, on a properly approved transmittal prepared by the Commission to the Blueprint for Maryland's Future Fund established under § 5–206 of the Education Article.

(c) A winning wager on a sporting event that is not claimed by the winner within 182 days after the wager is won shall:

(1) become the property of the State; and

(2) be distributed to the Problem Gambling Fund established under § 9–1A–33 of this title.

(d) If a sports wagering licensee returns to successful players more than the amount of money wagered in any month, the licensee may subtract that amount from the proceeds of up to the three following months.

(e) The admissions and amusement tax may not be imposed on any proceeds from sports wagering.

§9–1E–13.

(a) All wagers on sporting events authorized under this subtitle shall be initiated, received, and otherwise made within the State unless otherwise determined by the Commission in accordance with applicable federal and State laws.

(b) Consistent with the intent of the United States Congress as articulated in the Unlawful Internet Gambling Enforcement Act of 2006, the intermediate routing of electronic data relating to a lawful intrastate wager authorized under this subtitle may not determine the location in which the wager is initiated, received, or otherwise made.

(c) Notwithstanding the provisions of this subtitle, a wager on a sporting event may be accepted or pooled with a wager from an individual who is not physically present in the State if the Commission determines that accepting or pooling the wager is not inconsistent with federal law or the law of the jurisdiction, including any foreign nation, in which the individual is located, or that such wagering is conducted in accordance with a reciprocal agreement to which the State is a party that is not inconsistent with federal law.

§9–1E–14.

(a) On or before July 1 each year, each sports wagering licensee shall report to the Commission on:

(1) the number of minority and women owners of the licensee;

(2) the ownership interest of any minority and women owners of the licensee;

(3) the number of minority and women employees of the licensee;

(4) the number of current contracts the licensee has with minority–and women–owned subcontractors; and

(5) any other information considered necessary by the Commission.

(b) On or before December 1 each year, the Commission shall report to the Governor and, in accordance with § 2–1257 of this article, to the General Assembly on:

(1) the operation of sports wagering in the State; and

(2) sports wagering revenues from the immediately preceding fiscal year, including the handle, hold, hold percentage, and proceeds, broken down by categories defined by the Commission.

(c) (1) Subject to paragraph (2) of this subsection, on or before December 1, 2025, the Commission shall report to the General Assembly, in accordance with § 2–1257 of the State Government Article, on the racial, ethnic, gender, and geographic diversity of holders of Class B–1 and B–2 sports wagering facility licenses and mobile sports wagering licenses under this subtitle, the level of market saturation of sports wagering in the State, and whether the number of Class B–1 and B–2 sports wagering facility licenses and mobile sports wagering licenses that may be issued under this subtitle should be increased in order to address the demand for sports wagering in the State.

(2) Before the Commission submits the report described under paragraph (1) of this subsection, the Commission shall provide the Legislative Policy Committee with at least 30 days to submit comments to the Commission.

§9–1E–15.

(a) There is a Sports Wagering Application Review Commission.

(b) (1) The Sports Wagering Application Review Commission consists of the following seven members:

(i) the chair of the Commission, or the chair's designee;

(ii) two members appointed by the Governor;

(iii) two members appointed by the President of the Senate, who may not be members of the Senate; and

(iv) two members appointed by the Speaker of the House, who may not be members of the House of Delegates.

(2) The membership of the Sports Wagering Application Review Commission appointed under this subsection should reflect the race, gender, and geographic diversity of the population of the State.

(3) The Governor shall designate a chair of the Sports Wagering Application Review Commission from among the members described under paragraph (1)(i) and (ii) of this subsection.

(4) The Governor, in consultation with the President of the Senate and the Speaker of the House, may remove a member of the Sports Wagering Application Review Commission for inefficiency, misconduct in office, or neglect of duty.

(c) A member of the Sports Wagering Application Review Commission:

(1) shall be at least 21 years old;

(2) shall be a citizen of the United States;

(3) shall be a resident of the State;

(4) shall be knowledgeable and experienced in fiscal matters and shall have at least 10 years of substantial experience:

(i) as an executive with fiduciary responsibilities in charge of a large organization or foundation;

(ii) in an academic field relating to finance or economics; or

(iii) as an economist, a financial analyst, or an accountant, or as a professional in a similar profession relating to fiscal matters or economics;

(5) may not have been convicted of or granted probation before judgment for a serious crime or a crime that involves gambling or moral turpitude;

(6) may not have an official relationship to a person that is applying for or holds a license under this subtitle or Subtitle 1D of this title;

(7) may not have any direct or indirect financial interest, ownership, or management, including holding any stocks, bonds, or other similar financial interests in any gaming activities, including horse racing, video lottery terminals, fantasy competitions, or lottery;

(8) may not receive or share in, directly or indirectly, the receipts or proceeds of any gaming activities, including horse racing or lottery;

(9) may not have a beneficial interest in any contract for the manufacture or sale of gaming devices, the conduct of any gaming activity, or the provision of any independent consulting services in connection with any gaming establishment or gaming activity;

(10) may not be an elected official of State or local government; and

(11) shall file a financial disclosure statement with the State Ethics Commission in accordance with Title 15, Subtitle 6 of this article.

(d) A member of the Sports Wagering Application Review Commission:

(1) may not receive compensation for serving on the Sports Wagering License Review Commission; but

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

(e) (1) The Commission and the Department of Legislative Services shall provide staff to the Sports Wagering Application Review Commission.

(2) The Department of Legislative Services shall contract with an independent consultant that has at least 10 years of substantial experience in consulting on matters relating to the gaming industry to assist the Sports Wagering Application Review Commission in the review and analysis of applications submitted under this section.

(f) The Sports Wagering Application Review Commission:

(1) shall review applications for sports wagering licenses submitted in accordance with § 9–1E–06 of this subtitle;

(2) shall award:

(i) a Class A–1 or A–2 facility license to any applicant that meets the requirements for licensure under this subtitle; and

(ii) a Class B–1 or B–2 facility license to any applicant that is described under § 9–1E–06(a)(2)(i) of this subtitle and meets the requirements for licensure under this subtitle; and

(3) may not award a Class B–1 or B–2 sports wagering facility license, other than to an applicant described under § 9–1E–06(a)(2)(i) of this subtitle, or a mobile sports wagering license until after the Sports Wagering Application Review Commission adopts the regulations required under subsection (h) of this section.

(g) Nothing in this subtitle may be construed to preempt the exclusive authority of the Sports Wagering Application Review Commission to award sports wagering licenses in accordance with this subtitle.

(h) (1) This subsection applies only to Class B–1 or B–2 sports wagering facility licenses, other than licenses issued to an applicant described under § 9–1E–06(a)(2)(i) of this subtitle, and mobile sports wagering licenses.

(2) Subject to paragraph (3) of this subsection, the Sports Wagering Application Review Commission shall adopt regulations governing the evaluation of applications for Class B–1 or B–2 sports wagering facility licenses, other than licenses issued to an applicant described under § 9–1E–06(a)(2)(i) of this subtitle, and mobile sports wagering licenses submitted in accordance with § 9–1E–06 of this subtitle.

(3) The Sports Wagering Application Review Commission, in consultation with the certification agency as defined in § 14–301 of the State Finance and Procurement Article, the Governor's Office of Small, Minority, and Women Business Affairs, and the Office of the Attorney General, shall:

(i) evaluate a study of the sports wagering industry and market to determine whether there is a compelling interest to implement remedial measures, in addition to the application of the State Minority Business Enterprise Program under Title 14, Subtitle 3 of the State Finance and Procurement Article or a similar program, to assist minorities and women in the sports wagering industry;

(ii) evaluate race–neutral programs or other methods that may be used to address the needs of minorities, women, and minority and women–owned businesses seeking to participate in the sports wagering industry, including through the ownership of entities licensed to conduct sports wagering under this subtitle;

(iii) consider whether an applicant for a Class B–1 or B–2 sports wagering facility license intends to conduct sports wagering at a facility located in an opportunity zone or an enterprise zone;

(iv) consider allowing early access to the mobile sports wagering market to entities with a meaningful partnership with minorities, women, and minority– and women–owned businesses; and

(v) adopt emergency regulations to implement remedial measures, if necessary and to the extent permitted by State and federal law, based on the findings of the study evaluated under item (i) of this paragraph.

(4) The Sports Wagering Application Review Commission shall:

(i) to the extent permitted by federal and State law, actively seek to achieve racial, ethnic, and gender diversity when awarding licenses; and

(ii) encourage applicants who qualify as a minority business enterprise, as defined in § 14–301 of the State Finance and Procurement Article, or who are small, minority, or women–owned business entities to apply for sports wagering licenses under this subtitle.

(i) (1) If an applicant is seeking investors in the entity applying for a sports wagering license, the applicant shall take the following steps before being awarded a license by the Sports Wagering Application Review Commission:

(i) make serious, good–faith efforts to solicit and interview a reasonable number of minority and women investors; and

(ii) as part of the application, submit a statement that lists the names and addresses of all minority and women investors interviewed and whether or not any of those investors have purchased an equity share in the entity submitting an application.

(2) If an applicant is awarded a license by the Sports Wagering Application Review Commission, the applicant shall sign a memorandum of understanding with the Sports Wagering Application Review Commission that requires the awardee to again make serious, good–faith efforts to interview minority

and women investors in any future attempts to raise venture capital or attract new investors to the entity awarded the license.

(3) The Governor's Office of Small, Minority, and Women Business Affairs, in consultation with the Office of the Attorney General, shall provide assistance to all potential applicants and potential minority and women investors to satisfy the requirements under paragraphs (1)(i) and (2) of this subsection.

(j) The Sports Wagering Application Review Commission may not award a sports wagering license to a person that is not qualified under this section or this subtitle.

(k) (1) The Sports Wagering Application Review Commission shall refer to the State Lottery and Gaming Control Commission the name and all relevant information concerning a person that makes an application under this section.

(2) On receipt of the information in paragraph (1) of this subsection, the State Lottery and Gaming Control Commission shall evaluate whether an applicant is qualified to hold a sports wagering license under this subtitle.

(3) On completion of its determination, the State Lottery and Gaming Control Commission shall notify the Sports Wagering Application Review Commission of its evaluation as to whether an applicant is qualified to hold a sports wagering license under this subtitle.

(l) After an award of a sports wagering license under this section, the Sports Wagering Application Review Commission shall notify the State Lottery and Gaming Control Commission of the successful applicants.

(m) After an award of a sports wagering license under this section, the State Lottery and Gaming Control Commission shall:

(1) issue the sports wagering license in accordance with the provisions of this subtitle; and

(2) be responsible for all matters relating to regulation of the licensee.

(n) (1) An unsuccessful applicant for a sports wagering license under this section may seek, under Title 15 of the State Finance and Procurement Article, review by the State Board of Contract Appeals of the awarding of the sports wagering license by the Sports Wagering Application Review Commission.

(2) A proceeding under this subsection shall:

(i) take precedence on the Board's docket;

(ii) be heard at the earliest practicable date; and

(iii) be expedited in every way.

(o) Notwithstanding any of the provisions of this subtitle, the Sports Wagering Application Review Commission may not award a sports wagering license under this subtitle unless the Sports Wagering Application Review Commission determines and declares that an applicant selected for award of the license is in the public interest and is consistent with the purposes of this subtitle.

(p) The Sports Wagering Application Review Commission may award a sports wagering license that is revoked or surrendered utilizing the criteria established in this subtitle.

(q) (1) Except as provided in paragraph (2) of this subsection, the Sports Wagering Application Review Commission shall terminate on January 1, 2028.

(2) The Governor may reconstitute the Sports Wagering Application Review Commission, which shall include the appointment of new members based on the criteria established under subsections (b) and (c) of this section:

(i) 1 year prior to the expiration of a sports wagering license; or

(ii) following the revocation or surrender of a sports wagering license.

§9–1E–16.

(a) In this section, "Fund" means the Small, Minority–Owned, and Women–Owned Business Sports Wagering Assistance Fund.

(b) There is a Small, Minority–Owned, and Women–Owned Business Sports Wagering Assistance Fund.

(c) The purpose of the Fund is to assist small, minority–owned, and women–owned businesses entering the sports wagering market.

(d) The Department of Commerce shall administer the Fund.

(e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

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

(f) The Fund consists of:

(1) revenue distributed to the Fund under § 9–1E–07(d) of this subtitle;

(2) money appropriated in the State budget to the Fund; and

(3) any other money from any other source accepted for the benefit of the Fund.

(g) The Fund may be used only for grants or loans to small, minority–owned, or women–owned businesses for:

(1) sports wagering license application assistance;

(2) assistance with sports wagering operations; or

(3) targeted training to support participation in the sports wagering industry.

(h) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

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

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

§9–1E–17.

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

(2) "Content partner" means an individual who or a platform that creates sports wagering content for a sports wagering licensee through contracted work, affiliation, or other partnership.

(3) "Sports wagering content" means predictions of sporting event outcomes, including moneylines, against the spread, totals, futures, parlays, and other outcomes, whether provided at no cost or through a subscription or other partnership.

(4) "Sports wagering expert" or "sports wagering influencer" means a person who creates sports wagering content for a sports wagering licensee, a content partner, or the person's own benefit.

(b) (1) The Commission shall license independent evaluators to evaluate and rate sports wagering content provided by sports wagering experts, sports wagering influencers, and content partners.

(2) In order to be licensed under paragraph (1) of this subsection, an independent evaluator:

(i) shall have demonstrated experience and expertise in evaluating and rating sports wagering content;

(ii) shall have an audit process constructed and maintained by in–house, licensed certified public accountants;

(iii) shall have evaluation and rating procedures that are unable to be adjusted, duplicated, or altered by the persons subject to evaluation;

(iv) may not have any direct or indirect financial interest, ownership, or management, including holding any stocks, bonds, or other similar financial interests in any sports wagering activities;

(v) may not receive or share in, directly or indirectly, the receipts or proceeds of any sports wagering activities; and

(vi) may not have any revenue–sharing relationship with or other financial interest in a sports wagering licensee or sports wagering operator.

(3) An employee or a principal of an independent evaluator, or the independent evaluator as an entity, may not wager on a sporting event.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, an independent evaluator may not be compensated by a sports wagering licensee or sports wagering operator that utilizes the independent evaluator's evaluation services solely for marketing materials.

(ii) An independent evaluator may be compensated by a sports wagering licensee or sports wagering operator for its evaluation and rating of sports wagering content.

(5) The Commission may establish additional qualifications for the licensing of independent evaluators in accordance with this subsection.

(c) The Commission shall adopt regulations to implement this section.

(d) A sports wagering licensee or sports wagering operator that advertises in the State may contract with an independent evaluator licensed under subsection (b) of this section to evaluate and rate the sports wagering licensee's sports wagering content, sports wagering experts, sports wagering influencers, and content partners.

§9–201.

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

(b) "Commission" means the State Commission on Uniform State Laws.

(c) "National Conference" means the National Conference of Commissioners on Uniform State Laws.

§9–202.

There is a State Commission on Uniform State Laws in the Executive Department.

§9–203.

(a) The Commission consists of:

(1) 3 members appointed by the Governor; and

(2) as an ex officio member, any individual elected to life membership in the National Conference of Commissioners on Uniform State Laws, after service as an appointed member of the Commission from this State.

(b) (1) The term of an appointed member is 4 years and begins on June 1 of the year in which the term of the Governor begins.

(2) At the end of a term, an appointed member continues to serve until a successor is appointed.

(3) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed.

§9–204.

(a) (1) A member of the Commission may not receive compensation.

(2) Members of the Commission and the associate member of the National Conference from the State are entitled to reimbursement for expenses incurred in the performance of their duties, as provided in the State budget.

(b) In accordance with the State budget, the Commission may:

(1) employ a staff; and

(2) make necessary expenditures.

§9–205.

The Commission may contribute to the expenses of the National Conference, as provided in the State budget.

§9–206.

(a) In addition to any duties set forth elsewhere, the Commission shall:

(1) represent the State in the National Conference;

(2) meet with representatives of other states in the National Conference;

(3) draft uniform laws and model acts for submission to and adoption by the states;

(4) recommend the best action to accomplish uniformity in legislation; and

(5) otherwise seek the best means to obtain uniformity in the laws of the states.

(b) (1) Before each regular session of the General Assembly, the Commission shall submit an annual report:

(i) to the Governor; and

(ii) subject to § 2-1257 of this article, to the General Assembly.

(2) The annual report shall:

(i) describe the activities of the Commission; and

(ii) include recommendations on appropriate subjects.

§9–301.

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

(b) "Interdepartmental Committee" means the Interdepartmental Advisory Committee on Small, Minority, and Women Business Affairs.

(c) (1) "Minority person" means:

(i) an individual who has been deprived of the opportunity to develop and keep a competitive position in the economy because of a social or economic disadvantage that arises from cultural, racial, or other similar causes; or

(ii) a sheltered workshop for individuals with disabilities.

(2) "Minority person" includes:

(i) an Aleut;

(ii) an American Indian;

(iii) a Black;

(iv) an Eskimo;

(v) a Hispanic;

(vi) an Oriental;

(vii) a Puerto Rican; or

(viii) a woman.

(d) "Office" means the Office of Small, Minority, and Women Business Affairs.

(e) "Special Secretary" means the Special Secretary for the Office of Small, Minority, and Women Business Affairs.

§9–302.

There is an Office of Small, Minority, and Women Business Affairs in the Executive Department.

§9–303.

(a) The head of the Office of Small, Minority, and Women Business Affairs is the Special Secretary, who shall be appointed by and serves at the pleasure of the Governor.

(b) The Special Secretary shall receive the salary provided in the State budget.

§9–303.1.

(a) There is an Interdepartmental Advisory Committee on Small, Minority, and Women Business Affairs.

(b) The Interdepartmental Committee is composed of:

(1) the secretary of each principal department of the Executive Branch of government, or the secretary's designee;

(2) the State Superintendent of Schools, or the Superintendent's designee;

(3) the Secretary of Higher Education, or the Secretary's designee; and

(4) the Special Secretary.

(c) The Interdepartmental Committee shall:

(1) advise the Special Secretary on proposals to implement and enhance the duties of the Office, including the promotion of employment of minority persons in the State, and the promotion of the growth and participation of minority business enterprises in the State;

(2) gather such information the Committee deems necessary to promote the goals of the Office;

(3) provide such other assistance as may be required to further the purposes of §§ 9–304 and 9–305 of this subtitle; and

(4) meet at the call of the Special Secretary.

§9–303.2.

(a) In addition to any duties set forth elsewhere, the Office shall conduct necessary and appropriate research to determine the nature and extent of the problems concerning black males and offer recommendations exclusively pertinent to black males in the areas of:

(1) unemployment;

(2) criminal justice;

(3) education; and

(4) health.

(b) As authorized by the Governor, the Special Secretary may create an Advisory Committee on Black Males to assist and advise the Office in developing recommendations in accordance with subsection (a) of this section.

(c) The Office shall submit its findings and recommendations in accordance with this section to the Governor and, subject to § 2-1257 of this article, the General Assembly on or before January 1, 1995 and annually thereafter.

§9–303.3.

(a) In this section, "Ombudsman" means the Minority Business Enterprise Ombudsman in the Office.

(b) There is a Minority Business Enterprise Ombudsman appointed by the Special Secretary.

(c) In accordance with the State budget, the Special Secretary shall allocate the staff and Office resources to the Ombudsman necessary for the Ombudsman to fulfill the duties of the Ombudsman.

(d) The Ombudsman shall:

(1) assist the procurement officer managing the contract in attempts to resolve disputes between minority business enterprises and prime contractors, including disputes over contract scope and payments;

(2) serve as a resource to minority business enterprise liaisons, procurement officers in units of State government, prime contractors, and minority business enterprises in resolving disputes related to contracts that include a minority business enterprise participation goal; and

(3) conduct trainings for procurement officers in units of State government on enforcement of the requirements of Title 14, Subtitle 3 of the State Finance and Procurement Article, including the assessment of liquidated damages under § 14–303(b)(6) of the State Finance and Procurement Article.

(e) In resolving a dispute under subsection (d) of this section, the Ombudsman may:

(1) compel prime contractors and minority business enterprises to provide documentation related to contract performance and payments; and

(2) assist the procurement officer managing the contract in ordering any relevant payments to be made in conjunction with a dispute resolution.

(f) (1) Except as provided in paragraph (2) of this subsection, when resolving a dispute under subsection (d) of this section, the Ombudsman may not disclose information received from a unit of State government, prime contractor, or minority business enterprise without the written consent of the party from whom the information was obtained.

(2) The Ombudsman may disclose information received under this section to the assistant Attorney General assigned to the Office.

§9–304.

Subject to the limitations of any law that governs the activities of other units of the Executive Branch of the State government, the Special Secretary shall:

(1) advise the Governor on:

(i) the activities of the State government that are intended to promote:

1. the employment of minority persons in the State; and

2. State contracting opportunities available to and the accessibility of those contracting opportunities to companies owned by minority persons, small businesses, and veteran–owned small businesses; and

(ii) each other matter that affects the rights and interests of minority persons, small businesses, and veteran–owned small businesses and the communities in which they live, work, and provide employment opportunities to others; and

(2) as authorized by the Governor:

(i) provide help to minority persons, small businesses, and veteran–owned small businesses and the communities in which they live, work, and employ others;

(ii) represent the Governor in any matter that relates to minority persons, small businesses, and veteran–owned small businesses or generally to the promotion of equality among the people of the State; and

(iii) perform any other responsibility that the Governor assigns.

§9–304.1.

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

(2) "Primary procurement unit" has the meaning stated in § 11–101 of the State Finance and Procurement Article.

(3) "Small business" has the meaning stated in § 14–501 of the State Finance and Procurement Article.

(b) The Office shall consult with each primary procurement unit to identify potential contracting opportunities for and increase outreach efforts to small businesses.

(c) The Office, in consultation with primary procurement units, shall:

(1) identify and increase awareness of procurement opportunities for small businesses for services and supplies; and

(2) assist small businesses with procedures for bidding on a procurement contract or responding to a request for proposals.

§9–305.

(a) This section applies to the following minority business enterprises:

(1) a publicly owned business if 1 or more minority persons own at least 51% of the stock of the business; or

(2) any other business if 1 or more minority persons own at least 50% of the business.

(b) Subject to the limitations of any law that governs the activities of other units of the Executive Branch of the State government, the Special Secretary shall:

(1) carry out each State or federal program that is created to promote the growth of or participation in minority business enterprises;

(2) promote and coordinate training regarding the requirements of the Minority Business Enterprise Program;

(3) promote, coordinate, and participate in the plans, programs, and operations of the State government that promote or otherwise affect the establishment, preservation, and strengthening of minority business enterprises;

(4) promote activities and the use of the resources of the State government, local governments, and private entities for the growth of minority business enterprises;

(5) coordinate the effort of private entities and public agencies to develop minority business enterprises;

(6) establish a system to develop, collect, summarize, and give out information that would help a person to:

(i) establish a minority business enterprise;

(ii) operate a minority business enterprise successfully; or

(iii) promote the establishment and successful operation of minority business enterprises;

(7) establish a mentoring program:

(i) in which larger and more established minority businesses can mentor start–up and small minority businesses; and

(ii) that incentivizes mentor participation by providing benefits to mentors, including:

1. special recognition on the Office website, and in the Office newsletter and participation updates;

2. a certificate of participation awarded by the Office;

3. the opportunity to present highlights of mentor and protege relationships at an annual appreciation event sponsored by the Office; and

4. increased networking and educational opportunities;

(8) conduct a feasibility study for creating a technical assistance program in the Office that provides one–on–one assistance to minority businesses in submitting competitive and successful bids and proposals for procurement contracts;

(9) provide training and educational opportunities for nonminority prime contractors regarding the duties and responsibilities of a prime contractor with respect to minority businesses; and

(10) subject to the limitations of law and the availability of funds:

(i) provide technical and managerial assistance to minority business enterprises;

(ii) provide the managerial and organizational framework for private entities and units of the State government to plan and carry out joint undertakings that relate to minority business enterprises;

(iii) pay, wholly or partly, the costs of a pilot or demonstration project that is intended to overcome the special problems of minority business enterprises; and

(iv) establish an annual awards program to recognize localities that demonstrate the highest excellence in minority business enterprise support.

§9–306.

(a) On or before the 15th day of each regular session of the General Assembly, the Special Secretary shall send an annual report on the Office of Small, Minority, and Women Business Affairs:

(1) to the Governor; and

(2) subject to § 2–1257 of this article, to the General Assembly.

(b) The annual report may be prepared in conjunction with the report required under § 14–305(b) of the State Finance and Procurement Article.

§9–307.

(a) The Office shall develop a scorecard to evaluate units of State government on the units' performance toward meeting:

(1) the minority business enterprise participation goal established under § 14–302 of the State Finance and Procurement Article; and

(2) the veteran–owned small business enterprise goal established under § 14–602 of the State Finance and Procurement Article.

(b) The scorecard shall include a grading scale developed by the Office as a weighted system that includes each unit's contribution toward meeting the statewide:

(1) minority business enterprise participation goal; and

(2) veteran–owned small business enterprise goal.

(c) (1) The Office shall publish the grades achieved by each unit under this section each year on the Office's website.

(2) Within 30 days of publishing information on its website in accordance with paragraph (1) of this subsection, the Office shall submit the information published on its website to the General Assembly, in accordance with § 2–1257 of this article.

§9–308.

(a) On or before June 30 each year, each unit shall submit to the Office a procurement forecast for all procurement contracts over $100,000 for the upcoming fiscal year.

(b) (1) On or before August 15 each year, each unit shall submit annually the unit's reconciliation of the prior fiscal year's procurement forecast to include:

(i) the status of the forecasted procurements;

(ii) the total number of forecasted contracts that have been awarded; and

(iii) the total number of procurements that have been awarded but were unanticipated by the unit's prior fiscal year's procurement forecast.

(2) Each unit shall notify the Office within 15 days of any updates to the existing forecast, including:

(i) additional procurements forecasted for the current fiscal year; and

(ii) any previously forecasted procurements that are no longer anticipated to occur during the fiscal year.

(3) The Office shall publish the information provided by each unit on the Office's website.

§9–501.

In this subtitle, "Trust" means the State House Trust.

§9–502.

There is a State House Trust.

§9–503.

(a) (1) The Trust consists of the following 4 ex officio members:

(i) the Governor;

(ii) the President of the Senate;

(iii) the Speaker of the House of Delegates; and

(iv) from the Maryland Historical Trust, the Chairman or the Chairman's designee, who may be another trustee, the Director, or the State Historic Preservation Officer.

(2) The Trust may include not more than 3 associate members appointed by the members.

(b) (1) Each associate member must have experience and interest in historic preservation.

(2) An associate member may not vote.

§9–504.

The Trust shall determine the times and places of its meetings.

§9–505.

(a) In addition to any duties set forth elsewhere, the Trust shall:

(1) be responsible for the restoration and preservation of the State House;

(2) be responsible for the landscaping and construction of Lawyer's Mall; and

(3) disapprove or approve and supervise:

(i) any proposed repair, improvement, or other change to the State House or to any other building within State Circle, including any change to the furnishings or fixtures of those buildings;

(ii) any proposed landscaping of the grounds of those buildings; and

(iii) any proposed improvement, nonemergency repair, or other change to Lawyer's Mall.

(b) The Trust is not required under subsection (a)(2) or (3)(iii) of this section to be responsible for, or disapprove or approve and supervise, the coordination, security, and scheduling of rallies and other events held on Lawyer's Mall.

§9–506.

(a) The Trust shall retain an architect as a consultant.

(b) The consultant must:

(1) be registered by the State Board of Architects;

(2) be familiar with all phases of 18th century architecture; and

(3) have the professional experience that is needed to restore the State House in a way that befits its majestic history and its current role as the Capitol.

(c) The consultant is entitled to the compensation provided in the State budget.

(d) The consultant shall:

(1) prepare measured drawings of the State House;

(2) publish the drawings and a descriptive text;

(3) send copies of the drawings to the National Trust for Historic Preservation; and

(4) subject to § 2-1257 of this article, submit to the General Assembly a report on the drawings.

§9–601.

In this subtitle, "Trust" means the Government House Trust.

§9–602.

There is a Government House Trust.

§9–603.

(a) The Trust shall consist of the following voting members:

(1) the Governor;

(2) the President of the Senate;

(3) the Speaker of the House of Delegates;

(4) the Secretary of General Services; and

(5) the Director of the Maryland Historical Trust.

(b) The Trust shall consist of the following advisor nonvoting members:

(1) the Director of the Baltimore Museum of Art;

(2) the Director of the Maryland Historical Society;

(3) the Director of the St. Mary's City Commission;

(4) the Director of the Talbot County Historical Society;

(5) the Director of the Walters Museum of Art;

(6) the Director of the Washington County Museum of Fine Arts;

(7) the Chairman of the History Department of the University of Maryland, College Park Campus;

(8) the Horticulturist from the Paca House and Gardens;

(9) the State Archivist; and

(10) up to three members of the general public appointed by the Governor.

(c) A voting or nonvoting member may designate another individual to represent the member at the Trust.

§9–604.

The Secretary of General Services is the Chairman of the Trust.

§9–605.

(a) The Trust shall meet at least twice a year or as necessary as determined by the Trust.

(b) A voting and nonvoting member of the Trust:

(1) may not receive compensation; but

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

(c) The Trust may:

(1) adopt bylaws for the regulation of its affairs and the conduct of its business; and

(2) appoint committees to carry out the purposes of the Trust.

§9–606.

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

(2) (i) "Furnishings" means personal property and fixtures.

(ii) "Furnishings" includes furniture, art objects, and accessories.

(3) "State room" means any of the following rooms of the Government House:

(i) the center hall;

(ii) the conservatory;

(iii) the private reception room;

(iv) the State dining room;

(v) the State drawing room;

(vi) the State parlour; and

(vii) the State reception room.

(b) In addition to any duties set forth elsewhere, the Trust shall:

(1) be responsible for the renovation of the State rooms, including their design and furnishings;

(2) supervise and direct any improvement or other change in the internal design or furnishings of a State room;

(3) be responsible for any proposed landscaping of the grounds of the Government House;

(4) be responsible for the conservation and restoration of objects in a State room; and

(5) be responsible for and carry out the maintenance of the State rooms.

(c) The Department of General Services shall maintain an inventory of furnishings in the Government House.

(d) In addition to any powers set forth elsewhere, the Trust, on behalf of the State, may:

(1) accept and receive a gift or loan of property for use in a State room; and

(2) accept and receive a gift of money for maintenance and restoration of a State room.

(e) Unless the Trust approves, the internal design and furnishings of a State room may not be changed.

(f) Before the renovation, furnishing, and decoration of a State room, the Trust shall consult with and obtain the input of the Board of Trustees and the Council of the Maryland Historical Society.

§9–801.

In this subtitle, "Commission" means the Financial Education and Capability Commission.

§9–802.

There is a Financial Education and Capability Commission.

§9–803.

(a) The Commission consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the State Superintendent of Schools, or the Superintendent's designee;

(4) the Secretary of Housing and Community Development, or the Secretary's designee;

(5) the Commissioner of Financial Regulation in the Maryland Department of Labor, or the Commissioner's designee;

(6) the Executive Director of the Family Investment Administration in the Department of Human Services, or the Executive Director's designee;

(7) the Chief of the Consumer Protection Division of the Office of the Attorney General, or the Chief's designee;

(8) the State Treasurer, or the State Treasurer's designee;

(9) the Comptroller, or the Comptroller's designee;

(10) the Secretary of Higher Education, or the Secretary's designee;

(11) the Secretary of Disabilities, or the Secretary's designee; and

(12) the following members, appointed by the Governor:

(i) one member of the Board of Trustees of the Maryland Teachers and State Employees Supplemental Retirement Plans;

(ii) one member of the Maryland State Education Association who teaches a course involving principles of financial education;

(iii) one representative of the Maryland CASH Campaign;

(iv) one representative of a community–focused nonprofit organization that provides free financial education in the State;

(v) one representative of a philanthropic organization that provides funding for financial education in the State;

(vi) one representative of the Maryland Council on Economic Education or the Maryland Coalition for Financial Literacy;

(vii) one representative of a bank, whether or not State–chartered, that has a branch in the State;

(viii) one representative of a credit union, whether or not State–chartered, that has a branch in the State;

(ix) one licensed mortgage broker holding the Maryland Association of Mortgage Brokers' "Lending Seal of Integrity";

(x) one member of the Maryland Association of CPAs; and

(xi) one representative of a nonprofit organization in the State that provides financial assistance and free financial education to State residents for postsecondary education.

(b) (1) The term of an appointed member of the Commission is 4 years.

(2) The terms of the appointed members are staggered as required by the terms provided for appointed members of the Commission on October 1, 2012.

(3) At the end of a term, an appointed member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the remainder of the term and until a successor is appointed and qualifies.

(c) (1) The President of the Senate shall designate one of the members appointed from the Senate as co–chair of the Commission.

(2) The Speaker of the House of Delegates shall designate one of the members appointed from the House as co–chair of the Commission.

(d) The Maryland CASH Campaign shall provide staff for the Commission.

(e) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

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

(f) The Commission shall meet at least two times each year at the times and places determined by the Commission.

§9–804.

(a) The Commission shall:

(1) monitor the implementation of public and private initiatives to improve the financial education and capability of residents of the State;

(2) make recommendations on the coordination of financial education and capability efforts across State agencies; and

(3) encourage financial education events and activities to highlight April as Financial Education Month.

(b) (1) Subject to paragraph (2) of this subsection, on or before December 1 each year, the Commission shall report to the Governor and, in accordance with § 2–1257 of this article, the General Assembly on its recommendations and the status of efforts undertaken by State agencies or in partnership with State agencies to improve the financial education and capability of residents of the State.

(2) Every 3 years, the report of the Commission required under paragraph (1) of this subsection shall include a comprehensive discussion of statewide efforts to improve the financial education and capability of residents of the State, including initiatives funded by the State or a local government and those undertaken in the private sector by nonprofit organizations, financial institutions, and other persons.

§9–901.

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

(b) "Board" means the Board of Trustees of the Maryland Veterans Trust.

(c) "Department" means the Department of Veterans and Military Families.

(d) "Secretary" means the Secretary of Veterans and Military Families.

(e) "Trust" means the Maryland Veterans Trust.

(f) Except as otherwise provided in this subtitle, "veteran" means an individual who served on active duty in the armed forces of the United States, other than for training, and was discharged or released under conditions other than dishonorable.

§9–902.

(a) There is a Department of Veterans and Military Families, established as a principal department of the State government.

(b) The head of the Department is the Secretary of Veterans and Military Families who shall be:

(1) a veteran who has an honorable discharge from active service with a uniformed service of the United States; and

(2) appointed by the Governor with the advice and consent of the Senate.

(c) (1) The Secretary serves at the pleasure of the Governor and is responsible directly to the Governor. The Secretary shall advise the Governor on all matters assigned to the Department and is responsible for carrying out the Governor's policies on these matters.

(2) The Secretary is responsible for the operation of the Department and shall establish guidelines and procedures to promote the orderly and efficient operation of the Department.

(3) Subject to the provisions of this subtitle, the Secretary may establish, reorganize, or consolidate areas of responsibility in the Department as necessary to fulfill the duties assigned by the Secretary.

(4) The Secretary shall adopt regulations necessary to carry out the provisions of this subtitle.

(d) The Secretary is entitled to the salary provided in the State budget.

§9–902.1.

(a) The Secretary shall appoint a Deputy Secretary of Military Family Policy and Programs.

(b) The Deputy Secretary shall serve at the pleasure of the Secretary.

(c) The Deputy Secretary is entitled to the salary provided in the State budget.

(d) The Deputy Secretary shall direct policy and programs related to military families.

§9–903.

The Attorney General is the legal adviser to the Department.

§9–904.

(a) (1) The Department may:

(i) establish service centers that the Department considers necessary or advisable to facilitate and expedite the servicing of claims of veterans and dependents; and

(ii) close any service center that the Department no longer considers necessary.

(2) The Department shall try to locate each service center centrally in the area to be served so that the greatest number of veterans:

(i) have access with the least possible delay, travel, and inconvenience; and

(ii) receive, as far as possible, personal attention.

(b) There shall be a Director of Veterans Service Centers responsible for the supervision of veterans service centers, whose duties shall include maintaining contact with the appropriate governmental unit regarding the status of each claim of a veteran or eligible dependent of a veteran.

§9–905.

The Department shall:

(1) help veterans and their dependents to receive promptly and regularly all of the benefits to which veterans or dependents are entitled under federal law;

(2) help veterans and their dependents in:

(i) preparing, in proper form, claims for benefits;

(ii) presenting the claims to the appropriate governmental unit;

(iii) trying to prevent and to relieve congestion in the processing of the claims; and

(iv) obtaining and expediting action on the claims; and

(3) on request, provide a veteran with a document certifying veteran status.

§9–905.1.

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

(2) "Advertisement" means:

(i) a written or printed communication made for the purpose of soliciting business for veterans benefits appeals services;

(ii) a directory listing for a person that is offering veterans benefits appeals services; or

(iii) a radio, television, computer network or airwave, or electronic transmission that solicits business for or promotes a person offering veterans benefits appeals services.

(3) "Veterans benefits appeals services" means any services that a veteran might reasonably require in order to appeal a denial of federal, state, or local veterans benefits, including denials of disability, limited income, home loan, insurance, education and training, health care, burial and memorial, and dependent and survivor benefits.

(4) "Veterans benefits services" means any services a veteran or a family member of a veteran might reasonably use in order to obtain federal, state, or local veterans benefits.

(b) (1) Before entering into an agreement with an individual for the provision of veterans benefits services or veterans benefits appeals services, a person who charges a fee for those services shall:

(i) provide a written disclosure statement to each individual; and

(ii) obtain the individual's signature on the written disclosure statement acknowledging that the individual understands the disclosure statement.

(2) The written disclosure statement shall:

(i) be on a form approved by the Secretary; and

(ii) state that veterans benefits services and veterans benefits appeals services are offered at no cost by the Department and other veterans services organizations accredited by the U.S. Department of Veterans Affairs.

(c) A person who charges a fee for providing veterans benefits appeals services shall provide in any advertisement for appeals services notice that appeals services are also offered at no cost by the Department and other veterans services organizations accredited by the U.S. Department of Veterans Affairs.

(d) (1) A person who violates the provisions of this section is subject to a civil penalty of not more than $1,000 for each violation.

(2) Civil penalties shall be in an amount ordered by the District Court in an action brought by the Attorney General.

(3) Each day a violation continues is a separate violation.

(4) Any civil penalty collected shall be deposited in the Maryland Veterans Trust Fund.

§9–906.

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

(2) "Eligible dependent" means:

(i) a child who meets the requirements stated in 38 C.F.R. § 38.620(e); or

(ii) a parent who meets the requirements stated in 38 C.F.R. § 38.620(i).

(3) "Eligible spouse" means a spouse who meets the requirements stated in 38 C.F.R. § 38.620(e).

(4) "State veterans' cemetery" means a cemetery that the Department establishes under this section.

(5) In this section and in § 9–907 of this subtitle, "veteran" means an individual who:

(i) served other than dishonorably on active duty in the armed forces of the United States; or

(ii) served other than dishonorably as a member of the State militia ordered into active service of the United States by order of the President and was killed in the line of duty.

(6) "Washington Cemetery" means the Civil War cemetery grounds authorized by Chapter 213 of the Acts of the General Assembly of 1870.

(b) The Department may establish one or more cemeteries in the State for the burial of veterans and their eligible spouse or dependents as authorized by the Secretary.

(c) The Department may accept land, on behalf of the State or a political subdivision of the State, or otherwise acquire land for a State veterans' cemetery, if the Department has the approval of:

(1) the governing body of the county where the State veterans' cemetery is to be located;

(2) the delegation in the General Assembly for the county where the State veterans' cemetery is to be located; and

(3) the Board of Public Works.

(d) (1) The Department shall maintain and supervise each State veterans' cemetery.

(2) The Washington Cemetery shall be under the supervision of the Department.

(e) The Department shall provide a plot in a State veterans' cemetery, without charge, to a veteran who meets the requirements of this section.

(f) To qualify for a plot in a State veterans' cemetery:

(1) the applicant must be a veteran who meets the requirements for burial at a national veterans' cemetery or an eligible spouse or dependent of a veteran who meets the requirements of this subsection; and

(2) if a veteran, the veteran must also have been a resident of the State:

(i) when the veteran entered the armed forces;

(ii) when the veteran died; or

(iii) for 2 years, unless, for a reason that the Department finds compelling, the Department waives the time period.

(g) To obtain a plot in a State veterans' cemetery, an applicant shall submit to the Department an application on the form that the Department provides.

(h) (1) In a plot that is allotted to a veteran, the Department shall bury:

(i) the veteran; and

(ii) any member of the immediate family who is an eligible spouse or dependent of the veteran if the family member can be buried in a space above or below the veteran or in the next available plot.

(2) With each plot, the Department shall provide a grave liner at no cost for the veteran or eligible spouse or dependent.

(i) The Department shall bury the veteran or eligible spouse or dependent without charge.

§9–907.

The Department shall keep a registry of the graves of veterans and family members of veterans who are buried in the State veterans' cemeteries.

§9–908.

(a) In this section, "veterans' memorials and monuments" means:

(1) the Maryland Vietnam Veterans Memorial and Associated Land as established pursuant to Joint Resolution No. 22 of 1983;

(2) the Maryland Korean War Memorial and Associated Land as established pursuant to Joint Resolution No. 3 of 1985; and

(3) the Maryland World War II Memorial and Associated Land.

(b) There is a Veterans' Memorials and Monuments Program administered by the Department.

(c) The purpose of the Program is to provide for the operation, maintenance, security, and preservation of veterans' memorials and monuments.

(d) In furtherance of these purposes, the Department may, as provided for in the budget:

(1) lease land on behalf of the State or a political subdivision of the State; or

(2) acquire land that has been improved by construction of a memorial or monument.

(e) The Secretary may adopt regulations to carry out the provisions of this section.

(f) (1) The Department shall, as provided for in the budget, provide for the management of the veterans' memorials and monuments as provided in this section.

(2) The Department may delegate any of its powers and duties under this section to a special commission or board created by the Department and approved by the Governor.

(g) The Department may acquire, hold, use, and improve property for the purposes specified in subsection (c) of this section.

(h) Subject to Title 7 of the State Finance and Procurement Article, the Department may:

(1) accept gifts or grants;

(2) unless otherwise provided, spend the principal and income of a gift or grant; and

(3) invest all or part of the principal income in general obligations of the State or any other security.

§9–909.

"Home" means the home or homes for veterans that the Department supervises.

§9–910.

(a) The Department shall:

(1) maintain and supervise generally the home in accordance with this subtitle; and

(2) adopt any regulation that is needed for management of the home, including regulations for admission, maintenance, and discharge of its residents.

(b) (1) The Department may appoint a Director for the home and employ any other staff that is needed to manage the home properly.

(2) In appointing or employing staff, the Department shall give preference to a veteran who has an honorable discharge from the armed forces.

(3) The Director shall:

(i) serve at the pleasure of the Secretary; and

(ii) perform any duty that the Department requires.

§9–911.

(a) In accordance with the regulations of the Department and applicable law, the home shall be open:

(1) to a veteran who:

(i) has an honorable discharge from active service with a uniformed service of the United States; and

(ii) is a resident of the State as defined in regulations adopted by the Secretary; or

(2) to a spouse of an eligible veteran.

(b) (1) The Department may charge an individual a reasonable fee for residence in the home.

(2) The Department shall set the fee in accordance with the ability of an individual to pay. However, the fee may not exceed the cost of maintaining the resident in the home and shall allow the resident enough money for necessary and incidental expenses.

(c) A resident may be discharged in accordance with the regulations of the Department and applicable law.

§9–912.

(a) To carry out the responsibilities and goals of the Department, the Department may acquire, hold, use, improve, and convey property.

(b) (1) In addition to any other power under this section, the Department may lease any part of the home property for use as a concession or other commercial purpose that is consistent with the purposes of the Department. However, the Department may not lease its property merely for investment purposes.

(2) Notwithstanding any other law, unless the lease expressly provides for redemption by the tenant, the lease is not subject to redemption.

§9–912.1.

(a) Subject to Title 7 of the State Finance and Procurement Article, to carry out the purposes or goals of the Department, the Charlotte Hall Veterans Home may:

(1) accept a gift or grant for use at the Charlotte Hall Veterans Home; and

(2) unless the terms of a gift or grant require otherwise, and subject to the approval of the Secretary, spend the principal and income of the gift or grant for use at the Charlotte Hall Veterans Home.

(b) Gifts and grants that the Charlotte Hall Veterans Home accepts under subsection (a) of this section for use at the Home:

(1) shall be administered by the Director of the Veterans Home Program; and

(2) are not subject to reversion under § 7–302 of the State Finance and Procurement Article.

(c) (1) On or before July 31 of each year, the Director of the Veterans Home Program shall submit a report to the Secretary on the status of the gifts and grants accepted for use at the Charlotte Hall Veterans Home.

(2) On or before August 31 of each year, the Secretary shall submit a report to the General Assembly, in accordance with § 2–1257 of this article, on the status of the gifts and grants accepted for use at the Charlotte Hall Veterans Home.

(3) The reports required under this subsection shall include the following information on the gifts and grants accepted for use at the Charlotte Hall Veterans Home during the previous fiscal year:

(i) the gross amount of the gifts and grants;

(ii) the costs of administration of the gifts and grants; and

(iii) a detailed accounting of the use of the gifts and grants.

§9–912.2.

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

(2) "Bed lease payments" means a daily rate paid by the contractor that operates the Charlotte Hall Veterans Home to the State in lease payments based on the total number of beds, regardless of whether all of the beds are filled.

(3) "Fund" means the Charlotte Hall Veterans Home Fund.

(b) There is a Charlotte Hall Veterans Home Fund.

(c) The purpose of the Fund is to maintain the operation of the Charlotte Hall Veterans Home.

(d) The Secretary shall administer the Fund.

(e) (1) (i) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(ii) Except as provided in subparagraph (iii) of this paragraph, any unspent portions of the Fund may not be transferred to or revert to the General Fund of the State.

(iii) If, after deducting all expenses authorized under subsection (g) of this section, the remaining balance of the revenue to the Department

from bed lease payments at the end of a fiscal year is greater than 10% of the total budget of the Charlotte Hall Veterans Home for that fiscal year, the amount of the remaining balance that is in excess of 10% of the total budget shall revert to the General Fund of the State.

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

(f) The Fund consists of bed lease payments.

(g) The Fund may be used only for:

(1) the salaries and benefits of the departmental staff of the Charlotte Hall Veterans Home;

(2) improvements to the Charlotte Hall Veterans Home; and

(3) any other operating expenses of the Charlotte Hall Veterans Home.

(h) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

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

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

(j) Money expended from the Fund for the Charlotte Hall Veterans Home is supplemental to, and is not intended to take the place of, funding that otherwise would be appropriated for the Charlotte Hall Veterans Home.

(k) The Office of Legislative Audits shall audit the accounts and transactions of the Fund as provided in § 2–1220 of this article.

§9–913.

(a) In this section, "Fund" means the Maryland Veterans Trust Fund.

(b) (1) There is a Maryland Veterans Trust established for the purpose of providing monetary and other assistance to:

(i) veterans and their families; and

(ii) public and private programs that support veterans and their families.

(2) There is a Maryland Veterans Trust Fund.

(c) The Trust shall be a body corporate and shall have perpetual existence, subject to modification or termination by the General Assembly if necessary to effectuate its purpose or if its substantial purpose ceases to exist.

(d) The Fund consists of:

(1) gifts and grants that the Trust receives under § 9–914.2(a)(1) of this subtitle;

(2) contributions to the Fund from:

(i) the sale of tickets from instant ticket lottery machines under § 9–112(d) of this title;

(ii) the donations from video lottery facility players under § 9–1A–04(d)(19) of this title;

(iii) the designated fees from special registration plates for recipients of an individually earned, combat–related armed forces medal under § 13–619.1 of the Transportation Article; and

(iv) civil penalties collected in accordance with § 9–905.1 of this subtitle; and

(3) the net proceeds from contributions under the income tax checkoff established under § 2–117 of the Tax – General Article.

(e) Money in the Fund may only be used to:

(1) make grants and loans under § 9–914.2(a)(3) of this subtitle;

(2) be invested under § 9–914.3(b) of this subtitle; and

(3) pay the costs of administering the Fund through distribution to an administrative cost account in the Department.

(f) Money expended from the Fund is not intended to take the place of funding that would otherwise be appropriated to the Department.

§9–914.

(a) The powers and duties of the Trust shall rest in and be exercised by a Board of Trustees.

(b) The Board of Trustees shall consist of the following 11 members:

(1) the Secretary, ex officio, or the Secretary's designee, who shall serve as the chair;

(2) the Secretary of Aging, ex officio, or the Secretary's designee;

(3) the Secretary of Labor, ex officio, or the Secretary's designee;

(4) the Secretary of Health, ex officio, or the Secretary's designee;

(5) the Secretary of Human Services, ex officio, or the Secretary's designee;

(6) the Adjutant General of the Military Department, ex officio, or the Adjutant General's designee;

(7) one representative of each of the following organizations, appointed by the Governor:

(i) a veterans service organization;

(ii) a nonprofit organization that serves veterans; and

(iii) the business community;

(8) a member of the House of Delegates appointed by the Speaker of the House; and

(9) a member of the Senate appointed by the President of the Senate.

(c) The Governor shall consider geographical balance in making appointments to the Board of Trustees.

(d) Except for the ex officio members or their designees:

(1) the term of a member is 4 years;

(2) the terms of members are staggered as required by the terms provided for members of the Board on July 1, 2013;

(3) at the end of a term, a member continues to serve until a successor is appointed and qualifies;

(4) a member who is appointed after a term has begun serves for the rest of the term and until a successor is appointed and qualifies; and

(5) a member may serve no more than 2 terms.

§9–914.1.

(a) The Board shall meet at places and dates to be determined by the Board, but not less than 2 times a year.

(b) A majority of the trustees is a quorum.

(c) A trustee:

(1) may not receive compensation as a trustee; but

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

(d) The Department shall provide staff, supplies, and office space for the Board.

§9–914.2.

(a) The Trust shall have the powers and duties to:

(1) solicit and accept any gift, grant, legacy, or endowment of money from the federal government, State government, local government, or any private source in furtherance of the Trust;

(2) maintain the Fund, which shall consist of any gift, grant, legacy, or endowment provided to the Trust under item (1) of this subsection;

(3) expend money from the Fund to provide grants or loans to:

(i) veterans and their families;

(ii) public and private programs that support veterans and their families; or

(iii) any other programs that the Trust considers to be within the purpose for which the Trust is established;

(4) develop projects for sponsorship by corporate and business organizations or private individuals;

(5) make, execute, and enter into any contract or other legal instrument;

(6) receive appropriations as provided in the State budget;

(7) acquire, hold, use, improve, and convey property;

(8) lease and maintain an office at a place within the State that the Trust designates;

(9) adopt bylaws for the regulation of its affairs and the conduct of its business;

(10) take any other action necessary to carry out the purposes of the Trust;

(11) sue and be sued, but only to enforce contractual or similar agreements with the Trust; and

(12) submit a report on or before August 31 of each year to the Governor and, subject to § 2–1257 of this article, to the General Assembly, with recommendations or requests deemed appropriate to further the purposes of the Trust, and a description of the activities of the Trust during the preceding year, including:

(i) the gross amount of gifts and grants credited to the Trust;

(ii) the costs of administration of the Trust; and

(iii) a detailed accounting of the use of the Trust.

(b) The Trust may carry out its corporate purposes without obtaining the consent of any department, board, or agency of the State.

(c) In exercising its powers, the Trust is exempt from the provisions of Division II of the State Finance and Procurement Article.

§9–914.3.

(a) All money received by the Trust shall be deposited, as directed by the Trust, in any state or national bank, or federally or state–insured savings and loan associations located in the State having a total paid–in capital of at least $1,000,000. The trust department of any state or national bank or savings and loan association may be designated as a depository to receive any securities acquired or owned by the Trust. The restriction with respect to paid–in capital may be waived for any qualifying bank or savings and loan association that agrees to pledge securities of the state or of the United States to protect the funds and securities of the Trust in amounts and under arrangements acceptable to the Trust.

(b) (1) Except as provided in paragraph (2) of this subsection, any money of the Trust, in its discretion and unless otherwise provided in any agreement or covenant between the Trust and the holders of any of its obligations limiting or restricting classes of investments, may be invested in bonds or other obligations of the United States, the State, the political subdivisions or units of the State, direct or indirect federal agencies, corporate bonds with a rating of BAA3/BBB, or mortgage–backed and asset–backed securities with a rating of AAA.

(2) The overall investment portfolio of the Trust must have a rating of at least AA.

(c) The Trust shall make provision for a system of financial accounting, controls, audits, and reports.

(d) The books, records, and accounts of the Trust are subject to audit by the State.

§9–915.

In this Part II of this subtitle, "Commission" means the Maryland Veterans Commission.

§9–916.

There is a Maryland Veterans Commission in the Department that shall advise the Secretary of all matters pertaining to veterans issues.

§9–917.

(a) (1) The Commission consists of the following members appointed by the Governor.

(2) Of the members:

(i) 1 shall be appointed from each of the 8 congressional districts in the State;

(ii) 1 shall be a veteran appointed from the State at large;

(iii) 1 shall be a woman veteran appointed from the State at large;

(iv) 1 shall be a representative of a retired enlisted organization;

(v) 1 shall be a veteran of the Iraq or Afghanistan conflict, as defined in § 1–202(a–1) of the Public Safety Article;

(vi) 1 shall be appointed from a list of individuals submitted to the Governor by each of the following organizations:

1. the American Ex–Prisoners of War, Inc.;

2. the American Legion;

3. the Amvets;

4. the Catholic War Veterans;

5. the Disabled American Veterans;

6. the Fleet Reserve Association;

7. the Jewish War Veterans;

8. the Marine Corps League;

9. the Maryland Military Officers Association of America;

10. the Military Order of the Purple Heart;

11. the Polish Legion of American Veterans;

12. the Veterans of Foreign Wars;

13. the Vietnam Veterans of America;

14. the Korean War Veterans Association, Inc.;

15. the National Association for Black Veterans;

16. the Colonial Chapter of the Paralyzed Veterans of America; and

17. the Reserve Organization of America; and

(vii) 1 shall be an honorary nonvoting member appointed from a list of individuals submitted to the Governor by the Pearl Harbor Survivors Association.

(b) Each member must be a resident of the State and a veteran.

(c) (1) The term of an appointed member is 5 years.

(2) The terms of the appointed members are staggered as required by the terms provided for members of the Commission on October 1, 1984.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) When an organization is no longer a part of the Commission, the appointment shall terminate at the end of the current member's term.

(d) A new organization may not be eligible for representation on the Commission, by appointment of the Governor, unless it is congressionally chartered.

§9–918.

(a) From among the members of the Commission, the Governor shall appoint a chairman.

(b) A vice chairman shall be elected by a simple majority vote of the Commission.

§9–919.

(a) The Commission shall determine the times and places of its meetings.

(b) A member of the Commission:

(1) may not receive compensation; but

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

(c) The Department shall provide staff support to the Commission in accordance with the State budget.

§9–922.

There is a Maryland Veterans' Home Commission in the Department.

§9–923.

(a) The purpose of the Maryland Veterans' Home Commission is to advise the Department of issues related to State veterans homes.

(b) The General Assembly declares the purpose of the Maryland Veterans' Home Commission to be of general benefit to the veterans of the State.

§9–924.

This Part III of this subtitle does not limit any power or activity of:

(1) a unit of the State government;

(2) a political subdivision of the State; or

(3) any person who is interested in veterans in the State.

§9–925.

(a) The Veterans' Home Commission consists of the following 14 members:

(1) 11 individuals appointed by the Governor with the advice and consent of the Senate; and

(2) as ex officio members:

(i) the Governor;

(ii) the President of the Senate; and

(iii) the Speaker of the House of Delegates.

(b) (1) The term of an appointed member is 5 years.

(2) The terms of the appointed members are staggered as required by the terms provided for members of the Veterans' Home Commission on October 1, 1984.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(c) As far as is practicable and is consistent with the purposes and goals of the Veterans' Home Commission, the Governor shall choose appointed members so as to have a broad distribution from among:

(1) veterans and veterans' organizations; and

(2) the geographical areas of the State.

§9–926.

(a) From among its members, the Veterans' Home Commission shall elect a chairman, a secretary, and any other officers that the Commission considers appropriate.

(b) The manner of election of officers and their terms of office shall be as the Veterans' Home Commission determines.

§9–927.

(a) Seven members of the Veterans' Home Commission are a quorum to do business.

(b) (1) The Veterans' Home Commission shall meet:

(i) at least twice a year, at the times and places that it determines; and

(ii) at the call of the Chairman, on the Chairman's initiative or on the request of at least 4 members.

(2) Unless all of the members of the Veterans' Home Commission agree otherwise, the secretary of the Commission shall give each member at least 7 days' written notice of a meeting.

(3) If the President is unable to attend a meeting, the President may designate a Senator or an employee of the General Assembly to represent the President at the meeting.

(4) If the Speaker is unable to attend a meeting, the Speaker may designate a Delegate or an employee of the General Assembly to represent the Speaker at the meeting.

(5) If the Governor is unable to attend a meeting, the Governor may designate another individual to represent the Governor at the meeting.

(c) A member of the Veterans' Home Commission:

(1) may not receive compensation; but

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

§9–928.

(a) With the approval of the Secretary, the Veterans' Home Commission may adopt procedures to:

(1) govern itself; and

(2) carry out the responsibilities of the Veterans' Home Commission.

(b) The Commission:

(1) may not incur any expenses without the consent of the Department; and

(2) at each regular meeting of the Commission or more often as it directs, shall submit to the Department a report on any action that the Commission has taken since its last report.

(c) (1) The Veterans' Home Commission shall through the Department submit an annual report:

(i) to the Governor; and

(ii) subject to § 2-1257 of this article, to the General Assembly.

(2) The annual report shall:

(i) describe the activities of the Commission; and

(ii) include any recommendations for furthering the purposes of the Commission.

(d) As far as practicable, the Veterans' Home Commission shall cooperate with persons and public agencies to carry out the purposes and goals of the Commission and Department.

§9–929.

The State is not obligated to provide capital or operating funds for the Veterans' Home Commission but may appropriate money for the purposes and goals of the Commission.

§9–932.

In this Part IV of this subtitle, "Commission" means the War Memorial Commission.

§9–933.

There is a War Memorial Commission in the Department.

§9–934.

(a) (1) The Commission consists of 10 members.

(2) Of the 10 Commission members:

(i) 5 shall be appointed by the Secretary, with the approval of the Governor; and

(ii) 5 shall be appointed by the Mayor of Baltimore City.

(b) Each member must be a Maryland war veteran.

(c) (1) The term of a member is 5 years.

(2) The terms of a member are staggered as required by the terms provided for members of the Commission on October 1, 1984.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

§9–935.

(a) From among its members, the Commission may elect:

(1) a chairman;

(2) a vice chairman; and

(3) a secretary and a treasurer or a secretary-treasurer.

(b) The manner of election of officers and their terms of office shall be as the Commission determines.

§9–936.

(a) A member of the Commission may not receive compensation.

(b) If the Commission approves the reimbursement and records the vote in the minutes, a member is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

§9–937.

The State and Baltimore City jointly shall hold title to the War Memorial Building and the memorial site.

§9–938.

(a) The Commission may provide for management of the War Memorial Building as provided in this section.

(b) (1) The Commission shall adopt regulations that provide for the management of the War Memorial Building in a manner that:

(i) permits the greatest possible use of the building by the people of the State and by patriotic organizations in the State; and

(ii) to the extent possible, permits the use by the patriotic organizations without cost.

(2) The Commission shall enforce the regulations.

(c) The Commission may appoint a custodian and a janitor for the War Memorial Building.

(d) The Commission may use, for the maintenance and administration of the building, any funds that the General Assembly or the Mayor and City Council of Baltimore appropriate for those purposes.

§9–940.

(a) In this part, "Program" means the Communications, Outreach, and Advocacy Program.

(b) There is a Communications, Outreach, and Advocacy Program in the Department.

(c) The purpose of the Program is to ensure that:

(1) veterans are informed of the services, benefits, and assistance available to them from the State and federal government and community organizations; and

(2) general issues relating to veterans' needs are brought to the attention of the Governor and the General Assembly in order for them to be addressed.

§9–941.

(a) The Secretary shall appoint a director for the Program.

(b) The director is entitled to the salary provided in the State budget.

(c) The director shall administer and coordinate the Program.

§9–942.

(a) The Program shall actively help veterans and their dependents become aware of and access any service or benefit to which they are entitled including:

(1) tax benefits;

(2) health care benefits;

(3) disability benefits; and

(4) pension benefits.

(b) The Program, in collaboration with the Maryland Higher Education Commission, shall actively help veterans and their dependents become aware of and access education and training benefits to which they are entitled.

(c) The director of the Program shall:

(1) support veterans and their dependents through the service or benefit process; and

(2) refer veterans, veterans' dependents, and veterans' survivors to the appropriate governmental unit for claim assistance.

§9–943.

(a) (1) For the purposes of reaching any veteran, veteran's dependent, or veteran's survivor in need of assistance in obtaining services or benefits granted by the law, the director shall develop and implement a communications and outreach plan.

(2) In order to carry out the director's responsibilities under paragraph (1) of this subsection, the director may:

(i) enter into contracts; and

(ii) work with governmental units and community–based organizations, including the Maryland Department of Health, the Department of

Aging, faith–based groups, veterans groups, senior centers, adult day care centers, institutions of higher education, and other entities the director considers appropriate.

(b) (1) The director shall develop mechanisms for outreach to be disseminated by direct mail and through community–based veterans organizations, the Department, the Department of Human Services, the Maryland Department of Health, and any other State agency or unit the director considers appropriate.

(2) Communication mechanisms shall include:

(i) designing marketing materials describing the services provided by the Program;

(ii) a regular electronic newsletter;

(iii) brochures describing various benefits or any other issue or benefit of interest to veterans or their dependents; and

(iv) other measures the director considers appropriate.

(c) The Department shall communicate welcome home information to veterans returning to the State.

(d) The Department, in conjunction with the types of community–based organizations listed in subsection (a)(2) of this section, shall develop communication tools to assist in identifying veterans and dependents who may be eligible for benefits and programs offered by the Department.

(e) The Program shall:

(1) manage the Maryland Veterans Service Animal Program and Fund established under Part VIII of this subtitle;

(2) coordinate the responsibilities of veterans' services specialists designated under § 9–944 of this subtitle; and

(3) manage Department media relations, web content, social media, internal and external communications, customer service training, and intergovernmental relations.

(f) The director shall serve, as necessary, as the Secretary's designee to appropriate commissions, workgroups, and councils.

§9–944.

(a) In this section, "specialist" means an employee designated by a governmental unit who is responsible for responding to and assisting veterans who are employed by the unit or who contact the unit for assistance.

(b) Each governmental unit shall:

(1) designate an employee of the unit, who to the extent practicable is a veteran, as a veterans' services specialist for the unit and whose duties include the coordination of veterans' services with the Department;

(2) provide the Department with any nonprotected or nonprivate information about services the unit provides to veterans; and

(3) post on the unit's website:

(i) all services available for veterans from the unit;

(ii) the contact information for the unit's veterans' services specialist; and

(iii) a link to the Department with the contact information for the director of the Program in the Department.

(c) The veterans' services specialist shall:

(1) coordinate the provision of veterans' services available through the unit with the Department; and

(2) attend annual training that the Department provides concerning the coordination of veterans' services.

(d) On request for services by a veteran, a governmental unit that does not provide services to veterans shall direct the veteran to contact the Department and provide the veteran with the Department contact information.

(e) The Department shall:

(1) coordinate a meeting each quarter, or as otherwise necessary, with governmental units to discuss and receive information concerning the implementation of the requirements of this section; and

(2) on or before January 15 each year, report on the implementation of the requirements of this section to the Governor and, in accordance with § 2–1257 of this article, the General Assembly.

§9–946.

The Secretary shall submit a report by December 31 of each year to the Governor and, in accordance with § 2–1257 of this article, the General Assembly, that includes:

(1) the number of:

(i) requests for help in obtaining benefits;

(ii) public contacts made by the Communications, Outreach, and Advocacy Program;

(iii) veterans enrolled in the United States Veterans Health Administration; and

(iv) veterans receiving benefits;

(2) the average amount of disability and pension benefits received by qualified individuals in this State compared to individuals in other states;

(3) an account of the costs of operating the Communications, Outreach, and Advocacy Program;

(4) a status of the accomplishments for, efficacy of, efficiency of, and level of resources available for each of the following programs:

(i) cemetery;

(ii) memorial;

(iii) service;

(iv) veterans homes;

(v) communications, outreach, and advocacy;

(vi) Maryland Veterans Service Animal Program and Fund; and

(vii) veterans' services specialists;

(5) a general assessment of the status of veterans in the State;

(6) the estimated impact current military operations are likely to have on the needs of veterans in the future;

(7) the status of federal veterans programs as they relate to Maryland veterans; and

(8) any other issues concerning veterans that the Secretary considers appropriate.

§9–949.

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

(b) "College Collaboration" means the Maryland College Collaboration for Student Veterans, Memorandum of Understanding between the State and Maryland Institutions of Higher Education dated January 31, 2011.

(c) "Commission" means the Maryland College Collaboration for Student Veterans Commission.

§9–950.

There is a Maryland College Collaboration for Student Veterans Commission in the Department.

§9–951.

(a) The Commission consists of the following members:

(1) the designee of the Secretary;

(2) the Chancellor of the University System of Maryland, or the Chancellor's designee;

(3) the President of the Maryland Independent College and University Association, or the President's designee;

(4) the Executive Director of the Maryland Association of Community Colleges, or the Executive Director's designee; and

(5) one representative of any institution of higher education in the State that elects to participate, appointed by the President of the institution.

(b) (1) The term of a member is 2 years.

(2) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

§9–952.

The Commission shall elect annually a chair, a vice chair, and a secretary from among the members of the Commission.

§9–953.

(a) The Commission shall meet at least four times each year.

(b) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

(2) may receive reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

§9–954.

The Commission shall:

(1) work to ensure the educational success of returning veterans, including their recruitment, successful transition into higher education, retention, and eventual graduation;

(2) facilitate the sharing of best practices among institutions of higher education and State agencies regarding academic transition programs and support services designed for returning veterans;

(3) work with institutions of higher education in the State to provide the following services to veterans, as set forth in the College Collaboration:

(i) awareness of veteran reintegration challenges;

(ii) communication and coordination of available veteran services;

(iii) a designated "one door" office that coordinates veteran services and supports;

(iv) behavioral health services;

(v) financial aid and GI Bill support services; and

(vi) peer support groups;

(4) publish an annual report and any other material the Commission considers necessary; and

(5) submit the annual report to the Governor and, in accordance with § 2–1257 of this article, the General Assembly.

§9–957.

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

(2) "Eligible veteran" means an individual who:

(i) served on active duty in:

1. the armed forces of the United States;

2. the National Guard; or

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

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

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

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

2. receives treatment or care from a U.S. Department of Veterans Affairs or U.S. Department of Defense medical facility in the State.

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

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

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

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

2. uses trained therapy horses for interaction with veterans; and

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

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

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

(7) "Service dog" means a dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including physical, sensory, psychiatric, intellectual, or other mental disability.

(8) "Successful Program participant" means a Program participant who successfully completes the training or therapy protocol specified by a nonprofit training entity.

(9) "Support dog" means a dog that is individually trained and that serves as an emotional support or therapy animal that a medical professional, within the medical professional's scope of practice, has determined provides benefit for an individual with a sensory, psychiatric, intellectual, or other mental disability.

(10) "Therapy horse" includes a horse determined appropriate for interactions with veterans by a stable licensed by the State that:

(i) is a Professional Association of Therapeutic Horsemanship, International (PATH, Intl.) member center; or

(ii) has Equine Assisted Growth and Learning Association (EAGALA) certified professionals who provide services to veterans.

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

(c) The purposes of the Program are to:

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

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

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

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

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

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

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

1. partnering with service dogs or support dogs; or

2. interacting with therapy horses;

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

(iii) select an appropriate service dog, support dog, or therapy horse, as applicable, for each Program participant;

(iv) facilitate each Program participant's training or therapy using the nonprofit training entity's training or therapy protocol; and

(v) unless the nonprofit training entity uses trained therapy horses, partner each successful Program participant with the service dog or support dog on the Program participant's successful completion of the nonprofit training entity's training protocol.

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

(i) be based in the State;

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

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

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

(i) presents a danger to the Program participant's mental or physical well–being;

(ii) has caused or may potentially cause harm to others, an animal, or property;

(iii) presents a danger to the service dog's, support dog's, or therapy horse's mental or physical well–being; or

(iv) does not meet the training requirement of the nonprofit.

(2) A Program participant may discontinue involvement in the Program for any reason.

(f) (1) There is a Maryland Veterans Service Animal Program Fund.

(2) The Department shall use revenue from the Fund to pay a nonprofit training entity.

(3) Revenue from the Fund may be used only to pay:

(i) a nonprofit training entity; and

(ii) administrative costs of the Program.

(4) The Secretary, or the Secretary's designee, shall administer the Fund.

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

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

(6) The Fund consists of:

(i) revenue collected by the Department in the form of donations to the Program;

(ii) money appropriated in the State budget to the Fund; and

(iii) any other money from any other source accepted for the benefit of the Fund.

(7) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

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

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

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

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

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

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

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

(2) refer eligible veterans to selected nonprofit entities;

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

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

§9–1001.

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

(b) "Archives" means the State Archives.

(c) "Commission" means the Hall of Records Commission.

§9–1002.

(a) There is a State Archives in the office of the Governor.

(b) There is a Hall of Records Commission.

§9–1003.

The Commission consists of the following 11 members:

(1) the Chief Justice of the Supreme Court of Maryland;

(2) a member of the Senate appointed by the President of the Senate;

(3) a member of the House of Delegates appointed by the Speaker of the House;

(4) the Comptroller;

(5) the Treasurer who may appoint, as the Treasurer's designee, a deputy treasurer;

(6) the Secretary of General Services;

(7) the President of The Johns Hopkins University or a designee;

(8) the President of the Maryland Historical Society;

(9) the President of the St. John's College or a designee;

(10) the Chancellor of the University System of Maryland or a designee; and

(11) the President of the Morgan State University or a designee.

§9–1004.

(a) The Commission shall meet at least quarterly at the times and places that the Commission determines.

(b) A member of the Commission:

(1) may not receive compensation; but

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

(c) The Archives shall provide staff services for the Commission.

(d) (1) The Commission shall be an advisory body for the Archives.

(2) The Commission shall review and comment on:

(i) the proposed budget of the Archives;

(ii) all proposed publications of the Archives; and

(iii) all proposed policies pertaining to the use of the Archives by the public.

§9–1005.

(a) (1) After consultation with the Commission, the Governor shall appoint a competent, qualified individual as State Archivist.

(2) The State Archivist shall:

(i) be knowledgeable in subjects relevant to archival activities; and

(ii) possess experience in archival or related fields.

(b) The State Archivist is entitled to a salary as provided in the State budget.

§9–1006.

(a) (1) The State Archivist may appoint an Assistant State Archivist.

(2) The Assistant State Archivist has the powers and duties of the State Archivist:

(i) to the extent delegated by the State Archivist;

(ii) if the office of the State Archivist is vacant; and

(iii) if for any other reason the State Archivist is unable to perform the duties of office.

(b) The State Archivist may employ other staff in accordance with the State budget.

§9–1007.

(a) In addition to any powers set forth elsewhere, the State Archivist may:

(1) adopt regulations to:

(i) govern the Archives;

(ii) manage the Hall of Records Building and other real and personal property that the Archives acquires;

(iii) manage the records under the supervision of the Archives; and

(iv) define the categories of records in the report of the Records Management Division under § 10–611 of this article;

(2) have a seal; and

(3) on request, or at the State Archivist's discretion, review, evaluate, and make recommendations to the General Assembly regarding State designations under Title 7 of the General Provisions Article.

(b) At the request of the President of the Senate, the Speaker of the House, the Chair of the Senate Education, Health, and Environmental Affairs Committee, or the Chair of the House Health and Government Operations Committee, the State Archivist shall review, evaluate, and make recommendations to the General Assembly regarding State designations under Title 7 of the General Provisions Article.

(c) (1) The State Archivist may establish reasonable fees for the care and preservation of records and other services provided by the Archives.

(2) Fees may be in the form of:

(i) a percentage not to exceed 2% of an existing fee charged at the time of the creation of a record in any form or format; or

(ii) a flat rate subscription charge for a publication of the Archives.

(3) Of the fees collected, 7% shall be deposited in the Archives Endowment Account of the State Archives Fund established under § 9–1013 of this subtitle as an educational and entrepreneurial reserve.

(d) The State Archivist shall submit to the Governor and, subject to § 2–1257 of this article, to the General Assembly an annual report on the activities of the Archives and the Commission during the preceding fiscal year.

§9–1008.

(a) The State Archivist may:

(1) determine, in consultation with the Commission, the types of records and other information that the Archives will accept for safekeeping; and

(2) acquire, as a gift or with money appropriated or given to the Archives for that purpose:

(i) any record or other material that, in consultation with the Commission, the State Archivist considers worthy of preservation; and

(ii) other real or personal property.

(b) The State Archivist:

(1) shall supervise and control the use of the State Hall of Records Building;

(2) may equip and furnish the Building in accordance with law; and

(3) subject to Title 2, Subtitles 4 and 5, Title 4, Subtitles 7 and 8, §§ 8–127, 8–128, and 8–129, Part V of Title 8, Subtitle 1, Title 10, Title 12, Subtitle 2, and §§ 13–219 and 13–221 of the State Finance and Procurement Article, shall supervise and control the use of any other real or personal property that the State acquires for use of the Archives.

(c) The State Archivist shall provide the Commissioner of Land Patents with space in the State Hall of Records Building.

§9–1009.

(a) The Archives may:

(1) repair and preserve the records under the supervision of the State Archivist, as provided in the State budget;

(2) make a copy of any record in the Archives; and

(3) certify the copy.

(b) The Archives may publish, electronically or in print, indices to records, descriptions, summaries of record material, or original record material, in whole or in part, that are not otherwise restricted from access under existing law.

(c) The Archives shall index or provide other finding aids for:

(1) the historical records acquired under § 9–1010 of this subtitle; and

(2) the land records in its custody under § 9–1011 of this subtitle.

(d) (1) Except as provided in paragraph (2) of this subsection, the Archives may charge a reasonable fee for providing a copy of a record and for certifying the record.

(2) If, with the written approval of a judge of a circuit court, the clerk of court asks for a copy of a land record that a court has transferred to the Commission or Archives, the Archives shall provide, without charge, a micrographic copy of the land record.

§9–1010.

(a) The Archives:

(1) shall collect public and private records and other information that relate to the history of the province and State of Maryland from the earliest times, including church records and newspapers;

(2) may edit and publish these records; and

(3) shall encourage research into the history of the State.

(b) Any records and materials that relate to the history of Maryland and are not needed for the operation of a unit belong to the Archives and shall be under the supervision of the State Archivist.

§9–1011.

(a) The Archives is the central depository for and custodian of each deed, title insurance policy, and other record that relates to real property acquired by the State.

(b) The Archives may allow a unit of the State government to have custody of an original record that relates to real property acquired by the State, if the unit:

(1) needs the record for the daily operation of the unit;

(2) demonstrates to the Archives that the unit will preserve the record adequately; and

(3) deposits with the Archives a security microform copy of the record.

(c) (1) The Archives shall receive, index, and file durable–backed, microfilm aperture card copies or electronic images of plats showing property or rights–of–way acquired or conveyed by the State Roads Commission and the State Highway Administration.

(2) (i) The Archives electronically shall post an image of each plat on the Archives website (http://www.plats.net) for the county where the property or right–of–way is located.

(ii) The posted image shall conform to a generally accepted archival standard in quality and permanence.

(iii) The image shall include or be linked to a certification by the State Archivist that the image is an authentic representation of the plat received by the Archives.

(iv) Such certification by the State Archivist shall constitute a recordation of the plat.

(v) The Archives may charge a reasonable fee to the State Roads Commission, the State Highway Administration, and the courts to recover the cost of electronically posting and maintaining the images of plats.

(vi) The Archives may charge a reasonable fee, not to exceed $3, to the public for the cost of reproducing a copy of a plat under this subsection.

§9–1012.

(a) The Archives may allow a unit of local government or its designee to have custody of an original local record if the unit or designee:

(1) demonstrates that the unit or designee will preserve the record adequately; and

(2) deposits with the Archives or permits the Archives to make a security microform copy of the record.

(b) The Archives may not destroy a local record unless the Archives:

(1) offers the record to the appropriate local government or its designee; and

(2) the government or designee declines to accept the record.

§9–1013.

(a) There is a State Archives Fund.

(b) The Comptroller shall credit to the State Archives Fund any money that:

(1) is appropriated or given to the Archives for publication of the series known as "The Archives of Maryland";

(2) is received from the sale of the series;

(3) is received from public grants and private contributions; or

(4) is received from fees collected in accordance with § 9–1007(c) of this subtitle.

(c) (1) The Commission may utilize the proceeds of public grants, private contributions, and fees collected under § 9–1007(c)(3) of this subtitle to create an Archives Endowment Account within the State Archives Fund, if this use is consistent with the terms of the public grants and private contributions.

(2) If an endowment is created, the principal of the endowment may not be expended, except pursuant to a recommendation of the Commission.

(d) (1) The Archives shall use money received by the State Archives Fund for "The Archives of Maryland" to prepare, edit, and publish volumes of the series, including reprints of unavailable volumes.

(2) The Archives may use other money in the Fund for the general dissemination of archival materials. This includes the preparation and distribution of books and other publications using archival materials.

(3) Earnings from the endowment may be used for research on Maryland citizens who achieve national, State, or local prominence, for research on historical and geographical aspects of Maryland, and for an outreach program into the schools.

(e) The Treasurer shall invest money from the State Archives Fund, including money in the Archives Endowment Account, for the use of the Fund, and all earnings shall be credited to the Fund.

(f) Expenditures from the Fund, including earnings from the Archives Endowment Account, shall be made pursuant to an appropriation approved by the General Assembly in the annual State budget or by the budget amendment procedure provided for in § 7–209 of the State Finance and Procurement Article.

(g) The Fund is a continuing, nonlapsing fund which is not subject to § 7–302 of the State Finance and Procurement Article.

(h) The Fund and the Endowment Account are subject to audit by the Legislative Auditor.

§9–1014.

(a) The Archives may establish a consolidated publications account.

(b) The Archives may place in the consolidated publications account revenues from publications, the issuance of land patents, and services of the Archives. However, at the end of each fiscal year, the money in the account in excess of $50,000 shall revert to the General Fund of the State.

(c) The Archives may use the consolidated publications account to produce, distribute, and promote any of the publications of the Archives, except the Maryland Manual.

§9–1015.

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

(2) "Certified or abridged copy" means a copy of a restricted vital record that contains only the personal information that appears on the certificate of birth and does not include any confidential medical information appearing on the certificate.

(3) "Department" means the Maryland Department of Health.

(4) "Extract" means the following information from a restricted vital record:

(i) full names;

(ii) birthplaces of parents; and

(iii) date and place of birth or death.

(5) "File" means to present for registration at the Department any certificate of birth, death, adoption, marriage, divorce, or annulment.

(6) "Restricted vital record" means a certificate of birth that pertains to a birth that occurred fewer than 100 years prior to the request for the record or to a death that occurred fewer than 10 years prior to the request for the record.

(7) "Unrestricted vital record" means a record in the custody of the Archives, including one obtained from the Department by the Archives, that pertains to a birth that occurred more than 100 years prior to the request for the record, or to any marriage license, to a report of absolute divorce or annulment of marriage, or to a death that occurred more than 10 years prior to the request for the record.

(8) "Vital record" means a record of birth, death, marriage, absolute divorce, or marriage annulment required by law to be filed with the Department.

(b) Upon request of the Archives, the Department shall provide the Archives with vital records and indexes of vital records that are in the custody of the Department.

(c) Vital records and indexes may be copied by the Archivist in any manner.

(d) (1) Upon request, the Archives may only disclose and provide copies of vital records to:

(i) an individual who is lawfully entitled under § 4–217(b)(1) of the Health – General Article to obtain a certified or abridged copy of a restricted vital record from the Department or any other original custodian;

(ii) an individual who requests an unrestricted vital record; or

(iii) an individual who has evidence of the death of the person in the restricted vital record.

(2) An individual may examine and obtain a copy of indexes that pertain to vital records that are in the custody of the Archives.

(3) An individual may obtain an extract of a restricted vital record.

(4) An individual may obtain from the Archives a certified copy of the original of a vital record that may be examined under paragraph (1) of this subsection.

(e) The Archives may charge a reasonable fee to cover the expense of copying vital records or indexes to a vital record, to make extracts from restricted vital records or to undertake a search for vital records.

(f) (1) An individual may not request a copy of vital records, indexes to vital records, or extracts from restricted vital records for the purpose of commercial solicitation or private gain.

(2) The Archives may require an individual to state the individual's intended use of the information obtained under this section.

(g) Under this section, the copying and use of vital records for disclosure, the disclosure of vital records, or extracts of restricted vital records or indexes does

not violate the rule of confidentiality in a provision of law, including Title 10, Subtitle 6 of this article or § 4–224 of the Health – General Article.

(h) The Archives is not liable to an individual for:

(1) errors in indexing or extracting information from vital records; or

(2) reasonable reliance on evidence that the person in a restricted vital record is deceased.

(i) Unless a record has been transferred to the custody of the Archives, the information disclosed under this section does not constitute an official record.

§9–1016.

In this Part II of this subtitle, "Commission" means the Commission on Artistic Property.

§9–1017.

There is a Commission on Artistic Property in the State Archives.

§9–1018.

(a) (1) The Commission consists of 15 members, 7 of whom are institutional members and 8 of whom are public members.

(2) The institutional members are the chief executive officers, or their designees, of the following institutions:

(i) the Academy of the Arts in Easton;

(ii) the Baltimore Museum of Art;

(iii) Maryland Historical Society;

(iv) the Maryland Institute, College of Art in Baltimore;

(v) the Peabody Institute;

(vi) Walters Art Gallery; and

(vii) Washington County Museum of Fine Arts in Hagerstown.

(3) (i) The State Archivist shall appoint the public members with the approval of the Governor.

(ii) The State Archivist shall seek to include representatives of the historical museums of the State among the public members.

(iii) The public members serve at the pleasure of the State Archivist.

(b) From time to time, with the approval of the Governor, the State Archivist shall designate a public member of the Commission to serve as chairman.

§9–1019.

(a) A member of the Commission:

(1) may not receive compensation; but

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

(b) The Commission may employ a professional staff, in accordance with the State budget. The Commission may also contract for a curator and for the services of the Archivist of the Peabody Institute to act as curator of some or all of the objects in the Peabody Art Collection once that collection becomes the property of the State.

§9–1020.

(a) (1) With the approval of the Governor and the State Archivist, the Commission may accept, on behalf of the State:

(i) a gift of any painting or other object of decorative art; and

(ii) a loan of any painting or other object of decorative art.

(2) The Commission shall care for any object of decorative art accepted under this section.

(b) With the approval of the Governor, the State Archivist:

(1) may accept a gift of money from any public or private source; and

(2) shall administer and use the gift of money in accordance with any conditions of the gift.

§9–1021.

(a) (1) The Commission is the official custodian of all valuable paintings and other objects of decorative art owned by or loaned to the State, except those located in a State room of the Government House. With respect to the objects subject to its official custody, the Commission shall:

(i) keep a continuing inventory of the objects; and

(ii) be responsible for and supervise the acquisition, custody, display, location, preservation, proper care, security, and restoration of the objects.

(2) At such time as the State acquires the Peabody Art Collection from the Peabody Institute, the Commission shall become the official custodian of the Collection.

(3) In exercising its custodial responsibilities, the Commission may loan objects owned by the State to qualified institutions and may contract with such institutions for the performance of curatorial services.

(b) (1) Each person or agency that desires to acquire a painting or object of decorative art for display in or on the premises of any State building, except in a room of the Government House, must receive both prior approval and final acceptance from the Commission.

(2) Before giving prior approval or final acceptance in accordance with this subsection, the Commission shall consider:

(i) the competence of the artist;

(ii) the proposed location of the object; and

(iii) the quality, historical significance, and appropriateness of the work.

(c) This subtitle does not apply to artwork acquired through the Maryland Public Art Initiative Program established under Title 4, Subtitle 6 of the Economic Development Article.

§9–1022.

As to all paintings or other objects of decorative art in the State rooms of the Government House, the Commission shall:

(1) advise the Government House Trust about acquisition and display of the objects;

(2) insure the objects; and

(3) be responsible for the preservation of the objects.

§9–1023.

In performing its responsibilities in or on the premises of any State building, the Commission shall seek the advice of:

(1) the President of the Senate and the Speaker of the House of Delegates for any State building used by the Legislative Branch of the State government;

(2) the Governor for any State building used by the Executive Branch of the State government; and

(3) the Chief Justice of the Supreme Court of Maryland for any State building used by the Judicial Branch of the State government.

§9–1026.

(a) The State Archives shall compile, edit, and publish an online Maryland Manual that:

(1) describes:

(i) the State and its government, including State, interstate, regional, county, intercounty, and municipal government; and

(ii) federal officials and agencies directly related to the State; and

(2) contains:

(i) a copy of the Maryland Constitution;

(ii) the name of each officer of the State, a county, or a municipality who is:

1. elected;

2. appointed by the Governor; or

3. appointed by the Board of Public Works; and

(iii) any other information that, in consultation with the Hall of Records Commission, the State Archivist considers necessary.

(b) As provided in the State budget, the State Archives shall:

(1) update the Maryland Manual as necessary to maintain the accuracy of the information; and

(2) annually preserve a version of the Maryland Manual that contains all changes made to the Maryland Manual under item (1) of this subsection in the immediately preceding year.

(c) To the extent practicable, the State Archivist shall provide outreach to public schools, public libraries, and the general public to increase awareness regarding the availability and content of the Maryland Manual.

§9–1401.

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

(b) "Subcabinet" means the Sustainable Growth Subcabinet.

(c) "Sustainable growth policy" means the State Economic Growth, Resource Protection, and Planning Policy set forth in § 5–7A–01 of the State Finance and Procurement Article.

§9–1402.

(a) The General Assembly finds that the State is committed to addressing the high financial, social, and environmental costs of sprawl development through effective sustainable growth policy.

(b) The purpose of this subtitle is to establish a centralized office in the State in a manner such that the policy of sustainable growth can be better articulated, coordinated, and implemented in order to better serve the residents of the State.

§9–1403.

(a) There is a Sustainable Growth Subcabinet.

(b) The Subcabinet consists of:

(1) the Secretary of Agriculture;

(2) the Secretary of Budget and Management;

(3) the Secretary of Commerce;

(4) the Secretary of Emergency Management;

(5) the Secretary of the Environment;

(6) the Secretary of General Services;

(7) the Secretary of Higher Education;

(8) the Secretary of Housing and Community Development;

(9) the Assistant Secretary of the Office of Neighborhood Revitalization;

(10) the Secretary of Natural Resources;

(11) the Secretary of Planning;

(12) the Secretary of Transportation;

(13) a representative of the Governor's office;

(14) the Secretary of Health;

(15) the Secretary of Labor; and

(16) the Director of the Maryland Energy Administration.

(c) The Executive Director of the National Center for Smart Growth Education and Research at the University of Maryland, College Park Campus shall serve as an ex officio member of the Subcabinet.

(d) (1) The Secretary of Planning shall chair the Subcabinet and shall be responsible for the oversight, direction, and accountability of the work of the Subcabinet.

(2) The Secretary of Housing and Community Development shall be the vice chair of the Subcabinet.

(e) (1) The Department of Planning shall provide the primary staff support for the Subcabinet and serve as its primary office.

(2) The Secretary of Planning may call upon any of the Subcabinet members to provide additional staff assistance as needed.

(f) The Secretary of Planning may establish subcommittees to carry out the work of the Subcabinet.

(g) The Subcabinet shall meet regularly at such times and places as it determines.

(h) (1) The Subcabinet shall:

(i) provide a forum for discussion of interdepartmental issues relating to activities that affect growth, development, neighborhood vitality, and resource management;

(ii) work together using all available resources to promote the understanding of sustainable growth;

(iii) work together to create, enhance, support, and revitalize equitable and sustainable communities across the State;

(iv) meet at least biannually with county and municipal elected leaders and planning officials to discuss local government issues relating to activities that affect equitable and resilient growth, development, neighborhood vitality, and resource management;

(v) subject to paragraph (2) of this subsection, make recommendations to:

1. the Department of Commerce in accordance with § 5–1304 of the Economic Development Article;

2. the Department of Housing and Community Development in accordance with § 6–206 of the Housing and Community Development Article;

3. the Department of Planning in accordance with § 5A–303 of the State Finance and Procurement Article; and

4. the Department of Transportation in accordance with § 7–101 of the Transportation Article;

(vi) in coordination with State agencies, evaluate and report annually to the Governor and, in accordance with § 2–1257 of this article, to the General Assembly on the implementation of the State's sustainable growth policy; and

(vii) perform other duties assigned by the Governor.

(2) The failure of the Subcabinet to make a recommendation under paragraph (1)(v) of this subsection may not be construed as prohibiting a department to act in accordance with the department's authority under State law.

(i) The annual report required in subsection (h)(1) of this section shall include:

(1) a description of the projects, programs, and costs of activities located in priority funding areas;

(2) a description of projects, programs, and costs of activities funded under the exceptions allowed in § 5–7B–06 of the State Finance and Procurement Article;

(3) projects submitted to the Board of Public Works for funding outside priority funding areas under the extraordinary circumstances exception in accordance with § 5–7B–05 of the State Finance and Procurement Article and the impact of these projects upon the State's sustainable growth policy;

(4) a list of programs and policies reviewed and changed to ensure compliance with the State's sustainable growth policy; and

(5) a list of projects or programs approved and funded under Chapter 759, § 2 of the Acts of 1997.

§9–1405.

(a) In addition to any other powers and duties imposed by law, the Subcabinet has the powers and duties set forth in this section.

(b) The Subcabinet shall:

(1) review State assistance programs related to sustainable growth to determine their applicability, if any, to projects that are consistent with the State's sustainable growth policy;

(2) promote interagency consensus and cooperation on projects that are consistent with the State's sustainable growth policy and resolve conflicting agency positions on projects in an expedited manner;

(3) provide advisory and technical assistance to local jurisdictions and to the public in preparing, financing, and developing sustainable growth and neighborhood vitality projects;

(4) gather and disseminate information to the public, including local jurisdictions, nonprofit organizations, and developers on how to develop projects that are consistent with the State's sustainable growth policy;

(5) provide a single point of access for members of the public, including local jurisdictions, nonprofit organizations, developers, and community and homeowners' associations who need assistance or guidance in navigating the processes and regulations of State agencies on projects that are consistent with the State's sustainable growth policy;

(6) work with local governments in expediting review of projects that both the local government and the State agree are consistent with the State's sustainable growth policy;

(7) provide effective public information on sustainable growth programs and educational activities, including relationships with the National Center for Smart Growth Education and Research at the University of Maryland, College Park Campus, and coordination of sustainable growth outreach efforts to local governments, the general public, and other interest groups;

(8) coordinate the efforts of the Executive Branch to provide input to the General Assembly on legislation that concerns sustainable growth and neighborhood vitality; and

(9) recommend to the Governor changes to State law and regulations necessary to advance the policy of sustainable growth.

§9–1601.

(a) This subtitle does not apply to:

(1) the Governor;

(2) any unit of the Judicial Branch;

(3) any unit of the Legislative Branch;

(4) the Comptroller of the Treasury;

(5) the incarcerated individual adjustment hearing officers;

(6) the Public Service Commission;

(7) the State Workers' Compensation Commission;

(8) the Parole Commission;

(9) the Health Services Cost Review Commission;

(10) the Maryland Health Care Commission; and

(11) unemployment insurance benefit determinations and employer obligation determinations in the Maryland Department of Labor, and appeals from those determinations.

(b) Except as provided in subsection (a) of this section, this subtitle shall apply to each agency that employs or engages one or more hearing officers to adjudicate contested cases unless the agency has been exempted by the Governor under subsection (c) of this section.

(c) Until July 1, 1994, the Governor may temporarily exempt an agency from this subtitle.

§9–1602.

The Office of Administrative Hearings is created as an independent unit in the Executive Branch of State government.

§9–1603.

(a) The Office is headed by a Chief Administrative Law Judge appointed by the Governor with the advice and consent of the Senate.

(b) The Chief Administrative Law Judge shall:

(1) be appointed for a term of 6 years;

(2) devote full time to the duties of the Office; and

(3) be eligible for reappointment.

(c) The Chief Administrative Law Judge shall:

(1) receive the salary provided in the State budget;

(2) be admitted to practice law in the State; and

(3) have the powers and duties specified in this subtitle.

(d) The Chief Administrative Law Judge may employ a staff in accordance with the State budget.

§9–1604.

(a) The Chief Administrative Law Judge shall:

(1) supervise the Office of Administrative Hearings;

(2) establish qualifications for administrative law judges;

(3) appoint and remove administrative law judges in accordance with § 9–1605 of this subtitle;

(4) assign administrative law judges to conduct hearings in contested cases or cases to determine eligibility for compensation and benefits under § 10–501 of the State Finance and Procurement Article;

(5) if necessary, establish classifications for case assignment on the basis of subject matter, expertise, and case complexity;

(6) establish and implement standard and specialized training programs and provide materials for administrative law judges;

(7) provide and coordinate continuing education programs and services for administrative law judges, including research, technical assistance, technical and professional publications, compiling and disseminating information, and advise of changes in the law relative to their duties;

(8) develop model rules of procedure and other guidelines for administrative hearings;

(9) develop a code of professional responsibility for administrative law judges; and

(10) monitor the quality of State administrative hearings.

(b) (1) The Chief Administrative Law Judge may:

(i) serve as an administrative law judge in a contested case or a case to determine eligibility for compensation and benefits under § 10–501 of the State Finance and Procurement Article;

(ii) furnish administrative law judges on a contractual basis to other governmental entities;

(iii) accept and expend funds, grants, and gifts and accept services from any public or private source;

(iv) enter into agreements and contracts with any public or private agencies or educational institutions;

(v) adopt regulations to implement this subtitle; and

(vi) assess fees to cover administrative expenses as follows:

1. to file an appeal, a fee not exceeding:

A. $150 for an appeal of a driver's license suspension or revocation related to a violation of the Maryland Vehicle Law; and

B. $50 for all other types of appeals; and

2. to process a subpoena, a fee not exceeding $5.

(2) Fees charged under paragraph (1) of this subsection for administrative expenses may not be charged to:

(i) State agencies; or

(ii) petitioners who are determined by the Office of Administrative Hearings to be unable to pay the fees.

(3) A fee charged under paragraph (1) of this subsection for filing an appeal shall be refunded to a party who initiates the appeal if the party receives a favorable decision from the administrative law judge.

(c) (1) The Chief Administrative Law Judge shall submit an annual report on the activities of the Office to the Governor and, subject to § 2–1257 of this article, to the General Assembly.

(2) This report may be prepared in conjunction with the annual report required under § 9–1610 of this subtitle.

(d) The Chief Administrative Law Judge shall meet and confer regularly with the Advisory Council on Administrative Hearings.

§9–1605.

(a) An administrative law judge:

(1) shall be a special appointment in the State Personnel Management System;

(2) may be removed, suspended, or demoted by the Chief Administrative Law Judge for cause, after notice and an opportunity to be heard;

(3) shall receive the compensation provided in the State budget; and

(4) may not perform duties inconsistent with the duties and responsibilities of an administrative law judge.

(b) An administrative law judge may not be responsible to or subject to the supervision or direction of an officer, employee, or agent engaged in the performance of investigative, prosecuting, or advisory functions for an agency.

(c) In any contested case conducted by an administrative law judge, the administrative law judge may:

(1) authorize the issuance of subpoenas for witnesses;

(2) administer oaths;

(3) examine an individual under oath; and

(4) compel the production of documents or other tangible things.

(d) (1) Without good cause, a person may not refuse an order by any administrative law judge to:

(i) appear for a hearing;

(ii) testify under oath; or

(iii) produce any relevant evidence, including documents or other tangible things.

(2) (i) An administrative law judge may apply, upon affidavit, to any judge of a circuit court for an order, returnable in not less than 2 nor more than 5 days, to show cause why a person should not be committed to jail for refusal to comply with an order issued under paragraph (1) of this subsection.

(ii) On the return of an order issued under subparagraph (i) of this paragraph, if the judge hearing the matter determines that the person is guilty of refusal to comply with the order of the administrative law judge, the judge may commit the offender to jail as in cases of civil contempt.

§9–1606.

(a) All units of State government shall cooperate with the Chief Administrative Law Judge in the discharge of his duties.

(b) The Office shall be subject to audit and examination by the Office of Legislative Audits of the Department of Legislative Services under § 2-1220 of this article.

(c) Except as provided in this subtitle or in regulations adopted under this subtitle, an agency may not select or reject a particular administrative law judge for a particular proceeding.

§9–1607.

If the Office is unable to assign an administrative law judge in response to an agency request, the Chief Administrative Law Judge shall designate in writing an individual to serve as an administrative law judge in a proceeding before the agency if:

(1) the individual meets the qualifications for an administrative law judge established by the Office under § 9-1604(a)(2) of this subtitle; and

(2) the agency that employs the individual consents to the assignment.

§9–1607.1.

(a) An individual who is not licensed to practice law in this State may represent a party in a proceeding before the Office if:

(1) authorized by law;

(2) the individual is representing:

(i) a recipient of or applicant for benefits that are:

1. based on the recipient's or applicant's income and resources; and

2. provided by the Department of Human Services or the Maryland Department of Health;

(ii) a resident of a facility at a proceeding conducted under § 19–344(q)(4) or § 19–345.1 of the Health – General Article;

(iii) a health care facility, as defined in § 10–101 of the Health – General Article, at a proceeding under the provisions of § 10–632 or § 10–708 of the Health – General Article or § 3–121 of the Criminal Procedure Article; or

(iv) a grievant at a proceeding conducted pursuant to Title 10, Subtitle 2 of the Correctional Services Article concerning a grievance submitted to the Inmate Grievance Office, provided the representation is not otherwise restricted for reasons of security or expense pursuant to regulations, rules, directives, or policies adopted by the Division of Correction or Patuxent Institution;

(3) the individual is a designee of a corporation while appearing on its behalf in an administrative proceeding held under § 27–613 of the Insurance Article;

(4) the individual is an officer of a corporation, an employee designated by an officer of a corporation, a general partner in a business operated as a partnership or an employee designated by a general partner, or an employee designated by the owner of a business operated as a sole proprietorship while the officer, partner, or employee is appearing on behalf of the corporation, partnership, or business in an administrative hearing held under:

(i) § 8–312 of the Business Regulation Article (Home Improvement Commission);

(ii) Title 5 of the Labor and Employment Article (Occupational Safety and Health); or

(iii) regulations adopted pursuant to § 14–303 of the State Finance and Procurement Article, concerning the decertification of a minority business enterprise to conduct business with the Department of Transportation;

(5) in the case of an insurer, the individual is a designee of the insurer who:

(i) is employed by the insurer in claims, underwriting, or as otherwise provided by the Commissioner; and

(ii) has been given the authority by the insurer to resolve all issues involved in the proceeding; or

(6) the individual is representing a unit of State government, at the direction of the unit of State government.

(b) (1) An employee designated by a business entity under subsection (a)(3) or (4) of this section:

(i) shall provide the Office a power of attorney sworn to by the employer that certifies that the designated employee is an authorized agent of the business entity and may bind the business entity on matters pending before the Office; and

(ii) may not be a disbarred or suspended lawyer in any state.

(2) A business entity may not contract, hire, or employ another business entity, other than an attorney, to provide appearance services under subsection (a)(3) or (4) of this section.

(3) An employee designated by a business entity under subsection (a)(4) of this section may not be assigned on a full–time basis to appear in administrative hearings before the Office on behalf of the business entity.

(c) This section may not be interpreted to limit the right of an individual to appear on the individual's own behalf.

§9–1607.2.

(a) Subject to subsection (b) of this section, regulations adopted in accordance with § 10–206(a)(1) of this article shall apply to a proceeding before the Office, regardless of whether the proceeding is subject to Title 10, Subtitle 2 of this article (Administrative Procedure Act – Contested Cases).

(b) Unless a federal or State law or regulation requires that a federal or State procedure shall be observed, the regulations specified in subsection (a) of this section shall take precedence in the event of a conflict.

§9–1608.

(a) There is a State Advisory Council on Administrative Hearings.

(b) The Council consists of 10 members.

(c) Of the 10 Council members:

(1) 1 shall be a member of the Senate of Maryland, appointed by the President of the Senate;

(2) 1 shall be a member of the House of Delegates, appointed by the Speaker of the House;

(3) 1 shall be the Attorney General or the Attorney General's designee;

(4) 1 shall be a nongovernmental attorney who practices before the Office of Administrative Hearings;

(5) 2 shall be secretaries or designees from departments involved in the adjudication of contested cases;

(6) 2 shall represent the Maryland State Bar Association; and

(7) 2 shall be from the general public.

(d) The Governor shall appoint the members specified in subsection (c)(4) through (7) of this section.

(e) Of the members appointed under subsection (c) of this section, not more than 5 shall be attorneys who practice before the Office of Administrative Hearings.

§9–1609.

(a) (1) The term of a member of the Council is 4 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Council on January 1, 1990.

(3) A member is eligible to serve more than 1 term.

(b) A member of the Council may not receive compensation, but is entitled to reimbursement for expenses under the Standard State Travel Regulations.

(c) The Council shall designate a chairman from among its members.

§9–1610.

(a) The Council shall:

(1) advise the Chief Administrative Law Judge in carrying out his duties;

(2) identify issues of importance to administrative law judges that should be addressed by the Chief Administrative Law Judge;

(3) review issues and problems relating to administrative hearings and the administrative process;

(4) review and comment upon policies and regulations proposed by the Chief Administrative Law Judge;

(5) advise the Governor as to those agencies for which a continuing exemption under § 9–1601 of this subtitle should be maintained as consistent with the purposes of this subtitle; and

(6) submit an annual report, which may be prepared in conjunction with the report required under § 9–1604 of this subtitle and is subject to § 2–1257 of this article, to the Legislative Policy Committee of the General Assembly, including a list of the agencies that are exempted from this subtitle under § 9–1601(c) of this subtitle and the reasons for the exemptions.

(b) The Council shall meet at a regular time and place to be determined by the Council.

§9–1901.

(a) There is an Assisted Living Programs Board established to:

(1) develop statewide policy on assisted living programs;

(2) coordinate agency responsibility for implementation of policies and programs related to assisted living;

(3) review and approve policies and regulations governing assisted living programs; and

(4) establish appropriate interagency agreements relative to assisted living programs.

(b) The Board consists of 15 voting members as follows:

(1) the Secretary of Health;

(2) the Secretary of Human Services;

(3) the Secretary of Aging; and

(4) the following voting members appointed by the Governor with the advice and consent of the Senate:

(i) one representative of the Disability Law Center;

(ii) one representative of a small program that was certified as a sheltered housing project by the Department of Aging as of December 31, 1995, or could have been certified as a sheltered housing project by the Department of Aging if it had been in existence on December 31, 1995;

(iii) one representative of a small program that was certified as a care program by the Department of Human Services as of December 31, 1995, or could have been certified as a care program by the Department of Human Services if it had been in existence on December 31, 1995;

(iv) one representative of a small program that was licensed or registered as a domiciliary care program by the Maryland Department of Health as of December 31, 1995, or could have been licensed or registered as a domiciliary care program by the Maryland Department of Health if it had been in existence on December 31, 1995;

(v) four consumer members;

(vi) one representative of the Assisted Living Facilities Association of America;

(vii) one representative of the Maryland Association of Nonprofit Homes for the Aging;

(viii) one representative of the Health Facilities Association of Maryland; and

(ix) one representative of the Long–Term Care Association.

(c) (1) The Governor shall appoint a chairperson of the Board from among the three State agency representatives to the Board.

(2) (i) The Governor shall appoint the provider and consumer members from the recommendations of organizations representing assisted living program providers and consumers.

(ii) The Governor is not restricted to these recommendations in appointing members.

(3) The provider and consumer members shall represent a broad geographic cross section of the State.

(d) The term of a member who is not a cabinet member or who does not represent the Maryland Disability Law Center or the Department of Aging is 4 years.

(e) Each member of the Board shall serve without compensation but shall be entitled to reimbursement for expenses under the Standard State Travel Regulations.

(f) The Board may establish its own procedures and voting requirements.

(g) The Departments of Health, Human Services, and Aging shall provide the Board with the necessary staff and support services.

§9–2001.

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

(b) "Administration" means the Maryland Energy Administration.

(c) "Director" means the Director of the Maryland Energy Administration.

§9–2002.

(a) The Administration is established as a separate unit of State government.

(b) With the approval of the Governor, the Administration shall implement and administer conservation, allocation, or other energy programs or measures under State law or federal laws, orders, or regulations.

(c) The Governor shall appoint a Director of the Administration.

(d) The Administration shall have the staff provided for in the State budget.

§9–2003.

The Administration shall:

(1) provide advisory, consultative, training, and educational services, technical assistance, grant and loan funds therefor, and financial assistance to any municipality, county, State unit, local public agency, nonprofit organization, or private entity, in order to establish or carry out sound energy policies or practices, including energy management and energy conservation;

(2) assume those responsibilities delegated to the State energy offices in accordance with the orders, rules, and regulations adopted under any federal laws relating to the allocation, conservation, development, or consumption of energy resources or any other delegation of federal authority pertaining to energy;

(3) evaluate and coordinate energy related policies and activities among all agencies of the Executive Branch of the State and, where appropriate, those of the various local governments;

(4) collect, analyze, and evaluate statistics and information related to energy use, conservation, consumption, and energy production and coordinate information related to energy resources, including electricity, natural gas, and the production of oil and natural gas, with the Public Service Commission, the Power Plant Research Program, and the Maryland Geological Survey;

(5) serve as liaison between federal and State agencies for all matters related to energy and maintain liaison with energy agencies in other states;

(6) develop and conduct education and communications programs for and disseminate informative materials to the public on energy production, supply, and conservation;

(7) provide for, encourage, and assist, where practicable, public participation in the development and dissemination of energy programs;

(8) in cooperation with the Department of General Services, monitor the energy savings accrued by the energy management and conservation efforts undertaken by agencies of State government;

(9) coordinate and direct integrated energy planning for State agencies and the public that recognizes the benefits and costs of energy conservation and improved efficiency;

(10) promote the transfer and commercialization of energy conservation methods and energy technology from private and public laboratories to the citizens of the State;

(11) cooperate and coordinate with other State agencies in the research and development of energy conservation methods and alternative energy technologies; and

(12) develop strategic plans and implement policies relating to energy supply management, including the promotion and supervision of research on alternative fuels and energy emergency management.

§9–2004.

The Administration shall assist the Department of General Services in considering the most economical and efficient alternative for meeting the annual heating oil requirements of State agencies.

§9–2005.

The Administration shall have the following additional duties and responsibilities concerning the State's preparedness for, and management of, general energy emergencies and shortfalls:

(1) to prepare contingency plans for mitigating the impact of any severe shortage of fuel resources, including middle distillate oil, motor gasoline, residual fuel oil, and propane gas, on various classes of consumers;

(2) to work with the United States Department of Energy in preparing and training for an energy emergency response;

(3) to maintain communications, including computerized electronic communication, with the United States Department of Energy and with neighboring states to obtain and share energy data pertaining to energy emergencies; and

(4) to collect, analyze, evaluate, and maintain on a proprietary basis so as to preserve the confidentiality of its source, data related to managing any energy emergency or shortfall.

§9–2006.

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

(2) (i) "Air purifier", also known as a "room air cleaner", means an electric, cord–connected, portable appliance that primarily functions to remove particulate matter from the air.

(ii) "Air purifier" does not include indoor air cleaning devices that are manufactured, advertised, marketed, and labeled for industrial use.

(3) "Commercial dishwasher" means a machine designed to clean and sanitize dinnerware, flatware, cooking utensils, and similar items by applying sprays of detergent solution and a sanitizing rinse.

(4) (i) "Commercial steam cooker", also known as a "compartment steamer", means a device with one or more food–steaming compartments in which the energy in the steam is transferred to the food by direct contact.

(ii) "Commercial steam cooker" includes:

1. countertop models;

2. wall–mounted models; and

3. floor models mounted on a stand, pedestal, or cabinet–style base.

(5) "Electric vehicle supply equipment" means the fittings, devices, and apparatuses installed specifically for the purpose of delivering energy from a premises' wiring to an all–electric or hybrid vehicle.

(6) (i) "Faucet" means a fitting that controls and guides the flow of water in a water supply system.

(ii) "Faucet" includes:

1. a private lavatory faucet;

2. a public lavatory faucet;

3. a residential kitchen faucet; and

4. a replacement aerator for a private lavatory faucet, public lavatory faucet, or residential kitchen faucet.

(iii) "Faucet" does not include a metering faucet.

(7) (i) "High color rendering index fluorescent lamp" or "high CRI fluorescent lamp" means a fluorescent lamp with a color rendering index of 87 or greater.

(ii) "High color rendering index fluorescent lamp" does not include a compact fluorescent lamp.

(8) "Portable electric spa" means a factory–built electric spa or hot tub that includes water–heating or water–circulating equipment.

(9) "Public lavatory faucet" means a faucet designed to be installed in a public bathroom.

(10) "Replacement aerator" means an aerator sold:

(i) as a replacement; and

(ii) separately from the faucet to which the aerator was intended to be attached.

(11) "Residential ventilating fan" means a ceiling fan, wall–mounted fan, or a fan mounted outside the area to be ventilated (also known as a remotely mounted fan) that is designed to move air from inside a building to the outdoors, such as fans used in a bathroom or utility room.

(12) "Retailer" means a person engaged in the business of making retail sales within the State.

(13) (i) "Showerhead" means a device or set of devices that is:

1. attached to a single water supply fitting; and

2. used for spraying water for bathing.

(ii) "Showerhead" includes a showerhead that can be held or fixed in place and connected by a flexible hose (also known as a hand–held showerhead).

(iii) "Showerhead" does not include safety equipment such as eyewash stations or drench showers.

(14) "Spray sprinkler body" means the exterior case or shell of a sprinkler that:

(i) includes a method for connecting to the water system piping; and

(ii) houses a spray nozzle that applies water to the ground.

(15) (i) "Urinal" means a plumbing fixture that:

1. is designed to receive only liquid body waste; and

2. conveys the waste through a trap into a drainage system.

(ii) "Urinal" does not include:

1. urinals designed and marketed exclusively for use at prisons or mental health facilities; and

2. trough–type urinals.

(16) (i) "Water closet" means a plumbing fixture having a water–containing receptacle designed to receive liquid and solid body waste and convey the waste through an integral trap into a drainage system.

(ii) "Water closet" includes a water closet incorporating a feature that allows the user to flush the water closet with either a reduced load or a full volume of water, also known as a dual–flush water closet.

(17) (i) "Water cooler" means a freestanding device that uses energy to cool or heat potable water.

(ii) "Water cooler" includes:

1. cold only units that dispense only cold water;

2. hot and cold units that dispense both hot and cold water;

3. cook and cold units that dispense both cold and room temperature water; and

4. storage–type units that store thermally conditioned water in a tank inside the water cooler that is available instantaneously, including point–of–use, dry storage compartment, and bottled water coolers.

(18) "Widely available in Maryland" means a conforming product available in the State from three or more manufacturers.

(b) (1) This section applies to the testing, certification, and enforcement of efficiency standards for the following types of new products sold, offered for sale, or installed for profit in the State:

(i) electric vehicle supply equipment;

(ii) high CRI fluorescent lamps;

(iii) portable electric spas;

(iv) air purifiers;

(v) commercial dishwashers;

(vi) commercial steam cookers;

(vii) faucets;

(viii) residential ventilating fans;

(ix) showerheads;

(x) spray sprinkler bodies;

(xi) urinals;

(xii) water closets; and

(xiii) water coolers.

(2) This section does not apply to:

(i) new products manufactured in the State and sold outside the State;

(ii) new products manufactured outside the State and sold at wholesale inside the State for final retail sale and installation outside the State;

(iii) products installed in mobile manufactured homes at the time of construction;

(iv) products designed expressly for installation and use in recreational vehicles or marine vessels; or

(v) products to be sold at retail that are in stock at the retail establishment before the effective date of any efficiency standard regulation for that item.

(c) (1) On or before January 1, 2023, the Administration:

(i) shall review minimum efficiency standards regulations for the new products specified in subsection (b)(1)(i) and (ii) of this section; and

(ii) may adopt new regulations establishing minimum efficiency standards for the new products specified in subsection (b)(1)(i) and (ii) of this section.

(2) Beginning October 1, 2024, a new product specified in subsection (b)(1)(i) or (ii) of this section may not be sold or offered for sale in the State unless the efficiency of the new product meets or exceeds the efficiency standards specified in regulations adopted, if any, under paragraph (1) of this subsection.

(3) (i) This paragraph does not apply to a product that is sold before the regulations adopted, if any, under paragraph (1) of this subsection are in effect.

(ii) Beginning October 1, 2025, a new product specified in subsection (b)(1)(i) or (ii) of this section may not be installed for profit in the State unless the efficiency of the new product meets or exceeds the efficiency standards specified in regulations adopted, if any, under paragraph (1) of this subsection.

(d) (1) (i) On or before January 1, 2023, the Administration shall adopt regulations establishing minimum efficiency standards for the new products specified in subsection (b)(1)(iii) through (xiii) of this section.

(ii) The regulations shall provide for the following minimum efficiency standards:

1. air purifiers shall meet the following requirements as measured in accordance with the Energy Star Program Requirements Product Specification for Room Air Cleaners, Version 2.0:

A. the clean air delivery rate for smoke must be 30 or greater;

B. for models with a clean air delivery rate for smoke of less than 100, the clean air delivery rate per watt for smoke must be greater than or equal to 1.7;

C. for models with a clean air delivery rate for smoke greater than or equal to 100 and less than 150, the clean air delivery rate per watt for smoke must be greater than or equal to 1.9;

D. for models with a clean air delivery rate for smoke greater than or equal to 150, the clean air delivery rate per watt for smoke must be greater than or equal to 2.0;

E. for ozone–emitting models, measured ozone must be less than or equal to 50 parts per billion;

F. for models with a Wi–Fi network connection enabled by default when shipped, partial on–mode power may not exceed 2 watts; and

G. for models without a Wi–Fi network connection enabled by default when shipped, partial on–mode power may not exceed 1 watt;

2. commercial dishwashers must meet the applicable qualification criteria specified in the Energy Star Program Requirements Product Specification for Commercial Dishwashers, Version 2.0;

3. commercial steam cookers must meet the requirements specified in the Energy Star Program Requirements Product Specification for Commercial Steam Cookers, Version 1.2;

4. faucets must meet the following standards when tested in accordance with 10 C.F.R. § 430, Subpart B, Appendix S, compliance with which must be verified by using the Uniform Test Method for Measuring the Water Consumption of Faucets and Showerheads in effect on January 1, 2020:

A. lavatory faucets and replacement aerators must not exceed a maximum flow rate of 1.5 gallons per minute at 60 pounds per square inch;

B. residential kitchen faucets and replacement aerators must not exceed a maximum flow rate of 1.8 gallons per minute at 60 pounds per square inch, with optional temporary flow of 2.2 gallons per minute provided the faucet defaults to a maximum flow rate of 1.8 gallons per minute at 60 pounds per square inch after each use; and

C. public lavatory faucets and replacement aerators must not exceed a maximum flow rate of 0.5 gallons per minute at 60 pounds per square inch;

5. portable electric spas must meet the requirements of the American National Standard for Portable Electric Spa Energy Efficiency specifically known as ANSI/APSC/ICC 14–2019;

6. residential ventilating fans must meet the following requirements when tested in accordance with the Home Ventilation Institute's HVI Airflow Test Procedure (HVI Publication 916):

A. in–line residential ventilating fans must be equipped with a fan motor with an efficiency of at least 2.8 cubic feet per minute per watt; and

B. non–in–line residential ventilating fans must be equipped with a fan motor with an efficiency of at least 1.4 cubic feet per minute per watt for airflows less than 90 cubic feet per minute and at least 2.8 cubic feet per minute per watt for airflows greater than or equal to 90 cubic feet per minute;

7. showerheads must not exceed a maximum flow rate of 2.0 gallons per minute at 80 pounds per square inch when tested in accordance with 10 C.F.R. § 430, Subpart B, Appendix S, compliance with which must be verified by using the Uniform Test Method for Measuring the Water Consumption of Faucets and Showerheads in effect on January 1, 2020;

8. spray sprinkler bodies that are not specifically excluded from the scope of the WaterSense Specification for Spray Sprinkler Bodies, Version 1.0 must include an integral pressure regulator and meet the water

efficiency, performance criteria, and other requirements specified in the WaterSense Specification for Spray Sprinkler Bodies, Version 1.0;

9. urinals must have a maximum flush volume of 0.5 gallons per flush when tested in accordance with 10 C.F.R. § 430, Subpart B, Appendix T, compliance with which must be verified by using the Uniform Test Method for Measuring the Water Consumption of Water Closets and Urinals in effect on January 1, 2020;

10. water closets must meet the following standards when tested in accordance with 10 C.F.R. § 430, Subpart B, Appendix T, compliance with which must be verified by using the Uniform Test Method for Measuring the Water Consumption of Water Closets and Urinals in effect on January 1, 2020:

A. subject to item B of this item, water closets must have a maximum flush volume of 1.28 gallons per flush; and

B. dual–flush tank–type water closets must have a maximum dual–flush effective volume of 1.28 gallons per flush; and

11. water coolers included in the scope of the Energy Star Program's Water Coolers Specification, Version 2.0 must have an on mode with no water draw energy consumption that is less than or equal to the following values as measured in accordance with the on mode with no water draw test mode specified in the Water Coolers Specification:

A. 0.16 kilowatt–hours per day for cold only units and cook and cold units;

B. 0.87 kilowatt–hours per day for storage type hot and cold units; and

C. 0.18 kilowatt–hours per day for on–demand hot and cold units.

(2) Beginning January 1, 2024, a new product specified in subsection (b)(1)(iii) through (xiii) of this section may not be sold or offered for sale in the State unless the efficiency of the new product meets or exceeds the efficiency standards specified in the regulations adopted under paragraph (1) of this subsection.

(3) (i) This paragraph does not apply to a product that is sold before the regulations adopted under paragraph (1) of this subsection are in effect.

(ii) Beginning January 1, 2025, a new product specified in subsection (b)(1)(iii) through (xiii) of this section may not be installed for profit in the State unless the efficiency of the new product meets or exceeds the efficiency standards specified in the regulations adopted under paragraph (1) of this subsection.

(e) (1) By regulation, the Administration may clarify but not expand the scope of the devices defined under subsections (a) and (b) of this section.

(2) On request of a Maryland business or consumer and after public notice and comment, the Administration may delay the effective date of any standard under this section by not more than 1 year if the Administration determines that products conforming to the standard will not be widely available in Maryland by the applicable date stated in subsections (c)(2) and (3)(ii) and (d)(2) and (3)(ii) of this section.

(3) The Administration may limit a delay under paragraph (2) of this subsection to identifiable subcategories of any category of covered products.

(f) (1) The Administration may adopt regulations to increase the efficiency standards for the products listed in subsection (b)(1) of this section.

(2) Every 2 years, the Administration shall consider and propose to the General Assembly:

(i) new standards for products not specifically listed in subsection (b)(1) of this section; and

(ii) revised, more stringent standards for products listed in subsection (b)(1) of this section.

(3) In considering new or amended standards, the Administration shall propose new or amended efficiency standards if it determines that any new or increased efficiency standards would:

(i) serve to promote energy conservation in the State;

(ii) be life–cycle cost effective for consumers who purchase and use the new products; and

(iii) be technologically feasible and economically justified.

(4) A new or increased efficiency standard may not become effective less than 1 year after the adoption of that standard.

(5) Subject to paragraphs (6) and (7) of this subsection, the Administration may apply for a waiver of federal preemption in accordance with federal procedures (42 U.S.C. § 6297(d)) for State efficiency standards for any product regulated by the federal government.

(6) The Administration may apply for a waiver under paragraph (5) of this subsection, if:

(i) at least 90 days before the day on which the application for the waiver is submitted to the federal government, the Administration announces its intention to submit the application by publication in the Maryland Register and writing to the presiding officers of the General Assembly; and

(ii) at least 60 days before the day on which the application for the waiver is submitted to the federal government, the Administration, after reasonable notice other than publication in the Maryland Register, shall hold a public hearing on the proposed application to receive public comment.

(7) The President of the Senate and the Speaker of the House of Delegates may direct that the appropriate standing committees of the General Assembly hold hearings on the proposed application for the waiver and provide comments to the Administration.

(g) (1) After public notice and comment, the Administration shall adopt procedures by rule for testing the energy efficiency of the new products listed in subsection (b)(1) of this section if testing procedures are not provided for in the Maryland Building Performance Standards.

(2) The Administration may adopt updated test methods by regulation when new versions of test methods become available or when an alternative test method has been adopted by another state or the federal government.

(3) The Administration shall use appropriate nationally recognized test methods such as those approved by the United States Department of Energy.

(4) The manufacturers of new products listed in subsection (b)(1) of this section shall cause samples of their products to be tested in accordance with the test procedures adopted under this subsection or those specified in the Maryland Building Performance Standards.

(h) (1) Manufacturers of new products listed in subsection (b)(1) of this section shall certify to the Administration that the products are in compliance with the provisions of this section.

(2) (i) The Administration shall adopt regulations governing the certification of new products and may coordinate with the certification programs of other states with similar standards or national voluntary certification programs.

(ii) Any manufacturer that has certified a product to another state, the federal Energy Star Program, or the federal WaterSense Program may provide the Administration with a copy of the certification that the manufacturer made to the other state or agency in place of a separate certification to the State of Maryland, provided that:

1. the other state's standards or the Energy Star or WaterSense specifications are equivalent to or more stringent than the standards of the State of Maryland; and

2. all information required by the regulations adopted under subparagraph (i) of this paragraph is included in the certification.

(i) (1) The Administration shall adopt regulations governing the identification of such products or packaging which shall be coordinated to the greatest practical extent with the labeling programs and requirements of other states and federal agencies with equivalent efficiency standards.

(2) If a national efficiency standard is established by federal law or regulation for a product listed in subsection (b) of this section, the labeling requirements set forth in COMAR 14.26.03.11 do not apply to that product.

(3) In accordance with COMAR 14.26.03.11, all display models of products shall be displayed with a mark, label, or tag on the product.

(j) (1) The Administration may test products listed in subsection (b)(1) of this section using an accredited testing facility.

(2) If products tested are found not to be in compliance with the minimum efficiency standards established under subsections (c) and (d) of this section, the Administration shall:

(i) charge the manufacturer of the product for the cost of product purchase and testing; and

(ii) make information available to the public on products found not to be in compliance with the standards.

(k) (1) With prior notice and at reasonable and convenient hours, the Administration may make periodic inspections of distributors or retailers of new

products listed in subsection (b)(1) of this section in order to determine compliance with the provisions of this section.

(2) The Administration shall coordinate with the Department of Housing and Community Development and the Maryland Department of Labor regarding inspections, prior to occupancy, of newly constructed buildings containing new products that are also covered by the Maryland Building Performance Standards.

(l) (1) The Administration may investigate complaints received concerning violations of this section and shall report the results of an investigation to the Attorney General.

(2) The Attorney General may institute proceedings to enforce the provisions of this section.

(3) A manufacturer, distributor, or retailer of new products listed in subsection (b)(1) of this section that violates any provision of this section shall be issued a warning by the Administration for a first violation.

(4) Repeat violators shall be subject to a civil penalty of not more than $250.

(5) Each violation of this section shall constitute a separate offense and each day that a violation continues shall constitute a separate offense.

(6) Penalties assessed under this subsection are in addition to costs assessed under subsection (j)(2)(i) of this section.

(7) Penalties assessed under this subsection shall be paid into the General Fund of the State.

§9–2007.

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

(2) "Installed electricity generation capacity" means the maximum direct current power output in watts of the array of photovoltaic modules rated under standard test condition.

(3) "Photovoltaic property" means solar energy property with an installed electricity generation capacity of 20 kilowatts or less that uses a solar photovoltaic process to generate electricity and that meets applicable performance

and quality standards and certification requirements in effect at the time of acquisition of the property, as specified by the Maryland Energy Administration.

(4) "Program" means the Solar Energy Grant Program.

(5) (i) "Solar energy property" means equipment that uses solar energy:

1. to generate electricity;

2. to heat or cool a structure or provide hot water for use in a structure; or

3. to provide solar process heat.

(ii) "Solar energy property" does not include a swimming pool, hot tub, or any other energy storage medium that has a function other than storage.

(6) "Solar water heating property" means solar energy property that:

(i) when installed in connection with a structure, uses solar energy for the purpose of providing hot water for use within the structure; and

(ii) meets applicable performance and quality standards and certification requirements in effect at the time of acquisition of the property, as specified by the Maryland Energy Administration.

(b) There is a Solar Energy Grant Program in the Administration.

(c) The purpose of the Program is to provide grants to individuals, local governments, and businesses for a portion of the costs of acquiring and installing photovoltaic property and solar water heating property.

(d) The Administration shall:

(1) administer the Program;

(2) establish application procedures for the Program; and

(3) award grants from the Program.

(e) A grant awarded under the Program may not exceed:

(1) for photovoltaic property, the lesser of $2,500 per kilowatt of installed electricity generation capacity or $10,000; and

(2) for solar water heating property, the lesser of $3,000 or 30% of the total installed cost of the solar water heating property.

(f) Subject to the limitations in subsection (e) of this section, the Administration may adjust the grant amounts under the Program to reflect market conditions and the prevailing prices of photovoltaic property and solar water heating property.

§9–2008.

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

(2) "Geothermal heat pump" means a heating and cooling device that is installed using ground loop technology.

(3) "Program" means the Geothermal Heat Pump Grant Program.

(4) "Ton" means 1 standard ton of refrigeration equal to 12,000 British thermal units of heat removal per hour.

(b) There is a Geothermal Heat Pump Grant Program in the Administration.

(c) The purpose of the Program is to provide grants to individuals for a portion of the cost of acquiring and installing a geothermal heat pump.

(d) The Administration shall:

(1) administer the Program;

(2) establish application procedures for the Program; and

(3) award grants from the Program.

(e) A grant awarded under the Program may not exceed the lesser of:

(1) $1,000 per ton or $3,000 for a residential system; and

(2) $1,000 per ton or $10,000 for a nonresidential system.

(f) Subject to the limitations in subsection (e) of this section, the Administration may adjust the grant amounts under the Program to reflect market conditions and the prevailing prices of geothermal heat pump systems.

§9–2009.

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

(2) "Electric vehicle recharging equipment rebate" means a rebate issued by the Administration under this section for the cost of qualified electric vehicle recharging equipment.

(3) "Qualified electric vehicle recharging equipment" means property in the State that is used for recharging motor vehicles propelled by electricity.

(b) (1) There is an Electric Vehicle Recharging Equipment Rebate Program.

(2) The Administration shall administer the Program.

(c) (1) For fiscal years 2021 through 2026, subject to the provisions of this section, an individual, a business entity, or a unit of State or local government may apply to the Administration for an electric vehicle recharging equipment rebate for the costs of acquiring and installing qualified electric vehicle recharging equipment.

(2) For each fiscal year, the total amount of rebates issued by the Administration may not exceed $2,500,000.

(3) The Administration may allow an applicant to include reasonable installation costs in the cost of qualified electric vehicle recharging equipment for the purpose of calculating the amount of an electric vehicle recharging equipment rebate.

(d) Subject to subsection (e) of this section, the Administration may issue an electric vehicle recharging equipment rebate to:

(1) an individual in an amount equal to the lesser of:

(i) 50% of the costs of acquiring and installing qualified electric vehicle recharging equipment; or

(ii) $700; or

(2) a business entity or unit of State or local government in an amount equal to the lesser of:

(i) 50% of the costs of acquiring and installing qualified electric vehicle recharging equipment; or

(ii) $5,000.

(e) (1) Except as provided in paragraph (2) of this subsection, an electric vehicle recharging equipment rebate issued under this section is limited to the acquisition of one recharging system per individual.

(2) The Administration may alter the Program to offer additional benefits for the installation of qualified electric vehicle recharging equipment in multifamily housing, planned urban developments, and condominiums in:

(i) low– to moderate–income communities located in a census tract with an average median income at or below 80% of the average median income for the State; or

(ii) overburdened or underserved communities as defined in § 1–701 of the Environment Article.

(f) (1) The Administration may adopt regulations to carry out this section.

(2) The regulations adopted under this subsection may include:

(i) further limitations on the maximum amount of an electric vehicle recharging equipment rebate that may be claimed by an applicant under subsection (d) of this section;

(ii) additional benefits for the installation of qualified electric vehicle recharging equipment in multifamily housing, planned urban developments, and condominiums located in:

1. low– to moderate–income communities located in a census tract with an average median income at or below 80% of the average median income for the State; or

2. overburdened or underserved communities as defined in § 1–701 of the Environment Article;

(iii) a requirement that an applicant demonstrate compliance with a State, local, or federal law that applies to the installation or operation of the qualified electric vehicle recharging equipment; and

(iv) any additional application and qualification requirements deemed appropriate by the Administration.

§9–2010.

(a) In this section, "Hub" means the Climate Transition and Clean Energy Hub.

(b) There is a Climate Transition and Clean Energy Hub in the Administration.

(c) The purpose of the Hub is to serve as a clearinghouse for information on advanced technology and architectural solutions to reduce greenhouse gas emissions from the building sector.

(d) (1) The Hub shall provide technical assistance to public and private entities to achieve greenhouse gas emissions reductions and comply with State and local energy efficiency and electrification requirements, including:

(i) building emissions standards for covered commercial and multifamily residential buildings established under Title 2, Subtitle 16 of the Environment Article;

(ii) the Maryland Building Performance Standards and local amendments to the Standards established under Title 12, Subtitle 5 of the Public Safety Article; and

(iii) high performance building requirements for State–funded buildings established under § 3–602.1 of the State Finance and Procurement Article.

(2) The Hub shall also provide technical assistance for increasing building performance and energy efficiency for other existing and new residential properties.

§9–2011.

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

(2) "Grant" means a medium–duty or heavy–duty zero–emission vehicle grant issued by the Administration under this section for up to 75% of the

incremental cost of a qualified medium–duty or heavy–duty zero–emission vehicle or zero–emission heavy equipment property.

(3) "Incremental cost" means the difference in price of:

(i) a conventional model vehicle and a zero–emission model that is attributable to the functional features of the vehicle; or

(ii) conventional heavy equipment property and zero–emission heavy equipment property that is attributable to the functional features of the equipment.

(4) "Program" means the Medium–Duty and Heavy–Duty Zero–Emission Vehicle Grant Program.

(5) "Qualified medium–duty or heavy–duty zero–emission vehicle" means a motor vehicle that is:

(i) rated at more than 10,000 pounds gross vehicle weight; and

(ii) powered by electricity that is stored in a battery or produced by a hydrogen fuel cell.

(6) "Qualified medium–duty or heavy–duty zero–emission vehicle supply equipment" means property in the State that is used for recharging or refueling medium–duty or heavy–duty zero–emission vehicles or zero–emission heavy equipment property.

(7) (i) "Zero–emission heavy equipment property" means construction, earthmoving, or industrial heavy equipment, including any attachment for the equipment, that:

1. is mobile; and

2. does not use an internal combustion engine.

(ii) "Zero–emission heavy equipment property" includes:

1. a self–propelled vehicle that is not designed to be driven on a highway; and

2. industrial electrical generation equipment, industrial lift equipment, industrial material handling equipment, or other similar industrial equipment.

(b) (1) There is a Medium–Duty and Heavy–Duty Zero–Emission Vehicle Grant Program.

(2) The Program applies only to vehicles and equipment intended for commercial or industrial use.

(3) The Administration shall administer the Program.

(c) (1) For each of fiscal years 2024 through 2027, a person or a unit of local government may apply to the Administration for a grant under the Program.

(2) For the purpose of calculating the amount of a grant, the Administration may allow an applicant to include reasonable installation costs in the cost of qualified medium–duty or heavy–duty zero–emission vehicle supply equipment.

(3) In issuing Program grants, the Administration shall give preference to:

(i) qualified medium–duty or heavy–duty zero–emission vehicles that are:

1. expected to be primarily domiciled and operated in the State; and

2. to be owned or operated by an entity engaged in business activity that impacts public health, the environment, or infrastructure in an overburdened or underserved community, as defined in § 1–701 of the Environment Article; and

(ii) zero–emission heavy equipment property that is expected to be used primarily at locations in the State.

(d) Program grants are subject to available funding and § 9–20B–05(j)(4) of this title.

(e) Notwithstanding § 9–20B–05(g) of this title, in each of fiscal years 2024 through 2027, the Governor shall include in the annual budget bill an appropriation of at least $10,000,000 from the Strategic Energy Investment Fund for grants for qualified newly manufactured medium–duty or heavy–duty zero–emission vehicles or zero–emission heavy equipment property under the Program.

§9–2012.

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

(2) "Eligible applicant" means:

(i) the owner of a residential property who purchases and installs an energy storage system on the residential property;

(ii) the owner of a commercial property who purchases and installs an energy storage system on the commercial property; or

(iii) an individual or a business entity that owns or pays for the installation of an energy storage system that supplies electrical energy intended for use on the residential or commercial property on which the energy storage system is installed.

(3) "Energy storage system" means a system used to store electrical energy, or mechanical, chemical, or thermal energy that was once electrical energy, for use as electrical energy at a later date or in a process that offsets electricity use at peak times.

(4) "Fund" means the Energy Storage System Grant Fund.

(5) "Program" means the Energy Storage System Grant Program.

(b) There is an Energy Storage System Grant Program in the Administration.

(c) The purpose of the Program is to provide grants to individuals and business entities for a portion of the costs of purchasing and installing energy storage systems.

(d) The Administration shall:

(1) administer the Program;

(2) establish application procedures for the Program; and

(3) award grants under the Program.

(e) Subject to the availability of money in the Fund, an eligible applicant may apply for a grant under the Program for costs incurred to purchase and install an energy storage system.

(f) A grant awarded under the Program may not exceed the lesser of:

(1) (i) for an energy storage system installed on a residential property, $5,000; or

(ii) for an energy storage system installed on a commercial property, $150,000; or

(2) 30% of the total installed costs of the energy storage system.

(g) The Administration shall approve all applications that qualify for a grant under the Program:

(1) on a first–come, first–served basis; and

(2) in a timely manner.

(h) A grant under this section may not be awarded for an energy storage system installed before January 1, 2025.

(i) (1) There is an Energy Storage System Grant Fund.

(2) The Administration shall administer the Fund.

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

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

(4) The Fund consists of:

(i) money appropriated in the State budget to the Fund; and

(ii) any other money from any other source accepted for the benefit of the Fund.

(5) The Fund may be used only for:

(i) providing grants under the Program to eligible applicants; and

(ii) administrative costs of the Program.

(6) (i) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

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

(j) The Administration may adopt regulations to carry out this section.

§9–2013. IN EFFECT

// EFFECTIVE UNTIL JUNE 30, 2027 PER CHAPTER 577 OF 2022 //

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

(2) "Fund" means the Mechanical Insulation Installation Grant Fund.

(3) "Mechanical insulation" means insulation materials, facings, and accessory products used for thermal requirements for mechanical piping and equipment, hot and cold applications, and heating, ventilation, and air–conditioning applications.

(4) "Minimum ASHRAE standard" means the minimum American Society of Heating, Refrigerating, and Air–Conditioning Engineers (ASHRAE) standard 90.1–2019 (Energy Standard for Buildings Except Low–Rise Residential Buildings).

(5) "Program" means the Mechanical Insulation Installation Grant Program.

(6) (i) "Qualified expenses" means a capital investment of at least $10,000 for the installation of mechanical insulation, in a manner that complies with the minimum ASHRAE standard in effect at the time of the investment, on a commercial or industrial property in the State.

(ii) "Qualified expenses" includes:

1. amounts paid for the purchase of mechanical insulation installed on the property; and

2. labor costs paid for the preparation, assembly, and installation of mechanical insulation on the property.

(iii) "Qualified expenses" does not include capital investments for the installation of mechanical insulation that are required by statute, regulation, or code.

(b) There is a Mechanical Insulation Installation Grant Program in the Administration.

(c) The purpose of the Program is to provide grants to individuals, nonprofit organizations, and business entities for a portion of the qualified expenses paid or incurred to install mechanical insulation on a commercial or industrial property.

(d) The Administration shall:

(1) administer the Program;

(2) establish application procedures for the Program; and

(3) award grants from the Program.

(e) Subject to the availability of money in the Fund, an individual, a nonprofit organization, or a business entity may apply for a grant under the Program for qualified expenses paid or incurred to install mechanical insulation on a commercial or industrial property.

(f) A grant awarded under the Program may not exceed the lesser of:

(1) 30% of the total amount of qualified expenses paid or incurred by the applicant; or

(2) $20,000.

(g) (1) There is a Mechanical Insulation Installation Grant Fund.

(2) The Administration shall administer the Fund.

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

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

(4) The Fund consists of:

(i) money appropriated in the State budget to the Fund; and

(ii) any other money from any other source accepted for the benefit of the Fund.

(5) The Fund may be used only for:

(i) providing grants under the Program to eligible applicants; and

(ii) administrative costs of the Program.

(6) (i) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

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

(h) The Administration shall adopt regulations to carry out this section.

§9–2014.

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

(2) "Extended grid outage" means a planned or unplanned grid outage lasting more than 4 hours.

(3) "Low–income" means a household with an annual adjusted gross income at or below 175% of the federal poverty level.

(4) "Microgrid" means technology that:

(i) combines clean, distributed power generation with advanced control equipment; and

(ii) enables portions of the electric grid to remain online when the wider grid is down.

(5) "Moderate–income" means a household with an annual adjusted gross income at or below 80% of the local median income, as determined by the latest Maryland Department of Housing and Community Development "Income Limits" document.

(6) "Program" means the Resiliency Hub Grant Program.

(7) "Resiliency hub" means a location where solar photovoltaic and battery energy storage are designed to provide electricity to meet community needs during extended grid outages, including providing:

(i) emergency heating and cooling;

(ii) refrigeration of temperature–sensitive medications;

(iii) outlets or other plug power options for charging cell phone and computer batteries; and

(iv) ventilation and emergency lighting.

(b) There is a Resiliency Hub Grant Program in the Administration.

(c) The purpose of the Program is to develop resiliency hubs that serve low–income and moderate–income households at no cost to the households.

(d) (1) By regulation, the Administration shall set the terms and conditions for the issuance of grants under the Program consistent with this subtitle.

(2) The regulations shall include:

(i) a competitive application process for the Program; and

(ii) criteria and procedures for awarding grants to eligible recipients that give priority to awarding grants to projects for microgrids that:

1. use a community solar energy generating system, as defined in § 7–306.2 of the Public Utilities Article; and

2. provide more than 30% of the system's kilowatt output to low–income and moderate–income subscribers.

(e) The following persons are eligible for a grant under the Program:

(1) businesses;

(2) nonprofit entities;

(3) units of State government; and

(4) local governments.

(f) A project is eligible for a grant under the Program if the project:

(1) proposes to develop a resiliency hub;

(2) will operate the resiliency hub for a period of at least 5 years; and

(3) will serve a community of majority low–income or moderate–income households.

(g) The Administration shall:

(1) coordinate administration of the Program with the Maryland Department of Emergency Management; and

(2) provide to grant applicants information on other sources of assistance that may benefit the project, including loans and grants awarded under § 9–20B–05(i)(3) of this title.

(h) A person who receives a grant under the Program shall:

(1) acquire a written attestation that all installation contractors and subcontractors working on the project:

(i) pay at least 150% of the State minimum wage;

(ii) afford employees the right to bargain collectively for wages and benefits;

(iii) provide paid leave;

(iv) are considered "covered employment" for purposes of unemployment insurance benefits in accordance with Title 8 of the Labor and Employment Article;

(v) entitle the employees to workers' compensation benefits in accordance with Title 9 of the Labor and Employment Article;

(vi) have been in compliance with federal and State wage and hour laws for the longer of the immediately preceding 3 years or for the duration of the contractor's or subcontractor's business operation; and

(vii) offer employer–provided health insurance benefits with monthly premiums that do not exceed 8.5% of the employee's net monthly earnings; and

(2) provide to the Administration a progress report on or before January 10, April 10, July 10, and October 10 each year.

§9–2015.

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

(2) "Fund" means the Resiliency Hub Grant Program Fund.

(3) "Program" means the Resiliency Hub Grant Program established under § 9–2010 of this subtitle.

(b) There is a Resiliency Hub Grant Program Fund.

(c) The purpose of the Fund is to provide grants under the Program.

(d) The Administration shall administer the Fund.

(e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

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

(f) The Fund consists of:

(1) grant funding obtained under subsection (k) of this section;

(2) funds distributed to the Fund under § 9–20B–05 of this title and §§ 2–110.1 and 13–201 of the Public Utilities Article;

(3) money appropriated in the State budget to the Fund;

(4) interest earnings; and

(5) any other money from any other source accepted for the benefit of the Fund.

(g) The Fund may be used only for:

(1) grants awarded under the Program; and

(2) costs associated with administering the Program and the Fund.

(h) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any interest earnings of the Fund shall be credited to the Fund.

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

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

(k) The Administration and the Maryland Department of Emergency Management, in coordination with any other appropriate unit of State government, shall identify and apply for grant funding, including federal grant funding, to support the Program.

§9–2016. IN EFFECT

// EFFECTIVE UNTIL JUNE 30, 2027 PER CHAPTER 595 OF 2024 //

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

(2) "Eligible customer–generator" has the meaning stated in § 7–306 of the Public Utilities Article.

(3) "Low to moderate income" means a household with an annual household income at or below 150% of the average median income for the State.

(4) "Program" means the Customer–Sited Solar Program established in this section.

(b) There is a Customer–Sited Solar Program in the Administration.

(c) The purpose of the Program is to:

(1) increase deployment of customer–sited solar energy generating systems; and

(2) provide grants to eligible customer–generators that have installed solar energy generating systems with or without energy storage.

(d) (1) The Administration shall:

(i) on or before January 1, 2025, establish application and income verification procedures for the Program; and

(ii) award grants from the Program.

(2) An applicant for a grant under this section shall:

(i) include in the application an executed contract to purchase or lease a solar energy generating system or an executed power purchase agreement for the system;

(ii) demonstrate that an agreement entered into between a third party and an eligible customer–generator meets the minimum benefits published under subsection (j) of this section; and

(iii) include a signed disclosure form developed under subsection (l) of this section.

(e) The Program may provide grants to an income–verified eligible customer–generator with a low to moderate income in an amount equal to $750 per kilowatt of nameplate capacity for a solar energy generating system, up to a maximum of $7,500 per system.

(f) A grant awarded under subsection (e) of this section shall be funded from fees collected under § 7–705(b)(2)(i)2 of the Public Utilities Article and allocated in accordance with § 9–20B–05(g–1) of this title.

(g) The Administration shall use the income verification processes under § 7–306.2(f)(1)(iv)1 through 6 of the Public Utilities Article to verify income for an eligible customer–generator with a low to moderate income.

(h) A third party may:

(1) apply for a grant on behalf of an eligible customer–generator with proof of consent from the eligible customer–generator; and

(2) be assigned a grant by the eligible customer–generator to act on behalf of the eligible customer–generator.

(i) (1) Funding used for grants under this section shall be monitored through an application process maintained by the Administration and visible on the Administration's website.

(2) Data on the Administration's website shall:

(i) include the amount of funding available, reserved, and spent for the fiscal year; and

(ii) be updated regularly.

(j) The Administration shall publish:

(1) the disclosure form developed under subsection (l) of this section; and

(2) the minimum benefits that an eligible customer–generator must receive under an agreement with a third party.

(k) A solar energy generating system shall be installed within 180 days after a grant under this section is reserved by the Administration for an eligible customer–generator.

(l) (1) The Administration shall develop a consumer protection policy in consultation with representatives of the customer–sited solar industry.

(2) The consumer protection policy developed under paragraph (1) of this subsection shall:

(i) include a disclosure form for solar energy power purchase agreements, solar energy lease agreements, and solar energy loan agreements that must be signed by an eligible customer–generator before entering into the agreement;

(ii) for a solar energy power purchase agreement or a solar energy lease agreement, prohibit an annual rate increase of more than 3%;

(iii) allow a customer–generator to cancel an agreement entered into with a third party up to 30 days after signing the agreement; and

(iv) be easily accessible on the Administration's website and social media platforms.

§9–20A–01.

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

(b) "Administration" means the Maryland Energy Administration.

(c) "Borrower" means an eligible State agency, local jurisdiction, nonprofit organization, or eligible business that applies and qualifies for a loan under this Program.

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

(1) incorporated in the State; or

(2) registered to do business in the State.

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

(f) "Fund" means the Jane E. Lawton Conservation Fund.

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

(2) "Local jurisdiction" includes:

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

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

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

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

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

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

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

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

(l) (1) "State agency" means any permanent or temporary State office, department, division or unit, bureau, board, commission, task force, authority, institution, State college or university, and any other unit of State government, whether executive, legislative, or judicial.

(2) "State agency" includes any subunits of State government.

§9–20A–02.

There is a Jane E. Lawton Conservation Loan Program in the Administration.

§9–20A–03.

The purpose of the Program is to provide financial assistance in the form of low interest and zero interest loans to nonprofit organizations, local jurisdictions, State agencies, and eligible businesses for projects in order to:

(1) promote energy conservation;

(2) reduce consumption of fossil fuels;

(3) improve energy efficiency;

(4) enhance energy–related economic development and stability in the nonprofit, commercial, and industrial sectors; and

(5) reduce greenhouse gas emissions.

§9–20A–04.

The Administration shall:

(1) manage, supervise, and administer the Program;

(2) adopt regulations to ensure that loans are provided only to projects that carry out the purpose of the Program;

(3) attach specific terms to any loan that are considered necessary to ensure that the purpose of the Program is fulfilled; and

(4) develop procedures for monitoring projects to assess whether the improvements or modifications made by an eligible entity or business that had received a loan under the Program have resulted in a measurable reduction in energy consumption.

§9–20A–05.

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

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

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

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

(5) If the borrower is a State agency, the application must be signed by the head of the State agency.

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

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

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

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

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

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

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

§9–20A–06.

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

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

(i) technical assessments;

(ii) studies;

(iii) surveys;

(iv) plans and specifications; and

(v) start–up, architectural, engineering, or other special services;

(2) the costs of procuring necessary technology, equipment, licenses, or materials; and

(3) the costs of construction, rehabilitation, or modification, including the purchase and installation of any necessary machinery, equipment, or furnishings.

(b) Each borrower shall make a contribution to a project that is of a type and amount acceptable to the Administration.

(c) A borrower other than a State agency must document that the anticipated energy cost savings to the borrower over a defined period according to a methodology acceptable to the Administration after the completion of the project are greater than the total cost of the project to the borrower.

(d) Loans made under the Program to a borrower other than a State agency shall:

(1) be repayable by the borrower from specified revenues that may include the energy cost savings generated by a project;

(2) bear interest at a rate that the Administration determines to be necessary and reasonable for the project; and

(3) be repayable in accordance with a schedule that the Administration sets, which may be on a deferred payment basis.

(e) (1) A borrower other than a State agency shall provide assurances for the repayment of a loan.

(2) The assurances:

(i) shall include a promissory note; and

(ii) may include superior or subordinate mortgage liens, guarantees of repayment, or other forms of collateral.

(f) Loans may be made in conjunction with, or in addition to, financial assistance provided through other State or federal programs.

§9–20A–07.

(a) There is a Jane E. Lawton Conservation Fund.

(b) The Administration shall administer the Fund.

(c) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

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

(d) The Fund consists of:

(1) money appropriated in the State budget to the Program;

(2) money received from any public or private source;

(3) interest and investment earnings on the Fund; and

(4) repayments and prepayments of principal and interest on loans made from the Fund.

(e) The Fund may be used only:

(1) to pay the expenses of the Program;

(2) to provide loans to eligible borrowers and projects; and

(3) to enhance the credit of a financing offered by eligible banks and other financial institutions for projects.

(f) (1) The State Treasurer shall invest and reinvest the money of the Fund in the same manner as other State money may be invested.

(2) Any investment earnings of the Fund shall be paid into the Fund.

(3) Any repayment of principal and interest on loans made from the Fund shall be paid into the Fund.

(g) (1) The Administration shall annually reserve for at least 90 days a portion of the money from the Fund that is available for financial assistance under the Program for loans to nonprofit organizations.

(2) In a fiscal year in which requests for financial assistance from nonprofit organizations are less than the amount of money reserved under paragraph (1) of this subsection for the period determined by the Administration, the Administration may make the unencumbered or noncommitted portion of the reserve available to other borrowers in the Program.

§9–20A–08.

The Administration may enter into contracts with third parties to make, service, or settle loans made under this subtitle.

§9–20A–09.

(a) The Administration may use the Fund to enhance the credit of a financing offered by a bank or other financial institution for a project.

(b) A credit enhancement issued in accordance with subsection (a) of this section shall:

(1) carry out the purpose of the Program in a manner the Administration considers appropriate;

(2) facilitate financing of at least one project of a local jurisdiction, nonprofit organization, or eligible business; and

(3) be offered only to a bank or other financial institution in good standing with the State Department of Assessments and Taxation that is:

(i) incorporated in the State; or

(ii) registered to do business in the State.

(c) The Administration may assess a reasonable fee to a participating bank or financial institution for the administration of this section.

(d) The Administration shall adopt regulations to carry out this section.

§9–20A–10.

(a) A person may not knowingly make or cause to be made any false statement or report in any document required to be furnished to the Administration by any agreement relating to financial assistance.

(b) A person applying for financial assistance may not knowingly make or cause to be made any false statement for the purpose of influencing any action of the Administration on an application for financial assistance or for the purpose of influencing any action of the Administration affecting financial assistance already provided.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50,000 or imprisonment not exceeding 1 year or both.

§9–20B–01.

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

(b) "Administration" means the Maryland Energy Administration.

(c) "Board" means the Strategic Energy Investment Advisory Board established under § 9–20B–07 of this subtitle.

(d) "Clean energy industry" means a group of employers and building and trade associations that are associated by their promotion of:

(1) products and services that improve energy efficiency and conservation, including products and services provided by:

(i) electricians;

(ii) heating, ventilation, and air–conditioning installers;

(iii) plumbers;

(iv) energy auditors;

(v) carpenters;

(vi) pile–driver operators;

(vii) millwrights;

(viii) insulation workers; and

(ix) well drillers; and

(2) renewable and clean energy resources.

(e) "Fund" means the Maryland Strategic Energy Investment Fund.

(f) "Program" means the Maryland Strategic Energy Investment Program.

§9–20B–02.

There is a Maryland Strategic Energy Investment Program in the Maryland Energy Administration.

§9–20B–03.

The purpose of the Program is to decrease energy demand and increase energy supply to promote affordable, reliable, and clean energy to fuel Maryland's future prosperity.

§9–20B–04.

The Administration shall:

(1) manage, supervise, and administer the Program;

(2) adopt regulations to implement the Program and to ensure that Fund resources are utilized only to carry out the purposes of the Program;

(3) attach specific terms and conditions to any grant, loan, or other form of assistance that are determined by the Administration as necessary to ensure that the purposes of the Program are fulfilled;

(4) develop procedures for monitoring programs, projects, activities, and investments to verify that Fund resources are being used to meet the purposes of the Program; and

(5) provide money annually or as needed to the Clean Air Fund managed by the Department of the Environment to fund the costs of the Department's programs to reduce or mitigate the effects of climate change.

§9–20B–05. IN EFFECT

(a) There is a Maryland Strategic Energy Investment Fund.

(b) The purpose of the Fund is to implement the Strategic Energy Investment Program.

(c) The Administration shall administer the Fund.

(d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

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

(e) The Fund consists of:

(1) all of the proceeds from the sale of allowances under § 2–1002(g) of the Environment Article;

(2) money appropriated in the State budget to the Program;

(3) repayments and prepayments of principal and interest on loans made from the Fund;

(4) interest and investment earnings on the Fund;

(5) compliance fees paid under § 7–705 of the Public Utilities Article;

(6) money received from any public or private source for the benefit of the Fund;

(7) money transferred from the Public Service Commission under § 7–207.2(c)(3) of the Public Utilities Article; and

(8) money distributed under § 2–614.1 of the Tax – General Article.

(f) The Administration shall use the Fund:

(1) to invest in the promotion, development, and implementation of:

(i) cost–effective energy efficiency and conservation programs, projects, or activities, including measurement and verification of energy savings;

(ii) renewable and clean energy resources;

(iii) climate change programs directly related to reducing or mitigating the effects of climate change; and

(iv) demand response programs that are designed to promote changes in electric usage by customers in response to:

1. changes in the price of electricity over time; or

2. incentives designed to induce lower electricity use at times of high wholesale market prices or when system reliability is jeopardized;

(2) to provide targeted programs, projects, activities, and investments to reduce electricity consumption by customers in the low–income and moderate–income residential sectors;

(3) to provide supplemental funds for low–income energy assistance through the Electric Universal Service Program established under § 7–512.1 of the Public Utilities Article and other electric assistance programs in the Department of Human Services;

(4) to provide rate relief by offsetting electricity rates of residential customers, including an offset of surcharges imposed on ratepayers under Title 7, Subtitle 2, Part II of the Public Utilities Article;

(5) to provide grants, loans, and other assistance and investment as necessary and appropriate to implement the purposes of the Program as set forth in § 9–20B–03 of this subtitle;

(6) to implement energy–related public education and outreach initiatives regarding reducing energy consumption and greenhouse gas emissions;

(7) to provide rebates under the Electric Vehicle Recharging Equipment Rebate Program established under § 9–2009 of this title;

(8) to provide grants to encourage combined heat and power projects at industrial facilities;

(9) to provide at least $1,200,000 in each fiscal year for fiscal year 2025 through fiscal year 2028 to the Climate Technology Founder's Fund established under § 10–858 of the Economic Development Article;

(10) subject to subsection (f–2) of this section, to provide at least $2,100,000 in funding each fiscal year to the Maryland Energy Innovation Fund established under § 10–835 of the Economic Development Article;

(11) to provide at least $500,000 each year to the Resiliency Hub Grant Program Fund under § 9–2011 of this title;

(12) to provide grants through the Customer–Sited Solar Program under § 9–2016 of this title; and

(13) to pay the expenses of the Program.

(f–1) (1) Any funding provided under subsection (f)(9) of this section that is not spent in a given fiscal year shall revert to the Fund in the following fiscal year.

(2) The Administration may provide additional funding for the purposes stated in subsection (f)(9) of this section.

(f–2) Of the funds transferred to the Maryland Energy Innovation Fund under subsection (f)(10) of this section:

(1) at least $1,200,000 may be used to fund the Maryland Clean Energy Center established under § 10–806 of the Economic Development Article; and

(2) at least $900,000 may be used to fund the Maryland Energy Innovation Institute established under § 10–829 of the Economic Development Article.

(g) Proceeds received by the Fund from the sale of allowances under § 2–1002(g) of the Environment Article shall be allocated as follows:

(1) at least 50% shall be credited to an energy assistance account to be used for the Electric Universal Service Program and other electricity assistance programs in the Department of Human Services;

(2) at least 20% shall be credited to a low and moderate income efficiency and conservation programs account and to a general efficiency and conservation programs account for energy efficiency and conservation programs, projects, or activities and demand response programs, of which at least one–half shall

be targeted to the low and moderate income efficiency and conservation programs account for:

(i) the low–income residential sector at no cost to the participants of the programs, projects, or activities; and

(ii) the moderate–income residential sector;

(3) at least 20% shall be credited to a renewable and clean energy programs account for:

(i) renewable and clean energy programs and initiatives;

(ii) energy–related public education and outreach; and

(iii) climate change and resiliency programs; and

(4) up to 10%, but not more than $7,500,000, shall be credited to an administrative expense account for costs related to the administration of the Fund, including the review of electric company plans for achieving electricity savings and demand reductions that the electric companies are required under law to submit to the Administration.

(g–1) Proceeds received by the Fund from compliance fees under § 7–705(b)(2)(i)2 of the Public Utilities Article shall be allocated as follows:

(1) beginning in fiscal year 2025, at least 20% of the proceeds shall be used to provide grants to support the installation of new solar energy generating systems under the Customer–Sited Solar Program;

(2) up to 10% of the proceeds shall be credited to an administrative expense account for costs related to the administration of the Fund;

(3) proceeds collected but unused from a previous year shall be used before proceeds allocated for the current year; and

(4) the Administration shall reallocate to other authorized uses any proceeds that are not used within 3 fiscal years after collection.

(h) (1) Energy efficiency and conservation programs under subsection (g)(2) of this section include:

(i) low–income energy efficiency programs;

(ii) residential and small business energy efficiency programs;

(iii) commercial and industrial energy efficiency programs;

(iv) State and local energy efficiency programs;

(v) demand response programs;

(vi) loan programs and alternative financing mechanisms; and

(vii) grants to training funds and other organizations supporting job training for deployment of energy efficiency and energy conservation technology and equipment.

(2) Energy–related public education and outreach and renewable and clean energy programs and initiatives under subsection (g)(3)(i) and (ii) of this section include:

(i) production incentives for specified renewable energy sources;

(ii) expansion of existing grant programs for solar, geothermal, and wind programs;

(iii) loan programs and alternative financing mechanisms; and

(iv) consumer education and outreach programs that are designed to reach low–income communities.

(i) (1) Except as provided in paragraph (2) of this subsection, compliance fees paid under § 7–705(b) of the Public Utilities Article may be used only to make loans and grants to support the creation of new Tier 1 renewable energy sources in the State that are owned by or directly benefit:

(i) low– to moderate–income communities located in a census tract with an average median income at or below 80% of the average median income for the State; or

(ii) overburdened or underserved communities, as defined in § 1–701 of the Environment Article.

(2) Compliance fees paid under § 7–705(b)(2)(i)2 of the Public Utilities Article shall be accounted for separately within the Fund and may be used

only to make loans and grants to support the creation of new solar energy sources in the State that are owned by or directly benefit:

(i) low– to moderate–income communities located in a census tract with an average median income at or below 80% of the average median income for the State;

(ii) overburdened or underserved communities, as defined in § 1–701 of the Environment Article; or

(iii) households with low to moderate income, as defined in § 9–2016 of this title.

(i–1) (1) (i) In this subsection the following words have the meanings indicated.

(ii) "Area median income" has the meaning stated in § 4–1801 of the Housing and Community Development Article.

(iii) "Low and moderate income" means having an annual household income that is at or below 120% of the area median income.

(2) Compliance fees paid under § 7–705(b–1) of the Public Utilities Article shall be accounted for separately within the Fund and may be used only to make loans and grants to promote increased opportunities for the growth and development of small, minority, women–owned, and veteran–owned businesses in the State that install geothermal systems in the State.

(j) (1) The Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any investment earnings of the Fund shall be paid into the Fund.

(3) Any repayment of principal and interest on loans made from the Fund shall be paid into the Fund.

(4) Balances in the Fund shall be held for the benefit of the Program, shall be expended solely for the purposes of the Program, and may not be used for the general obligations of government.

(k) Expenditures from the Fund shall be made by:

(1) an appropriation in the annual State budget; or

(2) a budget amendment in accordance with § 7–209 of the State Finance and Procurement Article.

(l) An expenditure by budget amendment may be made under subsection (k) of this section only after:

(1) the Administration has submitted the proposed budget amendment and supporting documentation to the Senate Budget and Taxation Committee, Senate Education, Energy, and the Environment Committee, House Appropriations Committee, and House Economic Matters Committee; and

(2) the committees have had 45 days for review and comment.

(m) (1) A loan or grant made available from the Fund to a unit of State or local government shall comply with §§ 14–416 and 17–303 of the State Finance and Procurement Article.

(2) At least 80% of workers participating in a project or program that receives money from the Fund must reside within 50 miles of the project or program, or another distance defined by the local jurisdiction where the project or program is located.

§9–20B–05. // EFFECTIVE JUNE 30, 2027 PER CHAPTER 595 OF 2024 //

(a) There is a Maryland Strategic Energy Investment Fund.

(b) The purpose of the Fund is to implement the Strategic Energy Investment Program.

(c) The Administration shall administer the Fund.

(d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

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

(e) The Fund consists of:

(1) all of the proceeds from the sale of allowances under § 2–1002(g) of the Environment Article;

(2) money appropriated in the State budget to the Program;

(3) repayments and prepayments of principal and interest on loans made from the Fund;

(4) interest and investment earnings on the Fund;

(5) compliance fees paid under § 7–705 of the Public Utilities Article;

(6) money received from any public or private source for the benefit of the Fund;

(7) money transferred from the Public Service Commission under § 7–207.2(c)(3) of the Public Utilities Article; and

(8) money distributed under § 2–614.1 of the Tax – General Article.

(f) The Administration shall use the Fund:

(1) to invest in the promotion, development, and implementation of:

(i) cost–effective energy efficiency and conservation programs, projects, or activities, including measurement and verification of energy savings;

(ii) renewable and clean energy resources;

(iii) climate change programs directly related to reducing or mitigating the effects of climate change; and

(iv) demand response programs that are designed to promote changes in electric usage by customers in response to:

1. changes in the price of electricity over time; or

2. incentives designed to induce lower electricity use at times of high wholesale market prices or when system reliability is jeopardized;

(2) to provide targeted programs, projects, activities, and investments to reduce electricity consumption by customers in the low–income and moderate–income residential sectors;

(3) to provide supplemental funds for low–income energy assistance through the Electric Universal Service Program established under § 7–512.1 of the Public Utilities Article and other electric assistance programs in the Department of Human Services;

(4) to provide rate relief by offsetting electricity rates of residential customers, including an offset of surcharges imposed on ratepayers under Title 7, Subtitle 2, Part II of the Public Utilities Article;

(5) to provide grants, loans, and other assistance and investment as necessary and appropriate to implement the purposes of the Program as set forth in § 9–20B–03 of this subtitle;

(6) to implement energy–related public education and outreach initiatives regarding reducing energy consumption and greenhouse gas emissions;

(7) to provide rebates under the Electric Vehicle Recharging Equipment Rebate Program established under § 9–2009 of this title;

(8) to provide grants to encourage combined heat and power projects at industrial facilities;

(9) to provide at least $1,200,000 in each fiscal year for fiscal year 2025 through fiscal year 2028 to the Climate Technology Founder's Fund established under § 10–858 of the Economic Development Article;

(10) subject to subsection (f–2) of this section, to provide at least $2,100,000 in funding each fiscal year to the Maryland Energy Innovation Fund established under § 10–835 of the Economic Development Article;

(11) to provide at least $500,000 each year to the Resiliency Hub Grant Program Fund under § 9–2011 of this title; and

(12) to pay the expenses of the Program.

(f–1) (1) Any funding provided under subsection (f)(9) of this section that is not spent in a given fiscal year shall revert to the Fund in the following fiscal year.

(2) The Administration may provide additional funding for the purposes stated in subsection (f)(9) of this section.

(f–2) Of the funds transferred to the Maryland Energy Innovation Fund under subsection (f)(10) of this section:

(1) at least $1,200,000 may be used to fund the Maryland Clean Energy Center established under § 10–806 of the Economic Development Article; and

(2) at least $900,000 may be used to fund the Maryland Energy Innovation Institute established under § 10–829 of the Economic Development Article.

(g) Proceeds received by the Fund from the sale of allowances under § 2–1002(g) of the Environment Article shall be allocated as follows:

(1) at least 50% shall be credited to an energy assistance account to be used for the Electric Universal Service Program and other electricity assistance programs in the Department of Human Services;

(2) at least 20% shall be credited to a low and moderate income efficiency and conservation programs account and to a general efficiency and conservation programs account for energy efficiency and conservation programs, projects, or activities and demand response programs, of which at least one–half shall be targeted to the low and moderate income efficiency and conservation programs account for:

(i) the low–income residential sector at no cost to the participants of the programs, projects, or activities; and

(ii) the moderate–income residential sector;

(3) at least 20% shall be credited to a renewable and clean energy programs account for:

(i) renewable and clean energy programs and initiatives;

(ii) energy–related public education and outreach; and

(iii) climate change and resiliency programs; and

(4) up to 10%, but not more than $7,500,000, shall be credited to an administrative expense account for costs related to the administration of the Fund, including the review of electric company plans for achieving electricity savings and demand reductions that the electric companies are required under law to submit to the Administration.

(g–1) Up to 10% of the proceeds received by the Fund from compliance fees under § 7–705(b)(2)(i)2 of the Public Utilities Article shall be credited to an administrative expense account for costs related to the administration of the Fund.

(h) (1) Energy efficiency and conservation programs under subsection (g)(2) of this section include:

(i) low–income energy efficiency programs;

(ii) residential and small business energy efficiency programs;

(iii) commercial and industrial energy efficiency programs;

(iv) State and local energy efficiency programs;

(v) demand response programs;

(vi) loan programs and alternative financing mechanisms; and

(vii) grants to training funds and other organizations supporting job training for deployment of energy efficiency and energy conservation technology and equipment.

(2) Energy–related public education and outreach and renewable and clean energy programs and initiatives under subsection (g)(3)(i) and (ii) of this section include:

(i) production incentives for specified renewable energy sources;

(ii) expansion of existing grant programs for solar, geothermal, and wind programs;

(iii) loan programs and alternative financing mechanisms; and

(iv) consumer education and outreach programs that are designed to reach low–income communities.

(i) (1) Except as provided in paragraph (2) of this subsection, compliance fees paid under § 7–705(b) of the Public Utilities Article may be used only to make loans and grants to support the creation of new Tier 1 renewable energy sources in the State that are owned by or directly benefit:

(i) low– to moderate–income communities located in a census tract with an average median income at or below 80% of the average median income for the State; or

(ii) overburdened or underserved communities, as defined in § 1–701 of the Environment Article.

(2) Compliance fees paid under § 7–705(b)(2)(i)2 of the Public Utilities Article shall be accounted for separately within the Fund and may be used only to make loans and grants to support the creation of new solar energy sources in the State that are owned by or directly benefit:

(i) low– to moderate–income communities located in a census tract with an average median income at or below 80% of the average median income for the State; or

(ii) overburdened or underserved communities, as defined in § 1–701 of the Environment Article.

(i–1) (1) (i) In this subsection the following words have the meanings indicated.

(ii) "Area median income" has the meaning stated in § 4–1801 of the Housing and Community Development Article.

(iii) "Low and moderate income" means having an annual household income that is at or below 120% of the area median income.

(2) Compliance fees paid under § 7–705(b–1) of the Public Utilities Article shall be accounted for separately within the Fund and may be used only to make loans and grants to promote increased opportunities for the growth and development of small, minority, women–owned, and veteran–owned businesses in the State that install geothermal systems in the State.

(j) (1) The Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any investment earnings of the Fund shall be paid into the Fund.

(3) Any repayment of principal and interest on loans made from the Fund shall be paid into the Fund.

(4) Balances in the Fund shall be held for the benefit of the Program, shall be expended solely for the purposes of the Program, and may not be used for the general obligations of government.

(k) Expenditures from the Fund shall be made by:

(1) an appropriation in the annual State budget; or

(2) a budget amendment in accordance with § 7–209 of the State Finance and Procurement Article.

(l) An expenditure by budget amendment may be made under subsection (k) of this section only after:

(1) the Administration has submitted the proposed budget amendment and supporting documentation to the Senate Budget and Taxation Committee, Senate Education, Energy, and the Environment Committee, House Appropriations Committee, and House Economic Matters Committee; and

(2) the committees have had 45 days for review and comment.

(m) (1) A loan or grant made available from the Fund to a unit of State or local government shall comply with §§ 14–416 and 17–303 of the State Finance and Procurement Article.

(2) At least 80% of workers participating in a project or program that receives money from the Fund must reside within 50 miles of the project or program, or another distance defined by the local jurisdiction where the project or program is located.

§9–20B–06.

(a) On or before December 31, 2019, the Administration shall develop a plan for expenditures for fiscal year 2020 and a plan for expenditures covering the next 3 fiscal years.

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

(2) The Administration:

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

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

§9–20B–07.

(a) There is a Strategic Energy Investment Advisory Board.

(b) (1) The Board shall review the Program and the Administration's proposed uses of and expenditures from the Fund and make recommendations to the Administration concerning any proposed use or expenditure.

(2) The Administration shall consider the Board's recommendations when making decisions about uses and expenditures from the Fund.

(c) The Board consists of the following members:

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

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

(3) the following members appointed by the Governor:

(i) two representatives of Maryland residential customers;

(ii) a representative of Maryland commercial customers;

(iii) a representative of large electricity users in the State;

(iv) a representative of an electric company;

(v) a representative of an electric cooperative;

(vi) a representative of electricity suppliers;

(vii) a representative of a Maryland environmental group; and

(viii) a representative of a renewable electricity industry; and

(4) the following nonvoting ex officio members:

(i) the Chairman of the Public Service Commission or the Chairman's designee;

(ii) the People's Counsel or the designee of the People's Counsel; and

(iii) the Secretary of the Environment or the Secretary's designee.

(d) If a regulated lobbyist is appointed to serve as a member of the Board, the lobbyist:

(1) is not subject to § 5–504(d) of the General Provisions Article with respect to that service; and

(2) is not subject to § 5–704(f)(3) of the General Provisions Article as a result of that service.

(e) The Governor shall appoint the chair of the Board from among its voting members.

(f) (1) The term of a member appointed by the Governor is 3 years.

(2) The terms of the members appointed by the Governor are staggered as required by the terms provided for members of the Board on June 1, 2008.

(3) (i) The Board shall meet at least 2 times each year.

(ii) In addition, the Board may meet at the discretion of the chair of the Board or the request of the Director of the Administration.

(4) The Board may act only by the affirmative vote of at least six voting members.

(5) A member of the Board:

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

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

(g) The Administration shall provide staff support for the Board.

§9–20B–08.

(a) The Administration regularly shall disclose summary information regarding any contract entered into by the Administration that encumbers $100,000 or more from the Fund.

(b) For each of the contracts specified under subsection (a) of this section, the following information shall be posted on the Administration's website on a quarterly basis:

(1) the name and business address of the parties of the contract;

(2) a summary of the goods and services to be provided under the contract; and

(3) the maximum amount of money from the Fund that may be obligated by the contract.

§9–20B–09.

(a) The Administration shall monitor and analyze the impact of each program, project, activity, and investment to ensure that the outcome of each program, project, activity, or investment achieves the purposes of the Program.

(b) In monitoring and analyzing the impact of a program, project, activity, or investment under subsection (a) of this section, if the Administration finds that the outcome of the program, project, activity, or investment is not achieving the purposes of the Program, the Administration shall take specific measures to address the findings.

§9–20B–10.

The Administration may enter into contracts with third parties to assist in the development and implementation of programs and projects that will advance the purposes of the Program or to administer the Program, including contracts with third parties to make, service, or settle loans and other assistance or investments made through the Program.

§9–20B–11.

(a) A person may not knowingly make or cause to be made any false statement or report in any document required to be furnished to the Administration by any agreement relating to a grant, loan, or other financial assistance.

(b) A person applying for a grant, loan, or other financial assistance through the Program may not knowingly make or cause to be made any false statements for the purpose of influencing any action of the Administration on an application or for the purpose of influencing any action of the Administration affecting any grant, loan, or other financial assistance already provided.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50,000 or imprisonment not exceeding 1 year or both.

§9–20B–12.

(a) On or before January 1 of each year, the Administration shall report to the Governor, to the Board, and, in accordance with § 2–1257 of this article, to the General Assembly and the members of the Senate Finance Committee and the House Economic Matters Committee on the uses and expenditures of the Fund from the prior fiscal year.

(b) The report shall include:

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

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

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

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

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

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

(7) the average allowance price from each auction;

(8) an estimate of revenue from future auctions;

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

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

(11) the status of programs and expenditures in the current fiscal year; and

(12) possible or expected program initiatives and changes in later years.

§9–20C–01.

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

(b) "Administration" means the Maryland Energy Administration.

(c) "Advisory Committee" means the Maryland Offshore Wind Business Development Advisory Committee established under § 9–20C–02 of this subtitle.

(d) "Director" means the Director of the Maryland Energy Administration.

(e) "Emerging business" means a business that is at least 51% owned and controlled by an individual or individuals who are certified to have a personal net worth, as defined in § 14–301 of the State Finance and Procurement Article, that does not exceed $6,500,000 as adjusted each year for inflation according to the Consumer Price Index.

(f) "Fund" means the Maryland Offshore Wind Business Development Fund established under § 9–20C–03 of this subtitle.

(g) "Minority" means an individual who is a member of any of the groups listed in § 14–301(k)(1)(i) of the State Finance and Procurement Article.

§9–20C–02.

(a) There is a Maryland Offshore Wind Business Development Advisory Committee.

(b) The Advisory Committee shall make recommendations to the Administration on the most effective manner to use money in the Fund consistent with the purposes of the Fund.

(c) The Advisory Committee consists of the following members:

(1) two members of the Senate of Maryland, one from each of the principal political parties, appointed by the President of the Senate;

(2) two members of the House of Delegates, one from each of the principal political parties, appointed by the Speaker of the House;

(3) the Director or the Director's designee;

(4) the Secretary of Commerce, or the Secretary's designee;

(5) the Special Secretary of the Governor's Office of Small, Minority, and Women Business Affairs, or the Special Secretary's designee; and

(6) the following 12 members, appointed by the Governor:

(i) 1 representative of a public institution of higher education in the State;

(ii) 1 representative of a historically black or African American university in the State;

(iii) 1 representative of the State's community colleges;

(iv) 1 representative of the Maryland Independent Colleges and Universities Association;

(v) 1 representative of the Maryland Small Business Development Center Network;

(vi) 1 representative of the Maryland Business Coalition for Offshore Wind;

(vii) 1 representative of a business incubator in the State with experience in providing services to minority business enterprises as defined in § 14–301 of the State Finance and Procurement Article, or to emerging businesses, including emerging businesses owned by minorities;

(viii) 1 individual with experience in providing business financing to minority business enterprises as defined in § 14–301 of the State Finance and Procurement Article, or to emerging businesses, including emerging businesses owned by minorities;

(ix) 1 representative of an offshore wind developer;

(x) 1 representative of an original equipment manufacturer;

(xi) 1 individual who is a minority business advocate; and

(xii) 1 individual with experience in offshore wind supply chain issues.

(d) The Governor shall appoint the chair of the Advisory Committee.

(e) The Administration shall provide staff for the Advisory Committee.

(f) A member of the Advisory Committee:

(1) may not receive compensation as a member of the Advisory Committee; but

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

(g) (1) On or before December 31, 2013, the Advisory Committee shall provide written recommendations to the Administration regarding the most effective use of money in the Fund in order to maximize opportunities for emerging businesses in the State, including minority–owned emerging businesses, to participate in the offshore wind industry.

(2) In making a recommendation under paragraph (1) of this subsection, the Advisory Committee shall consider opportunities to maximize leveraging opportunities, mentoring and protege models, innovation clusters, existing incubator and business development programs, and the appropriate role of partnerships with the State's universities and community colleges.

(3) On or before December 31, 2014, the Advisory Committee shall provide updated recommendations to the Administration.

(h) On completion and submission of the written recommendations required under subsection (g) of this section, the Advisory Committee shall terminate its operation and cease to meet.

§9–20C–03.

(a) There is a Maryland Offshore Wind Business Development Fund in the Administration.

(b) The purposes of the Fund are to:

(1) provide financial assistance, business development assistance, and employee training opportunities for the benefit of emerging businesses in the State, including minority–owned emerging businesses, to prepare those businesses to participate in the emerging offshore wind industry; and

(2) encourage emerging businesses in the State, including minority–owned emerging businesses, to participate in the emerging offshore wind industry.

(c) The Administration may use the Fund to:

(1) carry out the purposes of the Fund; and

(2) pay the costs of implementing this subtitle.

(d) The Director shall manage and supervise the Fund.

(e) (1) The Fund is a special, nonlapsing fund that is not subject to reversion under § 7–302 of the State Finance and Procurement Article.

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

(f) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money.

(2) Any investment earnings of the Fund shall be credited to the Fund.

(g) The Fund consists of:

(1) money appropriated by the State to the Fund;

(2) money paid to the Fund by a qualified offshore wind project under § 7–704.1(h) of the Public Utilities Article;

(3) money made available to the Fund through federal programs or private contributions;

(4) repayment of principal or payment of interest on a loan made from the Fund;

(5) proceeds from the sale, disposition, lease, or rental by the Administration of collateral related to financing that the Administration provides under this subtitle;

(6) investment earnings of the Fund; and

(7) any other money made available to the Administration for the Fund.

(h) (1) In fiscal years 2014 and 2015, $1,500,000 shall be transferred from the Strategic Energy Investment Fund to the Fund.

(2) In fiscal year 2016, $1,000,000 shall be transferred from the Strategic Energy Investment Fund to the Fund.

§9–20C–04.

(a) When determining how most effectively to use the money in the Fund, the Administration shall consider the recommendations of the Advisory Committee.

(b) In carrying out this subtitle, and consistent with the purposes of the Fund, the Administration may contract with:

(1) experts in the area of offshore wind energy;

(2) the Small Business Development Center Network in the University of Maryland; and

(3) entities experienced in assisting emerging businesses, including minority–owned emerging businesses, in accessing market opportunities.

(c) (1) Except as provided in paragraph (2) of this subsection, Division II of the State Finance and Procurement Article does not apply to a service that the Administration obtains under this section.

(2) The Administration is subject to Title 12, Subtitle 4 of the State Finance and Procurement Article for services under this section.

§9–20D–01.

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

(b) "Administration" means the Maryland Energy Administration.

(c) "Program" means the Regulated Sustainable Energy Contract Program.

(d) "Qualified contractor" means a person authorized by the Administration under this subtitle to provide sustainable energy products to residential property owners under a regulated sustainable energy contract.

(e) "Regulated sustainable energy contract" means a contract between a residential property owner and a qualified contractor that:

(1) meets the requirements of § 9–20D–04 of this subtitle; and

(2) does not exceed $30,000.

(f) "Residential energy efficiency measure" means a product or an improvement to a structure that, when installed, results in a reduction of energy usage in that structure.

(g) "Residential renewable energy installation" means a product that, when installed on residential property, provides energy savings or generates energy from a renewable source.

§9–20D–02.

This subtitle is intended to promote energy conservation and the use of renewable energy by providing a secure form of long–term financing to facilitate the implementation of residential renewable energy installations and residential energy efficiency measures on or in residential properties.

§9–20D–03.

(a) The Administration may create a Regulated Sustainable Energy Contract Program to authorize qualified contractors to provide residential renewable energy installations and residential energy efficiency measures to residential property owners under regulated sustainable energy contracts in accordance with this subtitle.

(b) The Administration shall manage, supervise, and administer a Program created under this subtitle.

(c) If the Administration creates a Program under this subtitle, the Administration shall adopt regulations that:

(1) ensure that financing is provided only to a project that carries out the purposes stated in a regulated sustainable energy contract;

(2) establish eligibility criteria for qualified contractors, including a required minimum level of capitalization;

(3) establish eligibility requirements for property owners that give due regard to the owner's ability to pay in a manner substantially similar to the requirements for a mortgage loan under §§ 12–127, 12–311, 12–409.1, 12–925, and 12–1029 of the Commercial Law Article;

(4) define and place limits on eligible residential renewable energy installations and eligible residential energy efficiency measures;

(5) establish cost–effectiveness requirements for eligible residential renewable energy installations and eligible residential energy efficiency measures;

(6) establish payback requirements, rate–of–return and interest rate guidelines, and limits for regulated sustainable energy contracts;

(7) establish mechanisms for independent quality control and quality assurance;

(8) market the Program to property owners and potential qualified contractors; and

(9) provide a process for adopting brand names for the Program as well as elements of the Program.

(d) The Administration may enter into contracts with third parties to ensure that:

(1) financing is provided only to projects that carry out the terms and conditions of regulated sustainable energy contracts; and

(2) the purposes of the Program are fulfilled.

(e) The Administration may collect reasonable fees from qualified contractors to:

(1) ensure that the purposes of the Program are fulfilled; and

(2) carry out the Administration's duties under this subtitle.

(f) The Administration may authorize qualified contractors to:

(1) enter into regulated sustainable energy contracts with individual residential property owners, groups of residential property owners, or the builder of a new residential structure;

(2) directly bill, in accordance with the rate and payment schedules provided in the regulated sustainable energy contract, each property owner that:

(i) is a party to a regulated sustainable energy contract; or

(ii) owns property subject to a regulated sustainable energy contract; and

(3) enforce payment under a regulated sustainable energy contract in accordance with § 9–20D–08 of this subtitle.

(g) The Administration may:

(1) limit the authorization of a qualified contractor to a particular territory or specified residential renewable energy installation; and

(2) authorize more than one qualified contractor to operate in a particular territory or to offer specified residential renewable energy installation.

(h) The Administration:

(1) before developing and implementing a Program, shall perform a study to assess:

(i) the feasibility of the Program; and

(ii) the Administration's abilities to fulfill its duties regarding the Program under this subtitle;

(2) may develop and implement a test or pilot program; and

(3) notwithstanding the provisions in this subtitle, shall ensure that any financing authorized under this subtitle shall comply with applicable provisions in Title 12, Subtitles 1, 3, 4, 6, 9, and 10 of the Commercial Law Article.

§9–20D–04.

(a) Under a Program created in accordance with § 9–20D–03(a) of this subtitle, a regulated sustainable energy contract shall:

(1) meet the requirements established by the Administration under subsection (d) of this section; and

(2) require, for each property expected to be subject to the regulated sustainable energy contract, the qualified contractor to notify, by first–class certified mail, any party that holds a recorded mortgage or deed of trust on property of:

(i) the expected existence and terms of the regulated sustainable energy contract; and

(ii) the right of the party that holds a recorded mortgage or deed of trust to object to the contract as provided in subsection (b) of this section.

(b) (1) A party that holds a recorded mortgage or deed of trust on property that would be subject to a regulated sustainable energy contract has 30 days from receipt of the notice required under subsection (a)(2) of this section to object to the contract.

(2) Any objection to the contract on the part of a party that holds a recorded mortgage or deed of trust on the property must be in writing and addressed to the owner of the property and the qualified contractor.

(c) If an objection is made under subsection (b) of this section by a party that holds a recorded mortgage or deed of trust on the property, the regulated sustainable energy contract may not become effective and if executed shall be void.

(d) When creating a Program under this subtitle, the Administration shall, by order or regulation, establish specific requirements for a regulated sustainable energy contract under this subtitle, including:

(1) terms and conditions, including:

(i) interest rates, schedules, and rates for repayment;

(ii) a requirement that, if there is no objection by a party that holds a recorded mortgage or deed of trust, the regulated sustainable energy contract be recorded in the land records of the county in which the property is located;

(iii) time frames for the recordation; and

(iv) any terms and conditions required to create and enforce a lien under the Maryland Contract Lien Act, Title 14, Subtitle 2 of the Real Property Article;

(2) eligibility requirements for property owners that give due regard to the owner's ability to pay in a manner substantially similar to the requirements for a mortgage loan under §§ 12–127, 12–311, 12–409.1, 12–925, and 12–1029 of the Commercial Law Article; and

(3) mechanisms:

(i) for quality control; and

(ii) to ensure that the savings to the property owner under a regulated sustainable energy contract outweigh the cost of the regulated sustainable energy contract.

§9–20D–05.

A qualified contractor may not enter into a regulated sustainable energy contract unless, for each property that would be subject to the regulated sustainable energy contract:

(1) property taxes and mortgage debt are current;

(2) there are no outstanding or unsatisfied liens;

(3) there are no notices of default or other evidence of property–based debt delinquency for the lesser of:

(i) the 3 years immediately preceding the contract date; or

(ii) the length of time that the property owner has owned the property; and

(4) the regulated sustainable energy contract has not been objected to under § 9–20D–04(b) of this subtitle by a party that holds a recorded mortgage or deed of trust on the property that would be subject to the regulated sustainable energy contract.

§9–20D–06.

(a) A property owner may subject property to a regulated sustainable energy contract by recording or authorizing the recordation of the regulated sustainable energy contract among the land records in the county where the property is located.

(b) (1) Subject to § 9–20D–08 of this subtitle, a person who acquires property subject to a regulated sustainable energy contract, whether by purchase or other means, assumes the obligation to pay the qualified contractor in accordance with the rate and payment schedules in the regulated sustainable energy contract.

(2) A person selling or transferring a property subject to a regulated sustainable energy contract shall provide written notice to the person acquiring the property that the person acquiring the property shall assume the obligation to pay the qualified contractor in accordance with the rate and payment schedules in the regulated sustainable energy contract.

§9–20D–07.

The Administration may revoke the authorization of a qualified contractor under this subtitle if the Administration determines that:

(1) the qualified contractor is not complying with the terms of the authorization;

(2) there is an excessive number of consumer complaints; or

(3) the authorization is no longer serving the purpose of this subtitle.

§9–20D–08.

(a) (1) Subject to subsection (c) of this section, a qualified contractor may collect payments under a regulated sustainable energy contract that are in arrears, including the principal, interest, late charges, costs of collection, and reasonable attorney's fees, by the imposition of a lien on property that is subject to the contract in accordance with the Maryland Contract Lien Act, Title 14, Subtitle 2 of the Real Property Article.

(2) A lien imposed under paragraph (1) of this subsection may not take priority over a lien, mortgage, deed of trust, or other security interest that is already attached to the property.

(b) If a property subject to a regulated sustainable energy contract is foreclosed under Title 7, Subtitle 1 of the Real Property Article, any deficiency due as a result of a lien arising from the regulated sustainable energy contract shall be:

(1) added to the total balance due on the contract; and

(2) subject to periodic payment as provided in the contract.

(c) (1) If a party that holds a recorded mortgage or deed of trust on a property subject to a regulated sustainable energy contract acquires the property through foreclosure, the party may not be charged for any amount due on the regulated sustainable energy contract.

(2) Payment on a regulated sustainable energy contract shall resume when the property subject to the regulated sustainable energy contract is sold or transferred to a person who is not related to the person who held the recorded mortgage or deed of trust when the property was foreclosed.

§9–2201.

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

(b) "Application service provider" means an entity that provides access to or deployment of business software applications and services over the Internet.

(c) "ASP" means application service provider.

(d) "Board" means the CEO Board of Advisors for E-Commerce.

(e) "Consortium" means the "eMaryland" ASP Consortium.

(f) "E-commerce" means electronic business and commerce.

§9–2202.

The CEO Board of Advisors for E-Commerce and the "eMaryland" ASP Consortium are established under this subtitle to assist in the State's efforts to create the most advanced electronic business environment in the nation and become an international leader in the deployment of new Internet technologies.

§9–2203.

(a) There is a CEO Board of Advisors for E-Commerce.

(b) (1) The Board may not exceed 12 members and shall be appointed by the Governor with the advice and consent of the Senate and serve at the pleasure of the Governor.

(2) Each member of the Board serves for a period of 3 years and may be reappointed.

(3) The Governor shall designate two representatives of State government to serve as ex officio members of the Board.

(4) The members appointed by the Governor shall be industry leaders who have substantial experience and expertise in electronic commerce.

(5) The Governor shall designate a chairman or cochairmen from among the members.

(6) The Board shall meet at least twice annually.

(c) The Board shall:

(1) advise the Governor on economic development policies and initiatives to advance the promotion, deployment, and use of e-commerce in the State;

(2) recommend ways to improve the State's position as an international leader of e-commerce; and

(3) provide policy guidance to the "eMaryland" ASP Consortium and related ASP initiatives.

(d) A member of the Board may not receive compensation as a member but is entitled to reimbursement for expenses under the Standard State Travel Regulations as provided in the State budget.

(e) The Department of Budget and Management and University of Maryland, College Park Campus shall provide staff support to the Board.

§9–2204.

(a) There is an "eMaryland" ASP Consortium at the University of Maryland, College Park Campus.

(b) (1) The general purpose of the Consortium is to promote the deployment of Internet–based technologies in Maryland.

(2) The Consortium shall develop strategic partnerships with the State, institutions of higher education, federal agencies, and world class technology companies to carry out its mission.

(3) The Consortium shall:

(i) develop pilot models for the deployment of Internet–based applications for government and educational institutions, such as procurement, financial, and human resource management applications;

(ii) participate in collaborations to promote the development and testing of ASP technologies in Maryland;

(iii) provide advice and assistance to small start–up companies wishing to utilize ASP technologies; and

(iv) work with industry and public agencies to research and develop emerging e–commerce technologies.

(c) (1) There is a management committee for the Consortium.

(2) The management committee is responsible for approving the activities of the Consortium and providing direction and oversight.

(3) The management committee shall be composed of:

(i) the Secretary of Information Technology;

(ii) the Chief Information Officer at the University of Maryland, College Park Campus;

(iii) the Director of the Supply Chain Management Center at the University of Maryland, College Park Campus;

(iv) the Chief Executive Officer of the Maryland Technology Development Corporation; and

(v) a member appointed by the Governor.

§9–2301.

(a) The definitions in § 1-101 of this article do not apply to the interstate compact set forth in § 9-2303 of this subtitle.

(b) In the interstate compact set forth in § 9-2303 of this subtitle, unless the context clearly requires otherwise, "article", "section", and "subsection" mean an article, section, and subsection, respectively, of the interstate compact.

§9–2302.

On behalf of this State, the Governor shall execute, with the City of Baltimore, the Commonwealth of Virginia, and the District of Columbia, an interstate compact substantially as it appears in § 9-2303 of this subtitle.

§9–2303.

The Commonwealth of Virginia, the State of Maryland, the District of Columbia, and the City of Baltimore, hereinafter "Signatories," hereby enter into an interstate compact, as set forth below, for the purpose of hosting the 2012 Olympic Games. This interstate compact shall be known and may be cited as the Chesapeake Regional Olympic Games Authority Act.

Article I.

Findings.

The Maryland General Assembly finds that:

1. For some time now, the State of Maryland (including the City of Baltimore), the District of Columbia, and the Commonwealth of Virginia, through the nonprofit organization known as the Washington/Baltimore Regional 2012 Coalition (WBRC 2012), have been actively engaged in national competition to win the U.S. Candidate City designation and, subsequently, the Host City designation and the right to host the 2012 Olympic Games.

2. Hosting the Olympic Games will provide several major, lasting, and unique benefits for all of the citizens of the Chesapeake region, including:

(a) Direct, positive economic impact on our regional economy;

(b) An opportunity to showcase our region to the world;

(c) A catalyst for regional action; and

(d) A renewed sense of pride along with a tangible legacy (e.g. new and improved venues and enhanced transportation infrastructure).

3. Independent economic studies show that preparing for and hosting the Olympic Games will have a positive economic impact on the region, including:

(a) Direct and indirect spending in excess of $5,000,000,000;

(b) The creation of approximately 70,000 jobs;

(c) Increased tax revenues resulting from Olympic related economic activity in excess of $130,000,000, without raising or creating any new taxes; and

(d) A lasting improvement in the region's competitive position within the travel/tourism industry, as well as the region's ability to attract new businesses.

4. The citizens of the region have responded positively to WBRC 2012's efforts and solidly embraced the cause to host the Olympic Games, expressed in part by the endorsement of scores of local business, civic, governmental, academic, and amateur sports organizations, and by survey results that show:

(a) 82% of the region's residents support the effort to bring the 2012 Olympic Games to this area; and

(b) 86% of area residents believe that the Olympic Games will bring substantial economic benefits to our region.

5. Through the submission of the region's official bid proposal to the United States Olympic Committee (USOC) on December 15, 2000, WBRC 2012 reached a milestone in the process of capturing the Olympic Games by providing a 631-page logistical, operational, and financial blueprint for hosting the 2012 Games.

6. The bid proposal highlights the great venues and vistas found in our region and is developed around key principles, including:

(a) Building less, not more;

(b) Utilizing mass transit; and

(c) Protecting the environment.

7. In addition to the region's bid proposal, the USOC and the International Olympic Committee (IOC) require certain government guarantees and commitments in conjunction with hosting the 2012 Olympic Games, should our region win the U.S. Candidate City designation.

8. Our unique regional approach to winning the right to host the Olympic Games creates the added complication of determining which entities will provide the necessary guarantees.

9. It is incumbent upon WBRC 2012 and government leaders to move forward together now to craft the solution that best "lives regionalism" and maximizes the region's chances of winning the 2012 Olympic Games, and reaping the many benefits that come with this honor.

10. Given that all four jurisdictions - Virginia, Maryland, the District of Columbia, and Baltimore - will host a significant number of events and reap substantial benefits, the most effective solution for all four jurisdictions is to enter into a single agreement that gives the USOC (and subsequently the IOC) a single focal point and a united front that reflects the regional nature of our bid.

Article II.

Purpose.

The purpose of this Act is to create a Regional Authority to oversee the conduct of the 2012 Olympic Games, coordinated and managed by the local Organizing Committee for the Olympic Games (OCOG), and to assure that the region's guarantees and commitments accepted in conjunction with hosting the Olympic Games are fulfilled.

Article III.

Definitions.

For the purposes of this Act, the term:

(a) "Bid proposal" shall mean the bid formally submitted by WBRC 2012 to the USOC on December 15, 2000;

(b) "Host City" shall mean the entity which has been selected by the International Olympic Committee to host the 2012 Olympic Games;

(c) "International Olympic Committee" and "IOC" shall mean the International Olympic Committee, a body corporate under international law created by the Congress of Paris of 23rd June, 1894, and having perpetual succession;

(d) "Olympic Games" shall mean any Olympic Games sponsored and governed by the International Olympic Committee and any other educational, cultural, athletic, or sporting events related or preliminary thereto;

(e) "Organizing Committee for the Olympic Games," and "OCOG" shall mean the Committee formed by WBRC 2012 to organize and conduct the Olympic Games, if WBRC 2012 is selected by the IOC as the "Host City" in 2005;

(f) "Regional Authority" shall mean the Chesapeake Regional Olympic Games Authority;

(g) "Signatories" shall mean the Commonwealth of Virginia, the State of Maryland, the District of Columbia, and the City of Baltimore;

(h) "United States Olympic Committee" and "USOC" shall mean the United States Olympic Committee, incorporated by Act of Congress on September 21, 1950, and having perpetual succession;

(i) "U.S. Candidate City" shall mean the entity which has received the United States Olympic Committee's endorsement to submit to the IOC the sole bid from the United States for the hosting of the 2012 Olympic Games; and

(j) "WBRC 2012" shall mean Washington/Baltimore Regional 2012 Coalition, a not for profit corporation organized under the laws of the State of Maryland, and its successors.

Article IV.

Creation of the Regional Authority.

The Signatories hereby provide the mechanism for the creation and termination of the "Chesapeake Regional Olympic Games Authority," hereinafter "Regional Authority," which shall be an instrumentality of the District of Columbia, the Commonwealth of Virginia, the State of Maryland, and the City of Baltimore, and shall have the powers and duties set forth herein, and those additional powers and duties conferred upon it by subsequent actions of the Signatories:

(a) The Regional Authority shall come into existence by the force of this Act when and if, and only if, the IOC awards the 2012 Olympic Games in year 2005 to WBRC 2012, as the U.S. Candidate City and the official representative of the Maryland, Virginia, District of Columbia, and Baltimore region; and

(b) The Regional Authority shall, if ever brought into existence, cease to exist by the force of this Act on January 1, 2014, unless extended by substantially similar future legislation enacted by each of the Signatories; and

(c) Until such time as the Regional Authority may be triggered into existence, the combined signatures of the Governors of Virginia and Maryland, and the Mayors of the District of Columbia and the City of Baltimore, on any and all documents necessary and appropriate to the pursuit of the 2012 Olympic Games shall be deemed binding on future actions of the Regional Authority. For the purposes of this subsection:

(i) The above referenced signatures may be on the same document, on separate but materially and substantially similar documents, or any combination thereof; and

(ii) No individual signature shall be deemed effective until such time as all four above referenced signatures are obtained.

Article V.

Regional Authority Composition; Terms of Service; Order of Business; Accounting.

1. (a) The Regional Authority shall be composed of 11 "voting members," as follows:

(i) The State of Maryland shall be entitled to three voting members, to be appointed by the Governor;

(ii) The Commonwealth of Virginia shall be entitled to three voting members, to be appointed by the Governor;

(iii) The District of Columbia shall be entitled to three voting members, to be appointed by the Mayor;

(iv) The City of Baltimore shall be entitled to one voting member, to be appointed by the Mayor; and

(v) The Washington/Baltimore Regional 2012 Coalition, a not for profit corporation created for the sole purpose of bringing the Olympic Games to the region, or the OCOG, shall be entitled to one voting member, to be appointed in a manner consistent with its usual procedure;

(b) The Regional Authority shall cause to be formed a Regional Authority Advisory Committee, which shall be comprised of representatives ("advisory members") from each of the local jurisdictions substantially impacted by hosting the Olympic Games in the region, in a manner to be determined by the Regional Authority;

(c) Reasonable efforts should be made to ensure that appointments of voting members and advisory members:

(i) Are residents of the regional community with relevant and useful experience, and with sufficient time to devote to the duties of the Regional Authority, to help facilitate the successful hosting of the Olympic Games;

(ii) Reflect the geographical diversity inherent in the regional nature of WBRC 2012's bid proposal; and

(iii) Reflect the cultural, ethnic, and racial diversity inherent in the Chesapeake Region; and

(d) Voting members shall not be financially compensated for their service on the Regional Authority; such service shall be considered voluntary. Voting members may be reimbursed by the Regional Authority for normal and customary expenses incurred in the performance of their duties.

2. The terms of the voting members of the Regional Authority shall be as follows:

(a) The initial terms of office of the voting members shall be 2 years from the date of appointment, and all subsequent terms of office of the voting members shall be for 2 years. Each voting member shall hold office until his or her successor shall be appointed and duly qualified. Any voting member of the Regional Authority may succeed himself or herself; and

(b) All vacancies in the membership of the voting members of the Regional Authority, whether caused by expiration of term of office, death, resignation, or otherwise, shall be filled in the same manner as that membership was originally filled. The term of any voting member, appointed to fill an unexpired term, shall be for the remainder of the term.

3. The Regional Authority shall elect from its membership a chairman, a vice chairman, a secretary, and a treasurer. Such officers shall serve for such terms as shall be prescribed by resolution of the Regional Authority or until their successors are elected and qualified. No voting member of the Regional Authority shall hold more than one office on the Regional Authority.

4. The Regional Authority shall hold meetings in accordance with the following:

(a) Regular meetings of the Regional Authority shall be held on such dates and at such time and place as shall be fixed by resolution of the Regional Authority;

(b) Special meetings of the Regional Authority may be called by resolution of the Authority, by the chairman or vice chairman, or upon the written request of at least three voting members of the Regional Authority;

(c) Written notice of all meetings shall be delivered to each voting member, not less than 3 days prior to the date of such meeting in the case of regular meetings and not less than 24 hours in the case of special meetings;

(d) Each voting member should make all reasonable efforts to be in attendance at meetings called by the Regional Authority; and

(e) A majority of the voting members of the Regional Authority in office shall constitute a quorum. A majority of the quorum is empowered to exercise all the rights and perform all the duties of the Regional Authority and no vacancy on the Regional Authority shall impair the right of such majority to act. If at any meeting there is less than a quorum present, a majority of those present may adjourn the meeting to a fixed time and place, and notice of such time and place shall be given in accordance with subsection (c) of this section, provided that if the notice period under subsection (c) of this section cannot reasonably be complied with, such notice, if any, of such adjourned meeting shall be given as is reasonably practical.

5. The Regional Authority shall establish rules and regulations for its own governance, not inconsistent with this Act.

6. The Regional Authority shall:

(a) Make provision for a system of financial accounting and controls, audits, and reports. All accounting systems and records, auditing procedures and standards, and financial reporting shall conform to generally accepted principles of governmental accounting. All financial records, reports, and documents of the Regional Authority shall be public record and open to public inspection under reasonable regulations prescribed by the Regional Authority; and

(b) Adopt a fiscal year, establish a system of accounting and financial control, designate the necessary funds for complete accountability, and specify the basis of accounting for each such fund. The Regional Authority shall cause to be prepared a financial report on all funds at least quarterly and a comprehensive report on the fiscal operations and conditions of the Regional Authority annually.

Article VI.

Compliance with Local Law.

The Regional Authority shall make every effort to comply with the local laws of each of the Signatories to this Act, regarding disclosure, appointment, and open meetings.

Article VII.

Funding of the Regional Authority.

1. The OCOG will provide reasonable funds for the operation of the Regional Authority and the conduct of its business in accordance with the provisions of this Act.

2. For the purposes of this article, payment of any insurance premiums incurred by the Regional Authority under the authority granted to it by Article VIII shall not be considered operations funds referred to in subsection 1 of this article. The OCOG shall pay only such insurance premiums as are reasonable.

3. The OCOG shall not be responsible for any financial liability that the Regional Authority may incur under Article VIII of this Act.

4. The Regional Authority shall submit to the OCOG a planned budget for the Regional Authority's next fiscal year, adopted consistent with Article V 6 (b) of this Act, no less than 90 days before the beginning of the next fiscal year.

Article VIII.

Regional Authority Oversight of the Organizing Committee for the Olympic Games; Additional Powers.

1. The Regional Authority, in recognition of its oversight responsibility over the OCOG, shall have access to:

(a) The quarterly financial statements of the OCOG;

(b) The annual business plans of the OCOG; and

(c) All other OCOG documents necessary to achieve its oversight purpose.

2. The Regional Authority shall have the power to enforce OCOG budgetary and planning changes when:

(a) Review by the Regional Authority of the OCOG financial statements, annual business plans, or other documents contemplated in Article VIII 1 of this Act suggests:

(i) Economic shortfalls that would possibly trigger the Regional Authority's liability outlined in Article VIII 3 of this Act; or

(ii) The OCOG will fail to host the Olympic Games in a manner that would satisfy the requirements of the USOC or the IOC; and

(b) Such changes are supported by a majority of the voting members of the Regional Authority, notwithstanding the quorum requirements of Article V 4 (e) of this Act.

3. The Regional Authority, in recognition of its duties as overseer of the OCOG, shall:

(a) Be bound by the terms of, cause the OCOG to perform, and guaranty performance of the OCOG's obligations under all documents necessary and appropriate to the pursuit of the Olympic Games;

(b) Certify the OCOG's performance of such obligations as requested by the USOC from time to time;

(c) Accept liability for the OCOG, if any, as far as required by all documents necessary and appropriate to the pursuit and hosting of the Olympic Games, provided, however, that:

(i) With regard to third-party tort liabilities, the OCOG will both indemnify the State against any and all such claims and provide that the State be named as an additional insured on all appropriate insurance policies, and, in any event, nothing contained herein shall in any way modify the State's existing liability limitation;

(ii) With regard to all other liabilities arising out of this subsection, the OCOG agrees to hold the State harmless and indemnify the State for any such losses; and

(iii) Should the State incur any liabilities, the liabilities shall count against the total limit (or cap) on the State's liabilities as noted in section (d) of this article and Article IX 1 below; and

(d) Accept liability, if any, with the OCOG, for any financial deficit of the OCOG, or the Olympic Games, as follows:

(i) The OCOG shall be responsible for any amount up to $25 million;

(ii) The Regional Authority shall be liable for any amount in excess of $25 million, but not to exceed an additional $175 million; and

(iii) Except as set forth in existing applicable law, the OCOG and the Regional Authority shall not be limited in their choice of funding sources for covering possible financial losses, including but not limited to the purchase of insurance, if commercially available and reasonably priced.

4. The Regional Authority, in its financial oversight and safeguard role, shall ensure that:

(a) No legacy programs, funds, or accounts shall be funded from any of the proceeds of the 2012 Olympic Games until all budgetary and operational financial obligations of the OCOG and the Regional Authority for hosting the Olympic Games are first met; and

(b) No liability for any financial deficit resulting from the 2012 Olympic Games shall accrue to the Regional Authority (or the Signatories) until all budgetary and/or operational financial surpluses of the OCOG, if any, are applied to all outstanding financial obligations of the OCOG and the Regional Authority, if any, accrued exclusively in connection with hosting the Olympic Games.

5. The Regional Authority, in order to facilitate its oversight responsibility over the OCOG, shall have the additional powers:

(a) To sue and be sued in contract and in tort;

(b) To complain and defend in all courts;

(c) To implead and be impleaded;

(d) To enter into contracts;

(e) To hire appropriate staff; and

(f) Any additional powers granted to it by subsequent legislation.

Article IX.

Indemnification.

1. Any liability incurred by the Regional Authority, not covered by insurance under Article VIII 3 (d)(iii), shall be further indemnified by the Signatories of this Act, in proportion to the relative economic benefit currently expected to accrue to each Signatory from hosting the Olympic Games, as follows:

(a) The State of Maryland, subject to appropriation, shall be liable for 53%;

(b) The Commonwealth of Virginia shall be liable for 19%; and

(c) The District of Columbia shall be liable for 28%.

2. Each of the Signatories to this Act may provide for its share of any possible liability in any manner it may choose, as befits each Signatory's independent commitment.

Article X.

Commitments of Signatories.

As appropriate to its individual jurisdiction and specific role in hosting the 2012 Olympic Games, each Signatory agrees to:

(a) Ensure that necessary facilities are built and transportation infrastructure improvements take place, including government funding as appropriate;

(b) Provide access to existing state/city-controlled facilities and other important resources as specified in WBRC 2012's bid proposal, in accordance with applicable law and contractual obligations; and

(c) Provide adequate security, fire protection, and other government related services at a reasonable cost to ensure for the safe and orderly operation of the Olympic Games.

Article XI.

Effective Dates.

None of the duties or responsibilities encompassed in this legislation shall have effect until substantially similar legislation is enacted by each of the Signatories, at which time this legislation shall immediately be effective.

§9–2401.

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

(b) "American Sign Language" means a visual–spatial method of communication that is a distinct language involving the hands, arms, facial markers,

and body movements to communicate with others, including through the conveyance of thoughts, words, emotions, and grammatical information.

(c) "Behavioral health setting" means a setting that provides:

(1) psychiatric or psychological assessment or screening;

(2) group or individual psychotherapy, counseling, or treatment; or

(3) rehabilitation services for substance use disorders, addictive disorders, mental disorders, or a combination of these disorders.

(d) "Board" means the State Board of Sign Language Interpreters within the Office.

(e) "Council" means the Maryland Advisory Council on Deaf and Hard of Hearing Individuals.

(f) (1) "Deaf and hard of hearing individuals" means those residents of Maryland who have a partial or complete loss of hearing.

(2) "Deaf and hard of hearing individuals" includes individuals who are deaf, hard of hearing, deafblind, and late–deafened.

(g) "Deafblind" means those residents of Maryland who have concomitant vision and hearing loss.

(h) "Director" means the Director of the Office.

(i) "Fund" means the Sign Language Interpreters Fund.

(j) "Heritage signer" means an individual who used American Sign Language as a primary language in childhood.

(k) "Legal setting" includes:

(1) court proceedings;

(2) attorney–client conferences;

(3) investigations by law enforcement;

(4) depositions;

(5) witness interviews;

(6) real estate settlements; and

(7) administrative and legislative hearings.

(l) "License" means a license issued under Part III of this subtitle to provide sign language interpretation services.

(m) "Medical setting" includes:

(1) an acute care hospital;

(2) an urgent care center;

(3) an outpatient clinic;

(4) short–term care facilities;

(5) long–term care facilities;

(6) a physician's office; and

(7) home health care.

(n) "Nationally or regionally recognized certification" means:

(1) a certification issued and recognized by:

(i) the National Association of the Deaf (NAD);

(ii) the Registry of Interpreters for the Deaf (RID); or

(iii) the Board of Evaluation for Interpreters (BEI); or

(2) any other certification issued by a national or regional organization that is recognized by the Board.

(o) "Office" means the Office of the Deaf and Hard of Hearing.

(p) (1) "Provide sign language interpretation services" means to convey the meaning of a message that is expressed in:

(i) an oral or signed language by rendering the message in American Sign Language; or

(ii) American Sign Language by rendering the message in an oral or signed language.

(2) "Provide sign language interpretation services" includes providing sign language interpretation services in a video remote interpreting setting.

(q) "Restorative justice program" means a program designed to repair harm caused to all individuals involved in a crime through mediation, dialogue, or group conferencing between a licensee and any aggrieved party or complainant.

(r) "School setting" means a setting in which the following are provided:

(1) educational programs or services offered by a public or nonpublic school; or

(2) career training programs for secondary education students that are regulated by the State Department of Education.

(s) "Sign language interpreter" means an individual who is licensed by the Board to provide sign language interpretation services.

(t) "Video Relay Service" means the federally reimbursed and regulated program established to enable phone calls between users of American Sign Language and individuals who do not use American Sign Language by videoconferencing technology and the use of the services of a remotely located sign language interpreter.

(u) (1) "Video remote interpreting setting" means providing sign language interpretation services by videoconferencing in which the participants are in one location and the interpreter is in a separate location.

(2) "Video remote interpreting setting" does not include Video Relay Service.

§9–2402.

(a) In the Office of the Governor, there is an Office of the Deaf and Hard of Hearing.

(b) (1) The head of the Office is the Director.

(2) (i) The Director is appointed by the Governor with the advice and consent of the Senate.

(ii) The Director serves at the pleasure of the Governor and is responsible directly to the Governor.

(3) The Director shall be:

(i) a deaf or hard of hearing person; and

(ii) knowledgeable and experienced with issues affecting deaf and hard of hearing individuals.

(4) The Director is entitled to the salary provided in the State budget.

(c) (1) The Office shall:

(i) advise the Governor on all matters assigned to the Office; and

(ii) carry out the Governor's policies on the matters assigned to the Office.

(2) The Director shall:

(i) manage the operation of the Office and establish guidelines and procedures to promote the orderly and efficient operation of the Office; and

(ii) adopt regulations necessary to carry out the provisions of this subtitle.

(3) Subject to the provisions of this subtitle, the Director may establish, reorganize, or consolidate areas of responsibility in the Office as necessary to fulfill the responsibilities assigned by the Director.

(d) The Office shall be given adequate staff and funding to carry out its duties.

§9–2403.

(a) The Office shall be responsible for promoting the general welfare of deaf and hard of hearing individuals in the State.

(b) The responsibilities of the Office shall include:

(1) providing, advocating, and coordinating the adoption of public policies, regulations, and programs that will benefit deaf and hard of hearing individuals;

(2) improving access to communication and to existing services and programs for deaf and hard of hearing individuals;

(3) providing direct services to deaf and hard of hearing individuals as appropriate;

(4) increasing public awareness of the needs and issues affecting deaf and hard of hearing individuals;

(5) working with State and local agencies to ensure access for deaf and hard of hearing individuals to safety and emergency services;

(6) developing a referral service for deaf and hard of hearing individuals;

(7) serving as an information clearinghouse on the needs and issues affecting deaf and hard of hearing individuals;

(8) working to increase access for deaf and hard of hearing individuals to educational, health, and social opportunities;

(9) working with private organizations, the federal government, and other units of State government to promote economic development for deaf and hard of hearing individuals;

(10) working to eliminate the underemployment and unemployment of deaf and hard of hearing individuals;

(11) providing a network through which services provided by State and federal programs serving deaf and hard of hearing individuals can be channeled;

(12) promoting compliance with State, local, and federal laws and policies protecting and serving deaf and hard of hearing individuals;

(13) providing appropriate staff to assist the Board in carrying out its duties; and

(14) providing a nomination process for Board appointments.

(c) The Office shall hold at least two public town hall meetings each year to receive public comments on:

(1) the quality of State services and programs affecting deaf and hard of hearing individuals;

(2) the functions and operations of the Office; and

(3) any other issues that affect deaf and hard of hearing individuals, including those specified in subsection (b) of this section.

(d) The Office shall:

(1) help facilitate the appropriate delivery of State, local, and other public services to deaf and hard of hearing individuals;

(2) advise other units of State government and the General Assembly on the needs of deaf and hard of hearing individuals;

(3) subject to appropriations in the State budget, provide any reasonable resources that any other unit of State government requests to serve or assist deaf and hard of hearing individuals; and

(4) to the greatest extent possible, in order to avoid any duplication of effort, coordinate with other units of the State and the federal government the services provided to deaf and hard of hearing individuals.

§9–2404.

(a) There is a Maryland Advisory Council on the Deaf and Hard of Hearing.

(b) (1) The Council consists of 18 members appointed by the Governor, with the advice and consent of the Senate.

(2) Of the 18 Council members, at least five of the members shall be deaf and hard of hearing individuals.

(c) Of the 18 Council members:

(1) one shall be the State Superintendent or a designee from the State Department of Education;

(2) one shall be the Secretary or a designee from the Maryland Department of Health;

(3) one shall be the Secretary or a designee from the Department of Human Services;

(4) one shall be the Secretary or a designee from the Department of Transportation;

(5) one shall be from the Commission on Civil Rights;

(6) one shall be the Secretary or a designee from the Maryland Department of Labor;

(7) one shall be the Secretary or a designee from the Department of Housing and Community Development;

(8) one shall be the Superintendent or a designee from the Maryland School for the Deaf;

(9) one shall be the Secretary or a designee from the Department of Aging; and

(10) nine shall be from the general public.

(d) (1) The nine members from the general public shall be chosen from different geographical areas of the State.

(2) Of the nine members from the general public:

(i) five shall be deaf and hard of hearing individuals;

(ii) one shall be a private citizen with special knowledge or expertise relating to services to deaf and hard of hearing individuals;

(iii) one shall be a parent of a deaf or hard of hearing child;

(iv) one shall be from a private agency providing services to deaf and hard of hearing individuals; and

(v) one shall be a person with special knowledge or expertise relating to services to individuals who are deafblind.

§9–2405.

(a) The term of a member of the Council is 3 years.

(b) The terms of the members are staggered as required by the terms provided for members of the Council on October 1, 2001.

(c) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(d) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(e) A member may not serve consecutively more than two 3-year terms.

(f) Any member who fails to attend at least 50 percent of the regularly scheduled meetings during any 12-month period shall be considered to have resigned.

§9–2406.

The Council shall:

(1) advise the Office in carrying out its duties;

(2) review statewide activities for deaf and hard of hearing individuals, including reviewing reports and publications of committees and commissions;

(3) foster coordination of and support for programs for deaf and hard of hearing individuals;

(4) study ways to maximize the use of the facilities and services available to deaf and hard of hearing individuals;

(5) hold:

(i) at least quarterly, regularly scheduled meetings; and

(ii) open meetings to provide direct communication, between deaf and hard of hearing individuals and private and public organizations and the general public, about programs and services for and needs of deaf and hard of hearing individuals; and

(6) assist any local governing body of a county to establish a local advisory council for deaf and hard of hearing individuals in the county for purposes of implementing the provisions of the Americans with Disabilities Act of 1990 and other relevant State and federal laws.

§9–2407.

On or before January 1, 2002, and annually thereafter, the Director shall submit to the Governor and, in accordance with § 2–1257 of this article, to the members of the General Assembly, a report on:

(1) the activities of the Office;

(2) the status of programs and services facilitated by the Office;

(3) the activities of the Board, including:

(i) the number of sign language interpreters licensed by the Board; and

(ii) the number of complaints received by the Board, differentiated by the type of complaint;

(4) statistics on compliance with State and federal laws related to deaf and hard of hearing individuals; and

(5) recommendations for improved delivery of services for deaf and hard of hearing individuals.

§9–2410.

There is a State Board of Sign Language Interpreters in the Office.

§9–2411.

(a) (1) The Board consists of seven members appointed by the Governor.

(2) Of the seven members:

(i) one shall be a member of the Maryland Association of the Deaf;

(ii) one shall be a deafblind individual;

(iii) one shall be a member of the Potomac Chapter of the Registry of the Interpreters for the Deaf who holds a license under this part; and

(iv) four shall be determined by the Board by regulation.

(3) (i) The Governor shall appoint the members from a list of names submitted from a nomination process established by the Office.

(ii) To the extent practicable, the members appointed under this section shall reflect the racial and geographic diversity of the State.

(b) Each member shall:

(1) be a resident of the State; and

(2) be proficient in American Sign Language.

(c) Before taking office, each member appointed to the Board shall take the oath or affirmation required by Article I, § 9 of the Maryland Constitution.

(d) (1) The term of a Board member is 2 years, beginning on the date of appointment.

(2) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(3) A member appointed after a term has begun serves only for the remainder of the term and until a successor is appointed and qualifies.

(4) A member may not serve more than three consecutive full terms.

(e) (1) The Governor may remove a member for incompetence, misconduct, neglect of duties, or other sufficient cause.

(2) The Governor shall remove a member who:

(i) ceases to meet the requirements under which the member was appointed under subsection (a) of this section; or

(ii) fails to attend at least 50% of the regularly scheduled meetings of the Board during any 12–month period.

§9–2412.

(a) (1) The Board shall elect the chair from among its members.

(2) The term of the chair is 2 years.

(b) (1) The Board shall meet at least once each quarter at the times and places set by the Board.

(2) The Board may call special meetings at the request of:

(i) the chair;

(ii) the Director; or

(iii) a majority of the members of the Board.

(c) A majority of the members then serving on the Board is a quorum.

(d) A member of the Board:

(1) may not receive compensation as a member of the Board; but

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

§9–2413.

To enforce the provisions of this part, the Board may:

(1) in consultation with the Office, conduct investigations and hold hearings on any matter covered by this title, at any time and place in the State;

(2) administer oaths;

(3) examine witnesses; and

(4) receive evidence.

§9–2414.

(a) The Board shall:

(1) license qualified individuals to provide sign language interpretation services;

(2) on or before July 1, 2024, establish and publish licensing requirements for sign language interpreting in all settings;

(3) provide technical assistance to license applicants and other interested persons;

(4) promote the profession of sign language interpreting, including providing workshops and trainings to raise public awareness and to facilitate professional development; and

(5) perform any other duties assigned by the Director.

(b) In addition to any duties set forth elsewhere in this subtitle and with the support of the Office, the Board shall:

(1) administer the provisions of this part;

(2) adopt bylaws for the conduct of its proceedings;

(3) adopt a seal;

(4) keep a record of its proceedings;

(5) keep a file on each applicant for a license;

(6) establish a visiting sign language interpreter registry;

(7) develop and maintain a website that shall include:

(i) a portal to accept license applications and related documentation, complaints, and registrations of visiting sign language interpreters; and

(ii) a publicly searchable database of sign language interpreters; and

(8) reasonably seek additional funding sources.

(c) In addition to any powers set forth elsewhere, the Board may adopt regulations to carry out the provisions of this part.

§9–2415.

(a) The Board may establish criteria for the development of portfolios and separate requirements in the following specialist areas:

(1) legal settings;

(2) medical settings;

(3) behavioral health settings;

(4) language pairs other than American Sign Language and spoken English;

(5) conference interpreting;

(6) tactile and low–vision sign language interpretation services;

(7) intralinguistic translations and sign language interpretation; and

(8) any other specialist areas determined to be necessary by the Board.

(b) The Board shall adopt regulations to:

(1) govern sign language interpretation services provided in a video remote interpreting setting;

(2) establish licensing and certification standards of interpreting agencies that do business in the State;

(3) allow deaf and hard of hearing individuals to determine whether they prefer sign language interpretation services being provided in a video remote interpreting setting or through in–person interpreting; and

(4) provide sign language interpretation services in a video remote interpreting setting.

§9–2416.

(a) There is a Sign Language Interpreters Fund.

(b) The Board shall set by regulation reasonable fees for the issuance and renewal of licenses and other services.

(c) The Board shall publish in its rules and regulations the fee schedule set by the Board.

(d) (1) The Board shall pay all fees collected under this part to the Comptroller.

(2) The Comptroller shall distribute the fees to the Fund.

(e) The Fund shall be used exclusively to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this part, including:

(1) the development of programs that will assist in the licensure of marginalized interpreters, including:

(i) Black, Indigenous, or Persons of Color (BIPOC) signers;

(ii) heritage signers; and

(iii) deaf individuals;

(2) the development of mentorship programs for individuals who provide sign language interpretation services; and

(3) applicants experiencing financial hardship in the payment of licensing fees.

(f) The Director shall administer the Fund.

(g) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

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

(h) The Fund consists of:

(1) revenue distributed to the Fund under subsection (b) of this section;

(2) money appropriated in the State budget for the Fund; and

(3) any other money from any other source accepted for the benefit of the Fund.

(i) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any investment earnings of the Fund shall be credited to the General Fund of the State.

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

§9–2417.

The Board exercises its powers, duties, and functions subject to the authority of the Governor.

§9–2418.

(a) Except as otherwise provided in this part, an individual shall be licensed by the Board before the individual may:

(1) provide sign language interpretation services in the State; or

(2) represent to the public, by description of services or use of a title or designation, that the individual is authorized to provide sign language interpretation services in the State.

(b) This section does not apply to an individual who:

(1) provides sign language interpretation services as part of a supervised internship or practicum for an accredited institution of higher education and does not provide sign language interpretation services in the following settings:

(i) a behavioral health setting, unless the individual is accompanied by a licensed sign language interpreter;

(ii) an emergency medical setting, unless the individual is accompanied by a licensed sign language interpreter;

(iii) a legal setting; or

(iv) a school setting, unless the individual is accompanied by a licensed sign language interpreter;

(2) provides sign language interpretation services as part of a Video Relay Service;

(3) holds a nationally or regionally recognized certification in sign language interpreting and does not provide sign language interpretation services in the State for more than 80 hours each calendar year, if the individual:

(i) self–certifies eligibility for this exemption;

(ii) notifies the Board of each sign language interpreting assignment within 10 days after completing the assignment; and

(iii) satisfies any other criteria established by the Board;

(4) provides sign language interpretation services as an uncompensated volunteer and in a setting in which a sign language interpreter is not otherwise required by law;

(5) provides sign language interpretation services to prevent undue harm in the event of an emergency until a licensed sign language interpreter becomes available; or

(6) interprets between a pair of sign languages for which there is no nationally or regionally recognized certification.

§9–2419.

An applicant shall submit to the Board:

(1) a completed application on the form provided by the Board;

(2) payment of a nonrefundable application fee set by the Board;

(3) proof of a valid nationally or regionally recognized certification or other certification approved by the Board; and

(4) documentation of satisfactory completion of any other qualifications established by the Board.

§9–2420.

(a) Subject to the provisions of this section, the Board may waive any requirement of this part for an applicant who is licensed to provide sign language interpretation services in another state.

(b) The Board may grant a waiver under this section only if the applicant:

(1) pays to the Board:

(i) the nonrefundable application fee set by the Board; and

(ii) the license fee set by the Board; and

(2) provides satisfactory evidence that, at the time the applicant was licensed in the other state, the applicant was required to meet the qualifications for licensure that were substantially equivalent to the qualifications in the State.

(c) The Board may grant a waiver under this section only if the state in which the applicant is licensed waives the qualifications of licensees of the State to a similar extent as the State waives the qualification requirements for individuals licensed in that state.

§9–2421.

(a) If an applicant qualifies for a license under this part, the Board shall send the applicant a notice that states that:

(1) the applicant has qualified for a license; and

(2) on receipt of the license fee set by the Board, the Board will issue a license to the applicant.

(b) On payment of the license fee, the Board shall issue a license to each applicant who meets the requirements of this part.

(c) A license issued under this section is nontransferable.

(d) A licensee shall notify the Board in writing of any change in the licensee's name or address within 60 days after the change.

§9–2422.

While a license is in effect, it authorizes the licensee to provide sign language interpretation services within the scope of:

(1) the nationally or regionally recognized certification or other approved certification held by the licensee; or

(2) any other limitations determined by the Board on the license.

§9–2423.

(a) Unless renewed by a licensee, a license expires on the date set by the Board.

(b) Before a license expires, the licensee periodically may renew the license for an additional term, if the licensee:

(1) otherwise is entitled to be licensed;

(2) pays to the Board the license fee set by the Board; and

(3) submits to the Board a renewal application on the form that the Board provides.

(c) The Board shall renew the license of each licensee who meets the requirements of this section.

(d) The Board may adopt regulations to require a licensee to demonstrate continuing professional competency as a condition of renewal.

§9–2424.

The Board shall reinstate the license of an individual who for any reason has failed to renew the license if the individual:

(1) applies to the Board for reinstatement of the license within the period of time established by the Board;

(2) meets the renewal requirements of § 9–2423 of this subtitle; and

(3) pays to the Board the renewal fee and the reinstatement fee set by the Board.

§9–2425.

(a) Subject to the provisions of this section, the Board shall issue a provisional license to provide sign language interpretation services to an individual who has:

(1) taken and passed a nationally or regionally recognized knowledge and ethics exam or other exam approved by the Board; and

(2) satisfied other requirements established by the Board.

(b) The Board may issue a provisional license to an individual who:

(1) except as provided in subsection (a) of this section, otherwise qualifies for a license;

(2) submits to the Board an application on the form that the Board provides;

(3) does not provide sign language interpretation services in a setting set forth in subsection (c) of this section; and

(4) pays to the Board the application fee set by the Board.

(c) While a provisional license is in effect, the license holder may not provide sign language interpretation services in the following settings:

(1) a legal setting;

(2) except as a part of a formal mentorship, a medical setting, unless the individual is accompanied by a licensed sign language interpreter; or

(3) except as a part of a formal mentorship, a behavioral health setting, unless the individual is accompanied by a licensed sign language interpreter.

(d) A provisional license to provide sign language interpretation services expires on the third anniversary of its effective date.

(e) Subject to the provisions of this subsection, the Board may renew a provisional license for one additional 2–year term, if the license holder:

(1) demonstrates to the satisfaction of the Board the individual's continued efforts to achieve nationally or regionally recognized certification or to meet other qualifications established by the Board to qualify for a license under this part;

(2) submits to the Board a renewal application on the form that the Board provides; and

(3) pays to the Board the renewal fee set by the Board.

(f) An individual may not hold a provisional license for more than 5 years.

§9–2426.

(a) Subject to the hearing provisions of § 9–2428 of this subtitle, the Board may deny a license to any applicant, reprimand any licensee, suspend or revoke a license, require a licensee to attend an educational course or training, or impose a penalty on a licensee if the applicant or licensee:

(1) fraudulently or deceptively:

(i) obtains or attempts to obtain a license for the applicant or licensee or for another;

(ii) uses a license; or

(iii) provides sign language interpretation services after the expiration of a license;

(2) is deemed legally incompetent to provide sign language interpretation services;

(3) engages in dishonest, unethical, immoral, or unprofessional conduct;

(4) uses alcohol or drugs before or during a sign language interpreting assignment, to the extent of being unfit to provide sign language interpretation services;

(5) advertises by means of knowingly false or deceptive statements;

(6) under the laws of the United States or of any state, is convicted of a felony or a misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to provide sign language interpretation services;

(7) is the subject of disciplinary or other administrative action taken against the individual's certification or license to provide sign language interpretation services in another state; or

(8) violates any provision of this part or any regulation adopted by the Board under this part.

(b) (1) A licensee whose license is suspended or revoked under subsection (a) of this section shall return the license to the Board in the manner required by the Board.

(2) An individual who violates paragraph (1) of this subsection may be subject to additional disciplinary action by the Board.

§9–2427.

(a) Except as provided under subsection (d) of this section, the Board shall commence disciplinary proceedings under § 9–2426 of this subtitle on receipt of a complaint submitted to the Board against an applicant or a licensee.

(b) (1) A complaint shall state specifically the facts on which the complaint is based.

(2) If the complaint is made by any person other than a member of the Board, the complaint shall be made under oath by the person who submits the complaint.

(c) (1) If the Board finds that a complaint alleges facts that are adequate grounds for action under § 9–2426 of this subtitle, the Board shall act on the complaint in accordance with § 9–2428 of this subtitle.

(2) If the Board does not make a finding under paragraph (1) of this subsection, the Board shall dismiss the complaint.

(d) (1) The Board may use a restorative justice program in lieu of taking final action on a complaint under § 9–2426 of this subtitle.

(2) The Board shall adopt regulations for the use of restorative justice programs under this subsection.

§9–2428.

(a) (1) Except as otherwise provided in § 10–226 of this article and this part, before the Board takes any final action under § 9–2426 of this subtitle, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the Board.

(2) A hearing shall be set within a reasonable time, not exceeding 6 months, after the Board brings charges against a licensee.

(b) The Board shall give notice and hold the hearing in accordance with Title 10, Subtitle 2 of this article.

(c) The Board may administer oaths in connection with any proceeding under this section.

(d) At least 30 days before the hearing, the hearing notice and a copy of the complaint shall be:

(1) served personally on the individual; or

(2) mailed to the last known address of the individual.

(e) The individual may be represented at the hearing by counsel.

(f) If, after due notice, the individual against whom the action is contemplated fails or refuses to appear, the Board may nevertheless hear and decide on the matter.

§9–2429.

(a) The Board shall adopt regulations for the reactivation of the license of an individual whose license is suspended under § 9–2426 of this subtitle that require, at a minimum:

(1) that the individual demonstrate compliance with all terms and conditions of the suspension order; and

(2) payment of a reactivation fee set by the Board.

(b) The Board shall adopt regulations for the reinstatement of the license of an individual whose license is revoked under § 9–2426 of this subtitle that require, at a minimum:

(1) a period of time set by the Board during which the individual may not apply for reinstatement; and

(2) payment of a reinstatement fee set by the Board.

§9–2430.

(a) Except as otherwise provided by law, an individual who acquires confidential information in the course of providing sign language interpretation services may not be required to disclose the information in any legal proceeding, trial, or investigation before a governmental unit without the consent of all parties to the sign language interpretation.

(b) An individual providing sign language interpretation services holds the same legal privilege as the individual receiving the sign language interpretation services.

§9–2431.

(a) Except as otherwise provided in this subtitle, an unlicensed individual may not:

(1) provide, attempt to provide, or offer to provide sign language interpretation services in the State unless licensed by the Board;

(2) use or attempt to use the license of another individual; or

(3) impersonate another individual who holds a license.

(b) An individual may report a violation of subsection (a) of this section to the Board within 180 days after the date of the alleged violation if the individual is:

(1) a party to the provision of the sign language interpretation services;

(2) harmed as a result of the alleged violation; or

(3) the guardian of the deaf or hard of hearing individual receiving the sign language interpretation services, if the deaf or hard of hearing individual is a minor or has been appointed a guardian of the person of a disabled person under § 13–705 of the Estates and Trusts Article.

(c) (1) If the Board finds a violation of subsection (a) of this section, the Board shall provide written notice to the individual specifying the violation found.

(2) The Board may impose a fine not to exceed $500 for each violation.

(3) In determining the amount of the fine imposed under paragraph (2) of this subsection, the Board shall consider the severity of the violation and whether the violation constitutes a pattern of improper conduct.

§9–2432.

Unless authorized under this part to provide sign language interpretation services, an individual may not represent to the public, by use of a title, by description of services, methods, or procedures, or otherwise, that the individual is authorized to provide sign language interpretation services in the State.

§9–2433.

(a) A person who receives sign language interpretation services or is a witness to sign language interpretation services from an unlicensed individual in violation of this part may bring an action in a court of competent jurisdiction seeking an injunction to prohibit the individual from providing sign language interpretation services.

(b) (1) In a judicial proceeding under subsection (a) of this section, it is not necessary to show that the person was individually injured by the violation.

(2) If the court finds that an individual has violated this subtitle, the court shall:

(i) enjoin the individual from providing sign language interpretation services until the violation is corrected; and

(ii) report the finding to the Board.

(3) An individual who is found by the court to have violated this part is jointly and severally liable to the individual who brought the action for an amount not exceeding $1,000 per incident and all attorney's fees and court costs.

§9–2434.

An individual who violates any provision of this part is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, a fine not exceeding $500 or imprisonment not exceeding 90 days, or both; and

(2) for each subsequent violation, a fine not less than $500 and not exceeding $1,000 or imprisonment not exceeding 90 days, or both.

§9–2435.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, Part III of this subtitle and all regulations adopted under this part shall terminate and be of no effect after July 1, 2033.

§9–2601.

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

(b) "Board" means the Board of Directors of the Maryland African American Museum Corporation.

(c) "Corporation" means the Maryland African American Museum Corporation.

§9–2602.

(a) There is a Maryland African American Museum Corporation.

(b) (1) The purpose of the Corporation is to plan, develop, and manage a Maryland museum of African American history and culture in Baltimore City, in cooperation with and with the active support of the Mayor and City Council of Baltimore, affected State units, and other public and private institutions.

(2) The Corporation may carry out its corporate purposes without the consent of any unit of State government.

(c) (1) The Corporation is:

(i) a body politic and corporate;

(ii) a public instrumentality of the State; and

(iii) an independent unit in the Executive Branch of State government.

(2) The exercise by the Corporation of the powers conferred by this subtitle is an essential public function.

§9–2603.

(a) (1) There is a Board of Directors of the Corporation.

(2) The Board shall manage the affairs of the Corporation and shall exercise all of its corporate powers.

(b) (1) The Board shall consist of 25 members, as follows:

(i) the Mayor of Baltimore, serving ex officio, or the Mayor's designee;

(ii) one member appointed by the President of the Senate;

(iii) one member appointed by the Speaker of the House; and

(iv) the following members appointed by the Governor:

1. one representative of Morgan State University, approved by the Board of Regents of the University;

2. one member approved by the Commission on African American History and Culture to provide continuing coordination and cooperation between the Corporation and the Commission and to ensure consistency with the statewide programs and mandates of the Commission;

3. one representative of African American historical or cultural institutions in the State; and

4. nineteen members who have expertise in African American history, culture, museums, or related areas, expertise in fund–raising, or represent the diversity of communities throughout the State that can benefit from the activities of the Corporation.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the members appointed to the Board shall represent the geographic makeup of the State and shall be racially and ethnically diverse.

(ii) The Governor may appoint to the Board up to five members from outside the State if necessary to ensure that the membership of the Board satisfies the requirements specified in paragraph (1)(iv)4 of this subsection.

(c) A member of the Board:

(1) is not entitled to compensation as a member of the Board; but

(2) is entitled to reimbursement for expenses in accordance with the Standard State Travel Regulations.

(d) (1) The term of an appointed member of the Board is 4 years.

(2) Before taking office, each appointee to the Board shall take the oath required by Article I, § 9 of the Maryland Constitution.

(3) The terms of members are staggered as required by the terms provided for members of the Board on October 1, 2004.

(4) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(5) A member who is appointed after a term has begun serves only for the remainder of the term and until a successor is appointed and qualifies.

(e) (1) From among its members, the Board shall elect a chairman, a vice chairman, and a treasurer.

(2) A majority of the members then serving on the Board is a quorum.

(3) A vacancy in the membership of the Board does not impair the right of a quorum of the Board to exercise the rights and perform the duties of the Corporation.

(4) The Board shall appoint an executive committee and may appoint other committees that the Board considers necessary or desirable.

§9–2604.

(a) (1) The Board shall appoint an Executive Director who serves at the pleasure of the Board.

(2) The Board shall determine the salary of the Executive Director.

(b) (1) The Executive Director is the chief administrative officer of the Corporation.

(2) The Executive Director shall direct and supervise the administrative affairs and technical activities of the Corporation in accordance with the policies and procedures of the Board.

(3) The Executive Director or the Executive Director's designee shall:

(i) attend each meeting of the Board, act as secretary to the Board, and keep minutes of Board proceedings;

(ii) approve each salary, per diem payment, or other expense of the Corporation, its employees, and consultants; and

(iii) perform other duties as directed by the Board in carrying out the purposes of this subtitle.

(c) (1) (i) In addition to the Executive Director, the Board shall employ professional and clerical staff necessary to carry out the purposes of this subtitle.

(ii) The Board shall establish compensation, holidays, and leave for the staff.

(2) The officers and employees of the Corporation are not subject to the provisions of Division I of the State Personnel and Pensions Article that govern the State Personnel Management System.

(d) The Attorney General shall provide legal counsel to the Corporation and legal services to the museum.

(e) The Board may contract with any agent or consultant it considers necessary to carry out the purposes of this subtitle.

§9–2605.

The Corporation may:

(1) adopt an official seal;

(2) sue and be sued, plead and be impleaded, in its own name;

(3) maintain offices in the State;

(4) appoint museum advisory boards and other advisory boards and committees;

(5) adopt bylaws for the regulation of its affairs and the conduct of its business;

(6) apply for and accept grants, loans, or assistance of any character from the federal government, State government, a local government, or a private source;

(7) enter into any contract or other legal instrument;

(8) acquire, construct, develop, manage, market, reconstruct, rehabilitate, improve, maintain, equip, lease as lessor or as lessee, repair, or operate any project in the State;

(9) acquire, purchase, hold, lease as lessee, or use a franchise, patent, or license or any real, personal, mixed, tangible, or intangible property or any interest in that property, necessary or convenient for carrying out the purposes of the Corporation;

(10) sell, lease as lessor, transfer, or dispose of its property or interests in property;

(11) acquire, either directly or by or through any person, State unit, or political subdivision, by purchase or by gift or devise, any land, structure, real property, personal property, right, right-of-way, franchise, easement, or other interest in land, including land lying under water and riparian rights that the Corporation considers necessary or convenient for the construction, improvement, rehabilitation, or operation of a project, on any terms and at any price that the Corporation considers reasonable;

(12) enter with the permission of the owner on land, water, or premises for the purpose of making surveys, soundings, borings, and examinations to accomplish any purpose authorized by this subtitle;

(13) fix, revise, and collect rates, rentals, fees, and charges for the use of, or for services and facilities provided or made available by, the Corporation;

(14) (i) borrow money from any source for any corporate purpose, including working capital for its operations, reserves, or interest;

(ii) mortgage, pledge, or otherwise encumber the property and money of the Corporation; and

(iii) contract with or engage the services of any person for any financing;

(15) exercise all the corporate powers granted to Maryland corporations under the Maryland General Corporation Law; and

(16) do all things necessary and convenient to carry out the powers granted by this subtitle.

§9–2606.

The Corporation shall:

(1) prepare a strategic plan at least once every 5 years that establishes short-range and long-range goals, objectives, and priorities for the museum in support of its mission;

(2) report annually to the Governor and, subject to § 2-1257 of this article, to the General Assembly on the Corporation's activities during the preceding year, including:

(i) the number of students and other types of visitors served;

(ii) the number of volunteers and total hours contributed to the operation of the museum;

(iii) the amount and type of private and nonstate money donated, pledged, or otherwise provided; and

(iv) any recommendations or requests the Corporation considers appropriate to further the mission of the museum; and

(3) publish reports and any other material it considers necessary.

§9–2607.

Except for the net earnings of the Corporation necessary to pay debt service or implement the Corporation's museum plan, the net earnings of the Corporation shall inure to the benefit of the State and not to any person.

§9–2608.

(a) Except as provided in subsection (b) of this section, the Corporation is not required to pay taxes or assessments on its:

(1) properties;

(2) activities; or

(3) revenue derived from its properties or activities.

(b) If the Corporation sells or leases land or facilities to a private entity, the land or facilities shall be subject to real property taxes.

§9–2609.

(a) The Board shall prepare and implement an operating and a capital budget for the management of its affairs.

(b) The Governor may include a grant to the Corporation in the State budget.

(c) The Corporation shall support all operating costs, including personnel and retirement costs, from any General Fund allocations, and its other income sources.

(d) This section does not restrict the budgetary power of the General Assembly.

§9–2610.

(a) (1) The Corporation may provide for the creation, continuation, and administration of the funds that it requires.

(2) As the Board directs, money in the funds and other money of the Corporation shall be deposited in a federal or State chartered depository institution that:

(i) is insured by the Federal Deposit Insurance Corporation;

(ii) has a branch or office in the State that accepts deposits; and

(iii) has a total paid-in capital plus surplus of at least $6,000,000.

(3) A federal or State chartered trust company may be designated as a depository to receive securities that the Corporation has or owns.

(b) Money that the State appropriates to the Corporation, and money that the Corporation is required by the General Assembly to raise for museum construction from sources other than the State, shall be invested in bonds or other obligations:

(1) of the United States, the State, a political subdivision of the State, or a unit of the State; or

(2) that are guaranteed as to principal and interest by the United States, the State, a political subdivision of the State, or a unit of the State.

(c) (1) The Corporation shall adopt a system of financial accounting, controls, audits, and reports.

(2) The fiscal year of the Corporation is July 1 to June 30.

(d) (1) The Corporation shall select an independent certified public accountant to conduct an audit under this subsection.

(2) The accountant:

(i) shall be licensed to practice in the State;

(ii) shall be experienced and qualified in the accounting and auditing of public bodies; and

(iii) may not have a personal interest either directly or indirectly in the fiscal affairs of the Corporation.

(3) As soon as practicable after the end of the fiscal year, the accountant shall audit the financial books, records, and accounts of the Corporation.

(4) The accountant shall report:

(i) the results of its audit, including an unqualified opinion on the financial position of the Corporation's funds; and

(ii) the results of the Corporation's financial operations.

(5) If the accountant is unable to express an unqualified opinion, the accountant shall:

(i) state and explain in detail the reason for any qualifications, disclaimers, or opinions; and

(ii) submit recommendations on changes needed to allow an unqualified opinion in the future.

(e) The books, records, and accounts of the Corporation are subject to audit by the State.

(f) (1) Within the first 90 days of each fiscal year, the Corporation shall submit a report to the Governor and, subject to § 2-1257 of this article, to the General Assembly.

(2) The report shall include:

(i) a complete operating and financial statement covering the Corporation's operations during the preceding fiscal year; and

(ii) a summary of the Corporation's activities during the preceding fiscal year.

§9–2611.

(a) All debts, claims, obligations, and liabilities of the Corporation, whenever incurred, shall be the debts, claims, obligations, and liabilities of the Corporation only and not of the State, other units of State government, other State instrumentalities, State officers, or State employees.

(b) The debts, claims, obligations, and liabilities of the Corporation may not be considered a debt, claim, obligation, or liability of the State or a pledge of its full faith and credit.

§9–2612.

(a) Except as otherwise provided in this section, the Corporation is exempt from:

(1) Title 3 of the General Provisions Article;

(2) Title 2, Subtitles 2, 4, and 6 and § 2–510 of the State Finance and Procurement Article;

(3) Title 3 of the State Finance and Procurement Article;

(4) Title 4, Subtitles 2 through 7 of the State Finance and Procurement Article;

(5) Title 6, Subtitle 1 of the State Finance and Procurement Article;

(6) Title 7, Subtitles 1 through 3 of the State Finance and Procurement Article;

(7) Title 8, Subtitle 1 of the State Finance and Procurement Article; and

(8) Division II of the State Finance and Procurement Article.

(b) The Corporation and its officers and employees are subject to the Maryland Public Ethics Law and the State minority business enterprise laws, except as otherwise provided in this subtitle.

(c) Before approving the final plans for the museum, the Corporation shall:

(1) submit preliminary plans to the City of Baltimore for review; and

(2) consider comments from the City of Baltimore on the preliminary plans.

§9–2613.

This subtitle shall be liberally construed to effect its purposes.

§9–2614.

This subtitle may be cited as the Maryland African American Museum Corporation Act.

§9–2701.

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

(2) "Council" means the Maryland Youth Advisory Council.

(3) "Council year" means the 12–month period beginning September 1 and ending August 31.

(4) "High school student" means a youth who is enrolled in high school, who is a home school student, or who is enrolled in a program that leads to a high school diploma or certificate of attendance or a general equivalency diploma.

(5) "Institution of postsecondary education" has the meaning stated in § 10–101 of the Education Article.

(6) "Public senior higher education institution" has the meaning stated in § 10–101 of the Education Article.

(7) "Youth" means an individual who is 14 to 22 years old.

(b) There is a Maryland Youth Advisory Council.

(c) (1) The Council consists of:

(i) four youths appointed by the President of the Senate;

(ii) four youths appointed by the Speaker of the House of Delegates;

(iii) four youths appointed by the Governor; and

(iv) the following members appointed by the Governor's Office for Children:

1. four youths nominated by the local management boards established under § 8–301 of the Human Services Article;

2. four youths nominated by the Maryland Association of Student Councils;

3. two youths nominated by the University System of Maryland Student Council; and

4. the following youths nominated by the Student Advisory Council to the Maryland Higher Education Commission:

A. one youth who is enrolled in a community college; and

B. one youth who is enrolled in a private college or university.

(2) The members of the Council must be residents of the State.

(d) In deciding which youths to appoint or nominate:

(1) the President of the Senate and the Speaker of the House shall, to the extent practicable, consider:

(i) the geographic and demographic diversity of the State;

(ii) diversity in education, including nontraditional settings such as vocational and tech–oriented education;

(iii) youths with disabilities; and

(iv) youths who are involved in established public and private youth councils and youth empowerment organizations in the State, including:

1. service learning and leadership programs;

2. teen court programs;

3. foster care;

4. student councils;

5. juvenile service programs; and

6. transitional programs;

(2) the Governor and local management boards shall, to the extent practicable, consider:

(i) the geographic and demographic diversity of the State;

(ii) diversity in education, including nontraditional settings such as vocational and tech–oriented education;

(iii) youths with disabilities;

(iv) transitional youths who are not in high school or an institution of postsecondary education and not likely to attend an institution of postsecondary education; and

(v) youths who are involved in established public and private youth councils and youth empowerment organizations in the State, including:

1. service learning and leadership programs;

2. teen court programs;

3. foster care;

4. student councils;

5. juvenile service programs; and

6. transitional programs; and

(3) the Maryland Association of Student Councils shall consider youths who are enrolled in schools represented by the Association as well as applicants who are enrolled in schools that are not represented by the Association.

(e) (1) The term of a member of the Council is 2 Council years.

(2) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(3) A member may not serve more than one term.

(4) If a member represents an established public or private youth council or youth empowerment organization in the State, the member shall represent the views of the council or organization before the Council.

(f) (1) At the first meeting of each Council year, the members shall:

(i) elect a chair for a term of 1 year; and

(ii) select an executive board that consists of:

1. two members who were appointed by the President of the Senate or the Speaker of the House;

2. two members who were appointed by the Governor or nominated by the local management boards;

3. one member who was nominated by the Maryland Association of Student Councils; and

4. one member who was nominated by the University System of Maryland Student Council or the Maryland Higher Education Commission Student Advisory Council.

(2) The Council may appoint any officers that it considers necessary.

(g) The Governor's Office for Children shall:

(1) provide staff support for the Council;

(2) develop, in consultation with the Council, an initial application and application process;

(3) work with established public or private youth councils or youth empowerment organizations in the State to select representatives to apply to become a member of the Council;

(4) ensure that members of the Council provide a broad representation of all jurisdictions and populations;

(5) organize at least four Council meetings per Council year;

(6) assist the Council in preparing recommendations to the Governor and the General Assembly; and

(7) appoint members of the Council from lists of nominations provided by the persons making the nominations specified in subsection (c)(1)(iv) of this section.

(h) The Council shall:

(1) inform the Governor and the General Assembly of issues concerning youth, including offering testimony on these issues before legislative bodies;

(2) examine issues of importance to youth, including:

(i) education;

(ii) a safe learning environment;

(iii) employment opportunities;

(iv) strategies to increase youth participation in local and State government;

(v) health care access and quality of care;

(vi) substance abuse and underage drinking;

(vii) emotional and physical well–being;

(viii) the environment;

(ix) poverty;

(x) homelessness;

(xi) youth access to State and local services;

(xii) suicide prevention; and

(xiii) educational accessibility issues for students with disabilities, including access to:

1. schools;

2. school–related activities; and

3. classes;

(3) recommend one legislative proposal each legislative session concerning an issue included in item (2) of this subsection for possible introduction;

(4) conduct a public awareness campaign to raise awareness about the Council among Maryland youth;

(5) participate in local youth activities or organizations;

(6) advise local officials and community leaders on youth issues; and

(7) collect information from other youth groups in order to inform the activities of the Council.

(i) (1) The Council shall work with the State Department of Education regarding the granting of school credit for Council service.

(2) The State Department of Education and the Maryland Higher Education Commission shall notify the head administrators of all State high schools and of all institutions of postsecondary education, respectively, of the creation of the Council so that the administrators may inform their students.

(3) The State Department of Education shall allow up to four absences of a member from school per school year to be categorized as lawful absences if the absences were due to the business of the Council.

(j) (1) The Council shall set priorities and determine:

(i) the function of subcommittees;

(ii) standards of conduct;

(iii) procedures; and

(iv) the use of technology to convene or conduct meetings or facilitate communications among members.

(2) The Council shall review and consider whether the procedures and rules used by the General Assembly would be appropriate for use as models for the Council.

(k) The Council shall:

(1) meet at least four times each Council year and conduct one or two public hearings each Council year on issues of importance to youth;

(2) conduct one educational meeting each Council year concerning the legislative process, to which the President of the Senate, the Speaker of the House, and the Executive Director of the Department of Legislative Services, or their designees, shall be invited to speak; and

(3) open all meetings to the public.

(l) A member of the Council:

(1) may not receive compensation as a member of the Council; but

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

(m) On or before the last day of the Council year, the Council shall report its activities to the Governor and, in accordance with § 2–1257 of this article, to the General Assembly.

§9–2801.

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

(b) "Eligible neighborhood" means a neighborhood that includes census tracts with more than 30% of children living in poverty and is served by, as defined by the Office, a community school with a concentration of poverty level, as defined in § 5–223 of the Education Article, of:

(1) in fiscal year 2025 and 2026, at least 80%;

(2) in fiscal year 2027 through fiscal year 2029, at least 75%;

(3) in fiscal year 2030, at least 60%; and

(4) in fiscal year 2031, and each fiscal year thereafter, at least 55%.

(c) "Fund" means the ENOUGH Grant Fund.

(d) "Office" means the Governor's Office for Children.

(e) "Program" means the Engaging Neighborhoods, Organizations, Unions, Governments, and Households (ENOUGH) Grant Program.

(f) "Special Secretary" means the Special Secretary of the Governor's Office for Children.

§9–2802.

(a) There is a Governor's Office for Children.

(b) The head of the Office is the Special Secretary of the Governor's Office for Children.

§9–2803.

(a) Subject to the requirements of this section, the Special Secretary shall establish an ENOUGH grant program designed to advance place–based strategies targeting child poverty.

(b) The purpose of ENOUGH grants made by the Office under this section is to:

(1) increase community health and safety;

(2) provide "cradle to career" access to high–quality education and care;

(3) connect residents to quality jobs and in–demand occupations;

(4) enable family–sustaining income and access to affordable high–quality housing, child care, and health care, including reproductive, maternal, behavioral, and mental health care;

(5) provide high–quality support for children with disabilities, child welfare, and justice–involved youth and young adults;

(6) connect individuals to State programs; and

(7) leverage federal, local, and private funding for the eligible neighborhood.

(c) (1) The Office shall annually identify and communicate to each local government eligible neighborhoods for the Program.

(2) (i) The Office may determine that because of the close proximity of eligible neighborhoods and their similarities in residents and needs that a regional neighborhood would maximize resources for the neighborhood.

(ii) A regional neighborhood may not receive less funding under the Program because of the coordination of multiple eligible neighborhoods.

(d) (1) Once the Office identifies an eligible neighborhood for the Program, the Office shall engage with the neighborhood community, seek input from residents, and approve a lead partner for the neighborhood.

(2) A lead partner may be a:

(i) local management board;

(ii) local governmental entity;

(iii) community action agency;

(iv) local community organization; or

(v) nonprofit organization.

(3) The Office shall establish qualifications, standards, and processes for determining the lead partner for the neighborhood.

(4) The Office may assign staff or provide technical assistance to assist the neighborhood.

(5) The lead partner shall coordinate all aspects of the Program for the neighborhood and any other responsibilities defined by the Office.

(e) (1) (i) Subject to the availability of funds, each lead partner shall receive a grant from the Office, in an amount determined by the Office, to complete a needs assessment for the eligible neighborhood.

(ii) Each needs assessment shall include:

1. an assessment of the physical, behavioral, mental health, education, housing, economic, and safety needs of the community;

2. an immediate plan to achieve the purpose of the Program, if applicable to the eligible neighborhood;

3. a long–term plan, including goals, for the eligible neighborhood;

4. a description of where State funding is being requested to be spent in the eligible neighborhood; and

5. any additional standards required by the Office.

(iii) The Office shall establish the standards and policies for developing a needs assessment for each eligible neighborhood, including:

1. opportunity for engagement and input by members of the eligible neighborhood's community;

2. local management board input and assistance; and

3. deadlines and review processes.

(iv) The needs assessment shall supplement and not conflict with the needs assessment completed for the community school served by the eligible neighborhood.

(v) In completing the needs assessment, the lead partner shall coordinate with the local community school, a community based organization, and the local government.

(vi) In completing the needs assessment, the lead partner may coordinate with:

1. local community organizations;

2. union or worker organizations;

3. anchor institutions, including local health care organizations, institutions of higher education, workforce investment boards, or local care management teams;

4. local law enforcement agencies; or

5. faith–based organizations.

(vii) If an eligible neighborhood has completed a recent assessment similar to the needs assessment required under this section, the Office may require the eligible neighborhood to only submit an abbreviated needs assessment that addresses the requirements of this section.

(2) At the request of the lead partner, the Office may assist the lead partner to complete a needs assessment.

(3) (i) The lead partner shall submit the needs assessment to the Office for approval.

(ii) If approved, and subject to the availability of funds, the Office shall provide a neighborhood implementation grant, in an amount determined by the Office, to the lead partner who has met standards established by the Office, to complete the items in the eligible neighborhood's needs assessment.

(f) The Office may consult with entities that it deems relevant to support ENOUGH partnerships.

§9–2804.

(a) The Office may apply for, receive, and spend grants–in–aid by the federal government or any of its agencies, the private sector, or any other funds made available to the Office for use in carrying out the powers and duties of the Special Secretary or the Office.

(b) Beginning in fiscal year 2025 and in each fiscal year thereafter, the Office shall prepare an annual report of the ENOUGH grant program that includes:

(1) accounting of financial receipts and expenditures; and

(2) progress and outcome metrics as defined by the Office.

(c) (1) On or before June 1, 2027, the Office shall conduct an evaluation of the ENOUGH grant program and report its findings to the Governor and, in accordance with § 2–1257 of this article, the Senate Committee on Education, Energy, and the Environment, the House Appropriations Committee, and Health and Government Operations Committee, and the Joint Committee on Children, Youth, and Families.

(2) The report made under paragraph (1) of this subsection shall include an analysis of:

(i) the progress made in jurisdictions receiving ENOUGH grants based on the outcome metrics produced by the grant recipients;

(ii) the impact of program activities with respect to reducing the number of children living in poverty; and

(iii) policy changes enacted at the State and local level designed to enable better coordination and efficacy.

§9–2805.

(a) There is an ENOUGH Grant Fund.

(b) The purpose of the Fund is to support ENOUGH grants made by the Office under § 9–2803 of this subtitle.

(c) The Special Secretary shall administer the Fund.

(d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

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

(e) The Fund consists of:

(1) money appropriated in the State budget to the Fund;

(2) interest earnings; and

(3) any other money from any other source accepted for the benefit of the Fund.

(f) The Fund may be used only for ENOUGH grants made under § 9–2803 of this subtitle.

(g) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any interest earnings of the Fund shall be credited to the Fund.

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

(i) For fiscal year 2026, the Governor shall include in the annual budget bill an appropriation of at least $15,000,000 to the Fund.

(j) An appropriation made under subsection (i) of this section is supplemental to and not intended to take the place of any federal funding received for place–based support.

§9–2901.

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

(2) "Council" means the Maryland Cybersecurity Council.

(3) "Executive Order" means Executive Order 13636 of the President of the United States.

(b) There is a Maryland Cybersecurity Council.

(c) The Council consists of the following members:

(1) the Attorney General, or the Attorney General's designee;

(2) the Secretary of Information Technology, or the Secretary's designee;

(3) the Secretary of State Police, or the Secretary's designee;

(4) the Secretary of Commerce, or the Secretary's designee;

(5) the Adjutant General, or the Adjutant General's designee;

(6) the State Administrator of Elections, or the State Administrator's designee;

(7) the Executive Director of the Governor's Office of Homeland Security, or the Executive Director's designee;

(8) the Director of the Maryland Coordination and Analysis Center, or the Director's designee;

(9) the Secretary of Emergency Management, or the Secretary's designee;

(10) the Chief Executive Officer of the Maryland Technology Development Corporation, or the Chief Executive Officer's designee;

(11) the Chair of the Tech Council of Maryland, or the Chair's designee;

(12) the President of the Fort Meade Alliance, or the President's designee;

(13) the President of the Army Alliance, or the President's designee; and

(14) the following members appointed by the Attorney General:

(i) five representatives of cybersecurity companies located in the State, with at least three representing cybersecurity companies with 50 or fewer employees;

(ii) four representatives from statewide or regional business associations;

(iii) up to ten representatives from institutions of higher education located in the State;

(iv) one representative of a crime victims organization;

(v) four representatives from industries that may be susceptible to attacks on cybersecurity, including at least one representative of a bank, whether or not State–chartered, that has a branch in the State;

(vi) two representatives of organizations that have expertise in electronic health care records; and

(vii) any other stakeholder that the Attorney General determines appropriate.

(d) The President of the Senate may appoint up to two members of the Senate to serve on the Council.

(e) The Speaker of the House of Delegates may appoint up to two members of the House to serve on the Council.

(f) The Attorney General also shall invite, as appropriate, the following representatives of federal agencies to serve on the Council:

(1) the Director of the National Security Agency, or the Director's designee;

(2) the Secretary of Homeland Security, or the Secretary's designee;

(3) the Director of the Defense Information Systems Agency, or the Director's designee;

(4) the Director of the Intelligence Advanced Research Projects Activity, or the Director's designee; and

(5) any other federal agency that the Attorney General determines appropriate.

(g) The Attorney General, or the Attorney General's designee, shall chair the Council.

(h) The University of Maryland Global Campus shall provide staff for the Council.

(i) A member of the Council:

(1) may not receive compensation as a member of the Council; but

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

(j) The Council shall work with the National Institute of Standards and Technology and other federal agencies, private sector businesses, and private cybersecurity experts to:

(1) for critical infrastructure not covered by federal law or the Executive Order, review and conduct risk assessments to determine which local infrastructure sectors are at the greatest risk of cyber attacks and need the most enhanced cybersecurity measures;

(2) use federal guidance to identify categories of critical infrastructure as critical cyber infrastructure if cyber damage or unauthorized cyber access to the infrastructure could reasonably result in catastrophic consequences, including:

(i) interruption in the provision of energy, water, transportation, emergency services, food, or other life–sustaining services sufficient to cause a mass casualty event or mass evacuations;

(ii) catastrophic economic damage; or

(iii) severe degradation of State or national security;

(3) assist infrastructure entities that are not covered by the Executive Order in complying with federal cybersecurity guidance;

(4) assist private sector cybersecurity businesses in adopting, adapting, and implementing the National Institute of Standards and Technology cybersecurity framework of standards and practices;

(5) examine inconsistencies between State and federal laws regarding cybersecurity;

(6) recommend a comprehensive State strategic plan to ensure a coordinated and adaptable response to and recovery from cybersecurity attacks; and

(7) recommend any legislative changes considered necessary by the Council to address cybersecurity issues.

(k) Beginning July 1, 2017, and every 2 years thereafter, the Council shall submit a report of its activities to the General Assembly in accordance with § 2–1257 of this article.

§9–3101.

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

(b) "Secretary" means the Secretary of Commerce.

(c) "Subcabinet" means the Commerce Subcabinet.

§9–3102.

(a) There is a Commerce Subcabinet.

(b) The Subcabinet is composed of the following members:

(1) the Secretary, or the Secretary's designee;

(2) the Secretary of Transportation, or the Secretary's designee;

(3) the Secretary of Labor, or the Secretary's designee;

(4) the Secretary of the Environment, or the Secretary's designee;

(5) the Secretary of Housing and Community Development, or the Secretary's designee;

(6) the Secretary of Planning, or the Secretary's designee; and

(7) the Special Secretary of Minority Affairs, or the Special Secretary's designee.

§9–3103.

The Subcabinet shall:

(1) advise the Governor on proposals to enhance the State's business climate;

(2) gather information the Subcabinet considers necessary to promote the goals of the Subcabinet;

(3) collaborate to facilitate and expedite critical economic development projects in the State; and

(4) provide other assistance that may be required to further the goals of the Subcabinet and enhance the State's business climate.

§9–3104.

(a) The Secretary shall:

(1) chair the Subcabinet;

(2) convene the meetings of the Subcabinet; and

(3) be responsible for the oversight, direction, and accountability of the work of the Subcabinet.

(b) The Office of the Secretary of Commerce shall provide the primary staff support for the Subcabinet.

(c) The Subcabinet shall meet each month.

§9–3201.

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

(b) "Board" means the Justice Reinvestment Oversight Board.

(c) "Executive Director" means the Executive Director of the Governor's Office of Crime Prevention and Policy.

(d) "Fund" means the Performance Incentive Grant Fund established in § 9–3209 of this subtitle.

§9–3202.

There is a Justice Reinvestment Oversight Board in the Governor's Office of Crime Prevention and Policy.

§9–3203.

(a) The Board consists of the following members:

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

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

(3) the Executive Director, or the Executive Director's designee;

(4) the Secretary of Public Safety and Correctional Services, or the Secretary's designee;

(5) the chair of the Maryland Parole Commission, or the chair's designee;

(6) the Secretary of State Police, or the Secretary's designee;

(7) the Attorney General, or the Attorney General's designee;

(8) the Public Defender, or the Public Defender's designee;

(9) the Secretary of Budget and Management, or the Secretary's designee;

(10) the Secretary of Health, or the Secretary's designee;

(11) the chair of the Local Government Justice Reinvestment Commission, or the chair's designee;

(12) two members appointed by the Chief Justice of the Supreme Court of Maryland;

(13) the Secretary of Labor, or the Secretary's designee;

(14) one member appointed by the Maryland Chiefs and Sheriffs Association;

(15) the president of the Maryland State's Attorneys' Association or the president's designee;

(16) two members of the Maryland Correctional Administrators Association, appointed by the president of the Maryland Correctional Administrators Association, including one representative from a large correctional facility and one representative from a small correctional facility;

(17) the president of the Maryland Association of Counties or the president's designee; and

(18) the following individuals, appointed by the Governor:

(i) one member representing victims of crime;

(ii) one member representing law enforcement;

(iii) two local health officers; and

(iv) one member with direct experience teaching incarcerated individuals in academic programs intended to achieve the goal of a high school diploma or general educational development certification.

(b) To the extent practicable, in making appointments under this section, the Governor shall ensure geographic diversity among the membership of the Board.

(c) (1) The term of an appointed member of the Board is 4 years.

(2) The terms of the appointed members of the Board are staggered as required by the terms provided for members of the Board on October 1, 2016.

(3) At the end of a term, an appointed member:

(i) is eligible for reappointment; and

(ii) continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed or reappointed after a term has begun serves only for the remainder of the term and until a successor is appointed and qualifies.

(5) The members of the Board appointed from the Senate of Maryland, the House of Delegates, and the Chief Justice of the Supreme Court of Maryland, shall serve in an advisory capacity only.

§9–3204.

(a) The Governor shall appoint the chair of the Board.

(b) With the approval of the Board, the chair may appoint a vice chair who shall have the duties assigned by the chair.

§9–3205.

(a) A majority of the authorized membership of the Board is a quorum.

(b) The Board shall meet at least quarterly each year at the times and places determined by the Board or the chair of the Board.

(c) A member of the Board:

(1) may not receive compensation for service on the Board; but

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

§9–3206.

The Governor's Office of Crime Prevention and Policy shall provide staff for the Board.

§9–3207.

(a) The Board shall:

(1) monitor progress and compliance with the implementation of the recommendations of the Justice Reinvestment Coordinating Council;

(2) consider the recommendations of the Local Government Justice Reinvestment Commission and any legislation, regulations, rules, budgetary changes, or other actions taken to implement the recommendations of the Justice Reinvestment Coordinating Council;

(3) make additional legislative and budgetary recommendations for future data–driven, fiscally sound criminal justice policy changes;

(4) collect and analyze the data submitted under § 9–3208 of this subtitle regarding pretrial detainees;

(5) in collaboration with the Department of Public Safety and Correctional Services, the Maryland Parole Commission, the Administrative Office of the Courts, and the Maryland State Commission on Criminal Sentencing Policy, create performance measures to track and assess the outcomes of the laws related to the recommendations of the Justice Reinvestment Coordinating Council;

(6) in collaboration with the Maryland Parole Commission, monitor administrative release under § 7–301.1 of the Correctional Services Article and determine whether to adjust eligibility considering the effectiveness of administrative release and evidence–based practices;

(7) create performance measures to assess the effectiveness of the grants administered under § 9–3209 of this subtitle; and

(8) consult and coordinate with:

(i) the Local Government Justice Reinvestment Commission; and

(ii) other units of the State and local jurisdictions concerning justice reinvestment issues.

(b) (1) In collaboration with the Department of Public Safety and Correctional Services, the Board shall determine the annual savings from the implementation of the recommendations of the Justice Reinvestment Coordinating Council based on the difference between the prison population as measured on

October 1, 2017, the baseline day, and the prison population as measured on October 1, 2018, the comparison day, and the variable cost of incarceration.

(2) If the prison population on the comparison day is less than the prison population on the baseline day, the Board shall determine a savings based on the difference in the prison population multiplied by the variable cost.

(3) The Board annually shall determine the difference between the prison population on October 1, 2017, and the prison population on October 1 of the current year and calculate any savings in accordance with paragraph (2) of this subsection.

(4) If a prison population decline causes a correctional unit, wing, or facility to close, the Board shall conduct an assessment to determine the savings from the closure and distribute the savings, realized annually, according to the schedule in paragraph (5) of this subsection.

(5) The Board annually shall recommend that the savings identified in paragraphs (2) through (4) of this subsection be distributed as follows:

(i) up to 50% of the savings shall be placed in the Performance Incentive Grant Fund for purposes established under § 9–3209(b)(1) of this subtitle; and

(ii) subject to paragraph (6) of this subsection, the remaining savings shall be used for additional services identified as reinvestment priorities in the Justice Reinvestment Coordinating Council's Final Report.

(6) The Board may recommend that a portion of the remaining savings identified under paragraph (5)(ii) of this subsection be:

(i) used for the development and implementation of a post–secondary education and workforce training program for each correctional institution in the Division of Correction that provides incarcerated individuals with the requisite training, certifications, and experience to obtain careers in in–demand job sectors; or

(ii) for fiscal year 2025 only, distributed to the Office of the Correctional Ombudsman.

(c) At each meeting of the Board, the Secretary of Health, or the Secretary's designee, shall report to the Board:

(1) the number of individuals committed to the Maryland Department of Health for treatment under § 8–507 of the Health – General Article in

the previous 3 months including the number of days that it took to place each individual into treatment and where the individual was placed for treatment;

(2) the number of individuals committed to the Maryland Department of Health for treatment under § 8–507 of the Health – General Article who are waiting for treatment but cannot be placed due to lack of capacity; and

(3) the number of individuals assessed for substance use disorder in the previous 3 months under § 5–601 of the Criminal Law Article and whether each individual was placed into treatment as a result of the assessment.

(d) (1) The Board may enter into an agreement with an academic institution or another similar entity that is qualified to collect and interpret data in order to assist the Board with its duties.

(2) (i) The Board may recommend that a unit of the State enter into a contract or agreement with a public or private entity to obtain assistance or financial resources to fund and otherwise further the purposes of this subtitle, including entering into public–private partnerships, social impact bonds, and opportunity compacts.

(ii) If the Board makes a recommendation under subparagraph (i) of this paragraph, the Board shall provide written notice to the Senate Judicial Proceedings Committee, the House Judiciary Committee, and the House Health and Government Operations Committee, in accordance with § 2–1257 of the State Government Article, of the recommendation.

(iii) A unit of the State may not enter into a contract or an agreement recommended by the Board under subparagraph (i) of this paragraph until 60 days after the date of the notice provided in subparagraph (ii) of this paragraph.

(e) (1) The Board shall establish an advisory board for the purpose of including stakeholders in the criminal justice system in the analysis of the implementation of justice reinvestment initiatives.

(2) The Executive Director of the Governor's Office of Crime Prevention and Policy shall appoint members of the advisory board, subject to the approval of the chair of the Board.

(3) Members of the advisory board shall include:

(i) a representative of the exclusive representative of the employees of the Division of Parole and Probation;

(ii) a representative of the National Association for the Advancement of Colored People;

(iii) a representative of CASA de Maryland;

(iv) a representative of the American Civil Liberties Union;

(v) the chair of the Criminal Law and Practice Section of the Maryland State Bar Association or the chair's designee;

(vi) a representative of victims of domestic violence;

(vii) a representative of victims of sexual assault;

(viii) a representative with clinical experience and expertise in behavioral health and criminal justice;

(ix) a representative of the Maryland Retailers Association;

(x) a representative of an organization whose mission is to develop and advocate for policies and programs to increase the skills, job opportunities, and incomes of low–skill, low–income workers and job seekers;

(xi) a representative of an organization whose mission is to advocate for ex–offenders; and

(xii) a representative of the Maryland Chamber of Commerce.

§9–3208.

(a) Semiannually, each county, the Department of Public Safety and Correctional Services, the Maryland Parole Commission, the Administrative Office of the Courts, and the Maryland State Commission on Criminal Sentencing Policy shall collect and report data to the Board that is disaggregated by race and ethnicity in order for the Board to perform its duties under § 9–3207 of this subtitle, including data relating to:

(1) the admission of incarcerated individuals to State and local correctional facilities;

(2) the length of incarcerated individual sentences;

(3) the length of time being served by incarcerated individuals, including suspended periods of a criminal sentence;

(4) recidivism;

(5) the population of community supervision;

(6) information about the incarcerated individual population, including the amount of restitution ordered and the amount paid; and

(7) departures by the court and the Commission from the sentencing limits for technical violations under §§ 6–223 and 6–224 of the Criminal Procedure Article and §§ 7–401 and 7–504 of the Correctional Services Article.

(b) On or before March 31 each year, each county and the Division of Pretrial Detention and Services shall report to the Board the following information for the prior calendar year regarding individuals held in pretrial detention:

(1) the number of individuals detained pretrial on the same day each year;

(2) the mean and median days individuals were detained in pretrial detention;

(3) the charges under which individuals were detained in pretrial detention;

(4) the reasons why individuals were unable to secure release;

(5) the number of individuals who were released during the pretrial period; and

(6) the disposition of each case.

§9–3209.

(a) There is a Performance Incentive Grant Fund.

(b) (1) The purpose of the Fund is to make use of the savings from the implementation of the recommendations of the Justice Reinvestment Coordinating Council.

(2) Subject to paragraph (3) of this subsection, the Board may recommend to the Executive Director that grants be made to:

(i) ensure that the rights of crime victims are protected and enhanced;

(ii) provide for pretrial risk assessments;

(iii) provide for services to reduce pretrial detention;

(iv) provide for diversion programs, including mediation and restorative justice programs;

(v) provide for recidivism reduction programming;

(vi) provide for evidence–based practices and policies;

(vii) provide for specialty courts;

(viii) provide for reentry programs;

(ix) provide for substance use disorder and community mental health service programs; and

(x) provide for any other program or service that will further the purposes established in paragraph (1) of this subsection.

(3) (i) At least 5% of the grants provided to a county under this section shall be used to fund programs and services to ensure that the rights of crime victims are protected and enhanced.

(ii) The grants shall be used to supplement, but not supplant, funds received from other sources.

(4) The Governor's Office of Crime Prevention and Policy shall receive from the Fund each fiscal year the amount necessary to offset the costs of administering the Fund, including the costs incurred in an agreement to collect and interpret data as authorized by § 9–3207 of this subtitle.

(c) (1) Subject to the authority of the Executive Director, the Board shall administer the Fund.

(2) The Executive Director may approve or disapprove any grants from the Fund.

(d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

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

(e) The Fund consists of:

(1) money appropriated in the State budget;

(2) interest earned on money in the Fund; and

(3) any other money from any other source accepted for the benefit of the Fund.

(f) The Fund may be used only for the purposes established in subsection (b) of this section.

(g) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any interest earnings of the Fund shall be credited to the Fund.

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

(i) Money expended from the Fund for programs to reduce recidivism and control correctional costs is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for these purposes.

§9–3210.

The Board may perform any acts necessary and appropriate to carry out the powers and duties set forth in this subtitle.

§9–3211.

(a) In this section, "Commission" means the Local Government Justice Reinvestment Commission.

(b) There is a Local Government Justice Reinvestment Commission.

(c) The Commission shall:

(1) advise the Board on matters related to legislation, regulations, rules, budgetary changes, and all other actions needed to implement the

recommendations of the Justice Reinvestment Coordinating Council as they relate to local governments;

(2) make recommendations to the Board regarding grants to local governments from the Fund; and

(3) create performance measures to assess the effectiveness of the grants.

(d) (1) The Commission consists of one member from each county appointed by the governing body of the county.

(2) The Executive Director shall appoint the chair of the Commission.

(e) (1) The term of a member of the Commission is 4 years.

(2) The terms of the members of the Commission are staggered as required by the terms provided for members of the Commission on October 1, 2016.

(3) At the end of a term, a member:

(i) is eligible for reappointment; and

(ii) continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed or reappointed after a term has begun serves only for the remainder of the term and until a successor is appointed and qualifies.

(f) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

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

(g) The Governor's Office of Crime Prevention and Policy shall provide staff for the Commission.

§9–3212.

On or before December 31, 2017, and each year thereafter, the Board shall report to the Governor and, subject to § 2–1257 of this article, to the General Assembly on the activities of the Board and the Local Government Justice Reinvestment Commission.

§9–3301.

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

(b) "Director" means the Director of the Office.

(c) "ESOL program" means an English For Speakers of Other Languages program.

(d) "Immigrant" means an individual who:

(1) is a resident of the State;

(2) is not a citizen of the United States; and

(3) whose country of origin is a country other than the United States.

(e) "Office" means the Governor's Office of Immigrant Affairs.

§9–3302.

(a) There is a Governor's Office of Immigrant Affairs.

(b) (1) The head of the Office is the Director.

(2) The Director:

(i) is appointed by the Governor;

(ii) serves at the pleasure of the Governor and is responsible directly to the Governor; and

(iii) is entitled to the salary provided in the State budget.

(c) (1) The Office shall:

(i) advise the Governor on all matters assigned to the Office; and

(ii) carry out the Governor's policies on matters assigned to the Office.

(2) The Director shall:

(i) manage the operation of the Office and establish guidelines and procedures to promote the orderly and efficient operation of the Office; and

(ii) adopt regulations necessary to carry out the provisions of this subtitle.

(3) Subject to the provisions of this subtitle, the Director may establish, reorganize, or consolidate areas of responsibility in the Office as necessary to fulfill the responsibilities assigned by the Director.

(d) The Office shall employ staff to carry out its duties as provided in the State budget.

§9–3303.

Subject to the availability of funding, the Office shall:

(1) establish a network of neighborhood–based opportunity centers that provide immigration services to immigrants;

(2) increase access to ESOL programs, including by engaging nonprofit organizations and other qualified providers of ESOL programs;

(3) assist immigrants in matters relating to immigration status, including assisting with the naturalization process and applications for deferred action for childhood arrivals (DACA);

(4) connect immigrants to:

(i) business resources that use the immigrants' skills;

(ii) employment referral programs; and

(iii) other workforce development programs;

(5) develop and leverage immigrants' skills to benefit the immigrants' communities and the State;

(6) strengthen the connection between immigrants and the immigrants' communities through civic engagement;

(7) reduce exploitation of immigrants;

(8) establish a toll–free, multilingual hotline and a website for purposes including:

(i) disseminating information about the programs and services offered by the Office;

(ii) referring for services; and

(iii) receiving complaints relating to fraud and other related crimes against immigrants;

(9) ensure that individuals referred by the Office are directed to persons who are:

(i) in compliance with Title 14, Subtitle 33 of the Commercial Law Article; or

(ii) authorized by the federal Office of Legal Access Programs;

(10) using information developed by the Office through the hotline established under this section, assist law enforcement in combating crimes against immigrants;

(11) advise the Governor and Director concerning matters affecting immigrants in the State in order to promote and encourage the full participation of immigrants in the State's civic and economic life;

(12) coordinate with other State agencies and otherwise use the resources of the State to serve the needs of immigrants; and

(13) encourage and assist local governments in the development of activities to enhance civic engagement among immigrants and in immigrant communities.

§9–3304.

On or before June 15, 2022, and each year thereafter, the Director shall submit to the Governor and, in accordance with § 2–1257 of this article, to the members of the General Assembly a report describing the activities of the Office, including:

(1) summaries of calls and queries received through the hotline and website;

(2) information on ESOL programs provided by the Office;

(3) the estimated or exact number of immigrants assisted through opportunity centers;

(4) the status of any workforce development programs; and

(5) any other relevant information.

§9–3401. IN EFFECT

// EFFECTIVE UNTIL SEPTEMBER 30, 2035 PER CHAPTERS 687 AND 688 OF 2021 //

In this subtitle, "Commission" means the Historic St. Mary's City Fort to 400 Commission.

§9–3402. IN EFFECT

// EFFECTIVE UNTIL SEPTEMBER 30, 2035 PER CHAPTERS 687 AND 688 OF 2021 //

(a) There is a Historic St. Mary's City Fort to 400 Commission.

(b) The purpose of the Commission is to plan, produce, and facilitate materials, events, and activities to commemorate the 400th anniversary of the founding of Maryland.

§9–3403. IN EFFECT

// EFFECTIVE UNTIL SEPTEMBER 30, 2035 PER CHAPTERS 687 AND 688 OF 2021 //

(a) The Commission consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of Budget and Management or the Secretary's designee;

(4) the Secretary of Commerce or the Secretary's designee;

(5) the Secretary of Natural Resources or the Secretary's designee;

(6) the Secretary of Planning or the Secretary's designee;

(7) the Secretary of Transportation or the Secretary's designee;

(8) one representative of the Maryland Commission on Indian Affairs;

(9) one representative of the Maryland Commission on African American History and Culture;

(10) one representative of the Historic St. Mary's City Commission;

(11) one representative of the Maryland Rediscovery 400 initiative; and

(12) five members with relevant interest or expertise, appointed by the Governor.

(b) To the extent practicable, the membership of the Commission and any advisory committees established in accordance with § 9–3405 of this subtitle shall be representative of the diverse communities and regions within the State.

(c) The Governor shall designate the Chair of the Commission.

(d) The Division of Tourism, Film, and the Arts shall provide staff for the Commission, assisted by the Maryland Historical Trust and the Maryland State Archives.

(e) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

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

(f) A vacancy on the Commission shall be filled by the Governor.

§9–3404. IN EFFECT

// EFFECTIVE UNTIL SEPTEMBER 30, 2035 PER CHAPTERS 687 AND 688 OF 2021 //

The Commission shall:

(1) coordinate the planning and implementation of activities and events to commemorate the 400th anniversary of the founding of Maryland;

(2) promote the identification, documentation, and preservation of historical and cultural resources related to the founding of Maryland;

(3) assist in protecting, improving, and developing existing educational and interpretive institutions, sites, and museums in promoting the 400th anniversary of the founding of Maryland;

(4) ensure development of a model social studies curriculum on the founding of Maryland;

(5) promote nationally and internationally the commemoration of the 400th anniversary of the founding of Maryland;

(6) ensure that commemorative activities, events, and products provide lasting value and public benefits beyond the celebration of the 400th anniversary of the founding of Maryland;

(7) secure support and financial resources to implement events and activities planned and assisted by the Commission, including the formation of an appropriate legal entity;

(8) provide leadership for and coordinate economic development opportunities in and around St. Mary's City to promote the region for future generations; and

(9) perform other actions necessary to carry out the purposes of the Commission.

§9–3405. IN EFFECT

// EFFECTIVE UNTIL SEPTEMBER 30, 2035 PER CHAPTERS 687 AND 688 OF 2021 //

(a) The Chair of the Commission shall establish advisory committees related to:

(1) development and sponsor relations;

(2) resource stewardship and visitor experience;

(3) education and curriculum;

(4) programs and events;

(5) transportation and capital infrastructure;

(6) communications and marketing;

(7) operations and management; and

(8) any other aspect of the commemoration of the 400th anniversary of the founding of Maryland that the Chair considers necessary.

(b) (1) The Chair of the Commission shall appoint advisory committee members who broadly represent public and private interests.

(2) Advisory committee members serve at the pleasure of the Chair of the Commission.

§9–3406. IN EFFECT

// EFFECTIVE UNTIL SEPTEMBER 30, 2035 PER CHAPTERS 687 AND 688 OF 2021 //

(a) The Commission shall meet at least twice each year at times and places to be determined by the Chair.

(b) The Commission:

(1) shall adopt procedures for the transaction of business; and

(2) may establish a nonprofit organization to receive funds for the Commission.

§9–3407. IN EFFECT

// EFFECTIVE UNTIL SEPTEMBER 30, 2035 PER CHAPTERS 687 AND 688 OF 2021 //

(a) On or before September 1, 2022, the Commission shall submit to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly a report containing the Commission's plan of action for the commemoration of the 400th anniversary of the founding of Maryland.

(b) On or before November 1, 2022, and each November 1 thereafter, the Commission shall submit to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly a report that includes:

(1) an update on the plan of action submitted in accordance with subsection (a) of this section;

(2) implementation timetables and benchmarks; and

(3) recommendations for legislative, administrative, and other actions the Commission deems necessary to further its mission.

§9–3501.

In this subtitle, "Commission" means the Commission on Juvenile Justice Reform and Emerging and Best Practices.

§9–3502.

(a) There is a Commission on Juvenile Justice Reform and Emerging and Best Practices.

(b) (1) The Commission consists of the following members:

(i) two members of the Senate of Maryland, appointed by the President of the Senate;

(ii) two members of the House of Delegates, appointed by the Speaker of the House;

(iii) the Secretary of Juvenile Services;

(iv) the Secretary of Human Services; and

(v) the following members, appointed by the Governor:

1. one representative of an institute for public policy that specializes in juvenile justice issues in the State;

2. one representative of an institute operated by the University of Maryland specializing in providing evidence–based and culturally competent services for juveniles;

3. one representative with relevant education and experience;

4. one local school superintendent;

5. one school principal;

6. one representative of an organization that provides services to children involved in the juvenile justice system;

7. one representative of the Maryland Department of Health;

8. one representative of a private child welfare agency;

9. one representative of a youth services bureau;

10. one representative of the State judiciary;

11. one representative of the Maryland State's Attorneys' Association;

12. one representative of the Maryland Office of the Public Defender;

13. one representative of the Maryland Chiefs of Police Association;

14. one representative of the Maryland Sheriffs' Association;

15. one representative of the Maryland Consortium on Coordinated Community Supports; and

16. seven members of the general public.

(2) Of the seven members of the general public:

(i) one shall be chosen on the basis of the member's interest in and experience with minors and juvenile problems;

(ii) two shall:

1. at the time of the appointment to a first term, be at least 16 years old and under the age of 30 years; and

2. include at least one individual who has been under the jurisdiction of the Department of Juvenile Services;

(iii) one shall be an individual who is a parent or guardian of a youth who has been under the jurisdiction of the Department of Juvenile Services;

(iv) one shall be a victim advocate; and

(v) two shall be employees of the Department of Juvenile Services with different job titles, recommended by the President of the American Federation of State, County, and Municipal Employees, Council 3.

(c) (1) The term of an appointed member is 3 years.

(2) The terms of the appointed members are staggered as required by the terms provided for members of the Commission on June 1, 2024.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) An appointed member who serves two consecutive full 3–year terms may not be reappointed for 3 years after completion of those terms.

(d) (1) From among the members of the Commission, the Governor, the President of the Senate, and the Speaker of the House shall appoint a chair.

(2) (i) From among the members of the Commission, the chair shall appoint a secretary.

(ii) The secretary shall keep full and accurate minutes of each Commission meeting.

(e) The Governor's Office of Crime Prevention and Policy shall provide staff for the Commission.

(f) (1) The Commission shall meet regularly at least six times a year on the call of its chair.

(2) A member of the Commission:

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

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

(g) The Commission shall:

(1) review and report on:

(i) all juvenile services, facilities, and programs in the State;

(ii) the educational programs and services of the Department of Juvenile Services;

(iii) programs designed to divert children from the juvenile justice system;

(iv) the treatment and programming needs of females in the juvenile justice system;

(v) 1. the use of child in need of supervision petitions; and

2. the number of child in need of supervision petitions authorized or denied by jurisdiction; and

(vi) the wait times for placement of children in facilities;

(2) research culturally competent, evidence–based, research–based, and promising programs and practices relating to:

(i) child welfare;

(ii) juvenile rehabilitation;

(iii) mental health services for children; and

(iv) prevention and intervention services for juveniles;

(3) evaluate the cost–effectiveness of existing and promising programs and practices researched by the Commission;

(4) identify means of evaluating the effectiveness of programs and practices researched by the Commission;

(5) giving special attention to organizations located in or serving historically underserved communities, identify strategies to enable community–based organizations that provide services for juveniles to evaluate and validate services and programming provided by those organizations;

(6) review data relating to arrests, completion of programming, and recidivism from the Maryland Longitudinal Data System Center;

(7) identify opportunities for greater coordination between the Department of Juvenile Services, the Office of the State's Attorney, law enforcement, and local organizations that provide services to juveniles;

(8) recommend policies and programs to improve juvenile services in the State;

(9) participate in interpreting for the public the objectives of the juvenile services in the State;

(10) participate in planning the development and use of available resources to meet the needs of juveniles;

(11) coordinate with the Maryland Department of Labor to identify potential job and apprenticeship opportunities for juveniles under the supervision of the Department of Juvenile Services; and

(12) examine and review fatalities involving children under the supervision of the Department of Juvenile Services for the purpose of providing recommendations on policies and programs to prevent fatalities, including:

(i) a death caused by a child under the supervision of the Department of Juvenile Services, if the child is convicted or adjudicated delinquent for the death; and

(ii) the death of a child under the supervision of the Department of Juvenile Services.

(h) On or before October 1, 2025, and on or before October 1 each year thereafter, the Commission shall report its findings to the Governor and, in accordance with § 2–1257 of this article, the General Assembly.

§9–3601.

In this subtitle, "Office" means the Governor's Office of Crime Prevention and Policy.

§9–3602.

(a) The Office shall ensure that all reports issued by the Office related to grant programs include:

(1) a summary of all collected performance measure data; and

(2) information necessary to provide transparency in the results of competitive grant awards.

(b) (1) The Office shall create, for inclusion in its annual report, a scorecard of quantifiable safety indicators.

(2) The Office shall determine appropriate indicators for the scorecard in coordination with:

(i) the Department of State Police;

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

(iii) the Office of the Attorney General;

(iv) the Maryland Department of Labor;

(v) the State Department of Education;

(vi) the Maryland Department of Health; and

(vii) the Department of Human Services.

(3) In addition to the indicators determined under paragraph (2) of this subsection, the scorecard shall include:

(i) crime statistics for violent crime and property crime as reported in the Uniform Crime Reports or the National Incident–Based Reporting System, including:

1. murder;

2. rape;

3. robbery;

4. aggravated assault;

5. breaking or entering;

6. larceny or theft; and

7. motor vehicle theft;

(ii) crime clearance rates for the crimes included under item (i) of this paragraph;

(iii) the portion of committed crimes not reported to law enforcement as estimated based on the National Crime Victimization Survey or other sources;

(iv) indicators of safety and fairness in the criminal justice system in the State, including:

1. the number of serious assaults on staff and incarcerated individuals committed in State correctional facilities;

2. police use of force statistics;

3. the number of law enforcement personnel killed in the line of duty;

4. disparity in traffic stops, arrests, convictions, and sentencing by race and ethnicity; and

5. available surveys of public trust in policing and the criminal justice system in the State; and

(v) indicators of the underlying factors and conditions affecting progress toward a safer State, including:

1. unemployment rates by age, gender, race, ethnicity, and region;

2. school dropout rates;

3. population density and degree of urbanization;

4. percentage of residents below the federal poverty threshold;

5. median household income; and

6. access to mental health, behavioral health, and addiction treatment.

§9–3701.

In this subtitle, "Commission" means the Commission on African American History and Culture.

§9–3702.

(a) There is a Commission on African American History and Culture.

(b) The Commission is an independent unit in the Executive Branch of State government.

§9–3703.

(a) The Commission consists of 21 members appointed by the Governor with the advice and consent of the Senate.

(b) The members shall:

(1) represent the entire community of the State;

(2) know about African American culture and history;

(3) be sensitive to the problems of minority communities; and

(4) be connected with agencies working to integrate minority history and culture into the history of the State and American culture.

(c) (1) The term of a member is 4 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Commission on October 1, 2005, and October 1, 2011.

(3) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(d) (1) Except as provided in paragraph (2) of this subsection, a member may be reappointed.

(2) A member who has served two consecutive four–year terms may not be reappointed until at least one year has elapsed after the end of the previous term.

(e) The Governor may remove a member for incompetence or misconduct.

§9–3704.

The Commission shall elect annually a chair and vice chair from among its members.

§9–3705.

(a) The Commission shall meet at the call of the chair, a majority of the members, or the Governor.

(b) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

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

§9–3706.

(a) (1) With the approval of the Governor, the Commission shall appoint a director.

(2) The director may not be a member of the Commission.

(3) The director serves at the pleasure of the Commission, subject to the concurrence of the Governor.

(b) The director is a special appointment in the State Personnel Management System.

(c) Subject to the rules and policies adopted by the Commission, the director shall:

(1) administer the activities of the Commission; and

(2) supervise the appointment and removal of Commission personnel.

§9–3707.

(a) The Commission shall:

(1) initiate, direct, and coordinate projects that further the understanding of African American history and culture;

(2) receive and administer any available federal, State, or private money to plan and execute projects or educational activities that further the understanding of African American history and culture;

(3) operate the Banneker–Douglass–Tubman Museum in Annapolis to house and display photographs, objects, oral history tapes, artifacts, and other materials of African American historic and cultural significance;

(4) locate, preserve, and disseminate to the public information about significant buildings and sites relating to African American history and culture; and

(5) publish an annual report and any other material that the Commission considers necessary.

(b) The Commission may provide operational funding to a museum that specializes in African American history and culture.

§9–3708.

(a) (1) The Commission may seek money from the federal government, foundations, and private sources in addition to State financing.

(2) The Commission may accept gifts, grants, donations, bequests, or endowments for any of its purposes.

(b) Money received under subsection (a) of this section, income from the operation of the Banneker–Douglass–Tubman Museum, and money from educational materials and activities of the Commission are not subject to § 7–302 of the State Finance and Procurement Article.

(c) For each fiscal year, the Governor shall include in the annual budget bill an appropriation of $1,600,000 for the Commission.

(d) Money maintained under this section is subject to audit by the State, including the Legislative Auditor.

§9–3801.

There is a Governor's Office for Children, as authorized under Executive Order 01.01.2024.05.

§9–3901.

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

(b) "Commission" means the Government Efficiency Commission.

(c) "Department" has the meaning stated in § 8–506 of this article.

(d) "Independent unit" has the meaning stated in § 8–506 of this article.

§9–3902.

(a) (1) There is a Government Efficiency Commission.

(2) The purpose of the Commission is to enhance government efficiency and economic competitiveness by monitoring efficiency in the processing of permits, licenses, and certificates.

(b) The Commission consists of the following members:

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

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

(3) the Secretary of Planning, or the Secretary's designee;

(4) the Secretary of Housing and Community Development, or the Secretary's designee;

(5) the Secretary of the Environment, or the Secretary's designee;

(6) the Special Secretary of Small, Minority, and Women Business Affairs, or the Special Secretary's designee;

(7) the Secretary of Commerce, or the Secretary's designee;

(8) the Secretary of Transportation, or the Secretary's designee;

(9) the Secretary of Labor, or the Secretary's designee;

(10) the Secretary of Health, or the Secretary's designee;

(11) the Secretary of Information Technology, or the Secretary's designee;

(12) the Chief Performance Officer; and

(13) three representatives of the State's business community, appointed by the Governor.

(c) The Governor shall designate the chair of the Commission.

(d) The Office of the Governor shall provide staff for the Commission.

(e) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

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

(f) The Commission shall:

(1) compile and index the reports submitted under § 8–506 of this article;

(2) review statutory and regulatory provisions that may impact the efficiency of processing permits, licenses, and certificates; and

(3) make recommendations on:

(i) any factors impeding prompt and fair processing of permits, licenses, and certificates;

(ii) strategies for how departments and independent units can improve permitting and licensing efficiency; and

(iii) removing barriers that hinder individuals and businesses from receiving permits, licenses, and certificates.

(g) On or before December 1, 2024, and each year thereafter, the Commission shall submit a report on its findings and recommendations to the Governor and, in accordance with § 2–1257 of this article, the General Assembly.

§9–4001.

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

(b) "Administrative act" means any action, decision, adjudication, failure to act, omission, rule or regulation, interpretation, recommendation, policy, practice, or procedure of an agency.

(c) (1) "Agency" means:

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

(ii) any officer or employee of the Department of Public Safety and Correctional Services;

(iii) any person providing services under a contract with the Department of Public Safety and Correctional Services to individuals who are confined by or under the supervision of the Department of Public Safety and Correctional Services; or

(iv) any officer, employee, or administrative hearing examiner of the State or a unit of local government who is acting or purporting to act in relation to individuals confined by or under the supervision of the Department of Public Safety and Correctional Services.

(2) "Agency" does not include:

(i) a judge, as defined in § 1–101 of the Courts Article, or any other employee of the judiciary;

(ii) the General Assembly or any member, employee, or committee of the General Assembly; or

(iii) the Governor or the Governor's personal staff.

(d) (1) "Complaint" means any communication:

(i) from or on behalf of an individual confined by or under the supervision of an agency; and

(ii) alleging a violation of the individual's rights or any applicable law, regulation, or standard:

1. by the agency; and

2. that impacted the individual.

(2) "Complaint" does not include a disciplinary proceeding of an incarcerated individual.

(e) "Office" means the Office of the Correctional Ombudsman.

(f) "Records" means all materials, regardless of physical form or characteristics, created, generated, recorded, received, possessed, or controlled by or on behalf of any agency.

§9–4002.

There is an Office of the Correctional Ombudsman established as an independent unit of State government.

§9–4003.

(a) The Office shall include:

(1) a full–time Correctional Ombudsman;

(2) staff as provided in the State budget; and

(3) the Juvenile Justice Monitoring Unit established in § 9–4012 of this subtitle.

(b) (1) The Governor shall appoint the Correctional Ombudsman with the advice and consent of the Senate.

(2) The Correctional Ombudsman shall serve for a term of 5 years.

(3) At the end of a term, the Correctional Ombudsman continues to serve until a successor is appointed and qualifies.

(c) Salaries of the Ombudsman and staff and expenses for rent, equipment, supplies, and general operating expenses necessary for the work of the Office shall be as provided in the State budget.

§9–4004.

(a) The Office, in response to a complaint or on the Ombudsman's initiative, shall:

(1) investigate any administrative act that the Ombudsman determines may be:

(i) contrary to law or regulation;

(ii) based on a mistake of fact;

(iii) unsupported by sufficient evidence;

(iv) performed in an inefficient manner;

(v) unreasonable under the totality of the circumstances; or

(vi) otherwise erroneous;

(2) conduct independent reviews and assessments of:

(i) health services, including substance use disorder assessments and treatment, provided to individuals confined by any agency;

(ii) mental health services provided to individuals confined by any agency;

(iii) plans by agencies to expand, renovate, or close facilities;

(iv) educational and vocational programs for individuals confined by any agency; and

(v) agency policies on restrictive or protective housing;

(3) cooperate with any agency in efforts to improve the functioning of any agency or prevent abuses by agencies;

(4) inspect any facilities owned or controlled by any agency to monitor conditions in the facilities;

(5) seek to resolve complaints against an agency through mediation or other conflict resolution methods;

(6) maintain a website that:

(i) subject to the requirements of subsection (f) of this section, makes current and past reports available to the public; and

(ii) provides contact information for the Office; and

(7) adopt regulations necessary to carry out the requirements of this subtitle.

(b) (1) The Office shall investigate each complaint about an administrative act, unless the Office determines that:

(i) the complaint could be addressed through another process;

(ii) the complaint is trivial, frivolous, vexatious, or not made in good faith;

(iii) the complainant unreasonably delayed in bringing the complaint; or

(iv) the Office lacks sufficient resources to investigate the complaint.

(2) The Office shall promptly inform a complainant of a decision not to investigate a complaint.

(3) On request, the Office shall promptly inform a complainant of the status of an investigation.

(4) On the completion of an investigation based on a complaint, the Office shall promptly inform the complainant of any conclusions, recommendations, and actions taken in response to the complaint.

(c) If the Office determines that an employee or agent of an agency acted in a manner warranting criminal charges or disciplinary proceedings, the Office shall promptly refer the matter to appropriate authorities.

(d) The Office may:

(1) interview agency personnel or any individual confined by an agency;

(2) access any records maintained by an agency;

(3) perform unannounced site visits and on–site inspections of facilities maintained by an agency;

(4) receive and respond to complaints without interception, review, or interference by an agency;

(5) review all reports of disciplinary actions, grievances, and grievance dispositions by the agency; and

(6) collaborate with any agency or any unit of State government to investigate complaints or any alleged injury, neglect, or death of an individual confined by or under the supervision of an agency.

(e) (1) The Office may subpoena any individual to appear to give sworn testimony or produce documentary evidence that is reasonably necessary to carry out the Office's duties.

(2) If an individual fails or refuses to comply with a subpoena issued by the Office, a court of competent jurisdiction, on the application of the Office, may issue an attachment for the individual and compel the individual to comply with the subpoena, appear before the Office, and produce documentary evidence for examination and give testimony.

(3) If an individual disobeys a subpoena or refuses to testify, the court may punish the individual for contempt.

(f) In performing the duties assigned under this subtitle, the Office shall treat all complaints as confidential and may reveal the details of any complaints only if it is:

(1) necessary to carry out the Office's duties; and

(2) done in accordance with applicable State and federal law.

§9–4005.

(a) Within 30 days after completing an investigation, the Office shall submit to an agency a report containing any conclusions, recommendations, and requests for a response from the agency.

(b) If the report submitted to an agency under this section contains a request for a response from the agency, the agency shall provide a written response within 45 days after receipt of the report.

(c) The Office may provide the report required by this section, as well as any responses by the agency, to the Governor or, in accordance with § 2–1257 of this article, the General Assembly.

§9–4006.

(a) On or before December 31 each year, the Office shall report to the Governor and, in accordance with § 2–1257 of this article, the General Assembly on:

(1) investigations conducted by the Office;

(2) any actions taken by an agency as a result of the conclusions or recommendations of the Office;

(3) any instance where an agency rejects a recommendation or conclusion of the Office; and

(4) information on any death of an individual confined by or under the care of an agency.

(b) In addition to the report required by subsection (a) of this section, the Office shall provide to the Governor and, in accordance with § 2–1257 of this article, the General Assembly any other reports that the Governor or the General Assembly may require.

(c) A report prepared under this section shall be published on the Office's website.

§9–4007.

(a) In this section, "Board" means the Correctional Ombudsman Advisory Board.

(b) There is a Correctional Ombudsman Advisory Board.

(c) The purposes of the Board are to:

(1) provide information to the Office; and

(2) assist the Office in:

(i) identifying appropriate matters to investigate; and

(ii) developing processes by which complaints are submitted, reviewed, investigated, and resolved.

(d) The Board shall consist of 12 members appointed by the Governor.

(e) To the extent practicable, the Governor shall ensure that the membership of the Board includes:

(1) family members of confined individuals;

(2) returning citizens;

(3) nonsupervisory correctional officers;

(4) members of the public with a demonstrated interest in corrections;

(5) individuals with backgrounds in health care and social work;

(6) individuals with backgrounds in mental health care and substance use disorder treatment; and

(7) at least two individuals with experience managing a large government agency.

(f) (1) The Board may not include more than three members who are current or former employees of the Department of Public Safety and Correctional Services.

(2) No member of the Board may be currently employed by the Department of Public Safety and Correctional Services in a supervisory capacity.

(g) A member of the Board serves at the pleasure of the Governor.

(h) The Office shall provide staff for the Board.

§9–4008.

(a) The Office shall review potential federal funding sources, including grants offered under the Justice Reinvestment Initiative and the Second Chance Act.

(b) The Office may apply for relevant funding sources.

§9–4011.

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

(b) "Department" means the Department of Juvenile Services.

(c) "Disciplinary action" means any punitive action against a child that results in more security, additional obligations, or less personal freedom.

(d) "Executive Director" means the Executive Director of the Governor's Office of Crime Prevention and Policy.

(e) "Facility" means:

(1) a residential facility operated by the Department;

(2) a residential facility owned by the Department but privately operated; and

(3) a residential facility licensed by the Department.

(f) (1) "Grievance" means a complaint made by a child or on behalf of a child due to a circumstance or an action considered to be unjust.

(2) "Grievance" does not include an employee grievance, disciplinary appeal, or complaint.

(g) "Juvenile justice monitor" means an individual employed by the Office of the Correctional Ombudsman to determine whether the needs of children under

the jurisdiction of the Department are being met in compliance with State law, that their rights are being upheld, and that they are not being abused.

(h) "Secretary" means the Secretary of Juvenile Services.

(i) "Unit" means the Juvenile Justice Monitoring Unit of the Office.

§9–4012.

(a) There is a Juvenile Justice Monitoring Unit of the Office of the Correctional Ombudsman.

(b) The function of the Unit is to investigate and determine whether the needs of children under the jurisdiction of the Department of Juvenile Services are being met in compliance with State law, that their rights are being upheld, and that they are not being abused.

§9–4013.

(a) The Unit shall include:

(1) a full–time Director of Juvenile Justice Monitoring; and

(2) staff, including juvenile justice monitors, as provided in the State budget.

(b) Salaries of the Director and juvenile justice monitors and expenses for rent, equipment, supplies, and general operating expenses necessary for the work of the Unit shall be as provided in the State budget.

(c) In cooperation with the Secretary of Budget and Management, the Correctional Ombudsman shall set minimum salaries, qualifications, and standards of training and experience for positions with the Unit.

§9–4014.

The Unit shall:

(1) evaluate at each facility:

(i) the child advocacy grievance process;

(ii) the Department's monitoring process;

(iii) the treatment of and services to youth;

(iv) the physical conditions of the facility; and

(v) the adequacy of staffing;

(2) review all reports of disciplinary actions, grievances, and grievance dispositions received from each facility and alterations in the status or placement of a child that result in more security, additional obligations, or less personal freedom;

(3) receive copies of the grievances submitted to the Department;

(4) perform unannounced site visits and on–site inspections of facilities;

(5) receive and review all incident reports submitted to the Department from facilities;

(6) receive reports of the findings of child protective services investigations of allegations of abuse or neglect of a child in a facility;

(7) ensure that each facility is in compliance with the regulations applicable to residential facilities;

(8) monitor the implementation of educational programs at each residential facility;

(9) collaborate with the Department, the Department of Human Services, the Maryland Department of Health, and the Governor's Office of Crime Prevention and Policy in all matters related to the licensing and monitoring of children's residential facilities; and

(10) have a representative available to attend meetings of the advisory boards established under § 9–230 of the Human Services Article and meetings of the Juvenile Services Education Board established under § 9–502 of the Human Services Article.

§9–4015.

(a) The Unit may:

(1) review relevant laws, policies, procedures, and juvenile justice records, including records relating to individual youth;

(2) on request, conduct interviews with staff, youth, and others;

(3) review investigative reports produced by the Department relating to youth in facilities; and

(4) participate, within the context of the local department of social services' multidisciplinary team process, in a child protective services investigation conducted under Title 5, Subtitle 7 of the Family Law Article concerning any allegation of abuse or neglect within any assigned facility.

(b) (1) The Unit may subpoena any individual to appear to give sworn testimony or produce documentary evidence that is reasonably necessary to carry out the Unit's duties.

(2) If an individual fails or refuses to comply with a subpoena issued by the Unit, a court of competent jurisdiction, on the application of the Unit, may issue an attachment for the individual and compel the individual to comply with the subpoena, and appear before the Unit and produce documentary evidence for examination and give testimony.

(3) If an individual disobeys a subpoena or refuses to testify, the court may punish the individual for contempt.

§9–4016.

(a) The Unit shall report in a timely manner to the Executive Director, the Secretary, the Commission on Juvenile Justice Reform and Emerging and Best Practices, and, in accordance with § 2–1257 of this article, the Speaker of the House of Delegates and the President of the Senate:

(1) knowledge of any problem regarding the care, supervision, and treatment of children in facilities;

(2) findings, actions, and recommendations, related to the investigations of disciplinary actions, grievances, incident reports, and alleged cases of child abuse and neglect; and

(3) all other findings and actions related to the monitoring required under this subtitle.

(b) (1) The Unit shall report quarterly to the Executive Director and the Secretary.

(2) A copy of the report shall be provided to the Commission on Juvenile Justice Reform and Emerging and Best Practices and, in accordance with § 2–1257 of this article, the General Assembly.

(3) The report shall include:

(i) all activities of the Unit;

(ii) actions taken by the Department resulting from the findings and recommendations of the Unit, including the Department's response; and

(iii) a summary of any violations of the standards and regulations of the Department that remained unabated for 30 days or more during the reporting period.

(c) Beginning in 2006, on or before November 30 of each year, the Unit shall report to the Executive Director, the Secretary, the Commission on Juvenile Justice Reform and Emerging and Best Practices, the Governor, and, in accordance with § 2–1257 of this article, the General Assembly, on all the activities of the Office and the actions taken by the Department in response to findings and recommendations of the Unit.

§9.5–101.

(a) There is a Governor's Office of Community Initiatives, as authorized under Executive Order 01.01.2007.25.

(b) The Governor's Office of Community Initiatives shall include the following units:

(1) the Governor's Office on Service and Volunteerism, under Subtitle 2 of this title;

(2) the Commission on Indian Affairs, under Subtitle 3 of this title;

(3) the Commission on LGBTQIA+ Affairs, under Subtitle 5 of this title; and

(4) any other unit as authorized by law or executive order.

§9.5–301.

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

(b) "Commission" means the Commission on Indian Affairs.

(c) "Community" means a tribe, band, group, or clan.

(d) (1) "Indian" means an individual or community that is, or whose members are, descended from a tribe that inhabited North America before European contact.

(2) "Indian" includes a Native American Indian, a North American Indian, an American Indian, and an aboriginal American.

§9.5–302.

There is a Commission on Indian Affairs in the Governor's Office of Community Initiatives.

§9.5–303.

(a) (1) The Commission consists of nine members appointed by the Governor with the advice and consent of the Senate.

(2) Of the nine Commission members:

(i) a majority shall be members of the Indian communities of the State; and

(ii) at least three shall be members of the Indian communities that are indigenous to the State.

(b) Each member shall:

(1) have a demonstrable knowledge of Indian culture and history; and

(2) be sensitive to the problems of Indian communities.

(c) (1) An applicant for membership on the Commission shall submit under oath a list of the applicant's qualifications, including:

(i) educational history; and

(ii) employment background or other relevant experience.

(2) An applicant for membership on the Commission as an Indian member shall submit documentation or proof of Indian status under the sworn and notarized signature of the custodian of records of the membership rolls of that Indian's community.

(3) The Governor may require the production of any other documents to prove:

(i) the qualifications of the applicant; or

(ii) the standing or history of the Indian community to which the applicant claims membership.

(d) (1) The term of a member is 3 years.

(2) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(3) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(4) A member may not serve more than 6 years consecutively.

§9.5–304.

The Commission shall elect annually a chair and a vice chair from among its members.

§9.5–305.

(a) The Commission shall meet at the call of the chair, a majority of the members, or the Governor or the Governor's designee.

(b) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

(2) may receive reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

§9.5–306.

(a) (1) With the approval of the Governor, the Commission shall appoint an administrator.

(2) The administrator may not be a member of the Commission.

(3) The administrator serves at the pleasure of the Commission, subject to the concurrence of the Governor.

(b) The administrator is a special appointment in the State Personnel Management System.

(c) Subject to the rules and policies of the Commission and the administrative supervision of the Governor or the Governor's designee in accordance with this title, the administrator shall:

(1) administer the activities of the Commission; and

(2) supervise the appointment and removal of personnel whom the Commission employs.

§9.5–307.

The Commission shall:

(1) initiate, direct, and coordinate projects that further the understanding of Indian history and culture;

(2) survey historic buildings, sites, artifacts, archives, and repositories and publish and disseminate the results;

(3) make a comprehensive study of the influence of indigenous Indian tribes and their influence on Maryland history and culture, including as subjects of the study:

(i) Cherokees;

(ii) Chippewas;

(iii) Choptanks;

(iv) Creeks;

(v) Crees;

(vi) Delawares;

(vii) Haliwas;

(viii) Lumbees;

(ix) Nanticokes;

(x) Piscataways;

(xi) Potomacs;

(xii) Rappahannocks;

(xiii) Seminoles;

(xiv) Susquehannas; and

(xv) Wicomicos;

(4) study the status of all Indian communities in the State and assist them in obtaining recognition from the federal government;

(5) study the economic and social needs of Indians in the State and make recommendations to meet these needs;

(6) locate, preserve, and disseminate to the public information about significant buildings and sites relating to Indian history and culture in the State; and

(7) publish an annual report and any other material the Commission considers necessary.

§9.5–308.

(a) (1) The Commission may seek money from the federal government, foundations, and private sources in addition to State financing.

(2) The Commission may accept gifts, grants, donations, bequests, or endowments for any of its purposes.

(b) Money received under subsection (a) of this section and income and fees derived from educational materials and activities of the Commission are not subject to § 7–302 of the State Finance and Procurement Article.

(c) Money maintained under this section is subject to audit by the State, including the Legislative Auditor.

§9.5–309.

(a) Subject to the approval of the Governor, the Commission may by regulation establish a process for an Indian community that is indigenous to the State to apply to the Commission for recognition of Maryland Indian status.

(b) (1) If the Commission finds that a petitioning group meets the requirements for recognition, the Commission may recommend to the Governor that it be granted recognition of Maryland Indian status.

(2) A member of the Commission may not vote or participate in deliberations on an application for recognition of Maryland Indian status made by the petitioning group to which the member belongs.

(c) (1) The Governor may issue an executive order providing recognition of Maryland Indian status to the petitioning group.

(2) The executive order:

(i) shall be submitted to the Joint Committee on Administrative, Executive, and Legislative Review; and

(ii) shall take effect 30 days after it is submitted.

(d) (1) This section does not:

(i) create a right of ownership or any other right to land;

(ii) create a benefit or entitlement of any kind;

(iii) impair existing rights, benefits, or entitlements belonging to Indians living in the State;

(iv) impair existing judicial rulings of the State regarding Indians of the State; or

(v) give the Commission the power to establish standards for membership in an Indian community.

(2) The power to establish standards for membership in an Indian community is reserved to the community.

(3) An act or failure to act by the Commission under this section does not create a private cause of action under State law.

§9.5–310.

Before formal recognition of Maryland Indian status, members of the petitioning group shall submit an affidavit renouncing all tribal rights of ownership of land in the State.

§9.5–311.

(a) (1) In accordance with Title 10, Subtitle 1 of this article, the Commission shall adopt regulations to carry out §§ 9.5–309 and 9.5–310 of this subtitle.

(2) The regulations shall:

(i) create the application process;

(ii) set genealogical standards; and

(iii) specify the standards to be satisfied by an Indian community applying for formal recognition of Maryland Indian status.

(b) (1) The standards adopted under subsection (a) of this section shall be generally consistent with the standards of the United States Bureau of Indian Affairs for tribal recognition by the United States.

(2) The standards shall take into account the special circumstances of Indians indigenous to the State.

(3) The standards shall require:

(i) that the petitioning group be identified from historical times until the present as Indian;

(ii) that the members of the petitioning group be descendants from an Indian tribe that existed historically and is indigenous to the State or derived from historical tribes that were indigenous to the State before 1790;

(iii) that the members of the petitioning group be descendants of an Indian tribe that historically inhabited a specific area in the State before 1790; and

(iv) that the membership of the petitioning group be composed principally of individuals who are not members of any other Indian community.

(4) The Commission may adopt regulations to establish any other standards that the Commission considers necessary.

§9.5–312.

(a) In a matter within the scope of this subtitle, a person may not:

(1) knowingly and willfully falsify or conceal a material fact by trick, scheme, or device;

(2) make a false, fictitious, or fraudulent statement or representation; or

(3) make or use a false writing or document knowing the writing or document contains a false, fictitious, or fraudulent statement or entry.

(b) Except as otherwise provided by law, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both.

§9.5–501.

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

(b) "Commission" means the Commission on LGBTQIA+ Affairs.

(c) "LGBTQIA+" means lesbian, gay, bisexual, transgender, queer or questioning, intersex, asexual, agender, or aromantic, and additional identities.

§9.5–502.

There is a Commission on LGBTQIA+ Affairs in the Governor's Office of Community Initiatives.

§9.5–503.

(a) The Commission consists of 21 members appointed by the Governor with the advice and consent of the Senate.

(b) The members shall:

(1) to the extent practicable, be members of the LGBTQIA+ community;

(2) include at least two transgender individuals;

(3) to the extent practicable, reflect the age, gender, gender identity or expression, ancestral, national origin, color, disability, religious, sex, sexual orientation, racial, ethnic, socioeconomic, and geographic diversity of the State;

(4) know about issues facing LGBTQIA+ communities and be sensitive to the problems of LGBTQIA+ communities;

(5) be representatives of the State's LGBTQIA+ communities or have an interest in the success of LGBTQIA+ communities; and

(6) provide value to the work of the Commission.

(c) (1) The term of a member is 4 years.

(2) The terms of members are staggered as required by the terms provided for members of the Commission on October 1, 2023.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(d) (1) Except as provided in paragraph (2) of this subsection, a member may be reappointed.

(2) A member who has served two consecutive 4–year terms may not be reappointed until at least 1 year has elapsed after the end of the previous term.

(e) The Governor may remove a member for incompetence or misconduct.

(f) A member who fails to attend at least 50% of the regularly scheduled meetings during a 12–month period shall be considered to have resigned from the Commission.

§9.5–504.

The Commission shall elect annually a chair and vice chair from among its members.

§9.5–505.

(a) The Commission shall meet at the call of the chair, a majority of the members, or the Governor.

(b) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

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

§9.5–506.

(a) (1) With the approval of the Governor, the Commission shall appoint a director.

(2) The director may not be a member of the Commission.

(3) The director serves at the pleasure of the Commission, subject to the concurrence of the Governor.

(b) The director is a special appointment in the State Personnel Management System.

(c) Subject to the rules and policies adopted by the Commission and the administrative supervision of the Governor in accordance with Title 8, Subtitle 3 of this article, the director shall:

(1) administer the activities of the Commission; and

(2) supervise the appointment and removal of Commission personnel.

§9.5–507.

The Commission shall:

(1) assess the challenges facing LGBTQIA+ communities;

(2) collect data across State agencies on:

(i) the implementation of policies that are inclusive of LGBTQIA+ identities; and

(ii) complaints alleging discrimination based on sexual orientation or gender identity;

(3) study and establish best practices for inclusion of LGBTQIA+ individuals and communities;

(4) inform the Executive and Legislative branches of State government of issues concerning LGBTQIA+ persons;

(5) offer testimony on issues concerning LGBTQIA+ persons before legislative and administrative bodies;

(6) act as a clearinghouse for activities to avoid duplication of efforts;

(7) create surveys and appoint advisory committees in the fields of:

(i) education;

(ii) social sciences;

(iii) labor and employment laws and policies;

(iv) law enforcement;

(v) health and safety;

(vi) new and expanded services;

(vii) legal rights;

(viii) family relations;

(ix) human relations; and

(x) volunteer services; and

(8) publish, in accordance with § 2–1257 of this article, an annual report, and any other material the Commission considers necessary, that includes

recommendations on policies for LGBTQIA+ adults and youth that work to end discriminatory practices in the State.

§9.5–508.

(a) (1) The Commission may seek money from the federal government, foundations, and private sources in addition to State financing.

(2) The Commission may accept gifts, grants, donations, bequests, or endowments for any of its purposes.

(b) Money received under subsection (a) of this section and income and fees derived from activities of the Commission are not subject to § 7–302 of the State Finance and Procurement Article.

(c) Money maintained under this section is subject to audit by the State, including the Legislative Auditor.

§10–101.

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

(b) "Administrator" means the Administrator of the Division of State Documents.

(c) "Committee" means the Joint Committee on Administrative, Executive, and Legislative Review.

(d) "Local government unit" means:

(1) a county;

(2) a municipal corporation;

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

(4) a special district that is established by a county pursuant to public general law; or

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

(e) "Mandate" means a directive in a regulation that requires a local government unit to perform a task or assume a responsibility that has a discernible fiscal impact on the local government unit.

(f) "Register" means the Maryland Register.

(g) (1) "Regulation" means a statement or an amendment or repeal of a statement that:

(i) has general application;

(ii) has future effect;

(iii) is adopted by a unit to:

1. detail or carry out a law that the unit administers;

2. govern organization of the unit;

3. govern the procedure of the unit; or

4. govern practice before the unit; and

(iv) is in any form, including:

1. a guideline;

2. a rule;

3. a standard;

4. a statement of interpretation; or

5. a statement of policy.

(2) "Regulation" does not include:

(i) a statement that:

1. concerns only internal management of the unit; and

2. does not affect directly the rights of the public or the procedures available to the public;

(ii) a response of the unit to a petition for adoption of a regulation, under § 10–123 of this subtitle; or

(iii) a declaratory ruling of the unit as to a regulation, order, or statute, under Subtitle 3 of this title.

(3) "Regulation", as used in §§ 10–110 and 10–111.1 of this subtitle, means all or any portion of a regulation.

(h) "Small business" has the meaning stated in § 2–1505.2 of this article.

(i) "Substantively" means in a manner substantially affecting the rights, duties, or obligations of:

(1) a member of a regulated group or profession; or

(2) a member of the public.

(j) "Unit" means an officer or unit authorized by law to adopt regulations.

§10–102.

(a) Except as otherwise expressly provided by law, this subtitle applies to:

(1) each unit in the Executive Branch of the State government; and

(2) each unit that:

(i) is created by public general law; and

(ii) operates in at least 2 counties.

(b) This subtitle does not apply to:

(1) a unit in the Legislative Branch of the State government;

(2) a unit in the Judicial Branch of the State government;

(3) a board of license commissioners;

(4) the Rural Maryland Council; or

(5) the Military Department.

§10–105.

This Part II of this subtitle does not apply to a regulation of a bicounty commission that county governing bodies appoint.

§10–106.

A regulation is not effective unless it contains a citation of the statutory authority for the regulation.

§10–107.

(a) "Unit counsel" means the unit counsel for the Commission on Civil Rights, the Public Service Commission, and the State Ethics Commission.

(b) Unless a proposed regulation is submitted to the Attorney General or to the unit counsel for approval as to legality, the regulation:

(1) may not be adopted under any statutory authority; and

(2) if adopted, is not effective.

§10–108.

In the preparation of a regulation, a unit shall use the term "African American" instead of "Black", "Negro", "Afro-American", or similar terms.

§10–109.

This Part III of this subtitle applies only to a unit in the Executive Branch of the State government.

§10–110.

(a) Except for subsection (c) of this section, this section does not apply to a regulation adopted under § 10–111(b) of this subtitle.

(b) At least 15 days before the date a proposed regulation is submitted to the Maryland Register for publication under § 10–112 of this subtitle, the promulgating unit shall submit to the State Children's Environmental Health and Protection Advisory Council established under § 13–1503 of the Health – General Article for review any proposed regulations identified by the promulgating unit as having an impact on environmental hazards affecting the health of children.

(c) (1) (i) At least 15 days before the date a proposed regulation is submitted to the Maryland Register for publication under § 10–112 of this subtitle, and in accordance with § 10–111.2(c) of this subtitle, the promulgating unit shall submit the proposed regulation to the Committee, the Department of Legislative Services, and the Administrator.

(ii) If a unit wants to alter the text of a proposed regulation after it has been submitted to the Committee and the Department of Legislative Services in accordance with subparagraph (i) of this paragraph and before the proposed regulation is published in the Maryland Register, so that any part of the text as submitted for publication differs substantively from the text previously submitted to the Committee and the Department of Legislative Services, the unit shall:

1. notify the Committee, the Department of Legislative Services, and the Administrator of the change;

2. withdraw the proposed regulation; and

3. resubmit the proposed regulation with the altered text to the Committee, the Department of Legislative Services, and the Administrator at least 15 days prior to publication in the Register.

(iii) 1. If a unit wants to make a nonsubstantive change to the text of a proposed regulation after it has been submitted to the Committee and the Department of Legislative Services in accordance with subparagraph (i) of this paragraph and before the proposed regulation is published in the Maryland Register, the unit shall:

A. notify the Committee, the Department of Legislative Services, the Office of the General Assembly Counsel, and the Administrator of the change; and

B. include with the notice a certificate from the unit that the change is nonsubstantive, including a description of the nature of each change and the basis for the conclusion.

2. Notwithstanding subsubparagraph 1 of this subparagraph, if the Office of the General Assembly Counsel determines that a change to a proposed regulation under subsubparagraph 1 of this subparagraph is not a nonsubstantive change, the unit shall withdraw and resubmit the proposed regulation in accordance with subparagraph (ii) of this paragraph.

(2) (i) If the proposed regulation, either in whole or in part, submitted to the Committee and the Department of Legislative Services in accordance with paragraph (1) of this subsection includes an increase or decrease in a fee for a license to practice any business activity, business or health occupation, or business or health profession licensed or otherwise regulated under State law, the promulgating unit shall include clearly written explanatory reasons that justify the increase or decrease in the fee.

(ii) If a regulation submitted under subparagraph (i) of this paragraph proposes an increase in a fee for a license, the written justification also shall include information about:

1. the amount of money needed by the promulgating unit to operate effectively or to eliminate an imbalance between the revenues and expenditures of the unit;

2. the most recent year in which the promulgating unit had last increased its fees;

3. the structure of the promulgating unit as to whether it is one that retains the license fees it receives or passes them through to a national organization or association that creates and administers a uniform licensing examination that is taken by anyone in the United States who is seeking a license to practice a particular occupation or profession or business activity issued by the promulgating unit;

4. measures taken by the promulgating unit to avoid or mitigate the necessity of a fee increase and the results of those measures;

5. special circumstances about the activities and responsibilities of the promulgating unit, including investigations of individuals licensed by the unit, that have had an adverse impact on the unit's operating expenses;

6. consideration given by the promulgating unit to the hardship a license fee increase may have on individuals and trainees licensed or regulated by the unit; and

7. actions taken by the promulgating unit to elicit the opinions of the individuals who are licensed by the promulgating unit and the members of the public as to the effectiveness and performance of the promulgating unit.

(3) If the promulgating unit estimates that the proposed regulation will have a significant small business impact, the unit shall:

(i) establish an electronic registry that allows any small business or other interested party to register to receive an electronic notification when the proposed regulation or the scope of the proposed regulation is posted on the unit's website in accordance with item (ii) of this paragraph;

(ii) post the proposed regulation or the scope of the proposed regulation on the unit's website at least 15 days before the date the proposed regulation is submitted to the Committee and the Department of Legislative Services in accordance with this section and provide an opportunity for comments on the unit's proposal;

(iii) on posting a proposed regulation or the scope of the proposed regulation on the unit's website in accordance with item (ii) of this paragraph, notify the parties registered in the electronic registry established under item (i) of this paragraph that the proposed regulation or the scope of the proposed regulation has been posted; and

(iv) prepare a compliance guide written in clear, plain English to assist small businesses in complying with the proposed regulation, update the guide as needed until the regulation is final, and post the guide on the unit's website.

(d) (1) The Committee is not required to take any action with respect to a proposed regulation submitted to it pursuant to subsection (c) of this section.

(2) Failure by the Committee to approve or disapprove the proposed regulation during the period of preliminary review provided by subsection (c) of this section may not be construed to mean that the Committee approves or disapproves the proposed regulation.

(3) During the preliminary review period, the Committee may take any action relating to the proposed regulation that the Committee is authorized to take under §§ 10–111.1 and 10–112 of this subtitle.

(e) Prior to the date specified in subsection (c) of this section, the promulgating unit is encouraged to submit the proposed regulation to the Committee and to consult with the Committee concerning the form and content of that regulation.

§10–111.

(a) (1) Except as provided in subsection (b) of this section, a unit may not adopt a proposed regulation until:

(i) after submission of the proposed regulation to the Committee for preliminary review under § 10–110 of this subtitle; and

(ii) at least 45 days after its first publication in the Register.

(2) (i) If the Committee determines that an appropriate review cannot reasonably be conducted within 45 days and that an additional period of review is required, it may delay the adoption of the regulation by so notifying the promulgating unit and the Division of State Documents, in writing, prior to the expiration of the 45–day period.

(ii) If notice is provided to the promulgating unit pursuant to subparagraph (i) of this paragraph, the promulgating unit may not adopt the regulation until it notifies the Committee, in writing by U.S. mail and e–mail, of its intention to adopt the regulation and provides the Committee with a further period of review of the regulation that terminates not earlier than the later of the following:

1. the 60th day following the notice provided by the promulgating unit under this subparagraph; or

2. the 105th day following the initial publication of the regulation in the Register.

(iii) Notice given under subparagraph (ii) of this paragraph to the Committee of a unit's intention to adopt a regulation shall be published in the Register within 30 days after receipt of the notice by the Committee.

(3) The promulgating unit shall permit public comment for at least 30 days of the 45–day period under paragraph (1)(ii) of this subsection.

(b) (1) The unit may adopt a proposed regulation immediately if the unit:

(i) declares that the emergency adoption is necessary;

(ii) submits the proposed regulation to the Committee and the Department of Legislative Services, together with the fiscal impact statement required under subsection (c) of this section; and

(iii) has the approval of the Committee for the emergency adoption.

(2) (i) Subject to subparagraphs (ii), (iii), and (iv) of this paragraph, the approval of the Committee may be given:

1. by a majority of its members who are present and voting at a public hearing or meeting of the Committee; or

2. if staff of the Committee tries but is unable to contact a majority of the members of the Committee in a timely manner and immediate adoption is necessary to protect the public health or safety, by its presiding Chairman or, if its presiding Chairman is unavailable, by its cochair.

(ii) If a member of the Committee requests a public hearing on the emergency adoption of a regulation, the Committee shall hold a public hearing.

(iii) 1. If a public hearing is held on the emergency adoption of a regulation, the Committee may not approve the emergency adoption except by a majority vote of the members present and voting at the hearing or at a meeting of the Committee subsequent to the hearing.

2. If a vote on the emergency regulation is not taken at the public hearing or immediately thereafter, the Committee members shall be provided at least 1 week's notice of the scheduling of any subsequent meeting to vote on the regulation.

(iv) Unless the Governor declares that immediate adoption is necessary to protect the public health or safety, the Committee may not approve the emergency adoption of a regulation earlier than 10 business days after receipt of the regulation by the Committee and the Department of Legislative Services.

(3) If there is no request for a public hearing, the staff of the Committee may poll, in person, by telephone, or in writing:

(i) the members of the Committee; or

(ii) if staff of the Committee tries but is unable to contact a majority of the members of the Committee in a timely manner and immediate adoption is necessary to protect the public health or safety, the presiding Chairman or the cochair.

(4) (i) The Committee may impose, as part of its approval, any condition.

(ii) The Committee shall impose, as part of its approval, a time limit not to exceed 180 days on each request for emergency status.

(iii) If the unit does not adopt the regulation finally before the time limit expires, the status of the regulation reverts to its status before the emergency adoption.

(5) The Committee may rescind its approval by a majority of its members present and voting at a public hearing or meeting of the Committee.

(c) (1) The fiscal impact statement, prepared by the unit and submitted under subsection (b) of this section, shall state:

(i) an estimate of the impact of the emergency regulation on the revenues and expenditures of the State;

(ii) whether the State budget for the fiscal year in which the regulation will become effective contains an appropriation of the funds necessary for the implementation of the emergency regulation;

(iii) if an appropriation is not contained in the State budget, the source of the funds necessary for the implementation of the emergency regulation; and

(iv) whether the emergency regulation imposes a mandate on a local government unit.

(2) If the emergency regulation imposes a mandate on a local government unit, the fiscal impact statement shall:

(i) indicate whether the regulation is required to comply with a federal statutory or regulatory mandate;

(ii) if the information may be practicably obtained given the emergency circumstances of the regulations, include an estimate of the impact of the emergency regulation on the revenues and expenditures of local government units; and

(iii) if applicable, and if the required data is available, include the estimated effect on local property tax rates.

§10–111.1.

(a) (1) Prior to the expiration of any period of review granted to or reserved by the Committee pursuant to § 10-111(a) of this subtitle, the Committee, by a majority vote, may oppose the adoption of any proposed regulation.

(2) Unless waived by both of the presiding officers, at least 2 weeks prior to acting pursuant to subsection (a)(1) of this section with respect to any proposed regulation, the Committee shall notify the presiding officers who shall notify the appropriate standing committees that the special procedure established by this section may be exercised.

(b) In its review of a proposed regulation pursuant to this section, the factors the Committee shall consider shall include whether the regulation:

(1) is in conformity with the statutory authority of the promulgating unit; and

(2) reasonably complies with the legislative intent of the statute under which the regulation was promulgated.

(c) (1) Within 5 working days after the Committee votes to oppose the adoption of a proposed regulation, it shall provide written notice to the Governor and the promulgating unit of its action.

(2) Upon receipt of such notice, and with written notice to the Committee and as otherwise required by law, the promulgating unit may:

(i) withdraw the regulation;

(ii) modify the regulation, but only in accordance with § 10-113 of this subtitle; or

(iii) submit the regulation to the Governor with a statement of the justification for the unit's refusal to withdraw or modify the regulation.

(3) Following the receipt of notice under paragraph (2)(iii) above, the Governor may consult with the Committee and the unit in an effort to resolve the conflict. After written notice has been provided to the presiding officers and to the Committee, the Governor may:

(i) instruct the unit to withdraw the regulation;

(ii) instruct the unit to modify the regulation, but only in accordance with § 10-113 of this subtitle; or

(iii) approve the adoption of the regulation.

(d) A proposed regulation opposed by the Committee pursuant to this section may not be adopted, and is not effective unless approved, by the Governor pursuant to subsection (c)(3) of this section.

§10–111.2.

(a) (1) The website of the General Assembly shall include a list of all emergency regulations the Committee has received but has not approved.

(2) For each regulation, the list shall include:

(i) the date the Committee received the regulation;

(ii) whether a member of the Committee has requested a public hearing;

(iii) the date of any public hearing scheduled;

(iv) the date and a summary of any action the Committee has taken; and

(v) the name and telephone number of a member of the Committee's staff who can provide further information.

(3) A regulation shall be added to the list within 3 business days after receipt of the regulation by the Committee and the Department of Legislative Services.

(b) (1) The Department of Legislative Services shall maintain a list of members of the public who have requested to receive notice when the Department of Legislative Services receives proposed regulations for which the promulgating unit has requested emergency adoption.

(2) A member of the public who requests notice under this subsection shall specify:

(i) whether the individual wants to receive notice by United States mail or electronic mail; and

(ii) which agencies' regulations the individual wants to receive notice of receipt.

(3) Within 2 business days of receipt of a proposed regulation, the Department of Legislative Services shall provide notice to members of the public who have requested notice, as specified in paragraph (2) of this subsection.

(4) The Department of Legislative Services:

(i) may impose a reasonable fee for sending notice under this subsection by United States mail; and

(ii) may not impose a fee for sending notice under this subsection by electronic mail.

(5) Upon request, a promulgating unit shall provide copies of emergency regulations to members of the public.

(c) (1) The Department of Legislative Services shall adopt procedures for the required submission of proposed and emergency regulations, work plans, and evaluation reports to the Committee by a unit.

(2) (i) Each unit shall follow the procedures adopted by the Department of Legislative Services under this subsection.

(ii) A unit submitting a proposed regulation to the Committee shall include the text of the proposed regulation and the notice of proposed adoption that is required to be submitted to the Administrator under § 10–112(a)(2) of this subtitle.

(3) (i) The Administrator shall consult with the Department of Legislative Services to ensure that notice of the receipt of proposed and emergency regulations by the Administrator under this title is transmitted to and received by the Committee and the Department of Legislative Services in a timely manner.

(ii) When the Administrator transmits a proposed or emergency regulation to the Committee and the Department of Legislative Services, the Administrator shall also provide receipt of the transmittal to the unit that originally submitted the regulation to the Division.

(4) (i) Submission of a regulation, a work plan, or an evaluation report to the Committee under this subsection does not satisfy any requirement under this subtitle for a unit to submit a regulation, a work plan, or an evaluation report to the Administrator for publication in the Register.

(ii) Any requirement under this subtitle for a unit to submit a regulation to the Committee may not be satisfied by submitting the regulation to the Division.

§10–112.

(a) (1) This subsection does not apply to the emergency adoption of a regulation.

(2) To have a proposed regulation published in the Register, a unit shall submit to the Administrator:

(i) the proposed regulation; and

(ii) a notice of the proposed adoption.

(3) The notice under this subsection shall:

(i) state the estimated economic impact of the proposed regulation on:

1. the revenues and expenditures of units of the State government and of local government units; and

2. groups such as consumer, industry, taxpayer, or trade groups;

(ii) include a statement of purpose;

(iii) satisfy the requirements of § 2–1505.2 of this article;

(iv) comply with § 7–113(c) of the Human Services Article; and

(v) give persons an opportunity to comment before adoption of the proposed regulation, by:

1. setting a date, time, and place for a public hearing at which oral or written views and information may be submitted; or

2. giving a telephone number that a person may call to comment and an address to which a person may send comments.

(4) (i) The estimated economic impact statement required under paragraph (3)(i) of this subsection shall state whether the proposed regulation imposes a mandate on a local government unit.

(ii) If the proposed regulation imposes a mandate, the fiscal impact statement shall:

1. indicate whether the regulation is required to comply with a federal statutory or regulatory mandate; and

2. include, in addition to the estimate under paragraph (3)(i)1 of this subsection, the estimated effect on local property tax rates, if applicable, and if the required data is available.

(b) As soon as the Committee approves emergency adoption of a regulation, the Committee shall submit the regulation to the Administrator.

(c) If a regulation under this section amends or repeals an adopted regulation, the text of the regulation under this section shall show the changes with the symbols that the Administrator requires.

§10–112.1.

(a) Whenever a unit publishes a proposed regulation in the Register in accordance with § 10–112 of this subtitle, the unit shall publish the text of the proposed regulation on the unit's website not later than 3 business days after the date that the proposed regulation is published in the Register.

(b) Whenever a unit submits a regulation to the Committee for approval as an emergency adoption in accordance with § 10–111(b) of this subtitle, the unit shall publish the text of the regulation on the unit's website not later than 3 business days after the date that the regulation is submitted to the Committee for approval of emergency adoption.

(c) To comply with the publication requirement of this section, a unit shall:

(1) publish the text of the regulation on the unit's home page on its website; or

(2) provide a link on the unit's home page to the text of the regulation if the text of the regulation is available elsewhere on the unit's website.

(d) The failure of a unit to publish the text of a regulation in a timely manner under this section may not invalidate or otherwise affect the adoption of the regulation.

§10–113.

(a) In this section, "unit counsel" has the meaning stated in § 10–107 of this subtitle.

(b) If a unit wishes to change the text of a proposed regulation so that any part of the text differs substantively from the text previously published in the Register, the unit may not adopt the proposed regulation unless it is proposed anew and adopted in accordance with the requirements of §§ 10–111 and 10–112 of this subtitle.

(c) If the regulation is proposed anew, the changes in the text shall be shown with the symbols that the Administrator requires.

(d) (1) The Administrator shall refuse to publish the notice of adoption of a regulation that differs from the text previously published unless the notice is accompanied by a certification from the Attorney General or the unit counsel that the provisions of subsections (b) and (c) of this section are not applicable.

(2) The certification shall:

(i) be prepared in the form and according to guidelines specified by the Administrator;

(ii) contain a description of the nature of each change and the basis for the conclusion; and

(iii) be published in the Register as part of the notice of adoption.

§10–114.

(a) After adopting a regulation, a unit shall submit to the Administrator a notice of adoption, for publication in the Register.

(b) If the text of the adopted regulation is the same or substantially similar to the proposed regulation, the notice shall:

(1) state that the texts are the same or substantially similar;

(2) cite the date of the Register in which the proposed regulation was published; and

(3) show each change in the text with the symbols that the Administrator requires.

§10–115.

(a) A unit may not reset or reprint a regulation in the Code of Maryland Regulations, the permanent supplements to the Code of Maryland Regulations, or the Register without the written permission of the Committee.

(b) Before reprinting a regulation under this section, a unit shall submit the proposed text of the regulation to the Division of State Documents for comparison with the official text.

§10–116.

(a) A unit:

(1) may withdraw a proposed regulation at any time before its adoption; but

(2) may not adopt the proposed regulation unless it is proposed anew and adopted in accordance with the requirements of §§ 10-111 and 10-112 of this subtitle.

(b) (1) The failure to adopt a proposed regulation within 1 year after its last publication in the Register constitutes withdrawal under this section.

(2) The Administrator shall publish in the Register notice of a withdrawal of a proposed regulation under this subsection.

§10–117.

(a) (1) Except as otherwise provided in subsection (b) of this section or in other law, the effective date of a regulation is:

(i) the 10th calendar day after notice of adoption is published in the Register; or

(ii) a later date that the notice sets.

(2) For calculation of the effective date under this subsection:

(i) § 1–302 of the General Provisions Article does not apply;

(ii) the issue date of the Register in which the notice is published is not counted; and

(iii) each other calendar day, including Saturdays, Sundays, and legal holidays, is counted.

(b) The effective date of a regulation after its emergency adoption is the date that the Committee sets.

§10–118.

The Committee may exercise a power granted under this subtitle over an emergency or proposed regulation or a specific, distinct, and severable provision of an emergency or proposed regulation.

§10–120.

(a) This Part IV of this subtitle does not apply to:

(1) the Governor;

(2) the State Department of Assessments and Taxation;

(3) the Board of Appeals of the Maryland Department of Labor;

(4) the Insurance Administration;

(5) the Maryland Parole Commission of the Department of Public Safety and Correctional Services;

(6) the Public Service Commission;

(7) the Maryland Tax Court; or

(8) the State Workers' Compensation Commission.

(b) If the Insurance Commissioner states in writing that, as to a particular matter, the Maryland Automobile Insurance Fund need not comply with this Part IV of this subtitle, this Part IV does not apply to the Fund with respect to that matter.

(c) This subtitle does apply to the property tax assessment appeals boards.

§10–121.

A political subdivision of the State or an instrumentality of a political subdivision is entitled, to the same extent as other legal entities, to be an interested person, party, or petitioner in a matter under this subtitle, including an appeal.

§10–122.

(a) Each unit shall adopt regulations to govern procedures under this Part IV of this subtitle, including the related forms that the unit requires and the instructions for completing the forms.

(b) To help persons deal with the unit, the unit shall supplement, so far as practicable, the regulations under this section with a description of the procedures of the unit.

§10–123.

(a) An interested person may submit to a unit a petition for the adoption of a regulation.

(b) Within 60 days after the petition is submitted, the unit shall:

(1) in writing, deny the petition and state the reasons for the denial; or

(2) initiate the procedures for adoption of the regulation.

§10–124.

(a) In this section, "business" means a trade, professional activity, or other business that is conducted for profit.

(b) (1) Before a unit adopts a proposed regulation, the unit shall evaluate whether the proposed regulation has any impact on businesses.

(2) To evaluate the impact, the unit shall:

(i) on the basis of the sizes of the businesses that the proposed regulation might affect, divide those businesses into any classes that the unit considers appropriate for the proposed regulation; and

(ii) particularly consider:

1. the costs that the proposed regulation would impose on each class; and

2. the difficulty of compliance for each class.

(c) On the basis of the evaluation, the unit may adopt 1 or more regulations that apply differently to classes of businesses.

§10–125.

(a) (1) A person may file a petition for a declaratory judgment on the validity of any regulation, whether or not the person has asked the unit to consider the validity of the regulation.

(2) A petition under this section shall be filed with the circuit court for the county where the petitioner resides or has a principal place of business.

(b) A court may determine the validity of any regulation if it appears to the court that the regulation or its threatened application interferes with or impairs or threatens to interfere with or impair a legal right or privilege of the petitioner.

(c) The unit that adopted the regulation shall be made a party to the proceeding under this section.

(d) Subject to § 10-128 of this subtitle, the court shall declare a provision of a regulation invalid if the court finds that:

(1) the provision violates any provision of the United States or Maryland Constitution;

(2) the provision exceeds the statutory authority of the unit; or

(3) the unit failed to comply with statutory requirements for adoption of the provision.

§10–128.

(a) Unless a regulation expressly states otherwise, its provisions are severable.

(b) The finding of a court that a provision of a regulation is invalid invalidates only any other provision of the regulation that the court finds then is so

incomplete that it cannot be carried out in accordance with the purpose of the regulation.

§10–129.

(a) This section applies only to a unit in the Executive Branch of the State government.

(b) Whenever a court of final appeal declares all or any part of a regulation invalid and unconstitutional:

(1) the unit that adopted the regulation shall have notice of that fact published in the Register; and

(2) the Administrator shall publish notice of that fact in the permanent supplements or otherwise in the Code of Maryland Regulations.

§10–130.

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

(b) "Adopting authority" means the individual or entity charged under law with adopting regulations for a unit.

(c) "Committee" means the Joint Committee on Administrative, Executive, and Legislative Review.

(d) "Evaluation report" means the document prepared by a unit of State government in accordance with this part that results from the unit's review of its regulations.

(e) "Regulation" has the meaning stated in § 10–101(g) of this subtitle and is limited to those regulations in effect at the time any action is required or taken under this part.

(f) "Stakeholder" means a person that has an interest in or is impacted by an existing regulation.

(g) "Unit" means each unit in the Executive Branch of State government that is authorized by law to adopt regulations.

(h) "Work plan" means a unit's proposal for the evaluation of its regulations.

§10–131.

This part does not apply to a regulation of a bi-county or multicounty commission or authority or to any other entity not a part of the Executive Branch of State government.

§10–132.

The purposes of this part are to:

(1) establish a system of executive and legislative evaluation of regulations that will:

(i) determine whether the regulations of a unit:

1. continue to be necessary for the public interest;

2. continue to be supported by statutory authority and judicial opinions; and

3. are obsolete or otherwise are appropriate for amendment or repeal; and

(ii) assist the Executive Branch in being accountable and responsive to the public interest; and

(2) assure that the evaluation takes place in a timely and orderly manner.

§10–132.1.

(a) (1) Subject to subsection (b) of this section, the adopting authority for each unit shall every 8 years, beginning on or after October 1, 2001, submit to the Governor and to the Committee a schedule of regulations to be reviewed under this part during the following 8 years.

(2) (i) To the extent possible and reasonable, an adopting authority shall schedule related regulations to be reviewed concurrently.

(ii) Unless good cause exists for publishing a larger group of regulations concurrently, the largest group of regulations that an adopting authority may schedule for review concurrently shall be a subtitle.

(b) (1) At the time that a unit's regulations are scheduled for review under this part, an adopting authority may certify to the Committee and the

Governor that the review of a regulation or group of related regulations would not be effective or cost-effective and is exempt from the review process under this subtitle because the regulation or group of related regulations was:

(i) adopted to implement a federally mandated or federally approved program; or

(ii) initially adopted or comprehensively amended during the preceding 8 years.

(2) An adopting authority issuing a certificate of exemption shall provide the Governor and Committee with written justification for the certificate of exemption.

(3) If there is more than one adopting authority for a regulation or group of related regulations for which an exemption is to be certified, each adopting authority shall sign the certificate of exemption and written justification required under this subsection.

(c) At any time during a review cycle, the Governor or Committee may ask that an adopting authority review a regulation or group of regulations for which a certificate of exemption has been issued, notwithstanding the claim of exemption.

§10–133.

(a) Based on the schedules submitted by the adopting authorities under § 10-132.1 of this subtitle, the Governor shall, by an executive order consistent with this part, provide for the review and evaluation of the regulations of each unit in accordance with this part.

(b) The executive order shall provide that a review and evaluation of the regulations of all units be undertaken every 8 years, beginning on July 1, 1995 and is repeated during each 8-year period thereafter.

(c) The executive order under subsection (b) of this section shall schedule the evaluations in such a manner that:

(1) a deadline is established for each unit to complete its evaluation; and

(2) the deadlines of the various units are staggered across the entire 8-year period.

(d) (1) The executive order shall provide that, on written request from a unit, the Governor may alter the deadline for that unit.

(2) If the Governor approves a request to alter a deadline, the unit shall notify the Committee.

§10–134.

(a) At least 1 year before the commencement of the review and evaluation of its regulations, each unit shall prepare a work plan and submit the work plan to the Governor and, subject to § 2–1257 of this article, the Committee.

(b) The work plan shall:

(1) include a description of the procedures and methods to be used by the unit, which may include:

(i) procedures for inviting public comment, including:

1. the publication of notices in the Maryland Register;

2. the publication of notices in newspapers of general circulation in the State;

3. the posting of a notice on the unit's website or on a statewide website created for units to post notices of regulations review;

4. the mailing of notices; and

5. the holding of public hearings at various locations around the State;

(ii) procedures for ensuring the participation of stakeholders in the review process;

(iii) procedures for ensuring the participation in the review process of other units affected by the regulations; and

(iv) procedures for gathering and reviewing:

1. recent scientific information related to the regulations being reviewed;

2. similar regulations adopted or repealed by other states or the federal government; and

3. other appropriate information;

(2) identify the individual or individuals in the unit who will coordinate the evaluation and communicate with the Committee; and

(3) establish the schedule the unit will follow to complete its evaluation report in a timely manner.

(c) (1) Within 30 days after receipt of the work plan by the Committee, it shall:

(i) advise the unit in writing of any part of the work plan with which it disagrees;

(ii) submit to the unit in writing any changes it recommends to the work plan; and

(iii) in the event of a disagreement, attempt to meet with the head of the unit.

(2) The head of the unit and the Committee shall attempt to resolve any disagreements within 30 days after the Committee acts under this subsection.

§10–135.

(a) (1) Pursuant to the work plan adopted under § 10–134 of this subtitle, each unit shall complete an evaluation report on or before the deadline established by the executive order.

(2) Consistent with the requirements of § 10–132(1)(i) of this subtitle, the evaluation report shall contain:

(i) a list of any stakeholders invited to review the regulations and a summary of their participation in and input into the review process;

(ii) a list of any affected units invited to review the regulations and a summary of their participation in and input into the review process;

(iii) a description of the process used to solicit public comment, including:

1. any notice published in the Maryland Register;

2. any notice published in newspapers of general circulation;

3. any notice posted on the unit's website or on a statewide website created for units to post notices of regulations review;

4. any mailing by the adopting authority; and

5. any public hearing held;

(iv) summaries of:

1. all comments received from stakeholders, affected units, or the public; and

2. the adopting authority's responses to those comments;

(v) a description of any interunit conflict reviewed and the resolution or proposed resolution of that conflict;

(vi) a summary of any relevant scientific data gathered;

(vii) a summary of any relevant information gathered related to the regulations of other states or the federal government;

(viii) a summary of any other relevant information gathered;

(ix) a summary of any proposed amendments to the unit's regulations and the reason that the amendments are being proposed;

(x) a summary of any proposed repeal of those regulations and the reason that the repeal is being proposed; and

(xi) any proposed reorganization of those regulations and the reason that the reorganization is being proposed.

(b) (1) On completion of its evaluation report, a unit shall:

(i) provide a copy to the Committee which shall immediately provide copies thereof to the standing committees designated by the presiding officers for their review and comment;

(ii) provide sufficient copies to the State Library Resource Center for distribution to designated depository libraries in accordance with § 23–303 of the Education Article; and

(iii) publish a notice in the Maryland Register that the evaluation report is available for public inspection and comment for 60 days.

(2) The unit may hold a public hearing on the evaluation report at the discretion of the head of the unit.

(c) (1) The Committee shall review the evaluation report.

(2) During the review, the Committee may solicit public comment through written comments or public hearings.

(d) (1) During the 60–day review period established under subsection (b)(1) of this section, the Committee may submit to the unit comments on and recommendations for change in the unit's evaluation report.

(2) Within 30 days after the termination of the 60–day review period, the unit shall:

(i) notify the Committee of the unit's agreement or disagreement with the Committee's recommendations; and

(ii) attempt to resolve any disagreements.

(3) If the Committee submits no comments or recommendations under this subsection, or if any disagreements have been resolved by the termination of the period provided in paragraph (2) of this subsection, the evaluation report is deemed approved.

§10–136.

(a) (1) If a unit, other than those referred to in § 10–137 of this subtitle, disagrees with a Committee recommendation and the disagreement has not been resolved by the termination of the period provided under § 10–135(d)(2) of this subtitle, the unit, within 30 days thereafter, shall submit the evaluation report to the Governor with an explanation of the disagreement and a statement of justification for the unit's position.

(2) After receipt of the report and accompanying justification and after consulting with the presiding Chairman of the Committee, the Governor shall:

(i) approve the evaluation report either as proposed by the unit or with such modifications as the Governor deems appropriate; or

(ii) instruct the unit to modify the evaluation report and, under this section, to submit a revised report to the Governor and to the Committee.

(b) The unit shall provide the Committee, subject to § 2–1257 of this article, with a copy of an evaluation report approved by the Governor and any other written action taken by the Governor under this section.

§10–137.

(a) This section applies to the Comptroller, the Treasurer, the Attorney General, and the Board of Public Works.

(b) Within 30 days of the receipt by one of the units referred to in subsection (a) of this section of a Committee comment or recommendation under § 10–135(d) of this subtitle with which that unit disagrees, the Comptroller, the Treasurer, the Attorney General, or the Board of Public Works, as the case may be, shall, after consultation with the Committee, resolve the disagreement.

(c) The unit involved shall promptly notify the Committee of any resolution of a disagreement under this section and provide the Committee with a copy of the approved evaluation report.

§10–138.

(a) Within 120 days after an evaluation report is approved pursuant to § 10-135(d)(3), § 10-136(a)(2)(i), or § 10-137 of this subtitle, the unit shall propose for adoption any amendments to or repeal of its regulations that were summarized in the unit's evaluation report as approved.

(b) The amendments or repeal shall be proposed in the manner provided under Part III of this subtitle.

§10–139.

This Part VI of this subtitle may be cited as the "Regulatory Review and Evaluation Act".

§10–201.

The purpose of this subtitle is to:

(1) ensure the right of all persons to be treated in a fair and unbiased manner in their efforts to resolve disputes in administrative proceedings governed by this subtitle; and

(2) promote prompt, effective, and efficient government.

§10–202.

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

(b) "Agency" means:

(1) an officer or unit of the State government authorized by law to adjudicate contested cases; or

(2) a unit that:

(i) is created by general law;

(ii) operates in at least 2 counties; and

(iii) is authorized by law to adjudicate contested cases.

(c) "Agency head" means:

(1) an individual or group of individuals in whom the ultimate legal authority of an agency is vested by any provision of law; or

(2) the secretary of the State department that is responsible for State programs that are administered by the Montgomery County Department of Health and Human Services.

(d) (1) "Contested case" means a proceeding before an agency to determine:

(i) a right, duty, statutory entitlement, or privilege of a person that is required by statute or constitution to be determined only after an opportunity for an agency hearing; or

(ii) the grant, denial, renewal, revocation, suspension, or amendment of a license that is required by statute or constitution to be determined only after an opportunity for an agency hearing.

(2) "Contested case" does not include a proceeding before an agency involving an agency hearing required only by regulation unless the regulation expressly, or by clear implication, requires the hearing to be held in accordance with this subtitle.

(e) "License" means all or any part of permission that:

(1) is required by law to be obtained from an agency;

(2) is not required only for revenue purposes; and

(3) is in any form, including:

(i) an approval;

(ii) a certificate;

(iii) a charter;

(iv) a permit; or

(v) a registration.

(f) "Office" means the Office of Administrative Hearings.

(g) "Presiding officer" means the board, commission, agency head, administrative law judge, or other authorized person conducting an administrative proceeding under this subtitle.

§10–203.

(a) This subtitle does not apply to:

(1) the Legislative Branch of the State government or an agency of the Legislative Branch;

(2) the Judicial Branch of the State government or an agency of the Judicial Branch;

(3) the following agencies of the Executive Branch of the State government:

(i) the Governor;

(ii) the Department of Assessments and Taxation;

(iii) the Insurance Administration except as specifically provided in the Insurance Article;

(iv) the Maryland Parole Commission of the Department of Public Safety and Correctional Services;

(v) the Public Service Commission;

(vi) the Maryland Tax Court;

(vii) the State Workers' Compensation Commission;

(viii) the Maryland Automobile Insurance Fund; or

(ix) the Patuxent Institution Board of Review, when acting on a parole request;

(4) an officer or unit not part of a principal department of State government that:

(i) is created by or pursuant to the Maryland Constitution or general or local law;

(ii) operates in only 1 county; and

(iii) is subject to the control of a local government or is funded wholly or partly from local funds;

(5) unemployment insurance claim determinations, tax determinations, and appeals in the Maryland Department of Labor except as specifically provided in Subtitle 5A of Title 8 of the Labor and Employment Article; or

(6) any other entity otherwise expressly exempted by statute.

(b) This subtitle does apply to:

(1) the property tax assessment appeals boards; and

(2) as to requests for correction of certificates of death under § 5–310(d)(2) of the Health – General Article, the office of the Chief Medical Examiner.

(c) A public hearing required or provided for by statute or regulation before an agency takes a particular action is not an agency hearing under § 10–202(d) of this subtitle unless the statute or regulation:

(1) expressly requires that the public hearing be held in accordance with this subtitle; or

(2) expressly requires that any judicial review of the agency determination following the public hearing be conducted in accordance with this subtitle.

(d) (1) Subject to paragraphs (2) and (3) of this subsection, this subtitle does apply to a contested case that arises from a State program administered by the Montgomery County Department of Health and Human Services in the same manner as the subtitle applies to a county health department or local department of social services.

(2) For purposes of this subtitle, the Office of the Attorney General, after consultation with the County Attorney for Montgomery County, shall determine if the Montgomery County Department of Health and Human Services administers a State program.

(3) This subsection is not intended to extend or limit the authority of the Montgomery County Department of Health and Human Services to administer State programs in the manner of a county health department or local department of social services.

§10–204.

A political subdivision of the State or an instrumentality of a political subdivision is entitled, to the same extent as other legal entities, to be an interested person, party, or petitioner in a matter under this subtitle, including an appeal.

§10–205.

(a) (1) Except as provided in paragraph (2) of this subsection, a board, commission, or agency head authorized to conduct a contested case hearing shall:

(i) conduct the hearing; or

(ii) delegate the authority to conduct the contested case hearing to:

1. the Office; or

2. with the prior written approval of the Chief Administrative Law Judge, a person not employed by the Office.

(2) A hearing held in accordance with § 4-608(f) or § 5-610(f) of the Business Occupations and Professions Article may not be delegated to the Office.

(3) With the written approval of the Chief Administrative Law Judge, a class of contested case hearings may be delegated as provided in paragraph (1)(ii)2 of this subsection.

(4) This subsection is not intended to restrict the right of an individual, expressly authorized by a statute in effect on October 1, 1993, to conduct a contested case hearing.

(b) An agency may delegate to the Office the authority to issue:

(1) proposed or final findings of fact;

(2) proposed or final conclusions of law;

(3) proposed or final findings of fact and conclusions of law;

(4) proposed or final orders or orders under Title 20 of this article; or

(5) the final administrative decision of an agency in a contested case.

(c) Promptly after receipt of a request for a contested case hearing, an agency shall:

(1) notify the parties that the authorized agency head, board, or commission shall conduct the hearing;

(2) transmit the request to the Office so that the Office shall conduct the hearing in accordance with the agency's delegation; or

(3) request written approval from the Chief Administrative Law Judge to appoint a person not employed by the Office to conduct the hearing.

(d) (1) Except as provided in paragraph (2) of this subsection, an agency's delegation and transmittal of all or part of a contested case to the Office is final.

(2) If an agency has adopted regulations specifying the criteria and procedures for the revocation of a delegation of a contested case, delegation of authority to hear all or part of a contested case may be revoked, by the agency head, board, or commission, in accordance with the agency's regulations, at any time prior to the earlier of:

(i) the issuance of a ruling on a substantive issue; or

(ii) the taking of oral testimony from the first witness.

(e) (1) The Office shall:

(i) conduct the hearing; and

(ii) except as provided in paragraph (2) of this subsection or as otherwise required by law, within 90 days after the completion of the hearing, complete the procedure authorized in the agency's delegation to the Office.

(2) The time limit specified in paragraph (1)(ii) of this subsection may be extended with the written approval of the Chief Administrative Law Judge.

§10–206.

(a) (1) The Office shall adopt regulations to govern the procedures and practice in all contested cases delegated to the Office and conducted under this subtitle.

(2) Unless a federal or State law requires that a federal or State procedure shall be observed, the regulations adopted under paragraph (1) of this subsection shall take precedence in the event of a conflict.

(b) Each agency may adopt regulations to govern procedures under this subtitle and practice before the agency in contested cases.

(c) Regulations adopted under this section may include procedures and criteria for requesting and conducting expedited hearings.

(d) Each agency and the Office may adopt regulations that:

(1) provide for prehearing conferences in contested cases; or

(2) set other appropriate prehearing procedures in contested cases.

(e) To assist the public in understanding the procedures followed by an agency or the Office in contested cases, an agency or the Office may develop and distribute supplemental explanatory materials, including the related forms that the agency or Office requires and instructions for completing the forms.

§10–206.1.

(a) An agency may not:

(1) grant the right to practice law to an individual who is not authorized to practice law;

(2) interfere with the right of a lawyer to practice before an agency or the Office; or

(3) prohibit any party from being advised or represented at the party's own expense by an attorney or, if permitted by law, other representative.

(b) Subsection (a) of this section may not be interpreted to require the State to furnish publicly provided legal services in any proceeding under this subtitle.

§10–207.

(a) An agency shall give reasonable notice of the agency's action.

(b) The notice shall:

(1) state concisely and simply:

(i) the facts that are asserted; or

(ii) if the facts cannot be stated in detail when the notice is given, the issues that are involved;

(2) state the pertinent statutory and regulatory sections under which the agency is taking its action;

(3) state the sanction proposed or the potential penalty, if any, as a result of the agency's action;

(4) unless a hearing is automatically scheduled, state that the recipient of notice of an agency's action may have an opportunity to request a hearing, including:

(i) what, if anything, a person must do to receive a hearing; and

(ii) all relevant time requirements; and

(5) state the direct consequences, sanction, potential penalty, if any, or remedy of the recipient's failure to exercise in a timely manner the opportunity for a hearing or to appear for a scheduled hearing.

(c) The notice of agency action under this section may be consolidated with the notice of hearing required under § 10-208 of this subtitle.

(d) For purposes of this section, publication in the Maryland Register does not constitute reasonable notice to a party.

§10–208.

(a) An agency or the Office shall give all parties in a contested case reasonable written notice of the hearing.

(b) The notice shall state:

(1) the date, time, place, and nature of the hearing;

(2) the right to call witnesses and submit documents or other evidence under § 10-213(f) of this subtitle;

(3) any applicable right to request subpoenas for witnesses and evidence and specify the costs, if any, associated with such a request;

(4) that a copy of the hearing procedure is available on request and specify the costs associated with such a request;

(5) any right or restriction pertaining to representation;

(6) that failure to appear for the scheduled hearing may result in an adverse action against the party; and

(7) that, unless otherwise prohibited by law, the parties may agree to the evidence and waive their right to appear at the hearing.

(c) The notice of hearing may be consolidated with the notice of agency action required under § 10-207 of this subtitle.

(d) For purposes of this subtitle, publication in the Maryland Register does not constitute reasonable notice to a party.

§10–209.

(a) Where a licensing statute provides for service other than by regular mail, notice under this subtitle may be sent by regular mail to the address of record of a person holding a license issued by the agency if:

(1) the person is required by law to advise the agency of the address; and

(2) the agency has been unsuccessful in giving notice in the manner otherwise provided by the licensing statute.

(b) Upon a showing that the person neither knew nor had reasonable opportunity to know of the fact of service, a person served by regular mail under subsection (a) of this section shall be granted a hearing.

(c) A person holding a license shall be deemed to have had a reasonable opportunity to know of the fact of service if:

(1) the person is required by law to notify the agency of a change of address within a specified period of time;

(2) the person failed to notify the agency in accordance with the law;

(3) the agency or the Office mailed the notice to the address of record; and

(4) the agency did not have actual notice of the change of address prior to service.

§10–210.

Unless otherwise precluded by law, an agency or the Office may dispose of a contested case by:

(1) stipulation;

(2) settlement;

(3) consent order;

(4) default;

(5) withdrawal;

(6) summary disposition; or

(7) dismissal.

§10–211.

(a) In accordance with subsection (b) of this section, a hearing may be conducted by telephone, video conferencing, or other electronic means.

(b) (1) For good cause, a party may object to the holding of a hearing by telephone, video conferencing, or other electronic means.

(2) If a party establishes good cause in opposition to the holding of a hearing by telephone or other similar audio electronic means, the hearing shall be held in person or by video conferencing or other similar audiovisual electronic means.

(3) If a party establishes good cause in opposition to the holding of a hearing by video conferencing or other similar audiovisual electronic means, the hearing shall be conducted in person.

§10–212.

(a) Except as otherwise provided by law, a contested case hearing conducted by the Office shall be open to the public.

(b) Hearings conducted by the Office are not subject to Subtitle 5 of this title.

§10–212.1.

(a) (1) In a contested case, a party or witness may apply to the agency for the appointment of a qualified interpreter to assist that party or witness, if the party or witness is deaf or, because of a hearing impediment, cannot readily understand or communicate the spoken English language.

(2) On application of the party or witness the agency shall appoint a qualified interpreter.

(3) In selecting a qualified interpreter for appointment, the agency may consult the directory of interpreters for manual communication or oral interpretation to assist deaf persons that is maintained by the courts of the State.

(b) (1) An interpreter appointed under this section shall be allowed the compensation that the agency considers reasonable.

(2) Subject to paragraph (3) of this subsection, the compensation shall be paid by the agency.

(3) If the agency has the authority to tax for services and expenses as a part of the costs of a case, the agency may tax the amount paid to an interpreter as a part of these services and expenses in accordance with the federal Americans with Disabilities Act.

§10–213.

(a) (1) Each party in a contested case shall offer all of the evidence that the party wishes to have made part of the record.

(2) If the agency has any evidence that the agency wishes to use in adjudicating the contested case, the agency shall make the evidence part of the record.

(b) The presiding officer may admit probative evidence that reasonable and prudent individuals commonly accept in the conduct of their affairs and give probative effect to that evidence.

(c) Evidence may not be excluded solely on the basis that it is hearsay.

(d) The presiding officer may exclude evidence that is:

(1) incompetent;

(2) irrelevant;

(3) immaterial; or

(4) unduly repetitious.

(e) The presiding officer shall apply a privilege that law recognizes.

(f) On a genuine issue in a contested case, each party is entitled to:

(1) call witnesses;

(2) offer evidence, including rebuttal evidence;

(3) cross-examine any witness that another party or the agency calls; and

(4) present summation and argument.

(g) The presiding officer may receive documentary evidence:

(1) in the form of copies or excerpts; or

(2) by incorporation by reference.

(h) (1) The agency or the Office may take official notice of a fact that is:

(i) judicially noticeable; or

(ii) general, technical, or scientific and within the specialized knowledge of the agency.

(2) Before taking official notice of a fact, the presiding officer:

(i) before or during the hearing, by reference in a preliminary report, or otherwise, shall notify each party; and

(ii) shall give each party an opportunity to contest the fact.

(i) The agency or the Office may use its experience, technical competence, and specialized knowledge in the evaluation of evidence.

§10–214.

(a) Findings of fact must be based exclusively on the evidence of record in the contested case proceeding and on matters officially noticed in that proceeding.

(b) In a contested case, the Office is bound by any agency regulation, declaratory ruling, prior adjudication, or other settled, preexisting policy, to the same extent as the agency is or would have been bound if it were hearing the case.

§10–215.

(a) Except as provided in subsection (b) of this section, all or part of proceedings in a contested case shall be transcribed if any party:

(1) requests the transcription; and

(2) pays any required costs.

(b) If a petition for judicial review is filed in circuit court by a Maryland Medical Assistance Program recipient, applicant, or authorized representative, the petitioner may not be charged a fee for the costs of:

(1) the transcription; or

(2) the preparation or delivery of the Office record to the circuit court or to a party.

§10–216.

(a) (1) In the case of a single decision maker, if the final decision maker in a contested case has not personally presided over the hearing, the final decision may not be made until each party is given notice of the proposed decision in accordance with § 10-220 of this subtitle and an opportunity to:

(i) file exceptions with the agency to the proposed decision; and

(ii) present argument to the final decision maker that the proposed decision should be affirmed, reversed, or remanded.

(2) In the case of a decision-making body, if a majority of the officials who are to make a final decision in a contested case have not personally presided over the hearing, the officials may not make the final decision until each party is given notice of the proposed decision in accordance with § 10-220 of this subtitle and an opportunity to:

(i) file exceptions to the proposed decision with the agency; and

(ii) present argument to a majority of the officials who are to make the final decision.

(3) If a party files exceptions or presents argument under paragraph (1) or (2) of this subsection, the official or officials who are to make the final decision shall:

(i) personally consider each part of the record that a party cites in its exceptions or arguments before making a final decision; and

(ii) except as otherwise provided by law or by agreement of the parties, make the final decision within 90 days after the exceptions are filed or the argument is presented, whichever is later.

(b) The final decision shall identify any changes, modifications, or amendments to the proposed decision and the reasons for the changes, modifications, or amendments.

§10–217.

The standard of proof in a contested case shall be the preponderance of evidence unless the standard of clear and convincing evidence is imposed on the agency by regulation, statute, or constitution.

§10–218.

The presiding officer hearing a contested case shall make a record that includes:

(1) all motions and pleadings;

(2) all documentary evidence that the agency or Office receives;

(3) a statement of each fact of which the agency or Office has taken official notice;

(4) any staff memorandum submitted to an individual who is involved in the decision making process of the contested case by an official or employee of the agency who is not authorized to participate in the decision making process;

(5) each question;

(6) each offer of proof;

(7) each objection and the ruling on the objection;

(8) each finding of fact or conclusion of law proposed by:

(i) a party; or

(ii) the presiding officer;

(9) each exception to a finding or conclusion proposed by a presiding officer; and

(10) each intermediate proposed and final ruling by or for the agency, including each report or opinion issued in connection with the ruling.

§10–219.

(a) (1) Except as provided in paragraph (2) of this subsection, a presiding officer may not communicate ex parte directly or indirectly regarding the merits of any issue in the case, while the case is pending, with:

(i) any party to the case or the party's representative or attorney; or

(ii) any person who presided at a previous stage of the case.

(2) An agency head, board, or commission presiding over a contested case may communicate with members of an advisory staff of, or any counsel for, the agency, board, or commission who otherwise does not participate in the contested case.

(b) If, before hearing a contested case, a person receives an ex parte communication of a type that would violate subsection (a) of this section if received while conducting a hearing, the person, promptly after commencing the hearing, shall disclose the communication in the manner prescribed in subsection (c) of this section.

(c) An individual who is involved in the decision making process and who is personally aware of an ex parte communication shall:

(1) give notice to all parties;

(2) include in the record of the contested case:

(i) each written communication received;

(ii) a memorandum that states the substance of each oral communication received;

(iii) each written response to a communication; and

(iv) a memorandum that states the substance of each oral response to the communication; and

(3) send to each party a copy of each communication, memorandum, and response.

(d) A party may rebut an ex parte communication if the party requests the opportunity to rebut within 10 days after notice of the communication.

(e) (1) To eliminate the effect of an ex parte communication that is made in violation of this section, the presiding officer or, if the presiding officer is a multimember body, the individual board or commission member, may:

(i) withdraw from the proceeding; or

(ii) terminate the proceeding without prejudice.

(2) An order to terminate the proceeding without prejudice shall state the last date by which a party may reinstitute the proceeding.

§10–220.

(a) If the Office conducts a hearing under this subtitle, the Office shall prepare proposed findings of fact, conclusions of law, or orders in accordance with the agency's delegation under § 10-205 of this subtitle.

(b) The Office shall send its proposed findings, conclusions, or orders:

(1) to the parties and the agency directly; or

(2) if the agency's delegation under § 10-205 of this subtitle requires, to the agency for distribution by the agency to the parties.

(c) (1) Within 60 days after receipt of the Office's proposed findings, conclusions, or order under subsection (b)(2) of this section, the agency shall:

(i) review the Office's proposed findings, conclusions, or order;

(ii) issue the proposed decision, which may include the Office's proposed findings, conclusions, or order with or without modification; and

(iii) send the proposed decision and a copy of the Office's proposed findings, conclusions, or order to the parties.

(2) The time limit specified in paragraph (1) of this subsection may be extended by the agency head, board, or commission with written notice to the parties.

(d) A proposed decision or order, including proposed decisions or orders issued for contested case hearings subject to this subtitle but not conducted by the Office, shall:

(1) be in writing or stated on the record;

(2) contain separate findings of fact and conclusions of law;

(3) include an explanation of procedures and time limits for filing exceptions; and

(4) if the Office conducted the hearing and the agency's proposed decision includes any changes, modifications, or amendments to the Office's proposed findings, conclusions, or orders, contain an explanation of the reasons for each change, modification, or amendment.

§10–221.

(a) A final decision or order in a contested case that is adverse to a party shall be in writing or stated on the record.

(b) (1) A final decision or order in a contested case, including a remand of a proposed decision, shall contain separate statements of:

(i) the findings of fact;

(ii) the conclusions of law; and

(iii) the order.

(2) A written statement of appeal rights shall be included with the decision.

(3) If the findings of fact are stated in statutory language, the final decision shall state concisely and explicitly the facts that support the findings.

(4) If, in accordance with regulations, a party submitted proposed findings of fact, the final decision shall state a ruling on each proposed finding.

(c) The final decision maker promptly shall deliver or mail a copy of the final decision or order to:

(1) each party; or

(2) the party's attorney of record.

§10–222.

(a) (1) Except as provided in subsection (b) of this section, a party who is aggrieved by the final decision in a contested case is entitled to judicial review of the decision as provided in this section.

(2) An agency, including an agency that has delegated a contested case to the Office, is entitled to judicial review of a decision as provided in this section if the agency was a party before the agency or the Office.

(b) Where the presiding officer has final decision–making authority, a person in a contested case who is aggrieved by an interlocutory order is entitled to judicial review if:

(1) the party would qualify under this section for judicial review of any related final decision;

(2) the interlocutory order:

(i) determines rights and liabilities; and

(ii) has immediate legal consequences; and

(3) postponement of judicial review would result in irreparable harm.

(c) Unless otherwise required by statute, a petition for judicial review shall be filed with the circuit court for the county where any party resides or has a principal place of business.

(d) (1) The court may permit any other interested person to intervene in a proceeding under this section.

(2) If the agency has delegated to the Office the authority to issue the final administrative decision pursuant to § 10–205(a)(3) of this subtitle, and there are 2 or more other parties with adverse interests remaining in the case, the agency may decline to participate in the judicial review. An agency that declines to participate shall inform the court in its initial response.

(e) (1) The filing of a petition for judicial review does not automatically stay the enforcement of the final decision.

(2) Except as otherwise provided by law, the final decision maker may grant or the reviewing court may order a stay of the enforcement of the final decision on terms that the final decision maker or court considers proper.

(f) (1) Judicial review of disputed issues of fact shall be confined to the record for judicial review supplemented by additional evidence taken pursuant to this section.

(2) The court may order the presiding officer to take additional evidence on terms that the court considers proper if:

(i) before the hearing date in court, a party applies for leave to offer additional evidence; and

(ii) the court is satisfied that:

1. the evidence is material; and

2. there were good reasons for the failure to offer the evidence in the proceeding before the presiding officer.

(3) On the basis of the additional evidence, the final decision maker may modify the findings and decision.

(4) The final decision maker shall file with the reviewing court, as part of the record:

(i) the additional evidence; and

(ii) any modifications of the findings or decision.

(g) (1) The court shall conduct a proceeding under this section without a jury.

(2) A party may offer testimony on alleged irregularities in procedure before the presiding officer that do not appear on the record.

(3) On request, the court shall:

(i) hear oral argument; and

(ii) receive written briefs.

(h) In a proceeding under this section, the court may:

(1) remand the case for further proceedings;

(2) affirm the final decision; or

(3) reverse or modify the decision if any substantial right of the petitioner may have been prejudiced because a finding, conclusion, or decision:

(i) is unconstitutional;

(ii) exceeds the statutory authority or jurisdiction of the final decision maker;

(iii) results from an unlawful procedure;

(iv) is affected by any other error of law;

(v) is unsupported by competent, material, and substantial evidence in light of the entire record as submitted;

(vi) in a case involving termination of employment or employee discipline, fails to reasonably state the basis for the termination or the nature and extent of the penalty or sanction imposed by the agency; or

(vii) is arbitrary or capricious.

(i) The court or an officer of the court may not charge a fee to an individual petitioning for judicial review to a circuit court from an Office decision in a Medicaid fair hearing contested case proceeding.

§10–222.1.

(a) A party to a contested case may timely seek civil enforcement of an administrative order by filing a petition for civil enforcement in an appropriate circuit court.

(b) Unless otherwise required by statute, a party shall file a petition for civil enforcement of an administrative order in the circuit court for the county where any party resides or has a principal place of business.

(c) In an action seeking civil enforcement of an administrative order, a party shall name, as a defendant, each alleged violator against whom the party seeks to obtain civil enforcement.

(d) A party may file an action for civil enforcement of an administrative order if another party is in violation of the administrative order.

(e) A party in an action for civil enforcement of an administrative order may request, and a court may grant, one or more of the following forms of relief:

(1) declaratory relief;

(2) temporary or permanent injunctive relief;

(3) a writ of mandamus; or

(4) any other civil remedy provided by law.

§10–223.

(a) This section does not apply to:

(1) a case that arises under Title 16 of the Transportation Article unless a right to appeal to the Appellate Court of Maryland is specifically provided; or

(2) a final judgment on actions of the Inmate Grievance Office.

(b) (1) A party who is aggrieved by a final judgment of a circuit court under this subtitle may appeal to the Appellate Court of Maryland in the manner that law provides for appeal of civil cases.

(2) An agency that was a party in the circuit court may appeal under paragraph (1) of this subsection.

§10–224.

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

(2) "Business" means a trade, professional activity, or other business that is conducted for profit.

(3) "Nonprofit organization" means an organization that is exempt or eligible for exemption from taxation under § 501(c)(3) of the Internal Revenue Code.

(b) This section applies only to:

(1) an agency operating statewide;

(2) a business that, on the date when the contested case or civil action is initiated, meets the definition of a small business under § 2–1505.2 of this article; and

(3) a nonprofit organization.

(c) Subject to the limitations in this section, an agency or court may award to a business or nonprofit organization reimbursement for expenses that the business or nonprofit organization reasonably incurs in connection with a contested case or civil action that:

(1) is initiated against the business or nonprofit organization by an agency as part of an administrative or regulatory function;

(2) is initiated without substantial justification or in bad faith; and

(3) does not result in:

(i) an adjudication, stipulation, or acceptance of liability of the business or nonprofit organization;

(ii) a determination of noncompliance, violation, infringement, deficiency, or breach on the part of the business or nonprofit organization; or

(iii) a settlement agreement under which the business or nonprofit organization agrees to take corrective action or to pay a monetary sum.

(d) (1) To qualify for an award under this section when the agency has initiated a contested case, the business or nonprofit organization must make a claim to the agency before taking any appeal.

(2) The agency shall act on the claim.

(e) (1) An award under this section may include:

(i) the expenses incurred in the contested case;

(ii) court costs;

(iii) counsel fees; and

(iv) the fees of necessary witnesses.

(2) An award under this section may not exceed $10,000.

(3) The court may reduce or deny an award to the extent that the conduct of the business or nonprofit organization during the proceedings unreasonably delayed the resolution of the matter in controversy.

(f) An award under this section shall be paid as provided in the State budget.

(g) (1) If the agency denies an award under this section, the business or nonprofit organization may appeal, as provided in this subtitle.

(2) An agency may appeal an award that a court makes under this section.

§10–225.

(a) Upon a finding by the Governor that there is an imminent threat within a time certain of a loss or denial of federal funds to the State because of the operation of any section of this subtitle or of Title 9, Subtitle 16 of this article, the Governor by executive order may suspend the applicability of part or all of this subtitle or of Title 9, Subtitle 16 of this article to a specific class of contested cases.

(b) A suspension under this section is effective only so long as, and to the extent, necessary to avoid a denial or loss of federal funds to the State.

(c) The executive order shall explain the basis for the Governor's finding and state the period of time during which the suspension is to be effective.

(d) The Governor shall declare the termination of a suspension when it is no longer necessary to prevent the loss or denial of federal funds.

(e) An executive order issued under this section shall be:

(1) presented to the Legislative Policy Committee; and

(2) published in the Maryland Register pursuant to § 7–206(a)(2)(iii) of this article.

§10–226.

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

(2) "License" means all or any part of permission that:

(i) is required by law to be obtained from a unit;

(ii) is not required only for revenue purposes; and

(iii) is in any form, including:

1. an approval;

2. a certificate;

3. a charter;

4. a permit; or

5. a registration.

(3) "Unit" means an officer or unit that is authorized by law to:

(i) adopt regulations subject to Subtitle 1 of this title; or

(ii) adjudicate contested cases under this subtitle.

(b) If, at least 2 calendar weeks before a license expires, the licensee makes sufficient application for renewal of the license, the license does not expire until:

(1) the unit takes final action on the application; and

(2) either:

(i) the time for seeking judicial review of the action expires; or

(ii) any judicial stay of the unit's final action expires.

(c) (1) Except as provided in paragraph (2) of this subsection, a unit may not revoke or suspend a license unless the unit first gives the licensee:

(i) written notice of the facts that warrant suspension or revocation; and

(ii) an opportunity to be heard.

(2) A unit may order summarily the suspension of a license if the unit:

(i) finds that the public health, safety, or welfare imperatively requires emergency action; and

(ii) promptly gives the licensee:

1. written notice of the suspension, the finding, and the reasons that support the finding; and

2. an opportunity to be heard.

§10–301.

In this subtitle, "unit" means an officer or unit that is authorized by law to:

(1) adopt regulations subject to Subtitle 1 of this title; or

(2) adjudicate contested cases subject to Subtitle 2 of this title.

§10–302.

(a) This subtitle does not apply to:

(1) the Governor;

(2) the Department of Assessments and Taxation;

(3) the Board of Appeals of the Maryland Department of Labor;

(4) the Insurance Administration;

(5) the Maryland Parole Commission of the Department of Public Safety and Correctional Services;

(6) the Public Service Commission;

(7) the Maryland Tax Court; or

(8) the State Workers' Compensation Commission.

(b) If the Insurance Commissioner states in writing that, as to a particular matter, the Maryland Automobile Insurance Fund need not comply with this subtitle, this subtitle does not apply to the Fund with respect to that matter.

§10–303.

A political subdivision of the State or an instrumentality of a political subdivision is entitled, to the same extent as other legal entities, to be an interested person, party, or petitioner in a matter under this subtitle, including an appeal.

§10–304.

(a) An interested person may submit to a unit a petition for a declaratory ruling with respect to the manner in which the unit would apply a regulation or order of the unit or a statute that the unit enforces to a person or property on the facts set forth in the petition.

(b) Each unit shall adopt regulations that set:

(1) the form for a petition under this section; and

(2) procedures for the submission, consideration, and disposition of the petition.

§10–305.

(a) A unit may issue a declaratory ruling.

(b) A declaratory ruling binds the unit and the petitioner on the facts set forth in the petition.

(c) A declaratory ruling under this section is subject to review in a circuit court in the manner that Subtitle 2 of this title provides for the review of a contested case.

§10–401.

Before a State agency issues a license or permit to an employer to engage in an activity in which the employer may employ a covered employee, as defined in § 9-101 of the Labor and Employment Article, the employer shall file with the State agency:

(1) a certificate of compliance with the Maryland Workers' Compensation Act; or

(2) the number of a workers' compensation insurance policy or binder.

§10–601.

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

(b) "Department" means a principal department of the Executive Branch of the State government.

(c) "Division" means the Records Management Division of the Department of General Services.

(d) "Form" means a document that has a standard format for the systematic and repetitive collection, maintenance, or transmission of information.

(e) "Independent unit" means a unit of the State government that is not in a department.

(f) "Plan" means a forms management plan for a department or independent unit.

§10–602.

(a) The head of each department and each independent unit shall designate, from among its staff, a forms management officer for the department or independent unit.

(b) The forms management officer shall:

(1) subject to the approval of the Division:

(i) keep a current plan for the management of the forms that the unit uses; and

(ii) administer the plan; and

(2) submit the plan, including each revision, to the Division.

§10–603.

(a) The plan shall:

(1) ensure that the forms management officer approves the use of a form by the department or independent unit only if the form:

(i) is needed for the effective or efficient operation of the department or independent unit;

(ii) requests information that is needed for or relevant to a lawful purpose of the department or independent unit;

(iii) does not impose an undue burden on the individual who is to complete the form;

(iv) is as brief, as plainly written, as well designed, and as easily completed as possible; and

(v) does not duplicate unnecessarily:

1. another form of the department or independent unit; or

2. a form of another department or independent unit;

(2) require a register of the forms that the forms management officer approves;

(3) require identification of each form in accordance with a standard identification system of the Division;

(4) provide for the most economical system by which to prepare, reproduce, and use a form; and

(5) require the forms management officer:

(i) to review periodically each form that has been approved to determine whether the officer still approves the form; and

(ii) if not, to remove the form from the register.

(b) In addition to any duties set forth elsewhere, the Division shall:

(1) develop a standard identification system to identify forms;

(2) help each department and independent unit to:

(i) develop a proposed plan; and

(ii) coordinate the proposed plan with other plans;

(3) review each proposed plan;

(4) approve each proposed plan that meets the requirements of this section; and

(5) monitor and help in the administration of each plan to ensure compliance.

(c) (1) In the preparation of a form that requires identification of individuals by race, a department or independent unit shall include the following racial categories:

(i) American Indian or Alaska Native;

(ii) Asian;

(iii) Black or African American;

(iv) Native Hawaiian or other Pacific Islander; and

(v) White.

(2) A form that requires identification of individuals by race shall include instructions that multiracial respondents may select all applicable racial categories.

(3) (i) Respondents shall select their own answers, except when it is not possible for the respondent to do so.

(ii) In the event that a respondent is not able to select an answer, an observer, such as a family member or friend, may select the answer on behalf of the respondent.

(4) A form that requires identification of individuals by race shall include a separate question about whether a respondent is of Hispanic or Latino origin, with the question preceding the racial category question.

§10–604.

A department or independent unit may use only the forms that are listed on its register of approved forms.

§10–605.

On or before July 31 of each year, each department or independent unit shall submit to the Division an annual report on its activities as to the management of its forms during the previous fiscal year.

§10–608.

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

(b) "Archives" means the State Archives.

(c) "Division" means the Records Management Division of the Department of General Services.

(d) "Program" means a program for the management of the records of a unit of the State government.

(e) "Records officer" means any individual designated under § 10–610(b) of this subtitle.

§10–609.

The Division and the State Archivist jointly shall adopt regulations to:

(1) define the character of records of archival quality;

(2) determine the quantity of those records;

(3) set standards for the development of record retention and disposal schedules; and

(4) provide for the periodic transfer to the State Archivist or disposal of records, in accordance with the schedules.

§10–610.

(a) (1) Each unit of the State government shall have a program for the continual, economical, and efficient management of the records of the unit.

(2) The program shall include procedures for:

(i) the security of the records;

(ii) the establishment and revision, in accordance with the regulations, record retention and disposal schedules to ensure the prompt and orderly disposition of records, including electronic records, that the unit no longer needs for its operation;

(iii) the maintenance of inventories of records series that are accurate and complete; and

(iv) the transfer of permanent records to the custody of the Archives.

(b) Each head of a unit of State government shall designate, from among the unit's executive staff, a records officer for the unit to:

(1) serve as liaison to the Division and the Archives; and

(2) develop and oversee the program.

§10–611.

The Division shall:

(1) inspect the records of the units of the State government;

(2) study the records management practices of the units of State government;

(3) review a proposal to buy or rent equipment, storage space, or services for records, including microfilming or photocopying, and, as appropriate, make recommendations about the proposal to:

(i) the Department of Budget and Management; or

(ii) the Board of Public Works;

(4) on July 1, 1985 and for each subsequent 5–year period, report a series analysis of the character and quantity of records that a unit of the State government holds and that an official of the State government or the head of a unit is required or is permitted to offer to the State Archives; and

(5) otherwise further the programs of each unit of the State government.

§10–614.

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

(b) "Archives" means the State Archives.

(c) "Commission" means the Hall of Records Commission.

(d) "Public official" includes an official of the State or of a county, city, or town in the State.

(e) "Record" means any documentary material in any form created or received by any agency in connection with the transaction of public business.

(f) "Records inventory" means a survey of all records series maintained by an agency resulting in an itemized compilation of the records in the possession of the agency.

§10–615.

Except as expressly provided in § 10–619 of this subtitle, this Part III of this subtitle does not authorize:

(1) the destruction of a permanent book of account;

(2) the destruction of a land record of a clerk of a circuit court;

(3) the destruction of any record that relates to the financial operation of a unit of the State government or to collection of State taxes until the requirements of §§ 2–1220 through 2–1227 of this article are met;

(4) the destruction of any record until the expiration of the period that a statute expressly sets for that record to be kept;

(5) the destruction of any public record that a statute expressly requires to be kept permanently; or

(6) the destruction of any record of a court of record unless:

(i) the destruction is authorized under § 1–605(d)(6) or § 2–205 of the Courts Article;

(ii) an accurate transcript of the record is in use; or

(iii) the record relates to the internal management of or otherwise is a housekeeping record for an office of a clerk of court or register of wills.

§10–616.

(a) In accordance with the record retention and disposal schedules, a public official shall offer to the Archives any public record of the official that no longer is needed, such as:

(1) an original paper;

(2) a book;

(3) a file;

(4) a record of a court of record for which an accurate transcript is in use;

(5) a record that relates to the internal management of or otherwise is a housekeeping record for an office of a clerk of court or register of wills; or

(6) any other written or recorded materials regardless of their physical form or characteristics.

(b) Records accepted for transfer to the Archives shall be accompanied by a records inventory.

(c) (1) With the written approval of the State Archivist, a public official may destroy the record that the public official offers under this section, but the Archives declines to accept.

(2) After records are destroyed, the public official shall send to the Archives:

(i) a list of the records that were destroyed; and

(ii) a certificate of destruction.

(3) (i) The State Archivist shall keep each list of the records destroyed under this subsection.

(ii) The list shall be available for public inspection at reasonable times.

§10–617.

(a) A public official may offer to the Archives or may destroy any of the following materials that the public official no longer needs:

(1) a book, magazine, or newspaper;

(2) other library or museum material that was made or acquired for reference or exhibition purposes;

(3) an extra copy of a document that was kept only for convenience of reference;

(4) a stock of publications;

(5) an acceptance or refusal of an invitation or engagement of a public officer; and

(6) material that otherwise relates to personal business of a public officer.

(b) The State Archivist may set classes of materials that the public official may destroy if the public official no longer needs the materials.

§10–618.

A public official may offer to the Archives any portrait that is in the custody of the public official but is no longer used.

§10–619.

(a) With the written approval of the State Archivist, the head of a unit of the State government or of a unit of a county or municipal corporation may destroy original material that has been photographed, photocopied, or microphotographed if:

(1) the head offers the original material to the Archives, but the Archives declines to accept;

(2) the copy is made in a manner that meets the standard of quality of the Archives for permanent photographic records;

(3) the copy is placed in an adequately accessible container; and

(4) provisions are made:

(i) for the preservation, examination, and use of the copy in a manner that the Archives approves; and

(ii) as to a record that a statute otherwise expressly requires to be kept permanently, for the copy to be available, on request, in the same manner as the original material.

(b) (1) After materials are destroyed under this section, the head of the unit shall send to the Archives:

(i) a list of the materials that were destroyed; and

(ii) a certificate of destruction.

(2) The State Archivist shall keep each list of the materials destroyed under this section. The list shall be available for public inspection at reasonable times.

§10–701.

This subtitle applies if the General Assembly:

(1) abolishes a unit of the State government; or

(2) transfers, wholly or partly, a function or authority of the unit to a successor.

§10–702.

(a) In this section, "property" means:

(1) a record of a unit; and

(2) any other property that is in the possession of a unit or any of its members or officers.

(b) Property that relates to a transferred function or authority of an abolished or superseded unit vests in and shall be delivered to the successor of the unit.

(c) Records of an abolished or superseded unit that do not vest in a successor shall be delivered to the State Archives.

(d) Other property of an abolished or superseded unit that does not vest in a successor shall be delivered to the Board of Public Works.

§10–703.

Employees of an abolished or superseded unit who are in the skilled service or professional service of the State Personnel Management System, with the exception of special appointments:

(1) keep their status as skilled service or professional service employees; and

(2) in accordance with the provisions of the State Personnel and Pensions Article that govern skilled service or professional service employees and the regulations adopted under them, are eligible for reemployment by the successor or by another unit in the respective skilled service or professional service position in the State Personnel Management System.

§10–704.

(a) Each petition, hearing, or other proceeding that was pending before an abolished or superseded unit and each proceeding or investigation that was begun by the unit remains in force.

(b) The successor or another unit designated in accordance with law may complete a proceeding or investigation and enforce any penalty or forfeiture to the same extent as the abolished or superseded unit.

§10–705.

Each order, rule, and regulation that relates to a transferred function or authority of an abolished or superseded unit remains in effect until the successor amends or rescinds the order, rule, or regulation.

§10–706.

Each contract and other obligation that relates to a transferred function or authority of an abolished or superseded unit remains in effect and shall be carried out by the successor.

§10–801.

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

(b) "Public communication" means any inquiry, request, or complaint made by the public.

(c) "Unit" means each unit in the Executive Branch of the State government.

§10–802.

Each unit shall adopt written policies that are within the legal authority of the unit for:

(1) the procedures to be followed by the unit in responding to a public communication;

(2) the circumstances that require the unit to maintain a record of a public communication and of the response of the unit; and

(3) the manner of maintaining records of public communications and of the responses of the unit.

§10–803.

Each unit shall submit the policies required under § 10-802 of this subtitle to the Joint Committee on Administrative, Executive, and Legislative Review.

§10–901.

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

(b) "Cost of providing the system product" means the cost to:

(1) create, develop, and produce a new system product in printed, hard copy, digital, or other format; or

(2) reproduce an existing system product in printed, hard copy, digital, or other format.

(c) "Governmental unit" means:

(1) the State or a political subdivision, unit, or instrumentality of the State;

(2) a unit or instrumentality of a political subdivision of the State;

(3) a bicounty agency; or

(4) a combination of the entities specified in items (1) through (3) of this subsection.

(d) (1) "System" means an automated mapping–geographic information system in which geographically referenced data:

(i) are entered and stored electronically; and

(ii) can be manipulated to display selected geographic data.

(2) "System" includes data that define physical and nonphysical elements of geographically referenced areas.

(e) "System products" means drawings, maps, photographs, or any other depiction, representation, or compilation of spatial data produced in printed, digital, hard copy, or other format.

§10–902.

The General Assembly finds that:

(1) automated mapping–geographic information system products have value to the general public; and

(2) automated mapping–geographic information system products that are developed at public expense should not be unreasonably withheld from private commercial users of geographic information, but should not provide a public subsidy to private commercial users.

§10–903.

(a) This subtitle is applicable to system products established or maintained by any governmental unit.

(b) Except as otherwise provided in this subtitle, to the extent of any inconsistency, Title 4, Subtitles 1 through 5 of the General Provisions Article do not apply to this subtitle.

§10–904.

(a) A governmental unit may adopt a fee structure for system products that will:

(1) make system products available at a cost consistent with the requirements of this subtitle; and

(2) cover the cost of providing the system product and an additional charge of no more than $50.

(b) A governmental unit may sell system products to the general public for a fee that reasonably reflects the cost of providing the system product.

(c) A governmental unit:

(1) may reduce or waive the fees that it charges for system products that are to be used for a public purpose; and

(2) shall apply its reduction or waiver of the fees uniformly among persons who are similarly situated.

§10–1001.

(a) In this section, "unit" means an officer or other entity in the Executive Branch.

(b) Unless otherwise provided by statute or regulation, a unit of State government authorized by law to impose a civil penalty up to a specific dollar amount for violation of any statute or regulation shall consider the following in setting the amount of the penalty:

(1) the severity of the violation for which the penalty is to be assessed;

(2) the good faith of the violator; and

(3) any history of prior violations.

§10–1101.

The General Assembly finds that the inability to speak, understand, or read the English language is a barrier that prevents access to public services provided by State departments, agencies, and programs, and that the public services available through these entities are essential to the welfare of Maryland residents. It is the policy of the State that State departments, agencies, and programs shall provide equal access to public services for individuals with limited English proficiency.

§10–1102.

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

(b) "Equal access" means to be informed of, participate in, and benefit from public services offered by a State department, agency, or program, at a level equal to English proficient individuals.

(c) "Limited English proficiency" means the inability to adequately understand or express oneself in the spoken or written English language.

(d) "Oral language services" includes various methods to provide verbal information and interpretation such as staff interpreters, bilingual staff, telephone interpreter programs, and private interpreter programs.

(e) "Program" means all of the operations of a State department, State agency, or any other instrumentality of the State.

(f) (1) "Vital documents" means all applications or informational materials, notices, and complaint forms offered by State departments, agencies, and programs.

(2) "Vital documents" does not include applications and examinations related to the licensure, certification, or registration under the Health Occupations Article, Financial Institutions Article, Business Occupations and Professions Article, and Business Regulation Article within the jurisdiction of the Maryland Department of Health or the Maryland Department of Labor.

§10–1103.

(a) Each State department, agency, or program listed or identified under subsection (c) of this section shall take reasonable steps to provide equal access to public services for individuals with limited English proficiency.

(b) Reasonable steps to provide equal access to public services include:

(1) the provision of oral language services for individuals with limited English proficiency, which must be through face–to–face, in–house oral language services if contact between the agency and individuals with limited English proficiency is on a weekly or more frequent basis;

(2) (i) the translation of vital documents ordinarily provided to the public into any language spoken by any limited English proficient population that constitutes 3% of the overall population within the geographic area served by a local office of a State program as measured by the United States Census; and

(ii) the provision of vital documents translated under item (i) of this item on a statewide basis to any local office as necessary; and

(3) any additional methods or means necessary to achieve equal access to public services.

(c) The provisions of this section shall be fully implemented according to the following schedule:

(1) on or before July 1, 2003, full implementation by:

(i) the Department of Human Services;

(ii) the Maryland Department of Labor;

(iii) the Maryland Department of Health;

(iv) the Department of Juvenile Services; and

(v) the Workers' Compensation Commission;

(2) on or before July 1, 2004, full implementation by:

(i) the Department of Aging;

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

(iii) the Department of Transportation, not including the Maryland Transit Administration;

(iv) the Commission on Civil Rights;

(v) the Department of State Police; and

(vi) five independent agencies, boards, or commissions, to be determined by the Secretary of Human Services, in consultation with the Office of the Attorney General;

(3) on or before July 1, 2005, full implementation by:

(i) the Comptroller of Maryland;

(ii) the Department of Housing and Community Development;

(iii) the Maryland Transit Administration;

(iv) the Department of Natural Resources;

(v) the Maryland State Department of Education;

(vi) the Office of the Attorney General; and

(vii) five independent agencies, boards, or commissions to be determined by the Secretary of Human Services, in consultation with the Office of the Attorney General;

(4) on or before July 1, 2006, full implementation by:

(i) the Department of Agriculture;

(ii) the Department of Commerce;

(iii) the Department of Veterans and Military Families;

(iv) the Department of the Environment; and

(v) five independent agencies, boards, or commissions to be determined by the Secretary of Human Services, in consultation with the Office of the Attorney General;

(5) on or before July 1, 2025, full implementation by each principal department listed under § 8–201 of this article; and

(6) if a principal department is created on or after October 1, 2024, the principal department shall comply with the requirements of this section beginning 1 year after the date on which the principal department is created.

§10–1104.

Each State department, agency, or program not listed or identified under § 10–1103(c) of this subtitle shall monitor its operations to determine if the State department, agency, or program should take reasonable steps under § 10–1103 of this subtitle to achieve equal access to public services for individuals with limited English proficiency.

§10–1105.

(a) (1) Except as provided in subsections (b) and (c) of this section, each State department, agency, and program shall provide for each website that may reasonably be expected to be available to and used by members of the general public equal access versions of the website in any language that:

(i) is spoken by any limited English proficient population that constitutes at least 0.5% of the overall population within the State, as measured by the most recent United States Census; and

(ii) can be translated free of charge.

(2) If machine translation services are used to carry out the provisions of paragraph (1) of this subsection, the State department, agency, or program may post conspicuously on its website, a disclaimer that the State department, agency, or program:

(i) does not guarantee the accuracy or reliability of the translation; and

(ii) is not liable for any loss or damage arising out of the use of or reliance on the translated content.

(b) A State department, agency, or program is not required to provide equal access to website content if:

(1) the State department, agency, or program determines that an inaccurate translation of the content could lead to a denial of services or benefits; or

(2) the content cannot be translated due to the limitations of machine translation software, including files in PDF format, images, and videos.

(c) A unit of local government is encouraged to provide equal access versions of websites to the same extent State departments, agencies, and programs are required to under subsection (a) of this section, but may not be required to do so.

§10–1106.

(a) The Department of Human Services, in consultation with the Office of the Attorney General and the Department of Information Technology, shall provide central coordination and technical assistance to State departments, agencies, and programs to aid compliance with this subtitle.

(b) (1) The Department of Information Technology shall establish minimum standards to which the equal access versions of websites required under § 10–1105 of this subtitle must conform.

(2) The minimum standards established under paragraph (1) of this subsection shall include a standard regarding the prominent placement of links on the English version of a website to each equal access version of the website.

§10–1201.

Each unit of State government shall install and maintain a telephone system that allows a person from anywhere in the State to communicate with employees of the unit by toll-free telephone call during the regular business hours of the unit for the purpose of conducting official State business.

§10–1202.

Each unit of State government shall print its toll-free telephone numbers on the unit's official documents, including stationery, fax cover sheets, business cards, and other publications that are distributed to the public.

§10–1203.

Each unit shall include each of its toll-free telephone numbers in any directory that lists information about the unit.

§10–1301. IN EFFECT

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

(b) "Encryption" means the protection of data in electronic or optical form, in storage or in transit, using a technology that:

(1) is certified to meet or exceed the level that has been adopted by the Federal Information Processing Standards issued by the National Institute of Standards and Technology; and

(2) renders such data indecipherable without an associated cryptographic key necessary to enable decryption of such data.

(c) (1) "Personal information" means an individual's first name or first initial and last name, personal mark, or unique biometric or genetic print or image, in combination with one or more of the following data elements:

(i) a Social Security number;

(ii) a driver's license number, state identification card number, or other individual identification number issued by a unit;

(iii) a passport number or other identification number issued by the United States government;

(iv) an Individual Taxpayer Identification Number; or

(v) a financial or other account number, a credit card number, or a debit card number that, in combination with any required security code, access code, or password, would permit access to an individual's account.

(2) "Personal information" does not include a voter registration number.

(d) "Reasonable security procedures and practices" means data security procedures and practices developed, in good faith, and set forth in a written information security policy.

(e) "Records" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(f) "Unit" means:

(1) an executive agency, or a department, a board, a commission, an authority, a public institution of higher education, a unit or an instrumentality of the State; or

(2) a county, municipality, bi–county, regional, or multicounty agency, county board of education, public corporation or authority, or any other political subdivision of the State.

§10–1301. ** TAKES EFFECT OCTOBER 1, 2024 PER CHAPTER 429 OF 2020 **

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

(b) "Encryption" means the protection of data in electronic or optical form, in storage or in transit, using a technology that:

(1) is certified to meet or exceed the level that has been adopted by the Federal Information Processing Standards issued by the National Institute of Standards and Technology; and

(2) renders such data indecipherable without an associated cryptographic key necessary to enable decryption of such data.

(c) (1) "Personal information" means an individual's first name or first initial and last name, personal mark, or unique biometric or genetic print or image, in combination with one or more of the following data elements:

(i) a Social Security number;

(ii) a driver's license number, state identification card number, or other individual identification number issued by a unit;

(iii) a passport number or other identification number issued by the United States government;

(iv) an Individual Taxpayer Identification Number; or

(v) a financial or other account number, a credit card number, or a debit card number that, in combination with any required security code, access code, or password, would permit access to an individual's account.

(2) "Personal information" does not include a voter registration number.

(d) "Reasonable security procedures and practices" means data security procedures and practices developed, in good faith, and set forth in a written information security policy.

(e) "Records" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(f) (1) "Unit" means:

(i) an executive agency, or a department, a board, a commission, an authority, a unit, or an instrumentality of the State; or

(ii) a county, municipality, bi–county, regional, or multicounty agency, county board of education, public corporation or authority, or any other political subdivision of the State.

(2) "Unit" does not include a public institution of higher education.

§10–1302.

(a) This subtitle does not apply to personal information that:

(1) is publicly available information that is lawfully made available to the general public from federal, State, or local government records;

(2) an individual has consented to have publicly disseminated or listed;

(3) except for a medical record that a person is prohibited from redisclosing under § 4–302(d) of the Health – General Article, is disclosed in accordance with the federal Health Insurance Portability and Accountability Act; or

(4) is disclosed in accordance with the federal Family Educational Rights and Privacy Act.

(b) This subtitle does not apply to the Legislative or Judicial Branch of State government.

§10–1303.

When a unit is destroying records of an individual that contain personal information of the individual, the unit shall take reasonable steps to protect against unauthorized access to or use of the personal information, taking into account:

(1) the sensitivity of the records;

(2) the nature of the unit and its operations;

(3) the costs and benefits of different destruction methods; and

(4) available technology.

§10–1304.

(a) To protect personal information from unauthorized access, use, modification, or disclosure, a unit that collects personal information of an individual

shall implement and maintain reasonable security procedures and practices that are appropriate to the nature of the personal information collected and the nature of the unit and its operations.

(b) (1) This subsection shall apply to a written contract or agreement that is entered into on or after July 1, 2014.

(2) A unit that uses a nonaffiliated third party as a service provider to perform services for the unit and discloses personal information about an individual under a written contract or agreement with the third party shall require by written contract or agreement that the third party implement and maintain reasonable security procedures and practices that:

(i) are appropriate to the nature of the personal information disclosed to the nonaffiliated third party; and

(ii) are reasonably designed to help protect the personal information from unauthorized access, use, modification, disclosure, or destruction.

§10–1305.

(a) (1) In this section, "breach of the security of a system" means the unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of the personal information maintained by a unit.

(2) "Breach of the security of a system" does not include the good faith acquisition of personal information by an employee or agent of a unit for the purposes of the unit, provided that the personal information is not used or subject to further unauthorized disclosure.

(b) (1) If a unit that collects computerized data that includes personal information of an individual discovers or is notified of a breach of the security of a system, the unit shall conduct in good faith a reasonable and prompt investigation to determine whether the unauthorized acquisition of personal information of the individual has resulted in or is likely to result in the misuse of the information.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, if after the investigation is concluded, the unit determines that the misuse of the individual's personal information has occurred or is likely to occur, the unit or the nonaffiliated third party, if authorized under a written contract or agreement with the unit, shall notify the individual of the breach.

(ii) Unless the unit or nonaffiliated third party knows that the encryption key has been broken, a unit or the nonaffiliated third party is not required to notify an individual under subparagraph (i) of this paragraph if:

1. the personal information of the individual was secured by encryption or redacted; and

2. the encryption key has not been compromised or disclosed.

(3) Except as provided in subsection (d) of this section, the notification required under paragraph (2) of this subsection shall be given as soon as reasonably practicable after the unit conducts the investigation required under paragraph (1) of this subsection.

(4) If, after the investigation required under paragraph (1) of this subsection is concluded, the unit determines that notification under paragraph (2) of this subsection is not required, the unit shall maintain records that reflect its determination for 3 years after the determination is made.

(c) (1) A nonaffiliated third party that maintains computerized data that includes personal information provided by a unit shall notify the unit of a breach of the security of a system if the unauthorized acquisition of the individual's personal information has occurred or is likely to occur.

(2) Except as provided in subsection (d) of this section, the notification required under paragraph (1) of this subsection shall be given as soon as reasonably practicable after the nonaffiliated third party discovers or is notified of the breach of the security of a system.

(3) A nonaffiliated third party that is required to notify a unit of a breach of the security of a system under paragraph (1) of this subsection shall share with the unit information relating to the breach.

(d) (1) The notification required under subsection (b) of this section may be delayed:

(i) if a law enforcement agency determines that the notification will impede a criminal investigation or jeopardize homeland or national security; or

(ii) to determine the scope of the breach of the security of a system, identify the individuals affected, or restore the integrity of the system.

(2) If notification is delayed under paragraph (1)(i) of this subsection, notification shall be given as soon as reasonably practicable after the law enforcement agency determines that the notification will not impede a criminal investigation and will not jeopardize homeland or national security.

(e) The notification required under subsection (b) of this section may be given:

(1) by written notice sent to the most recent address of the individual in the records of the unit;

(2) by electronic mail to the most recent electronic mail address of the individual in the records of the unit if:

(i) the individual has expressly consented to receive electronic notice; or

(ii) the unit conducts its duties primarily through Internet account transactions or the Internet;

(3) by telephonic notice, to the most recent telephone number of the individual in the records of the unit; or

(4) by substitute notice as provided in subsection (f) of this section if:

(i) the unit demonstrates that the cost of providing notice would exceed $100,000 or that the affected class of individuals to be notified exceeds 175,000; or

(ii) the unit does not have sufficient contact information to give notice in accordance with item (1), (2), or (3) of this subsection.

(f) Substitute notice under subsection (e)(4) of this section shall consist of:

(1) electronically mailing the notice to an individual entitled to notification under subsection (b) of this section if the unit has an electronic mail address for the individual to be notified;

(2) conspicuous posting of the notice on the website of the unit if the unit maintains a website; and

(3) notification to appropriate media.

(g) The notification required under subsection (b) of this section shall include:

(1) to the extent possible, a description of the categories of information that were, or are reasonably believed to have been, acquired by an unauthorized person, including which of the elements of personal information were, or are reasonably believed to have been, acquired;

(2) contact information for the unit making the notification, including the unit's address, telephone number, and toll–free telephone number if one is maintained;

(3) the toll–free telephone numbers and addresses for the major consumer reporting agencies; and

(4) (i) the toll–free telephone numbers, addresses, and website addresses for:

1. the Federal Trade Commission; and

2. the Office of the Attorney General; and

(ii) a statement that an individual can obtain information from these sources about steps the individual can take to avoid identity theft.

(h) (1) Before giving the notification required under subsection (b) of this section, a unit shall provide notice of a breach of the security of a system to the Office of the Attorney General.

(2) In addition to the notice required under paragraph (1) of this subsection, a unit, as defined in § 10–1301(f)(1) of this subtitle, shall provide notice of a breach of security to the Department of Information Technology.

(i) A waiver of any provision of this section is contrary to public policy and is void and unenforceable.

(j) Compliance with this section does not relieve a unit from a duty to comply with any other requirements of federal law relating to the protection and privacy of personal information.

§10–1306.

The provisions of this subtitle are exclusive and shall preempt any provision of local law.

§10–1307.

(a) If a unit is required under § 10–1305 of this subtitle to give notice of a breach of the security of a system to 1,000 or more individuals, the unit also shall notify, without unreasonable delay, each consumer reporting agency that compiles and maintains files on consumers on a nationwide basis, as defined by 15 U.S.C. § 1681a(p), of the timing, distribution, and content of the notices.

(b) This section does not require the inclusion of the names or other personal identifying information of recipients of notices of the breach of the security of a system.

§10–1308.

A unit or nonaffiliated third party that complies with § 501(b) of the federal Gramm–Leach–Bliley Act; 15 U.S.C. § 6801, § 216 of the federal Fair and Accurate Credit Transactions Act; 15 U.S.C. § 1681w Disposal of Records; the federal Interagency Guidelines Establishing Information Security Standards; and the federal Interagency Guidance on Response Programs for Unauthorized Access to Customer Information and Customer Notice; and any revisions, additions, or substitutions of those enactments, shall be deemed to be in compliance with this subtitle.

§10–13A–01.

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

(b) (1) "Breach of the security of a system" means the unauthorized acquisition of personally identifiable information maintained by a public institution of higher education that creates a reasonable risk of harm to the individual whose personally identifiable information was subject to unauthorized acquisition.

(2) "Breach of the security of a system" does not include:

(i) the good faith acquisition of personally identifiable information by an employee or agent of a public institution of higher education for the purposes of the public institution of higher education, provided that the personally identifiable information is not used or subject to further unauthorized disclosure; or

(ii) personally identifiable information that was secured by encryption or redacted and for which the encryption key has not been compromised or disclosed.

(c) "Encryption" means the protection of data in electronic or optical form, in storage or in transit, using a technology that:

(1) is certified to meet or exceed the level that has been adopted by the Federal Information Processing Standards issued by the National Institute of Standards and Technology; and

(2) renders such data indecipherable without an associated cryptographic key necessary to enable decryption of such data.

(d) "Individual" means a natural person.

(e) "Legitimate basis" means a public institution of higher education has a contractual need, public interest purpose, business purpose, or legal obligation for processing or that the individual has consented to the processing of the individual's personally identifiable information by the public institution of higher education.

(f) (1) "Personally identifiable information" means any information that, taken alone or in combination with other information, enables the identification of an individual, including:

(i) a full name;

(ii) a Social Security number;

(iii) a driver's license number, state identification card number, or other individual identification number;

(iv) a passport number;

(v) biometric information including an individual's physiological, biological, or behavioral characteristics, including an individual's deoxyribonucleic acid (DNA), that can be used, singly or in combination with each other or with other identifying data, to establish individual identity;

(vi) geolocation data;

(vii) Internet or other electronic network activity information, including browsing history, search history, and information regarding an individual's interaction with an Internet website, application, or advertisement; and

(viii) a financial or other account number, a credit card number, or a debit card number that, in combination with any required security code, access code, or password, would permit access to an individual's account.

(2) "Personally identifiable information" does not include data rendered anonymous through the use of techniques, including obfuscation, delegation and redaction, and encryption, so that the individual is no longer identifiable.

(g) "Processing" means any operation or set of operations that is performed on personally identifiable information or on a set of personally identifiable information, whether or not by automated means, including collection, recording, organization, structuring, storage, adaption or alteration, retrieval, consultation, use, disclosure by transmission, dissemination, or otherwise making available, alignment or combination, restriction, erasure, or destruction.

(h) "Public institution of higher education" means:

(1) the constituent institutions of the University System of Maryland and the University of Maryland Center for Environmental Science;

(2) Morgan State University;

(3) St. Mary's College of Maryland; and

(4) a community college established under Title 16 of the Education Article.

(i) "Reasonable security procedures and practices" means security protections that align with the current standard of care within similar commercial environments and with applicable State and federal laws.

(j) "Records" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(k) "System" means an electronic or other physical medium maintained or administered by a public institution of higher education and used on a procedural basis to store information in the ordinary course of the business of the public institution of higher education.

§10–13A–02.

(a) This subtitle does not apply to personally identifiable information that:

(1) is publicly available information that is lawfully made available to the general public from federal, State, or local government records;

(2) an individual has consented to have publicly disseminated or listed;

(3) except for a medical record that a person is prohibited from redisclosing under § 4–302(d) of the Health – General Article, is disclosed in accordance with the federal Health Insurance Portability and Accountability Act;

(4) is disclosed in accordance with the federal Family Educational Rights and Privacy Act;

(5) is clinical information; or

(6) is information related to sponsored research.

(b) Compliance with this subtitle does not authorize a public institution of higher education to fail to comply with any other requirements of State or federal law relating to the protection and privacy of personally identifiable information.

§10–13A–03.

(a) Each public institution of higher education shall review and designate systems within the public institution of higher education as systems of record based on the following criteria:

(1) the risk posed to individuals by the personally identifiable information processed and stored on the systems;

(2) the relationship of the systems to the overall function of the public institution of higher education; and

(3) the technical and financial feasibility of implementing privacy controls and services within the system.

(b) Each public institution of higher education shall develop and adopt a privacy governance program to govern each system of record that:

(1) identifies and documents the purpose of the public institution of higher education in processing personally identifiable information;

(2) prohibits the disclosure of personally identifiable information to third parties, other than those third parties processing personally identifiable information on behalf of the public institution of higher education, unless:

(i) the individual consents to disclosure of the information; or

(ii) the public institution of higher education determines that disclosure of the information is in the best interest of the public institution of higher education;

(3) requires all agreements entered into with third parties on or after October 1, 2024, to include language requiring the third party to support the privacy governance program of the public institution of higher education;

(4) ensures that a third party processing personally identifiable information on behalf of the public institution of higher education acts in accordance with the privacy governance program of the public institution of higher education;

(5) takes reasonable steps to ensure that personally identifiable information processed by the public institution of higher education is accurate, relevant, timely, and complete;

(6) takes reasonable steps to ensure that requests to access, modify, or delete information and requests to opt out of the sharing of information with third parties are made by the subject of the personally identifiable information or the subject's agent;

(7) takes reasonable steps to limit the personally identifiable information collected to that information necessary to address the purpose of the collection;

(8) implements a process to provide individuals with access to the personally identifiable information relating to the individual held and processed by the public institution of higher education;

(9) provides individuals with a process to request a correction to personally identifiable information relating to the individual;

(10) in the case of a disagreement between the public institution of higher education and an individual over the accuracy of personally identifiable information relating to the individual, provides a means for the individual to document the disagreement and produce the documentation of the disagreement whenever the disputed information is produced;

(11) provides a process for individuals to request the deletion of personally identifiable information relating to the individual that the public institution of higher education does not have a legitimate basis to process;

(12) provides a process for individuals to opt out of sharing personally identifiable information relating to the individual with third parties, if the public institution of higher education would not have a legitimate basis to process the information; and

(13) provides a process for the public institution of higher education to consider requests made under this subsection that allows the public institution of higher education to deny a request if the public institution of higher education reasonably concludes it has a legitimate basis for processing the personally identifiable information or if the request is not technically or financially feasible.

(c) Each public institution of higher education shall develop and adopt an information security and risk management program for the protection of personally identifiable information that shall:

(1) implement reasonable security procedures and practices, compatible with applicable federal and State standards and guidelines, to ensure that the risk to the confidentiality, integrity, and availability of all personally identifiable information is properly managed;

(2) be periodically assessed by a third party assessor with expertise in information security;

(3) be approved by an appropriate senior official of the public institution of higher education with authority to accept risk for the public institution of higher education;

(4) require that contracts with third parties include provisions to ensure that third parties that process personally identifiable information on behalf of the public institution of higher education maintain appropriate security controls commensurate with the risk posed to the individuals by the personally identifiable information; and

(5) ensure that any breaches by the public institution of higher education or a third party acting on behalf of the public institution of higher education are properly documented, investigated, and reported to appropriate authorities within the public institution of higher education.

(d) (1) Each public institution of higher education shall publish a privacy notice on the website of the public institution of higher education that is:

(i) written in plain language; and

(ii) directly accessible from the homepage and any of the webpages of the public institution of higher education that are used to collect personally identifiable information.

(2) The notice published under paragraph (1) of this subsection shall include:

(i) the types of personally identifiable information collected by the public institution of higher education;

(ii) the purpose of the collection, use, and sharing of personally identifiable information by the public institution of higher education; and

(iii) the processes by which an individual may request:

1. to have personally identifiable information related to the individual corrected;

2. to have personally identifiable information related to the individual deleted;

3. information on the sharing of personally identifiable information by the public institution of higher education with third parties, including a listing of the third parties, a listing of the information shared, and the purpose of sharing the information; and

4. to opt out of the sharing of personally identifiable information with a third party.

(3) Each public institution of higher education shall ensure access controls are in place to address any security risks posed by providing the notice required under this subsection.

(e) When a public institution of higher education is destroying records of an individual that contain personally identifiable information of the individual, the public institution of higher education shall take reasonable steps to protect against unauthorized access to or use of the personally identifiable information, taking into account:

(1) the sensitivity of the records;

(2) the nature of the public institution of higher education and its operations;

(3) the costs and benefits of different destruction methods; and

(4) available technology.

(f) Each public institution of higher education shall develop and adopt a policy establishing an appropriate remedy for individuals whose personally identifiable information has been affected by a breach.

§10–13A–04.

(a) If a public institution of higher education collects personally identifiable information of an individual and discovers or is notified of a breach of the security of a system, the public institution of higher education shall conduct in good faith a reasonable and prompt investigation to determine whether the unauthorized acquisition of personally identifiable information of the individual has occurred.

(b) (1) If, after the investigation is concluded, the public institution of higher education determines that a breach of the security of the system has occurred, the public institution of higher education or a third party, if authorized under a written contract or agreement with the public institution of higher education, shall:

(i) notify the individual of the breach; and

(ii) notify the Chief Information Officer of the public institution of higher education of the breach.

(2) A notification required under paragraph (1) of this subsection shall include, to the extent possible, a description of the categories of personally identifiable information that were, or are reasonably believed to have been, acquired by an unauthorized person, including which of the elements of personally identifiable information were, or are reasonably believed to have been, acquired.

(3) If the public institution of higher education determines that a breach of the security of the system has occurred involving the personally identifiable information of 1,000 or more individuals, the public institution of higher education shall post a notice on the same webpage as the privacy notice website of the public institution of higher education:

(i) describing the breach; and

(ii) that remains publicly available on the website for at least 1 year from the date on which notice was sent to individuals affected by the breach.

§10–1401.

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

(b) "Drug crime" means:

(1) a violation of Title 5 of the Criminal Law Article;

(2) a violation of Title 12 of the Criminal Procedure Article; or

(3) a violation of the law of any other jurisdiction if the prohibited conduct would be a violation of Title 5 of the Criminal Law Article or Title 12 of the Criminal Procedure Article if committed in the State.

(c) (1) "License" means a license, permit, certification, registration, or other legal authorization:

(i) issued or granted to an individual by a licensing authority; and

(ii) required for engaging in employment, an occupation, or a profession.

(2) "License" includes a commercial driver's license issued under Title 16, Subtitle 8 of the Transportation Article.

(3) Except as provided in paragraph (2) of this subsection, "license" does not include:

(i) a license to drive a motor vehicle issued by the Motor Vehicle Administration under Title 16 of the Transportation Article; or

(ii) the registration of an agent, issuer agent, or investment advisor representative under the Maryland Securities Act and regulations adopted under that Act.

(d) "Licensee" means a holder of a license issued by a licensing authority.

(e) "Licensing authority" means an agency of the State that issues a license.

§10–1402.

(a) Except as provided in subsection (d) of this section, as a condition on the issuance or renewal of a license, a licensing authority may require an individual applying for a license to disclose whether the individual has been convicted of a drug crime committed on or after January 1, 1991.

(b) Subject to § 10–1405 of this subtitle, if an individual applying for a license has been convicted of a drug crime committed on or after January 1, 1991, a licensing authority may:

(1) refuse to issue a license to the individual; or

(2) issue a license to the individual subject to any terms and conditions that the licensing authority considers appropriate under § 10–1404 of this subtitle.

(c) A licensing authority may suspend or revoke a licensee's license if the licensee fails to disclose information that the licensing authority requires under subsection (a) of this section, unless the licensee shows good cause for the failure to disclose.

(d) If a licensing authority, on or before January 1, 1990, required an applicant for an initial license or a license renewal to disclose a criminal record or prior offense related to a controlled dangerous substance, this section may not be construed to prohibit the licensing authority from:

(1) continuing to require an applicant to disclose a criminal record or prior offense related to a controlled dangerous substance, regardless of the date of the offense; and

(2) taking any action authorized by law, including refusing to issue a license, if the applicant:

(i) discloses a criminal record or prior offense related to a controlled dangerous substance; or

(ii) wrongfully conceals a criminal record or prior offense related to a controlled dangerous substance.

§10–1403.

Subject to § 10–1405 of this subtitle, if a licensing authority receives notification under § 5–810 of the Criminal Law Article that a licensee has been

convicted of a drug crime committed on or after January 1, 1991, the licensing authority may:

(1) (i) reprimand the licensee;

(ii) place the licensee on probation for a reasonable period of time; or

(iii) suspend or revoke the license;

(2) assess the licensee, in accordance with applicable regulations, all or part of the cost of any disciplinary proceeding and sanction; or

(3) impose any other sanction or take any other action authorized by law.

§10–1404.

(a) If a licensee is placed on probation under § 10–1402 or § 10–1403 of this subtitle, the licensing authority may:

(1) require the licensee to submit to periodic drug testing during the period of probation;

(2) require the licensee to participate in appropriate counseling or treatment; and

(3) impose any other reasonable term or condition of probation.

(b) If a licensee who is on probation violates any condition of probation, the licensing authority may:

(1) revoke the probation;

(2) suspend or revoke the licensee's license; or

(3) impose additional terms of probation.

§10–1405.

(a) (1) Except as provided in paragraph (2) of this subsection, a licensing authority shall comply with Subtitle 2 of this title before taking any action under this subtitle:

(i) in regard to an initial license application or an application for a license renewal; or

(ii) against a licensee.

(2) The Maryland Rules shall govern in the case of a lawyer or an applicant for admission to the bar.

(b) In deciding whether to deny an application for a license or whether to impose license sanctions against a licensee and the nature of the sanctions, a licensing authority shall consider:

(1) the relationship between the drug crime and the license, including:

(i) the licensee's ability to perform the tasks authorized by the license; and

(ii) whether the public will be protected if:

1. in the case of an applicant, the license is issued; or

2. in the case of a licensee, the license is not suspended or revoked;

(2) the nature and circumstances of the drug crime;

(3) the date of the drug crime, if an individual is applying for a license or license renewal; and

(4) any other relevant information.

(c) If a licensing authority decides that sanctions against a licensee may be appropriate, before imposing sanctions the licensing authority:

(1) shall consider the impact any sanctions may have on third persons; and

(2) to protect the rights of innocent third persons, may take any action that is in the interests of justice and that is not inconsistent with this subtitle.

(d) If a licensing authority decides to suspend or revoke a license, the licensing authority may grant the licensee a reasonable time period to complete any existing contracts.

§10–1406.

(a) If an individual who is convicted of a drug crime committed on or after January 1, 1991, holds a commercial driver's license, the Motor Vehicle Administration may disqualify the individual from driving a commercial motor vehicle or take any other action authorized under this subtitle.

(b) If the Motor Vehicle Administration disqualifies an individual from driving a commercial motor vehicle under this subtitle, the Motor Vehicle Administration shall issue a noncommercial driver's license to the individual if:

(1) the individual surrenders the commercial driver's license; and

(2) the individual's driving privilege is not otherwise refused, suspended, revoked, or canceled in the State or any other state.

(c) This section may not be construed to limit the authority of the Motor Vehicle Administration to disqualify an individual from driving a commercial motor vehicle or taking any other action required or authorized under the Maryland Vehicle Law.

§10–1407.

Each licensing authority may adopt regulations to carry out this subtitle.

§10–1501.

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

(b) "Council" means the Council on Open Data.

(c) (1) "Data" means final versions of statistical or factual information that:

(i) are in alphanumeric or geospatial form reflected in a list, table, graph, chart, map, or other nonnarrative format that can be digitally transmitted or processed;

(ii) are regularly created or maintained by or on behalf of a governmental entity; and

(iii) record a measurement, transaction, or determination or provide information on government services, initiatives, and resources related to the mission of the covered governmental entity.

(2) "Data" does not include draft versions of statistical or factual information that are used for internal analysis by a governmental entity.

(d) "Data portal" means a website where governmental entities can post data sets and other data as identified by the Council.

(e) "Data set" means a named collection of related records maintained on a storage device, with the collection containing data organized or formatted in a specific or prescribed way.

(f) "Governmental entity" means a State or local entity.

(g) (1) "Local entity" means a county, municipal corporation, bicounty or multicounty agency, public authority, special taxing district, or other political subdivision or unit of a political subdivision of this State.

(2) "Local entity" includes boards of education and library boards that receive funding from the State.

(h) "Mapping and geographic information systems portal" means a website that provides:

(1) data regarding services provided by and policy initiatives of governmental entities; and

(2) other data provided in geospatial form as identified by the Council.

(i) (1) "Open data" means data that, consistent with any applicable laws, rules, regulations, ordinances, resolutions, policies, or other restrictions including requirements or rights associated with the data, a State entity:

(i) has collected; and

(ii) is permitted, required, or able to make available to the public.

(2) "Open data" includes contractual or other legal orders, restrictions, or requirements.

(3) "Open data" does not include data that if made public would:

(i) violate another law or regulation that prohibits the data from being made public;

(ii) endanger the public health, safety, or welfare;

(iii) hinder the operation of government, including criminal and civil investigations;

(iv) impose an undue financial, operational, or administrative burden on a State entity; or

(v) disclose proprietary or confidential information.

(j) "Open data portal" means a mapping and geographic information systems portal or data portal.

(k) "State entity" means a department, a board, a commission, an agency, or a subunit in the Executive Branch of State government.

§10–1502.

It is the policy of the State that open data be machine readable and released to the public in ways that make the data easy to find, accessible, and usable, including through the use of open data portals.

§10–1503.

(a) There is a Council on Open Data.

(b) The Council consists of the following 37 members:

(1) the Secretary of Agriculture;

(2) the Secretary of the Environment;

(3) the Secretary of Natural Resources;

(4) the Secretary of Planning;

(5) the Secretary of Transportation;

(6) the Secretary of Housing and Community Development;

(7) the Secretary of Commerce;

(8) the Secretary of General Services;

(9) the State Superintendent of Schools;

(10) the Secretary of Health;

(11) the Secretary of Information Technology;

(12) the Secretary of Public Safety and Correctional Services;

(13) the Secretary of State Police;

(14) the Director of Assessments and Taxation;

(15) the Secretary of Budget and Management;

(16) the Adjutant General of the Military Department;

(17) the Secretary of Emergency Management;

(18) the Secretary of Labor;

(19) the Secretary of Human Services;

(20) the Director of the Governor's Office of Performance Improvement;

(21) the Governor's Homeland Security Advisor;

(22) the Executive Director of the Governor's Office of Crime Prevention and Policy;

(23) the Executive Director of the Maryland Institute for Emergency Medical Services Systems;

(24) the Executive Director of the Department of Legislative Services;

(25) the State Archivist;

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

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

(28) five elected officials or employees from local entities who have knowledge of and interest in open data, appointed by the Governor in accordance with subsections (d) and (e) of this section; and

(29) five members from the private, private utility, academic, or nonprofit sectors who have knowledge of and interest in open data, appointed by the Governor in accordance with subsection (e) of this section.

(c) If a member of the Council listed in subsection (b)(1) through (24) of this section is unable to attend a meeting of the Council, the member may designate the Chief Information Officer or another senior management staff member of the agency or organization to attend the meeting.

(d) Of the five elected officials or employees from local entities appointed by the Governor under subsection (b)(28) of this section, one shall represent each of the following groups of counties:

(1) Allegany County, Frederick County, Garrett County, and Washington County;

(2) Caroline County, Cecil County, Dorchester County, Kent County, Queen Anne's County, Somerset County, Talbot County, Wicomico County, and Worcester County;

(3) Anne Arundel County, Calvert County, Charles County, and St. Mary's County;

(4) Montgomery County and Prince George's County; and

(5) Baltimore City, Baltimore County, Carroll County, Harford County, and Howard County.

(e) (1) This subsection applies to members of the Council appointed under subsection (b)(28) and (29) of this section.

(2) The term of a member is 4 years, except that five members may serve an initial 3–year term as required by the terms provided for staggered members of the Council on July 1, 2014.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) A member may not serve more than two consecutive terms.

(6) The Governor may remove a member for neglect of duty, incompetence, or misconduct.

(f) A member of the Council may not receive compensation but is entitled to reimbursement for expenses under the Standard State Travel Regulations as provided in the State budget.

(g) (1) The Secretary of Information Technology is the Chair of the Council.

(2) The Director of the Governor's Office of Performance Improvement is the Vice Chair of the Council.

(h) The staffing responsibilities of the Council shall be shared by the Department of Information Technology, the Governor's Office of Performance Improvement, and any other staff designated by the Governor.

(i) The Council may establish workgroups as necessary to complete the duties of the Council.

(j) The Council shall meet at least twice each year.

§10–1504.

(a) The Council shall promote the policy established under § 10–1502 of this subtitle by:

(1) providing guidance and policy recommendations and when appropriate recommend legislation and regulations for:

(i) procedures, standards, and other deliverables for open data, including for open data portals;

(ii) promotion, advertising, and marketing of open data; and

(iii) best practices for sharing open data while taking into account privacy and security concerns;

(2) coordinating the appropriate staff at each State entity for the development, maintenance, and use of open data and open data portals;

(3) (i) identifying the collective cost of operating and investing in open data and funding mechanisms to support open data; and

(ii) advising the Governor and General Assembly on budget matters related to open data;

(4) inviting and encouraging local entities and the legislative and judicial branches to:

(i) use open data portals established by State entities;

(ii) create their own open data portals; and

(iii) adopt policies consistent with the policy established under § 10–1502 of this subtitle;

(5) establishing a plan for providing all open data to the public at no cost;

(6) advocating for sound records management and data preservation practices; and

(7) making recommendations to ensure that the purchase of new data processing devices, systems, and software by the State includes a review of compliance with the open data policy established under § 10–1502 of this subtitle and interoperability with current technology used by the State.

(b) On or before January 10 of each year, the Council shall report to the Governor and the General Assembly, in accordance with § 2–1257 of this article, on the activities of the Council for the previous year and any recommendations for legislation.

§10–1601.

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

(b) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(c) "Legal material" means, whether or not in effect, the following:

(1) the Maryland Constitution;

(2) the Session Laws;

(3) the Code of Maryland;

(4) the Maryland Rules;

(5) the Journal of the Senate of Maryland;

(6) the Journal of the House of Delegates of Maryland;

(7) a reported decision of:

(i) the Supreme Court of Maryland; or

(ii) the Appellate Court of Maryland;

(8) an opinion issued by the Office of the Attorney General;

(9) the Code of Maryland Regulations;

(10) a final decision in a contested case issued by a unit of State government under the Administrative Procedure Act; or

(11) the Maryland Register.

(d) "Official publisher" means:

(1) for the Maryland Constitution, the Department of Legislative Services;

(2) for the Session Laws, the Department of Legislative Services;

(3) for the Code of Maryland, the Department of Legislative Services;

(4) for the Maryland Rules, the Supreme Court of Maryland;

(5) for the Journal of the Senate of Maryland, the Department of Legislative Services;

(6) for the Journal of the House of Delegates of Maryland, the Department of Legislative Services;

(7) for a reported decision of a court listed in subsection (c)(7) of this section, the Supreme Court of Maryland;

(8) for an opinion issued by the Office of the Attorney General, the Office of the Attorney General;

(9) for the Code of Maryland Regulations, the Division of State Documents;

(10) for a final decision in a contested case, the unit of State government that issued the decision; or

(11) for the Maryland Register, the Division of State Documents.

(e) "Publish" means to display, present, or release to the public, or cause to be displayed, presented, or released to the public, by the official publisher.

(f) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(g) "Unit" means an executive agency, a department, a board, a commission, or any other instrumentality of the State.

§10–1602.

This subtitle applies to all legal material in an electronic record that is:

(1) designated as official under § 10–1603 of this subtitle; and

(2) first published electronically on or after October 1, 2017.

§10–1603.

(a) If an official publisher publishes legal material only in an electronic record, the official publisher shall:

(1) designate the electronic record as official; and

(2) comply with §§ 10–1604, 10–1606, and 10–1607 of this subtitle.

(b) An official publisher that publishes legal material in an electronic record and in a record other than an electronic record may designate the electronic record as official if the publisher complies with §§ 10–1604, 10–1606, and 10–1607 of this subtitle.

§10–1604.

(a) An official publisher of legal material in an electronic record that is designated as official under § 10–1603 of this subtitle shall authenticate the electronic record.

(b) To authenticate an electronic record under subsection (a) of this section, the official publisher shall provide a method for a user to determine that the electronic record received by the user from the official publisher is unaltered from the official electronic record published by the official publisher.

§10–1605.

(a) Legal material in an electronic record that is authenticated under § 10–1604 of this subtitle is presumed to be an accurate copy of the legal material.

(b) If another state has adopted a law substantially similar to this subtitle, legal material in an electronic record that is designated as official and authenticated by the official publisher in that state is presumed to be an accurate copy of the legal material.

(c) A party contesting the authentication of legal material in an electronic record authenticated under § 10–1604 of this subtitle has the burden of proving by a preponderance of the evidence that the record is not authentic.

§10–1606.

(a) An official publisher of legal material in an electronic record that is or was designated as official under § 10–1603 of this subtitle shall provide for the preservation and security of the record in an electronic form or a form that is not electronic.

(b) If legal material is preserved under subsection (a) of this section in an electronic record, the official publisher shall:

(1) ensure the integrity of the record;

(2) provide for backup and disaster recovery of the record;

(3) ensure the continuing usability of the material; and

(4) deliver a copy to the State Archives.

§10–1607.

An official publisher of legal material in an electronic record that is or was designated as official under § 10–1603 of this subtitle shall ensure that the legal material is reasonably available for use by the public on a permanent basis.

§10–1608.

In implementing this subtitle, an official publisher of legal material in an electronic record shall consider:

(1) standards and practices of other jurisdictions;

(2) the most recent standards regarding the authentication of, preservation and security of, and public access to legal material in an electronic record and other electronic records, as adopted by national standard–setting bodies;

(3) the needs of users of legal material in an electronic record;

(4) the view of governmental officials and entities and other interested persons; and

(5) to the extent practicable, methods and technologies for the authentication of, preservation and security of, and public access to legal material that are compatible with methods and technologies used by other official publishers in the State and in other states that have adopted a law substantially similar to this subtitle.

§10–1609.

In applying and construing this subtitle, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact laws substantially similar to this subtitle.

§10–1610.

(a) Except as provided in subsection (b) of this section, this subtitle modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act.

(b) This subtitle does not:

(1) modify, limit, or supersede 15 U.S.C. § 7001(c); or

(2) authorize electronic delivery of any of the notices described in 15 U.S.C. § 7003(b).

§10–1611.

This subtitle may be cited as the Maryland Uniform Electronic Legal Materials Act.

§10–1701.

(a) In this section, "member" means an individual appointed for a fixed term to a board, committee, commission, task force, or workgroup created by State law.

(b) This section does not apply to the removal or suspension of a member from:

(1) a standing committee, as defined in § 2–101 of this article; or

(2) a committee established under Title 2 of this article.

(c) Except as otherwise provided by law, a member of a board, committee, commission, task force, or workgroup created by State law may be removed or suspended for misconduct, incompetence, neglect of duties, or other good cause by the individual or entity that appointed the member.

(d) (1) Except as provided in paragraph (2) of this subsection, an individual or entity that appointed a member may remove or suspend the member in accordance with subsection (c) of this section only after:

(i) consultation with the chair of the board, committee, commission, task force, or workgroup; and

(ii) the member has been given notice and an opportunity to be heard regarding the reason for removal or suspension.

(2) The requirements of paragraph (1)(i) of this subsection do not apply if the member being removed or suspended is the chair of the board, committee, commission, task force, or workgroup.

(e) Nothing in this section is intended to limit the rights of a member to express the member's views on matters of public concern to the fullest extent protected for a public official, as defined in § 5–101 of the General Provisions Article, by the U.S. Constitution or by the Maryland Constitution.

§11–101.

(a) Unless the context requires otherwise, in this title the following words have the meanings indicated.

(b) "Applicant" means a person or governmental unit that applies for a development permit.

(c) "Coordinator" means the State Permit Coordinator.

(d) "Development permit" means a permit for a development project.

(e) "Development project" means a proposed construction or development for which more than 1 permit is required.

(f) "Governmental unit" includes:

(1) the State;

(2) a county, municipal corporation, or other political subdivision of the State; and

(3) a unit of a political subdivision of the State.

(g) "Local government" means:

(1) a county;

(2) a municipal corporation in the State; or

(3) a unit of a county or municipal corporation in the State.

(h) (1) "Permit" means a certificate, license, or other document of approval or permission required to be obtained from a local government or a State unit.

(2) "Permit" does not include:

(i) an action on a comprehensive zoning application;

(ii) an action on an application for a zoning map amendment, zoning special exception, zoning variance, or conditional zoning use; or

(iii) an occupational license or operating permit.

(i) (1) "State unit" means a unit of the State government.

(2) Except as provided in paragraph (3) of this subsection, "State unit" includes:

(i) a unit in a principal department of the Executive Branch of the State government; and

(ii) the governing body of a single county or multicounty district or authority.

(3) "State unit" does not include:

(i) the Board of Review of a principal department;

(ii) the governing body of a local government; or

(iii) a unit that a local government creates.

§11–102.

(a) The General Assembly finds that:

(1) the varying and time consuming procedures in obtaining necessary development permits from local governments and State units placed onerous burdens on persons or governmental units undertaking development projects;

(2) the former methods for permitting public comment on development projects were cumbersome and time consuming, placed undue hardship on members of the public, and inhibited the public's ability to present its views to local governments and State units granting development permits; and

(3) it is desirable to ensure prompt, reasonable, and decisive action on development permits and to provide for a consolidation of the fact-finding processes involved in issuing development permits to:

(i) eliminate unnecessary delay, unreasonable expense, and duplication of effort in obtaining necessary development permits, in order to foster development projects that are in the economic, social, and environmental interest of the citizens of the State; and

(ii) remove impediments to the effective expression of public comment on these development projects, in order to safeguard against the approval of development projects that are not in the economic, social, and environmental interest of the citizens of the State.

(b) The purposes of this title are to coordinate and to expedite administrative decision making by:

(1) consolidating application procedures to help those persons or governmental units that must obtain development permits from 1 or more local governments and State units;

(2) consolidating hearings to help local governments and State units in obtaining all relevant information as to applications on which they must act; and

(3) requiring action on all applications for development permits within a reasonable time, whether or not subject to consolidated procedures.

§11–103.

(a) (1) This title applies only to a development project and only through the completion of a final action under § 11–520 of this title.

(2) This title does not apply to an application for a renewal, amendment, or extension of a development permit.

(b) (1) This title applies to the procedures of the Maryland–National Capital Park and Planning Commission for a subdivision or site review to the same extent that this title applies to the procedures of any local government.

(2) Except as otherwise provided in this subsection, this title does not affect any exclusive jurisdiction granted by law to a local government or State unit to act on an application for a particular type of development permit, and a local government or State unit that has power to grant development permits may exercise the power free from interference by another unit.

(3) The coordinator may inquire as to any application for a development permit and may set a time limit for action to issue or deny a

development permit, if the application has not been acted on within the prescribed time.

(4) The procedures set forth in this title are exclusive and shall prevail over any inconsistent law or order.

(c) This title does not affect the authority of a local government or State unit to set and to collect an application, permit, or other fee, and the fee shall be paid in accordance with the law and procedures relating to that fee.

(d) This title does not affect the authority of the Department of Planning under Title 5 of the State Finance and Procurement Article.

(e) This title does not apply to the construction of:

(1) an electric generating station; or

(2) an overhead transmission line designed to carry more than 69,000 volts.

§11–104.

(a) A provision of this title that conflicts with a federal requirement for the grant of federal funds to a local government, to the State, or to a State unit is inoperative to the extent of the conflict and with respect to a unit that the conflict directly affects.

(b) To the extent necessary to comply with a conflicting federal requirement, a local government or State unit may modify a notice, timing, hearing, or related procedural requirement of this title.

(c) To the extent necessary to comply with a federal requirement, if a development permit is issued jointly by a State unit and the federal government, the State unit may modify a notice, timing, hearing, or related procedural requirement of this title.

§11–105.

The Board of Public Works may:

(1) adopt regulations to carry out this title; and

(2) appoint hearing examiners to perform the duties set forth in this title.

§11–301.

There is a State Permit Coordinator, who shall be appointed by the Board of Public Works.

§11–302.

(a) The Coordinator shall:

(1) coordinate the administration of this title;

(2) perform the duties set forth in this title; and

(3) carry out the purposes of this title.

(b) The Coordinator shall keep copies of the regulations and application forms that relate to the issuance of development permits by each State unit.

(c) (1) On request, the Coordinator shall give a person or governmental unit proposing a development project:

(i) advice about each development permit that is required for the development project; and

(ii) relevant information about the procedures for obtaining the development permit.

(2) Advice that the Coordinator gives does not constitute a waiver of any requirement for a development permit or of any condition or procedure for the issuance of the development permit.

§11–401.

(a) A local government that requires a development permit shall keep on file with the Coordinator and the Secretary of Housing and Community Development:

(1) a current list of each type of development permit that the local government issues;

(2) a description of the nature of each type of development permit;

(3) the requirements and procedures for issuing each type of development permit; and

(4) a copy of the application form for each type of development permit and the related instructions.

(b) If a local government requires a new type of development permit or changes a requirement or application form for an existing type of development permit, the local government shall submit the information required by subsection (a) of this section as to that type of development permit within 30 days after the effective date of the new requirement or change.

§11–402.

(a) If feasible and with the cooperation of each State unit that has authority to issue a development permit, the Coordinator shall develop a State master application form and appropriate appendices for use in applying for multiple development permits.

(b) The State master application form and its appendices may be used instead of individual application forms.

§11–403.

The State master application form shall provide:

(1) the basic information about a development project that is common to and needed by all or most of the State units that issue development permits; and

(2) space in which to:

(i) list each State unit from which a development permit is requested; and

(ii) describe each development permit.

§11–404.

(a) Each State unit that has authority to issue a development permit shall help the Coordinator to develop an appendix to the State master application form designed to supplement the information on the form and provide the particular information that the State unit needs to issue its development permit.

(b) The form of the appendices shall be as similar as possible.

§11–501.

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

(b) "Consolidated hearing" means a hearing before State units from which development permits are required.

(c) "Joint hearing" means a hearing before the local government and State units from which development permits are required.

§11–502.

(a) This subtitle may not be construed to require a hearing or to require a State unit to participate in a hearing on an application for a development permit before the State unit if the law governing the development permit involved does not require a hearing.

(b) A State unit that does not hold a hearing on an application for a development permit shall proceed in accordance with the law and procedures applicable to the issuance of development permits by that State unit, except that the State unit shall act on the application within 60 days after receiving the completed application.

§11–505.

An applicant who requires a development permit from a local government and a development permit from a State unit may request a joint hearing before the local government and the State unit from which the development permits are required.

§11–506.

(a) (1) A request for a joint hearing shall be submitted to the local government when the application for the local development permit is submitted.

(2) The request to the local government for a joint hearing shall be:

(i) in writing; and

(ii) accompanied by a copy of the application for each State development permit that is required.

(b) (1) At the time the request is made to the local government, the applicant shall send to the Coordinator:

(i) a copy of the request for a joint hearing;

(ii) a copy of the application for each local and State development permit that is required for the relevant development project; and

(iii) a copy of any appendix to any application for a development permit.

(2) The Coordinator shall send copies of the relevant parts of these documents to each State unit from which a development permit is requested.

§11–507.

(a) The local government may approve or disapprove the request for a joint hearing with respect to any or all of the State units.

(b) (1) Within 20 days after receiving a request for a joint hearing, the local government shall give written notice of its decision to the applicant and the Coordinator.

(2) The Coordinator shall notify each State unit that the decision of the local government affects.

(c) If the local government disapproves the request with respect to all of the State units, the local government shall proceed separately to consider the application for the local development permit.

§11–508.

(a) If the local government approves the request for a joint hearing with respect to a State unit, that State unit has 10 days after receipt of the notice from the Coordinator to:

(1) decide whether to participate in a joint hearing; and

(2) give notice of its decision to:

(i) the applicant;

(ii) the local government; and

(iii) the Coordinator.

(b) The Coordinator shall give any other State unit involved in the hearing notice of a decision made by a State unit under subsection (a) of this section.

(c) If there is only 1 State unit affected and the local government elects to have a joint hearing, the State unit shall participate in the joint hearing, unless it is entitled to an extension as provided in § 11-521 of this subtitle.

§11–509.

(a) If a joint hearing is to be held, the local government that approved the request for the joint hearing shall set the time, date, and place of the hearing, as provided in this section.

(b) The joint hearing shall be held in the county where the local government is located.

(c) The joint hearing shall be held no less than 30 days and no more than 90 days after the notices required under § 11-508(a)(2) of this subtitle have been given.

§11–512.

An applicant may request a consolidated hearing:

(1) if the applicant requires at least 2 development permits from State units; and

(2) if:

(i) the applicant does not require a local development permit;

(ii) all required local development permits have been issued; or

(iii) a required local development permit cannot be issued until 1 or more State development permits have been issued.

§11–513.

(a) An applicant who requests a consolidated hearing may give the Coordinator all appropriate applications and appendices.

(b) The Coordinator shall send copies of the relevant parts of these documents to each State unit from which a development permit is required.

(c) The request for a consolidated hearing shall be accompanied by a certificate that the requirements of § 11-512 of this subtitle are satisfied.

(d) If an application for a State development permit has been submitted in connection with a request for a joint hearing, the application need not be resubmitted. However, if the State unit did not participate in the joint hearing, the applicant shall give the Coordinator notice of the action taken by the local government and shall submit the amendments to the State master application or appendices or additional material that are relevant to the consideration of the request for the State development permit. The Coordinator shall send copies of the relevant parts of the amendments, appendices, or additional material to each State unit that is affected.

§11–514.

On receipt of the State master application and appropriate appendices, or the information filed in accordance with § 11-513(d) of this subtitle, and after consulting with the affected State units, the Coordinator shall set the time, date, and place of a consolidated hearing with respect to all of the State development permits requested.

§11–515.

(a) Subject to this section and § 11-521 of this subtitle, the consolidated hearing shall be held no less than 30 days and no more than 90 days after the day on which the Coordinator receives the completed application and appendices or information.

(b) (1) Except as otherwise provided in this subsection, the consolidated hearing shall be held at a convenient location in the county where the development project is to be located.

(2) If the development project is to be located in more than 1 county, the consolidated hearing shall be held in the county where the greatest part of the area to be developed is located.

(3) If the development project is to be located in only 1 county but affects another county, the consolidated hearing shall be held in the county that the Coordinator determines will receive the greatest impact from the development project.

(4) The Coordinator may hold additional hearings in another county or may continue the original hearing in another county.

§11–518.

(a) (1) On receiving notice of the time, date, and place of a joint hearing or consolidated hearing, the applicant shall give public notice of the application and hearing.

(2) The notice shall be published once in each of 2 successive weeks before the hearing in a newspaper of general circulation in each county in which the development project is to be located.

(b) The Coordinator shall publish notice of the application and hearing in the Maryland Register.

(c) Each notice under this section shall contain:

(1) a description of the development project, including its location, the land area involved, and the nature of the development project;

(2) a list of the local and State units that will participate in the hearing and their post office addresses and telephone numbers;

(3) a description of each development permit requested;

(4) the time, date, and place of the hearing; and

(5) if the hearing is a joint hearing with a local government or involves a unit of the federal government, any other information that the local government or federal unit requires.

(d) In addition to the notices required by this section, if the law governing the issuance of a development permit requires that a person or governmental unit provide notice of an application or a hearing to a particular person or unit, that person or governmental unit shall do so in the manner required by that law.

§11–519.

(a) (1) Each State unit participating in a joint hearing or consolidated hearing shall be represented at the hearing by the official who issues the development permit or that official's designee.

(2) The representative of a State unit at a joint hearing or consolidated hearing may participate fully in the hearing with respect to information, views, and supporting material relevant to the issuance of the development permit by the State unit.

(b) (1) An individual designated by the local government shall preside over a joint hearing.

(2) The Coordinator, or a hearing examiner designated by the Coordinator, shall preside over a consolidated hearing.

(c) At a joint hearing or consolidated hearing, the applicant may submit relevant information and material in support of an application for a development permit that is on the agenda for the hearing.

(d) At a joint hearing or consolidated hearing, any person or governmental unit shall be given the opportunity to present relevant facts, evidence, or arguments for or against the granting of a development permit that is on the agenda for the hearing.

§11–520.

(a) (1) A local government shall act on each application for a development permit to be issued by the local government in accordance with the law and procedures applicable to the granting of the development permit.

(2) If the local government has participated in a joint hearing, it shall give prompt notice of its action to the Coordinator, who shall send the notice to each State unit that participated in the joint hearing.

(b) (1) Each State unit that has participated in a joint hearing shall act promptly on each application for a development permit to be issued by the State unit within 60 days after the day on which the State unit receives notice that the local government has acted on the application for the local development permit.

(2) If the local government has denied the local development permit, the State unit may deny its development permit for that reason. However, the State unit may reconsider the application for a development permit if the local development permit is later granted.

(c) A State unit that has participated in a joint hearing shall give the Coordinator and the local government notice of the action by the State unit on each application for a development permit.

(d) Each State unit that has participated in a consolidated hearing shall act on each application for a development permit to be issued by the State unit within 60 days after the day on which the consolidated hearing concludes.

(e) Each State unit that does not hold a hearing shall act on an application for a development permit within 60 days after receiving the completed application for the development permit.

(f) Unless a State unit obtains an extension under § 11-521 of this subtitle, failure of the State unit to act within the time set by this section and by § 11-515 of this subtitle constitutes automatic approval of the application for a development permit as submitted to the State unit, and the State unit immediately shall issue the development permit.

§11–521.

(a) A State unit is entitled to an extension of the time specified in § 11-515 of this subtitle, if the State unit:

(1) determines, in writing, that:

(i) the application and appendices are lacking in specific required information; or

(ii) technical information, tests, or studies are needed for consideration of the application;

(2) states the specific information, tests, and studies needed;

(3) states the time required for their completion, if the information, tests, or studies are not required to be submitted by or for the applicant; and

(4) delivers the written determination to the Coordinator and to the applicant at least 10 days before the scheduled hearing date.

(b) A State unit is entitled to an extension of the time specified in § 11-520 of this subtitle, if the State unit:

(1) determines, in writing, that:

(i) the application and appendices are lacking in specific required information;

(ii) technical information, tests, or studies are needed for consideration of the application; or

(iii) new information requiring further evaluation has been obtained from the public hearing;

(2) states the specific information, tests, and studies needed;

(3) states the time required for their completion, if the information, tests, or studies are not required to be submitted by or for the applicant; and

(4) delivers the written determination to the Coordinator and to the applicant at least 10 days before the expiration of the time specified in § 11-520 of this subtitle.

(c) (1) Subject to § 11-522 of this subtitle, on timely delivery of the written determination, the time limit shall be extended until 30 days after the information required from the applicant is received or 30 days after the time specified in the determination for the completion of the other information, tests, and studies not required from the applicant, as the case may be.

(2) If new information is obtained from a public hearing, the Coordinator and the State unit involved shall jointly agree to a reasonable extension of time before the unit must act on the development permit.

§11–522.

(a) (1) An applicant for a development permit may appeal the determination of a State unit under § 11-521 of this subtitle on the grounds that:

(i) the specific information, test, or study is unnecessary; or

(ii) the time stated by the State unit for completion is unreasonable.

(2) The appeal shall be made:

(i) to the board of review of the State unit; or

(ii) if the State unit does not have a board of review or its board of review does not have jurisdiction to review the development permit, to the Board of Public Works.

(b) The appeal must be taken within 30 days after the applicant receives the determination.

(c) (1) The board of review or the Board of Public Works:

(i) shall consider the appeal promptly;

(ii) may affirm, modify, or reverse the determination of the State unit; and

(iii) may set a new hearing date with respect to the application.

(2) The applicant has the burden to show that the determination of the State unit was improper.

(3) The State unit shall continue its evaluation of the development project, including tests and studies, through the appeal procedure.

§11–523.

Administrative and judicial review of the final action of a local government or State unit on an application for a development permit shall be in accordance with the law and procedures governing the issuance of development permits by the local government or State unit.

§12–101.

(a) In this subtitle, unless the context clearly requires otherwise, "State personnel" means:

(1) a State employee or official who is paid in whole or in part by the Central Payroll Bureau in the Office of the Comptroller of the Treasury;

(2) an employee or official of the:

(i) Maryland Transportation Authority;

(ii) Maryland Stadium Authority;

(iii) Maryland Environmental Service;

(iv) overseas programs of the University College of the University System of Maryland;

(v) Maryland Economic Development Corporation;

(vi) Maryland Technology Development Corporation;

(vii) Maryland African American Museum Corporation;

(viii) Maryland Automobile Insurance Fund;

(ix) Maryland Health and Higher Educational Facilities Authority;

(x) Maryland Agricultural and Resource–Based Industry Development Corporation;

(xi) Somers Cove Marina Commission;

(xii) Maryland Underground Facilities Damage Prevention Authority; and

(xiii) Maryland Clean Energy Center;

(3) a person who:

(i) is a member of a State board, commission, or similar State entity; or

(ii) 1. is providing a service to or for the State;

2. is not paid in whole or in part by the State; and

3. satisfies all other requirements for designation as State personnel as may be set forth in regulations adopted by the Treasurer pursuant to Title 10 of this article;

(4) an individual who, without compensation, exercises a part of the sovereignty of the State;

(5) a student enrolled in a State educational institution:

(i) who is providing services to third parties in the course of participation in an approved clinical training or academic program;

(ii) who, as determined by the Treasurer, is required to have liability insurance covering claims arising from services to third parties performed by the student in the course of the approved clinical training or academic program;

(iii) who, as determined by the Treasurer, cannot obtain commercial liability insurance at an affordable cost; and

(iv) who, as determined by the Treasurer, may be required to contribute to an insurance program for claims arising from services to third parties performed by the student in the course of the approved clinical training or academic program;

(6) a sheriff or deputy sheriff of a county or Baltimore City;

(7) an employee of a county who is assigned to a local department of social services, including a Montgomery County employee who carries out State programs administered under Title 3, Subtitle 4 of the Human Services Article;

(8) a State's Attorney of a county or Baltimore City, or an employee of an office of a State's Attorney;

(9) a member of a board of license commissioners of a county or Baltimore City appointed under the provisions of the Alcoholic Beverages and Cannabis Article, or an employee of a board of license commissioners;

(10) a member of a local board of elections, or an employee of a local board of elections;

(11) a judge of a circuit court of a county or Baltimore City, or an employee of a circuit court;

(12) a judge of an orphans' court of a county or Baltimore City, or an employee of an orphans' court;

(13) to the extent of a nonprofit organization's activities as a third party payee, and to the extent the nonprofit organization has no other insurance for this purpose, a nonprofit organization that has been approved by the Department of Human Services or its designee to serve as a third party payee for purposes of providing temporary cash assistance, transitional assistance, or child–specific benefits to Family Investment Program recipients; or

(14) a student, faculty, or staff member of an institution of higher education who is providing a service under the Family Investment Program in accordance with § 5–305, § 5–306, or § 5–317 of the Human Services Article.

(b) In this subtitle, a unit of the State government includes the Montgomery County government to the extent that Montgomery County administers a State program under Title 3, Subtitle 4 of the Human Services Article.

§12–102.

This subtitle shall be construed broadly, to ensure that injured parties have a remedy.

§12–103.

This subtitle does not:

(1) limit any other law that:

(i) waives the sovereign immunity of the State or the units of the State government in tort; or

(ii) authorizes the State or its units to have insurance for tortious conduct;

(2) waive any right or defense of the State or its units, officials, or employees in an action in a court of the United States or any other state, including any defense that is available under the 11th Amendment to the United States Constitution; or

(3) apply to or waive any immunity of a bicounty unit, county, municipal corporation, or other political subdivision or any unit, official, or employee of any of those agencies or subdivisions.

§12–103.1.

The provisions governing the tort immunity of a member or employee of a board of supervisors of a soil conservation district are found in § 5-517 of the Courts and Judicial Proceedings Article.

§12–103.2.

(a) In this section, "tort claim" means a tort claim filed in State court relating to the administration of a State program under Title 3, Subtitle 4 of the Human Services Article by the Montgomery County government.

(b) (1) A tort claim shall be considered, defended, settled, and paid in the same manner as any other claim covered by the Montgomery County Self–Insurance Fund.

(2) Under this section, whenever Montgomery County administers a State program under Title 3, Subtitle 4 of the Human Services Article, Montgomery County acts as a unit of the State, and any tort claim shall name the State of Maryland as the proper defendant.

(c) Liability for a tort claim may not exceed the insurance coverage granted to units of State government under Title 9 of the State Finance and Procurement Article.

(d) (1) The State Treasurer is not liable under § 9–107(c) of the State Finance and Procurement Article for a tort claim.

(2) For tort claims, the duties, responsibilities, and liabilities of the Treasurer under this subtitle shall be assumed by the Montgomery County Self–Insurance Fund with damages limited in accordance with subsection (c) of this section.

§12–103.3.

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

(2) "Detention center function" includes:

(i) operating and administering a detention center; and

(ii) supervising personnel who perform a function described in item (i) of this paragraph.

(3) "Law enforcement function" includes:

(i) conducting patrol;

(ii) making stops and arrests;

(iii) investigating criminal offenses; and

(iv) supervising personnel who perform a function described in items (i) through (iii) of this paragraph.

(4) "Tort claim" means a tort claim filed in State court against a sheriff, a deputy sheriff, or the State claiming tortious conduct by a sheriff or a deputy sheriff arising out of activities related to the performance of a law enforcement function or a detention center function.

(b) (1) A tort claim shall be considered defended, settled, and paid in the same manner as any other claim filed against a county.

(2) (i) The State is the proper defendant in a tort claim.

(ii) The county may not be named as a defendant in a tort claim.

(c) Liability for a tort claim may not exceed the State's waiver of immunity under § 12–104 of this subtitle.

(d) (1) The State Treasurer is not liable under § 9–107 of the State Finance and Procurement Article for a tort claim.

(2) The duties, responsibilities, and liabilities of the State under this subtitle for a tort claim shall be assumed by the applicable county.

§12–104.

(a) (1) Subject to the exclusions and limitations in this subtitle and notwithstanding any other provision of law, the immunity of the State and of its units is waived as to a tort action, in a court of the State, to the extent provided under paragraph (2) of this subsection.

(2) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, the liability of the State and its units may not exceed $400,000 to a single claimant for injuries arising from a single incident or occurrence.

(ii) If liability of the State or its units arises from intentional tortious acts or omissions or a violation of a constitutional right committed by a law enforcement officer, the following limits on liability shall apply:

1. subject to item 2 of this subparagraph, the combined award for both economic and noneconomic damages may not exceed a total of $890,000 for all claims arising out of the same incident or occurrence, regardless of the number of claimants or beneficiaries who share in the award; and

2. in a wrongful death action in which there are two or more claimants or beneficiaries, an award for noneconomic damages may not exceed 150% of the limitation established under item 1 of this item, regardless of the number of claimants or beneficiaries who share in the award.

(iii) If liability of the State or its units arises under a claim of sexual abuse, as defined in § 5–117 of the Courts Article, the liability may not exceed $890,000 to a single claimant for injuries arising from an incident or occurrence.

(b) Immunity is not waived under this section as described under § 5–522(a) of the Courts and Judicial Proceedings Article.

(c) (1) The Treasurer may pay from the State Insurance Trust Fund all or part of that portion of a tort claim which exceeds the limitation on liability established under subsection (a)(2) of this section under the following conditions:

(i) the tort claim is one for which the State and its units have waived immunity under subsections (a) and (b) of this section;

(ii) a judgment or settlement has been entered granting the claimant damages to the full amount established under subsection (a)(2) of this section; and

(iii) the Board of Public Works, with the advice and counsel of the Attorney General, has approved the payment.

(2) Any payment of part of a settlement or judgment under this subsection does not abrogate the sovereign immunity of the State or any units beyond the waiver provided in subsections (a) and (b) of this section.

§12–105.

State personnel shall have the immunity from liability described under § 5-522(b) of the Courts and Judicial Proceedings Article.

§12–106.

(a) This section does not apply to a claim that is:

(1) asserted by cross–claim, counterclaim, or third–party claim; or

(2) brought under § 5–117 of the Courts Article.

(b) Except as provided in subsection (c) of this section, a claimant may not institute an action under this subtitle unless:

(1) the claimant submits a written claim to the Treasurer or a designee of the Treasurer within 1 year after the injury to person or property that is the basis of the claim;

(2) the Treasurer or designee denies the claim finally; and

(3) the action is filed within 3 years after the cause of action arises.

(c) (1) If a claimant fails to submit a written claim in accordance with subsection (b)(1) of this section, on motion by a claimant and for good cause shown, the court may entertain an action under this subtitle unless the State can affirmatively show that its defense has been prejudiced by the claimant's failure to submit the claim.

(2) Subsection (b)(1) and (2) of this section does not apply if, within 1 year after the injury to person or property that is the basis of the claim, the State has actual or constructive notice of:

(i) the claimant's injury; or

(ii) the defect or circumstances giving rise to the claimant's injury.

§12–107.

(a) A claim under this subtitle shall:

(1) contain a concise statement of facts that sets forth the nature of the claim, including the date and place of the alleged tort;

(2) demand specific damages;

(3) state the name and address of each party;

(4) state the name, address, and telephone number of counsel for the claimant, if any; and

(5) be signed by the claimant, or the legal representative or counsel for the claimant.

(b) The Treasurer may:

(1) consider a claim for money damages under this subtitle or delegate wholly or partly this responsibility to other State personnel; and

(2) contract for any support services that are needed to carry out this responsibility properly.

(c) (1) In this section, "structured settlement" means a plan for the payment of a settlement or judgment to a claimant for damages in periodic installments.

(2) Unless a contract with a private insurer provides otherwise, the Treasurer or designee may compromise and settle a claim for money damages after the Treasurer or designee consults with the Attorney General.

(3) The State may enter into a structured settlement to the extent permitted in § 12–104(a)(2) of this subtitle.

(4) If a structured settlement is entered into, the State and the claimant shall select the investment company by mutual agreement.

(5) The acceptance of a settlement by a claimant is, as to that claimant:

(i) final; and

(ii) a complete release of each claim arising from the same cause of action against:

1. the State;

2. each of its units; and

3. all State personnel.

(d) A claim under this subtitle is denied finally:

(1) if the Treasurer or designee sends the claimant, or the legal representative or counsel for the claimant written notice of denial by:

(i) e–mail; or

(ii) regular mail, if regular mail is the only available means of notifying the claimant; or

(2) if the Treasurer or designee fails to give notice of a final decision within 6 months after the filing of the claim.

§12–108.

(a) In an action under this subtitle, service of the complaint and accompanying documents is sufficient only if made on the Treasurer.

(b) Unless full representation is provided under a contract of insurance, the Attorney General shall defend an action under this subtitle against the State or any of its units.

§12–109.

Counsel may not charge or receive fees that exceed:

(1) 20% of a settlement made under this subtitle; or

(2) 25% of a judgment made under this subtitle.

§12–110.

This subtitle may be cited as the "Maryland Tort Claims Act".

§12–201.

(a) Except as otherwise expressly provided by a law of the State, the State, its officers, and its units may not raise the defense of sovereign immunity in a contract action, in a court of the State, based on a written contract that an official or employee executed for the State or 1 of its units while the official or employee was acting within the scope of the authority of the official or employee.

(b) In an action under this subtitle, the State and its officers and units shall have the immunity from liability described under § 5–522(d) of the Courts Article.

§12–202.

A claim under this subtitle is barred unless the claimant files suit within 1 year after the later of:

(1) the date on which the claim arose; or

(2) the completion of the contract that gives rise to the claim.

§12–203.

Except as provided in Title 5 of the Education Article, to carry out this subtitle, the Governor shall include in the budget bill money that is adequate to satisfy a final judgment that, after the exhaustion of the rights of appeal, is rendered against the State or any of its officers or units.

§12–204.

This subtitle does not apply to a contract of the Legislative or Judicial Branch of State government, or any of their agencies, officers, or units.

§12–301.

This subtitle does not apply to:

(1) the Public Service Commission;

(2) a local board of elections;

(3) the Baltimore City Board of School Commissioners or a county board of education; or

(4) any other county officer or unit.

§12–304.

(a) (1) Except as otherwise provided in this Part II of this subtitle, the Attorney General shall appear in a civil action or special proceeding against a State officer or State employee to represent the officer or employee if:

(i) the action or proceeding is in a court of the State or of the United States;

(ii) the officer or employee submits to the Attorney General a written request for representation;

(iii) the Attorney General or a person whom the Attorney General designates investigates the facts on which the action or proceeding is based;

(iv) the Attorney General does not find the officer or employee ineligible for representation under subsection (b)(1) of this section; and

(v) the officer or employee enters into an agreement as required by § 12-305 of this subtitle.

(2) The Attorney General may provide this representation by a deputy attorney general, assistant attorney general, special counsel, or other private counsel.

(b) (1) The Attorney General shall decline to represent a State officer or State employee if, on the basis of the investigation, the Attorney General finds that:

(i) the officer or employee was not acting within the scope of employment of the officer or employee;

(ii) the act or omission was malicious; or

(iii) the act or omission was grossly negligent.

(2) The Attorney General may decline to represent a State officer or State employee who otherwise is eligible for representation if the officer or employee:

(i) retains other counsel; or

(ii) is covered by insurance that requires the carrier to provide counsel.

(c) (1) Subject to the requirements of this section, the Attorney General has sole discretion in undertaking to represent the State officer or State employee.

(2) A decision of the Attorney General not to represent an officer or employee is inadmissible in any legal action or special proceeding. Reference to the decision may not be made in any hearing or trial.

(d) This section does not:

(1) deprive a State officer or State employee of any right to retain counsel, at the expense of the officer or employee; or

(2) prevent the appearance of the Attorney General to protect the interests of the State, even if the officer or employee does not request the appearance.

§12–305.

Before a State officer or State employee may be represented under this Part II of this subtitle, the Attorney General shall have the officer or employee enter into an agreement that:

(1) enables the Attorney General to require, from the officer or employee, reimbursement of court costs, reasonable counsel fees, and other expenses in representing the officer or employee if:

(i) it is determined judicially that:

1. the defense of sovereign immunity is not available to the officer or employee;

2. the injuries arose out of an act or omission of the officer or employee; and

3. the act or omission was malicious or grossly negligent or, when the act or the omission was made, the officer or employee was not performing a duty within the scope of the employment of the officer or employee; and

(ii) the officer or employee did not give the Attorney General complete information or gave the Attorney General information that is false or misleading;

(2) authorizes collection of the reimbursement, as a debt due to the State;

(3) states that:

(i) this representation of the officer or employee does not constitute an obligation for the State to pay a settlement, if the claim is settled, or a judgment, if judgment is rendered against the officer or employee;

(ii) the State and its units are not responsible for payment of the judgment; and

(iii) the officer or employee is entitled to submit to the Board of Public Works an application for payment of a settlement or judgment;

(4) provides that:

(i) the Attorney General may not compromise or settle the claim against the officer or employee without the written consent of the officer or employee;

(ii) if the officer or employee will not consent, the Attorney General may withdraw the appearance in accordance with the appropriate court rules; and

(iii) the State is not responsible for any costs after the withdrawal; and

(5) includes any other provisions that the Attorney General considers necessary.

§12–306.

(a) Representation under this Part II of this subtitle includes the right to assert a counterclaim or to assert or defend against a third party claim for the officer or employee.

(b) The representation does not deprive any State officer, State employee, or unit of the State government of any sovereign immunity that is available to the officer, employee, or unit.

§12–307.

Information that the Attorney General obtains under § 12-304(a)(1)(iii) of this subtitle is confidential and inadmissible as evidence in any legal action or special proceeding. Reference to the information may not be made in any hearing or trial.

§12–308.

(a) If an action or special proceeding against a State officer or State employee in which the Attorney General has declined representation under § 12-304(b)(1) of this subtitle results in final judgment, the court or jury shall find whether:

(1) the defense of sovereign immunity is available to the officer or employee;

(2) the officer or employee was acting within the scope of the employment of the officer or employee;

(3) the alleged act or omission was malicious; and

(4) the alleged act or omission was grossly negligent.

(b) A jury shall make the findings by written, special verdict.

§12–309.

(a) A court shall require reimbursement from the person who brings an action or proceeding against a State officer or State employee if:

(1) judgment is rendered for the officer or employee; and

(2) the court finds that the action or proceeding was instituted:

(i) in bad faith; or

(ii) without substantial justification.

(b) Reimbursement shall consist of reasonable counsel fees and other costs and reasonable expenses incurred by the officer or employee in defending against the action or proceeding.

(c) Reimbursement shall be paid:

(1) to the officer or employee; or

(2) if the State or any of its units already has reimbursed the officer or employee, to the State or the unit.

§12–310.

(a) This section does not apply to the extent that a State officer or State employee is reimbursed under § 12-309 of this subtitle.

(b) The State is liable to a State officer or State employee for reimbursement of court costs, counsel fees, and other reasonable expenses that the officer or employee incurs in defending an action or proceeding if:

(1) the Attorney General declined representation under § 12-304(b)(1) of this subtitle; and

(2) it is determined judicially that:

(i) the defense of sovereign immunity is available to the officer or employee; or

(ii) injuries arose from an act or omission of the officer or employee and, when the act or the omission was made, the officer or employee was acting within the scope of employment and the act or omission was not malicious and was not grossly negligent.

(c) Reimbursement under this section shall be subject to the provisions of Subtitle 5 of this title.

§12–313.

The Attorney General may not represent or appoint or provide counsel to represent a State officer or State employee:

(1) in any investigation of the officer or employee by a criminal law enforcement agency; or

(2) in any criminal action against the officer or employee in a court of the State or the United States.

§12–314.

Subject to the limitations in this Part III of this subtitle, the Board of Public Works may approve reimbursement of a State officer or State employee or otherwise pay for reasonable counsel fees that the officer or employee incurred:

(1) in connection with a criminal investigation into conduct as an officer or employee if the investigation has concluded and criminal charges have not been filed against the officer or employee; or

(2) in defending against criminal charges that related to conduct as an officer or employee if final disposition of all of the charges does not result in a plea of nolo contendere, a guilty plea, or a finding of guilt.

§12–315.

(a) The Board of Public Works may not provide reimbursement or payment under this Part III of this subtitle unless:

(1) the State officer or State employee submits to the Board a written application for reimbursement; and

(2) the Attorney General certifies that:

(i) the applicant retained counsel;

(ii) the applicant gave the Attorney General written notice promptly after counsel was retained; and

(iii) after review of the evidence and other information, the Attorney General or a designee appointed under this section made the following determinations:

1. in connection with the matter under criminal investigation, the applicant discharged the public responsibilities in good faith, did

not engage in unlawful conduct, and was reasonable in retaining counsel and incurring the counsel fees for which reimbursement is sought; or

2. in connection with the matter that was the subject of criminal charges, the applicant discharged the public responsibilities in good faith and incurred reasonable counsel fees.

(b) Notwithstanding subsection (a)(2)(ii) of this section, the Board of Public Works may approve reimbursement to an applicant who fails to give the Attorney General notice promptly after counsel is retained if the Board determines that the failure is for good cause.

(c) If the Attorney General believes that it would be inappropriate for the Attorney General to make the determinations under subsection (a)(2)(iii) of this section, the Attorney General or the Board of Public Works may designate other counsel to carry out that duty.

(d) The determinations of the Attorney General or designee under this section are not subject to judicial review.

§12–316.

As a condition to providing reimbursement under this Part III of this subtitle, the Board of Public Works or the Attorney General may require an applicant:

(1) to answer questions under oath; and

(2) to provide any information on the matter that was under criminal investigation or the subject of criminal charges.

§12–318.

If the officer or employee is awarded money in an action for false arrest, malicious prosecution, or other cause that arises from the investigation or charges, the State is subrogated to the extent of any reimbursement under this Part III of this subtitle.

§12–401.

In this subtitle, "State personnel" means:

(1) a regular employee of the State whose compensation:

(i) is provided by a State appropriation; or

(ii) is paid wholly or partly from State funds;

(2) an employee who is under the jurisdiction of the Department of Budget and Management;

(3) an officer, warrant officer, or enlisted member of the organized militia;

(4) an employee of the Maryland Port Administration, as described in § 6–204(n) of the Transportation Article;

(5) a member or employee of a board of trustees for a community college;

(6) except in Montgomery County, an employee of a county health department;

(7) a member or employee of the Baltimore City Board of School Commissioners or of a county board of education;

(8) a member of the Board of Visitors of the Maryland School for the Deaf;

(9) a member or employee of a board of supervisors for a soil conservation district;

(10) a person who, as a volunteer, is providing a service to or for the State;

(11) a person who, for or under contract with a unit of the State or a local government, performs an emergency service during a state of emergency under Title 14 of the Public Safety Article;

(12) any other individual who, with or without compensation, holds a position that requires the exercise of discretion and of a part of the sovereignty of the State;

(13) any other State officer or State employee; and

(14) a Montgomery County employee who administers a State program under Title 3, Subtitle 4 of the Human Services Article.

§12–402.

The General Assembly finds that:

(1) the State is a unique body because:

(i) the State is a sovereign political body that the people have established directly for the sole purpose of providing for their government; and

(ii) the revenue of the State derives principally from taxes on the people, rather than from commercial enterprise;

(2) State personnel who are acting within the scope of public duties and responsibilities are carrying out a governmental program under law and, thus, are discharging a part of the purpose and sovereignty of the State;

(3) decisions of courts throughout the United States have created new grounds for personal liability of a public officer or public employee who is discharging a public duty;

(4) those decisions have resulted in:

(i) increased difficulties in recruiting or retaining qualified individuals for public positions that involve the exercise of discretion or dealing with the general public; and

(ii) increased difficulties and expense in protecting these individuals through public liability insurance; and

(5) as a matter of State policy, it is essential to protect from liability State personnel who are acting within the scope of public duties and responsibilities and without malice or gross negligence.

§12–403.

(a) This subtitle does not affect any immunity or other defense that is available to State personnel or the State.

(b) Payment of a settlement or judgment under this subtitle does not abrogate the sovereign immunity of the State, any of its units, or State personnel.

§12–404.

Subject to the limitations in this subtitle, the Board of Public Works may:

(1) pay wholly or partly a settlement or judgment against the State or any State personnel; and

(2) include, in the payment, counsel fees and costs.

§12–405.

(a) The application requirements enumerated in subsection (b)(5) of this section do not apply to claims relating to:

(1) courthouse security;

(2) service of process;

(3) the transportation of incarcerated individuals to or from court proceedings;

(4) personnel and other administrative activities;

(5) activities, including activities relating to law enforcement functions, arising under a multijurisdictional agreement under the supervision and direction of the Maryland State Police or other State agency; or

(6) any other activities, except for activities relating to performing law enforcement functions or detention center functions.

(b) The Board of Public Works may not pay a settlement or judgment against State personnel unless:

(1) the State personnel submits to the Board a written application that sets forth each reason of the State personnel for believing the settlement or judgment is a responsibility of the State;

(2) the Board or a hearing officer that the Board appoints holds a hearing on the application;

(3) as to a judgment, it was rendered by a court of competent jurisdiction;

(4) as to an applicant for whom the Attorney General appeared under Subtitle 3 of this title, the Attorney General files a written report and recommendation;

(5) as to an application on behalf of a sheriff or deputy sheriff of a county or Baltimore City for any claim:

(i) with respect to any settlement, the county solicitor or county attorney files a written report and recommendation and the Attorney General files a written report and recommendation; or

(ii) with respect to any judgment, the Attorney General files a written report and recommendation;

(6) on the bases of the hearing and any report and recommendation, the Board finds that:

(i) when the act or omission was made, the applicant was performing a duty within the scope of the employment of the applicant;

(ii) the act or omission was not malicious; and

(iii) the act or omission was not grossly negligent; and

(7) if there is any question whether the applicant is State personnel for purposes of this subtitle, the Board finds that, regardless of the method, source, or amount of compensation, the applicant is State personnel.

§12–406.

Payments under this subtitle shall be made in accordance with the provisions of Subtitle 5 of this title.

§12–501.

(a) (1) The Board of Public Works may approve payment of a settlement, a judgment, or counsel fees under Subtitles 3 and 4 of this title with or without a hearing, and direct payment from:

(i) money appropriated for that purpose in the State budget;

(ii) money appropriated to the State Insurance Trust Fund for that purpose; or

(iii) the General Emergency Fund.

(2) The Board of Public Works may approve payment of a settlement, a judgment, or counsel fees under Subtitles 3 and 4 of this title with or without a

hearing, and direct payment from any tax which has been appropriated in the State budget to the subdivision represented by the sheriff or deputy sheriff on whose behalf the payment is to be made, or direct payment from the subdivision's share of any income tax collected by the State Comptroller, in connection with any settlement or judgment paid on behalf of any sheriff or deputy sheriff for any claim except those claims relating to:

(i) courthouse security;

(ii) transportation of prisoners;

(iii) service of process;

(iv) personnel and other administrative activities;

(v) activities, including activities relating to performing law enforcement functions, arising under multijurisdictional agreements under the supervision and direction of the Maryland State Police or other State agency; or

(vi) any other activities, except activities relating to performing law enforcement functions or detention center functions.

(3) The Board may direct that payment be made in lump sum or in installments.

(4) If the Board disapproves payment in whole or in part, the Board shall state in writing its reasons for disapproval.

(5) Decisions under this title are not subject to judicial review.

(6) Nothing in this section shall be construed as a waiver of sovereign immunity of the State, any of its units, or State personnel.

(7) If the Board directs payment under paragraph (2) of this subsection, such payment shall be collected in the manner provided by § 7-222 of the State Finance and Procurement Article.

(b) The Board of Public Works may delegate to affected units, in consultation with the Attorney General, authority to pay, from the funds of that unit available for the purpose, settlements, judgments, and counsel fees that do not exceed $10,000 in a particular case.

§17–101.

Until an individual accounts for and pays into the Treasury of the State all money that is charged to and due by the individual on the books of the State, the individual is ineligible to become a member of the Senate of Maryland or the House of Delegates, or to hold any State office of profit or trust if the individual:

(1) is a collector, receiver, or holder of public money;

(2) is charged on the books of the State a sum due to the State; and

(3) has failed to account fairly for the public money with the Treasury of the State.

§17–102.

An ineligibility established under § 17-101 of this title:

(1) may not be removed by an accounting with or payment into the Treasury of the State to validate an election or appointment that has already occurred; but

(2) shall be removed only for a future election or appointment.

§17–103.

(a) If a commission has been issued to an individual who is ineligible under § 17-101 of this title, the Governor shall instruct the State's Attorney for the county in which the individual resides to obtain in the circuit court of that county a writ of mandamus directed to the individual who professes to hold the office specified in the commission to inquire into the right by which the individual holds the office.

(b) If the circuit court finds that at the time of the election or appointment of an individual, the individual had not accounted for and paid into the Treasury of the State money that the individual should have accounted for and paid into the Treasury of the State before the election or appointment of the individual, then the circuit court shall declare the election or appointment of that individual to be void from the beginning and the office to be vacant.

§17–104.

(a) Whenever a State's Attorney for a county is informed that an individual has been commissioned in that county and that at the time of the election or appointment of the individual to office the individual was in default to the Treasury of the State for not accounting for and paying over to the Treasury of the State any

money, the State's Attorney shall request the State Comptroller to provide a statement of the account of the individual.

(b) If the Comptroller certifies that the individual is in default, the State's Attorney shall initiate the mandamus proceeding authorized by § 17-103 of this title.

(c) A State's Attorney who fails to comply with this section is guilty of a misdemeanor and on conviction shall be removed from office.

§17–105.

Nothing in this title invalidates an act done by an officer within the scope of the officer's authority as long as the commission is unannulled.

§17–106.

(a) A postmaster, a deputy of a postmaster, a United States marshal, or a deputy of a United States marshal may not hold any State office or exercise any function of any officer of the State.

(b) An individual who violates subsection (a) of this section is subject to a fine of $50 for each offense, to be recovered by an indictment in the circuit court for the county where the individual commits the offense.

§17–107.

(a) A sheriff, constable, or collector of taxes may not, while in office, purchase any debt or claim held by or due from any individual who resides in the county where the sheriff, constable, or collector of taxes holds office.

(b) An individual who violates subsection (a) of this section is subject to a fine of $50 for each offense.

§17–108.

(a) This section does not affect an appointment:

(1) of an officer who requires special knowledge or training; or

(2) to an office that requires expert knowledge or training.

(b) An individual may not be appointed to any office in the State unless the individual has been a bona fide resident of the State for at least 12 months before the day of the individual's appointment.

(c) A State or county official may not appoint an individual unless the individual has been a bona fide resident of the State for at least 12 months and of the county in which the individual is appointed for at least 6 months before the day of the individual's appointment.

§17–109.

(a) This section applies:

(1) only to an office for which an appointment to fill a vacancy is required to be made with the advice and consent of the Senate; and

(2) regardless of whether a salary or any other compensation is provided to the holder of the office.

(b) (1) If the term of an office subject to the requirements of this section will end during the next upcoming recess of the Senate, the Governor shall submit a nomination to the Senate to fill the office within 40 days from the commencement of the regular session of the Legislature.

(2) If the Governor becomes aware that the term of an office subject to the requirements of this section will end during the next upcoming recess of the Senate more than 40 days after the commencement of the regular session of the Legislature but before the Legislature adjourns Sine Die, the Governor may submit a nomination to the Senate to fill the office only if the Senate consents to examine the nominee, subject to its rules.

(3) An individual nominated more than 40 days after the commencement of the regular session of the Legislature but before the Legislature adjourns Sine Die is not eligible for confirmation if there is an incumbent in the office unless the Senate consents to examine the nominee, subject to its rules.

(4) Subject to § 2–201 of the Election Law Article, the Governor may appoint an individual to be a member of the State Board of Elections during the recess of the Senate regardless of whether the term of office of the member will end during the next upcoming recess.

(c) (1) Subject to paragraph (2) of this subsection, at the end of a term, an officer continues to serve until a successor is appointed and qualifies.

(2) An officer may not continue to serve more than 4 years after the end of the officer's term.

(d) (1) Subject to paragraph (2) of this subsection, an individual who was appointed to fill a vacancy in an office during the recess of the Senate or who was nominated to fill a vacancy in an office during a regular session of the Senate may not:

(i) be nominated for the same office at the same session, unless requested by the Senate;

(ii) be appointed to the same office during the recess of the Senate; or

(iii) continue to serve in the office or be designated to serve in an acting capacity for the same office after the adjournment of the regular session of the Senate at which the nomination was made.

(2) Paragraph (1) of this subsection applies only if:

(i) the Governor withdrew the nomination or the individual withdrew the individual's nomination during the regular session of the Senate at which the nomination was made;

(ii) the Senate failed to act on the nomination before the Senate adjourned the regular session of the Senate at which the nomination was made and the individual was not appointed as a recess appointment to the office by the Governor;

(iii) the Governor fails to make the nomination on the first day of the regular session of the Senate if required under Article II, § 11 of the Maryland Constitution; or

(iv) the individual is rejected by the Senate.

(e) An individual who is prohibited from continuing to serve in an office under subsection (d) of this section may not:

(1) carry out the responsibilities of the office in any capacity; or

(2) make representations that the individual:

(i) serves in the office in any capacity; or

(ii) is legally authorized to carry out the responsibilities of the office in any capacity.

(f) If the holder is in an office on a public body for which no salary is provided:

(1) any votes cast by an individual who, at the time the vote is conducted by the public body, is prohibited from continuing to serve in the office under subsection (d) of this section may not be counted; and

(2) the presence of an individual described in item (1) of this subsection may not be counted for purposes of a quorum.

(g) (1) Subject to paragraph (2) of this subsection, an individual who is designated to serve in an acting capacity to fill a vacancy in an office for which an appointment is required to be made with the advice and consent of the Senate may not serve in the office for more than 275 days after the date the designation was made.

(2) An individual may not continue to serve in an acting capacity after the adjournment of a regular session of the Senate if:

(i) the individual was serving in the acting capacity before the start of the regular session; and

(ii) the individual was not nominated to fill the vacancy in the office during that regular session.

(h) An individual who violates this section may not receive any compensation, including a salary or reimbursement for expenses out of the State budget, related to serving in the office or carrying out the responsibilities of the office.

§18–101.

(a) (1) Except as provided in paragraph (2) of this subsection, the Governor, on approval of the application by a Senator representing the senatorial district and subdistrict in which the applicant resides or on approval by any Senator if the senatorial office representing the senatorial district and subdistrict in which the applicant resides is vacant, may appoint and commission individuals as notaries public as provided in this title.

(2) (i) A Senator may delegate the Senator's authority to approve applicants under this subsection to the Secretary of State.

(ii) If a Senator has delegated approval authority under subparagraph (i) of this paragraph, the Governor may appoint and commission an individual as a notary public as provided in this title on approval of the application by the Secretary of State.

(b) (1) The Governor, on approval of the application by the Secretary of State and a member of the Senate of Maryland, shall appoint and commission out–of–state individuals as notaries public as provided in this title.

(2) An out–of–state notary shall be deemed to have irrevocably appointed the Secretary of State as the notary's agent upon whom may be served any summons, subpoena, subpoena duces tecum, or other process.

§18–102.

(a) Subject to § 18–104 of this subtitle, to be appointed as a notary public, an individual must:

(1) be at least 18 years old;

(2) be of good moral character and integrity;

(3) (i) be a resident of the State; or

(ii) have a place of employment or practice in the State;

(4) (i) beginning October 1, 2021, for an initial applicant, have completed the course and passed the examination offered under subsection (b) of this section; or

(ii) beginning October 1, 2021, for a renewal applicant, have completed the course offered under subsection (b) of this section;

(5) if living in the State, be a resident of the senatorial district from which appointed; and

(6) if living outside the State, be a resident of a state that allows Maryland residents working in that state to serve as notaries public in that state.

(b) (1) On or before October 1, 2021, subject to paragraph (2) of this subsection, the Secretary of State regularly shall offer a course of study and an examination that cover the laws, regulations, procedures, and ethics relevant to notarial acts.

(2) The course and examination may be offered through an entity approved by the Secretary of State.

§18–103.

(a) (1) An application for original appointment as a notary public shall be made on forms prepared by the Secretary of State and shall be sworn to by the applicant.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, an application by a resident of the State shall bear or be accompanied by the written approval of a Senator representing the senatorial district and subdistrict in which the applicant resides or, if that office is vacant, by any Senator's written approval.

(ii) If a Senator has delegated approval authority under § 18–101 of this subtitle, the application shall bear or be accompanied by the written approval of the Secretary of State.

(3) An application by an out–of–state individual shall bear or be accompanied by the written approval of a Maryland State Senator.

(4) Completed applications shall be filed with the Secretary of State.

(b) When the appointment is made by the Governor, the Secretary of State shall notify the applicant.

(c) (1) The term of a notary public commission is 4 years.

(2) The Secretary of State shall adopt, by regulation, a staggered system for the expiration and renewal of notary public commissions.

(d) (1) Notary public commissions may be renewed from term to term, and the Secretary of State shall issue an application of renewal to the notary public at or prior to the expiration of the term of the existing commission.

(2) On receiving of a satisfactory application of renewal from the notary, the Secretary shall issue a notice of renewal to the notary.

(3) Within 30 days after the issuance by the Secretary of State of a notice of appointment or renewal, the notary shall qualify before the appropriate clerk of the court and pay the fees prescribed in subsection (e) of this section.

(4) An out–of–state individual commissioned as a notary shall qualify before the clerk of the circuit court in any county and pay the fees prescribed in subsection (e) of this section.

(5) The appointment and commission of any notary who fails to qualify and pay the fees within the time required under this subsection shall be revoked.

(6) If an appointment and commission is revoked under this subsection, the court clerk shall return the commission to the Secretary of State with a certification that the notary failed to qualify and pay the fees within the required time.

(7) The Secretary of State for good cause shown may reinstate the appointment and commission.

(e) (1) At the time the notice of appointment or the notice of renewal is issued, the Secretary of State shall forward to the clerk of the circuit court of the county in which the notary resides or in the case of a notary who lives out–of–state, to the clerk of the circuit court in the county where the notary is to qualify, a commission signed by the Governor and Secretary of State under the great seal of the State.

(2) The clerk of the court shall deliver the commission to the notary upon qualification and payment of the prescribed fees by the notary.

(3) Each notary shall pay to the clerk:

(i) a fee of $1 for qualifying the notary and registering the name, address, and commission expiration date of the notary; and

(ii) a fee of $11 or a lesser amount as prescribed by the Secretary of State for the commission issued.

(4) The fee shall be paid by the clerk to the Treasury of the State.

(5) (i) The Secretary of State may fix other reasonable fees as required for the processing of applications and the issuance and renewal of notarial commissions and may charge a reasonable fee not exceeding $25 for checks returned for insufficient funds.

(ii) The Secretary of State shall distribute any fees collected under subparagraph (i) of this paragraph to the Notary Public Fund established under § 18–109 of this subtitle.

(6) (i) 1. Except as provided under subparagraph (ii) of this paragraph, if a payment of a fee under this section is made by a check or other

negotiable instrument that is dishonored, the commission shall be revoked by operation of law.

2. The revocation is effective beginning on the 60th day after the day on which the notice is sent in accordance with subparagraph (ii) of this paragraph.

(ii) When the Secretary of State receives notice that a check or other negotiable instrument, given by an applicant in payment of a fee under this section has been dishonored, the Secretary shall inform the applicant, by regular mail, sent to the last home address the applicant has given to the Secretary, that the commission will be revoked by operation of law if within 60 days after the date of the notice the applicant fails to make payment of the fee and any late charge, or fails to provide evidence that the notice of dishonor was in error.

(iii) The removal of a notary public from office under this paragraph is not subject to the provisions applicable to removal under § 18–104 of this subtitle.

(f) The Secretary of State may prepare and adopt forms as required under this section, including the form of original and renewal applications, the form of commissions, and forms for renewal of commissions.

§18–104.

(a) (1) On the Governor's own initiative or on a request made to the Governor in writing by the Senator for the senatorial district in which the applicant or notary public resides, the Governor may deny, refuse to renew, revoke, suspend, or impose conditions on a commission as notary public for any act or omission that demonstrates the individual lacks the honesty, integrity, competence, or reliability to act as a notary public, including:

(i) a failure to comply with this title or regulations adopted under this title;

(ii) a fraudulent, dishonest, or deceitful misstatement or omission in the application for a commission;

(iii) a conviction of a felony or crime involving fraud, dishonesty, or deceit;

(iv) a finding against or an admission of liability in a legal proceeding or disciplinary action based on fraud, dishonesty, or deceit;

(v) failure to discharge any duty required of a notary public, whether imposed by any federal or State law or regulations adopted by the Secretary of State;

(vi) use of false or misleading advertising or representation by the notary public representing that the notary public has a duty, right, or privilege that the notary public does not have; and

(vii) denial, refusal to renew, revocation, suspension, or conditions of a notary public commission by another state.

(2) Subject to subsection (c) of this section, after notice to the notary and the opportunity for a hearing before the Secretary of State or the Secretary of State's designee, the Secretary of State shall submit a recommendation to the Governor for action as the Governor determines to be required in the case.

(b) (1) The Governor may delegate to the Secretary of State or the Deputy Secretary of State the authority to take an action under subsection (a) of this section.

(2) Subject to subsection (c) of this section, the Secretary of State or Deputy Secretary of State shall give the notary notice and an opportunity for a hearing as provided in subsection (a) of this section, but is not required to submit a recommendation to the Governor before acting under this subsection.

(c) Notice and the opportunity for a hearing under subsections (a) and (b) of this section are not required to be given to an applicant for an initial commission as a notary public regarding the denial of the commission.

(d) A hearing under this section is not a contested case under Title 10, Subtitle 2 of this article.

(e) The notice and hearing opportunity under subsections (a) and (b) of this section is deemed satisfied if a letter informing the applicant or notary of the impending action and hearing opportunity is mailed to the applicant or notary by first–class mail at the last address the applicant or notary has given to the Secretary of State.

(f) An action taken under this section against a notary public does not preclude a person from seeking and obtaining any other criminal or civil remedy provided by law for redress of harm caused by the notary public.

§18–105.

A notary public may exercise all functions of the office of notary in any other county or city than the county or city for which the notary is appointed, with the same power and effect in all respects as if the same were exercised in the county or city for which the notary is appointed.

§18–107.

(a) (1) The Secretary of State shall adopt regulations to establish fees, not to exceed $25 for an original notarial act, and an appropriate lesser amount for the repetition of that original notarial act or to make a copy of the matter addressed by that original notarial act.

(2) A notary public or person acting on behalf of a notary public may charge a fee, subject to regulations adopted by the Secretary of State, not to exceed $50, for the performance of a notarial act under § 18–214 of this title.

(b) (1) Subject to paragraph (2) of this subsection, a notary public may charge the prevailing rate for mileage established by the Internal Revenue Service for business travel per mile and a fee not to exceed $5, as compensation for travel required for the performance of a notarial act.

(2) (i) The Secretary of State may set by regulation a different amount that a notary public may charge under paragraph (1) of this subsection.

(ii) An amount set under subparagraph (i) of this paragraph may exceed the amount established under paragraph (1) of this subsection.

§18–108.

(a) (1) Subject to § 4–332 of the General Provisions Article, the Secretary of State may provide lists of public information in its records to those persons who request them if the Secretary of State approves of the purpose for which the information is requested.

(2) (i) The Secretary of State may publish information relating to the status of the commission of a notary public or former notary public, including the date of commencement and expiration of any suspension, nonrenewal, or revocation of the commission.

(ii) The disclosure of information under subparagraph (i) of this paragraph is deemed compliant with § 4–332(b)(4) of the General Provisions Article.

(b) (1) The Secretary of State shall charge a reasonable fee, not less than the cost of preparing the list, for any list furnished under this section.

(2) The Secretary of State may charge a reduced fee to persons requesting a list for governmental or not–for–profit purposes.

(3) The Secretary of State shall distribute the fees collected under this subsection to the Notary Public Fund established under § 18–109 of this subtitle.

(c) A person furnished any information under this section may not distribute or otherwise use the information for any purpose other than that for which it was furnished.

(d) The Secretary of State may not disclose information under this section for use in telephone solicitations as defined in § 4–320(a) of the General Provisions Article.

§18–109.

(a) In this title, "Fund" means the Notary Public Fund.

(b) There is a Notary Public Fund.

(c) The purpose of the Fund is to provide funding to support the actions of the Secretary of State in implementing, regulating, administering, and enforcing this title.

(d) The Secretary of State shall administer the Fund.

(e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

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

(f) The Fund consists of:

(1) revenue distributed to the Fund under §§ 18–103(e)(5)(ii) and 18–108(b)(3) of this subtitle;

(2) money appropriated in the State budget to the Fund; and

(3) any other money from any other source accepted for the benefit of the Fund.

(g) The Fund may be used only to cover the expenses, including administrative expenses, of the Office of the Secretary of State in carrying out the duties of the Secretary of State under this title.

(h) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any interest earnings of the Fund shall be credited to the Fund.

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

§18–201.

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

(b) "Acknowledgment" means a declaration by an individual before a notarial officer that:

(1) the individual has signed a record for the purpose stated in the record; and

(2) if the record is signed in a representative capacity, the individual signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

(c) "Communication technology" means an electronic device or process that:

(1) allows a notary public and a remotely located individual to communicate with each other simultaneously by sight and sound; and

(2) when necessary under and consistent with other applicable law, facilitates communication with a remotely located individual who has a vision, hearing, or speech impairment.

(d) "Credential analysis" means a process or service by which a third party confirms the validity of an identification credential by a review of public or private data sources.

(e) "Electronic" means technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(f) "Electronic signature" means an electronic symbol, sound, or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record.

(g) "Foreign state" means a jurisdiction other than the United States, a state, or a federally recognized Indian tribe.

(h) "Identity proofing" means a process or service by which a third party provides a notary public with a means to verify the identity of a remotely located individual by a review of personal information from public or private data sources.

(i) "In a representative capacity" means acting as:

(1) an authorized officer, agent, partner, trustee, or other representative for a person other than an individual;

(2) a public officer, personal representative, guardian, or other representative, in the capacity stated in a record;

(3) an agent or attorney–in–fact for a principal; or

(4) an authorized representative of another in any other capacity.

(j) (1) "Notarial act" means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the laws of the State.

(2) "Notarial act" includes:

(i) taking an acknowledgment;

(ii) administering an oath or affirmation;

(iii) taking a verification on oath or affirmation;

(iv) witnessing or attesting a signature;

(v) certifying or attesting a copy; and

(vi) noting a protest of a negotiable instrument.

(k) "Notarial officer" means a notary public or other individual authorized to perform a notarial act.

(l) "Notary public" means an individual appointed and commissioned to perform a notarial act.

(m) "Official stamp" means:

(1) a physical image affixed to or embossed on a tangible record; or

(2) an electronic image attached to or logically associated with an electronic record.

(n) "Record" means information that is:

(1) inscribed on a tangible medium; or

(2) stored in an electronic or other medium and is retrievable in perceivable form.

(o) "Remote presentation" means transmission to a notary public through communication technology of an image of an identification credential that is of sufficient quality to enable the notary public to reasonably identify the individual and to perform credential analysis.

(p) "Remotely located individual" means an individual who is not in the physical presence of the notary public who performs a notarial act.

(q) "Sign" means, with present intent to authenticate or adopt a record, to:

(1) execute or adopt a tangible symbol; or

(2) attach to or logically associate with the record an electronic symbol, sound, or process.

(r) "Signature" means a tangible symbol or an electronic signature that evidences the signing of a record.

(s) "Stamping device" means:

(1) a physical device capable of affixing an official stamp to or embossing an official stamp on a tangible record; or

(2) an electronic device or process capable of attaching an official stamp to or logically associating an official stamp with an electronic record.

(t) "Verification on oath or affirmation" means a declaration made by an individual on oath or affirmation before a notarial officer that a statement in a record is true or that a remotely located individual has the identity claimed.

§18–202.

This subtitle applies only to a notarial act performed on or after October 1, 2020.

§18–203.

(a) Except as provided in subsection (b) of this section, a notarial officer may perform a notarial act authorized by the laws of the State.

(b) (1) A notarial officer may not perform a notarial act with respect to a record to which the notarial officer or the spouse of the notarial officer is a party, or in which either the notarial officer or the spouse of the notarial officer has a direct beneficial interest.

(2) A notarial act performed in violation of paragraph (1) of this subsection is voidable.

(c) A notarial officer may certify that a tangible copy of an electronic record is an accurate copy of the electronic record.

§18–204.

(a) A notarial officer who takes an acknowledgment of a record shall determine, from personal knowledge or satisfactory evidence of the identity of the individual in accordance with § 18–206 of this subtitle, that:

(1) the individual appearing before the notarial officer and making the acknowledgment has the identity claimed; and

(2) the signature on the record is the signature of the individual.

(b) A notarial officer who takes a verification on oath or affirmation of a statement shall determine, from personal knowledge or satisfactory evidence of the identity of the individual in accordance with § 18–206 of this subtitle, that:

(1) the individual appearing before the notarial officer and making the verification has the identity claimed; and

(2) the signature on the statement verified is the signature of the individual.

(c) A notarial officer who witnesses or attests to a signature shall determine, from personal knowledge or satisfactory evidence of the identity of the individual in accordance with § 18–206 of this subtitle, that the individual appearing before the notarial officer and signing the record has the identity claimed.

(d) A notarial officer who certifies or attests a copy of a record or an item that was copied shall determine that the copy is a full, true, and accurate transcription or reproduction of the record or item.

(e) (1) A notarial officer who certifies that a tangible copy of an electronic record is an accurate copy of the electronic record shall:

(i) reasonably determine whether the electronic record is in a tamper–evident format; and

(ii) personally print or supervise the printing of the electronic record onto paper or other tangible medium.

(2) A notarial officer who certifies that a tangible copy of an electronic record is an accurate copy of the electronic record may not make the certification if the notarial officer has detected a change or an error in an electronic signature or other information in the electronic record.

(f) A notarial officer who makes or notes a protest of a negotiable instrument shall make or note the protest in accordance with § 3–505(b) of the Commercial Law Article.

§18–205.

(a) Subject to subsection (b) of this section, if a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notarial officer.

(b) A remotely located individual may comply with subsection (a) of this subtitle by using communication technology to appear before a notary public.

§18–206.

(a) A notarial officer has personal knowledge of the identity of an individual personally appearing before the notarial officer if the individual is personally known

to the notarial officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed.

(b) A notarial officer has satisfactory evidence of the identity of an individual personally appearing before the notarial officer if the notarial officer can identify the individual:

(1) by means of:

(i) a passport, driver's license, consular identification, or government–issued nondriver identification card; or

(ii) another form of government identification issued to the individual that:

1. contains the signature and photograph of the individual; and

2. is satisfactory to the notarial officer; or

(2) by a verification on oath or affirmation of a credible witness who is:

(i) personally appearing before the notarial officer; and

(ii) known to the notarial officer or whom the notarial officer can identify on the basis of a passport, driver's license, consular identification, or government–issued nondriver identification card.

(c) A notarial officer may require an individual to provide additional information or identification credentials necessary to assure the notarial officer of the identity of the individual.

§18–207.

Unless otherwise prohibited by law, a notarial officer may refuse to perform a notarial act if the officer is not satisfied that:

(1) the individual executing the record is competent or has the capacity to execute the record; or

(2) the individual's signature is knowingly and voluntarily made.

§18–208.

(a) If an individual is physically unable to sign a record, the individual may appear before the notarial officer and direct another individual other than the notarial officer who is concurrently appearing with the individual before the notarial officer to sign the individual's name on the record.

(b) If another individual is directed to sign an individual's name under subsection (a) of this section, the notarial officer shall insert on the record the following words or words of similar import: "Signature affixed by (name of other individual) at the direction of (name of individual)".

§18–209.

(a) A notarial act may be performed in the State by:

(1) a notary public of the State;

(2) a judge, clerk, or deputy clerk of a court of the State; or

(3) a magistrate appointed by a court of the State.

(b) The signature and title of an individual performing a notarial act in the State are prima facie evidence that:

(1) the signature is genuine; and

(2) the individual holds the designated title.

(c) The signature and title of a notarial officer listed in subsection (a) of this section conclusively establish the authority of the notarial officer to perform the notarial act.

(d) A judge of the court of the State or a magistrate appointed by a court of the State may not charge a fee to perform a notarial act.

§18–210.

(a) A notarial act performed in another state has the same effect under the laws of this State as if performed by a notarial officer of this State, if the act performed in the other state is performed by:

(1) a notary public of that state;

(2) a judge, clerk, or deputy clerk of a court of that state; or

(3) any other individual authorized by the laws of that state to perform the notarial act.

(b) The signature and title of an individual performing a notarial act in another state are prima facie evidence that:

(1) the signature is genuine; and

(2) the individual holds the designated title.

(c) The signature and title of a notarial officer listed in subsection (a)(1) or (2) of this section conclusively establish the authority of the notarial officer to perform the notarial act.

§18–211.

(a) A notarial act performed under the authority and in the jurisdiction of a federally recognized Indian tribe has the same effect under the laws of this State as if performed by a notarial officer of this State, if the act performed in the jurisdiction of the tribe is performed by:

(1) a notary public of the tribe;

(2) a judge, clerk, or deputy clerk of a court of the tribe; or

(3) any other individual authorized by the laws of the tribe to perform the notarial act.

(b) The signature and title of an individual performing a notarial act under the authority and in the jurisdiction of a federally recognized Indian tribe are prima facie evidence that:

(1) the signature is genuine; and

(2) the individual holds the designated title.

(c) The signature and title of a notarial officer listed in subsection (a)(1) or (2) of this section conclusively establish the authority of the notarial officer to perform the notarial act.

§18–212.

(a) A notarial act performed under federal law has the same effect under the laws of this State as if performed by a notarial officer of this State, if the act performed under federal law is performed by:

(1) a notary public of a court;

(2) an individual in military service or performing duties under the authority of military service who is authorized to perform notarial acts under federal law;

(3) an individual designated a notarizing officer by the U.S. Department of State for performing notarial acts overseas; or

(4) any other individual authorized by federal law to perform the notarial act.

(b) The signature and title of an individual performing a notarial act under federal law are prima facie evidence that:

(1) the signature is genuine; and

(2) the individual holds the designated title.

(c) The signature and title of a notarial officer listed in subsection (a)(1), (2), or (3) of this section conclusively establish the authority of the notarial officer to perform the notarial act.

§18–213.

(a) If a notarial act is performed under the authority and in the jurisdiction of a foreign state or constituent unit of the foreign state or is performed under the authority of a multinational or international governmental organization, the act has the same effect under the laws of this State as if performed by a notarial officer of this State.

(b) If the title of office and indication of authority to perform notarial acts in a foreign state appears in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

(c) The signature and official stamp of an individual holding an office described in subsection (b) of this section are prima facie evidence that:

(1) the signature is genuine; and

(2) the individual holds the designated title.

(d) An apostille in the form prescribed by the Hague Convention of October 5, 1961, and issued by a foreign state party to the Convention conclusively establishes that:

(1) the signature of the notarial officer is genuine; and

(2) the notarial officer holds the individual office.

(e) A consular authentication issued by an individual designated by the U.S. Department of State as notarizing officer for performing notarial acts overseas and attached to the record with respect to which the notarial act is performed conclusively establishes that:

(1) the signature of the notarial officer is genuine; and

(2) the notarial officer holds the individual office.

§18–214.

(a) A notary public located in this State may perform a notarial act using communication technology for a remotely located individual if:

(1) the notary public:

(i) has personal knowledge under § 18–206(a) of this subtitle of the identity of the remotely located individual;

(ii) has satisfactory evidence of the identity of the remotely located individual by verification on oath or affirmation from a credible witness appearing before and identified by the notary public under § 18–206(b) of this subtitle or as a remotely located individual under this section; or

(iii) has obtained satisfactory evidence of the identity of the remotely located individual by:

1. remote presentation of an identification credential described in § 18–206(b) of this subtitle;

2. credential analysis of the identification credential; and

3. identity proofing of the individual;

(2) the notary public is reasonably able to confirm that a record before the notary public is the same record in which the remotely located individual made a statement or on which the individual executed a signature;

(3) the notary public, or person acting on behalf and at the direction of the notary public, creates an audio–visual recording of the performance of the notarial act; and

(4) for a remotely located individual located outside the United States:

(i) the record:

1. is to be filed with or relates to a matter before a public official or court, governmental entity, or other entity subject to the jurisdiction of the United States; or

2. involves property located in the territorial jurisdiction of the United States or involves a transaction substantially connected with the United States; and

(ii) the notary public has no actual knowledge that the act of making the statement or signing the record is prohibited by the foreign state in which the remotely located individual is located.

(b) A notary public located in this State may use communication technology under subsection (a) of this section to take an acknowledgement of a signature on a tangible record that is physically present before the notary public, if the record is displayed to and identified by the remotely located individual during the audio–visual recording under subsection (a)(3) of this section.

(c) The requirement under subsection (a)(2) of this section for the performance of a notarial act with respect to a tangible record not physically present before the notary public is satisfied if:

(1) the remotely located individual:

(i) signs, during the audio–visual recording under subsection (a)(3) of this section:

1. the tangible record; and

2. a declaration that is part of or securely attached to the record; and

(ii) sends the tangible record and declaration to the notary public not later than 3 days after the notarial act was performed; and

(2) the notary public:

(i) records the individual signing the record and declaration in the audio–visual recording under subsection (a)(3) of this section; and

(ii) after receipt of the tangible record and declaration from the individual, executes a certificate of notarial act required by § 18–215 of this subtitle which must include a statement substantially in the following form:

I (name of notary public) witnessed, by means of communication technology, (name of remotely located individual) sign the attached record and declaration on (date).

(d) A declaration substantially in the following form satisfies the requirements of subsection (c)(1)(i)2 of this section:

I declare under the penalty of perjury that the record of which this declaration is a part or to which it is attached is the same record on which (name of notary public), a notary public, performed a notarial act and before whom I appeared by means of communication technology on (date).

_____

Signature of remotely located individual

_____

Printed name of the remotely located individual

(e) A notarial act performed in compliance with subsection (c) of this section complies with the requirements of subsection (a)(2) of this section and is effective on the date the remotely located individual signed the declaration under subsection (d) of this section.

(f) Subsection (c) of this section does not preclude use of another procedure to satisfy the requirements of subsection (a)(2) of this section for a notarial act performed with respect to a tangible record.

(g) A notary public located in this State may use communication technology under subsection (a) of this section to administer an oath or affirmation to a remotely

located individual if, except as otherwise provided by other law of this State, the notary public:

(1) identifies the individual under subsection (a)(1) of this section;

(2) creates or causes the creation under subsection (a)(3) of this section of an audio–visual recording of the individual taking the oath or affirmation; and

(3) retains or causes the retention of such audio–visual recording under subsection (j) of this section.

(h) If a notarial act is performed under subsection (a) of this section, the certificate of notarial act required by § 18–215 of this subtitle must indicate that the notarial act involved a remotely located individual and was performed using communication technology.

(i) A short–form certificate provided in § 18–216 of this subtitle for a notarial act performed under subsection (a) of this section is sufficient if it:

(1) complies with any regulations adopted under § 18–222 of this subtitle; or

(2) contains a statement substantially as follows: "This notarial act involved a remotely located individual and the use of communication technology.".

(j) (1) A notary public, a guardian, a conservator, or an agent of a notary public or a personal representative of a deceased notary public shall:

(i) retain the audio–visual recording created under subsection (a)(3) of this section; or

(ii) cause the audio–visual recording to be retained by a repository designated by or on behalf of the person required to retain the recording.

(2) A guardian, a conservator, or an agent of a notary public or personal representative of a deceased notary public who assumes authority over audio–visual recordings created under subsection (a)(3) of this section shall:

(i) notify the Secretary of State within 30 days after assuming authority; and

(ii) comply with all requirements in this subtitle regarding the maintenance and storage of the audio–visual recordings.

(3) Unless a different period is required by regulations adopted under § 18–222 of this subtitle, an audio–visual recording created under subsection (a)(3) of this section shall be retained for a period of at least 10 years after the recording is made.

(k) (1) Before a notary public performs the notary public's initial notarial act under subsection (a) of this section, the notary public shall notify the Secretary of State:

(i) that the notary public will be performing notarial acts facilitated by communication technology; and

(ii) of the technologies the notary public intends to use.

(2) If the Secretary of State establishes by regulation the standards for approval of communication technology, credential analysis, or identity proofing under § 18–222 of this subtitle, the communication technology, credential analysis, and identity proofing used by a notary public must comply with the standards.

(l) The validity of a notarial act performed under this section shall be determined under the laws of this State regardless of the physical location of the remotely located individual at the time of the notarial act.

(m) This section shall be construed and applied in a manner consistent with Title 21 of the Commercial Law Article.

(n) (1) Nothing in this section shall require any person to accept, agree to, conduct, or complete a transaction where a notarial act is performed using communication technology for a remotely located individual.

(2) A person that agrees to accept, agree to, conduct, or complete a transaction where a notarial act is performed using communication technology for a remotely located individual may refuse to do so in any other transaction.

(3) Nothing in this section shall require identity proofing or credential analysis when a notary public identifies a remotely located individual in accordance with subsection (a)(1)(i) or (ii) of this section.

§18–215.

(a) (1) Each notarial act shall be evidenced by a certificate.

(2) The certificate shall:

(i) be executed contemporaneously with the performance of the notarial act;

(ii) be signed and dated by the notarial officer and, if the notarial officer is a notary public, be signed in the same manner as on file with the clerk of the circuit court for the county in which the notary public resides or was qualified;

(iii) identify the jurisdiction in which the notarial act is performed;

(iv) contain the title of office of the notarial officer; and

(v) if the notarial officer is a notary public, indicate the date of expiration, if any, of the notarial officer's commission.

(b) (1) If a notarial act regarding a tangible record is performed by a notary public, the notary public shall affix an official stamp to or emboss an official stamp on the certificate.

(2) If a notarial act is performed regarding a tangible record by a notarial officer other than a notary public, the notarial officer may affix an official stamp to or emboss an official stamp on the certificate.

(3) If a notarial act regarding an electronic record is performed by a notarial officer, the notarial officer may attach an official stamp to or logically associate an official stamp with the certificate.

(c) A certificate of a notarial act is sufficient if it meets the requirements of subsections (a) and (b) of this section and:

(1) is in a short form provided in § 18–216 of this subtitle;

(2) is in a form otherwise allowed by the laws of this State;

(3) is in a form allowed by the laws applicable in the jurisdiction in which the notarial act was performed; or

(4) sets forth the actions of the notarial officer and the actions are sufficient to meet the requirements of the laws of the State.

(d) By executing a certificate of a notarial act, a notarial officer certifies that the notarial officer has complied with §§ 18–203, 18–204, and 18–205, and, if applicable, § 18–214 of this subtitle.

(e) A notarial officer may not affix the notarial officer's signature to, or logically associate it with, a certificate until the notarial act has been performed.

(f) (1) If a notarial act is performed regarding a tangible record, a certificate shall be part of, or securely attached to, the record.

(2) If a notarial act is performed regarding an electronic record, the certificate shall be affixed to, or logically associated with, the electronic record.

(3) If the Secretary of State has adopted regulations under § 18–222 of this subtitle to establish standards for attaching, affixing, or logically associating the certificate, the notarial officer shall use a process for attaching, affixing, or logically associating the certificate that conforms to the standards.

§18–216.

(a) The short form certificates of notarial acts in subsections (b), (c), (d), (e), (f), and (g) of this section are sufficient for the purposes indicated if:

(1) the certificate is completed with the information required by § 18–215(a) of this subtitle; and

(2) if required under § 18–215(b) of this subtitle, the official stamp of the notary public is affixed to or embossed on the certificate.

(b) For an acknowledgment in an individual capacity:

State of ..... County of .....

This record was acknowledged before me on the ... day of ..., 20... by ...

.....

Signature of notarial officer
Title of office
Stamp
My commission expires:_____

(c) For an acknowledgment in a representative capacity:

State of ..... County of .....

This record was acknowledged before me on the ... day of ..., 20... by ... as (type of authority, such as an officer or trustee) of (name of party on behalf of whom record was executed).

.....

Signature of notarial officer
Title of office
Stamp
My commission expires:_____

(d) For a verification on oath or affirmation:

State of ..... County of .....

Signed and sworn to (or affirmed) before me on the ... day of ..., 20... by ...

.....

Signature of notarial officer
Title of office
Stamp
My commission expires:_____

(e) For witnessing or attesting a signature:

State of ..... County of .....

Signed (or attested) before me on the ... day of ..., 20... by ...

.....

Signature of notarial officer
Title of office
Stamp
My commission expires:_____

(f) For certifying a copy of a record:

State of ..... County of .....

I certify that this is a true and correct copy of a record in the possession of ...

Dated the ... day of ..., 20... by ...

.....

Signature of notarial officer
Title of office
Stamp
My commission expires:_____

(g) For certifying a tangible copy of an electronic record:

State of ..... County of .....

I certify that this is a true and correct copy of an electronic record entitled ..., dated the ... day of ..., 20..., containing ... pages.

Dated the .... day of ..., 20... by ...

.....

Signature of notarial officer
Title of office
Stamp
My commission expires:_____

§18–217.

(a) The official stamp of a notary public shall:

(1) include:

(i) the notary public's name and office;

(ii) 1. if the notary public resides in the State, the county in which the notary public resides; or

2. if the notary public resides outside the State, the county in which the notary public was qualified; and

(iii) any other information required by the Secretary of State; and

(2) be capable of being copied together with the record to which it is affixed or attached or with which it is logically associated.

(b) A notary public commissioned under the laws of this State shall include in the notary public's official stamp or within a certificate of notarial act the expiration date of the notary public's commission as a notary public.

(c) A notary public's official stamp is a public seal.

§18–218.

(a) (1) (i) Each notary public is responsible for the security of the notary public's stamping device.

(ii) A notary public may not allow another individual to use the stamping device to perform a notarial act.

(2) On resignation from, or the revocation or expiration of, the notary public's commission, or on the expiration of the date set forth in the stamping device, if any, the notary public shall disable the stamping device by destroying, defacing, damaging, erasing, or securing it against use in a manner that renders it unusable.

(3) On the death or adjudication of incompetency of a notary public, the notary public's personal representative or guardian or any other person knowingly in possession of the stamping device shall disable the stamping device by destroying, defacing, damaging, erasing, or securing it against use in a manner that renders it unusable.

(b) If a notary public's stamping device is lost or stolen, the notary public or the notary public's personal representative or guardian promptly shall notify the Secretary of State on discovering that the device is lost or stolen.

(c) A notary public's stamping device is a public seal for purposes of § 8–607 of the Criminal Law Article.

§18–219.

(a) (1) Subject to subsection (f) of this section, each notary public shall maintain a journal in which the notary public chronicles all notarial acts that the notary public performs.

(2) The notary public shall retain the journal for 10 years after the performance of the last notarial act chronicled in the journal.

(b) (1) A journal may be created on a tangible medium or in an electronic format.

(2) A notary public shall maintain only one journal at a time to chronicle all notarial acts performed regarding tangible records, and one or more journals to chronicle all notarial acts performed regarding electronic records.

(3) (i) If the journal is maintained on a tangible medium, the journal must be a permanent, bound register with numbered pages.

(ii) If the journal is maintained in an electronic format, the journal must be in a permanent, tamper–evident electronic format that complies with any regulations adopted by the Secretary of State under § 18–222 of this subtitle.

(c) Each entry in a journal shall:

(1) be made contemporaneously with performance of the notarial act; and

(2) contain the following information:

(i) the date and time the notarial act was performed;

(ii) a description of the record, if any, and type of notarial act;

(iii) the full name and address of each individual for whom the notarial act is performed;

(iv) if the identity of the individual is based on personal knowledge, a statement to that effect;

(v) if the identity of the individual is based on satisfactory evidence, a brief description of the method of identification and the identification credential presented, if any, including the date of issuance and expiration of any identification credential;

(vi) the fee, if any, charged by the notary public; and

(vii) an indication of whether an individual making a statement or executing a signature which is the subject of the notarial act appeared in the notary public's physical presence or by means of communication technology.

(d) If a notary public's journal is lost or stolen, the notary public promptly shall notify the Secretary of State on discovering that the journal is lost or stolen.

(e) Subject to subsection (f) of this section, on resignation from, or the revocation or suspension of, a notary public's commission, the notary public shall:

(1) retain the notary public's journal in accordance with subsection (a) of this section; and

(2) inform the Secretary of State where the journal is located.

(f) Instead of retaining a journal as required under subsection (a) or (e) of this section, a current or former notary public may:

(1) transmit the journal to a repository approved by the Secretary of State; or

(2) store the journal in any other manner as approved by the Secretary of State in regulations.

(g) On the death or adjudication of incompetency of a current or former notary public, the notary public's personal representative or guardian or any other person knowingly in possession of the journal shall:

(1) transmit it to a repository approved by the Secretary of State; or

(2) store the journal in any other manner as required or approved by the Secretary of State in regulations.

§18–220.

(a) (1) A notary public may select one or more tamper–evident technologies to perform notarial acts with respect to electronic records.

(2) A person may not require a notary public to perform a notarial act with respect to an electronic record with a technology that the notary public has not selected.

(b) (1) Before a notary public performs the notary public's initial notarial act with respect to an electronic record, a notary public shall:

(i) notify the Secretary of State that the notary public will be performing notarial acts with respect to the electronic records; and

(ii) identify the technology the notary public intends to use.

(2) If the Secretary of State adopts regulations under § 18–222 of this subtitle to establish standards for approval of technology used to perform a notarial act with respect to an electronic record, the notary public shall use technology that conforms to the standards.

(3) If standards and regulations adopted by the Secretary of State under this subtitle require technology used to perform notarial acts with respect to electronic records, the Secretary of State shall approve the use of the technology.

(c) (1) This subsection does not apply to a plat recorded under Title 3 of the Real Property Article.

(2) A clerk of the circuit court shall accept for recording under Title 3 of the Real Property Article a tangible copy of an electronic record containing a notarial certificate in a form sufficient under § 18–216(g) of this subtitle as satisfying any requirement that a record accepted for recording be an original, if the notarial officer executing the certificate certifies that the tangible copy is an accurate copy of the electronic record under § 18–203(c) of this subtitle.

(d) (1) A notarial certificate is prima facie evidence that the requirements of § 18–204(e) of this subtitle have been satisfied with respect to an electronic record if the certificate:

(i) is completed with the information required by § 18–215(a) of this subtitle;

(ii) includes an affixed or embossed official stamp as required by § 18–215(b) of this subtitle; and

(iii) is attached to or made a part of a tangible copy of an electronic record.

(2) A tangible copy of an electronic record purporting to convey or encumber real property or any interest in real property that has been recorded by a clerk of the circuit court for the county in which the real property affected by the record lies shall impart the same notice to third parties and be effective from the time of recording as if the tangible copy had been certified in accordance with the provisions of this subtitle even if the tangible copy may not have been certified in accordance with the provisions of this subtitle.

§18–221.

(a) Except as provided in § 18–203(b) of this subtitle, the failure of a notarial officer to perform a duty or meet a requirement specified in this subtitle does not invalidate a notarial act performed by the notarial officer.

(b) The validity of a notarial act under this subtitle does not prevent an aggrieved person from seeking:

(1) to invalidate the record or transaction that is the subject of the notarial act under another law; or

(2) other remedies allowed under federal or State law.

(c) This section does not validate a purported notarial act performed by an individual who does not have the authority to perform notarial acts.

§18–222.

(a) (1) The Secretary of State may adopt regulations to implement this subtitle.

(2) Regulations adopted under paragraph (1) of this subsection regarding the performance of notarial acts with respect to electronic records may not require or accord greater legal status or effect to the implementation or application of a specific technology or technical specification.

(3) Regulations adopted under paragraph (1) of this subsection regarding performance of a notarial act may:

(i) prescribe the means of performing a notarial act involving a remotely located individual using communication technology;

(ii) establish standards for communication technology, credential analysis, and identity proofing;

(iii) establish requirements or procedures to approve providers of communication technology and the processes of credential analysis and identity proofing;

(iv) establish standards and a period of retention of an audio–visual recording created under § 18–214(a)(3) of this subtitle; and

(v) prescribe the methods for reasonable confirmation of a tangible record by a notary public.

(4) Regulations adopted under paragraph (1) of this subsection may:

(i) prescribe the manner of performing notarial acts regarding tangible and electronic records;

(ii) include provisions to ensure that any change to or tampering with a record bearing a certificate of a notarial act is self–evident;

(iii) include provisions to ensure integrity in the creation, transmittal, storage, or authentication of electronic records or signatures;

(iv) if the Governor has delegated authority under § 18–104(b) of this title, prescribe the process of granting, renewing, conditioning, denying, suspending, or revoking a notary public commission and assuring the trustworthiness of an individual holding a commission as a notary public; and

(v) include provisions to prevent fraud or mistake in the performance of notarial acts.

(b) In adopting regulations under subsection (a) of this section regarding notarial acts performed with respect to electronic records or for a remotely located individual, the Secretary of State shall consider, so far as is consistent with this subtitle:

(1) the most recent standards regarding electronic records promulgated by national bodies, such as the National Association of Secretaries of State;

(2) standards, practices, and customs of other jurisdictions that substantially enact this subtitle; and

(3) the views of government officials and entities and other interested persons.

§18–223.

(a) (1) Unless the Secretary of State adopts an applicable and superseding regulation under § 18–222 of this subtitle in the manner provided in this subsection, a notary public shall comply with the requirements of this section when performing a notarial act with respect to an electronic record or a remotely located individual.

(2) A regulation adopted by the Secretary of State may supersede a requirement of this section if the regulation references this section and specifies the requirement to be superseded.

(b) When necessary under § 18–214(a)(1)(iii) of this subtitle, identity proofing and credential analysis shall be performed by a reputable third party who has provided evidence to the notary public of the ability to satisfy the requirements of this section.

(c) When necessary under § 18–214(a)(1)(iii) of this subtitle, identity proofing shall be performed through a dynamic knowledge–based authentication that meets the following requirements:

(1) each remotely located individual must answer a quiz consisting of a minimum of five questions related to the individual's personal history or identity, formulated from public or private data sources;

(2) each question must have a minimum of five possible answer choices;

(3) at least 80% of the questions must be answered correctly;

(4) all questions must be answered within 2 minutes;

(5) if the remotely located individual fails the first attempt, the individual may retake the quiz one time within 24 hours;

(6) during a retake of the quiz, a minimum of 40% of the prior questions must be replaced;

(7) if the remotely located individual fails the second attempt, the individual is not allowed to retry with the same notary public within 24 hours of the second failed attempt; and

(8) the notary public must not be able to see or record the questions or answers.

(d) When necessary under § 18–214(a)(1)(iii) of this subtitle, credential analysis must use public or private data sources to confirm the validity of an identification credential presented by a remotely located individual and shall, at a minimum:

(1) use automated software processes to aid the notary public in verifying the identity of each remotely located individual;

(2) ensure that the identification credential passes an authenticity test, consistent with sound commercial practices that:

(i) use appropriate technologies to confirm the integrity of visual, physical, or cryptographic security features;

(ii) use appropriate technologies to confirm that the identification credential is not fraudulent or inappropriately modified;

(iii) use information held or published by the issuing source or an authoritative source, as available, to confirm the validity of personal details and identification credential details; and

(iv) provide output of the authenticity test to the notary public; and

(3) enable the notary public visually to compare for consistency the information and photo on the identification credential and the remotely located individual as viewed by the notary public in real time through communication technology.

(e) (1) Communication technology shall provide reasonable security measures to prevent unauthorized access to:

(i) the live transmission of the audio–visual feeds;

(ii) the methods used to perform credential analysis and identity proofing, if credential analysis and identity proofing are necessary under § 18–214(a)(1)(iii) of this subtitle; and

(iii) the electronic record that is the subject of the notarial act, if there is an electronic record instead of a tangible record.

(2) If a remotely located individual must exit the workflow, the remotely located individual must meet the criteria of this section and restart credential analysis and identity proofing from the beginning.

(f) (1) If the notarial act is regarding an electronic record, a notary public shall attach or logically associate the notary public's electronic signature and official stamp to an electronic record by use of a digital certificate complying with the X.509 standard adopted by the International Telecommunication Union or a similar industry–standard technology.

(2) If the notarial act is regarding a tangible record, § 18–215(b)(1) of this subtitle applies.

(3) A notary public may not perform a notarial act with respect to an electronic record if the digital certificate:

(i) has expired;

(ii) has been revoked or terminated by the issuing or registering authority;

(iii) is invalid; or

(iv) is incapable of authentication.

(g) (1) A notary public shall retain a journal required under § 18–219 of this subtitle and any audio–visual recordings required under § 18–214 of this subtitle in a computer or other electronic storage device that protects the journal or audio–visual recordings against unauthorized access by password or cryptographic process.

(2) (i) A notary public may, by written contract, engage a third party to act as a repository to provide the storage required by paragraph (1) of this subsection.

(ii) The contract shall:

1. enable the notary public to comply with the retention requirements of this subtitle even if the contract is terminated; or

2. provide that the information will be transferred to the notary public if the contract is terminated.

(3) A third party under contract with a notary public under this subsection shall be deemed a repository approved by the Secretary of State under § 18–219 of this subtitle.

§18–224.

(a) A commission as notary public does not authorize an individual to:

(1) assist a person in drafting legal records, give legal advice, or otherwise practice law;

(2) act as an immigration consultant or an expert on immigration matters;

(3) represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship, or related matters; or

(4) receive compensation for performing any of the activities listed in items (1) through (3) of this subsection.

(b) A notary public may not engage in false or deceptive advertising.

(c) A notary public may not use the term "notario" or "notario publico" unless the notary public is an attorney licensed to practice law in the State.

(d) (1) A notary public may not advertise or represent that the notary public may assist persons in drafting legal records, give legal advice, or otherwise practice law unless the notary public is an attorney licensed to practice law in the State.

(2) (i) If a notary public who is not an attorney licensed to practice law in the State in any manner advertises or represents that the notary public offers notarial services, whether orally or in a record, including broadcast media, print media, and the Internet, the notary public shall include the following statement, or an alternate statement authorized or required by the Secretary of State, in the advertisement or representation: "I am not an attorney licensed to practice law in this State. I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities.".

(ii) The statement required under subparagraph (i) of this paragraph shall be included prominently and in each language used in the advertisement or representation.

(iii) If the form of advertisement or representation is not broadcast media, print media, or the Internet and does not allow inclusion of the statement required under subparagraph (i) of this paragraph because of size, the statement shall be prominently displayed or provided at the place of performance of the notarial act before the notarial act is performed.

(e) Except as otherwise allowed by law, a notary public may not withhold access to or possession of an original record provided by a person that seeks performance of a notarial act by the notary public.

§18–225.

In applying and construing this subtitle, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

§18–226.

This subtitle modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not

modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. 7003(b).

§18–227.

This subtitle may be cited as the Maryland Revised Uniform Law on Notarial Acts.

§20–101.

(a) In Subtitles 1 through 11 of this title the following words have the meanings indicated.

(b) "Commission" means the Commission on Civil Rights.

(c) "Complainant" means a person that files a complaint alleging a discriminatory act under this title.

(d) "Discriminatory act" means an act prohibited under:

(1) Subtitle 3 of this title (Discrimination in Places of Public Accommodation);

(2) Subtitle 4 of this title (Discrimination by Persons Licensed or Regulated by Maryland Department of Labor);

(3) Subtitle 5 of this title (Discrimination in Leasing of Commercial Property);

(4) Subtitle 6 of this title (Discrimination in Employment);

(5) Subtitle 7 of this title (Discrimination in Housing); or

(6) Subtitle 8 of this title (Aiding, Abetting, or Attempting Discriminatory Act; Obstructing Compliance).

(e) "Gender identity" means the gender–related identity, appearance, expression, or behavior of a person, regardless of the person's assigned sex at birth, which may be demonstrated by:

(1) consistent and uniform assertion of the person's gender identity; or

(2) any other evidence that the gender identity is sincerely held as part of the person's core identity.

(f) "Military status" means the status of being:

(1) a member of the uniformed services, as defined in 10 U.S.C. § 101;

(2) a member of a reserve component of the armed forces of the United States, as listed in 10 U.S.C. § 10101; or

(3) a dependent, as defined in 50 U.S.C. § 3911(4).

(g) "Protective hairstyle" includes braids, twists, and locks.

(h) "Race" includes traits associated with race, including hair texture, afro hairstyles, and protective hairstyles.

(i) (1) "Respondent" means a person accused in a complaint of a discriminatory act.

(2) "Respondent" includes a person identified during an investigation of a complaint and joined as an additional or substitute respondent.

(j) "Sexual orientation" means the identification of an individual as to male or female homosexuality, heterosexuality, or bisexuality.

§20–201.

There is a Commission on Civil Rights.

§20–202.

(a) (1) The Commission consists of nine members appointed by the Governor with the advice and consent of the Senate.

(2) In appointing Commission members, the Governor shall consider representation from all areas of the State.

(b) (1) The term of a member is 6 years.

(2) The terms of members are staggered as required by the terms provided for members of the Commission on October 1, 2009.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

§20–203.

The Commission shall designate a chair from among its members.

§20–204.

A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

(2) is entitled to:

(i) a per diem as provided in the State budget for attending scheduled meetings of the Commission, including participation in any hearings required by the administrative appeal process; and

(ii) reimbursement for expenses in accordance with the Standard State Travel Regulations, as provided in the State budget.

§20–205.

(a) The Governor shall:

(1) appoint an Executive Director of the Commission from a list of five names submitted by the Commission; and

(2) remove the Executive Director on the recommendation of two–thirds of the members of the Commission.

(b) The Executive Director:

(1) shall appoint a deputy director with the approval of a majority of the members of the Commission; and

(2) may remove the deputy director with the approval of a majority of the members of the Commission.

(c) (1) The Executive Director and deputy director shall perform the duties prescribed by the Commission.

(2) In the absence of the Executive Director, the deputy director shall perform the functions and exercise the authority of the Executive Director.

(d) The Executive Director and deputy director are entitled to the compensation provided in the State budget.

§20–206.

(a) (1) The Commission may employ its own attorney.

(2) The Executive Director shall appoint and remove the attorney with the approval of the Commission.

(b) The attorney shall:

(1) act as general counsel and legal adviser to the Commission; and

(2) represent the Commission at all hearings and judicial proceedings in which the Commission is a party.

(c) The general counsel is entitled to the compensation provided in the State budget.

(d) The office of the general counsel shall include additional personnel as provided in the State budget.

(e) The general counsel and any assistant general counsel are special appointments in the State Personnel Management System.

(f) (1) The Commission may retain legal assistance to advise the commissioners in legal matters.

(2) Legal advisers retained under this subsection shall be compensated as provided in the State budget.

§20–207.

(a) (1) The Commission may:

(i) conduct studies and surveys concerning human relations, conditions, and problems; and

(ii) promote in every way possible the improvement of human relations.

(2) In conducting studies and surveys, the Commission may expend any funds provided in the State budget or otherwise made available.

(3) On the basis of studies or surveys, the Commission may recommend legislation to the Governor.

(b) The Commission may apply for and accept grants from State, federal, and private nonprofit organizations in furtherance of its mission.

(c) On or before January 1 of each year, the Commission shall submit a report on the work of the Commission to the Governor and, subject to § 2–1257 of this article, to the General Assembly that includes:

(1) a review of the data reported under § 20–208 of this subtitle; and

(2) recommendations, if any, for policy changes to address discriminatory trends noted in the data review under item (1) of this subsection.

(d) (1) Whenever any problem of racial discrimination arises, the Commission immediately may hold an investigatory hearing.

(2) The purpose of the hearing shall be to resolve the problem promptly by gathering all of the facts from each interested party and making recommendations as necessary.

(3) The hearing shall be held in the geographic area where the problem exists.

(e) (1) The Commission shall meet at least once each month.

(2) (i) In addition to its regular monthly meetings, the Chair or a majority of the members of the Commission may, at any time, call a special meeting of the Commission.

(ii) At least 5 days' notice of a special meeting shall be given to the members.

(3) The Commission shall establish procedures for the conduct of its meetings.

(f) (1) In addition to their other duties, the commissioners shall serve on appeal boards to review decisions of the administrative law judges.

(2) As determined by the Commission's rules of procedure, an appeal board may allow any party affected by an administrative law judge's decision to introduce additional relevant testimony or evidence.

§20–208.

(a) In this section, "county office of civil rights" means the county office responsible for responding to complaints alleging discrimination in a county.

(b) This section applies only to:

(1) Anne Arundel County;

(2) Baltimore City;

(3) Baltimore County;

(4) Howard County;

(5) Montgomery County; and

(6) Prince George's County.

(c) On or before October 1 each year, each county office of civil rights, or other appropriate agency, shall report the following information to the Commission:

(1) the number of complaints received alleging discrimination in employment; and

(2) for each complaint received:

(i) the type of discrimination alleged;

(ii) the category of job held by the complainant;

(iii) whether the complainant is a public sector employee or a private sector employee;

(iv) the complainant's country of origin; and

(v) whether the appropriate agency determined that a violation occurred.

§20–301.

In this subtitle, "place of public accommodation" means:

(1) an inn, hotel, motel, or other establishment that provides lodging to transient guests;

(2) a restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food or alcoholic beverages for consumption on or off the premises, including a facility located on the premises of a retail establishment or gasoline station;

(3) a motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment;

(4) a retail establishment that:

(i) is operated by a public or private entity; and

(ii) offers goods, services, entertainment, recreation, or transportation; or

(5) an establishment:

(i) 1. that is physically located within the premises of any other establishment covered by this subtitle; or

2. within the premises of which any other establishment covered by this subtitle is physically located; and

(ii) that holds itself out as serving patrons of the covered establishment.

§20–302.

This subtitle does not prohibit the proprietor or employees of any establishment from denying service to any person for failure to conform to the usual and regular requirements, standards, and regulations of the establishment, provided that the denial is not based on discrimination on the grounds of race, sex, age, color, creed, national origin, marital status, sexual orientation, gender identity, or disability.

§20–303.

(a) This subtitle does not apply:

(1) to a private club or other establishment that is not open to the public, except to the extent that the facilities of the private club or other establishment are made available to the customers or patrons of an establishment within the scope of this subtitle;

(2) with respect to sex discrimination, to a facility that is:

(i) uniquely private and personal in nature; and

(ii) designed to accommodate only a particular sex; and

(3) to an establishment providing lodging to transient guests located within a building that:

(i) contains not more than five rooms for rent or hire; and

(ii) is occupied by the proprietor of the establishment as the proprietor's residence.

(b) (1) (i) In this subsection the following words have the meanings indicated.

(ii) "Equivalent private space" means a space that is functionally equivalent to the space made available to users of a private facility.

(iii) "Private facility" means a facility:

1. that is designed to accommodate only a particular sex;

2. that is designed to be used simultaneously by more than one user of the same sex; and

3. in which it is customary to disrobe in view of other users of the facility.

(2) Except as provided in paragraph (3) of this subsection, this subtitle applies, with respect to gender identity, to all facilities in a place of public accommodation.

(3) This subtitle does not apply, with respect to gender identity, to a private facility, if the place of public accommodation in which the private facility is located makes available, for the use of persons whose gender identity is different from their assigned sex at birth, an equivalent private space.

§20–304.

An owner or operator of a place of public accommodation or an agent or employee of the owner or operator may not refuse, withhold from, or deny to any person any of the accommodations, advantages, facilities, or privileges of the place of public accommodation because of the person's race, sex, age, color, creed, national origin, marital status, sexual orientation, gender identity, or disability.

§20–305.

(a) In this section, "reasonable accommodation" means to make a place of public accommodation suitable for access, use, and patronage by an individual with a disability without:

(1) danger to the individual's health or safety; and

(2) undue hardship or expense to the person making the accommodation.

(b) (1) This subtitle does not require structural changes, modifications, or additions to buildings or vehicles, except as required by this section or as otherwise required by law.

(2) Any building constructed, modified, or altered in compliance with, or in accordance with a waiver from, the Maryland Accessibility Code under § 12–202 of the Public Safety Article is not subject to this subtitle.

(c) If a structural change or modification or the provision of special equipment is necessary to accommodate an individual with a disability, the accommodation shall be a reasonable accommodation.

(d) (1) Except as provided in paragraph (2) of this subsection, a private motor coach transportation carrier may not be required to expend more than $2,500 per operating vehicle to make a reasonable accommodation to comply with this title.

(2) At least 10% of the total operating fleet of any private motor coach transportation carrier doing business in the State shall comply with this title.

§20–306.

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

(2) "Closed captioning" means a transcript or dialog of the audio portion of a television program that is displayed on a television receiver screen when the user activates the feature.

(3) "Closed–captioning television receiver" means a receiver of television programming that has the ability to display closed captioning, including a television, digital set top box, and any other technology capable of displaying closed captioning.

(4) "Closed movie captioning" means the written display of the dialog and certain nonspeech information of a motion picture that is generally delivered to individual patrons on a captioning device in a motion picture house.

(5) "Open movie captioning" means a transcript or dialog of the audio portion of a motion picture that is displayed on a motion picture screen that cannot be turned off by a viewer.

(6) "Public area" means a part of a place of public accommodation that is open to the general public.

(7) "Regular hours" means the hours of any day in which a place of public accommodation is open to members of the general public.

(b) (1) On request, a place of public accommodation may not fail to keep closed captioning activated on any closed–captioning television receiver that is in use during regular hours in any public area.

(2) This subsection does not require a place of public accommodation to make closed captioning available in a public area of the place of public accommodation if:

(i) no television receiver of any kind is available in the public area; or

(ii) the only public television receiver available in the public area is not a closed–captioning television receiver.

(c) (1) A place of public accommodation that is a motion picture house shall provide access to fully operational and well–maintained closed movie captioning technology for the general public for each screening of a motion picture that is

produced and available with closed movie captioning as required by Title III of the federal Americans with Disabilities Act.

(2) (i) This paragraph does not apply to motion pictures screened fewer than five times from Friday through Thursday in a 7–day period in the motion picture house.

(ii) This paragraph applies only to the first 3 weeks after a motion picture premieres in the motion picture house.

(iii) If a motion picture is produced and available to motion picture houses with open movie captioning, a place of public accommodation that controls, operates, owns, or leases a motion picture house with eight or more screens in the State shall provide open movie captioning for at least two screenings for each motion picture it screens each week.

(iv) Beginning 3 weeks after a motion picture premieres, a place of accommodation that controls, operates, owns, or leases a motion picture house with eight or more screens in the State may provide open movie captioning with reasonable notice.

§20–401.

This subtitle does not prohibit any person that is licensed or regulated by the Maryland Department of Labor from refusing, withholding from, or denying accommodations, advantages, facilities, privileges, sales, or services to any person for failure to conform to the usual and regular requirements, standards, and regulations of the licensed or regulated person, provided that the denial is not based on discrimination on the grounds of race, sex, color, creed, national origin, marital status, sexual orientation, age, gender identity, or disability.

§20–402.

A person that is licensed or regulated by a unit in the Maryland Department of Labor listed in § 2–108 of the Business Regulation Article may not refuse, withhold from, or deny any person any of the accommodations, advantages, facilities, privileges, sales, or services of the licensed or regulated person or discriminate against any person because of the person's race, sex, creed, color, national origin, marital status, sexual orientation, age, gender identity, or disability.

§20–501.

An owner or operator of commercial property, an agent or employee of the owner or operator of commercial property, or a person that is licensed or regulated by

the State may not discriminate against an individual in the terms, conditions, or privileges of the leasing of property for commercial use, or in the provision of services or facilities in connection with the leasing of property for commercial use, because of the individual's race, color, religion, sex, age, disability, marital status, sexual orientation, gender identity, or national origin.

§20–601.

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

(b) (1) "Disability" means:

(i) 1. a physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy; or

2. a mental impairment or deficiency;

(ii) a record of having a physical or mental impairment as otherwise defined under this subsection; or

(iii) being regarded as having a physical or mental impairment as otherwise defined under this subsection.

(2) "Disability" includes:

(i) 1. any degree of paralysis, amputation, or lack of physical coordination;

2. blindness or visual impairment;

3. deafness or hearing impairment;

4. muteness or speech impediment; and

5. physical reliance on a service animal, wheelchair, or other remedial appliance or device; and

(ii) retardation and any other mental impairment or deficiency that may have necessitated remedial or special education and related services.

(c) (1) "Employee" means:

(i) an individual employed by an employer; or

(ii) an individual working as an independent contractor for an employer.

(2) Unless the individual is subject to the State or local civil service laws, "employee" does not include:

(i) an individual elected to public office;

(ii) an appointee on the policy making level; or

(iii) an immediate adviser with respect to the exercise of the constitutional or legal powers of an elected office.

(d) (1) "Employer" means:

(i) a person that:

1. is engaged in an industry or business; and

2. A. has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year; or

B. if an employee has filed a complaint alleging harassment, has one or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year; and

(ii) an agent of a person described in item (i) of this paragraph.

(2) "Employer" includes the State to the extent provided in this title.

(3) Except for a labor organization, "employer" does not include a bona fide private membership club that is exempt from taxation under § 501(c) of the Internal Revenue Code.

(e) (1) "Employment agency" means:

(i) a person that regularly undertakes with or without compensation to procure:

1. employees for an employer; or

2. opportunities for employees to work for an employer; and

(ii) an agent of a person described in item (i) of this paragraph.

(2) Except for the United States Employment Service and the system of State and local employment services receiving federal assistance, "employment agency" does not include a unit of the United States, the State, or a political subdivision of the State.

(f) "Genetic information" has the meaning stated in § 27–909(a)(3) of the Insurance Article.

(g) "Genetic test" has the meaning stated in § 27–909(a)(5) of the Insurance Article.

(h) "Harassment" includes:

(1) unwelcome and offensive conduct, which need not be severe or pervasive, when:

(i) the conduct is based on race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, gender identity, disability, or military status; and

(ii) 1. submission to the conduct is made either explicitly or implicitly a term or condition of employment of an individual;

2. submission to or rejection of the conduct is used as a basis for employment decisions affecting the individual; or

3. based on the totality of the circumstances, the conduct unreasonably creates a working environment that a reasonable person would perceive to be abusive or hostile; and

(2) sexual harassment.

(i) (1) "Labor organization" means:

(i) a labor organization engaged in an industry; and

(ii) an agent of an organization described in item (i) of this paragraph.

(2) "Labor organization" includes:

(i) an organization of any kind, an agency, or an employee representation committee, group, association, or plan:

1. in which employees participate; and

2. that exists, wholly or partly, for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment; and

(ii) a conference, general committee, joint or system board, or joint council that is subordinate to a national or international labor organization.

(j) "Religion" includes all aspects of religious observances, practice, and belief.

(k) "Sexual harassment" includes conduct, which need not be severe or pervasive, that consists of unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature when:

(1) submission to the conduct is made either explicitly or implicitly a term or condition of employment of an individual;

(2) submission to or rejection of the conduct is used as a basis for employment decisions affecting the individual; or

(3) based on the totality of the circumstances, the conduct unreasonably creates a working environment that a reasonable person would perceive to be abusive or hostile.

§20–602.

It is the policy of the State, in the exercise of its police power for the protection of the public safety, public health, and general welfare, for the maintenance of business and good government, and for the promotion of the State's trade, commerce, and manufacturers:

(1) to assure all persons equal opportunity in receiving employment and in all labor management–union relations, regardless of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, gender identity, military status, or disability unrelated in nature and extent so as to reasonably preclude the performance of the employment; and

(2) to that end, to prohibit discrimination in employment by any person.

§20–603.

This subtitle does not require:

(1) an employer, employment agency, labor organization, or joint labor–management committee subject to this subtitle to grant preferential treatment to any individual or group on the basis of the race, color, religion, sex, age, national origin, gender identity, sexual orientation, disability, or military status of the individual or group because an imbalance may exist with respect to the total number or percentage of individuals of any race, color, religion, sex, age, national origin, gender identity, sexual orientation, or military status or individuals with disabilities employed by the employer, referred or classified for employment by the employment agency or labor organization, admitted to membership or classified by the labor organization, or admitted to, or employed in, any apprenticeship or other training program, compared to the total number or percentage of individuals of that race, color, religion, sex, age, national origin, gender identity, sexual orientation, or military status or individuals with disabilities in the State or any community, section, or other area, or in the available work force in the State or any community, section, or other area; or

(2) an employer to reasonably accommodate an employee's religion or disability, or an applicant for employment's disability, if the accommodation would cause undue hardship on the conduct of the employer's business.

§20–604.

This subtitle does not apply to:

(1) an employer with respect to the employment of aliens outside of the State; or

(2) a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion, sexual orientation, gender identity, or military status to perform work connected with the activities of the religious entity.

§20–605.

(a) Notwithstanding any other provision of this subtitle, this subtitle does not prohibit:

(1) an employer from hiring and employing employees, an employment agency from classifying or referring for employment any individual, a labor organization from classifying its membership or classifying or referring for employment any individual, or an employer, labor organization, or joint labor–management committee controlling apprenticeship or other training or retraining programs from admitting or employing any individual in a program, on the basis of the individual's sex, age, religion, national origin, disability, or military status, if sex, age, religion, national origin, disability, or military status is a bona fide occupational qualification reasonably necessary to the normal operation of that business or enterprise;

(2) an employer from establishing and requiring an employee to adhere to reasonable workplace appearance, grooming, and dress standards that are directly related to the nature of the employment of the employee and that are not precluded by any provision of State or federal law, as long as the employer allows any employee to appear, groom, and dress consistent with the employee's gender identity;

(3) a school, college, university, or other educational institution from hiring and employing employees of a particular religion, if:

(i) the institution is wholly or substantially owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society; or

(ii) the curriculum of the institution is directed toward the propagation of a particular religion; or

(4) except as provided in subsection (b) of this section, an employer, employment agency, or labor organization from observing the terms of a bona fide seniority system or any bona fide employee benefit plan, such as a retirement, pension, or insurance plan, that is not a subterfuge to evade the purposes of this subtitle.

(b) An employee benefit plan may not excuse the failure to hire any individual.

§20–606.

(a) An employer may not:

(1) fail or refuse to hire, discharge, or otherwise discriminate against any individual with respect to the individual's compensation, terms, conditions, or privileges of employment because of:

(i) the individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, genetic information, military status, or disability unrelated in nature and extent so as to reasonably preclude the performance of the employment; or

(ii) the individual's refusal to submit to a genetic test or make available the results of a genetic test;

(2) limit, segregate, or classify its employees or applicants for employment in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the individual's status as an employee because of:

(i) the individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, genetic information, military status, or disability unrelated in nature and extent so as to reasonably preclude the performance of the employment; or

(ii) the individual's refusal to submit to a genetic test or make available the results of a genetic test;

(3) request or require genetic tests or genetic information as a condition of hiring or determining benefits;

(4) fail or refuse to make a reasonable accommodation for the known disability of an otherwise qualified employee or an applicant for employment; or

(5) engage in harassment of an employee.

(b) An employment agency may not:

(1) fail or refuse to refer for employment or otherwise discriminate against any individual because of the individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, military status, or disability unrelated in nature and extent so as to reasonably preclude the performance of the employment; or

(2) classify or refer for employment any individual on the basis of the individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, military status, or disability unrelated in nature and extent so as to reasonably preclude the performance of the employment.

(c) A labor organization may not:

(1) exclude or expel from its membership, or otherwise discriminate against, any individual because of the individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, military status, or disability unrelated in nature and extent so as to reasonably preclude the performance of the employment;

(2) limit, segregate, or classify its membership, or classify or fail or refuse to refer for employment any individual, in any way that would deprive or tend to deprive the individual of employment opportunities, limit the individual's employment opportunities, or otherwise adversely affect the individual's status as an employee or as an applicant for employment because of the individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, military status, or disability unrelated in nature and extent so as to reasonably preclude the performance of the employment; or

(3) cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) An employer, labor organization, or joint labor–management committee controlling apprenticeship or other training or retraining programs, including on–the–job training programs, may not discriminate against any individual in admission to, or employment in, any program established to provide apprenticeship or other training or retraining because of the individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, military status, or disability unrelated in nature and extent so as to reasonably preclude the performance of the employment.

(e) (1) Except as provided in paragraph (2) of this subsection, an employer, labor organization, or employment agency may not print or cause to be printed or published any notice or advertisement relating to employment by the employer, membership in or any classification or referral for employment by the labor organization, or any classification or referral for employment by the employment agency that indicates any preference, limitation, specification, or discrimination based on race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, disability, or military status.

(2) A notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, age, national origin, marital status, disability, or military status if religion, sex, age, national origin, marital status, disability, or military status is a bona fide occupational qualification for employment.

(f) An employer may not discriminate or retaliate against any of its employees or applicants for employment, an employment agency may not

discriminate against any individual, and a labor organization may not discriminate or retaliate against any member or applicant for membership because the individual has:

(1) opposed any practice prohibited by this subtitle; or

(2) made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subtitle.

§20–607.

(a) For purposes of this subtitle, an unlawful employment practice occurs, with respect to discrimination in compensation in violation of this subtitle, when:

(1) a discriminatory compensation decision or other practice is adopted;

(2) an individual becomes subject to a discriminatory compensation decision or other practice; or

(3) an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting wholly or partly from the discriminatory compensation decision or other practice.

(b) In addition to any relief authorized by this title, liability may accrue and an aggrieved person may obtain relief as provided in § 20–1009 of this title, including recovery of back pay for up to 2 years preceding the filing of the complaint, where the unlawful employment practice that has occurred during the complaint filing period is similar or related to an unlawful employment practice with regard to discrimination in compensation that occurred outside the time for filing a complaint.

§20–608.

An employer shall be immune from liability under this title or under the common law arising out of reasonable acts taken by the employer to verify the sexual orientation or gender identity of any employee or applicant in response to a charge filed against the employer on the basis of sexual orientation or gender identity.

§20–609.

(a) In this section, "reasonable accommodation" means an accommodation:

(1) for an employee's disability caused or contributed to by pregnancy; and

(2) that does not impose an undue hardship on the employee's employer.

(b) Disabilities caused or contributed to by pregnancy or childbirth:

(1) are temporary disabilities for all job–related purposes; and

(2) shall be treated as temporary disabilities under any health or temporary disability insurance or sick leave plan available in connection with employment.

(c) Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions of leave, the accrual of seniority and other benefits and privileges, reinstatement, and payment under any health or temporary disability insurance or sick leave plan, formal or informal, shall be applied to disability due to pregnancy or childbirth on the same terms and conditions as they are applied to other temporary disabilities.

(d) If an employee requests a reasonable accommodation, the employer shall explore with the employee all possible means of providing the reasonable accommodation, including:

(1) changing the employee's job duties;

(2) changing the employee's work hours;

(3) relocating the employee's work area;

(4) providing mechanical or electrical aids;

(5) transferring the employee to a less strenuous or less hazardous position; or

(6) providing leave.

(e) If an employee requests a transfer to a less strenuous or less hazardous position as a reasonable accommodation, the employer shall transfer the employee for a period of time up to the duration of the employee's pregnancy if:

(1) the employer has a policy, practice, or collective bargaining agreement requiring or authorizing the transfer of a temporarily disabled employee to a less strenuous or less hazardous position for the duration of the disability; or

(2) the employee's health care provider advises the transfer and the employer can provide the reasonable accommodation by transferring the employee without:

(i) creating additional employment that the employer would not otherwise have created;

(ii) discharging any employee;

(iii) transferring any employee with more seniority than the employee requesting the reasonable accommodation; or

(iv) promoting any employee who is not qualified to perform the job.

(f) (1) An employer may require an employee to provide a certification from the employee's health care provider concerning the medical advisability of a reasonable accommodation to the same extent a certification is required for other temporary disabilities.

(2) A certification under paragraph (1) of this subsection shall include:

(i) the date the reasonable accommodation became medically advisable;

(ii) the probable duration of the reasonable accommodation; and

(iii) an explanatory statement as to the medical advisability of the reasonable accommodation.

(g) An employer shall post in a conspicuous location, and include in any employee handbook, information concerning an employee's rights to reasonable accommodations and leave for a disability caused or contributed to by pregnancy.

(h) An employer may not interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under this section.

(i) This section may not be construed to:

(1) affect any other provision of law relating to discrimination on the basis of sex or pregnancy; or

(2) diminish in any way the coverage of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth under this section.

§20–610.

(a) In this section, "intern" means an individual who performs work for an employer for the purpose of training if:

(1) the employer is not committed to hire the individual at the conclusion of the training period;

(2) the employer and the individual agree that the individual is not entitled to wages for the work performed; and

(3) the work performed:

(i) supplements training given in an educational environment that may enhance the employability of the individual;

(ii) provides experience for the benefit of the individual;

(iii) does not displace regular employees; and

(iv) is performed under the close supervision of existing staff.

(b) An employer may not:

(1) fail or refuse to offer an internship, terminate an internship, or otherwise discriminate against an individual with respect to the terms, conditions, or privileges of an internship because of the individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, military status, or disability unrelated in nature and extent so as to reasonably preclude the performance of the internship;

(2) limit, segregate, or classify its interns or applicants for internships in any way that would deprive or tend to deprive any individual of internship opportunities or otherwise adversely affect the individual's status as an intern because of the individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, military status, or disability

unrelated in nature and extent so as to reasonably preclude the performance of the internship;

(3) fail or refuse to make a reasonable accommodation for the known disability of an otherwise qualified intern; or

(4) discriminate or retaliate against any of its interns or applicants for internships because the individual has:

(i) opposed any practice prohibited by this subtitle; or

(ii) made a charge, testified, assisted, or participated in any manner in an investigation, a proceeding, or a hearing under this subtitle.

(c) (1) Except as provided in paragraph (2) of this subsection, an employer may not print or cause to be printed or published any notice or advertisement relating to an internship with the employer that indicates any preference, limitation, specification, or discrimination based on race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, disability, or military status.

(2) A notice or an advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, age, national origin, marital status, disability, or military status if religion, sex, age, national origin, marital status, disability, or military status is a bona fide occupational qualification for the internship.

(d) An intern claiming to be aggrieved by an alleged discriminatory act prohibited under this section:

(1) shall have access to any internal procedure the employer has for resolving a complaint by an employee of sexual harassment or other discrimination; or

(2) if the employer does not have an internal procedure for resolving a complaint of sexual harassment or other discrimination, may file a complaint with the Commission for the nonmonetary administrative remedies provided under Subtitle 10 of this title.

(e) This section does not create and may not be construed as creating an employment relationship between an employer and an intern for the purposes of:

(1) a civil cause of action or monetary damages under Subtitle 10 of this title;

(2) any provision of the Labor and Employment Article; or

(3) any provision of the State Personnel and Pensions Article.

§20–611.

In an action alleging a violation of this subtitle based on harassment, an employer is liable:

(1) for the acts or omissions toward an employee or applicant for employment committed by an individual who:

(i) undertakes or recommends tangible employment actions affecting the employee or an applicant for employment, including hiring, firing, promoting, demoting, and reassigning the employee or an applicant for employment; or

(ii) directs, supervises, or evaluates the work activities of the employee; or

(2) if the negligence of the employer led to the harassment or continuation of harassment.

§20–701.

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

(b) (1) "Disability" means:

(i) a physical or mental impairment that substantially limits one or more of an individual's major life activities;

(ii) a record of having a physical or mental impairment that substantially limits one or more of an individual's major life activities; or

(iii) being regarded as having a physical or mental impairment that substantially limits one or more of an individual's major life activities.

(2) "Disability" does not include the current illegal use of or addiction to:

(i) a controlled dangerous substance, as defined in § 5–101 of the Criminal Law Article; or

(ii) a controlled substance, as defined in 21 U.S.C. § 802.

(c) "Discriminatory housing practice" means an act that is prohibited under § 20–705, § 20–706, § 20–707, or § 20–708 of this subtitle.

(d) "Dwelling" means:

(1) any building, structure, or portion of a building or structure that is occupied, or designed or intended for occupancy, as a residence by one or more families; and

(2) any vacant land that is offered for sale or lease for the construction or location on the land of any building, structure, or portion of a building or structure described in item (1) of this subsection.

(e) (1) "Familial status" means the status of one or more minors who are domiciled with:

(i) a parent or other person having legal custody of the minor; or

(ii) the designee of a parent or other person having legal custody of the minor with the written permission of the parent or other person.

(2) "Familial status" includes the status of being:

(i) a pregnant woman; or

(ii) an individual who is in the process of securing legal custody of a minor.

(f) "Family" includes a single individual.

(g) "In the business of selling or renting dwellings" means:

(1) within the preceding 12 months, participating as a principal in three or more transactions involving the sale or rental of any dwelling or any interest in a dwelling;

(2) within the preceding 12 months, participating as an agent, other than in the sale of the individual's own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest in a dwelling; or

(3) being the owner of any dwelling occupied, or designed or intended for occupancy, by five or more families.

(h) "Marital status" means the state of being single, married, separated, divorced, or widowed.

(i) "Rent" includes to lease, sublease, let, or otherwise grant for a consideration the right to occupy premises not owned by the occupant.

(j) (1) "Source of income" means any lawful source of money paid directly or indirectly to or on behalf of a renter or buyer of housing.

(2) "Source of income" includes income from:

(i) a lawful profession, occupation, or job;

(ii) any government or private assistance, grant, loan, or rental assistance program, including low–income housing assistance certificates and vouchers issued under the United States Housing Act of 1937;

(iii) a gift, an inheritance, a pension, an annuity, alimony, child support, or any other consideration or benefit; or

(iv) the sale or pledge of property or an interest in property.

§20–702.

(a) It is the policy of the State:

(1) to provide for fair housing throughout the State to all, regardless of race, color, religion, sex, familial status, national origin, marital status, sexual orientation, gender identity, disability, source of income, or military status; and

(2) to that end, to prohibit discriminatory practices with respect to residential housing by any person, in order to protect and ensure the peace, health, safety, prosperity, and general welfare of all.

(b) This subtitle:

(1) is an exercise of the police power of the State for the protection of the people of the State; and

(2) shall be administered and enforced by the Commission and, as provided in this title, enforced by the appropriate State court.

§20–703.

This subtitle does not:

(1) invalidate or limit any local law that requires dwellings to be designed and constructed in a manner that affords an individual with a disability greater access than is required by § 20–706(b) of this subtitle;

(2) limit the applicability of any reasonable local, State, or federal restrictions regarding the maximum number of occupants allowed to occupy a dwelling;

(3) prohibit the State or a local government from enacting standards that govern the location of group homes, as defined in § 4–601 of the Housing and Community Development Article;

(4) affect the powers of any local government to enact an ordinance on any subject covered by this subtitle, provided that the ordinance does not authorize any act that would be a discriminatory housing practice under this subtitle;

(5) require that a dwelling be made available to an individual whose tenancy would:

(i) constitute a direct threat to the health or safety of other individuals; or

(ii) result in substantial physical damage to the property of others;

(6) prohibit conduct against a person because the person has been convicted by a court of competent jurisdiction of the illegal manufacture or distribution of:

(i) a controlled dangerous substance, as defined in § 5–101 of the Criminal Law Article; or

(ii) a controlled substance, as defined in 21 U.S.C. § 802;

(7) unless membership in the religion is restricted on the basis of race, color, or national origin, prohibit a religious organization, association, or society or any nonprofit institution or organization operated, supervised, or controlled by or

in conjunction with a religious organization, association, or society from giving preference or limiting the sale, rental, or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion; or

(8) prohibit a private club that is not open to the public and that, as an incident to its primary purpose or purposes, provides lodgings that it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of the dwellings to its members or from giving preference to its members.

§20–704.

(a) This subtitle does not apply to:

(1) the sale or rental of a single–family dwelling, if the dwelling is sold or rented without:

(i) the use of the sales or rental facilities or services of any:

1. real estate broker, agent, or salesperson;

2. agent of any real estate broker, agent, or salesperson;

3. person in the business of selling or renting dwellings; or

4. agent of a person in the business of selling or renting dwellings; or

(ii) the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of this subtitle; and

(2) with respect to discrimination on the basis of sex, sexual orientation, gender identity, marital status, military status, or source of income if the source of income is low–income housing assistance certificates or vouchers issued under the United States Housing Act of 1937:

(i) the rental of rooms in any dwelling, if the owner maintains the dwelling as the owner's principal residence; or

(ii) the rental of any apartment in a dwelling that contains not more than five rental units, if the owner maintains the dwelling as the owner's principal residence.

(b) The use of attorneys, escrow agents, abstractors, title companies, and other similar professional assistance as necessary to perfect or transfer the title to a single–family dwelling does not subject a person to this subtitle if the person otherwise would be exempted under subsection (a) of this section.

(c) (1) (i) In this subsection, "housing for older persons" means housing:

1. provided under any State or federal program that is specifically designed and operated to assist elderly persons, as defined in the State or federal program;

2. intended for, and solely occupied by, persons who are at least 62 years old;

3. intended and operated for occupancy by at least one person who is at least 55 years old in each unit; or

4. that meets the requirements set forth in regulations adopted by the Secretary of Housing and Urban Development under 42 U.S.C. § 3607(b)(2)(C).

(ii) "Housing for older persons" includes:

1. unoccupied units, if the units are reserved for occupancy by persons who meet the age requirements of subparagraph (i) of this paragraph; or

2. units occupied as of September 13, 1988 by persons who do not meet the age requirements of subparagraph (i) of this paragraph, if the new occupant of the unit meets the age requirement.

(2) The provisions in this subtitle concerning familial status do not apply to housing for older persons.

(d) The prohibitions in this subtitle against discrimination based on source of income do not:

(1) prohibit a person from determining the ability of a potential buyer or renter to pay a purchase price or pay rent by verifying in a commercially reasonable and nondiscriminatory manner the source and amount of income or creditworthiness of the potential buyer or renter;

(2) prevent a person from refusing to consider income derived from any criminal activity; or

(3) prohibit a person from determining, in accordance with applicable federal and State laws, the ability of a potential buyer to repay a mortgage loan.

§20–705.

Except as provided in §§ 20–703 and 20–704 of this subtitle, a person may not:

(1) refuse to sell or rent after the making of a bona fide offer, refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, source of income, or military status;

(2) discriminate against any person in the terms, conditions, or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection with the sale or rental of a dwelling, because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, source of income, or military status;

(3) make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, source of income, or military status, or an intention to make any preference, limitation, or discrimination;

(4) represent to any person, because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, source of income, or military status, that any dwelling is not available for inspection, sale, or rental when the dwelling is available; or

(5) for profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person of a particular race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, source of income, or military status.

§20–706.

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

(2) "Covered multifamily dwelling" means:

(i) a building consisting of four or more units, if the building has one or more elevators; or

(ii) a ground floor unit in a building consisting of four or more units, if the building has no elevator.

(3) (i) "Service dog" means a dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability.

(ii) "Service dog" does not include a dog that:

1. as a result of the animal's presence, is meant to deter crime; or

2. provides only emotional support, well–being, comfort, or companionship to an individual.

(b) Except as provided in §§ 20–703 and 20–704 of this subtitle, a person may not:

(1) discriminate in the sale or rental of, or otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:

(i) the buyer or renter; or

(ii) an individual residing in or intending to reside in the dwelling after it is sold, rented, or made available;

(2) discriminate against any individual in the terms, conditions, or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection with the dwelling, because of a disability of:

(i) the individual; or

(ii) an individual residing in or intending to reside in the dwelling after it is sold, rented, or made available;

(3) refuse to allow, at the expense of an individual with a disability, reasonable modifications of existing premises occupied or to be occupied by the individual, if:

(i) the modifications may be necessary to afford the individual with a disability full enjoyment of the dwelling; and

(ii) for a rental dwelling, the tenant agrees that, when the tenant vacates the dwelling, the tenant will restore, at the tenant's expense, the interior of the dwelling to the condition that existed before the modification, except for reasonable wear and tear;

(4) refuse to make reasonable accommodations in rules, policies, practices, or services when the accommodations may be necessary to afford an individual with a disability equal opportunity to use and enjoy a dwelling;

(5) fail to design or construct a covered multifamily dwelling for first occupancy as required under subsection (c) of this section; or

(6) discriminate in the sale or rental of, or otherwise make unavailable or deny, a dwelling to an individual with a disability who:

(i) has or obtains a service dog; or

(ii) retains the individual's former service dog after its retirement from service.

(c) (1) On or after July 1, 1991, a covered multifamily dwelling for first occupancy shall be designed and constructed so that:

(i) the public use and common use portions of the dwelling are readily accessible and usable to individuals with disabilities;

(ii) all the doors designed to allow passage into and within all premises within the dwelling are sufficiently wide to allow passage by individuals with disabilities in wheelchairs; and

(iii) all premises within the dwelling contain the following features of adaptive design:

1. an accessible route into and through the dwelling;

2. light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

3. reinforcements in bathroom walls to allow later installation of grab bars; and

4. usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.

(2) The requirements of paragraph (1) of this subsection are satisfied by compliance with:

(i) the appropriate requirements of the most current revision of the American National Standard for Buildings and Facilities Providing Accessibility and Usability for Physically Handicapped People (commonly cited as ANSI A117.1); or

(ii) the federal law, regulations, and guidelines on handicapped accessibility adopted under the federal Fair Housing Amendments Act of 1988 and incorporated by reference in the regulations adopted by the Department of Housing and Community Development under § 12–202 of the Public Safety Article.

(d) An individual with a disability who has, obtains, or retains a service dog as provided in subsection (b)(6) of this section:

(1) shall be exempt from any provision in a lease or rental agreement prohibiting the keeping of dogs;

(2) may not be required to pay any additional rent or fee for the individual's service dog or former service dog;

(3) may keep the individual's former service dog in the dwelling for the life of the service dog after its retirement from service; and

(4) shall be liable for any damage done to the premises by the individual's service dog or former service dog.

§20–707.

(a) In this section, "residential real estate–related transaction" means:

(1) the making or purchasing of loans or providing other financial assistance:

(i) for purchasing, constructing, improving, repairing, or maintaining a dwelling; or

(ii) secured by residential real estate; or

(2) the selling, brokering, or appraising of residential real property.

(b) (1) A person whose business includes engaging in residential real estate–related transactions may not discriminate against any person in making available a transaction, or in the terms or conditions of a transaction, because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, source of income, or military status.

(2) Paragraph (1) of this subsection does not prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, source of income, or military status.

(c) A person may not, because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, source of income, or military status:

(1) deny a person access to, or membership or participation in, a multiple–listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings; or

(2) discriminate against a person in the terms or conditions of membership or participation.

§20–708.

A person may not coerce, intimidate, threaten, interfere with, or retaliate against any person:

(1) in the exercise or enjoyment of any right granted or protected by this subtitle;

(2) because a person has exercised or enjoyed any right granted or protected by this subtitle; or

(3) because a person has aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by this subtitle.

§20–709.

Each executive unit, including units with regulatory or supervisory authority over financial institutions, shall:

(1) administer its programs and activities in a manner that furthers the purposes of this subtitle; and

(2) cooperate with the Commission to further the purposes of this subtitle.

§20–710.

(a) The Commission shall:

(1) cooperate with and provide technical assistance to federal, State, local, and other governmental units or private agencies, organizations, and institutions that are formulating or carrying on programs to prevent or eliminate discriminatory housing practices;

(2) conduct studies concerning the nature and extent of discriminatory housing practices in representative urban, suburban, and rural communities throughout the State; and

(3) publish and disseminate reports, recommendations, and information derived from studies conducted under item (2) of this subsection.

(b) The Commission may:

(1) cooperate with local units charged with the administration of local fair housing laws;

(2) with the consent of the local units, utilize the services and employees of the local units;

(3) enter into written agreements with local units to further cooperative efforts to carry out the purposes of this subtitle; and

(4) notwithstanding any other law, reimburse local units and their employees for services provided to assist in carrying out this subtitle.

(c) To further the purposes of this subtitle, the Commission may conduct educational and conciliatory activities, including:

(1) conferences to acquaint interested persons with the provisions of this subtitle and the plans for implementation of this subtitle;

(2) in consultation with interested persons, programs of voluntary compliance and of enforcement; and

(3) consultations with interested persons and State and local officials to learn:

(i) the extent, if any, to which housing discrimination exists in the State or local political subdivisions; and

(ii) how State or local enforcement programs may be used to combat housing discrimination in connection with, or instead of, the Commission's enforcement of this subtitle.

(d) (1) In accordance with Title 10, Subtitle 2 of the State Government Article, the Commission may adopt regulations to implement this subtitle and Subtitle 10, Part II of this title.

(2) The Commission shall adopt regulations requiring local units that are certified as substantially equivalent by the U.S. Department of Housing and Urban Development under 42 U.S.C. § 3610 to file annual reports with the Commission containing the information specified by the Commission.

§20–801.

A person may not:

(1) aid, abet, incite, compel, or coerce any person to commit a discriminatory act;

(2) attempt, directly or indirectly, alone or in concert with others, to commit a discriminatory act; or

(3) obstruct or prevent any person from complying with this title or any order issued under this title.

§20–901.

(a) Except as provided in subsection (b) of this section, a unit, officer, or employee of the State, a county, or a municipal corporation may not engage in a discriminatory act prohibited by § 20–304, § 20–606, § 20–705, § 20–706, § 20–707, or § 20–708 of this title.

(b) Sections 20–304, 20–705, and 20–706 of this title do not prohibit the State, a county, or a municipality from:

(1) providing separate facilities for males and females in government–owned or government–operated public institutions; or

(2) operating or funding special or separate programs and facilities for children, seniors, or other special populations.

§20–902.

(a) In an employment discrimination case in which a unit, officer, or employee of the State, a county, or a municipality is a respondent, the rules, procedures, powers, rights, and remedies that apply are the same as those that apply in a discrimination case in which a private person is the respondent.

(b) In a discrimination case in which a unit, officer, or employee of the State, a county, or a municipality is a respondent, the Commission may seek injunctive relief or judicial enforcement of its orders against the respondent.

(c) In a discrimination case in which the Commission, or a member, officer, or employee of the Commission, is a respondent, the Governor shall specially designate a person to perform the functions usually performed by the Commission.

§20–903.

The State, its officers, and its units may not raise sovereign immunity as a defense against an award in an employment discrimination case under this title.

§20–904.

(a) If the State has sufficient money available at the time an award is made against the State under this title, the State shall pay the award as soon as practicable within 20 days after the award is final.

(b) (1) If sufficient money is not available at the time an award is made against the State under this title, the affected State unit or officer shall report the outstanding award to the State Comptroller.

(2) The Comptroller shall:

(i) keep an accounting of all outstanding awards; and

(ii) report the accounting annually to the Governor.

(c) (1) The Governor shall include in the State budget sufficient money to pay all awards made against the State under this title.

(2) On appropriation of money by the General Assembly, the Comptroller shall authorize payment of all outstanding awards under this title in the order of the date on which each award was made.

§20–1001.

In this part, "unlawful employment practice" means an act that is prohibited under § 20–606 of this title.

§20–1002.

(a) This part, including the limitations on damages, does not limit the scope of, or the administrative procedures or relief available under, any other provision of federal, State, or local law.

(b) This part does not limit Subtitle 12 of this title.

§20–1003.

Except as otherwise provided in Part II of this subtitle, this part applies to alleged discriminatory housing practices under Subtitle 7 of this title.

§20–1004.

(a) Any person claiming to be aggrieved by an alleged discriminatory act may file a complaint with the Commission.

(b) The complaint shall:

(1) be in writing;

(2) state:

(i) the name and address of the person or State or local unit alleged to have committed the discriminatory act; and

(ii) the particulars of the alleged discriminatory act;

(3) contain any other information required by the Commission; and

(4) be signed by the complainant under oath.

(c) (1) (i) Except as provided in paragraphs (2) and (3) of this subsection, a complaint shall be filed within 6 months after the date on which the alleged discriminatory act occurred.

(ii) A complaint filed with a federal or local human relations commission within 6 months after the date on which the alleged discriminatory act occurred shall be deemed to have complied with subparagraph (i) of this paragraph.

(2) (i) A complaint alleging an unlawful employment practice other than harassment shall be filed within 300 days after the date on which the alleged discriminatory act occurred.

(ii) A complaint filed with a federal human relations commission within 6 months or a local human relations commission within 300 days shall be deemed to have complied with subparagraph (i) of this paragraph.

(3) (i) A complaint alleging harassment against an employer shall be filed within 2 years after the date on which the alleged harassment occurred.

(ii) A complaint filed with a federal human relations commission within 6 months or a local human relations commission within 2 years after the date on which the alleged harassment occurred shall be deemed to have complied with subparagraph (i) of this paragraph.

(d) The Commission, on its own motion, and by action of at least three commissioners, may issue a complaint in its name in the same manner as if the complaint had been filed by an individual, if:

(1) the Commission has received reliable information from an individual that a person has been or is engaged in a discriminatory act; and

(2) after a preliminary investigation by the Commission's staff authorized by the chair or vice–chair, the Commission is satisfied that the information warrants the filing of a complaint.

§20–1005.

(a) (1) After a complaint is filed, the Executive Director of the Commission shall:

(i) consider the complaint; and

(ii) refer it to the Commission's staff for prompt investigation and fact–finding.

(2) (i) If the complaint alleges a failure to make a reasonable accommodation under § 20–305 of this title, the investigation shall include an initial determination whether an accommodation is a reasonable accommodation.

(ii) In making the determination for buildings, the Commission may consult with the Department of Housing and Community Development and any other persons that may be useful in determining the cost and feasibility of any structural changes, modifications, or additions or the provision of special equipment.

(3) The Commission's staff shall:

(i) issue the results of the investigation as written findings;

(ii) provide a copy of the written findings to the complainant and the respondent; and

(iii) send a copy of the written findings of an investigation of a real estate broker, associate real estate broker, or real estate salesperson to the State Real Estate Commission.

(b) If there is a finding of probable cause to believe that a discriminatory act has been or is being committed, the Commission's staff immediately shall endeavor to eliminate the discrimination by conference, conciliation, or persuasion.

(c) (1) If an agreement is reached to eliminate the discrimination as a result of the conference, conciliation, or persuasion:

(i) the agreement shall be reduced to writing and signed by the respondent; and

(ii) the Commission shall enter an order setting forth the terms of the agreement.

(2) If an agreement cannot be reached, the Commission's staff shall:

(i) make a written finding to that effect; and

(ii) provide copies of the written finding to the complainant and the respondent.

(3) The Commission may not enter an order at this stage of the proceedings unless it is based on a written agreement.

(d) (1) If there is a finding of no probable cause to believe that a discriminatory act has been or is being committed, the complainant may file a request for reconsideration of the finding in accordance with the Commission's regulations.

(2) Unless the U.S. Equal Employment Opportunity Commission has jurisdiction over the subject matter of the complaint, a denial of a request for reconsideration of a finding of no probable cause by the Commission is a final order appealable as provided in the Administrative Procedure Act.

§20–1006.

(a) On the making of a finding under § 20–1005(c)(2) of this subtitle that an agreement to remedy and eliminate the discrimination cannot be reached, the entire file, including the complaint and any findings, shall be certified to the general counsel of the Commission.

(b) The Executive Director of the Commission shall cause a written notice to be issued and served in the name of the Commission, together with a copy of the complaint, requiring the respondent to answer the charges of the complaint at a public hearing:

(1) before an administrative law judge at a time and place certified in the notice; or

(2) if the complaint alleges an unlawful employment practice, in a civil action elected under § 20–1007 of this subtitle.

§20–1007.

(a) (1) When a complaint alleging an unlawful employment practice is issued and served under § 20–1006 of this subtitle, a complainant or respondent may elect to have the claims asserted in the complaint determined in a civil action brought by the Commission on the complainant's behalf, if:

(i) the Commission has found probable cause to believe the respondent has engaged in or is engaging in an unlawful employment practice; and

(ii) there is a failure to reach an agreement to remedy and eliminate the unlawful employment practice.

(2) An election under paragraph (1) of this subsection shall be made within 30 days after the complainant or respondent receives service under § 20–1006(b) of this subtitle.

(3) If an election is not made under paragraph (1) of this subsection, the Commission shall provide an opportunity for a hearing as provided under § 20–1008(a) of this subtitle.

(b) When a complaint alleging an unlawful employment practice is issued and served under § 20–1006 of this subtitle, the Commission may elect to have the claims asserted in the complaint determined in a civil action brought on the Commission's own behalf, if:

(1) the Commission has found probable cause to believe the respondent has engaged in or is engaging in an unlawful employment practice; and

(2) there is a failure to reach an agreement to remedy and eliminate the unlawful employment practice.

(c) (1) If a complainant or respondent makes an election under subsection (a) of this section, that party shall give notice of the election to the Commission and to all other complainants and respondents.

(2) If the Commission makes an election under subsection (b) of this section, the Commission shall give notice of the election to all complainants and respondents.

§20–1008.

(a) (1) If a civil action is not elected under § 20–1007 of this subtitle, the case shall be heard by an administrative law judge.

(2) The hearing shall be held in the county where the alleged discriminatory act occurred.

(b) The general counsel of the Commission shall present the case in support of the complaint at the hearing.

(c) The respondent:

(1) may file a written answer to the complaint;

(2) may appear at the hearing in person, or otherwise, with or without counsel;

(3) may submit testimony;

(4) shall be fully heard; and

(5) may examine and cross–examine witnesses.

(d) (1) Testimony taken at the hearing shall be under oath and recorded.

(2) A transcript shall be made of all testimony at the hearing.

(e) The administrative law judge may allow any complaint or answer to be reasonably amended.

§20–1009.

(a) If, after reviewing all of the evidence, the administrative law judge finds that the respondent has engaged in a discriminatory act, the administrative law judge shall:

(1) issue a decision and order stating the judge's findings of fact and conclusions of law; and

(2) issue and cause to be served on the respondent an order requiring the respondent to:

(i) cease and desist from engaging in the discriminatory acts; and

(ii) take affirmative action to effectuate the purposes of the applicable subtitle of this title.

(b) (1) If the respondent is found to have engaged in or to be engaging in an unlawful employment practice charged in the complaint, the remedy may include:

(i) enjoining the respondent from engaging in the discriminatory act;

(ii) ordering appropriate affirmative relief, including the reinstatement or hiring of employees, with or without back pay;

(iii) awarding compensatory damages; or

(iv) ordering any other equitable relief that the administrative law judge considers appropriate.

(2) Compensatory damages awarded under this subsection are in addition to:

(i) back pay or interest on back pay that the complainant may recover under any other provision of law; and

(ii) any other equitable relief that a complainant may recover under any other provision of law.

(3) The sum of the amount of compensatory damages awarded to each complainant under this subsection for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, or nonpecuniary losses, may not exceed:

(i) $50,000, if the respondent employs not fewer than 15 and not more than 100 employees in each of 20 or more calendar weeks in the current or preceding calendar year;

(ii) $100,000, if the respondent employs not fewer than 101 and not more than 200 employees in each of 20 or more calendar weeks in the current or preceding calendar year;

(iii) $200,000, if the respondent employs not fewer than 201 and not more than 500 employees in each of 20 or more calendar weeks in the current or preceding calendar year; and

(iv) $300,000, if the respondent employs not fewer than 501 employees in each of 20 or more calendar weeks in the current or preceding calendar year.

(4) If back pay is awarded under paragraph (1) of this subsection, the award shall be reduced by any interim earnings or amounts earnable with reasonable diligence by the person discriminated against.

(5) In addition to any other relief authorized by this subsection, a complainant may recover back pay for up to 2 years preceding the filing of the complaint, where the unlawful employment practice that has occurred during the complaint filing period is similar or related to an unlawful employment practice with regard to discrimination in compensation that occurred outside the time for filing a complaint.

(c) (1) (i) Except as provided in subparagraph (ii) of this paragraph, if the respondent is found to have engaged in or to be engaging in a discriminatory act other than an unlawful employment practice, in addition to an award of civil

penalties as provided in § 20–1016 of this subtitle, nonmonetary relief may be granted to the complainant.

(ii) An order may not be issued that substantially affects the cost, level, or type of any transportation services.

(2) (i) In cases involving transportation services that are supported fully or partially with funds from the Maryland Department of Transportation, an order may not be issued that would require costs, level, or type of transportation services different from or exceeding those required to meet U.S. Department of Transportation regulations adopted under 29 U.S.C. § 794.

(ii) An order issued in violation of subparagraph (i) of this paragraph is not enforceable under § 20–1011 of this subtitle.

(d) If, after reviewing all of the evidence, the administrative law judge finds that the respondent has not engaged in an alleged discriminatory act, the administrative law judge shall:

(1) state findings of fact and conclusions of law; and

(2) issue an order dismissing the complaint.

(e) Unless a timely appeal is filed with the Commission in accordance with the Commission's regulations, a decision and order issued by the administrative law judge under this section shall become the final order of the Commission.

§20–1010.

(a) In the administration and enforcement of this title, the Commission may:

(1) administer oaths;

(2) issue subpoenas;

(3) compel the attendance and testimony of witnesses; and

(4) compel the production of books, papers, records, and documents relevant or necessary for proceedings under this title.

(b) A subpoena issued by the Commission shall be served by:

(1) certified mail, requesting restricted delivery – show to whom, date, address of delivery; or

(2) personal service of process by:

(i) an employee of the Commission;

(ii) any adult who is not a party to the proceeding; or

(iii) the sheriff or deputy sheriff of the county in which is located the residence or main office of the person to whom or which the subpoena is issued.

(c) (1) In case of failure to comply with a subpoena, the Commission may apply to a circuit court in any county for an order requiring the attendance and testimony of witnesses and the production of books, papers, records, and documents.

(2) The court may issue an order requiring the attendance and testimony of the witness and the production of the books, papers, records, and documents:

(i) after notice to the person subpoenaed as a witness or directed to produce books, papers, records, and documents; and

(ii) on a finding that the attendance and testimony of the witness or the production of the books, papers, records, and documents is relevant or necessary for the proceedings of the Commission.

(3) An order issued by the court under this subsection shall be served on the person to whom it is directed by the sheriff or deputy sheriff of the county where the residence or main office of the person is located.

(4) A failure to obey an order issued by the court under this subsection may be punished by the court as a contempt of court.

§20–1011.

If a respondent refuses to comply with an order of the Commission issued under this title, the Commission may bring a civil action to enforce compliance with the order in the appropriate equity court of the county where the alleged discriminatory act occurred.

§20–1012.

(a) Within 60 days after an election is made under § 20–1007 of this subtitle, the Commission shall file a civil action in the circuit court for the county where the alleged unlawful employment practice occurred.

(b) If the court finds that an unlawful employment practice occurred, the court may provide the remedies specified in § 20–1009(b) of this subtitle.

(c) If the Commission seeks compensatory damages under this section:

(1) any party may demand a trial by jury; and

(2) the court may not inform the jury of the limitations on compensatory damages imposed under § 20–1009(b)(3) of this subtitle.

§20–1013.

(a) (1) In addition to the right to make an election under § 20–1007 of this subtitle, a complainant may bring a civil action against the respondent alleging an unlawful employment practice, if:

(i) the complainant initially filed a timely administrative charge or a complaint under federal, State, or local law alleging an unlawful employment practice by the respondent;

(ii) at least 180 days have elapsed since the filing of the administrative charge or complaint; and

(iii) 1. subject to item 2 of this item, the civil action is filed within 2 years after the alleged unlawful employment practice occurred; or

2. if the complaint is alleging harassment, the civil action is filed within 3 years after the alleged harassment occurred.

(2) The time limitations under paragraph (1)(iii) of this subsection shall be tolled while an administrative charge or complaint filed by the complainant under paragraph (1)(ii) is pending.

(b) A civil action under this section shall be filed in the circuit court for the county where the alleged unlawful employment practice occurred.

(c) The filing of a civil action under this section automatically terminates any proceeding before the Commission based on the underlying administrative complaint and any amendment to the complaint.

(d) If the court finds that an unlawful employment practice occurred, the court may provide the remedies specified in § 20–1009(b) of this subtitle.

(e) (1) In addition to the relief authorized under subsection (d) of this section, the court may award punitive damages, if:

(i) the respondent is not a governmental unit or political subdivision; and

(ii) the court finds that the respondent has engaged in or is engaging in an unlawful employment practice with actual malice.

(2) If the court awards punitive damages, the sum of the amount of compensatory damages awarded to each complainant under subsection (d) of this section and the amount of punitive damages awarded under this subsection may not exceed the applicable limitation established under § 20–1009(b)(3) of this subtitle.

(f) If a complainant seeks compensatory or punitive damages under this section:

(1) any party may demand a trial by jury; and

(2) the court may not inform the jury of the limitations on compensatory and punitive damages imposed under § 20–1009(b)(3) of this subtitle.

(g) When appropriate and to the extent authorized under law, in a dispute arising under this part, in which the complainant seeks compensatory or punitive damages, the parties are encouraged to use alternative means of dispute resolution, including settlement negotiations or mediation.

§20–1014.

(a) A person may intervene in a civil action brought by the Commission under this part, if the action involves:

(1) an alleged discriminatory act to which the person is a party; or

(2) a conciliation agreement to which the person is a party.

(b) The Commission may intervene in a civil action brought under this part, if:

(1) the Commission certifies that the case is of general public importance; and

(2) timely application is made.

(c) The court may grant any appropriate relief to an intervening party that may be granted to a plaintiff in a civil action under § 20–1013 of this subtitle.

§20–1015.

In an action brought under this part, the court may award the prevailing party reasonable attorney's fees, expert witness fees, and costs.

§20–1016.

(a) Except as provided in subsections (b) and (c) of this section, in addition to any other relief authorized, if the Commission finds that a respondent has engaged in a discriminatory act under Subtitle 3 or Subtitle 4 of this title, the Commission may seek an order awarding monetary relief to the complainant:

(1) if the respondent has not been adjudicated to have committed any prior discriminatory act, in an amount not exceeding $500;

(2) if the respondent has been adjudicated to have committed one other discriminatory act during the 5–year period ending on the date of the filing of the current charge, in an amount not exceeding $1,000; and

(3) if the respondent has been adjudicated to have committed two or more discriminatory acts during the 7–year period ending on the date of the filing of the current charge, in an amount not exceeding $2,500.

(b) (1) If the discriminatory act is committed by an individual who has been previously adjudicated to have committed one or more discriminatory acts, the time periods set forth in subsection (a)(2) and (3) of this section do not apply.

(2) If the discriminatory act is committed by the agent or employee of a respondent, the maximum amounts set forth in subsection (a)(2) and (3) of this section do not apply and the Commission may seek an order awarding monetary relief in an amount not exceeding $25,000, provided that:

(i) the act committed by the agent or employee is determined to be discriminatory; and

(ii) the respondent has not reasonably mitigated the harm caused by the discriminatory act.

(3) The maximum amounts set forth in subsection (a)(2) and (3) of this section do not apply if the act is found to be malicious.

(c) The Commission may not seek an order awarding monetary relief to a complainant if:

(1) the discriminatory act was limited to a violation relating to accessibility;

(2) the respondent, after being served, takes prompt corrective action; and

(3) the respondent has not previously been the subject of a complaint under § 20–1004 of this subtitle.

(d) If the Commission seeks an order awarding monetary relief before an administrative law judge under § 20–1008 of this subtitle, in determining the amount of the monetary relief to be awarded, the administrative law judge shall consider:

(1) the seriousness of the discriminatory act;

(2) the good faith of the respondent;

(3) the harmful effect to the public of the discriminatory act;

(4) the harmful effect of the respondent's actions on the investigatory process of the Commission; and

(5) the respondent's assets.

(e) Any monetary relief collected under this section shall be paid to the complainant.

§20–1017.

(a) At any time after a complaint has been filed, if the Commission believes that a civil action is necessary to preserve the status of the parties or to prevent irreparable harm from the time the complaint is filed until the time of the final disposition of the complaint, the Commission may bring an action to obtain a temporary injunction.

(b) The action shall be brought in the circuit court for the county where:

(1) the place of public accommodation that is the subject of the alleged discriminatory act is located;

(2) the unlawful employment practice is alleged to have occurred or to be occurring; or

(3) the dwelling that is the subject of the alleged discriminatory housing practice is located.

§20–1020.

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

(b) "Aggrieved person" means any person that claims to have been injured by a discriminatory housing practice.

(c) "Conciliation" means the attempted resolution of issues raised by a complaint, or by the investigation of a complaint, through informal negotiations involving the aggrieved person, the respondent, and the Commission.

(d) "Conciliation agreement" means a written agreement between the respondent and the complainant setting forth the resolution of the issues in conciliation.

(e) "Discriminatory housing practice" means an act that is prohibited under § 20–705, § 20–706, § 20–707, or § 20–708 of this title.

(f) "Prevailing party" has the meaning as judicially determined under 42 U.S.C. § 1988.

§20–1021.

(a) (1) An aggrieved person may file a complaint with the Commission alleging a discriminatory housing practice.

(2) The complaint shall be filed within 1 year after the alleged discriminatory housing practice occurred or terminated.

(b) The Commission may:

(1) file a complaint on the Commission's own initiative; and

(2) investigate housing practices to determine whether a complaint should be filed under this section.

(c) A complaint shall:

(1) be in writing;

(2) be in the form that the Commission requires; and

(3) contain the information that the Commission requires.

(d) After a complaint is filed, the Commission shall serve notice on the aggrieved person acknowledging the filing and advising the aggrieved person of the time limits and choice of forums provided under this part.

(e) Within 10 days after a complaint is filed or an additional respondent is identified under § 20–1022(b) of this subtitle, the Commission shall serve on the respondent:

(1) a copy of the original complaint; and

(2) a notice identifying the alleged discriminatory housing practice and advising the respondent of the procedural rights and obligations of respondents under this part.

(f) (1) Each respondent may file an answer to the complaint.

(2) The answer shall be filed within 10 days after receipt of the copy of the complaint and notice from the Commission under subsection (e) of this section.

(g) Complaints and answers:

(1) shall be under oath; and

(2) may be reasonably amended at any time.

§20–1022.

(a) (1) The Commission shall investigate a complaint alleging a discriminatory housing practice and determine, based on the facts, whether probable cause exists to believe that a discriminatory housing practice has occurred or is about to occur.

(2) Unless it is impracticable to do so, the Commission shall complete the investigation and make the determination required under paragraph (1) of this subsection within 100 days after the filing of the complaint.

(3) If the Commission is unable to complete the investigation and make the determination required under paragraph (1) of this subsection within 100 days after the filing of the complaint, the Commission shall notify the complainant and the respondent in writing and include the reasons for the delay.

(b) (1) A person that is not named as a respondent in a complaint, but that is identified as a respondent during an investigation, may be joined as an additional or substitute respondent after written notice in accordance with § 20–1021(e) of this subtitle.

(2) In addition to meeting the requirements of § 20–1021(e) of this subtitle, the notice shall explain the basis for the Commission's belief that the person to whom the notice is addressed is properly joined as a respondent.

§20–1023.

(a) The Commission may issue subpoenas and order discovery in aid of investigations and hearings under this part.

(b) (1) Witnesses subpoenaed by the Commission to testify in any proceedings under this part are entitled to the same witness and mileage fees as witnesses in proceedings before any circuit court in the State.

(2) The party who requests that a witness be subpoenaed to testify in a proceeding shall pay the fees or, if the party is unable to pay, the Commission shall pay the fees.

§20–1024.

(a) During the period between the filing of a complaint and the filing of a charge or a dismissal by the Commission, the Commission, to the extent feasible, shall engage in conciliation with respect to the complaint.

(b) (1) A conciliation agreement is subject to approval by the Commission.

(2) (i) A conciliation agreement may provide for binding arbitration of the dispute arising from the complaint.

(ii) Any arbitration that results from a conciliation agreement may award appropriate relief, including monetary relief.

(3) Each conciliation agreement shall be made public unless the complainant and respondent otherwise agree and the Commission determines that the disclosure is not required to further the purposes of this part and Subtitle 7 of this title.

(c) If the Commission has probable cause to believe that a respondent has breached a conciliation agreement, the Commission may bring a civil action to enforce the conciliation agreement in the same manner as provided in § 20–1011 of this subtitle for the enforcement of an order of the Commission.

(d) Except in a proceeding to enforce a conciliation agreement, statements and acts in the course of conciliation under this section may not be made public or used as evidence in a subsequent proceeding under this part without the written consent of the persons concerned.

§20–1025.

(a) Except as provided in subsections (c) and (d) of this section, if the Commission determines that probable cause exists to believe that a discriminatory housing practice has occurred or is about to occur and that conciliation has failed, the Executive Director of the Commission or the Executive Director's designee shall certify the case for processing.

(b) After review of the certified complaint, the Commission shall:

(1) remand the matter to the Commission's staff for further processing;

(2) issue a charge on behalf of the aggrieved person for further proceedings under this part; or

(3) promptly dismiss the complaint, if the Commission determines that probable cause does not exist to believe that a discriminatory housing practice has occurred or is about to occur.

(c) (1) If the Commission determines that the matter involves the legality of a State or local zoning or other land use law or ordinance, the Commission shall immediately refer the matter to the Attorney General for appropriate action.

(2) Not less than 60 days after the Commission refers the matter to the Attorney General under paragraph (1) of this subsection, the Commission may issue a charge or take other appropriate action in the matter.

(d) After the beginning of the trial of a civil action that is commenced by an aggrieved person under federal or State law and that seeks relief for an alleged discriminatory housing practice, the Commission may not issue a charge under this section for the same alleged discriminatory housing practice.

(e) After the Commission issues a charge under this section, the Commission shall cause a copy of the charge, together with information as to how to make an election under § 20–1026 of this subtitle and the effect of the election, to be served:

(1) on each respondent named in the charge; and

(2) on each aggrieved person on whose behalf the complaint was filed.

§20–1026.

(a) When a charge is issued and served under § 20–1025 of this subtitle, a complainant, respondent, or aggrieved person on whose behalf the complaint was filed may elect to have the claims asserted in the charge decided in a civil action under § 20–1032 of this subtitle instead of a hearing under § 20–1027 of this subtitle.

(b) An election under subsection (a) of this section shall be made within:

(1) 20 days after the complainant, respondent, or aggrieved person on whose behalf the complaint was filed receives service under § 20–1025 of this subtitle; or

(2) if the Commission is the complainant, 20 days after service under § 20–1025 of this subtitle is made on all other parties.

(c) A person that makes an election under subsection (a) of this section shall give notice of the election to the Commission and to all other complainants, respondents, and aggrieved persons on whose behalf the complaint was filed to whom the charge relates.

§20–1027.

(a) If an election is not made under § 20–1026 of this subtitle, the Commission shall provide an opportunity for a hearing on the record with respect to a charge issued under § 20–1025 of this subtitle.

(b) (1) The Commission shall delegate the conduct of a hearing under this section to the Office of Administrative Hearings.

(2) An administrative law judge shall conduct the hearing in the county where the discriminatory housing practice is alleged to have occurred or is about to occur.

(3) (i) Unless it is impracticable to do so, the administrative law judge shall commence the hearing under this section within 120 days after the issuance of the charge.

(ii) If the administrative law judge is unable to commence the hearing within 120 days after the issuance of the charge, the administrative law judge shall notify the Commission, the aggrieved person on whose behalf the charge was filed, and the respondent in writing of the reasons for the delay.

(4) At a hearing under this section, each party may appear in person, be represented by counsel, present evidence, cross–examine witnesses, and obtain the issuance of subpoenas as authorized by this section.

(5) A hearing under this section shall be conducted as expeditiously and inexpensively as possible, consistent with the needs and rights of the parties to obtain a fair hearing and complete record.

(c) (1) The administrative law judge may issue subpoenas and order discovery in connection with a hearing conducted under this section.

(2) Discovery in administrative proceedings under this section shall be conducted as expeditiously and inexpensively as possible, consistent with the need of all parties to obtain relevant evidence.

(d) After the beginning of the trial of a civil action that is commenced by an aggrieved person under federal or State law and that seeks relief for an alleged discriminatory housing practice, an administrative law judge may not continue administrative proceedings under this section for the same alleged discriminatory housing practice.

§20–1028.

(a) (1) Unless it is impracticable to do so, the administrative law judge shall make findings of fact and conclusions of law within 60 days after submission of posthearing memoranda.

(2) If the administrative law judge is unable to make findings of fact and conclusions of law within the 60–day period or any succeeding 60–day period, the administrative law judge shall notify the Commission, the aggrieved person on whose behalf the charge was filed, and the respondent in writing of the reasons for the delay.

(b) (1) If the administrative law judge finds that a respondent has engaged or is about to engage in a discriminatory housing practice, the administrative law judge shall promptly issue an order for appropriate relief, which may include actual damages suffered by the aggrieved person and injunctive or other equitable relief.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the order may assess a civil penalty against the respondent, to be paid to the General Fund of the State:

1. if the respondent has not been adjudicated to have committed any prior discriminatory housing practice, in an amount not exceeding $10,000;

2. if the respondent has been adjudicated to have committed one other discriminatory housing practice during the 5–year period ending on the date of the filing of the current charge, in an amount not exceeding $25,000; and

3. if the respondent has been adjudicated to have committed two or more discriminatory housing practices during the 7–year period ending on the date of the filing of the current charge, in an amount not exceeding $50,000.

(ii) If the discriminatory housing practice is committed by an individual who has been previously adjudicated to have committed one or more discriminatory housing practices, the time periods set forth in paragraph (2)(i)2 and 3 of this subsection do not apply.

(c) An order issued under subsection (b) of this section may not affect any contract, sale, encumbrance, or lease consummated before the issuance of the order and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the charge filed under this part.

(d) (1) If the administrative law judge finds that the respondent has not engaged in a discriminatory housing practice, the administrative law judge shall enter an order dismissing the charge.

(2) The Commission shall publicly disclose each dismissal.

§20–1029.

(a) (1) In accordance with the Commission's regulations, the Commission shall:

(i) review any findings, conclusions, or orders issued under § 20–1028 of this subtitle; and

(ii) issue a final order.

(2) If a timely appeal of the findings, conclusions, or orders issued under § 20–1028 of this subtitle is not filed with the Commission in accordance with the Commission's regulations, the findings, conclusions, or orders issued by the administrative law judge under § 20–1028 of this subtitle shall become a final order of the Commission.

(b) The Commission shall cause the findings of fact and conclusions of law made with respect to any final order for relief under this section, together with a copy of the order, to be served on each aggrieved person and respondent in the proceeding.

(c) If an order is issued concerning a discriminatory housing practice that occurred in the course of a business subject to licensing or regulation by a State or local unit, the Commission shall, within 30 days after the date of the issuance of the final order of the Commission or, if the order is judicially reviewed, 30 days after the final order is affirmed in substance after review:

(1) send copies of the findings of fact and conclusions of law and the final order to the State or local unit; and

(2) recommend to the State or local unit appropriate disciplinary action, including, if appropriate:

(i) the suspension or revocation of the license of the respondent; or

(ii) the suspension or debarment of the respondent from participation in State and local loan, grant, or other regulated programs.

§20–1030.

(a) Subject to subsections (b) and (c) of this section, any party aggrieved by a final order for relief under § 20–1029 of this subtitle may obtain judicial review of the order in accordance with the provisions for judicial review under Title 10, Subtitle 2 of this article.

(b) A petition for judicial review shall be filed within 30 days after the final order is entered.

(c) A petition for judicial review shall be filed in the circuit court for the county where the discriminatory housing practice is alleged to have occurred.

(d) If the Commission issues a final order in which a finding of a discriminatory housing practice is made, the Commission is a party in any appeal of the final order.

§20–1031.

(a) (1) The Commission may file a petition for the enforcement of an order of the Commission and for appropriate temporary relief or a restraining order.

(2) The petition shall be filed in the circuit court for the county where the discriminatory housing practice is alleged to have occurred or where any respondent resides or transacts business.

(3) The clerk of the court shall send a copy of the petition to the parties to the proceedings before the Commission under § 20–1029 of this subtitle or before the administrative law judge.

(b) Any party to the proceedings before the Commission under § 20–1029 of this subtitle or before the administrative law judge may intervene in the circuit court in an enforcement proceeding brought under this section.

(c) Unless the failure or neglect to make the objection is excused because of extraordinary circumstances, an objection not made before the Commission under § 20–1029 of this subtitle or before the administrative law judge may not be considered by the court in an enforcement proceeding brought under this section.

(d) If a petition for judicial review is not filed under § 20–1030 of this subtitle, the findings of fact and conclusions of law in the Commission's final order shall be conclusive in connection with any petition for enforcement filed by the Commission under subsection (a) of this section after the 45th day after the order is entered.

(e) If a petition for judicial review has not been filed under § 20–1030 of this subtitle within 60 days after the date the Commission's final order is entered, and the Commission has not sought enforcement of the order under subsection (a) of this section, any person entitled to relief under the order may petition for enforcement of the order in the circuit court for the county in which the discriminatory housing practice is alleged to have occurred.

§20–1032.

(a) (1) If an election is made under § 20–1026 of this subtitle, the Commission shall commence and maintain a civil action seeking relief under subsection (b) of this section on behalf of the aggrieved person.

(2) The action shall be:

(i) commenced within 60 days after the election is made; and

(ii) filed in the circuit court for the county where the dwelling that is the subject of the alleged discriminatory housing practice is located.

(3) Any aggrieved person with respect to the issues to be determined in a civil action under this section may intervene as of right in the civil action.

(b) (1) (i) In a civil action under this section, if the court finds that a discriminatory housing practice has occurred, the court may grant any relief, except for punitive damages, that a court could grant with respect to the discriminatory housing practice in a civil action under § 20–1035 of this subtitle.

(ii) Except for punitive damages, any relief that would accrue to an aggrieved person in a civil action commenced by that aggrieved person under § 20–1035 of this subtitle shall also accrue to the aggrieved person in a civil action under this section.

(iii) If monetary relief is sought for the benefit of an aggrieved person that does not intervene in the civil action, the court may not award the relief if the aggrieved person has not complied with discovery orders entered by the court.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, in addition to the relief authorized under paragraph (1) of this subsection, if the court finds that a discriminatory housing practice has occurred, the court may assess a civil penalty against the respondent to vindicate the public interest and to be paid to the General Fund of the State:

1. if the respondent has not been adjudicated to have committed any prior discriminatory housing practice, in an amount not exceeding $10,000;

2. if the respondent has been adjudicated to have committed one other discriminatory housing practice during the 5–year period ending

on the date of the filing of the current charge, in an amount not exceeding $25,000; and

3. if the respondent has been adjudicated to have committed two or more discriminatory housing practices during the 7–year period ending on the date of the filing of the current charge, in an amount not exceeding $50,000.

(ii) If the discriminatory housing practice is committed by an individual who has been previously adjudicated to have committed one or more discriminatory housing practices, the time periods set forth in paragraph (2)(i)2 and 3 of this subsection do not apply.

§20–1033.

In an administrative proceeding under § 20–1027 of this subtitle, a court proceeding arising from the administrative proceeding, or a civil action under § 20–1032 of this subtitle, the administrative law judge or the court may allow the prevailing party, including the Commission, reasonable attorney's fees and costs.

§20–1034.

The Office of Administrative Hearings and the Commission shall adopt regulations to implement §§ 20–1026 through 20–1033 of this subtitle.

§20–1035.

(a) In accordance with this section, an aggrieved person may commence a civil action in an appropriate State court to obtain appropriate relief for an alleged discriminatory housing practice or the breach of a conciliation agreement entered into under this part.

(b) (1) The action shall be filed within 2 years after the later of the occurrence or termination of the alleged discriminatory housing practice or the breach of the conciliation agreement.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the computation of the 2–year period does not include any time during which an administrative proceeding under this part was pending for a complaint or charge based on the alleged discriminatory housing practice.

(ii) Subparagraph (i) of this paragraph does not apply to an action arising from a breach of a conciliation agreement.

(3) Except as provided in subsection (c) of this section, an aggrieved person may commence a civil action under this section:

(i) not sooner than 130 days after a complaint has been filed under § 20–1021 of this subtitle; and

(ii) regardless of the status of any complaint.

(c) (1) If the Commission or a State or local unit has obtained a conciliation agreement with the consent of an aggrieved person, the aggrieved person may not file an action under this section for the alleged discriminatory housing practice that forms the basis for the complaint, except for the purpose of enforcing the terms of the conciliation agreement.

(2) An aggrieved person may not commence a civil action under this section with respect to an alleged discriminatory housing practice that forms the basis of a charge issued by the Commission, if an administrative law judge has commenced a hearing on the record under this part with respect to the charge.

(d) On application by a person alleging a discriminatory housing practice or a person against whom a discriminatory housing practice is alleged, the court may:

(1) appoint an attorney for the person; or

(2) if, in the opinion of the court, the person is financially unable to bear the costs of the action, authorize the commencement or continuation of a civil action under subsection (a) of this section without the payment of fees, costs, or security.

(e) (1) In a civil action under this section, if the court finds that a discriminatory housing practice has occurred, the court may:

(i) award to the plaintiff actual and punitive damages; and

(ii) subject to subsection (f) of this section, grant as relief, as the court considers appropriate, any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in the practice or ordering affirmative action.

(2) In a civil action under this section, the court may allow the prevailing party reasonable attorney's fees and costs.

(f) Relief granted under this section may not affect any contract, sale, encumbrance, or lease consummated before the granting of relief and involving a

bona fide purchaser, encumbrancer, or tenant without actual notice of the filing of a complaint with the Commission or civil action under this part.

(g) If the Commission certifies that the case is of general public importance and on timely application, the Commission may:

(1) intervene in a civil action brought under this section; and

(2) obtain any relief that would be available to the Commission under § 20–1036(c) of this subtitle.

§20–1036.

(a) The Commission may commence a civil action in the appropriate circuit court if the Commission has probable cause to believe that:

(1) (i) a person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted by this part and Subtitle 7 of this title; or

(ii) any group of persons has been denied any of the rights granted by this part and Subtitle 7 of this title; and

(2) the resistance or denial raises an issue of general public importance.

(b) The Commission or other party at whose request a subpoena is issued under this part may enforce a subpoena in appropriate proceedings in the circuit court for the county in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(c) (1) In a civil action under subsection (a) of this section, the court may:

(i) award preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for a violation of Subtitle 7 of this title as necessary to ensure the full enjoyment of the rights granted by Subtitle 7 of this title;

(ii) award other relief the court considers appropriate, including monetary damages to aggrieved persons; and

(iii) to vindicate the public interest, assess a civil penalty against the respondent:

1. in an amount not exceeding $50,000, for a first violation; and

2. in an amount not exceeding $100,000, for any subsequent violation.

(2) In a civil action under this section, the court may allow the prevailing party, including the Commission, reasonable attorney's fees and costs.

(d) (1) On timely application, a person may intervene in a civil action commenced by the Commission under subsection (a) or (b) of this section, if the action involves:

(i) an alleged discriminatory housing practice to which the person is an aggrieved person; or

(ii) a conciliation agreement to which the person is a party.

(2) The court may grant any appropriate relief to any intervening party that is authorized to be granted to a plaintiff in a civil action under § 20–1035 of this subtitle.

§20–1037.

(a) If the Commission concludes at any time after the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this part and Subtitle 7 of this title, the Commission may bring a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint under this part.

(b) An action under this section shall be brought in the circuit court for the county where the dwelling that is the subject of the alleged discriminatory housing practice is located.

(c) The commencement of a civil action under this section does not affect the initiation or continuation of administrative proceedings under this part.

§20–1040.

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

(b) "Attorney General" means the Attorney General and the Office of the Attorney General.

(c) (1) "Civil rights violation" means an act of discrimination prohibited under the U.S. Constitution, the Maryland Constitution, or State or federal law.

(2) "Civil rights violation" includes a discriminatory act as defined in § 20–101 of this title.

§20–1041.

(a) The Attorney General may investigate, prosecute, and remediate, on behalf of the residents of the State, any conduct that constitutes a civil rights violation.

(b) The Attorney General may not bring a civil rights action under this part:

(1) on behalf of an individual;

(2) against a political subdivision;

(3) against any unit of State or local government established by law; or

(4) against any employee or agent of an entity identified in item (2) or (3) of this subsection who is acting under the color of law.

(c) Nothing in this part may be interpreted to impair the rights and powers of the Commission under Subtitles 1 through 11 of this title.

§20–1042.

(a) If the Attorney General has reasonable cause to believe that a person is engaged in discrimination prohibited by the U.S. Constitution, the Maryland Constitution, or State or federal law, the Attorney General may commence a civil action in accordance with this part.

(b) The civil action shall be instituted in the circuit court for the county where:

(1) the alleged violator resides or has a principal place of business; or

(2) the alleged violation occurred.

§20–1043.

(a) To obtain relief with respect to an alleged civil rights violation, an action shall be commenced not later than 3 years after the discovery, occurrence, or termination, whichever occurs last, of the alleged civil rights violation.

(b) To obtain relief with respect to an alleged breach of a conciliation or settlement agreement entered into under this title, an action shall be commenced not later than 3 years after the discovery, occurrence, or termination of the alleged breach.

§20–1044.

(a) Before initiating a civil action, the Office of the Attorney General shall conduct a preliminary investigation to determine whether there is reasonable cause to believe that any person committed a civil rights violation.

(b) During any examination, investigation, or hearing, the Office of the Attorney General may:

(1) subpoena witnesses;

(2) administer oaths;

(3) examine individuals under oath; and

(4) compel production of records, books, papers, contracts, and other documents.

(c) Unless obtained by a method independent of a subpoena, information obtained under a subpoena described under this section is not admissible in a later criminal proceeding against the person who provides the evidence.

(d) (1) Except as provided in paragraph (2) of this subsection, the Attorney General may commence a civil action under this part.

(2) If the Attorney General obtains a conciliation or settlement agreement under this part, no action may be filed under this part with respect to the alleged conduct that forms the basis for the complaint covered by the agreement except for the purpose of enforcing the terms of the agreement.

(e) The Attorney General may intervene in a civil action concerning an alleged civil rights violation, if:

(1) the Attorney General certifies that the case is of general importance; and

(2) timely application is made.

§20–1045.

(a) The Attorney General may seek an injunction to prohibit a person that has engaged or is engaging in a civil rights violation, from continuing or engaging in the violation.

(b) In a request for injunctive relief brought under this section, the Attorney General is not required to:

(1) post bond;

(2) allege or prove that an adequate remedy at law does not exist; or

(3) allege or prove that substantial or irreparable damage would result from any conduct alleged.

(c) The Office of the Attorney General shall serve notice of the general relief sought on the alleged violator at least 7 days before the action for an injunction is filed.

(d) The court may enter any order of judgment necessary to:

(1) prevent the use by a person of any prohibited practice;

(2) restore to a person any money, real property, or personal property acquired by means of any prohibited practice; or

(3) appoint a receiver to prevent willful violation of this title.

§20–1046.

(a) In any civil action brought under this part, or any conciliation or settlement agreement entered into under this part, the Attorney General may obtain as a remedy equitable relief, including:

(1) a permanent injunction;

(2) a preliminary injunction;

(3) a temporary restraining order; or

(4) any other order, including:

(i) an order enjoining the defendant from engaging in civil rights violations; or

(ii) an order requiring any appropriate action.

(b) (1) In any civil action brought under this part, or any conciliation or settlement agreement entered into under this part, the Attorney General may obtain a civil penalty to vindicate the public interest.

(2) A civil penalty imposed under this subsection shall be in an amount not exceeding:

(i) $10,000 for a first violation; or

(ii) $25,000 for a second or subsequent violation.

(3) The fines provided for in this subsection:

(i) are civil penalties and are recoverable by the State in a civil action; and

(ii) shall be deposited in the Civil Rights Enforcement Fund established under § 20–1047 of this part.

(c) In any civil action brought under this part, or any conciliation or settlement agreement entered into under this part, the Attorney General may obtain restitution, including a requirement that the violator or alleged violator:

(1) reimburse the costs of the investigation and litigation to the Attorney General and the Commission;

(2) make restitution to any aggrieved person of money, property, or any other thing received from the aggrieved person in connection with a violation or an alleged violation of this title;

(3) pay economic damages to an aggrieved person; or

(4) post a performance bond or other security.

§20–1047.

(a) In this section, "Fund" means the Civil Rights Enforcement Fund.

(b) There is a Civil Rights Enforcement Fund.

(c) The purpose of the Fund is to provide funding for:

(1) civil rights enforcement activities of the Attorney General and the Commission; and

(2) education and outreach in the community relating to civil rights violations.

(d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

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

(e) The Fund consists of:

(1) civil penalties deposited into the Fund under § 20–1046 of this part;

(2) money appropriated in the State budget to the Fund; and

(3) any other money from any other source accepted for the benefit of the Fund.

(f) The Fund may be used only:

(1) to reimburse the Attorney General and the Commission for costs associated with investigating and prosecuting civil rights violations; and

(2) education and outreach in the community relating to civil rights violations.

(g) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Interest earnings of the Fund shall be credited to the General Fund of the State.

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

(i) Money of the Fund is not subject to transfer by budget amendment.

(j) Money expended from the Fund for the enforcement activities of the Attorney General and the Commission is supplemental to and is not intended to take the place of funding that would otherwise be appropriated for the Attorney General or the Commission.

§20–1048.

(a) In areas of overlapping jurisdiction, the Attorney General and the Commission shall coordinate and make referrals to minimize and eliminate duplication of effort and promote collaboration.

(b) (1) The Attorney General, in coordination with the Commission, shall adopt regulations to implement this section.

(2) The Attorney General shall publish proposed regulations under this subsection for notice and comment on or before July 1, 2024.

§20–1101.

(a) (1) Except as provided in paragraph (2) of this subsection, during an investigation of a complaint alleging a discriminatory act, and until the matter reaches the stage of public hearings:

(i) the activities of all members and employees of the Commission in connection with the investigation shall be conducted in confidence and without publicity; and

(ii) the members and employees of the Commission may not disclose any information relating to the investigation, including the identity of the complainant and the respondent.

(2) (i) Information may be disclosed at any time if both the complainant and respondent agree to the disclosure in writing.

(ii) The identity of the complainant may be disclosed to the respondent at any time.

(b) A member or employee of the Commission who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

§20–1102.

(a) If it is in the person's power to comply, a person may not willfully fail or neglect to attend and testify, answer any lawful inquiry, or produce records, documents, or other evidence, in compliance with a subpoena or other lawful order issued under § 20–1023(a) of this title.

(b) A person may not, with intent to mislead another person in any proceeding under Subtitle 10, Part II of this title:

(1) make or cause to be made any false entry or statement of fact in any report, account, record, or other document produced in compliance with a subpoena or other lawful order issued under § 20–1023(a) of this title;

(2) willfully neglect or fail to make or cause to be made full, true, and correct entries in any report, account, record, or other document produced in compliance with a subpoena or other lawful order issued under § 20–1023(a) of this title; or

(3) willfully mutilate, alter, or by any other means falsify any documentary evidence.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $100,000 or both.

§20–1103.

(a) In this section, "disability", "dwelling", "familial status", "marital status", "rent", and "source of income" have the meanings stated in § 20–701 of this title.

(b) Whether or not acting under color of law, a person may not, by force or threat of force, willfully injure, intimidate, interfere with, or attempt to injure, intimidate, or interfere with:

(1) any person because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, source of income, or military status and because the person is or has been:

(i) selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling; or

(ii) applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings;

(2) any person because the person is or has been, or in order to intimidate the person or any other person or any class of persons from:

(i) participating, without discrimination on account of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, source of income, or military status, in any of the activities, services, organizations, or facilities described in item (1) of this subsection; or

(ii) affording another person or class of persons the opportunity or protection to participate in any of the activities, services, organizations, or facilities described in item (1) of this subsection; or

(3) any person because the person is or has been, or in order to discourage the person or any other person from:

(i) lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, source of income, or military status, in any of the activities, services, organizations, or facilities described in item (1) of this subsection; or

(ii) participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate in any of the activities, services, organizations, or facilities described in item (1) of this subsection.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both;

(2) if the violation results in bodily injury, imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both; or

(3) if the violation results in death, imprisonment not exceeding life.

§20–1104.

(a) This section does not affect the right of a respondent to bring a civil action against a person that has filed a complaint under Subtitle 10, Part I of this title.

(b) A person is guilty of a misdemeanor if:

(1) the person has claimed to be aggrieved under Subtitle 10, Part I of this title;

(2) the person has pursued the complaint under §§ 20–1006 and 20–1008 through 20–1011 of this title;

(3) the Commission has:

(i) found the complaint to be unfounded; or

(ii) dismissed the complaint without further action against the respondent; and

(4) the court has found the complaint to have been made maliciously.

(c) A person convicted under this section is subject to imprisonment not exceeding 1 year or a fine not exceeding $500 or both.

§20–1201.

In this subtitle, "prevailing party" has the meaning as judicially determined under 42 U.S.C. § 1988.

§20–1202.

(a) This section applies only in Howard County, Montgomery County, and Prince George's County.

(b) In accordance with this section, a person that is subjected to a discriminatory act prohibited by the county code may bring and maintain a civil action against the person that committed the alleged discriminatory act for damages, injunctive relief, or other civil relief.

(c) (1) An action under subsection (b) of this section shall be commenced in the circuit court for the county in which the alleged discriminatory act occurred within 2 years after the occurrence of the alleged discriminatory act.

(2) (i) Subject to paragraph (1) of this subsection, an action under subsection (b) of this section alleging discrimination in employment or public accommodations may not be commenced sooner than 45 days after the aggrieved person files a complaint with the county unit responsible for handling violations of the county discrimination laws.

(ii) Subject to paragraph (1) of this subsection, an action under subsection (b) of this section alleging discrimination in real estate may be commenced at any time.

(d) In a civil action under this section, the court may award the prevailing party reasonable attorney's fees, expert witness fees, and costs.

§20–1203.

(a) This section applies only in Baltimore County.

(b) In accordance with this section, a person that is employed by an employer with fewer than 15 employees and that is subjected to a discriminatory act prohibited by the county code may bring and maintain a civil action against the employer that committed the alleged discriminatory act for relief as provided under subsection (d) of this section.

(c) (1) An action under subsection (b) of this section shall be commenced in the Circuit Court for Baltimore County within 2 years after the occurrence of the alleged discriminatory act.

(2) Subject to paragraph (1) of this subsection, an action under subsection (b) of this section may not be commenced sooner than 60 days after the aggrieved person files a complaint with the county unit responsible for handling violations of the county discrimination laws.

(d) (1) In a civil action under this section, the court may award the prevailing party:

(i) injunctive relief;

(ii) compensatory damages, including back pay; or

(iii) both injunctive relief and compensatory damages.

(2) A prevailing party may not be awarded punitive damages under this section.

(3) The court may award the prevailing party reasonable attorney's fees.

§21–101.

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

(b) "Department" means the Department of Service and Civic Innovation.

(c) "Secretary" means the Secretary of Service and Civic Innovation.

§21–102.

(a) There is a Department of Service and Civic Innovation, established as a principal department of the State government.

(b) The purpose of the Department is to promote service and volunteerism in the State.

§21–103.

(a) (1) The head of the Department is the Secretary of Service and Civic Innovation, who shall be appointed by the Governor with the advice and consent of the Senate.

(2) The Secretary shall take the oath of office required under Article I, § 9 of the Maryland Constitution.

(b) The Secretary is a member of the Governor's Executive Council.

(c) (1) The Secretary serves at the pleasure of the Governor and is responsible directly to the Governor.

(2) The Secretary shall advise the Governor on all matters assigned to the Department and is responsible for carrying out the Governor's policies on these matters.

(d) (1) The Secretary is responsible for the operation of the Department and shall establish guidelines and procedures to promote the orderly and efficient administration of the Department.

(2) The Secretary may establish, reorganize, or abolish areas of responsibility in the Department as necessary to fulfill the duties assigned to the Secretary.

(e) The Secretary is entitled to the salary provided in the State budget.

§21–104.

(a) The Secretary may employ a staff in accordance with the State budget.

(b) The Secretary may appoint a Deputy Secretary and other professional staff and contract with consultants as authorized representatives.

(c) The Secretary shall appoint and remove all staff in accordance with the provisions of the State Personnel and Pensions Article.

§21–105.

(a) The Secretary is responsible for the budget of the office of the Secretary and the budget for each unit in the Department.

(b) The Secretary may adopt rules and regulations in carrying out the provisions of law that are within the jurisdiction of the Department.

(c) The Secretary may create any advisory council that the Secretary considers necessary and assign appropriate functions to it.

(d) The Secretary shall have a seal.

(e) (1) The Secretary is responsible for the coordination and direction of all planning that the office of the Secretary initiates.

(2) The Secretary shall keep fully apprised of plans, proposals, and projects of each unit in the Department and, except as expressly provided otherwise, may approve, disapprove, or modify any of them.

(f) Each unit in the Department shall report to the Secretary as provided in the rules, regulations, or written directives that the Secretary adopts.

(g) The Secretary may apply for, receive, and spend grants–in–aid by the federal government or any of its agencies or any other federal funds made available to the Department for use in carrying out the powers and duties of the Secretary or the Department.

(h) Except as otherwise provided by law and §§ 21–205(g) and 21–206(e) of this title, the Secretary shall pay all money collected by the Department under this title into the General Fund of the State.

(i) The Secretary shall carry out and enforce the provisions of this title, the rules and regulations of the Department, and any other provisions of law that relate to the Secretary or the Department.

§21–106.

(a) The Secretary shall:

(1) promote service and volunteerism in the State by partnering with the federal government, local governments, and nongovernmental entities to fulfill the purposes of this title; and

(2) identify, develop, and implement initiatives to increase service and volunteerism in the State to create opportunities and strengthen communities.

(b) The Department shall:

(1) promote the use of volunteers in State and local government, employers, and nonprofit organizations;

(2) coordinate and oversee the activities of:

(i) the Maryland Corps Program under Subtitle 2 of this title; and

(ii) the Governor's Commission on Service and Volunteerism;

(3) develop and implement model programs for a statewide clearinghouse, skill banks, or information centers for volunteers and projects in the State;

(4) develop and implement volunteer recognition events for volunteers in State programs and provide technical assistance and support for recognition events in nonpublic programs to increase the visibility and status of volunteers and their accomplishments;

(5) administer:

(i) the Maryland Corps Program under Subtitle 2 of this title;

(ii) the Executive Fellows Program under § 21–306 of this title; and

(iii) any other volunteer program recommended or designated by the Governor or otherwise established by law;

(6) liaise with national, state, and local volunteerism groups to obtain information on federal, state, local, and private resources that may enhance volunteer projects within the State;

(7) conduct studies and make recommendations to improve volunteer recruitment and training, volunteer retention, and accountability of volunteer programs; and

(8) provide staff support for the Governor's Volunteer Council.

§21–107.

(a) The Attorney General is legal adviser to the Department.

(b) The Attorney General shall assign to the Department the number of assistant attorneys general authorized by law to be assigned to the Department and any additional assistant attorneys general necessary to give effective legal advice and counsel.

(c) The Attorney General also shall designate an assistant attorney general as counsel to the Department.

§21–201.

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

(b) "Advisory Board" means the Maryland Corps Program Advisory Board.

(c) "Corps participant" means an individual who participates in the Program.

(d) "Department" means the Department of Service and Civic Innovation.

(e) "MSY Pathway" means the Maryland Service Year Option Pathway.

(f) "MSY Pathway Fund" means the Maryland Service Year Option Pathway Fund.

(g) "Participating organization" means a business, nonprofit organization**,** or government agency that:

(1) has a focus on community or other service, service learning, volunteerism, or other activities or experiences with a similar mission;

(2) hosts a program participant in a service role; and

(3) complies with Title VI of the Civil Rights Act of 1964, as amended, and Title 20, Subtitle 6 of this article.

(h) "Program" means the Maryland Corps Program.

(i) "Wraparound services" includes:

(1) child care;

(2) transportation;

(3) housing;

(4) behavioral health;

(5) crisis intervention;

(6) substance abuse prevention or treatment;

(7) legal aid;

(8) financial literacy programming;

(9) job search and application support; and

(10) college application support.

(j) "YA Pathway" means the Young Adult Service Year Option Pathway.

(k) "YA Pathway Fund" means the Young Adult Service Year Option Pathway Fund.

§21–202.

(a) (1) There is a Maryland Corps Program in the State administered and managed by the Department.

(2) The Program has two pathways:

(i) the Young Adult Service Year Option Pathway; and

(ii) the Maryland Service Year Option Pathway.

(b) The Program is subject to Title 14, Subtitle 3 of the State Finance and Procurement Article.

(c) The purpose of the Program is to:

(1) provide meaningful service opportunities to corps participants that will address the social needs of the community;

(2) equip corps participants with the skills that will enable them to successfully make the transition from high school to an institution of higher education or to the workforce; and

(3) provide Program completion awards to corps participants who have completed the Program.

(d) The Program is subject to review under § 2–1220 of this article.

§21–203.

(a) (1) There is a Maryland Corps Program Advisory Board.

(2) The Advisory Board consists of the following members:

(i) a Board Chair, appointed by the Governor;

(ii) two members jointly appointed by the President of the Senate and the Speaker of the House:

1. one of whom must represent a service organization in the State; and

2. one of whom shall be:

A. a current participant in a public service program; or

B. a former participant in a public service program whose participation ended during the preceding 3 years;

(iii) one member appointed by the President of the Senate;

(iv) one member appointed by the Speaker of the House; and

(v) four members appointed by the Governor, one of whom shall be a representative from the Maryland State Service Commission.

(b) In making appointments to the Advisory Board, the President, Speaker, and Governor shall consider:

(1) the professional or personal experience of the individual in community or other service, nonprofit management, civic engagement, or volunteerism;

(2) the cultural, geographic, racial, ethnic, and gender diversity of the State; and

(3) an individual's experience and knowledge in workforce development, including regional workforce needs, training, career development programming, and workforce investment boards.

(c) A member of the Advisory Board:

(1) may not receive compensation as a member of the Advisory Board; but

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

(d) (1) The term of a member of the Advisory Board is 4 years.

(2) The terms of the members are staggered as required by the terms provided for members on June 1, 2023.

(3) A member may be reappointed but may not serve more than two consecutive full terms.

(4) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(e) (1) A member appointed by the President may be removed by the President for the reasons stated in paragraph (5) of this subsection.

(2) A member appointed by the Speaker may be removed by the Speaker for the reasons stated in paragraph (5) of this subsection.

(3) A member appointed by the Governor may be removed by the Governor for the reasons stated in paragraph (5) of this subsection.

(4) The Advisory Board Chair may be removed by the Governor for the reasons stated in paragraph (5) of this subsection.

(5) A member of the Advisory Board may be removed for:

(i) incompetence;

(ii) misconduct;

(iii) immorality; or

(iv) failure to perform the duties of the position.

(f) Advisory Board members are subject to the requirements of Title 5 of the General Provisions Article.

(g) (1) The Advisory Board shall meet at least three times each year.

(2) Advisory Board meetings are subject to the requirements of Title 3 of the General Provisions Article.

(h) The Advisory Board has the following duties and responsibilities:

(1) be a liaison with the Department in:

(i) seeking community service opportunities and opportunities for Program expansion;

(ii) recruiting corps participants;

(iii) seeking gifts or grants and other financial resources for the benefit of the Program; and

(iv) maintaining relationships with current and former corps participants;

(2) advise the Department on best practices for service and volunteerism;

(3) provide oversight of the design, development, implementation, operation, and expansion of the Program;

(4) participate in Program–sponsored events; and

(5) any other duties as determined by the Department.

§21–204.

(a) The Department shall administer and manage the Program.

(b) The Department is responsible for expanding service opportunities in the State through the Program with the following goals:

(1) creating a strong annual cohort bond of unity for corps participants from urban, rural, and suburban areas of the State;

(2) ensuring all individuals have equitable access to participate in the Program regardless of gender, race, religion, national origin, sexual orientation, gender identity or expression, disability, geography, native language, or protected veteran status;

(3) helping corps participants develop the critical job skills necessary for creating a more equitable society as they serve their communities across the State, using the lens of environmental, social, racial, and economic justice; and

(4) ensuring each district of the State can communicate its unique community needs and choose the appropriate solutions.

(c) (1) The Department shall act as an intermediary with the AmeriCorps Program to secure federal funding and alleviate the administrative burden on State organizations seeking to participate in AmeriCorps programming.

(2) In working with the AmeriCorps Program under paragraph (1) of this subsection, the Department shall focus on expanding the service opportunities in:

(i) State and local parks;

(ii) public and community health sectors; and

(iii) the clean and renewable energy sector.

(d) The Department shall adopt regulations regarding:

(1) selection criteria for regional operating partners with a global view of the needs of the communities in which the regional operating partner works, who will identify and implement placement priorities for each Program pathway in consultation with local community partners to expand capacity and create new service programs as needed;

(2) eligibility requirements for participating organizations, classified by the Department based on the number of service placements the organization's grant will support, as:

(i) community employers; or

(ii) large–scale employers;

(3) prioritizing the placement of corps participants with organizations based on the organization's demonstrated ability to transition participants to full–time employment, postsecondary education, or registered apprenticeships following completion of the service placement;

(4) a centralized process to facilitate efficient screening and placement of corps participants into the appropriate service placement of a Program pathway as well as effective measurement and evaluation of the corps participant's service experience;

(5) reasonable workplace accommodations for corps participants with disabilities;

(6) stipends for corps participants, including:

(i) monetary payment of at least $15 per hour or the State minimum wage, whichever is greater;

(ii) health insurance benefits and the potential for wraparound services; and

(iii) requirements for large–scale employers to provide matching funds;

(7) a Program completion award of $6,000 for participants that complete at least 9 months of service that may be awarded as follows:

(i) by deposit into a tax–exempt Maryland 529 account established under Title 18, Subtitle 19 of the Education Article and may only be used

for qualified higher education expenses, as defined in § 18–1901 of the Education Article; or

(ii) payment of a cash stipend;

(8) workforce development training and wraparound services provided to corps participants by participating organizations or State agencies;

(9) additional training and support services provided to corps participants after the completion of the corps participant's service;

(10) ongoing evaluation of opportunities to expand service in the State to address the State's workforce development needs, including opportunities within State agencies for the creation and expansion of service opportunities within the agencies; and

(11) ongoing evaluation of the Program to ensure access and effectiveness, including:

(i) demographics of corps participants, including race, ethnicity, age, sex, gender, education, and geography;

(ii) whether Program pathways are facilitating entry into public sector workforce positions;

(iii) post–Program trajectories of corps participants; and

(iv) an evaluation of the needs served in the community by the Program.

§21–205.

(a) (1) There is a Young Adult Service Year Option Pathway in the Program.

(2) The purpose of the Young Adult Service Year Option Pathway is to:

(i) provide service placements to eligible young adults as an additional option to immediately pursuing postsecondary education or career and technical training;

(ii) equip corps participants with professional development, mentoring, job training, financial literacy skills, and other supports while working in high–impact service placements;

(iii) assist in addressing the State's greatest challenges by channeling the next generation of Maryland citizens into impactful public service; and

(iv) strengthen a pipeline of talent into State and local governments to fill present and future staffing needs.

(b) An individual may apply to the Department for a service placement in the YA Pathway under this section if the individual is:

(1) a Maryland resident on submission of application; and

(2) within 3 years of graduation from high school or having obtained a similar level of education completion, including an individual who has obtained a:

(i) Maryland high school diploma;

(ii) Maryland high school diploma by examination; or

(iii) Maryland High School Certificate of Program Completion.

(c) (1) The Department shall set targets for participation in the YA Pathway under this section, including:

(i) 200 corps participants in the first year of implementation; and

(ii) 2,000 corps participants in the fourth year of implementation.

(2) The Department shall prioritize for participation in the YA Pathway under this section:

(i) individuals historically underrepresented in:

1. higher education enrollment or completion; or

2. employment:

A. by large–scale and community employers;

B. by participating organizations; or

C. in professions and occupations that require licensure or certification; and

(ii) organizations that provide wraparound services to corps participants.

(d) The Department shall develop focus areas for the YA Pathway under this section for the purpose of addressing priority State and community issues, including:

(1) climate;

(2) education; and

(3) health.

(e) A corps participant who receives a service placement in the YA Pathway under this section shall:

(1) participate in all training related to the service placement;

(2) work at least 30 hours per week;

(3) be partnered with an on–site mentor;

(4) perform the duties of the service placement to the satisfaction of the participating organization and the Department;

(5) participate in Program–wide events;

(6) be paid $15 per hour or the State minimum wage, whichever is greater, for mandatory work hours or mandatory Program activities; and

(7) on completion of the Program, be notified of all available post–Program opportunities, including registered apprenticeships.

(f) The Department shall promote and publicize the availability of opportunities in the YA Pathway to:

(1) high schools and adult high schools in the State;

(2) community and nonprofit organizations;

(3) faith–based institutions; and

(4) employers that are potential service placement providers.

(g) (1) There is a Young Adult Service Year Option Pathway Fund.

(2) The purpose of the YA Pathway Fund is to:

(i) provide stipends to corps participants with a service placement in the YA Pathway under this section;

(ii) pay the costs to administer and promote the YA Pathway under the Program; and

(iii) assist in the creation of additional corps programs under § 21–207 of this subtitle.

(3) The Department shall administer the YA Pathway Fund.

(4) Except as provided in paragraph (9) of this subsection, the YA Pathway Fund is a continuing, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(5) (i) The State Treasurer shall hold the YA Pathway Fund separately and shall invest the money in the YA Pathway Fund in the same manner as other State money may be invested.

(ii) Any investment earnings of the YA Pathway Fund shall be credited to the Fund.

(6) The Comptroller shall separately account for each source for the YA Pathway Fund.

(7) The Department:

(i) may accept any gift or grant from any person for the YA Pathway Fund;

(ii) shall use any gift or grant that it receives for the purposes listed under paragraph (2) of this subsection; and

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

(8) The YA Pathway Fund consists of:

(i) money appropriated to the YA Pathway Fund under the Program in the State budget;

(ii) gifts or grants received by the Department for the YA Pathway Fund;

(iii) investment earnings of the YA Pathway Fund; and

(iv) any other money from any other source accepted for the benefit of the YA Pathway Fund.

(9) (i) Except as provided in subparagraph (ii) of this paragraph, any unspent State appropriation of the YA Pathway Fund shall revert to the General Fund of the State at the end of the fiscal year.

(ii) For fiscal years 2024 through 2026, any unspent portion of the YA Pathway Fund may not be transferred or revert to the General Fund of the State but shall remain in the YA Pathway Fund to be used for the purposes specified in this subtitle.

(10) Beginning with fiscal year 2024, at the end of each fiscal year, the Department shall prepare an annual report of the YA Pathway Fund that includes:

(i) an accounting of all financial receipts and expenditures to and from the YA Pathway Fund; and

(ii) the following information:

1. the total number of corps participants disaggregated by demographic categories;

2. the total annual cost of the YA Pathway disaggregated by the source of the funds;

3. corps participant transition after Program completion into higher education, postsecondary education, full–time employment, registered apprenticeships, and any other post–Program opportunity;

4. the number of corps participants employed by State or local government agencies after completion of the Program; and

5. to the extent practicable, what former corps participants are doing 1 year, 2 years, and 5 years after completing the Program.

(11) The YA Pathway Fund is subject to audit by the Office of Legislative Audits in accordance with § 2–1220 of this article.

§21–206.

(a) (1) There is a Maryland Service Year Option Pathway in the Program.

(2) The purpose of the Maryland Service Year Option Pathway is to:

(i) equip corps participants with professional development, mentoring, job training, financial literacy skills, and other supports while working in high–impact service placements;

(ii) assist in addressing the State's greatest challenges by channeling the talents of individuals into impactful public service; and

(iii) strengthen a pipeline of talent into State and local governments to fill present and future staffing needs.

(b) (1) An individual may apply to the Department for a placement in the MSY Pathway under this section if the individual is interested in performing public and community service in the State.

(2) The Department shall prioritize for participation in the MSY Pathway under this section individuals who are:

(i) Maryland residents; and

(ii) historically underrepresented in:

1. higher education enrollment or completion; or

2. employment by:

A. large–scale and community employers; or

B. participating organizations.

(3) The Department shall prioritize for participation in the MSY Pathway under this section organizations that provide wraparound services to corps participants.

(c) A corps participant who receives a service placement in the MSY Pathway under this section shall:

(1) participate in all training related to the service placement;

(2) perform the duties of the service placement to the satisfaction of the participating organization and the Department;

(3) participate in Program–wide events as determined by the Department;

(4) be paid $15 per hour or the State minimum wage, whichever is greater, for work hours or mandatory Program activities; and

(5) on completion of the Program, be notified of all available post–Program opportunities, including registered apprenticeships.

(d) The Department shall promote and publicize the availability of the MSY Pathway opportunities to:

(1) historically black colleges and universities, as defined in § 3–207 of the State Finance and Procurement Article;

(2) community colleges;

(3) trade schools;

(4) faith–based institutions;

(5) youth who are disconnected from school or work; and

(6) employers and nonprofit organizations with potential service placements for the MSY Pathway under this section.

(e) (1) There is a Maryland Service Year Option Pathway Fund.

(2) The purpose of the MSY Pathway Fund is to:

(i) provide stipends to corps participants with a service placement in the MSY Pathway under this section;

(ii) provide Program completion awards to corps participants who have completed the Program;

(iii) cover expenses incurred by the Department, including expenses incurred to study the potential use of the Program as a workforce development tool in the State;

(iv) cover expenses incurred to study how alumni of the Program could be better positioned to meet the current and future needs of employers in the State;

(v) provide funding for the MSY Pathway under this section to match gifts or grants received by the Department for the MSY Pathway Fund; and

(vi) assist in the creation of additional corps programs under § 21–207 of this subtitle.

(3) The Department shall administer the MSY Pathway Fund.

(4) Except as provided in paragraph (10) of this subsection, the MSY Pathway Fund is a continuing, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(5) (i) The State Treasurer shall hold the MSY Pathway Fund separately and shall invest the money in the MSY Pathway Fund in the same manner as other State money may be invested.

(ii) Any investment earnings of the MSY Pathway Fund shall be credited to the Fund.

(6) The Comptroller shall separately account for each source for the MSY Pathway Fund.

(7) The Department:

(i) may accept any gift or grant from any person for the MSY Pathway Fund;

(ii) shall use any gift or grant that it receives for the reasons stated under paragraph (2) of this subsection; and

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

(8) The MSY Pathway Fund consists of:

(i) money appropriated under subsection (f) of this section;

(ii) gifts or grants received by the Department for the MSY Pathway Fund;

(iii) investment earnings of the MSY Pathway Fund; and

(iv) any other money from any other source accepted for the benefit of the MSY Pathway Fund.

(9) The MSY Pathway Fund may be used only for the purposes described in paragraph (2) of this subsection.

(10) (i) Except as provided in subparagraph (ii) of this paragraph, any unspent State appropriation of the MSY Pathway Fund shall revert to the General Fund of the State at the end of the fiscal year.

(ii) For fiscal years 2024 through 2026, any unspent portion of the MSY Pathway Fund may not be transferred or revert to the General Fund of the State but shall remain in the MSY Pathway Fund to be used for the purposes specified in this subtitle.

(11) (i) Beginning with fiscal year 2024, at the end of each fiscal year, the Department shall prepare an annual report of the MSY Pathway Fund that includes:

1. an accounting of all financial receipts and expenditures to and from the MSY Pathway Fund; and

2. the following information:

A. the total number of corps participants disaggregated by demographic categories;

B. the total annual cost of the MSY Pathway disaggregated by the source of the funds;

C. corps participant transition after Program completion into higher education, postsecondary education, full–time employment, registered apprenticeships, and any other post–Program opportunity;

D. the number of corps participants employed by State or local government agencies after completion of the Program; and

E. to the extent practicable, what former corps participants are doing 1 year, 2 years, and 5 years after completing the Program.

(ii) The Department shall submit a copy of the report to the General Assembly in accordance with § 2–1257 of this article.

(12) The MSY Pathway Fund may be subject to an audit by the Legislative Auditor.

(f) (1) The Governor shall include in the annual budget bill an appropriation to the MSY Pathway Fund of:

(i) $5,000,000 for fiscal year 2024;

(ii) $10,000,000 for fiscal year 2025;

(iii) $15,000,000 for fiscal year 2026; and

(iv) $20,000,000 for fiscal year 2027 and each fiscal year thereafter.

(2) It is the intent of the General Assembly that appropriations made under paragraph (1) of this subsection are in addition to any federal funding received for State service or volunteer programming.

(3) Appropriations made under paragraph (1) of this subsection and other funding received by the Department for the MSY Pathway under this section shall be used to:

(i) provide stipends to corps participants with a service placement in the MSY Pathway under this section;

(ii) provide Program completion awards to corps participants who have completed the Program;

(iii) cover expenses incurred by the Department, including expenses incurred in marketing and recruitment; and

(iv) cover programmatic expenses to expand service opportunities throughout the State, including expanding the Chesapeake Conservation Corps Program, as provided under §§ 8–1913 through 8–1924 of the Natural Resources Article.

§21–207.

(a) (1) The Department shall explore the possibility of:

(i) accessing federal or other grant funding for the Program; and

(ii) awarding corps participants with:

1. academic credit for their service; or

2. credit for prior learning experience toward trade or vocational certification.

(2) The Department shall consult with the Maryland Higher Education Commission, institutions of postsecondary education, the Maryland Department of Labor, and any other entity the Department determines relevant in determining the feasibility of implementing the provisions of paragraph (1) of this subsection.

(b) The Department may use money from the YA Pathway Fund under § 21–205 of this subtitle and the MSY Pathway Fund under § 21–206 of this subtitle to:

(1) create a Maryland Civilian Climate Corps to conserve and restore State and local parks and engage in other climate or environmental projects;

(2) create a Maryland Historic Trades Corps to place young adults and young veterans in regionally based work crews tasked with rehabilitation of State historic resources; and

(3) expand the Maryland Conservation Corps to engage in projects that manage natural resources and conserve parks.

§21–208.

(a) On or before June 1, 2027, the Department shall contract with a public or private entity to conduct an independent evaluation of the Program.

(b) The independent evaluation shall evaluate:

(1) the benefits to the communities being served by the Program;

(2) the benefits to corps participants who completed the Program, including efficacy in transitioning corps participants to postsecondary education, the workforce, or registered apprenticeships;

(3) the efficacy of the Program's professional development programming, training, and mentoring in supporting the State's workforce development needs;

(4) the Program design, implementation, and overall efficiency in delivering intended outcomes; and

(5) Any additional Program metrics developed by the Department.

(c) On or before July 1, 2028, the Department shall submit a report on its findings and recommendations to the Governor and, in accordance with § 2–1257 of this article, the General Assembly on the results of the independent evaluation conducted in accordance with this section.

(d) Beginning on October 1, 2028, the Department shall publish an online dashboard of key performance indicators as determined in the report required under subsection (c) of this section.

§21–209.

On or before December 1 each year, the Department shall report to the Governor and, in accordance with § 2–1257 of this article, the General Assembly regarding:

(1) the number and amount of stipends awarded under the Program;

(2) the businesses, nonprofit organizations, or government agencies with which corps participants are placed;

(3) the institutions, if any, that award academic credit for a corps participant's service;

(4) the number and amount of Program completion awards awarded under the Program; and

(5) the postsecondary educational institutions at which corps participants use their Program completion awards.

§21–301.

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

(b) "Corps" means the Maryland Service Corps.

(c) "Council" means the Governor's Volunteer Council.

(d) "Office" means the Governor's Office on Service and Volunteerism.

§21–302.

There is a Governor's Office on Service and Volunteerism within the Governor's Office of Community Initiatives.

§21–303.

(a) (1) The head of the Governor's Office on Service and Volunteerism is the Director, who shall be appointed by the Governor.

(2) The Director serves at the pleasure of the Governor.

(3) The Director is entitled to the salary provided in the State budget.

(b) (1) The Office shall employ staff to carry out its duties as provided in the State budget.

(2) In furtherance of the purposes of the Office, the Director is authorized to execute contracts and accept grants or donations from governmental or private sources.

§21–304.

The Office shall:

(1) encourage volunteering throughout the State by individuals, businesses, and nonprofit organizations;

(2) promote the use of volunteers in State and local government;

(3) identify governmental agencies where private sector involvement in volunteer programs can be of assistance and provide technical assistance in developing such programs; and

(4) provide information services to volunteer programs and government units throughout the State.

§21–305.

(a) The Maryland Service Corps is established for the purpose of encouraging and developing a program of full– and part–time public service that involves citizens of all ages throughout the State of Maryland in meeting the essential needs, as the Office shall identify, within the human service delivery systems in Maryland.

(b) A project shall not be undertaken under the auspices of the Maryland Service Corps if such project shall replace regular workers or duplicate or replace an existing service in the same locality.

(c) A member of the Corps may not participate in any partisan political activity while engaged in the performance of duties as a stipend volunteer, and the provisions of this subtitle shall be effective only to the extent that they do not conflict with any federal or State laws or regulations relating to participation in partisan political activities.

(d) The number of stipend volunteers in the Corps shall be determined by the Director based on the needs of the community and the limits of budgetary appropriations.

(e) A stipend volunteer in the Corps shall make a commitment of up to 1 year of service. Stipend volunteers shall receive no salary, but shall receive a stipend, as determined by the Director, based on the needs of the stipend volunteer and the limits of budgetary appropriations.

§21–306.

(a) The Executive Fellows Program is established to provide an opportunity for individuals from the private sector with demonstrated leadership and managerial potential to participate in State government.

(b) Criteria or guidelines for the recruitment, selection, and assignment of executive fellows shall be developed in consultation with representatives of the business community and appropriate State units.

(c) A committee shall be appointed by the Governor to select qualified applicants to participate in the Executive Fellows Program.

§22–101.

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

(b) "Board" means the Public Employee Relations Board.

(c) Unless specifically provided otherwise, "day" means a calendar day.

(d) "Employee organization" means a labor organization in which public employees participate and that has as one of its primary purposes representing public employees.

(e) "Exclusive representative" means an employee organization that has been certified by the Board as an exclusive representative under Subtitle 4 of this title.

(f) "Interested employee organization" means:

(1) an employee organization already representing employees in a bargaining unit; or

(2) a petitioner who has met the showing of interest requirement under § 22–402 of this title.

(g) "Lockout" means action taken by a public employer to:

(1) interrupt or prevent the continuity of the employees' usual work for the purpose and with the intent of coercing the employees into relinquishing rights guaranteed by this title; or

(2) bring economic pressure on employees for the purpose of securing the agreement of their executive representative to collective bargaining agreement terms.

(h) "Public employee" means an individual who holds a position by appointment or employment in the service of a public employer with collective bargaining rights under Title 3 of the State Personnel and Pensions Article or Title 6, Subtitle 4 or 5 or Title 16, Subtitle 7 of the Education Article.

(i) "Public employer" means:

(1) the State, including any unit, department, or instrumentality of the State;

(2) a community college listed under § 16–702(b) of the Education Article; and

(3) a county board of education or the Baltimore City Board of School Commissioners.

(j) (1) "Showing of interest form" means a written statement from a public employee who wishes to be represented by a petitioning employee organization for the purpose of collective bargaining.

(2) "Showing of interest form" includes:

(i) a union authorization card; or

(ii) a union membership card.

(k) (1) "Strike" means any concerted action to impede the full and proper performance of employment duties in order to induce, influence, coerce, or enforce demands for a change in wages, hours, terms, or other conditions of employment.

(2) "Strike" includes a total or partial:

(i) refusal or failure to report to work;

(ii) refusal or failure to perform employment duties;

(iii) withdrawal from work;

(iv) work stoppage; or

(v) work slowdown.

§22–102.

(a) It is the intent of the General Assembly that it is the public policy of the State to encourage and protect the exercise by public sector employees of the full freedom of association, self–organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

(b) For the advancement of the rights described under subsection (a) of this section and to promote labor peace and the orderly and constructive relationships between all public employers and their employees, the General Assembly has determined that the overall policy may best be accomplished by:

(1) granting to public employees the right to organize and choose freely their representatives;

(2) requiring public employers to negotiate and bargain with employee organizations representing public employees and to enter into written agreements evidencing the result of the bargaining; and

(3) establishing procedures to provide for the protection of the rights of public employees, the public employers, and the public at large.

(c) The law of the State with respect to the labor rights of public sector employees is intended to follow the rights of employees under the federal National Labor Relations Act.

§22–103.

Decisions of the federal National Labor Relations Board may be afforded persuasive weight in any interpretation of this title.

§22–201.

(a) Employees of a public employer have the right to:

(1) engage in concerted activities for the purposes of mutual aid or protection; and

(2) refrain from any or all activities described under item (1) of this subsection.

(b) Public employees have the right to:

(1) form, join and participate in, or to refrain from forming, joining, or participating in, any employee organization of their own choosing;

(2) be represented by employee organizations, to negotiate collectively with their public employers in the determination of their terms and conditions of employment, and the administration of grievances arising thereunder; and

(3) be fairly represented by their exclusive representative, if any, in collective bargaining.

(c) Except as provided in subsection (d) of this section, an employee organization may establish reasonable:

(1) restrictions as to who may join; and

(2) provisions for the dismissal of individuals from membership.

(d) An employee organization may not establish restrictions and provisions under subsection (c) of this section that discriminate with regard to the terms or conditions of membership because of:

(1) age;

(2) ancestry;

(3) color;

(4) creed;

(5) gender identity;

(6) marital status;

(7) mental or physical disability;

(8) national origin;

(9) race;

(10) religious affiliation, belief, or opinion;

(11) sex; or

(12) sexual orientation.

§22–202.

A public employer shall extend to an exclusive representative the right to:

(1) represent public employees in:

(i) negotiations notwithstanding the existence of an agreement with an employee organization that is no longer certified or recognized; and

(ii) the settlement of grievances;

(2) (i) on request, information from a public employer relevant to the administration and negotiation of an agreement or the proper performance of the employee organization's duties as the public employees' representative; and

(ii) have the information requested under item (i) of this item made available as soon as practicable, but not later than 30 days after the public employer receives the request; and

(3) communicate with its members and elected officials, in a manner and at times at its discretion, concerning issues relevant to the administration and negotiation of an agreement.

§22–203.

(a) On written request of an exclusive representative for each employee in the bargaining unit represented by the exclusive representative, the public employer, as appropriate, shall provide the exclusive representative with the employee's:

(1) name;

(2) position classification;

(3) unit;

(4) home and work site addresses where the employee receives interoffice or United States mail;

(5) home and work site telephone numbers;

(6) work e–mail address; and

(7) position identification number.

(b) The public employer, as appropriate, shall provide the exclusive representative with the requested information in a searchable and analyzable electronic format.

(c) Names or lists of employees provided to the Board in connection with an election under this title are not subject to disclosure in accordance with Title 4 of the General Provisions Article.

(d) (1) Except as provided in paragraphs (2) and (3) of this subsection, an exclusive representative shall consider the information that it receives under this section as confidential and may not release the information to any person.

(2) An exclusive representative may authorize third party contractors to use the information that it receives under this section, as directed by the exclusive representative, to carry out the exclusive representative's statutory duties under this title.

(3) An exclusive representative or an authorized third party contractor may use the information that it receives under this section for the purpose of maintaining or increasing employee membership in an employee organization.

(4) On written request of an employee, an exclusive representative shall withhold further communication with the employee unless otherwise required by law or the written request is revoked by the employee.

§22–204.

(a) Except as provided in subsection (b) of this section, a public employer has the right to:

(1) determine how the statutory mandate and goals of the public employer, including the functions and programs of the public employer, its overall budget, and its organizational structure, are to be carried out; and

(2) direct employees of the public employer.

(b) The State, through its appropriate officers and employees, has the right to:

(1) (i) determine the mission, budget, organization, numbers, types and grades of employees assigned, the work projects, tours of duty, methods, means, and personnel by which its operations are to be conducted, technology needed, internal security practices, and relocation of its facilities; and

(ii) maintain and improve the efficiency and effectiveness of governmental operations;

(2) determine the:

(i) services to be rendered, operations to be performed, and technology to be used; and

(ii) overall methods, processes, means, and classes of work or personnel by which governmental operations are to be conducted;

(3) hire, direct, supervise, and assign employees;

(4) (i) promote, demote, discipline, discharge, retain, and lay off employees; and

(ii) terminate employment because of lack of funds, lack of work, under conditions where the employer determines continued work would be inefficient or nonproductive, or for other legitimate reasons;

(5) set the qualifications of employees for appointment and promotion, and set standards of conduct;

(6) adopt State or Department rules, regulations, or procedures;

(7) provide a system of merit employment according to the standard of business efficiency; and

(8) take actions not otherwise specified in this section to carry out the mission of the employer.

§22–205.

(a) A public employer is prohibited from engaging in a lockout.

(b) Public employees are prohibited from engaging in a strike.

(c) A public employer or an employee organization may not interfere with, intimidate, restrain, coerce, or discriminate against a public employee because the public employee exercises rights granted under this title.

§22–206.

(a) A public employer and its officers, employees, agents, or representatives are prohibited from engaging in any unfair labor practice, including:

(1) interfering with, restraining, or coercing employees in the exercise of their rights under this title;

(2) dominating, interfering with, contributing financial or other support to, or assisting in the formation, existence, or administration of any employee organization;

(3) granting administrative leave to employees to attend employer sponsored or supported meetings or events relating to an election under Subtitle 4 of this title, unless the public employer grants employees at least the same amount of administrative leave to attend labor organization sponsored or supported meetings or employee meetings;

(4) discriminating in hiring, tenure, or any term or condition of employment to encourage or discourage membership in an employee organization;

(5) discharging or discriminating against an employee because of the signing or filing of an affidavit, petition, or complaint, or giving information or testimony in connection with matters under this title;

(6) failing to provide all employee organizations involved in an election the same rights of access as required by the Board through regulation;

(7) engaging in surveillance of union activities;

(8) refusing to bargain in good faith;

(9) failing to meet an established negotiation deadline, unless a written agreement between the public employer and the exclusive representative provides otherwise;

(10) engaging in a lockout; or

(11) spending public money to contract with, using public resources to contract with, or providing assistance to an individual or group for a negative campaign against efforts by employees of a public employer or an employee organization to:

(i) gain or retain collective bargaining rights; or

(ii) certify an employee organization as an exclusive representative.

(b) Employee organizations and their agents or representatives are prohibited from engaging in any unfair labor practice, including:

(1) interfering with, restraining, or coercing employees in the exercise of their rights under this title;

(2) causing or attempting to cause a public employer to discriminate in hiring, tenure, or any term or condition of employment to encourage or discourage membership in an employee organization;

(3) engaging in, inducing, or encouraging any person to engage in a strike;

(4) interfering with the statutory duties of the State or a public employer;

(5) refusing to bargain in good faith; or

(6) not fairly representing employees in collective bargaining or in any other matter in which the employee organization has the duty of fair representation.

§22–207.

(a) Each exclusive representative has the right to communicate with the employees that it represents.

(b) (1) Public employers shall allow an exclusive representative to:

(i) meet with a new employee in a bargaining unit represented by the exclusive representative within the first full pay period of the new employee's start date; or

(ii) attend and participate in a new employee program that includes one or more employees who are in a bargaining unit represented by the exclusive representative.

(2) The new employee program described in paragraph (1)(ii) of this subsection may be a new employee orientation, training, or other program that the public employer and an exclusive representative negotiate in accordance with Title 6, Subtitle 4 or 5 of the Education Article, Title 16, Subtitle 7 of the Education Article, or Title 3 of the State Personnel and Pensions Article.

(3) Except as provided in paragraph (5) of this subsection, the exclusive representative shall be allowed at least 30 minutes to meet with the new employee or to collectively address all new employees in attendance during a new employee program.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, a meeting between the new employee and the exclusive representative shall be in person.

(ii) An exclusive representative may choose to meet with a new employee by video or similar technology if public health concerns necessitate that a meeting be conducted remotely.

(5) A public employer and an exclusive representative may negotiate a period of time that is more than 30 minutes in accordance with Title 6, Subtitle 4 or 5 of the Education Article, Title 16, Subtitle 7 of the Education Article, or Title 3 of the State Personnel and Pensions Article.

(6) A public employer:

(i) shall encourage an employee to meet with the exclusive representative or attend the portion of a new employee program designated for an exclusive representative to address new employees; and

(ii) may not require an employee to meet with an exclusive representative or attend the portion of a new employee program designated for an exclusive representative to address new employees if the employee objects to attending.

(c) (1) Except as provided in paragraph (2) of this subsection and subject to paragraph (3) of this subsection, a public employer shall provide the exclusive representative at least 10 days' notice of the start date of a new employee in a bargaining unit represented by the exclusive representative.

(2) A public employer may provide the exclusive representative with less than 10 days' notice if there is an urgent need critical to the employer that was not reasonably foreseeable.

(3) The notice required under paragraph (1) of this subsection shall:

(i) be provided electronically to the local president or exclusive representative designee within 5 days of the start of any check–in event the employer obligates the employee to attend;

(ii) except as provided in item (iii) of this paragraph, include the new employee's name, unit, and all employee identification numbers, including Workday numbers;

(iii) exclude the new employee's Social Security number; and

(iv) be considered confidential by an exclusive representative.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, an exclusive representative may not disclose the information in a notice.

(ii) The exclusive representative may authorize a third–party contractor to use the information in a notice, as directed by the exclusive representative, to fulfill the exclusive representative's statutory duties.

§22–208.

An employee organization certified as the exclusive representative shall:

(1) serve as the sole and exclusive bargaining agent for all employees in the bargaining unit;

(2) represent fairly and without discrimination all employees in the bargaining unit, whether or not the employees are members of the employee organization or are paying dues or other contributions to it or participating in its affairs; and

(3) promptly file with the Board all changes and amendments to the organization's governing documents.

§22–209.

(a) An employee organization is entitled to membership dues deduction, on presentation by the employee organization of:

(1) dues deduction authorization cards;

(2) electronic membership application; or

(3) other method by which an employee has manifested assent for membership dues deduction.

(b) (1) A public employer shall commence making dues deductions as soon as practicable, but not later than 30 days after receiving the proof presented under subsection (a) of this section.

(2) A public employer shall transmit membership dues to the employee organization within 30 days after the deductions are made.

(3) A public employer shall accept an authorization to deduct from the salary of a public employee an amount for the payment of dues in any format authorized under § 21–106 of the Commercial Law Article.

(c) This section may not be construed to require an employee to become a member of an employee organization.

(d) (1) The right of an employee organization to membership dues deduction shall remain in full force and effect until:

(i) an employee revokes membership in accordance with a collective bargaining agreement or the membership application;

(ii) the employee cancels membership dues deduction under § 2–403 of the State Personnel and Pensions Article; or

(iii) subject to paragraph (2) of this subsection, the employee is no longer employed by the public employer.

(2) If within a period of 1 year, the employee is employed by the same public employer in a position represented by the same exclusive representative, the right to membership dues deduction shall be automatically reinstated.

(e) If the employee who has consented to dues deduction is either removed from a public employer's payroll or otherwise placed on an involuntary or voluntary leave of absence, whether paid or unpaid, the public employee's membership dues deduction authorization shall:

(1) remain effective; and

(2) be continued on the public employee's return to the payroll or restoration to active employment from a leave of absence.

(f) If an authorization for a public employer to make membership dues deduction was in effect on June 30, 2023:

(1) the right of the employee organization to membership dues deduction shall continue unless the right is terminated under subsection (d) of this section; and

(2) the employee organization may not be required to present new authorization under subsection (a) of this section.

§22–210.

(a) A public employer or its officers, or an agent of the public employer, may not spend public money, use public resources, or provide assistance to an individual or group for a negative campaign against efforts by employees of a public employer or an employee organization to:

(1) gain or retain collective bargaining rights; or

(2) certify an employee organization as an exclusive representative.

(b) (1) Within 7 days after a valid election has been scheduled under Subtitle 4 of this title, the public employer shall allow public employees and employee organizations to access the employer's property and facilities, including grounds, rooms, bulletin boards, interoffice mail, and other common areas for campaign activities for the election.

(2) The public employer may not:

(i) limit the amount of time a public employee has access to the public employer's property and facilities during an election under this section; or

(ii) alter or revise existing rules or regulations to unfairly limit or prohibit public employees or employee organizations from exercising their rights under this title.

(3) This subsection may not be construed to allow campaign activities to interfere with a public employer's operations.

§22–301.

There is a Public Employee Relations Board established as an independent unit of State government.

§22–302.

(a) The Board consists of the following five members:

(1) a chair appointed by the Governor with the advice and consent of the Senate, representing the public;

(2) two members chosen from a list of candidates submitted by each exclusive representative, appointed by the Governor with due regard for any

candidates who have majority or plurality support from exclusive representatives, with the advice and consent of the Senate; and

(3) two members chosen from a list of candidates submitted by public employers, appointed by the Governor with the advice and consent of the Senate.

(b) Each member of the Board:

(1) must have knowledge of and experience with labor law, labor mediation, or labor negotiations;

(2) may not be officers or employees of a public employer, or of an employee organization; and

(3) must be known for objective and independent judgment.

(c) Before taking office, each member shall take the oath required by Article I, § 9 of the Maryland Constitution.

(d) (1) The term of a member is 6 years.

(2) The terms of members are staggered as required by the terms provided for members of the Board on July 1, 2023.

(3) A vacancy shall be filled for an unexpired term in the same manner as an original appointment.

(4) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(5) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(e) The Governor may remove a member only for incompetence or misconduct.

(f) In making appointments to the Board, the Governor shall ensure, to the extent practicable, that the ratio of male to female members and the racial makeup of the Board is reflective of the general population of the State.

§22–303.

(a) (1) A majority of the voting members shall constitute a quorum for:

(i) the transaction of any business; or

(ii) the exercise of any power or the performance of any duty authorized or imposed by law.

(2) Formal action may not be taken by the Board without the approval of a majority of the voting members of the Board.

(b) The Board shall set the times and places of its meetings, but shall meet at least once per month.

(c) (1) An appointed member of the Board is entitled to:

(i) the compensation provided in the State budget; and

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

(2) The chair of the Board shall give full time to the duties of chair and is entitled to a salary as provided in the State budget.

§22–304.

(a) (1) The Board shall appoint an Executive Director of the Board.

(2) The Executive Director:

(i) is responsible to and serves at the pleasure of the Board;

(ii) must have knowledge of and experience with labor issues; and

(iii) is entitled to the salary provided in the State budget.

(b) The Executive Director shall perform the duties that the Board assigns, including:

(1) operating the office of the Board; and

(2) keeping the official records of the Board.

(c) The Executive Director may hire any staff necessary to carry out the provisions of this title.

§22–305.

(a) The Board shall appoint:

(1) a deputy director primarily responsible for Executive Branch labor relations;

(2) a deputy director primarily responsible for public school labor relations; and

(3) a deputy director primarily responsible for public higher education labor relations.

(b) The deputy directors:

(1) are responsible to and serve at the pleasure of the Board;

(2) must have knowledge of and experience with labor issues and the subject matter area associated with their positions; and

(3) are entitled to the salary provided in the State budget.

§22–306.

(a) The Board is responsible for administering and enforcing provisions of:

(1) this title;

(2) Title 6, Subtitles 4 and 5 of the Education Article;

(3) Title 16, Subtitle 7 of the Education Article; and

(4) Title 3 of the State Personnel and Pensions Article.

(b) In addition to any other powers or duties provided for elsewhere in this title, Title 6, Subtitle 4 or 5 of the Education Article, Title 16, Subtitle 7 of the Education Article, and Title 3 of the State Personnel and Pensions Article, the Board may:

(1) establish procedures for, supervise the conduct of, and resolve disputes about elections for exclusive representatives;

(2) establish procedures for and resolve disputes about petitions for bargaining unit clarification;

(3) establish procedures for and resolve disputes about petitions and elections for decertification of an exclusive representative;

(4) investigate and take appropriate action in response to charges of unfair labor practices, including strikes and lockouts;

(5) establish procedures for and resolve disputes about the negotiability of bargaining subjects;

(6) on application by an employee organization or public employer, determine that the applicant shall be designated as a joint public employer of public employees in an employer–employee bargaining unit determined in accordance with Subtitle 4 of this title when such determination would best effectuate the purposes of this subtitle; and

(7) resolve matters as provided in §§ 6–406, 6–507, and 16–707 of the Education Article.

(c) The Board shall have broad discretion to take and order remedial actions when it finds that a party has committed an unfair labor practice, including the restoration of any right, pay, status, or benefit lost by a public employee or group of public employees, due to violations of this title.

(d) To enforce the provisions of this subtitle, the Board may:

(1) issue subpoenas; and

(2) administer oaths and affirmations, examine witnesses, and receive evidence.

(e) (1) Except as provided in paragraph (2) of this subsection, the Board shall adopt and enforce regulations, guidelines, and policies to carry out this title.

(2) The Board may not adopt any regulation, guideline, or policy that:

(i) unnecessarily delays the resolution of disputes over elections, unfair labor practices, or any other matter under this title; or

(ii) restricts or weakens the protections provided to public employees and employee organizations under this title or under regulations.

§22–307.

(a) (1) If a party has been charged with engaging in an unfair labor practice, the appropriate deputy director shall investigate the charge.

(2) If the Board, through the deputy director's investigation, finds that probable cause exists to support the charge of an unfair labor practice, the Board shall:

(i) issue a complaint against the party stated in the charge; and

(ii) not less than 15 days after issuing the complaint, issue a notice of a hearing before the Board or the Office of Administrative Hearings.

(b) The Board may not issue a complaint under subsection (a)(2)(i) of this section if the unfair labor practice occurred more than 6 months before the filing of the charge.

(c) (1) The deputy directors shall endeavor at all times to seek informal resolution of charges or complaints.

(2) The Board and the appropriate deputy director shall make all practical and reasonable efforts to resolve charges and complaints of unfair labor practices in a swift manner.

(d) For the purposes of examination and the right to copy, the Board and the deputy directors shall at all reasonable times have access to evidence of a person being investigated or proceeded against that relates to a matter under investigation or in question under this section.

(e) (1) If there is a charge of an unfair labor practice resulting from a party's conduct in collective bargaining and that is alleged to have an effect on the course of collective bargaining:

(i) the appropriate deputy director shall determine whether there is probable cause for the Board to issue a complaint;

(ii) if the deputy director determines there is probable cause, the Board shall issue a complaint within 30 days after the filing of the charge; and

(iii) if a complaint is issued, the Board shall resolve the complaint and issue a final decision within 90 days after the filing of the charge.

(2) The Board may accelerate the time to resolve charges and complaints in exigent circumstances under regulations adopted by the Board.

(f) The appropriate deputy director shall provide relevant information gathered in the investigation of a charge of unfair labor practices to the Board.

(g) The charging party has the right to participate in any hearing before the Board or the Office of Administrative Hearings.

(h) The Board shall accept documents filed by e–mail.

§22–308.

(a) If a person fails to comply with an order issued by the Board, a member of the Board may petition the circuit court to order the person to comply with the Board's order.

(b) The Board may not be required to post bond in an action under subsection (a) of this section.

§22–309.

(a) The Board is not bound by any prior regulation, order, or action of the State Labor Relations Board, the Public School Labor Relations Board, or the State Higher Education Labor Relations Board, except for decisions regarding unit composition under § 22–403(c) of this title.

(b) The Board is bound by prior opinions and decisions of a labor board listed under subsection (a) of this section.

(c) A prior order or action of a labor board listed under subsection (a) of this section or any other body may be considered for its persuasive value.

(d) The Board shall be bound by judicial orders regarding the scope of bargaining under Title 6, Subtitles 4 and 5 of the Education Article.

§22–401.

(a) Except as otherwise provided in this subtitle, the Board shall conduct an election for an exclusive representative of a bargaining unit if:

(1) a valid petition is filed in accordance with § 22–402 of this subtitle; and

(2) the bargaining unit involved in the petition is determined to be an appropriate bargaining unit under § 22–403 of this subtitle.

(b) The Board may not conduct an election for an exclusive representative of a bargaining unit if the Board has conducted an election or certified an exclusive representative for that bargaining unit within the immediately preceding 12 months.

(c) (1) An exclusive representative or a bargaining unit in existence on June 30, 2023:

(i) shall continue without the requirement of an election and certification until a question concerning representation is raised under this title; or

(ii) until the Board finds the unit not to be appropriate after challenge by the public employer, a member of the unit, or an employee organization.

(2) (i) The appropriateness of the unit may not be challenged until the expiration of any collective bargaining agreement in effect on June 30, 2023.

(ii) The Board may not modify any bargaining unit determined under existing law.

§22–402.

(a) A petition for the election of an exclusive representative of a bargaining unit may be filed with the Board by:

(1) an employee organization seeking certification as an exclusive representative; or

(2) an employee, a group of employees, or an employee organization seeking a new election to determine an exclusive representative.

(b) A petition shall:

(1) contain the information the Board requires; and

(2) be accompanied by showing of interest forms from 30% of the employees in the appropriate unit indicating their desire to be exclusively represented by the exclusive representative named in the petition for the purpose of collective bargaining.

(c) If the Board determines that a required showing of interest is not adequate, the Board:

(1) shall allow at a minimum an additional 30 days for the petitioner to submit additional showing of interest forms after the petitioner is notified of the determination; and

(2) may, for good cause, provide additional time to the petitioner to provide additional forms.

(d) If a petition is supported by more than 50% of the public employees in the bargaining unit, the public employer shall immediately recognize the employee organization as the exclusive representative and afford to the exclusive representative and its members all rights due under this title.

(e) (1) A petition filed under subsection (a) of this section shall include showing of interest forms provided to the Board from an employee organization.

(2) The Board shall accept a showing of interest form whether or not the signatures on the form are electronic or handwritten.

(3) (i) For an election that is conducted to determine whether an exclusive representative should represent a unit, a showing of interest form is valid if the signatures were collected within the 18–month period immediately preceding the date on which a petition for the election is filed.

(ii) For an election that is conducted to determine whether an exclusive representative should no longer represent a unit, a showing of interest form is valid if the signatures were collected within the 9–month period immediately preceding the date on which the petition for election is filed.

(4) A showing of interest form may be used by a public employee for each public employer that employs the public employee.

(f) (1) Subject to paragraph (2) of this subsection, a public employer shall provide to the Board and the employee organization an alphabetical list of public employees in each bargaining unit within 2 days after a petition for an election is filed.

(2) The list required to be provided under paragraph (1) of this subsection shall:

(i) include for each public employee on the payroll for the last pay period before a petition for election is filed, the public employee's:

1. name;

2. position classification;

3. home and work site addresses where the employee receives interoffice or United States mail;

4. home and work site telephone numbers;

5. personal cell phone number; and

6. work e–mail address; and

(ii) identify each public employee that should be excluded as an eligible voter with a statement explaining the reason for the exclusion.

(3) A public employer may not challenge the eligibility of a public employee's vote in an election if the employer fails to explain as required under paragraph (2) of this subsection the reason for excluding a public employee under this subsection.

(4) On application by a public employer or an employee organization, the Board may determine that a public employer shall be designated as a joint public employer of a public employee within a bargaining unit under this subtitle when the designation would best effectuate the purposes of this title.

§22–403.

(a) (1) Except as otherwise provided in this title, Title 6, Subtitle 4 or 5 of the Education Article, Title 16, Subtitle 7 of the Education Article, or Title 3 of the State Personnel and Pensions Article, the Board shall determine the appropriateness of each bargaining unit.

(2) If there is no dispute about the appropriateness of the establishment of the bargaining unit, the Board shall issue an order defining an appropriate bargaining unit.

(3) If there is a dispute about the appropriateness of the establishment of the bargaining unit, the Board shall:

(i) conduct a hearing; and

(ii) issue an order defining an appropriate bargaining unit.

(b) If the appropriate bargaining unit as determined by the Board differs from the bargaining unit described in the petition, the Board may:

(1) dismiss the petition; or

(2) direct an election in the appropriate bargaining unit if at least 30% of the signatures included in the petition are of employees in the appropriate bargaining unit.

(c) A bargaining unit may consist only of public employees.

§22–404.

Each employee organization that seeks certification as an exclusive representative shall file with the Board:

(1) a copy of the employee organization's governing documents that:

(i) give individual members the right to participate in activities of the organization;

(ii) require periodic elections by secret ballot that are conducted with recognized safeguards to ensure the equal rights of all members to nominate, seek office, and vote in the elections; and

(iii) direct full and accurate accounting of all income and expenses using standard accounting methods; and

(2) a certification that the employee organization accepts members without regard to any characteristic listed in § 22–201(d) of this title.

§22–405.

(a) (1) Within 5 days after determining that a valid petition has been submitted under § 22–402 of this subtitle, the Board shall notify interested employee organizations of the pending election petition.

(2) Within 10 days after determining that a valid petition has been submitted under § 22–402 of this subtitle, the public employer, as appropriate, shall make available to all interested employee organizations reasonable and equivalent means to communicate by mail and in person with each employee in the appropriate bargaining unit for the purpose of soliciting the employee's vote in an election held under this section.

(b) An election shall be held in a bargaining unit within 90 days after the filing of a valid petition for election in the bargaining unit in accordance with guidelines established by the Board.

(c) (1) (i) The Board shall conduct the election:

1. by secret ballot; and

2. subject to subparagraph (ii) of this paragraph, in whole or in part by in–person voting, mail, or an electronic voting system.

(ii) The Board may designate the time period for in–person voting under subparagraph (iii) of this paragraph only after consulting with the public employer and employee organizations on the ballot.

(iii) 1. The Board shall allow at least 10 days of voting for an election conducted under subparagraph (i) of this paragraph, unless an employee organization on the ballot requests an extension.

2. If the voting system is inoperable, the Board may extend the time period for voting.

(2) (i) An employee organization on a ballot may request a preferred method of voting at the time a petition for election is filed with the Board.

(ii) Except as provided in subparagraph (iii) of this paragraph, the Board shall designate the method of voting based on the requests of the employee organizations on the ballot.

(iii) If there is a dispute between two or more employee organizations on the ballot over the method of voting, the Board may designate the method of voting.

(3) The Board shall place the following choices on the ballot:

(i) the name of the exclusive representative, if any;

(ii) the name of the employee organization designated in the petition filed under § 22–402 of this subtitle with respect to an appropriate bargaining unit;

(iii) the name of each employee organization designated in a petition filed with the Board, within 15 days of notice of the pending election petition,

that includes the signatures of at least 10% of the employees in the appropriate bargaining unit; and

(iv) a provision for "no exclusive representative".

(d) If none of the choices on a ballot receives a majority of the votes cast in an election, the Board shall conduct a runoff election between the choices that received the two highest number of votes in the election.

§22–406.

(a) Except as provided in subsection (b) of this section, the Board shall certify as exclusive representative the employee organization receiving the votes in an election from a majority of the employees voting in the election.

(b) After notice and an opportunity for a hearing, the Board may deny or revoke certification as exclusive representative of an employee organization for willful failure to comply with this title.

(c) Notwithstanding any other provision of this subtitle, the Board shall certify the employee organization as the exclusive representative without an election if:

(1) a petition for an exclusive representative has been filed for a bargaining unit;

(2) the Board finds that a majority of the employees in the bargaining unit have signed valid authorizations designating the employee organization as their exclusive representative; and

(3) no other employee organization is currently certified or recognized as the exclusive representative of the bargaining unit.

§22–407.

Names or lists of employees provided to the Board in connection with an election under this subtitle are not subject to disclosure in accordance with Title 4 of the General Provisions Article.

§22–501.

Representatives of public employers and exclusive representatives shall meet at reasonable times and engage in collective bargaining in good faith and to conclude a written memorandum of understanding or other negotiated agreement in

accordance with Title 6, Subtitle 4 or 5 of the Education Article, Title 16, Subtitle 7 of the Education Article, or Title 3 of the State Personnel and Pensions Article.

§22–601.

This title may be cited as the Maryland Public Employee Relations Act.